

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

IN THE MATTER OF: Standing Practice Order
Public Hearings Under the PHRA, 43 P.S. §§ 951-963
Order No. SPO-Rev-2 Effective Date 02/01/2024

STANDING PRACTICE ORDER

AND NOW, this 16th day of January 2024, pursuant to 16 Pa. Code § 42.111 and 1 Pa. Code § 35.187, it is hereby **ORDERED** that all parties to a public hearing under the Pennsylvania Human Relations Act, 43 P.S. §§ 951-963, shall conform to the hearing procedures specified within the Standing Practice Order as made available to the public on the Commission's website at www.phrc.pa.gov. Requests for a copy by mail can be made to ra-hradjudication@pa.gov or by telephone at (717) 214-0623.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By: *Darlene Hemerka*
Darlene Hemerka, Hearing Examiner

By: *Tamara Shehadeh-Cope*
Tamara Shehadeh-Cope, Hearing Examiner

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

IN THE MATTER OF: Standing Practice Order
Public Hearings Under the PHRA, 43 P.S. §§
951-963 Order No. SPO-Rev-2 Effective 02/01/2024

RULE 1: Title and Citation of Rules

All rules contained herein shall be known and cited as SPO Rule_____.

RULE 2: Jurisdiction and Confidentiality

This SPO shall supplement hearing procedures specified at 1 Pa. Code Chapters 31, 33, 35 and 16 Pa. Code Chapter 42.

The parties are instructed to adhere to all relevant and applicable federal and state statutes and regulations regarding confidentiality.

RULE 3: Scope and Interpretation

(a) This SPO applies to all matters that have been approved for a public hearing pursuant to 43 P.S. § 959(d) and 16 Pa. Code § 42.101 unless otherwise directed by the Presiding Officer.

(b) The rules shall be liberally construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which they are applicable. The Presiding Officer at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

RULE 4: Accommodations

If any party or witness needs an accommodation, the affected party must notify the Presiding Officer as soon as possible so necessary arrangements may be made. Members of the public who need accommodations to attend public hearings shall

submit a request to ra-hradjudication@pa.gov.

RULE 5: Filing and Service of Documents

(a) After parties receive notice that the matter has been approved for a public hearing, pursuant to 43 P.S. § 959(d) and 16 Pa. Code § 42.101, all correspondence, pleadings, briefs, orders, and other papers relating to the case shall be filed with the Office of the Hearing Examiner. Counsel shall enter their appearance pursuant to 16 Pa. 42.106 using the forms included in Appendix A. Filings can be emailed to the Commission's adjudication account: ra-hradjudication@pa.gov. Instructions for emailing documents for filing are attached as Appendix B. Filings can also be mailed to:

Pennsylvania Human Relations Commission
Office of the Hearing Examiner
333 Market Street, 8th Floor
Harrisburg, PA 17101

(b) Parties shall serve a copy of all filings on all parties of record. See 1 Pa. Code § 33.32; 16 Pa. Code § 42.34. A certificate of service setting forth the date and method of service shall be included. Copying all parties of record on electronic correspondence ("CC") shall be an acceptable form of service.

(c) Parties with a valid e-mail address listed on the **Request for Public Hearing Form** shall receive service of documents by e-mail, unless the party indicates otherwise. Consent to electronic service can also be made prior to or subsequent to the filing of the Pre-Hearing Conference Report, by either filing a Consent to Electronic Service form attached as part of Appendix A **or** in the Pre-Hearing Conference Report, referenced in SPO Rule 8. Where any party has not elected electronic service, service of all documents shall be accomplished by mailing a paper copy, properly addressed with postage prepaid, in accordance with 1 Pa. Code § 33.31.

Rule 6: Motions

(a) All motions or petitions must be in writing. See 16 Pa. Code 42.34. In addition, they shall comply with the requirements outlined in Appendix B. Before filing a pre-hearing motion or petition, a party shall contact all other parties and ask whether they concur in the request contained within the motion. **The other party's response or the movant's inability to contact the other party should be noted in a Statement of Concurrence or Non-Concurrence included with the motion.** If a party is appearing without counsel, a statement regarding the opposing party's position need not be included with

the motion or petition.

(b) All motions shall set forth the ruling or relief sought, state the grounds therefore, and identify the statutory or other authority relied upon. See 16 Pa. Code §42.34.

(c) All motions or petitions shall be accompanied by a proposed order. See 16 Pa. Code § 42.34.

(d) All motions and petitions shall be dated and contain page numbering.

(e) Any party shall have fifteen (15) days¹ within which to respond to an opposed written motion unless another period of time is fixed. See 16 Pa. Code § 42.34. No additional filings shall be accepted unless deemed necessary or appropriate by the Presiding Officer.

(f) All pre-hearing motions must be filed at least twenty (20) days before the scheduled public hearing date.

(g) Motions made during a public hearing may be stated orally on the record. See 16 Pa. Code § 42.34. The Presiding Officer may direct a moving party to file briefing in support of an oral motion.

Rule 7: Changes to Hearing Date

(a) A party shall request changes to a hearing date or time by filing a written motion, in accordance with SPO Rules 5 and 6, and demonstrating good cause for such request.

(b) Requests for a continuance of the hearing date should be made as soon as the requesting party is aware that a reason for a continuance exists, but no later than ten (10) days prior to the scheduled hearing date, except in emergency circumstances.

(c) Continuances are at the discretion of the Presiding Officer who may deny a request for continuance regardless of the concurrence of all parties.

Rule 8: Pre-Hearing Conferences

(a) After the parties receive notice that the matter has been approved for a public

¹ All deadlines shall be calculated using calendar days unless otherwise specified.

hearing, pursuant to 43 P.S. § 959(d) and 16 Pa. Code § 42.101, the Presiding Officer shall schedule an initial pre-hearing conference.

(b) The purpose of the initial pre-hearing conference is to facilitate the timely and effective disposition of the case. In preparation for the conference, each party shall complete and file a Pre-Hearing Conference Report at least seven days before the initial pre-hearing conference, which can be accessed electronically on the PHRC website. A hard copy of the Pre-Hearing Conference Report can be requested by email to ra-hradjudication@pa.gov or by telephone at (717) 214-0623.

(c) Before the initial pre-hearing conference, each party shall also enter their appearance by filing an Entry of Appearance form, **in addition to** any forms required pursuant to 16 Pa Code §42.106.

(d) After the initial pre-hearing conference, the Presiding Officer may hold additional pre-hearing conferences as the need arises, pursuant to 16 Pa Code § 42.75 and 1 Pa. Code §§ 35.112-35.116.

(e) All pre-hearing conferences will be conducted in accordance with 16 Pa Code § 42.75 and 1 Pa. Code §§ 35.112-35.116.

(f) After the initial pre-hearing conference, the Presiding Officer shall, through pre-hearing order, set the hearing date, time, and location. If the hearing is to be held by remote means, the Presiding Officer will notify the parties in the pre-hearing order and include instructions regarding how to participate and the method for sequestration of witnesses, if applicable. The Presiding Officer will also set the dates for discovery, including the date by which discovery must be completed.

Rule 9: Witness List

(a) After the initial disclosure of witnesses required in the Pre-Hearing Conference Report, the parties shall provide updated witness lists to all other parties as they become aware of additional witnesses that may be called to testify.

(b) Unless another period of time is fixed by the Presiding Officer, no later than fourteen (14) days prior to the scheduled public hearing, the parties shall file and provide a final witness list to all other parties.

(c) The final witness list shall identify by name the witnesses the party expects to present and those it may call if the need arises.

(d) Any expansion of the witness list after the expiration of the time period for filing the

final witness list shall be done by filing written application with good cause shown. Such request may be granted or denied at the discretion of the Presiding Officer.

Rule 10: Exhibit List

(a) After the initial disclosure of exhibits required in the Pre-Hearing Conference Report, the parties shall provide updated exhibit lists to all other parties as they become aware of additional exhibits that may be introduced at the public hearing.

(b) Unless another period of time is fixed by the Presiding Officer, no later than fourteen (14) days prior to the scheduled public hearing, the parties shall file and provide a final exhibit list to all other parties.

(c) The final exhibit list shall identify each exhibit, pre-marked, and include whether the parties have stipulated to the authenticity or admissibility of the exhibit. The parties may file a joint exhibit list.

(d) Any expansion of the exhibit list after the expiration of the time period for filing the final exhibit list shall be done by filing written application with good cause shown. Such request may be granted or denied at the discretion of the Presiding Officer.

(e) All exhibits, other than pure impeachment exhibits must be pre-marked and submitted electronically in separate .pdf files to the Office of the Hearing Examiner seven (7) days before the Public Hearing. At the conclusion of a Public Hearing the parties must submit all exhibits admitted into evidence to the court reporter either in person or via email at exhibits@sargents.com.

Rule 11: Stipulations

The parties are encouraged to narrow the factual and legal matters in dispute. Unless another period of time is fixed by the Presiding Officer, no later than fourteen (14) days prior to the scheduled public hearing, the parties shall file final (1) stipulations of fact; (2) disputed issues of fact; (3) agreements regarding the governing legal principles; and (4) disputed governing legal principles. Upon their receipt, the stipulations of fact shall become part of the official docket in this matter.

Rule 12: Hearings

Hearings may be conducted in-person or by remote methods. The Presiding Officer may allow a party or witness to testify by remote methods upon motion of a party and for good cause shown.

Rule 13: Post-Hearing Briefs

(a) Unless waived by the parties with the consent of the Presiding Officer, participants in a public hearing shall have the right to file post-hearing briefs in accordance with 16 Pa. Code § 42.121.

(b) The manner and time of filing of post-hearing briefs will be as directed by the Presiding Officer. See 16 Pa. Code § 42.121.

(c) Unless another period of time is fixed by the Presiding Officer, any post-hearing brief shall be filed within thirty (30) days from the date parties are notified that the transcript has been received. Post-hearing briefs shall include numbered proposed findings of fact with appropriate citation to the record, numbered conclusions of law with appropriate legal citations, and a memorandum in support of the conclusions of law. Parties are not permitted to file a reply brief unless approved by the Presiding Officer.

Rule 14: Current Contact Information

All parties have an affirmative obligation to keep the Office of the Hearing Examiner informed of their current address, telephone number, and email address. If a party has a change in address, telephone number, or email address, the party shall immediately inform the Commission and all parties, in accordance with SPO Rule 5, of any such changes.

Rule 15: Communications with the Office of the Hearing Examiner

Ex *parte* communications with the Office of the Hearing Examiner, including Hearing Examiners and administrative staff directly or via ra-hradjudication@pa.gov, are prohibited. Unless initiated or requested by a Hearing Examiner, parties should **not** send email directly to or copy a particular Hearing Examiner. The Office of the Hearing Examiner should **not** be included on any communications among counsel.

Rule 16: Conciliation or Settlement

Once the matter has been approved for public hearing, counsel shall notify the Presiding Officer in writing within five (5) days of any settlement or other resolution via email to ra-hradjudication@pa.gov.

APPENDIX A

FORMS RELATING TO
ATTORNEY REPRESENTATION AND SERVICE

- 1. Notice of Appearance**
- 2. Notice of Intent**
- 3. Certificate of Authority**
- 4. Consent to Electronic Service**

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

In the matter of:

Case No.:

NOTICE OF APPEARANCE

Please enter my appearance in the above-captioned matter on behalf of:

I am authorized to accept service on behalf of said participant in this matter.

(CHECK ONE)

- On the basis of this notice, I request a copy of each document hereafter issued to my client by the Pennsylvania Human Relations Commission in this matter.
- I am already receiving or have access to a copy of each document issued to my client by the Pennsylvania Human Relations Commission in this matter (alone, or in a consolidated proceeding) and do not, on the basis of this notice, require an additional copy.

Signature

Name (Printed)

P.O. Address

City, State, and Zip Code

Telephone (including area code)

Date

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

In the matter of:

Case No.:

Appearing on Behalf of:

NOTICE OF INTENT

Notice is hereby given that, _____
intends to present the case in support of the complaint at the public hearing
in the above-captioned proceeding, as provided under Section 9 (e) of the
Pennsylvania Human Relations Act.

Signature

Name (Printed)

P.O. Address

City, State, and Zip Code

Telephone (including area code)

Date

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

In the matter of:

Case No.:

Appearing on Behalf of:

CERTIFICATE OF AUTHORITY

I, _____, complainant in the above-captioned proceeding, hereby certify that the above-named attorney has my express authority to present my case at public hearing and that I understand I am foregoing my right to be represented at such hearing by an attorney or agent of the Human Relations Commission.

I do/do not (circle one) authorize that Commission staff counsel remain involved in this proceeding at public hearing.

Signature

Name (Printed)

P.O. Address

City, State, and Zip Code

Telephone (including area code)

Date

CONSENT TO ELECTRONIC SERVICE

I am the participant named below, or I am authorized to accept service on behalf of the participant named below. I hereby consent to receive service of notices and documents in my case by means of the email address provided below. I affirm that:

1. I have regular access to my email account and to the internet and will check my email account regularly so that I do not miss a case filing or notice.
2. I understand that by consenting to electronic service, I will no longer receive the same documents in paper form by mail.
3. I will promptly notify the Commission Office if there is any change in my personal data, such as name, address, or email address.
4. I understand that I may cancel this consent to electronic service at any time by notifying the Commission in writing.

Case Name and Docket Number: _____

Participant Name: _____

Attorney Name and ID Number (if applicable): _____

Mailing Address:

Phone Number: _____

Email Address: _____

Signature: _____ Date: _____

Return completed form to ra-hradjudication@pa.gov with service to all parties.

APPENDIX B **FILING GUIDELINES**

(Note: Filing Guidelines apply to ALL filings made to the Office of the Hearing Examiner (OHE), including filings made prior to case placement on the public hearing docket.)

Instructions for Emailing Documents for Filing with the OHE

1. Documents to be submitted electronically must be in PDF format.
2. Documents to be filed must be emailed to: ra-hradjudication@pa.gov
 - a. This email address is solely for submitting attached PDF documents for filing.
 - b. Do not include comments, questions, or additional correspondence in the email as such comments, questions, or additional correspondence will not receive a response from the OHE.
3. Documents to be filed must be attached to the email and not contained in the body of the email.
4. Documents filed by email must be signed by the filing party either by (a) signing by hand and then scanning the document, or (b) signing electronically using a digital signature.
5. The email and attached documents must contain the filer's name and the case's docket number (if one has been assigned).
6. A document submitted for filing by email does not have to be delivered in hard copy form to the OHE.
7. The email and attachment will constitute the official record of the filing.
8. Documents received by 11:59 pm will be considered filed that day. Documents received after 11:59 pm or on weekends and holidays will be considered filed the following business day.

Service of Documents Filed by Email

1. Documents filed by email must be served on all participants.
2. Filings must be made to the Office of the Hearing Examiner by emailing a copy to: ra-hradjudication@pa.gov
3. Hearing Examiners shall **NOT** be directly contacted unless otherwise ordered.
4. All other participants must be served either by copying (CC) or by mailing a paper copy, properly addressed with postage prepaid.

Format of Documents Filed by Email

1. Legal captions and headings shall follow the template provided in Appendix C.
2. All filings shall include numbered pages. **By emailing the filing, the filing party certifies that the filing adheres to all relevant and applicable federal and state statutes and regulations regarding confidentiality.**
3. Accompanying exhibits shall be attached as separate PDFs and clearly marked.
4. References to any documents not available on Westlaw shall be included as an appendix to filing.

THE OHE MAY REJECT FILINGS THAT DO NOT CONFORM TO THESE REQUIREMENTS.

APPENDIX C

SAMPLE HEADING FOR FILINGS

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

[Complainant's Name],	:	
Complainant	:	
v.	:	PHRC Case No. [Number]
	:	
[Respondent's Name],	:	EEOC/HUD No. [Number]
Respondent	:	

[TITLE OF MOTION, BRIEF, OR OTHER DOCUMENT]

- 1.
- 2.