

Public Safety Labor News

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Court Upholds Arbitrator's Award Requiring Disciplinary Retraining Of Sheriff, Aides	<i>Yakima County v. Yakima County Law Enforcement Officers Guild</i> , 237 P.3d 316 (Wash. App. Div. 3 2010)	October
Due Process Not Implicated By Officer's Unsafe Working Environment	<i>Mims v. City of Philadelphia</i> , 2010 WL 2077140 (E.D. Pa. 2010)	October
Injury Leave Does Not Extend Firefighter's Probationary Period	<i>Kodish v. Oakbrook Terrace Fire Protection Dist.</i> , 604 F.3d 490 (7th Cir. 2010)	December
Court Invalidates "Last Chance" Agreement And Orders LAPD Officer Reinstated	<i>Robert Lanigan v. City of Los Angeles, et al.</i> , Los Angeles Superior Court, BS123970 (2010)	December
Duty Of Fair Representation		
Expulsion From FOP Not A Federal Case	<i>Hallinan v. Fraternal Order of Police, Lodge 7</i> , 570 F.3. 811 (7th Cir. 2009)	January
Philadelphia Corrections Officer Entitled To Binding Arbitration	<i>City of Philadelphia v. Pennsylvania Labor Relations Board</i> , 982 A.2d 136 (Pa. Cmwlth. 2009)	January
Fair Labor Standards Act		
Whistleblowing Report Potentially Protected By First Amendment	<i>Kindle v. City of Jeffersontown, Ky.</i> , 2010 WL 891305 (6th Cir. 2010)	May
FLSA Does Not Require Donning/Doffing Pay If Employer Permits Activity To Be Performed At Home	<i>Bamonte v. City of Mesa</i> , 598 F.3d 1217 (9th Cir. 2010)	June

New Controversy On Donning And Doffing	<i>Rogers v. City and County of Denver</i> , 2010 WL 1904516 (D. Colo. 2010)	August
Canine Officer Entitled To Overtime Pay For Time Caring For Dog	<i>Lewallen v. Scott County, Tenn.</i> , 2010 WL 2757145 (E.D. Tenn. 2010)	September
State Can Waive Immunity From FLSA Lawsuits	<i>Byrd v. Oregon State Police</i> , 238 P.3d 404 (Or. App. 2010)	December
Family And Medical Leave Act		
Deputy Not Required To Say 'FMLA' To Request FMLA Leave	<i>Miller v. Hardin</i> , 2010 WL 1451352 (E.D. Ky. 2010)	July
Fitness For Duty Examinations And The ADA	<i>Wisbey v. City of Lincoln</i> , No. 09-2100 (8th Cir. 2010)	August
Termination For Officer's AWOL Status Does Not Violate FMLA	<i>Jenerette v. Montgomery County Government</i> , 2010 WL 2817039 (D. Md. 2010)	October
FMLA Update: FMLA Qualified Exigency Military Leave Has Limits		December
Fitness For Duty		
Police Department's Sick Time Policy Violates ADA		January
Placement On Sick Leave Does Not Trigger Bill Of Rights	<i>Yanke v. City of Oakland</i> , 2009 WL 4264337 (Cal. App. 1 Dist. 2009)	March
Fitness For Duty Examinations And The ADA	<i>Wisbey v. City of Lincoln</i> , No. 09-2100 (8th Cir. 2010)	August
Police Department Need Not Wait For Actual Personnel Problems To Order Fitness For Duty Evaluation	<i>Brownfield v. City of Yakima</i> , 612 F.3d 1140 (9th Cir. 2010)	September
Court Upholds Arbitrator's Award Requiring Disciplinary Retraining Of Sheriff, Aides	<i>Yakima County v. Yakima County Law Enforcement Officers Guild</i> , 237 P.3d 316 (Wash. App. Div. 3 2010)	October
Freedom Of Association		
Trooper Can Proceed With Marital Discrimination Claim	<i>Tucker v. Georgia Department of Public Safety</i> , 2009 WL 2135807 (S.D. Ga. 2009)	January
New Work Rule With Disciplinary Consequences Must Be Bargained	<i>Plymouth County Sheriff's Department</i> , LAIG 6784 (Briney, 2009)	January
Court Upholds Fire Captain's Demotion For Affair With Subordinate	<i>Starling v. Board of County Com'rs</i> , 602 F.3d 1257 (11th Cir. 2010)	July
Freedom Of Information Act		
Firefighters Entitled To Salary And Benefit Information Of Employer Group	<i>Professional Firefighters of New Hampshire v. Local Government Center, Inc.</i> , 992 A.2d 582 (N.H. 2010)	March
Racial Profiling Complaints Are Not Exempt From Public Disclosure	<i>Maryland Dept. of State Police v. Maryland State Conference of NAACP Branches</i> , 988 A.2d 675 (Md. App. 2010)	April
Freedom Of Speech		
Comments About DUI Policy Protected By First Amendment	<i>Wright v. City of Salisbury, Missouri</i> , 656 F. Supp. 2d 1013 (E.D. Mo. 2009)	January
Coworker Bullying Can Violate First Amendment	<i>Fairley v. Andrews</i> , 578 F.3d 518 (7th Cir. 2009)	January
No First Amendment Right To Complain About Dissatisfaction With Job	<i>Prince v. Monroe County</i> , 2009 WL 3268505 (W.D. N.Y. 2009)	January
Mississippi Police Captain Wins Jury Verdict On Retaliation Claim	<i>Hardy v. City of Tupelo, Miss.</i> , 2009 WL 3678262 (N.D. Miss. 2009)	February
Part-Time Police Officers Who Complained About On-Duty Drinking Lose Free Speech Claim	<i>Carter v. Incorporated Village of Ocean Beach</i> , 693 F. Supp. 2d 203 (E.D. N.Y. 2010)	April
Whistleblowing Report Potentially Protected By First Amendment	<i>Kindle v. City of Jeffersontown, Ky.</i> , 2010 WL 891305 (6th Cir. 2010)	May
Participation In Police Union Election Can Be Protected By First Amendment	<i>Ferraioli v. City of Hackensack Police Dept.</i> , 2010 WL 421098 (D. N.J. 2010)	May

Participation In An Internal Affairs Investigation Not Protected By First Amendment	<i>Pearson v. City of Big Lake, Minn.</i> , 689 F. Supp. 2d 1163 (D. Minn. 2010)	May
Firefighter's Parking Lot Sign Not Protected By First Amendment	<i>Yackel v. Choi</i> , 2010 WL 1027297 (D. N.J. 2010)	June
Officer's Testimony On Behalf Of Girlfriend's Sister's Husband Potentially Constitutionally Protected	<i>Reid v. City of Atlanta</i> , 2010 WL 1138456 (N.D. Ga. 2010)	September
Officer's Speech About Alleged Affair Not Constitutionally Protected	<i>Platt v. Incorporated Village of Southampton</i> , 2010 WL 3393738 (2d Cir. 2010)	December
Furloughs/Layoffs		
Fire Department's No-Layoff Clause Subject To Binding Arbitration	<i>In re Johnson City Professional Firefighters Local 921 (Village of Johnson City)</i> , 898 N.Y.S.2d 706 (N.Y. A.D. 2010)	July
Choose Your Words Carefully: Bargaining Over The Order Of Layoffs	<i>In re: The City of Wellston and FOP, OLC, FMCS</i> No 030411-08835-6 (Byrne, 2010)	October
Garrity Rule		
Ohio Supreme Court Decides Major Garrity Case	<i>State of Ohio v. Jackson</i> , No. 2010-Ohio-721 (Ohio 2010)	April
Compelled Internal Affairs Interview Not 'Seizure' For Fourth Amendment Purposes	<i>Goodine v. City of Chattanooga</i> , 2010 WL 3211682 (E.D. Tenn. 2010)	November
Significant Garrity Decision From Georgia Supreme Court	<i>Thompson v. State</i> , 2010 WL 4394265 (Ga. 2010)	December
Grievance Procedures		
Grievance Procedure Must Be Exhausted Prior To Bringing Lawsuit	<i>Meagan v. Brown</i> , 885 N.Y.S.2d 854 (A.D. 2009)	January
Arbitrator's Decision Insisting On Technical Details For Grievance Overturned On Public Policy Grounds	<i>District of Columbia Public Employee Relations Bd. v. Fraternal Order of Police/Metropolitan Police Dept. Labor Committee</i> , 987 A.2d 1205 (D.C. 2010)	March
Grievance Procedure Excludes Challenges To Terminations	<i>City of Lowell v. Lowell Police Association, Inc.</i> , 922 N.E.2 179 (Mass. App. Ct. 2010)	April
Employer Must Proceed To Arbitration On Grievance That Is 'Arguably Arbitrable'	<i>Lake County</i> , #C07-8-011 (Mich. ERC 2009)	May
Arbitrator, Not Court, Should Hear Vacation Dispute	<i>Milwaukee Deputy Sheriffs' Association v. County of Milwaukee</i> , 789 N.W.2d 394 (Wis. App. 2010)	October
Healthcare/Insurance		
Officer Loses Claim For Injuries Suffered While Traveling To Medical Treatment	<i>Esquivel v. Workers' Compensation Appeals Board</i> , 100 Cal.Rptr.3d 380 (Cal. App. 2009)	January
No Overtime For Visiting Doctor For Treatment Of Job-Related Injury	<i>North Hampton Township, Massachusetts</i> , LAIG 6793 (De Treux, 2009)	February
Motorcycle Crash Not 'Accident'	<i>Grutzner v. Murray</i> , 889 N.Y.S.2d 739 (N.Y. A.D. 2009)	February
Injury In Training Class Qualifies For Disability Benefits	<i>Lemmenes v. Orland Fire Protection Dist.</i> , 2010 WL 184375 (Ill. App. 1 Dist. 2010)	March
Healthcare Reform: Here's What You Need To Know For 2011		June
Employer Can Change Post-Retirement Health Insurance Benefits Without Violating Constitution	<i>Rhode Island Council 94 v. Rhode Island</i> , 705 F. Supp. 2d 165 (D. R.I. 2010)	June
Regulations Clarify Adult Child Health Care Coverage Mandate		July
Sergeant's Injury On Way To Medical Treatment Is Compensable Under Workers' Compensation	<i>Straub v. City of Scottsbluff</i> , 784 N.W.2d 886 (Neb. 2010)	September
Forfeiture Of Pension Too Harsh A Penalty For Firefighter's Cocaine Use	<i>McDougall v. Scoppetta</i> , 905 N.Y.S.2d 262 (N.Y. A.D. 2 Dept. 2010)	September
Firefighter Can Add Health Insurance Dependents After Retirement	<i>Giblin v. Village of Johnson City</i> , 906 N.Y.S.2d 157 (N.Y. A.D. 3 Dept. 2010)	October

Officer Loses Post-Traumatic Stress Claim	<i>Biasetti v. City of Stamford</i> , 123 Conn. App. 372 (2010)	November
Hiring		
Supreme Court Allows Chicago Fire Department Race Discrimination Lawsuit To Proceed	<i>Lewis v. City of Chicago, Ill.</i> , 130 S. Ct. 2191 (2010)	October
Hours Of Work		
City Not Allowed To Change Days Off For Vice Unit	<i>City of Columbus, Ohio</i> , HK ARB NO. 80714 (Kasper, 2009)	February
Sleeping Officer Properly Denied Standby Pay	<i>City of Grove City, Ohio</i> , LAIG 6824 (Gerhart, 2010)	May
FLSA Does Not Require Donning/Doffing Pay If Employer Permits Activity To Be Performed At Home	<i>Bamonte v. City of Mesa</i> , 598 F.3d 1217 (9th Cir. 2010)	June
Transfer Of Troopers A Management Right	<i>In re New Hampshire Div. of State Police</i> , 2010 WL 3269800 (N.H. 2010)	November
Insubordination		
Officer's Resignation Was Voluntary	<i>Rademakers v. Scott</i> , 2009 WL 3448848 (11th Cir. 2009)	February
City Of Seattle Sues City Of Seattle, Loses	<i>City of Seattle v. City of Seattle</i> , , 230 P.3d 640 (Wash. App. Div. 1 2010)	June
Internal Affairs Issues		
Officer's Resignation Was Voluntary	<i>Rademakers v. Scott</i> , 2009 WL 3448848 (11th Cir. 2009)	February
Racial Profiling Complaints Are Not Exempt From Public Disclosure	<i>Maryland Dept. of State Police v. Maryland State Conference of NAACP Branches</i> , 988 A.2d 675 (Md. App. 2010)	April
Participation In An Internal Affairs Investigation Not Protected By First Amendment	<i>Pearson v. City of Big Lake, Minn.</i> , 689 F. Supp. 2d 1163 (D. Minn. 2010)	May
Court Rejects Reliance On Handwriting Expert, Reinstates Assistant Chief	<i>Mitchell v. Madison County Sheriff's Dept.</i> , 2010 WL 1240682 (Tenn. Ct. App. 2010)	June
'Gross Error' Required To Reverse Arbitrator's Decision In Alaska	<i>State v. Public Safety Employees Ass'n</i> , 235 P.3d 197 (Alaska 2010)	October
Compelled Internal Affairs Interview Not 'Seizure' For Fourth Amendment Purposes	<i>Goodine v. City of Chattanooga</i> , 2010 WL 3211682 (E.D. Tenn. 2010)	November
Job Duties		
Canine Officer Entitled To Overtime Pay For Time Caring For Dog	<i>Lewallen v. Scott County, Tenn.</i> , 2010 WL 2757145 (E.D. Tenn. 2010)	September
Job Protections		
Due Process Not Implicated By Officer's Unsafe Working Environment	<i>Mims v. City of Philadelphia</i> , 2010 WL 2077140 (E.D. Pa. 2010)	October
Injury Leave Does Not Extend Firefighter's Probationary Period	<i>Kodish v. Oakbrook Terrace Fire Protection Dist.</i> , 604 F.3d 490 (7th Cir. 2010)	December
No Constitutional Right To Paramedic Status	<i>Braswell v. Shoreline Fire Dept.</i> , , 622 F.3d 1099 (9th Cir. 2010)	December
Just Cause		
City Of Seattle Sues City Of Seattle, Loses	<i>City of Seattle v. City of Seattle</i> , , 230 P.3d 640 (Wash. App. Div. 1 2010)	June
Legal Representation & Indemnification		
Pennsylvania Not Required To Defend Corporal In Civil Case	<i>Balshy v. Pennsylvania State Police</i> , 988 A.2d 813 (Pa.Cmwlth. 2020)	May
Medical Examinations		
Placement On Sick Leave Does Not Trigger Bill Of Rights	<i>Yanke v. City of Oakland</i> , 2009 WL 4264337 (Cal. App. 1 Dist. 2009)	March
Fitness For Duty Examinations And The ADA	<i>Wisbey v. City of Lincoln</i> , No. 09-2100 (8th Cir. 2010)	August

Misconduct		
Fire Department Computer Rule Impermissibly Vague	<i>Bowman v. Butler Township Board of Trustees</i> , 923 N.E.2d 663 (Ohio App. 2009)	January
Officer's Resignation Was Voluntary	<i>Rademakers v. Scott</i> , 2009 WL 3448848 (11th Cir. 2009)	February
New York Police Have No Right To Bargain Over Method Of Drug Testing	<i>City of New York v. Patrolmen's Benev. Ass'n of New York, Inc.</i> , 924 N.E.2d 336(N.Y. 2009)	March
Difference In Tenure Can Justify Different Disciplinary Penalty	<i>Padilla v. State Personnel Bd.</i> , 2010 WL 1208286 (Cal. App. 4 Dist. 2010)	May
Pennsylvania Not Required To Defend Corporal In Civil Case	<i>Balsby v. Pennsylvania State Police</i> , 988 A.2d 813 (Pa. Cmwlth. 2010)	May
Civil Service Hearing Meets Due Process Requirements	<i>Skogen v. City of Overland Park</i> , 2010 WL 973375 (D. Kan. 2010)	June
Court Upholds Arbitrator's Opinion Reversing Administrative Suspension Without Pay Pending Investigation	<i>Pennsylvania State Police v. Pennsylvania State Troopers' Ass'n</i> , 992 A.2d 969 (Pa. Cmwlth. 2010)	June
Police Officers, Progressive Discipline, And Dishonesty	<i>In re Mayfield</i> , 2010 WL 2195730 (N.J. Super. A.D. 2010)	July
Court Upholds Fire Captain's Demotion For Affair With Subordinate	<i>Starling v. Board of County Com'rs</i> , 602 F.3d 1257 (11th Cir. 2010)	July
Fire Department Appropriately Responds To 'Chumming'	<i>Banacki v. City of South Bend Fire Dept.</i> , 2010 WL 2038573 (N.D. Ind. 2010)	August
'Gross Error' Required To Reverse Arbitrator's Decision In Alaska	<i>State v. Public Safety Employees Ass'n</i> , 235 P.3d 197 (Alaska 2010)	October
Fire Chief Loses Defamation Lawsuit Against Union	<i>Becker v. International Assn. of Fire Fighters, Local 4207</i> , 2010 WL 2892766 (Ohio App. Dist. 2010)	October
Compelled Internal Affairs Interview Not 'Seizure' For Fourth Amendment Purposes	<i>Goodine v. City of Chattanooga</i> , 2010 WL 3211682 (E.D. Tenn. 2010)	November
Lieutenant Does Not Forfeit Pension For Illegally Accessing Civil Service Files	<i>Public Employee Retirement Admin. Com'n v. Bettencourt</i> , 2010 WL 3279672 (Mass. Super. 2010)	November
The High Hurdle Of Showing That Employees Are Similarly Situated For Discrimination Purposes	<i>Chism v. Curtner</i> , 619 F.3d 979 (8th Cir. 2010)	November
Court Invalidates "Last Chance" Agreement And Orders LAPD Officer Reinstated	<i>Robert Lanigan v. City of Los Angeles, et al.</i> , Los Angeles Superior Court, BS123970 (2010)	December
Police Chief's Testimony In Defamation Case Constitutionally Protected	<i>Deutsch v. Jordan</i> , 618 F.3d 1093 (10th Cir. 2010)	December
Officer's Speech About Alleged Affair Not Constitutionally Protected	<i>Platt v. Incorporated Village of Southampton</i> , 2010 WL 3393738 (2d Cir. 2010)	December
Off-Duty Employment		
State Troopers Have No Right To Side Jobs Practicing Law	<i>State Troopers Non-Commissioned Officers Association of New Jersey v. New Jersey</i> , 643 F. Supp. 2d 615 (D. N.J. 2009)	February
Overtime		
Back Pay Includes Missed Overtime	<i>City of Lake Worth</i> , LAIG 6778 (Sergeant, 2009)	January
No Overtime For Visiting Doctor For Treatment Of Job-Related Injury	<i>North Hampton Township, Massachusetts</i> , LAIG 6793 (De Treux, 2009)	February
Canine Officer Entitled To Overtime Pay For Time Caring For Dog	<i>Lewallen v. Scott County, Tenn.</i> , 2010 WL 2757145 (E.D. Tenn. 2010)	September
Arbitrator, Not Court, Should Decide What 'Mutual Agreement' Means	<i>Woodbury County v. Trobaugh</i> , 786 N.W.2d 268 (Iowa App. 2010)	October
Post Traumatic Stress Disorder		
Court Rules Against Wife Of Officer Who Committed Suicide	<i>Robischung-Walsh v. Nassau County Police Dept.</i> , 699 F. Supp. 2d 563 (E.D. N.Y. 2010)	June
Officer Loses Post-Traumatic Stress Claim	<i>Biasetti v. City of Stamford</i> , 123 Conn. App. 372 (2010)	November

PTSD Resulting From Spitting Incident Does Not Qualify As Accidental Disability	<i>Washington v. Board of Trustees, Police & Firemen's Retirement System</i> , 2010 WL 3832606 (N.J. Super. A.D. 2010)	December
Preferential Treatment		
Court Upholds Same-Sex Supervision Policy In Corrections Facility	<i>Ambat v. City and County of San Francisco</i> , 693 F. Supp. 2d 1130 (N.D. Cal. 2010)	April
African-American Officer Cannot Sue Because No-Beards Regulation Treats Him More Favorably	<i>Antrum v. Washington Metropolitan Area Transit Authority</i> , 710 F. Supp. 2d 112 (D. D.C. 2010)	August
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Probationary Employees And USERRA	<i>Paxton v. City of Montebello</i> , 712 F. Supp. 2d 1007 (C.D. Cal. 2010)	May
Injury Leave Does Not Extend Firefighter's Probationary Period	<i>Kodish v. Oakbrook Terrace Fire Protection Dist.</i> , 604 F.3d 490 (7th Cir. 2010)	December
Promotions		
Treatment Of Other Firefighters Bolsters African-American Firefighter's Discrimination Claim	<i>Wesley v. Arlington County</i> , 2009 WL 4572781 (4th Cir. 2009)	February
Jury Finds Port Authority Discriminates Against Asian Police Officers	<i>Port Authority Police Asian Jade Soc. of New York & New Jersey, Inc. v. Port Authority of New York and New Jersey</i> , 681 F. Supp. 2d 456 (S.D. N.Y. 2010)	March
St. Louis Fire Chief Refuses To Use Promotional List, Loses Job	<i>George v. Civil Service Com'n of City of St. Louis</i> , 318 S.W.3d 266 (Mo. App. E.D. 2010)	September
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Firefighter's Parking Lot Sign Not Protected By First Amendment	<i>Yackel v. Choi</i> , 2010 WL 1027297 (D. N.J. 2010)	June
Employer's Sick Leave Policy Is The Equivalent Of A Reprimand	<i>Broome County, New York</i> , LAIG 6847 (Lawson, 2010)	July
Court Refuses To Shield Complaint History From Discovery	<i>Rangel v. City of Chicago</i> , 2010 WL 3699991 (N.D. Ill. 2010)	December
Racial Discrimination		
African-American Officers Lose Challenge To 'No-Beards' Policy	<i>Stewart v. City of Houston</i> , 2009 WL 2849728 (S.D. Tex. 2009)	January
Treatment Of Other Firefighters Bolsters African-American Firefighter's Discrimination Claim	<i>Wesley v. Arlington County</i> , 2009 WL 4572781 (4th Cir. 2009)	February
Mississippi Police Captain Wins Jury Verdict On Retaliation Claim	<i>Hardy v. City of Tupelo, Miss.</i> , 2009 WL 3678262 (N.D. Miss. 2009)	February
Jury Finds Port Authority Discriminates Against Asian Police Officers	<i>Port Authority Police Asian Jade Soc. of New York & New Jersey, Inc. v. Port Authority of New York and New Jersey</i> , 681 F. Supp. 2d 456 (S.D. N.Y. 2010)	March
Candidate For Police Chief Position Must Pay Town's Attorney's Fees	<i>Fox v. Vice</i> , 594 F.3d 423 (5th Cir. 2010)	March
Court Upholds \$1.6 Million Jury Award In Favor Of Los Angeles Firefighters In Dog Food/Pasta Case	<i>Burton v. City of Los Angeles</i> , 2010 WL 550157 (Cal. App. 2 Dist. 2010)	April
Racial Profiling Complaints Are Not Exempt From Public Disclosure	<i>Maryland Dept. of State Police v. Maryland State Conference of NAACP Branches</i> , 988 A.2d 675 (Md. App. 2010)	April
Changing Bathroom Locks Averts Fire Department Discrimination Claim	<i>Vulcan Pioneers Of New Jersey v. The City of Newark</i> , 2010 WL 1226345 (3d Cir. 2010)	May
Racial Discrimination Lawsuit Arising Out Of No-Beards Policy Allowed To Proceed	<i>Simon v. Harris County Sheriff's Dept.</i> , 2010 WL 1463459 (S.D. Tex. 2010)	June
Firefighter Decision Pits Hispanic Against African-American Applicants	<i>NAACP v. North Hudson Regional Fire & Rescue</i> , 707 F. Supp. 2d 520 (D. N.J. 2010)	August
African-American Officer Cannot Sue Because No-Beards Regulation Treats Him More Favorably	<i>Antrum v. Washington Metropolitan Area Transit Authority</i> , 710 F. Supp. 2d 112 (D. D.C. 2010)	August
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For Affirmative Action Purposes, ‘Labor Force’ Has Different Meaning Than ‘Population’	<i>Vivenzio v. City of Syracuse</i> , 611 F.3d 98 (2d Cir. 2010)	September
Supreme Court Allows Chicago Fire Department Race Discrimination Lawsuit To Proceed	<i>Lewis v. City of Chicago, Ill.</i> , 130 S. Ct. 2191 (2010)	October
Residency Requirement Violates Title VII	<i>Nat. Ass’n for the Advancement of Colored People v. North Hudson Regional Fire & Rescue</i> , 2010 WL 3719067 (D. N.J. 2010)	November
Firefighter Not Coerced Into Resigning	<i>Ross v. City of Perry, Ga.</i> , 2010 WL 3667023 (11th Cir. 2010)	November
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Records		
In Spite of Contract Clause, Sheriff’s Union Entitled To See Other Deputies’ Disciplinary Files	<i>Milwaukee County Sheriff’s Office</i> , No. 32728-B (Wis. ERC 2010)	March
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Lieutenant Does Not Forfeit Pension For Illegally Accessing Civil Service Files	<i>Public Employee Retirement Admin. Com’n v. Bettencourt</i> , 2010 WL 3279672 (Mass. Super. 2010)	November
Public Records Law Trumps Arbitrator’s Decision	<i>International Association of Fire Fighters v. Klamath County Fire District No. 1</i> , Case No. UP-07-09 (Or. ERB 2010)	December
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Firefighter Decision Pits Hispanic Against African-American Applicants	<i>NAACP v. North Hudson Regional Fire & Rescue</i> , 707 F. Supp. 2d 520 (D. N.J. 2010)	August
Officer’s Use Of ‘Free Time’ Can Be Considered In Judging Compliance With Residency Rule	<i>Vasquez v. Milwaukee City Bd. of Fire and Police Com’rs</i> , 788 N.W.2d 384 (Wis. App. 2010)	August
Residency Requirement Violates Title VII	<i>Nat. Ass’n for the Advancement of Colored People v. North Hudson Regional Fire & Rescue</i> , 2010 WL 3719067 (D. N.J. 2010)	November
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Part-Time Police Officers Who Complained About On-Duty Drinking Lose Free Speech Claim	<i>Carter v. Incorporated Village of Ocean Beach</i> , 693 F. Supp. 2d 203 (E.D. N.Y. 2010)	April
Participation In Police Union Election Can Be Protected By First Amendment	<i>Ferraioli v. City of Hackensack Police Dept.</i> , 2010 WL 421098 (D. N.J. 2010)	May
Participation In An Internal Affairs Investigation Not Protected By First Amendment	<i>Pearson v. City of Big Lake, Minn.</i> , 689 F. Supp. 2d 1163 (D. Minn. 2010)	May
Employers May Be Liable For Violating ADA Based On Vague And Overbroad Medical Questionnaires	<i>Scott v. Napolitano</i> , 717 F. Supp. 2d 1071 (S.D. Cal. 2010)	July
Fire Department Appropriately Responds To ‘Chumming’	<i>Banacki v. City of South Bend Fire Dept.</i> , 2010 WL 2038573 (N.D. Ind. 2010)	August

First Wife, Not Second, Receives Widow's Benefits After Officer Dies	<i>Goode v. Board of Trustees, Police and Firemen's Retirement System</i> , 2010 WL 2346718 (N.J. Super. A.D. 2010)	September
Court Upholds Jury's Verdict In Favor Of Deputy Sheriff	<i>Sallitt v. Stankus</i> , 720 F. Supp. 2d 645 (M.D. Pa. 2010)	October
Police Commission's Decision Does Not Insulate City From Police Chief's Retaliation	<i>Rasic v. City of Northlake</i> , 2010 WL 3365918 (N.D. Ill. 2010)	November
Retirement/Pension		
DROP Participants Do Not Lose Sick Leave	<i>Ross Township</i> , LAIG 6771 (McDowell, 2009)	January
Whistleblowing Report Potentially Protected By First Amendment	<i>Kindle v. City of Jeffersontown, Ky.</i> , 2010 WL 891305 (6th Cir. 2010)	May
Uniform Allowance Not Counted In Retirement Calculation	<i>O'Brien v. Contributory Retirement Appeal Board</i> , 923 N.E.2d 91 (Mass. App. Ct. 2010)	May
Employer Can Change Post-Retirement Health Insurance Benefits Without Violating Constitution	<i>Rhode Island Council 94 v. Rhode Island</i> , 705 F. Supp. 2d 165 (D. R.I. 2010)	June
Court Dismisses Federal Criminal Charges Against San Diego Pension Trustees	<i>U.S. v. Saathoff</i> , 708 F. Supp. 2d 1020 (S.D. Cal. 2010)	July
Forfeiture Of Pension Too Harsh A Penalty For Firefighter's Cocaine Use	<i>McDougall v. Scopetta</i> , 905 N.Y.S.2d 262 (N.Y. A.D. 2 Dept. 2010)	September
First Wife, Not Second, Receives Widow's Benefits After Officer Dies	<i>Goode v. Board of Trustees, Police and Firemen's Retirement System</i> , 2010 WL 2346718 (N.J. Super. A.D. 2010)	September
DROP Plan Does Not Violate State Pension Law	<i>Borough of Ellwood City v. Ellwood City Police Dept.</i> , 2 A.3d 699 (Pa. Cmwlth. 2010)	October
Firefighter Can Add Health Insurance Dependents After Retirement	<i>Giblin v. Village of Johnson City</i> , , 906 N.Y.S.2d 157 (N.Y. A.D. 3 Dept. 2010)	October
Chief Required To Repay \$174k In Retirement Benefits	<i>Walker v. Department of State Treasurer</i> , 699 S.E.2d 479 (N.C. App. 2010)	November
Lieutenant Does Not Forfeit Pension For Illegally Accessing Civil Service Files	<i>Public Employee Retirement Admin. Com'n v. Bettencourt</i> , 2010 WL 3279672 (Mass. Super. 2010)	November
PTSD Resulting From Spitting Incident Does Not Qualify As Accidental Disability	<i>Washington v. Board of Trustees, Police & Firemen's Retirement System</i> , 2010 WL 3832606 (N.J. Super A.D. 2010)	December
Right To Privacy		
Police Department's Sick Time Policy Violates ADA		January
Officers Fail To Provide Enough Evidence That Video Camera In Locker Room Was Working	<i>Carpiniello v. Hall</i> , 2010 WL 987022 (S.D. N.Y. 2010)	June
Police Sergeant's Texting Leads To Supreme Court Privacy Decisions	<i>City of Ontario v. Quon</i> , 130 S.Ct. 2619 (2010)	August
Sexual Harassment		
No First Amendment Right To Complain About Dissatisfaction With Job	<i>Prince v. Monroe County</i> , 2009 WL 3268505 (W.D. N.Y. 2009)	January
'Crazy Woman with a Gun' Does Not Have Sexual Harassment Claim	<i>Schweitzer v. County of Ventura</i> , 2009 WL 4758588 (Cal. App. 2009)	February
Corrections Officer Successfully States Sexual Harassment Claim	<i>Horner v. Southwest Virginia Regional Jail Authority</i> , 2010 WL 597148 (W.D. Va. 2010)	May
Texas Civil Service Arbitrators Can Impose No Greater Than 15-Day Suspension	<i>Miller v. City of Houston</i> , 309 S.W.3d 681 (Tex. App. 2010)	June
Fire Department Appropriately Responds To 'Chumming'	<i>Banacki v. City of South Bend Fire Dept.</i> , 2010 WL 2038573 (N.D. Ind. 2010)	August
Firefighter Loses Sexual Harassment Lawsuit	<i>Godsey-Marshall v. Phillipsburg</i> , 2010 WL 2017909 (Ohio App. 2 Dist. 2010)	August
'Gross Error' Required To Reverse Arbitrator's Decision In Alaska	<i>State v. Public Safety Employees Ass'n</i> 235 P.3d 197 (Alaska 2010)	October

Fire Chief Loses Defamation Lawsuit Against Union	<i>Becker v. International Assn. of Firefighters, Local 4207</i> , 2010 WL 2892766 (Ohio App. Dist. 2010)	October
Sick Leave		
Police Department's Sick Time Policy Violates ADA		January
DROP Participants Do Not Lose Sick Leave	<i>Ross Township</i> , LAIG 6771 (McDowell, 2009)	January
In Spite of <i>Brady</i> Rule, Washington Supreme Court Reinstates Arbitrator's Opinion Overturning Deputy's Discharge For Untruthfulness	<i>Kitsap County Deputy Sheriff's Guild v. Kitsap County</i> , 219 P.3d 675 (Wash. 2009)	February
Placement On Sick Leave Does Not Trigger Bill Of Rights	<i>Yanke v. City of Oakland</i> , 2009 WL 4264337 (Cal. App. 1 Dist. 2009)	March
Employer's Sick Leave Policy Is The Equivalent Of A Reprimand	<i>Broome County, New York</i> , LAIG 6847 (Lawson, 2010)	July
Fitness For Duty Examinations And The ADA	<i>Wisbey v. City of Lincoln</i> , No. 09-2100 (8th Cir. 2010)	August
Termination For Officer's AWOL Status Does Not Violate FMLA	<i>Jenerette v. Montgomery County Government</i> , 2010 WL 2817039 (D. Md. 2010)	October
Injury Leave Does Not Extend Firefighter's Probationary Period	<i>Kodish v. Oakbrook Terrace Fire Protection Dist.</i> , 604 F.3d 490 (7th Cir. 2010)	December
Staffing		
New Work Rule With Disciplinary Consequences Must Be Bargained	<i>Plymouth County Sheriff's Department</i> , LAIG 6784 (Briney, 2009)	January
City Not Allowed To Change Days Off For Vice Unit	<i>City of Columbus, Ohio</i> , HK ARB NO. 80714 (Kasper, 2009)	February
Time To File Unfair Labor Practice Is Triggered By Implementation Of Change In Working Conditions, Not Notice Of Change	<i>Washington County</i> , No. UP-15-08 (Or. ERB 2009)	March
Because Fire Union Allowed Part-Time Firefighters In The Past, No Obligation To Bargain Over Consolidated Public Safety Agency	<i>Leoni Township</i> , No. C08-D-060 (Mich. ERC 2009)	April
Court Upholds Same-Sex Supervision Policy In Corrections Facility	<i>Ambat v. City and County of San Francisco</i> , 693 F. Supp. 2d 1130 (N.D. Cal. 2010)	April
Whistleblowing Report Potentially Protected By First Amendment	<i>Kindle v. City of Jeffersontown, Ky.</i> , 2010 WL 891305 (6th Cir. 2010)	May
City Wrongfully Reassigns Work Outside Of Firefighter Bargaining Unit	<i>City of Reno</i> , LAIG 6829 (Perea, 2010)	May
Employer Has Ability To Remove Officer From Canine Assignment	<i>Town of Weterly, Rhode Island</i> , LAIG 6828 (Hanson, 2010)	June
Denial Of Firefighter's Transfer Violates Contract	<i>City of Beaumont</i> , LAIG 6838 (Dole, 2010)	August
Transfer Of Troopers A Management Right	<i>In re New Hampshire Div. of State Police</i> , 2010 WL 3269800 (N.H. 2010)	November
Remotely-Assigned Firefighter Does Not Count Towards Staffing Minimums	<i>Town of North Andover</i> , LAIG 6820 (Marrow, 2010)	November
Termination		
Comments About DUI Policy Protected By First Amendment	<i>Wright v. City of Salisbury, Missouri</i> , 656 F. Supp. 2d 1013 (E.D. Mo. 2009)	January
Fire Department Computer Rule Impermissibly Vague	<i>Bowman v. Butler Township Board of Trustees</i> , 923 N.E.2d 663 (Ohio App. 2009)	January
Back Pay Includes Missed Overtime	<i>City of Lake Worth</i> , LAIG 6778 (Sergent, 2009)	January
Officer's Resignation Was Voluntary	<i>Rademakers v. Scott</i> , 2009 WL 3448848 (11th Cir. 2009)	February
Fire Inspectors Have No Right To Sue Under GPS Statute, Lose Jobs As A Result	<i>Gerardi v. City of Bridgeport</i> , 985 A.2d 328 (Conn. 2010)	February
Back Pay A Remedy For Violation Of Maryland's Bill Of Rights	<i>Cave v. Elliott</i> , 988 A.2d 1 (Md. App. 2010)	March
Administrative Leave Improper, Termination Proper	<i>Town of Hooksett</i> , LAIG 6803 (Altman, 2009)	March

Grievance Procedure Excludes Challenges To Terminations	<i>City of Lowell v. Lowell Police Association, Inc.</i> , 922 N.E. 2d 179 (Mass. App. Ct. 2010)	April
Bill Of Rights Does Not Apply To Non-Disciplinary Terminations	<i>International Brotherhood of Police Officers v. City of East Providence</i> , 989 A.2d 106 (R.I. 2010)	April
Difference In Tenure Can Justify Different Disciplinary Penalty	<i>Padilla v. State Personnel Bd.</i> , 2010 WL 1208286 (Cal. App. 4 Dist. 2010)	May
Participation In An Internal Affairs Investigation Not Protected By First Amendment	<i>Pearson v. City of Big Lake, Minn.</i> , 689 F. Supp. 2d 1163 (D. Minn. 2010)	May
Employer Must Proceed To Arbitration On Grievance That Is ‘Arguably Arbitrable’	<i>Lake County</i> , No. C07-8-011 (Mich. ERC 2009)	May
Texas Civil Service Arbitrators Can Impose No Greater Than 15-Day Suspension	<i>Miller v. City of Houston</i> , 309 S.W.3d 681 (Tex. App. 2010)	June
Court Rejects Reliance On Handwriting Expert, Reinstates Assistant Chief	<i>Mitchell v. Madison County Sheriff’s Dept.</i> , 2010 WL 1240682 (Tenn. Ct. App. 2010)	June
Civil Service Hearing Meets Due Process Requirements	<i>Skogen v. City of Overland Park</i> , 2010 WL 973375 (D. Kan. 2010)	June
Hearsay Problems Doom Firefighter’s Drug Test	<i>Neal v. Augusta-Richmond County Personnel Bd.</i> , 695 S.E.2d 318 (Ga. App. 2010)	June
Employer Has Burden Of Proving Disciplinary Notice To Employee	<i>Jones v. City of Pineville</i> , 34 So.3d 452 (La. App. 3 Cir. 2010)	July
Statute Can Create Due Process Rights	<i>Sawl v. The Borough of West Kittanning</i> , 2010 WL 1444868 (W.D. Pa. 2010)	July
Police Officers, Progressive Discipline, And Dishonesty	<i>In re Mayfield</i> , 2010 WL 2195730 (N.J. Super. A.D. 2010)	July
Employers May Be Liable For Violating ADA Based On Vague And Overbroad Medical Questionnaires	<i>Scott v. Napolitano</i> , 717 F. Supp. 2d 1071 (S.D. Cal. 2010)	July
Fitness For Duty Examinations And The ADA	<i>Wisbey v. City of Lincoln</i> , No. 09-2100 (8th Cir. 2010)	August
Officer’s Use Of ‘Free Time’ Can Be Considered In Judging Compliance With Residency Rule	<i>Vasquez v. Milwaukee City Bd. of Fire and Police Com’rs</i> , 788 N.W.2d 384 (Wis. App. 2010)	August
Police Department Need Not Wait For Actual Personnel Problems To Order Fitness For Duty Evaluation	<i>Brownfield v. City of Yakima</i> , 612 F.3d 1140 (9th Cir. 2010)	September
Forfeiture Of Pension Too Harsh A Penalty For Firefighter’s Cocaine Use	<i>McDougall v. Scoppetta</i> , 905 N.Y.S.2d 262 (N.Y. A.D 2 Dept. 2010)	September
First Wife, Not Second, Receives Widow’s Benefits After Officer Dies	<i>Goode v. Board of Trustees, Police and Firemen’s Retirement System</i> , 2010 WL 2346718 (N.J. Super. A.D. 2010)	September
Court Upholds Arbitrator’s Award Requiring Disciplinary Retraining Of Sheriff, Aides	<i>Yakima County v. Yakima County Law Enforcement Officers Guild</i> , 237 P.3d 316 (Wash. App. Div. 3 2010)	October
‘Gross Error’ Required To Reverse Arbitrator’s Decision In Alaska	<i>State v. Public Safety Employees Ass’n</i> , 235 P.3d 197 (Alaska 2010)	October
Due Process Not Implicated By Officer’s Unsafe Working Environment	<i>Mims v. City of Philadelphia</i> , 2010 WL 2077140 (E.D. Pa. 2010)	October
Termination For Officer’s AWOL Status Does Not Violate FMLA	<i>Jenerette v. Montgomery County Government</i> , 2010 WL 2817039 (D. Md. 2010)	October
Compelled Internal Affairs Interview Not ‘Seizure’ For Fourth Amendment Purposes	<i>Goodine v. City of Chattanooga</i> , 2010 WL 3211682 (E.D. Tenn. 2010)	November
City Not Required By ADA To Offer Light-Duty Accommodation To Fire Investigator	<i>Cremeens V. City of Montgomery, Ala.</i> , 2010 WL 3153721 (M.D. Ala. 2010)	November
Officer’s Night Blindness Triggers ADA Claim	<i>Lougheed v. Village of Mundelein</i> , 2010 WL 2836973 (N.D. Ill. 2010)	November
Police Commission’s Decision Does Not Insulate City From Police Chief’s Retaliation	<i>Rasic v. City of Northlake</i> , 2010 WL 3365918 (N.D. Ill. 2010)	November
Firefighter Not Coerced Into Resigning	<i>Ross v. City of Perry, Ga.</i> , 2010 WL 3667023 (11th Cir. 2010)	November

The High Hurdle Of Showing That Employees Are Similarly Situated For Discrimination Purposes	<i>Chism v. Curtner</i> , 619 F.3d 979 (8th Cir. 2010)	November
Significant <i>Garrity</i> Decision From Georgia Supreme Court	<i>Thompson v. State</i> , 2010 WL 4394265 (Ga. 2010)	December
Court Invalidates “Last Chance” Agreement And Orders LAPD Officer Reinstated	<i>Robert Lanigan v. City of Los Angeles, et al.</i> , Los Angeles Superior Court, BS123970 (2010)	December
Training		
Injury In Training Class Qualifies For Disability Benefits	<i>Lemmenes v. Orland Fire Protection Dist.</i> , 2010 WL 184375 (Ill. App. 1 Dist. 2010)	March
Court Rules Against Wife Of Officer Who Committed Suicide	<i>Robischung-Walsh v. Nassau County Police Dept.</i> , 699 F. Supp. 2d 563 (E.D. N.Y. 2010)	June
Court Upholds Arbitrator’s Award Requiring Disciplinary Retraining Of Sheriff, Aides	<i>Yakima County v. Yakima County Law Enforcement Officers Guild</i> , 237 P.3d 316 (Wash. App. Div. 3 2010)	October
Unfair Labor Practice		
In Spite of Contract Clause, Sheriff’s Union Entitled To See Other Deputies’ Disciplinary Files	<i>Milwaukee County Sheriff’s Office</i> , No. 32728-B (Wis. ERC 2010)	March
New York Police Have No Right To Bargain Over Method Of Drug Testing	<i>City of New York v. Patrolmen’s Benev. Ass’n of New York, Inc.</i> , 924 N.E.2d 336 (N.Y. 2009)	March
Time To File Unfair Labor Practice Is Triggered By Implementation Of Change In Working Conditions, Not Notice Of Change	<i>Washington County</i> , No. UP-15-08 (Or. ERB 2009)	March
Four-Month Delay In Starting Bargaining Amounts to An Unfair Labor Practice	<i>Washington State Patrol Troopers Association</i> , Decision 10314-A (Wash. PERC 2010)	March
Referring Ballot Measure To Voters Is Not Unfair Labor Practice	<i>Eugene Police Employees Association</i> , No. UP38/41-08 (Oregon ERB 2010)	December
Public Records Law Trumps Arbitrator’s Decision	<i>International Association of Fire Fighters v. Klamath County Fire District No. 1</i> , Case No. UP-07-09 (Or. ERB 2010)	December
Uninformed Services Employment and Reemployment Rights Act (USERRA)		
Probationary Employees And USERRA	<i>Paxton v. City of Montebello</i> , 712 F. Supp. 2d 1007 (C.D. Cal. 2010)	May
Uniforms		
New Controversy On Donning And Doffing	<i>Rogers v. City and County of Denver</i> , 2010 WL 1904516 (D. Colo. 2010)	August
Officer Cannot Grow As Long A Beard As He Wants	<i>Wallace v. City of Philadelphia</i> , 2010 WL 1730850 (E. D. Pa. 2010)	October
Union Activities		
Participation In Police Union Election Can Be Protected By First Amendment	<i>Ferraioli v. City of Hackensack Police Dept.</i> , 2010 WL 421098 (D. N.J. 2010)	May
Court Upholds Paid Union Leave Statute That Benefits Only Some Public Safety Unions	<i>New Jersey Law Enforcement Sup’rs Ass’n v. State</i> , 997 A.2d 1043 (N.J. Super. A.D. 2010)	September
Use of Force		
Significant <i>Garrity</i> Decision From Georgia Supreme Court	<i>Thompson v. State</i> , 2010 WL 4394265 (Ga. 2010)	December
Vacation		
Probationary Employees And USERRA	<i>Paxton v. City of Montebello</i> , 712 F. Supp. 2d 1007 (C.D. Cal. 2010)	May
Arbitrator, Not Court, Should Hear Vacation Dispute	<i>Milwaukee Deputy Sheriffs’ Association v. County of Milwaukee</i> , 789 N.W.2d 394 (Wis. App. 2010)	October
Vehicles		
Employer Not Allowed To Withdraw Take-Home Vehicle	<i>City of Port Huron</i> , LAIG 6797 (Finkel, 2009)	February
Administrative Leave Improper, Termination Proper	<i>Town of Hooksett</i> , LAIG 6803 (Altman, 2009)	March
Arbitrator Orders Massachusetts City To Return Take-Home Vehicles To Police Commanders	<i>The City of Methuen and New England Police Benevolent Association, Local 17</i> , American Arbitration Association No. 11 390 00139 10	September

Wages		
Sleeping Officer Properly Denied Standby Pay	<i>City of Grove City, Ohio</i> , LAIG 6824 (Gerhart, 2010)	May
Interest Arbitrator Must Analyze All Statutory Criteria	<i>Borough of Paramus</i> , No. 2010-35 (N.J. PERC 2010)	May
FLSA Does Not Require Donning/Doffing Pay If Employer Permits Activity To Be Performed At Home	<i>Bamonte v. City of Mesa</i> , 598 F.3d 1217 (9th Cir. 2010)	June
Sergeant Entitled To Premium Pay While On Disability	<i>City of Peekskill, New York</i> , LAIG 6826 (Selchick, 2010)	August
Canine Officer Entitled To Overtime Pay For Time Caring For Dog	<i>Lewallen v. Scott County, Tenn.</i> , 2010 WL 2757145 (E.D. Tenn. 2010)	September
Arbitrator, Not Court, Should Hear Vacation Dispute	<i>Milwaukee Deputy Sheriffs' Association v. County of Milwaukee</i> , 789 N.W.2d 394 (Wis. App. 2010)	October
Weingarten Rights		
Court Finds <i>Weingarten</i> Rights Exist Under Texas Law, Even In Absence Of Collective Bargaining	<i>City of Round Rock, Texas, v. Rodriguez</i> , 317 S.W.3d 871 (Tex. App. 2010)	September
Whistleblower Protection		
Comments About DUI Policy Protected By First Amendment	<i>Wright v. City of Salisbury, Missouri</i> , 656 F. Supp. 2d 1013 (E.D. Mo. 2009)	January
Coworker Bullying Can Violate First Amendment	<i>Fairley v. Andrews</i> , 578 F.3d 518 (7th Cir. 2009)	January
Whistleblowing Report Potentially Protected By First Amendment	<i>Kindle v. City of Jeffersontown, Ky.</i> , 2010 WL 891305 (6th Cir. 2010)	May
Workers' Compensation		
Officer Loses Claim For Injuries Suffered While Traveling To Medical Treatment	<i>Esquivel v. Workers' Compensation Appeals Board</i> , 100 Cal. Rptr. 3d 380 (Cal. App. 2009)	January
Overnight Stay In Hospital Qualifies For Heart Presumption	<i>Carney v. Sarasota County Sheriff's Office</i> , 26 So.3d 683 (Fla. App. 1 Dist. 2009)	March
Sergeant's Injury On Way To Medical Treatment Is Compensable Under Workers' Compensation	<i>Straub v. City of Scottsbluff</i> , 784 N.W.2d 886 (Neb. 2010)	September