

**621—11.5(19A,20) Right to a hearing.**

**11.5(1)** The appealing employee has a right to an evidentiary hearing closed to the public unless a public hearing is requested by the employee. If the employee chooses to have a hearing, the board shall appoint an administrative law judge to adjudicate the matter. The administrative law judge shall set the time, date, and place of the hearing. The hearing shall be conducted in accordance with Chapter 2 of the board's rules, and shall be limited to the facts and issues contained in the employee's appeal and the director's answer.

**11.5(2)** Alternatively, the appealing employee may choose to have the administrative law judge determination based upon the record consisting of all the pleadings and documents filed with the board, without a hearing. If the employee chooses to have a decision based upon the record, the following procedure shall apply:

1. The employee shall submit the State Employee Grievance and Disciplinary Action Appeal Form to the board pursuant to subrule 11.3(1);
2. The director shall be notified and shall answer within 15 days as required in subrule 11.4(1);
3. The employee shall have 10 days following receipt of the director's answer to reply. The record shall then be closed and the hearing officer shall issue the decision based upon the record.