

Bond Case Briefs

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PUBLIC EMPLOYMENT - NEBRASKA

Simpson v. Lincoln Public Schools

Supreme Court of Nebraska - March 22, 2024 - N.W.3d - 316 Neb. 246 - 2024 WL 1221975

Terminated employee of public school district brought wrongful discharge action against school district, alleging that termination was retaliation for filing workers' compensation claim, and thus violation of Nebraska public policy.

Asserting an immunity defense under the discretionary function exemption of the Political Subdivisions Tort Claims Act (PSTCA), school district moved for summary judgment. Finding that school district was not entitled to immunity, the District Court denied summary judgment motion. School district appealed and petitioned to bypass review by the Court of Appeals, which was granted.

The Supreme Court held that:

- Denial of school district's summary judgment motion was appealable as a final order;
- Employee's termination involved an element of judgment; and
- As matter of apparent first impression, employee's termination involved judgment of the kind that PSTCA's discretionary function exemption was designed to shield.