

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4472 APPEAL AND HEARING

4472.3 Request for Appeal Hearing

- A. If the employee submits a written request for appeal to the Director of Human Resources within 14 calendar days after receipt of the Notice of Disciplinary Action, the employee shall have a right to have an Appeal Hearing before the Personnel Commission. The Commission Appeal Hearing shall be held within 30 calendar days of receipt of the employee's request by the Director of Human Resources.
- B. The request for appeal from the employee must include his/her current mailing and residency address and the name of his/her legal counsel or representative, if any, and the address and telephone number of such legal counsel or representative.
- C. The Director, Human Resources shall notify the Superintendent or designee and the Personnel Commission of the appeal request and shall coordinate the scheduling of the Commission Appeal Hearing, if a timely appeal is filed.
 - 1. The Director, Human Resources shall notify the employee in writing within ten working days of the timely filing of an appeal request, of the time, date, and place of Commission Appeal Hearing before the Personnel Commission.
 - 2. The employee must be given at least ten working days from the date of personal service, delivery, or attempted delivery by the U.S. Postal Service to prepare for the Hearing.
 - 3. Notification shall be either in person or sent by certified mail. This requirement will be deemed to have been met if the notification is sent certified mail to the last known address on file in the Human Resources Office. Failure of the employee to retrieve delivered mail shall not be grounds for voiding notification, or the staying of the timelines outlined in these rules. For purposes of this rule, if a noticed is mailed, the third working day following the mailing date of the notice shall be considered to be the official date of receipt.

Reference:

Education Code Sections 45260-45261, 45305-45307 and 45313

Approved: December 1, 1975
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