

Article 46 - Temporary State Employees

Section 46.1 Jurisdiction

The Board shall hear and make determination on an appeal by any party aggrieved by a decision of the commissioner of human resources concerning the creation of a temporary position, and the hiring of a person to fill such temporary position, pursuant to 3 V.S.A. §331, provided that such appeal is filed within 30 days after receipt of notice of the commissioner of human resources' determination on reconsideration of the commissioner's decision.

Section 46.2 Contents of Appeal

The notice of appeal shall be in writing, signed by the appellant or his/her representative, and shall contain:

- (A) The full name and address of the person filing the appeal;
- (B) The full name and address of the employer involved;
- (C) A concise statement of the nature of the appeal;
- (D) A copy of the commissioner of human resources' notification of determination on reconsideration of the commissioner's decision; and
- (E) A brief statement of facts concerning the appeal.

Section 46.3 Answer; Filing; Service

The commissioner of human resources shall have the right to file an answer within 20 days after service of the appeal. Upon application, the Board may extend the time within which the answer shall be filed.

Section 46.4 Contents of Answer; Denials

The answer shall admit or deny each specific allegation contained in the appeal or shall indicate any lack of knowledge or information thereof sufficient to form a belief. An allegation in the appeal not specifically denied in the answer, unless the party asserts that it is without knowledge or information thereof sufficient to form a belief, shall be deemed admitted and shall be so found by the Board. Allegations of new matter in the answer shall be deemed denied without the necessity of a reply.

Section 46.5 Admission by Failure to Answer

Failure to file a timely answer may be deemed by the Board to constitute an admission of the material facts alleged in the appeal and a waiver by the commissioner of personnel of an evidentiary hearing, leaving a question or questions of law to be determined by the Board.

Section 46.6 Hearing

The Board shall make a final determination on the appeal after an evidentiary hearing *de novo*.