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## Personnel Department

### Secs. 5-9-1—5-9-21.

Repealed, July 9, 1975.

### Sec. 5-9-22. Employee grievance

(a) Repealed, July 9, 1975.

(b) **Personnel appeal board procedure.** (1) General. The chairman of the personnel appeal board shall assign a time and place for hearing appeals and shall send notices to all the parties concerned. Continuances or changes in time or location shall be granted at the discretion of the board. The board shall exclude from the hearing any person who engages in improper conduct. A stenographic record of all proceedings shall be kept. The stenographic notes shall be filed in the office of the personnel director and transcribed at his direction. Copies shall be furnished to the interested parties upon payment of the reasonable expense thereof. The appointing authority and the employee shall present their cases either personally or through authorized representatives. Technical rules of evidence shall not prevail as they do in courts. A panel shall at all times consist of three or more members, and a majority vote is sufficient for a decision.

(2) Order of procedure. The order in which the board shall proceed in hearing the appeal of an employee is as follows: (A) Reading of the charges by the chairman or acting chairman; (B) identification of the appointing authority, the employee or his authorized representative, the witnesses and the personnel director or his authorized representative. Swearing in all persons who are to give testimony; (C) statement by the appointing authority or his authorized representative and the personnel director or his representative of the reasons and steps leading to the action taken; (D) statement by the employee setting forth the grounds and reasons for appealing from the action of the appointing authority; (E) statements made under subparagraphs (C) and (D) shall be considered in the nature of pleadings in civil actions and shall be presented either orally or in writing; (F) only such testimony and evidence as have a direct bearing on the charges and the issues raised in the appeal shall be admitted; (G) introduction or reading of the personnel record of the employee on file in the office of the personnel director; (H) presentation of testimony and evidence in support of action taken by the appointing authority with respect to matters contested by the employee. Presentation as exhibits of reports to the appointing authority with respect to matters contested by the employee. Presentation as exhibits of reports to the appointing authority from his staff or investigating authorities, documents which pertain to the case, and the record of any preliminary investigation and hearing accorded the employee shall be in order; (I) presentation of testimony and evidence supporting the employee's appeal; (J) rebuttal and surrebuttal evidence shall be presented at the discretion of the board; (K) all witnesses shall be subject to cross examination; (L) arguments summarizing any part or all of the case shall be permitted at the discretion of the board.

(3) Board action after hearing. The decision of the personnel appeal board shall be in writing and shall be signed by each member present at the hearing. The original of such decision shall be filed with the personnel director. Copies of the board's decision shall be forwarded to the employee, the appointing authority and any other party deemed by the board to be entitled to such copy.

**Sec. 5-9-23.**

Repealed, October 12, 1971.

**Secs. 5-9-24—5-9-32.**

Repealed, July 9, 1975.