

May 14, 2019

The City Council conducted a Special City Council meeting on the above date for the purpose of addressing a grievance by a union employee.

The following were present: Council members Jerry Cusick, Steve Kronmiller, Patti Ray and Mayor Christine Maefsky. Absent: Council member Chris Ness.

Staff members: City Attorney Eric Sherburne, Eckberg-Lammers Attorney Lida Bannink, and Deputy Clerk Brenda Eklund.

Mayor Maefsky called the meeting to order at 4:13 p.m.

Maefsky, seconded by Cusick, moved to close the meeting under State Statute 13D.05 for consideration of allegations against a union employee. The motion carried 4-0.

Attorney Sherburne described the basis of a closed meeting and explained that under subdivision 2b, the meeting must be open at the request of the individual who is the subject of the meeting. Maintenance Worker Rick Regnier stated that he requests the meeting be open.

Attorney Sherburne explained the role of the Council, in the absence of a City Administrator, is to act as the chief administrator of the city rather than as a political body role in discussing the grievance and allegations.

Kronmiller, seconded by Ray, moved to open the meeting. The motion carried 4-0.

Attorney Bannick described the Step 2 grievance and explained that the Council may uphold, modify or reverse the discipline issued by Public Works Director Hawkinson. In her investigation of the allegation of the one-day suspension for insubordination and refusing to comply with the City's cell phone policy after Mr. Regnier answered a phone call on his personal cell phone, she heard multiple versions of the events which occurred on April 30<sup>th</sup>.

Mr. Regnier served a one-day suspension without pay on May 7, 2019. Union representative Cory Bergerson provided comments that the nature of the grievance was unjustifiable and excessive and requested removal of the letter of discipline from Mr. Regnier's file and to reinstate the lost pay.

Council discussed if the punishment was appropriate. Attorney Bannick explained progressive discipline and past performance reports. Council asked if they could hear from the witnesses present the morning of April 30<sup>th</sup>.

The meeting recessed from 4:40 p.m. to 5:00 p.m. to allow Maintenance Workers Jeff Anderson, Michael Egelkraut and Rick Regnier to be informed and agree to Tennessee Warning rights for release of information.

Testimony was given by Anderson, Egelkraut and Regnier regarding the phone call that came in at 7:15 a.m. Mr. Regnier did not recognize the number, and was concerned it could be a family

emergency. The call was brief, under 2 minutes and Mr. Regnier's work duties were not interrupted. At that point, Mr. Regnier was reprimanded by the director.

Council discussed the cell phone policy and concluded that personal phones may be needed for emergency interaction. Council member Cusick stated that it is absurd that money is now being spent over how a phone call was handled. Poor leadership skills are obvious; proper action could have changed this situation to a positive outcome.

Mr. Bergerson stated that a labor management committee is meeting monthly with the department and staff to foster better communication and labor relations, and invited a council member to attend the meetings. Mayor Maefsky agreed this would be a good idea to have a Council member present at these meetings. Mr. Bergerson added that there are leadership classes available through the Local 49 union that could prove helpful for the director to attend. Mr. Bergerson explained that he needs to follow up on union-management issues most often in Scandia than in any other cities he represents, including Minneapolis.

Council member Ray said that they should modify the reprimand by reinstating one-half day's pay.

Council member Kronmiller recommended a written reprimand for cell phone use and to reinstate Mr. Regnier's lost pay in its entirety; this did not warrant suspension and there is a need to have more compassionate supervisors. Mayor Maefsky said she has a problem with a reprimand for cell phone use but agreed with the reversal of one-day's pay.

Council was in consensus to reduce Mr. Regnier's reprimand to a coaching, and to reverse the suspension.

Maefsky, seconded by Cusick, moved to reverse the suspension and reinstate the one-day's lost pay, provide coaching to Mr. Regnier for his personnel record, and to provide support and leadership training for employees. The motion carried 4-0.

Motion by Kronmiller, seconded by Cusick to adjourn the meeting. Vote 4-0. Motion carried.

The meeting adjourned at 5:50 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk