

Rules of Administrative Procedure



Personnel Board Prince George's County, Maryland

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PREAMBLE

Rules included herein are subordinate to all provisions of the Prince George's County Charter adopted in the general election of November 3, 1970 and the provision of Subtitle 16, titled "Personnel" of the Prince George's County Code.

1. Publication and Indexing of the Rules

The Board shall submit a copy of these Rules to the County Executive for publication thereof and the Board shall make them available to the general public at a reasonable cost, which shall not exceed the cost of publication.

2. Petition for Adoption of Rules

Any interested person may petition the Board requesting the consideration of an amendment(s) to any rule. Such petition shall be by letter addressed to the Chairman of The Board. Upon the receipt of such a letter, the Board shall make it available to the general public for comments and after a period of not less than 20 nor more than 60 days, the Board shall, in executive session or public hearing as it deems appropriate consider and act upon the proposal. Any favorable action by the Board upon any such amendment shall be transmitted to the County Council for consideration.

3. Hearing/Official Record of Cases

(a) In any case all interested parties shall be afforded a hearing after reasonable notice. The notice shall state the time, place and nature of the hearing. The Board shall prepare an official record which shall include the testimony and exhibits in each case but it shall not be necessary to transcribe the record unless requested for the purpose of court review by any party to the proceedings of an appeal before the Board or otherwise required by the Board. Any party so requesting a copy of such transcript or any party appealing to the Court shall bear reasonable costs therefor. Informal disposition may also be made of any appeal by stipulation, agreed statement, consent order or default. Any such disposition is subject to approval by the Board.

(b) The Personnel Board or hearing examiner will make every reasonable effort to limit appeal hearing sessions to four (4) hours. Should it be evident to the Board or

hearing examiner that Appellee and Appellant presentations cannot be concluded in approximately four (4) hours, the session will be recessed and reconvened at a later date.

(c) A docket of Board hearings and hearings before a hearing examiner shall be maintained in the Office of Personnel and shall be open for public inspection. It shall contain the names of the parties, a brief resume of the issue or issues, date filed, date of scheduled hearings, space for remarks, and an identification number.

4. Rules of Evidence

(a) The Board or hearing examiner may admit and give probative effect to evidence which possesses probative value commonly/accepted by reasonable and prudent men in the conduct of their affairs. The Board or hearing examiner shall give effect to the rules of privilege recognized by law. The Board or hearing examiner may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(b) All evidence including records and documents offered and received by the Board or hearing examiner in any case shall be made a part of the record in that case and no other evidence shall be made a part of the record in that case and no other evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies of excerpts, or be incorporated by reference.

(c) Every party, every member of the Board, and each hearing examiner shall have the right of cross examination of the witnesses who testify.

(d) The Board or hearing examiner, with notice to the parties, may take notice of facts of general knowledge and general, technical or scientific facts within its specialized knowledge. The Board or hearing examiner may also take notice of laws, statutes, ordinances, regulation and executive orders of the United States, the states, local political subdivisions and municipal corporations. Parties shall be afforded an opportunity to contest facts or law so noticed. The Board or hearing examiner may utilize their experience, technical competence and specific knowledge in the evaluation of evidence presented.

(e) Original official personnel files in total, will not be accepted as exhibits. Should the Appellee, Appellant, Board or hearing examiner wish all or any part of the personnel file to be accepted as an exhibit, suitable copies of such exhibits must be provided to the Board or hearing examiner. The official personnel file will be made available to the Appellant and Appellee in the Personnel Office prior to the

hearing date for the purpose of reproducing desired exhibits. All examination and reproduction of the personnel file will be under the supervision of the Personnel Office.

(f) Any written exhibit provided in a hearing conducted by the Board must be presented in copies of eight (8). Any written exhibit provided in a hearing conducted by a hearing examiner must be presented in copies of four (4). This will allow an official copy and sufficient copies for simultaneous examination by Appellee, Appellant and individual Board members or hearing examiner.

5. Requirement of a Quorum

Three (3) members of the Board shall constitute a quorum. No decision of the Board shall be made in any case unless a quorum is present. Decisions will be made by a majority of those present. In no case shall any member of the Board cast a vote unless present at the hearing of the case or until having reviewed portions of the Record in which the member was absent.

6. Decisions

(a) Every decision and order of the Board shall be in writing or stated in the record and shall be accompanied by findings of facts and conclusions. The findings of fact shall consist of a concise statement of the basis for each issue of fact and the conclusion shall be based upon findings of fact. A copy of the decision, order, accompanying findings and conclusions, and recommendation of the hearing examiner, if applicable, shall be delivered or mailed promptly to each party or their attorney of record.

(b) Decision of the Personnel Board, in most cases, will be at a date subsequent to that of the hearing. Parties involved will be notified of the time that the decision will be available in the Personnel Office. At their option, the decision may be picked up or sent by registered mail.

7. Order of Proceedings Before the Board or a Hearing Examiner

(a) The Chairman of the Board, his designee or a hearing examiner shall preside at all hearings.

(b) Whether a hearing will be public will be at the option of the Appellant. Witnesses shall be sequestered if so requested by either party.

- (c) The Appellant may represent his own case or be represented by a responsible representative of his own choosing.
- (d) In the case of adverse action appeals constituting a disciplinary action against a permanent status employee, the appointing authority shall proceed first. In the case of all other appeals, the Appellant shall proceed first.
- (e) In the case of all appeals, after the party first proceeding has presented its case, the other party may present a defense. The party first proceeding may make a rebuttal presentation.
- (f) At the conclusion of each hearing, parties may make a closing argument if they so desire or are so directed by the Board.
- (g) In hearings conducted by the Board, at the conclusion of the hearing, the Board will retire and its decision shall be issued by the Chairman of the Board within a reasonable period of time.
- (h) In hearings conducted by a hearing examiner, the hearing examiner shall, within thirty (30) days of the conclusion of the hearings make his written findings of fact, conclusions, and recommendations to the Personnel Board together with all the evidence, records, and documents received in the case. The decision of the Personnel Board shall be issued by the Chairman of the Board within a reasonable period of time thereafter.

8. Executive Sessions and Non Contested Hearings

In executive sessions and non-contested hearings, procedure of the Board may be governed by Robert's Rules of Order, newly revised, Scott, Foresman and Company, 1970 edition.

Delores M. Stuckey, Chair

