

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 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 Chair or, in the absence of the Chair, the Vice-Chair of the Human Resources Board shall preside at and conduct the meeting.
- B. The meeting shall start in open session.
- C. The Chair shall call the meeting to order at or after the time noticed for the meeting.
- D. The Chair 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. The City Clerk, or their designee, shall administer the oath to all witnesses.
- F. At the conclusion of public comments, the Chair 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.
- G. 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.
- H. Closed session shall commence after the meeting room is cleared of all individuals unnecessary to the hearing on the appeal.
- I. Witnesses shall also leave the meeting room and only return when called to present their testimony.

- J. Upon conclusion of the hearing in open session, the Board shall adjourn into closed session to deliberate. If the hearing was conducted in closed session, then deliberations shall commence in closed session after the meeting room is cleared of all persons except the Board members and the Board's legal counsel.
- K. Upon the conclusion of the closed session deliberations, the Board shall reconvene in open session and the Chair shall invite the public back into the meeting room.
- L. After reconvening in open session, the Chair shall announce the decision of the Human Resources Board. The Chair 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.
- M. Thereafter, the Chair shall adjourn the meeting.

4. APPEAL HEARING PROCEDURES AND RULES

- A. Appeals to the Human Resources Board shall be understood to also include grievances.
- B. Except as otherwise provided for herein, appeals shall be heard by the Human Resources Board no later than sixty (60) calendar days from the date the employee requests the appeal in writing.
- C. Each party may request one (1) continuance of the hearing on the appeal prior to the hearing date. Requests for continuance shall be in writing and delivered to the Human Resources Department no later than seventy-two (72) hours prior to the time and date set for the hearing on the appeal. All such timely requests shall be automatically granted.
- D. Any request for a continuance automatically granted prior to the hearing date and time shall add fifteen (15) calendar days to the time in which the Human Resources Board shall conduct the hearing on the appeal.
- E. Untimely requests for a continuance prior to the date and time set for the hearing shall not be automatically granted; however, the requesting party may verbally ask for a continuance at the hearing.
- F. 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.
- G. The hearing procedure is similar to a trial, with some exceptions. The goal of the hearing process is to provide the parties with a neutral forum to present their respective evidence and request that the Board arrive at a conclusion. The hearing shall be conducted in an informal manner subject to the rules and procedures stated herein.
- H. Each party to the appeal hearing may be personally present 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.
- I. 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.

- J. 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.
- K. Formal rules of evidence shall not apply; however, evidence must bear some relationship to the issues to be decided. The Chair 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.
- L. The City has the burden of proving by a preponderance of evidence that the personnel action taken was warranted and appropriate. The employee bears the burden of proving, by a preponderance of evidence, any defenses upon which the appeal depends.
- M. 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.
- N. Each party may call and examine witnesses. The opposing party shall have the right to cross-examine witnesses. The parties are required to have all witnesses present at the beginning of the meeting to be sworn in by the City Clerk. No witness shall be allowed to testify without first having been sworn in by the City Clerk.
- O. Upon recognition by the Chair, any member of the Human Resources Board may also ask questions of a witness.
- P. Evidence is typically introduced through witnesses. However, evidence can also be stipulated to (agreed upon) in advance by the parties. Also, evidence can be submitted in the form of exhibits or documents, including photographs, recordings, or other tangible items.
- Q. 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.
- R. 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.
- S. Deliberations shall take place in closed session with only the Board members and the Board's legal counsel present.

- T. Once a final decision is reached by a majority of the Board members present, the Chair shall prepare a memorandum of findings and recommendations to be forwarded to the City Manager.
- U. The determination of the Human Resources Board on appeals of personnel matters are advisory only to the City Manager pursuant to Riverside Municipal Code Section 2.36.030.

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,

Chair
Human Resources Board

Date of Adoption