

4670.3500 APPEALS AND HEARINGS PROCEDURE.

Subpart 1. **Hearing of appeals.** The council or appeal board or referee appointed by the council shall hear all appeals under parts 4670.3500 to 4670.3550.

Subp. 2. **Written notice.** A written notice of appeal, specifying the reason or reasons for the appeal, must be submitted to the supervisor within 30 days of the action appealed or within 30 days of the date notification of the action was mailed to the affected party, whichever is later.

Subp. 3. **Supervisor reply to the appeal.** Except for appeals under part 4670.3530, the supervisor shall reply to the appeal, interpreting the merit system rules and applicable law relative to the issues in the appeal. All affected parties will receive copies of the response.

Subp. 4. **Appeal from supervisor's resolution.** Any affected party who is dissatisfied with the supervisor's resolution may appeal that resolution and the appeal will be placed on the agenda of the next council meeting.

Subp. 5. **Limits on appeal.** Any permanent employee under a collective bargaining agreement who appeals a dismissal, suspension, or a reduction in pay or position under the provisions of a grievance procedure in the agreement may not subsequently appeal the same action to the council.

Subp. 6. **Decisions.** All decisions shall be given within a reasonable time following the hearing and shall be in writing. Copies shall be sent to all parties involved and the merit system supervisor when final decisions are made by the appointing authority.

Subp. 7. **Appeals under the Administrative Procedure Act.** Appeals under parts 4670.3510, 4670.3520, and 4670.3550 shall be pursuant to the Administrative Procedure Act, Minnesota Statutes, chapter 14, and contested case rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

Statutory Authority: *MS s 144.071*

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