

SUPREME JUDICIAL COURT OF MAINE

Quintal v. City of Hallowell, 2008 ME 155

956 A.2d 88 (Me. 2008) · No. Ken-07-195 · Decided October 7, 2008

SUMMARY

The Maine Supreme Judicial Court affirmed summary judgment for the City of Hallowell and its city manager in an employee's challenge to his termination. The court held that the collective bargaining agreement's binding-arbitration procedure precluded the employee from pursuing a duplicative Rule 80B appeal, and rejected his due process, First Amendment, Freedom of Access Act, and related claims. The court also concluded that the city manager was immune from personal liability under the Maine Tort Claims Act.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Clifford, J.; Saufley, C.J.; Alexander, J.; Levy, J.; Silver, J.; Mead, J.; Gorman, J.
JURISDICTION	Maine
DECIDED	October 7, 2008
DOCKET	Ken-07-195
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from summary judgments entered for the City of Hallowell and James Rhodes on a Maine Rule of Civil Procedure 80B challenge to Quintal's termination and on related constitutional, Freedom of Access Act, and tortious-interference claims.
STANDARD OF REVIEW	Summary judgment is reviewed by viewing the evidence in the light most favorable to the nonmoving party and determining whether there is a genuine issue of material fact and whether the prevailing party is entitled to judgment as a matter of law. Questions of law, including whether speech is protected, are reviewed de novo.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Gary Quintal v. City of Hallowell, James Rhodes

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QUESTIONS PRESENTED

1. Whether Quintal could pursue a Rule 80B appeal after voluntarily invoking and participating in the collective bargaining agreement's grievance and binding-arbitration procedure.
2. Whether the grievance and termination procedures denied Quintal due process.
3. Whether Quintal's memorandum constituted protected speech under the First Amendment.
4. Whether the Personnel Committee violated the Maine Freedom of Access Act by failing to make sufficient written findings or by failing to vote separately on each reason for termination.
5. Whether James Rhodes was immune from Quintal's claims under the Maine Tort Claims Act.

HOLDINGS

1. A public employee who voluntarily invokes and participates in a collective-bargaining agreement's binding-arbitration procedure for a termination may not relitigate the termination issues through a Rule 80B appeal when the arbitration provision controls over conflicting municipal statutory or charter authority.
2. Quintal received constitutionally adequate due process because he received notice of the proposed termination and an opportunity to be heard before the termination decision.
3. Quintal's memorandum was not protected by the First Amendment because, although it was not made pursuant to his official duties, it did not address a matter of public concern and misleadingly appeared to be an official City investigation.
4. The Personnel Committee complied with 1 M.R.S. § 407(2) by making a written decision containing specific findings of fact and conclusions; the statute did not require a separate vote on each reason for termination.
5. Rhodes was absolutely immune from personal civil liability because his actions in reprimanding Quintal and recommending termination were discretionary functions performed within the scope of his governmental authority.

KEY QUOTATIONS

“Quintal is now precluded from relitigating those issues in the Superior Court.” (¶20)

“Due process requires that a tenured public employee be given notice and an opportunity to be heard prior to termination.” (¶21)

“when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.” (¶27)

FACTUAL BACKGROUND

Gary Quintal was a permanent Hallowell employee serving as code enforcement officer, building inspector, plumbing inspector, and health officer. After disputes with City Manager James Rhodes concerning compensatory time, job performance, and Quintal's use of City letterhead for a memorandum styled as a preliminary investigation, the City held a just-cause pretermination hearing and terminated Quintal. Quintal's union pursued binding arbitration under the collective bargaining agreement, and the arbitration panel unanimously found just cause for termination. Quintal then challenged the termination and asserted constitutional, Freedom of Access Act, and contractual-interference claims.

PROCEDURAL HISTORY

After Quintal was terminated following a pretermination hearing, his union pursued the collective-bargaining agreement's grievance procedure and obtained a unanimous arbitration decision finding just cause for termination. Quintal then filed a four-count complaint in the Superior Court, which entered summary judgment for the defendants on the Rule 80B claim and later on the remaining claims. The Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Dep't of Agric., Food & Rural Res. v. Ouellette, 2007 ME 117, ¶ 7, 930 A.2d 1037, 1038
- Winston v. Maine Technical College System, 631 A.2d 70, 73 & n. 5 (Me. 1993)
- McDonald v. City of W. Branch, 466 U.S. 284, 286 (1984)
- Barrentine v. Arkansas-Best Freight Sys., Inc., 450 U.S. 728, 729-30 (1981)
- Alexander v. Gardner-Denver Co., 415 U.S. 36, 38 (1974)
- Walton v. Me. Sch. Admin. Dist. 52, 2008 ME 61, ¶ 7 n. 2, 945 A.2d 1241, 1243
- Moen v. Town of Fairfield, 1998 ME 135, ¶¶9, 14-15, 713 A.2d 321, 324-25
- Garcetti v. Ceballos, 547 U.S. 410, 421-22 (2006)
- Connick v. Myers, 461 U.S. 138, 146, 148 & n. 7 (1983)
- Pelkey v. City of Presque Isle, 577 A.2d 341, 343 (Me. 1990)
- Mutton Hill Estates, Inc. v. Town of Oakland, 468 A.2d 989, 992 (Me. 1983)
- Danforth v. Gottardi, 667 A.2d 847, 848 (Me. 1995)
- Roberts v. State of Maine, 1999 ME 89, ¶ 8, 731 A.2d 855, 857
- Adriance v. Town of Standish, 687 A.2d 238, 240 (Me. 1996)
- Berard v. McKinnis, 1997 ME 186, ¶ 11 n. 7, 699 A.2d 1148, 1152

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