POLICY NUMBER:	DATE CREATED:
CC.002.26	November 30, 2016
POLICY TITLE:	
Adams County Merit Hire	DATE(S) OF REVISION: September 16, 2026
ADR Hearing Rules	NUMBER OF REVISION: 2

AUTHORIZED BY: ADAMS COUNTY COMMISSIONERS

General

A public hearing shall be granted to CYS employees and applicants for employment with Adams County CYS (hereinafter, "the Department") for any personnel transaction, including furlough, resignation, removal &/or suspension, that the employee or applicant believes was taken or based on improper or discriminatory non-merit factor(s) or treatment. These Hearing Rules and Procedures apply only to the Adams County ADR Policy at the Fifth Step.

Requests

Requests for hearings shall be:

a. Made in writing and consistent with the County ADR Policy for Merit Hire (hereinafter, "ADR Policy").
b. Personally signed by the grievant.

Burden of Proof

1. Appeals alleging discrimination which do not include specific facts relating to the alleged discrimination may be dismissed. The grievant shall bear the burden of proving that the County's action was discriminatory. Specific facts which should appear in the hearing request include:
    a. The treatment at issue.
    b. How the treatment differs from treatment of others similarly situated.
    c. When the treatment occurred.
    d. When and how the grievant first became aware of the alleged treatment.

e. When and how the grievant first made the County aware of the alleged treatment.

2. Appeals alleging inappropriate personnel actions taken by the County which do not allege discriminatory treatment should describe with specificity the personnel action at issue. The County shall bear the burden of proving the appropriateness of the action taken.

3. For mixed claims, the Arbitrator may bifurcate issues or take evidence in any order, but must allocate burdens as specified herein. In all cases, the applicable standard of proof is preponderance of the evidence.

Form of hearing

1. The hearing shall be formal, but not all of the rules of evidence need be strictly enforced. Evidence offered should be the best evidence available. Any document(s) which constitutes 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 offered into evidence.

2. A complete stenographic, electronic, or other exact record of the proceedings shall be made available at a cost to be evenly divided between the grievant and the County. The neutral Arbitrator may prohibit the use of mechanical and electronic recording devices if the use of the devices will disrupt or otherwise interfere with the proceedings.

3. The neutral Arbitrator shall conduct the hearing(s).

4. The Arbitrator, on his or her own motion, may grant a continuance if the scheduled hearing lasts longer than two (2) hours.

Legal representation

1. The County shall be represented by counsel in good standing and presently admitted to practice before the Supreme Court of Pennsylvania. Counsel shall be appointed by the Solicitor.

2. Grievants 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 the County or a grievant by a legal intern certified under the Pennsylvania Bar Admission Rules.

3. A person other than those noted in paragraph 2 above will not be permitted to represent a grievant at a hearing before the neutral Arbitrator.

4. 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 directed to the represented party.

Subpoena

1. Procedure for requesting subpoenas.
    a. Subpoenas for the attendance of witnesses or for the production of documents will be issued only upon written application to the neutral Arbitrator with a copy to the opposing party.
    b. The written application shall specify clearly 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.
    c. Failure to adhere to the requirements of this subsection may result in refusal by the neutral Arbitrator to issue the requested subpoena(s).

2. Service.
    a. A subpoena shall be served upon a witness personally by a Party or by first class mail.
    b. 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 CYS Administrator, who may designate a knowledgeable alternate as custodian of the documents.
    c. Service of subpoenas for the attendance of witnesses shall be made at least ten (10) business days prior to the hearing, unless the witness agrees to waive this requirement. Subpoenas for the production of documents shall be served no later than ten (10) business days prior to the date of the hearing.
    d. Failure to adhere to the requirements of this subsection may result in a ruling by the neutral Arbitrator denying the enforceability of the subpoena.

Depositions and Discovery

1. Depositions. At the discretion of the neutral Arbitrator, depositions (statements of witnesses under oath) may be transcribed and submitted in lieu of testimony at the hearing, if the witness is unavailable to testify at the hearing due to an unavoidable absence from the jurisdiction, illness, or other compelling reason. The cost of depositions shall be borne by the requesting party. The requesting party must notify the opposing party as to the date, time, and location of the deposition, and the opposing party shall have the opportunity to question the deposed witness.

2. Discovery of documents.
    a. Requests for discovery of documents shall be in writing and shall initially be served upon the opposing party or legal representative no later than fifteen (15) business days prior to the date of hearing.
    b. If the parties are unable to agree upon a reasonable scope of discovery, requests for discovery may be forwarded in writing to the neutral Arbitrator, who may, at his or her discretion, define the scope of discovery.

3. Witness list. Each party shall provide a list of witnesses they intend to call at the hearing and the names shall be provided to the neutral Arbitrator no later than five (5) business days in advance of the hearing, with a copy to the opposing party. Calling a rebuttal witness whose name does not appear on the list may be permitted at the discretion of the neutral Arbitrator.

4. For good cause shown, the Arbitrator may shorten or extend these time limits, and may accept late-filed discovery, subpoenas, and witness/exhibit lists where no undue prejudice is shown.

Settlement

1. Parties, at their discretion, may enter into an agreement to settle or otherwise discontinue a proceeding before the neutral Arbitrator at any point in the process prior to adjudication. All parties shall notify the neutral Arbitrator in writing in a timely manner of a settlement agreement. Upon receipt of notice from the grievant or the grievant's legal representative, the grievance shall be deemed withdrawn.

2. The neutral Arbitrator will not be responsible for the enforcement of a settlement agreement.

Pre-hearing conferences

1. Pre-hearing conference. To facilitate the submission and consideration of issues and facts, the neutral Arbitrator may schedule a pre-hearing conference and require the parties to participate in the proceeding. The conference may be conducted in person, virtually, or by telephone, to consider the following:
    a. Simplification of the issues.
    b. Stipulations of fact and authentication of documents.
    c. Admissibility and relevance of witness testimony.
    d. Admissibility and relevance of exhibits, which will be identified and exchanged at the conference.
    e. Subpoenas and all issues related to subpoenas.
    f. Offers of settlement or proposals for adjustment, if appropriate.
    g. Other matters that would facilitate the efficiency of the proceeding.

2. Pre-hearing conference memorandum. No later than five (5) business days in advance of the pre-hearing conference, the parties will submit to the neutral Arbitrator, with copies to the opposing party, a memorandum that contains the following:
    a. Caption identifying the parties and the grievance, including the Grievant's name and the date the County received the grievance.
    b. Statement of issues to be decided by the neutral Arbitrator. If a party intends to move the Arbitrator to dismiss the grievance, that issue should be noted, but a Motion to Dismiss must be separately filed.
    c. 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.

d. Witness list with brief description of testimony of each witness listed.
e. Exhibit list with brief description of exhibits and a brief explanation of the relevance of each exhibit listed.
f. Estimate of time required to complete presentation of evidence to the Arbitrator.
g. 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:
    i. A supplemental memorandum is submitted to the Arbitrator at least one (1) business day prior to the hearing demonstrating just cause for the delayed notice.
    ii. There has been proper notice to other parties and there is no showing of undue prejudice.
    iii. The parties have conferred and agree to the additional witnesses or exhibits, or both.
    iv. The neutral Arbitrator permits the calling of a rebuttal witness.

Order of Proof for Hearings on Personnel Transactions Not Involving Allegations of Discrimination

1. If, after due notice, the grievant fails to appear at the scheduled hearing, the County has no burden to go forward and the grievance may be dismissed without the presentation of evidence.

2. If both Parties appear, the County bears the burden of proof and shall go forward to establish by a preponderance of the evidence the basis for the personnel action taken.

3. While in each case the neutral Arbitrator may adapt the procedures and conduct of the hearing in accordance with the requirements of justice and due process, generally the hearing shall proceed in the following order:
    a. The Arbitrator shall open the hearing and shall enter as exhibits a copy of the document initiating the action taken by the County, the Alternative Dispute Resolution Form of the grievant, and evidence of proper notification to all parties in interest.
    b. The parties shall present any preliminary motions.
    c. The County shall call witnesses to testify, who will be sworn in by the Arbitrator.
    d. The County may, through witnesses or by stipulation, offer any relevant evidence for introduction into the record.
    e. The County shall cite all relevant provisions of law and all relevant rules and regulations.
    f. The grievant may object to questions directed to witnesses and to the introduction of any evidence offered.
    g. The grievant shall be allowed reasonable opportunity to cross-examine witnesses.
    h. At the conclusion of the County's case, the grievant may move to dismiss on the grounds that no prima facie case has been established.
    i. If no motion to dismiss is made, if the motion is denied, or if the Arbitrator defers ruling on the motion, the grievant may present his or her defense by the testimony of witnesses, the introduction of relevant evidence, and the citation of relevant provisions of law, rules, or regulations.

j. The County may object to questions directed to witnesses and to the introduction of any evidence offered.
k. The County shall be allowed reasonable opportunity to cross-examine the witnesses.
l. When all evidence has been introduced, the Arbitrator shall hear oral argument, after which the hearing shall be deemed to be concluded.
m. The transcript of the record will be made available to the Arbitrator. A copy of the transcript shall be available for purchase by either party at the rate established by the stenographer assigned to record the hearing.
n. The parties may submit briefs within a period of time fixed by the Arbitrator. Failure by either party to file its brief within the fixed time may lead to the refusal by the Arbitrator to consider the brief in making his or her decision.
o. The record shall be considered closed upon receipt of transcripts, depositions, and briefs. The Arbitrator will determine the facts based upon the evidence of record and decide relevant questions of law within thirty (30) business days after the closing of the record.
p. A copy of the adjudication, signed and in writing, containing findings of fact and conclusions of law, shall be prepared as a decision of the Arbitrator. A copy of the adjudication will be sent to the County and the grievant. Said adjudication will be final and binding.

Order of Proof for Hearings on Personnel Transactions Involving Discrimination

1. If a grievant fails to attend the hearing, the appeal may be immediately dismissed for failure to prosecute.
2. If both Parties are present, the grievant bears the burden of proof and shall go forward to establish by a preponderance of the evidence the charge or charges of discrimination.
3. Apart from the burden of proof and order of presentation of the case, the remainder of the procedure shall follow that prescribed in "Procedure for Hearings on Personnel Transactions not involving Allegations of Discrimination" in paragraphs a-p above.

DOCUMENTARY FILINGS

Praecipe of appearance

For all hearings held pursuant to these rules, legal representatives for the County and for the grievant shall file a Notice of Appearance with the neutral Arbitrator, at least three (3) days prior to the time of the hearing.

Exhibits

Parties presenting exhibits shall bring four (4) copies to the hearing.

Briefs

The parties will be notified by the Arbitrator of the procedure and schedule for the submission of briefs. Briefs shall be submitted via the Arbitrator's specified e-mail

address. Briefs filed outside of the time period, sequence, or manner specified will be considered only at the discretion of the Arbitrator.

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Office of the Adams County Commissioners

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Chief Clerk: Paula V. Neiman | County Administrator: Steven A. Nevada
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ADAMS COUNTY

Adams County Merit Hire
ADR Hearing Rules

This Policy is effective the 16th day of September, 2026.

ATTEST:

Paula V. Neiman
Chief Clerk

ADAMS COUNTY BOARD
OF COMMISSIONERS

Randy L. Phiel, Chairman

James E. Martin, Vice-Chairman

Mark A. Clowney, Commissioner