

City of Richfield vs. Law Enforcement Labor Services Appellate Decision

On Monday, April 9, 2018, the Minnesota Court of Appeals issued a published opinion in the case of City of Richfield vs. Law Enforcement Labor Services, Inc. A17-1275. This case came to the Court of Appeals after a lower court denied the City of Richfield's motion to vacate an arbitration award reinstating a Richfield police officer, following his termination for allegedly using excessive force and failing to report it. The arbitrator ruled in favor of LELS and the officer—but now the Court of Appeals has overturned the arbitrator.

The Court of Appeals relied on what is known as the "public policy" exception to the general rule that arbitration awards generally are to be upheld on appeal. The Court held that reinstating this officer would be a violation of clear public policy because it "interfered with the Richfield Police Department's legal obligation to establish and enforce minimum standards of conduct for its police officers. Specifically, it interferes with the clear public policy in favor of police officers demonstrating self-regulation by being transparent and properly reporting their use of force."

The St. Paul Police Federation, along with numerous other unions, filed briefs in support of LELS' position in this case as "friends of the court". On the other side, the League of Minnesota Cities and the Minnesota Chiefs of Police Association also filed such briefs.

The result in this case was unexpected. Only on one other occasion have Minnesota Courts relied on the "public policy" exception in overturning an arbitration award in a police discipline case. LELS plans to file a petition asking the Minnesota Supreme Court hear the case on review. Of the hundreds of such petitions filed each year, the Supreme Court only chooses to review a small percentage (perhaps 10%). It is the hope that the Supreme Court agrees to hear the case and overturns the Court of Appeals; however, if they do not, and the case stands, it could, and likely will, lead to further such appeals by employers following arbitration awards with which they disagree.

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