

CIVIL SERVICE BOARD PROCEEDING

FOR GRIEVANCE HEARINGS

DEFINITION



A grievance, as defined in Rule 9.03(1), is a dispute of any action taken in the administration of the Civil Service and Personnel Rules and Regulations pertaining to any individual's employment or employment rights except as the dispute may be covered by the provisions of Rule 9.05, relating to disciplinary action. A grievance may be filed by an individual employee or a group of employees having the same grievance.

THE OBJECTIVE



BURDEN OF PROOF. The *grievant* has the burden of establishing by a preponderance of evidence that the department or agency has violated a provision of the Civil Service and Personnel Rules and Regulations.

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 grievance, the Board Chair may test the legal sufficiency of the grievance and may dismiss the grievance if it is untimely filed, fails to sufficiently allege violations of Civil Service and Personnel Rules and Regulations or is otherwise dismissible as a matter of law. The Chair's decision to dismiss a grievance 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.1 1.15*

- VI. Proceed with the case
 - a. Both parties identify themselves and/or their clients for the record
 - i. In grievance hearings parties may not invoke the rule to sequester witnesses

- b. **Opening Statements from both parties (3 minutes each)**
- c. **Counsel for employee(s) or employee (if not represented) will call their first witness**
 - i. **Each witness is sworn in by the Court Reporter**
 - ii. **Counsel for employee(s) or employee will begin to question the witness, followed by questioning from employer's counsel; Employee(s) 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 the employee's case, Chair will ask if counsel for employee(s) wishes to present evidence into record**
- d. **Counsel for employer will call their first witness**
 - i. **Steps stated above under VI. d. repeated for employer's case**

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

VIII. Chair declares Board in Executive Session

Board Deliberation and Decision



- Neither party shall interject any arguments or statements during the deliberation process.
- The Board's decision shall include finding of facts and conclusion of law.
- The Civil Service Board shall hear and determine the final appeal of any authorized grievance concerning any action taken in the administration of the Civil Service and Personnel Rules and Regulations. If, after review, the Civil Service Board determines the action taken to be inconsistent with the rules and regulations, it shall order the modification of action taken by the appropriate office, department, board, or independent agency in order to ensure consistency and compliance with such rules and regulations. *Rule 9.03(4)(a)*

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

Meeting adjourned