

**10** ***Pre-opening preparations:*** This section addresses actions to be taken by the Hearing Officer during the time period following the conclusion of the prehearing conference and prior to the opening of the hearing.

**10.1** ***To do on your own:***

- a) Draft or revise script as discussed in *HOG 4.8*;
- b) Update outline discussed in *HOG 3.7* and if not already completed, add key factors from Authority decisions that relate to the issues;
- c) Read carefully and thoroughly potential exhibits to ensure relevancy to issues raised by the petition (see *HOG 15*); and
- d) Review research materials and prepare copies to take to the hearing (*HOG 8.2f*).

**10.2** ***Immediately prior to the opening of the hearing:***

**10.2.1** ***Complete appearance sheet, FLRA Form 50:***

Prior to the opening of the hearing, the Hearing Officer circulates the original and a copy of the Appearance Sheet among the parties. The Hearing Officer reminds the parties to complete the information regarding names, addresses, etc. to insure proper delivery of a copy of the Regional Director's decision. Accuracy and legibility of the entries is also important since the court reporter uses this information when entering the parties' appearances on the record. Any representative for any party arriving late completes the appearance sheet promptly upon arrival.

A representative for a party enters his/her appearance on the line designating the "Main Representative." Any additional appearances are entered on the following lines. However, the name of any individual whom a party intends to use solely as a witness is not entered on the appearance sheet.

After all parties have entered their appearance, the Hearing Officer collects the forms and inspects them for completeness, legibility, etc. The Hearing Officer retains the original appearance sheet at the conclusion of the hearing. A copy is provided to the court reporter at the beginning of the hearing to assist the court reporter when spelling names and addresses of parties whose appearance is entered into the record.

**10.2.2 If updated since the prehearing conference, re-examine the formal papers:**

Prior to the opening of the hearing, each of the parties is afforded the opportunity to examine any updated formal papers which will be offered in evidence as Authority exhibits (see *HOG 4.1*). Additional exhibits may have been added to the formal papers since the prehearing conference. Copies are also provided to the parties. This is generally done after the parties have completed the Appearance Sheet. Showing the exhibits to the parties before the hearing begins can save the time which would otherwise be required for the examination during the hearing. If any party attempts to raise any objection during the prehearing examination regarding the admissibility of an exhibit, the Hearing Officer instructs the party to reserve the objection until the appropriate time during the hearing.

Once the hearing opens, when the Hearing Officer offers the formal papers in evidence, the Hearing Officer states that the formal papers were shown to parties prior to the opening of the hearing. Like any exhibit offered in evidence, the parties have the right to examine the formal papers and to raise any objections (see *HOG script 35.2* for a discussion on handling objections to the introduction of the formal papers). Any objection made during a hearing regarding the admissibility of any of the formal papers is, after being heard, overruled (see *HOG script 35.2*).

**10.2.3 Order of witnesses:**

Prior to the opening of the hearing, the parties discuss the order in which the parties will proceed with their witnesses. The activity or agency normally proceeds first with its witnesses to achieve an orderly development of the record. This is particularly important where the appropriateness of the unit is in issue and the activity's witnesses are usually more knowledgeable about the activity's mission, organization, operations, bargaining history, etc. than the union's witnesses.

The Hearing Officer is not bound by the preference or agreement of the parties regarding the order of witnesses, particularly where the Hearing Officer determines that the development of the record or the testimony of certain witnesses requires proceeding in a different manner than that desired by the parties. In all instances, however, the Hearing Officer encourages all parties to cooperate.

**10.2.4 Check again into possibilities for stipulations, election agreement or resolution of other issues (see HOG 26 and 31 as appropriate);**

**10.2.5 Arrange hearing room:**

When the hearing is not being held in a Regional Office hearing room or other courtroom, the room being used for the hearing contains appropriate furniture that can be arranged in a manner suitable for an administrative proceeding. The arrangement provides for designated adjacent areas/seating for each party's representative(s), the testifying witness, the court reporter and the Hearing Officer. Separate seating within the room (or in a suitable nearby room) is also made available as a witnesses' waiting area. Once these needs have been accommodated, a spectator seating area is provided if space permits.

