

COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION
PROTOCOLS FOR REMOTE FULL HEARINGS

The following protocols pertain to “remote full hearings”, which are formal evidentiary hearings in which evidence, including testimony and exhibits, is presented via videoconference.

I RESPONSIBILITIES OF CSC

CSC is responsible for: a) providing the platform (i.e. – Webex) to conduct remote full hearings; b) recording the proceedings and providing the parties with a copy of the recordings from which a stenographic record may be made, if desired; and c) providing the parties with *assistance* to ensure that all participants are able to participate remotely.

CSC provides assistance as follows:

- A. Approximately thirty (30) days prior to the full hearing, the assigned hearing officer (i.e. – Commissioner) conducts a remote “status conference” with the parties to review all logistical issues involved with conducting a remote full hearing. After the status conference, the hearing officer issues a Procedural Order to the parties, memorializing the actions that must be taken by the parties to prepare for the full hearing.
- B. CSC’s Office Manager is available to provide all remote hearing participants (i.e. – witnesses) with technical assistance, including conducting test videoconference calls prior to the full hearing.
- C. CSC provides the parties with online resources to familiarize participants with Webex including:
 - Test meeting: <https://www.webex.com/test-meeting.html>
 - Tips: [https://ots.evansville.edu/support/Files/Quick%20Guide UE%20WebEx%20Attendees.pdf](https://ots.evansville.edu/support/Files/Quick%20Guide%20UE%20WebEx%20Attendees.pdf)
- D. Once information is received from the parties (i.e. – email addresses), CSC sends a Webex invitation to each participant, including witnesses, along with a separate email that notifies the participants why they are receiving the invitation and providing the participants with the resources referenced above.

CSC provides both parties with a copy of the recording of the hearing which should be used to prepare a transcript, if necessary.

II RESPONSIBILITIES OF THE PARTIES

Although CSC provides the assistance referenced above, the parties are responsible for ensuring that all hearing participants (i.e. – counsel, witnesses called by each party) are able to participate remotely using the Webex platform; and that all exhibits are presented to the Commission electronically in a format that allows for “sharing” during the videoconference.

Specific responsibilities of the parties include:

- A. Provide the hearing officer with personal contact information (i.e. – cell number) that allows the hearing officer to contact either party directly on the day of the hearing in the event that any technical issues arise.
- B. Provide the hearing officer with a witness list, that includes the name and email address of each witness to which CSC will send the witness a Webex invite and an information email.
- C. Follow-up with witnesses to ensure that they have received and accepted the Webex invite from CSC and that each witness is able to participate remotely using the Webex platform.
- D. Provide the hearing officer with proposed exhibits electronically in a format that can be shared via Webex. (See below for more details on Exhibits.)

III EXHIBITS

- A. Prior to the full hearing, the parties should file copies of all proposed exhibits with the hearing officer in electronic format (via email, thumb drive or electronic file transfer), together with an exhibit list. The hearing officer will discuss with the parties if a hard copy of the exhibits is required as well.
- B. Exhibits should be pre-marked in numerical order. The hearing officer will discuss with the parties whether the exhibits should be submitted with one joint numbering sequence, or whether separate sets of exhibits are more feasible. If possible, all exhibits should contain internal page numbers, preferably, by “Bates-stamping”.
- C. All exhibits should be redacted to remove personal information, e.g., personal residence and email address, date of birth, SSN, employee ID or other personal identifier. CSC’s Guidelines to Protect Confidentiality can be found at <https://www.mass.gov/doc/civil-service-commission-hearing-guidelines-to-protect-confidentiality/download> **FAILURE TO COMPLY WITH THE REDACTION REQUIREMENT WILL RESULT IN EXCLUSION OF ALL OR PART OF THE DOCUMENTS.**
- D. As part of the status conference, the hearing officer will also discuss whether certain other information (i.e. – names of other candidates or employees) should be redacted from the exhibits and/or replaced with anonymous identifiers.
- E. Each page of any Confidential Exhibit will be marked “CONFIDENTIAL”.
- F. To the extent possible, the parties should identify any exhibits for which there will be an objection from the opposing party.

- G. The hearing officer will “share” non-confidential exhibits on the Webex platform that will be seen by all participants during the remote hearing. If confidential exhibits will be referenced during the hearing, the parties must notify the hearing officer at the status conference, so that appropriate steps can be taken to protect the confidentiality of the information contained in the documents.

IV WITNESS TESTIMONY

- A. The parties should provide the hearing officer with a final list of all witnesses expected to testify at the full hearing, including the email address of each witness on or before the due date established by the hearing officer.
- B. As noted above, the parties are responsible to ensure that all witnesses’ electronic devices are Webex enabled, both video and audio, and that all witnesses have been advised to contact the CSC Office Manager if they have any questions or need a “test run” on Webex.
- C. If a subpoena is required for the attendance of a witness, the parties will file a request for video conference subpoena (posted online at: <https://www.mass.gov/how-to/request-a-subpoena-for-a-civil-service-hearing>).
- D. As referenced above, all witnesses will receive a Webex invite, basic information about Webex, the Office Manager’s contact information, and an e-mail reminder prior to the scheduled start of the remote hearing.
- E. The parties should instruct witnesses to join the meeting 5-10 minutes prior to the start time of the hearing. The hearing officer, prior to the commencement of the hearing, will place any sequestered witnesses in a virtual “lobby” and admit them to the hearing as their testimony is required. The parties should, to the extent possible, have contact information for the witnesses (i.e. – cell phone numbers) in order to update witnesses regarding the estimated timeframe for when they will be admitted to the hearing to testify.
- F. All witnesses will be sworn in by the hearing officer.
- G. After being sworn in, each witness will be questioned about the following: a) where they are physically located; b) who is physically in the room with them; c) what materials they have with them; d) what is currently on their screens; and e) whether they are in communication with any persons other than those conducting the examination.
- H. When a party wishes to make an objection, the party should unmute themselves and raise the objection to the hearing officer, who will rule on the objection, after hearing the opposing party’s response to the objection.
- I. Communication, including use of the private chat function on Webex, between counsel and any witness while testifying at the full hearing is not permitted.

V PUBLIC ATTENDANCE

- A. Most hearings before CSC are open to the public, with the exception that disciplinary hearings are private, unless either party makes a written request for a public hearing. To facilitate public attendance, any party to a hearing that wishes the hearing to be public, must file such written request with the hearing officer at least two (2) weeks prior to the full hearing.
- B. For those hearings open to the public, call-in numbers will either be listed on the docket sheet which is posted weekly on CSC's website at: <https://www.mass.gov/lists/current-and-prior-hearing-dockets> or can be obtained by calling CSC at (617) 979-1900. The call-in number will allow members of the public to hear the full hearings. Members of the public who wish to hear *and view* the full hearing should contact the Commission and request to receive a Webex invite.
- C. All members of the public are required to mute their videoconferencing equipment and keep their cameras turned off during the entire proceeding. The hearing officer may remove any participant who does not comply with this requirement. Further, the hearing officer may, at his / her discretion, temporarily move members of the public to a virtual lobby for any reason, including to facilitate a colloquy with counsel, review confidential exhibits, etc.

VI OTHER MATTERS RELATED TO HOW REMOTE HEARINGS ARE CONDUCTED

- A. Unless specific arrangements are made in advance satisfactory to the hearing officer, each participant should be using a separate device in a separate location / room (i.e. – counsel and his/her client should not use the same device in the same location).
- B. Private communication between co-counsel, including the use of the private chat function on Webex, is permitted as is communication between counsel and their client except when the client is testifying. The hearing officer will also take breaks, as needed, to facilitate such communication.

VII TECHNICAL AND OTHER SUGGESTIONS

- A. All participants should attempt to join the meeting 5-10 minutes before the hearing start time.
- B. The use of a desktop or laptop with a webcam plugged into a USB port typically allows for the best audio / video connection.
- C. A reliable, high-speed Internet connection is desirable.
- D. The use of other devices, such as workbooks, tablets and other mobile devices (i.e. – i phones) is less desirable in regard to providing the best audio / video connection.
- E. Participants, prior to the hearing, should download the Webex desktop or mobile app.

- F. Participants should close all other programs (i.e. – email) while participating in a Webex meeting.
- G. Choosing the “grid view” preference in Webex is desirable.
- H. Participants should make all efforts to be in a physical location that is quiet, has proper lighting and does not contain items in the background that participants do not wish to be recorded. Cell phones and other devices should be silenced.
- I. Cross-talk (talking over each other) during the hearing is prohibited.
- J. Participants should, at a minimum, appear in business casual attire while participating in the hearing.
- K. Participants, unless testifying, should mute their audio to avoid background noise.

Any matter not explicitly covered by these protocols will be subject to an order by the hearing officer, who may resolve procedural issues as they arise.