

## **SUGGESTED GUIDELINES FOR CONDUCTING A HEARING OF A PERSONNEL APPEALS BOARD**

### **Prior to the Hearing:**

- a. Personnel Appeal Board (“PAB” or “panel”) members may wish to discuss the process they plan to use and how they will deal with specific issues such as procedural questions, etc., prior to the hearing.
- b. PAB members should familiarize themselves with the grievance procedure and grievance booklet or other document containing the grievance procedure, which has been routinely provided by the Personnel/Human Resource Director to grievants and department directors. Through the Chair, they should contact the Personnel/Human Resource Director with any initial questions.
- c. PAB should recall that panels do not have authority to formulate policies or procedures or to alter existing, policies or procedures. The PAB will make its decision by a majority vote, with an indication in writing as to how each member voted and the reasons for the decision. If the vote is not unanimous, a dissenting member should indicate the reasons for the dissent in writing as well.
- d. PAB members will want to ensure their availability for attendance at the hearing and any follow-up discussion so that the grievance can be heard and decided in a speedy manner.
- e. The locality shall provide the panel with copies of the grievance records prior to the hearing and provide the grievant with a list of the documents furnished to the PAB.

The grievant and the grievant’s attorney shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding.

The parties shall exchange copies of all documents and other exhibits and lists of witnesses. The grievant, as the “moving” party shall submit his/her documents, other exhibits and lists of witnesses to the locality representative at least ten (10) days prior to the hearing. The locality representative shall submit their documents, other exhibits and list of witnesses three (3) working days after the grievant submits his/her documents, exhibits and witness list. The parties shall have sufficient copies to present to the PAB at the hearing.

### Procedures at the Hearing:

1. The Personnel Appeals Board Chair (“Chair”) convenes the hearing and introduces the other members of the PAB. Also, the Chair will have all parties present introduce themselves for the record because the hearing will be taped by the Personnel/Human Resources Director.<sup>1</sup>

The PAB has the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing and, at the request of either party, the hearing shall be private.

2. The Chair will state the purpose of the hearing is to hear the grievance submitted by **(name of grievant)**.
3. The Chair will identify for the parties the procedure that the PAB plans to use for the hearing. The Chair should refer to the grievance procedure or the booklet or other document containing the grievance procedure which may have been routinely provided by the Personnel or Human Resource Director to grievants and department directors.<sup>2</sup>
4. At any time a question arises regarding procedural issues, the Chair may call a short break and speak with the other two panel members. Together the PAB will decide what action it desires to take regarding the question presented. (Generally, these issues involve documents or testimony which may or may not be relevant to the grievance. The PAB has the authority to determine the admissibility of evidence without regard to the burden of proof, the order of presentation of evidence, or the rules of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.)
5. The Chair will inform both sides that each will be permitted a specific time for presentation of opening remarks and their position regarding the grievance. It may be helpful to ask each side how much time they will need and then have both parties adhere to the agreed times.
6. The grievant or grievant's counsel will proceed with their presentation first. The representative of the County/City/Town will follow with their presentation.

All evidence will be presented in the presence of the panel and the parties except by mutual consent of the parties.

7. Both sides will be given the right to rebut the comments made by each other and any witnesses they wish to present. If the interchanges of comments become heated, the PAB Chair may tell the parties that all questions will be directed to the Chair who will in turn ask the question or the Chair may

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<sup>1</sup> Include this provision only if tape-recording will occur. There is no statutory requirement for tape-recording. If the PAB plans on tape-recording, it is prudent to advise the parties in advance. The grievant may request a copy of the tape later, so the PAB should bear that in mind when it makes its decision whether or not to tape the hearing.

<sup>2</sup> The PAB may want to place the witnesses under oath. If oaths are used, mention should be made in the Guidelines.

announce this at the beginning of the hearing in reviewing procedures. This generally calms all parties, and restores order to the hearing.

8. Each side may present witnesses and exhibits for the PAB to consider. Generally, witnesses and exhibits are presented.
9. At the conclusion of all testimony, comments and presentation of exhibits, the Chair should ask if the parties wish to make summary and closing comments; most will provide comments. After that, the Chair should ask if anyone has anything else to provide to the PAB.
10. The Chair will state that the Personnel Appeals Board will meet and make a final decision on this grievance within 15 days of the hearing. The Chair will then officially close the hearing.