



NOTICE OF APPEAL OR PETITION



State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

- ☐ Dismissal
☐ Demotion
☐ Suspension (_____ days)
☐ Medical Demotion / Termination

- ☐ Automatic Resignation (AWOL)
☐ Set Aside Resignation
☐ Other: _____

I hereby appeal the above action on all grounds permitted by law. I request a hearing at the earliest convenient time.

I have authorized the California State Employees Association (CSEA) to act as my exclusive representative and agent in this matter. Please send copies of all notices to CSEA at the following addresses:

☐ **CSEA / CSU DIVISION**

1129 10th Street
Sacramento, CA 95814

☐ **COASTAL AREA**

2020 Challenger Dr.
Suite 102
Alameda, CA 94501

☐ **SOUTHWEST AREA**

3055 Wilshire Blvd.
Suite 520
Los Angeles, CA 90010

☐ **SOUTHEAST AREA**

10600 Trademark Parkway No.
Suite 405
Rancho Cucamonga, CA 91730

I hereby authorize CSEA to review and obtain copies of my personnel and departmental files and any other documents pertaining to my case.

I agree to the Statement of Rights and Responsibilities on the reverse side of this form and agree to cooperate with CSEA in preparing my case.

Name _____
(Last) (First) (Middle)

Home Address _____
(Street) (City) (Zip)

Home Phone () _____ Current Work Phone () _____

Date of Birth _____ Social Security No. _____

Job Class _____ Bargaining Unit No. _____

Campus where employed _____

Business address _____
(Street) (City) (Zip)

E-mail address _____

Supervisor _____ Phone () _____

Name of CSEA representative contacted _____

Date: _____ Signature: _____

SEE OVER

DISTRIBUTION

WHITE: Mail to SPB immediately

YELLOW: Attach to notice of action/case record background information

PINK: CSEA Office Copy

GOLD: Give to employee along with gold pages at end of packet



Statement of Rights and Responsibilities

In filing this appeal or petition, I hereby agree to the following Statement of Rights and Responsibilities:

I certify that I am a CSEA member in good standing and was such prior to the time the matter involved in my case first arose;

I acknowledge that the Association may review my case for merit before representation is undertaken;

I acknowledge that no representation in court proceedings will be undertaken unless approved by the Association;

I authorize disclosure of information concerning the case to the appropriate appeals body of the Association in the event an appeal is taken to such body;

I acknowledge that the Association will be my exclusive representative and that if any other representative is retained, the Association may at its discretion thereby be relieved of any representation obligation.

I acknowledge that my representation rights are set forth in the CSEA Policy File, which is subject to amendment by CSEA, and that a copy of the Policy File is always available for my review.



CSEA Confidential Case Record

CSU Division

BACKGROUND INFORMATION



1. Length of time (years/months) with this CSU _____
2. Prior Classifications _____ Dates _____ Passed Probation? _____

3. Any prior Adverse Actions? ☐ Yes ☐ No If yes, explain. _____

4. List any Official Commendations, and attach copies. _____

5. Been convicted of criminal offense? ☐ Yes ☐ No If yes, list crime convicted of, date, county and state, and sentence received. _____

6. Any Reprimands or Warnings in connection with this matter? ☐ Yes ☐ No If yes, explain in full, giving dates and results, attach copies. _____

7. Has a written statement concerning this matter been given to anyone? ☐ Yes ☐ No
Oral Statement? ☐ Yes ☐ No
To whom was statement given: (name) _____
Position _____ Address _____
Phone _____ Date Given _____
If written statement was given, is a copy attached? ☐ Yes ☐ No
If oral statement was given, explain what was said _____

8. Was a "Skelly" hearing held? ☐ Yes ☐ No Results _____
9. What relief does the employee seek? _____



WITNESSES

List persons who have personal knowledge of the facts regarding your case, whether in favor or against. Please place checkmark next to favorable witnesses. *Do not list "Character Witnesses" unless they have personal knowledge of the facts of your case.*

Name

Address

Phone (home & work)

DOCUMENTS

Please attach copies of the following documents to this report:

- ☐ Notice which you are appealing.
- ☐ "Skelly" decision, if any.
- ☐ Discovery material received from campus.
- ☐ Any other documents relevant to your case (performance reports, memos from your supervisor, etc.)

EXPLANATION OF CHARGES

On the following page, explain the charges against you.

For each charge:

- (1) List each charge separately (preferably by number);
- (2) State whether charge is admitted or denied;
- (3) Briefly state any facts which support your denial of the charge, or which would explain or excuse your conduct. If there are unfavorable facts we should know about, please include these with an explanation;
- (4) List names of witnesses who have personal knowledge of the charge.

If this is not a disciplinary action and there are not specific charges to respond to, please explain the basis of the appeal and all facts in support of your case.

BE CONCISE AND SPECIFIC. USE NAMES AND DATES. THIS SECTION MUST BE FILLED OUT COMPLETELY BEFORE YOUR CASE CAN BE CONSIDERED BY CSEA.





(The following four gold pages should be detached and retained by the employee together with the gold copy of the appeal form.)

Some answers to questions you may have about your State Personnel Board hearing

This information has been prepared by the California State Employees Association for use of employees who have filed one of the following kinds of appeals:

- Adverse Action (dismissal, demotion, suspension)
- Medical Termination or Demotion
- Automatic Resignation (AWOL Separation)
- Set Aside Resignation

The information provided herein is general in nature and is not designed to be a substitute for the professional advice of your CSEA staff representative.

Q: HOW WILL CSEA PROCESS MY CASE?

A: Once your CSEA representative has helped you fill out your Confidential Case Report and mailed your appeal, your case file will be sent to the appropriate CSEA area office.

Within the next two to four months, you will receive a written notice advising you of the time and place of your hearing. At this time, your case will be assigned to a CSEA representative trained in handling such matters. This may or may not be the same representative who helped you file your appeal.

Your CSEA representative will be in contact with you at least two weeks before your hearing date to discuss your case with you and make any other arrangements for the hearing.

If you need to talk to a CSEA representative before then, or if you have not heard from your representative at least two weeks before your hearing date, contact the CSEA area office for assistance.

Q: WHO WILL HEAR MY APPEAL?

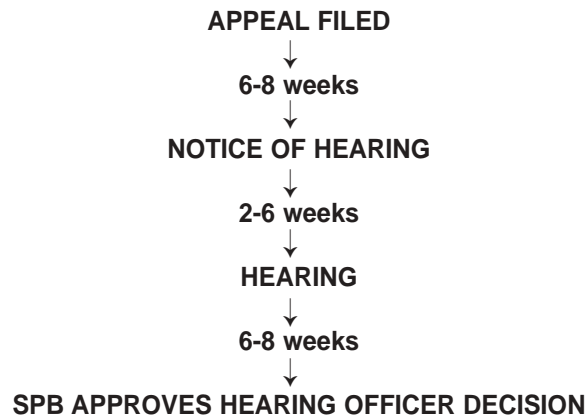
A: The State Personnel Board has overall responsibility for hearing your appeal.

Your case will be assigned to a hearing officer employed by this agency. The hearing officer is a civil service employee (usually a lawyer) whose full-time job is to hear appeals like yours. He or she is familiar with state personnel practices, and will probably be somewhat familiar with the workings of your campus. The hearing is to be conducted in a fair and impartial manner, and the hearing officer should remain neutral throughout.

After hearing all the evidence, the hearing officer makes a written decision on your case. This decision is later submitted to the State Personnel Board which generally adopts the recommended decision. You will then be notified of the result of your appeal by mail.

Q: HOW LONG WILL IT TAKE TO RESOLVE MY APPEAL?

A: Although each case is different, it usually takes from 4 to 6 months to resolve most appeals. The following timeline will give you an idea of how long each step should take:



Q: WHERE WILL THE HEARING TAKE PLACE?

A: Usually it will take place on your campus.

Q: WHAT WILL THE HEARING BE LIKE?

A: The hearing will be conducted like an informal courtroom trial with the hearing officer acting as both judge and jury. Each side will be given an opportunity to present witnesses and documentary evidence. All witnesses are subject to cross-examination and must testify under oath. The hearing will be tape-recorded or taken down in shorthand by a hearing reporter.

Although some complex cases may require more time, most hearings are completed in a day or less.

Q: CAN I REQUIRE WITNESSES OR DOCUMENTS TO BE PRODUCED AT THE HEARING?

A: Yes. You have the right to require witnesses to attend the hearing, and to require documents to be produced, if they are relevant to your case. Your CSEA representative will have subpoenas issued for this purpose if necessary.

Q: WILL I HAVE TO TESTIFY AT THE HEARING?

A: Yes. At some point during your hearing, you will be expected to take the stand to tell your side of the case to the hearing officer. Your CSEA representative will assist you by asking you questions designed to bring out the points in your favor. Before the hearing, your representative will go over your testimony in some detail so you will know what to expect.

Q: WHO WILL ATTEND MY HEARING?

A: Although all hearings are open to the public, they are usually attended only by the following people: the hearing officer, the court reporter (if any), your supervisor, the university's representative, and you and your CSEA representative. Other witnesses are usually excluded from the hearing room until they are called to testify.

You will probably be more comfortable and better able to concentrate on the hearing if you do *not* bring family or friends with you.

Q: WILL I GET TIME OFF TO PREPARE MY CASE AND TO ATTEND THE HEARING?

A: Yes. You should be allowed a reasonable amount of state time to meet with your CSEA representative and to attend the hearing. Just be sure to give your supervisor advance notice of the time you will need to be off work. If you experience difficulty in getting time off, contact the CSEA area office for assistance.

Q: IS THERE AN ALTERNATIVE TO A FORMAL HEARING?

A: Yes. In many cases, a formal hearing may not be necessary to resolve the case if a compromise or settlement can be worked out to both side's satisfaction.

Such settlements usually result in a written agreement signed by the campus and the employee. The settlement agreement becomes final and binding on both the campus and the employee. Your CSEA representative may be able to suggest such an alternative way of handling your case, or you yourself may have an idea in mind. If so, you should not hesitate to discuss the possibility of settlement with your representative. Settlement discussions cannot be used against you if your case later has to go to hearing.

Q: WHAT SHOULD I BRING TO MY FIRST MEETING WITH MY CSEA REPRESENTATIVE?

A: Please bring the following items to your first meeting (if copies have not already been provided to CSEA):

1. Copies of all correspondence, memos, and other documents involving the issues of your case;
2. Copies of any written warnings, reprimands, or prior disciplinary actions you have received;
3. Copies of your written performance evaluations;
4. Copies of any written commendations;
5. Copies of medical reports or doctors' statements if your case involves medical questions;
6. The names and addresses of any witnesses who know about the facts of your case;
7. Any other written materials which you feel would help your representative in understanding your case.

If you cannot locate copies of these documents, you can obtain them from your supervisor or personnel office. The university is required to provide you with copies of all documents related to your case or to your employment with the university.

FOR TERMINATED EMPLOYEES ONLY!

Q: WHAT DO I DO ABOUT INSURANCE PLANS THAT WERE PAID BY PAYROLL DEDUCTION?

- A:** Since you will not be receiving paychecks from the university during your appeal, your insurance plans will be cancelled automatically unless you make arrangements with the insurance carriers to maintain your coverage. This usually involves making direct payment of premiums to the carrier. *CSEA cannot make these payments for you.*

Questions on state-sponsored plans should be referred to your university personnel office or the PERS Health Benefits Division office in your area. Questions on CSEA benefit plans should be referred to CSEA's toll-free benefits' line at (800) 952-5283. A directory of the CSEA-sponsored plans is attached.

Q: CAN I RETIRE FROM STATE SERVICE PENDING THE OUTCOME OF MY APPEAL?

- A:** If you meet the minimum qualifications for service retirement (age 50 with at least five years state service for miscellaneous members of PERS), you can retire for service pending the outcome of your appeal. This will allow you to receive some income and continue your state health plans while you appeal your termination.

If the SPB reverses your termination, you will be allowed to cancel your service retirement and return to duty if you have not reached the mandatory retirement age. Any retirement benefits will then be repaid to PERS out of your back pay award.

If you retire for disability, you will be required to convince PERS that you are no longer disabled before you will be allowed to return to duty.

Q: WHAT ABOUT UNEMPLOYMENT INSURANCE?

- A:** If you have been involuntarily terminated from state service, you may qualify for unemployment insurance benefits. You should contact your local unemployment insurance office (listed in the phone book under "California, State of — Employment Development Department") to see if you qualify.

CSEA cannot provide any assistance or representation on your unemployment insurance claim.