

# **Bond Case Briefs**

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## **EMPLOYMENT - MICHIGAN**

### **Mullendore v. City of Belding**

**United States Court of Appeals, Sixth Circuit - August 23, 2017 - F.3d - 2017 WL 3614451 - 2017 Wage & Hour Cas.2d (BNA) 295, 291**

Former city manager brought action against city and members of its city council, alleging that her termination violated the Family and Medical Leave Act (FMLA).

The United States District Court for the Western District of Michigan granted summary judgment in favor of city and council members. Manager appealed.

The Court of Appeals held that:

- Manager failed to demonstrate that she was terminated because she was using FMLA leave, and
- Manager failed to demonstrate that city's reason for terminating her was not legitimate.

Former city manager failed to demonstrate that she was terminated because she was using FMLA leave and, thus, failed to establish a *prima facie* case of FMLA interference against city and members of its city council; although manager was terminated while she was not present for city council meeting, council members believed it was personally or politically expedient to terminate her behind her back, and there was no indication that the termination, as opposed to its timing, was because manager was on leave.

Former city manager failed to demonstrate that city's proffered reason for terminating her, political strife, was not legitimate, and thus city and its council members were not liable for FMLA interference in connection with manager's termination; even if terminating manager in her absence made it easier to get one council member's vote, that did not mean that manager was terminated because she was on FMLA leave.