



PERSONNEL BOARD

RULES OF PROCEDURE

RULE 1: SCOPE OF THESE RULES

The following rules of procedure pertain to hearing or proceedings of the Personnel Board as established by Pierce County Ordinance.

RULE 2: ROLE OF THE BOARD

The Board shall:

- A. Submit a written annual, or more often if required, report to the County Executive and Council concerning the operations of the Personnel System with any recommendations for its improvement. The annual report shall be inclusive of all board actions taken during the preceding calendar year.
- B. Conduct hearings on timely appeals by members of the Career Service on any action concerning:
 1. Methods of examination, appointment or promotion.
 2. Suspensions in excess of twenty working days.
 3. Disciplinary demotion.
 4. Dismissals.
- C. Issue such orders and decisions as it deems proper following hearing said appeal.
- D. Conduct grievance hearings and issue oral or written recommendations to the Executive following timely grievances filed under the grievance procedure (see Section 3.48.020 – Administrative Guidelines) on matters not covered in Item B.

RULE 3: HEARINGS – NOTICE

Following receipt of a written, timely appeal or grievance by an employee, the matter shall be placed on the agenda for the next meeting of the Personnel Board. Regular meetings are scheduled for the second Wednesday of each month and may be changed or cancelled by a majority vote of the board, or by the Human Resources staff if there is no business before the board. If an observed holiday occurs on the second Wednesday of the month, the meeting will be held the following business day. During said meeting, the Board shall fix the time, date and place of hearing the appeal or grievance.

The Board at its option may choose to waive the requirement that the appeal or grievance be placed on the agenda of the next meeting before fixing a later time in which to hear the appeal or grievance. In such cases, following receipt of a written timely appeal or grievance, the Chair may proceed directly to fixing a time and place for the appeal to be heard.

In either case, notice shall be given to all parties to the appeal or grievance by certified mail, return receipt requested, at least ten calendar days prior to the meeting.

RULE 4: CHAIR OF THE BOARD

- A. The Chair shall be elected by a majority of the members of the Personnel Board during the first meeting of the Board in each calendar year, if held, and if not, during the next meeting with the past chair acting until the election is held.
- B. To facilitate the election of a new Chair, the current Chair of the Board can call for nominations or call upon the Human Resources staff member to call for nominations from the members of the Board. Either the current Chair, or the HR staff member, can call for a vote based on the nominations presented.
- C. The Chair shall conduct meetings in an orderly manner and rule on all procedural matters, objections and motions made by any party.
- D. If the Chair is to be absent from a hearing or meeting of the Board, the Chair shall designate an Acting Chair for the hearing or meeting. Should the Chair fail to do so prior to the hearing or meeting, those members of the board present at the hearing or meeting may, by a majority vote, designate an acting chair.

RULE 5: HEARINGS – PROCEDURES AT HEARINGS

- A. Quorum: Three members of the Personnel Board shall constitute a quorum. No quorum shall exist unless at least one employee-elected member is present.
- B. Hearings before the Board shall be recorded by court reporter, supplied by the Human Resources Department on behalf of the Board. Costs for transcripts and/or recordings shall be borne by the party requesting the transcript and/or recording.
- C. Both the employee and the respondent shall provide a list of potential witnesses to the Human Resources Director not less than ten (10) working days prior to the hearing which shall in turn be provided to the board along with the appeal/grievance and allied papers. The Board may exclude and decline to hear the testimony of any witness not listed. Each party is responsible for issuing subpoenas for their respective witnesses.
- D. Each party shall provide ten (10) identical copies of the exhibits that the party will present at the hearing to the Human Resources Director not less than ten (10) working days prior

to the hearing. A party's failure to comply with this requirement may result in the exclusion of all exhibits submitted by that party.

- E. The hearing shall be cancelled if the board does not timely receive, pursuant to Rules of Procedure 5(C) and 5(D), either a witness list or an exhibit list, or both. The grievant or applicant will be notified when a hearing has been cancelled. A new hearing will only be scheduled if the grievant/appellant demonstrates good cause to schedule a hearing.
- F. The Chair shall require all witnesses to testify under oath. The oath shall read as follows:

"Do you solemnly swear (or affirm) that the testimony you are about to give in this matter shall be the truth, the whole truth and nothing but the truth?"
- G. Prior to the questioning, the Chair shall also ask the name and address of each witness for the record.
- H. Opening statements by each party setting out briefly a statement of the basic issue and dispute may be made unless the Chair rules otherwise.
- I. The Chairman shall determine the proper order of presentation of evidence. As a general rule, the appealing employee or representative will present its case first. The Appointing Authority or representative's case will be heard next. Rebuttals, if any, shall be heard last.
- J. Objections to the introduction of evidence or testimony of witnesses may be made by either party and the Chair shall determine whether the objection is to be sustained or overruled.
- K. The Chair may exclude or cut off any testimony or evidence that the Chair determines to be irrelevant or unduly repetitious.
- L. The Chair will allow any testimony or evidence which it deems to be relevant and/or is the best evidence or testimony available.

RULE 6: SPECIFIC PROCEDURES FOR GRIEVANCE HEARINGS

Grievance hearings are considered to be administrative hearings not bound by strict rules of evidence nor administered with a courtroom atmosphere. The purpose is for the parties to explain what happened, what the result was and why, and the remedy sought. Both the grievant and respondent may have an advisor or other counsel whose role shall be to advise during the process and not to testify, or directly or indirectly question the grievant, the respondent, or any witness. The Board will rule on the admissibility of any testimony or evidence. Generally, the operating procedures will be:

- A. The grievant will present its case including an opening statement of the nature of the grievance; what occurred, the impact of what occurred, why the matter is being grieved, and the remedy sought. The grievant may present documentary evidence and may

introduce witnesses. The grievant may ask questions of the witnesses as deemed appropriate.

- B. The grievant may be represented by an attorney or someone else. However, the representative's role will be to advise the grievant during the process and shall not make statements directed toward the Board, testify, or question witnesses, the grievant, or others.
- C. After the grievant has presented its case, the County (respondent) may present its case. As with the grievant, the respondent should explain what occurred, what the result was, if discipline, considerations relative to the severity. Respondent may present direct testimony, present documentary evidence, or introduce and question witnesses.
- D. The respondent may be represented, and the same restrictions as placed on the grievant's representative shall apply.
- E. At respondent's conclusion, the grievant may make a rebuttal statement but may not introduce new evidence during this phase.
- F. The Board may set time limits for case presentation and may ask clarifying questions at any time during the proceedings.

RULE 7: DECISIONS, FINDINGS AND CONCLUSIONS

- A. Upon completion by all parties of testimony, the Chair shall clear the hearing room of everyone except Board members in order to reach a decision.
- B. The Chair may, at any time during deliberations, indicate to the parties that they may wait for a verbal decision, or that a decision will be reached at a later time.
- C. In the event that a majority of the Board is unable to agree upon a decision in a grievance hearing, the Chair shall render both the decision and recommendation of the Board; dissenting members may, but need not, add dissenting recommendations.
- D. In the event that a majority of the Board is unable to agree upon a decision in an appeal hearing, then no order will issue from the board and the appealed action stands.
- E. In any case, a written decision signed by the Chair and at least one of the employee-elected members of the Board shall be mailed to both parties within ten (10) working days, unless otherwise extended by a majority vote of the Board. The parties shall be notified of any extension beyond the ten (10) day requirement.

RULE 8: REMOVAL OF BOARD MEMBER

- A. The Executive may remove any appointed member of the Board for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to confirmation by a majority of the Council.
- B. The Board may remove any employee elected member of the Board for inefficiency, neglect of duty, malfeasance, or three unexcused absences in one year, subject to a majority vote of the Board.