OBJECTION TO UNCERTAINTY OR AMBIGUITY OF DISCIPLINARY CHARGES

Sec. 77. The employee may object to the letter of charges on the grounds of ambiguity or uncertainty, when filing an appeal and request for a hearing. If the objections are overruled by the Commission, the Executive Director shall inform the employee of the Commission's decision in writing. If the objections are sustained by the Commission, the Executive Director shall inform the disciplining authority, in writing, within three days of the Commission's decision. Within the following 10 days, the disciplining authority must then either file amended charges or withdraw the original charges. Should the disciplining authority amend the charges, then Section 75 shall apply to the amended charges. An employee who, without good cause, does not file a statement of objection to the letter of charges shall thereafter be deemed to have waived his/her rights to object to the letter of charges on the grounds of ambiguity or uncertainty.

REQUEST FOR CONTINUANCE

Sec. 78. Except for good cause, no request for continuance or postponement of a hearing to another date and time shall be granted unless it is in writing and received by the Commission at least 10 days before the scheduled hearing date. However, if the employee is involved in criminal proceedings before a Grand Jury or court of competent jurisdiction, he/she may request that the hearing be postponed until any criminal proceedings are terminated. Either the employee or his/her designated representative may request a continuance. As a condition of granting an employee's request for either a continuance or postponement, the Commission may direct that, in the event of the employee's reinstatement, no seniority or any other employee benefits shall accrue to the employee for the period between the original hearing date set and the new hearing date granted by the Commission.

Should the hearing be postponed because of the employee's involvement in criminal proceedings, the employee shall notify the Commission of the court's conclusion and/or disposition within five days of the court's issuance of such conclusion and/or disposition. Should the employee fail to comply with this notification procedure, he/she shall be deemed to have abandoned the appeal. After receiving the proper notice and after giving the employee a minimum of 10 days advance notice of its intent to proceed, the Commission shall proceed pursuant to Section 79 of these Rules. In the best interest of the City, the Commission may waive application of this rule if the employee is involved in criminal proceedings.

ESTABLISHING TIME AND CONDUCT OF CIVIL SERVICE COMMISSION HEARINGS

Sec. 79. After acceptance of the employee's notice of appeal of a suspension, demotion, or dismissal and request for a hearing, the Commission shall set the date, time, and place for a hearing of the charges. Section 82 of these Rules shall apply to all such hearings. At the appeal hearing, the employee shall have an opportunity to present evidence in his/her own defense, and shall have the right to be represented. All hearings shall be public, and need not be conducted according to technical rules of evidence. The proceedings of the hearing shall be recorded. Any party requesting transcripts of the proceedings shall pay all expenses incurred for that service.