

Policy #	COP- PAB-0011 Page 1 of 4	Policy Title	Personnel Appeal Board Policy and Procedures
Revision #	1	Effective Date	

Purpose: To establish procedures within which the employees of the City of Pflugerville may request a hearing of the Personnel Appeal Board. Further, this procedure establishes the guidelines of the Personnel Appeal Board with respect to scheduling and conducting a hearing as well as making a determination.

Policy: It is the policy of the City of Pflugerville, in accordance with the Pflugerville Home Rule Charter, to provide certain employees with the means to have specific employment actions reviewed and responded to in a timely manner. These employment actions are a placement on suspension greater than 15 days, a demotion to a lower rank or classification, or a termination of employment.

Personnel Appeal Board Members:

The Mayor, with the advice and consent of the City Council, shall appoint five (5) individuals to serve on the Personnel Appeal Board for a term of three (3) years. Any given panel shall consist of three (3) members.

Qualifications of Board Members:

All appointed members of the Personnel Appeal Board must meet all of the following qualifications:

- 1) At least 21 years of age,
- 2) No criminal record,
- 3) No prior employment with the City of Pflugerville,
- 4) Current resident of the City of Pflugerville, and
- 5) Resident of the City of Pflugerville for at least three years.

Each member of a seated 3-member panel shall be available on the hearing date and have no conflict of interest with respect to the appealing employee or relevant witnesses on behalf of the City.

Authority:

The Personnel Appeal Board has the authority to uphold, reduce or set aside an employee's suspension, demotion or termination. Further, the Board has the authority to reinstate the employee with or without loss of wages, benefits or rank.

Employee Eligibility:

All commissioned peace officers that are regular, full-time employees or regular, part-time employees of the City (excluding the Police Chief and any other commissioned peace officers that do not report to the Police Chief or any contract employees) who have completed their initial probationary period, may appeal a disciplinary action resulting in a placement on suspension greater than

Policy #	COP- PAB-0011 Page 2 of 4	Policy Title	Personnel Appeal Board Policy and Procedures
Revision #	1	Effective Date	

15 calendar days, a demotion to a lower rank or classification, or a termination of employment to a three-member Personnel Appeal Board panel.

To request a hearing under this policy, the employee must follow the procedure as set forth in the Personnel Appeal Board procedures (please refer to the employee Intranet or contact Human Resources).

Procedures:

- 1) Request a Personnel Appeal Board Hearing
 - a) The appellant must notify the City Manager in writing within ten (10) working days after the appellant receives a written notice of suspension greater than 15 days, demotion to a lower rank or job classification or termination of employment.
 - b) The written notice must include a request for the Personnel Appeal Board to hear the appeal.
 - c) The written notice must include a sworn and notarized statement acknowledging the appellant is voluntarily waiving the right to pursue any claims in any state or federal court.
 - d) The appellant shall file a written appeal explaining his/her objection(s) and rationale for protesting the personnel action.
 - e) The appellant may file supporting documentation, as necessary.
 - f) All written material shall be given to the City Manager, who may then distribute them to a limited number of his/her designees. The written materials shall be held as confidential by all parties.

- 2) Scheduling a Personnel Appeal Board Hearing

Once the City Manager receives an employee's notification:

 - a) The City Manager shall schedule the hearing date.
 - i) The hearing should be scheduled on a date that is practicable for the appellant and panel members.
 - ii) Unless the appellant agrees to an alternative date, the Personnel Appeal Board shall conduct the hearing and render a decision within 30 days from the time the written appeal was presented to the City Manager.
 - b) The City Manager shall request a 3-member panel be seated by drawing lots from among the Board members to hear the appeal.
 - i.) Seated panel members must be available on the hearing date.
 - ii.) Seated panel members shall have no conflict of interest with respect to the appellant.
 - iii.) Seated panel members shall have no conflict of interest with respect to relevant witnesses on behalf of the City.

Policy #	COP- PAB-0011 Page 3 of 4	Policy Title	Personnel Appeal Board Policy and Procedures
Revision #	1	Effective Date	

- c) The Board shall not be given any documents or materials or take part in any discussion (either among themselves or with others) regarding the appeal prior to the hearing.
 - d) If the appellant makes a written request to the City Manager within 10 days before the hearing, he/she shall be allowed to review all documents, statements, and records used to determine the disciplinary action at least 7 days before the hearing.
 - e) Both the appellant and the City shall be required to notify the other party at least 5 days before the hearing of the identity of any witnesses that either expects to call.
 - f) The panel will select a presiding officer.
- 3) Conduct of the Hearing
- a) All hearings shall be open to the public unless otherwise requested by the employee.
 - b) An objective, qualified person will record all proceedings. All documents become a part of public record upon completion of the appeal process.
 - c) The City shall bear the burden of proof by a preponderance of the evidence to show that the disciplinary action(s) was for just cause.
 - d) The panel is not required to use Rules of Evidence, but the hearing shall be fair and impartial.
 - e) The appellant may choose to have an additional representative in the hearing in order to advise the employee. The appellant must remain his/her own spokesperson.
 - f) The City must designate one spokesperson to present the material to the panel and ask questions of the witnesses.
 - g) The appellant has the right to cross-examine and confront all witnesses.
 - h) The party that calls the witness is responsible for paying any charges incurred for that person.
 - i) Any member of the panel may ask questions of the City representative, the appellant or any witnesses as necessary.
- 4) Rendering the Decision
- a) Following the hearing and presentation of all materials, the panel may adjourn to executive session to discuss and review the evidence.
 - b) Within seven (7) days of the conclusion of the hearing, the panel shall make and announce a decision, based on the facts presented, to explain the decision regarding the personnel action and its resolution in a public meeting. The panel shall adopt a written order documenting the basis for the decision.
 - c) The written order shall be shared with the appellant and be a public document.

Policy #	COP- PAB-0011 Page 4 of 4	Policy Title	Personnel Appeal Board Policy and Procedures
Revision #	1	Effective Date	

- d) The panel’s decision will be final. The appellant waives his or her right to appeal to a state or federal court unless the panel’s decision was without or exceeded its jurisdiction or was influenced by fraud, collusion, or other unlawful means.

- 5) Disposition of Materials
Disposition of all materials presented, as well as the written order, will be in accordance with all pertinent federal and state laws.

- 6) Protection from Retaliation
The City will not permit any retaliation against an appellant for exercising his/her right to appeal a disciplinary action to the Personnel Appeal Board. Further, no retaliation is permitted against any employee who acts as a witness or provides information regarding the appeal.