



Civil Service Commission

Board of Review Rules & Procedures

July 9, 2026



Overview

- Why are we here?
- What is a board of review hearing?
- What happens before, during, after the hearing?
- What are some rules of conduct for the hearing?
- How do you reach a decision?



Why Are We Here?

- Allegation of Employee Misconduct
- Civil Service Rules & Regs
 - § 6.4: Causes for employee discipline
 - § 6.6: Notice of discipline
 - Section 7: Board of Review (BOR)



What is a BOR Hearing?



- Arguments from each party
- Usu. represented by counsel
 - Dif. attys for dept. & BOR
- Opening & closing arguments
- Both sides present evidence & call witnesses
- BOR adjourns to deliberate & render opinion



Rules & Procedures for BOR Hearings

Approved by Civil Service Commission 8/11/03
Revision Approved 9/15/03

CITY OF SANTA CLARA

Rules and Procedures for the Conduct of Hearings and Boards of Review

PREAMBLE:

- A. The Civil Service Commission shall meet and act as a Board of Review when required under the provisions of Section 7 of the Civil Service Rules and Regulations.
- B. The purpose of these Rules and Procedures is to provide a fair and impartial hearing in which the facts are developed in an expeditious manner.
- C. To guide the Board in its conduct involving a termination, suspension, demotion or reduction in pay as defined therein, the following rules and procedures shall be adhered to:
 - 1. The hearing shall be: informal, open to the public, unless otherwise ordered by the Board or at the request of the person involved.
 - 2. The technical rules relating to evidence and witnesses shall not apply; however, only evidence relevant to the disciplinary action in issue will be accepted. Evidence may be excluded if:
 - a) it is irrelevant, or if
 - b) it is unduly repetitious, or if
 - c) it will confuse the issues, or if
 - d) matters it seeks to prove are otherwise established.
 - 3. Hearsay evidence may be admitted but shall not be sufficient in itself to support a finding. Oral evidence shall be taken only on oath or affirmation.
 - 4. During the hearing, either party who wishes to submit exhibits for consideration must provide ten (10) copies to the Board.

PRE-HEARING:

- A. The Appointing Authority may take action against an employee for one or more causes specified in Section 6.5 of the Civil Service Rules and Regulations. Written notice of the action taken by the Appointing Authority and specific reasons shall be furnished to the employee by either personal delivery or first class mail to the employee's address on file with Human Resources.
- B. Within ten (10) calendar days from the date of receipt or posting of the written notice of the action as set forth in Section 6.6,



Before the hearing...

- Employee notified in writing
- Employee has 10 days to appeal
- CSC/staff sets date(s) for the hearing
- Parties submit witness lists & written statements describing the dispute
- Employee may request that hearing be closed to the public
- Parties may request subpoenas be issued by the CSC





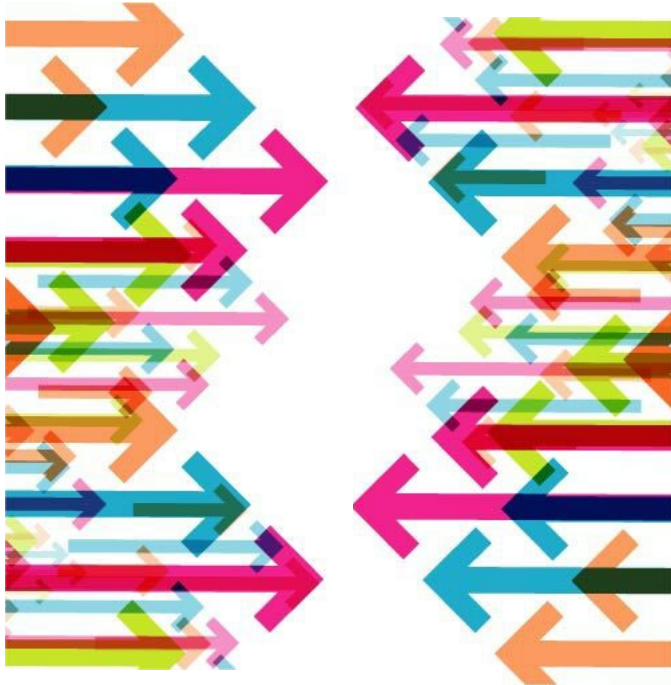
At the hearing...

- Procedural discussion
- Opening statements
- Present testimony (in person or by affidavit)
- Introduce exhibits
- Cross-examine witnesses
- Closing statements





Order of Proof



- Dept present evidence supporting the discipline
- Employee presents evidence in defense
- Parties may cross-examine witnesses after direct testimony
- Dept provides rebuttal
- Employee provides rebuttal



Conduct of the Hearing

- Make no assumptions about appropriateness of disciplinary action; do not discuss with others
- Be guided by the weight of the evidence presented; receive no evidence outside the hearing
- BOR members may ask additional questions of witnesses to understand the pertinent facts
- Must be disinterested, impartial arbiter
- Assist the Chair to ensure a fair & orderly hearing



Conduct of the Hearing

- Chair serves as presiding officer.
 - Opens & closes the hearing
 - Explains hearing procedures
 - Administers oaths





Conduct of the Hearing



- Chair serves as presiding officer.
 - Preserves order
 - Rules on *objections*
 - Accepts evidence into the record



After the hearing...

- Board adjourns into closed session
- Board renders decision within 10 days (14 days for grievance)
- Decision must be in writing
- Uphold, overturn, or *modify* department decision
- Decision is final as to City administrative process, and is binding upon the dept and the employee





How do you reach a decision?



- Standard of Review is *de novo*
- *Burden of proof* is on the Department
- *Standard of proof* is preponderance of the evidence
- Majority vote (3 / 5)



Questions?



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