

**TOWN OF PRESCOTT VALLEY**  
**POLICIES AND PROCEDURES**

Subject: **PERSONNEL BOARD** File under Section: **PERSONNEL**

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Res. No. 1376, 8/11/2005

Supersedes: **September 23, 2002** Approved By:   
Res. No. 1117, 8/22/2002 **Larry Tarkowski**  
**Town Manager**

Date: **8-11-05**/S

**1.0 POLICY**

1.1 It is the policy of the Town of Prescott Valley to promote positive employer-employee relations through the establishment of a Personnel Board. The Personnel Board shall perform an advisory role for the Town Council and Town Manager and will be recourse for employees seeking mediation through the formal grievance procedure.

**2.0 PURPOSE**

2.1 The purpose of the Personnel Board shall be to conduct hearings relating to and the rendering of decisions on matters properly brought before the Board as provided under the grievance procedure. The Personnel Board shall also review and recommend to the Town Council proposed amendments to the Personnel Policies & Procedures.

**3.0 APPLICABILITY**

3.1 Personnel Board.

**4.0 REFERENCE**

N/A

**5.0 COMPOSITION**

5.1 The Personnel Board shall consist of five (5) members appointed by the Town Council. Three (3) members shall be Prescott Valley residents; one (1) exempt employee and one (1) non-exempt employee for two-year staggered terms, with three (3) alternates, one being from each sector. The Board shall select its own chairperson annually from among its membership. The Board shall be subject to

all requirements of the State Open Meeting Law, which allows the discussion of personnel matters in private, but not the rendering of decisions.

## **6.0 MEETINGS**

- 6.1 The Personnel Board shall hold meetings at least annually or as required at such time and place within the Town as shall be designated by the chairperson of the Board. In addition, the Board may hold special meetings upon the call of the chairperson or a majority of the members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. Meetings shall be conducted informally in accordance with such rules and procedures as may be adopted by the Personnel Board.
- 6.2 The human resources manager through the Town Manager's designation shall act as secretary to the Board and provide any necessary administrative support.

## **7.0 HEARINGS**

- 7.1 Once a hearing has been scheduled, notice is given in person or by certified mail to the Town Manager and to the grievant, or their designated representative, at least fourteen (14) days prior to the meeting. The hearing agenda shall be posted according to the Arizona Open Meeting laws. Public notice of the meeting is given by posting the agenda in the three (3) designated Town posting places at least twenty-four (24) hours before the meeting.
- 7.2 Hearings conducted by the Personnel Board shall be conducted in Executive Session unless the grievant requests a public hearing. Such body also shall exclude from any meeting during the examination of a witness, any or all other witnesses in the matter being investigated by the Board. The hearing need not be conducted according to technical rules relating to evidence and witnesses.
- 7.3 The parties, the grievant and the department head, will submit all evidence, including a witness list, to the Personnel Board and to the other party at least seven (7) calendar days prior to the scheduled hearing.
- 7.4 The town attorney shall represent the department head in support of the personnel action if requested by the Town Manager or if the grievant elects to be represented by legal counsel. If the grievant elects not to be represented by legal counsel, the department head shall not be represented by the town attorney.
- 7.5 The meeting order shall be as follows: the chairperson shall make an opening statement; call to order; introductions of the participants; a statement of authority by the chairperson; administration to witnesses by the chairperson of the oath or affirmation; exclusion of witnesses; opening statements; presentation of witnesses and documentary evidence; cross examination by the parties and by Board members; rulings by the chairperson on the relevancy of witnesses or documents, closing statements; rebuttal arguments; taking the matter under advisement; admonishing the parties as to confidentiality.
- 7.6 The department head will present his/her case first and shall have the burden of proof.

- 7.7 The parties, or their representatives, may make opening presentations, summarizing their positions on the issues related to the hearing.
- 7.7.1 Any relevant evidence may be admitted if it is the sort of evidence upon which responsible persons are accustomed to relying in the conduct of their affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions. The Personnel Board's findings shall be based upon a preponderance of the evidence.
- 7.8 The Personnel Board shall have the power in a hearing to examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the Town if not provided to the Board upon its request.
- 7.9 The parties or their representatives may make closing summaries.
- 7.10 The Personnel Board shall have the authority, if necessary, to continue the hearing as long as the thirty (30) day time limit is met. In case of a continuance, no further public notice is required beyond a declaration in the meeting.
- 7.11 If the hearing is held in executive session, all participants (except Personnel Board members and the Board's legal advisor) may be excluded at the conclusion so that the Board may discuss its decision as a continuation of the executive session. If the hearing is held as an open meeting, the Board may vote to go into executive session at the conclusion (presuming the Board has so indicated in its agenda). The chairperson will appoint a Board member to prepare a draft advisory opinion consisting of findings of fact and conclusions. Final adoption of the advisory opinion shall be voted on in an open meeting.
- 7.12 The advisory opinion shall be forwarded to the Personnel Officer and copies of same shall be forwarded to each party. A final decision is then rendered by the Personnel Officer in accordance with the Town's Grievance Procedures (Policy No. 2-23).
- 7.13 Failure of any Personnel Board member (or alternate) to attend any portion of a hearing shall not preclude that member from deliberating and voting on a decision related to the appeal since it is presumed that the member or alternate will review the record prior to deliberating or voting.
- 7.14 The Personnel Board shall make and retain a record of all hearings, either as written minutes or as tape recordings. As a practical matter, if the employee is represented by legal counsel, counsel will likely request to bring in a stenographer or to make an independent recording. Such requests must be approved if the hearing is public.

## **8.0 CONFLICT OF INTEREST**

- 8.1 Any member of the Personnel Board shall avoid making decisions or being involved in decision-making when said Board member has a conflict of interest. If a Board member declares a conflict of interest, the alternate member from that sector shall take over during such hearing.

**9.0 CONFIDENTIALITY**

- 9.1 Notwithstanding the proceedings of a public hearing, matters brought before the Personnel Board may be designated as confidential. Personnel Board members are responsible for nondisclosure to anyone outside the Town organization and limited to discussing matters within the Town organization as part of fact finding or on a "need to know" basis.