

AMERICAN ARBITRATION ASSOCIATION

In the Matter of Arbitration between

Fraternal Order of Police, Lodge 5 : AAA Case Number: 01-19-0002-2850
and :
City of Philadelphia : Grievance: P/O Brion Milligan
Discharge

Opinion and Award

Hearing Dates: October 25 and November 15, 2022
Briefs Received: January 31, 2023
Arbitrator: Thomas P. Leonard, Esquire

Appearances:

FOP Lodge 5:

Jessica Caggiano, Esquire
Willig, Williams & Davidson

City of Philadelphia:

Karli Lubin, Esquire
Ballard Spahr

Procedural History

Pursuant to the terms of a Collective Bargaining Agreement (CBA) between the Fraternal Order of Police Lodge 5 (FOP) and the City of Philadelphia (City) and the Labor Arbitration Rules of the American Arbitration Association, the parties appointed the undersigned arbitrator to hear and decide the dispute described below. Upon due notice, an arbitration hearing was held on October 25, 2022 in the Philadelphia offices of the American Arbitration Association. A second day of hearing was required and was held on November 15, 2022.

At the arbitration hearings, the parties presented testimony, cross-examined witnesses and introduced documentary evidence. The hearings were transcribed by a court reporter. The parties submitted post-hearing briefs, which were forwarded to the arbitrator on January 31, 2023.

Issues

Did the City have just cause to discharge the Grievant, Police Officer Brion Milligan, and if not, what shall be the remedy?

Relevant Directives (In Part)

Directive 6.10

Subject: SOCIAL MEDIA AND NETWORKING

Issued Date: 05-26-11

Updated Date: 07-06-12

.....

4. POLICY

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B. When engaging in social networking, employees will strictly adhere to any and all of the following:

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- I. Employees are prohibited from using ethnic slurs, profanity, personal insults; material that is harassing, defamatory, fraudulent, or discriminatory, or other content or communications that would not be acceptable in a City workplace under City or agency policy or practice.
- J. Employees are prohibited from displaying sexually explicit images, cartoons, jokes, messages or other material that would be considered in violation of the City Policy Preventing Sexual Harassment in City Government.

Facts

On July 18, 2019, the City of Philadelphia Police Department (Department or PPD) discharged Police Officer Brion Milligan (Grievant), a 23 year veteran officer, for social media postings that he made in violation of Department policies.

The Grievant's postings came to the Department's knowledge as part of the Plain View Project (PVP) of Injustice Watch. In June 2019, the Plain View Project published a database of publicly-available social media posts made by current and former police officers from several jurisdictions across the country, specifically Facebook posts and comments that "could undermine public trust and confidence in our police." The Plain View Project presented the posts in the database out of a "belie[f] that . . . fairness, equal treatment, and integrity are

essential to the legitimacy of policing” Id. The Plain View Project included posts made by PPD employees in its database. The Grievant was one of the Philadelphia police officers whose postings the Plain View Project identified. The Plain View Project identified 40 instances in which the Grievant publicly posted material on Facebook that “could undermine public trust and confidence in police.”

Once the Plain View Project became publicly available, the PPD investigated the conduct of the identified officers, including the Grievant. Several hundred PPD employees received discipline or were terminated as a result of the Plain View Project’s publication, including the Grievant. The City contracted an outside law firm to evaluate the material culled by the Plain View Project.

The outside law firm evaluated each post and comment to determine whether the contents were entitled to protection under the First Amendment. The PPD issued discipline to employees when the specific post or comment was not entitled to First Amendment protections and violated departmental policies. Of the 40 instances of social media activity identified by the Plain View Project, PPD determined – with the assistance of outside counsel conducting a First Amendment protected speech analysis – that twelve of the Grievant’s instances of social media activity were both unprotected by the First Amendment and detrimental to policing. Joint Ex. 9 (Actionable Posts).

The twelve instances of social media activity deemed unprotected speech and detrimental to policing were:

- On [REDACTED], Mr. Milligan shared a video of a Muslim man and commented “Getting sick n tired of liberals on other friend’s pages defending isalm [sic]. The ones I had unfriended me. What is so fucking difficult about this? They are here, have been here. Watch your asses everybody.”
- On [REDACTED], Mr. Milligan compared then President Obama to Hitler and expressed his support for Officer Darren Wilson, who was involved in the killing of Michael Brown. He said

“now you decide to try & grow a set & think you can Still fuck with Ferguson’s police dept. & other police departments nationwide. Look no further than my profile, if you voted for this tyrannical, incompetent, American hating baskin robbins floor licker [...] Kill yourself.” He continued this rampage in the comments section of the post where he said “enough of the questions & criticisms anymore, let’s just crack heads”

- On [REDACTED], Mr. Milligan commented on an article about a “botched execution” that “it wasn’t botched enough. I wish he suffered more.”
- On [REDACTED] Mr. Milligan expressed his support for “old school ass whoopins” by retired police officers.
- On [REDACTED] Mr. Milligan posted, “How do you liberals feel knowing your political correctness is allowing innocent people to get butchered? Those ‘no go’ zones in Europe the cops will not enter used to be called Muslim slums, now they’re referenced to as Islamic colonies. It’s not so bad here yet, but you fucking liberals better get out of the way.” In the comments, he responded to another user’s comment that “liberalism is mental disorder” by saying “with no treatment. Put them to sleep.”
- On [REDACTED] Mr. Milligan posted “This bathroom controversy has done it. It’s time to round up liberals & place them in internment camps. Anyone wanna give me a reason not to?”
- On [REDACTED] Mr. Milligan re-posted a comment he made that Facebook removed, which said “Hoping [REDACTED] gets ass raped by a make believe transgender in a bathroom.”
- On [REDACTED] Mr. Milligan referred to a PPD Inspector as a “jitbag” and “political hack.” He adds “when you’re done fucking yourself, go get a job & see what its [sic] like. Police dept. brass included.”
- On [REDACTED], Mr. Milligan responded to a post about South Street on Fat Tuesday, stating “I remember that Irish, potato head, toothless, pompus [sic] prick [REDACTED] buckled that 1 year when that car drove thru the crowd & the media made a big deal about the cops not having control. Another worthless commissioner.”
- On [REDACTED] Mr. Milligan commented on a post about black Muslims in downtown Philadelphia purportedly sharing “terroristic threats.” Mr. Milligan said “look at Dearborn M. Hate rallies held all the time. Biggest muslim [sic] population in the US. Media silent. WWII is about to kick into 2nd gear.”
- On [REDACTED], Mr. Milligan posted that he had been “knocked off FB” after he “engaged in a very heated debate with 2 sheltered, liberal, young dummies on the issue of Islam at the Chalfont 19154 site,” but that he is now back online. He comments on his own post saying “I’m back, but they’re hereeee and have been. The Muslims, not guns.”
- On [REDACTED], Mr. Milligan commented on a meme insinuating Irish slaves were treated worse than Black slaves and calling African Americans “pussies looking for free shit” and that “I’ve had some tell me we were treated worse if you catch my drift.” Joint Ex. 9.

Directive 6.10 establishes the PPD's policies regarding use of social media by members of the PPD. Directive 6.10 recognizes that "[PPD] employees are the embodiment of [PPD's] mission" and that "each member [must] accept his or her role as an ambassador of the department." Id. at (2)(B). The directive further reminds PPD personnel of their continuing obligation to "strive to maintain public trust and confidence, not only in [their] professional capacity, but also in [their] personal and on-line activities." Id. The directive goes on to reinforce that, because "police personnel are necessarily held to a higher standard than general members of the public, the on-line activities of employees of the police department shall reflect such professional expectations and standards." Id. Directive 6.10 specifically prohibits employees "from using [on social media] ethnic slurs, profanity, personal insults; material that is harassing, defamatory, fraudulent, or discriminatory, or other content or communications that would not be acceptable in a City workplace[.]" Id. at (4)(I). The directive further prohibits employees "from displaying [on social media] sexually explicit images, cartoons, jokes, messages or other material" Id. at (4)(J).

The Grievant testified he was aware of the social media directive, received a copy of the directive, and understood its contents. He further testified that he attended a four hour Municipal Police Officer training in or around 2011 or 2012 on social media use.

After publication of the Plain View Project, Lieutenant Enrique Mella of Internal Affairs interviewed the Grievant on June 12, 2019, in connection with PPD's investigation into his misconduct. The Grievant attended the interview with a Union provided lawyer and a Union representative. During the interview, the Grievant confirmed the Facebook account with username "Brion Michael" belonged to him. After confirming that he had adequate time to review each and every post or comment, the Grievant further confirmed that he had made each

of the posts or comments. When given the open-ended opportunity to explain, justify, or contextualize his posts and comments, the Grievant stated that he had nothing else to add to his interview, declining the opportunity to contribute any testimony to his own defense.

The PPD charged the Grievant with Conduct Unbecoming in violation of Section 1-§021-10 of the Disciplinary Code, which prohibits “conduct, or [a] course of conduct which indicates that an employee has little or no regard for his/his responsibility as a member of the Police Department.” The bargained-for penalty for a first offense is a thirty-day suspension or dismissal.

The PPD also issued the Grievant an underlying charge of Neglect of Duty in violation of Section 5-§011-10 of the Disciplinary Code, which addresses the Grievant’s failure to comply with Police Directive 6.10, which defines acceptable usage of social media. A first offense for violating Section 5-§011-10 of the Disciplinary Code carries a bargained-for penalty range of reprimand to five-day suspension.

Specifically, the PPD charged the Grievant with engaging in a course of conduct wherein “no fewer than twelve (12) times, [he] posted, shared, and/or commented on video, photographs/pictures, and articles, using racial slurs, profanity, dehumanizing, defamatory, and/or discriminatory language, and/or language that condoned, glorified, or encouraged violence” The charge also stated that there is the expectation that “[each] member of the Philadelphia Police Department [is] expected to strive to maintain public trust and confidence, not only in [a] professional capacity but also in . . . personal and on-line activities[,]” before concluding that the Grievant’s “posts and comments [were] devoid of any professional expectations and standards.”

After review of Lieutenant Mella’s investigation and the Facebook content the Grievant admitted to posting, the Police Department’s Executive Team, through then-Police commissioner

Richard Ross, took Commissioner's Direct Action (CDA), as permitted under the collective bargaining agreement, to terminate the Grievant's employment.

On the decision to discharge, Deputy Commissioner Robin Wimberly testified in this arbitration hearing: "[The Executive Team] came together and we discussed it, and we totally believe as a team that as a police officer who posts these kinds of things in the climate that we're...living in and in the city that we're serving, that they should not be a police officer for the City of Philadelphia because it would erode the public's trust in policing. There's already a problem with the public's trust in policing, and how when someone self-identif[ies] that they have zero tolerance for other groups that we serve, how do we say, yeah, but I know that you're going to do the right thing. We can't, and it's too much risk." Tr. 106:8-24

The Grievant's career of 23 years began in the 15th Police District, where he worked for approximately seven years. In 2003 he was transferred to the 7th District, where he remained until his termination in 2019. The 7th District encompasses a diverse portion of the Far Northeast section of Philadelphia, and is home to Black, White, and Hispanic populations practicing Islam, Catholicism, and Judaism. His former supervisor at the 7th District— Corporal ████████—testified that the Grievant never had a complaint from the public, a co-worker, or a supervisor in his approximately four to five years under Cpl. ██████'s supervision.

Over his 23 years, the Grievant has always received overall performance evaluations of satisfactory. In addition, he has always received satisfactory ratings in the category "Relationships with People." His superiors commended him on his knowledge, work ethic, diligence, professional demeanor, and leadership skills, among other positive attributes. Some examples are: "You have displayed an ability to handle yourself in a professional manner under

any circumstances;” “Officer Milligan displays a positive attitude works well with others;” “You are very kind to the public and very helpful to them in resolving their concern;” and “You have a good personality and are easy to supervise.”

The Grievant’s most recent evaluation notes that he behaves “in a professional manner no matter the circumstances,” and goes on to suggest that he pursue promotional opportunities. In addition to the satisfactory evaluations, he was named Officer of the Month once in 2005, and again in 2007. In his 23 years as a PPD officer, the Grievant has never received any significant discipline and has never received any discipline in connection with social media use or alleged inappropriate or unprofessional comments whatsoever.

After the PVP was publicized in June 2019, the Department commenced an investigation into the approximately 325 Department officers included in the Plain View Project. After the publication and publicization of the database, the Department placed about 72 officers in restricted duty status and decided to train the officers on social media and the First Amendment.

In June 2019, the Grievant was one of these approximately 72 officers placed on restricted duty. Shortly thereafter, the Grievant received the new training on Directive 6.10 Only officers identified in the PVP received the training. The training covered what types of social media posts are protected under the First Amendment. According to Inspector [REDACTED]—who developed the training—the Department provided the social media training to address “confusion as to officers having unfettered First Amendment rights like a normal citizen. . . A lot of officers, I don’t think, understood that.”

Internal Affairs completed its investigation on June 14, 2019 – the day after interviewing the Grievant. The City did not know at the time of the interview whether any of the Grievant’s posts included in the PVP database were protected by the First Amendment. The Grievant’s

7518s—specifying his Conduct Unbecoming and Neglect of Duty charges—are dated July 10, 2019. The decision to discharge the Grievant was made by Commissioner’s Direct Action shortly thereafter, on July 18, 2019.

The Grievant was not aware which posts and/or comments formed the basis for this significant discipline until after his discharge. No one from the PPD ever identified the dischargeable posts and spoke to Officer Milligan about them. The Department did not consider the Grievant’s lengthy work record of satisfactory evaluations and no serious discipline in deciding to discharge him. The Grievant’s testimony, undisputed by the City, was that he treated his colleagues and all members of the public equally regardless of religion or race. The City did not compare the discipline it imposed on the Grievant to other officers to ensure consistency.

Since his termination, the Grievant testified that he is much more wary of the content of his Facebook posts, choosing not to discuss world events or politics. He believes he could successfully balance the PPD’s expectations with his free speech rights. He wants to continue serving the citizens of Philadelphia and candidly testified: “If I return to work, I feel I would carry myself just as I was for 23 ½ years and that would be the same as when I was a police officer. And I treated everybody equally regardless of these comments.” Tr. 317

Discussion

The FOP argues that the City did not prove that it had just cause to discharge the Grievant. In just cause cases, the burden of proof is on the employer to prove just cause.

The parties agreed that, pursuant to the relevant contractual provisions, Officer Milligan’s dismissal must be supported by just cause.

The parties' CBA prohibits discipline without just cause. See JX-1, Art. XX(A), at 82 (prohibiting discipline inconsistent with Philadelphia's Civil Service Regulations, which utilize a just cause standard). The concept of just cause was famously laid out in *Enterprise Wire Co.*, 46 L.A. 359 (1966) by Arbitrator Carroll R. Daugherty in his well known and respected "seven tests." When one of the tests has been violated, "...just cause either was not satisfied or at least was seriously weakened in that some arbitrary, capricious, or discriminatory element was present." KOVEN & SMITH, JUST CAUSE: THE SEVEN TESTS, (Kendall/Hunt 2d ed., 1992) at 23.

The seven factors of just cause are whether (1) there was notice of the possible or probable disciplinary consequences of the conduct; (2) the work rule or managerial order is reasonably related to the orderly, efficient and safe operation of the employer's business and the performance properly expected of the employee; (3) the employer conducted an investigation to determine if the misconduct occurred; (4) the investigation was fair and objective; (5) whether substantial evidence or proof supported the finding of misconduct; (6) the employer applies its rules, orders, and penalties fairly and without discrimination to all employees; and (7) the discipline is proportionate to the offense and employee's record. American Fed'n of State, Cty. & Mun. Employees, Dist. Council 88, AFL-CIO v. City of Reading, 568 A. 2d 1352, 1355, 130 Pa. Cmwlth. 575, 582, n. 3 (1990).

The City argues that it met its burden of proving just cause for discharging the Grievant. The City argues that the record establishes that the Grievant authored publicly-available, inflammatory Facebook posts and comments calling for and glorifying extrajudicial police violence and which portrayed transphobic and Islamophobic beliefs—conduct clearly violative of PPD Directives. The Grievant engaged in a course of conduct demonstrating little or no

regard for his responsibility as a member of the Police Department, thereby violating Section 1-§021-10 of the contractual Disciplinary Code, which carries a penalty of 30 days' suspension or dismissal for the first offense. The City justifiably terminated Grievant's employment under its applicable policies.

The FOP argues that the City has failed to meet four of the just cause tests: (1) The Department failed to put the Grievant on notice that he might be terminated for his Facebook posts under the Directive and failed to provide him with sufficient training on its expectations; (2) the Department failed to complete a fair, thorough, and impartial investigation and failed to ascertain, before disciplining him, whether the Grievant was guilty of violating any work rule by obtaining sufficient evidence of the Grievant's guilt; (3) the Department failed to discipline the Grievant consistent with other officers who engaged in substantially-similar conduct; and, (4) the Department failed to impose a penalty proportionate to the Grievant's actual conduct considering his excellent work record and other mitigating factors

After reviewing the extensive record in this case, I must conclude that the FOP's third and fourth arguments are persuasive. First, the Department fell short in proving why the Grievant's 12 posts were so egregious that he had to be discharged, while other officers with "egregious" posts captured by the PVP received 30 day suspensions and an opportunity to correct their behavior, and still others caught up in the PVP received even less or no discipline (Union Exhibits 1 through 12) Second, the Department fell short in imposing a fair penalty that was proportionate to the Grievant's actual conduct considering his lengthy career with a good record and other mitigating factors.

The FOP has made a persuasive argument that the Department punished Officer Milligan more severely than other PPD employees with similar Directive violations.

Four officers implicated in the PVP—██████████, ██████████, ██████████, and Cpl. ██████████—all received Conduct Unbecoming charges for their PVP posts, just like the Grievant. Yet, all four officers received 30-day suspensions (and a disciplinary transfer, in Cpl. ██████████'s case) instead of discharge. The posts at issue for each of these other four officers show they are similar in both quantity (██████████ and ██████████ both received discipline for 10 posts, ██████████ for 6, and ██████████ for 4) and quality (although there are several which are arguably more egregious than those made by the Grievant).

For example, Officer ██████████ commented on a Fox news report: “What did they think would’ve happened when they released a bunch of sword swallowing, Goat F’ing ragheads that already attacked Americans?...” Other comments and posts by Officer ██████████ arguably relate to Muslims and/or contain profanity and references to violence. Officer ██████████'s 10 actionable posts allegedly violated the Directive by supporting violence, in the same manner the City contended several of Milligan’s posts did.

Officer ██████████ was also charged with Conduct Unbecoming and Neglect of Duty for four posts attributed to her by the PVP database, posting under the username “██████████”. One of the comments for which she received discipline was a December 1, 2015 comment, apparently in reference to Muslim refugees, stating “[s]end these ungrateful fucks back. Fuck them.” Officer ██████████ nevertheless received a 30-day suspension. She was not terminated despite the fact that she, unlike Officer Milligan, had previously been disciplined for violating the Directive. Similarly, Cpl. ██████████'s actionable posts also reference Islam.

While the Department issued her a 30-day suspension and a disciplinary transfer for her PVP posts, her discipline was mitigated by an arbitrator to a 15-day suspension because "...the Department has not been consistent in the level of discipline imposed for violations of its Social Media Policy." See City of Philadelphia and FOP Lodge 5 (██████████, Suspension & Transfer) (Reilly, 2022). In so deciding, the Arbitrator specifically pointed to, among others, Officer ██████████'s one-day suspension in 2017 for her violations of the social media policy "which included 40 offending posts laced with profanity and offensive content that maligned the City's mayor and responded to other posters with racially harassing and threatening remarks."

The FOP points out that the Department did not explain why the Grievant was deemed irremediable, while ██████████, ██████████, and ██████████ were given an opportunity to correct their behavior. See Tr. 146-49 (discussing ██████████), 153 ("[Officer ██████████] received a 30-day suspension as opposed to discharge because . . . that is what the Commissioner and the executive team decided for him. I have no other reason for it."), 160-61 (giving no explanation as to the difference between Cpl. ██████████ and Officer Milligan's penalties because "[n]o one was compared to each other"), 164 (same response for Officer ██████████).

Numerous other officers identified by the PVP received even less discipline. Lt. ██████████ ██████████ received only a 1-day suspension for four PVP posts in which he appears to mockingly use ebonics with references to "ghettoism" and "Ghettology," among other comments. UX-10. At least ten other PPD employees received written reprimands in lieu of more severe punishment for their posts from the PVP database. By way of example, one of those posts was made by Officer ██████████ and read "[g]reat ending...good riddance animals," in response to a shared video depicting a gunfight following a traffic stop in which the police apparently killed the driver.

The FOP has addressed the City's reliance upon the Farrelly case. (*City of Philadelphia v. FOP #5, Farrelly, Discharge*) (Brown, 2020). The arbitrator upheld the discharge of the officer for social media postings in violation of Directive 6.10. The City argues that reinstatement of the Grievant here would be inconsistent with Farrelly.

The FOP argues that a decision sustaining the grievance here would be fully consistent with Farrelly, as well as those issued on the merits in *City of Philadelphia v FOP Lodge 5 (Fenico, Discharge)* (Brown, 2022); *City of Philadelphia v. FOP Lodge 5 (McCammit, Discharge)* (Brown, 2022) ("McCammit"); *City of Philadelphia v. FOP Lodge 5 (Palma, Discharge)* (Reilly, 2022) ("Palma") and *City of Philadelphia v. FOP Lodge 5 (Young, Discharge)* (Reilly, 2022) ("Young").

The FOP points out that in Farrelly, the quantity and quality of the posts at issue outdistance those at issue in this case by a considerable margin. Farrelly also largely turned on Arbitrator Brown's finding that Farrelly's character was reflected in his posts.

The Fenico, McCammitt, Young, and Palma decisions are similar to this case in terms of the quantity and type of posts, but all resulted in decisions to mitigate discharges to 30-day suspensions. These cases supports a finding that Milligan's conduct was more akin to these grievants, at a minimum, and to those officers described above who received only 30-day suspensions or less. McCammitt is particularly comparable. In that case, the grievant was disciplined for 10 posts for alleged anti-Muslim bias, anti-LGBTQ bias, and promotion of violence. See McCammitt at 6-16. These posts are comparable to those of the Grievant.

For all these reasons, the City has not demonstrated that there was just cause for the discipline of discharge being imposed.

As I stated above, the FOP's second persuasive argument is that the Grievant's discharge violates the just cause principles of progressive discipline and proportionality in light of the length and quality of his service. The Grievant was a 23-year employee at the time the PPD discharged him. He had no significant prior discipline including, of course, no prior discipline at all related to the Directive. He had a good work record. The City admittedly did not consider these factors in discharging him.

The City's position is that it cannot and should not take the risk of putting back on the streets someone with the Grievant's social media postings. The officer may act out on his expressed biases and views in a way that could hurt citizens. Also at risk is the City's interest in maintaining the respect of citizens of all walks of life. Against this, the FOP argues that the City did not produce any evidence showing the Grievant was ever even accused of treating someone differently because of their religion (or other protected category) or committing violence against protesters or other citizens, let alone proof that he actually did. The record evidence shows that the Grievant has demonstrated his character over 23 years of excellent service to the citizens of Philadelphia, regardless of their religion or any other protected quality. He worked 16 years in the 7th District—a particularly diverse area with a significant Muslim population.

Also the Grievant's willingness to change his Facebook habits also demonstrates his sincerity and shows that he is capable of reform. The FOP argues that the Grievant is exactly the kind of employee for whom progressive discipline should be applied. If any penalty is found appropriate in this case, it must be significantly less than that imposed.

The penalty for violating the Conduct Unbecoming provision of the Disciplinary Code, Sec 1-021-10 is either a 30 day suspension or discharge. There are no other levels of progressive discipline in between those two choices. When the Commissioner, through Direct Action, discharged the Grievant, he decided that the Grievant's infractions of the Social Media policy were so bad that he could not impose the 30 day suspension but instead had to impose the highest level of discipline of discharge. Implied in the Commissioner's decision is a belief that the Grievant was incapable of changing his social media conduct, that he was irredeemable, despite a 23 year career without serious discipline and with satisfactory performance ratings.

In this case, I must conclude that the Commissioner's Direct Action discipline of discharge does not meet the test just cause requiring that the discipline be proportionate and progressive and take into account the employee's entire record.

Conclusion

In summary, I must conclude that, based on the FOP's two arguments stated above and taking into account the entire record, the City has not met its burden of proving that it had just cause to discharge the Grievant, but that it has satisfied its burden of proving that it had just cause to issue a thirty (30) day suspension.

Award

For the reasons stated above, the FOP's grievance is granted, in part, and denied, in part.

The City has not met its burden of establishing just cause for the discharge of Grievant, P/O Brion Milligan, but has shown just cause for a 30-day suspension of the officer.

The City shall:

- Rescind its discharge of Grievant;
- Expunge any and all records of the discharge from Grievant's personnel and discipline files;
- Reduce Grievant's discharge to a 30-day suspension for Conduct Unbecoming;
- Offer Grievant reinstatement to his former position in the 7th District;
- Make Grievant whole for his lost wages, benefits and seniority resulting from his discharge, less such losses associated with his 30-day suspension.

The Arbitrator will retain jurisdiction over this matter to resolve any disputes over the implementation of the Award.

Harrisburg, Pennsylvania
April 17, 2023


Thomas P. Leonard, Esquire