

Gov't employees: No due process claim to promotion

Public employees have a right to due process before being deprived of the property interest that is their job. Essentially, that means a public employer has to provide "some sort of a hearing" allowing the worker to present his side of the story before being fired.

That right doesn't extend to a promotion not granted.

Recent case: Scott was a public employee, working for a city. He applied for a promotion but wasn't selected. He sued, alleging that he was entitled to due process before being rejected.

The court said that's not the case, that property rights to public employment don't become a reality until a promotion is actually approved. Then, and only then, can the worker demand his due process rights in that position. (*Johnston v. City of Red Bluff*, 9th Cir., 2018)