

Editorial Counterpoint  
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By Sean Gormley

Do union contracts collectively bargained on behalf of police officers shield them from ever getting fired by their employers?

Of course, not.

Union-represented police officers can and do lose their jobs. Those terminations can be upheld by neutral arbitrators. In fact, that's already happened at least three times in 2016, per the state's Bureau of Mediation Services.

But that's the allegation from editorial writer D.J. Tice ("Unions and sound policing: New evidence of an old obstacle," Dec. 4). Tice cites three more recent cases as further evidence that no matter how badly cops screw up, their jobs are safe.

Not only that, Tice argues to prevent the sort of tragic outcomes from police-involved shootings that we've seen here and across the country, police chiefs and local governments must be able fire cops as they see fit—before tragedy strikes—without unions coming to their rescue.

Except that assumes, of course, that all police-involved shootings with tragic endings are committed by cops who should have never made it as cops in the first place. And as a former police chief and patrol officer I can tell you, that's just flat-out false.

Truth is, even some of the most talented and best-trained cops don't know exactly how they'll respond in a critical incident. Most hope they never find out.

But this is the same argument Tice made back in January ("Weeding out unfit cops early could help prevent shootings," Jan. 3).

Again, as he did the first time around, Tice fails to consider a bedrock standard in collective bargaining known as "just cause." The just cause standard is explicitly written into state law and into employment contracts. It's designed to ensure that any discipline handed out to a union-represented employee, like a cop, a nurse, a firefighter, a teacher and sometimes even journalists, is reasonable and proportionate to the offense.

When disagreements arise over what is reasonable and proportionate, a neutral arbitrator, jointly selected by the union and the employer, renders a judgement.

Even when the infraction itself is severe enough to warrant termination despite mitigating circumstances, the arbitrator is still compelled to review those circumstances. For example: was

the infraction an aberration in an otherwise spotless career in law enforcement? Are there prior complaints? Does the officer have favorable performance reviews? Does the officer show remorse? Has he or she taken responsibility for the mistake?

Just because cops are rightfully held to a higher standard doesn't mean they can't make mistakes or have a bad day. Let's just make sure the punishment fits the crime. Sometimes they deserve a second chance (or last chance). And sometimes they don't.

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[Sean Gormley is executive director of Law Enforcement Labor Services (LELS), St. Paul. LELS is Minnesota's largest law enforcement labor union.]