Special Meeting Windemere Township Board - June 25, 2018

Those present : Supervisor Pete Steen, Supervisor John Wesely, Clerk Scott Danelski. Absent : Supervisor Dale Kirkeby and Treasurer, Ron Mossberg.

Global Resolution was discussed. Arbitration between Windemere township, International Union of Operating Engineers, Local # 49, AFL-CIO, and Mike Buetow is scheduled to begin on July 12th, 2018. The Global Resolution reads as follows :

**Global Resolution between**

**Windemere Township,**

**International Union of Operating Engineers, Local No. 49, AFL-CIO, and**

**Mike Buetow**

The following are the entire components of the global resolution between Windemere Township (“Township”), International Union of Operating Engineers, Local No. 49, AFL-CIO (“Union”), and Mike Buetow, collectively the “Parties” related to the following: the Petition for Determination of Appropriate Unit and Certification of Exclusive Representation (“Union Petition”) the Union filed with State of Minnesota, Bureau of Mediation Services (“BMS”) on October 9, 2017; the grievance initiated by the Union by letter, dated November 7, 2017, against the Township regarding “Culvert Replacement Work”; the grievance initiated by the Union by letter, dated November 10, 2017, against the Township regarding “Mike Buetow Health Insurance and Pension”; the grievance initiated by the Union by letter, dated November 10, 2017, against the Township regarding “Failure to Recognize Union as Exclusive Representative;” the grievance initiated by the Union by letter, dated February 12, 2018, against the Township regarding “Performance Improvement Plan and Written Reprimand;” and the grievance initiated by the Union by letter, dated February 13, 2018, against the Township regarding “Wages,” collectively the “Grievances;” and unfair labor practices and related claims made by each party against the other party through correspondence preceding this resolution.

1. The appropriate unit for the Union Petition is as follows:

All employees employed by the Township of Windemere, Minnesota who are public employees within the meaning of Minnesota Statutes, section 179A.03, excluding clerical, supervisory, and confidential employees.

1. Township employees Mike Buetow, Dave Ketchum, and Jon Nystrom are included in the appropriate unit as described in the Union Petition.
2. The Parties agree to a mail ballot election on the Union Petition.
3. Mike Buetow will immediately return to work as Road Maintenance Supervisor.

Page 1

1. The Performance Improvement Plan imposed on Mike Buetow in effect as of the date affixed to the signatures hereto is terminated.
2. The Township letter to Mike Buetow, dated February 8, 2018, alleging violations of the Performance Improvement Plan will be removed from his personnel file upon execution of the Agreement.
3. The Union and Mike Buetow agree to withdraw the Grievances with prejudice upon execution of this Agreement.
4. The Township waives and releases the Union and Mike Buetow from any unfair labor practices and related claims directly arising out of or resulting from acts or occurrences that occur on or before the latest date affixed to the signatures hereto.
5. The Union and Mike Buetow waive and release the Township from any unfair labor practices and related claims directly arising out of or resulting from acts or occurrences that occur on or before the latest date affixed to the signatures hereto

10. The Township will pay the following lump sum payments:

* 1. To Mike Buetow, an amount equivalent to the amount it would have contributed to his health and welfare fund a under the labor contract between the Parties from November 1, 2017 through the latest date affixed to the signatures hereto.
  2. To Mike Buetow’s supplemental pension, an amount equivalent to the amount it would have contributed to his supplemental pension under the labor contract between the Parties from November 1, 2017 through the latest date affixed to the signatures hereto.
  3. To Mike Buetow, an amount equivalent to the difference between the total wages it would have paid him at an hourly rate of $34.77 under the labor contract between the Parties and the total wages it paid him from July 1, 2017 through the latest date affixed to the signatures hereto.

City will pay the payments to Mike Buetow by payroll on the first payroll that is at least 5 calendar days after the latest date affixed to the signatures hereto, subject to any appropriate deductions and withholdings. Township makes no representations to Mike Buetow as to the proper tax treatment of these payments to him.

1. Township will abide by the terms of the existing labor agreement as to Mike Buetow.
2. If the Union is certified by BMS as the exclusive representative of the employees in the appropriate unit after the mail ballot election on the Union Petition, the Union and Township will meet and negotiate regarding terms specific to the employment of the Road Maintenance Worker and incorporate those terms into the existing labor contract.

Page 2

1. This resolution is based on the unique circumstances of this matter, it does not establish any precedent or practice, and it is not nor can it be construed to be an admission of any wrongdoing by or liability of the Township, Union, or Mike Buetow.
2. This resolution constitutes the full and final resolution related to the matters specified or underlying this resolution. No representations, warranties, covenants, or inducements have been made to any party concerning this resolution, other than the representations, covenants, or inducements contained and memorialized in this resolution. The Township will not provide any other remedy related to the matters specified or underlying this resolution.

Windemere Township Representative Date

Operating Engineers, Local Union No. 49 Representative Date

Mike Buetow Date

Motion made by Steen, seconded by Wesely to accept the Global Resolution as listed above. Motion passed, 2 Aye – 0 Nay.

Motion made by Steen, seconded by Wesely to sever services with Windemere township lawyer Brandon Fitzsimmons from Flaherty & Hood, P.A. effective immediately dated 6/25/18. Motion Passed, 2 Aye - 0 Nay.

Motion made by Steen, seconded by Wesely to Adjourn the meeting at 5:37 PM. Motion Passed.

2 Aye / 0 Nay.

RESPECTFULLY SUBMITTED : APPROVED :

Scott Danelski, Clerk Pete Steen, Chairman

Page 3