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A Skelly hearing derives its name from Skelly v. State Personnel Board (1975) 15 Cal. 3d 194. Dr. Skelly, a permanent civil service employee, was terminated from his employment with the State of California. The California Supreme Court determined, among other things, that he was deprived of his due process right to pre-disciplinary discovery – the “materials upon which the action is based.”.

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The public agency provides Skelly hearings to employees because they have to. It is a form of due process the California Supreme Court created to avoid any wrongful deprivation of an employee’s civil service right to his or her position. As the Supreme Court provides, the Skelly hearing must be conducted by an unbiased officer.

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Given the limited role of the Skelly review officer, a formal representative of management is typically not required. If the employee is accompanied by representation, the Review Officer should make clear that the primary purpose of the meeting is to hear the employee’s response to the disciplinary charges.

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The Skelly saga... The State Personnel Board upheld Dr. Skelly’s termination and he appealed this decision to the California State Supreme Court. The California State Supreme Court ruled that Skelly had a property right to his job and could not be deprived of it without due process.

The Skelly Process - Human Resources

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