

PERSONNEL BOARD HEARING PROCEDURE

A. Purpose

The purpose of the hearing is to provide an informal forum for the presentation of information by the employee and the City, hereafter referred to as "the parties," to an impartial citizen board. The Personnel Board hereinafter referred to as "the Board", will hear the information presented and question the involved parties. After the hearing is concluded, the Board will submit a report to the City Manager (for PFA use Fire Chief) outlining the information they have collected, their opinions with respect to that information, and their recommendations as to a finding.

B. Notice

Each concerned party shall be given written notice of the time and place of the hearing. The notice shall be served personally or by certified mail, return receipt requested, to the last known address for the appellant at least 20 days prior to the hearing.

C. Quorum

Three members shall constitute a quorum of the Board. No member of the Board may participate in the final deliberation of the Board if that member has not heard all of the testimony presented for consideration by the Board.

D. Open Meeting

Hearings of the Board shall be open to the public unless, at the request of the appellant or the City, the Board determines by a two-thirds vote of the quorum present that the hearing should be held in executive session to consider personnel matters involving the discipline of city personnel.

E. Persons Entitled to Attend A Hearing

The following persons and no others shall be permitted to attend a closed hearing: the appellant and appellant's representative, the service director or designee of the affected department, the Director of Human Resources, representatives for the City Attorney's (for PFA use PFA Attorney's) office, and the representative for the Board. Other persons may be admitted upon a majority vote of the Board. Additionally, in its sole discretion, the Board may sequester witnesses regardless of whether the hearing is open or closed.

F. Witnesses

Witness may be called to hearings by either the appellant or by the City and their names shall be included on a witness list to be provided to the Board liaison at least ten (10) days prior to the hearing. Witnesses may be excused from the hearing once their testimony has been completed. Witnesses who are City or PFA employees may have their presence coordinated by the Human Resources Department, if requested by either party.

G. Hearing to be Recorded

The presiding officer, who shall be the chairperson of the Board, shall have the proceedings recorded by a reporter or by an electronic recording system. When requested, the presiding officer may order that the proceedings or any portion thereof shall be transcribed with the cost being assessed against the party seeking the transcript. If the Board requires a transcript, it shall make its copy available for inspection by any authorized party including the appellant, the appellant's representative, the affected department head and the service director, the Director of Human Resources, the City Attorney (for PFA use PFA Attorney) and the City Manager (for PFA use Fire Chief).

H. Legal Representation for the Board

The Board may request legal representation. In that capacity, this person shall advise and assist the presiding officer in the conduct of the hearing and in ruling upon questions of procedure and evidence. In addition, the legal representative may conduct any pre-hearing conferences as requested by either of the parties.

I. Rules of Evidence

The presiding officer shall have the right to accept any evidence he/she believes is material to the issue at hand.

J. Order of Presentation

Prior to the hearing, the appellant will have composed a thorough statement concerning his/her appeal. As part of this appeal, the appellant will also have a summary statement concerning what he/she feels to be an equitable solution. This statement along with any preceding documentation will have been presented to the Board staff liaison at least ten (10) days prior to the hearing. Other relevant documentation which either the appellant or the respondent wishes to be presented must be provided to the Board staff liaison at least ten (10) days prior to the hearing. The Board staff liaison will

then distribute this documentation to the members at least five (5) days prior to the hearing. If staff liaison should be contacted, a preliminary Meeting, among the parties and presiding officer may be arranged. The resulting documentation will provide a starting point for the hearing. The presiding officer will initiate the questioning and direct the order of presentation.

K. Representation of Concerned Parties

Parties may be represented if they so desire.

L. Procedure

Since the intent of the hearing is to allow the Board to gather information concerning an appeal, the Board members shall be allowed to question the parties at any time in the hearing. Questions may be directed to any of the parties to gather information on specific issues as they arise in the presentation. Other involved parties may respond to or question information being presented by directing their questions or responses through the presiding officer. The presiding officer will be responsible for controlling the hearing.

M. Duties of Presiding Officer

The presiding officer shall regulate the course of the hearing, set the time and place for continued hearings, arrange for receipt of documents, direct the parties to appear and confer to consider the simplification of issues, admission of fact, and limitations on the number of expert witnesses, as well as anything else necessary and proper to expedite the conduct of the hearing.

N. Report to the City Manager (for PFA use Fire Chief)

At the conclusion of the hearing, the members of the Board will confer in private and generate a report containing its findings from the hearing along with any relevant documentation and opinions concerning the issues or dissenting opinions of individual board members, and recommendations for solution. This report will be submitted to the City Manager (for PFA use Fire Chief) at the close of the hearing. Copies will be furnished to the employee and the Human Resources Department.

O. Roll of the City Manager (for PFA use Fire Chief)

Upon review of the Board's findings and recommendations, the City Manager (for PFA use Fire Chief) shall render a final decision. The City Manager (for PFA use Fire Chief) may make a decision solely from the findings of the Board or may consider additional information. The Board shall be informed of the City Manager's (for PFA use Fire Chief's) decision. Copies of the written decision will be sent to the employee and the Director of Human Resources. The Human Resources Department will forward a copy of the decision to the service director and the City Attorney's (for PFA use PFA Attorney's) office and may also provide copies to other involved supervisory staff. The decision of the City Manager (for PFA use Fire Chief) is final.