
PUBLIC EMPLOYMENT - OHIO

State ex rel. Youngstown Civil Service Commission v. Sweeney

Supreme Court of Ohio - August 30, 2023 - N.E.3d - 2023 WL 5596058 - 2023-Ohio-3006

City, mayor, and city civil service commission filed petition for writ of prohibition to prevent Court of Common Pleas from exercising jurisdiction over administrative appeal commenced by police sergeant detective challenging mayor's appointment to city civil service commission.

The Supreme Court granted Court's and detective's motions to dismiss, denied judge's motion to dismiss, granted alternative writ, and issued briefing schedule.

The Supreme Court held that:

- Fact that city civil service commission did not serve detective with its final order under commission's rules did not toll 30-day period for detective to file administrative appeal, and
- City, mayor, and city civil service commission were not entitled to writ of prohibition to prevent judge from exercising jurisdiction over detective's administrative appeal.

Fact that city civil service commission did not serve police sergeant detective with its final order under commission's rules did not toll 30-day period for detective to file administrative appeal, in city and commission's action for writ of prohibition alleging that court of common pleas did not have jurisdiction over detective's administrative appeal; commission's failure to comply with its rule regarding service of its order on detective did not affect timeliness of detective's appeal, detective sought extraordinary writ to compel commission to serve him with written notice of order, and Supreme Court found that writ would not have benefited detective, because time for filing timely administrative appeal had expired.

City, mayor, and city civil service commission were not entitled to writ of prohibition to prevent judge from exercising jurisdiction over police sergeant detective's administrative appeal challenging mayor's appointment to commission; city, mayor, and commission had adequate remedy by way of appeal from any error in judge's treatment of detective's appeal as being from older decision from which he did not timely appeal.

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