

**RULES AND REGULATIONS OF
CHEYENNE POLICE DEPARTMENT CIVIL SERVICE COMMISSION**


State of Wyoming

I hereby certify that the copy attached hereto is a true copy of the Rules and Regulations of the Cheyenne Police Department Civil Service Commission which have been amended and which supersede and replace those chapters and sections presently on file in the Office of County Clerk, Laramie County, Wyoming. These amendments were adopted pursuant to the authority granted to the Cheyenne Police Department Civil Service Commission by Wyoming Statute §§ 15-5-101 through 15-5-121 (1980), as amended.

Prior to adoption by the Cheyenne Police Department Civil Service Commission, all provisions of State Statute § 16-3-103 (1991 Cum. Supp.) were complied with.

The effective date of the attached rules and regulations is immediately upon filing with the County Clerk of Laramie County.

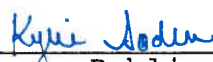
Signed this 3rd day of April, 2018.



GEORGE PARKS, CHAIRMAN
Cheyenne Police Department
Civil Service Commission

The foregoing instrument was signed before me, Kylie Soden, a Notary Public, by George Parks, Chairman of the Cheyenne Police Department Civil Service Commission, this 3rd day of April, 2018.





Notary Public
My Commission Expires: Oct. 25, 2020

LARAMIE COUNTY CLERK
CHEYENNE, WY

APR 24 P 3:39

INTRODUCTION

The following rules and regulations are established and adopted by the Cheyenne Police Department Civil Service Commission (herein referred to as "Commission") by virtue of the power and authority delegated and conferred by W.S. Sections 15-5-101 through 15-5-122, as amended.

CHAPTER I

CLASSIFICATION OF EMPLOYMENT

Section 1. Classification of Employment.

For the purposes of Chapter I of these Rules and Regulations the word "officer" shall refer to any officer, sergeant, lieutenant or captain of the Cheyenne Police Department. Each officer of the Cheyenne Police Department (except the Chief of Police) shall be designated as having a particular rank. Rank establishes the chain of command in accordance with the following:

a. **Captains.** Captains are the highest ranking officers in this schedule. As between captains, the one first obtaining said rank shall be senior in rank to those subsequently obtaining it. Captains shall perform all duties as assigned by the Chief of Police and the senior captain shall perform the duties of the Chief of Police in his absence. They are responsible for the efficiency, effectiveness, discipline, and morale of employees and shall coordinate the functions and activities of the Department. Captains shall assist the Chief of Police in (1) formulating and enforcing departmental policies; (2) preparing annual budget estimates; (3) establishing and maintaining training programs; (4) maintaining records; (5) establishing, enforcing, and obeying reasonable and uniform police department rules and regulations having to do with activities of employees in connection with conduct, obedience, uniforms and equipment, vehicle operation and maintenance, use of firearms, outside additional activities, civil cases, information, arrests and prisoners, schedules of work, duties and matters leading to efficiency of the service; and (6) the general supervision and operation of the department.

b. **Lieutenants.** Lieutenants are next in rank to Captains. Lieutenants shall perform all duties assigned to them by the Chief of Police and the Captains, and shall assist the Captains in

performance of the duties of Captains. They are responsible for the efficiency, effectiveness, discipline, and morale of employees and shall assist in coordinating the functions and activities of the Department.

c. **Sergeants**. Sergeants are next in rank to Lieutenants. Sergeants shall perform all duties assigned to them by the Chief of Police, Captains and Lieutenants, and they shall assist the Lieutenants in performance of the duties of Lieutenants.

d. **Officer**. Officer is the basic rank of the police department. Officers shall perform all duties assigned to them by the Chief of Police, Captains, Lieutenants and Sergeants. They shall investigate, control and prevent crimes, preserve law and order, and perform other duties imposed upon them by law, ordinance, and rules and regulations.

Section 2. Organization.

The Cheyenne Police Department shall consist of such bureaus and divisions as determined by Wyoming State Statute, Cheyenne City Ordinance and current administrative policy.

Section 3. Seniority.

Seniority reflects the period of an officer's continuous service of employment from the date of initial employment. On the anniversary date of initial employment, each employee attains an additional year of seniority. Each successive year is an advance under this schedule.

Section 4. Probationary Period.

All police department officers shall be on probation for 18 months from the date of initial employment.

These Rules do not give or grant a probationary officer any promise of continued employment, either actual or implied, nor any property interest in continued employment. Probationary officers are employees at will until they have completed their probationary period. Probationary employees who are dismissed are not granted any right to a pre or post-termination hearing or any appeal, if the termination dismissal occurs during their probationary period.

CHAPTER II
SELECTION AND ADVANCEMENTS

Section 1. Selection and Advancement Criteria.

a. **OFFICER**

An applicant for Officer shall:

(1) Be a citizen of the United States and after employment reside in the City of Cheyenne, or a reasonable distance therefrom, within the State of Wyoming.

(2) Have the ability to speak, read, and write the English language readily and understandably.

(3) Be of good moral character, reputation, and personality.

(4) Be of good health with average intelligence and general knowledge.

(5) Be financially responsible and free of serious criminal record.

(6) Be not less than 21 years of age at the time employment offer is tendered.

(7) Be of body weight proportional to body height.

(8) Have at least a high school or equivalent education.

(9) Be capable of strenuous physical activity and, in the opinion of a physician selected by the Commission, have no serious physical defects likely to prevent strenuous physical activity during the twenty (20) years subsequent to employment; have eyesight in each eye corrected to 20/20 Snellen; have no hearing deficiency, and have a thumb and either a forefinger or middle finger on each hand.

(10) Indicate mature judgment, emotional stability and an aptitude for police work.

(11) Have valid driver's license from any state.

b. **Sergeant, Lieutenant and Captain**

An officer selected for promotion must meet the following qualifications:

- (1) a. Sergeant - Must meet one of the following in order to be eligible to test:
 - (i) Five (5) years commissioned experience with the Cheyenne Police Department.
 - (ii) One (1) or more years experience from other police departments (excluding corrections) and he/she must have four (4) years of service with the Cheyenne Police Department.
 - (iii) Four (4) years commissioned experience with the Cheyenne Police Department and an associate's degree or 64 college credit hours.
 - b. Lieutenant - Must meet the following in order to be eligible to test:
 - (i) Two (2) years experience as a Sergeant with the Cheyenne Police Department.
 - (ii) As of January 1, 2019, must have a bachelor's degree.
 - c. Captain - Must meet the following in order to be eligible to test:
 - (i) One (1) year experience as a Lieutenant with the Cheyenne Police Department.
 - (ii) As of January 1, 2019, must have a bachelor's degree.
- (2) Have attained the rank immediately below the rank for which the examination is being given.
 - (3) Be capable of strenuous physical activity.
 - (4) Have ability to command and lead commensurate with the rank sought.
 - (5) Have working knowledge of criminal law and procedure (City, State and Federal), police investigative techniques and

practices, departmental policies, and rules and regulations commensurate with the rank sought.

(6) Have a good service record.

(7) Any officer promoted to the next highest rank will be on probation for a period of twelve (12) months.

- a. If it is determined by the Chief of Police that the officer is unable to successfully complete probation, the officer will be reduced to the rank from which the officer was promoted.

Section 2. Examinations.

Examinations shall be afforded only to those applicants and officers who file applications for the rank sought. Each such application shall be completed on the form and in the manner prescribed by the Commission. Notice of contemplated promotional examinations shall be posted on departmental bulletin boards or by electronic means no less than thirty (30) days prior to the date of the examination. At the discretion of the Chief of Police, the Department, on an as needed basis, may test for the rank of officer without prior notice. The examinations shall be supervised by the Commission and may be conducted by any member of the Commission or a person designated by the Commission.

a. The examination for the rank of officer shall include:

(1) An examination, written, oral or both, shall be given to determine basic qualifications as to intelligence, mental ability and knowledge as required for the rank for which application is made. Failure to score a minimum of seventy-five percent (75%) proficiency on any of the examinations provided for in this subsection (Section 2.a.(1)) shall disqualify the applicant for the rank of officer.

(2) An examination to determine the physical abilities of the applicant. Such examination shall be designed to assess the applicant in areas necessary for the proper performance of police duty. Failure to achieve a satisfactory rating per the hiring and recruiting standard operating procedures shall disqualify the applicant for the rank of officer.

(3) Each applicant who receives the required minimum proficiency on any examination provided for in sub-sections 2.a.(1) and 2.a.(2) will be given a cumulative score. Preference points will then be added to each qualifying applicant as determined by the Commission prior to each testing.

(4) An examination and investigation of the applicant's reputation, character, habits, morals, credit record, criminal record, service record and personal history to determine if the applicant possesses the basic personal qualifications for the rank of officer. Such examination and investigation shall be conducted by the Cheyenne Police Department at the direction of the Commission. Failure on the part of an applicant to furnish any information concerning himself or herself requested by the Commission or the Cheyenne Police Department, or any willful misrepresentation made by the applicant may disqualify him or her for the position or may constitute cause for discharge from any employment held by him or her in the Department.

(5) A polygraph examination designed to assist in determining whether an applicant is suitable for police work. The results of a polygraph examination shall not be used as the sole determining factor in rejecting a candidate for employment.

(6) A medical examination by a medical doctor approved by the Commission. Such medical examination report must be submitted to the Cheyenne Police Department prior to actual employment date. This examination must be taken by each applicant at the expense of the department to determine if he or she possesses the basic qualifications for the rank of officer. Failure to possess said qualification shall disqualify the applicant for the rank of officer.

(7) A psychological examination by a licensed psychologist or psychiatrist approved by the Commission. Such examination must show that applicant is free of any mental or emotional conditions which might adversely affect the applicant's performance as an officer. This examination must be taken by each applicant at the expense of the department. Failure to possess said qualification shall disqualify the applicant for the rank of officer.

b. The examination for rank of sergeant, lieutenant and captain shall include:

(1) i. An examination, written, oral or both, shall be given to determine basic qualifications as to intelligence, mental ability and knowledge as required for the rank for which application is made. Failure to achieve the degree of proficiency set by the Commission shall disqualify the applicant.

ii. The Department may choose to use an assessment center process in lieu of or in addition to the examinations provided for in subsection 2.b.(1)i above. If an assessment center process is to be used, that fact must be part of the advertisement for the testing process.

(2) A complete review and evaluation of the officer's service record. Such review and evaluation shall be conducted by the Chief of Police and those staff officers selected by the Chief. The results of the review shall be made available to the Commission.

Section 3. Value or Weight of Examination.

The Commission shall determine the value and weight to be given to each portion of the examination. Such value or weight shall be determined and set prior to the administering of the examination.

Section 4. Suspension of Rules.

Nothing in these rules or regulations shall preclude the Commission from suspending the rules for eligibility for a particular applicant upon request and for good cause shown, pursuant to W.S. Sections 15-5-108, 15-5-111, and 15-5-122 as amended.

Section 5. Eligibility Registers.

a. Eligibility Register for The Rank of Officer

(1) For the purposes of this section of these Rules and Regulations, the phrase "Eligibility Register for The

Rank of Officer" shall refer to a list maintained by the Cheyenne Police Department containing the names of all persons who have applied for initial employment as an Officer, and who have passed the examinations provided for in Section 2 of this chapter.

- (2) The name and percentage of proficiency, based upon examinations set in Section 2. a. (1) of this chapter and additional preference points, of each qualified applicant for employment shall be certified by the Commission after testing. The applicants name, percentage of proficiency, and date of certification shall be entered in the Eligibility Register for The Rank of Officer. No person may be hired as an officer if that person's name is not listed in the Eligibility Register for The Rank of Officer.
- (3) Persons listed on the Eligibility Register for The Rank of Officer shall remain on the Eligibility Register for The Rank of Officer for a period of one (1) year without re-examination or re-certification, unless the applicant is hired, found unsuitable for employment, or chooses to withdraw from the Eligibility Register for The Rank of Officer.
- (4) Employment and appointments generally; manner of filling positions.
 - A. If a position is to be filled, the Chief of Police shall request from the Commission the names of five (5) eligible persons. Upon request, the Commission shall certify for the department the names of the five (5) qualified applicants having the highest percentage of proficiency, one (1) of whom shall be employed. If all persons certified are unsuitable for the position, the Commission may certify additional names, but the reason for the certification of additional names shall be stated in the certificate. If there are no registered, eligible applicants, the Commission may allow provisional employment, or it may authorize the appointive authority to select a suitable person for examination, and if qualified, that person shall be certified for employment.

- (5) The Cheyenne Police Department shall advise persons whose names are certified and appear on the Eligibility Register for The Rank of Officer of their status, including advising such persons when they are hired, found unsuitable for employment, or certification is expired.

b. Eligibility Register for The Rank of Sergeant

- (1) For the purposes of this section of these Rules and Regulations, the phrase "Eligibility Register for The Rank of Sergeant" shall refer to a list maintained by the Cheyenne Police Department containing the names of all persons who have applied for promotion to the rank of Sergeant, and who have passed the examinations provided for in Section 2 of this chapter.
- (2) The name and individual standing of each qualified applicant for promotion shall be entered in the Eligibility Register for The Rank of Sergeant. The Eligibility Register for The Rank of Sergeant shall be certified by the Commission after the testing of applicants for promotion. The Eligibility Register for The Rank of Sergeant shall contain the date that the Commission certifies the register and the candidates' placements on the Eligibility Register for The Rank of Sergeant.
- (3) No Officer can be promoted to the rank of Sergeant if that officer's name is not listed in the Eligibility Register for The Rank of Sergeant. Officers on the Eligibility Register for The Rank of Sergeant shall remain on said register until all officers on the Eligibility Register for The Rank of Sergeant have been selected for promotion, have withdrawn their names, or the Eligibility Register for The Rank of Sergeant has expired.
- (4) Prior to the administration of any promotion examination, the Commission shall establish the time of expiration of the certified Eligibility Register for The Rank of Sergeant. A certified Eligibility Register for The Rank of Sergeant shall otherwise expire not less than one (1) year or more than two (2) years from the date of certification.

(5) Promotion to Sergeant; manner of filling positions.

A. If a position of Sergeant is to be filled, the Chief of Police shall request from the Commission the names of five (5) eligible Officers. Upon request, the Commission shall certify for the department the names of the five (5) qualified Officers having the highest placement on the Eligibility Register for The Rank of Sergeant, one (1) of whom shall be promoted. If all Officers certified are unsuitable for promotion, the Commission may certify additional names, but the reason for the certification of additional names shall be stated in the certificate. If there are no registered, eligible Officers, the Commission may allow provisional promotion, or it may authorize the appointive authority to select a suitable Officer for examination, and if qualified, that Officer shall be certified for promotion.

(6) The Cheyenne Police Department shall advise Officers whose names appear on the Eligibility Register for The Rank of Sergeant of their status, including advising such persons when they are promoted, found unsuitable for promotion, or the Eligibility Register for The Rank of Sergeant is expired.

c. Eligibility Register for The Rank of Lieutenant

(1) For the purposes of this section of these Rules and Regulations, the phrase "Eligibility Register for The Rank of Lieutenant" shall refer to a list maintained by the Cheyenne Police Department containing the names of all persons who have applied for promotion to the rank of Lieutenant, and who have passed the examinations provided for in Section 2 of this chapter.

(2) The name and individual standing of each qualified applicant for promotion shall be entered in the Eligibility Register for The Rank of Lieutenant. The Eligibility Register for The Rank of Lieutenant shall be certified by the Commission after the testing of applicants for promotion. The Eligibility Register for The Rank of Lieutenant shall contain the date that the Commission certifies the register and the candidates'

placements on the Eligibility Register for The Rank of Lieutenant.

- (3) No Sergeant can be promoted to the rank of Lieutenant if that Sergeant's name is not listed in the Eligibility Register for The Rank of Lieutenant. Sergeants on the Eligibility Register for The Rank of Lieutenant shall remain on said register until all sergeants on the Eligibility Register for The Rank of Lieutenant have been selected for promotion, have withdrawn their names, or the Eligibility Register for The Rank of Lieutenant has expired.
- (4) Prior to the administration of any promotion examination, the Commission shall establish the time of expiration of the certified Eligibility Register for The Rank of Lieutenant. A certified Eligibility Register for The Rank of Lieutenant shall otherwise expire not less than one (1) year or more than two (2) years from the date of certification.
- (5) Promotion to Lieutenant; manner of filling positions.
 - A. If a position of Lieutenant is to be filled, the Chief of Police shall request from the Commission the names of five (5) eligible Sergeants. Upon request, the Commission shall certify for the department the names of the five (5) qualified Sergeants having the highest placement on the Eligibility Register for The Rank of Lieutenant, one (1) of whom shall be promoted. If all Sergeants certified are unsuitable for promotion, the Commission may certify additional names, but the reason for the certification of additional names shall be stated in the certificate. If there are no registered, eligible Sergeants, the Commission may allow provisional promotion, or it may authorize the appointive authority to select a suitable Sergeant for examination, and if qualified, that Sergeant shall be certified for promotion.
- (6) The Cheyenne Police Department shall advise Sergeants whose names appear on the Eligibility Register for The Rank of Lieutenant of their status, including advising such persons when they are promoted, found unsuitable

for promotion, or the Eligibility Register for The Rank of Lieutenant is expired.

d. Eligibility Register for The Rank of Captain

- (1) For the purposes of this section of these Rules and Regulations, the phrase "Eligibility Register for The Rank of Captain" shall refer to a list maintained by the Cheyenne Police Department containing the names of all persons who have applied for promotion to the rank of Captain, and who have passed the examinations provided for in Section 2 of this chapter.
- (2) The name and individual standing of each qualified applicant for promotion shall be entered in the Eligibility Register for The Rank of Captain. The Eligibility Register for The Rank of Captain shall be certified by the Commission after the testing of applicants for promotion. The Eligibility Register for The Rank of Captain shall contain the date that the Commission certifies the register and the candidates' placements on the Eligibility Register for The Rank of Captain.
- (3) No Lieutenant can be promoted to the rank of Captain if that Lieutenant's name is not listed in the Eligibility Register for The Rank of Captain. Lieutenants on the Eligibility Register for The Rank of Captain shall remain on said register until all Lieutenants on the Eligibility Register for The Rank of Captain have been selected for promotion, have withdrawn their names, or the Eligibility Register for The Rank of Captain has expired.
- (4) Prior to the administration of any promotion examination, the Commission shall establish the time of expiration of the certified Eligibility Register for The Rank of Captain. A certified Eligibility Register for The Rank of Captain shall otherwise expire not less than one (1) year or more than two (2) years from the date of certification.
- (5) Promotion to Captain; manner of filling positions.

A. If a position of Captain is to be filled, the Chief of Police shall request from the Commission the names

of five (5) eligible Lieutenants. Upon request, the Commission shall certify for the department the names of the five (5) qualified Lieutenants having the highest placement on the Eligibility Register for The Rank of Captain, one (1) of whom shall be promoted. If all Lieutenants certified are unsuitable for promotion, the Commission may certify additional names, but the reason for the certification of additional names shall be stated in the certificate. If there are no registered, eligible Lieutenants, the Commission may allow provisional promotion, or it may authorize the appointive authority to select a suitable Lieutenant for examination, and if qualified, that Lieutenant shall be certified for promotion.

- (6) The Cheyenne Police Department shall advise Lieutenants whose names appear on the Eligibility Register for The Rank of Captain of their status, including advising such persons when they are promoted, found unsuitable for promotion, or the Eligibility Register for The Rank of Captain is expired.

Section 6. Employment Register.

An Employment Register shall be kept by the City's Human Resources Department which shall list the name, rank, date of initial employment, compensation and duties of each officer employed by the Department. The Chief of Police shall furnish the reports necessary for the maintenance of the Employment Register. The date of initial employment is the date on which an officer entered service and thereafter remained in continuous service or employment.

CHAPTER III

DISCHARGE, REDUCTION IN CLASSIFICATION OR COMPENSATION; SUSPENSION

Section 1. Discharge, Reduction in Classification or Compensation.

The Chief of Police or Acting Chief may discharge, or reduce the classification or compensation of, any officer for any cause not political or religious, if such action promotes the efficiency or service of the Police Department, pursuant to W.S. Section 15-

5-112. For the purposes of Chapter III of these Rules and Regulations, the word "officer" shall refer to any officer, sergeant, lieutenant or captain of the Police Department.

(a) Discharge. An officer may appeal a decision to discharge (terminate) his or her employment with the Police Department by filing a written notice of appeal to the Commission within 15 calendar days of receipt of the Statement of Discharge. The notice of appeal must be filed with the City Clerk/Clerk of the Commission, at 2101 O'Neil Ave., Room 101, Cheyenne, Wyoming. The request must include a statement of the issues on appeal and the relief sought by the officer. A copy of the notice of appeal will be forwarded by the City Clerk to the City's Director of Human Resources and the Police Chief.

(b) Reduction in Classification or Compensation. If an officer is in disagreement with a decision to reduce his or her classification or compensation, he or she may appeal to the Commission by filing a written notice of appeal. The notice of appeal must be filed with the City Clerk/Clerk of the Commission, at 2101 O'Neil Ave., Room 101, Cheyenne, Wyoming, within 15 calendar days following the final conference as outlined in the Police Department's Rules and Regulations Grievance Procedures section, and must include a statement of the issues on appeal and the remedy sought by the officer. A copy of the notice of appeal will be forwarded by the City Clerk to the City's Director of Human Resources and the Police Chief.

Section 2. Suspension.

The Chief of Police or the Chief's designee may suspend an officer pursuant to the Cheyenne Police Department Policy Manual, as it exists or is amended from time to time and applicable state statute references.

(a) If an officer is in disagreement with a decision to suspend his or her employment, the officer may appeal to the Commission by filing a written notice of appeal. The notice of appeal must be filed with the City Clerk/Clerk of the Commission, at 2101 O'Neil Ave., Room 101, Cheyenne, Wyoming, within 15 calendar days following the final conference as outlined in the Police Department's Rules and Regulations Grievance Procedures section, and must include a statement of the issues on appeal and the relief sought by the officer. A copy of the notice of appeal

will be forwarded by the City Clerk to the City's Director of Human Resources and the Police Chief.

Section 3. Computation of Time

The computation of any period of time prescribed or allowed by these Rules and Regulations with regard to the appeal process shall be in accordance with provisions of the Wyoming Rules of Civil Procedure.

Section 4. Notice of Suspension or Discharge.

Although the form of the notice of suspension or discharge may be amended from time to time by the City of Cheyenne Director of Human Resources without amending the Commission's Rules and Regulations, the notice of suspension or discharge shall be substantially in the form as set forth in Appendix A to these Rules and Regulations.

Section 5. Petition for Hearing.

Upon receipt of a Notice of Appeal filed with the Commission pursuant to this Chapter, the Commission shall meet to determine whether all procedural time limits and requirements as to the contents of the notice of appeal have been met. If all appeal filing requirements have been met, the Commission shall grant a hearing. The hearing will be scheduled for not more than twenty (20) calendar days after the Commission meets to determine whether the requirements have been met, or held on a date when the parties agree to conduct the hearing. In its determination, the Commission may affirm or reverse the discharge or reduction in classification or compensation, or suspension. If the officer is reinstated after an appeal for discharge (termination) or an appeal for reduction in classification or compensation or suspension without pay, the officer shall be paid back pay for the period of discharge or reduction.

CHAPTER IV

COMMISSION PROCEDURES

Section 1. Quorum.

Two members of the Commission shall constitute a quorum, and a majority vote of the members of the Commission shall determine the decision of the Commission on all matters.

Section 2. Officers.

a. A chairman and vice-chairman shall be elected by the Commission in January of each year for a term of one (1) year. The chairman shall be a member of the Commission and may be re-elected.

b. The City Clerk, or designee, shall serve as clerk of the Commission and all matters filed with the Commission shall be directed as follows: Office of City Clerk, 2101 O'Neil Avenue, Room 101, Cheyenne, Wyoming 82001.

Section 3. Meetings.

Meetings of the Commission shall be held when needed upon the call of the chairman or two commissioners except in January of each year, the Commission will hold an organizational meeting. The notice of the meeting may be oral or in writing and shall be given at least twenty-four (24) hours before the meeting or in accordance with the Wyoming Open Meetings Act.

Section 4. Hearing Procedures.

Proceedings shall abide by the Wyoming Administrative Procedure Act, WYO. STAT. Sections 16-3-101 through 16-3-115, as amended, Sections 15-5-101 through 15-5-122, the Wyoming Rules of Civil Procedure, and these Rules and Regulations. The Chairman, or in his place the acting Chairman or a Hearing Officer, shall allow for fair and orderly discussion of the issues involved, and afford all parties opportunity to respond and present evidence and argument (written or oral). Any person compelled to appear in person shall be accorded the right to be accompanied, represented and advised by counsel. A party may conduct cross-examinations required for a full and true disclosure of the facts, and a party is entitled to confront all opposing witnesses.

a) Hearing Officer.

The Commission shall appoint an independent hearing officer to conduct the hearings. The hearing officer shall exercise all powers relating to the conduct of hearings until it is submitted to the Commission for decision. The hearing officer shall provide legal advice as requested by the members of the Commission with

respect to any issue or other matter which arises in connection with contested case proceedings. The hearing officer may conduct such pre-hearing conferences as may be necessary to expedite the conduct of contested case proceedings before the Commission.

b) Hearing Order of Procedure. Hearings should be conducted in accordance with the following order of procedure:

1. The hearing officer shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard; incorporate all pleadings into the record and note for the record all subpoenas issued and all appearances of record.
2. All persons testifying at the hearing shall be administered the standard oath or affirmation.
3. Opening statements may be made.
4. The hearing officer shall determine the order of proof and the allocation of the burden of proof.
5. Subject to the hearing officer's authority to control the examination of witnesses, each party shall have the right to cross-examine any witness presented by any other party. Individual members of the Commission may examine any witness presented by any party.
6. Closing statements may be made. Rebuttal statements may be permitted by the hearing officer. The time for oral argument may be limited by the hearing officer.
7. After all proceedings have been concluded, the hearing officer shall dismiss all witnesses and declare the hearing closed.

c) Final Decision.

Any final decision entered by the Commission shall be in writing and served upon all parties.

The final decision shall include Findings of Fact and Conclusions of Law on all material issues in the contested case, and shall be based exclusively on the evidence, testimony and matters officially noticed, and ratified by the Commission.

When a contested case hearing is held before the Commission, a Commission member who was not present and did not hear the evidence shall not vote on or take part in the decision.

d) Appeals from Commission decision.

Appeals from Commission decisions shall be taken in accordance with the Wyoming Administrative Procedure Act, the Wyoming Rules of Civil Procedure, and the Wyoming Rules of Appellate Procedure.

Section 5. Record.

The minutes of the hearing shall include statements, questions and offers of proof and objections from all interested parties. Exhibits of evidence presented during the proceedings shall be accepted and noted accordingly. Minutes of the hearing shall also reflect the Commission's examinations and other official actions, and the vote of each member upon the question. Should a member fail to vote, this shall be indicated as well. All records of the proceedings in contested cases shall be available for public inspection and if desired copies may be purchased.

Section 6. General Provisions.

a) Severability.

If any portion of these rules and regulations is found to be invalid or unenforceable, the remainder shall remain in effect.

b) Effective Date.

These rules and regulations, as amended, are effective upon approval and filing in the office of the Laramie County Clerk and in the office of the City Clerk.

c) Assistance of the City Attorney.

The City Attorney shall provide legal advice and representation to the Commission with respect to all matters other than those situations in which the City Attorney would be precluded from providing such advice or representation under the Rules of Professional Conduct for Attorneys at Law adopted by the Wyoming

Supreme Court. In the event of a conflict of interest, the City shall provide legal services for the Commission in such manner as may be approved by the Mayor and City Clerk.

Section 7. Procedure for the Investigation of Breaches of Rules and Regulations.

Whenever the Commission has reason to believe that a breach of these rules and regulations has occurred, it shall cause an investigation to be made and shall enter a written finding as to the alleged violation. The Commission shall also take action as appropriate to prevent further breaches from occurring. This section refers only to the Commission's rules and regulations and does not apply to any rules or procedures contained in the Cheyenne, Wyoming, Police Department Manual.