

Bond Case Briefs

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EMPLOYMENT - INDIANA

Mertz v. City of Greenwood

Court of Appeals of Indiana - April 12, 2013 - N.E.2d - 2013 WL 1497311

Court of appeals holds that city merit police commission had authority to discipline former assistant chief for conduct that occurred while demoted police officer served as assistant chief.

Police officer petitioned for judicial review of disciplinary decision by city merit police commission. Officer contended that the trial court erred when it concluded that the commission had authority to consider disciplinary action against him after he was removed as assistant chief for conduct that occurred while he was assistant chief.

The court of appeals held that city merit police commission had authority under city code and ordinance to discipline former assistant chief for conduct that occurred while police officer served as assistant chief.

Though under the code and ordinance the commission could not discipline an officer while that officer was serving as the chief or an assistant chief, officer remained a police officer subject to the same professional standards as other police officers, and the exception no longer applied after officer was demoted.