

BYLAWS

CHAPTER TWELVE. Hearing Procedures

§ 12.01 Procedures.

- (1) The hearing procedures shall be as follows:
 - (a) A hearing shall be conducted pursuant to the filing of a challenge or a complaint as provided in Chapter 11:
-- Effective 4/12/2000 --
 - (1) Section 11.01 (grievance on binding decisions),
-- Effective 4/12/2000 --
 - (2) Section 11.03 (appeal on ruling of Deputy-Commissioner),
-- Effective 4/12/2000 --
 - (3) Section 11.05 (request for hearing on suspension), or
-- Effective 4/12/2000 --
 - (4) Section 11.06 (appeal on ruling of hearing officers).
-- Effective 4/12/2000 --
 - (b) All parties shall be given a reasonable opportunity to present oral or written evidence, to cross-examine witnesses, and to present such factual or legal claims as desired.
-- Effective 4/12/2000 --
 - (c) Hearings shall be open to the public. In addition, the proceedings shall be recorded and a transcript thereof made available to each interested party upon request and payment thereof.
-- Effective 4/12/2000 --
 - (d) The rules of evidence shall not be strictly enforced; instead, rules of evidence generally accepted in administrative proceedings shall be applicable.
-- Effective 4/12/2000 --

§ 12.02 Burden of Proof.

- (1) The burden of proof shall be upon the challenger or complainant who shall also initially have the burden of going forward with the evidence. Upon completion of the presentation of the petitioner's evidence, the respondent may move to dismiss for failure to sustain the burden of proof. If such motion to dismiss is denied, the respondent shall then have the burden of going forward with evidence in opposition to the challenge or complaint and in support of its position.
-- Effective 4/12/2000 --