



# Overview of Draft Revisions to Hearing Procedures

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# Driving Factors

- ▶ Commission Request
- ▶ Hearings
  - Redundant/Cumulative Testimony
  - Encourage stipulations
  - Earlier submission of documents
  - Ensure all parties understand process

# Current Status

- ▶ Meet and confer opportunity has been provided
- ▶ Meet and Confers completed with:
  - DSA
  - SPPOA
  - OPEIU, Local 39
  - SEIU, Unit 2,5,7,8,9

# Summary of Draft Rule Revisions

- ▶ Hearing Request/  
Hearing Timing
  - Must contain employee email address
  - Parties may stipulate to a hearing date beyond 20 day requirement
  - Back pay awards can factor in delays caused by Appellant

- ▶ Deletion of Continuance Pending Criminal Proceedings
  - Creates lengthy delays
  - Criminal system has higher burden of proof

# Summary continued

- ▶ Commission may limited testimony which it deems repetitive (cumulative)
- ▶ 10 days prior to hearing:
  - Pre-mark exhibits
  - Stipulate facts
- ▶ 5 days prior to hearing:
  - Witness
  - Exhibit list (each party and joint)
  - Submit documents to Secretary
  - One-page summary of case
  - Estimation of hearing length

# Summary continued

- ▶ Prior to opening statements:
  - Submission of exhibits to be admitted without objection
  - Stipulated facts
  - Pre-hearing motions not yet resolved
  - Witness or scheduling problems
- ▶ Parties shall make reasonable efforts to consolidate documents and marking evidence into the records
- ▶ Parties shall make reasonable efforts to avoid cumulative testimony.

# Summary Continued

- ▶ Introduces a standard of conduct for the hearing
  - Being respectful
  - Counsel or argue positions regarding actions as legal or just
  - Abstain from offensive personal remarks
  - Provides recourse for Commission if a party does not maintain standards

# Summary continued

- ▶ Sets timeline for pre-hearing and hearing motions
- ▶ Requires that any motion or objection made during the hearing be supported
  - written citations
  - copies of statute
  - Copies court decision
  - Failure to comply, unless waived by Commission, is deemed withdrawn
- ▶ Sets forth “Pitchess” motion process
- ▶ Codifies Commission’s ability to question witnesses within scope of areas covered



# Discussion and Next steps

- ▶ Receive any further direction from Commission
- ▶ Complete the meet and confer process
- ▶ Bring back final revisions to Commission for adoption consideration at the April meeting.