

## Alternative Dispute Resolution (ADR) Process

The Civil Service Commission's Alternative Dispute Resolution (ADR) process provides a voluntary, expedited alternative to a traditional Civil Service appeal hearing. Its purpose is to resolve disciplinary appeals more quickly, reduce costs, and provide a fair and binding decision.

### Key Features of the ADR Process

- ADR is available only for timely filed disciplinary appeals.
- The employee must request ADR within **30 days of filing the appeal** and before the initial hearing date.
- Participation is **voluntary** and requires agreement from both the employee and the Appointing Authority.
- Either party may decline ADR.
- Once both parties agree to ADR, the decision is **final and binding**, and the employee waives the right to further appeal, including appeal to the Fourth Circuit Court of Appeal.
- The parties must select an arbiter from a Civil Service-approved list consisting of current Civil Service Commissioners or contracted Hearing Examiners.
- The parties must sign a written agreement acknowledging:
  - The binding nature of the arbiter's decision.
  - The waiver of further appeal rights.
- Employees may be represented by a union representative or attorney.
- Appointing Authorities may be represented by an attorney or Human Resources Manager.

### ADR Hearing Procedures

ADR hearings are designed to be less formal than traditional appeals:

- Formal rules of evidence do not apply.
- There is no formal discovery process.
- No written transcript is prepared.
- The parties may agree to additional procedures with the arbiter's written approval.
- The arbiter may compel production of relevant documents and require witness attendance.

### **Arbiter's Decision**

- The arbiter must issue a written decision within **seven (7) days** after the hearing concludes.
- The decision becomes final immediately upon issuance.
- The Commission will not review the decision.
- The decision is not published by the Civil Service Department.
- The arbiter may:
  - Sustain the disciplinary action.
  - Reverse the disciplinary action.
  - Modify the disciplinary action or penalty.

### **Enforcement**

If either party fails to comply with the arbiter's decision, either side may file a motion with the Commission to enforce the decision.