

CITY OF SOMERTON APPEAL FORM

Employee Name:	
Department:	
Phone:	
Supervisor's Name:	
Date Decision Received by Employee:	
Requested Action:	

Appeal Process

In accordance with Personnel Policy, the appeal is written and filed by the employee no later than ten (10) calendar days after the employee has been provided with the results of the disciplinary action. The appeal shall include a detailed statement by the employee indicating his/her reasons for disagreement with the decision. The statement may be completed on, or be attached to this form. The employee then signs and dates this form, and provides copy to the City Manager.

Appeal Procedure

Step One-Written Appeal - An employee who is eligible and wishes to commence an appeal of an appealable disciplinary action must submit a written request for an appeal to the City Manager. Once an employee has been notified that he or she has been suspended without pay in excess of 24 hours (33 hours for fire service employees working 24-hour shifts), has received a disciplinary reduction in pay, a disciplinary demotion or disciplinary dismissal, this Appeal Procedure must be invoked within ten (10) calendar day of the imposition of an appealable disciplinary action or the employee waives his or her right to appeal and any other remedy which may otherwise be available. If the 10-calendar day deadline falls on a weekend or legal holiday, the deadline for appeal shall be extended to the following business day.

The employee must file a written request for an appeal of the appealable disciplinary action on the City's Employee/Former Employee Appeal Form, setting forth the following item:

- A. Identification of the action that the employee contends was an appealable disciplinary action, including the effective date of the action;
- B. The reason(s) that the employee contends the imposition of the disciplinary action at issue was not appropriate in this case, by reference to facts, documents, other evidence or legal arguments; and
- C. The employee's relief requested.

Upon receipt of the written appeal request, the City Manager or his or her designee will coordinate the scheduling of a hearing for the employee's appeal before the Personnel Advisory Board. The hearing should ordinarily be held within 30 days of the employee's submission of a valid appropriate form, scheduling permitting. The City Manager or his or her designee will notify the employee of the scheduled date for the hearing, and will provide the employee with

the administrative regulations which set forth the procedure which will be utilized at the hearing.

At the hearing, the employee will be permitted to be represented by an attorney of his or her choosing, at his or her expense. After opening statements by the employee or his/her lawyer and the City Attorney, the employee must proceed first and must present evidence. The employee will also be permitted to cross-examine witness testimony, present evidentiary exhibits and to testify in person. Ordinarily the hearing will not exceed four hours in length. The City will then present its case. The parties may choose to re-arrange the order of presentation.

The Personnel Advisory Board shall issue a written recommendation to the City Manager, stating only whether the Board believes the imposed discipline should be upheld or if the employee's requested relief should be granted. The recommendation may, but need not, state the factual and legal basis upon which the Board based its recommendation. It is not the role of the Personnel Advisory Board to determine whether a greater or lesser disciplinary action should be imposed, but only whether it believes the City's discipline is appropriate or not, violated or misinterpreted one of its express policies, regulations or administrative rules, or state or federal law. Upon receipt of the recommendation from the Personnel Advisory Board, the City Manager shall issue his or her written decision which sets forth the evidence relied upon and the reasons for the determination made

PLEASE STATE YOUR REASON(S) FOR YOUR DISAGREEMENT WITH THE DISCIPLINARY DECISION

Additional Information Attached? ____ Yes ____ No

I hereby certify that the information provided is a current and accurate statement of the circumstances, as I know them, concerning this appeal.

Employee Signature

Date

Printed Name