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EMPLOYMENT - UTAH

Becker v. Sunset City

Supreme Court of Utah - August 13, 2013 - P.3d - 2013 UT 51

Police officer sought administrative review of his termination for failing a portable breath test. The city appeals board upheld the termination, and officer appealed.

The Supreme Court of Utah held that:

- Substantial evidence supported finding that police officer was under the influence of alcohol, in violation of city's alcohol policy, such that termination was warranted, and
- City was exempt from the requirements imposed by statute, stating that testing or retesting for the presence of drugs or alcohol by an employer shall be carried out within the terms of a written policy.

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