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EMPLOYMENT - OKLAHOMA

Brewer v. City of Seminole

Supreme Court of Oklahoma - May 13, 2014 - P.3d - 2014 OK 41

Terminated probationary police trainee brought action against city. The District Court certified three questions to the Oklahoma Supreme Court.

The Supreme Court of Oklahoma held that:

- Trainee did not have statutory right to be terminated only for cause, and
- Trainee did not have statutory right to post-termination hearing.

Statute governing the appellate procedure for a terminated member of municipal police pension and retirement system did not provide a right to a probationary police trainee to be terminated only for cause. Although trainee was a member of the pension and retirement system and was employed by a municipality that had entered into a collective bargaining agreement (CBA) with a recognized bargaining agent under the Fire and Police Arbitration Act, due to trainee's probationary status, trainee was excluded by the terms of the CBA from having access to the arbitration and grievance process contained in the CBA in connection with the termination of her employment.

Statute governing the appellate procedure for a terminated member of municipal police pension and retirement system did not provide a right to a probationary police trainee to a post-termination hearing. Although trainee was a member of the pension and retirement system and was employed by a municipality that had entered into a collective bargaining agreement (CBA) with a recognized bargaining agent under the Fire and Police Arbitration Act, due to trainee's probationary status, trainee was excluded by the terms of the CBA from having access to the arbitration and grievance process contained in the CBA in connection with the termination of her employment.

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