

Bond Case Briefs

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Harmon v. City of Cincinnati

Supreme Court of Ohio - August 6, 2024 - N.E.3d - 2024 WL 3657975 - 2024-Ohio-2889

City employees, who were members of city employees union, appealed determination of city's civil service commission that employees were not entitled to hearing on their appeal to commission of city's decision to place them on leave under emergency leave program due to COVID-19 pandemic.

The Court of Common Pleas reversed. City and commission appealed. The First District Court of Appeals held that Court of Common Pleas had jurisdiction to consider employees' appeal. The Supreme Court accepted city and commission's appeal.

The Supreme Court held that:

- Specific layoff provisions of collective bargaining agreement (CBA) between city and city employees union prevailed over management rights clause of CBA to determine whether employees could appeal decision of civil service commission to court of common pleas;
- CBA allowed employees to enforce their individual employee rights concerning conditions of employment not specified in CBA through normal civil service, regulatory, or judicial processes, for purposes of whether employees could appeal decision of civil service commission to court of common pleas;
- Policy reasons did not preclude employees from appealing decision of civil service commission to court of common pleas; and
- Commission's decision that leave was not a layoff was from a "quasi-judicial proceeding," such that employees were permitted to appeal decision to court of common pleas.