

Loudermill Rights for Public Employees

Loudermill (Pre-Disciplinary) Hearing:

This is a hearing that takes place prior to issuance of discipline **IF** the employee will suffer an economic loss, i.e., one of the following:

- Pay reduction
- Suspension
- Demotion
- Termination

This pre-disciplinary, “Loudermill” hearing (the term stems from a 1985 US Supreme Court case, *Cleveland Board of Education v. Loudermill*) is a final opportunity for the employee and their union representative to explain why the employee should receive less or no discipline.

Examples of reductions in discipline include:

- Reductions in severity
e.g., suspension instead of demotion,
written reprimand instead of pay reduction
- Reductions in length
e.g., 1-day suspension instead of 3
- Reductions in time on file
e.g., 1 year instead of 3 years

Following the Loudermill hearing, the employer will determine if they will:

- Continue with the discipline as intended
- Reduce the level of discipline
- Withdraw their intent to discipline

If the employer does not modify their intended discipline, **and** if the discipline violates the terms of the Collective Bargaining Agreement, the union may file a grievance to contest the discipline.