

2020 Arbitration Awards - Minnesota B.M.S.

April 29, 2022

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, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
20PA1215	ISD 625, St. Paul St. Paul Federation of Educators	Finkelstein, Phillip	Bargaining Unit Work	Teaching assistnt hired for signing skills normally done by Ed.assistnts. Management right?-no. Ta eventually placed in Ea Union.	Sustained	Ta posting required ASL, historically Ea requirement - violated contract. Arbitrator unable to move Ta to Ea union. Ordered negotiations to address unjust enrichmnt.
20PA2612	Hennepin County Health AFSCME Council 5	Malamud, Sherwood	1 day suspension	Member service rep mishandled 2 calls: being rude, argumentative & putting member on indefinite hold. U claimed retaliation for Union activity & fails to follow progressive discipline.	Denied	4yr ee, oral in 2013. Conduct & difficulty of supervising warrants skipping initial discipline steps. Retaliation was also claimed in Nov '20, Jacobs Arbitration. But calls predated the Union activity.
19PA0884	MN Department of Corrections AFSCME Council 5	Befort, Stephen	Termination	Corr. Off. failed to immediately report he was subject of criminal investigation. Told to submit report in Nov. waited until Feb.	Denied	Prior 57 day suspension for failing to report use of force - had impact of Last Chance Agreement.
21PA0125	MN Department of Corrections AFSCME Council 5	Jacobs, Jeffrey	Termination	CO sprayed offender, being held on floor in the face; did celebratory dance & refused to leave scene when ordered. CO suffered back injury, concussion & ruptured ear drum from offender.	6 months	16yrs, 2 written. Use of chemical spray not clearly excessive. Taunting & failing to leave area grounds for discipline. Rtrn to work w no backpay upon medical ok. Discuss - just cause&reducing discipln.
FMCS	Miner's Inc.d/b/a Super One Foods UFCW Local 1189	McCoy, A. Ray	Holiday Pay	Hol hrs paid at 1.5x, but not counted in hours worked per week for OT calculation.	Sustained	Premium paid for holidays didn't create pyramiding. All worked hrs counted.
FMCS	3M Company United Steelworkers, Local 11-75	McCoy, A. Ray	Pandemic Pay	Ee with COVID symptoms quarantined for 7 days at ERs direction, but forced to use sick vs. Pandemic benefit.	Sustained	ER suggestion to quarantine meet all the requirements of the MOU.
20PN1834	Yellow Medicine County (Interest) Law Enforcement Labor Services, Inc.	Abelsen, James	Interest	Deputies: Wages-u (e- 2.5, 1.5, 1.25%) Mutual consent to mediate?-n-u. Comp Bank cap new ees at 120 v 240h?-y-e. Required to use sick for family illness-y-e Steps when no contract-n-e. Shift diff drop \$2 to \$1.40-e. Invst. pay from 1.5% to 3%-n-e. Increase Sick Severance from 288 hrs to 384 hrs.-n-e.	2020 - 2.5% 2021 - 2.5% 2022 - 2.5%	Wages, pattern, despite economy. Either can seek mediation due value of process. Comp bank-pattern & no harm to current ees. Sick leave to be used for family ill.-pattern. Steps-pattern. Shift pay 2x mrkt & exchange for wage adjsutmnt. Invstgtr position or assignment? Requires neg.

November, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19PA0432	Hennepin Healthcare System, Inc. AFSCME Co 5, Local 977 https://caseload.admin.state.mn.us/my *Court Later Overturned Decision	Toenges, Rolland	Subcontracting	ER using contract workers to perform same work certified to bargaining unit. Union: CBA limits use of temporary staff workers to 6 months. ER: Contract workers not bargaining unit members or employees so not covered by the CBA & therefore not limited to 6 months of work in a calendar year.	Sustained*	Parties have agreed temporary workers' employment is not to exceed 6 months in a calendar year. ER use of staffing agency staff to continue temporary worker violates CBA if 6 month extension not mutually agreed to.
FMCS	Abbott Northwestern Hospital SEIU Healthcare	Been, Richard	Termination	Environmental services aid, failed to respond to pages, unauthorized lunch & claimed cleaning room while on break.	Denied	16 yr. ee. 2 verbal, a 1 written & 1 day suspension in past 3 years. Policy and rule violations.
20PN1162	Douglas County (Interest) Law Enforcement Labor Services, Inc.	Abelsen, James	Interest	Deputies:3y-u (e-2y); Wages:2%,2.5% 2.75%-u (e-2%,1.5%); Grade adjust-no-e; Sick severance-n-e (u-eliminate 2 tier system); Insurance reopener '21 and '22 if incrs over 4%-u (e-50/50 split). Vacation payout forfeit if terminated-n-u.	2020 - 2% 2021 - 2.5% 2022 - 2.75%	Duration & Wages internal pattern. ER tried to break pattern due to COVID19. ER upgraded deputies & entitled to implement their formula. Severance- ER neg change 13y ago. Reopener: u accepting greater risk w 4% threshold Vacation - an earned benefit.
21PA0181	Eagan, City of Teamsters Local 320	Beens, Richard	Seniority selection	Vacancies require 10 day internal prior to external. U argued qualified internal candidate should get job.	Denied	Being qualified is no guarantee for a position. Management right to select best qualified.
20PA2375	Grant County AFSCME Council 65	Remington, John	Termination	H.E.O. was tardy 12 times in 8 month period- warned each time.	Denied	3 yr. ee, clean record before written reprimand then 11 more tardies.
21PA0016	Hennepin County AFSCME Local 2822	Miller, Richard J.	Written reprimand	Office specialist coached 5 times on attendance issues followed by 11 absences and 8 tardies.	Oral	Arbitrary, capricious & unduly harsh to give written reprimand when an oral warning serves the same purpose.
20PA2611	Hennepin County AFSCME Local 2822	Jacobs, Jeffrey	1 day suspension 5 day suspension	Heated exchange w caller re cab ride beyond 60 mile limit. Argued w caller re her being ready when the cab arrives for pickup.	Written 1 day susp.	17 yr. ee, w oral reprimand. Progressive discipline calls for written on 1st offense (6 years after the oral) & 1 day for the subsequent offense.
20PA1296	ISD 197, W. St. Paul-Mendota Hgths- SEIU, Local 284	O'Donnell, John	Health Insurance Premium Timeliness	ER stopped using charter bus hrs for calculating District's % of Health Insur. contribution. U failed to grieve when 1st discovered.	Union Arbitrable	ER failed to repudiate practice during negotiations. Strong presumption of arbitrability.
20PA2222	Hennepin County AFSCME Council 5	Wallin, Gerald	Termination	Conducted off-duty business at work. Used ER's equipmnt, false time reporting.	14 mo susp.	Inappropriate equipment use but failed to prove false time reporting. L.C.A.

20PA1654	Metropolitan Council - Transit Amalgamated Transit Union, Local 1015	Befort, Stephen	Termination	Bus driver hit a pedestrian when pulling away from the bus stop. Distracted by talking on headset while driving.	Denied	6 y. ee,1 prior. Hitting pedestrian almost always results in termination. Headset, prior discipline & short tenure considered.
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October, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
20PA1575	Columbia Heights, City of Law Enforcement Labor Services, Inc.	Altman, Robert	Termination	Officer's untruthfulness, inaccuracy in report re a chase & turning off camera.	Denied	Brady impaired (prior incident). Camera requirement tantamount to LCA.
FMCS	Fairview Southdale Hospital SEIU Healthcare Minnesota	Kapsch, Frank	Consolidation Plan	Nurse's aides work changed due to loss of same day surgeries when a competitor's surgery center opened.	Denied	Hire letters do not constitute binding wrk assignments. No requirement for re-bids, 3 prior instances did not create practice.
20PA2600	Hennepin County AFSCME Council 5	Wallin, Gerald	Call Back Pay	Medical examiner ees seeking call-back pay for virtual meetings rather than regular pay or O.T. where appropriate.	Denied	Contract states, "called to the work site". Meetings not mandatory and employees remained to home.
20PA2508	Hennepin County AFSCME Local 1719	Jacobs, Jeffrey	Fitness for Duty	Corrections Officer asked to take Fitness for duty exam then placed on medical leave for two months. U seeking pay for that time since private Dr. said he was fit.	Sustained	ER has right to request fitness for duty exam. Pay only required when fit. Ee's Dr. said he was fit both in Sept and Nov. Co. Dr said he was unfit both times, but Co. put him back to work w/o explanation. Arb questioned why leave required?
20PA1596	Hennepin Healthcare System, Inc. International Union of Operating Engineers, Local 70	Wallin, Gerald	Me Too Clause	Me Too for '18-19 round of bargaining all contracts were for 2 yrs. A 2017 3 yr. contract had a reopener.	Denied	MOU adopted in mediation-no face to face understanding. Grieving party has burden of evidence - not met.
19PA0494	ISD 625, St. Paul Teamsters Local 320	Foy, Terrance	5 day suspension	School bus driver rear ended a car resulting in injuries. Drinking coffee in violation of policy.	Denied	11 yrs, no priors, 5-10 day suspension called for in policy
20VP2373	Metropolitan Council, Transit police Geoffrey Wyatt - Veteran	Lundberg, James	Termination - VP	Sgt. allowed a drunk man, who called about being suicidal, lay on rail tracks. A citizen talked the man off tracks.	Denied	Neglected duty to protect citizen; discredit to Dept & failed to properly supervise subordinate.
Non listed	Metropolitan Council, Transit police Law Enforcement Labor Services, Inc.	Befort, Stephen	Demotion & 160 hour Suspension	Lt. made disparaging LGBTQ comments, showed bias vs female & lesbian officers. Demoted to sergeant suspended 160 hours.	Denied	Supervisor showed pattern of unequal treatment which impairs morale. Serious misconduct doesn't require progressive discipline. Discpl.consistent w prior case.

September, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
20PA1167	Hennepin County International Union of Operating Engineers, Local 49	Jacobs, Jeffrey	Workers Comp.	Union seeking to use vac. rather than sick leave to supplement workers comp.	Sustained	Workers comp language is more specific & trumps vacation language.
20PA1148	Hopkins, City of Hopkins Police Officer's Federation	Foy, Terrence	Oral Reprimand	Out-of-city chase contrary to policy. U- prior chase resulted in officers counseled.	Denied.	Oral is reasonable. Prior chase was low speed & officers ended it on their own.

20PA2475	ISD 690, Warroad MN School Employees Association	Daly, Joseph	Union work	Booster club paid charter company to transport H.S. teams to events. Union bus drivers claim it was their work.	Denied	No requirement for District to provide transportation to sporting events - not subcontracting when boosters pay.
20PA1020	Metropolitan Council - Transit Amalgamated Transit Union, Local	Befort, Stephen	Termination	Driver caused train door to close on customer's hand & failed to report it.	20 day susp.	ER maintained act was intentional, driver lied. Misconduct but intent/lie not proven.
FMCS	3M Cottage Grove United Steel Workers, Local 418	Befort, Stephen	Termination	Factory worker fell asleep tending a tape machine - a level 3 violation.	Denied	5 yr. employee with 2 priors. Policy calls for termination on 3rd violation in 3 years.

August, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19VP0589	Hennepin County Antoine Coleman - Veteran	Dunn, Richard	Termination - VP	Corrections supvr accused officer of alcohol on breath didn't report it for 4 hours. Untruthful in making the report.	Denied	28y ee, 2, 5 day suspensions. Waiting 4 hrs. to report is a serious safety violation, and incident didn't occur as reported.
20PA1353	Hennepin Healthcare System, Inc. AFSCME Council 5	Befort, Stephen	Termination	Protection officer called to eject man from hospital who had taken off clothes & resisted. Unnecessary force & lack of truthfulness in report.	13 mo. susp.	Chaotic security environment, lack of significant prior discipline & there were omissions rather than untruthfulness in his report.
20PA1207	Lino Lakes, City of Law Enforcement Labor Services, Inc.	Remington, John	Termination	Officer cross trained as firefighter, stated he wouldn't be using F-Tac radio after resigning as firefighter.	Written reprimand	Officer sought clarification of Dept's expectations but Dept failed to provide direction or policy regarding F-Tac use.
None listed	Minneapolis, City of Police Officers Federation of Minneapolis	Fogelberg, Jay C.	Termination	2 officers decorated 4th district's xmas tree using racially derogatory items contrary to Dept's core values. Pictures appeared on social media.	320 hr. susp.	20 yrs, no discipline, good service ratings no demonstrated bias. Call for termination occurred before investigation. Similar incidents received less punishment.
None listed	MN State Colleges & Universities MN State Comm. & Technical College Minnesota Management & Budget MN Assoc. of Professional Employees	Jacobs, Jeffrey	Work Schedule	Schedules were temporarily flexed to avoid OT for night meetings or events. Contract requires 14 day notice for permanent schedule change.	Denied	Management right to schedule. Flexing was temporary - U tried to obtain 14 day notice for temporary changes but was unsuccessful in negotiations.
19PA0402	St. Paul, City of Teamsters Local 320	Carne, Danielle	Timeliness 1 day susp.	U took 57 days vs 7 days to file step 2. Street Service Worker threatened co-worker, "snitches get stitches".	Arbitrable Denied	Lax with deadlines & ees medical situation. 12y ee, prior written reprimand. Policy prohibits threats.
20VP1419	Wyoming, City of Anthony Zerwas -Veteran (LELS)	McCoy, A. Ray	Termination - VP	Officer did a forceful rear takedown of a handcuffed prisoner in the jail sally port, due to prisoner "jerking away" but video only showed a slight turn.	Denied	4y ee, received discipline 3 mos earlier - a chase where he violated policy. Used U.S. Supreme Court Graham vs Connor for appropriate use of force determination.

July, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
20PA1018	Metropolitan Council, Transit Amalgamated Transit Union, Local	Gallagher, Sharon	Termination	Bus driver's 4th accident in 3 yr period called for termination under the contract.	Denied	Know problem with bus access panel flying open was not mitigating.
20VP2354	Metropolitan Council, Transit Jeanette Patrin - Veteran	Altman, Robert	Termination - VP	Bus driver had 3 accidents, a red light violation, was disrespectful to supervisor & 2 cell phone violations.	Denied	Totaled 4 debits under the discipline system which calls for termination.
20PA1017	Metropolitan Council, Transit Amalgamated Transit Union, Local	Roberts, Andrew	Termination	Passenger on bus w/o paying, acted weird, said creepy things to female driver resulting in driver attacking passenger.	Denied	Fighting with customer, leaving seat w/o authorization, abusive or obscene language are each grounds for discharge.

June, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
20PA0311	Hennepin County AFSCME Council 5	Beafort, Stephen	Back pay Timeliness	Position reallocated with back pay to 12/1/18. U seeking back pay to 2014. ER- untimely barred by 21 day timeline.	Denied Arbitrable	U seeking remedy going back 5 years. Continuing violation allows grievance but remedy limited to 21 days.
20VP1572	Metropolitan Council, Transit Michael Anderson - Veteran	Daly, Joseph	Termination - VP	Head stock keeper spent extensive time on internet, long lunches & lied during investigation.	30 hours	26 years service. No similar infractions. Mitigating health issues. Ordered to make hourly work record for 1 year.
None listed	St. Paul, City of St. Paul Police Federation	Bognanno, Mario	Termination	One of 5 officers fired due to actions at a bar disturbance. Failed to stop assaults, assist injured parties or investigate.	Denied	Several false statements, repeatedly failing to act while laughing & making disrespectful comments about patrons.

May, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
FMCS	Dairy Farmers of America Teamsters Local 471	O'Toole, Carol Berg	Termination	Ee claimed he heard a racist comment. Supervisor didn't consider it racist. Ee yelled Filipinos weren't held accountable.	Denied	3 priors, including a final warning re code of conduct violations for using ethnic, derogatory or racist language.
20PA0882	Plymouth, City of Law Enforcement Labor Services, Inc.	Foy Terrance	Demotion 5 day suspension	Sgt. engaged in inappropriate conduct in a Mankato strip club during a police sponsored conference.	5 day susp.	Conduct warranted discipline, but demotion too severe.
20PA0441	Wright County Minnesota Public Employees Assoc.	Beens, Richard	Termination	5 bags of marijuana recovered only 4 turned in; no supr. present while counting money, as required - \$200 missing.	2 mo. susp.	Violated policies/procedures re property. Insufficient missing money investigation. No one from cleaning crew questioned.

April, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
20PA0938	Brooklyn Park, City of Brooklyn Park Police Federation	Yaeger, Thomas	Continuing Contract Insurance	CBA open. U seeking full benefit due to savings of moving to PIEP using continuing contract statute. CBA calls for only 60/40 split unless savings due to level of benefits or plan design change.	City violated Agreement	Essential ees covered by Contract in Effect Statute. Plan design changed. Arbitrator retained jurisdiction for purpose of remedy which is to be based on a negotiated settlement

20PA0252	Ramsey County Law Enforcement Labor Services, Inc.	Kapsch, Frank	Assigning Temp. Deputies	Temporary deputy hired to fill a 6 month summer traffic assignment.	Denied	30yr past practice of using temporary deputies to supplement summer staffing.
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March, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
20RA0804	Azcon Inc.d/b/a Azcon Metals Teamsters Local 346	Daly, Joseph	Timeliness Subcontracting	Union filed grievance after deadline. Subcontractor hired to cut heavy steel. U seeking to be paid OT for all OT hrs. worked by subcontractor.	Timely Denied	Continuing violation while subs working. No bar to subcontracting in contract. No adverse impact on Union.
19PA0530	Eden Prairie, City of Law Enforcement Labor Services, Inc.	Daly, Joseph	Termination	Officer accused of altering search warran 17 months submitting false report & lying under oath making him Brady/Giglio impaired and unable to perform tasks of a police officer. Given written reprimand by Dept.		Co Attorney said he can't testify so ER terminated due to inability to perform essential duties. Brady/Giglio doesn't eliminate just cause rights. Mistake due error vs deliberate lie. Retrnd no backpay.
19PA0530	Eden Prairie, City of Law Enforcement Labor Services, Inc.	Daly, Joseph	Just Cause	Group newly organized, no contract in place. Agreed to grievance procedure but no "just cause standard" listed.	Just Cause	Treatment as an "at will" employee w no just cause standard renders arbitration language absurd or nonsensical.
19PA0530	Eden Prairie, City of Law Enforcement Labor Services, Inc.	Daly, Joseph	Timeliness	Union cancelled mediation because ER refused to produce forensic evidence. U waited & filed for arbitration past deadline.	Arbitrable	Cancelling mediation was not a waiver. No final answer given after cancellation. cancellation so start of timeline unclear.
20PA1178	Hennepin County AFSCME Council 5	Befort, Stephen	Health Care Premium Holiday	Holiday on premiums declared for 3 pay periods by drawing from reserves, Union asked ER to replace reserves.	Denied	ER has full discretion to determine use of plan reserves. Insurance coverage not reduced.
19PA0857	Hennepin County Teamsters, Local 320	Beens, Richard	Overtime	12 hr. shifts have 48hr and 36hr weeks. Long week results in 8 hour OT. EE tried to use vac time to still qualify for OT, but ER gave unpaid leave to save OT cost.	Denied	Management right to deny vacation. No specific contract language.
19RA0934	Human Development Center AFSCME Council 5	Jacobs, Jeffrey	Termination	Case worker on Corrective Action Plan terminated for substandard performance.	Denied	Arbitrator limited to ruling if plan met contract's requirements.
20PA1307 20PA1308	LeSueur County Teamsters, Local 320	Jacobs, Jeffrey	Tentative Agreement	Summary Judgement award. Union seeking implementation of TA on Health insurance reopener not ratified by County.	Denied	Without ratification - no agreement. AFSCME v City of St Paul, 533 N.W. 2nd 623 (Minn App 1995).
FMCS	St. Francis Regional Medical Center SEIU Healthcare	Hoffmeyer, Steven	Termination	Surgery scheduler. Performance issues regarding accuracy in filling out forms.	Denied	Given counseling/progressive discipline for over 3 years w/o improvement.
None listed	St. Paul, City of St. Paul Police Federation	Befort, Stephen	Termination	16 acts of misconduct while answering a fight call at a bar. Failure to act to stop assaults, assist injured parties or investigate.	Denied	6 yr. officer w good record. But 13 of 16 allegations proven. Misconduct appears to encompass deep seated beliefs.
20PA0274	Sauk Centre, City of Teamsters, Local 320	Lundberg, James	Insurance Deductible	MOU moved to PIEP & increased HSA amount 1/1/19. Due to coverage gap PIEP agreed to cover Dec '18.	Denied	U claims City promised no cost as result of change so City should cover Dec '18. deductible. No contract basis for claim.

February, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
19PN0888	Hennepin County (Interest) Henn. Co. Sheriff's Deputies Assoc.	Bauman, Susan	Interest	Deputies. Agreed to wage pattern 2.5%, 2.5%, 2%. Payer pay-n-e; PTO-optional-u; Mkt adjst '19-4%-u, '20-0%-e, '21-0%-e (u '20-3.5%, '21-3%); Retroactivity-y-u; Reduce steps from 5% to 3%-e.	2019 - 6.5% 2020 - 2.5% 2021 - 2.0%	2019-2.5%+4%mkmt, based on Oct '19 & Apr '18 awards. PTO optional-based on Befort's 7/10/19 award. Payer pay-lack of comparables. Retro-likely result if neg. Steps-extensive internal pattern.
20PA0864	ISD 879, Delano SEIU Local 284	Daly, Joseph	Arbitrability 15 min. Breaks	Is Arbitration barred by bringing complaint to MN Attorney General? Is a Past Practice being violated by restricting breaks based on duties?	Arbitrable Denied	AG was proposing to mediate a wage theft complaint was not a barred action. Breaks not being denied, required to be flexible using professional judgement.
20VP0239	Metropolitan Council, Transit Amalgamated Transit Union, Local	Remington, John	Termination - VP	Bus driver stopped when pedestrians yelled. No one claimed being hit, but complaint filed later. Victim didn't testify.	Written Warning	Video didn't show bus hitting anyone. Driver made an accident report, but failed to notify Control Center as required.
19PN0861	Sherburne County (Interest) Minnesota Public Employees Assoc.	Hoffmeyer, Steven	Interest	Transport/Court. Wages-both agreed. Mrket adjusmnt-n-e; Pay for performnce -no-u; Retro pay-y-u; increase notice required for termination to receive benefits-n-u: Floating Holiday-n, but Xmas eve Holiday-y.	2019 - 2.5% 2020 - 2.5% 2021 - 2.5%	Wages-agreed to pattern. Market - ER determines classification system. PFP, longer Termination notice & FL Holiday lack quid pro quo. Xmas eve Holiday - internal pattern.
19PA0841	Stearns County Law Enforcement Labor Services, Inc.	Roberts, Andrew	Arbitrability Timeliness	Dispatcher received 30 day suspension. U petitioned BMS for arbitration, but did not notify ER thus failing to meet timeline.	Denied	Contract requires U to notify ER. BMS is not a party to the contract.
19PN0975	Steele County (Interest) Teamsters, Local 320	Laumeyer, James	Interest	Corrections Sgts. Step increases based on satisfactory performance-y-e	2019 - 2.75% 2020 - 3.0%	Wages quid pro quo for change. All other groups accepted change. Overwhelming acceptance & inherent managemnt rights.

January, 2020

BMS #	Employer/Union	Arbitrator	Issue	Details	Award*	Basis/Argument
FMCS	Cargill Meat Solutions United Food & Commercial Workers	Kapsch, Frank	Absences	43 of 230 ees received absence point for failing to come to work due to major snow storm. U seeing removal of point.	Denied	No fault attendance policy. Point system eliminates potential for bias or favoritism. 75% of employees came to work.
19PA0318	Crystal, City of Law Enforcement Labor Services, Inc.	Finkelstein, Phillip	1 day suspension	Officer assisting another Dept. cuffed suspect, swore at him, failed to write a report & misfiled body camera footage.	Denied	Union challenged investigation. Neither suspect nor other officers questioned. Camera footage, lack of report sufficient.
19PN0919	Eden Prairie, City of (Interest) Law Enforcement Labor Services, Inc.	Abelsen, James	Interest	Officer's 1st contract. Union activity-u; ER rights-u: Class action Grievances-u; OT assignment-u; Shift bidding-u; PTO in contract vs policy-u; PTO rates-e; Retro-u.	Pattern	Wages negotiated. Items awarded to Union were either in the IUOE 49 CBA or current practice. PTO rates in excess of IUOE 49 were denied.
20PA0131	Golden Valley, City of Law Enforcement Labor Services, Inc.	Bauman, Susan	4 day suspension	Detective didn't know how to access lab reports; failed to follow-up CODIS matches. Failed to perform follow-up & untimely reports in 40% of cases.	2 day susp.	City failed to prove ee put on notice re policy of 10 d follow-up since signature wasn't on page in Dept. manual. 2 of 3 charges proven. Supervision lacking.

19VP1104	Minnesota Department of Corrections Daniel Boegeman - Veteran	Befort, Stephen	Termination - VP	Corr. Sgt. accused of bribing offender to assault another, discussing investigation w offender, giving the finger to staff member & failing to dispose of contraband rings.	5 day susp.	Assault allegation not proven. Other violation do not rise to level of serious misconduct.
FMCS	Quality Pork Processors, Inc. U.F.C.W. Local 9	Befort, Stephen	Arbitrability	Grievances must be brought within 3 days but was pay practice for 17 years.	Arbitrable	Union unaware of issue until receiving paperwork from ER. Filed 3 days later. Article with more specific language governs.
			Paid rest period	Union claims conflict with 2 Articles over breaks for ees who don & doff protective equipment for their jobs.	Denied	
19PN0733	Sherburne County (Interest) Minnesota Public Employees Association	Lundberg, James	Interest	Corrections. Wages: '19-2.5%, '20-2.5%, '21-2.5% (agreed); retro '19-u; Adjust correct leapfrogging-n-e; Change anniversary date to Jan. 1-n-e; Pay for performance-n-u; 30day notice when terminating employment-n-u; xmas eve-y-u.	'2019 - 2.5% 2020 - 2.5% 2021 - 2.5%	Wages-pattern, retro for '19 in dispute - will not sanction U for hard bargaining. Leapfrogging, anniversary date & pay for performance should be negotiated. Xmas eve holiday - internal pattern.