

55:10:08. If the Civil Service Commission finds that the position was exempt, no further hearing will be held.

Pursuant to SDCL 3-6D-15, the Civil Service Commission shall have the power and it shall be its duty to act as grievance review board for civil service employees. If a grievance remains unresolved after exhaustion of a departmental grievance procedure an employee may demand a hearing before the Civil Service Commission as provided for in contested cases in chapter 1-26 and proceedings shall be held as provided therein.

VI.

This hearing is a contested case as that term is defined in SDCL 1-26. As such, this hearing is an adversary proceeding at which the grievant and respondent have the right to be present and to be represented by legal counsel or other representative, to introduce evidence and present testimony on their behalf, to call witnesses to testify, to cross-examine all witnesses present, and to submit written argument. These and other due process rights will be forfeited if they are not exercised at this hearing.

VII.

If the amount in controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of this Notice of Hearing.

VIII.

The decision based on the hearing may be appealed to the circuit court and the state Supreme Court as provided by law.

IX.

The Commission requests that the parties arrive at least fifteen minutes early and that the parties bring nine collated copies of each exhibit.

Dated this _____ day of _____, 2016.

Laurie R. Gill, Commissioner
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