

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS
EXPEDITED ARBITRATION AWARD

In the Matter of Arbitration between *
* Case No. ARB-21-8398
CITY OF WESTFIELD *
* Date Issued: April 30, 2021
and *
*
INTERNATIONAL BROTHERHOOD OF *
POLICE OFFICERS, LOCAL S574 *

Stipulated Issue: Was the Chief of Police's discipline of Sgt. Douglas LaValley appropriate given the facts. If not, what shall the remedy/discipline be?

Background: On August 15, 2020, Officer Bradley White (White) was writing a report in a small room, with his back to the door. Two others were nearby. Sgt. Douglas LaValley (LaValley) entered the doorway and, without warning, discharged an air horn towards White. White immediately reacted, expressing that he was in pain. White had a pre-existing military-related hearing impairment, wears a hearing aid, and suffers from tinnitus. White's pain continued for two days. He sought treatment from the VA due to the pain, lingering tinnitus, and to assess if he suffered further permanent hearing loss. White submitted an injury-on-duty claim for the injuries he suffered on August 15, 2020. The pain ultimately subsided, and White experienced no additional hearing impairment.

LaValley admitted discharging the air horn as a prank. LaValley meant no harm and was unaware of White's pre-existing injury and hearing aid usage. The Police Chief issued LaValley a two-day suspension without pay, noting LaValley's lapse in sound judgement and maturity as a supervisor for engaging in a prank that caused a subordinate's injury. The Union maintains that the suspension should be reduced to a written reprimand because this is LaValley's first incident of this nature, he did not intend, or foresee, that any harm would result from his prank¹ and, in fact, two others in the area were unharmed.

Decision: The facts are not in dispute. LaValley admits that he discharged the air horn. Although he meant it as a prank, and did not intend to harm anyone, being unaware of White's preexisting injury or that he wears a hearing aid, LaValley's actions did cause harm to a subordinate. The fact that LaValley's actions did not harm two other nearby individuals, and the fact that others on YouTube or elsewhere engage in similar conduct, does not absolve LaValley. LaValley's actions were reckless; he should have been aware that discharging an air horn in a small room could lead to injury. Accordingly, the Chief had just cause to issue a two-day suspension without pay, and I deny the grievance.



Gail Sorokoff, Arbitrator

¹ The Union maintains that LaValley is not unique in using an air horn in a prank, referencing the results of a google-search for air horn pranks, including YouTube videos.