

**Labor & Employment Legal Services Proposal
for the City of Crosslake**

Madden Galanter Hansen, LLP
7760 France Avenue South, Suite 290
Bloomington, Minnesota 55435
Telephone: (763) 545-2525

Contact: Susan K. Hansen
Email: Shansen@mgh-lawfirm.com

Submitted: February 21, 2023

**PROPOSAL TO PROVIDE
LABOR & EMPLOYMENT LEGAL SERVICES
FOR THE CITY OF CROSSLAKE**

Firm Background

Since the early 1980s, the firm of Madden Galanter Hansen, LLP (f/k/a Frank Madden and Associates) has had extensive experience representing public sector employers in labor relations and employment law matters. The law firm is located in Bloomington, Minnesota at 7760 France Avenue South, Suite 290. All attorneys practice solely in the areas of labor and employment law, with primary focus on representing employers in the public sector.

Our experience enables us to achieve results for employers in an efficient and cost effective manner. The firm's clients include cities and counties throughout the State of Minnesota, municipal utilities, municipal hospitals, joint powers organizations, public hospitals, Metropolitan Council, and other public sector entities.

Our firm consists of three attorneys including partner Susan Hansen and Attorneys Margaret Penland and Molly Fischl. All attorneys perform in the areas of specialty as noted above and their resumes are attached which note length of employment, qualifications and training.

Firm Experience

Most of our public sector clients have been represented by our firm for a number of years on labor and employment law matters. Some of them request regular assistance and advice and others contact us for advice and representation on an as-needed intermittent basis.

From our firm's standpoint, the critical issues relating to effective representation include providing sound and effective advice and services on a cost-effective basis in a timely manner. Our firm is strongly committed to performing work within requested time periods and believes that it is fully qualified as one of the leading firms in the State of Minnesota in labor relations, personnel matters, labor and employment law work.

The firm represents a number of counties including Benton, Brown, Blue Earth, Carver, Crow Wing, Dakota, Dodge, Faribault, Goodhue, Houston, Hubbard, Isanti, Lac qui Parle, Lyon, Meeker, Mille Lacs, Nicollet, Olmsted, Pipestone, Ramsey, Stevens, St. Louis, Stevens, Scott, Steele, Swift, Todd, Washington, Wabasha and Waseca.

The firm also represents a large number of municipalities including the cities of Aitkin, Baxter, Blaine, Bloomington, Cambridge, Chaska, Fairmont, Corcoran, Crystal, Duluth, Eagle Lake, Forest Lake, Fridley, Grand Rapids, Hutchinson, International Falls, Inver Grove Heights, Jackson, Kasson, Lake Crystal, Le Sueur, Mankato, Maplewood, Marshall, Minnetonka, Mound, New Hope, North Branch, North Mankato, Paynesville, Ramsey, Rice Lake, Rochester, Rogers, St. Bonifacius, St. Peter, Stillwater, Two Harbors, Wayzata and Zumbrota.

We also represent Hennepin Healthcare Services (a/k/a Hennepin County Medical Center), the Metropolitan Council and joint powers organizations such as Minnesota Prairie County Alliance, Arrowhead Regional Corrections and Ramsey and Washington Recycling and Energy Board. We represent public utilities including Blue Earth Light and Water, Hutchinson Utilities and Madelia Light and Power.

The firm handles a variety of labor negotiation services for its public sector employer clients, including serving as chief spokesperson at the table on behalf of our clients in collective bargaining. Many of the counties and cities in which we serve as the chief negotiator and labor relations advisor have multiple bargaining units consisting of both essential and non-essential employees. We are experienced in negotiating AFSCME, Teamsters, MNPEA and Law Enforcement Labor Services, Inc. We believe we have demonstrated, through our past representation of clients, our skill, knowledge, and capacity to represent the City of Cross Lake in negotiations, grievance and interest arbitration, administrative matters before the Bureau of Mediation Services and PERB and personnel and labor relations matters. In addition, the professional references listed herein can attest to our skill in these areas.

The negotiation services we provide for clients include providing advice regarding strategy, legal issues and the implications and potential impact of various proposals and counterproposals. We also assist clients in the preparation of bargaining proposals, advise clients on economic and labor relations trends, meet and negotiate with a wide variety of public sector unions as the chief spokesperson at the table and represent clients in mediation of labor contracts with the State Bureau of Mediation Services.

Our philosophy in contract negotiations is to maximize results for our clients, present our clients' proposals, positions and interests in a positive manner and achieve an acceptable negotiated agreement in a manner that minimizes conflict to the extent possible within the timeframes established by the client. We are cognizant of the impact that adversarial approaches can have on employee relations and the long-term relationship between the employer and the exclusive representatives of employees. It is our experience that results can be achieved for our clients in collective bargaining and other labor relations matters without negatively impacting working relationships that exist outside of the negotiation process.

Our approach in grievance arbitration is to carefully research the arbitration panel in preparation for the selection of the arbitrator, gather extensive background information and thoroughly prepare for the arbitration hearing so that we have complete knowledge of the facts and issues in dispute. Our success in grievance arbitration has been achieved through a knowledge of all the facts, development of a theory and theme for the case, thorough preparation of witnesses for direct and potential cross-examination, and presentation of the case in an understandable manner consistent with the theme. We prepare detailed post-hearing briefs which expand upon the employer's arguments from the hearing and carefully examine and rebut the arguments presented by the union.

We have been successful in representing employers in grievance arbitration, interest arbitration and other administrative hearing cases, including veterans' preference cases. Some recent examples of matters we have been successful in include the following:

- Law Enforcement Labor Services Local (LELS) #288 and St. Louis County, BMS Case No. 23-PA-0123 (Beens 2022)
- American Federation of State, County, and Municipal Employees Council 65 and Carver County, BMS Case No. 21-PN-2145 (Befort 2022)
- Amalgamated Transit Union, Local 638 and Metro Bus – St. Cloud Metropolitan Transit, BMS Case No. 22-PA-1351 (Jacobs 2022)
- American Federation of State County and Municipal Employees, AFSCME, Local 707 and Ramsey County, BMS Case No. 22-PA-0561 (Jacobs 2022)
- Carver County and Teamsters, Local 320, BMS Case No. 21-PA-0413 (Altman, 2022)
- Metropolitan Council Metro Transit Division and Amalgamated Transit Union, Local 1005, BMS Case No. 21-PA-0359 (Malamud 2021)
- Metropolitan Council Metro Transit Division and Amalgamated Transit Union, Local 1005, BMS Case No. 21-PA-1258 (Beens 2021)
- Washington County and Law Enforcement Labor Services, Local 915, BMS Case No. 21-PN-2015 (Beens 2021)
- Washington County and Law Enforcement Labor Services, BMS Case No. 21-PN-1408 (Miller 2021)
- Saint Paul Police Federation and City of Saint Paul, Minnesota, BMS Case. No. [none listed] (Befort 2020)
- Saint Paul Police Federation and City of Saint Paul, Minnesota, BMS Case. No. [none listed] (Bognanno 2020)

Attorney Qualifications

Susan Hansen received her B.A. from Drake University and her J.D. from Drake University. She was admitted to the Minnesota Bar Association in 1996 and she has been an attorney with the firm since 1996. Susan is the managing partner of Madden Galanter Hansen, LLP. She provides advice to public employers in all areas of public sector labor and employment law. She negotiates collective bargaining agreements on behalf of cities, counties, public utilities and joint powers organization. In addition, she represents public employers in grievance arbitration hearings, interest arbitration hearings, veterans' preference hearings, Office of Administrative Hearings matters, unit clarification hearings, and appellate proceedings. She regularly provides legal advice to clients including interpretation and compliance with various statutes, the interpretation of collective bargaining agreements and personnel policies, grievance handling, effective discipline procedures, requirements of the FMLA, and state statutory leaves, analysis of disability issues and advice regarding the ADA interactive process and accommodation, and compliance with the Minnesota Government Data Practices Act and Open Meeting Law. She presents training on employment law matters including effective supervision and performance management.

Margaret Penland received her B.A. from Drake University in 2013 and her J.D. from University of Minnesota Law School in 2016. She was admitted to the Minnesota Bar Association in 2016 and she has been an attorney with the firm since 2017. Maggie represents public employers in employment law and labor relations matters. She advises public employers on various employment law matters under state and federal laws including matters involving the Family and Medical Leave Act, Americans with Disabilities Act, Fair Labor Standards Act, and the Minnesota Government Data Practices Act. She assists in advising employers on contract administration and

grievance handling, pay equity compliance, statutory developments and issues arising under state and federal laws relating to employment and labor relations. She assists in representation of public employers in grievance arbitration and interest arbitration hearings and provides extensive research and drafting of post-hearing briefs. She also assists in district court matters and appeals to the Minnesota Court of Appeals on matters arising under PELRA, the Veterans Preference Act and other labor and employment laws. She conducts and reviews investigations of harassment claims, as well as investigations of alleged employee misconduct.

Molly Fischl received her B.A. from Michigan State University in 2018 and her J.D. from University of Minnesota Law School in 2021. She was admitted to the Minnesota Bar Association in 2021 and she joined the firm in August 2021. Molly Fischl represents public employers in employment law and labor relations matters. She researches a variety of employment and labor law matters involving the Americans with Disabilities Act and other federal discrimination laws, the Fair Labor Standards Act, and the Minnesota Government Data Practices Act. She advises public employers on legal developments in connection with COVID-19. She creates comprehensive exhibits in preparation for grievance arbitration and interest arbitration hearings and assists in the research and development of post-hearing briefs.

Erin McCain is the firm's administrative and legal assistant, and she coordinates scheduling, assists with preparing exhibits for hearings, and provides clerical support for the firm's attorneys.

Experience

Susan Hansen would serve as the primary attorney assigned to provide labor negotiations and employment law services to the City of Crosslake. Attorney Margaret Penland would be assigned to provide backup labor and employment law services.

Susan Hansen and Maggie Penland handle a variety of matters for the firm's public sector clients, including the following:

- Advising, assisting and serving as chief spokesperson on behalf of our clients in collective bargaining and mediation;
 - Consulting with clients regarding negotiations proposals and strategy
 - Serve as the chief spokesperson in collective bargaining on behalf of our clients
 - Meet with the governing body in closed session as provided under Minnesota's Open Meeting Law to discuss and define objectives and parameters
 - Prepare or review bargaining proposals
 - Meet with the management negotiation team in advance of bargaining sessions to review proposals and be fully prepared for each bargaining session
 - Provide advice regarding negotiation strategy
 - Draft contract language
 - Advise on economic and labor relations trends
 - Advise on current arbitration awards that may impact negotiations
 - Meet and negotiate with a wide variety of public sector unions including AFSCME Councils 65 and 5, Teamsters Locals 320 and 346, Minnesota Public Employees

- Association (MNPEA), Law Enforcement Labor Services, Inc. (LELS), International Union of Operating Engineers Locals 49 and 70, International Brotherhood of Electrical Workers (IBEW) and International Association of Firefighters (IAFF), as well as a variety of local associations
- Represent in mediation of labor contracts with the Minnesota Bureau of Mediation Services
- Advising and representing employers in interest arbitration proceedings;
 - Assist in formulation and preparation of final positions
 - Representation of employers in interest arbitration hearing, including researching the panel of arbitrators and selection of the arbitrator
 - Collect and analyze extensive background information and prepare for the interest arbitration hearing including developing the theme and strategy of the case, preparation of narrative information and exhibits, and meet with the employer's witnesses, if any, in preparation for their direct and cross-examination at the hearing
 - Preparation of post-hearing briefs
- Advising and representing employers in grievance arbitration proceedings;
 - Provide consultation in the processing of grievances through the grievance procedure of the collective bargaining agreement, including, as requested, attend grievance meetings, prepare draft grievance responses or review draft responses prepared by the employer, and advise regarding defenses and strategy
 - Representation of employers in grievance arbitration hearings, including researching the panel of arbitrators, selection of the arbitrator, developing the theme and case strategy, gather relevant facts and documentation, meet with the employer's witnesses in preparation for their direct and cross-examination at the hearing, research arbitration precedent on similar issues, research arbitration decisions by the arbitrator selected to hear the case, prepare for cross-examination of the union's witnesses, and prepare post-hearing arbitration brief following the hearing
 - Representation in veterans' preference hearings before a tripartite panel or before an administrative law judge at the Office of Administrative Hearings
- Advising and representing employers in unit determination and unit clarification hearings before the Minnesota Bureau of Mediation Services;
 - Provide advice on appropriate employee inclusions and exclusions in unit determination cases for new bargaining units based on community of interest and status of employees as supervisory, confidential and essential

- Prepare proposed stipulations and petitions for description of appropriate unit for submission to the Bureau of Mediation Services
- Represent employers in the unit determination and unit clarification hearings
- Handling appeals before the Minnesota Court of Appeals on matters of employment and labor law;
- Representing employers in unfair labor practice charges before PERB and in district court, including but not limited to claims related to allegations of failure to bargain, hiring part-time non-union employees to perform bargaining unit work, changes in terms and conditions of employment and issues arising during a strike;
- Attending governing body meetings as required.

Susan Hansen and Maggie Penland regularly provide consultation and advice to public sector employer clients on the administration and interpretation of collective bargaining agreements, federal and state statutory requirements, administrative decisions and case law, and other legal requirements pertaining to labor law, employment law and personnel matters, including

- Administration of labor contracts and personnel policies
- Discipline and discharge, and constitutional due process requirements
- Personnel matters including hiring and training
- Minnesota Government Data Practices Act
- Fair Labor Standards Act
- Family and Medical Leave Act
- Americans With Disabilities Act
- Families First Coronavirus Response Act
- Discrimination under state and federal laws including EEOC and MDHRA
- The requirements of the Workers' Compensation Act and its interplay with the FMLA, ADA and other workplace issues
- Minnesota Open Meeting Law
- Investigations of alleged employee misconduct.
- Supervisory training on performance management and progressive disciplinary action
- Audit and revisions of personnel policies

Susan Hansen and Maggie Penland regularly provide verbal opinions on personnel and labor relations matters, including the areas of hiring, discipline and discharge. We provide written opinions in these areas and on other legal matters upon request and within the timeline established by the client.

References

The contact information for references is set forth below:

Kerie Anderka
Employee Relations Division Director
604 East Fourth Street
Chaska, MN 55318
Office: 952-361-1570
Email: kanderka@co.carver.mn.us

Andy Benish
Employee Relations Director Dakota County
1590 West Highway 55
Hastings, MN 55033
Office: 651-438-4382
Email: andrew.benish@co.dakota.mn.us

Colleen Effinger
Human Resources Manager St Louis County
100 North Fifth Avenue W.
Duluth, MN 55802
Office: 218-725-5063
Email: effingerc@stlouiscountymn.gov

Bradley Chapulis
City Administrator, City of Baxter
13190 Memorywood Drive
Baxter, MN 56425
Office: 218-454-51058
Email: BChapulis@baxtermn.gov

Mike Sable
Assistant City Manager, City of Bloomington
1800 West Old Shakopee Road
Bloomington, MN 55431
Office: 952-563-4898
Email: msable@bloomingtonMN.gov

Clients/Conflicts of Interest

We have not identified any clients whose current or past representation conflict with our ability to provide legal services to the City of Cross Lake. We do not currently represent any members of the Cross Lake City Council.

When our firm identifies an actual or potential conflict of interest between current clients, we notify both clients of the conflict, the consequences of such simultaneous representation, and explain the circumstances under which we would be willing to represent both parties simultaneously if, after full consideration of the consequences, both clients wish us to do so. If the clients, after full consideration, wish to continue to be represented by our firm, we provide the

clients with a Waiver of Conflict to be signed by both parties. The Waiver of Conflict also informs the parties that our firm may withdraw its representation of either client or both clients without prejudice should it determine that continued representation might violate applicable rules of professional conduct. If the clients do not agree to waive the conflict of interest, we would not continue representation of the client.

Fees

We are proposing a fee of \$210.00 per hour for labor relations and employment law services for 2023. We are proposing a fee of \$220.00 per hour for representation in grievance arbitration, interest arbitration and other administrative hearings for 2023. We are proposing a fee of \$230.00 per hour for representation in litigation and appellate cases if requested in 2023.

In addition to our hourly fees, we propose reimbursement of photocopy costs at \$0.15 per copy. We will scan documents and forward them via e-mail and receive documents via e-mail when possible to help minimize costs for photocopies. We also propose reimbursement of out-of-pocket costs including any parking fees and mileage at the IRS rate.

We bill for time spent in tenths of an hour, with a minimum billing increment of 6 minutes for all services and provide a detailed description of the services performed. We submit invoices for our services on a monthly basis.

Conclusion

It has been an honor to represent the City of Crosslake in the past and we would be privileged to have the opportunity to continue to represent the City.

Respectfully submitted,



Susan K. Hansen

SKH: elm
Enclosures

SUSAN K. HANSEN

MADDEN GALANTER HANSEN, LLP
7760 France Avenue S, #290
Bloomington, Minnesota 55435
(763) 545-2525

EDUCATION:

Drake University Law School	J.D. (with Honors)
Drake University	B.A. (with Honors)

LABOR RELATIONS AND EMPLOYMENT EXPERIENCE:

Madden Galanter Hansen, LLP, Attorney at Law - 1996-present.

Engaged in the practice of law with emphasis in the area of public employer representation in labor and employment law matters, including grievance arbitration, interest arbitration and unit determination proceedings. Represent employers in district court and appellate proceedings related to unfair labor practices and motion practice related to arbitration. Chief spokesperson in collective bargaining and review collective bargaining proposals. Advise public employers on variety of matters, including contract administration, personnel practices, discipline, due process, discrimination claims, Fair Labor Standards Act, Data Practices Act, Family and Medical Leave Act, American with Disability Act and other issues and legal developments. Present training on supervisory best practices, labor relations and employment law matters.

RELATED EXPERIENCE:

Frequent speaker at various labor relations seminars, including Annual Minnesota Continuing Legal Education on Public Sector Labor and Employment Law, Employment Law Institute and Minnesota Public Employment Labor Relations Association.

PUBLICATIONS:

Janus V. AFSCME and the Impact on Minnesota Public Sector Labor Relations, Minnesota Continuing Legal Education, 2018.

"She Said What?" "He Posted That?!" Political Speech in the Public Sector, Minnesota Continuing Legal Education, 2017.

Working with Requests for Accommodation- Religious and Disability, Minnesota Continuing Legal Education, 2016.

The New ADA Amendments, Minnesota Continuing Legal Education, 2009.

Data Practices Act and the Open Meeting Law, Minnesota Public Employers Labor Relations Association, 2002, 9 pp.

Extensive research for the following publications:

Madden, *Emerging Issues and Concerns Regarding Peace Officer Misconduct*, Minnesota Institute of Legal Education, 1996, 37 pp.

Galanter, *An Overview of the Minnesota Open Meeting Law*, Minnesota State Bar Association, Continuing Legal Education, 1996, 16 pp.

Madden, *Multiple Forums, Arbitrability and Judicial Review of Arbitration Awards*, Minnesota Institute of Legal Education, 1997, 16 pp.

Madden, *Advocacy and Ethics in the Arbitration Process*, Minnesota Institute of Legal Education, 1998, 20 pp.

Madden, *Arbitration and Privacy Issues*, Minnesota Institute of Legal Education, 1999, 16 pp.

Madden, *The Arbitration of Discharge Cases*, Minnesota Institute of Legal Education, 2000, 24 pp.

Madden, *Anatomy of Minnesota Strikes: A Legal and Practical Analysis*, Minnesota Institute of Legal Education, 2001, 30 pp.

Galanter, *Labor Issues and Considerations: The Impact of the National Labor Relations Act and Collective Bargaining Agreements on Reductions in Force*, Minnesota Institute of Legal Education, 2002, 16 pp.

MARGARET L. PENLAND

MADDEN GALANTER HANSEN, LLP
7760 France Avenue S, #290
Bloomington, Minnesota 55435
(763) 545-2525

EDUCATION:

University of Minnesota Law School	J.D. (with Honors)
Drake University	B.A. (with Honors)

LABOR RELATIONS AND EMPLOYMENT EXPERIENCE:

Madden Galanter Hansen, LLP, Attorney at Law – May 2017-present.

Engaged in the practice of law with emphasis in the area of public employer representation in labor and employment law matters. Represent employers in grievance arbitration hearings, veterans preference hearings, and contested case hearings before the Office of Administrative hearings. Advise employers on a range of matters, including personnel practices, contract administration, grievance processing, discipline and discharge, discrimination claims, Fair Labor Standards Act, Minnesota Government Data Practices Act, Family and Medical Leave Act, and legal developments. Conduct employment investigations of harassment and employee misconduct claims.

RELATED EXPERIENCE:

The Honorable Ronald L. Abrams, Law Clerk, May 2016-May 2017

Research and draft orders on a variety of civil issues including contracts, employment, civil procedure, torts, and real property. Edit and verify citations for criminal orders regarding motions to suppress evidence. Communicate with pro se parties and counsel regarding case management and procedural requirements. Assist the judge during courtroom proceedings.

Hennepin County Attorney's Office

Civil Division Law Clerk: Employment Team, June 2015 – May 2016
Child Protection Division Law Clerk, June 2014 – June 2015

Researched legal issues and wrote legal memoranda relating to child protection, labor, and employment law, including the ADA, FMLA, and Title VII. Drafted and edited affidavits, motions, briefs, and proposed orders to be filed in court. Represented the County Attorney's Office in misdemeanor cases (COAT Calendar) and child protection hearings.

PUBLICATIONS:

A Constitutional Paradox: Prisoner "Consent" to Sexual Abuse in Prison Under the 8th Amendment, 33 LAW & INEQ. 507 (Summer 2015).

Co-author, *Asylum's Interpretive Impasse: International Human Rights Law Arguments in Support of Domestic Violence-Based and Child Asylum Claims*, MINN. J. INT'L L. (vol. 26, December 2016).

MOLLY M. FISCHL
MADDEN GALANTER HANSEN, LLP
7760 France Avenue S, #290
Bloomington, Minnesota 55435

EDUCATION:

University of Minnesota Law School	J.D.
Michigan State University	B.A. (with High Honors)

LABOR RELATIONS AND EMPLOYMENT EXPERIENCE:

Madden Galanter Hansen, LLP, Attorney at Law – August 2021-present.

Engaged in the practice of law with emphasis in the area of public employer representation in labor and employment law matters. Research and advise employers on a range of matters, including personnel practices, discipline and discharge, discrimination claims, Fair Labor Standards Act, Minnesota Government Data Practices Act, Family and Medical Leave Act, and legal developments related to COVID-19.

RELATED EXPERIENCE:

Prof. David Schultz, University of Minnesota Law School, Editorial Assistant – June 2020 -January 2021

Edited excerpts of Supreme Court cases and drafted case summaries for Constitutional Precedent in *U.S. Supreme Court Reasoning*, Edward Elgar. Researched and summarized wide range of Supreme Court cases and legal topics. Created and updated encyclopedia entries for second edition of *Encyclopedia of the Supreme Court*, Facts on File, Inc. Topics included employment law, criminal procedure, and reproductive rights and more.

Prof. Stephen Befort, University of Minnesota Law School, Research Assistant – June 2020 - August 2020

Conducted legal research surrounding OSHA, plant closings, disability discrimination and COVID-19 considerations to update *Employment Law and Practice* (West, 4th ed.).

Schaefer Halleen, LLC, Law Clerk – May 2019-August 2019

Conducted legal research and prepared legal memoranda providing analyses of legal issues including sexual harassment, discrimination, and retaliation under MHRA and Title VII. Drafted proposal letters, rebuttal letters, and EEOC and MDHR charges of discrimination. Drafted legal blog entries regarding various legal issues including workplace communication and employee rights in Minnesota. Attended mediations, depositions, and client meetings.

RELATED QUALIFICATIONS

Rule 114 Qualified Neutral, December 2020

CONSULTING SERVICES AGREEMENT

This Consulting Services Agreement, is entered into by and between the City of Crosslake, hereinafter referred to as "City," and Madden Galanter Hansen, LLP, Attorneys at Law, 7760 France Avenue South, Suite 290, Bloomington, Minnesota 55435-5834, hereinafter referred to as "Consultant."

RECITALS

WHEREAS, the City is required under the Minnesota Public Employment Labor Relations Act (PELRA) to undertake the negotiations of collective bargaining agreements with employees represented by exclusive representatives, personnel matters, engage in arbitration, and process grievances arising under its collective bargaining agreements with exclusive representatives; and

WHEREAS, the City has determined that retaining a consultant to assist in labor relations matters including but not limited to contract negotiation and mediation, grievance arbitration and interest arbitration proceedings best fulfills its obligations with respect to labor relations.

NOW, THEREFORE, in consideration of the mutual undertakings and agreements contained within the Consulting Services Agreement, the City and the Consultant agree as follows:

A. Scope of Services:

1. The scope of services shall be as follows:
 - a. Management representation in contract negotiation and mediation upon request by the City.
 - b. Management representation in grievance arbitration and interest arbitration proceedings upon request by the City.
 - c. Representation of the City in employment investigation and litigation upon request by the City.
 - d. Labor relations and personnel advice upon request by the City.

B. Consideration and Terms of Payment:

1. Consideration for all services performed shall be as follows:
 - a. Providing of labor relations, and travel related thereto, upon the request of the City, billed in tenths of an hour at the rate of \$210.00 per hour.
 - b. Representation in grievance arbitration, interest arbitration and other administrative hearings billed in tenth of an hour at the rate of \$220.00 per hour.

- c. Representation in investigation and litigation cases billed in tenth of an hour at the rate of \$230.00 per hour.

These rates are in effect through December 31, 2023.

2. Consultant will also be reimbursed for expenses, including mileage consistent with the amount set forth by the IRS per mile, and photocopying charges at \$.15 per page.
3. The Consultant will submit invoices on a monthly basis to the City for payment for services performed. Payment shall be made within thirty days after receipt of invoices for services performed.
4. It is agreed between the parties that Consultant's rate for the term of this Agreement shall not exceed the total sum of forty-thousand dollars (\$40,000). The Consultant will not incur additional fees and expenses without prior written authorization from the City.

C. Changes:

The City and Consultant may, from time to time, require changes in the terms of this Contract. Any such changes that are mutually agreed to by the parties shall be incorporated as written amendments to this Agreement and attached hereto.

D. Duration:

The terms of this Agreement shall be applicable for a period commencing February 24, 2023 through December 31, 2023. The contract may also be terminated by either party after giving thirty days written notice.

E. Independent Contractor:

It is agreed by the parties that at all times and for all purposes hereunder, that the Consultant is an independent contractor and not an employee of the City.

F. Insurance

The Consultant agrees it will defend, indemnify and hold harmless the City, its officers and employees against any and all liability, loss, costs, damages and expenses which the City, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the negligent or willful acts of omission of Consultant and out of Consultant's performance or failure to adequately perform its obligations pursuant to this Agreement.

The Consultant further agrees, in order to protect itself and the City under the indemnity provisions set forth above, the Consultant will maintain at all times general, professional,

and auto liability policies on an occurrence basis. All such policies shall provide limits not less than the tort liability limitations set forth in Minnesota Statutes Section 466.04. If applicable, the Consultant also agrees to maintain Workers Compensation insurance in the statutory amounts. Certificates of insurance showing the coverage listed here shall be during the term of this contract, have and keep in force liability insurance coverage provided to the City prior to the effective date of this contract. All policies shall provide that they shall not be canceled, materially changes, or not renewed without thirty days prior notice thereof to the City. This provision shall act as a condition subsequent; failure to abide by this provision shall be deemed as a substantial breach of contract.

G. **Data Practices:**

The City shall disclose private and/or confidential data to Consultant as necessary for purposes of legal advice and consultation. Consultant agrees to abide by the applicable provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, pertaining to privacy or confidentiality. Consultant understands that all of the data created, collected, received, stored, used, maintained or disseminated by the Consultant in performing those functions that the City would perform as a government entity, is subject to the requirements of Chapter 13 and the Consultant must comply with those requirements as if it were a government entity. This does not create a duty on the part of the Consultant to provide the public with access to public data if the public data is available from the City, except as required by the terms of this Agreement.

IN WITNESS WHEREOF, the parties have caused the Contract to be duly executed intending to be bound thereby.

City of Crosslake

Dated: _____

By: _____

Madden Galanter Hansen, LLP

Dated: _____

By: _____

Susan K. Hansen
Its Partner

PROPOSAL FOR LABOR AND EMPLOYMENT LEGAL SERVICES

CITY OF CROSSLAKE

February 17, 2023



Contacts: Robert Alsop or Mary Tietjen

(612) 337-9224 | ralsop@kennedy-graven.com | kennedy-graven.com
(612) 337-9277 | mtietjen@kennedy-graven.com | kennedy-graven.com

Minneapolis 150 South Fifth Street | Suite 700 | Minneapolis, MN 55402
Saint Paul Infor Commons | 380 Saint Peter Street | Suite 750 | Saint Paul, MN 55102
St. Cloud 501 West St. Germain Street | Suite 304 | St. Cloud, MN 56301



February 17, 2023

Michael Lyonais
City Administrator
City of Crosslake
13888 Daggett Bay Road
Crosslake, MN 56442

Re: Proposal for Labor and Employment Legal Services

Dear Mr. Lyonais:

Thank you for the opportunity to present the City of Crosslake with a proposal for labor and employment attorney services.

Kennedy & Graven practices almost exclusively in local government law. We represent cities, townships, school districts, counties, and various other government entities throughout the State of Minnesota. The foundation of the firm's success rests on solid, long-term client relationships and the delivery of responsive, practical, and high-quality solutions to both common and unique problems.

Please feel free to contact me if you have any questions or if you would like any additional information about myself or the firm.

Thank you for your consideration.

Sincerely,

KENNEDY & GRAVEN, CHARTERED

/s/ Robert Alsop and Mary Tietjen

Robert A. Alsop and Mary D. Tietjen

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General & Special Counsel to Local Governments

THROUGHOUT MINNESOTA

ABOUT KENNEDY & GRAVEN

Kennedy & Graven is the largest law firm in Minnesota that practices primarily local government law. The firm was founded in 1973 with a practice in local government law, public finance, and development. In 1989, members of a leading local government law firm, LeFevre, Lefler, Kennedy, O'Brien & Drawz, P.A., joined the organization.

Kennedy & Graven provides cities, townships, school districts, and other local government units with comprehensive legal counsel, litigation representation, and public policy advocacy.

By use of a team approach, Kennedy & Graven is able to deliver services in a comprehensive and economical manner. We take maximum advantage of the unique knowledge and experience that our attorneys have in specific areas of local government law. Kennedy & Graven's representation of many local government entities often means that the firm has previously encountered an issue and can therefore respond quickly and efficiently.

The Kennedy & Graven team consists of numerous attorneys, paralegals, and support staff focused on local government law.

Kennedy & Graven practices in all major areas of local government law, including:

- General Counsel
- Employment and Labor
- Land Use
- Public Utilities
- Litigation
- Real Estate
- Eminent Domain
- Municipal Bonds
- Public Finance
- Economic Development and Redevelopment
- Construction



**Largest law firm
in Minnesota
serving primarily
local governments**



95%
of the firm's work
is related to local
government law



30+
ATTORNEYS
with diverse backgrounds
and areas of expertise
in local government law



The firm has provided
services for more than
300 Cities
200 Townships
100 Schools

FIRM BACKGROUND

History

Kennedy & Graven, Chartered, combines the tradition and history of two of the state's leading law firms in the fields of local government law, public finance, and development. The law firms of LeFevre, Lefler, Kennedy, O'Brien & Drawz, P.A., founded in 1958, and Holmes & Graven, Chartered, founded in 1973, combined their law practices in 1989 to form Kennedy & Graven. Since 1989, Kennedy & Graven has expanded and diversified its representation of public and private clients. The firm's practice continues to focus on local government law, public finance, litigation, labor and employment law, condemnation, education law and real estate.

General Qualifications

Kennedy & Graven, Chartered, is the largest law firm in Minnesota that focuses its practice almost exclusively on local government law.

Every attorney at the firm is experienced in general and specialized aspects of local government law. This experience includes the many common issues that cities face, such as ordinance drafting, complying with the Open Meeting Law and the Data Practices Act, planning and zoning implementation, real estate, administrative enforcement, public utilities, public finance, and more. This experience includes working with joint powers entities, planning commissions, charter commissions, economic development authorities, housing and redevelopment authorities, and other boards and committees.

The firm's representation of many local government entities often means that when a municipal client has a legal issue, an attorney at the firm has reviewed the same or similar issue previously for a different client and has the experience, knowledge, and information to respond quickly and efficiently.

Labor and Employment Qualifications

Kennedy & Graven provides legal services to local government entities in all major areas of law applicable to local government including employment law and labor relations.

Our employment and labor law experience includes discipline/discharge cases; unemployment compensation hearings; race, sex, disability, and age discrimination cases; sexual harassment cases; grievance arbitrations; Veterans' Preference Act cases; reviews of personnel policies/handbooks, employment contracts and affirmative action plans; advice on pay equity/comparable worth plans; FLSA issues, labor-management contracts; PERA issues, and Minnesota Government Data Practices Act issues. Kenney & Graven has defended related cases in federal and state courts, arbitrations, and before the Minnesota Human Rights Department, the federal EEOC, the Minneapolis Commission on Civil Rights, and the Commissioner of Veterans Affairs.

Number of Attorneys

The firm has 36 attorneys and over 95% of the firm's work is local government law. There are 24 shareholders (partners), 9 associates, and 2 of-counsel attorneys.

Please see **Exhibit A** for a list of our attorneys and the areas of law that they practice.

Office Staffing

Kennedy & Graven has nine paralegals: four in public finance, three in real estate, one in litigation, and one in local government law. The firm has 14 additional staff in legal administrative assistant or administrative positions, including a firm administrator who is a former city attorney.

Office Locations

The firm's main office is in Minneapolis with satellite offices in St. Paul and St. Cloud.

Minneapolis (Main Office):

Fifth Street Towers
150 South Fifth Street
Suite 700
Minneapolis, MN 55402

(612) 337-9300
(800) 788-8201 - Toll Free
(612) 337-9310 – Fax

Saint Paul:

US Bank Center
101 East Fifth Street
Suite 2650
Saint Paul, MN 55101

(651) 294-3589
By appointment

St. Cloud:

501 West Germain Street
Suite 320
St. Cloud, MN 56301

(320) 240-8200
By appointment

Malpractice or Ethics Claims

The firm has been sued only once re: malpractice. This occurred in the early 1990's regarding a public finance matter.

PROPOSED TEAM



Robert A. Alsop

RELEVANT ACADEMIC TRAINING AND DEGREES

- 1981 B.A., (Political Science), St Olaf College
- 1986 J.D., William Mitchell College of Law
- 1986 Admitted to Minnesota State Bar
- 1986 - 1989 Associate Attorney, Kennedy & Graven, Chartered
- 1989 - Present Shareholder, Kennedy & Graven, Chartered

Bob Alsop has over thirty years of experience as a litigator with the Firm of Kennedy & Graven, practicing in the areas of labor/employment law general governmental law, workers' compensation, and housing law. In the rapidly evolving area of employment law, Bob advises and defends employers against discrimination claims under both state and federal law.

His extensive litigation experience in the areas of labor and employment include defending clients against charges of discrimination filed with the EEOC or the MDHR. He has advised and defended municipal employers against a multitude of employment related claims including but not limited to human rights violations, labor grievances, FMLA and ADA compliance, veteran's preference issues and wrongful termination. He has also participated in grievance arbitrations for misconduct as well as interest arbitrations. He has also successfully briefed and argued numerous cases before the Minnesota Court of Appeals, the Eighth Circuit

Bob has represented government clients in both administrative and judicial forums. His experience includes primary responsibility in cases involving claims of employment discrimination, denial of reasonable accommodation, wrongful discharge, allegations of unfair labor practices, retaliation, violations of the Minnesota Veteran's Preference Act and challenges to a former employee's entitlement to unemployment benefits. Bob has also represented numerous municipalities in unemployment hearings, veteran's preference hearings, hearings for continued insurance benefits under Minn. Stat. § 299A.465, as well as for cause and interest arbitrations. Bob is available to provide labor or employment counseling for all of the firm's municipal clients and has a long-term relationship providing such services to Faribault, New Prague, Mounds View, Belle Plaine, Kenyon and more recently for Caledonia, Nisswa, and Mendota Heights.



Mary D. Tietjen

RELEVANT ACADEMIC TRAINING AND DEGREES

1988	B.A., <i>cum laude</i> (Psychology), Concordia College, St. Paul, MN
1988-1992	Staffer, United States Congressman Gerry Sikorski
1993-1997	Full-time law clerk, League of Minnesota Cities Insurance Trust (LMCIT)
1997	J.D., <i>cum laude</i> , William Mitchell College of Law, St. Paul, MN
1997-2001	Defense Attorney, LMCIT
2001-2004	Associate Attorney, Kennedy & Graven
2004-Present	Shareholder, Kennedy & Graven

Mary Tietjen is currently labor and employment counsel for the cities of Lake Elmo, Brooklyn Center, New Brighton, Minnetrista, Medina, East Grand Forks, Coon Rapids, Chanhassen, Caledonia, Nisswa, and Mendota Heights. She routinely advises many of the firm's municipal clients on a variety of employment and labor issues, including: personnel policy review; labor contract interpretation and grievances; discipline and termination; discrimination; disability; FMLA and ADA; state leave laws; PERA matters; veterans'

preference; military leave; policy updates to comply with changes in state and federal law; data practices; human rights claims; and civil service. Mary also serves as general counsel to five Minnesota cities: Richfield, Rosemount, Robbinsdale, Osseo, and Montrose.

Mary has extensive litigation experience including employment-related litigation, labor grievance arbitrations, special assessment appeals and trial and appellate work in both state and federal court. Her experience includes both court and jury trials, significant motion practice and many arguments at the Minnesota Court of Appeals and Minnesota Supreme Court. Mary defends cities in matters assigned by the League of Minnesota Cities Insurance Trust (LMCIT), on an as-needed basis. Before joining Kennedy & Graven, Mary was a defense attorney with LMCIT and represented cities across the state in personal injury and property damage cases.

Team Approach and Special Counsel

Kennedy & Graven uses a team-based approach to the practice of law, which allows us to leverage the experiences and expertise of everyone within the firm to deliver the highest service at potential significant cost savings when compared to other firms.

Other labor and employment law attorneys at the firm include:



Jessica E. Schwie

Jessica Schwie is a shareholder at Kennedy & Graven, Chartered, and practices in the areas of litigation and employment law. With more than fifteen years of civil litigation experience and success, Jessica has developed a solid reputation amongst her clients and in the community as a detailed, thorough and assertive trial lawyer, investigator, and pre-litigation advisor that is able to manage difficult situations.



Gregory S. Madsen

Mr. Madsen has represented public and private employers in employment, discrimination, labor and arbitration matters and has advised them on practices designed to prevent lawsuits for more than two decades. Mr. Madsen represents school districts in virtually all phases of labor and employment law, education law, including student disciplinary matters, employee discipline and discharge proceedings, discrimination and harassment claims, and data privacy, constitutional, and collective bargaining issues. Mr. Madsen has represented school districts in labor contract administration and interpretation, advised on negotiations strategy, drafted labor contract provisions, and other legal matters related to collective bargaining and Public Employment Labor Relations Act. He participated in the negotiation of teacher contracts in Bloomington, Crosby-Ironton and New Prague

CONFLICT OF INTEREST

We are not aware of any current or former client that would create a would conflict with the City of Crosslake and we do not represent any members of the Council.

The firm does occasionally represent Crow Wing county in public finance matters.

OTHER INFORMATION

Response Time

It is our philosophy to make every attempt to respond the same day to requests for legal services.

Robert Alsop and Mary Tietjen would be the main contacts and personally handle much of the city's legal work. Per our team approach, the attorney may assign certain specific matters to another attorney in the firm if attorney believes it is more efficient for the city to do so.

Robert and Mary are generally available to answer calls directly or respond to voicemails, certainly within 24 hours. Response to specific requested work will vary depending on the extent of time needed to develop a response. We will work with the city staff to develop an acceptable system of reporting on pending projects to the extent desired. We are flexible and able to accommodate a client's wishes, whether it is attending meetings to provide an in-person report or sending updates or reports to summarize the status of various matters

As a firm dedicated primarily to representing local governments, Kennedy & Graven has a sufficient number of attorneys and support staff, as well as the breadth and depth of knowledge and experience to make sure that Crosslake, like all of the firm's clients, gets prompt and competent service within its expected timelines.

COMPENSATION

The firm proposes an hourly rate for all services. Please see **Exhibit B** for proposed hourly fees, costs and reimbursable expenses. The minimum increment of billable time is 6 minutes (0.1 hour). Travel time and meeting attendance will also be billed at the proposed hourly rates.







REFERENCES

Please see **Exhibit C** for a list of references.

EXHIBIT A

FULL LIST OF KENNEDY & GRAVEN ATTORNEYS

Kennedy & Graven has 36 attorneys with diverse backgrounds and expertise. Below is a summary of each attorney's areas of practice:

	Robert A. Alsop <i>Shareholder</i>	Employment Law, Housing Law, Litigation
	Dave T. Anderson <i>Shareholder</i>	Municipal Law
	Ronald H. Batty <i>Shareholder</i>	Municipal Law, Economic Development & Redevelopment
	Jenny Boulton <i>Shareholder</i>	Economic Development & Redevelopment, Municipal Bonds, Public Finance
	Michelle Christy <i>Associate</i>	Litigation, Labor and Employment Law
	Cristina Cruz-Jennings <i>Associate</i>	Municipal Law
	Josh P. Devaney <i>Associate</i>	Litigation
	Julie Eddington <i>Shareholder</i>	Municipal Bonds, Public Finance
	Gina Fiorini <i>Shareholder</i>	Municipal Bonds, Public Finance
	Troy J. Gilchrist <i>Shareholder</i>	Municipal Law, Township Law, Watershed Law
	Jason M. Hill <i>Shareholder</i>	Municipal Law, Township Law
	Alex D. Ivan <i>Shareholder</i>	School Law, Special Education
	Libby J. Kantner <i>Associate</i>	Public Finance, Municipal Bonds
	Sam B. Ketchum <i>Associate</i>	Municipal Law, Litigation, Environmental Law
	Sofia E. Lykke <i>Shareholder</i>	Public Finance, Municipal Bonds



Gregory S. Madsen
Shareholder

Employment and Labor Law, School Law



Peter Martin
Shareholder

School Law, Employment and Labor Law, Real Estate Law



Scott J. Riggs
Shareholder

Municipal Law, Real Estate Law, Township Law



Joseph L. Sathe
Associate

Municipal Law



Jessica E. Schwie
Shareholder

Litigation, Employment Law



Shannon Smith
Associate

School Law



Sarah J. Sonsalla
Shareholder

Real Estate Law, Employment Law, Municipal Law



James M. Strommen
Of-Counsel

Litigation, Public Utility Law, Construction Law



James J. Thomson
Shareholder & President

Municipal Law, Land Use, Litigation



Rachel G. Tierney
Shareholder

Municipal Law, Economic Development



Mary D. Tietjen
Shareholder

Municipal Law, Employment and Labor Law, Litigation



John Utley
Of-Counsel

Municipal Bonds, Public Finance



Robert J.V. Vose
Shareholder

Municipal Law, Public Utility Law



Maggie R. Wallner
Shareholder

Employment and Labor Law, Litigation, School Law



Adam C. Wattenbarger
Shareholder

School Law, Municipal Law, Litigation



Michelle Weinberg
Shareholder

Litigation



Josh P. Weir
Associate

Real Estate Law, Eminent Domain



Larry M. Wertheim
Shareholder

Real Estate Law



Pamela Whitmore
Shareholder

Municipal Law, Employment Law, Mediation



Samantha Zuehlke
Associate

Real Estate Law

EXHIBIT B

PROPOSED FEES

Hourly billing information is noted below. Future increases will not exceed 3% year over year.

	2023
Hourly rates for Attorneys	
Hourly rate for Shareholders (Includes Alsop and Tietjen)	\$215
Hourly rate for Associates	\$170
Hourly rate for Support Personnel	
Paralegals	\$110
Law Clerks	\$75

OVERHEAD COSTS

The firm bills its out-of-pocket costs for such things as postage, filing fees and witness fees, and similar items.

Photocopying: No charge unless special large projects: 5 cents per copy.

Mileage: Then-current IRS business rate

Westlaw fees: No charge

EXHIBIT C

ROBERT ALSOP REFERENCES

City of Faribault

Kevin Bushard
HR Coordinator
Phone: (507)-333-0354
Email: kbushard@ci.faribault.mn.us

City of Mounds View

Rayla Ewald
Human Resources Coordinator
Phone: (763)-717-4016
Email: rayla.ewald@moundsviewmn.org

City of Belle Plaine

Dawn Meyer
City Administrator
Phone: (952)-873-5421
Email: dmeyer@ci.belleplaine.mn.us

City of Nisswa

Jenny Max
City Administrator
Phone: (218)-963-4444
Email: jmax@ci.nisswa.mn.us

MARY TIETJEN REFERENCES

City of Richfield

Katie Rodriguez
City Manager
Phone: (612) 861-9702
Email: krodriguez@richfieldmn.gov

City of East Grand Forks

David Murphy
City Administrator
Phone: (218) 399-3245
Email: dmurphy@egf.mn

City of Brooklyn Center

Dr. Reginald Edwards
City Manager
Phone: (763) 569-3300
Email: redwards@ci.brooklyn-center.mn.us

City of Chanhassen

Laurie Hokkanen
City Manager
Phone: (952) 227-1119
Email: lhokkanen@chanhassenmn.gov