

Process of Adverse Action

- Step One: An adverse action is an official document filed by the Department, and must be served in person or by registered mail with a complete proof-of-service.
- Step Two: Employee has five working days from the proof-of-service date to respond to the charges, either in writing or in a Skelly meeting. The Skelly officer can recommend sustaining, modifying or withdrawing the adverse action.
- Step Three: If the adverse action is not withdrawn, the employee can file an appeal with the State Personnel Board Appeals Division within 30 calendar days after the effective date of the adverse action. **Local 1000 has a standard form for filing all SPB appeals.**
- Step Four: The State Personnel Board (SPB) will schedule the adverse action appeal for an evidentiary hearing before an Administrative Law Judge (ALJ). The ALJ can recommend sustaining the action; modification of the penalty; revocation of the action; and/or restore the employee to his/her position.
- Step Five: SPB may adopt the proposed decision, modify the penalty; reject the decision; or remand the decision to the ALJ for further findings.
- Step Six: If SPB rejects the proposed decision, the parties are given an opportunity to purchase the transcript, file written argument, and provide oral argument to the Board at a public meeting. The Board will then issue its own decision in the case.