

# CIVIL SERVICE COMMISSION APPEAL HEARINGS POLICIES AND PROCEDURES

(Amended July 2021)

The Harris County Sheriff's Office Civil Service Commission ("the Commission") has adopted the following rules, amended and effective August 1, 2021, for the preparation and presentation of matters at formal hearings before the Commission ("the hearing") that pertain to appeals by covered employees from Harris County Sheriff's Department disciplinary actions.

## A. PRE-HEARING PROCEDURES

- 1. REQUEST FOR HEARING:** All requests for hearing must comply with the Civil Service Commission Regulation 3.10. A preliminary hearing date shall be assigned to the matter and communicated to the Appellant and to the County Attorney.
- 2. DOCKETING OF HEARINGS:** Parties shall receive a hearing date and docket order number, between 1 and 5, that their matter will appear on the Commission docket. It is the responsibility of the Parties and their counsel to check the Commission website under Current Appeals Docket, for any changes to their hearing date.

For example, when a hearing request is made, the Director shall send an acknowledgement, according to Rule 3.10(b), which will include the hearing date and docket number. The Parties will be notified of: *Hearing Date - July 13, 2021, Docket Number – 3*, which means the appellant's matter will be heard on July 13, 2021 and it is number 3 on the docket. On the day of the hearing, the Parties with docket numbers 1, 2 and 3 must show up at the hearing location, at 8:30am for docket call and be prepared to announce *Ready*, or their case may be dismissed.

If a Party has docket number 4 or 5, then the Parties do not need to show up for the 8:30am docket call; however, they should be on stand-by in case their case is moved up and called to be heard on that day. The Parties, counsel and witnesses should be prepared, to arrive at the hearing location within one hour, after counsel receives a call from the Director. The cases in docket positions 4 and 5 are on call until 10:30am on the scheduled hearing date.

If a case is not called to be heard on its scheduled hearing date, then it will be rolled over to the next scheduled hearing and moved to the top of the docket.

For example, if a case is scheduled for July 13, 2021 with docket number 5 but is not reached, then it will be rescheduled to the next hearing date, which in this case is July 21, 2021 with docket number 1. All other cases on the docket will be updated to accommodate the changes to the docket. That includes all other case hear dates and docket numbers. **IT IS THE RESPONSIBILITY OF THE PARTIES AND THEIR**

**COUNSEL TO CHECK THE COMMISSION WEBSITE FOR ANY CHANGES TO THEIR HEARING DATES AND/OR DOCKET NUMBER.**

- 3. POSTINGS:** A schedule of the Commission's pending docket can be obtained at any time by visiting the Commission's website under Appeal Hearing Information.

All official postings of upcoming hearings or business meetings of the Commission can be found on the Commission's website under Postings. Each Party is responsible for checking the website for changes to their hearing date.

- 4. PRE-HEARING STATEMENTS:** Each Party is required to submit a pre-trial statement no later than 10 days prior to their scheduled hearing. Please see the Commission Website under Appeal Hearing Information for a copy of the Pre-hearing Statement form.
- 5. THE PANEL:** The Panel assigned to hear the Appeal ("the Panel") will consist of three (3) Commissioners, all of whom were appointed in accordance with Section 158.034, Texas Local Government Code ("TLGC"), one of whom will serve as Chairman of the Panel.
- 6. SUBPOENAS:** Witness lists that require the Commission to issue subpoenas must be submitted to the Commission office no less than ten (10) days prior to the date of the hearing.
- 7. PRODUCTION OF EVIDENCE BY COUNTY ATTORNEY:** No later than 45 days after notice of Appellants request for appeal, the Sheriff's Department shall deliver a true and complete copy of the investigative file maintained by it, pertaining to the disciplinary action being appealed, to the Appellant or his/her designated representative. All supplements shall be made no less than 20 days prior to the date of the scheduled hearing. Appellant may file with the Commission a motion to compel evidence if the Sheriff's office is nonresponsive.  
Under no circumstances shall Appellant's hearing occur less than 30 days from the date that Appellant receives the investigative file.
- 8. PRODUCTION OF HEARING EXHIBITS:** The Parties shall exchange exhibits, exhibit lists and witness lists, no less than ten (10) days prior to the date of the scheduled hearing. The parties will make good faith efforts to stipulate relevant non-disputed facts.
- 9. CHARACTER WITNESS TESTIMONY:** Proposed character testimony must be in writing and signed by the proposed character witness. No more than four (4) such writings will be accepted by the Commission.

**10. REQUESTS FOR CONTINUANCE:** All motions for continuance must be presented to the Commission Director at least ten (10) days prior to the scheduled hearing date, in which case, the Commission Chairman may determine the motion without convening a hearing to consider the motion.

**B. CONDUCT OF THE HEARING:**

1. **THE PANEL:** The hearing will be conducted by a three (3) person Panel (see Paragraph entitled “The Panel” above).
2. **APPEARANCE BY APPELLANT:** The Appellant must appear in person and may be represented by counsel and may call fact witnesses with information relevant to the appeal in accordance with these rules.
3. **APPEARANCE BY SHERIFF:** The Sheriff or his designee may appear in person and/or be represented by counsel and may call fact witnesses with information relevant to the appeal in accordance with these rules.
4. **PRE-HEARING CONFERENCE:** The parties must confer in good faith on all matters at issue in an appeal and must announce their agreements and stipulations or the inability to agree on any matter prior to the commencement of the hearing.
5. **MOTIONS AND PRE-HEARING OBJECTIONS:** All motions and objections to evidence produced in advance of the hearing in accordance with these Rules will be presented to the panel prior to opening statements and, if appropriate, the Chairman will determine the admissibility of the proposed evidence at that time.
6. **OPENING STATEMENTS:** The parties will be allowed to make opening statements, limited to five (5) minutes per party.
7. **OPENING:** The Sheriff's Department will open the proceedings, both with opening statement and with the presentation of evidence.
8. **PRESENTATION OF EVIDENCE AND TESTIMONY:** Evidence and testimony will be presented by the parties or their representatives as allowed by these rules.
9. **TIME LIMITATIONS FOR PRESENTATION OF TERMINATION CASES:** In hearings of appeals from termination of employment, each party's presentation will be limited to one-hundred twenty (120) minutes, including the time required for opening statements and closing statements.

10. **TIME LIMITATIONS FOR PRESENTATION OF OTHER CASES:** In hearings of appeals from demotions in rank, suspensions from duty or any other appealable action, each party will be limited to seventy-five (75) minutes, including the time required for opening statements and closing statements.
11. **MOTIONS TO EXTEND TIME:** Motions to extend the time allocations set out in paragraphs 9 and 10 may be considered by the Panel and may be granted, limited or denied, in its sole discretion.
12. **TIME KEEPER:** The chairman of the Panel or his/her designee will act as time keeper, limiting the presentation of testimony and evidence in accordance with these rules.
13. **EVIDENCE TO BE CONSIDERED:** The Panel will consider only the evidence, testimony and statements of the parties or their representatives presented at the hearing and admitted into evidence in its determination of the outcome of the hearing.
14. **CLOSING STATEMENTS:** The parties will be allowed to make closing statements, limited to five (5) minutes per party.
15. **DECISION OF THE PANEL:** Upon completion of the hearing, the Panel may go into executive session to discuss the evidence presented. The Panel will render its decision and each commissioner shall announce his/her decision to the parties and attendees present. The decision will be reduced to writing and signed by the Chairman of the Panel.
16. **FINALITY:** The decision of the Commission will be final and binding upon all parties, subject to the right of appeal contained in Section 158.037 of the TLGC.