

## **What is the Personnel Commission?**

The Commission is a five member panel appointed by the Governor. The Commissioners hear appeals alleging violations of the Idaho Personnel Act. The Idaho Division of Human Resources provides administrative support for the Commission.

## **What is an appeal?**

An appeal is a written request for an administrative hearing, to disagree with certain employment actions of a state agency after the completion of an internal procedure, or a decision of the state human resources administrator or staff. There is a 35-day time limit from the date a decision or ruling is issued in the matter to file an appeal with the Personnel Commission. Appeals are governed by Idaho Code §67-5316 and IDAPA 15.04.01.

## **Who may appeal?**

Any classified employee who has successfully completed the entrance probationary period.

## **What can be appealed?**

- A disciplinary dismissal, demotion or suspension.
- If the department problem solving procedure is unsuccessful, you may appeal the failure of a right or benefit to which you are entitled by law.
- Any interested party can appeal an official decision or action taken by the Administrator of the Division of Human Resources.

## **How do I appeal?**

Appeals must be submitted to the Personnel Commission in writing and must state the nature of the appeal. Optional forms are available from the Division of Human Resources and at its website. Appeals must be received by the Commission within 35 days of the adverse action.

## **What happens once I file an appeal?**

The Commission sends the appeal to an independent hearing officer, who is an attorney. The assigned hearing officer will contact both parties within 15 days, to set a date for a hearing. A "Notice of Hearing" will be mailed, informing you of the exact time and place of the hearing.

The hearing officer may tell you to submit copies of any documents you want to be considered. The hearing officer may also schedule a conference before the hearing to resolve any preliminary motions or legal questions. The hearing officer has the authority to issue subpoenas, which order witnesses to appear at the hearing and to bring documents.

If you have any questions about the conduct of the hearing, subpoenas or scheduling, contact the hearing officer assigned to your case or consult an attorney.

## **Do I need an attorney to present my case?**

You have the right to represent yourself, or to be represented by an attorney in any proceeding.

## **What happens in an appeal hearing?**

The hearing officer will start with a discussion of the issue or decision on appeal, a review of the documents, and an explanation of the order of the proceedings. If the issue on appeal is a disciplinary action, the agency will present its information first, and must prove that there was cause for the discipline. In all other appeals, you will present your information first.

The hearing officer may ask questions, and the parties will have an opportunity to question their own and the other side's witnesses, if any. Testimony will be taken under oath. A court reporter will take stenographic notes of everything that is said in the hearing or the hearing will be tape recorded.

After considering all the information presented in the appeal, the hearing officer will mail a written decision to both parties. The decision will be final and effective unless a party files a Petition for Review.

## **What is a Petition for Review?**

A Petition for Review to the Idaho Personnel Commission is a written protest to the Idaho Personnel Commission of the hearing officer's decision in an appeal. A Petition for Review can be filed with the Personnel Commission by either party. A Petition for Review must be received at the Commission within 35 days after the hearing officer's decision is mailed.

## **What will happen if there is a Petition for Review?**

The hearing on a Petition for Review is an opportunity for both parties to explain their sides of the case to the members of the Personnel Commission. You will have the opportunity to submit written argument or statement of your side in advance of the hearing. The documents that were submitted to the hearing officer will be available to the Commissioners. If the case requires consideration of the factual information presented to the hearing officers, a transcript of the hearing must be provided to the Commission by the party who filed the Petition for Review, at that party's expense prior to the hearing date. Notice of hearing will be mailed at least 28 days in advance.

At the time set for the Petition for Review, each side will have 30 minutes to make an oral presentation. The Commissioners may ask questions but cannot accept any new information. Later, a decision will be mailed to the parties after the Commissioners have had an opportunity to review all the material presented.

## **Is there an appeal from the IPC decision on Petition for Review?**

Either party has the right to file an appeal in state District Court. Appeals must be filed within 42 days of the date the order was issued by the Commission.

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# **Information About Appeals & Petitions for Review**



References: Sections 67-5316 through 67-5318,  
Idaho Code; IDAPA 15.04.01.201-202

Costs associated with this publication are  
available from the Idaho Division of Human  
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**The Idaho Personnel Commission**

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