

STATEMENT OF THE ISSUES

ISSUE I: Whether the South Dakota Department of Labor erred in finding that the Rapid City Police Department and/or the City of Rapid City had “just cause” for the termination of Officer Timothy Farmer in light of the totality of the facts and circumstances.

Summit City Children Servs. Bd. v. Communication Workers of Am., 865 N.E.2d 31 (Ohio 2007)

Board of Trustees of Miami Twp. v. Fraternal Order of Police, 690 N.E.2d 1262 (Ohio 1998)

Graham v. Connor, 490 U.S. 386, 396, 104 L.Ed.2d 443, 109 S.Ct. 1865 (1989)

Ford v. Childers, 855 F.2d 1271 (7th Cir. 1988)

ISSUE II: Whether there exists a reasonable and justified alternative remedy to termination.

Kjerstad v. City of Rapid City, 248 N.W.2d 363 (SD 1976) (argument to distinguish)

Gen. Drivers and Helpers Union v. Brown County, 269 N.W.2d 795 (SD 1978)

Bon Homme County Com'n v. AFSCME, 669 N.W.2d 441 (SD 2005)

U.S. West Communications, Inc. v. Public Util. Comm'n, 505 N.W.2d 115, 122-23 (S.D.1993) (standard of review)