WEST VIRGINIA CODE: §15A-9-4

§15A-9-4. Hearing procedures.

(a) All level one grievance hearings before the office shall be heard in accordance with practices and procedures as set forth in §6C-2-1 *et seq.* of this code.

(b) All hearings on appeals before the office shall be heard *de novo* and conducted pursuant to the provisions of the contested case procedure set forth in §29A-5-1 *et seq.* of this code.

(1) Notwithstanding any provision of this code to the contrary, the division head, or the Fire Commission, may be represented at hearings conducted by the office and evidence submitted by the division head may be considered in such hearings with or without such representation.

(2) The West Virginia Rules of Evidence governing proceedings in the courts of this state shall be given like effect in hearings held before a hearing examiner. All testimony shall be given under oath.

(3) The hearing examiner may request proposed findings of fact and conclusions of law from the parties prior to the issuance by the office of the decision in the matter.

(c) Hearings and all records of hearings are exempt from the requirements of §29B-1-1 *et seq.* of this code, until the results of the hearing have been rendered: *Provided*, That once the decision is rendered, the records may be exempt from disclosure, pursuant to §29B-1-4 or other applicable section of this code.

WV Legislature