# FACT SHEET FOR NON-MERIT EMPLOYEES WHO WISH TO FILE A COMPLAINT WITH THE STATE EMPLOYEES' APPEALS COMMISSION

On January 11, 2005, Governor Daniels signed Executive Order 05-14. The Order, in its pertinent part, established a complaint procedure for employees of the non-merit service as defined in 31 IAC 1-1-1. This fact sheet provides guidance to those non-merit employees. A non-merit employee may file a complaint if:

1. The employee does not have standing to file a complaint under any statute or rule.
2. The employee has at least six months of continuous full-time service or twelve months of continuous part-time service.
3. The employee is not classified in the ESM or SAM/PAT job categories.
4. The employee is not employed on a temporary or intermittent basis.
5. The action to be the subject of the complaint involves dismissal, demotion or suspension without pay.

A non-merit employee has 30 calendar days from the date the employee receives a final notice of disciplinary action to file a complaint with the State Employees' Appeals Commission at the following address:

State Employees' Appeals Commission
Indiana Government Center North, Room 501
100 North Senate Avenue
Indianapolis, Indiana 46204

The complaint should be in letterform and should include a copy of the final notice of disciplinary action. The employee should not file any evidentiary materials with the initial complaint. Upon receipt the Commission will schedule a pre-hearing conference, which is an informal proceeding, designed to clarify the issues and explore settlement possibilities. If the case cannot be resolved at the pre-hearing level, an evidentiary hearing will be conducted and evidence will be presented at that time.

The Administrative Orders and Procedures Act (AOPA), which is found at IC 4-21.5, will govern the handling of employee complaints filed pursuant to Executive Order 05-14. The employee may be represented during the complaint process by legal counsel, another employee or an employee organization.

The Commission staff can be reached as follows:

| | |
|---|---|
| Chief Administrative Law Judge | Tim Rider 317-232-3137 |
| Administrative Law Judge | Lindley Myers 317-232-3136 |