

SUPREME COURT OF MONTANA

Hunter v. City of Great Falls

313 Mont. 231 (Mont. 2002) · No. No. 01-263 · Decided December 20, 2002

SUMMARY

The Supreme Court of Montana affirmed summary judgment for the City of Great Falls, holding that Kelly Hunter remained a probationary firefighter when terminated and therefore was not entitled to relief under Montana's Wrongful Discharge from Employment Act. The court also held that Hunter lacked a protected property interest supporting his 42 U.S.C. § 1983 claim. A special concurrence and dissent addressed the interpretation of the statutory probationary period.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Chief Justice Karla M. Gray; Karla M. Gray; Patricia Cotter; W. William Leaphart; James C. Nelson
JURISDICTION	Montana
DECIDED	December 20, 2002
DOCKET	No. 01-263
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order granting the City of Great Falls summary judgment on Hunter's claims under the Montana Wrongful Discharge from Employment Act and 42 U.S.C. § 1983.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under the same standards used by the trial court: whether genuine issues of material fact exist and, if not, whether the moving party is entitled to judgment as a matter of law. Conclusions of law are reviewed for correctness.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Montana; precedential.
PARTIES	Kelly Hunter v. City of Great Falls

TOPICS

- wrongful termination
- section 1983
- summary judgment
- statutory interpretation
- municipal law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the District Court properly granted summary judgment because Hunter remained a probationary employee and therefore was not entitled to relief under the Montana Wrongful Discharge from Employment Act.
2. Whether Hunter, as a probationary employee without a protected property interest in his employment, was entitled to relief under 42 U.S.C. § 1983 for the alleged denial of due process.

HOLDINGS

1. A firefighter's statutory six-month probationary term under § 7-33-4122, MCA, is a minimum rather than a maximum term, and an employer may maintain probationary status beyond six months when the probationary requirements are defined at the outset of employment and the employer establishes that probation remained in effect at discharge. Because the City satisfied those conditions, Hunter was still probationary and could not pursue relief under the Act.
2. Hunter was not entitled to relief under § 1983 because he remained a probationary employee and did not establish any other legal basis for a protected property interest in his employment.

KEY QUOTATIONS

“We presume that if the Legislature had intended to create a statutory maximum probationary period for firefighters, it would have done so expressly.” (767)

“The terms of his probationary period were part of the Fire Department's policy at the time he was hired.” (768)

“Because we have concluded that Hunter was a probationary employee at the time of his termination, the premise for his § 1983 claim evaporates.” (769)

FACTUAL BACKGROUND

Hunter was appointed as a probationary firefighter on March 1, 1996, under a statutory six-month probationary term. Before the initial six months expired, the Fire Department extended his probationary status and required further monthly review because of performance, supervisory, and policy-related concerns. The City terminated Hunter on October 31, 1996, before he was confirmed as a permanent firefighter; the court concluded that the City's policy and orientation materials had defined the probationary requirements at the outset of employment.

PROCEDURAL HISTORY

Hunter was terminated from his probationary firefighter position and filed an action against the City, joined by the Firefighters Union. The District Court for the Eighth Judicial District, Cascade County, granted the City's motion for summary judgment on Hunter's statutory and § 1983 claims and on the Union's claims. Hunter appealed, and the Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Winslow v. Montana Rail Link, Inc., 2000 MT 292, 302 Mont. 289, 16 P.3d 992
- Heller v. Gremaux, 2002 MT 199, 311 Mont. 178, 53 P.3d 1259
- Hobbs v. City of Thompson Falls, 2000 MT 336, 303 Mont. 140, 15 P.3d 418
- State v. Miller, 231 Mont. 497, 517, 757 P.2d 1275, 1287 (1988)
- MacMillan v. State Compensation Ins. Fund, 285 Mont. 202, 207, 947 P.2d 75, 78 (1997)
- Whidden v. John S. Nerison, Inc., 1999 MT 110, 294 Mont. 346, 981 P.2d 271
- Mysse v. Martens, 279 Mont. 253, 926 P.2d 765 (1996)
- Medicine Horse v. Trustees, Big Horn County School District, 251 Mont. 65, 823 P.2d 230 (1991)
- Woods v. City of Billings, 248 Mont. 254, 811 P.2d 534 (1991)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/montana-supreme-court-of-montana/2002/hunter-v-city-of-great-falls-dv3u5dyb>