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**COUNTY OF DAUPHIN  
COMMONWEALTH OF PENNSYLVANIA  
RESOLUTION NO. 14 - 2014**

**Adopted: April 23, 2014**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
DAUPHIN COUNTY, COMMONWEALTH OF PENNSYLVANIA,  
APPROVING A MERIT HIRE PLAN FOR COUNTY  
DEPARTMENTS THAT RECEIVE FEDERAL FUNDS.**

WHEREAS, the County of Dauphin (hereafter, County) is a political subdivision of the Commonwealth of Pennsylvania; and

WHEREAS, as a political subdivision of the Commonwealth, the County is required to provide certain public services that are funded, in whole or in part, with federal funds; and

WHEREAS, the County is required to use certain principles of personnel administration (hereafter, Merit Hire Principles) in an effort to make certain that the staff providing such federally funded services is hired on the basis of merit; and

WHEREAS, the County previously contracted with the State Civil Service Commission (hereafter, Civil Service) for services which specifically facilitated the County's use of Merit Hire Principles; and

WHEREAS, the County is not required by law to contract with Civil Service for such services; and

WHEREAS, the County wishes to approve and implement its own merit hire plan (hereafter, County Plan) which will meet the Merit Hire Principles found in federal law; and

WHEREAS, by approving and implementing the County Plan, the County seeks to significantly reduce “turnaround” time by eliminating the third party process previously used to fill staff vacancies; and

WHEREAS, the County also seeks to reduce the length of time that job applicants have been heretofore required to await hiring decisions as a result of the Civil Service process; and

WHEREAS, the proper implementation of the County Plan will enable the County to further increase the cultural and linguistic diversity of its staff; and

WHEREAS, the County Plan has been approved by the Department of Public Welfare (hereafter, DPW), Commonwealth of Pennsylvania; and

WHEREAS, the County has given proper notice to all concerned to terminate its contractual relationship with Civil Service.

NOW, THEREFORE, be it resolved that:


1. The County Plan consists of the following:
  - (a) Step-by-Step Guide to Merit-Based Hiring System for the County’s Human Services Department (attached hereto at **Exhibit No. 1**);
  - (b) Furlough/Layoff Policy/Procedure for Merit Hire Employees (attached hereto at **Exhibit No. 2**);
  - (c) Political Activity Policy/Procedure for Merit Hire Employees (attached hereto at **Exhibit No. 3**);
  - (d) Alternative Dispute Resolution (hereafter, ADR) Policy/Procedure for Merit Hire Employees (attached hereto at **Exhibit No.4**); and
  - (e) ADR Adjudication Guidelines (attached hereto at **Exhibit No. 5**); and
  - (f) ADR Hearing Rules (attached hereto at **Exhibit No. 6**).
2. The County Plan is hereby approved.
3. Implementation of the County Plan will commence on May 1, 2014.

4. The County's Director of Human Resources (hereafter, Director) will periodically review the County Plan and apprise the Board of Commissioners (hereafter, Board) of any proposed changes to the County Plan which will, in the opinion of the Director, help the County better achieve the aims and purposes set forth herein.
5. This Resolution was duly adopted by a motion of the Board.

ATTEST

  
\_\_\_\_\_  
Chad Saylor, Chief Clerk/Chief of Staff

DAUPHIN COUNTY  
BOARD OF COMMISSIONERS

By:   
\_\_\_\_\_  
Jeffrey T. Haste, Chairman

By:   
\_\_\_\_\_  
Mike Pries, Vice Chairman

By:   
\_\_\_\_\_  
George V. Hartwick, III, Secretary



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|----------------------|------------------------------------------------------------------------|
| <b>Policy Title</b>  | <b>HUMAN SERVICES MERIT-BASED HIRING SYSTEM<br/>STEP-BY-STEP GUIDE</b> |
| <b>Date Issued</b>   | <b>APRIL 23, 2014</b>                                                  |
| <b>Last Revision</b> |                                                                        |

**BY DIRECTION OF: Dauphin County Board of Commissioners**

**Step 1 - Vacant Position:**

In order to begin the hiring process there must be an open position available, either an existing vacancy or a newly created position. Positions are classified as part of the County's job creation process. If essential job functions of a position change substantially, the position is reviewed to ensure it is classified in the appropriate pay range.

**Step 2 - Approval Process:**

A department wishing to fill a vacancy must submit a Position Justification Form and a Staff Requisition Form to the Department of Human Resources.

A department wishing to create a new position must submit a Salary Board Request Form, a Position Justification Form, and a Staff Requisition Form, along with a Job Description for the proposed position, to the Department of Human Resources. If an equivalent position does not exist within the County, the Salary Classification Committee will convene to determine the appropriate pay range for the position. A representative of the department should be prepared to meet with the committee and explain the reasons this position is being requested and to answer any questions committee members may have regarding the position's essential job functions, minimum qualifications, proposed compensation, etc.

All vacancies and new positions must be approved by the state funding agency to ensure reimbursement for the position, and further, be approved by the Dauphin County Board of Commissioners or Salary Board, respectively, at their Workshop/Legislative Meetings. Salary Board consists of the three (3) County Commissioners and the County Controller; additionally, the President Judge, Public Defender, or a Row Officer has a right to vote on Salary Board Requests affecting their departments.

**Step 3 - Posting of the Vacancy:**

Following Salary Board approval to create a new position or Board of Commissioners approval to fill an existing position, recruitment of candidates to fill vacant positions will be initiated by



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posting the vacancy internally within the Human Services Departments or County-wide to all employees and the public. Posting of positions will be in accordance with the collective bargaining agreement between Dauphin County and the Pennsylvania Social Services Union (PSSU).

The decision as to whether to post internally or County-wide externally is based on the position to be filled and the availability of candidates with the requisite skills among those promotable, transferable, and trainable within the Human Services Departments. Internal applicants will be given first consideration. Any preferred skills specific to the position, including the need for a bilingual employee with the ability to translate or transcribe, will be listed on the job posting in addition to the minimum education, training, and work experience requirements. Applications will be accepted during the posting period only.

**Internal Postings:** When recruiting internally within the Human Services Departments, a position will be posted on employee bulletin boards in all of the Human Services Departments. Only current County Human Services employees will be eligible to respond to this type of posting. Interested employees must complete a Transfer Application and submit it to the Human Services Director's Office (HSDO). A resume should be attached to the Transfer Application.

**County-wide/Public Postings:** When it becomes necessary to recruit externally to fill a position, a County-wide posting will be posted on the County's website and disseminated to all County employees as well as to resource agencies for minorities, disabled individuals and veterans, local educational institutions, and when applicable, the County Commissioners' Association of Pennsylvania's website. Job fairs and newspaper advertisements are other approaches for recruitment. County-wide postings are for a period of fourteen (14) calendar days.

Interested employees must complete a Transfer Application, attach their resume and submit both to the Department of Human Resources by the deadline dates indicated on the posting. Non-Dauphin County employees must complete a Dauphin County Application for Employment to be considered a candidate for a posted position.

Applicants may also visit the Department of Human Resources to review job postings on the public bulletin board and complete applications for posted positions. A separate application must be submitted for each posted position. A resume may supplement an application but cannot be substituted for an application. Acknowledgement cards are mailed to all applicants, confirming receipt of applications.



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**Step 4 - Screening of Candidates:**

The applications will be submitted to the Human Services Director's Office (HSDO) for screening to ensure the candidates meet the minimum education and training requirements (METs) for the vacant positions. Each MET is designed to meet the standards established by the appropriate state funding agency. Transcripts will be requested and reviewed to confirm education based upon the minimum requirements of the position. Applicants who do not meet the METs will not be considered nor advance through the selection process.

The department may use certain preferred skills to reduce the number of candidates considered for interview. These skills must be identified on the job posting for the particular vacancy. All candidates that meet the minimum qualifications and preferred skills if applicable will be interviewed. Any preferred skills that have been included in the job posting will be filtered after the METs.

Once these screenings have been completed, all remaining qualified applications will be forwarded to the requesting agencies to schedule interviews/assessments for the vacant positions.

The order of criteria to screen candidates responding to a job posting is as follows:

- A. The established minimum experience and training requirements for the job title listed in the job posting.
- B. Any identified preferred skills that have been included in the job posting.
- C. All candidates that pass the first two (2) filters will then proceed into one (1) of two (2) categories based on the job title as outlined in Step 5.
  1. Assessment First
    - a. Management Readiness Profile (MRP) and Management Success Profile (MSP) "non-recommended" candidates will not be included in the candidate pool for interviews.
    - b. All candidates that are "recommended" consequent to the MRP or MSP will be granted an interview for the vacant position.
    - c. All candidates that receive a score on the fiscal assessment will be granted an interview.



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- d. The “recommended” candidates and all fiscal candidates will be given a score in the assessment column of the Interview/Assessment Score Sheet for the assessment and interview, and the top combined total of the assessment and interview score will determine which candidate is extended a conditional offer of employment.
2. Interview First
    - a. Interviews will be rated by the interview panel and given a composite score.
    - b. Assessments will be given immediately after the interviews for writing sample assessments only. Typing of skill check assessments will be scheduled in a time efficient manner by the HSDO.
    - c. Candidates will be given a score in the assessment score column of the Interview/Assessment Score Sheet for the assessment and interview, and the top combined total of the assessment and interview score will determine which candidate is extended a conditional offer of employment.

**Step 5 - Interviews and Assessments:**

Applicants within the Clerical, Social Support, Caseworker, Aging Care Manager, Treatment and Prevention Specialist and Program Specialist categories will be interviewed first followed by a position appropriate assessment.

Applicants within the Fiscal, Entry level Supervisor, and advanced Management job titles will be assessed first and then interviewed.

The Director of Human Services will follow the Commissioners’ guidance regarding the selection process for department heads in accordance with the state action plans for recruitment of key positions.

**Additional Notes on Interview/Assessments:**

The following job categories will entail interviews followed by assessments:

*Clerical Staff:* Assessments will consist of a timed typing test, the Office Skills Assessment Battery (OSAB) and an interview.

*Social Support Staff:* Process includes a department-specific writing sample provided by the candidate immediately following the interview. The writing sample will address written



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communications and reasoning skills. A Skill Check assessment may be selected in addition to the writing sample.

*Caseworkers/Care Managers/Treatment and Prevention Specialists/Program Specialists:* Process includes the interview, along with a department-specific writing sample provided by the candidate immediately following the interview. The writing sample will address written communications and reasoning skills. The scenario provided will be the same for the applicants in each specific pool.

The following job categories will entail assessments followed by interviews:

*Fiscal Staff:* Applicants will be assessed using an approved testing tool. Modules include: Accounting-Business Documents; Accounting-Cost Accounting; Accounting-Credits and Debits; Accounting-Math Skills; Accounting-Terminology; Accounting-Accountant; Accounting-Accounts Receivable; Accounting-Advanced Accounting and Accounting-Bookkeeper.

*Entry Level Supervisors:* Applicants will be assessed first using an approved testing tool (MRP). Only candidates that are "recommended" by this skills assessment will proceed in the interview process. The candidate with the highest rating score on the Interview/Assessment Score Sheet will be awarded the position. Second level interviews will occur if there is a "tie" in the ratings and no preference has been identified. The second level interview panel may consist of the three (3) panel members that initially interviewed the candidates or a new three-member panel. Once a panel is selected to conduct second level interviews, that panel will conduct all of the second level interviews for that position. New scoring sheets and questions will be necessary for second level interviews.

*Program Specialist 2s/Managers/Deputies:* Applicants will be assessed first using an approved testing tool (MSP). Only candidates that are "recommended" by this skills assessment will proceed in the interview process. Second level interviews may be required for upper management positions (managers/deputies). The second level interview panel may consist of the three (3) panel members that initially interviewed the candidates or a new three-member panel. Once a panel is selected to conduct second level interviews, that panel will conduct all of the second level interviews for that position. New scoring sheets and questions will be needed for second level interviews.

**Department Heads:** Director of Human Services will follow Commissioners' guidance regarding the selection process in accordance with the state action plans for recruitment of key positions.

A minimum three-member panel will be utilized for the interviews. This three-member panel will serve as the panel for all of the interviews for which the particular posting applies. The questions asked in the interviews will be uniform for each candidate for the particular vacant position. The panel will use the Rating Score Sheets developed by the Department of Human Resources and the HSDO for the particular position title unless otherwise approved, in advance,





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for a particular position. Job descriptions will be provided to candidates for review at the beginning of the interviews.

The panel will use the Interview Rating Form developed by the Department of Human Resources and the HSDO. The Interview Rating Form will be based on competencies needed for the position in tandem with the duties outlined in the job description. Each competency category is given a weighted number of points prior to the interview. The scores of each candidate will be totaled and the totals tallied on the Interview/Assessment Score Sheet. The total score will be weighted as 75% from the interview scores, and 25% for the assessment results. Individual panel members will score each candidate on a scale from 1 to 100 based on the candidate's answers during the interview process. The panel members' scores will be added together for each candidate and will be multiplied by 75%, as will the total possible points, based on the number of individuals on the interview panel multiplied by 100 points. Next the number of points earned on the assessment(s) will be totaled if there is more than one (1) assessment completed and that total will be multiplied by 25%. The two (2) numbers will be added together to obtain the final and total score.

The assessments that have a recommend/not recommend final determination will be assigned points to reflect the averaged level of percentile that the candidate achieved on a "recommended" assessment result as detailed below:

- A 30 - 50 average total percentile score will be awarded 25 points.
- A 51 - 65 average total percentile score will be awarded 50 points.
- A 66 - 80 average total percentile score will be awarded 75 points.
- A 81 - 100 average total percentile score will be awarded 100 points.
  
- "Not recommended" candidates will not continue through the process.

All applicants will be assessed using the same tools for consistency and fairness in rating candidates. Assessments within each category will be periodically reviewed. Dauphin County will cover the cost of the assessments.

### **Step 6 - Candidate Selection:**

The candidate with the highest total score will be offered the position first, followed by the next highest scoring candidate if the first candidate declines the extended employment offer. Multiple candidates may be hired for vacancies in the same job title, being extended offers in order of highest to lowest composite scores.

Consideration must be given in the following instances:



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- **Veteran's Preference – Non-applicable to promotional actions.** Veteran's Preference is applicable to all HSDO departments. If a candidate self-identifies as a veteran of the United States Armed Forces and all other things are equal in assessing and interview scores, the position must be offered to the veteran. The HSDO will be responsible for verification of veteran's status.
- **Spousal Preference – Non-applicable to promotional actions.** Spousal Preference is applicable to all HSDO departments. If a candidate self-identifies as a widow or widower of a deceased veteran or the spouse of a fully (100%) disabled veteran and all other things are equal in assessing and interview scores, the position must be offered to the spousal preferred candidate. The HSDO will be responsible for verification of spousal status.
- **Aging Preference – Non-applicable to promotional actions.** Aging Preference is only applicable to the Area Agency on Aging (AAA). If a candidate self-identifies as being sixty (60) years of age or older and all other things are equal in assessing and interview scores, the position must be offered to the age preferred candidate. The HSDO will be responsible for verification of age.
- **Dauphin County Preference – Non-applicable to promotional actions.** Dauphin County Preference is applicable to all HSDO departments. If a candidate is a Dauphin County resident and all other things are equal in assessing and interview scores, the position must be offered to the Dauphin County resident. The HSDO will be responsible for verification of County residence.

If there is a tie of the top total score on the Interview/Assessment Score Sheet, the following should then be granted weight in the following order for the tie-breaker:

1. Candidate qualifies for a Veteran's Preference.
2. Candidate qualifies for a Spousal Preference.
3. Candidate qualifies for an Aging Preference (for AAA positions only).
4. Candidate qualifies for a Dauphin County Preference.

Following the interviews and assessments, the department representatives will send copies of the Interview Rating Forms, Interview/Assessment Score Sheets, and the writing sample results to the HSDO if applicable.



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Once approval is given by the HSDO to extend a conditional offer to a candidate contingent upon Commissioner approval, the New Employee Cover Sheets for new hires or Personnel Action Forms for transfers, promotions and demotions should be submitted to the HSDO. The HSDO will record information from the documentation to be used in a report to the state oversight agency for that particular department. The documents submitted will be forwarded to the Department of Human Resources for inclusion in the Personnel Packet to be presented at the next Workshop and Legislative meetings for Commissioners' approval. Once Commissioners' approval has been granted at the Legislative meeting, the department representative will contact the candidates to confirm his/her selection, pay rates and start dates.

External candidates who successfully complete the interview and assessment process, but are not selected, will be mailed a letter by the department and will be encouraged to re-apply to future postings.

External candidates who complete the assessment and are "not recommended" by the results will be mailed a letter by the HSDO notifying them of this outcome. Scores from the assessment will be kept on file with the HSDO. Candidates must wait six (6) months before being eligible to re-take the assessment for the same job title.

Internal candidates who successfully complete the interview and assessment process, but are not selected will be mailed a letter by the department and will be encouraged to reapply to future postings. Additionally, the candidate will be given the opportunity to schedule a meeting with a member of the interview panel to discuss the results and areas for improvement. Scores from the assessments will be kept on file with the HSDO. Candidates are encouraged to apply for future postings, but must wait six (6) months before being eligible to re-take the assessment for the same job title.

When previously assessed and recommended candidates apply for positions within the same job title, copies of their current assessments will be provided to the respective Human Services departments' directors. Interviews must be performed each time a new position opens, due to changes in the interview panel from position to position.

Departments can use the results from a previous hiring process to consider a candidate, but must meet the following criteria:

1. The job description is the same as the previous vacancy.
2. The interview panel must be the same as the previous vacancy's panel.
3. The candidate must submit a new application for employment for each adjusted posting.



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4. The candidate has not received a "not recommended" on the MRP or the MSP.
5. Consideration must be within ninety (90) days of the original posting to hire the next candidate on an established list.

Assessment results are valid for two (2) years from the date of the assessment and will be retained by the HSDO. Candidates who were not recommended based on the assessments may not apply for the same job title until after a six (6) month period has elapsed. The company that administers the assessments will retain the assessments for seven (7) years. All other results from the process will be retained by the HSDO for a period of five (5) years from the date of assessment in the event that a hiring decision is reviewed or challenged.

Candidates that are selected will be made conditional job offers by the department directors. When communicating to prospective employees, directors must indicate that prior to a formal offers begin made, the prospective employees must first pass a background check and other essential requirements for that position to include reference, educational, and criminal background. These checks must be conducted on every selected candidate. In addition, the hires must be approved by the Commissioners at a Commissioners' Meeting.

New employees will be scheduled to attend New Employee Orientation on the first day of County employment. Department specific training will be provided by each Human Services department in accordance with their regulations.

Job descriptions will be provided to new employees upon hire and will be made available to employees annually with the Employee Performance Reviews and throughout employment by request.



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| <b>Title</b>         | <b>FURLOUGH/LAYOFF POLICY/PROCEDURE FOR MERIT-BASED HIRING EMPLOYEES</b> |
| <b>Date Issued</b>   | <b>APRIL 23, 2014</b>                                                    |
| <b>Last Revision</b> |                                                                          |

**BY DIRECTION OF: Dauphin County Board of Commissioners**

**I. PURPOSE**

Changes in the human services environment may, from time to time, require a workforce reduction. Dauphin County's values require that these reductions be carried out in a just and compassionate fashion. With the understanding that all Dauphin County employees, except for those covered under a collective bargaining agreement, are at-will employees, the Dauphin County Commissioners will furlough employees as follows: 1) lack of funds; or 2) lack of work.

**II. SCOPE**

This policy applies to merit hire, non-union employees excluding Human Services Directors in the following departments: Area Agency on Aging, Drug and Alcohol Services, Mental Health/Intellectual Disabilities, Social Services for Children and Youth, and Human Services Director's Office (HSDO). Furloughs for union employees will be handled in accordance with the Pennsylvania Social Services Union (PSSU) Collective Bargaining Agreement.

**III. DEFINITIONS**

- A. **Dauphin County** - The County of Dauphin and the Dauphin County Board of Commissioners and all departments and agencies thereof.
- B. **Employee** - Any individual employed by Dauphin County.
- C. **Furlough Unit** - All employees in a job title within an affected unit or department.

**IV. POLICY**

A reduction in force decision requires an evaluation of the need for particular positions, and the relative value of work performed by specific employees so that Dauphin County can provide the highest level of service possible with a reduction of the work force.



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**V. PROCESS FOR IDENTIFICATION OF FURLOUGHED EMPLOYEES**

**A. Identification of furlough units and/or job titles:**

1. Two types of employees that can be identified for furlough:
  - a) Collective bargaining unit staff positions.
  - b) Non-union line staff and management positions.
2. Can be identified as "Unit" such as "Protective Unit".
3. Can be identified by job title which includes all department employees with the same job title.

**VI. PROCEDURES FOR FURLOUGH OF EMPLOYEES**

**A. Identify any "other than Regular status" employees.**

1. Must be furloughed before Regular status employees in the following order:
  - a) Temporary employees.
  - b) Probationary employees.
    1. Probationary status employees will be identified based on seniority in the job title and must be separated before any Regular status employees. Employees that were hired under the State Civil Service Commission (SCSC) can be restored to employment lists by sending a letter to SCSC. New employees hired under the merit-based hiring system cannot be restored to these employment lists due to the fact that these employees were not hired under SCSC.
    2. Probationary status employees who achieve status as a result of a promotion shall be returned to the department, job title, and status previously held.

**B. Identify "Regular status" union employees.**



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1. As per Article 10 (Seniority) of the PSSU Collective Bargaining Agreement.
- C. Identify "Regular status" non-union line staff and management employees:
1. Identify either a "Unit" or a "Job Title" for furlough.
  2. The furlough order is the lowest quarter of identified "Unit" or "Job Title" based on the inverse order of the Employee Performance Review's (EPR) composite score.
    - a) Evaluations must be completed for each employee within twelve (12) months prior to the furlough action.
    - b) Must furlough in the lowest quarter of the combined EPR score for the identified "Unit" or "Job Title".
    - c) The employee(s) in the lowest quarter with the lowest combined EPR score is/are furloughed first.
    - d) When the number of employees to be furloughed exceeds the number in the lowest quarter:
      1. Furlough the lowest quarter first.
      2. Consider the remaining employees by establishing a new lowest quarter and repeat until the number of desired furloughs are completed.
    - e) Furlough units must be approved through the state oversight department, prior to use in a furlough action.
- D. Issue notification letters to affected employees.

**VII. PLACEMENT, REEMPLOYMENT RIGHTS AND PREFERENCES BEFORE AND AFTER FURLOUGHS**

- A. Before Furlough
1. From the time a furloughed employee receives written notice of an impending furlough, until the effective date of the furlough, the employee



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has rights to vacancies in the department from which the employee is furloughed.

**B. Vacancies**

1. Employees have rights to vacancies in:
  - a) Job titles that employees previously held; and
  - b) Job titles for which employees qualify at the same or lower pay grade as his/her current job title.

**C. Location**

1. Employees have the rights to the aforementioned vacancies in Dauphin County.

**D. Acceptance or refusal of placement**

1. Same Job Title - If an employee accepts or refuses placement in the same job title as his/her present one, all placement and reemployment rights cease.
2. Same Pay Grade - If an employee accepts or refuses placement in a different job title with the same pay grade as his/her current job title, he/she loses placement and reemployment rights to all job titles *except* to his/her current one.
3. Lower Pay Grade - If an employee accepts or refuses placement in a job title with a lower pay grade than his/her current job title, he/she loses placement and reemployment rights to job titles with pay grades the same as, and lower than, the job title he/she accepted or refused placement. An employee will still have rights to job titles with higher pay grades than the job title he/she accepted or refused placement and equal to his/her present job title.

**E. After Furlough**

1. Mandatory Reemployment Rights - For one (1) year from an employee's date of furlough, he/she has a right to vacancies in the job title and department from which he/she was furloughed. The department must fill vacancies in the job title from which he/she was furloughed, and unless





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the vacancy is reserved for an employee on a leave of absence, the employee will retain reemployment rights solely to the location from which he/she was furloughed. If he/she accepts or refuses mandatory reemployment at the location from which furloughed, he/she loses all mandatory and optional reemployment rights.

2. Reinstatement – An employee may be eligible for reinstatement to any civil service position outside of Dauphin County government for which he/she qualifies at a pay grade equal to or lower than the job title from which he/she was furloughed. If an employee is reinstated to a civil service position outside of Dauphin County government, he/she will be entitled to any civil service seniority that he/she previously earned if the separation from civil service is less than one (1) year.



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| <b>Policy Title</b>  | <b>POLITICAL ACTIVITY POLICY/PROCEDURE FOR MERIT-BASED HIRING EMPLOYEES</b> |
| <b>Date Issued</b>   | <b>APRIL 23, 2014</b>                                                       |
| <b>Last Revision</b> |                                                                             |

**BY DIRECTION OF: Dauphin County Board of Commissioners**

**I. PURPOSE**

To define and specify the policy and procedures pursuant to political activity engaged in by employees of Dauphin County.

**II. SCOPE**

This policy applies to union employees covered by the Pennsylvania Social Services Union and non-union employees in the following departments: Area Agency on Aging, Drug and Alcohol Services, Mental Health/Intellectual Disabilities, Social Services for Children and Youth, and Human Services Director's Office.

**III. DEFINITIONS**

- A. **Dauphin County** – The County of Dauphin and the Dauphin County Board of Commissioners and all departments thereof.
- B. **Employee** – Any individual employed by Dauphin County.
- C. **Hatch Act** – The Act promulgated by the Congress of the United States and codified at 5 U.S.C. sections 1501-1508.
- D. **Nonpartisan Election** – An election at which none of the candidates are to be nominated by, or elected as the nominee of, a political party whose candidate for President of the United States received votes at the most recent preceding election at which such votes were cast.
- E. **Permitted Activity** – Merit hire employees may register and vote as they choose, assist in voter registration drives, express opinions about candidates and issues, contribute money to political organizations, attend political fundraising functions, attend and be active at political rallies and meetings, join and be active members of a political party or club, sign and circulate nominating petitions, campaign for or against referendum questions, constitutional amendments and/or municipal ordinances, campaign for or against candidates in partisan elections, make



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campaign speeches for candidates in partisan elections, distribute campaign literature in partisan elections, campaign for and hold office in political clubs or parties, volunteer to work on a partisan political campaign, be a candidate for and hold public office and otherwise participate in any activity not specifically prohibited by law or regulation.

- F. **Prohibited Activity** – Under no circumstances whatsoever may a merit hire employee engage in permitted political activities while on duty as a County employee. Furthermore, a merit hire employee may not run for public office in a partisan election if his/her salary from the County is paid in full by federal loans or grants. Finally, no eligible merit hire employee who runs for public office in a nonpartisan or partisan election may (i) use federal or other public funds to support his/her candidacy; (ii) use any County resources to support his/her candidacy, including the use of email, stationary, office supplies, or other County equipment; or (iii) ask or otherwise recruit subordinates to volunteer for or otherwise contribute to the campaign.
- G. **Exempted Persons and Positions** – The Governor and Lieutenant Governor of a state or an individual, authorized by law, to act as the Governor, the mayor of a city; a duly elected head of an executive department of a state or municipality who is not classified under a state or municipal merit or civil-service system; or an individual holding elective office.

#### IV. POLICY

Dauphin County recognizes the importance of the electoral process and system to the lives of its officers and employees, as well as to all citizens of the County. Accordingly, the County strongly encourages all of its associates to exercise their respective franchise in the proper manner and at the proper time and place. This does not mean, nor should it be so interpreted, that the County wishes to see any of its officers and employees engaged in any of the proscribed political activities, defined hereinabove, while said officer or employee is at work.

Dauphin County serves a diverse population that is of every conceivable political persuasion. It is vital to the interest of the County that its officers and employees neither engage in, nor appear to engage in partisan political activity during working hours at County work-sites. Any officer or employee found to be in violation of this policy will be subject to discipline, up to and including termination. In addition to whatever internal discipline an errant officer or employee may have imposed upon them by the County, said officer or employee may also be subject to prosecution, under the provisions of the Hatch Act.



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In the event that there is a nonpartisan ballot initiative or referendum in which an officer or employee wishes to become engaged, he/she should consult with his/her supervisor, who will seek guidance from the Department of Human Resources and the Solicitor's Office, prior to engaging in any political activity whatsoever.

**V. RESPONSIBILITIES**

A. The Department of Human Resources is responsible for:

1. Ensuring that this policy is thoroughly disseminated to all merit hire employees. Further, it shall be the Department of Human Resource's responsibility to provide guidance and information to officers and employees as to what is expected of them, by the County, in conjunction with the implementation of this policy.

B. The Solicitor's Office is responsible for:

1. Assisting the Department of Human Resources in answering any questions that may arise in connection with the adoption and implementation of this policy. Further, the Board of Commissioners, elected officials and department heads may seek advisory opinions and/or guidance from the Solicitor's Office, in those instances in which the same is required in order for them to carry out and fulfill their duties.

C. The Human Services Director's Office is responsible for:

1. Disseminating this policy to all merit hire employees on an annual basis.

D. Employees are responsible for:

1. Seeking guidance from their supervisors on any matters involving political activity about which they are unsure. In the event that the employee's supervisor is unable to assist them in addressing questions or concern, the employee may singly or jointly with his/her supervisor, seek further assistance, to obtain a resolution of the query, from the Department of Human Resources and/or the Solicitor's Office.



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|                      |                                                                                               |
|----------------------|-----------------------------------------------------------------------------------------------|
| <b>Title</b>         | <b>ALTERNATIVE DISPUTE RESOLUTION (ADR) POLICY/PROCEDURE FOR MERIT-BASED HIRING EMPLOYEES</b> |
| <b>Date Issued</b>   | <b>APRIL 23, 2014</b>                                                                         |
| <b>Last Revision</b> |                                                                                               |

**BY DIRECTION OF: Dauphin County Board of Commissioners**

**I. 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.

**II. SCOPE**

This policy applies to union employees covered by the Pennsylvania Social Services Union (PSSU) and non-union employees excluding Human Services Directors in the following departments: Area Agency on Aging, Drug and Alcohol Services, Mental Health/Intellectual Disabilities, Social Services for Children and Youth, and Human Services Director's Office (HSDO). It also applies to applicants who apply for County employment in these Human Services Departments and are not selected as a result of what they believe to be an arbitrary or discriminatory decision.

**III. DEFINITIONS**

- A. **Dauphin County** - The County of Dauphin and the Dauphin County Board of Commissioners and all departments and agencies thereof.
- B. **Employee** - Any individual employed by Dauphin County.

**IV. POLICY**

Dauphin 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, Dauphin County has established an ADR policy/procedure for PSSU union and non-union employees excluding Human Services Directors in the following departments: Area Agency on Aging, Drug and Alcohol Services, Mental Health/Intellectual Disabilities, Social Services for Children and Youth, and the HSDO.

Dauphin 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



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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, 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.

#### **V. 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.

#### **VI. 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, Social Services for Children and Youth, or the HSDO 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 submit the ADR Request Form to the Director of Human Resources and a copy delivered to the HSDO within ten (10) business days of the time he/she is informed that he/she was not selected for the position. Unless otherwise specified, applicant grievances will begin at Step 3.



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#### **VII. DIRECT APPEAL**

Dauphin County remains committed to the transparency and integrity of the entire ADR process as written and has intentionally crafted a series of steps that escalate both in authority and accountability. As such, the County would strongly encourage employees and applicants to avail themselves of the entire procedure; however, employees and applicants do have the option to appeal directly to the panel described in Step 5 and waive Steps 1 through 4 of the process. Persons wishing to waive Steps 1 through 4 must submit the ADR Request Form to the Department of Human Resources 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.

#### **VIII. 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 and a copy to the HSDO 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 HSDO. 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 HSDO within ten (10) business days of receipt of the Step 1 response. A copy of the Step 1 response must be attached.



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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 HSDO 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/Chief of Staff or Deputy Chief Clerk/Deputy Chief of Staff**

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/Chief of Staff or Deputy Chief Clerk/Deputy Chief of Staff and a copy to the HSDO 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 and a copy to the HSDO within ten (10) business days of receipt of the Step 4 response. Copies of Steps 1 through 4 responses must be attached.





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An employee or applicant has the ability to appeal directly to Step 5 of the ADR procedure, provided that a timely written waiver of steps one through four is provided to the Director of Human Resources with an ADR Request Form describing the claim, the facts in support of the claim and the remedy sought.

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 Dauphin 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



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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 HSDO and the Department of Human Resources will be responsible for the enforcement. Dauphin County will provide the Department of Public Welfare 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 Dauphin 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.

## **IX. 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.

## **X. 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.



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|----------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Title</b>         | <b>ALTERNATIVE DISPUTE RESOLUTION (ADR)<br/>ADJUDICATION GUIDELINES FOR MERIT-BASED HIRING<br/>EMPLOYEES</b> |
| <b>Date Issued</b>   | <b>APRIL 23, 2014</b>                                                                                        |
| <b>Last Revision</b> |                                                                                                              |

**BY DIRECTION OF: Dauphin County Board of Commissioners**

Adjudication

In a paragraph or two (2), state the hearing date(s), identify all attendees, and make reference to the section(s) of the employee handbook that provide for ADR.

Findings of Fact

This section of the adjudication should be detailed, often running to twenty (20) or more numbered paragraphs. The material (i.e., important) facts should be recounted in concise form based on careful note taking by the three ADR panel members. Documents or other evidence not based on testimony should be described.

Conclusions

This section should be shorter than the findings of fact, perhaps no more than three (3) or four (4) numbered paragraphs.

Decision

Finish with concise decision, specifying the nature of any discipline imposed or recommended by the panel. Signature blocks for the three panel members should be placed at the bottom of the decision, with space provided for "aye" and "nay" votes.



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|----------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Title</b>         | <b>ALTERNATIVE DISPUTE RESOLUTION (ADR)<br/>DAUPHIN COUNTY HEARING RULES FOR MERIT-BASED<br/>HIRING EMPLOYEES</b> |
| <b>Date Issued</b>   | <b>APRIL 23, 2014</b>                                                                                             |
| <b>Last Revision</b> |                                                                                                                   |

**BY DIRECTION OF: Dauphin County Board of Commissioners**

**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 Dauphin 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 Dauphin 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 Dauphin 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.



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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. Dauphin 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 Dauphin 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.



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**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.



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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:



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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. Dauphin 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, Dauphin 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, Dauphin 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:





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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 Dauphin 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. Dauphin County shall call witnesses to testify after being sworn by the presiding ADR Panel member.
4. Dauphin County may, through witnesses or by stipulation, offer any other relevant evidence for introduction into the record.
5. Dauphin 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 Dauphin 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. Dauphin County may object to questions directed to witnesses and to the introduction of any evidence offered.
11. Dauphin 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



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minimum of two (2) of the members of the ADR Panel, shall be final. A copy of the adjudication will be sent to Dauphin 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, Dauphin 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 Dauphin 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.



**DAUPHIN COUNTY**  
**P E N N S Y L V A N I A**  
**POLICIES AND PROCEDURES**

**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.