

Chapter 2: Collective Bargaining Rights

IRAC Example – Illegal Union Retaliation:

Issue:

Did the employer unlawfully retaliate against an officer for union activity?

Rule:

First Amendment protects the right to unionize and engage in union activities. The three-part test for illegal retaliation requires:

1. The officer engaged in protected activity.
2. The employer knew of the activity.
3. The adverse action was a direct result of the activity.

Application:

Officer A spoke at a union meeting protesting unsafe staffing. The chief, aware of the speech, issued a disciplinary warning a day

Conclusion:

The officer has a valid retaliation claim under the First Amendment.

Case Example:

Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274 (1977) – established the burden-shifting framework for

Chapter 3: Disciplinary Appeals & Arbitration

IRAC Example – Arbitrator Review:

Issue:

Can a court overturn a disciplinary decision made through binding arbitration?

Rule:

Arbitrator's decisions are final unless they reflect fraud, exceed authority, or violate public policy.

Application:

The arbitrator ruled in favor of reinstating Officer B after a minor policy violation. The city appealed, claiming public policy viola

Conclusion:

Court unlikely to overturn arbitration decision.

Case Example:

United Paperworkers Int'l Union v. Misco, Inc., 484 U.S. 29 (1987).

Chapter 4: Just Cause for Discipline

IRAC Example – Lack of Progressive Discipline:

Issue:

Was an officer disciplined without just cause?

Rule:

Discipline must meet the seven-part just cause test (e.g., notice, reasonable rule, progressive discipline).

Application:

Officer C was terminated for tardiness without any prior warning or discipline. This likely fails the progressive discipline standard

Conclusion:

The termination would likely be overturned in arbitration.

Case Example:

Enterprise Wire Co., 46 LA 359 (Daugherty 1966).

Chapter 5: The Garrity Rule

IRAC Example – Admissibility of Compelled Statement:

Issue:

Can a statement made under threat of termination be used in a criminal case?

Rule:

Under Garrity v. New Jersey, compelled statements from officers cannot be used in criminal proceedings.

Application:

Officer D gave a written statement under threat of firing. Prosecutors later used it during trial.

Conclusion:

The statement violates the Fifth Amendment and must be suppressed.

Case Example:

Garrity v. New Jersey, 385 U.S. 493 (1967).

Chapter 6: The Brady Rule

IRAC Example – Officer on Brady List:

Issue:

Can an officer be disciplined for being placed on a Brady list?

Rule:

Prosecutors must disclose impeaching evidence; departments may argue that an officer's credibility is essential to their role.

Application:

Officer E has past misconduct that prosecutors deem impeaching. She is reassigned but not fired. She sues.

Conclusion:

Discipline may stand if the department proves the reassignment is job-related and not punitive.

Case Example:

Giglio v. United States, 405 U.S. 150 (1972).

Chapter 7: Due Process in Discipline

IRAC Example – Lack of Hearing Before Termination:

Issue:

Was an officer's due process violated by being terminated without a hearing?

Rule:

Mathews v. Eldridge balancing test requires notice and opportunity to respond before deprivation of employment when a property

Application:

Officer F, under civil service protection, was fired without a Loudermill hearing.

Conclusion:

Due process was violated; reinstatement and backpay may be required.

Case Example:

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).

Chapter 8: The Weingarten Rule

IRAC Example – Denied Union Representation:

Issue:

Was an officer's Weingarten right violated during a disciplinary interview?

Rule:

Weingarten guarantees right to representation if:

1. It's investigatory.
2. Discipline may result.
3. Representation is requested.

Application:

Officer G asked for union rep before an IA interview. The request was denied, and the interview proceeded.

Conclusion:

Disciplinary outcome may be overturned due to Weingarten violation.

Case Example:

NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975).