

HB 440 -- Trial de Novo Petitions

Sponsor: Roorda

This bill allows any employee of the state or any political subdivision who has exhausted his or her administrative remedies and who is aggrieved by an agency's final decision in a contested case involving an employment matter to petition the circuit court for a trial de novo as an alternative to seeking judicial review of the administrative decision. The employee must file an application for trial de novo with the circuit clerk within 30 days after the mailing or delivery of the agency's final decision. The agency must file with the court a copy of the plaintiff's petition or complaint as presented to the agency as well as the agency's decision within 30 days after the filing of the application for trial de novo.

The court may order a stay of the enforcement of the agency's order pending a final judgment. The court must hear the case with a jury as the trier of fact, unless all plaintiffs waive a trial by jury in writing before the jury is sworn in. Any findings of fact and conclusions of law reached by the administrative hearing body are not admissible into evidence in the trial de novo unless all parties agree in writing to the admissibility of the evidence. An appeal may be taken on the court's judgment as in other civil cases.