

Public Safety Labor News

Index

January - December 2002

DESCRIPTION	CASE CITATION	ISSUE
Americans With Disabilities Act		
Supreme court is to decide another ADA case.	<i>Echazabal v. Chevron</i> , 122 S.Ct. 456 (2001)	January
Badly divided Supreme Court holds seniority clauses prevail over reasonable accommodations under the ADA.	<i>US Airways Inc. v. Barnett</i> , 122 S.Ct. 1517 (2002)	June
Major decision in police officer's ADA diabetes case.	<i>Kapche v. City of San Antonio</i> , 304 F.3d 493 (5th Cir. 2002)	October
ADA cases continue trend in favor of employers.	<i>Kramarski v. Village of Orland Park</i> , 2002 WL 1827637 (N.D.Ill. 2002)	October
Officer's rejection for reasons other than disability fatal to ADA lawsuit.	<i>Wellner v. Town of Westport</i> , 2002 WL 992367 (2nd Cir. 2002)	October
Amblyopic police officer loses ADA battle for his job.	<i>Knoll v. SEPTA</i> , 2002 WL 31045145 (E.D.Pa. 2002)	November
Officer fired because of injury to ring finger loses ADA lawsuit.	<i>Fultz v. City of Salem</i> , 2002 WL 31051577 (9th Cir. 2002)	November
Arbitration Decisions		
Labor law lessons from Latrell Sprewell.	<i>Sprewell v. Golden State Warriors</i> , 275 F.3d 1187 (9th Cir. 2001)	February
Supreme Court preserves EEOC's ability to file lawsuits in the face of private arbitration agreements.	<i>EEOC v. Waffle House, Inc.</i> , 122 S.Ct. 754 (2002)	February
Dispute over remedy under the arbitration award should be submitted to arbitration.	<i>Police Association of Michigan v. County of Lake</i> , 2001 WL 1511832 (Mich.App. 2001)	February
Ohio courts continue down path of overturning arbitration decisions.	<i>Association of Firefighters, Local 93 v. City of Cleveland</i> , 2002 WL 191994 (OhioApp. 2002)	March
Oregon court ventures into morass of public policy, overturning arbitrator's opinion reinstating deputy sheriff.	<i>Washington County Police Officers' Association v. Washington County</i> , 45 P.3d 515 (Or.App. 2002)	July
Washington employers are liable for union's arbitration fees whenever discipline is reversed in the decision.	<i>International Association of Fire Fighters, Local 46 v. City Everett</i> , 42 P.3d 1265 (Wash. 2002)	July
Arbitrator does not exceed his jurisdiction in awarding additional nine months of back pay.	<i>Bensalem Township v. Bensalem Township Police Benevolent Association</i> , 170 L.R.R.M. 2418 (Pa.Cmwlt. 2002)	September
Contract renewed for one year when police union fails to open negotiations on time.	<i>Policemen's Benevolent Labor Committee v. City of Chicago Heights</i> , 18 PERI ¶2035 (Ill. LRB 2002)	October
Court upholds arbitrator's opinion reinstating corrections officer who possessed marijuana.	<i>Office of State Employer v. UAW, Local 6000</i> , 2002 WL 31082148 (Mich.App. 2002)	November
Arbitrator issues scathing opinion in reversing discharge of Cincinnati police officer.	<i>City of Cincinnati</i> , 117 LA 637 (Duff, 2002)	December
Only a union, not individual officers, have right to challenge arbitrator's decision.	<i>Leon v. Boardman Township</i> , 2002 WL 31242236 (OhioApp. 2002)	December
Arbitrator Selection		
Successor allowed to arbitrate predecessor's grievance.	<i>Teamsters Local Union No. 249 v. Richland Township</i> , 33 PPER ¶33104 (Pa. LRB ALJ 2002)	August

DESCRIPTION	CASE CITATION	ISSUE
Bill Of Rights		
Minnesota bill of rights does not require detailed notice to employees about the nature of the investigation.	<i>Cross v. Beltrami County</i> , 2001 WL 1570382 (Minn.App. 2001)	March
California Peace Officer Bill of Rights requires cities to disclose tape recordings of interviews and investigators' notes.	<i>San Diego Police Officers Association v. City of San Diego</i> , 120 Cal.Rptr.2d 609 (Cal.App. 2002)	August
Brady v. Maryland		
What is <i>Brady v. Maryland</i> ? What makes <i>Brady</i> such a big deal?	<i>Brady v. Maryland</i> , 373 U.S. 83 (1963)	August
Civil Lawsuits		
City potentially liable for injuries suffered during pre-hire training academy.	<i>Lemery v. City of Cambridge</i> , 736 N.Y.S.2d 503 (A.D. 2002)	March
California police officers not entitled to separate lawyer in civil lawsuit even if conflict of interest exists.	<i>City of Huntington Beach v. Peterson Law Firm</i> , 115 Cal.Rptr.2d 568 (Cal.App. 2002)	April
<i>Garrity</i> protections do not apply in civil cases.	<i>United States v. Vangates</i> , 287 F.3d 1315 (11th Cir. 2002)	July
Sexual assault is not in the course and scope of employment.	<i>Parker v. California Highway Patrol</i> , 2002 WL 569407 (Cal.App. 2002)	July
City loses claim portion of officer's lawsuit proceeds.	<i>City of Taft v. Workers' Compensation Appeals Board</i> , 2002 WL 997829 (Cal.App. 2002).	September
County ordered to defend officer in civil lawsuit.	<i>Salino v. Cimino</i> , 2002 WL 31424396 (A.D. 2002)	December
Civil Rights		
Milwaukee cases roll on: court upholds judgments against police department of \$190,000 each to two officers.	<i>Gufstafson v. Jones</i> , 290 F.3d 895 (7th Cir. 2002)	October
Collective Bargaining		
Philadelphia corrections officers lose suit for compensation for time spent changing into uniforms.	<i>Turner v. City of Philadelphia</i> , 262 F.3d 222 (3rd Cir. 2001)	January
Officer loses claim that union could have negotiated a better contract.	<i>Brittner v. AFSCME Council 93</i> , No. 01-65 (Vt. LRB 2001)	June
New tuition reimbursement cap applies to courses previously approved.	<i>City of Cape Coral, Florida</i> , 116 LA 1656 (Frost, 2002)	October
Compensatory Time Off		
The use of compensatory time off under the Fair Labor Standards Act.	<i>See Maldonado v. Admin. De Correction</i> , 1 WH Cases2d 116 (D.P.R. 1992); <i>Aiken v. City of Memphis</i> , 190 F.3d 753 (6th Cir. 1999); 29 C.F.R. §553.25 (d)(2001); Application Of the FLSA To Employees Of State And Local Governments, 52 Fed. Reg. 2012-01 (1987); <i>Canney v. Town of Brookline</i> , 142 Lab.Cases ¶34,169 (D.Mass. 2000); <i>Debraska v. City of Milwaukee</i> , 131 F.Supp.2d 1032 (E.D.Wis. 2000)(the Department of Labor has issued a letter reemphasizing its interpretation of "undue disruption" (see DOL FLSA opinion letter, 1994 WL 1004861) and submitted an <i>amicus curiae</i> brief in the <i>Debraska</i> case to the same effect); <i>Christiansen v. Harris Country</i> , 529 U.S. 576 (2000); <i>Kimpel v. Williams</i> , 1999 WL 638580 (C.D.Cal 1999)	April
Sergeant serving ten-year prison term entitled to back pay from Boston PD.	<i>Brittle v. City of Boston</i> , 768 N.E.2d 576 (Mass.App 2002)	August

DESCRIPTION	CASE CITATION	ISSUE
Conflict of Interest		
Conflict of interest for police chief to represent arson suspect.	<i>Triplett v. Town of Oxford</i> , 767 N.E. 2d 114 (Mass.App 2002)	August
Disability Issues		
Supreme Court further restricts Americans with Disabilities Act.	<i>Toyota Motor Manufacturing, Kentucky Inc. v. Williams</i> , 122 S.Ct. 681 (2002)	February
Firefighter's inability to get along with certain employees does not establish that he has a disability protected by the ADA.	<i>Aldrup v. Caldera</i> , 274 F.3d 282 (5th Cir. 2001)	February
Misleading firefighter about ADA produces \$150,000 damage award.	<i>City of Laredo v. Molina</i> , 2001 WL 1518442 (Tex.App. 2001)	February
City improperly terminates officer on injury leave.	<i>Dennert v. City of Escondido</i> , 2002 WL 31013720 (Cal.App. 2002)	November
City loses challenge to vacation cash-out for disabled firefighters.	<i>City of Central Falls v. Central Falls Firefighters, Local 1485, IAFF</i> (R.I.Super. 2002)	December
Dishonesty		
Report that another officer lied during disciplinary hearing protected by the First Amendment.	<i>Brandon v. City of Dallas</i> , 272 F.3d 730 (5th Cir. 2001)	January
Police department's dishonesty rule not unconstitutionally overbroad or vague.	<i>Gibson v. Mayor and Council of the City of Wilmington</i> , 176 F.Supp.2d 248 (D.Del. 2001)	March
Discipline		
Failure to provide new opportunity to respond before increasing proposed discipline voids harsher punishment.	<i>Cowlitz 2 Fire and Rescue and International Association of Fire Fighters, Local 3828</i> (Brown, 2001)(unreported opinion; copies available from LRIS)	March
Louisiana Supreme Court allows polygraph evidence to be introduced into disciplinary proceedings.	<i>Evans v. Deridder Municipal Fire and Police Civil Service Board</i> , 815 So.2d 61 (La. 2002)	June
Union president not allowed to unilaterally take himself out of service to represent employee.	<i>Fraternal Order of Police, Fort Pitt Lodge No. 1 v. City of Pittsburgh</i> , 33 PPER ¶33103 (Pa. LRB ALJ 2002)	August
FBI sufficiently insulated itself from <i>Garrity</i> statements to allow prosecution of lieutenant to proceed.	<i>United States v. Daniels</i> , 281 F.3d 168 (5th Cir 2002)	August
Denial of continuance because of deputy's migraine held to be arbitrary and capricious.	<i>Roberts v. County of Allen</i> , 773 N.E.2d 850 (Ind.App. 2002)	October
No right to union representation conducted by another law enforcement agency.	<i>Upper Gwynedd Township Police Association</i> , 33 PPER ¶33133 (Pa. LRB 2002)	October
Discrimination		
Supervisory status, not race of fire captain, is the reason for harsher treatment than Caucasian subordinate in head-butting incident.	<i>Watts v. City of Norman</i> , 270 F.3d 1288 (10th Cir. 2001)	January
Court faults city for using different standards for female firefighters.	<i>Etmer v. Medford</i> , 35 P.3d 1140 (Or.App. 2001)	February
"No arbitration" clause may be a solution to increasingly problematic non-discrimination clause in contract.	<i>New England Health Care Employees Union v. Rhode Island Legal Services</i> , 273 F.3d 425 (1st Cir. 2001)	March
Fire engineer loses \$75,000 jury award in appeal of verdict on single-parent discrimination.	<i>Tisinger v. City of Bakersfield</i> , 2002 WL 275525 (Cal.App. 2002)	June
Suppression firefighters lose military leave in discrimination claim.	<i>Miller v. City of Indianapolis</i> , 281 F.3d 648 (7th Cir. 2002)	June
Referring to officer as a "gook" does not constitute racial harassment.	<i>Herndon v. City of Everett</i> , 2002 WL 31009356 (Wash.App. 2002)	November

DESCRIPTION	CASE CITATION	ISSUE
Drug Testing		
Court upholds random drug testing of firefighters.	<i>Aguilera v. City of East Chicago, Indiana</i> , 768 N.E.2d 978 (Ind.App. 2002)	July
Opposition to drug testing real reason for firefighter's suspension, not urinating on bathroom floor.	<i>Harvey Firemen's Association, Local 471 and City of Harvey</i> , 18 PERI ¶2032 (Ill. LRB 2002)	October
Due Process		
Use of after-acquired evidence in disciplinary hearing violates due process.	<i>Board of Regents of the University of Wisconsin System v. State of Wisconsin Personnel Commission</i> , 2002 WL 13957516 (Wis. 2002)	August
LAPD's job reassignment system violates due process.	<i>Los Angeles Police Protective League v. City of Los Angeles</i> , 124 Cal.Rptr.2d 911 (Cal.App. 2002)	November
Duty Of Fair Representation		
Duty of fair representation claims in Nevada must be brought before the state labor board before the court will hear the case.	<i>Rosequist v. International Association of Fire Fighters, Local 1908</i> , 49 P.3d 651 (Nev. 2002)	September
Negligence does not amount to breach of duty of fair representation.	<i>Pearn v. Fraternal Order of Police, Lodge 10</i> , 28 FPER ¶33236 (Fla. PERC Gen. Counsel 2002)	November
Fair Labor Standards Act		
Houston, already having paid almost \$10 million in FLSA damages to fire department employees, is looking at having to pay another large check.	<i>Vela v. City of Houston</i> , 276 F.3d 659 (5th Cir. 2001)	February
Fluctuating workweek option under FLSA not available to fire department.	<i>Heder v. City of Two Rivers</i> , 295 F.3d 777 (7th Cir. 2002)	September
Officers are entitled to overtime under FLSA for court security work.	<i>Cox v. Town of Poughkeepsie, New York</i> , 209 F.Supp.2d 319 (S.D.N.Y. 2002)	September
Firefighter's Rule		
The course of the "Firefighter's Rule" in 2002.	<i>Minnich v. Med-Waste, Inc.</i> , 564 S.E.2d 98 (S.C. 2002); <i>Farmer v. B&G Food Enterprises, Inc.</i> , 818 So.2d 1154 (Miss. 2002); <i>Moody v. Delta Western, Inc.</i> , 38 P.3d 1139 (Alaska 2002); <i>Smyczek v. Hovan</i> , 2002 WL 973048 (OhioApp. 2002); <i>Sobanski v. Donahue</i> , 792 A.2d 57 (R.I. 2002); <i>McElroy v. State of California</i> , 122 Cal.Rptr.2d 612 (Cal.App. 2002); <i>Lowry v. City of Auburn</i> , 2002 WL 844832 (Wash.App. 2002); <i>Pope v. Sotil</i> , 2002 WL 959883 (Conn.Sup. 2002); <i>Trammel v. Bradberry</i> , 568 S.E.2d 715 (Ga.App. 2002); <i>Dunn v. Lisi</i> , 2002 WL 847968 (Conn.Sup. 2002)	November
Fitness For Duty		
No doctor-patient privilege in fitness for duty evaluations.	<i>Smith v. City of Plano</i> , 2002 WL 1483902 (N.D.Ill. 2002)	September
Police union entitled to information in early warning system.	<i>City of Newark and FOP, Lodge No. 12</i> , 28 NJPER ¶33082 (N.J. PERC 2002)	September
Freedom Of Speech		
Fire chief wins \$100,000 in punitive damages from city.	<i>Naucke v. City of Park Hills</i> , 284 F.3d 923 (8th Cir. 2002)	July
Police officer's free speech not violated when fired for anonymously distributing anti-black and anti-Semitic materials.	<i>Pappas v. Giuliani</i> , 290 F.3d 143 (N.Y. 2002)	July
Corrections officer does not have free speech or religious rights not to pay taxes.	<i>El v. City of New York</i> , 2002 WL 1482785 (S.D.N.Y. 2002)	September

DESCRIPTION	CASE CITATION	ISSUE
<i>Grievance Procedure</i>		
Florida court holds union, not member, has right to refer grievance to arbitration.	<i>City of Boyton Beach v. Taylor</i> , 813 So.2d 1039 (Fla.App. 2002)	June
Pattern of untimeliness results in arbitrator awarding union's requested remedy in eight cases.	<i>City of Oak Park, Michigan and Oak Park Public Safety Officers Association</i> , 116 LA 913 (Elmann, 2002)	June
Firefighters' union allowed to arbitrate grievance over retiree benefits.	<i>Portland Fire Fighters' Association, Local 43 v. City of Portland</i> , 45 P.3d 162 (Or.App. 2002)	June
Questions whether a union followed steps in grievance procedure should be decided by the arbitrators, not courts.	<i>Massachusetts Corrections Officers Federal Union v. Sheriff of Bristol County</i> , 770 N.E.2d 528 (Mass.App. 2002)	August
<i>Healthcare Issues</i>		
Prescription contraceptives must be included in health insurance coverage, federal judge rules.	<i>Erickson v. The Bartell Company</i> , 141 F.Supp.2d 1266 (W.D.Wash 2001)	January
Maryland trooper's FMLA case hits a bumpy road.	<i>Knussman v. State of Maryland</i> , 2001 WL 1379871 (4th Cir. 2001)	January
Employer is required to continue a past practice of providing laser eye surgery.	<i>Austintown Township, Ohio</i> , 115 LA 1392 (Sharpe, 2001)	March
Ohio Supreme Court finds arbitrator improperly inserted additional words into contract.	<i>International Association of Fire Fighters, Local 67 v. City of Columbus</i> , 766 N.E.2d 139 (Ohio 2002)	June
Court equates "catastrophic injury" with "line of duty" injury for purposes of post-retirement health insurance benefits.	<i>Krohe v. City of Bloomington, Illinois</i> , 769 N.E.2d 551 (Ill.App. 2002)	July
Pregnant trooper without physical disabilities not entitled to light-duty job.	<i>Atteberry v. Department of State Police</i> , 224 F.Supp.2d 1208 (C.D.Ill. 2002)	December
Police chief wins post-retirement medical benefits from city.	<i>City of Cheney v. Gardner</i> , 2002 WL 31267780 (Wash.App. 2002)	December
<i>Hours Of Work/Contracts</i>		
Washington law does not allow for the police chief's contract to have fixed duration.	<i>Haglin v. City of Algona</i> , 2002 WL 1491951 (9th Cir. 2002)	September
<i>Internal Affairs Issues</i>		
Federal court blocks New York Internal Affairs interview.	<i>Karmel v. City of New York</i> , 200 F.Supp.2d 361 (S.D.N.Y. 2002)	July
<i>Overtime</i>		
Contract requires employer to include sick leave, vacation time, personal leave and comp time for purpose of determining overtime pay.	<i>New Jersey Policemen's Benevolent Association and East Greenwich Township</i> , 2001 WL 1560231 (Brogan, 2001)	June
Back pay can include missed overtime.	<i>Palm Beach County Police Benevolent Association v. City of Riviera Beach</i> , 28 FPER ¶33143 (Fla. 2002)	September
<i>Payment of Attorney Fees</i>		
Connecticut state trooper may be entitled to the repayment of attorney's fees in connection with criminal charges.	<i>Martinez v. Department of Public Safety</i> , 2001 WL 1486546 (Conn. 2001)	January
<i>Pensions</i>		
Court finds firefighter's unvested pension benefits subject to division upon divorce.	<i>Bender v. Bender</i> , 785 A.2d 197 (Conn. 2001)	March
Retired police entitled to pensions based on highest step, not midpoint of performance-based incentive pay system.	<i>Bates v. City of Richland</i> , 44 P.2d 914 (Wash.App. 2002)	June
City of Chicago does not have authority to grant pension benefits.	<i>King v. City of Chicago</i> , 2002 WL 31101273 (N.D.Ill. 2002)	November

DESCRIPTION	CASE CITATION	ISSUE
Personnel Files		
Trial court again finds no privacy interests in undercover officer's personnel files.	<i>Kallstrom v. City of Columbus</i> , 165 F.Supp.2d 686 (S.D. Ohio 2001)	January
Utah deputy not entitled to disciplinary records of other employees where punishment not appealed.	<i>Young v. Salt Lake County</i> , 52 P.3d 1240 (Utah 2002)	September
City must disclose background information to unsuccessful police officer candidate.	<i>City of Fort Worth v. Cornyn</i> , 2002 WL 31027981 (Tex.App. 2002)	November
Physical Fitness Testing		
Divided court of appeals upholds physical fitness standards that exclude 90% of women applicants.	<i>Lanning v. SEPTA</i> , 84 Fair Empl. Prac. Cas. (BNA) 1012 (3rd Cir. 2002)	December
Promotional Rules		
Ability to earn overtime as lieutenant may negate back pay award for wrongful failure to promote to captain.	<i>Mendoza v. City of New Orleans</i> , 2001 WL 1558313 (E.D.La. 2001)	March
Firefighters' union loses bid to oust the chief.	<i>State ex rel. East Cleveland Firefighters' Association, Local 500 v. Jenkins</i> , 771 N.E.2d 251 (Ohio 2002)	September
"Rule of Five" valid under Washington law, but "Rule Of 25 Percent" invalid.	<i>Seattle Police Officers' Guild v. City of Seattle</i> , 53 P.3d 1036 (Wash.App. 2002)	November
Residency Requirements		
City has burden of proving non-compliance with residency requirements.	<i>Ward v. City of Cleveland</i> , 2002 WL 192092 (OhioApp. 2002)	March
Right To Privacy		
Corrections department has the right to ask employee questions about off-duty drug use and violence.	<i>Department of Public Safety and Correctional Services v. Shockley</i> , 790 A.2d 73 (Md.App. 2002)	April
Police chief loses privacy lawsuit against employer.	<i>Cooksey v. Boyer</i> , 289 F.3d 513 (8th Cir. 2002)	July
Crucial question under <i>Garrity</i> is whether an employee ordered to answer questions.	<i>Department of Public Safety and Correctional Services v. Shockley</i> , 790 A.2d 73 (Md.App. 2002)	July
Employer must actually have possession of promotional examination results for Public Records Act to apply.	<i>Willison v. Kennedy Township Civil Services Communication</i> , 802 A.2d 22 (Pa.Cmwlt. 2002)	September
Sexual Harassment		
Harassment of a man for having "feminine" mannerisms prohibited by Title VII.	<i>Nichols v. Azteca Restaurant Enterprises</i> , 256 F.3d 864 (9th Cir. 2001)	January
Momentary unwanted backrubs do not constitute sexual harassment.	<i>Hilt-Dyson v. City of Chicago</i> , 282 F.3d 456 (7th Cir. 2002)	April
Firefighter's allegations of sexual harassment held a matter of public concern.	<i>Bianchi v. City of Philadelphia</i> , 183 F.Supp.2d 726 (E.D.Pa. 2002)	June
Unless hostile work environment based on gender, no lawsuit for sexual harassment.	<i>Graciano v. New York State Police</i> , 198 F.Supp.2d 570 (S.D.N.Y. 2002)	June
Complaint about individualized sexual harassment not protected by First Amendment free speech guarantees.	<i>Ekerman v. City of Chicago</i> , 2002 WL 1008458 (N.D.Ill. 2002)	July
Sex charge results in firefighter losing EMT license.	<i>Joros v. Ohio State Board of Emergency Medical Services</i> , 2002 WL 1065876 (OhioApp. 2002)	July
Employer takes prompt remedial action, avoids sexual harassment liability.	<i>New Hampshire Department of Corrections v. Butland</i> , 797 A.2d 860 (N.H. 2002)	August
Corrections officer loses \$150,000 verdict when court finds carrot joke not sexual harassment.	<i>Alfano v. Costello</i> , 294 F.3d 365 (2nd Cir. 2002)	August
The brave new world of sexual harassment law.	<i>Jumper v. Indiana State Police Department</i> , 2002 WL 31399094 (S.D.Ind. 2002)	December

DESCRIPTION	CASE CITATION	ISSUE
<i>Sick Leave</i>		
When may an employer discipline an employee for excessive sick leave use?	<i>Southern Illinois University</i> , 115 LA 1790 (Alexander, 2001)	February
Implied contract allows some retiring New Orleans police officers to “run out” their sick leave.	<i>LaFleur v. City of New Orleans</i> , 800 So.2d 1112 (La.App. 2001)	February
Louisiana court holds that changing leave from sick leave to leave without pay does not constitute disciplinary action.	<i>Airhart v. New Orleans Fire Department</i> , 807 So.2d 1043 (La.App. 2002)	April
<i>Supreme Court Cases</i>		
The factors considered in deciding whether <i>Weingarten</i> rights exist.	<i>Oregon AFSCME Council 75 v. State of Oregon</i> UP-9-01 (Or. ERB 2002)	December
<i>Termination</i>		
Police Relief Association has the right to fire staff member who became involved with prison inmate.	<i>Ortiz v. Los Angeles Police Relief Association</i> , 120 Cal.Rptr.2d 670 (Cal.App. 2002)	July
Court holds state statute validly grants Oklahoma police job protection rights.	<i>City of Durant v. Cicio</i> , 50 P.3d 218 (Okla. 2002)	August
Kentucky sheriffs’ authority to fire employees must yield to merit system.	<i>McClure v. Augustus</i> , 85 S.W.3d 584 (Ky. 2002)	December
<i>Timeliness Of Grievance</i>		
Pattern of un-timeliness results in arbitrator awarding union’s requested remedy in eight cases.	<i>City of Oak Park, Michigan and Oak Park Public Safety Officers Association</i> , 116 LA 913 (Elmann, 2002)	June
Time to demand bargaining starts running when policy is adopted not when it is enforced.	<i>Harmar Township Police Wage and Policy Committee v. Harmar Township</i> , 33 PPER ¶33025 (Pa. LRB 2001)	June
<i>Unfair Labor Practice</i>		
Labor board finds real reason Rambo not promoted was because of union activities.	<i>Fraternal Order of Police, Lodge No. 9 v. City of Reading</i> , 33 PPER ¶33112 (Pa. LRB ALJ 2002)	October
The practice of “deferring” unfair labor practice complaints to the grievance arbitration process.	<i>International Association of Fire Fighters, Local 302 v. City of Allentown</i> , 33 PPER ¶33148 (Pa. LRB ALJ 2002)	November
<i>Wages</i>		
Florida legislature overrides Governor Bush’s wage increase agreement with state correctional officers.	<i>Florida Police Benevolent Association, Inc. v. State of Florida</i> , 28 FPER ¶33145 (Fla.App. 2002)	September
<i>Whistleblower Protection</i>		
Milwaukee police whistleblower cases march on; court orders arbitration of transfer grievances.	<i>Milwaukee Police Association v. City of Milwaukee</i> , 641 N.W.2d 709 (Wis.App. 2002)	April
<i>Workers’ Compensation</i>		
Louisiana sheriff’s deputies have no workers’ compensation rights.	<i>Lewis v. Jefferson Parish Sheriff’s Office</i> , 798 So.2d 249 (La.App. 2001)	January
Workers’ compensation law does not foreclose state discrimination complaints.	<i>Gallipo v. City of Rutland</i> , 789 A.2d 942 (Vt. 2001)	February
Workers’ compensation stress injury can result out of promotional process.	<i>Davenport v. City and County of Honolulu</i> , 2001 WL 1592673 (Haw.App. 2001)	February
Over County’s objection, deputy succeeds in gaining workers’ compensation benefits after losing part of intestines following gun battle.	<i>Poinsett County Sheriff’s Department v. O’Brien</i> , 2002 WL 220645 (Ark.App. 2002)	March
Doctor cannot disagree with basic heart/lung presumption.	<i>City of Fredrick v. Shankle</i> , 785 A.2d 749 (Md.App. 2001)	March
Firefighter entitled to workers’ compensation benefits when accidentally shot by other firefighter in casino.	<i>Gibson v. Firefighters Retirement System</i> , 822 So.2d 98 (La.App. 2002)	August

DESCRIPTION	CASE CITATION	ISSUE
In absence of heart-lung presumption, workers' compensation claim for death of cigarette smoking police captain fails.	<i>Pitts v. City of Rome</i> , 568 S.E.2d 167 (Ga.App. 2002)	September
Officer who refused medication after being attacked at home by 20 men and wrestling with female subordinate loses workers' compensation claim.	<i>Medford v. State of Delaware</i> , 2002 WL 31028807 (Del.Super. 2002)	November
Pennsylvania Supreme Court finds ability to perform light-duty work does not preclude temporary workers' compensation benefits under heart-lung law.	<i>Durante v. Pennsylvania State Police</i> , 2002 WL 3140964 (Pa. 2002)	December
Detective's suicide attempt not job-related.	<i>Thomas v. City of Springfield</i> , 2002 WL 31162495 (Mo.App. 2002)	December
Intoxicated off-duty officer involved in high-speed chase not entitled to workers' compensation benefits.	<i>Campbell v. City of Boonville</i> , 85 S.W.3d 603 (Ky. 2002)	December