

# CIVIL SERVICE BOARD PROCEEDING

## FOR DISCIPLINARY APPEAL HEARINGS

### THE OBJECTIVE



**BURDEN OF PROOF.** The *Employer (department or agency)* has the burden of going forward and presenting prima facie case that there is cause for disciplinary action against a permanent employee and this action can only be taken for cause Rule 9.01(2). Thereafter, the employee has the burden of proof, by a preponderance of evidence, that there is no cause for the discipline, insufficient cause for the disciplinary action proposed or that the disciplinary action is otherwise manifestly unjust under the circumstances.

### OVERVIEW

- I. Chair or appointee calls meeting to order; introduction of case before the Board
- II. Roll Call to confirm Board member quorum
- III. Introduction of Board Counsel, CSB office staff, and Court Reporter
- IV. Pledge of Allegiance
- V. Chair may make general announcements related to meeting decorum and/or organizational matters

#### Legal Sufficiency



Prior to taking evidence on any disciplinary appeal, the Board Chair may test the legal sufficiency of the disciplinary appeal and may dismiss the appeal if it is untimely filed or is otherwise dismissible as a matter of law. The Chair's decision to dismiss a disciplinary appeal prior to a hearing on the merits may be overturned by a majority vote of the Board members present at the hearing. *CCPRR Addendum No.2 2.10*

- VI. Proceed with the case
  - a. Both parties identify themselves and/or their clients for the record
  - b. Board Chair will permit either party to invoke the rule to sequester witnesses and provide instructions
  - c. Opening Statements from both parties (3 minutes each)
  - d. Counsel for employer will call their first witness
    - i. Each witness is sworn in by the Court Reporter

- ii. Counsel for employer will begin to question the witness, followed by questioning from employee's counsel or employee (if not represented). Employer counsel may wish to redirect.
  - iii. Board members are permitted, through the Chair, to question the witness after both parties have concluded questioning.
  - iv. Process is repeated for each witness
  - v. At the conclusion of employer's case, Chair will ask if counsel wishes to present evidence into record
- e. Counsel for employee or employee (if not represented) will call their first witness
- i. Steps stated above under VI. d. repeated for employee's case

**VII. Closing Statements from both parties (5 minutes each)**

**VIII. Chair declares Board in Executive Session**

**Board Deliberation and Decision**



- o Neither party shall interject any arguments or statements during the deliberation process.
- o The Board's decision shall include finding of facts and conclusion of law.
- o A motion should ultimately address the discipline:  
Whether the disciplinary action is inconsistent with personnel provisions, rules and regulations, or that it is manifestly unjust under the circumstances, it shall order the reduction or increase of disciplinary action or provide such other action as it deems appropriate. *CCPRR Addendum No.2 2.13*

**a. Chair will entertain a motion from the Board**

- Discussion

**b. Call the Vote**

**IX. Restate decision to all parties**

**X. Chair closes the hearing**

**XI. Public Comments**

**XII. Address any other agenda items**

**XIII. Meeting adjourned**