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GOVERNOR**

**LINDA D. COLEMAN
STATE PERSONNEL DIRECTOR**

MEMORANDUM

TO: Directors, Local Departments of Public Health
Directors, Local Departments of Social Services
Directors, Area Mental Health Authorities (LMEs)

FROM: Keita Cannon, SPHR, CPM
Local Government Program Team Leader

DATE: September 24, 2010

SUBJECT: Revised Appeal Language for Final Agency Decisions

The Local Government Program Team (LGPT) has recently become aware that occasionally Petitions for Contested Case Hearings are not being dismissed as untimely by Administrative Law Judges (ALJs). Even though thirty (30) or more days have elapsed since current or former employees have received Final Agency Decisions (decisions rendered *at the conclusion* of an internal Agency appeal), ALJs may find that Petitions are not untimely because of a lack of specificity when detailing a current or former employee's appeal rights. The information provided to us indicates "*appeal rights must specify the manner of appeal, which includes the necessity to pay a filing fee*".

Drake Maynard, Division Director of the Employee Relations Division, has crafted language for State Agencies and Universities to incorporate into their Final Agency Decisions in order to clearly demonstrate that current and former employees have been provided a thorough overview of their appeal rights. The LGPT has modified but preserved the content of this language so that it is applicable for the Local Government Entities to whom we provide service.

While we strongly recommend that you begin utilizing this revised appeal language, it is not a requirement. Please feel free to fashion the information in a manner that best meets your Agency's needs. If you have questions, please contact the HR Consultant assigned to your Agency.