

IN THE MATTER OF ARBITRATION

OPINION & AWARD

-between-

Grievance Arbitration

**THE MINNESOTA ASSOCIATION
of PROFESSIONAL EMPLOYEES**

Re: Employee Termination

-and-

**THE STATE of MINNESOTA
DEPARTMENT of CORRECTIONS**

**Before: Jay C. Fogelberg
Neutral Arbitrator**

Representation-

For the Employer: Jack McKimm, Sr. Labor Relations Rep.

For the Association: Richard Ransom, Bus. Agent

Statement of Jurisdiction-

The Collective Bargaining Agreement duly executed by the parties, provides in Article 9 for an appeal to binding arbitration of those disputes that remain unresolved after being processed through the initial two steps of the grievance procedure. A formal complaint was submitted by the Association behalf of the Grievant on or about January 11, 2012, and thereafter appealed to binding arbitration when the parties were unable to resolve this matter to their mutual satisfaction. The under-signed was then

mutually selected as the neutral arbitrator by the parties, and a hearing convened on May 9, 2013, in Red Wing, Minnesota. Following receipt of position statements, testimony and supportive documentation, each side expressed a preference for submitting written summations. These were received on June 13, 2013, at which time the hearing was deemed officially closed.

At the commencement of the proceedings, the parties stipulated that this matter was properly before the Arbitrator for resolution based upon its merits, and that the following represents a fair description of the issue.

The Issue-

Was the Grievant terminated for just cause? If not, what shall the appropriate remedy be?

Preliminary Statement of the Facts-

The record developed during the course of the proceedings indicates that the Minnesota Association of Professional Employees (hereafter "Union," "MAPE" or "Association") represents, the Correctional Officers and Correctional Security Caseworkers employed by the State of Minnesota Department of Corrections ("Department," "Employer," or "Administration")

at the correctional facility located in Red Wing, Minnesota. Together, the parties have negotiated a labor agreement covering terms and conditions of employment for members of the bargaining unit (Joint Ex. 1).

The Grievant, Katie Ramstad, worked at the Red Wing correctional facility ("RWCF") for approximately ten years. At the time of her dismissal, she was classified as a Security Caseworker and assigned to the Princeton Cottage. RWCF houses juvenile offenders who are court-committed to the facility as felons, having been convicted of serious crimes. RWCF is obligated to attend to their safety, development, and overall well-being.

In her capacity as a Security Caseworker, Ms. Ramstad was charged with providing assessment, counseling, psycho-educational group work and case management services to assigned residents (Department Ex. 11). Her position description included the following responsibilities:

"Inherent in the responsibilities for all employees of a correctional facility, regardless of classification, is the responsibility for the security of the institution; i.e., all employees are expected to be alert at all times and to report or to intervene immediately according to institution policies and procedures in any behavior or activity which could affect the collective responsibility to protect the public, maintain security and/or control of the institution or provide for the safety of staff, visitors and inmates" (*id.* p. 2).

In April of 2011, Lt. Kurt Streed, the Grievant's immediate supervisor, filed an incident report regarding Ms. Ramstad's "possible abuse of phone

privileges" for some of the residents of the Princeton Cottage. He alleged that on "several occasions" she placed personnel calls for inmates who were not in her assigned group (Employer's Ex. 39). The lieutenant's report triggered an investigation by the Employer conducted by the Department's Special Investigator, Tonja Tidgwell. Ms. Ramstad was placed on investigatory leave on June 6, 2011, and thereafter a number of witnesses were interviewed including the warden at the facility, Correctional Officers who had worked with the Grievant, and other personnel (*id.*) Video tape, computer screen printouts, phone records, and materials found in the Grievant's desk were also examined. According to the Administration, the results of their inquiry led them to believe that the Grievant was guilty of multiple policy violations regarding security and crossing established boundaries with some of the inmates. On September 26, 2011, Ms. Ramstad was notified that she was being terminated, effective that day, for violation of several RWCF policies, *infra* (Department's Ex. 1).

On January 11, 2012, the Association filed a formal grievance with the Department alleging an unjust termination of Ms. Ramstad, and failure to provide her with a "fair and impartial investigation" (Employer's Ex. 2; Union's Ex. 4). Eventually, the matter was appealed to binding arbitration for resolution.

Relevant Contractual & Policy Provisions-

From the Master Agreement:

Article 8
Discipline & Discharge

Section 1. Purpose. Disciplinary action may be imposed only for just cause and shall be corrective where appropriate.

* * *

Section 3. Disciplinary Action. Discipline includes only the following, but not necessarily in this order:

1. Oral Reprimand (not arbitrable)
2. Written Reprimand
3. Suspension, paid or unpaid...
4. Demotion
5. Discharge

From the Department's Policies:

No. 103.220 All department employees, when on and off duty, will conduct themselves in a manner that will not bring discredit or criticism to the department,. Common sense, good judgment, consistency and the department's mission will be the guiding principles for the expected employee standard of conduct...

Procedures:

A. Employees are responsible to know department policy and procedure and act in accordance with it.

* * *

D. Employees, when ordered, must cooperate and provide full disclosure in any department investigations involving employee or offender misconduct.

* * *

H. Employees must comply with all laws of the United States and of any state and local jurisdiction. This includes, but is not limited to:

* * *

5. Restrictions on personal associations between staff and offenders, per Policy 103.223, "Interpersonal Associations between Staff and Offenders."

No. 103.223. Employees...will maintain a professional association with and a personal detachment from offenders at all times. Employees...will not maintain any personal association with current offenders, their family members or with former offenders of any jurisdiction or their family members unless specifically approved. * * * The department will investigate allegations of unauthorized personal associations....involving an offender and an employee.

* * *

Definitions:

* * *

Former Offender – individuals who. After serving their sentence...have been discharged....for less than two years.

Personal Association – includes any interaction with current or former offenders other than as required by departmental work assignments....

* * *

Procedure:

* * *

B. Current Employees

1. Employees who become aware they or a member of their immediate family have a personal association with current or former offenders and/or their families must immediately report it, in writing, to the appointing authority.

2. Employees will not divulge any....personal information to current or former offenders and/or their families regarding themselves or other employees, without the approval of the appointing authority.

3. Giving or accepting gifts, articles, special favors to/from current , former offenders and/or their families is prohibited. Any attempt on the part of any current or former offenders and/or their families to visit, write, or otherwise communicate or send gifts to an employee or the employee's family must be immediately reported, in writing, to the appointing authority.

4. Employees wishing to establish, encourage, or maintain a personal association with current or former offenders and/or their families will submit a written request to the appointing authority.

* * *

d. An employee who fails to report a personal association may be disciplined up to discharge from employment.

* * *

6. Employees will not introduce...food....to or from an offender in a facility. Violating of this provision will be dealt with in accordance with Minn. Stat. § 243.11.

No. 300.010-2RW

* * *

Staff Roles & Responsibilities – staff are expected to be competent in the delivery of program services and dedicated to maintaining a safe and supportive environment that provides offenders with opportunities to grow and develop pro-social attitudes and skills by:

* * *

8) Being supportive and directive in their roles as authority figures with offenders while at the same time establishing appropriate boundaries.

* * *

11) Not sharing personal information or establishing personal relationships with individual offenders.

No. 301.055RW

* * *

B. Supervision of Offenders

* * *

2. Staff will immediately report any concerns or deficiencies to the unit Officer in Charge (OIC) supervisor and/or the watch commander. Staff will submit an Incident Report by the end of the shift.

No. 300.300RW

Purpose: To ensure a prompt, uniform procedure is followed in the reporting of all situations that could adversely impact

facility or department operations or necessitates administrative review.

* * *

Procedure:

A. Incident/Discipline Report

1. Staff, whether directly involved or as witnesses, will complete an Incident/Discipline Report form indicating the type of incident, applicable alleged rule violation numbers and titles, and any action taken....

* * *

3. Staff will submit the completed form to the Watch Center supervisor prior to the end of the staff member's shift.

Positions of the Parties-

The **EMPLOYER** takes the position that their decision to terminate Ms. Ramstad's employment in September of 2011 was entirely proper and justified under the circumstances. In support of their claim, they maintain that the juvenile offenders committed to the RWCF are among the most dangerous young men in the State of Minnesota. Establishing and adhering to appropriate staff/offender relationships is therefore not only essential to the security of the facility, but it's an important part of the rehabilitation process as well. Unfortunately, the Grievant, according to the

Administration, engaged in repeated and serious violations of multiple policies related to associations with offenders by providing them with food, candy and gifts which is not only against published policies, but statutory law as well. Further they assert that Ms. Ramstad was guilty of placing personal phone calls for offenders who were not even assigned to her caseload, thereby allowing them to circumvent the oversight of their own caseworkers. The Grievant maintained friendships with recently-released offenders on Facebook, shared personal information about herself, her family and her coworkers and their families, and spent an unnecessary and inordinate amount of time with one specific inmate behind closed doors. Moreover the Department charges that Ms. Ramstad sent and received cards, letters, and photographs, without disclosing or obtaining approval from the Administration as required by policy. In addition they argue that she made material misrepresentations to management, such as writing to an offender under an assumed name, and then falsely claiming that she had destroyed a letter from a former resident of the facility when in fact she had not. All this, the Employer contends was done in spite of her knowledge of the rules and regulations of the Department. Indeed, they assert that she had been counseled and warned on more than one occasion regarding her neglect of boundaries with inmates and the consequences of crossing that line.

Finally, the Employer urges that the interview process followed was fair, reasonable and not outside the norm for an investigation with a correctional environment such as the one in Red Wing. For all these reasons then, they ask that the grievance be denied in its entirety.

Conversely, the **UNION** takes the position in this matter that Ms. Ramstad's termination was not justified under the circumstances. In support, MAPE asserts that the Grievant has been a ten year employee with a good work record, having routinely received "meets expectations" or higher on her annual reviews. Only once was she ever marked "below expectations" and that was over four years ago. At the time of her dismissal, there was absolutely no discipline in her file. Indeed, the Association points out that she had received a promotion to the highest position of Security Caseworker in 2010, only a year prior to September, 2011 when she was terminated. The promotion takes years of highly graded work to achieve. The Grievant acknowledges that not all the accusations made by the Administration are inaccurate. For example, she made a mistake when she wrote to a former inmate. However, Ms. Ramstad wanted to send him a positive message as he was furloughed at the time and she learned that he had relapsed and was smoking marijuana again. The Grievant wanted to encourage the recipient of the message by sending him a picture taken with Archbishop

Desmond Tutu when he had visited RWFC and the (then) inmate had spoken and welcomed him to the facility. Moreover, she claims to have had permission to do so. With regard to the charge of excessive phone calls allowed by some of the residents in her cabin that were not under her care, the Grievant argues that she was covering for another case worker who was on vacation. Moreover, the vast majority of the additional calls made were to the Probation Officers of the residents in question. The allegation regarding spending too much time with a single resident/inmate is also bogus according to the Association. Had the Employer conducted a more thorough and impartial investigation, they would have learned that it was to inform the resident that he had won a scholarship to become an apprentice as a plumber. While she had befriended two former residents on Facebook, the Association maintains that it was beyond the two year post- release from Red Wing and that she had explained it to Warden Zanders who approved. Moreover, she made certain that she blocked both men from seeing any of her pictures, comments or friends. While the Grievant acknowledges that she gave a resident some food on one occasion, she notes that it happened several years prior to her termination, and did not result in any discipline. In fact, she received her promotion after the incident.

Finally, the Union maintains that the investigation was seriously flawed and that Ms. Ramstad's due process rights severely compromised. It was performed by a former employee of the facility who was close friends with members of the staff who made several negative comments about the Grievant. Ms. Tidgwell had the responsibility to divulge this information to her supervisor, but failed to do so. More importantly, she failed to give the Grievant the opportunity to answer the questions posed to her during the interview. Rather the investigator cut her off repeatedly, asking only for "yes or no" answers. They assert that she never had a real opportunity to tell her side of the story. The process was incomplete as Ms. Tidgwell failed to interview others at the facility who could have offered information favorable to the Grievant. For all these reasons then they ask that the grievance be sustained and that Ms. Ramstad be returned to his former position and made whole.

Analysis of the Evidence-

The near universal rule of arbitral jurisprudence holds that the employer must carry the initial burden of proof whenever the issue is one of discipline. While the quantum of evidence necessary to satisfy this assigned obligation may range from preponderant to the criminal standard of proof

beyond a reasonable doubt, the tendency of arbitrators is to use a heightened measurement, but one that falls between the two extremes, when charges of a serious nature resulting in the employee's termination are involved. In numerous prior decisions I have applied the "clear and convincing" yardstick whenever the claim being made involves more egregious behavior leading to a dismissal of the accused. Such a measurement, it should be noted, is not as stringent as the criminal standard of proof beyond a reasonable doubt, but at the same time requires a somewhat higher degree of proof than the preponderance test to sustain the accusation. The question to be answered in the instant dispute then, can be more precisely framed as being whether or not the Administration has demonstrated justification for their decision to terminate the Grievant's employment via clear and convincing evidence.

The termination letter (Employer's Ex. 1; Association's Ex. 2) cites five DOC policies, *supra*, which they assert Ms. Ramstad violated, all of which demonstrate her "...continued failure to set appropriate boundaries" (*id.*). Consideration of these charges along with the accompanying evidence and arguments demonstrates that some of them have been adequately proven while others have not.

No one disputes the Department's need to establish policies and procedures to protect the security of the Red Wing facility, and for its staff to adhere to the protocol on appropriate behavior and professional boundaries. Similarly, there is no question but that over the years, the Grievant has received extensive training that addressed such subjects as "Crossing the Line," "Betraying Boundaries," and "Personal Safety Awareness" (Employer's Exs. 15-22). Under cross-examination she acknowledged that she had been educated on various topics pertaining to the appropriate boundaries that needed to be maintained at the facility. Moreover, she had been disciplined previously in connection with the same subject matter. In 2006, she was reprimanded for violating Policy #103.223 governing "interpersonal Associations" between staff and offenders (Employer's Ex. 23). At that time she was cautioned about "...maintaining appropriate boundaries and not acting in a fashion that would compromise [her] position," which was described as "a critical function of the job" (*id.*). Two years later she received another formal disciplinary notice for her violation of the same policy and again told that it was "essential in [her] current position to display an appropriate understanding of the appropriate types of information shared with offenders" (Administration's Ex. 24). The reprimand concluded with a warning that her "...failure to abide by the

Department of Corrections Policies and associated guidelines may result in future disciplinary action, *up to and including termination of your employment*" (*id.*, emphasis added).

Having established the need for policies and procedures regarding the maintenance of professional boundaries at the facility, the training Ms. Ramstad received on the subject, along with the additional discipline and cautionary messages from the Administration, the focus then turns to the particular charges that led to her termination.

Some of the violations cited in the termination letter of January 11, 2012, have been established through the acknowledgements of the Grievant herself. In May of 2011, Ms. Ramstad brought personal food into the facility and shared some of it with an offender. Policy 103.223 prohibits just such conduct. Moreover, she had been warned by her supervisor previously not to bring chips and snacks into the facility (testimony of Lt. Streed; Employer's Ex. 29). In the course of the investigation concerning the infraction, the Grievant admitted that it was "stupid" for her to have done so, while pledging not to do it again (Union's Ex. 12; Administration's Ex. 29).

A second violation of the same policy was also established at the hearing concerning Ms. Ramstad's engagement in communications with a former resident who had been released from the facility less than two years

at the time of contact, and her failure to report it to management (Department's Ex. 4). During the course of the investigation she indicated her familiarity with the policy's prohibitions and requirements and at hearing took responsibility for the violation, testifying that "she owned" the mistake. Further evidence supporting the Department's claim that her use of social media to communicate with recently-released offenders is found in the uncontested testimony of Lt. Street who characterized the infraction as "extremely serious." There was also evidence in the record that her actions upset other Correctional Officers and/or Case Workers at Red Wing who expressed concerns that their personal security might have been compromised by the Grievant's conduct (Employer's Ex. 32).

The record also contains testimony and documentation that Ms. Ramstad violated the DOC's policy on interpersonal associations when she received cards, letters, and photographs from offenders or recently-released offenders, and failed to report the communications to the Administration in writing as required. Employer's Exhibit 39 reveals that on June 6, 2011, while the Grievant was on investigatory leave, various cards, letters and photos were retrieved from her desk at the facility from past residents, much of which was quite personal (Department's Ex. 40). One piece of correspondence concludes with the former inmate writing: "I'm going to

wrap this joint up and pass it your way" (*id.*). While Ms. Ramstad claimed to have consistently notified her supervisors in the past, both her supervisor (Streed) and her former supervisor told the investigator that only a single incident of reporting a letter was brought to their attention by the Grievant (Administration Ex. 39).

Additionally, there is ample evidence demonstrating that Ms. Ramstad retained a letter from a recently released offender that she had received in the spring of 2011, after reporting to management that she had disposed of it. DOC 103.220 prohibits an employee of the Agency from misrepresenting facts or information relevant to Department operations (Administration's Ex. 3). The Grievant did file a report disclosing receipt of the letter as required. However, she indicated in the document that she disposed of it pursuant to her supervisor' specific directive, when in fact she did not. Rather, she decided to keep it in marked contrast to the instruction she had received (Union's Ex. 12).

At hearing, the Grievant testified concerning two letters to a recently furloughed resident (who was thereafter re-incarcerated at a different facility) without first obtaining permission from the Administration while using the name "Rosa Ortiz." This was found to be in violation of Policy No. 103.223, *supra*, prohibiting a "personal detachment" from offenders at all

times (Employer's Ex. 4). In the course of her testimony, and in her written rebuttal to the investigator's findings, Ms. Ramstad explained that she was merely attempting to remind the former resident of the "positive things he had done in the community," during his stay at RWCF when he and others were taken off grounds to do volunteer work at "pro-active community events" (Association's Ex. 12). At the same time however, she acknowledged that her actions were contrary to the published policies and that what she did was "wrong."

Not all of the allegations leveled at the Grievant however, have been demonstrated via the clear and convincing evidentiary standard applied here. The charge that she placed unauthorized phone calls for residents not assigned to her is one of them. The Employer maintains that Ms. Ramstad placed calls for some residents who were the responsibility of other Case Workers which "crossed the line" of inappropriate relationships with residents and constituted favoritism (Employer's Ex. 18). MAPE counters that had there been a thorough and objective investigation, the Administration would have learned that much of what the Grievant was accused of in this particular instance was due to the absence of other Case Workers who were on vacation, lunch breaks, etc. Further, Ms. Ramstad offered that most of the calls were made to the residents' Probation Officers which are not limited

and can be made at the availability of staff members. This piece of her defense was not significantly challenged.

The Union also spent considerable time labeling the approach taken by the Employer's Chief Investigator, Tonja Tidgwell as less than objective, and often intimidating. While not altogether demonstrated (she has preformed over one hundred investigations for the Employer) I nevertheless find some credence in their argument. Listening to the recording of those interviews – particularly with Ms. Ramstad and her representative – there are times when the line between investigation and interrogation were blurred (MAPE Ex. 16). At the hearing Tidgwell testified that at all times, she was “professional” in her approach to Ms. Ramstad. The recording however, does not bear this out. Moreover, it was revealed that she had worked with the Grievant at the RWCF for six years prior to becoming an investigator, and had social ties to some members of the staff there that had brought their “concerns” to the Administration in the first instance regarding Ms. Ramstad's alleged boundary issues. A fair and impartial investigation is an integral element of due process in connection with most any disciplinary

action. Though not dispositive, it is nevertheless a mitigating factor when evaluating the reasonableness of the penalty administered here.¹

Neither has the testimony of the Department's first three witnesses been given any significant weight. To a large extent the assertions of both Sergeants Kyle Prall and Stan Marks were based upon incomplete information, personal "feelings" toward the Grievant and suppositions – none of which constitute reliable evidence to support the Department's decision. Additionally, Officer Fehrman's characterization of a comment attributed to the Grievant made in front of some of the offenders regarding a pair of short shorts which "struck [him] as being funny" or announcing the gender of a baby born to another staff member, is of little probative value.²

Additionally, when evaluating the propriety of any penalty administered against an employee, their work record is almost always taken into account. See: Fairweather, *Practice and Procedure in Labor Arbitration*, 2nd Edition, p.301-302; Hill and Sinicroppi, *Evidence in Arbitration*, p. 34, BNA 1980; Elkouri and Elkouri, *How Arbitration Works* p 983, BNA 6th Ed.; Brand,

¹ As the Employer has noted however, the investigatory process notwithstanding, the mistakes acknowledged by the Grievant in reference to some of the charges leveled against her, along with the information found in her desk, her prior disciplinary record, and the testimony of Supervisor Lt. Streed, constitute substantial evidence justifying the imposition of discipline in this instance.

² The evidence shows that Ms. Ramstad had received permission from the new mother to make the announcement.

Discipline and Discharge in Arbitration, BNA 2nd Ed. p. 498. The theory consistently has been applied that a particular offense may be mitigated by a good work record or, conversely, aggravated by a poor one. Either way, an employee's past record is normally a major factor in the determination of the proper penalty for any offense. Here, the record demonstrates that Ms. Ramstad had been an employee with over ten years of service at the time of her discharge from the DOC. Although she has been the recipient of two formal disciplinary notices in that time, as previously addressed, it is also noteworthy that she has been promoted on a number of occasions and that her assignment/position at the time of her termination was the highest attainable in her classification. There is no dispute but that she took a keen interest in those offenders in her charge. The Grievant's zeal for her job however, often caused her to cross the boundaries established by the Administration.

The two most recent evaluations placed into evidence by the Employer are also illuminating. In 2008 she received consistently satisfactory marks concerning her job performance. While offering a note of caution to the Grievant to maintain "a professional distance" from the resident offenders, her supervisor also observed that she was a ".....good employee," who brought ".....some real qualities to the staffing team in her cottage...."

(Employer's Ex. 12). In 2010, she was again rated "satisfactory" for her overall performance. Further, at that time her evaluator noted that she had been demonstrating, "...a better understanding of appropriateness of professional boundaries over the past review period," though at the same time cautioning that, "...this area will need constant attention..." (Employer's Ex. 13).

Two other elements have been factored into the decision reached here. First, the Union repeatedly claimed that Ms. Ramstad received assurances from a former Case Worker, Jeff Swiggum, that much of her conduct was either acceptable or nothing to be concerned about and that others had acted similarly without consequence. However, he was not called as a witness to verify the proffered defense. Rather, the Union submitted a brief affidavit from him as a means of proof (MAPE Exhibit 10). Such documents however, cannot be given any significant weight as there is no opportunity for the opposing side to question the author.

Finally, the allegation brought forward by Sgt. Prall has been evaluated, concerning an "uncomfortable" feeling he had after observing the Grievant in conversation with a resident at a picnic table and spending time with him behind a closed door with no other case worker present (Administration's Ex. 30). Though cited by the Employer as support for their

decision to dismiss the Grievant, a closer examination of the evidence reveals that the accuser had “no idea” what the conversation between Ms. Ramstad and the resident was about (testimony of Sgt. Prall). A more thorough investigation would have revealed that the interaction between the Grievant and the resident involved her efforts with the paperwork necessary to have him become an apprentice plumber after he was about to be moved out of the RWCF and into a transition unit. The youth had demonstrated some ability in this area while participating in the work program, and the Grievant was attempting to get him into the program full time after he left Red Wing (uncontested testimony of Ms. Ramstad; Union's Ex. 12). Thus, rather than engaging in any inappropriate behavior as intimated by the Employer's witness, these facts demonstrate that the Grievant was attempting to assist a resident who was about to re-enter society, with his future.

Award-

The foregoing analysis demonstrates that the Employer has met their evidentiary obligation by adequately demonstrating inappropriate and certain repeated misconduct on the part of the Grievant relative to maintaining specified boundaries with residents at the facility while in the

performance of her duties as a Case Worker. As a consequence, the imposition of discipline is justified. At the same time however, a number of other charges relied upon by the Administration as support for their decision have not met the clear and convincing standard applied here. Evidence has been presented that mitigates against the most severe of industrial penalties; i.e. her overall favorable work record, and her obvious passion for her job. It has further been demonstrated that previously she has made the necessary corrections when confronted and reprimanded, albeit for a limited period of time, indicating that heightened progressive discipline may allow an experienced and otherwise valued employee to continue her career with the Department.

For the reasons set forth above, therefore, the Grievant's termination is hereby reduced to a six month suspension without back pay or related benefits. Accordingly, Ms. Ramstad is to be forthwith returned to her former position as a Case Worker at RWCF retroactive to April 1, 2013, and to be made whole for the time away from her job that has transpired in the interim. The Employer's financial obligation in this regard however, is to be offset by any earnings the Grievant has received between April 1st and her reinstatement. During the course of her testimony, she allowed that if returned to work, she would become the "queen of the rules" established by

management at the facility. Such a proclamation is laudable, but needs to be demonstrated consistently going forward. Failing that, the Employer may well be justified in taking further corrective action.

I will retain jurisdiction in this matter for the singular purpose of resolving any issues that may arise in connection with the implementation of the remedy ordered.

Respectfully submitted this 19th day of July, 2013.

/s/Jay C. Fogelberg, Neutral Arbitrator