

# **Bond Case Briefs**

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## **BENEFITS - TENNESSEE**

### **Gertsch v. City of Martin, Tenn.**

**United States District Court, W.D. Tennessee, Eastern Division - April 17, 2014 - Slip Copy - 2014 WL 1572786**

Former city firefighters initiated an action against the City of Martin, Tennessee, alleging deprivation of their property rights without due process of law in violation of [42 U.S.C. § 1983](#) as well as common-law breach of contract. Plaintiffs were eligible for retirement benefits through, and had properly enrolled in, the Tennessee Consolidated Retirement System (TCRS).

The City recognizes an employee's unused, accumulated sick leave as creditable service and reports the unused sick leave to TCRS when an employee applies for retirement benefits. City firefighters worked twenty-four hour shifts.

The TCRS requires participating municipal employers, such as the City, to report the unused sick leave of certain types of employees, including firefighters, in days rather than in hours, but, as far as the TCRS is concerned, there is no standard formula for municipalities to convert unused sick hours to days. In reporting Plaintiffs' respective days of unused, accumulated sick leave to TCRS, the City converted every twenty-four hours of unused sick leave into one day. Plaintiffs argued that the City should have converted every twelve hours of unused sick leave into one day.

The court dismissed Plaintiffs' breach of contract claim, finding that the personnel policy upon which they relied was not a contract.

The court also found that the entitlement Plaintiffs claimed—to a specific formula for counting their unused, accumulated sick leave toward creditable service—was to a *process*, rather than substance, and was therefore not a property interest protected by the Fourteenth Amendment.