

Commission Discussion on MCS Rule Amendments  
January 12, 2015

Topic, Rule Section, & Page Number	Current Language	Brief Description of Requested Amendment
<p><b>Rescheduling a Hearing (or withdrawal of hearing)</b></p> <p>Rule 7.02.E Page 22</p>	<p>Within five (5) Business Days of receiving the first notice of hearing, either party may elect to reschedule the hearing by providing written notice to the MCS Director. Otherwise, a hearing may be rescheduled by mutual agreement of the parties by providing the MCS Director with a written agreement to reschedule signed by both parties, with notice to the Commission. For any other request, the MCS Director shall contact the Commission Chair, and the Chair shall determine if a hearing shall be rescheduled. Upon approval of any rescheduling, the MCS Director shall issue a new notice of hearing as provided in these Rules.</p>	<p>Commissioners have previously indicated they would want to see something in the Rules that addresses the timeframe to request a reschedule or withdraw an Appeal</p> <p>Discussed on 11/10/14</p>
<p><b>Parties to provide a list of witnesses and potential testimony in Hearing Submission</b></p> <p>Rule 7.05.A Page 25</p>	<p>A. Required Pre-Hearing Submission No later than 5:00 p.m. ten (10) Business Days prior to an Appeal hearing, each party shall file with the MCS Director a written submission under this Rule. Seven (7) copies of the submission must be submitted on two sided, sequentially numbered pages.</p> <p>1. Employee’s Submission The Employee’s submission shall include information listing the reasons for Appeal, names of witnesses the Employee has Subpoenaed or intends to call at the hearing, copies of written statements the Employee intends to offer under these Rules, and copies of any documents the Employee intends to provide as evidence at the hearing. The submission shall be made using a form as specified by the MCS Director.</p> <p>2. Department’s Submission The Department’s submission shall include information about the issues for Appeal, names of witnesses the Department has Subpoenaed or intends to call at the hearing, copies of witness statements the Department intends to offer under these Rules, and copies of any documents the Department intends to provide as evidence at the hearing. The Department’s submission shall include, at a minimum, all performance appraisals and disciplinary actions concerning the Employee for the three (3) Years immediately preceding the Disciplinary Action or Denial of Promotion under Appeal. The submission shall be made using a form as specified by the MCS Director.</p>	<p>Commissioners have previously indicated they would like to receive a list of all witnesses each party intends to call at the hearing and the content of the proposed testimony.</p> <p>Discussed 9/22/14</p>
<p><b>Access to Hearing Information Submissions</b></p> <p>Rule 7.05.B Page 25</p>	<p>Once hearing information has been submitted to the MCS Director, the MCS Director will notify the parties that the submissions are available to be picked up. At the hearing, the MCS Director shall provide the Commission with any Hearing Information submissions received from either party.</p>	<p>Commissioners have previously indicated they would like to receive information on the hearing prior to the meeting.</p> <p>Discussed on 12/8/14; 11/10/14</p>

Commission Discussion on MCS Rule Amendments  
January 12, 2015

Topic, Rule Section, & Page Number	Current Language	Brief Description of Requested Amendment
<b>Time Limits for Presenting Evidence</b>  Rule 7.06.G Page 27	Unless otherwise permitted by the Commission, each party shall have one hundred twenty (120) minutes to present that party's witnesses and evidence in a hearing, and to question the witnesses presented by the other party. <u>This time period does not include any time permitted by the Commission for opening or closing statements and does not include any time expended through questioning by the Commission of either party's witnesses or additional direct or cross-examination of witnesses by the parties based on questioning by the Commission.</u>	Commissioners have previously indicated that this is not an opportunity to re-present the case, and may require rule revision.  Discussed 10/13/14; 9/22/14

DRAFT