124-3-01   **Requirements of "section 124.34 orders" and orders of involuntary disability separation.**

(A) "Section 124.34 orders" and orders of involuntary disability separation may be affirmed only if each of the following ~~five~~ criteria are satisfied:

   (1) The ~~copies~~copy of the order ~~filed with the state personnel board of review and the director of administrative services or its statutory designee and~~ served on the employee shall ~~each~~ bear the original signature of the appointing authority and the date of signature. If an appointing authority is a public body, the order must contain the signatures of a majority of the members, or in the alternative, a certified copy of the resolution adopting the order shall be attached to each copy of the order; and

   (2) The employer shall serve the employee with a copy of the order on or before the effective date of the action; and

   ~~(3) The employer shall file a copy of the order with the state personnel board of review and the department of administrative services or its statutory designee within ten calendar days after a copy of the order has been served on the employee, in accordance with rule 124-3-02 of the Administrative Code, unless it can be shown that failure to file timely had no adverse effect on the employee; and~~

   ~~(4)~~(3) The order shows, on its face, a list of particulars which form the basis for the order; and

   ~~(5)~~(4) The appointing authority can, if challenged, demonstrate both the authority of the signer and the authenticity of the signature on a "section 124.34 order" or an order of involuntary disability separation.

(B) Disaffirmance of an order under this rule shall not be a bar to filing another "section 124.34 order" or an order of involuntary disability separation based upon the same allegations.

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CERTIFIED ELECTRONICALLY

Certification

04/06/2009

Date

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