

Rule II 4.11

- (a) Within 30 days of the filing of an appeal and before the initial hearing date, the employee may choose to use the Alternative Dispute Resolution (ADR) process set forth in Section 5 of this Rule. Election to proceed with ADR is voluntary and may be rejected by either party. Once accepted, the choice is final and no further appeal is allowed.

Rule II Section 5. ALTERNATIVE DISPUTE RESOLUTION

- 5.1 In order to expedite appeals, reduce costs, and render a fair decision within a short period of time, the Commission hereby establishes an Alternative Dispute Resolution (ADR) process.
- 5.2 The Commission's Alternative Dispute Resolution (ADR) process shall be limited to timely filed appeals with the Civil Service Department that both the employee and Appointing Authority agree are appropriate for ADR. The parties must request ADR within 30 days of the filing of the appeal and in advance of the initial hearing date.
- 5.3 The parties must select an arbiter from the list maintained by the Department of Civil Service. The arbiter must be a current Civil Service Commissioner or a Hearing Examiner under contract with the Commission.
- 5.4 The parties must agree in writing to ADR, including an acknowledgement of the binding nature of the arbiter's decision and the waiver of an appeal to the Fourth Circuit Court of Appeal under Section 4.20.
- 5.5 The employee may be represented during the ADR process by a Union representative or an attorney. The Appointing Authority may be represented by an attorney or a Human Resources Manager.
- 5.6 The format of the Commission's Alternative Dispute Resolution process shall be as follows:
 - (a) strict rules of evidence are not applicable;
 - (b) there shall be no formal discovery process;
 - (c) there shall be no written transcript of the proceedings;
 - (d) any other procedures upon which the parties agree, subject to the written approval by the arbiter.
- 5.7 The arbiter shall have the authority to compel the production of documents which the arbitrator deems relevant to the proceeding or to order the attendance of witnesses at the ADR hearing,
- 5.8 The arbiter shall issue a written decision within seven (7) days of the completion of the ADR hearing. This decision shall be final when issued. The Commission shall not review this decision, and this decision shall not be published by the Department of Civil Service.
- 5.9 The arbiter shall have the authority to sustain, reverse, or modify the disciplinary action and/or penalty assigned by the Appointing Authority.

5.10 Either party may bring a motion before the Commission to enforce the decision of the arbiter, and the provisions of Sections 8.4, 8.5, and 11 shall apply to ADR proceedings.