

04-1131 WHITMAN V. DEPT. OF TRANSPORTATION

DECISION BELOW:382 F3d 938

LOWER COURT CASE NUMBER: 03-35303

QUESTIONS PRESENTED:

1. Whether 5 U.S.C. 7121 (a)' s provision that the negotiated grievance procedures of a federal collective bargaining agreement be "the exclusive administrative procedures" to resolve grievances precludes an employee from seeking direct judicial redress when he would otherwise have an independent basis for judicial review of his claims.
2. Whether the Civil Service Reform Act, 5 U.S.C. 7101 et seq., precludes federal courts from granting equitable relief for constitutional claims brought by federal employees against their employer.

CERT. GRANTED 6/27/2005