



GRIEVANCE HEARING WORKSHOP

City Attorney's Office

Human Resources Board

March 2, 2020

BIG PICTURE: SKELLY

Written Notice



Skelly Hearing



Full Evidentiary Hearing
(HRB)

DUE PROCESS

1. Hearing has to be fair to Employee.
2. Strict rules of evidence do not apply.
3. You must decide based on evidence presented at the hearing *only*.

BURDEN OF PROOF

1. City has the burden of proving, by a *preponderance of the evidence*, that the charge(s) against the Employee occurred.
2. “Preponderance of the evidence” = more likely to be true, than not true.
3. Therefore: City must prove to you by the evidence presented that it is more likely than not that the Employee committed the charged conduct.

HEARING PROCEDURE

1. See Handout Section 3, and Section 4(M).
2. Hearings will be in closed session unless Employee requests open session.
3. You will deliberate in closed session and the Chair will announce in open session only that the Board voted to recommend granting or denying appeal, **but shall NOT state findings and conclusions.**

PRACTICAL CONSIDERATIONS

1. Take notes (but DO NOT share)!
2. Everything is audio-recorded; speak clearly, and one person at a time; Chair must enforce this.
3. Closed session discussion and materials is CONFIDENTIAL—breach is Brown Act violation.

QUESTIONS?

