

SUPREME COURT OF CONNECTICUT

Town of Stratford v. American Federation of State, County and Municipal Employees, Council 15, Local 407, 315 Conn. 337

106 A.3d 973 (2014) · No. SC 19130 · Decided December 23, 2014

SUMMARY

The Connecticut Supreme Court considered whether an arbitration award reinstating a Stratford police officer who had lied during an independent medical examination violated a clearly discernible public policy against intentional dishonesty by police officers. The court recognized such a public policy but held that the officer's misconduct was not sufficiently egregious to require termination, given the substantial suspension and other conditions imposed by the arbitration panel. The court reversed the Appellate Court and directed that the trial court's judgment upholding the arbitration award be affirmed.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Rogers, C. J.; Palmer, J.; Zarella, J.; Eveleigh, J.; Espinosa, J.
JURISDICTION	Connecticut
DECIDED	December 23, 2014
DOCKET	SC 19130
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Certified appeal from the Appellate Court's reversal of a trial court judgment denying the Town of Stratford's application to vacate an arbitration award reinstating a terminated police officer.
STANDARD OF REVIEW	A colorable public-policy challenge to a consensual arbitration award receives de novo review to determine whether enforcement of the award violates public policy, with appropriate deference to the arbitrator's factual conclusions and interpretation of the agreement. The court applies a two-pronged test: whether an explicit, well-defined, and dominant public policy exists, and, if so, whether the award violates that policy.
PRECEDENTIAL VALUE	Published Connecticut Supreme Court opinion; precedential

PARTIES

American Federation of State, County and Municipal Employees,
Council 15, Local 407 v. Town of Stratford

TOPICS

employment arbitration remedies employment law municipal law

PRACTICE AREAS

employment law municipal law labor arbitration remedies

QUESTIONS PRESENTED

1. Whether Connecticut recognizes an explicit, well-defined, and dominant public policy against intentional dishonesty by police officers in connection with their employment.
2. Whether an arbitration award reinstating a police officer who intentionally lied during an independent medical examination violated that public policy by imposing less than termination.
3. What standard of review applies to a public-policy challenge to a consensual arbitration award.

HOLDINGS

1. Connecticut has a public policy against intentional dishonesty by police officers in connection with their employment because integrity and trustworthiness are integral to the performance of official law-enforcement duties.
2. The arbitration award did not violate public policy because Loschiavo's dishonesty, although serious, was not so egregious that public policy required termination.
3. When a consensual arbitration award is challenged on a legitimate, colorable public-policy ground, the court conducts de novo review of whether enforcement would violate public policy while deferring appropriately to the arbitrator's factual conclusions and interpretation of the agreement.

KEY QUOTATIONS

“When a challenge to the arbitrator’s authority is made on public policy grounds, however, the court is not concerned with the correctness of the arbitrator’s decision but with the lawfulness of enforcing the award.”
(315 Conn. at 342-43)

“Accordingly, we conclude that there is a public policy against the employment of law enforcement personnel who have engaged in intentional dishonesty that directly pertains to their qualification and ability to perform official duties.” (315 Conn. at 346-47)

“Requiring termination under the facts of the present case would unnecessarily expand the “stringent and narrow confines of [the] exception” to confirming an arbitration award and “swallow the rule” granting deference to arbitration awards.” (315 Conn. at 352-53)

FACTUAL BACKGROUND

Justin Loschiavo, a Stratford probationary police officer with latent epilepsy, suffered a seizure while driving a police vehicle. During an independent medical examination, he failed to disclose two prior seizures and alcohol use. Although the neurologist learned of the omitted information and determined that Loschiavo presented no greater risk than at hiring, Stratford terminated him for violating department policy by lying during the examination. An arbitration panel found termination excessive and ordered reinstatement after nine months without back pay, with possible future medical examinations.

PROCEDURAL HISTORY

Loschiavo was terminated by the Town of Stratford for lying during an independent medical examination. The union pursued a grievance under the collective bargaining agreement, and an arbitration panel ordered reinstatement after a nine-month suspension without back pay and with possible future medical examinations. The trial court denied Stratford's application to vacate the award. The Appellate Court reversed and directed the trial court to vacate the award. The Connecticut Supreme Court granted certification, reversed the Appellate Court, and remanded with direction to affirm the trial court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment of the Appellate Court and remand the case to that court with direction to affirm the judgment of the trial court denying Stratford's application to vacate the arbitration award.

CASES CITED

- Stratford v. AFSCME, Council 15, Local 407, 140 Conn. App. 587, 60 A.3d 288 (2013)
- Stratford v. AFSCME, Council 15, Local 407, 308 Conn. 922, 94 A.3d 639 (2013)
- State v. AFSCME, Council 4, Local 391, 309 Conn. 519, 69 A.3d 927 (2013)
- MedValUSA Health Programs, Inc. v. MemberWorks, Inc., 273 Conn. 634, 657, 872 A.2d 423, cert. denied sub nom. Vertrue, Inc. v. MedValUSA Health Programs, Inc., 546 U.S. 960, 126 S. Ct. 479, 163 L. Ed. 2d 363 (2005)
- State v. New England Health Care Employees Union, District 1199, AFL-CIO, 271 Conn. 127, 855 A.2d 964 (2004)
- United Paperworkers International Union, AFL-CIO v. Misco, Inc., 484 U.S. 29, 41, 108 S. Ct. 364, 98 L. Ed. 2d 286 (1987)
- Brady v. Maryland, 373 U.S. 83, 87-88, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963)
- Bloomfield v. United Electrical Radio & Machine Workers of America/Connecticut Independent Police Union, Local No. 14, 50 Conn. Supp. 180, 916 A.2d 882 (2006), rev'd on other grounds, 285 Conn. 278, 939 A.2d 561 (2008)
- International Brotherhood of Police Officers, Local No. 328 v. Windsor, 40 Conn. Supp. 145, 483 A.2d 626 (1984)

- *Weaver v. McKnight*, 313 Conn. 393, 427, 97 A.3d 920 (2014)
- *State v. Public Safety Employees Assn.*, 257 P.3d 151, 153, 166 (Alaska 2011)
- *Washington County Police Officers' Assn. v. Washington County*, 335 Or. 198, 200, 63 P.3d 1167 (2003)
- *Kitsap County Deputy Sheriff's Guild v. Kitsap County*, 167 Wn. 2d 428, 432-33, 440, 219 P.3d 675 (2009)

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