

2018 Arbitration Awards - Minnesota B.M.S.

August 12, 2020

Summary of Arbitration Awards listed on the Bureau of Mediation Services' web site (<http://www.mn.gov/bms/arbitration/awards/>).

"Sustained" means the grievance prevails overturning the original action. "Denied" means the original action prevails.

December, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
18PA0997	Douglas County Teamsters Local 320	Jacobs, Jeffrey	Termination	DVS records clerk made unauthorized DVS inquiry in May '18. Law required 30d revocation of access. But training and Oct '18 change in law to permanent revocation (MS 171.12 s1a(b)) resulted in termination.	8 mo. Susp.	Discipline occurred prior to Oct '18 law change. Arbitrator considered 30 days based on loss of access under existing law, but due to seriousness, returned her to work after 8 months w no back pay.
18PA0986	Mower County Law Enforcement Labor Services, Inc.	Anderson, Richard	Termination	Jailer sprayed special needs prisoner in cell with tear gas, failed to decontaminate or write required report.	20 day susp.	Use of force not excessive. One second spray on floor, not into face.
18PN0893	Lino Lakes, City of (Interest) Law Enforcement Labor Services, Inc.	Miller, Richard J.	Interest	Sergeants. Duration & Wages parties agreed. Mrkt adjustmnt-'18-0.2%, '19-0.5% (u-1.25% & 0.5%;e-0%) Fire stipend-\$1.40 (u-\$1.50, e-\$1.34, \$1.37).	2018 - 2.75% 2019 - 2.50%	Wages-agreed to internal pattern. Mkt Adj. keeps sgts at same positon as 2017. Fire stipend same as officers.

November, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
18PN0648	Hennepin Healthcare Systems, Inc. AFSCME Council 5	Jacobs, Jeffrey	Interest	Add Friday to weekend differential for techs-y-u; Additional tech on-call pay-y-u; Range movement 3%-e (u-5%); Burn LPN increase-n-e; Retroactivity-y-u; MOUs to continue into new contract-y-u. MOUs-imposing an arbitrary sunset could cause an upheaval in relationship.	2018 - 2% 2019 - 2%	Wages-parties agreed. Weekend diff- Polysomnographic tech's benefit when accreted into unit. On-call - Nuclear med techs had benefit when accreted into unit. Performance range reduced from 5% to 3%-internal pattern. Burn LPN-any wage increase should be negotiated. Retro- shouldn't penalize for exercising rights.
18PA0453	Hibbing, City of AFSCME Council 65	Remington, John	Changing duties and pay rate	Sanitation Lead Worker Mechanic was promoted & some of duties went to new position. Pay reduced to Lead Worker for new ee in the position.	Sustained	City can change duties of position, but pay must be negotiated.
18PN0511	Houston County (Interest) Law Enforcement Labor Services, Inc.	O'Donnell, John	Interest	Jailer/Dispatchers. Duration-3y-e (u-2y). Wages'18-2.75% (e-1%,u-3%), '19-2.5% (e-2%,u-3%), '20-2.25% (e-2%,u-3%). Market adj-n-e (u-1%,1%,1%). Xmas eve hol-n-e. OT if 4 wkends-n-e. Court cancelation fee-n-e.	2018 - 2.75% 2019 - 2.5% 2020 - 2.25%	Duration-historic pattern. Wages-external. Market adjustments-should be limited to particular positions if needed. Xmas eve, OT and Court issues lacked compelling reasons.
17PA0936	ISD 700, Hermantown Education Minnesota - Local 1096	Abelsen, James	Senior qualified	Library Clerk hire. Less senior ee hired. "automatically w/o interview, move most qualified senior candidate into vacancy..." but, "final selection of ees for open positions will be made by the administration."	Denied	Language is confusing & inconsistent. Statutory right to select personnel is only relinquished by clear language. Interview necessary to establish communication & interpersonal skills requirements.

FMCS	Toro Company IUE-CWA Local 1140	Beens, Richard	Termination	Long history of disputes w supervisors. Either pushed or accidentally touched supervisor during a discussion.	5 day susp.	5 day suspension and a 12 month last chance agreement.
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October, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
18PA0058	Benton County Law Enforcement Labor Services, Inc.	Miller, Richard J.	Termination	Failing: to generate timely reports; to file search warrants in timely manner; falsifying documents by copying Judge's signatures onto search warrants filed with the court; making untruthful statements to BCA & a superior.	17 mo. Susp.	Attention deficit challenges & changes in his personal life. Guiltily of inefficiency vs dishonesty. No convincing argument that isolated lying incident would make him Brady Giglio-impaired.
17PA1014	Brooklyn Park, City of Teamsters Local 320	Daly, Joseph	Overtime pay	4 ees claimed OT for working voluntary open house instead of flexing schedules.	Denied	City has policy re voluntary events, which serves to clarify how contract is applied.
18HN0415	Chippewa Co. Montevideo Hospital SEIU Healthcare MN	Jacobs, Jeffrey	Union Dues	ER distributed STOP DEDUCTIONS forms to union members after the Janus US Supreme Court decision.	Sustained	Janus dealt with Fair Share, not regular dues. ER ordered to pay all lost dues as result of Stop cards & restart deductions.
18HN0415	Chippewa Co. Montevideo Hospital SEIU Healthcare MN	Jacobs, Jeffrey	Interest	Language changes re Janus-u. Wages-e (u-\$2.75 + 4%,4%); Incr shift diff \$.50 & On Call \$1.45-n-e. Union Health Plan-n-e.	'18 - ER offer 2019 - 1%	Language need, supported by grievance. Wages-ER proposal more reasonable, No support for other Union proposals,
18PN0510	Houston County (Interest) Law Enforcement Labor Services, Inc.	Imes, Sharon	Interest	Deputies. Duration-3y-e (u-2y); Wages: 18-3%-u (e-1%), '19-3%-u (e-2%), '20-3%-u (e-2%). Mrkt adjust.-n-e (u-2%);FTO pay-y-u.	2018 - 3% 2019 - 3% 2020 - 3%	Duration-historic pattern. Wages-U more reasonable (CPI 2%, Markt 2.6% vs ER 1%). FTO-no need for quid pro quo there are added duties & common in market.
18PA0740 19PA0061	Metro Transit	Altman, Robert	Class A violation Class A violation	Train operator failed to use horn & bell as required on 2 occasions-considered serious violations.	Denied Denied	U seeking reduction to Class B violations arguing specific acts violated not listed specifically as Class A violations.
Not listed	Minneapolis, City of Minneapolis Foremen's Association	Befort, Stephen	Unpaid leave	Foreman received a restricted DL due to a DUI. Place on 45 day unpaid leave until DL restrictions were removed.	Denied	Conduct which results in loss of license necessary for performance of normal duties is misconduct. No need to excuse or reallocate essential function.
18PA0261	Ramsey County Teamsters Local 320	McCoy, Arthur Ray	Termination	Corrections Sgt received hundreds of racists & pornographic emails; conducted outside business on his work computer; failed to get permission for off-duty work; & violated data practices by sending inmate info.	Denied	Ee deleted majority of emails unread but failure to have friend stop sending or IT block emails allowed them to accumulate on ER's server creating liability.
18PA0863	Winona, City of Law Enforcement Labor Services, Inc.	Daly, Joseph	I.O.D. calculation	Injury on duty language supplements workers comp up to 240 duty hours. U believes should be pro-rated.	Denied	240 duty hrs. refers to total hrs on work comp eligible for supplement pay - not the amount of supplemental pay.

September, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
18PA1037	ISD 197, West St. Paul Schools SEIU Local 284	Jacobs, Jeffrey	Termination	School bus driver urinated into cup on bus at end of shift & failed to use sanitary wipes to clean seat.	Split	5 year ee, with 2 day susp. Returned to work - no back pay for 6 months he was off. Lack of progressive discipline.

18PA0235	Itasca County AFSCME Council 65	Laumeyer, James	Admin. Leave Termination	Union challenged Administrative leave during investigation. Deputy accused of falsifying time sheets & pattern of deceit during investigation.	Denied Denied	Inherent management right. He accrued wages and benefits - not discipline. 16 yr. ee did not mitigate pattern of dishonesty & breach of trust.
18PN0470	Lino Lakes, City of (Interest) Law Enforcement Labor Services, Inc.	Ver Ploeg, Christine	Interest	Officers. Wages: 2018-2.75%-e (u-3%), '19-2.5%-e(u-3%). Fire stipend-'18-\$1.40 (e-\$1.30+2.75%; u-\$1.60), '19= to % incr.	2018 - 2.75% 2019 - 2.5%	Wages-internal; external comparisons are problematic. Firefighter stipend - both agreed to tie to wage increase in future.
18PA0656	Metropolitan Council AFSCME Council 5	Anderson, Richard	Latches Termination	Legal doctrine-unreasonable delay in seeking remedy will prevent enforcement. Purchasing agent complained re rules & increased workload-became more & more insubordinate & disrespectful to managers.	No. Denied	No time limits in contract. No evidence ER was prejudiced by delay. 16 yr. ee with good record. Repeated warnings, counseling & training failed to change behavior.
17PN0517	Wabasha County (Interest) Teamsters Local 320	Jacobs, Jeffrey	Interest	Deputies. Insurance-e (u-no change). Move current ees into PTO-n-u. Wages-e (u:'17-3%, '18-3%, '19-3%). Market adjustment-n-e (u-3%). Retro pay-y-u	2017 - 2% 2018 - 2.5% 2019 - 3%	Insurance-internal pattern. PTO-internal pattern. Wages-internal pattern. Market-no compelling evidence. Retro pay-denial would chill union's right to arbitration.

August, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
18PN0408	Anoka County (Interest) Law Enforcement Labor Services, Inc.	Kapsch, Frank	Interest	Work Release ees. 3 yrs-joint agreemnt; Merit-'18/19-3%,3%-joint,'17-3%-u (e-2%) Mrkt adjust-n-e; Wages '17,'18,'19-0%-e (u-2.5%,.5%,.5%); Incrs Wage range-y-u; Add Prison Rape Elimination language-n-u;	2017 - 0% 2018 - 0% 2019 - 0%	2017 Merit; Wages; & Range - pattern PREA language-no demonstrated need. Market Rate Adjustment-w/o clear data, will result in adverse consequences for the integrity of the compensation system.
18PA0652	Hennepin County Hennepin Co. Sheriff's Deputies Ass.	Ver Ploeg, Christine	10 day suspension	Deputy falsely entered health & welfare checks as having taken place.	Denied.	No priors, Union argued for progressive discipline. But 10 days given in all similar circumstances.
18PA0743	ISD 696, Ely School District #12 Ely Education Association	Jacobs, Jeffrey	VEBA Insurance Contribution	Married teachers denied \$2k VEBA to spouse who was enrolled as a dependent in husbands family plan vs being enrolled in her own plan. Benefit paid for 8 years.	Sustained	Coverage under family plan constituted enrollment based on how word used in contract & past practice. Similar to Wrenshall 08-PN-0752 (VerPloeg '14) & Fergus Falls 16-PA-0754 (Lundberg '16).
19PA0130	ISD 625, St. Paul St. Paul Federation of Educators	Jacobs, Jeffrey	Parenting Leave	Can mother use both both 6 week post birth recovery and 30 day "parent of newborn" benefits? - Yes.	Sustained	ER claimed benefit changed from father to parent at U request for gender neutral language-but "parent" covers birth mother.
None listed	Minnesota, Dept. of Transportation AFSCME Council 5	Befort, Stephen	Overtime	Less senior ee called to operate a log loader.	Denied	Contract required senior qualified. Senior ee not trained to operate log loader.
18RA0864	RIHM Motor Company International Assoc. of Machinists & Aerospace Workers Lodge 77	Orman, Anthony	Unpaid lunch break	ER implimented 1/2 hr unpaid lunch. Contract allows up to 1 hr unpaid lunch - but ees allowed to skip lunch in past.	Denied	U argued past practice, challenging ER right to impliment contract language, but not all eliments of binding practice met.
18PA0174	University of Minnesota, Morris Law Enforcement Labor Services, Inc.	Befort, Stephen	Termination	Disorderly conduct in domestic situation. Small Dept needs to work closely w other agencies - his credibility & trust destroyed.	Denied.	ER need not retain an employee whose misconduct has rendered him unable to perform the essential functions of his job.

July, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
18PA0093	Minnesota, Deprtmnt Human Services AFSCME Council 5	Johnson, John W.	Termination for loss of Licensing	Client at group home jumped out window & broke ankle. Ee given 1 day susp., & license disqualified. Put on unpaid leave then terminated while appealing license. Admin Law Judge reversed license disqualification.	Split	DHS not responsible for license decision nor required to accommodate supervision requiremnt which would have allowed her to work w/o license, but must return ee to work w backpay to date of lic. reversal.
18PA0660 18PA0661	Murray County Law Enforcement Labor Services, Inc.	Ogata, Harley	Out of Title Pay	2 deputies were doing the work of the Drug & General Investigator w/o receiving the premium pay.	Sustained	ER-parties did not hold title & position. But duties were commensurate with the positions & worthy of compensation.
17PA0922	Ramsey County Law Enforcement Labor Services, Inc.	Jacobs, Jeffrey	Demotion	Sgt. demoted for sleeping on duty & retaliating vs. deputy who reported it.	3 day susp.	No retaliation, only investigating deputy's violations. 3 days for "nodding off".
18VP0844	St. Paul, City of Individual Veteran	Anderson, Richard	Termination - VP	Fire Equipment Operator had sex in fire station while on duty.	Demoted	10 years w no prior discipline. Desperate treatment vs other serious infractions.
18PN0556	Stearns County (Interest) Law Enforcement Labor Services, Inc.	Miller, Richard J.	Interest	Jail/Dispatch - insurance reopener. Should singles receive +\$30/m-no-e (+\$5).	ER position	All groups in County accepted pattern of \$300 Veba, +\$30 family, +\$5 single.

June, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
FMCS	Allina Health Emergency Medical Servs Paramedics	Kapsch, Frank	Termination	EMT complained partner was degrading & disrespectful. Supervisor ordered her to complete her shift. She refused.	Denied	Insubordination. None of complaints rose to level of intolerability sufficient to justify refusal. "Obey order now & grieve it later."
18PA0250	Duluth, City of Duluth Police Union, Local 807	Bognanno, Mario	Termination	Officer dragged drunken man who was passively resisting, about 100 feet, by the handcuffs, behind his back.	13 mo. Susp.	9 yrs, only minor discipline. Coaching after 2014 use of force did not work so returned w no back pay or benefits.
18PA1027	Hennepin County AFSCME Council 5	Bognanno, Mario	Timeliness	3 day suspension. Union argued the timeline began after suspension served.	Denied	Timeline began when decision to suspend was made after the Loudermill hearing.
18VP0662	Hibbing Public Utilities Commission AFSCME Council 65	Foy, Terrence	Termination - VP	Falsified two doctor's notes to excuse 2 separate absences from work.	Denied	Falsification of records is extreme misconduct.
18PA0530	ISD 740, Melrose Melrose Federation of Teachers	McCoy, Arthur Ray	Lane Change	U grieved District denying teachers request to move 2 lanes.	Sustained	"Lane changes once every year", refers to the # of request per year, not # of lanes.
17PG0951	Minneapolis Park & Recreation Board AFSCME Council 5	Befort, Stephen	Termination	Called in sick Monday, but did not notify ER of status the next 4 days=resignation.	Denied	Policy - 3 consecutive work days w/o permission-constitutes a resignation.
18VP0742	Willmar Municipal Utilities Individual Grievant - Veteran	Beens, Richard	Termination - VP	Director of Electrical Operations failed to submit timely reports/invoices/wrker's comp claim, harassing behavior & insubordination.	Denied	Actions had adverse financial & safety consequences. Discussion of Veteran's rights & progressive discipline.

May, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
FMCS	Boise Paper Teamsters Local 346	Befort, Stephen	3 day Suspension	4th violation of electronic sign off policy. Signed off the following day.	2 day susp.	29 yr ee, no discipln other than "sign-off". Procedural vs substantive error. 3 days is only 1 step from termination-too severe

17PN0736	Crow Wing County (Interest) Law Enforcement Labor Services, Inc.	Abelsen, James	Interest	Deputies & Invs. Wages-PBP system, 17,'18,'19-total base incr.6.5 to 10.35%-e (u-retain step system +2.75% each yr.). Shift bids-u, Vacation bids-u, Court cancellation-u, Xmas eve holiday-u. Insurance reopener 2019-n-e.	2017-PBP 2018-PBP 2019-PBP	5th arbitration in 5 yrs. re: moving from steps to Performance Based Pay. 9 of 11 units already in PBP & parties inability to resolve issue forced arbitrator to decide. Language issues were quid pro quo for change. Arb's reasoning in Int cases given.
18PA0102	Metro Transit Amalgamated Transit Union Local 1005	Anderson, Richard	Record of Warning	Foreman mechanic violated rules when moving a train car in the shop.	Denied	Removed language re: throwing a tool & disrespectful comments - not proven.
18PA003 18PA004	Metropolitan Council-Transit Law Enforcement Labor Services, Inc.	Ver Ploeg, Christine	Written Reprimand Demotion 160 hour susp	Lt. told officers not to document time for lunch. Filed a complaint against a junior officer in retaliation for earlier testimony against grievant.	Denied	Condoned falsification of officers log. Retaliation is an extremely serious matter. No bar on 2 forms of discipline for same issue.
None listed	Minnesota Department of Corrections AFSCME Council 5	Befort, Stephen	Pay Above Grade	ER has difficulty attracting ees at step 1, placed them on the schedule based on experience & education-mngmnt right?-no..	Sustained	Non-employee trainees not covered by contract. ER can determine compensation. Once hired must follow contract.
17PA1027	Minneapolis Park & Recreation Board AFSCME Council 5	Kapsch, Frank	Timeliness Adding Issue Me Too Clause	2 meeting held to resolve issue prior to grievance. ER then challenged timeliness. U tried to add 2016 violation to grievance. U wants its ees hired at top step-Teamster mobile operators are hired at top step. AFSCME to receive Teamster's general increase but other benefits reduced so Total Compensation is equal.	Denied Denied Denied Sustained	Both parties recognized if issue was not resolved it would be grieved. Grievances must be specific at time filed. Request not in original grievance. Can't be added during arbitration. "Me Too" - COLA is the same as general increase. Language applies even when Teamster contract ratified before AFSME

April, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
17PA0903	Hennepin County AFSCME Local 552	Crump, Harry	1 day suspension	Probation officer received 1 day susp. for off-duty DUI,	Denied	Job related since integrity, trust & public confidence are essential for ees in justice system. Discipline consistently applied.
17PN0560	Hennepin County (Interest) Law Enforcement Labor Services, Inc.	Miller, Richard J.	Interest	Lic.Suprv. Ammended award 4/2/18. Market. Adjustment '18-5%-u (e-0%). ER failed to provide requested data.	2018 - 5%	ER agreed to reopen arbitration w new data showing Deputy Chief & Majors received 7.5% mrkt adj. despite n turnover.
17PN0560	Hennepin County (Interest) Law Enforcement Labor Services, Inc.	Miller, Richard J.	Interest	Lic. Supervisors. Initial award 8/25/17. Market adjustment '16, '17, '18 - 0%-e. Wages '16-1.5%, top 2.5%; '17-1.5%, top 2.5%; '18-2.5%-agreed based on pattern.	2016 - no 2017 - no 2018 - no	Wage pattern agreement. U seeking market adjustment of 5% over 3 yrs- No. No adjustments unless attraction/retention issues.
18PA0064	Isanti, City of Law Enforcement Labor Services, Inc.	Jacobs, Jeffrey	Timeliness Uniform Allowance	ER-grievance not filed within 21 day. Allowance escalator removed from new contract. U-not negotiated, sought to retain the lanugage. ER - clearly identified by strikethroughs & voted by Union.	Denied Denied	Parties met trying to resolve issue so ER had adequate notice of grievance. ER clearly expressed proposed change. Unilateral mistake by U does not provide basis for reforming contract.
17PA0950	Kanabec County Law Enforcement Labor Services, Inc.	Remington, John	Demotion	Correction's Sgt. demoted for failure to follow policy-allowing whiskey into jail. Argued as management rights vs discipline.	Denied	Performance considered indifferent unresponsive & incompetent.

None listed	Minnesota State Academy for the Deaf MN Assoc. of Professional Employees	Imes, Sharon	Layoff	Laid off Athletic Program Administrator, made the position part-time, then gave it to a teacher.	Sustained	Position was not abolished, nor did ER meet and confer w Union as required. Grievant given part-time position.
None listed	Minnesota State Colleges - St. Cloud Inter Faculty Organization	Beforet, Stephen	Claiming Rights as Adjunct Instructor	Laid off tenured faculty have claiming rights to adjunct position if they possess "sufficient ability". Grievant was not given a position.	Denied	Position required: a high level of expertise' which is not inconsistent with "sufficient ability" since courses were graduate level in a specialized area.

A17-1275 16PA0975	Richfield, City of - Court of Appeals Law Enforcement Labor Services, Inc.	MN Court of Appeals Public Policy		Officer failed to report use of force, had previously been disciplined, trained and counseled for failing to report use of force. 7 issues w use of force & report writing. See Richfield, City of, December 2016.	Arbitration Reversed	City did not argue excessive use of force, rather, that failure to report use of force after discipline & training violates public policy. Arb reversed - "where there have been prior offenses & warnings, the public-public policy exception may be invoked."
18PA0372	St. Cloud, City of Firefighters Local 1712	Miller, Richard J.	Timeliness Termination	Was arbitration barred when deadline to file for is missed? Firefighter convicted of gross misd. DUI. DL, which is required for the job, was revoked for 2 years.	No 8 mo. Susp.	Attorney didn't date request so unknown how long BMS took to generate request. & ER waiting until the hearing to raise the issue waives its right to challenge. Caused no harm to public image. . City could've granted an interlock exemption.

March, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
17PN0629	Carver County (Interest) Minnesota Public Employees Assoc.	Jacobs, Jeffrey	Interest	Deputies. 2yrs-e (u-3y); Uniform \$775-e (u-\$800); Salary range-start \$27.00, top \$36.52-e, (u-s \$27.37, t \$36.87; Wages '17-2%, '18-2% (u-2.5%, e-1.5%). Range movement '17-2%, '18-2%-u (e-1.5%). PFP plan-n-u (u paid slightly less as quid pro quo for not being in plan).	2017 - 2% 2018 - 2%	Duration-no internal, few external for '19. Uniform-internal pattern; Salary range-ER position increases start by 10.3% & top by 2% (attraction concerns), police. comparisons not relevant. Wages-pattern but effective Jan.1 vs March 1. Range movement-% negotiated in last contract.
17RA1004	Cemstone Products Company Teamsters Local 120	Yaeger, Thomas	Termination	Cement truck driver was using his cell phone. Lied during investigation	Denied	Safety violation of work and CDL rules; lying & 4 disciplines in 12 mo.
17PA0969	Hennepin County Teamsters Local 320	Latimer, George	Reassigning Duties	Admissions unit duties performed by Juvenile corrections officers reassigned to Public Safety records clerks. Union sought to retain positions.	Denied	Dispute between Recognition clause & Management rights clause in contract. Core work of JCOs does not include the clerical functions of the Admission office.
17PA0072	Hennepin County Hennepin Co. Sheriff's Deputies Assoc.	Lundberg, James	Body Ornamentation	Personal appearance standards policy re tattoos. Union grieved that their request to meet & confer was denied.	Sustained	Article on work rules gives union right to meet & confer. ER must reinstate former policy until parties meet & confer.
17PA0318	Hibbing, City of Hibbing Police Federation	Befort, Stephen	Resignation	Officer signed resignation papers. 2 days later tried to rescind-denied. District court ordered arbitration.	Denied	U-constructive discharge-n; invalid since ee in emotional turmoil-n; Chief accepted retraction-lacked authority; City Adm-no..
17PN0870	Maplewood, City of (Interest) Law Enforcement Labor Services, Inc.	O'Toole, Carol Berg	Interest	Police. City stopped practice of paying stewards for negotiations, U asked to continue practice-n-e; wages '17, '18-2.5%, 2.5% (u-2.75%, 2.75%); Retroactivity-y-u; incr. deferred comp contribution-n-e; 2x pay on xmas & Thanksgiving-n-e; New - limit Holiday pay to 1 shift per ee-n-u; Reduce court minimum-n-u; incr uniform-n-e.	2017 - 2.5% 2018 - 2.5%	Wages - internal pattern. Retroactivity-internal pattern. Deferred comp-u asked for AFSCME amts-no compelling reason & only 1 external w benefit. Uniform amt. is equal to Sgts. Other changes either lack compelling reason for change, or are better left to be packaged as part of negotiated settlement.
17PA0941	Metro Transit Amalgamated Transit Union Local 1005	Malamud, Sherwood	Assignments	Commuter Rail car cleaners assigned to misc. shop cleaning duties when "helper" normally assigned was on vacation.	Denied	ER's priority that Cleaners clean interior & exterior of cars did not establish past practice that limits other assignments..

16PA1055	Ramsey County Law Enforcement Labor Services, Inc.	Abelsen, James	10 day suspension	Used notes while taking an exam for EMS instructor & continued using after warning.	Denied	Argument that it was an open book test refuted by instructor & classmates.
17PA0253			30 day suspension	Absent for 4 hours without signing and failed to answer cell phone.	5 day susp.	Deputy is flex time ee, but failed to get permission. Good record. 30 days is disproportional to misconduct.
FMCS	Securitas Critical Infrastructure Serv.Inc. United Security Professionals, Local 2	Hoffmeyer, Steven	Contractor withholding access.	Guard at nuclear plant lost plant access due to off duty incident. Action required by Xcel's federal license.	Denied	U claimed discipline w/o just cause - no, 3rd party contractor denied access. Burden then on U re contract violation.

February, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
17PN0500	Itasca County (Interest) Teamsters Local 320	Jacobs, Jeffrey	Interest	Court probation officers (non-essential). Arbitrated to sort out courts unfettered right to remove prob.officers (MN.244.19) vs PELRA. Mgmt. Rights language-u.; Grievance Procedure-u; Seniority-e (no language); Wages-u-State MAPE pay schedule, (e-use County pay scale).	Wages-union	BMS ruled County is the public employer. MN Supreme Crt in General Drivers #346 v Aitkin Co, 1982 (re Sheriffs MN 387.14) & Arrowhead Corrections v Graff, 1982 affirming holdings in "Drivers" for P.O.'s that PELRA supersedes MN 387.14 which has similar language to MN 244.19.

January, 2018

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
17PA0974	Anoka County Law Enforcement Labor Services, Inc.	Abelsen, James	5 day suspension 1 day suspension	Corrections Officer involved in heated verbal argument with prisoner. Retaliated against supervisor for reporting 1st incident by filing complaint on her.	Denied Denied	Handled situation unprofessionally. Prior discipline for similar issue. Warned against retaliation. Timing & other witnesses saw no violation.
17PN0576	Brooklyn Park, City of (Interest) Teamsters, Local 320	Wallin, Gerald	Interest	Sergeants. Uniform allowance-\$830-u (e-\$800). Additional pay for Sgts-n-e (U-\$1.00).	2017 - 0%	U seeking \$1 to increase differential over officers. U claims diff is 9.6% when using FTO pay. ER shows diff.16.29% top to top.
17RA0839	Super Valu Inc. Teamsters, Local 120	Remington, John	Termination	24 yr warehouse ee failed to answer 3 calls to report to office. Then threatened supervisor.	Denied	Difficult, contentious & belligerent ee who had problems w previous female & current black supervisors.