

HB 160 -- Public Employee Due Process Act

Sponsor or Co-Sponsors: Bray

Same as or similar to: HB 1964 Year: 2000

Emergency Clause: or Effective Date of:

Use Summary For: Version:, Year:,

Verbatim: This bill revises provisions concerning public employees and appointed officials and establishes the Public Employee Due Process Act. The bill:

(1) Prohibits employees from appealing a dismissal or demotion under the act if an employee has a right to appeal the dismissal or demotion under the State Personnel Law (Merit System);

(2) Establishes the Public Employee Due Process Act;

(3) Requires public bodies to serve written notice (in person or by certified mail) to employees they intend to terminate, discipline, or demote. The notice must contain the grounds for the intended action;

(4) Requires the notice to contain a provision allowing the matter to be heard by a hearing officer;

(5) Requires a public body to provide an employee a re-mediation plan of at least 4 months duration before proceeding with a plan

to terminate, discipline, or demote the employee;

(6) Contains provisions concerning the hearing process by the State Board of Mediation, including the selection of a hearing officer, disclosure of witnesses, employee representation by legal counsel and other counsel, and recording the hearing;

(7) Allows the hearing to be open to the public unless a closed hearing is requested by the employee;

(8) Specifies the duties of the hearing officer;

(9) Requires the board to develop regulations concerning discovery by the parties and regulations concerning the hearing process;

(10) Contains provisions concerning the disposition of the hearing, including a review of the hearing officer's decision under Sections 536.100 to 536.140, RSMo;

(11) Prohibits appointed officials who are removed by the Governor from appealing their removal under the act;

(12) Allows permanent teachers to be notified of their right to a hearing by the board of education or the State Board of

Mediation and their right to request a hearing by the board of education or the State Board of Mediation if their contract is considered for termination; and

(13) Specifies the hearing process for permanent teachers who are contesting the termination of their contract. Permanent teachers can elect to appeal the decision to terminate their contract through the board of education or the State Board of Mediation.

Joseph