ARTICLE 1. DISMISSAL

Section
R10-1-101. Definitions
R10-1-102. Application
R10-1-103. Probationary period for Assistant Attorneys General
R10-1-104. Dismissal of Assistant Attorneys General for cause
R10-1-105. Dismissal procedure of Assistant Attorneys General
R10-1-106. Hearing procedure
R10-1-107. Rehearing

ARTICLE 2. REPEALED

Article 2, consisting of Section R10-1-201, repealed effective November 2, 1995 (Supp. 95-4).

Section
R10-1-201. Repealed
The Personnel Review Committee shall render its decision not later than the 15th of January of each year, the Attorney General may file a written response to the appeal, provided:

1. On or before the effective date of any dismissal of an Assistant Attorney General, the attorney to be dismissed shall be provided with a written statement setting forth the basis for the dismissal in sufficient detail so as to inform him or her of the specific reason or reasons for such action.
2. In the event of an appeal by any Assistant Attorney General of a dismissal, the Attorney General shall provide a copy of the statement setting forth the basis for such dismissal and a copy of the written appeal by the Appellant to the Personnel Review Committee appointed to review such dismissal.

Historical Note

R10-1-107. Rehearing
A. Either party to an appeal by an Assistant Attorney General from his or her dismissal who is aggrieved by a decision rendered in such appeal may file with the Personnel Review Committee, not later than ten days after service of the decision, a written motion for rehearing or review of the decision specifying the particular grounds therefor.
B. A motion for rehearing under this rule may be amended at any time before it is ruled upon by the Personnel Review Committee. A response may be filed within ten days after service of such motion or amended motion by any other party. The Personnel Review Committee may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.

C. A rehearing of the decision may be granted on any of the following grounds materially affecting the moving party’s rights:
1. Irregularity in the proceedings before the Personnel Review Committee or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing;
2. Misconduct of the Personnel Review Committee or the prevailing party;
3. Accident or surprise which could not have been prevented by ordinary prudence;
4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing;
5. Excessive or insufficient penalties;
6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing;
7. A decision not justified by the evidence or contrary to law.
D. The Personnel Review Committee may affirm or modify the decision or grant a rehearing as to all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
E. The Personnel Review Committee, within the time for filing a motion for rehearing under this rule, may on its own initiative order a rehearing or review of its decision for any reason for which it might have granted a rehearing or review of any action for which the Personnel Review Committee may grant a rehearing, timely served, for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the ground therefor.
F. When a motion for rehearing is based upon affidavits, they shall be served with the motion. The opposing party may within ten days after such service serve opposing affidavits.

Historical Note

ARTICLE 2. REPEALED

R10-1-201. Repealed

Historical Note