

S-24-0487 *Katherine Belcastro-Gonzalez* (Appellant) v. *City of Omaha, a Municipal Corporation* (Appellee)

Appeal from the District Court for Douglas County, Judge Kimberly Miller Pankonin

Attorneys: Theodore R. Boecker, Jr. (Boecker Law, P.C., L.L.O. for Appellant) and Bernard J. in den Bosch (Deputy City of Omaha Attorney for Appellee)

Katherine Belcastro-Gonzalez was employed by the Omaha Police Department (OPD). OPD had a collective bargaining agreement (CBA) with its employees. A CBA is an agreement between employees and an employer that outlines the terms of employment, which typically includes grievance procedures. Belcastro-Gonzalez received notice to appear for an internal affairs investigation. After that interview, Belcastro-Gonzalez filed a grievance. She alleged that OPD violated the CBA because the notice she received failed to identify what she did wrong and did not identify who would be present. Under the CBA, the grievance was arbitrated and heard by a neutral Arbitrator. Arbitration is a formal process by which a neutral person resolves a legal dispute instead of going to court. After arbitration, it was determined that OPD violated the CBA in both the notice provided to Belcastro-Gonzalez and the notification of who was to be present for the interview. The arbitrator's remedy was that OPD could start over with its internal affairs investigation. Belcastro-Gonzalez took issue with this as the CBA limits investigations to 100 days. As a result, she filed a complaint in district court and requested that it vacate the provision of the arbitration award that allowed OPD to restart the investigation. In response, the City of Omaha asked the district court to confirm the arbitration award. After a hearing, the district court affirmed the arbitration award, which means it did not change anything about the arbitration award.

On appeal, Belcastro-Gonzalez argues the district court erred in (1) failing to modify the arbitration award or vacate the portion where the arbitrator exceeded his authority; (2) failing to find the Arbitrator exceeded his powers by ruling the 100 day time limit to file a charge against Belcastro Gonzalez was extended from the date of the Arbitrator's award; and (3) granting the City's motion for confirmation of the arbitration award to the extent that it affirmed the portion of the award that purported to grant the City an extension of time to file charges against Belcastro Gonzalez from the date of the Arbitrator's award. On its own motion, the Nebraska Supreme Court ordered that this case be transferred from the docket of the Nebraska Court of Appeals to its docket. Both parties filed briefs with the Nebraska Supreme Court. Each party will have ten minutes to argue the case before the Nebraska Supreme Court and to answer questions from Nebraska Supreme Court Justices.