

Section 321 – Hopkins Police Department  
Review Committee Standards and Procedures

321.01 Establishment. Pursuant to the Hopkins Charter, there is a Hopkins Police Department Review Committee with the powers and duties provided in the Charter and in this Section.

321.03 Definitions.

- (1) “Covered Positions” means full time employment positions with the Hopkins Police Department which are subject to the terms of a collective bargaining agreement as of the date this Section becomes law.
- (2) “Covered Employees” means persons employed in a Covered Position.
- (3) “Committee” means the Hopkins Police Department Review Committee.
- (4) “CBA” means collective bargaining agreement.
- (5) “Discharge” means termination of a Covered Person’s employment with the Hopkins Police Department.
- (6) “Discipline” means any of the following actions taken by the Department against a Covered Employee: suspension, with or without pay, written reprimand and demotion, except demotions caused by a reduction in force.
- (7) “Service” or “Served” means personally delivered. Service by mail or certified mail shall not constitute adequate service.
- (8) “Documents” means all written documents, copies of written documents, computer hard drives, computer disks, e-mails or other electronic communications.
- (9) “Department” means the Hopkins Police Department.

321.05 Purpose. The purpose of this Section is to establish the procedures and standards to be utilized by the Committee when it is requested to conduct a review of a Discipline and Discharge decision affecting a Covered Employee. The Committee shall be an alternative to the arbitration process for the review of a Discipline or Discharge decision. The Committee shall not operate in any way that prevents or limits a Covered Employees’ legal right to a hearing arising from the Covered Employee’s status as a military veteran.

321.07 Application. This Section applies to all Covered Positions as of the date this Section becomes law.

321.09 Membership. The Committee shall consist of three (3) members who are citizens of Minnesota and residents of Hopkins. No Committee member shall, at the time of appointment, hold any other office or employment with the City of Hopkins. Committee members shall serve without pay, except that the City Council shall allocate funds to pay expenses incurred by the Committee to perform its duties.

321.11 Duties of Committee. The Committee shall, upon a request pursuant to this Section, review any Discipline or Discharge decision affecting a Covered Employee.

321.13 Meeting. The Committee shall, at its initial meeting, elect a Chairperson who shall preside over the Committee's meetings. The Committee shall not meet unless all three members are present. The Committee's decisions do not require a unanimous vote. All decisions, including the Committee's final decision, may be by simple majority. The Committee shall, at its initial meeting, establish the time and place of its future meetings.

321.15 Request For Review. A Covered Employee may request review by the Committee of any Discipline or Discharge decision. The request must be served in writing to the Chief of Police with a copy to the City Manager and City Attorney.

321.17 Alternative Review. Review by the Committee shall be lieu of any arbitration process established by a CBA according to the provisions of the Public Employment Labor Relations Act, except the Committee shall not operate in any way that prevents or limits a Covered Employee's right to a hearing arising from the Covered Employee's status as a military veteran.

321.19 Hearings. The hearings shall be open to the public and shall be transcribed. The Committee shall have the power to issue subpoenas to compel the attendance and testimony of witnesses and the production of documents relevant to the case. Witnesses shall be entitled to the same fees and mileage as for attendance at District Court, except that any officer, agent or employee of the City of Hopkins who receives compensation for attendance shall not be entitled to fees or mileage. The Covered Employee shall have the right to be represented by a third party at the hearing, shall be entitled to present evidence on his or her behalf, shall be entitled to Subpoenas from the Committee to compel attendance of witnesses and shall be entitled to examine any witnesses testifying on behalf of the Department.

321.21 Committee Authority. The Committee, after receiving the evidence, may sustain the Discipline or Discharge decision or overturn the Discipline or Discharge decision and impose whatever lesser sanction the Committee deems appropriate, if any. In reviewing a Discipline or Discharge decision, the Committee shall uphold the decision unless the Committee determines that the decision was not reasonable, after giving due consideration to all evidence presented to the Committee. The Committee may consider all evidence it deems relevant to the matter, including but not limited to the Covered Employee's work history with Hopkins or other employers, including any previous discipline, the length of the Covered Employee's employment with Hopkins, the nature and severity of the Covered Employee's actions for which the Discipline or Discharge was imposed and the nature and extent of Discipline or Discharge actions taken by the Department for other Covered Employees alleged to have committed similar violations. A Covered Employee reinstated by the Committee's decision is entitled to all back pay lost as a result of the Discipline or Discharge decision.

321.23 Findings and Decision. The Committee shall, upon completion of the hearing process, render a decision within five (5) business days. The decision shall be in writing and shall set forth factual findings upon which the Committee's decision is based.

321.25 Appeal. Either the Department or the Covered Employee or both may appeal the Committee's decision to Hennepin County District Court. The appeal must be in the form of a District Court Complaint and must be served and filed within five (5) days of the Committee's decision, excluding the day the Covered Employee or Department received the decision. Copies of the Covered Employee's decision must be served on the Department, the City Manager and City Attorney at the time the appeal is filed with the District Court. Copies of the Department's appeal must be served on the Covered Employee or Covered Employee's legal representative at the time the appeal is filed with the District Court. If both the Covered Employee and Department appeal, the appeals shall be consolidated by the District Court. The Committee Chair shall provide the District Court with a copy of the record of the hearing, including the hearing transcript and any documentary evidence submitted. The appeal shall be heard by a Judge of the District Court without a jury. The question to be determined by the District Court shall be: "Was the Committee's decision supported by a preponderance of the evidence?" The District Court's decision shall be subject to appeal pursuant to the rules governing Minnesota's appellate courts.

321.27 Severability. Every section, provision or part of this Ordinance is declared severable from every other section, provision or part. If any portion of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction it shall not invalidate any other section, provision or part of this Ordinance.

(Established by Ord. 2002-868)