

## **HEARING RULES AND PROCEDURES OF THE HUMAN RESOURCES BOARD OF THE CITY OF RIVERSIDE CONCERNING APPEALS OF PERSONNEL MATTERS**

Pursuant to Section 804 of the of the Riverside City Charter, the Human Resources Board hereby prescribes its hearing rules and procedures concerning personnel matters, copies of which shall be kept on file in the Office of the City Clerk where they shall be available for public inspection.

### **1. SPECIAL MEETING**

- A. Pursuant to Government Code Section 54956, all appeals to the Human Resources Board concerning personnel matters shall be noticed and heard at a Special Meeting of the Human Resources Board.

### **2. CLOSED SESSION**

- A. Pursuant to Government Code Section 54957, all appeals to the Human Resources Board involving specific complaints or charges brought against an employee by another person or employee shall be conducted in closed session unless the employee elects to have the matter heard in open session. The Human Resources Director shall provide written notice to the employee of his or her right to have complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by first class mail at least twenty-four (24) hours before the time for holding the hearing.

### **3. MEETING PROCEDURES**

- A. The Chairperson or, in the absence of the Chairperson, the Vice-Chairperson of the Human Resources Board shall preside at and conduct the meeting.
- B. The meeting shall start in open session.
- C. The Chairperson shall call the meeting to order at or after the time noticed for the meeting.
- D. The Chairperson shall receive public comments from any member of the public present who desires to speak. Each speaker shall be limited to three (3) minutes for comments.
- E. At the conclusion of public comments, the Chairperson shall announce that the Human Resources Board will now adjourn into closed session to conduct the hearing on appeal of the personnel matter listed on the agenda.
- F. If, however, the employee has elected to have the matter heard in open session, the Board shall not adjourn into closed session and the hearing shall commence.
- G. Closed session shall commence after the meeting room is cleared of all individuals unnecessary to the hearing on the appeal.
- H. Witnesses shall also leave the meeting room and only return when called to present their testimony.

- I. Upon conclusion of the hearing, the Board shall adjourn into closed session to deliberate. Closed session shall commence after the meeting room is cleared of all persons except the Board members and the Board's legal counsel.
- J. Upon the conclusion of the closed session deliberations, the Board shall reconvene in open session and the Chairperson shall invite the public back into the meeting room.
- K. After reconvening in open session, the Chairperson shall announce the decision of the Human Resources Board. The Chairperson shall only state that the Board voted to recommend that the appeal be granted or denied, but shall not state the Board's findings and conclusions.
- L. Thereafter, the Chairperson shall adjourn the meeting.

#### 4. APPEAL HEARING PROCEDURES AND RULES

- A. Each party to the appeal hearing may be personally present in closed session during the duration of the hearing along with a representative of their choosing. However, no party shall be present in closed session during Board deliberations.
- B. Either party may represent themselves, or may be represented by an individual of their choosing who will not be testifying as a witness in the hearing; however, only one (1) individual may take part in the hearing as an advocate of the interests of the party they represent.
- C. If the employee fails to appear at the hearing, either personally or by representative, the Human Resources Board shall proceed with the hearing and render a decision on the evidence presented.
- D. Formal rules of evidence shall not apply; however, evidence must bear some relationship to the issues to be decided. The Chairperson shall rule on the admission or exclusion of evidence upon objection by any party. It is within the Board's sole discretion to determine the credibility of the evidence.
- E. The City has the burden of proving, by a preponderance of evidence, (1) there were grounds for discipline and (2) that the level of discipline was appropriate. The employee bears the burden of proving, by a preponderance of evidence, any defenses upon which the appeal depends.
- F. The hearing shall proceed in the following order:
  - 1. The City shall proceed first and may make an opening statement.
  - 2. The employee may thereafter make an opening statement, or defer making an opening statement until after the City concludes presenting its evidence.
  - 3. Opening statements shall not exceed fifteen (15) minutes each.
  - 4. The City shall then present its evidence.
  - 5. The employee shall thereafter present his or her evidence.
  - 6. The parties may then, in order, respectively present any rebuttal evidence.
  - 7. The City may make a closing statement.
  - 8. The employee may thereafter make a closing statement.
  - 9. Closing statements shall not exceed ten (10) minutes each.
  - 10. The Human Resources Board shall then deliberate.

- G. Each party may call and examine witnesses. The opposing party shall have the right to cross-examine witnesses.
- H. Upon recognition by the Chairperson, any member of the Human Resources Board may also ask questions of a witness.
- I. Upon a majority vote of the Board members present, the Human Resources Board may grant a continuance of the hearing for any reason the Board believes to be important in reaching a fair and proper decision.
- J. If a majority of the Human Resources Board members present determines that additional investigation is needed in order to reach a fair and proper decision, it may so direct the Human Resources Department to conduct such investigation and continue the hearing.
- K. If a majority of the Human Resources Board members present are satisfied that they have enough evidence to reach a fair and proper decision, then deliberations commence.
- L. Deliberations shall take place in closed session with only the Board members and the Board's legal advisor present.
- M. Once a final decision is reached by a majority of the Board members present, the Chairperson shall prepare a memorandum of findings and recommendations to be forwarded to the City Manager.

5. AMENDMENT OF HEARING RULES AND PROCEDURES

- A. These Hearing Rules and Procedures may be amended at any regular meeting of the Human Resources Board upon a majority vote of the members present, provided that notice of such amendment was provided in accordance with the Ralph M. Brown Act.

Respectfully Submitted,

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Chairperson  
Human Resources Board

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Date of Adoption