

INSTRUCTIONS FOR FILING A CLAIM OF APPEAL AS OF RIGHT TO THE EMPLOYMENT RELATIONS BOARD

Regulation 8.05, Employment Relations Board Appeal Procedures, establishes procedures to appeal adjudicating officer's decisions to the Civil Service Commission (CSC) through the Employment Relations Board (Board). **This form is only for appeals from decisions over the discharge of a non-exclusively represented employee (NERE) with status as authorized by CSC Rule 8-7.2(a) and (b).** A NERE with status dismissed for just cause may appeal as of right from a final adjudicating officer decision upholding the dismissal. An appointing authority that dismissed a NERE for just cause may appeal as of right from a final adjudicating officer decision reinstating the NERE. When an appointing authority appeals, it must either reinstate the employee or restore the employee's base pay and benefits from the date of the claim. See CSC Rule 8-2.6(b).

For **all other appeals**, use Form CS-1743, Application for Leave to Appeal to the Employment Relations Board.

The Board will obtain the case's record from the civil service hearing officer. After receiving the claim, briefs, and record, the Board will notify the parties of the schedule for oral arguments.

Deadline: A signed claim and brief must be **received** by the Board **within 28 calendar days** of the mailing date on the adjudicating officer's final decision. See Regulation 8.06, Computing Time and Filing Documents, for other filing requirements.

1. **Part A:** Enter the Case Name, Decision Number (such as CSHO 2014-001), and the Civil Service Reference Number from the first page of the adjudicating officer's decision.
2. **Part B:** Check the appropriate box describing your eligibility to file a claim.
3. **Part C:** Attach your brief. The brief must contain the information required by Regulation 8.05, § 4.C.3.
4. **Part D:** Check the box to indicate whether the person submitting the claim is the appealing party or an authorized representative. The claim must be signed and dated with all requested information provided.
5. **Request permission for additions to the record.** The record is closed when an adjudicating officer's decision is issued. Regulation 8.05, § 4.L only allows new evidence under limited circumstances. To offer new evidence, you must submit a written motion explaining (1) why the evidence was not offered earlier and (2) a legally sufficient reason to accept the new evidence. Do not include documents already submitted to the adjudicating officer. Any evidence submitted with a claim is assumed to be new and must be accompanied by a motion to admit new evidence. The Board will reject new evidence if a motion is not offered.
6. **File the claim, brief, and any attachments with the Board.** Send the signed claim, brief, and any attachments to the Board at MCSC-ERB@mi.gov. Electronic or scanned signatures are accepted. Retain a copy for your records. Non-email filings will be rejected unless you obtain prior permission for paper filing from the Board's administrative officer.
7. **Provide the Board proof of service on all other parties and interested parties.** When submitting your claim, you must show the Board that you served a copy of your complete filing with all other parties. You must either (1) electronically copy by "cc" to all other parties and interested parties on your email filing to the Board or (2) provide the Board a completed Proof of Service form (CS-1740) or an equivalent document with the same information.
8. **Explain any untimeliness.** If your claim is late, you must explain your lateness or your claim will be dismissed. A written motion requesting permission to file a late claim must accompany a late filing and must demonstrate good cause or special extenuating circumstances.

Other parties may file a reply brief within 28 calendar days of service of your claim. Regulation 8.05 does not permit a response to a reply brief. The Board will review the decision, record, claim, and briefs. The Board will notify the parties when oral argument is scheduled. All parties will be notified in writing of the Board's recommended or final decision after oral arguments. The Board's recommendation is forwarded to the CSC automatically for consideration. No further action by the parties is needed or accepted before CSC review.

Regulation 8.05, Regulation 8.06, the CS-1740 Proof of Service form, and other information on appealing adjudicating officers' decisions are available at www.mi.gov/erb.