

Bond Case Briefs

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EMPLOYMENT - NEW YORK

McEvoy v. Oyster Bay Fire Co. No. 1

Supreme Court, Appellate Division, Second Department, New York - May 21, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 03688

Volunteer firefighter commenced article 78 proceeding to review determination of fire company's chief officers which, without a hearing, suspended him from active duty for period of one year, and determination of company's disciplinary review board which, after a hearing, reduced penalty to suspension from active duty for period of six months and suspension from social functions for period of another six months. The Supreme Court, Nassau County, granted petition to extent of remitting matter to company to conduct hearing. Company appealed.

The Supreme Court, Appellate Division, held that:

- Firefighter's status as exempt volunteer firefighter, standing alone, did not entitle him to procedural protections under Civil Service Law, but
- Company's failure to hold hearing prior to suspending firefighter violated his due process rights.