

Bond Case Briefs

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EMPLOYMENT - OHIO

State ex rel. Mun. Constr. Equip. Operators' Labor Council v. Cleveland

Supreme Court of Ohio - October 9, 2014 - N.E.3d - 2014 -Ohio- 4364

Union, on behalf of permanent city employee who was subject to discharge only for cause, sought a writ of mandamus to compel the city civil service commission to appoint a neutral referee to conduct a disciplinary hearing at which employee could challenge his discharge. The Court of Appeals and union appealed.

The Supreme Court of Ohio held that union was entitled to writ of mandamus.

Union, on behalf of permanent city employee who was subject to discharge only for cause, was entitled to writ of mandamus to compel the city civil service commission to appoint a neutral referee to conduct disciplinary hearing at which employee could challenge his discharge pursuant to civil service commission rules.

Employee had a clear legal right, as a nonprobationary employee, to disciplinary hearing, city was under a clear legal duty to appoint a referee to conduct disciplinary hearing, and employee had no adequate remedy at law because commission's decision to deny employee's request for a disciplinary hearing was not appealable, as commission's proceeding was not a quasi-judicial proceeding subject to administrative appeal.