

NONMERIT STATUTORY APPEALS

1072

(September 1988)

- Nonmerit statutory appeals must be submitted directly to DPA. These issues are not subject to the grievance procedure.

- A nonmerit statutory appeal is

An appeal of an involuntary transfer which requires an employee to change his or her residence and which the employee alleges to have been made for the purpose of harassing or disciplining the employee. An appeal must be submitted within 30 days of the time the employee is notified of the transfer.

An appeal to set aside a resignation on the grounds that it was given or obtained by reason of mistake, fraud, duress, undue influence, or that for any other reason it was not the free, voluntary, and binding act of the employee. An appeal must be submitted within 30 days after the last day worked.

An appeal for reinstatement after automatic resignation, i.e., absence without leave for five consecutive working days. An appeal must be submitted within 15 days of the service of notice of separation.

An appeal of layoff on the ground that the required procedure has not been complied with or that the layoff has not been made in good faith or was otherwise improper. An employee must submit an appeal within 30 days after receiving a notice of layoff.

- Within 30 days after the decision is issued, either the employee or the state may submit a written request for a rehearing.
- A decision becomes final 30 days after it is issued unless there is an application for rehearing filed.

[\(see next section\)](#)

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[\(see Forms or Forms Samples\)](#)