

Five Supreme Court cases that will affect workplace issues

When the U.S. Supreme Court starts its new session, the justices will preside over five employment cases, which is actually a lower-than-average number of labor and employment cases. In the past, the Supreme Court has started its docket with an average of seven labor and employment law cases.

IPB Inc. vs. Alvarez

IPB Inc. vs. Alvarez is the first employment case on the docket. It has been consolidated with another case, Tum vs. Barber Foods Inc. Both cases were filed under the Fair Labor Standards Act (FLSA). They involve preliminary and postliminary work. Preliminary work involves things like changing into uniforms, getting safety equipment and gathering tools. Postliminary work involves putting the same things away at the end of the day. The Supreme Court has been asked to decide whether this time is compensable. If the Supreme Court decides it is compensable, workers will need to be paid for this time and the time will need to be included in overtime calculations. This type of case is also covered in the Portal to Portal Act.

Garcetti vs. Ceballos

In this case, the Supreme Court has been asked to decide whether a prosecutor's speech was protected under the First Amendment. The prosecutor claimed he suffered retaliation at work for accusing a deputy sheriff of lying. Government employees generally have qualified immunity against lawsuits for doing their jobs. The Supreme Court will decide whether the prosecutor's speech was protected under the First

Amendment, and if so, whether his supervisors had qualified immunity.

United States vs. Olson

Two miners were injured in an accident in a copper mine. They are alleging negligence against the Mine Safety and Health Administration (MSHA). The Supreme Court will decide whether MSHA can be held liable.

Whitman vs. U.S. Department of Transportation

This case involves the ability of union-represented, federal government workers to sue for alleged constitutional violations.

Arbaugh vs. Y&H Corp.

Title VII, the nation's leading civil rights law in the workplace, applies only to employers with 15 or more employees. This lawsuit was filed against a company with fewer than 15 employees, but that argument wasn't raised until after the company lost a jury trial. The argument is that the company employed fewer than 15 people and therefore Title VII didn't apply, which means the court lacked jurisdiction. If the court lacked jurisdiction, then it had no authority to impose judgment. The Supreme Court will decide whether Title VII is jurisdictional.

Conclusion

Ask your county attorney to watch for the particular outcomes in these upcoming cases to determine if they apply to your county.

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