

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

RULE XXII

APPEALS, HEARINGS, AND INVESTIGATIONS

SECTION A. APPEALS FROM ADMINISTRATIVE DECISIONS

1. REVIEW BY COMMISSION – The Civil Service Commission shall accept and review any appeal from a decision of the Personnel Director, by an Appointing Authority, an employee or an applicant. Review of appeals from the following types of administrative decisions shall be governed as follows:

a. Applications, Examinations and Ratings

- (1) Rejection of applications, examination ratings, experience or other qualifications, and removal of names from the eligible list are subject to review by the Personnel Director and appeal to the Commission. Requests for reconsideration of such items shall be made in writing to the Personnel Director within 10 calendar days of the notice of the rejection, rating or removal from the eligible list and should contain sufficient pertinent information to enable re-evaluation of the original decision.
- (2) The request for reconsideration must include a statement of each reason why the applicant believes the original decision was not proper, what factors were not given adequate weight and why the applicant believes reconsideration is warranted.
- (3) The Personnel Director will reconsider the rating or decision, notify the applicant in writing of his decision and of the applicant's right of appeal to the Commission.
- (4) Appeals must be in writing, contain specific reasons for appealing and be received in the Division of Personnel within 10 calendar days of notification of the Personnel Director's decision.
- (5) Acceptance of an application, amendment of the examination rating, or restoration to an eligible list shall not affect any certification or appointment which may have been made from the eligible list prior to the change.

b. Classification or Reclassification of Position

- (1) If an employee or Appointing Authority believes that a position has been improperly classified or reclassified, an appeal requesting review by the

- 32 Commission may be submitted within 10 calendar days of written
33 notification of such classification or reclassification.
- 34 (2) An employee classification appeal will be accepted only for the position
35 currently occupied by the appellant.
- 36 (3) Each appeal submitted shall include a statement of the basis for the appeal
37 and any exhibit or written material setting forth all facts which the appellant
38 desires to have considered.
- 39 (4) The Commission may require the appellant to complete forms and may
40 require additional information prior to consideration of the appeal.
- 41 (5) The Commission or designated Commission member may hold a hearing or
42 review the written record to determine the facts in each case and the
43 Commission shall make its decision on the basis of the facts.

44 c. Nature of Commission Review

- 45 (1) Review of appeals from decisions of the Personnel Director may be
46 conducted at regular Commission meetings, or such other time as the
47 Commission may direct. The Commission shall act upon a requested
48 review within 30 calendar days of the receipt of such written requests.
- 49 (2) The Commission may permit the appellant to be heard, if so requested.
- 50 (3) The decision of the Commission shall be final. Any applicant, employee, or
51 Appointing Authority affected by a decision under this section shall be
52 notified of the Commission's decision in writing.

53 SECTION B. APPEALS FROM REDUCTION IN PAY, DEMOTION, SUSPENSION
54 AND DISCHARGE

55 1. GENERAL PROVISIONS

- 56 a. Any permanent employee reduced in pay, ordered suspended for longer than 30
57 calendar days in any 12-month period, involuntarily demoted, or discharged, may
58 appeal to the Commission from such action by filing a written request for a
59 hearing together with a written answer to the charges made against the
60 employee. An appeal must be received in the Division of Personnel within 10
61 calendar days after receipt of the notice of reduction in pay, suspension,
62 demotion, or discharge and shall set forth the substantive reasons for believing

- 63 that the action of the Appointing Authority was improper. The right of appeal
64 shall not apply to an employee suspended for more than 30 calendar days in any
65 12-month period who has been charged with or is under investigation by a
66 competent law enforcement authority for the violation of a municipal, county,
67 state, or federal ordinance, statute or law affecting the employee's employment
68 with St. Louis County or an employee who is involved in a matter which could be
69 the basis of discharge under Section B. of Rule XXI, Suspensions and
70 Discharge, and the right of appeal shall not apply to pretermination suspensions.
- 71 b. Upon receipt of the appeal the Personnel Director shall forward a copy to the
72 Appointing Authority and the Commission.
- 73 c. The Personnel Director may mail to the appellant a form on which the appellant
74 shall state the specific reasons for appeal and the specific remedy sought. The
75 completed form must be returned to the Personnel Director within 10 calendar
76 days of receipt.
- 77 d. The Commission shall set a date for hearing the appeal as soon as possible after
78 receipt of the appeal.

79 2. HEARING PROCEDURE

- 80 a. In conducting hearings and investigations the Commission shall act as a body,
81 but special investigation and detailed work may be delegated to a member, to the
82 Personnel Director or to a person or agency designated by the Commission.
83 Hearings may be held by the Commission, or by any member thereof authorized
84 to serve as the hearing officer, but the decision shall be rendered by the entire
85 Commission after consideration of all testimony and evidence adduced at the
86 hearing.
- 87 b. All hearings held under the provisions of these rules shall be public, except that
88 in a hearing on a suspension for more than 30 calendar days in a 12-month
89 period, or a dismissal, the Commission may grant an employee's or Appointing
90 Authority's request for a closed hearing consistent with Chapter 610 R.S. MO.
- 91 c. All hearings shall be informal and shall not be subject to the technical rules
92 relating to evidence and witnesses.
- 93 d. The appellant shall appear personally before the Commission and may not be

- 94 excused from answering questions and supplying information. Either party may
95 be represented by legal counsel at such hearings.
- 96 e. Hearings involving several appellants having a common issue may be
97 considered jointly or individually, at the discretion of the Commission.
- 98 f. In the course of any hearing or investigation, the Commission, members of the
99 Commission, or the Personnel Director shall have the power to administer oaths,
100 to subpoena and require the attendance of witnesses and the production of
101 records and documents pertinent to any matter of inquiry. Each member of the
102 Commission shall have the power to examine such witnesses under oath in
103 relation to any matter involved in the proceeding.
- 104 g. Merit system employees shall be required to attend and testify without subpoena.
105 If any employee shall willfully refuse to testify or answer any questions relative to
106 the matter being heard by the Commission on any grounds, other than rights
107 secured to individuals by the Fifth Amendment to the United States Constitution,
108 the employee shall forfeit his position and shall be summarily discharged. The
109 Commission may take such notice of and draw such inference from an
110 appellant's refusal to testify based upon Fifth Amendment grounds as the law
111 shall allow. A merit system employee who is required to be present as a witness
112 at an appeal hearing before the Commission and who is otherwise eligible shall
113 receive overtime compensation from the employee's Appointing Authority as
114 provided in the Commission Pay Plan Rule. The earning of compensatory time
115 under this provision shall be subject to any administrative regulations which the
116 Commission finds necessary for the control of such compensatory time.
- 117 h. Unless incapacitated, failure of the appellant to appear at the hearing shall be
118 deemed a withdrawal of the appeal and the action of the Appointing Authority
119 shall become final.

120 3. DECISION OF COMMISSION

- 121 a. The Commission may affirm, modify or reverse the Appointing Authority's action.
- 122 b. Compliance with Commission decisions on appeal is mandatory for the
123 Appointing Authority. If the action of the Appointing Authority is affirmed by the
124 Commission, the effective date shall stand as issued by the Appointing Authority.

- 125 c. If the action of the Appointing Authority is reversed the employee shall be
126 reinstated to the same position, or one of like seniority, status and pay, and shall
127 be reimbursed by the employing department for lost pay, in an amount
128 determined by the Commission, provided that earnings from private or other
129 public employment, unemployment compensation, workers' compensation,
130 retirement benefits, or reasonable value of any maintenance given during the
131 period of suspension or discharge shall be deducted from this amount.
- 132 d. If the action of the Appointing Authority is modified by the Commission,
133 retroactive pay and/or other benefits shall be in accordance with and
134 proportionate to the extent of such modification or as set forth in the
135 Commission's decision.
- 136 e. The Commission shall issue written Findings of Facts and Conclusions of Law
137 and render a decision within a reasonable time after the hearing. Copies of the
138 decision shall be furnished to the Appointing Authority and the employee.

139 SECTION C. AUTHORITY FOR INVESTIGATIONS

- 140 1. The Commission may upon its own initiative make inquiries or investigations and
141 hold public hearings as it deems warranted regarding the administration and effect of
142 the Charter, Ordinance and these rules.
- 143 2. The Commission shall receive and consider any suggestion or complaint by the
144 public, an employee or Appointing Authority in any matter concerned with the
145 administration of the Charter, Ordinance and these rules as they relate to personnel
146 administration, and after consideration, investigation or hearing shall initiate any
147 remedial action it deems warranted.