



ADMINISTRATIVE RULES OF MONTANA



24.26.554 FILING OF A NEW PETITION FOR HEARING AFTER FINAL ORDER ISSUED

- (1) After a final order concerning a position has been issued by the board, a new hearing will be granted only upon a showing of some substantial change in that position or the job evaluation methodology which was not considered at the prior hearing and which would warrant a new hearing by the board or its designee.
- (2) The employee shall include with his or her petition a signed affidavit stating the substantial change.
- (3) The petition and the affidavit shall proceed through the appeals procedure as prescribed in ARM 24.26.544, 24.26.546, and 24.26.548.
- (4) The board agent shall conduct a preliminary investigation to determine if the alleged substantial change warrants a new hearing.
 - (a) If it is determined that the alleged substantial change warrants a new hearing, the grievance procedure shall proceed as prescribed in ARM 24.26.548.
 - (b) If it is determined that the alleged substantial change does not warrant a new hearing, the board agent shall issue a written order dismissing the petition.
 - (i) If a party disputes the dismissal, the board agent may refer the matter to the hearing officer pursuant to ARM 24.26.250. The hearing officer is not bound by the statutory or common law rules of evidence in this hearing.
 - (ii) If the employee or the department disputes the recommended order of the hearing officer, either party may file exceptions pursuant to ARM 24.26.254 within 20 days of service of the hearing officer's recommended order.

Authorizing statute(s): 39-31-104, MCA

Implementing statute(s): 2-18-1011, 2-18-1012, MCA

History: NEW, Eff. 12/4/76; AMD, 1993 MAR p. 3026, Eff. 1/1/94; TRANS from ARM 24.26.523 and AMD, 2020 MAR p. 2422, Eff. 12/25/20.