



CITY COUNCIL

January 12, 2017

Special Meeting

1. Call to Order – 6:00 P.M. - City Hall Council Chambers
2. Roll Call
3. Candidate Interviews – Hear presentation and conduct interviews of candidates for the position of City Labor Attorney
4. Adjournment



BOARD: City Council

MEETING DATE: January 12, 2017

DATE PREPARED: January 6, 2017

AGENDA SUBJECT: Presentation and Interviews of Candidates for the Position of City Labor Attorney

RECOMMENDATION: That the City Council discuss

Background. City Council has requested to interview two candidates for the position of Labor Attorney for the City of Petoskey. Enclosed with this agenda item are the following items:

1. Proposal dated November 14, 2016 and resume from Dick Dinon, PLLC. The proposal specifically states that Mr. Dinon would provide "labor law representation". General employment law counsel would be directed through attorneys working for Plunkett Cooney as recommended by the City Attorney.
2. Proposal dated November 16, 2016 from Kenneth Gonko of the Danielson Group, P.C., for labor attorney services.

The candidates for the position will individually make a brief presentation and field any questions from City Council regarding their services. Because this is a public meeting, the City Council cannot compel the two candidates to be excluded from the public meeting. Nevertheless, both candidates have voluntarily agreed to not be present during the presentation and interview of the other candidate.

No official decision is to be made at this meeting. Council will be asked to approve labor attorney services at the February 6, 2017 City Council meeting. **Please note: The special meeting will start at 6:00 P.M.**

Action. No action required. City Council should be ready to ask questions of the two candidates.

Dinon Law PLLC

430 E. Lake Street
Petoskey, MI 49770

November 14, 2016

Via E-mail – rstraebel@petoskey.us

Robert Straebel
City Manager
City of Petoskey
101 E Lake St.
Petoskey, MI 49770

Re: Labor Law Engagement Proposal

Dear Mr. Straebel:

Thank you very much for requesting a proposal from Dinon Law PLLC to provide labor law services to the City of Petoskey. I am hopeful that you will accept this proposal and that I can continue to act as labor counsel for the City.

SCOPE OF WORK

Dinon Law PLLC proposes to provide labor law representation to the City of Petoskey, with the same scope and in the same manner that Richard Dinon has previously provided to the City of Petoskey. The proposed scope of representation includes providing legal guidance and support relating to collective bargaining issues, contract negotiation, contract administration after ratification, assistance and representation with grievances, disciplinary actions and arbitrations involving unionized employees arising out of the collective bargaining agreements.

FEES AND COSTS

The proposed hourly rate for these services is \$175/hour. This is the same hourly rate that Richard Dinon previously charged for the same work. Additional proposed charges for services may include photocopying expenses, computerized legal and other research systems (subject to prior approval), messenger and special delivery services and travel expenses, including mileage.

TERMINATION

It is proposed that if accepted, this engagement may be terminated by either party notifying the other in writing.

Again, thank you for requesting a proposal from Dinon Law PLLC to represent the City on labor relations matters, and I am hopeful that the City will accept this proposal and allow me to continue to work with you and provide you the best in quality legal services.

Very truly yours,

Dinon Law PLLC



Richard A. Dinon
direct - 231-622-8970
cell - 231-838-3532
email - dick@dinonlaw.com

RICHARD A. DINON

Dinon Law PLLC
430 E. Lake St.
Petoskey, MI 49770

Office 231 622-8970
Cell 231 838-3532
dick@dinonlaw.com

Professional Summary

Richard A. Dinon has been representing Northern Michigan municipalities, businesses and insurers since 1990.

After practicing with a large firm for more than 35 years, Mr. Dinon formed Dinon Law PLLC in June of 2016, which has allowed him to narrow and focus his practice to labor and employment matters, real estate and commercial disputes and litigation, and general business matters.

He has been representing public sector entities, including cities, counties and authorities for more than 15 years, with a focus on collective bargaining, grievances and other matters related to the collective bargaining process.

Areas of Practice

Labor and Employment Law

Commercial Litigation

Condominium Association Issues

Personal Litigation

General Business

Experience

Labor negotiations and arbitrations. Has represented public and private sector employers for more than 15 years, including contract negotiations, grievance administration, contract and grievance arbitrations and unfair labor practice charges.

Condominium Associations. Has represented numerous condominium associations, providing assistance with drafting and obtaining co-owner approval of bylaw amendments, enforcement of bylaws and defending claims by co-owners against the associations.

Commercial matters. Has represented local businesses in both transactions and litigation, including successfully defending tortious interference claims. Assists clients in drafting contracts, policies and procedures, operating agreements, as well as contract

negotiations.

Personal Litigation. After primarily representing insurers and their insureds for many years, is now focusing more on representing select individuals, helping them satisfactorily resolve disputes and avoid litigation if possible, but handling litigation when necessary.

Education

University of Detroit Mercy, JD 1981

Eastern Michigan University, BS Economics, 1978

In addition, Mr. Dinon has attended numerous continuing legal labor and employment seminars and programs, including the Harvard University/MIT sponsored training program on Negotiating Labor Agreements in 1997

Professional Affiliations

Emmet-Charlevoix Bar Association

State Bar of Michigan (Labor & Employment, Real Property and Small Practice sections)

American Bar Association (Labor & Employment Section)

Community Involvement

Board Member, Hospice of Little Traverse Bay (2005-2008)

Board Member, Petoskey Youth Soccer Association (2003-2013)
Board President (2005-2009)

The DANIELSON GROUP, P.C.
ATTORNEYS AND COUNSELORS AT LAW

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CHESTERFIELD, MI 48051
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Kenneth M. Gonko
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www.dgrouppc.com

November 16, 2016

James J. Murray, Esq.
Plunkett Cooney
303 Howard Street
Petoskey, MI 49770

Re: *Possible Firm Representation for Traditional Labor Matters*

Dear Mr. Murray:

Thank you for providing us the opportunity to introduce The Danielson Group, P.C. as a possible source for legal representation of the City of Petoskey for its traditional labor law matters. The scope of our work would be limited to collective bargaining with your unionized work force (at this point, your police and fire bargaining units), Act 312 arbitration (if required), grievance arbitration and proceedings before the Michigan Employment Relations Commission. To this end, I've attached the biographical profiles of our attorneys for your review.

We are proposing an hourly rate of \$220.00 per hour which is a significant reduction off of our usual hourly rate. This would be the rate we would charge for any legal work performed on the City's behalf. The firm bills in quarter hour increments.

Although the firm typically charges for travel time at our normal hourly rate, given the distance between our respective locations, we would charge the City travel time at one-half the hourly rate or \$110.00 per hour. Mileage is charged at the IRS rate.

We also understand that collective bargaining efforts would start between the City and its police and fire unions in the not-so-distant future. In an effort to reduce the cost to the City as much as possible, we are prepared to propose that, when feasible, bargaining sessions be scheduled for several days in a row thus avoiding additional travel. While we would bill for a budget-priced hotel, we would not charge for meals.

I hope this letter is responsive to your request but please do not hesitate to call us should you have any questions.

James J. Murray, Esq.
November 16, 2016
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Thank you for your consideration in this regard.

Very truly yours,

THE DANIELSON GROUP, P.C.

A handwritten signature in black ink, appearing to read "Kenneth M. Gonko". The signature is fluid and cursive, with a large initial "K" and "G".

Kenneth M. Gonko

KMG/sb
Enclosure

THE DANIELSON GROUP, P.C.
Attorneys and Counselors at Law
55921 Gratiot Avenue
Chesterfield Twp., Michigan 48051
(586) 749-6400
www.dgrouppc.com

The Danielson Group, P.C., is a management-side labor and employment law firm located in Macomb County, Michigan. The firm, which was founded in 1988, presently consists of three licensed attorneys, Gary Danielson, Kenneth Gonko and Bruce Gluski, as well as several clerical, research and support staff. The firm, which regularly does business throughout the State of Michigan and the Midwestern section of the United States, is truly specialized in the field of "management side" labor and employment law. We are engaged exclusively in the representation of employers in all facets of public and private sector labor relations and employment litigation matters. Each of our attorneys has more than thirty (30) years of extensive experience and expertise representing employers in the areas of labor and employment law.

Our firm represents a wide range of client organizations in the private sector including manufacturing companies, trucking companies, companies in the construction industry, health care organizations and retail and service organizations. In the public sector we are involved in the representation of counties, cities, townships, health care and educational institutions. As a result we have substantial experience dealing with all of the major unions as well as many smaller independent labor organizations in both the public and private sectors. Additionally, we have in-depth experience in the interpretation, application and litigation of all state and federal labor and employment laws.

Our firm has been rated "AV" by Martindale-Hubbell, the highest rating a law firm can receive. This rating reflects our "preeminent" legal ability. (Martindale-Hubbell is the facilitator of a national peer review process that rates lawyers. Ratings reflect the confidential opinions of members of the Bar and the Judiciary.)

Kenneth M. Gonko - Mr. Gonko has been a licensed attorney for over thirty-seven (37) years after graduating from the University of Detroit Mercy School of Law. Since that time, he has specialized in labor law and employment relations both in the public and private sector. As a labor and employment specialist, Mr. Gonko regularly appears as an advocate and litigator in disputes before the state and federal courts, the National Labor Relations Board, the United States Equal Employment Opportunity Commission, The U. S. Department of Education's Office of Civil Rights, the Michigan and United States Wage-Hour Bureaus, the Michigan Unemployment Agency, the Michigan Employment Relations Commission and the Michigan Department of Civil Rights. He also represents clients extensively in unionization matters, collective bargaining negotiations and grievance arbitrations. A substantial portion of Mr. Gonko's practice is spent defending employers in litigation involving claims of wrongful discharge and employment discrimination. Mr. Gonko is a member of the State Bar of Michigan's Labor Law and Employment Relations Section and the Macomb County Bar Association's Section of Labor and Employment Law. Mr. Gonko is also a Case Evaluator for the Macomb County Circuit Court for employment cases. He is licensed to practice before all of Michigan's trial and appellate Courts, the United States District Courts for the Eastern and Western Districts and the United States Court of Appeals for the Sixth Circuit.

In 1989, Mr. Gonko was appointed to the Michigan Employment Relations Commission's Panel of Arbitrators, Mediators and Fact-Finders and has, himself, served as an arbitrator and fact-finder in a number of Michigan public sector labor disputes. In 1996, he was awarded the "AV" rating by Martindale-Hubbell; a national peer review evaluator of lawyers and judges and has consistently maintained this preeminent rating over the last 20 years. The "AV" rating is the highest rating an attorney can receive and acknowledges the attorney as having "preeminent" legal ability and exhibiting the "highest possible ethical standards". Mr. Gonko has named one of Metropolitan Detroit's Top Lawyers by DBusiness, a premier Detroit business journal and has been recognized as a "Michigan Super Lawyer" in the area of labor and employment law.

Aside from his representational activities, Mr. Gonko is currently an Advisor to the State Bar of Michigan's Lawyers and Judges Assistance Committee. The Lawyers and Judges Assistance Program assists members of the bench and bar who may have personal, mental health and/or addiction issues. Mr. Gonko is also a member of the State Bar of Michigan's Master Lawyers Section a member of the Macomb County Bar Association's Master's Lawyers Section.

Mr. Gonko is also engaged in several community-focused efforts. He was a long-standing member and former President of the Board of Directors of the Village of East Harbor, a full-service continuing care retirement community in New Baltimore, Michigan. Mr. Gonko is also an Executive Board member and officer in the 1st Michigan Colonial Fife & Drum Corps, a nationally preeminent 18th Century Fife & Drum Corps where he also participates as a musketeer in the Corps' color guard.

Gary R. Danielson - Mr. Danielson is an attorney with over thirty-five (35) years experience representing employers in the areas of human resources and labor relations. He graduated with honors (Cum Laude) from the Wayne State University Law School. Prior to entering private practice he was involved in human resources and labor relations for Ferndale Public Schools, Oakland County, the Detroit Medical Center and the Visiting Nurses Association. He has been in the private practice of law for the past thirty-two (32) years and during that time has been exclusively involved in the representation of employers in the areas of human resources, labor law and employment law. He has become recognized as one of a small group of attorneys in the country who have unsurpassed expertise in the very specialized practice of union election and certification procedures, unfair labor practice matters and other matters intrinsic to protecting the employer's very substantial interests during the exercise of organizational activities by unions, as a result of his involvement in over 85 union elections. His practice includes the negotiation of over 260 collective bargaining agreements; in excess of 150 contract grievance arbitrations; numerous 1969 Public Act 312 compulsory arbitration proceedings; representing employers before administrative agencies such as the Michigan Employment Relations Commission, National Labor Relations Board, Michigan Department of Civil Rights, Equal Employment Opportunity Commission, and the Wage-Hour Division of the Department of Labor; and appearances before various State and Federal Courts on various labor and employment matters. Mr. Danielson is licensed to practice law in Michigan state courts, federal District Courts and the U.S. Supreme Court.

Mr. Danielson is recognized and listed in Who's Who in American Law. This is a national form of recognition that identifies the "leading attorneys and other legal professionals" in this country. As well, Mr. Danielson has been named as one of "Michigan's Super Lawyers" for his work in the areas of employment and labor law. The "Super Lawyers" are identified based on peer review methodology, i.e. selected by other attorneys and judges in the state. Less than five percent (5%) of the lawyers in Michigan have been so honored. Additionally, Mr. Danielson has been rated as an "Excellent" lawyer by Avvo. Avvo is an independent rating agency that has issued ratings for more than 90% of the attorneys in the United States.

Mr. Danielson is a member of the Michigan Bar Association and is a long standing member of its Labor and Employment Law Section. Additionally, Mr. Danielson was recently inducted into the Master Lawyers Section of the State of Michigan Bar Association. According to Charles Toy, the past President of the State Bar of Michigan, "The wisdom and experience of this group of attorneys is unparalleled."

As a way of "giving back" Mr. Danielson has served as a judge for the American Bar Association for Region 6 for the international competition between law schools, where students engage in competitive negotiations against students who are representing other law schools. He also taught classes for the American Society of Employers for more than fifteen (15) years. There he taught a variety of classes dealing with both grievance arbitration and union contract negotiation issues. Mr. Danielson has also been a featured speaker at the annual convention of the Labor and Employment Law Section of the Michigan Bar Association where he has presented on the use of innovative negotiating strategies and techniques. And for many years, Mr.

Danielson served as a member, and then as Chairperson, of the Board of Directors of Henry Ford Village; the largest continuing care retirement community in the State of Michigan.

Bruce Gluski - Mr. Gluski is an attorney with over 31 years experience representing employers as an attorney, and a Human Resources/Labor Relations Director in the private and public sectors including automotive (both OEM and supplier), higher education and commercial baking. Along with a law degree from Wayne State University (where he and Gary Danielson were classmates), Mr. Gluski has a Master's Degree in Labor & Industrial Relations from Michigan State University and a Graduate Certificate in Dispute Resolution from Wayne State University.

Mr. Gluski has significant experience as a first chair negotiator in union contract negotiations and is a skillful advocate in labor arbitration. He also maintains substantial administrative experience as an HR Director with particular strengths in staffing, testing, training, policy development and salary administration.

Mr. Gluski is also a member of the American Arbitration Association's Panel of Labor Arbitrators and has taught graduate level courses in labor arbitration, collective bargaining and traditional labor law at Wayne State University.

Mr. Gluski has litigated extensively before the Michigan Employment Relations Commission and has significant management-side experience with other state and federal labor and employment administrative agencies.

Mr. Gluski's primary responsibilities at The Danielson Group include collective bargaining, grievance arbitration, litigation before federal and state labor agencies and advising employers on HR policy development and compliance.