

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNEAPOLIS BOARD OF EDUCATION
SPECIAL SCHOOL DISTRICT NO. 1

In re: Discharge or Demotion of
Robert G. Putnam, Daniel Erickson,
Monica Linhoff, Bette Garske, and
Lionel Washington.

FINDINGS_OF_FACT,
CONCLUSIONS_AND
RECOMMENDATION

The above-entitled matter came on for hearing before Howard L. Kaibel, Jr., duly appointed Hearing Officer on August 20, 1991 at the Education Service Center, 807 N.E. Broadway, Minneapolis, Minnesota. Motions by District staff to withdraw their efforts to demote or discharge Ms. Linhoff, Ms. Garske and Mr. Washington, were granted. This Report is consequently limited to the cases involving Mr. Putnam and Mr. Erickson. The record closed on August 29, 1991, upon receipt of the transcript.

Timothy J. Pawlenty, Esq., of the firm of Rider, Bennett, Egan & Arundel, 2000 Lincoln Centre, 333 South Seventh Street, Minneapolis, Minnesota 55402, appeared representing the School District. Bruce P. Grostephan, Attorney at Law, 700 Title Insurance Building, 400 Second Avenue South, Minneapolis, Minnesota 55401, appeared representing Mr. Putnam and Mr. Erickson.

This Report is a recommendation, not a final decision. The Minneapolis School Board will make the final decision after a review of the record, which may adopt, reject or modify the Findings of Fact, Conclusions and Recommendations contained in this Report. The clerk of the School Board will advise the parties concerning their opportunity to file exceptions to this Report and to present oral argument to the School Board. The parties may contact the Clerk at 807 N.E. Broadway, Minneapolis, Minnesota, for information concerning the filing of exceptions or the scheduling of oral arguments.

STATEMENT OF ISSUE

Should Mr. Putnam and Mr. Erickson be demoted or discharged due to declining enrollments in certain school programs?

FINDINGS OF FACT

Mr._Putnam

1. Mr. Putnam started teaching for the District in 1969 at the Minneapolis Technical Institute. He was licensed by the State to teach "electrical occupational" courses, which allowed him to teach all

vocational-technical courses in the electrical department at the Institute. The State licensing agency later changed the rules in approximately 1982 to divide the generic "electrical occupational" license into people permitted to teach "constructional electrical" or "electrical maintenance."

2. When Mr. Putnam came up for renewal in 1987, the state licensing agency gave him two licenses: "electrical maintenance" and "major appliance repair." The State licensing agency's interpretation of its revised permission was that it was okay for Mr. Putnam to teach the basic courses required of students in both "electrical maintenance" and "constructional electrical", as long as he taught the appliance repair course. Mr. Putnam has continued to consequently teach his appliance repair course and the other "core" courses for both "constructional" and "maintenance" students in the electrical department since 1980.

3. Mr. Putnam was informed in the Fall of 1990, at the beginning of the 1990-1991 school year, that declining enrollment in the major appliance repair course might force its cancellation and that this might force his discharge unless he could obtain a "constructional" electrical license.

4. Because of his teaching duties, Mr. Putnam could not obtain any "recency" experience in hands-on electrical construction during the 1990-91 school year.

5. School District staff and Mr. Putnam endeavored to increase enrollment in the major appliance repair course by marketing it to potential student

6. Mr. Putnam was informed in the Spring of 1991 that the appliance repair course would be cancelled and that he would have to secure the "constructional electrical" license to continue teaching at the Minneapolis Technical College.

7. Mr. Putnam applied for the electrical "constructional" license and completed a six-week internship program in construction wiring this summer, but he was denied licensure because the State licensing agency deemed his "recency" experience to be inadequate. He is appealing that denial.

8. School District Human Resources staff are sympathetic to Mr. Putnam's plight. However, pursuing his administrative and judicial remedies will take considerable time and in the interim they must staff the Minneapolis Technical College with properly licensed teachers.

9. There is a vacancy in the "construction" electrical area which Mr. Putnam could take if he had the proper license.

10. There are also two less-senior teachers who are teaching in the construction electrical area (former students of Mr. Putnam). He would be able

to bump one of those former students into the vacancy in the department or into some other realignment, because of his seniority, if he had the proper license.

11. If Mr. Putnam obtains licensure qualifying him to teach another course and he has more seniority than someone else teaching that course, District staff will recall him.

Mr._Erickson

12. Mr. Erickson is employed as an auto mechanic instructor at the Minneapolis Technical College.

13. The District has been forced to cancel Mr. Erickson's position at the College due to declining enrollment.

14. District staff and the union have reviewed all possible realignments and reassignments, attempting to find a way of avoiding Mr. Erickson's discharge, without success.

CONCLUSIONS

1, That the Minneapolis School Board and the Hearing Officer have jurisdiction over this matter, pursuant to Minn. Stat. §§ 14.55 and 125.17.

2. That the recommendation for discharge and the notice of hearing were proper with regard to form, content, execution and filing. All other procedural and substantive provisions of law and rule have been duly complied with.

3. That the District staff has met its burden of proving just cause for discharging Robert G. Putnam and Daniel Erickson.

RECOMMENDATION

IT IS HEREBY RECOMMENDED: That the Minneapolis School Board proceed with the discharge of Mr. Putnam and Mr. Erickson, without prejudice to their being recalled upon proper licensure for a position in the future.

IT IS FURTHER RECOMMENDED: That the Board authorize its staff to communicate their concern to State licensing authorities over the need to grandfather licensees when changing license requirements.

Dated this __3rd__ day of October, 1991.

s/Howard_L._Kaibel,_Jr._____

HOWARD L. KAIBEL, Jr.
HEARING OFFICER

REQUEST

The Hearing Officer respectfully requests District staff to forward a copy of the final Board action on this matter for our file.

Reported: Ann M. Breuer, Neumann Reporting Agency.

MEMORANDUM

The School Board really has no choice in this case, as troubling as the outcome is. A 22-year, apparently exemplary, employee must be reluctantly discharged because of licensing changes made by State authorities.

Mr. Putnam is a capable teacher who is eminently qualified to continue to teach courses that he has been teaching and been licensed to teach, for years. The legislative purpose of the Teacher Tenure Act will be frustrated by Mr. Putnam's discharge, but the District must abide by the State licensure requirements.

H.L.K., Jr.