



pennsylvania

STATE CIVIL SERVICE COMMISSION

VIDEO

HEARING

GUIDE

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INTRODUCTION

Effective March 6, 2020, Governor Tom Wolf signed the coronavirus COVID-19 Emergency Disaster Declaration and effective June 3, 2020, the declaration was extended. The COVID-19 pandemic has truly been a historic and unprecedented event; the like of which has not been experienced by the Commonwealth of Pennsylvania and nation since the Spanish flu pandemic of 1918.

COVID-19 has introduced a significant amount of change into our personal, professional, and business lives. The pandemic necessitated the introduction of statewide health, safety, and wellness measures to mitigate the spread of the disease.

In response to Governor Wolf's declaration and as a means of mitigating the spread of the disease, the State Civil Service Commission (Commission) converted to a modified office schedule. Since March, Commission staff has continued to provide quality agency services as well as being responsive to client agencies at the state and local government levels, employees, and the public. However, due to the communicable nature of the disease, the Commission suspended conducting onsite appeal hearings to help mitigate its spread and out of an abundance of care for the health, safety, and well-being of the parties involved and agency employees.

The Commission is pleased to announce the introduction of a video based civil service hearing option to be conducted via Skype, an online conference/meeting software tool. The Commission's "Video Hearing Guide" provides detailed information on how video-based hearings will be scheduled and conducted. Please carefully read the Guide for additional information. While the Commonwealth of Pennsylvania and the nation endeavors to reopen businesses and governmental operations, the Commission is pleased to provide a video option to resume civil service hearings.

While the Commission continues to institute operational changes in response to the COVID-19 pandemic, we thank you for your patience, understanding, and continued support during this unprecedented period. The Commission remains committed to its statutory mission by holding fair and objective appeal hearings; and rendering unbiased decisions involving disputed personnel actions.

Questions or comments related to the contents of this Guide should be sent to the Commission's Legal Services Office at ra-csappealhearing@pa.gov.

VIDEO HEARING CHECKLIST

If you answer NO to any of the following questions, Skype is not a workable format for your video hearing.

- Do you have a personal email account? (i.e., yahoo, Gmail, AOL, etc.)
- Do you have Wi-Fi/Internet service?
- Do you have a laptop, personal computer, or other device with audio/camera/video functionality?
- Do you have a quiet space/private location available to participate in a Commission Video Hearing?
- If you are a Commonwealth employee, do you have a non-Skype telephone number?

CAN MY HEARING BE HELD VIA SKYPE?

Skype is a free application anyone can download and use. Generally, the following conditions must be met for a video hearing to be conducted via Skype:

- All parties must consent to hold the hearing via Skype.
- All parties and witnesses must have devices capable of running Skype. Participants are not required to use Commonwealth equipment.
- All parties and witnesses must have video and audio capabilities for communicating via Skype.
- All parties and witnesses must participate in a pre-hearing test of technology and submit planned exhibits in advance.
- The exhibits must not include video or audio evidence.

Please note, even if the above conditions are met, there may be other technical limitations or circumstances which could prevent the hearing from being conducted via Skype. Cases will be evaluated to determine if Skype is a workable format for a hearing. If a case is not eligible for a video hearing, it will be evaluated for an onsite hearing subject to other conditions and requirements.

MY HEARING IS SCHEDULED, WHAT NEXT?

Prior to the date of the scheduled civil service hearing, the Commission will send an email invite notice to appellant, counsel for appellant and counsel for the appointing authority, which will contain a link to join the video hearing via Skype. All parties and witnesses must be logged on and connected to the meeting at least **thirty minutes** prior to the official start time of the appeal hearing. During this period, communications, connectivity, and technical issues will be tested and verified.

Be prepared:

- Parties must have sufficient battery life for personal devices for the entire hearing.
- Parties must have sufficient data and/or Wi-Fi access.
- Parties must be in a quiet area with minimal background noise. To minimize background noise, please mute your telephone and place all devices on silent.
- Parties must provide the Commission with a telephone number at which they can be reached. The Commission **must** be able to reach you on the day of the hearing at the telephone number you provide.

Exhibits:

- All exhibits should be mailed and/or emailed as directed in the Commission Notice of Hearing.
- All exhibits shall conform to the instructions set forth in the section of this Guide titled, "When you Receive an Invite and Notice for Video Hearing."
- Ensure exhibits are legible (both in printed form and when presented on typical electronic devices), pre-marked, and numbered with each page numbered within each exhibit.
 - The appointing authority's exhibits should be pre-marked AA-1, AA-2, et seq.
 - The appellant's exhibits should be pre-marked AP-1, AP-2, et seq.
 - The Office of Administration's exhibits should be pre-marked OA-1, OA-2, et seq.
- If presenting the exhibit through screen share, have all other applications closed before sharing screen of only the document that you want to share.
- Parties must provide copies of their exhibits to witnesses if that party will not be using the screen share function at the hearing.

Witness(es):

If you plan on calling a witness(es):

- You must provide the Commission with a telephone number at which the witness(es) can be reached. If the witness is a Commonwealth employee, you must provide a non-Skype telephone number for the witness. The Commission **must** be able to reach the witness(es) on the day of the hearing at the telephone number you provide.
- Witnesses are required to participate in a pre-hearing test of technology to ensure they will be able to connect on the day of the hearing.
- Witnesses must have sufficient battery life for personal devices and data for the entire hearing.
- Witnesses must be in a quiet area with minimal background noise.

Remind witnesses when they have finished testifying, they may be required to leave the video hearing and should not talk to anyone about the testimony presented until after the conclusion of the hearing.

WHEN YOU RECEIVE AN INVITE AND NOTICE FOR THE VIDEO HEARING

- 1) You will receive two notices regarding the video hearing: an invite for the video hearing and a Notice of Hearing. The invite for the video hearing will be sent to the email address you have provided. The Notice of Hearing will be sent to you by mail.
- 2) **Read the invite for the video hearing carefully.** Add the meeting link and any deadlines to your personal calendar.
- 3) **Read the Notice of Hearing carefully.** Carefully review the Notice of Hearing and any addendums for additional requirements, including pre-hearing meetings and timeframes for exhibits. Specifically, review how exhibits are to be provided PRIOR to the video hearing. If you have any questions, those should be clarified by the Notice of Hearing.
- 4) Dealing with exhibits in a video proceeding can be cumbersome, so think carefully about the size, length and need for each exhibit. Each exhibit should be pre-marked and each page within each exhibit should be numbered.
 - The appointing authority's exhibits should be pre-marked AA-1, AA-2, et seq.
 - The appellant's exhibits should be pre-marked AP-1, AP-2, et seq.
 - The Office of Administration's exhibits should be pre-marked OA-1, OA-2, et. seq.

- 5) A meeting via video will be scheduled with the parties and witnesses prior to the actual hearing to address technical issues, if any. The parties are required to forward the invite to their witnesses.

BEFORE THE HEARING

- 1) Familiarize yourself with different features commonly used for video hearings via Skype, such as sharing documents. Practice these features with friends, family, or clients, if possible. Instructions for some of the features you may need for a video hearing are in the [Video Hearing Resource Guide](#).
- 2) Parties, witnesses, and participants should have a copy of the [Video Hearing Resource Guide](#) available for reference during the hearing. It is the responsibility of the parties to provide the [Video Hearing Resource Guide](#) to their witnesses.
- 3) The Commission must be provided a valid phone number and email address for all parties, witnesses, and other participants. These phone numbers and email addresses may be used when connecting sequestered witnesses and for troubleshooting purposes.
- 4) The Commission will be sending invites only to the parties and/or their attorneys. **It will be each party's responsibility to forward the invite for the video hearing and provide contact information for the witnesses to the Commission.**
- 5) Prepare your exhibits with a cover email. Unless you receive separate instructions from the Commission, the body of the email should contain a descriptive list of exhibits, identifying the exhibit number and providing a brief description of the exhibit. For example, start with "Exhibit AP-1 – Text messages regarding Thanksgiving vacation." The cover email shall also list the names of all witnesses. After each name, please list a brief description of the person's connection to the case, such as "expert witness" or "human resource analyst."
- 6) Along with the cover email, send your exhibits via email to all counsel, unrepresented appellants, and the Commission in accordance with the instructions in your Notice of Hearing. Request confirmation that the documents were received. Each exhibit shall be a separate attachment labeled with the exhibit number. The pages of the attached exhibits shall be numbered, and the exhibits shall be pre-marked as follows:
 - The appointing authority's exhibits should be pre-marked AA-1, AA-2, et seq.
 - The appellant's exhibits should be pre-marked AP-1, AP-2, et seq.

- The Office of Administration's exhibits should be pre-marked OA-1, OA-2, et seq.
- 7) No one should alter exhibits once the email is sent without approval of the Commission. Any documents not available for public inspection may be sent as an encrypted file, if needed.
 - 8) Test your broadcast location as it relates to sound and lighting. Try to avoid having a bright light behind or beside you as you may appear backlit with glare. Also, try to sit relatively close to the camera and position your camera so your face and shoulders take up most of the screen. If preferred, install a virtual background using a professional image.
 - 9) Avoid having others in the room with you and advise your witnesses to do the same. Parties, witnesses, and participants should disclose if others are in the room and those individuals may be asked to leave during testimony.
 - 10) It is helpful if each party and witness has a separate computer device, but we recognize there may be a need to share devices.
 - 11) It is best to use a headset to hear the proceedings and ensure the Commission can hear you through a microphone. If you do not have a headset, you will need to ensure you are in a quiet location to avoid excess background noise.
 - 12) You will be required to use the video feature. Make sure your witnesses understand they will need to have access to a video feed.

CONNECTING TO THE HEARING

- 1) The Commission is currently using Skype to conduct video hearings. Skype works best when few applications are running on your computer or other devices. You may want to close as many applications as possible prior to accessing Skype.
- 2) Open the email invite. Click the link or paste it into your regular browser. If you are a Commonwealth employee, do not access via the Commonwealth's Virtual Private Network (VPN) portal.
- 3) Select audio and camera on your device. Video and audio are required, and appropriate attire must be worn. Please refer to the [Video Hearing Resource Guide](#) for additional information.
- 4) The first and last name of all parties, witnesses and participants must be visible upon joining the video hearing. Instructions for adding your name can be found in

the [Video Hearing Resource Guide](#). Having the person's name on the screen is very helpful for court reporters.

- 5) Wait your turn to speak and stay on mute on all devices unless you are speaking.
- 6) Additional instructions for connecting to Skype through various electronic devices can be found in the [Video Hearing Resource Guide](#).

If you are disconnected during the hearing, you may rejoin using your original invite. If you are unable to rejoin, please contact the Commission's Legal Services Office at (717) 783-2924.

DURING THE HEARING

- 1) Remember to keep yourself muted. To unmute when it is your turn to speak, hit the unmute button. Think about all the possible background noises at your house you may not want participants to hear.
- 2) Efforts of a participant to be disruptive will not be tolerated. Members of the public who become disruptive may be removed from the hearing.
- 3) The Commission Hearing Officer will review the rules for a video hearing at the start of the hearing. At this time, please raise any objections, questions, or clarifications as a preliminary matter.
- 4) Objections may be made as they normally would.
 - a. If you need to state an objection, please say, "Objection," and wait to be recognized by the Commission Hearing Officer before explaining your objection.
 - b. Counsel responding to the objection must wait for the objection to be stated in full and for the Commission Hearing Officer to ask for a response.
- 5) Be sure only one person is speaking at a time so the court reporter can keep a clear record.
- 6) The rules of evidence apply. Specific concerns are as follows:
 - a. Witnesses may not be led through any form of private communication such as the instant message feature.

- b. Commission Hearing Officers will not review exhibits unless there is a stipulation to do so provided in advance. Exhibits can be referenced from each party's email that has been provided in advance. Exhibits may also be referenced by using the shared screen feature during testimony. No one may annotate or alter the exhibits once submitted without approval of the Commission.
 - c. For presentation of pre-marked and distributed exhibits during the hearing, the party shall first identify to the Commission which exhibit they wish to present and wait for confirmation from the Commission to proceed. The Commission Hearing Officer will determine whether the parties will be permitted to share the exhibit on the screen and/or the witness will be permitted to view an exhibit provided in advance.
 - d. For presentation of rebuttal exhibits:
 - 1. The party shall first identify to the Commission they have a rebuttal exhibit.
 - 2. The Commission determines whether to grant permission for the party to share the exhibit.
 - e. Witnesses must testify from memory. Witnesses are not permitted to have anything in their hands or view anything on their computers, laptops, or other devices while testifying. You may refresh a witness' recollection, if necessary, upon receiving permission from the Commission Hearing Officer.
- 7) Witnesses should not have others in the room during testimony. Witnesses will be sworn in and will be asked if anyone else is present.
- 8) Private chat messages are strictly prohibited.
- 9) At the discretion of the Commission Hearing Officer, a party may request a brief recess to have a private discussion with a client or witness, if it is determined to be necessary. These discussions should occur outside of Skype and by separate phone call communications.
- 10) Parties, witnesses, and participants should have a copy of the [Video Hearing Resource Guide](#) available for reference during the hearing. It is the responsibility of the parties to provide the [Video Hearing Resource Guide](#) to their witnesses.

If you are disconnected during the hearing, you may rejoin using your original invite. If you are unable to rejoin, please contact the Commission's Legal Services Office at (717) 783-2924.

FOLLOWING THE HEARING

- 1) After the Commission Hearing Officer has completed the closing procedure, he/she will dismiss all participants. You may then sign off.
- 2) As we begin to use these hearings more widely, please provide any constructive feedback to the Commission so we can adjust and improve the experience for everyone. This feedback can be sent to ra-csappealhearing@pa.gov.



VIDEO HEARING
RESOURCE
GUIDE

HOW TO JOIN A VIDEO HEARING VIA SKYPE

Please familiarize yourself with the many icons you will see when using Skype and its functionality. When joining the video hearing your microphone will be muted, so it is important you know how to unmute before speaking.



Starts your camera and begins sharing video with other participants of the meeting.
Press again to stop sharing video.



Mutes/Unmutes your microphone.



Shares your screen or window with other participants of the meeting.
Press again to stop sharing screen.



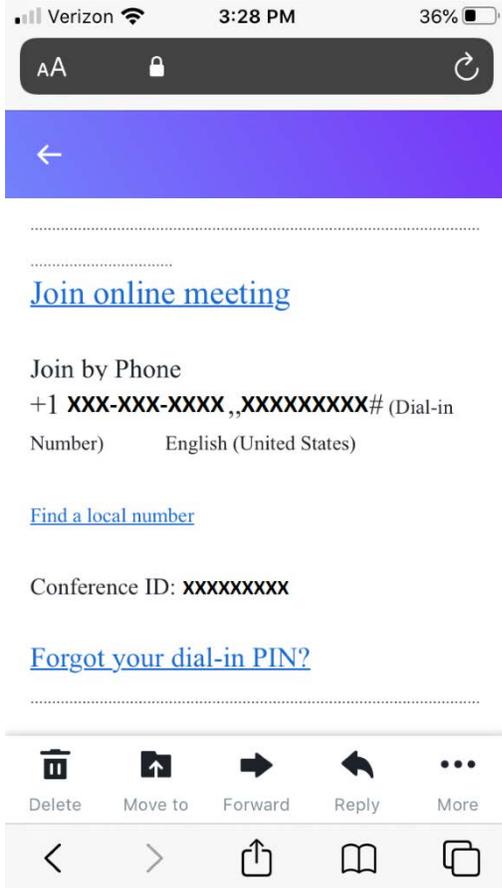
Disconnects your call from the meeting.

If you are a witness in a hearing, the party for whom you are a witness, will forward an invite to you via the email address you provided. All witnesses shall join the video hearing at least **thirty minutes** prior to the start of the hearing. If you are a sequestered witness, you will receive additional instructions at the beginning of the hearing from the Commission Hearing Officer and you must be ready to rejoin the meeting when it is your time to testify.

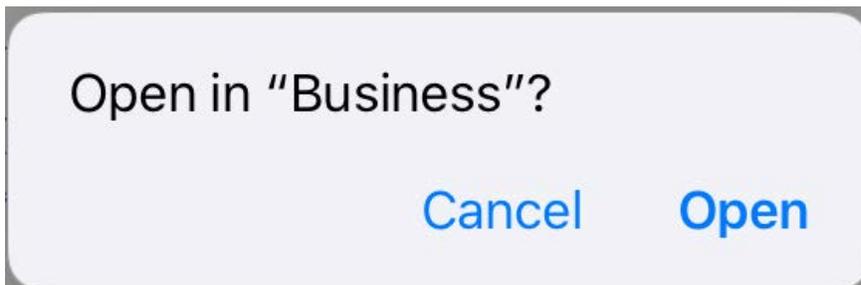
HOW TO JOIN A VIDEO HEARING VIA SKYPE BY CELL PHONE WHEN YOU RECEIVE AN INVITE

To join via the Skype for Business app follow the instructions below:

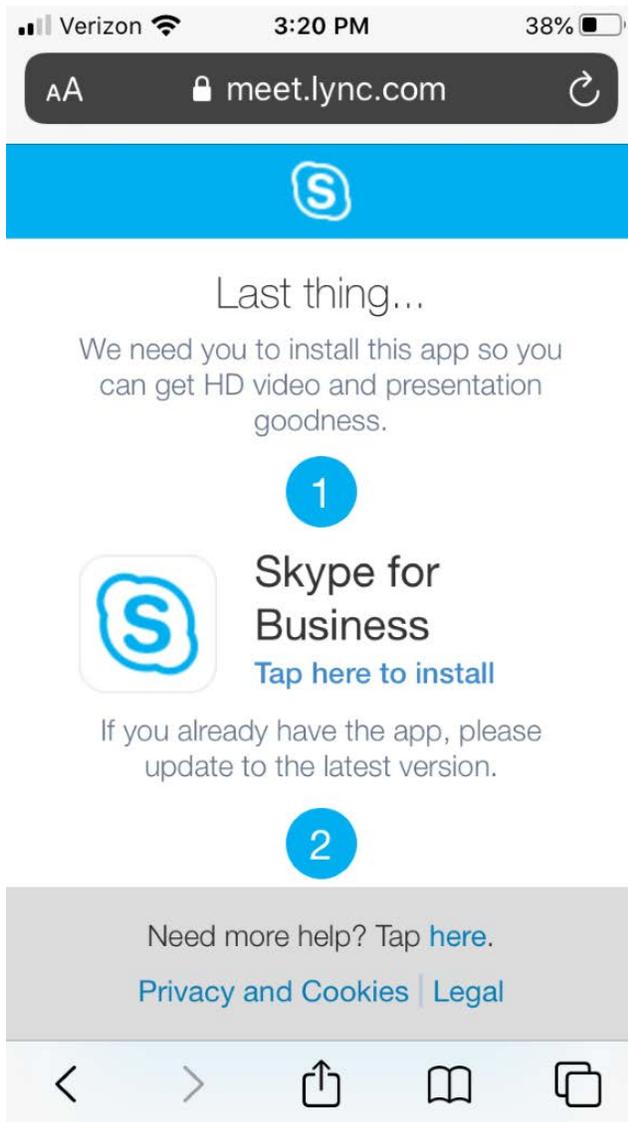
1. Click the “Join online meeting” link in your email.



2. Select to “Open”.



3. Select “Tap here to install.”



4. You will be redirected to the app store. Select “GET”. You will then be prompted to either enter your pin number or fingerprint.

5. You then have the option to Sign in or Join as a Guest.

◀ Safari

3:18 PM

38%



Welcome to Skype for Business, the app
formerly known as Lync.

Sign In

Join as Guest

HOW TO JOIN A VIDEO HEARING VIA SKYPE BY PERSONAL COMPUTER WHEN YOU RECEIVE AN INVITE BY EMAIL

To join via the Skype for Business application follow the below instructions.

1. Click the “Join online meeting” link in your email.

[Join online meeting](#)

Join by Phone

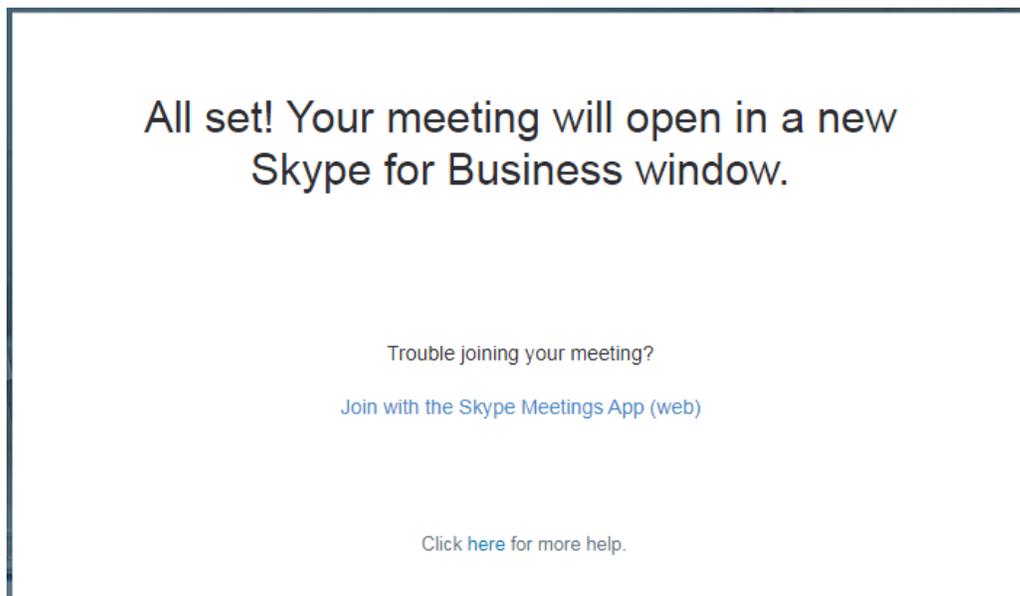
+1 **XXX-XXX-XXXX**,**XXXXXXXXXX**# (Dial-in
Number) English (United States)

[Find a local number](#)

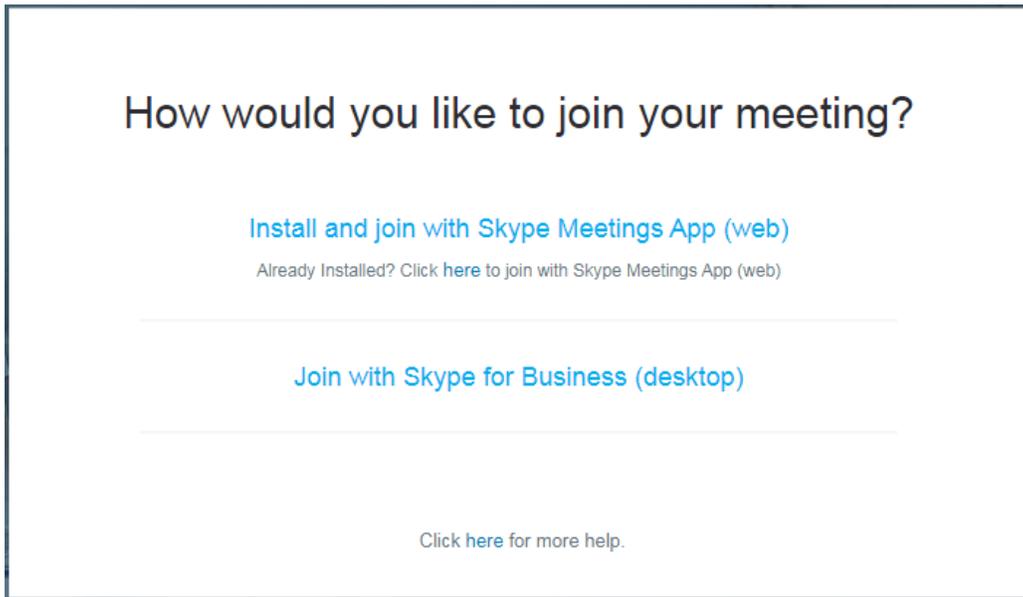
Conference ID: **XXXXXXXXXX**

[Forgot your dial-in PIN?](#)

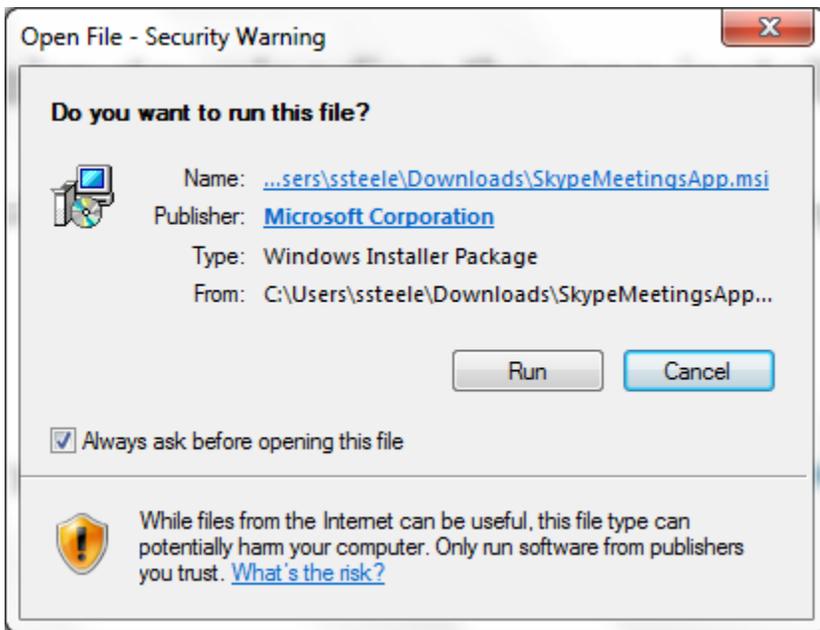
2. A new window in your web browser will open. Click the link “Join with the Skype Meetings App (web).”



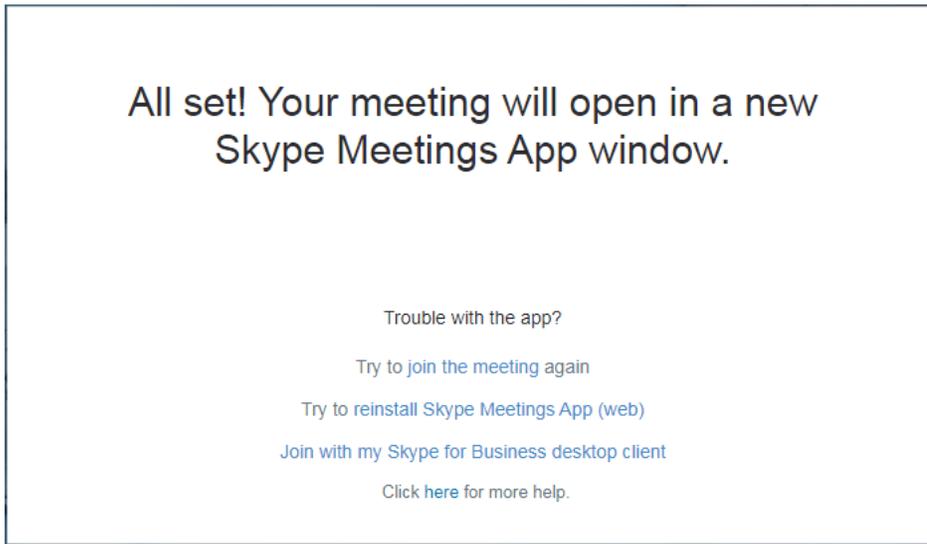
3. Another window opens, click “Install and join with Skype Meetings App (web).”



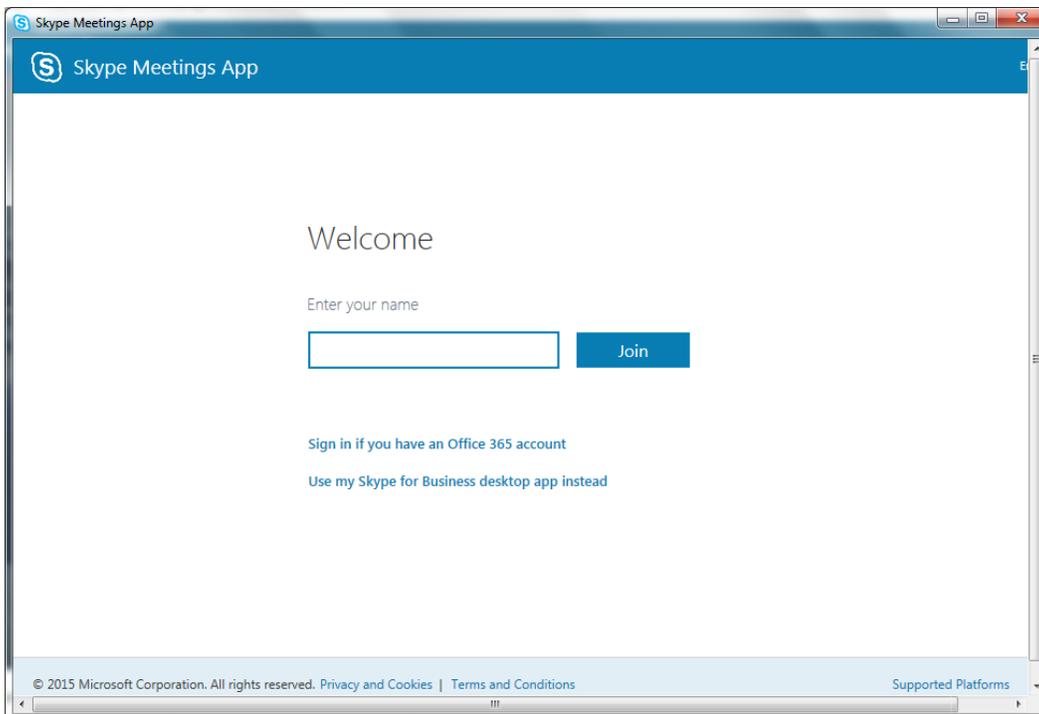
4. Open the download and select “Run.”



5. You will see this message when the download is complete.



6. You will be prompted to enter your name and then select “Join.” Please enter your first and last name, provided the character limitations can accommodate your full name. If not, please enter your first initial and last name.



7. You may get a popup from Windows Security Alert blocking the program. If so, simply select “Allow access” and you will be connected to the Skype meeting.

HOW TO SHARE DOCUMENTS VIA SKYPE

To share documents, the Commission must designate you as a Presenter. Once designated, follow the steps below:

1. At the bottom of the Skype for Business window, select the Present icon, which is illustrated below:



2. You can select Present Desktop, Present Programs, or Present PowerPoint Files.
 - Present Desktop – allows you to display your entire screen
 - Present Programs – allows you to display which programs running on your personal computer you want to share with the participants
 - Present PowerPoint Files - allows you to display a PowerPoint file

If you have photographs or text files and you wish to share with the participants, you can accomplish this by copying them into a PowerPoint file and present using this option.

3. When finished sharing content select “Stop Sharing” at the top of the window.

HOW TO CONDUCT A SIDEBAR CONVERSATION

Prior to the hearing, it is necessary to provide an alternate method of communication to the Commission. This is necessary in case of technical difficulties where Skype may be unavailable as well as if a sidebar conversation is requested.

If a sidebar conversation is requested and permitted by the Commission Hearing Officer, a conference call will be initiated with all necessary participants using the alternate phone number. It is important before answering the conference call to first mute the microphone and stop video sharing on the device connected to the video hearing.