

Webex Hearing Order

This hearing shall take place using the Webex platform. All parties, witnesses, and the Administrative Law Judge (ALJ) shall appear by Webex. Accordingly, the parties and witnesses are hereby ordered as follows:

1. All parties and witnesses must be familiar with the enclosed instructions on how to participate in a Webex hearing before the hearing starts.
2. Respondent shall provide all witnesses access to Webex at a state building as near as possible to the Appellant's place of work, in a private room or space where sanitation and social distancing measures, if required, have been implemented (Witness Room). If appropriate arrangements cannot be made at or near Appellant's place of work, Respondent shall make appropriate arrangements for access to Webex in accordance with this Order at a state building within the county of Appellant's place of work. (See Gov. Code, § 18574 [State Civil Service Act requires public entities to allow reasonable use of public buildings, including all reasonable facilities, for the purpose of holding hearings and investigations].)
3. Respondent shall provide the State Personnel Board (SPB) Calendaring Unit (calendar@spb.ca.gov) and Appellant with the address of the Witness Room at least 30 calendar days prior to the hearing. The parties shall direct subpoenaed witnesses to appear at the address of the Witness Room, and shall serve this Order and the Witness Instructions on all subpoenaed witnesses.
4. The parties shall endeavor to stagger witness testimony to avoid collection of multiple witnesses in one location waiting to testify, consistent with social distancing protocols. Parties shall advise witnesses to be available by phone near the Webex hearing location until a party representative or the ALJ calls them to testify. All witnesses shall testify from the Witness Room.
5. If a witness is unable to testify from the Witness Room, the party calling the witness must file with the Presiding ALJ a motion requesting permission to change the location of the witness's testimony. Prior to filing the motion, the parties must meet and confer. The motion must state the position of the opposing party, the reason for the requested location change, the proposed new location, the email address for a Webex-compatible computer at the new location, and the contact information at the new location, including the phone number and email address of an individual, other than the witness, at the new location who can be contacted in the event of technical difficulties. All such motions should be filed with the SPB and

served on the opposing party no later than 14 calendar days prior to the commencement of the hearing. The moving party shall be responsible for ensuring that the witness has access to exhibits in accordance with the Webex Exhibit Order, and a Webex-compatible computer, tablet, or handheld device (other than a smartphone) (hereafter “computer”) and headset at the new location. (See the SPB Webex Exhibit Order and Webex System Requirements for additional details.)

6. Respondent will ensure that all witnesses testifying from the Witness Room have access to a computer and headset with Webex capabilities, and access to exhibits in accordance with the Webex Exhibit Order. Respondent may allow a representative who is not involved in this matter (Room Monitor) to remain in the Witness Room to assist with access to Webex and to monitor the use of the computer. In cases involving Peace Officers, the Room Monitor will assist witnesses with accessing the Webex-compatible computer and headset, but shall not remain in the Witness Room while witnesses testify. At least 10 workdays prior to the hearing, the parties shall provide a current email address for the parties, Appellant’s representative, Respondent’s representative, and the Webex-compatible computer in the Witness Room, to the SPB Calendaring Unit (calendar@spb.ca.gov). The email address to the Witness Room computer shall be only provided to the SPB Calendaring Unit.
7. Parties and their representatives shall attend the hearing via Webex in a private location separate from the Witness Room, and shall not be present in the Witness Room while witnesses are testifying. Parties and their representatives may, however, attend the hearing together in the same room, provided each has access to a separate Webex-compatible computer and headset; parties and their representatives shall not share a computer and headset at any time during the hearing. Unless the parties mutually agree otherwise, Appellant and Appellant’s representative shall attend the hearing via Webex from a private location other than the location provided by Respondent, and will be responsible for ensuring access to a computer and headset with Webex capabilities, and access to exhibits in accordance with the Webex Exhibit Order.
8. All witnesses giving testimony by Webex shall be subject to the same direct and cross-examination procedures as witnesses appearing in person.
9. Failure to comply with any part of this Order may result in the exclusion or restriction of evidence at hearing. (Cal. Code Regs., tit. 2, § 56.1.)

