



What is a *Loudermill* meeting?

In *Cleveland Board of Education v. Loudermill*, (1985), the Supreme Court held that employees with a property interest in their jobs are entitled to certain **due process rights** prior to termination. These rights include oral or written notice of the charges against them, an explanation of the employer's evidence, and an opportunity to be heard in response to the proposed action. *Loudermill* rights are applicable in instances when the employee may have a loss of pay, such as suspension, termination, or demotion.

An arbitrator and the courts will require that the *Loudermill* meeting provide the employee with a true opportunity to be heard. In other words, the meeting is **not just a pro forma exercise**. Use these guidelines to help ensure that you meet your *Loudermill* requirements, while avoiding practices that can weaken the integrity of the discipline process:

Below is a script we encourage organization to use when conducting a 'Loudermill' meeting.

We often find that organization often struggle with conducting a 'Loudermill meeting and often stated as the reason a termination is overturned. We created the following script that is easy to follow, provides consistency and provides the employee the opportunity to his/her due process, avoiding risk that can weaken the integrity of the process.



SCRIPT

Meeting with an employee concerning a compliance issue

Instructions: Meeting Conductor reads out loud the items in **Bold**. The Conductor does not discuss, debate, or answer questions. The meeting is strictly for the employee to provide testimony. Allow ample time to provide testimony.

Read: This is a meeting to allow the employee the opportunity to respond to allegations listed in the incident identified as incident # _____.

The date is _____, and the time _____. My name is _____, and I will be conducting and recording this meeting.

First, let's go around the room and each person state their name and title to enable us to capture who is in attendance today.

Instructions: Provide each person a chance to state their name and title

Read: The purpose of this meeting is to provide you and/or your representative an opportunity to respond to the allegations contained in the Notice dated _____. I would like you to confirm the notice was received by answering "yes" or "no" and include the date you and/or your representative received the notice (Yes/no & date spoken by employee).

This meeting is solely for an opportunity for the employee to be heard and is not an evidentiary hearing. I will now read the allegations indicated on the Notice.

Instructions: Conductor reads the notice allegations directly from the Notice.

Read: How do you respond to the allegations?

Instructions: The employee and/or their representative provide their response. The Conductor does not discuss, debate, or answer questions. The meeting is strictly for the charged party to provide a response. Allow ample time to provide response.

Instructions: At the apparent end of the response, ask the employee and/or representative:

Read: Is this the conclusion of your response? (employee answers "yes" or "no".)

Read: Your response today, your prior work record and disciplinary history will be considered in determining a final decision and you will be advised of that decision in the near future. You may also provide us with your recommendation for consideration. If you would like to do so please complete the 'Self Imposed Discipline' form and return it to me no later than ().

This is the conclusion of this hearing and the time is (time meeting ended).