

SUPREME COURT OF MONTANA

Stafford v. State

2004 MT 96N (2004) · No. No. 03-666 · Decided April 16, 2004

SUMMARY

The Montana Supreme Court affirmed summary judgment for the State of Montana and its Department of Corrections in a former probationary employee’s action arising from her discharge. The court held that the employee was covered by a collective bargaining agreement and therefore could not recover under the Wrongful Discharge from Employment Act, and it rejected her negligent hiring, retention, and supervision claim. The court also found no abuse of discretion in the district court’s handling of a supplemental affidavit and post-hearing discovery motions.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Chief Justice Karla M. Gray; Justice James C. Nelson; Justice Patricia O. Cotter; Justice Jim Regnier; Justice Jim Rice
JURISDICTION	Montana
DECIDED	April 16, 2004
DOCKET	No. 03-666
DISPOSITION	affirmed
PROCEDURAL POSTURE	Stafford appealed from the District Court’s order granting summary judgment to the State of Montana and its Department of Corrections.
STANDARD OF REVIEW	Summary judgment is reviewed de novo to determine whether genuine issues of material fact exist and whether the moving party is entitled to judgment as a matter of law. Discovery rulings, including rulings on motions under Rule 56(f), M.R.Civ.P., are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Kellie Stafford v. State of Montana, Montana Department of Corrections

TOPICS

- wrongful termination
- employment at-will
- summary judgment
- standard of review
- appellate procedure

PRACTICE AREAS

employment law

civil procedure

appellate procedure

torts

QUESTIONS PRESENTED

1. Whether a discharged probationary employee covered by a collective bargaining agreement may recover under the Montana Wrongful Discharge from Employment Act when the agreement's just-cause protection applies only to permanent employees.
2. Whether Stafford could recover under a theory of negligent hiring, retention, and supervision.
3. Whether the District Court abused its discretion by allowing the State to file a post-hearing affidavit and by failing to rule on Stafford's motions to file her deposition and depose an additional witness.

HOLDINGS

1. The WDEA did not apply because Stafford was an employee covered by a written collective bargaining agreement, even though the agreement's just-cause discharge protection applied only to permanent employees and did not provide her a remedy for discharge during the probationary period.
2. Stafford failed to establish that she could recover under a theory of negligent hiring, retention, and supervision or that the District Court erred in concluding that the collective bargaining agreement precluded her negligence claim.
3. The District Court did not abuse its discretion by allowing the State to file a supplemental affidavit or by failing to rule on Stafford's motions to depose a witness and file her deposition.

KEY QUOTATIONS

“Under these facts and the plain language of § 39-2-912(2), MCA (2001), we conclude the District Court did not err in determining Stafford was covered by the CBA and the WDEA did not apply.” (¶ 16)

“During a probationary period of employment, the employment may be terminated at the will of either the employer or the employee on notice to the other for any reason or for no reason.” (¶ 20)

“In summary, we hold the District Court correctly determined Stafford could not recover under the WDEA.” (¶ 30)

FACTUAL BACKGROUND

Kellie Stafford was hired as a treatment court officer in the Montana Department of Corrections and was subject to a one-year training or probationary assignment. She was covered by a collective bargaining agreement between the State and the Montana Federation of Probation and Parole, but the agreement limited its just-cause discharge protection to permanent employees. Before completing her probationary period, Stafford was discharged following a hearing attended by her union representative and attorney. She then sued under the Wrongful Discharge from Employment Act and under theories of negligent hiring, retention, and supervision.

PROCEDURAL HISTORY

Stafford, a probationary treatment court officer, sued the State alleging wrongful discharge under the Montana Wrongful Discharge from Employment Act and negligent hiring, retention, and supervision. The Eighteenth Judicial District Court granted the State's motion for summary judgment. After the summary judgment hearing, the court allowed the State to supplement the record with an affidavit and did not rule on Stafford's motions to file her deposition and depose a witness. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Bartlett v. Allstate Ins. Co., 280 Mont. 63, 68, 929 P.2d 227, 230 (1996)
- Environmental Contractors, LLC v. Moon, 1999 MT 178, ¶ 19, 295 Mont. 268, 983 P.2d 390
- Winslow v. Montana Rail Link, Inc., 2000 MT 292, ¶ 21, 302 Mont. 289, 16 P.3d 992
- LaFournaise v. Montana Developmental Center, 2003 MT 240, ¶ 17, 317 Mont. 283, 77 P.3d 202
- Pablo v. Moore, 2000 MT 48, 298 Mont. 393, 995 P.2d 460
- Hawkins v. Harney, 2003 MT 58, ¶ 35, 314 Mont. 384, 66 P.3d 305
- In re Marriage of Burk, 2002 MT 173, ¶ 16, 310 Mont. 498, 51 P.3d 1149
- Sherrard v. Prewett, 2001 MT 228, ¶ 20, 306 Mont. 511, 36 P.3d 378
- Springer v. Becker, 284 Mont. 267, 273, 949 P.2d 641, 644 (1997)
- Huffine v. Boylan, 239 Mont. 515, 517, 782 P.2d 77, 78 (1989)
- Disler v. Ford Motor Credit Co., 2000 MT 304, ¶ 12, 302 Mont. 391, 15 P.3d 864