

Loudermill Rights

A U.S. Supreme Court decision somewhat similar to Weingarten occurred in 1985, with the case of Cleveland Board of Education vs. Loudermill. This decision established what have come to be called "Loudermill Rights" for public employees.

Loudermill Rights apply to incidents of involuntary termination.

Prior to being terminated, "the...tenured public employee is entitled to oral or written notice of the charges against him (or her), an explanation of the employer's evidence, and an opportunity to present his (or her) side of the story."

Unlike Weingarten, the employer has an obligation to inform the employees of his/her Loudermill Rights.

The employee has the right to speak or not to speak at the Loudermill (or "pre-disciplinary") hearing. Also, the employee has a right to union representation, and the union representative may speak on behalf of the employee.

If the employee chooses not to attend the Loudermill (or "pre-disciplinary") hearing, the employer may proceed with termination.