

## Public Officials Liability

### Claim Examples

- ▶ **Failure to Notify/ Violation of Law:** An economic development district held a monthly meeting and did not notify the general public of the date and time. Decisions made at this meeting affected fee assessments that would be levied on the property owners in the district. The minutes from the meeting were never released to the public. This violated the laws for public meetings as well as the bylaws of the district. When the district members learned of the meeting and new tax assessment they collectively sued the district for violation of the Freedom of Information Act and the Open Meeting Act.
- ▶ **Negligence and Breach of Duty:** A sewer district identified a glitch in the computerized tax roll system for properties located within the district. They noted that the tax rate for sewer charges was not properly calculating for the past two years. After fixing the system, the district sent a letter to the residents along with a new assessment for the uncollected taxes. The residents sued the district for negligence and breach of duty.
- ▶ **Misappropriation of Funds:** A donor made a large contribution to the municipal park for the construction of a new public playground. Instead of building a new playground, the park felt the money would be better spent cleaning up the existing land. The donor sued for misappropriation of funds. The damages included return of the full contribution as well as interest. Since the majority of the funds had already been spent, the park was financially unable to return the entire donation.
- ▶ **Misrepresentation of Financial Information:** The executive director of a local water district began "borrowing" money from the district to cover personal losses. The executive director was successful in covering up the transactions for almost a year until the district was finally forced to declare bankruptcy. A bank, which had just renewed a large outstanding note, sued the board for failure to supervise the individual directors, alleging breach of duty of care and misrepresentation of financial information.

## Employment Practices Liability

### Claim Examples

- ▶ **Disability Discrimination:** A 61 year old employee of a drainage district had back surgery and returned to work 9 months later. Shortly after he returned to work, he sustained two injuries performing his normal job duties. Due to the fact that these incidents took place in a 2 week time period, the drainage district felt that it was unsafe for the employee to perform his job duties. He was terminated out of concern for his safety and the safety of other employees. The employee sued for disability discrimination.
- ▶ **Racial Discrimination:** An African American woman was hired on a limited-term basis for a Housing Authority. She was asked by the Executive Director to deliver flyers for the new housing units. She refused stating that she was unable due to her medical condition which would not allow her to walk far distances. The employee was to provide a doctors note which she was unable to provide. The Executive Director wrote her up for insubordination and her job was eliminated a month later. Conversely, there was another employee, a Caucasian woman, who was also hired on a limited term basis for the same job function. Her position was not eliminated. The employee later sued the Housing Authority for disability and race discrimination.
- ▶ **Age Discrimination:** A 57 year old employee of a Municipal Authority was on call when a water main break occurred. The employee did initially respond but did not fully take care of the water main break. The water main break caused icy conditions which resulted in a car accident. The employee was later terminated and the Municipal Authority hired a younger employee for the same position. The terminated employee sued for age discrimination.
- ▶ **Retaliation:** An African American employee of a barge repair and painting firm complained to management that some of his coworkers were using racial slurs and jokes. His supervisor transferred him to an inside warehouse position at a reduced hourly rate stating that it would be better for him to work alone rather than be exposed to those workers. The employee later sued for discrimination and retaliation for reporting the discrimination.