

**Minutes of the Marshall County Personnel Board
Public Hearing for Modifications to the Employee Handbook
Procedures for Conducting Personnel Board Hearings
Monday, January 12, 2015**

A meeting of the Marshall County Personnel Board was held on Monday, January 12, 2015 at 5:30 p.m. in the Commission Chambers of the Marshall County Courthouse in Guntersville, Alabama. The purpose of the meeting was to hold a public hearing to discuss amending the Personnel Policies to add procedures for conducting Personnel Board hearings.

The following Board members were present:

Jason Windsor, Chairman
Keith Swisher, Vice Chairman
Charles Whisenant, Board Member
Randall Haney, Secretary
Ben Gamel, Board Member

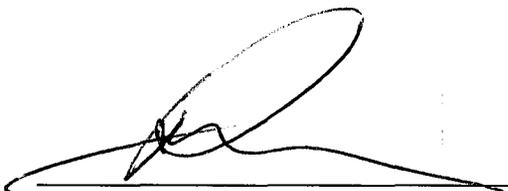
Also present were Board Attorney Jeffrey McLaughlin, Personnel Administrator Christy Kelley, and Personnel Assistant Beverly Lemons.

Chairman Windsor announced that the purpose of the public hearing being held by the Marshall County Personnel Board was to discuss proposed policy changes to the Marshall County Employee Handbook. The changes are to amend Section 10.2.5 and the referenced appendix to add procedures for conducting Personnel Board hearings.

A copy of the proposed change to policies is attached.

Chairman Windsor called the public hearing to order at 5:30 p.m. There were no comments concerning the proposed policy change.

Chairman Windsor closed the public hearing at 6:00 p.m.



Randall Haney, Secretary
Marshall County Personnel Board
Meeting Date: January 12, 2015

2-9-15

Date

10.2.5. Add one sentence:

The procedure for conducting of the hearing under this subsection is contained in Appendix _____.

APPENDIX _____:

Prehearing procedure.

- A. Other than the filings set forth in this Chapter, no other filings shall be made in connection with a hearing other than the issuance of subpoenas to compel the attendance of witnesses and/or production of documents. Specifically, there shall be no prehearing “discovery” nor shall there be any effort, via any type of filing, written submission, or any informal, verbal, or other communication, to contact any member of the Personnel Board. Failure to follow this rule may result in punishment in the same manner and degree as for contempt of court, including issuance of an order granting some or all issues in favor of the party which did not commit the contempt.
- B. Any motions filed by either the employee or the appointing authority will be taken up at the beginning of the hearing.
- C. The hearing shall be conducted by the Chair of the Personnel Board, or his designee, which may be another Board Member or the Board’s attorney.
- D. The hearing will be conducted in accordance with the rules applicable in Alabama courts, specifically, the Alabama Small Claims Rules.
- E. The actual hearing will be conducted as follows:
 - 1) Employee goes first. Employee, or any witness called by the employee, must take an oath or affirmation to tell the truth, the whole truth, and nothing but the truth. Employee (or employee’s witness) explains why the decision of the appointing authority was incorrect, improper, or otherwise due to be changed.
 - 2) The appointing authority, or counsel, if the appointing authority is represented by counsel, may question the employee or the employee’s witness.
 - 3) Any member of the Board may ask a question of the employee or the employee’s witness.

- 4) The employee may present any other witness, or himself or herself, who must swear or affirm to tell the truth, the whole truth and nothing but the truth, and ask that witness questions, or offer testimony directly.
- 5) The appointing authority, or counsel, if the appointing authority is represented by counsel, may question that witness or the employee.
- 6) Any member of the Board may ask a question of the witness or employee.
- 7) Steps 4, 5, and 6 may be repeated for the witness (or employee) until all questions by the employee, the appointing authority, and the Board are answered.
- 8) The employee may call another witness.
- 9) Steps 4, 5, and 6 are repeated for that witness.
- 10) Steps 8 and 9 are repeated until the employee has presented his or her last witness.
- 11) The appointing authority may then present its representative or other witness to explain why the decision of the appointing authority was correct or proper, and not due to be changed. The representative or other witness must swear or affirm to tell the truth, the whole truth and nothing but the truth.
- 12) The employee may question the appointing authority's representative or witness.
- 13) Any member of the Board may question the appointing authority's representative or witness.
- 14) The appointing authority may present any other witness, or its own representative, who must swear or affirm to tell the truth, the whole truth and nothing but the truth, and ask that witness questions.
- 15) The employee may question the witness.
- 16) Any member of the Board may question the witness.
- 17) Steps 14-16 are repeated until all questions by the appointing authority, the employee, and the Board are answered.
- 18) The appointing authority may call another witness.
- 19) Steps 14-17 are repeated for that witness.

- 20) Steps 18 and 19 are repeated until the appointing authority has presented its last witness.
- 21) The Board may call and question any additional witnesses, who must swear or affirm tell the truth, the whole truth and nothing but the truth.
- 22) The employee and the appointing authority may question any such witnesses in the manner described above.
- 23) The employee may present any final statement to the Board.
- 24) The appointing authority may present any final statement to the Board.
- 25) The Board will declare the hearing concluded.
- 26) The Board may take a recess and confer about the case and then reconvene and announce a decision, or the Board may adjourn the hearing, meet at another time, and announce a decision thereafter. In any event, the Board must issue a signed, dated, written decision, including its findings of fact, within fifteen days of the conclusion of the hearing.