

Hays County Sheriff's Office Civil Service Commission Rules for Disciplinary Hearings

Rules Generally

These rules shall govern the review of an administrative action by the Hays County Sheriff's Office Civil Service Commission in all grievance proceedings, except as hereinafter stated, pursuant to Chapter Seven of the Hays County Sheriff's Office Civil Service Rules.

Key Terms:

1. The Commission: The Hays County Sheriff's Office Civil Service Commission
2. The Sheriff: Hays County Sheriff's Office
3. The Grievant: The individual who appealed the discipline to the Commission
4. Standard Hearing: The set hearing structure with default time limits
5. Extended Hearing: The set hearing structure with extended time limits to some or all portions of the hearing.
6. The Rules: The rules for hearing contained within this document and any other subsequent amendments still in effect.
7. The Director: The Director of the Commission
8. The Chairperson: The Chair of the Commission.

Note: Any terms not herein defined, but defined in the Hays County Sheriff's Office Civil Service Commission Rules, have the meaning as used in the Hays County Sheriff's Office Civil Service Commission Rules. However, to the extent that said term is defined there and in this document, the definition in this document is binding.

Representation:

Any party to a grievance may appear and present their position. The grievant shall notify the Director if he has a representative or attorney and the representative's / attorney's name and contact information. Notification should occur at the time of filing the grievance, or as soon thereafter as possible. Either the Sheriff's representative, the Sheriff's designee, or the Sheriff's attorney may present Sheriff's case, but both will not be allowed to participate in the presentation of information. The same rule will apply to the grievant and his representative or attorney.

Burden of Proof:

The Sheriff has the burden of proof, based on a preponderance of the evidence, to demonstrate the Grievant committed improper conduct.

Dismissal of Grievance:

At any time before a decision is rendered, the Grievant may withdraw the grievance, and the withdrawal shall be entered into the record.

Appearance:

All parties, witnesses, representatives, attorneys, etc. that will take part in the hearing must appear in person for said hearing, except that the Commission may, for good cause, allow a witness to appear via videoconference by a majority vote of the Commission. The Commission Members may appear via videoconference at the discretion of the Chairperson and in compliance with applicable statutes.

Limited Arguments:

The Sheriff will be limited to the arguments and facts as generally made or alleged in the Communication for Decision of Discipline, i.e. the suspension memo. The Grievant shall be limited to the arguments and facts as generally made in the Grievant's filings to the Commission.

The Sheriff and the Grievant are both limited to the arguments and facts as generally made or alleged in the respective filings said parties filed with the Commission.

Civility:

All parties and witness must act respectfully, in good faith, and civilly with one another.


General Structure of a Hearing(Note: Standard Hearing time-limit then is two hours.)

1. Determination of whether the hearing will be a Standard Hearing or an Extended Hearing.
 - a. **Note:** The only difference between the two types of hearings shall be that the Extended Hearing may grant additional time to any section of the hearing, but must grant the same amount of time to both sides (Example: If HCSO needs an additional hour to directly examine their witnesses, then the Grievant shall have an additional hour available as well)
 - b. **Note:** A request for an extended hearing may be made by the Sheriff or the Grievant; the Commission may also determine additional time is needed on its own initiative. The additional time must only be granted for good cause.
2. Sheriff Opening Statement (Time limit: 5 minutes)
3. Grievant Opening Statement (Time limit: 5 minutes)
4. Sheriff Main Case
 - a. Sheriff Direct Examining Witnesses (Time limit: 20 minutes, total)
 - b. Grievant Cross Examining Witness (Time limit: 10 minutes, total)
 - c. Sheriff Re-Direct Examining Witnesses (Time limit: 10 minutes, total)
 - d. Grievant Re-Cross Examining Witness (Time limit: 5 minutes, total)
5. Grievant Main Case
 - a. Grievant Direct Examining Witnesses (Time limit: 20 minutes, total)
 - b. Sheriff Cross Examining Witness (Time limit: 10 minutes, total)
 - c. Grievant Re-Direct Examining Witnesses (Time limit: 10 minutes, total)
 - d. Sheriff Re-Cross Examining Witness (Time limit: 5 minutes, total)
6. Questions by the Commission (Time limit: 15 minutes)
7. Grievant Closing Statement (Time limit: 2.5 minutes)
8. Sheriff Closing Statement (Time limit: 2.5 minutes)

General Procedural Rules

- The Texas Rules of Evidence shall act as a general guide and set of principles, but shall not be binding on the Commission
- Parties / their representatives may make good faith objections and brief arguments to witness testimony or improper questions by the opposing party; the opposing party may respond as well. During said objections and response, the time-clock is generally paused. However, at the Commission's discretion, should either party abuse said objections or responses the Commission may deduct time from said person's total allotment. The Commission will warn said person before it does so.
- The Commission may exclude suspect evidence or evidence outside the scope of the filings as generally made or alleged in the respective filings said parties filed with the Commission.
- A call for a procedural determination may be invoked by any of the Commission Members, but any decision must pass by majority vote.
- Time shall be kept by the Director.
- The Grievant shall submit its full appellate brief to the Commission no later than 5 business days before the end of the 15 business days period as referenced in 7.04.6 of the Hays County Sheriff's Office Civil Service Rules.
- Both the Sheriff and the Grievant may request all documentation provided to the Commission by the opposing party which was given to the Commission for the purpose of the hearing. Said request shall be made to the director.

EXECUTED this 17 day of April, 2025.


Meridith Keller
Chairperson
Hays County Civil Service Commission