



The Merit System Board Appeals Process

The Merit System Rules and Regulations are posted on *inSite* and on MNCPPC.org. 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.

The Merit System Board is comprised of three impartial appointed Members. Their job is to hear from Appellants and Management and review all evidence and documentation presented by both sides, and then make a decision on that appeal. All communications with the Board is in writing via the Operations Manager, unless there is a hearing. A hearing is only available to Appellants who have requested a hearing in their appeal documents for two types of appeals: Termination and Change to a Lower Grade. In rare cases the Merit Board can request a hearing.

When submitting an Appeal to the Merit System Board, keep in mind the following: The Intent to Appeal submission **must be sent via email to the Merit System Board via colleen.schaefgen@mncppc.org**. Until the appeal has been accepted by the Merit Board, there is no need to copy anyone on the Intent to Appeal email. **It needs to include ONLY the following information:**

- 1. Intent to Appeal** – This is a simple statement that you are appealing (*state the employment action or decision*: Change to a Lower Grade, Grievance Decision from the Executive Director, Reclassification, Suspension, Termination, etc.). **EXAMPLE: “I am appealing my reclassification decision.” Submitting ANY other information, either documents or details about that appeal is premature, and to be considered when your appeal is reviewed, will need to be submitted at the appropriate time and in the proper format that will be given to you if your appeal is accepted. To be accepted, your appeal must meet all eligibility requirements that you will be asked about after you file your Intent to Appeal.**
- 2. Date of RECEIPT of the decision that is being appealed. Appeals MUST BE filed and RECEIVED within seven (7) CALENDAR days of your receiving IN WRITING the decision or action that is being appealed. To clear up any confusion, CALENDAR days includes all consecutive days, including holidays and weekends when you count to the 7th day. This applies to ALL holidays and weekends.**
An EXAMPLE: If you receive written notification of an employment action that you wish to appeal on Monday, July 1st, your 7 calendar day deadline to file an Intent to Appeal is Monday, July 8th. The July 4th holiday and the weekend (Saturday and Sunday) count as part of the 7 days because they are among the consecutive days from July 1st. While there is NO TIME OF DAY DEADLINE on the 7th calendar day that it is due, your filing must have an email timestamp of receipt by the Merit Board with the DATE of the 7th calendar day (July 8th in this example) or earlier. If it is sent ANYTIME on July 9th or later it is an untimely filing, and it will not be accepted by the Merit System Board because it was not filed within the required 7 calendar days

After receiving the Intent to Appeal, the Merit System Board Operations Manager will ask several questions in writing for verification of eligibility of this appeal, and for other information that will be needed to proceed with the appeal if it is determined to be eligible.

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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 Employee's personal email (or work email **based on the answers given in response to the Operations Manager's questions in response to the Intent to Appeal**) 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 will be specified in that letter.**

The Merit System Board then sends 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 Management and on Management's response. Once Management's submission is received, the Merit System Board sends the Appellant a letter offering the opportunity to provide final comments within 14 calendar days. After the submission deadline with the employee's final comments if they are submitted by that deadline, the entire appeal 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 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 case file of the appeal documents to review.

If a submission deadline occurs on a day that the Merit Board office is closed, the deadline STILL applies. The date and timestamp of email receipt of submission documents from both Appellants and Management verifies timely submission. Late appeals are not accepted unless there are significant extenuating circumstances (e.g., hospitalization of the Appellant).

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 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. Since appeals are reviewed in the order in which they are received, the number of appeals ahead of any appeal may cause a delay in reviewing that appeal.

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 they are appealing, NOT 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 request would have become effective.

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.

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Merit System Board
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