

The Merit System Board Appeals Process

The Merit System Rules and Regulations are posted on *inSite* and on the external Commission website. This document **summarizes the process of filing an appeal by non-represented, career Merit System employees**, but it does NOT replace or supersede the Merit System Rules and Regulations.

When submitting an Appeal to the Merit System Board, keep in mind the following:

ALL correspondence related to an appeal is submitted **electronically via email**.

The Intent to Appeal submission **MUST** be sent **via email** to the Merit System Board via colleen.schaefgen@mncppc.org. The Intent to Appeal should include the following information:

- Intent to Appeal.
- Reason for Appeal: Reclassification, Termination, Suspension, Grievance, etc.
- Date of receipt of the decision that is being appealed. **Appeals MUST BE filed electronically and RECEIVED within seven (7) CALENDAR days of receiving the decision being appealed.**
- Home mailing address and personal email address.
- Name and work email address of the Appellant's Division Chief.

Once the Intent to Appeal is accepted by the Merit System Board (after being reviewed for timeliness and eligibility of the appeal), a letter will be sent to the Appellant's personal email address outlining the timeframe and required submission items for the Letter of Appeal. Appellants have 14 calendar days from the date of the letter from the Merit System Board to submit a Letter of Appeal; the response deadline and who to copy is specified in the letter.

The Merit System Board then sends the Commission a letter offering Management the opportunity to provide a response to the Letter of Appeal, with the same response time of 14 calendar days. Appellants are copied on both the letter to the Commission and on the Commission's response. Once the Commission's submission is received, the Merit System Board sends the Appellant a letter offering the opportunity to provide final comments within 14 calendar days. At the end of that 14 calendar day period, the entire file will then be given to the Merit System Board Members for review and decision.

In order to provide sufficient time for both the Appellant and Commission Management to fully present their positions for the Board's consideration, a *minimum* of 7 weeks is required from the time an individual files an Intent to Appeal until the Board Members actually receive the entire file of the appeal documents to review.

What is the anticipated timeframe for receiving a decision on an appeal? Since each case will vary based upon the complexity of the appeal, the following is only an estimate: A decision will be rendered approximately 3 to 4 months following the Intent to Appeal if no hearing is required. If a hearing is required or if the Board requests additional information from either the Appellant or Management, it will be 5 or more months following the Intent to Appeal for a decision to be rendered. Since appeals are reviewed in the order in which they are received, the volume of appeals that have been received prior to an Appellant's appeal may impact the timeframe when an Appellant's appeal is reviewed and decided.

Appellants should be advised that if a decision is rendered in their favor, the effective date of that decision reverts back to the date that will remedy the situation that they are appealing, not

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the date of the Merit System Board decision. For instance, if a reclassification appeal is granted, the Appellant will receive the reclassification status and the associated back pay effective on the date that the original reclassification decision would have become effective had it not been denied.

The Merit System Board office is open three days a week: Monday, Wednesday and Thursday until 4:00 PM. Any deviation from those days will be listed on the out-of-office message.

Deadlines for submission of an Intent to Appeal or any subsequent submission deadlines **still apply** if they are due on a day that the Merit Board office is closed.

Colleen Schaefergen
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Merit System Board
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