

Title:	<b>Employee/Management/Union Relations</b>	
Purpose:	To establish filing procedures and forms to be used in appeals to the Civil Service Commission.	
Issued by:	Civil Service Commission	Date: May 12, 2015 (rev.)
References:	CS Circ. 1184 (11/28/78) & 1164 (5/19/78); Rules of the Civil Service Commission, Rules of Practice and Procedure (Rules 3, 4 & 5); CS Circ. 5-87 (3/5/87)	

## I. **PROCEDURES**

### A. Filing Procedures

1. An appeal must be filed with the Civil Service Commission within twenty (20) calendar days after the date notice of an action by the Director of Civil Service or an appointing authority (hereinafter Employer) is sent to the appellant affecting his legal rights. (The written appeal must be filed on the proper forms as supplied by the Commission through its Secretary. Sample forms attached.)
2. Upon receipt of the written appeal, the Commission's Secretary will forward a copy to the Employer whose action is being appealed.

The Employer will be given at least ten (10) working days following receipt of the written appeal to issue a written answer responding to any issues raised in the written appeal or presenting other relevant issues or information.

3. Upon receipt of the Employer's written answer, the Commission's Secretary will forward a copy to the appellant.
4. After step 3, prehearing motions and any accompanying documents may be filed with the Commission and served on the opposing party by personal service or by first class mail by the parties no later than two (2) weeks prior to the hearing date for the appeal, as allowed by Civil Service Rule 5.4-g, Appeal Hearing.

### B. Hearing Procedures

The hearing will be held according to accepted legal practice. However, it will be conducted in an informal manner. Appellants may be represented by an attorney, business agent or any other person or they may appear on their own behalf.

Following the seating and identifying of Appellants and/or their representatives and the representative of the Employer, the procedure shall be:

1. Appellant will proceed with the presentation of the case. The questioning of witnesses, presentation of documents and/or evidence will be made at this time.
2. The Employer's representative will then be allowed to cross-examine the witnesses that were called to testify including the Appellant on the statements made during the testimony.
3. The Appellant will be given an opportunity to rebut or clarify any questions asked of the witnesses on cross-examination.

4. The Employer will then proceed with its presentation.
5. The Appellant will be allowed to cross-examine any and all witnesses called by the Employer.
6. The Employer will be given an opportunity to rebut or clarify any questions asked of the Employer's witnesses during cross-examination.
7. The Commissioners, at any time, may question the party or witnesses testifying before them.
8. When the Commissioners have completed their questioning, they will then deliberate the matter and, on a proper motion, vote on the appeal.

## **II. FORMS**

People who wish to file a petition with the Commission shall utilize the following forms:

- A. Petition of Appeal (other than Classification Appeal)
- B. Petition of Appeal on Classification Action of the Director of Civil Service
- C. Petition for Declaratory Ruling
- D. Petition for Rule Making