

Public Safety Labor News

Index

January - December 1998

DESCRIPTION	CASE CITATION	ISSUE
Absenteeism		
Court refuses to dismiss secondhand smoke lawsuit under ADA.	<i>Muller v. Costello</i> , 5 AD Cases 779 (N.D.N.Y. 1996)	January
The ADA		
ADA claims can be filed by public employees without delay.	<i>Bledsoe v. Palm Beach County Soil District</i> , 7 AD Cases 1433 (11th Cir. 1998)	April
Prozac blood test and adverse assignment violate the ADA.	<i>Krocka v. Bransfield</i> , 969 F.Supp. 1073 (N.D.Ill. 1997)	April
Supreme Court declares HIV+ a disability.	<i>Abbott v. Bragdon</i> , 118 S.Ct. 2196 (1998)	August
Corrections officer not covered by ADA simply because he cannot perform job duties.	<i>Martin v. State of Kansas</i> , 996 F.Supp. 1282 (D.Kan. 1998)	August
Removal of fire alarm boxes violates ADA.	<i>Civil Association of the Deaf v. Giuliani</i> , 7 AD Cases 13 (S.D.N.Y. 1997)	June
Police do not need to provide interpreter to deaf drunk driver.	<i>Rosen v. Montgomery County</i> , 7 AD Cases 70 (4th Cir. 1997)	June
ADA vs. collective bargaining agreement: contract wins.	<i>Kralik v. Durbin</i> , 130 F.3d 76 (3rd Cir. 1997)	March
Supreme Court to settle ADA vs. arbitration issue.	No case citation.	May
Desk job adequate accommodation.	<i>Keever v. Middletown</i> , 8 AD Cases 388 (6th Cir. 1998)	November
Depression legitimate basis to reject police applicant.	<i>Miller v. City of Springfield</i> , 146 F.3d 612 (8th Cir. 1998)	November
Captain loses ADA case and wins handicapped discrimination case on the same facts.	<i>Failla v. City of Passaic</i> , 8 AD Cases 275 (3rd Cir. 1998)	October
No ADA violation to offer higher benefits to non-disability retirees.	<i>Castellano v. City of New York</i> , 12 NDLR ¶1 (2nd Cir. 1998)	September
Affirmative Action		
City not allowed to use arrest records in making hiring decisions under affirmative action plan.	<i>Carter v. Gallagher</i> , 74 FEP Cases 1716 (D.Minn. 1997)	April
Court dissolves dissent decree requiring affirmative action.	<i>Freeman v. City of Fayetteville</i> , 971 F.Supp. 971 (E.D.N.C. 1997)	April
Settlement ends affirmative action case.	No case citation.	February
Affirmative action plan goals must be based on qualified labor pool, not general population.	<i>U.S. v. City of Miami</i> , 74 FEP Cases 447 (11th Cir. 1997)	February
Age Discrimination		
Supreme Court battle likely on age discrimination law.	<i>Humenansky v. Regents of University of Minnesota</i> , 152 F.3d 1822 (8th Cir. 1998)	December
Court upholds retroactive application of ADEA police and fire exclusion.	<i>Kopec v. City of Elmhurst</i> , 8 F.Supp. 1082 (N.D.Ill. 1998)	December
Arbitration Decisions		
New Jersey arbitrators must explain decisions.	<i>County of Salem</i> , 24 NJPER P 29079 (N.J. PERC 1998)	July
Arbitrator's decision on assignment of corrections work to prisoners not "reasonably literate."	<i>Rhode Island Council 94, AFSCME v. State of Rhode Island</i> , 158 LRRM 2492 (R.I. 1998)	November

Bill Of Rights		
Donut shop detour results in major bill of rights case.	<i>City of Los Angeles v. Superior Court (Labio)</i> , 67 Cal.Rptr.2d 775 (Cal.App. 1997)	April
Brady Law		
Brady law amendments which resulted in police officers and firefighters losing jobs declared unconstitutional.	<i>Fraternal Order of Police v. United States of America</i> , 152 F.3d 998 (D.C. Cir. 1998)	October
Callback Rights		
Employees cannot be required to “work out” duration of callback.	<i>Michigan Department of Corrections</i> , 109 LA 74 (Brotsky, 1997)	February
Officer not entitled to callback payment for starting shift 20 minutes early.	<i>City of Wilkes-Barre and Police Benevolent Association</i> , LAIG 5386 (Aronin, 1998)	October
Fire union did not waive callback rights.	<i>City of Springfield, Massachusetts and Fire Chief’s Association of Springfield</i> , LAIG 5414 (Ellis, 1998)	November
Citizen Complaints		
Complaint about excessive force must be disclosed; complaint about inappropriate personal relationship covered by right to privacy.	<i>Department of Public Safety v. Freedom of Information Commission</i> , 698 A.2d 803 (Conn. 1997)	April
Civil Lawsuits		
District attorney has right not to prosecute officer’s cases.	<i>Roe v. San Francisco</i> , 109 F.3d 578 (9th Cir. 1997)	February
Police chief not liable for officer’s suicide.	<i>Hanrahan v. City of Norwich</i> , 959 F.Supp. 118 (D.Conn. 1997)	January
Firefighter’s ADA and sexual discrimination lawsuits allowed to continue.	<i>Wright v. City of Tampa</i> , 998 F.Supp. 1398 (M.D.Fla. 1998)	July
Civil Rights		
Arbitration versus civil rights claims – the battle continues.	<i>Brown v. Transworld Airlines</i> , 74 FEP Cases 1675 (4th Cir. 1997)	March
Civil Service		
Constitutionality of Texas Civil Service law upheld.	<i>Proctor v. Andrews</i> , 41 Tex.S.Ct. J. 934 (1998)	October
Cleaning Allowance		
Disabled deputy entitled to cleaning allowance.	<i>Klickitat County</i> , 109 LA 4 (Bradburn, 1997)	February
Collective Bargaining		
Requirement to continue terms of expired agreement until new agreement is negotiated does not violate New York constitution.	<i>City of Utica v. Zumpano</i> , NPER ¶7501 (N.Y. 1998)	August
Coeur d’Alene City Council eliminates police officers’ right to collectively bargain.	No case citation.	August
Repayment of training costs a mandatory subject of bargaining.	<i>New Jersey Transit Authority v. New Jersey Transit PBA, Local 304</i> , 714 A.2d 329 (N.J.A.D. 1998)	December
Dispatchers in Alachua, Florida continue to be included in police bargaining unit.	<i>Florida State Lodge, Fraternal Order of Police v. City of Alachua</i> , 24 FPER P 29088 (Fla. PERC 1998)	July
City of Petaluma, California settles contract with police officers.	No case citation.	July
Civilian review board not mandatory for bargaining in Pennsylvania.	<i>City of Philadelphia</i> , 29 PPER P 29000 (Pa. LRB 1997)	June
Hearing officer reverses lay off of entire police department.	<i>Upper Mount Bethel Police Association v. Upper Mount Bethel Township</i> , 1:7 NPER 9 (Pa. LRB ALJ 1997)	June
Mayor’s press release about bargaining violates law.	<i>Wilkes-Barre Police Benevolent Association v. City of Wilkes-Barre</i> , 29 PPER 29040 (Pa. LRB ALJ 1998)	June
Court Appearances		
Multiple court appearances in short time period result in one payment.	<i>Borough of Ellwood</i> , LAIG 5331 (Morgan, 1997)	January

Disability		
City must accommodate fire captain's disability or disqualify him.	<i>City of Independence, Missouri</i> , 98-1 ARB ¶5135 (Pelofsky, 1998)	December
Disability Benefits		
Court rules that having AR-15 pointed at head is stressful.	<i>City of Philadelphia v. Civil Service Commission</i> , 712 A.2d 350 (Pa.Cmwth. 1998)	December
Discipline		
Significant developments of <i>Weingarten</i> rule in Illinois.	<i>City of Chicago (Department of Aviation)</i> , (Ill.LLRB, 1997) (Unpublished opinion; copies available from Labor Relations Information System)	April
California amends bill of rights to impose statute of limitations on disciplinary investigations.	Reported in <i>Labor Beat</i> , published by Carroll, Burdick & McDonough (February 1998)	April
Arbitrator rejects polygraph evidence, reverses discharge for fighting.	<i>State of Ohio</i> , 109 LA 170 (Bowers, 1997)	April
Lieutenant suspended for allowing subordinates to watch "COPS: Too Hot For TV."	<i>City of Houston, Texas and Houston Police Patrolmen's Union</i> , LAIG 5413 (Sherman, 1997)	August
Officer turns down reprimand, ends up with discharge.	<i>Ahern v. O'Donnell</i> , 109 F.3d 809 (1st Cir. 1997)	February
Discharge for falsification of application overturned because of department's knowledge.	<i>City of Pawtucket v. Ricci</i> , 692 A.2d 678 (R.I. 1997)	February
Police officer fired for smoking.	<i>Town of Plymouth v. Civil Service Commission</i> , 686 N.E.2d 188 (Mass, 1997)	July
Arkansas state law provides hearings for discharges, but not suspensions.	<i>Honycutt v. City of Fort Smith</i> , 939 S.W.2d 306 (Ark. 1997)	March
Supreme Court holds that employee who lies about misconduct can be punished.	<i>La Chance v. Erickson</i> , No. 96-1395 (January 21, 1998)	March
Discharge of fire lieutenant appropriate for first offense, same-sex sexual harassment.	<i>City of Fort Worth</i> , 108 LA 924 (Moore, 1997)	May
Arbitrator reverses suspension for sexual harassment; finds employer bore responsibility for sexual banter.	Reported in <i>Labor Beat</i> , published by Carroll, Burdick & McDonough (February 1998)	May
Contract can waive <i>Weingarten</i> representation rights.	<i>Ehlers v. Jackson County Sheriff's Merit Commission</i> , 158 LRRM 2602 (Ill. 1998)	October
Assertion of Fifth Amendment rights, standing alone, cannot be basis for discipline.	<i>Harmon v. Mifflin County School District</i> , 713 A.2d 620, (Pa. 1998)	October
Firefighter suspended for racially insulting police officer.	<i>Karins v. Atlantic City</i> , 13 IER Cases 1303 (N.J. 1998)	October
Discrimination		
Female military security officer can be ordered not to wear ponytail.	<i>Fortner v. State of Kansas</i> , 74 FEP Cases 1611 (D.Kan. 1996, reported in 1997)	April
Discriminatory comments need not be made in officer's presence to be actionable.	<i>Schwapp v. Town of Avon</i> , 7 FEP Cases 955 (2nd Cir. 1997)	April
Racial disparity in disciplinary statistics, standing alone, may not support discrimination claim.	<i>Hughes v. Alabama Department of Public Safety</i> , 994 F.Supp. 1395 (M.D. Ala. 1998)	August
Disability discrimination verdict for three New York officers reversed on appeal.	<i>Colwell v. Suffolk County Police Department</i> , 8 AD Cases 1232 (2nd Cir. 1998)	December
Pre-selection of acquaintance for captain position does constitute racial discrimination.	<i>McPhail v. Town of La Grange</i> , 135 F.3d 770 (4th Cir. 1998)	December
Transfer option rules out officer's abortion-based religious discrimination claim.	<i>Rodriguez v. City of Chicago</i> , 74 FEP Cases 1244 (N.D.Ill. 1997)	January
Corrections officer's need to breast feed not protected by Pregnancy Discrimination Act.	<i>McNeill v. New York City Department of Corrections</i> , 950 F.Supp. 564 (S.D.N.Y. 1997)	July
Court accuses officer of acting like ostrich.	<i>Moses v. City of Evanston</i> , 1998 WL 111568 (N.D.Ill. 1998)	July
New York City Police Department denies that racial discrimination is cause of disciplinary disparity.	No case citation.	July
Gender harassment need not be sexual in nature.	<i>Scannell v. Bel Air Police Department</i> , 74 FEP Cases 589 (D.Md. 1997)	March
Probationer found not to be the victim of sex discrimination.	<i>Carroll v. Town of University Park</i> , 155 F.3d 558 (4th Cir. 1998) (unpublished decision)	September

Drug Testing		
Federal law preempts Massachusetts privacy concerns on drug testing.	<i>O'Brien v. Massachusetts Bay Transportation Authority</i> , 1998 WL 151245 (D.Mass. 1998)	July
Due Process		
Officer must be allowed to prove “unknowing ingestion” of drugs.	<i>Wood v. State Personnel Board</i> , 12 IER Cases 1720 (Ala.App. 1997)	February
Delay in investigation can implicate due process rights.	<i>Hunt v. Fairman</i> , 1998 WL 102566 (N.D.Ill. 1998)	July
No evidence that psychologist’s Pentecostal Christian background influenced rejection of police applicant.	<i>Rosario v. City of New Haven</i> , 1998 WL 51786 (D.Conn. 1998)	July
Discharge of probationer for sexual harassment does not violate due process.	<i>Olivieri v. Rodriguez</i> , 13 IER Cases 186 (7th Cir. 1997)	June
No due process required for laid-off marshals.	<i>Pfifer v. Town of Edinburgh</i> , 684 N.E.2d 578 (Ind.App. 1997)	June
Due process includes right to cross examine girlfriend.	<i>Price v. City of Kissimmee</i> , 697 So.2d 186 (Fla.App. 1997)	June
Duty Of Fair Representation		
Union has right to be wrong about contract interpretation without violating duty to members.	<i>Wayne County Sheriff’s Union</i> , 11 NPER P29041 (Mich. ERC 1998)	December
Equal Protection		
Officer denied promotion loses equal protection claim.	<i>Aiello v. Bratton</i> , 654 N.Y.S.2d 135 (A.D. 1997)	January
Evaluations		
Fire Chief does not have right to alter performance evaluations.	<i>City of Lawton</i> , 109 LA 156 (Allen, Jr. 1997)	March
Firefighter’s Rule		
Firefighter’s rule does not preclude claim by police officer who fell into uncovered window well at Luigi’s.	<i>Paul v. Luigi’s, Inc.</i> , 557 N.W.2d 895 (Iowa 1997)	February
New Hampshire restricts firefighter’s rule.	N.H. Rev. Stat. Ann. §507:8-h (1998)	March
The FLSA		
Canine officers lose claim for compensation for commuting with their dogs.	<i>Bobo v. United States</i> , 136 F.3d 1465 (Fed.Cir. 1998)	August
The “fluctuating workweek method.”	<i>Flood v. New Hanover County</i> , 4 WH Cases2d 139 (4th Cir. 1997)	February
Physical fitness training for SWAT team members not compensable under the FLSA.	<i>Dade County v. Alvarez</i> , 4 WH Cases2d 225 (11th Cir. 1997)	January
EMT not entitled to pay for on-call time.	<i>Andrews v. Skiatook, Oklahoma</i> , 4 WH Cases2d 65 (10th Cir. 1997)	June
Suspended police officers not exempt under the FLSA.	<i>Arrington v. City of Macon</i> , 4 WH Cases2d 122 (M.D.Ga. 1997)	June
Volunteer fire departments not subsidiary agencies of Township.	<i>In re Lower Marion Township Fire Department Labor Standards Litigation</i> , 972 F.Supp. 315 (E.D.Pa. 1997)	March
FLSA claim for canine commute time rejected.	<i>Aguilar v. United States</i> , 4 WH Cases2d 83 (Fed.Cl. 1997)	May
Court rules time deputies spend on call not significantly restrictive.	<i>Ingram v. County of Bucks</i> , 144 F.3d 265 (3rd Cir. 1998)	November
Institution of “lag payroll” system does not violate FLSA.	<i>Rogers v. City of Troy</i> , 148 F.3d 52 (2nd Cir. 1998)	October
Louisiana required to pay corrections officers for roll call period.	<i>Local 889, American Federation of State, County and Municipal Employees v. State of Louisiana</i> , 145 F.3d 280 (5th Cir. 1998)	September
The FMLA		
Special Report: The Family and Medical Leave Act.	<i>Special Report</i> , by Carol Green, Legal Assistant, Aitchison & Vick, Portland, Oregon. <i>Thorson v. Gemini, Inc.</i> , 4 WH Cases2d 161 (8th Cir. 1997); <i>Murray v. Red Kap Industries</i> , 4 WH Cases2d 233 (5th Cir. 1997); <i>Olsen v. Ohio Edison Co.</i> , 4 WH Cases2d 247 (N.D.Ohio 1997)	May

Freedom Of Religion		
Religious challenge to ban on firefighter beards fails.	<i>Yasin v. City of Newark Fire Department</i> , CSB 11443-95 (N.J. ALJ 1998)	August
Court refuses to dismiss lawsuit against chief who attempted to save dispatcher from damnation.	<i>Venters v. City of Delphi</i> , 74 FEP Cases 1095 (7th Cir. 1997)	March
Freedom Of Speech		
No job protection for lawsuit unless subject of lawsuit is a matter of public interest.	<i>Grigley v. City of Atlanta</i> , 136 F.3d 752 (11th Cir. 1998)	August
No constitutional right to testify in bail hearing for organized crime figure.	<i>Green v. Philadelphia Housing Authority</i> , 105 F.3d 882 (3rd Cir. 1997)	February
“White guy” speech protected under First Amendment.	<i>California Department of Corrections v. State Personnel Board</i> , reported in <i>Labor Beat</i> , published by Carroll, Burdick & McDonough, (February, 1998).	June
Court strikes down NYPD restrictions on off-duty speech.	<i>Latino Officers’ Association v. Safir</i> , 13 IER Cases 199 (S.D.N.Y. 1997)	March
Request for clarification of report does not violate free speech rights.	<i>Hankard v. Town of Avon</i> , 13 IER Cases 598 (2nd Cir. 1997)	May
Ban on serving as expert witness against employer struck down.	<i>Hoover v. Morales</i> , 146 F.3d 304 (5th Cir. 1998) (Withdrawn from publication; amended opinion to be issued.)	November
Prosecutor has no free speech rights about job.	<i>Bibbs v. Newman</i> , 997 F.Supp.1174 (S.D.Ind. 1998)	September
Prison Chaplain’s desire to get hooked on phonics not constitutionally protected.	<i>Button v. Kibby-Brown</i> , 146 F.3d 526 (7th Cir. 1998)	September
Writing in accident report not protected speech.	<i>Morris v. Crow</i> , 14 IER Cases 186 (11th Cir. 1998)	September
Funeral Leave		
Firefighters entitled to same funeral leave benefits as police officers even though schedules are different.	<i>City of Syracuse</i> , LAIG 5372 (Selchick, 1998)	August
Garrity Rights		
Denver police officers cannot be compelled to testify before civilian review board.	<i>City and County of Denver v. Powell</i> , 1998 WL 684474 (Colo.App. 1998)	November
Gay Rights		
Court upholds Cincinnati’s gay rights ordinance.	<i>Equality Foundation v. Cincinnati</i> , 75 FEP Cases 115 (6th Cir. 1997)	March
Grievance Procedure		
Fairbanks, Alaska found to show bad faith in Approaching firefighters’ grievance procedure.	<i>Fairbanks Fire Fighters’ Association, Local 1324, IAFF v. City of Fairbanks, AK</i> (AK. LRA 1997)	June
Grooming Codes		
Federal court issues temporary injunction barring police department from ordering officer to cut dreadlocks.	<i>Robinson v. District of Columbia</i> , 15 IER Cases 210 (D.D.C. 1997)	July
Harassment		
Creating a hostile work environment.	<i>Taylor v. Metzger</i> , Case A-9-97 (New Jersey 02/18/98), Opinion can be found at http://www.camlaw.rutgers.edu/courts/supreme/a-9-97.opn.html	April
Heath And Safety		
City required to finish exhaust systems in fire stations.	<i>City of Detroit</i> , 110 LA 716 (Daniel, 1998)	November
Hiring Practices		
City can bypass police applicant who lied in prior court proceedings.	<i>City of Cambridge v. Civil Service Commission</i> , 682 N.E.2d 923 (Mass.App. 1997)	July
Insurance		
Employer not allowed to change to primary care insurance plan for firefighters.	<i>City of Williamsport, Pennsylvania</i> , LAIG 5390 (Talarico, 1998)	August

Who is a current employee?	<i>Village of Scarsdale, New York</i> , LAIG 5332 (Selchick, 1997)	January
<i>Involuntary Transfer</i>		
Town not allowed to transfer firefighter under criminal indictment.	<i>Town of West Warwick, Rhode Island and IAFF Local 1104</i> , LAIG 5368 (Bloodsworth, 1998)	August
<i>Light Duty</i>		
Court opens door for firefighter light-duty assignment.	<i>Stone v. City of Mount Vernon</i> , 118 F.3d 92, 99-101 (2nd Cir. 1997)	May
<i>Military Service</i>		
Employment rights of military personnel after active, national guard, or reserve service.	<i>Special Report</i> , by Roger Cartright, Attorney at Law, Seattle, Washington.	March
<i>Nepotism</i>		
Nepotism can be part of, but not basis for employer's promotional decision.	<i>Ellerbracht v. Police Board of the Metropolitan Police Department of the City of St. Louis</i> , 137 F.3d 1563 (8th Cir. 1998)	August
<i>Non-Discrimination Clauses</i>		
Battle continues to rage over effect of non-discrimination clauses on civil rights lawsuits.	<i>Rahel v. Owens-Brockway</i> , 74 FEP Cases 465 (D.Or. 1997); <i>Carter Health Care Center</i> , 74 FEP Cases 675 (E.D.Ky. 1997)	May
<i>Off-Duty Employment</i>		
Civil Service has no jurisdiction to review denial of off-duty employment.	<i>Corbitt v. City of Temple</i> , 941 S.W.2d 354 (Tex.App. 1997)	September
<i>Overtime</i>		
City liable for lost overtime of officer it assigned to desk duties to head off potential racial violence.	<i>City of Wilmington, Delaware and Fraternal Order of Police Lodge No. 1</i> , (Duff, 1998) (Unreported decision; copies available from Labor Relations Information System)	September
<i>Overtime Pay</i>		
Oklahoma Supreme Court rules that personnel handbook could possibly create an implied contract.	<i>Russell v. Carter County Commissioners</i> , 13 IER Cases 50 (Okla. 1997)	July
"Any time worked" means exactly what it says.	<i>City of Denver and Fraternal Order of Police, Lodge 27</i> (Fogle, 1997) (Unreported opinion, copies available from Labor Relations Information System)	March
<i>Pay Practices</i>		
Employer not bound to continue hiring new employees at rate above minimum level.	<i>Pleasant Hills Borough</i> , LAIG 5335 (Newman, 1997)	March
<i>Pay Step Increases</i>		
"Wage freeze" does not stop step increases.	<i>Cuyahoga Metropolitan Housing Authority</i> , LAIG 5312 (Shanker, 1997)	January
<i>Personnel Files</i>		
Court orders that City of New York must disclose files on officers suspected of misconduct or excessive force.	<i>Green v. City of New York</i> , 679 N.Y.S.2d 383 (N.Y.A.D. 1998)	December
<i>Physical Examinations</i>		
Firefighters have right to select when to take heart and lung examination.	<i>City of Ottumwa, Iowa</i> , 110 LA 433 (Cohen, 1998)	October
<i>Physical Fitness Tests</i>		
Court upholds single-standard aerobics test for police; rejects Cooper Institute gender-graded test.	<i>Lanning v. Southeastern Pennsylvania Transportation Authority</i> , 1998 WL 341605 (E.D.Pa. 1998)	November
<i>Premium Pay</i>		
Officers need not be specifically designated in order to receive bilingual premium.	<i>Cook County Sheriff's Police</i> , 110 LA 945 (Briggs, 1998)	December

Promotional Examinations		
Fire union has legal right to boycott promotional examination.	<i>Village of Skokie</i> , 14 PERI 2014 (Ill. SLRB 1998)	November

Promotions		
Arbitrator orders retroactive promotion of firefighter.	<i>City of Taylor, Michigan and Local 1252 International Association of Fire Fighters</i> , LAIG 5311 (Beitner, 1997)	February
No property right to promotions in Los Angeles.	<i>Nunez v. City of Los Angeles</i> , 13 IER Cases 1854 (9th Cir. 1998)	September
Residency Requirements		
Court strikes down residency rule.	<i>Lewis v. City of Kinston</i> , 488 S.E.2d 274 (N.C.App. 1997)	April
Right To Choose Counsel		
Officer can be forced to choose civil defense attorney from list provided by city.	<i>Mothersell v. City of Syracuse</i> , 952 F.Supp. 1112 (N.D.N.Y. 1997)	January
Right To Privacy		
Undercover police officers have privacy interest in personnel files.	<i>Kallstrom v. City of Columbus</i> , 136 F.3d 1055 (6th Cir. 1998)	June
Self Incrimination		
Employer not required to offer <i>Garrity</i> protection at pre-disciplinary hearing.	<i>Harrison v. Wille</i> , 132 F.3d 679 (11th Cir. 1998)	August
Seniority		
Seniority not sole basis for filling vacancy.	<i>State Of Maine and Maine State Employees' Association</i> , LAIG 5315 (Neumeier, 1997)	March
Seniority shift bid system survives religious discrimination attack.	<i>Balint v. Carson City, Nevada</i> , 76 FEP Cases 1846 (9th Cir. 1998)	November
Sex Discrimination		
Corrections officer loses sex discrimination lawsuit.	<i>Greaser v. State of Missouri</i> , 77 FEP Cases 441 (8th Cir. 1998)	October
Sexual Harassment		
Supreme Court decides significant sexual harassment cases.	<i>Faragher v. Boca Raton</i> , 118 S.Ct. 2275 (1998); <i>Burlington Industries, Inc. v. Ellerth</i> , 118 S.Ct. 2257 (1998)	August
Single incident of sexual epithet does not constitute sexual harassment.	<i>Galvez v. Means</i> , 71 FEP Cases 1725 (S.D.N.Y. 1996)	January
Significant decision in sexual harassment lawsuit brought against Dallas Police Department by five officers.	<i>Gates v. City Dallas</i> , 1998 WL 133004 (N.D.Tex. 1998)	July
Sick Leave		
After two appeals to Iowa Supreme Court, officer regains three days of sick leave.	<i>Dubuque Policemen's Protective Association v. City of Dubuque</i> , 581 N.W.2d 627 (Iowa 1998)	December
Staffing		
Union allowed to file staffing grievance under expired contract.	<i>City of Oak Park</i> , 110 LA 689 (McDonald, 1998)	October
City required to arbitrate minimum staffing issue.	<i>Toledo Police Patrolmen's Association v. City of Toledo</i> , 15 OPER P 1550 (OhioApp. 1998)	September
Supreme Court Cases		
Variety of labor cases under consideration by the Supreme Court.	No case citation.	February
Take-Home Cars		
Contract gave chief sole discretion to remove take-home cars.	<i>City of San Antonio and San Antonio Police Officers' Association</i> , LAIG 5374 (Smith, 1998)	August
Termination		
Police Chief wins lawsuit, loses job.	<i>Kester v. City of Stilwell</i> , 933 P.2d 952 (Okla.App. 1997)	January
A court rejects injunction preventing discharge of deputy sheriff.	<i>Brock v. Milwaukee County Personnel Review Board</i> , 220 Wis.2d 355 (Wis.App. 1998)	November

Timeliness Of Grievance		
Arbitrator extensively discussed timeliness of continued grievances.	<i>City of El Paso</i> , 100 LA 729 (Ponder, 1998)	December
Attorney letters listing wrong IAFF local number spawns arbitrability dispute.	<i>IAFF, Local 3683 v. South Johnson County Volunteer Fire and Rescue, Inc.</i> , 5 F.Supp.2d 1230 (D.Kan. 1998)	December
Transfers		
No right to hearing when transfer request refused.	<i>LeStage v. City of El Cajon</i> ,_Cal.Rptr._(Cal.App. July 28, 1997)	January
Tuition Reimbursement		
Arbitrator holds ethics unrelated to officer's duties.	<i>Village of Franklin Park</i> , 109 LA 103 (Whitney, 1997)	January
Chief not arbitrary and capricious in denying tuition reimbursement for law school.	<i>City of Grandview Heights</i> , 110 LA 428 (Lurie, 1998)	October
Unfair Labor Practice		
Failure to ratify contract does not constitute unfair labor practice.	<i>City of Highland Park and Teamsters Local 714</i> , 14 PERI P 2023 (Ill.SLRB General Counsel 1998)	September
Hiring of additional officers found to have been motivated by desire to "stack" vote on unionization.	<i>Teamsters Local 205 v. Forward Township</i> , 29 PPER P 29112 (Pa.LRB ALJ 1998)	September
Wages		
Arbitrator cites turnover problems as basis for wage increase.	<i>City of Delano</i> , 108 LA 1104 (Rothstein, 1997)	July
"Salary" for Chicago firefighters and police officers only includes base wages.	<i>Holland v. City of Chicago</i> , 682 N.E.2d 323 (Ill.App. 1997)	May
Whistleblower Protection		
Jury awards officers \$27.7 million in whistleblower case.	As reported by the <i>Dallas Morning News</i> .	January
Court upholds \$1.3 million judgment in favor of corrections officer told to "quit bitching" about safety issue.	<i>Lubbock County, Texas v. Strube</i> , 13 IER Cases 281 (Tex.App. 1997)	May
\$2.17 million judgment in favor of deputy marshal upheld.	<i>City of Fort Worth v. Zimlich</i> , 975 S.W.2d 399 (Tex.App. 1998)	October
Working Out Of Classification		
Each paycheck constitutes separate violation for statute of limitations purposes.	<i>Haliburton v. City of San Antonio</i> , 974 S.W.2d 779 (Tex.App. 1998)	October
Wrongful Termination		
Captain fired for assisting employees in sexual harassment complaints results in \$185,647 in verdicts.	No case citation.	July