

VENTURA COUNTY CIVIL SERVICE COMMISSION

FORMAL APPEAL HEARING PROCEDURES (last revised 11/19/2015)

[For informal hearings, see Ventura County Ordinance Code Section 1352-8.]

Except as otherwise directed by the Commission, the following procedures shall apply to all appeals:

1. HEARING DATES: At its regular business meeting, the Commission shall set one or more dates as required for the hearing of the appeal. At that time, the parties shall:
  - Notify the Commission regarding any witness availability problems;
  - Provide a reasonable estimate of the time needed to complete the hearing; and
  - Advise the Commission of any other factors that might assist the Commission in selecting an appropriate hearing date.

Except for good cause shown, an appeal shall be set for hearing on the earliest date(s) available on the Commission's calendar.

Following the selection of hearing dates, the Commission Chair shall appoint a hearing panel and panel chair or, if appropriate, a hearing officer (see Ventura County Ordinance Code section 1352-4).

2. PREHEARING CONFERENCE: The Commission may direct the parties to schedule a prehearing conference with the Commission's law advisor.

The conference may be conducted in person or by telephone and shall be concluded no later than 20 days before the hearing is set to commence.

The law advisor will preside and shall direct the parties to accomplish the purposes of the conference, which shall be

- to ascertain and narrow the issues in dispute;
- to confirm or revise, if necessary, the briefing schedule set by the Commission, or pursuant to paragraph 3, below;
- to raise and attempt to resolve any known legal or evidentiary disputes (such as witness availability and issues of privilege); and
- to establish reasonable time limits for each party to present its case-in-chief as well as rebuttal testimony, including cross-examination of witnesses.

The law advisor shall have the authority to direct the parties to include discussion of any and all disputed matters in their briefs and to require the parties to enter into written stipulations regarding any and all undisputed matters.

3. BRIEFS AND EXHIBITS:

- a. At least fifteen (15) days before the hearing date, each party shall file with the Commission an original and two (2) paper copies in addition to one copy in pdf format, and deliver a single paper copy to the law advisor and the opposing party, of the following:
  - i. A hearing brief, not to exceed 15 double-spaced pages in length, setting forth:
    1. a concise statement of the facts, describing the events leading to the disciplinary action or other action for which the appeal was filed;
    2. an explanation of the legal or evidentiary issues that require resolution by the Commission;
    3. a list of all witnesses the party intends to call, with a brief summary of the testimony each witness is expected to give;
    4. the estimated time the party expects each witness to be undergoing direct and cross-examination.
  - ii. A list of all exhibits the party expects to offer in evidence. If a party intends to offer a recording in evidence, a certified transcript of the portion of that recording to be offered must be included as a separate exhibit.
- b. No later than five (5) days before the first hearing date, each party shall file with the Commission an original and two (2) paper copies in addition to one electronic copy in pdf format, and deliver a single paper copy to the law advisor and the opposing party, of the following:
  - i. all exhibits that the party expects to offer in evidence. The exhibits shall be 3-hole punched, securely fastened, and pre-marked by the parties as follows:
    1. Appellant's exhibits shall be marked and numbered starting with "Exhibit A Page 1 of \_\_", "Exhibit A Page 2 of \_\_", "Exhibit A Page 3 of \_\_", etc.
    2. County's exhibits shall be marked and numbered starting with "Exhibit 1 Page 1 of \_\_", "Exhibit 1 Page 2 of \_\_", "Exhibit 1 Page 3 of \_\_", etc.

AND

- ii. any reply brief, not exceeding five double-spaced pages, which shall be limited to issues raised in the other party's brief that were not discussed in the party's opening brief.

c. All paper copies of briefs and exhibits shall be printed on recycled paper.

4. **ADDITIONAL EXHIBITS:** The parties shall bring to the hearing a minimum of seven (7) copies of any additional documents or exhibits that they plan to offer as rebuttal evidence so that, if offered, copies can be marked and distributed to the hearing panelists, law advisor, opposing party and witness.
5. **LAW ADVISOR'S RECOMMENDATIONS:** After reading the briefs, and not later than two (2) calendar days before the hearing date, the law advisor may, in his discretion, deliver to the panel hearing the appeal any recommended rulings on legal and evidentiary issues remaining in dispute.

The law advisor shall serve copies of any recommendations he delivers to the panel on the parties to the appeal.

The hearing panel may consider the law advisor's recommendations at the outset of the appeal hearing, and may either adopt or reject each of the recommendations.

6. **CONTINUANCES:** Any party requesting a continuance of a scheduled hearing shall forthwith notify the opposing party and attempt to obtain a stipulation to the continuance, and shall immediately contact Commission staff and provide the following information:
  - facts constituting good cause for the continuance;
  - any opposition or agreement by the other party; and
  - proposed new date(s) for the hearing.

Commission staff shall relay the request to the Panel Chair. In the event the Panel Chair is unavailable, the Commission Chair or Vice-Chair may grant the continuance.

A request for continuance must contain a showing of good cause and an indication of whether or not the other parties to the proceeding oppose it. Oral requests made the day of the hearing are disfavored.