

Promotion Debacle

November 16, 2007

Mr. Jason Schmidt
St. Paul Office of Labor Relations
400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102-1631

Re: St. Paul Police Federation
Our File No. 1343-72

Dear Jason:

I sent you an email on November 1, 2007, stating that the Federation had some concerns about the accuracy of the sergeant's list on which we based our settlement in this matter (see attached). Following this email, you indicated to me that Gail Langfield in the City Attorney's Office would have to deal with our request for the sergeant's list. I received a certified list from Gail by fax on November 9, 2007 (see attached).

On November 8, 2007, the Chief took the actions contemplated by our October 26, 2007 settlement agreement by promoting acting sergeants Lambie, Mueller, Reding, Flenniken, Maidment, Cleveland, Keller, Nasset and Stanway. (see attached).

During negotiations leading up to the execution of that agreement, you and I engaged in email correspondence on October 16 and October 22, 2007. I have attached those emails. The October 16, 2007 email contains our first request for clarification on the order of the list. I inquired as to whether the sergeants listed in our settlement agreement were "reachable" under the rule of three.

The October 22, 2007 email contains the sergeant's list as we understood it going into the settlement agreement and states our understanding that acting sergeants Dave Mueller, Pat Scott and possibly Jim Anderson had either withdrawn or were off of the list for other reasons. If the list was accurate and these individuals were in fact no longer on it, our understanding was that the Department could use the rule of three to promote all the acting sergeants on the list attached to the settlement agreement and that this would then resolve the grievance.

If I recall, you and I had a conversation after this email where you told me that this list was not accurate, but that the Department could "reach" Reding and Maidment under the rule of three, but that it would require some sort of re-certification.

It is my understanding that you and Dave Titus had numerous conversations after that, leading up to the execution of the settlement agreement both in person and on the phone and it was clear that it was the Federation's position that the rule of three had to be

followed in making these promotions. Dave Titus informs me that he also expressed concern to you that the Department was not going to follow the rule of three in making these promotions. It has always been the Federation's position that the rule of three must be followed, here, and in all situations.

Again, we did not see an actual list until recently. According to this list, the rule of three (and therefore Civil Service Rule 8) was violated. Jim Anderson, Eric Skog, Bobby Donahue and Steven Parsons, all of whom rank above Reding and Maidment on the list, were passed over. Dave Mueller does not even appear on the list that we were given, but he has been promoted, and we understand he was never removed from this list.

Please call me to discuss how you would like to proceed.

Very truly yours,

CHRISTOPHER K. WACHTLER