

Part 3-2:

Workforce Management



Disclaimer:

This overview of Missouri state merit laws is provided by the Center for Management and Professional Development for informational purposes only. The advice or information included is not legal advice and should not replace legal research when evaluating particular situations or cases. We encourage you to review, evaluate and consult with your legal counsel on these issues.



Appeals: 1 CSR 20-4.010

- An employee can appeal a dismissal, involuntary demotion, or suspension of more than 5 days
- The employee can claim the action was for political, religious or racial reasons or not for the good of the service
- The appeal must be in writing
- Filed with the Administrative Hearing Commission within 30 days after the effective date of the personnel action
- Check to see if an appeal is timely
- The Administrative Hearing Commission has no jurisdiction on late appeals (§ 36.390.5, RSMo)



Appeals: 1 CSR 15-3.350(E)

- The petition shall include a copy of any notice of the action of which the employee seeks review and shall state
 1. The action being appealed; and
 2. The reason the employee alleges that the dismissal, suspension of more than 5 days or demotion was for political reasons, religious reasons, racial reasons or not for the good of the service.
- The employee may utilize a form provided by the commission.



Appeals

§ 36.390.6, RSMo, states that the provisions for appeals provided in § 36.390.5 for dismissals of regular merit employees may be adopted by non-merit agencies for any or all employees of such agencies



Appeals

§ 36.390.7, RSMo, states that agencies not adopting the provisions for appeals provided in § 36.390.5 **SHALL** adopt dismissal procedures **SUBSTANTIALLY SIMILAR** to those provided for merit employees, however, the procedures need not apply to employees in policy making positions



Appeals

Under § 36.390.8, RSMo:

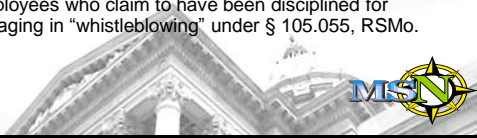
- Hearings shall be deemed to be a contested case and the procedures applicable to the processing of such hearings and determinations shall be those established by Chapter 536
- Decision(s) of the Administrative Hearing Commission shall be final and binding
- Final decisions of the Administrative Hearing Commission shall be subject to review on the record by the circuit court



The Appeal Process

The Administrative Hearing Commission decides appeals from:

- Merit employees who are dismissed, involuntarily demoted for cause, or suspended without pay for more than five working days;
- Non-merit employees who are dismissed and whose agencies have adopted the appeal procedures under § 36.390, RSMo;
- Employees who claim to have been disciplined for engaging in "whistleblowing" under § 105.055, RSMo.



The Appeal Process

The Administrative Hearing Commission also decides appeals resulting from actions taken by the Director of Personnel, which include:

- The Director's decision to deny an employee's application to take an examination
- The Director's decision on an applicant's claim of unfair treatment in the exam process
- The Director's removal of an eligible from a register