

Agency Grievance No. _____

GRIEVANCE AND GRIEVANCE APPEAL FORM

Civil Service Reference No. _____

(Provided by Employer)

(Assigned by Civil Service)

This form is used for (1) grievances, (2) agency responses, and (3) appeals of agency response. Before filing this form, see Regulation 8.01, *Grievance and Grievance Appeal Procedures*, and Regulation 8.06, *Computing Time and Filing Documents*.

GRIEVANT'S NAME			NAME OF GRIEVANT'S REPRESENTATIVE (IF ANY)		
GRIEVANT'S E-MAIL ADDRESS	GRIEVANT'S PHONE NO.		REP'S E-MAIL ADDRESS	REP'S PHONE NO.	
GRIEVANT'S MAILING ADDRESS			REP'S MAILING ADDRESS		
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
EMPLOYEE ID NO.	GRIEVANT'S DEPARTMENT, AGENCY, CLASS AND LEVEL				

Please check the appropriate step.

- | | |
|--|--|
| <input type="checkbox"/> Employee grievance at Step 1
<input type="checkbox"/> Employee grievance at Step 2
<input type="checkbox"/> Employee grievance appeal to Civil Service after Step 2 | <input type="checkbox"/> Agency answer at Step 1
<input type="checkbox"/> Agency answer at Step 2 |
|--|--|

All grievance appeals to Civil Service must be in response to a department's answer or failure to answer at Step 2 and must be filed to MCSC-Hearings@mi.gov, unless a prior request for an alternative filing method is granted by the CSHO's administrative officer.

EMPLOYEE STATEMENT OF BASIS FOR THE GRIEVANCE / AGENCY RESPONSE (Attach additional sheets, if necessary.)

RELIEF SOUGHT (Attach additional sheets, if necessary.)

SIGNATURE (Either sign or type your name as an electronic signature.)

DATE

Please keep a copy for your records.

EMPLOYEE STATEMENT OF BASIS FOR THE GRIEVANCE (Cont'd)

Ok. If you do come back after your appointment, please email me when you are back on the clock.

The exchange is brief; in hindsight, both emails are subject to more than one interpretation. From my perspective, the urgency of my need for a “time out” was top of mind; my intention was to indicate that I might not return for an indefinite period. When I read it, Hill’s response seemed to align with that understanding, saying “if you come back.” But to someone who did not fully appreciate the extent of my distress, my email could be read as a much narrower request. In any event, after reading AAG Hill’s response, I did not linger to consider the possibility that there had been no meeting of the minds; instead, I closed my laptop and turned off my phone and shut out the world.

The next week, I informed my “peer accountability partner,” AAG Jeffrey Mapes, of my intentions when visited my home on Tuesday, February 18, out of a stated concern for my well-being. I explained that I was feeling overwhelmed, frozen by a “perfectionist paradox” (if it can’t be done perfectly, avoid doing it at all) and beaten down by depression and anxiety working in tandem—all of which made the idea of facing the challenges of work (with its deadlines, phone calls, voicemails, emails, and sometimes adversarial interactions with AAG Hill) unbearable for the moment. I reassured AAG Mapes that I would get better with some rest and be able return to work before long. As he was leaving, Mapes promised confidentiality, but I specifically asked him to advise the Corporate Oversight Division Chief that I was “okay,” but not yet ready to return to work.

I am aware of missed calls and even outreach by HR to my emergency contact, but I did not have direct contact with the department from that point until March 4, 2025.¹ I did not see this as cause for concern; my prior experience with the department’s FMLA process was largely informal, instigated by HR long after my leave began. I knew that I would have to submit the proper forms and documentation from my physician to establish FMLA eligibility, but I also believed that this was not an urgent matter, again based on my experience in 2024.

I reasoned that HR, my immediate supervisor and the Division Chief were all aware of my mental health diagnoses (depression, anxiety, and attention deficit hyperactivity

¹ In the interest of full disclosure, I have at various times exchanged messages with Marcia Knapp-Stoll, who formerly served as my assistant in the Transportation Division and remains a valued friend and colleague. Her recent messages—expressions of care and concern—were of a personal and nonofficial nature.

disorder, or ADHD) because I had personally shared that information with the relevant individuals when I realized that department employees would not. I had sent the email to AAG Hill and the personal message via AAG Mapes. AAG Evans and I had recently discussed several promising strategies for managing my workload and related deadlines. I mistakenly assumed that everything would be well once I was no longer in a state of emotional and physical exhaustion, so long as I did not exceed my annual FMLA limit, and the necessary paperwork was submitted before I planned to return to work.

Despite my good faith efforts to alert my supervisor to my health-related need for time off, I later learned that I was dismissed on February 24, 2025, without consideration of my request for FMLA leave, as required by 29 USC 2612(a)(1)(D), which guarantees eligible employees the right to take unpaid, job-protected leave for serious health conditions. The director of human resources has confirmed that my email to AAG Hill from February 10 was not forwarded to her office. The department appears to have made its decision without a full knowledge of the facts, engaging in the interactive process required by law, or affording me the opportunity to provide necessary medical documentation supporting my need for leave.

Although my termination was effective Monday, February 24, 2025, I did not learn of it until more than a week later, on Tuesday, March 4, when AG staff arrived unannounced at my home, displaying badges and demanding that I turn over my work computer, phone, state-owned desktop monitors (which I do not have, as I purchased my own shortly after starting with the department in February 2022), and my state ID badge. I surrendered the state-owned electronics in my possession, but I was unable to locate my badge while they stood on my doorstep insisting this was "standard procedure."

It is likely that this dismissal violated the Americans with Disabilities Act (ADA) and relevant case law. See, e.g., *Cehrs v Northeast Ohio Alzheimer's Research Ctr*, 155 F3d 775 (CA 6, 1998)(recognizing that an employer's failure to accommodate a non-standard leave request due to a medical condition could constitute disability discrimination.). All three mental health conditions I have disclosed to the department are recognized as disabilities under the ADA and employees suffering from them are entitled to the ADA's protections.

The Michigan Civil Service Rules (MCSR) also provide protections for employees in circumstances like mine that the department seemingly failed to consider, including MCSR 5-10 (guaranteeing eligible employees the right to request medical leave) and MCSR 1-8 (prohibiting discrimination and retaliation against employees with disabilities).

This abrupt action has left me without health insurance, without future pay, and without the opportunity to file for disability insurance benefits. It was a shocking and wholly unexpected blow and a major setback in my efforts to manage my mental and emotional health. Since March 4, I have been overwhelmed by fears of mounting debt, impending

eviction, loss of medical care when I truly need it, and catastrophic damage to my professional reputation and prospects. Such consequences are wildly disproportionate to the errors I committed: sending a vaguely worded email as I was spiraling into emotional turmoil and avoiding phone calls while I was, or had a reasonable (but mistaken) belief that I was on unpaid leave under FMLA.

RELIEF SOUGHT (Cont'd)

3. **Assurance that the Michigan Department of Attorney General complies with the FMLA, ADA, and Michigan Civil Service Rules**, including mandatory training for supervisory personnel on recognizing and appropriately handling employee requests for medical leave and accommodations under federal and state law.
4. **Restoration of my state IT services access** while this grievance is pending, so that I may gather evidence to support my claims.
5. If it is determined that my request for leave was negligently or intentionally mishandled, I also request a **temporary or permanent reassignment** within the division or elsewhere in the department at an equal job classification and pay grade.

Finally, although I am optimistic that this is a case of mutual misunderstanding that can be amicably resolved, department staff should be advised preserve the contents of my devices and all individuals with relevant evidence instructed to retain it, as this matter is likely to be litigated if it cannot be resolved informally or through the grievance process.

I am proud to be a public servant and an Assistant Attorney General, and I am committed to my duties. I appreciate your prompt attention to this grievance and hope that we can come to a swift and just resolution.

Instructions

Step-1 and Step-2 grievances. Before completing this form, review [Regulation 8.01](#), *Grievance and Grievance Appeal Procedures*, and [Regulation 8.06](#), *Computing Time and Filing Documents*, available at [online](#). Your HR office can identify your Step-1 and Step-2 Officials for receiving filings and can provide information on filing grievances.

Grievance appeals must be filed by email, unless Civil Service Hearings Office's administrative officer grants a timely request for alternative filing. Communications about your grievance appeal from the CSHO will be sent by email. You must monitor the email address provided on the CS-100 for these communications.

Review the checklists below before filing. Visit the CSHO [website](#) or call 517-241-9096 for information.

Checklist for Step-1 or Step-2 grievance filings

- ☐ Is your grievance authorized? See Rule 8-1.3(a), *Types of grievances permitted*.
- ☐ Is your grievance timely? Your initial grievance must be filed within 14 days after you knew or reasonably should have known of the action being grieved. If a step-1 answer was issued within 14 days of your grievance filing, you must file any step-2 grievance within 14 days after the answer was issued. If a step-1 answer was not issued within 14 days of your step-1 grievance filing, you must file any step-2 grievance within 35 days after you filed your step-1 grievance. If your grievance is late, you must provide an explanation for your lateness.
- ☐ If you have an authorized representative, have you provided all contact information (including a valid email address), and is the representative eligible to represent you? See Regulation 8.01, § 4.K.
- ☐ Does your statement concisely describe the basis for the grievance and the remedy sought?
- ☐ Have you completely filled out, signed, and dated the CS-100?
- ☐ For a Step-2 grievance, have you included any Step-1 grievance and any Step-1 response?
- ☐ Have you submitted your grievance to the correct departmental official? Some actions can be grieved directly to Step 2. Consult your HR office to determine at which step your grievance should be filed. See Regulation 8.01, § 4.B.1.a

Checklist for grievance appeal filings to the CSHO

- ☐ Is filing a grievance appeal authorized? You cannot file a grievance appeal directly to the CSHO. A grievance appeal can only be filed after (1) a departmental Step-2 answer is issued or (2) a Step-2 grievance is filed and no timely step-2 answer is issued. If neither condition is met, your premature grievance appeal will be returned.
- ☐ Is the subject matter of your grievance appeal authorized? Your statement of grievance must include a concise statement of the basis for your grievance appeal, including the specific grounds for appeal. See Rule 8-2.2, *Limitation on Grievance Appeals*.
- ☐ Have you concisely described a result that you seek that is within the jurisdiction of the CSHO to grant?
- ☐ Is your appeal timely? If a step-2 answer was issued within 28 days of the step-2 grievance filing, you must file any appeal within 28 days after the step-2 answer was issued. If a step-2 answer was not issued within 28 days of the step-2 grievance filing, you must file any appeal within 70 days after you filed your step-2 grievance. If your appeal is late, you must provide an explanation for your lateness.
- ☐ Does your appeal contain a copy of all Step-1 and Step-2 grievances and departmental responses?
- ☐ Have you completely filled out, signed, and dated the CS-100? Sending a scanned copy of a signed form or typing your name in the signature box meets the requirement for an electronic signature.
- ☐ Did you file your grievance appeal to MCSC-Hearings@mi.gov by email? Email filing is mandatory for grievance appeals to the CSHO, unless an exception is requested and approved before the filing deadline. Subsequent communications will be by email. Keep copies of all filings for your records.