or whether the grievance shall be re-
solved without a hearing in accordance
with part 907 of this chapter. The Board
may reconsider its decision as to hold-
ing a hearing upon the written request
of any party or on its own initiative.

§ 906.2 Mandatory hearing.
The Board shall conduct a hearing—
(a) At the request of the grievant in
any case which involves disciplinary
action or a grievant’s retirement from
the Service for expiration of time-in-
class or based on relative performance,
or (b) In any case which in the judg-
ment of the Board can best be resolved
by a hearing or presentation of oral
argument. The Board shall also conduct a
hearing in separation for cause pro-
ceedings unless the charged employee
waives in writing his or her right to
such hearing.

§ 906.3 Notification.
When the Board orders a hearing, the
executive secretary shall so notify the
parties in writing. The parties shall be
given reasonable notice of the date and
place selected by the Board for the
hearing.

§ 906.4 Hearing panels and members.
Unless the Board and the parties
agree otherwise, all hearings shall be
held before a panel of at least three
members.

§ 906.5 Prehearing conferences.
(a) The Board may in its discretion
order a prehearing conference of the
parties (which may be presided over by
any member) for the purpose of consid-
ering:
(1) Simplification or clarification of
the issues;
(2) Serving of interrogatories;
(3) Stipulations, admissions, agree-
ments on documents, matters already
on record, or similar agreements which
will avoid the necessity of proving
facts or issues not in dispute;
(4) Identification of witnesses the
parties may wish to call and the in-
tended scope of their testimony; limi-
tation on the number of witnesses; and
arrangement for the appearance of wit-
nesses;
(5) Avoidance of irrelevant, immate-
rial, or unduly repetitive testimony;
(6) The possibility of disposition of
the case through agreement;
(7) The order of presentation at the
hearing and the allocation of the bur-
den of proof; and
(8) Such other matters as may aid in
the disposition of the case.
(b) The parties authorized to attend
the hearing may attend the prehearing
conference.
(c) The results of the conference shall
be summarized in writing by the Board
and made a part of the record of pro-
ceedings. Copies of the summary shall
be sent to the parties. The parties may
submit comments or corrections on the
summary.

§ 906.6 Powers of presiding member.
In connection with the hearing, the
presiding member shall, as appropriate:
(a) Fix the time and place of the
hearing;
(b) Order further conferences;
(c) Regulate the course of the hear-
ing;
(d) Administer oaths and affirma-
tions;
(e) Dispose of procedural requests and
similar matters;
(f) Rule on admissibility of testi-
mony and exhibits;
(g) Exclude any person from the hear-
ing for behavior that obstructs the
hearing;
(h) Authorize and set the time for the
filing of briefs or other documents;
(i) Grant continuances and exten-
sions of time;
(j) Reopen the record;
(k) Take any other action in the
course of the proceedings consistent
with the purpose of this part.

§ 906.7 Conduct of hearing.
(a) Authorized attendance. The parties
and, as determined by the Board, a rea-
sonable number of representatives of
the parties are entitled to be present at
the hearing. The Board may, after con-
sidering the views of the parties and of
any other individuals connected with
the grievance, decide that a hearing
should be open to others. No person
shall be permitted to attend the hear-
ing when classified material is being
discussed unless that person possesses
the appropriate security clearance.