



Merit System Policy and Procedure Manual

**County of Cumberland, Pennsylvania
Human Resources Department
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Approved by Cumberland County Board of Commissioners on October 15, 2020

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Introduction

Upon formally pronouncing its intent to withdraw participation from the merit based system provided by the Pennsylvania State Civil Service Commission (SCSC), the County of Cumberland (hereinafter “the County”) began a lengthy and comprehensive process to demonstrate to the Pennsylvania Departments of Aging, Health and Human Services (hereinafter collectively known as “state funding agency(ies)”) that our own merit based system represents a sound alternative to SCSC. Our state funding agencies certify all employees compensated with federal funds are a part of a qualified merit hire program pursuant to the standards outlined in Title 5 C.F.R. Part 900 – Intergovernmental Personnel Act Programs. The principles of the Merit Hire Program are to maintain a fair and just program to recruit, hire, promote and retain qualified persons who can best meet the needs of the organization and support the public’s interests. This is not only good public practice, but good selections can also lead to higher productivity, increased morale, improved teamwork, and reduced turnover – all of which contribute to organizational success. The County Commissioners have adopted these rules which preserve the principles of a Merit Hire Program while being responsive to the principles of equal opportunity employment and sound labor-management relations.

As SCSC coverage only pertained to employees in the County’s Area Agency on Aging (AAA), Children, Youth and Families Agency (CYF), Drug & Alcohol Agency (D&A), and the Mental Health/Intellectual and Developmental Disabilities Agency (MH-IDD) (hereinafter collectively known as “Merit Hire Departments”), only employees in those specific agencies are subject to the following terms and conditions. A majority of the governing documents related to the County’s merit hire program are general policies and procedures which are universally applicable to all County employees.

The County does not prohibit collective bargaining and there is no provision against collective bargaining. To the extent that a conflict exists between the provisions of this program and any similar provision(s) in a collective bargaining agreement, the County acknowledges that the provision(s) of a County agency-related collective bargaining agreement will prevail. However, collective bargaining agreements will not infringe upon merit hire principles.

It is the practice of the County to recruit and select the most qualified candidates for vacant positions and to do so in a manner that provides equal employment opportunity, ensures open competition, and prohibits discrimination. The County Commissioners agree that no practice or procedure of the program will be applied to discriminate, limit, segregate, or deprive employees or applicants in any way with respect to hiring, compensation, and terms or conditions of employment, because of a person’s race, color, sex, national origin, age, religion, disability or any other class or characteristic protected by applicable federal or state law.

The County will make every effort to provide accommodations for applicants or employees, if requested, in compliance with the Americans with Disabilities Act of 1990 (ADA) as amended. Prospective employees must contact the Human Resources Department if accommodations are needed throughout the recruitment process.

Individual records are accurately maintained for all applicants and employees and are protected from unauthorized or inappropriate access. These files are maintained and located in the Human Resources Department. Individual employment records will be maintained in paper form in the employee's personnel file. Individual employment histories will be maintained electronically within the County's HRIS/payroll system.

A copy of this manual and related policies and procedures will be available on the County's Human Resources public website.

Merit Hire Program Requirements

The primary concern of the Department of Human Services (DHS), for themselves and on behalf of the remaining state funding agencies, is the County's ability to adhere to the six (6) program components of an effective merit based system, as federally defined, so as to remain eligible for federal funding. These components are set forth as follows:

1. Recruiting, selecting, and promoting employees on the basis of their relative ability, knowledge, and skills;
2. Providing equitable and adequate compensation;
3. Training employees, as needed, to assure high quality performance;
4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
5. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or handicap and with proper regard for their privacy and constitutional rights as citizens. This "fair treatment" principle includes compliance with the federal equal employment opportunity and nondiscrimination laws, and;
6. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purposes of interfering with or affecting the result of an election or a nomination for office.

DHS reserves the right to edit these merit hire program components at any time. Upon notification from DHS, the County has sixty (60) days to implement the changes and come into full compliance. The County has been consistent in its position that each of the aforementioned criteria are fully encompassed and satisfied by the policies and procedures which comprise the County's Merit Hire Program.

The County reserves the right to change, delete, or amend any statement contained herein or in any referenced policies. Proposed revisions must be supplied to the Office of Administration, Local Government and NEOGOV Support Section for review and approval not less than sixty (60) days prior to planned implementation.

In the event any principle or provision of the Merit Hire Program is declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this program, the

remaining principles and provisions that are not effected thereby shall remain in full force and effect.

Workforce Planning

Recruitment and retention of our merit hire staff is a significant challenge we and many others face. Legislative changes to the Child Protective Service Law (CPSL) and the rising opioid epidemic present significant impacts on our already burdened Merit Hire Departments.

In support of improving our recruitment and retention efforts of qualified, skilled, and committed workforce the County shall evaluate our current practices and staff performances by administering a fair and consistent process for merit hire positions which shall apply to all qualified applicants; conducting Stay Interviews with current staff to better identify the positive and negative aspects of employment; and evaluating our departments to ensure the practice of a positive culture to promote values, attitudes and behaviors that encourage accountability, open communication, enhanced knowledge, and continuous improvement allowing for safe and open communications to identify and address our challenges. Cumberland County strives to utilize this plan to ensure the hiring of candidates that are qualified for the position. Cumberland County will utilize this system in all hiring practices and ensure that practices are working correctly and are up to date. The short and long range goals for the workforce/occupational needs of the system are:

Short Term Goals:

- a. Use the merit hire system and ensure that all aspects are working properly.
- b. Restructure departments as needed to create a better working environment.
- c. Create new job descriptions to align with job duties where needed.
- d. Fill all vacancies in each department to be fully staffed.

Long Term Goals:

- a. Hire employees based on equal employment opportunities.
- b. Hire employees based on qualifications as they relate to the position.
- c. Recruit for job openings to reach as many applicants as possible.
 - a. To include attending external job fairs and holding onsite job fairs.
- d. Train employees as they are hired and throughout their employment with Cumberland County.
- e. Promote employees based on merit.
- f. Evaluate employees on an annual basis.
- g. As Cumberland County is one of the fastest growing counties in the state of PA we need to ensure we are meeting the needs of the county as we continue to grow.

Job Descriptions and Defined Assigned Duties

The County has defined all of the merit hire positions relative to the County and has appropriately delineated all assigned duties and responsibilities through respective job descriptions. The County maintains and reviews job descriptions periodically and makes them available to employees for their review during annual employee performance review.

Position Classification and Compensation

Jobs are classified and compensated based on their assigned duties and responsibilities (equal pay for equal work). This is accomplished in the course of preparing and maintaining position classifications.

The County's Position Classification and Compensation Plan, listing all occupied merit hire position titles and the corresponding ranges of pay, must be supplied to each state funding agency annually by the County in order to determine the level of federal reimbursement.

1. Classification is a process by which jobs of a common nature with similar duties and responsibilities are grouped together as a "class" for the purposes of assignment to an appropriate pay range.
 - a. Classification is based upon the objective elements of a position that include the nature, scope, and level of duties and responsibilities; the relationship of the position to other positions in the department; amount of supervision given/received; and the exercise of independent judgment.
 - b. In order to have consistent pay across equivalent positions, it is necessary to first be familiar with the requirements of each position and then decide which work is, in fact, equal.
 - c. The Classification Plan is the basic tool for making pay decisions that are reasonable based on comparisons between similar work being carried out in all areas of the County.
2. Compensation is a systematic approach to providing monetary value to employees in exchange for work performed. Compensation achieves several purposes, one of which is to assist in recruitment.
 - a. Compensation is linked to the classification plan and reflects responsibility and complexity of the work, and comparisons of labor market conditions which exist in the County and adjacent markets.
 - i. Non-bargaining wage rates and salaries are established according to labor market conditions, the present consumer price index, and the Commissioner-approved annual cost of living increases.
 - ii. Bargaining wage rates may be negotiated, agreed upon, and become an integral part of collective bargaining agreements.
 - b. Compensation plans contain rules for their administration. These plans include pay procedures for appointments, promotions, demotions, reassignments, transfers, etc.
3. Job descriptions contain a formalized summary of the duties and responsibilities in a particular class followed by examples of work performed and an enumeration of the desirable education and experience requirements.
 - a. A position is a single job defined by a written job description in which unique assigned duties are clearly delineated. Job descriptions are reviewed periodically and are available to employees.
 - b. Job descriptions should be reviewed with employees and updated as necessary in conjunction with annual performance reviews.

Recruitment

One of the most important objectives of a merit-based hiring process is the systematic identification and selection of the best candidate for a position. The County is an Equal Opportunity Employer and will provide equal opportunities in promotion, wages, benefits, and all other privileges, terms and conditions of employment. It is the County's policy to grant equal employment opportunities to qualified persons without regard to race, color, sex including sexual orientation and gender identity, national origin, age, religion, marital status, disability, veteran's status or any other protected status and/or condition specified in Federal or State civil rights laws.

Recruitment Files are created for each vacant position as they occur to include the job posting, Applications for Employment (hereinafter "applications") and/or resumé received, assessment scoring forms, interview questions including responses and interview scoring forms, reference checks, transcripts, and non-qualified/non-selection letters. Recruitment Files will be physically maintained for three (3) years within the County's Human Resources Department.

Section I. Prior to Posting a Vacancy

In order to begin the hiring process there must be an open existing vacancy or a newly created position available.

New Position: The following steps are required before recruiting for a **new** position:

1. All new positions must be approved at a Salary Board Workshop Session and Salary Board public meeting respectively.
 - a. The Department Executive Director or Director, and/or designee is required to create and complete a concept paper for new position request form and create a job description for the new position, and forward completed documentation to the Human Resources Department for review.
 - b. If a new classification is required, the Human Resources Department will evaluate the new job description and assign a new position title and pay grade.
 - c. The Department Executive Director or Director, and/or designee will forward the new position and new classification to the appropriate state funding agency for review and approval only if a new classification is required.
 - d. Following the state funding agency's approval of the new classification of a new position, the new position will be submitted to the Salary Board Workshop Session for approval. The Human Resources Department will notify the hiring department of the approval/denial of the position request.
 - e. If approved, the position will be submitted to the Salary Board for formal approval. The Human Resources Department will notify the hiring department of the approval/denial of the position request and will discuss the recruitment process.

Existing Vacancy: The following steps are required before recruiting for an **existing** position:

1. The Department Executive Director or Director, and/or designee is required to create and complete a rationale to fill position form, review the current job description for accuracy, and forward completed documentation to the Human Resources Department for review.

2. The existing position will be submitted to the Salary Board Workshop Session for approval to post and fill. The Human Resources Department will notify the hiring department of the approval/denial of the position request.
3. If the essential functions of a position change substantially, the procedures of County Classification Review Policy – HR-301 must be followed as well as steps 1.c through 1.e found in the Merit Hire Program Manual Section I – *New Position*.

Section II. Vacancy Postings

Any preferred skills specific to the position will be listed on the vacancy posting in addition to the minimum education, experience and training requirements (MEETs).

Applications will be accepted during the posting period only.

Internal Postings

1. Merit Hire Departments must contact the Human Resources Department to initiate a vacancy posting.
2. All internal vacancy postings will be posted at designated employee bulletin boards within the Merit Hire Departments, it will also be posted on our applicant tracking system and noted as internal posting only, and an email will be sent out within the Merit Hire Department.
 - a. Any internal applicant interested in being considered for a vacancy must fully complete an online County application, and optional resumé, and submit it online to the Human Resources Department by the deadline designated in the vacancy posting. Internal applicants for vacancies will be given first consideration and will follow the same screening process outlined in Section IV.
3. For compliance with merit hire requirements, competitive appointments to any County merit hire vacancy may be made available to any Social Casework Intern that progressed satisfactorily through an internship as sponsored by a duly accredited institution of higher learning and as approved by the County.

County-wide/External Postings

1. When it becomes necessary to recruit County-wide or externally to fill a vacancy, the position will be posted on the County's applicant tracking system, on County Employee Bulletin Boards, to resources agencies for minorities, older adults, disabled individuals and veterans, as well as to other resources, as necessary, as listed below (**Applications will be accepted during the posting period only**):
 - a. Internet Websites
 - i. There are numerous websites available for posting vacancies. The County's website is a beneficial tool for this purpose. Every external vacancy posting will be posted to the County's applicant tracking system. There is a link to this on the County website's home page.
 - ii. Departments may not advertise a vacancy on any outside website without prior authorization from the Human Resources Department.
 - b. Advertisements in appropriate journals, newspapers, and other media outlets.
 - i. The department must inform the Department of Human Resource at least one (1) week in advance of the requested advertisement date to ensure all applicable deadlines are met.

- ii. All advertisements will identify the County as an Equal Opportunity Employer. As such, the essential functions of the position should be included in any type of recruitment advertisement.
 - iii. The Human Resources Department will recommend potential advertisement sources and the duration of the advertisement to the department. The placement of advertisements in local newspapers, publications, appropriate professional and technical journals, and local higher educational institute(s) will be determined by the type of vacancy.
- c. CareerLink
 - i. Vacancies which are advertised externally may be listed by the Human Resources Department on the Cumberland County Job Gateway, a service of PA Careerlink.
- d. Job Fairs
 - i. Job Fairs are another approach utilized for recruitment.
 - ii. Should the Human Resources Department become aware of upcoming job fairs, notice will be disseminated to appropriate departments for consideration to be engaged in the event.
 - iii. If any department obtains information regarding an upcoming job fair or related event, they should notify the Human Resources Department of the opportunity to become involved.
- e. Employment Agencies
 - i. If a department wishes to utilize the services of an employment agency, the Department should defer the request to the Human Resources Department. The Human Resources Department will contact the employment agency regarding the request. Should an employment agency contact the department directly, the department should refer the agency to the Human Resources Department.

Section III. Application Process and Screening

1. All applicants, internal and external, must meet the minimum qualifications for the position in order to be considered. All applicants must also complete and submit a County Employment Application during the posting period in order to be considered for the vacant position. All applications will be accepted at the Human Resources Department. If an applicant attempts to apply directly with a department, the department may not accept the application and is required to direct the applicant to the Human Resources Department.

The Human Resources Department will only accept applications for positions advertised as “open to applicants”. No unsolicited applications will be accepted.

- a. If an applicant submits a resumé without an accompanying County application for an open position, the Human Resources Department will contact the applicant to request an application to be fully completed.
- b. If a specific position is not listed on an application, or the application indicates “any available” position, an email will be sent asking the applicant to reapply for a specific open position online through the County website. The original application will be considered incomplete.

- c. Applicants must complete a separate application for each position posted for which they are applying.
2. The Human Resources Department will accept applications during the vacancy posting period only.
3. Transcripts can be uploaded through online application system and will be reviewed by the Human Resources Department to confirm education based upon the minimum requirements of the vacancy.
4. The Human Resources Department will review all applications to determine if the applicant meets the minimum qualifications of the position for which he/she applied. The minimum qualifications are designed to meet the standards established by the appropriate state funded agency. Applicants who do not meet the minimum requirements will be notified in writing by the Human Resources Department after the hiring process is complete.
5. Only applicants who meet the minimum requirements will be forwarded to the Hiring Manager (Department Head) in the applicable department for review. The Hiring Manager may use certain preferred skills to reduce the number of candidates considered for an interview. All candidates that meet the minimum qualifications and preferred skills for the position will move forward in the hiring process. Applications of those applicants not selected shall be returned to the Human Resources Department with a notation by the Hiring Manager that the applicant was not selected. Human Resources will notify the unsuccessful candidate(s) in writing.
6. Applications not selected will be kept on file for two (2) years but will only be considered “active” for one (1) year from the date of application.
 - a. Active applications may be reviewed and forwarded the Hiring Manager for consideration for positions similar to the one(s) listed on the application. For example, if the applicant applies for a Clerk Typist II position at Emergency Management Agency, the application may be sent to the Area Agency on Aging for consideration for a Clerk Typist II position. The Hiring Manager must contact the Human Resources department to request copies of active applications.
 - b. If an applicant wishes to apply for a position different from the one listed on the application, he/she must reapply.
 - c. No “inactive” applications will be reviewed or forwarded. Applicants will be required to submit a new application after one year.

Section IV. Application Review

1. The Human Resources Department will complete a thorough review of all applications, applicable resumés, and transcripts. The application must be completed in its entirety; applications that say “see resume” will be considered incomplete and will not be accepted.
 - a. MEETs are designed to fulfill the standards established by the appropriate state funding agency.
 - b. The Department may require certain preferred skills. The Human Resources Department will identify the preferred skills on the vacancy posting for the particular position. Any preferred skills included in the vacancy posting will be taken into consideration after the MEETs.

2. Applicants who do not satisfy the MEETs of the vacancy applied for (non-qualified) will not be considered nor advance through the selection process.
 - a. Non-qualified applicants who are not selected to advance through the selection process will be notified in writing by the Human Resources Department.
3. Following the initial review, all remaining qualified applicants satisfying the MEETs and preferred skills, if applicable, will fall into one of the following three categories:
 - a. Lead candidates: Those applicants whose qualifications, experience, and salary requirements are in line with the vacant position.
 - b. Possible candidates: Those applicants whose qualifications, experience, and salary requirements are somewhat in line with the vacant position.
 - c. Candidates who are clearly not qualified.
4. The lead candidates should be selected for an interview. The number of candidates actually interviewed will vary but a general guideline would be to interview three to five lead candidates.
5. If none of the lead candidates are hired, the applicants considered possible candidates should be carefully reviewed and selected for an interview.
6. If no qualified candidates are found, the Hiring Manager should consult with the Human Resources Department to discuss additional options.
7. No aptitude testing on applicants will be utilized at this time.

Section V. Interview and Selection

1. Structured interviews support merit based systems when they are built upon a solid job description. Implemented consistently, interviews treat candidates fairly and objectively, with little or no adverse impact.
2. All candidates who are deemed as lead candidates will be interviewed during a structured interview by a three-member interview panel, and ranked on a combination of factors including experience, knowledge, skills, and abilities.
3. Once a three-member interview panel has been selected for a specific vacancy those same members will conduct all first level interviews.
4. It is essential for all interview panel members involved in the interview process to be aware that the following should **NOT be discussed or obtained** prior to a contingent offer of employment being extended:
 - a. Age/Date of Birth
 - b. Marital Status or any information regarding family situation
 - c. Medical Information
 - d. Race
 - e. Religion
 - f. Sexual Preference
 - g. National Origin
 - h. Political Affiliation
 - i. Photocopies of Drivers' Licenses
 - j. Photo Identification(s)
 - k. Identification Card(s)

This is not an all-inclusive list. Questions should be directed to the Human Resources Department.

5. The Interview Scoring Form is based upon competencies needed for the position. Each criterion is given a value based on the applicant's response to the interview questions. Using the Interview Scoring Form, each interview panel member should individually score the candidate to determine the degree to which they possess the necessary experience, knowledge, skills and abilities to perform the essential functions of the vacant position. Personal feelings, biases, and irrelevant comments must be avoided during interviewing and omitted from the Interview Scoring Form. Each interview will be given a composite score.
6. The Post Interview Candidate Evaluation form are used and completed by the interviewer to rank the candidate's overall qualifications for the position to which they have applied using key competencies such as Verbal Communication, Teambuilding/Interpersonal Skills, etc.
7. Following the completion of the interview process, the department must return all applications with completed Interview Scoring forms and Post Interview Candidate Evaluation forms to the Human Resources Department.
8. Once the Human Resources Department receives the Interview Scoring Forms and Post interview Candidate Evaluation forms they will be tallied for a final combined score.
9. Candidates interviewed within six months for the same position need not be re-interviewed.
10. Interviews must be conducted each time a new position opens, due to changes in the interview panel from position to position.

Section VI. Candidate Selection

1. The selection process for Director position(s) will follow the State Action Plan for Recruitment of Key Positions.
2. The following steps are required for the recruitment and selection of Social Casework Interns:
 - a. Candidates must complete and submit an application along with their resume and most current transcript from a duly accredited institution of higher learning. Candidates will be evaluated based on their application and supplements.
 - b. Candidates must satisfy the MEETs of the position. All candidates who are deemed as lead candidates will participate in a structured, three-member panel interview. Candidate(s) with the highest interview score will be offered the vacancy first, followed by the next highest scoring candidate should the first candidate decline the offer. Multiple candidates may be hired for multiple vacancies in the same job title, extending offers of employment in order of highest to lowest combined score.
3. For all other positions, the candidate with the highest combined score will be offered the vacancy first, followed by the next highest scoring candidate should the first candidate decline the job offer. Multiple candidates may be hired for multiple vacancies in the same job title, extending offers of employment in order of highest to lowest combined score.
4. In the event there are more than one equally qualified applicants for a position, a candidate may be able to assert a preference in certain circumstances.
 - a. Specific consideration must be given in the following instances:

- i. ***Veteran's Preference*** – Non-applicable to promotional actions. Veteran's Preference is applicable to all Merit Hire Departments. If a candidate self-identifies as a Veteran of the United States Armed Forces on their application and otherwise meets the requirements for the Preference, and all other things are equal in assessment and interview scoring, the position must be offered to the Veteran. Veteran status must be confirmed by the candidate's DD-214 or other military documentation. The Human Resources Department will be responsible for verification of veteran status.
 - ii. ***Spousal Preference*** - Non-applicable to promotional actions. Spousal Preference is applicable to all Merit Hire Departments. If a candidate self-identifies as a widow or widower of a deceased veteran OR the spouse of a fully (100%) disabled veteran on their application, and all other things are equal in assessment and interview scoring, the position must be offered to the spousal preferred candidate. The Human Resources Department will be responsible for verification of Veteran spousal status.
 - iii. ***Aging Preference*** – Aging Preference is only applicable to the AAA. If a candidate self-identifies as being sixty (60) years of age or older, on their application and all other things are equal in assessment and interview scoring, the position must be offered to the age preferred candidate in accordance with Pennsylvania Code, Chapter 5. The Human Resources Department will be responsible for verification of age.
- b. If there is a tie of the top composite scores on the Applicant Tracking Worksheet, the following should then be granted weight in the following order for a tie-breaker.
 - i. Candidate qualifies for a Veteran's Preference or Aging Preference (for AAA positions only).
 - ii. Candidate qualifies for Spousal Preference.
- 5. In the event of a "tie" in the scoring and no preference has been identified, second level interviews will occur. The three-member panel assigned to second level interviews will conduct all of the second level interviews for that vacancy.

Contingent Offer of Employment

- 1. The Human Resources Department will verbally extend a contingent offer of employment to the selected candidate(s). The contingent offer of employment is based upon the successful completion of the pre-employment screening process.
- 2. The pre-employment screening process is required of every selected candidate, which includes criminal background checks, federal health care programs exclusion screening, drug screen, and reference checks. Following the acceptance of a contingent offer of employment, the pre-employment screening process begins.

Pre-Employment Screening Process

1. Background Checks
 - a. A valid PA State Police Criminal Background Check is required of every selected candidate.
 - b. Refer to County Policy Mandated Reporter and Child Abuse Clearances Child Protective Services Law for more information regarding compliance with criminal background investigations for those employees who have a likelihood of working with children.
 - c. Only job-related criminal convictions shall be considered when determining eligibility for employment. The Human Resources Department will determine the extent to which a conviction may be job-related.
 - d. FBI Clearance for specified positions/departments.
2. Pre-Employment Drug Screen
 - a. The pre-employment drug screen will be administered on a walk-in basis during the hours of operation at the medical facility engaged by the County.
 - b. If the candidate fails the pre-employment drug screen, the contingent offer of employment will be rescinded by the Human Resources Department and the candidate is prohibited from applying for **any** County position for a period of one (1) year from the date of the failed pre-employment drug screen.
 - c. The Human Resources Department will inform the hiring department in the event a candidate fails the pre-employment drug screen. Due to medical confidentiality, the department will not be given any details of the screening beyond fail.
3. Reference Checks
 - a. The Human Resources Department is responsible for performing all reference checks. Reference checks verify and validate the information provided by the candidate on the application and/or during the interview.
 - b. The candidate should be informed that reference checks will be required and conducted as part of the selection process. Candidates must include the names, addresses, and phone numbers of previous employers including supervisor's name and his/her title on their application. The County's Application includes an authorization to obtain information from third parties as to the applicant's character, reputation, and prior work history.
 - c. It is the County's preference to obtain three (3) employer references. For an employer reference check to be effective the following steps may prove to be helpful:
 - i. A standard list of employment-related questions should be used.
 - ii. Assure previous employers that our candidate has signed a release permitting the County to contact previous employers as such.
 - d. Personal references may also be completed. Personal references will only be used when less than three (3) employer reference checks are obtained.
 - i. Personal references may not be a relative of the applicant.
 - ii. A standard list of questions should be used.
4. Federal Health Care Programs Exclusion Screening
 - a. Refer to County Policy Employee and Vendor Federal Healthcare Program Exclusion Screening for more information regarding regulatory program compliance.

Official Offer of Employment

1. Following the successful completion of the pre-employment screening process, the Human Resources Department will confirm the verbal contingent offer of employment through an official written offer of employment to the candidate, which shall not imply a contract for employment, but which shall detail their date of hire, probationary period, general work schedule and location, the approved pay rate and associated benefits eligibility, along with new hire paperwork which should be completed by the candidate and delivered to the Human Resources Department on or before their first day of employment.
2. New Hire Orientation will be scheduled accordingly.
3. If as a result of the pre-employment screening process, the County elects not to make a formal offer of employment, the Human Resources Department shall send a letter to the candidate notifying him or her of the reason.

Training

1. All newly hired employees will attend a county-wide New Hire Orientation.
2. The job description and performance standards will be provided to newly hired employees during their specific departmental orientation, made available to employees changing positions, and in conjunction with their annual Employee Performance Review.
 - a. Job descriptions and Employee Performance Reviews will be completed by the employee's immediate supervisor.
3. During the employee's annual review the supervisor will determine the necessity for additional professional or developmental training.
4. All Merit Hire Departments shall provide department specific training AND professional development opportunities in accordance with the funding agency's regulations. Employees are encouraged to partake of training opportunities to maintain current certification(s) and/or agency licensure.
5. Merit Hire Departments shall perform internal reviews to ensure employees are updated on state mandated training.

Probationary Period

Each merit hire employee shall serve a six (6) month merit hire probationary period. During the merit hire probationary period the employee's performance will be evaluated for promotion to regular status. If the employee is not performing at expectations, the merit hire probationary period may be extended.

Employee Performance Review

Each merit hire employee is subject to employee performance reviews. Refer to County MBC Policy Employee Performance Review for more information.

Transfers and Promotions

Unless noted in any respective bargaining unit agreement and any amendments thereafter, internal candidates for transfers and promotions are considered based upon their MEETs. To be considered for a vacant position during the posting period, internal candidates must follow the Application Process of this manual. All promotions will be made on a competitive basis.

1. Eligibility to apply for a posted vacant position is subject to the employee having successfully completed six (6) months of employment in his/her current position, possesses a current employee performance review with overall rating of at Satisfactory or above, and is absent of any discipline, rising above the level of written warning during the 12 months preceding the closing date of the specific vacancy posting.
 - a. A promotion is the movement of an employee to a higher graded position. This may occur within the same or different departments. Upon promotion employees will follow the county's promotion/demotion policy.
 - b. A transfer is the movement of an employee from one position to another position and may occur within the same department or different department.

Furloughs

To fulfill the components of an acceptable Merit Hire Program, the County created an approved Reduction in Workforce/Furlough Policy, refer to County Policy Merit Based Hiring System – Furlough/Layoff for more information.

Involuntary Separations

The decision by the employer to terminate employment must be based on objective factors. At the time of separation employees will be supplied with written documentation outlining the reasons for the termination.

ADR Procedure

To achieve an approved Merit Hire Program the County was required to develop an alternative grievance process. The County's response was the development of the five-step Alternative Dispute Resolution (ADR) Policy and ADR Hearing Rules. To grant a relatively speedy hearing and quick adjudication to all persons entitled to this process the ADR Policy advises of an appeal process for the following employment actions: promotion, involuntary demotion, suspension, reduction in pay, non-selection, adverse performance evaluation reviews, discharge and/or furlough which an employee believes to be arbitrary or discriminatory, and unfair treatment as it relates to employment actions. In the case of non-selection, external applicants for vacant positions in Merit Hire Departments may avail themselves of these rights. All adjudicatory hearings and decisions will be issued in writing and will contain an explanation for the decision.

The County remains committed to the transparency and integrity of the entire ADR process, and has intentionally crafted procedural steps that escalate both in authority and

accountability. The complete County ADR Policy, ADR Hearing Rules, and related forms are found in Appendix B, C, and respectfully.

Political Activity

As in all of its employment practices, the County is committed to following all applicable state and federal regulations, including the Hatch Act 5 U.S.C. § 7321-7326 (Hatch Act) and any amendments thereto. The County's intent is to ensure that our employees are protected against coercion for political purposes. The Hatch Act forbids employees from politicizing the work place. It assures that employees are appointed and promoted according to merit, and that they serve the public equally, regardless of political affiliation. Employees are subject to the regulations as described in the publication entitled "Political Activity Guidelines for Merit Hire Employees" as amended from time to time. An e-mail will be disseminated annually notifying employees of their political rights and responsibilities.

Examination of the County's Merit Hire Program

An examination was conducted by DHS on October 8, 2020 to ensure the establishment of this program, as embodied by the County's established policies, is compliant with all applicable state and federal requirements both in theory and in practice. The County's Merit Hire Program is subject to occasional audits to ensure continued compliance. The County has received approval of its Merit Hire Program on October 8, 2020 and this documentation is maintained within the Human Resources Department and is available for the public to view on the County's website.

Appendix A
County of Cumberland
Merit Hire Program Manual
Acknowledgement Form

All Merit Hire employees will receive a copy of this program manual. Electronic access to the program manual will be available via the County of Cumberland's website and Intranet.

By signing below, I acknowledge that I have received the County of Cumberland's Merit Hire Program Manual, and notice of The Hatch Act regulations. I understand it is my responsibility to become familiar with the information contained herein. Failure to abide by the procedures and policies referenced may result in disciplinary action, up to and including termination. If I have any questions or need further information regarding the policies and procedures described, I will contact the Human Resources Department in writing to obtain clarification.

Employee Signature: _____

Printed Full Name: _____

Employee #: _____

Date: _____

Department: _____

Witness: _____

Appendix B

| | | |
|--|--|---|
| CUMBERLAND COUNTY | | HR |
| HUMAN RESOURCES POLICY () Proposed (X) Final | | Section Merit Based Hiring |
| Date 10/15/2020 | | Subject Merit Based Hiring System – Alternative Dispute Resolution (ADR) |

DISCLAIMER: This manual is a reference source for Cumberland County Human Resources policies, which are subject to change at any time and for any reason. The policies are not intended to create a contractual relationship between the County and any of its employees. This policy supersedes any current Department and/or County policy in regards to shift differential.

GENERAL

PURPOSE: To provide a prompt and efficient procedure for fair and equitable resolutions of areas of conflict without fear of prejudice or reprisal for initiating a complaint. To the extent possible, all complaints should be settled through informal discussions.

APPLICABILITY/

COVERAGE: This policy applies to all employees of Cumberland County in the following departments: Area Agency on Aging, Drug and Alcohol Services, Mental Health/Intellectual Disabilities, & Child and Youth. Failure to comply or cooperate with this policy will be in direct violation and may result in disciplinary action, up to and including termination.

POLICY:

Cumberland County encourages open communication between employees and their supervisors. Most conflicts and differences of opinion can be resolved by the employee and supervisor directly by discussing issues and jointly exploring alternatives. In cases where conflicts cannot be mutually resolved, Cumberland County has established an ADR policy/procedure for employees excluding Human Services Directors in the following departments: Area Agency on Aging, Drug and Alcohol Services, Mental Health/Intellectual Disabilities, and Children and Youth. Cumberland County recognizes the importance of providing a prompt and efficient procedure for fair and equitable resolutions of areas of conflict without fear of prejudice or reprisal for initiating a complaint or participating in its settlement. To the extent possible, all complaints should be settled through informal discussions at the lowest administrative level, and disputes should be processed in a more formal manner only when either party feels that a fair and equitable solution has not been reached in the informal discussions.

Regardless of any informal attempt to resolve areas of conflict, employees have the explicit right to pursue the five-step ADR procedure which covers the following employment actions: demotion, suspension, reduction in pay, non-selection, performance evaluation reviews, promotion, any personnel action that the employee believes to be based on non-merit factors or which the employee believes stem from illegal discrimination, and termination and furlough which they believe to be arbitrary or discriminatory. Discriminatory action is defined as any adverse employment action based on political affiliation, race, color, national origin, gender, religious creed, age, disability, protected veteran status, or any factor not related to the person's ability to perform the duties of the position (i.e. any non-merit factor).

Appeals alleging discrimination which do not include specific facts relating to discrimination may be dismissed. Specific facts which should appear on the ADR Request Form include: (1) The acts complained of, (2) How the treatment differs from treatment of others similarly situated, (3) When the acts occurred, (4) When and how the grievant first became aware of the alleged discrimination.

TIMELINESS:

All disputes must be initiated within ten (10) business days of the time the employee or applicant is informed of an employment action that can be raised through the ADR procedure. Every effort should be made to ensure prompt and efficient consideration at each and every stage. Either party may request an extension to the time requirement. The request for an extension must be in writing and management's request does not have to be mutually agreed upon. Extensions cannot exceed ten (10) business days from the last date to file or respond.

APPLICANTS

The County is committed to maintaining the integrity of the application process and ensuring the equal treatment and consideration of all applicants, e.g. individuals who have applied for a job but were not selected. Therefore, an applicant for a position in either Area Agency on Aging, Drug and Alcohol Services, Mental Health/Intellectual Disabilities, or Children and Youth who is subject to non-selection, which he/she believes to be unreasonably arbitrary or discriminatory as defined above, may avail himself/herself of the ADR procedure. An applicant who wishes to pursue the ADR procedure must follow the ADR procedure steps outlined below.

STEPS OF THE ADR PROCEDURE

Initiating an ADR request:

An employee or applicant must utilize the ADR Request Form to initiate an ADR request. The form must state the claim, the facts in support of the claim and the remedy requested. The employee or applicant is responsible for having the issue/dispute/appeal delivered to the proper person or office within the specified time frames. Failure to do so could render the appeal null and void.

Step 1 – Immediate Supervisor

Within ten (10) business days of the time that the employee is informed of an employment action in dispute, the employee must submit to his/her immediate supervisor the ADR Request Form to initiate the ADR request. A copy of the ADR Request Form should also be delivered to the Human Resources Director. The supervisor is responsible for scheduling a meeting with the employee within ten (10) business days of the receipt of the complaint to facilitate a face-to-face discussion of the employee's request. Within ten (10) business days following the face-to-face discussion, the supervisor is responsible for providing a written response to the appeal. The supervisor's response must include that the employee has a right to appeal to the next step of the ADR process. Should the issue or dispute involve alleged discrimination by the immediate supervisor and/or the department head, the ADR request may be submitted directly to Step 2 or Step 3, respectively.

Step 2 - Department Head

If the employee finds the Step 1 response unsatisfactory, the employee may appeal the dispute to Step 2 by submitting the ADR Request Form to the department head and a copy to the Human Resources Director within ten (10) business days of receipt of the Step 1 response. A copy of the Step 1 response must be attached.

The department head will meet with the employee in an effort to resolve the dispute at this level. Within ten (10) business days following the discussion, the department head will, in writing, grant, deny, or propose a modification to the requested remedy. The department head's response must include that the employee has a right to appeal to the next step of the ADR process.

Step 3 – Director of Human Resources

If the employee finds the Step 2 response unsatisfactory, the employee may appeal the dispute to Step 3 by submitting the ADR Request Form to the Director of Human Resources and a copy to the Chief Clerk or Deputy Chief Clerk within ten (10) business days of receipt of the Step 2 response. Copies of Step 1 and 2 responses must be attached.

The Director of Human Resources will meet with the employee and management in an effort to resolve the dispute at this level. Within ten (10) business days following the discussion, the Director of Human Resources will, in writing, grant, deny, or propose a modification to the requested remedy. The Director of Human Resource's response must include that the employee has a right to appeal to the next step of the ADR process.

Step 4 - Chief Clerk or Deputy Chief Clerk

If the employee finds the Step 3 response unsatisfactory, the employee may appeal the dispute to Step 4 by submitting the ADR Request Form to the Chief Clerk or Deputy Chief Clerk within ten (10) business days of receipt of the Step 3 response. Copies of Steps 1 through 3 responses must be attached.

The Chief Clerk/Chief of Staff or Deputy Chief Clerk/Deputy Chief of Staff will meet with the employee and management in an effort to resolve the dispute at this level. Within ten (10) business days following the discussion, the Chief Clerk/Chief of Staff or Deputy Chief Clerk/Deputy Chief of Staff will, in writing, grant, deny, or propose a modification to the requested remedy. The Chief Clerk/Chief of Staff's response must include that the employee has a right to appeal to the next step of the ADR process.

Step 5 -Panel Review

If the employee finds the Step 4 response unsatisfactory, the employee may appeal the dispute to Step 5 by submitting the ADR Request Form to the Director of Human Resources within ten (10) business days of receipt of the Step 4 response. Copies of Steps 1 through 4 responses must be attached.

Upon receiving the appeal and determining that the appeal was made timely, the ADR Panel will be convened within sixty (60) days of receiving the appeal. The panel, appointed by the County Commissioners, will consist of the following: one (1) Human Resources professional from the public sector who is not in any way affiliated or under the employ of Cumberland County, one (1) Human Resources professional from an education institution, and one (1) Human Resources professional from the private sector.

The panel will consist of a Chairperson and two (2) additional members who have no interest in, or knowledge of the appeal. The Chairperson of the panel will be responsible for leading the hearing, preparing the final documentation and assuring that the grievance determination is timely. The panel will be comprised of persons who are regarded as able to listen impartially to the facts surrounding an issue, ask relevant questions of all parties and arrive at a reasonable, objective decision.

In addition, the panel will be appointed for staggered terms of one (1), two (2), and three (3) years; and will remain in place for any and all appeals that may arise during that term unless in the event of a clear and articulate conflict of interest in a given appeal, at which time the panel member would be replaced with a similarly qualified individual for the purposes of that appeal. Additionally, to ensure the autonomy of the panel it will also have the authority to hear any case at its sole discretion, whether or not it has gone through steps one (1) through four (4).

The ADR panel will conduct a hearing on the complaint and will provide the opportunity for all parties involved to provide testimony relevant to the matter in dispute. A complete stenographic, electronic, or other exact record of the proceedings may be made. In the event a party wants a transcript of the record, they must make arrangements with the stenographer and cover the associated costs. The panel will render a binding decision in writing to the Department of Human Resources' representative within thirty (30) business days following the hearing. The representative will forward the decision to the County Commissioners. The written decision must contain the reason(s) for the decision. The panel has the authority to grant necessary remedy based upon their binding decision in the context of granting back pay, retroactivity, or reinstatement when applicable.

The decisions of the ADR panel are final and not subject to review or modification by the County Commissioners or County Staff. The Commissioners will not have influence on panel decisions. No ADR panel member can be removed by an individual or majority of the Board of Commissioners for a rendered decision. The Department of Human Resources will notify the department head and the grievant of the panel's decision.

Parties, at their discretion, may enter into agreements to settle or otherwise terminate a proceeding before the ADR panel at any point in the process prior to adjudication. All parties must notify the ADR panel in writing in a timely manner of a settlement agreement. Upon receipt of notice from the grievant or the grievant's attorney, the grievance will be withdrawn. The ADR panel may be requested to review and approve the settlement. The Department of Human Resources will be responsible for the enforcement. Cumberland County will provide the Department of Human Services County Programs Section with a copy of each appeal upon submission and a copy of the final written decision at every step.

County Commissioners can reappoint the same panel members after their initial term, as long as they are rotated and remain in staggered terms. Members of the ADR administrative panel are not compensated and serve in a voluntary capacity to Cumberland County by providing their professional expertise. There may not be any reciprocal agreements with other County agencies to serve as panel members for each other.

CONFIDENTIALITY

Grievance record files are confidential and will be maintained by the Department of Human Resources separately from the employee's personnel file. All individuals involved in the process will respect the privacy of the grievant, witnesses, and the committee. All information disclosed during the grievance process and the determination of the committee is to be held in confidence by the members of the committee, and discussed only with the Commissioners and their administrative staff, upon request.

ROLE OF THE DEPARTMENT OF HUMAN RESOURCES

The Department of Human Resources' representative will notify the individuals appointed by the County Commissioners to hear the grievance, and will contact the department head and the grievant to schedule a mutually convenient time to convene the grievance hearing. He/she will provide written confirmation to each participant of the time and location of the hearing. The

representative will provide each panel member a copy of this ADR Policy, Hearing Rules and copies of the grievance. The representative may answer questions regarding the documentation, but will not offer any opinion regarding the legitimacy of the grievance, nor will he/she attempt to influence the panel in any way. The Department of Human Resources' representative will facilitate the communication of the decision of the ADR panel as outlined above.

QUESTIONS: Questions about this policy should be directed to Human Resources.

Appendix C

| | | |
|---|--|-----------|
| CUMBERLAND COUNTY | | HR |
| HUMAN RESOURCES POLICY () Proposed (X) Final | Section Merit Based Hiring | |
| Date 10/15/2020 | Subject Merit Based Hiring System – Alternative Dispute Resolution (ADR) Hearing Rules | |

DISCLAIMER: This manual is a reference source for Cumberland County Human Resources policies, which are subject to change at any time and for any reason. The policies are not intended to create a contractual relationship between the County and any of its employees. This policy supersedes any current Department and/or County policy in regards to shift differential.

PURPOSE: **GENERAL**
To provide a prompt and efficient procedure for fair and equitable resolutions of areas of conflict without fear of prejudice or reprisal for initiating a complaint. To the extent possible, all complaints should be settled through informal discussions.

COVERAGE: **APPLICABILITY/**
This policy applies to all employees of Cumberland County in the following departments: Area Agency on Aging, Drug and Alcohol Services, Mental Health/Intellectual Disabilities, & Child and Youth. Failure to comply or cooperate with this policy will be in direct violation and may result in disciplinary action, up to and including termination.

POLICY:

I. GENERAL

Hearings granted to employees due to demotion, suspension, reduction in pay, non-selection (including applicants), performance evaluation reviews, and termination and furloughs which are believed to be arbitrary or discriminatory shall be public hearings. The Cumberland County Department of Human Resources shall, within sixty (60) days of receipt of the request for hearing, schedule a date for the hearing. At least a ten (10) business day notice in advance of the date of the hearing shall be tendered in writing to the grievant and to the County of Cumberland and others interested in the case, informing them of the date, time, and place of the hearing. The Alternative Dispute Resolution (ADR) Panel may grant requests for continuances. The ADR Panel, on its own motion, may grant a continuance if the scheduled hearing lasts longer than three (3) hours.

II. REQUESTS

- A. Requests for hearings shall be:
1. Made in writing consistent with Cumberland County's ADR Procedure.
 2. Personally signed by the individual appealing.
 3. Received or postmarked within ten (10) business days of the individual's receipt of the fourth step response unless the appeal is made directly to the fifth step as outlined in the ADR Policy.

- B. The person appealing shall clearly and concisely state:
 - 1. The reason(s) for the grievance.
 - 2. The facts supporting the grievance.
 - 3. Remedy sought.
- C. Appeals alleging discrimination which do not include specific facts relating to discrimination may be dismissed. Specific facts which should appear on the ADR Request Form include:
 - 1. The acts complained of.
 - 2. How the treatment differs from treatment of others similarly situated.
 - 3. When the acts occurred.
 - 4. When and how the appellant first became aware of the alleged discrimination.
- D. Acceptance of an amendment to an ADR Request Form is strictly at the discretion of the ADR Panel.

III. FORM OF HEARING

- A. The hearing shall be formal, but not all of the strict rules of evidence need be enforced. Evidence offered should be the best evidence available. Any document(s) which constitute reliable evidence or whose contents or meaning are in dispute should be brought to the hearing and entered into evidence. Whenever possible, the original document(s) should be available to be offered into evidence.
- B. A complete stenographic, electronic, or other exact record of the proceedings may be made. The ADR Panel may prohibit the use of mechanical and electronic recording devices if the use of the devices will disrupt or otherwise interfere with the proceedings.
- C. The Chairperson of the ADR Panel will conduct the hearings.

IV. LEGAL REPRESENTATION

- A. Cumberland County shall be represented by counsel presently admitted to practice before the Supreme Court of Pennsylvania.
- B. Appellants may represent themselves, or may be represented by anyone presently admitted to practice before the Supreme Court of Pennsylvania. This does not prohibit representation on behalf of either Cumberland County or an appellant by a legal intern certified under the Pennsylvania Bar Admission Rules.
- C. A person other than one noted in subsection (b) shall not be permitted to represent an appellant at a hearing of the ADR Panel.
- D. In all cases, where a legal representative represents either party, notices of the date of the hearing and of the decision, and other communication arising from the case, shall be directed to the legal representative. The communication shall have the same force and effect as though personally given to the represented party.

V. SUBPOENAS

- A. Procedure for requesting subpoenas.
 - 1. Subpoenas for the attendance of witnesses or for the production of documents shall be issued only upon written application to the ADR Panel with a copy to the opposing party.

2. Written application shall specify as clearly as possible the relevance of the testimony or documentary evidence sought. As to documentary evidence, the request must specify to the extent possible the documents desired and the facts to be provided thereby.
 3. Failure to adhere to the requirements of this subsection may result in refusal by the ADR Panel to issue the requested subpoenas.
- B. Service.
1. A subpoena shall be served personally upon the witness.
 2. Subpoenas for the production of documents shall be served personally or by first-class mail upon the individual in possession of the documents, if known, or the agency head, which may designate a knowledgeable alternate as custodian of the documents.
 3. Service of subpoenas for the attendance of witnesses shall be made at least forty-eight (48) hours prior to the hearing, unless the witness agrees to waive the forty-eight (48) hour requirement, Subpoenas for the production of documents shall be served no later than five (5) business days prior to the date of the hearing.
 4. Failure to adhere to the requirements of this subsection may result in a ruling by the ADR Panel denying the enforceability of the subpoena.

VI. DEPOSITIONS AND DISCOVERY

- A. *Depositions.* At the discretion of the ADR Panel, depositions – statements of witnesses under oath – may be transcribed and submitted in lieu of testimony at the hearing, where the witness shall be unavailable to testify at hearing because of unavoidable absence from the jurisdiction, illness, or other compelling reasons. The cost of depositions shall be borne by the requesting party.
- B. *Discovery of documents.* At the discretion of the ADR Panel, relevant documents may be obtained from an opposing party prior to the hearing.
1. Requests for discovery of documents shall be in writing and shall initially be served upon the opposing party or legal representative in sufficient time to allow completion of discovery prior to the hearing.
 2. If the parties are unable to agree upon a reasonable scope of discovery, requests for discovery may then be forwarded in writing to the ADR Panel, which may, at its discretion, issue appropriate subpoenas under this section.
 3. *Witness list.* Each party shall attempt to determine witnesses they intend to call at the hearing and the names shall be provided to the ADR Panel no later than three (3) business days in advance of the hearing, with a copy to the opposing party. Calling a witness whose name does not appear on the list may be permitted at the discretion of the ADR Panel.

VII. SETTLEMENT

- A. Parties, at their discretion, may enter into agreements to settle or otherwise terminate a proceeding before the ADR Panel at any point in the process prior to adjudication. All parties shall notify the ADR Panel in writing in a timely manner of a settlement agreement. Upon receipt of notice from the appellant or the appellant's legal representative, an appeal shall be deemed withdrawn.
- B. The ADR Panel may be requested to review and approve the settlement. The Human Services Director's Office and the Department of Human Resources will be responsible for the enforcement.

VIII. PRE-HEARING CONFERENCES

- A. *Pre-hearing conference.* To facilitate the submission and consideration of issues and facts, the ADR Panel may schedule a pre-hearing conference and request the parties to participate in the proceeding. The conference may be conducted in person or by telephone, to consider the following:
1. Simplification of the issues.
 2. Stipulations of fact and authenticity of documents.
 3. Admissibility and relevance of witness testimony.
 4. Admissibility and relevance of exhibits, which will be identified and exchanged at the conference.
 5. Subpoenas and all issues related to subpoenas.
 6. Offers of settlement or proposals for adjustment, if appropriate.
 7. Other matters that would facilitate the efficiency of the proceeding.

- B. *Pre-hearing conference memorandum.* No later than three (3) business days in advance of the pre-hearing conference, the parties will submit to the ADR Panel an original memorandum, plus two (2) copies, that contain the following:
1. Caption identifying the parties and the appeal by its assigned appeal number.
 2. Statement of issues to be decided by the ADR Panel. If a party intends to move the ADR Panel to dismiss the appeal, that issue should be noted, but a Motion to Dismiss must be separately filed.
 3. Statement of stipulations, or facts not in dispute, that includes requested stipulations of fact and any agreements already reached by the parties regarding undisputed facts.
 4. Witness list with brief description of testimony of each witness listed.
 5. Exhibit list with brief description of exhibits and a brief explanation of the relevance of each exhibit listed.
 6. Estimate of time required to complete presentation of evidence to the ADR Panel.
 7. Requests for subpoenas may be included with the memorandum.
 8. At the hearing, the parties may be limited to those witnesses and exhibits set forth in the memorandum unless one (1) or more of the following apply:
 - a. A supplemental memorandum is submitted to the ADR Panel at least one (1) business day prior to the hearing.
 - b. There has been proper notice to other parties and there is no showing of undue inconvenience or prejudice.
 - c. The parties have conferred and agree to the additional witnesses or exhibits, or both.

IX. PROCEDURE FOR HEARINGS ON demotion, suspension, reduction in pay, non-selection (including applicants), performance evaluation reviews, and termination and furlough.

- A. Cumberland County bears the burden of proof and shall go forward to establish by a preponderance of the evidence the charge or charges on which the personnel action was based. If, at the conclusion of its presentation, Cumberland County has, in the opinion of the ADR Panel, established a prima facie case, the appellant shall then be afforded the opportunity of presenting a case.
- B. If, after due notice, the appellant fails to appear at the scheduled hearing, Cumberland County has no burden to go forward and the appeal may be dismissed without the presentation of evidence.
- C. While in each case the ADR Panel may adapt the procedures and conduct of the hearing in accordance with the requirements of justice and due process, generally the routine shall follow the following order:
1. The Chairperson of the ADR Panel shall open the hearing and shall enter as exhibits a copy of the document initiating the action taken by Cumberland County, the ADR Request Form of the appellant, and evidence of proper notification to all parties in interest.
 2. The parties shall, subsequent to the presiding ADR Panel member's introduction of documents, present any preliminary motions.

3. Cumberland County shall call witnesses to testify after being sworn by the presiding ADR Panel member.
4. Cumberland County may, through witnesses or by stipulation, offer any other relevant evidence for introduction into the record.
5. Cumberland County shall cite all relevant provisions of law and all relevant rules and regulations.
6. The appellant may object to questions directed to witnesses and to the introduction of any evidence offered.
7. The appellant shall be allowed reasonable opportunity to cross-examine witnesses.
8. At the conclusion of Cumberland County's case, the appellant may move to dismiss on the ground that no prima facie case has been established.
9. If no motion to dismiss is made, if the motion is denied, or if the ADR Panel defers ruling on the motion, the appellant may present the defense by the testimony of witnesses, the introduction of relevant evidence, and the citation of relevant provisions of law, rules, or regulations.
10. Cumberland County may object to questions directed to witnesses and to the introduction of any evidence offered.
11. Cumberland County shall be allowed reasonable opportunity to cross-examine the witnesses.
12. When all evidence has been introduced, the ADR Panel shall hear oral argument.
13. In the event a party wants a transcript of the record, they must make arrangements with the stenographer and cover the associated costs.
14. The parties may submit briefs within a period of time fixed by the ADR Panel. Failure by either party to file its brief within the fixed time may lead to the refusal by the ADR Panel to consider the brief in making its decision.
15. The record shall be considered as closed upon receipt of transcripts, depositions, and briefs and the hearing shall be deemed concluded at that time. The ADR Panel will determine the facts upon the evidence of record and decide relevant questions of law within thirty (30) business days after the closing of the record.
16. A copy of the adjudication in writing, containing findings and reasons, shall be prepared as a decision of the ADR Panel, and, when signed by a minimum of two (2) of the members of the ADR Panel, shall be final. A copy of the adjudication will be sent to Cumberland County and the appellant. Said adjudication will be final and binding.

X. PROCEDURE FOR HEARING ON DISCRIMINATION

- A. The appellant bears the burden of proof and shall go forward to establish by a preponderance of the evidence the charge or charges of discrimination. If at the conclusion of this presentation, the appellant has, in the opinion of the ADR Panel, established a prima facie case, Cumberland County shall then be afforded the opportunity to reply to the charges.
- B. Apart from the order of going forward, the remainder of the procedure shall follow that prescribed in Section IX (relating to procedure for hearings on demotion, suspension, reduction in pay, non-selection (including applicants), performance evaluation reviews, and discharge. If an appellant fails to attend the hearing, the appeal may be immediately dismissed for failure to prosecute.

DOCUMENTARY FILINGS

XI. PRAECIPE OF APPEARANCE

- A. Legal representatives for Cumberland County or appellants in appeals or hearings held under these rules shall file a Notice of Appearance with the ADR Panel, prior to the time of the hearing, if possible.

XII. EXHIBITS

- A. Parties presenting exhibits shall bring six (6) copies to the hearing. (One for the Department of Human Resources, three for panel members, one for file, and one for the attorney).

XIII. BRIEFS

- A. The parties will be notified of the procedure and schedule for the submission of briefs. Parties submitting briefs shall submit the original and five (5) copies to the ADR Panel at the location specified by the ADR Panel. Briefs filed outside of the time period, sequence, or location specified will be considered only at the discretion of the ADR Panel.

XIV. FORM OF DOCUMENTS

- A. *Typewritten.* Pleadings, submittals, briefs, or other hearing-related documents filed with the ADR Panel, if not printed, shall be typewritten on letter size paper, eight and one-half (8½) inches wide by eleven (11) inches long, with left hand margin not less than one and one-half (1½) inches wide and other margins not less than one (1) inch. The impression shall be on only one side of the paper unless there are more than four (4) pages and shall be double spaced except that quotations in excess of five (5) lines shall be single spaced and indented not less than four (4) spaces.
- B. *Printed.* Printed documents shall be not less than ten (10) point type on unglazed paper eight and one-half (8½) inches wide by eleven (11) inches long, with inside margin not less than one (1) inch wide and with double spaced text and single spaced, indented quotations.
- C. *Binding.* Pleadings, submittals, briefs, and other hearing-related documents other than correspondence shall be bound on the left side only.
- D. *Paper color.* Pleadings, submittals, briefs, and other hearing-related documents other than correspondence shall be on white paper.

QUESTIONS: Questions about this policy should be directed to Human Resources.