

PUBLIC EMPLOYEES ONLY

LOUDERMILL

James Loudermill was a security guard with the Cleveland Board of Education and was hired in 1979. Eleven months after his hire, the employer discovered that Mr. Loudermill did not admit to a felony conviction back in 1968 for grand larceny on his job application. He was discharged for being dishonest in filling out his job application.

Loudermill was not afforded an opportunity to respond to the charge or to challenge his dismissal. As a classified civil servant he was entitled to an administrative hearing under Statute 124.34.

Loudermill filed an appeal of his discharge to the Cleveland Civil Service Commission on November 12, 1980. A hearing was held on January 29, 1981 and Loudermill argued that he thought his larceny conviction was a misdemeanor. The referee recommended reinstatement.

On July 20, 1981 the full Commission heard the argument and upheld the dismissal.

Loudermill and his attorneys then filed a suit in Federal Court alleging that Statute 124.34 was unconstitutional because the respondent could not respond to charges prior to a dismissal. They argued that this law deprived discharged employees liberty and property without due process.

After arguments back and forth in District Court, in 1983 the Court of Appeals for the 6th Circuit found that Loudermill was deprived of due process.

This decision was appealed and a long legal battle ensued.

But, in a split decision, the judges ruled that, "An essential principal of due process is that a deprivation of life, liberty or property (job) 'be preceded by notice and opportunity for hearing appropriate to the nature of the case'."

Today, for public employees, a pre-termination opportunity to respond is required. This hearing is referred to as the **LOUDERMILL HEARING**.

A discharged employee will remain in payroll status until the Loudermill Hearing is held.