



Personnel Board of Appeals Policy 5.30

Board Approval Date: 02-08-2000

Supersedes Policy Dated: 06-23-1987

Policy

The Winona County Board shall appoint three persons to serve staggered terms as members of the Personnel Board of Appeals. After the first appointments expire, successors shall serve terms for three years each. Expiration dates for the first terms of office shall be affixed by the County Board. Vacancies shall be filled by a majority of the vote of the County Board for the unexpired term. Persons appointed to the Personnel Board of Appeals shall not serve while holding any county office, nor while employed by the county. Each member of the said board shall be a resident of the county and shall forfeit office if he/she become a non-resident.

The Personnel Board of Appeals shall develop rules and procedures for matters brought before it. Each member shall be paid actual and necessary expenses, no other compensation shall be paid.

Jurisdiction

Appeals may be taken to the Personnel Board of Appeals by applicants for employment with Winona County, employees of Winona County, or appointing authorities as defined in Minnesota Statutes 375.57, subd. 2, alleging any of the following:

1. Alleged arbitrary or capricious action on the part of the County Board with respect to final establishment of rules under Minnesota Statutes 375.56 to 375.71.
2. Alleged discrimination by the Personnel Officer or the representative in examination procedures or preparation of lists of eligible candidates, or discriminatory use thereof by the appointing authority under the provisions of Minnesota Statutes 375.56 to 375.71 or rules promulgated hereunder.
3. Alleged misinterpretation or evasion by the Personnel Officer or County Board of provisions of Minnesota Statutes 375.56 to 375.71 or the rules promulgated thereunder in a manner seriously detrimental to the party or parties bringing the appeal.
4. Such other matters of grievances may be provided for in rules promulgated under the authority of Minnesota Statutes 375.56 to 375.715.



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Appeals Procedure

The Appeals Procedure is outlined below:

1. The employee shall present a written request for a hearing before the Personnel Board of Appeals to the Personnel Officer within seven calendar days following receipt of the employer's decision regarding a grievance.
2. The Personnel Officer will schedule the hearing within fifteen calendar days from the day the request is received.

The Personnel Board of Appeals may delay the hearing date for a time, not to exceed forty-five days, if either party shows good reason.

Conducting the Hearing

Both Parties may call witnesses to testify at the hearing. The witnesses need to be sworn in by the chief presiding officer. All testimony should be tape recorded or transcribed. The records of the testimony should be preserved until the time for further appeal has expired.

The steps of the hearing are as follows:

1. The employee or his representative presents testimony.
2. The employer may cross-examine.
3. The employer presents testimony.
4. The employee may cross-examine.

The Personnel Board of Appeals may investigate and ask questions on its own for the purpose of resolving the grievance.

The Decision

The decision of the Personnel Board of Appeals shall be based upon substantial and competent evidence. Findings, decision and order, and any reports of the Personnel Board of Appeals shall be submitted to the County Board within fifteen calendar days following the close of the hearing, for consideration and action as deemed appropriate by the County Board.

With respect to employees of departments and agencies paid in full or in part by Federal funds, the findings of the Personnel Board of Appeals shall be final and binding in those circumstances necessary to conform to any valid Federal or State regulations affecting the department or position.



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Time Limits

If the request for a hearing before the Personnel Board of Appeals is not presented within the time periods stated above, it is considered waived; unless just cause can be shown.

Reprisals Prohibited

No employee will be disciplined for requesting a hearing, or for giving testimony in the Personnel Board of Appeals Hearing.