

Bond Case Briefs

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IMMUNITY - ALABAMA

Ex parte Hampton

Supreme Court of Alabama - September 30, 2015 - So.3d - 2015 WL 5725102

In underlying litigation, school employee brought action against county board of education members and superintendent for declaratory and injunctive relief, asserting employee had been improperly terminated. After the Circuit Court denied defendants' motion for summary judgment, defendants brought instant petition for writ of mandamus to compel trial court to vacate denial of summary judgment motion.

The Supreme Court of Alabama held that board members and superintendent did not have legal, nondiscretionary duty to recall employee to a position following her termination, and thus members and superintendent had sovereign immunity from employee's action.

School board members and superintendent did not have legal, nondiscretionary duty to recall school employee to a position following her termination, and thus members and superintendent had sovereign immunity from employee's action for declaratory and injunctive relief, seeking monetary relief for allegedly improper termination, despite argument that board's reduction in force (RIF) policy compelled employee's recall. A RIF was never implemented by board, employee did not receive correspondence from board or superintendent that her employment was being terminated as result of RIF, and adoption of RIF policy did not mandate its implementation whenever there was a termination based on lack of funding, particularly when the decrease in jobs was employee's part-time position.