

Public Safety Labor News

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Retired Police And Firefighters Association Has No Standing To Challenge Retirement Board Composition	<i>Retired Detroit Police and Fire Fighters Association v. City of Detroit</i> , 2007 WL 404160 (Mich.App. 2007)	April
Threat Of Demotion Does Not Make Fire Chief's Retirement Decision Involuntary	<i>Kosciolek v. Wilkes-Barre Fire Fighters Association Local 104</i> , 2006 WL 3742700 (M.D.Pa. 2006)	February
Mandatory Retirement Ages For Police, Fire Are Legal	<i>Police Benevolent Association of the New York State Troopers, Inc. v. Bennett</i> , 477 F.Supp.2d 534 (N.D.N.Y. 2007)	June
Fire And Police Retirees Not Entitled To Increased Pensions When Active Employees Reclassified	<i>City of Annapolis v. Bowen</i> , 920 A.2d 54 (Md.App. 2007)	June
Retirees Not Entitled To Pension Increase Based On New POST Certification Pay	<i>Veteran Police Officers Association v. Retirement Board of the City and County of San Francisco</i> , 2007 WL 1848989 (Cal.App. 2007)	August
Right To Privacy		
Identification Of Undercover Officers Does Not Violate Privacy Rights	<i>Alvarado v KOB-TV, L.L.C.</i> , 493 F.3d 1210 (10th Cir. 2007)	September
ACLU Not Entitled To Broad Judgment That No Privacy Rights Exist In Internal Affairs Files	<i>American Civil Liberties Union of Colorado v. Whitman</i> , 159 P.3d 707 (Colo.App. 2006)	January
Corrections Officers Have No One To Sue When Home Addresses Mistakenly Released To Inmates	<i>Nation v. State of Idaho</i> , 158 P.3d 953 (Idaho 2007)	June
Sexual Discrimination		
Union Can Violate Duty Of Fair Representation By Not Adequately Dealing With Complaints Of Sexual Discrimination	<i>Davis v. Fraternal Order of Police Lodge No. 8 of Douglas County, Nebraska</i> , 731 N.W.2d 901 (Neb.App. 2007)	July
Sexual Harassment		
Conduct That Is "Juvenile and Boorish" Does Not Amount To A Hostile Work Environment	<i>Dodd v. City of Greenville</i> , 2007 WL 30333 (D.S.C. 2007)	April

Sexual Harassment Does Not Have To Actually Occur In Order For Valid Retaliation Claim To Exist	<i>Marchisotto v. City of New York</i> , 2007 WL 1098678 (S.D.N.Y. 2007)	July
Sergeant's Romantic Intentions Were Not "Unwelcome"	<i>Diepenhorse v. City of Baltimore Creek</i> , 2007 WL 1141492 (W.D.Mich. 2007)	August
Employer Not Strictly Liable For Harassment By Supervisor Not In Victim's Chain Of Command	<i>Sangamon County Sheriff's Department v. State of Illinois Human Rights Commission</i> , 875 N.E.2d 10 (Ill.App.2007)	October
Employer Obligated To Provide Defense For Chief Against Sexual Harassment Claim	<i>Ohio Government Risk Management Plan v. Harrison</i> , 874 N.E.2d 1155 (Ohio 2007)	November
Court Affirms \$2.2 Million Judgment Against Police Union	<i>Dixon v. International Brotherhood of Police Officers</i> , 504 F.3d 73 (1st Cir. 2007)	November
Sick Leave		
City Not Allowed To Require Officer To Obtain Doctor's Notes As Condition Of Sick Leave Use	<i>City of Marquette, Michigan and Marquette Professional Police Association</i> , LAIG 6396 (Girolamo, 2006)	January
Town Allowed To Require Doctor's Notes On Sick Days Adjoining Days Off	<i>Town of Scituate, Rhode Island</i> , LAIG 6435 (Pearce, 2006)	March
Eleven-Day Delay Too Long For Doctor's Slip	<i>City of Cincinnati and Cincinnati Fire Fighters Union IAFF, Local 48</i> , LAIG 6257 (Johnson, 2007)	November
Sick Leave Confinement Policy Does Not Violate FMLA	<i>Bradsher v. City of Philadelphia Police Department</i> , 2007 WL 2850593 (E.D.Pa. 2007)	December
Employer Not Allowed To Designate Sick Leave As Using Up FMLA Eligibility	<i>Town of Watertown and IAFF</i> , LAIG 6526 (Fink, 2007)	December
Staffing		
Arbitrator's Fire Department Staffing Decision Upheld	<i>City of Dayton v. International Association of Fire Fighters, Local 136</i> , 2007 WL 866999 (Ohio App. 2007)	May
Use Of Part-Time Firefighters To Meet Staffing Requirements Violates Contract	<i>City of East Cleveland, Ohio</i> , LAIG 6516 (Nelson, 2007)	October
Staffing Proposals Not Mandatory For Bargaining	<i>Oak Park Public Safety Officers Association v. City of Oak Park</i> , 2007 WL 3037356 (Mich.App. 2007)	December
Termination		
Officer Files Appeal 17 Years Too Late	<i>Nicolosi v. City of New York</i> , 2006 WL 3392736 (S.D.N.Y. 2006)	January
Possession Of Crack Cocaine Costs Firefighter's Job	<i>Giannini v. Firemen's Civil Service Commission of the City of Huntington</i> , 640 S.E.2d 122 (W.V. 2006)	January
Cleveland Allowed To Lay Off Injured Police Officers	<i>City of Cleveland, Ohio and Cleveland Patrolman's Association</i> , LAIG 6494 (Weatherspoon, 2007)	September
County Cannot Use "Non-Existent Regulation" To Terminate Corrections Officer	<i>Williams v. Miami-Dade County</i> , 2007 WL 2119047 (Fla.App. 2007)	September
Florida Deputy Sheriffs Have No Property Right To The Job	<i>Yelvington v. Fleming</i> , 2007 WL 1970866 (M.D.Fla. 2007)	September
City Not Liable For City Manager's Violation Of City Policy In Firing Chief	<i>Bolton v. City of Dallas, Texas</i> , 2007 WL 2381253 (N.D.Tex. 2007)	October
Unfair Labor Practice		
Employer Ordered To Disclose Name Of Anonymous Claimant	<i>Benton County Deputy Sheriff's Association v. Benton County</i> , No. UP-24-06 (Or. ERB 2007)	July
Union Can Be Forced To Make Public Records Act Request	<i>Ingham County v. Capitol City Lodge No. 141 of the Fraternal Order of Police</i> , 739 N.W.2d 95 (Mich.App. 2007)	July
Employer Cannot Bar Union's Attorney From Serving As <i>Weingarten</i> Representative	<i>Town of Hudson v. Labor Relations Commission</i> , 60 Mass.App. CT. 549 (Mass.App. 2007)	September
Deputy Sheriffs Change Union, Lose ULP	<i>Mason County</i> , Decision 9572 (Wash. PERC 2007)	September
Job References Protected By "Qualified Privilege"	<i>Miron v. University of New Haven Police Department</i> , 931 A.2d 847 Conn. 2007)	December

Uniforms		
Muslim Officer Loses Claim To Wear Khimar While On Duty	<i>Webb v. City of Philadelphia</i> , 2007 WL 1866763 (E.D.Pa. 2007)	August
Arbitrator Upholds Ban On On-Duty Earrings	<i>City of Lawrence, Massachusetts</i> , LAIG 6485 (Bornstein, 2006)	July
Union Representation		
Naming IAFF Instead of Local Union on Petition Not Fatal Error	<i>City of Marathon v. Professional Firefighters of Marathon, Inc.</i> , 946 So.2d 1187 (Fla.App. 2006)	February
No Union Representative Privilege Before Grand Jury	<i>In re Grand Jury Subpoena</i> , 926 A.2d 280 (N.H. 2007)	August
Major <i>Weingarten</i> Decision Holds Employee Has Right to Choose Representative	<i>Commonwealth of Pennsylvania v. Pennsylvania Labor Relations Board</i> , 916 A.2d 541(Pa. 2007)	April
Wages		
Alabama Deputies Work For the County For Purpose Of Wage And Hour Statute	<i>Etowah County Commission v. Grant</i> , 2007 WL 704902 (Ala.App. 2007)	May
Must Work Full Shift To Receive Shift Differential	<i>City of New Kensington, Pennsylvania and Wage Police Committee of the City of New Kensington Police</i> , LAIG 6461 (Newman, 2007)	August
Montana Firefighters Recover Huge Judgment In Wage And Hour Case	<i>Kuhr v. City of Billings</i> , 168 P.3d 615 (Mont. 2007)	October
Louisiana Law Prohibits Employer From Reducing Firefighters' Salaries To Offset Money Paid By State	<i>Aguillard v. City of Lake Charles</i> , 966 So.2d 722 (La. App. 2007)	November
"Me-Too" Clause Not Triggered By Raise Based On Pay Disparity	<i>Smyrna Police Employees Association v. Town of Smyrna</i> , 2007 WL 3145286 (Del.Ch. 2007)	December
Weingarten Rights		
Major <i>Weingarten</i> Decision Holds Employee Has Right To Choose Representative	<i>Commonwealth of Pennsylvania v. Pennsylvania Labor Relations Board</i> , 916 A.2d 541(Pa. 2007)	April
New York Court Finds No <i>Weingarten</i> Rights Exist Under State Law	<i>New York City Transit Authority v. New York State Public Employment Relations Board</i> , 864 N.E.2d 56 (N.Y. 2007)	April
Whistleblower Protection		
Civil Service Decision Precludes Later Whistleblowing Lawsuit	<i>City of Port Orchard</i> , 2006 WL 3783596 (Wash. App. 2006)	February
Workers' Compensation		
Volunteer Firefighter Entitled To Workers' Comp Benefit	<i>Schuster v. Village of Lake George Fire Department</i> , 823 N.Y.S.2d 619 (A.D. 2006)	January
Unreasonable To Require Fire Captain To Forfeit Vacation Due To Workers' Comp Injury	<i>City of Peabody, Massachusetts and Local 925, International Association of Fire Fighters</i> , LAIG 6490 (Grossman, 2007)	September
Officer's Choking On Hamburger Not A Workers' Comp Injury	<i>Lewicki v. New Castle County</i> , 913 A.2d 570 (Del. 2006)	January
Workers' Compensation Does Not Cover Trooper's Suicide	<i>Zach v. Nebraska State Patrol</i> , 727 N.W.2d 206 (Neb. 2007)	April
Officer Injured In Off-Duty Collision In Take-Home Car Entitled To Workers' Compensation	<i>Salt Lake City Corporation v. Labor Commission</i> , 153 P.3d 179 (Utah, 2007)	May
Not All Accidents That Occur During Shift Are Covered By Workers' Compensation	<i>Mills v. New York State Police</i> , 839 N.Y.S.2d 293 (A.D. 2007)	August
Officer Receives Workers' Comp When Injured At Home On Lunch Break	<i>DeCoursey v. Township of Randolph, New Jersey</i> , 2007 WL 2302321 (N.J.Super. 2007)	October
Heavy Caseload Not Enough To Make Detective's Heart Attack Compensable	<i>Lane v. City of Cookeville</i> , 2007 WL 2284862 (Tenn.App. 2007)	October
Washington Limits "Firefighter's Rule"	<i>Beaupre v. Pierce County</i> , 166 P.3d 712 (Wash. 2007)	November