

CLASSIFICATION APPEAL HEARING OFFICER MANUAL

DESCRIPTION OF DUTIES AND RESPONSIBILITIES

Only merit employees and their supervisors may appeal a decision by the Human Resources classification staff to a Classification Hearing Officer. Hearing Officers have a responsibility to be as objective as possible to ensure the hearing is fair and effective. The Hearing Officer is also responsible for making a recommendation to the Director of Human Resources of the appropriate grade and title for the position under appeal.

CLASSIFICATION PROCESS

- Job review/audit by Human Resources analyst. The employee and supervisor are notified of findings.
- If dissatisfied, employee and supervisor meet with Classification Team and present new or additional information
- The Classification Team reviews additional information, if any, and makes a written recommendation to Human Resources Director to either uphold the original classification or to reclassify the position.
- The Human Resources Director reviews the Classification Team recommendation, issues a decision and notifies employee and supervisor.
- If the employee or supervisor disagrees, an appeal may be filed by submitting a Position Classification Appeal form to the Human Resources Director within 14 calendar days from receipt of the Human Resources Director's decision.
- The Human Resources Director will refer the appeal to the EEO Manager/designee.

APPEAL PROCESS

- The EEO Manager/designee maintains a list of classification hearing officers. The employee selects a hearing officer from this list to hear the appeal. The employee may select a primary hearing officer and an alternative hearing officer unless the employee prefers to postpone the hearing until the primary hearing officer is available.
- The classification hearing shall be convened within 14 calendar days from receipt of the appeal or as soon as practical.
- At least seven calendar days prior to the hearing, the EEO Manager/designee will notify both parties of the date, time and place of the hearing.
- The hearing officer will be provided with the employee's appeal forms and all other information relevant to the classification decision including previous audits, classification decisions and related information.
- Appeal hearings will be recorded and are not bound by legal procedures or the rules of evidence.
- Hearing proceedings are at the discretion of the Hearing Officer, but should follow the guidelines in [Human Resources Policy 2-200](#), Allocation and Classification of Merit Positions.
- Either party may present their case personally or through a representative of their choice.
- Witnesses may be excluded from the proceedings at the request of either party until called to testify.

HEARING GUIDELINES

Before the hearing...

- Review Human Resources Policy 2-200, Allocation and Classification of Merit Positions.
- Review the written appeal to be sure the basis of the appeal is clear. Ask for written clarification if needed.

During the hearing...

- Make sure the hearing is recorded.
- Explain the hearing is not a trial.
- Name the parties and state the nature of the complaint. Make sure the basis for the appeal and each issue is stated clearly.
- Explain the employee has the burden of proof and will present first.
- Explain the role of the hearing officer, stressing findings of facts, objectivity and acting in the best interest of the County and the employee.
- Explain your written recommendation with findings will be submitted to the Human Resources Director within 14 calendar days. The HR Director will make a final decision and will provide a written decision to the parties within 14 calendar days after receipt of the recommendation.
- Ask both parties whether they feel comfortable with the people present and their role in the hearing. Dismiss any who are legitimately objected to (this is not an open meeting unless the employee requests that it be open).
- Ask witnesses to leave the room, giving them an approximate time when they will be recalled. If possible, arrange to call them at their work stations when they are needed.
- Mark evidence as submitted (Exhibit 1, etc.). Make sure the evidence presented relates to the issue(s).
- Ask if there are any stipulations. Either party may provide written stipulations stating that if a witness were called, they would testify to the same points. Both parties must agree to the stipulation or the witness must be called to testify.
- Determine the order of the hearing and time limits:
 - Each party or representative may briefly (about 5 minutes each) summarize their case in opening statements.
 - The employee presents evidence and witnesses first.
 - After direct examination by the employee, HR staff may cross examine the witness.
 - After both parties have questioned the witness, the hearing officer may question the witness.
 - The HR staff presents evidence and witnesses after the employee's presentation.
 - After direct examination by HR staff, the employee may cross examine the witness.
 - After both parties have questioned the witness, the hearing officer may question the witness.
- Remind witnesses to be truthful by asking, "Do you agree to tell the truth and only the truth?" before they answer questions.
- Questions should relate only to the issues of the case.
- When one party challenges the relevance of evidence and witnesses, the other party may briefly state the relevance; the hearing officer decides whether the justification is valid.

- Keep the hearing moving by reminding people of the time limits, requesting shorter statements and limiting evidence, testimony and questions to only relevant information.
- Both parties may make closing statements.
- Either party may present rebuttal evidence or witnesses
- At the end of the hearing, thank the participants for their time.
- Officially close the hearing.

HEARING OFFICER'S FINDINGS AND RECOMMENDATION

- Consider all information presented at the hearing, as well as those factors relating to the job classification such as the responsibilities assumed by the employee, the complexity of duties, similarity of duties performed by others, organizational structure, internal equity considerations, market salary data, the factor plan and other facts applicable to the classification of the position.
- Submit a written, dated and signed report of findings and recommendation (title and grade) to the Human Resources Director within 14 calendar days from the last hearing date.
- Submit an invoice for your services with the recommendation or within 14 calendar days of completing your recommendation.

HUMAN RESOURCES DIRECTOR'S DECISION, NOTIFICATION AND IMPLEMENTATION

- The Human Resources Director will issue a final decision within 14 calendar days after receipt of the Hearing Officer's written recommendation. Copies of the Director's decision and the Hearing Officer's findings and recommendation will be sent to the employee, the immediate supervisor, division director, department director or elected official and the EEO Manager/designee.
- The Human Resources Director's final classification decision will be implemented by Human Resources within 14 calendar days from the date of issuance.