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Personnel Issues - County Attorney Seminar
Relevant Utah Case law

Rackley v. Fairview Care Centers, Inc., 23 P.3d 1022 (Utah 2001)

At-will employee may overcome the at will presumption by showing: (1) there is an implied or express agreement that the employment may be terminated only for cause or upon satisfaction of another agreed-upon condition; (2) a statute or regulation restricts the right of an employer to terminate an employee under certain conditions; or (3) the termination of employment constitutes a violation of a clear and substantial policy. Employers have a duty not to terminate any employee, whether the employee is at-will or protected by an express or implied employment contract, in violation of a clear and substantial public policy; if an employer breaches this duty, the terminated employee has a cause of action in tort against the employer.

Thurston v. Box Elder County, 892 P.2d 1034 (Utah 1995)

County's act of borrowing County Personnel Management Act's language for use in its employee manual manifested an intent to be subject to court's interpretation of the Act when interpreting an ambiguous provision in the manual; accordingly, prior Court of Appeals decision that a county's reduction in force was governed by the Act was not clearly erroneous and would not work a manifest injustice if not reconsidered on a second appeal.

Larsen v. Davis County, 324 P.3d 641 (Utah App. 2014)

County Career Service Council did not exceed the bounds of reasonableness and rationality in determining that county attorney's misconduct in aggravated-robbery trial, alone, required his termination; attorney used tainted testimony in an attempt to obtain a robbery conviction and then did not fully disclose the facts once his gambit came to light.

Lucas v. Murray City Civil Service Com'n, 949 P.2d 746 (Utah App.1997)

If property interest in continued public employment exists, then public employee is entitled to procedures comporting with minimum requirements of due process, as provided in Constitution; however, if no property interest exists, then employee must rely solely upon any procedural protections afforded by contract, ordinance, or state statute. U.S.C.A. Const.Amend. 14. City police chief abuses his discretion in imposing discipline on employee if punishment exceeds range of sanctions permitted by statute or regulation, or if, in light of all circumstances, punishment is disproportionate to offense.

Hugoe v. Woods Cross City, 316 P.3d 979 (Utah App.,2013)

Termination of municipal employee, following incident in which employee yelled at supervisor and used profanity, was not an inconsistent consequence for employee's behavior, despite evidence that other employees had used profanity in workplace without being terminated; supervisor testified that other employees who had used profanity in workplace did so without a temper and not in a mean manner, unlike plaintiff employee, and employee was not terminated simply for using vulgar language but for the insubordination involved in his swearing at operations manager in a threatening and aggressive manner.