Chapter 13: Civil Service Appeals

Overview

Article X, Section 8 of the state constitution provides that any person employed in the state classified service who has attained permanent employment status may only be disciplined for cause set forth in writing. A permanent employee who has been disciplined has the right to appeal that disciplinary action to the State Civil Service Commission. Separately, the state constitution also guarantees that no one employed in the state classified service may be discriminated against because of his or her political or religious beliefs, sex or race. A classified employee who believes that he or she has been subjected to these types of prohibited discrimination has the right to appeal to the Commission.

The Appeals Division helps the Commission hear and decide these appeals. The Appeals Division serves as the Clerk of Court's Office for the Commission. It receives appeals, maintains appeal files, schedules hearings, issues subpoenas, mails decisions, and compiles the appellate record if judicial review is sought. The Appeals Division also provides a staff of referees who hear and decide cases for the Commission.

After the Commission or a referee hears an appeal, a written decision is issued. If a referee issues the decision, the employee and the agency have the right to ask the Commission to review the referee's decision or to appeal the referee's decision directly to the First Circuit Court of Appeal. If the Commission issues the decision, or takes action on an application for review, the employee and the agency have the right to appeal the Commission's decision to the First Circuit. Any party dissatisfied with the First Circuit's decision may ask the Louisiana Supreme Court to review the Court of Appeal's decision. The Louisiana Supreme Court, in its discretion, may or may not grant that request for review.

NOTE: Appeals information is provided on the SCS main website in the Appeals Section because it must be available to employees, attorneys and the general public. Information in the SCS HR Handbook is minimal at best and provides only the basic reference information for the HR novice.

HR Impact

The HR professional's role is limited with respect to Chapter 13. HR professionals should be generally aware of its contents, and must make the chapter available to employees being disciplined as set forth in Civil Service Rule 12.8(c). Moreover, HR should also remain cognizant of the outcomes of civil service appeals involving their agency's employees; as HR usually bears at least some responsibility for the implementation of appeal decisions in favor of employees, e.g., the calculation and payment of back pay, expungement of personnel records, processing of attorney fee awards, etc.

Chapter 13's primary purpose is to provide the procedural framework for civil service appeals. It is of utmost importance that HR professionals and legal staff collaborate on disciplinary actions and all civil service appeals.

Rule-By-Rule Review

NOTE: Because Chapter 13 of the Civil Service Rules provides the procedural framework for Civil Service appeals and is self-explanatory, there will be no rule-by-rule review.

Procedures

- Employee Appeal Process
- Information and Procedures

Job Aids and Resources

- Electronic Notification for Appeals Decisions
- Frequently Asked Questions
- Information about Appeals
- Judicial Interest Rate
- Search Opinions