

## Prehearing Conference - FAQs

### What is a prehearing conference?

It is a meeting conducted by an administrative law judge (ALJ) to identify the issues, documents, witnesses and motions. The Civil Service Division (CSD) will schedule a prehearing conference before a hearing. The prehearing conference is attended by the administrative law judge, the parties to a complaint, and their representatives (if any). It is not open to the public and witnesses are not permitted. The prehearing conference is an opportunity to clarify issues with the administrative law judge before the hearing.

### May I have someone represent me?

Yes. Each party to the complaint may have a representative to speak and act on their behalf. A representative can either be a licensed attorney, or an individual other than an attorney. You must designate your representative on the Complaint Petition Form or they should file an Entry of Appearance.

### How do I make requests to the ALJ at the prehearing conference?

Oral motions may be made during a prehearing conference or hearing. All other motions and requests shall be filed in writing and shall state the reason for the motion or request and shall include an affidavit of service to all other parties.

### What are my responsibilities at the prehearing conference?

Prior to the prehearing conference, each party shall provide a copy of the following documents to the ALJ and the other party:

1. A statement of the case, including stipulations and requested remedies.
2. A list of witnesses the party expects to call at the hearing who have direct knowledge of the issue(s) in dispute.
3. A list of the names and addresses of witnesses the party seeks to subpoena, including a brief description of the testimony each witness will offer.
4. A list of exhibits and documents the party expects to introduce at the hearing, including a copy of each if available.

The above listing is also known as a Prehearing Conference Statement. A form is available on the CSD website. The exhibits and documents you plan to introduce at the hearing must be listed on the Prehearing Statement and a copy of the document must also be provided. All documents **MUST** be submitted **PRIOR** to the prehearing conference to allow time for review by the parties and the ALJ. For complainants, uploading the documents to the online complaint petition is considered sharing the documents with the ALJ and agency. For the agency, sending documents through email to the CSD mailbox is considered sharing the documents with the ALJ and complainant.

### What witnesses should I list to testify at the hearing and who is allowed?

#### 260:130-7-4. Hearing

(f) **Witnesses allowed at the hearing.** The witnesses allowed at the hearing shall be limited to

- (1) the Human Resources Director or designee;
- (2) the supervisor;
- (3) the employee bringing the complaint;

**\*Any substitutions or additions to the above must be approved by the ALJ.\***

### What exhibits/documents should I list and what is allowed at the hearing?

(g) **Documents allowed at the hearing.** The documents allowed at the hearing shall be limited to the documents contained in the disciplinary file.

(h) The ALJ has the discretion to approve the request to provide additional witnesses and documents, as necessary.

**\*Any substitutions or additions to the above must be approved by the ALJ.\***