

2019 Arbitration Awards - Minnesota B.M.S.

February 17, 2021

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, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
20PA0300	Anoka County Law Enforcement Labor Services, Inc.	Osthus, Marlin	20 hr. suspension	Det. Deputy on sick leave answered call for marine unit wrked his regular days off.	Denied	Policy bars working while on sick. But reinstated to marine unit with all benefits.
19PA0525	Carlton County (Interest) Law Enforcement Labor Services, Inc.	Hoffmeyer, Steven	Interest	Deputies. Retiree Insur-no change-u (e sunset new ees); Shift Diff-\$1.20h-agree Wages:'19-2%, '20-2.25%-e (u-3%, 3%) Duration-2yrs-e (u-3y)-no data for 3rd yr.	2019 - 2% 2020 - 2.25%	Retiree insur.-3 units retained benefit. Shift Diff-parties agreed. Wages-pattern for units retaining Retiree Insurance. Discussion on amending final positions.
20PA0137	Duluth, City of AFSCME Council 5	Abelsen, James	1 day suspension	Failure to complete Operator Qual. test by deadline. 2nd violation since 2017. 1st violation written, 2nd 1day suspension.	Denied	U cited practice of only looking back 1 yr. for level of discipline. Chronic tardiness doesn't establish practice of all violations.
19PA0876	ISD 625, St. Paul Teamsters Local 320	Orman, Anthony	Termination	Special Ed teaching assistant w L.C.A. requiring her to follow all policies, rules & procedures took video & grabbed student.	Denied	L.C.A. negotiated in good faith. Lack of termination date but reasonably timely to LCA. Polices were violated.
19RA0753	Metropolitan Council, Metro Transit	Osthus, Marlin	Record of Warning	Driver's 2nd accident. Car didn't stop to exchange info. Very minor damage	Denied	Video showed driver should have waited before entering lane. Discpln. per policy.
19RA0755	Metropolitan Council, Metro Transit Amalgamated Transit Union, Local 1005	Toenges, Rolland	Written Counseling	Mechanic failed to fully lower lift while working on a bus damaging the lift.	Split	Will remain in file for 18 vs 36 months. Uniformity of application not established.
19PA0310	MN Minneapolis Veteran's Home AFSCME Council 5	Laumeyer, James	3 day suspension	Van driver accused: racial discrimination, harassing & intimidating a female ee.	Denied	Lack of evidence re discrimination. 3 day susp. for violating respectful work policy.
18PA1004	Minnesota, Dept of Natural Resources MN Conservation Officers Association	O'Toole, Carol Berg	Timeliness Duty Days	Dispute over 2016 policy re duty days. Policy mandates 4 eight-hour work days each 14 day work period-Union grieved.	Arbitrable Sustained	Continuing violation every 14 days.. Policy in conflict w contract language. Change must come through bargaining.

November, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19PN0751	Champlin, City of (Interest) Law Enforcement Labor Services, Inc.	Bauman, Susan	Interest	Officers. Premium pay for 3 titles-n-e; Meal allowance incr-n-e; IOD 60 to 90d-y-u; Severance-n-e; Uniform incr.-n-e; Uniform reimburse vs cash-n-e; Parenting leave-y-u FTO incr.-n-e; Officer in charge pay-n-e.		Duration, wages & insurance negotiated. 9 benefit issues arbitrated. Union failed to show need to add or change 7 items. Increases to IOD and Parenting leave were in Sgts CBA.
19PA1769	Cloquet, City of Teamsters Local 346	Toenges, Rolland	Termination	Officer Brady/Giglio impaired based on discipline from '04, '05 & '17. County Attrny will not allow him to testify so he is unable to preform one of his essential duties	Denied	22 yrs, Sgt working as a detective. Not a discipline case - inability to perform essential duties. Only 19 officers on Dept. so desk duty not an option.

19PA2464	Duluth, City of AFSCME Council 5	Jacobs, Jeffrey	Overtime	G volunteered to plow snow on vac day. ER returned vac day, paid straight time for 8 hrs. U seeking 2.5 time pay.	Denied	Contract implies hours worked during regular shift compensated at regular pay.
19PG0912	Itasca County Itasca County Employee's Association	Carne, Danielle	Unilateral change: Health Insurance	ER changed Insurance options. All other groups accepted change for 2019. Assoc. fighting change based on expired '18 CBA. Is there a 3y bar to continuing contracts?-no.	Sustained	ER argued issue should be decided in interest arb for 2019 CBA. Grievance is issue of remedy. Old plans not available so ER to pay savings realized to Union.
19PG0912	Itasca County Itasca County Employee's Association	Carne, Danielle	Remedial Award	Question regarding remedy for grievance: \$129,906 29 ees, but not based on individual damages.		Amount of savings above replaced plan, no credit given for Co. HSA contribution.
19PG0912	Itasca County	District Court	Vacate Awards	ER unilaterally changed insurance. Remedial damages of \$129,906 Was MOU part of contract - yes.	Vacated Vacated	"Equivalent Value" per contract language. Moot since continuing contract trumped by successor contract's effective date. *Discussion on basis to vacate awards.
19PN0868	Itasca County (Interest) Itasca County Employee's Association	Carne, Danielle	Interest	Supervisors. Wages '19-2.75%-e, '20-2.75%-e, '21-3%-e; Health Ins.-e; Life insurance-e.	2019 - 2.75% 2020 - 2.75% 2021 - 3.0%	Assoc. sought to keep old insurance or have ER pay 100% of deductible. Award based on internal pattern.
19PA0376	Metropolitan Council, Metro Transit Amalgamated Transit Union, Local 1005	Bolander, Kristine	Accident	Verbal warning for hitting a tree branch while parking a bus. Branches are always scrapping bus, this one cracked a window.	Denied	30 yrs. with no accidents. No evidence that accident was unavoidable.
None listed	Minneapolis, City of Police Officers Federation of Minneapolis	Befort, Stephen	Termination	Used a defensive push-kick to handcuffed prisoner in back of squad.	Denied	Kick was aggressive, breaking nose, jaw & teeth. 5 prior Use of Force disciplines.
19VP0696 19PA0678 19PA0737	Owatonna, City of Jason Christensen - Veteran	Daly, Joseph	Termination 30 day susp. 60 day susp.	15d (held in abeyance on prior 30d) was implemented for failure of PIP when he disobeyed orders by submitting a case to county attorney for reconsideration after being ordered not to - resulting in 60d susp. Terminated for arrest lacking probable cause, failure to advise prior to questioning & failure to turn in evidence.	Denied Denied Denied	4yr ee w 2 oral, 4 written reprimands & 4 susp. 1st arrest that drew 30d was not grieved so only issue was PIP violation. 60d challenged since policy limits susp. to 30 & calendar days v workdays, but allows city to determine level. City's actions in termination were reasonable.

October, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19PA0303	Carlton County (Interest) Minnesota Public Employees Assoc.	Altman, Robert	Interest	Suprvs. Duration-2y-e (u-3y); Wages-19-2%-e(u-3%), '20-2.25%-e(u-2.5%); Retiree insur.-u; On call \$50-u(e-\$25).	2019 - 2% 2020 - 2.25%	Duration-pattern. No sunset of retiree insur. so not given 3%, 2.5% for those accepting change. On-call = AFSCME.
19PN0630	Hennepin County (Interest) Hennepin County Supervisors Assoc.	Laumeyer, James	Interest	Detention Sgts. Wages 2019: 2.5% + 5.0% market adjustment-u (e-2.5% + 0%). 2.5% was county pattern. 5.0% awarded based on disparate treatment.	2019 - 7.5%	Sgts. didn't qualify for mkt. adj. under formula. Miller's April 2018 award gave licensed suprv. Extra 5% due to Sheriff Majors & Deputy Chiefs extra 5%.
19PA1577	ISD 477, Princeton SEIU Local 284	Daly, Joseph	Termination	18 yr. food service worker didn't charge a custodian, who helped her during the	Denied	"De minimus" amount doesn't remove lack of trust. Long-term employment is

				summer, for 5 meals valued at \$22.50.		no mitigation in this matter.
19VP0740	Minneapolis, City of Peter Brazeau - Veteran	Malamud, Sherwood	Termination - VP	Handcuffed suspect lying on his back kicked veteran in chest when veteran leaned over to help suspect up. Veteran punched suspect & reported use of force.	80 hr. susp.	Violated use of force policy. Mitigation- Dec. 2016 event, but put back on duty in 2017 for 14 months as a training officer with exceeds expectations rating.
19PA0162	SSD 1, Minneapolis Minneapolis Federation of Teachers	Lundberg, James	Timeliness Severance	Laid off - recall rights expired in 2012. Teacher sought Wellness pay 5 years after leaving district.	Arbitrable Sustained	Date of denial in 2017 started timeline. District obligated to pay. Failure to give basis for forfeiture-due process violation.
19PA0162	SSD 1, Minneapolis-challenge of award Minneapolis Federation of Teachers	District Court-4th J.D.	Vacate award	ER challenged as untimely-5 years after event.& grievant not covered by relevant CBA-no longer a teacher.	Denied	Arbitrator didn't exceed authority, award drew from essence of CBA. Wellness pay is a vested property right.
17PA0993	Wabasha County Teamsters Local 320	Bognanno, Mario	Retirement Pay Sick Leave buyout Timeliness	If sick bank max is reached hrs. go to special sick bank. Benefit paid on sick bank. U seeking buyout for both accounts. Step 2 not timely filed.	Sustained Arbitrable	ER paid on both sick banks once in '07 but never since. '07 defined CBA, other cases are outstanding grievances. Violation is continuing in nature.

September, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19PA0295	Hennepin County AFSCME Council 5	Befort, Stephen	Non-selection	MAVI, an OT assignment for probation officers was put up for bid. Grievant, a current member was not selected.	Denied	Non selection wasn't disciplinary so isn't premised upon good cause. No language restricting rights to assign.
19PA0557	Minnesota, Dept. of Human Services AFSCME Council 5	Been, Richard	1 day suspension	Patient at St. Peter Hospital threw a urine soaked blanket at ee. Ee told patient to lie on floor & reflexively threw blanket near patient's head.	Denied	Employee with 9yrs & no priors, but no level of retaliation can be tolerated in Security Hospital setting.
16PA0945	MN, Fergus Falls Veterans Home AFSCME Council 5	Altman, Robert	Termination	Inappropriate behavior and threatening a co-worker.	Denied.	18 yr. ee, but 3 similar suspensions in 18 months. Not appropriate to reevaluate prior discipline dispositions.

August, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19PA0007	Anoka-Hennepin JSD 11 Anoka-Hennepin Education Minnesota	Carne, Danielle	Lane placement	Entry level Physical Therapist degrees were Baccalaureate's in the 80s, Master's in the 90s & since 2018 Dr.'s. Thus new ees start at higher pay vs long term ees. ER discovered credits offered to transit to Dr. were neither certified nor enough.	Sustained	ER reviewed all PT salary placements & employees placed in appropriate lanes. Arbitrator returned all PTs to Dr. level. Initial decisions to advance made by district employees who had authority to do so and signed off by superintendent.
19PA0030	Carlton County AFSCME Council 65	Yaeger, Thomas	Promotion Senior Qualified	Highest score on structured interview promoted vs most senior.	Denied	Contract awards promotion to most total points. Seniority only used if equal.
19PN0526	Hopkins, City of (Interest) Hopkins Police Association	O'Donnell, John	Interest	Reopener health insurance 2019, 2020. U-% based on high priced plan.	U position	City's position-internal pattern % based on low priced plan. Based on high in past.

19PA0296	ISD 625, St. Paul AFSCME Council 5	Foy, Terrence	Out of Class Pay	Clerk I paid "Out of Class" Clerk 3 pay when Clerk 3 went on leave, but was not paid years later when Clerk 3 retired.	Denied	Clerk 1's position reevaluated to Clerk2. Clerk 3's title not necessarily dispositive to the proper compensation level.
19PA0669	LeSueur County Teamsters Local 320	Roberts, Andrew	Funeral Coverage	U seeking funeral coverage for step-brother since term "brother" includes stepbrothers.	Denied	Step children listed but not stepbrother. Listing specific items excludes unlisted items.
19VP0756	Metropolitan Council - Metro Transit Steven Melby - Veteran	Bauman, Susan	Termination - VP	2 weeks after a LCA he was searching seats & heater grills for lost change causing damage & not work as assigned.	30 day susp.	Didn't violate specific provisions of LCA. 12 year employee with overall good ratings and mitigating family situation.
18PN0704	Metropolitan Council, Transit Police Law Enforcement Labor Services, Inc.	Miller, Richard	Interest	Sgt. & Lts. Duration-3 years-e (u-2yr.); Wages:'18-2.5%, '19-2.5%, '20-2.5%-e (u-3%, 3%, 3%); Mrkt adj.'20-1% (e-0%).	2018 - 2.5% 2019 - 2.5% 2020 - 2.5%	Duration-pattern; Wages-pattern; Market adjustment-same relationship to market that existed in 2015.
18PA0798	University of Minnesota Teamsters Local 320	Foy, Terrence	Termination	Food service worker w 6 absences in 6 month period. 10yr. ee. Unsatisfactory ratings 9 yrs. Fired Feb.11, 1015.	4 yr. susp.	CBA removes discipline after 1 year. No record of progressive discipline. Susp. w no backpay (4 years, 9 months).
15PA0956	University of Minnesota, Unit 3 Teamsters Local 320	Latimer, George	Holiday Overtime	Off-Shift mechanic selected for Holiday O.T. vs more senior day shift mechanic. CBA calls for ee who normally does work.	Denied	Holiday mechanic responsible for all buildings on East Bank & No. Campus. Off-Shift ee trained on all buildings.

July, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19VP0778	Hennepin County John McGuiggan - Veteran	Beens, Richard	Termination - VP	Corrections officer asked an inmate, "do you have a rope...you must not be used to having one around your neck."	Denied	Racially charged inflammatory speech. 5 yr. ee with 2 similar prior disciplines.
19PN0418	Hennepin County (Interest) Teamsters Local 320	Befort, Stephen	Interest	Corrections. Wages '19- 2.5%+4.9% for range maximum, '20-2%, '21-2.5%. Wage progression-3%-e(u-continue 5% steps). Voluntary PTO-y-e; Merged seniority-no-u. Increase Shift, FTO & Uniform-no-e	2019 - 2.5% 2020 - 2.5% 2021 - 2.0%	Wages-parties agreed. Progression-13 of 15 units agreed. PTO-13 of 15 units covered. Seniority-lack of compelling need to change. Shift, FTO, Uniform-no showing of need & inconsistent w others.
FMCS	Interplastic Corporation United Steelworkers Local 11-1259	Befort, Stephen	Mpls. Safe & Sick Leave - unilateral change to contract	ER implemented policy to comply with Mpls. Sick & Safe Leave ordinance after U refused to reopen contract.	Sustained	Parties directed to negotiate a mutually acceptable alternative resolution.
19PA0836	ISD 279, Osseo Education Minnesota - Osseo ESP's	Ogata, Harley	School Calendar	ESP calendar set, but \$60k shortfall forced cancelation of 11wks. Different positions offered to Union, but declined.	Sustained	Mngmt right to assign means job duties-doesn't include hours of work. ER to pay ees for 11weeks. U rejection of alternate positions didn't provide mitigation
18PN0856	Mille Lacs County (Interest) Teamsters Local 320	Abelsen, James	Interest	Jail. Mrkt adjustment-n-e (u-1.25%); Hol. pay incrise-no-e (u-x2.5);Comp bank 48h (u-60h, e-40h) Shift pay- \$1 in 2019 u-\$1.50 in 2018, e-\$.75); FTO-\$1.00-u	2018-pattern 2019-pattern	Parties agreed to internal wage pattern. Comp accrual, Shift pay & FTO are the same as deputies negotiated. Mkt adjust or Hol. would create internal disparities.

19PA0395	Minneapolis Park & Recreation Board Minneapolis Police Officer's Federation	Befort, Stephen	3 day suspension	Responded to assault call Officer yelled at Somali boys, handcuffed, then finally released them w/o apology or explanation. Officer who did not yell wasn't disciplined.	Denied	Yelling escalated vs de-escalated event. Failing to explain or apologize violated code of conduct. No desperate treatment. 2nd officer did not escalate situation.
19PA0793	Minnesota Judicial Branch Teamsters Local 320	Biggar, David	Court Reporter's Transcripts.	Court reporters are statutorily required to furnish a transcript upon request. They charge per page-it is considered outside work and barred from on-duty time.	Denied	Union seeking ability to do work on-duty as allowed in Federal Courts. Outside work not governed by contract & beyond Arbitrators authority.
			Timeliness	Outside work policy enforced since 2012.	Sustained	Continuing Violation each paycheck.
18PA1023	Minnesota Management and Budget AFSCME Council 5	Carne, Danielle	Termination	Behavior Modification Asst. at Dakota Crisis Home accused of maltreatment of vulnerable adult when he slapped resident while attempting to block the resident's slap. And failure to report the violation.	1 day susp.	Witness accounts differ. Unable to prove intentional act of abuse & he was allowed to continue caring for resident for 2 mos. Discipline for reporting policy failure.

June, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19PA0481	Blaine, City of Law Enforcement Labor Services, Inc.	Beens, Richard	Termination	OT is either offered or forced based on a rotating list. Ee wasn't on list possibly due to FMLA event. Peers told him to notify Sgt. but he didn't. During investigation lied re not knowing about being off the list.	Denied	10 yr. employee with no prior discipline. Disobeyed order not to talk to anyone about the investigation and lied twice during the I.A. investigation.
19PA0725	Duluth, City of AFSCME Council 5	Abelsen, James	Seniority	Traffic control OT offered to senior maintenance worker rather than to HEO who had most seniority in the division.	Sustained	Lowest paid class given work, but higher paid can do the work. CBA calls for Div. seniority, not by class. No backpay.
19PA0431	St. Louis County Teamsters Local 320	Jacobs, Jeffrey	Assignment vs Bid	EE bid for excavator, assigned to grader. U believes seniority allows for a daily bid. ER claims right to assign.	Denied	U failure to negotiate language to support their position used to interpret current language, plus ER's past practice.

May, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
18PN0429	Rogers, City of (Interest) Teamsters Local 320	Miller, Richard J.	Interest	Wages: 2.75% each yr.- agreed. Market adjustment-'18-\$.75-u (e-0%),'19,'20 -0% -e(u-\$.50, \$.50). Drug task force/School off-4.5%-u (e-0%). Shift diff-n-e(u-\$.55). Uniform-\$960-u,(e-\$900).	2018 - 2.75% 2019 - 2.75% 2020 - 2.75%	Wages-agreed to internal pattern. Mkt Adj. same as sgts. Drug task force/School off don't receive pay in most cities-maintains consistency w sgts. No city ee receives shift differential. Uniform same as sgts.

April, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19PA0227	Hibbing, City of AFSCME Council 65	Biggar, David	5 day suspension	Equipment operator lowered supervisor into a trench using a backhoe.	Written Reprimand	Operator knew if was unsafe, but he was ordered by supervisor which is mitigating.

Not listed	Minnesota, Dept. of Human Services MN Association of Professional Employees	Fogelberg, J.C.	Termination	EE at St. Peter State facility took emails from file & presented them in Ct w/o permission.	2 mo susp.	Names were redacted,so not certain it wa a data privacy violation.
18PN0687	Ramsey County (Interest) Law Enforcement Labor Services, Inc.	Miller, Richard J.	Interest	Sergeants. Wages-2%Jan/1% July each year (e-2.5% each yr; u-3% each yr.); Mkt 2019 - 3% adjustment-n-e (u-3% '20); Invst premium 2020 - 3% pay from \$100 to \$200/m-u (e-\$100).	2018 - 3%	Wages-same as deputies. Mkt-ER doing a comp study; adjustmnts to Commdrs nt a Mkt adjustmnt-not given to all. Invstgtor premium-same increase as deputies.
18PN1030	St. Cloud, City of (Interest) Firefighters Local 1712	Miller, Richard	Interest 4/19/2019	Firefighters. Wages-e (u'18-2%,+5% adj. '19-2/1%,'20-3%); Uniform-'20 +\$10/m (e-'20 +\$5, u-+\$15); Communications pay 2020 - 3.0% 1 hr./wk-u (e-no); Eliminate 1hr residency-n-e	2018 - 2.0% 2019 - 2.5%	Wages-pattern, 5% adjustment for police parity offered in past as quid pro quo but rejected. Communications pay same as Captains. Residency-no reason to remove

March, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
18PN0924	Brooklyn Park, City of (Interest) Brooklyn Park Police Federation	Richard Anderson	Interest	Wages: 2018-2%-u (e-4% & remove COLA formula),2019-2%-u (e-2% or 0% w COLA). ER claims 66% of officers make more than pay step used in Market COLA formula.	2018 - 2% 2019 - 2%	U 2% & 2% is less than pattern, but '18 with COLA is greater than pattern. Arb.-COLA formula fundamentally flawed. Parties to neg '19 formula-if no agrmnt, 2019 wage becomes 2.5% & Article is to be negotiated in the 2020 contract.
19PA0046	University of Minnesota Law Enforcement Labor Services, Inc.	Finkelstein, Phillip	Termination	Off duty officer got into confrontation w woman pedestrian who kicked his vehicle Pled to misdemeanor assault. Charge dismissed & vacated after 1 year.	10 mo. susp.	20 years of service, a good record, with no discipline. Returned to work with no backpay.

February, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19PA0474	Hennepin County AFSCME Council 5	Befort, Stephen	Salary Adjustment yr. end pay period	Evaluations for range movement during all but last pay period of 2018 paid at '18 rate. Last pay period evals paid 1/6/19 based on '19 CBA vs preferred '18 CBA.	Denied	Contract language. Salary adjustment is effective the first Sunday following the pay period.
19PA0345	Henn. Healthcare/Henn. Co Med Center AFSCME Council 5	Hoffmeyer, Steven	Benefit accrual on worker's comp.	Union seeking PTO accrual for time ee was on worker's comp.	Denied	Regular wrk hrs. & paid leave hrs. accrue benefits. WC considered unpaid leave.
FMCS	Honeywell International Inc. Teamsters Local 1145	Befort, Stephen	Job Bidding	EE bid for job at different plant for essentially the same job he was doing. External candidate selected due to interview.	Denied	Interview considered part of minimum qualifications for job.
18PA0865	Houston County Law Enforcement Labor Services, Inc.	Roberts, Andrew	Termination	Detention/Dispatch deputy took picture of female co-worker suggesting he would use it to masturbate. Later thanked her.	Denied	Actions clearly unwanted sexual nature. Brief tenure, poor work record,& failed to correct behavior after prior coaching.
19VP0457	Minneapolis Park & Recreation Board Minneapolis Building Trades Council	Toenges, Rolland	Removal as a Temporary - VP	Electrician worked 6 yrs. as a temp ee. ER replaced temps with permanent ees. 1 Temp w more seniority than vet retained.	Sustained	U hiring Hall agreement temps covered by VP act. 8 vs. 6 yrs. service does not support less favorable treatment for vet.

18PA1017	MN Judicial Branch, Ramsey County AFSCME Council 5	Daly, Joseph	Written Reprimand	Clerk failed to change \$3,000 bail, to no bail for shoplifting. Prisoner held for 2 months before error discovered.	Denied	U sought oral reprimand based on prog. discipline. Egregious & serious nature gives right to move past oral to written.
19VP0449	Minnesota Veteran's Home Raymond Ludwig - Veteran	Altman, Robert	Termination - VP	Veteran was a registered nurse, who unlocked door in secure facility allowing an at risk patient to get out.	Denied	11 years - 3 priors involving patient care. When discovering patient, had someone else assist patient back into facility.
A17-1275 16PA0975	Richfield, City of - Supreme Court Law Enforcement Labor Services, Inc.	MN Supreme Court	Public Policy	Officer failed to report use of force, had previously been disciplined, trained and counseled - terminated. Arb-3days. Court of Appeals reversed. Supreme Ct reversed. See Richfield, City of, December 2016. Richfield, City of-Court of Appeals 2018.	Appeals Ct. Reversed	City did not argue excessive use of force, rather, that failure to report use of force after discipline & training violates public policy. Appeals Ct. - "where there have been prior offenses&warnings,the public-public policy exception may be invoked." Supreme Court-applying statute, contract &deferring to facts found by Arb-reverse.
19PA0333	ISD 47, Sauk Rapids-Rice SEIU Local 284	Hoffmeyer, Steven	Termination	Custodian propped open school's exterior security doors after repeated orders not to do it.	Denied	15yrs., history of insubordinate conduct. Argued disparate treatment, but couldn't name anyone else who propped doors.

January, 2019

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
18PA0727	Duluth, City of AFSCME Council 5	Bognanno, Mario	Overtime Pay Standby/call back	2 incidents when ees turned water main off, then 5 hrs later on-after regular hours. Both jobs posted seeking volunteers. Union asking for call back pay.	Split	No volunteers-ees on standby awarded call backpay (turning water on at medical facility non emergency since job posted) Volunteers-are scheduled not call backs.
18PA0932	ISD 625, St. Paul Tr-Council Local 49, Local 120, Local 363	Toenges, Rolland	OT for Temporary Employees	OT & seniority provisions violated by scheduling temps for OT.	Denied	Insufficient evidence regarding nature of wrk. Jurisdiction issue is purview of BMS.
19PA0087	Ramsey, City of Law Enforcement Labor Services, Inc.	Johnson, John W.	Written Reprimand	Sergeant was discussing report writing errors at roll call identifying officer responsible.	Denied	Publicly identifying officer rather than correcting in private was harmful.