

PREHEARING MATTERS
HOG 3 through HOG 11

- 3** **Prehearing preparation:** To prepare for the hearing, the Hearing Officer:
- 3.1** Meets with the agent initially assigned to the case and/or the Regional Director to discuss issues raised by the petition, unusual circumstances that may have come up during the case and the Region's efforts to define and narrow issues through contacts with the parties pursuant to § 2422.13 of the regulations.
- 3.2** Reviews the case file to ensure proper processing has occurred (e.g. showing of interest, if required, has been checked, etc.) and to understand the case by becoming familiar with issues, parties and prior case contacts.
- 3.3** Ensures that all parties affected by issues raised in the petition were served with a copy of the petition (see § 2422.6 of the regulations) and that any incumbents or employing agencies have responded.
- 3.4** Ensures that the designated representatives of all known parties have been served with a copy of the Notice of Representation Hearing and all attachments. (*CHM 29.3*)
- 3.5** Reviews relevant case law including any prior or pending related cases involving the same parties. This includes a review of Authority decisions in representation cases raising similar issues. The purpose of these reviews is to make the Hearing Officer aware of the type of evidence considered to be determinative of specific issues. This knowledge assists the Hearing Officer in his/her duty to obtain a complete and full factual record upon which the Regional Director bases a decision.
- 3.6** Reviews certification files to obtain background information on the unit structure within the activity or the agency.
- 3.7** Confirms that the letter and attachments accompanying the notice of hearing:
- a) establish the time, date and location of the prehearing conference;
 - b) describe known issues raised by the petition;
 - c) address prehearing and hearing procedures and evidentiary requirements;

- d) request the parties to furnish the Hearing Officer and each other with a list of prospective witnesses by a date certain, normally not less than five (5) days prior to the start of the hearing;
- e) include an outline or checklist of the information necessary to adequately address the issues raised by the petition and to ensure a full and complete record (see *HOG 37 through 64* for assistance in preparing these outlines and *RCL 1 through 28* for a substantive discussion about these topics);
- f) include a copy of the petition and amended petition; and
- g) include a copy of FLRA Doc. 1014.

3.8 Contacts the parties to confirm the teleconference or an on-site prehearing conference. During this conversation, the Hearing Officer also:

- a) reviews his/her understanding of the known issues of the case, obtaining clarification as necessary;
- b) discusses general prehearing and hearing procedures, evidentiary requirements, potential exhibits and witnesses, possibilities of evidentiary stipulations;
- c) ensures the names and addresses of parties are correct; and
- d) confirms the site of and arrangements for a hearing room (see *CHM 29.5*).

3.9 Conducts exploratory telephone conferences/meetings to further clarify and narrow the issues, and explores possibilities for an election agreement, stipulation or other appropriate resolution in lieu of hearing [see § 2422.13(b) and 2422.17(c) of the regulations].

3.10 Confirms that the arrangements for the court reporter have been made (*CHM 29.5*);

3.11 Ensures that prehearing motions have been acted upon unless such motions have been referred by the Regional Director to the Hearing Officer for action at the hearing. See *HOG 17* concerning processing prehearing motions; and

3.12 Discusses, if appropriate, and obtains authorization from the Regional Director to make recommendations on the record. The Regional Director specifies the issues on which the Hearing Officer makes recommendations

3.13 (HOG 32.17).