

DRAFT

CIVIL SERVICE COMMISSION

VIRTUAL DISCIPLINARY HEARING PROCEDURES FOR COVID-19 EMERGENCY

INTRODUCTION

During the current COVID-19 pandemic and during any City of Long Beach declared state of emergency, the Civil Service Commission may choose to conduct disciplinary hearings virtually via Webex or any platform deemed appropriate, referred to hereafter as “virtual hearings.”

The following procedures will guide the process to ensure health and safety, fairness and equity when conducting the virtual hearings. COVID- 19 protocols will be strictly adhered to, based on public health officials from the City of Long Beach, County of Los Angeles and State of California. This includes the wearing of face covering when in a room with other individuals in a City facility. When participating remotely and not on a city site, participants are not required to wear face coverings; however, participants should adhere to all public health protocols such as social distancing.

PLATFORM

Virtual hearings will be conducted using the Webex platform. The City of Long Beach has identified Webex as the platform to conduct meetings requiring secured settings. Due to the confidentiality required for the virtual hearings, Webex was determined to be the most secure at this time.

LOCATIONS

The City will provide rooms on site at a City facility that witnesses must use. Rooms will be provided for the attorneys participating in the hearings, should they choose to be on site. The following rooms will be made available.

- **Witness Room**

The City will provide a witness room where all necessary equipment will be made accessible for all witnesses participating in the hearing. A staff person from Civil Service will serve as a Witness Room Monitor and will be stationed inside, or adjacent to the room within view of the witness to assist the witness with any technical difficulties that may occur during the time they are testifying. Attorney’s shall endeavor to stagger witness testimony to avoid collection of multiple witnesses in one location waiting to testify. Parties shall advise witnesses to be available by phone near the Webex hearing location until the Witness Room Monitor calls them to testify. All witnesses shall testify from the Witness Room consistent with social distancing protocols. Witnesses will be allowed to remove their face covering while testifying per the City Health Officer. All witnesses giving testimony by Webex shall be subject to the same direct and cross-examination procedures as witnesses appearing in person.

- **Attorneys’ Rooms**

Attorney representing the appellant - A room will be made available for the appellant’s attorney should they choose to be on site at a City facility with proximity to the Witness Room. The City will provide the necessary equipment for the appellant. The attorney may also choose to log into the hearing from a remote setting. Should the appellant’s attorney choose to participate remotely, he/she must provide separate computer and audio equipment with access to the Webex platform for the appellant.

Attorney representing the City - A room will be made available for the attorney representing the City should they choose to be on site at a City facility with proximity to the Witness Room. The attorney may also choose to log into the hearing from a remote setting.

- **Remote Locations**

Individuals that will be not be on site at a City facility, but instead participating remotely will include:

- Civil Service Commissioners
- Civil Service staff supporting the Commission
- Counsel from City Attorney's office advising the Commission
- Court Reporter

JOIN THE MEETING

After you are scheduled to participate in a Webex virtual hearing, you will receive an email invitation from the Civil Service Executive Assistant who will provide login information through an email invitation.

Use the following steps to join the virtual hearing:

1. The computer or tablet used to join the Webex virtual hearing should be set up in a private, secluded area, free from foot traffic, background noise, and other distractions.
2. Click on the "Join" link to join the hearing. Log on a few minutes before the hearing is scheduled to begin so you can check your video and sound to ensure they are working properly. Civil Service staff will be available to assist with the technology check.
3. You will be designated as a Participant, and the Civil Service Executive Assistant will be designated as the Host. Control icons are located at the bottom of the screen and will allow you to, among other things, mute your microphone and turn off your video camera.
4. Participants in the hearing will always be required to use the camera feature on the Webex platform. No participants shall be permitted to turn off their cameras during the hearing. Participants will endeavor to have lighting to support good and clear viewing by other participants.
5. It is advised that you select the gallery view options, so you can view all in attendance at the hearing. A full gallery view has the option for 12 individuals to be viewed at one time.
6. Due to the slight delay inherent in video conferencing, it is important to allow participants to finish speaking to avoid talking over one another. To avoid any extra ambient background noise the host will have the authority to mute hearing participants. To mute your audio yourself, click "Mute my Microphone." You will see an icon with a slash across a microphone indicating your microphone has been muted. Click "Unmute my Microphone" when you have been recognized to speak by the presiding chair of the hearing.

EXHIBITS

For all virtual hearing's documentary evidence shall be presented in the following manner:

1. The parties shall create exhibit packages consisting of hard copies of all documents intended for use during the hearing for distribution to the Commissioners and all hearing participants.
2. Additional exhibits provided during the hearing must be submitted electronically to the Civil Service Executive Assistant for distribution to all hearing participants.
3. Each party shall three - hole punch a hard copy of the exhibit package and place it in a loose-leaf binder for use in the Witness Room.
4. All hard copies must be received by the Civil Service Executive Assistant 10 business days prior to the hearing.

FINDINGS

- The Commission will use a breakout room in Webex to deliberate and reach a conclusion.
- The Commission will resume with all parties in the virtual hearing and read their verdict.