



CIVIC LAW CENTER

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Background Briefing: Civil Service Commission Contested Case Hearing Process

PURPOSE: To describe the process applicable to hearings held by the City of Laramie’s Civil Service Commission when acting on the recommendation of the Chief of Police to discharge a police officer as provided by Wyoming Statutes and the Commission’s [rules](#) for the Police Department

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Applicable law

W.S. §15-5-101 to 122 governs Civil Service Commissions related fire and police personnel systems. Among other matters, the Commission considers requests to discharge a police officer.

The City of Laramie’s Civil Service Commission has adopted rules for the Police Department. Chpt XI governs discharge from the Police Department. Chpt XVI specifies the notice and process the Commission shall follow in a contested case hearing. (“CSC Police Rules”)

State-wide standards as well as orders issued by the Laramie Police Department govern the conduct of the city’s police officers. These include:

1. The rules adopted by the Wyoming Peace Officers Standards and Training Commission (“POST Rules”); and
2. General Order ADM 14 – Code of Conduct adopted by the Laramie Police Department

The City of Laramie’s Employee Handbook is also applicable to the extent that it does not conflict with the Civil Service Commission’s rules.

Right to Hearing and Notice

The employee whose discharge is sought has a right to a hearing before the Commission. The employee shall make any hearing request within 10 days of service of notice of the proposed discharge. W.S. §15-5-112(b); CSC Police Rules, Chpt XI, Sec. 2.

The Commission shall establish a time and place for the hearing. The hearing shall not occur less than 10 days after notice of the hearing and the opportunity to be heard and present evidence has been served on the employee whose discharge is sought. CSC Police Rules, Chpt XI, Sec. 2. The notice shall contain: (1) a statement of the time, place and nature of the hearing; (2) the legal authority and jurisdiction under which the hearing is to be held; (3) the particular sections of Wyoming statutes and Civil Service Commission Rules involved; (4) and a short and plain statement of the matters asserted. CSC Police Rules, Chpt XVI, Sec. 3.

Role of the Commission

The role of the Commission is to make the city's final decision. The Commission shall consider the recommendation of the Chief of Police, the employee's response and the evidence presented.

Hearing procedures

The Commission may schedule a special meeting for purposes of holding a hearing related to personnel matters. W.S. §16-4-404(b). At its discretion, the Commission may adjourn to executive session in order to preserve confidential personnel information. W.S. §16-4-404(a)(ii).

Prior to the hearing, members of the Commission should review the materials filed by the Chief of Police. Such materials include the chief's Intent to Dismiss/ Discharge Letter and records supporting his recommendation. The Chief of Police provides the same materials filed with the Commission to the city attorney and the employee whose discharge is recommended. CSC Police Rules, Chpt XI, Sec. 1.

The parties to the hearing are generally the Chief of Police who has recommended the police officer's discharge and the employee. The City Attorney may provide support to the Chief of Police. As provided by its rules, the Commission shall provide all parties the opportunity to present evidence, to respond and present argument on all issues involved. CSC Police Rules, Chpt XVI, Sec. 3.

The Commission shall designate a presiding officer. The presiding officer shall take steps to protect confidential personnel information and avoid any conflicts of interest. Following such initial matters, the Commission shall first consider the basis for the Chief of Police's discharge recommendation. The employee shall have the opportunity to respond including cross-examination of any witnesses. Any witnesses shall take an oath to tell the truth before giving testimony. The Commission may ask questions of the witnesses.

The Commission shall record the proceeding verbatim stenographically or by any other appropriate means determined by the Commission or any officer presiding at the hearing. CSC Police Rules, Chpt XVI, Sec. 15. Any party may request a transcript of the oral proceedings upon payment of the cost thereof. CSC Police Rules, Chpt XVI, Sec. 16.

Decision

Following the hearing, the Commission shall determine whether the reason for discharge is “sufficient and established.” CSC Police Rules, Chpt XI, Sec. 2.

The Commission shall base its decision on findings of fact and conclusions of law. CSC Police Rules, Chpt XVI, Sec. 23.

Consistent with Wyoming’s Open Meetings Act, the Commission shall adjourn from its executive session after completing its deliberations and reconvene in public to announce its decision. The Commission shall certify its decision to the City Manager for enforcement. A copy of the Intent to Dismiss/ Discharge Letter, notice, answer and the decision of the Commission shall be part of the Commission’s public records. CSC Police Rules, Chpt XI, Sec. 2.

Right to Appeal

The employee has the right to appeal the Commission’s decision to Wyoming district court. W.S. §15-5-113.