

17-30-19 Disciplinary charges and officer grievances -- Appeal to commission -- Hearing -- Findings.

- (1) Each person who orders the demotion, reduction in pay, suspension, or discharge of a merit system officer for any cause set forth in Section 17-30-18 shall:
 - (a) file written charges with the commission; and
 - (b) serve the officer with a copy of the written charges.
- (2)
 - (a)
 - (i) An officer who is the subject of charges under Subsection (1) may, within 10 days after service of the charges, appeal in writing to the commission.
 - (ii) In the absence of an appeal, a copy of the charges under Subsection (1) may not be made public without the consent of the officer charged.
 - (b) If an officer files a grievance, as defined by the commission, and exhausts all internal grievance procedures, if any, the officer may, within 10 days after receiving notice of the final disposition of the grievance, file an appeal with the commission.
- (3)
 - (a) The commission shall:
 - (i) fix a time and place for a hearing upon the charges or appeal of the officer grievance; and
 - (ii) give notice of the hearing to the parties.
 - (b)
 - (i) Except as provided in Subsection (3)(b)(ii), each hearing under this Subsection (3) shall be held not less than 10 and not more than 90 days after an appeal or grievance is filed.
 - (ii) A hearing may be held more than 90 days after an appeal or grievance is filed if:
 - (A) the officer and employer agree; or
 - (B) for good cause the commission so orders.
- (4)
 - (a) If the aggrieved officer so desires, the hearing shall be public.
 - (b) The parties may be represented by counsel at the hearing.
- (5) After the hearing the commission shall make its decision in writing, including findings of fact, and shall mail a copy to each party.

Amended by Chapter 151, 2000 General Session