

## **EXHIBIT A**

### **Merit System Rules proposed changes:**

#### **RULE 3 SELECTION PROCEDURES**

##### **3.7 THE EVALUATION PROCESS**

###### **2. Duration of Certification Lists:**

- a. Except for Cochise County Sheriff's Office law enforcement positions and as otherwise provided in this section, Certification Lists shall expire upon completion of ninety (90) calendar days from the time of their establishment or last addendum date unless a Department Director requests an extension, in writing, to the Human Resources Director. An extension, if approved, shall not exceed 180 calendar days. Certification Lists established for job classifications within exclusive to the Sheriff's Office, to include law enforcement and non-law enforcement personnel, shall expire 360 calendar days from the date of establishment unless extended by the Human Resources Director.
- b. The Human Resources Director may abolish a Certification List in the event of changes in class duties or requirements, or new examination, or whenever an existing Certification List has ceased to meet the needs for adequate placement in the County service. Any candidate previously placed on a Certification List will be notified verbally, by mail, or in any other manner prescribed by the Human Resources Director if an active Certification List is abolished.

#### **RULE 9 APPEAL FROM DISCIPLINARY ACTIONS**

##### **9.4 HEARING**

###### **A. Nature of Hearing:**

Each hearing shall be noticed pursuant to A.R.S. §38-431 et seq., and shall be held in open closed session unless the appellant requests a public hearing. The appellant or the respondent may represent themselves, or may employ legal representation, or may have other representation of their own choice. The hearing shall be informal, hearsay shall be permitted, and technical rules of evidence shall not apply to the proceedings, except that irrelevant, immaterial, incompetent, or unduly repetitious evidence, or evidence protected by the rules of privilege recognized by law, may be excluded. The parties may submit stipulations (facts that are undisputed by either party), in advance of the hearing, to the Human Resources Department. Objections to evidence must be made orally prior to the Hearing Officer's acceptance of evidence or such objections shall be deemed to be waived. The parties may stipulate to have the matter submitted on the record as opposed to providing oral testimony at the hearing. All testimony at the hearings shall be recorded. Parties requesting a transcript of the hearing shall bear the costs.

As provided by Merit System Rule 9.5, the assigned Hearing Officer shall prepare findings of fact and conclusions of law and a recommended decision on the

employee appeal. The decision shall be filed through the Human Resources Director to the Merit Commission within ten (10) working days from the conclusion of the hearing. Copies of the findings of fact and conclusions of law shall be provided to the appellant, appellant's counsel, the respondent and the County Attorney's Office. Cochise County must receive written notification from appellant giving full release for all correspondence to be sent directly to counsel.

#### **9.6 MERIT COMMISSION REVIEW**

The Human Resources Director shall send a copy of the Hearing Officer's recommendation, the formal finding of facts and conclusions of law, and any exhibits or other submitted documentation from the appeal hearing to each Merit Commission member. Merit Commission members may request that the Human Resources Director make an audio recording of the appeal hearing available for review. Each Merit Commission member will review the Hearing Officer's decision and any of the additional materials provided to them.

Within ten (10) calendar days of the receipt of Hearing Officers response of formal finding of facts and conclusions of law the Human Resources Director will schedule a meeting with the Hearing Officer and the Merit Commission members to review the formal finding of facts and conclusions of law that the Hearing Officer used to render his decision. **The Merit Commission will meet in open executive session unless there is a motion to meet in executive session the appellant requests otherwise.** The Merit Commission shall render a decision to:

- accept the Hearing Officer's recommended decision by a majority quorum of the Merit Commission members; the Merit Commission's decision is final; or
- reject the Hearing Officer's recommended decision by a majority quorum of the Merit Commission members. In this event, the Merit Commission would render their own decision.