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# SUMMIT COUNTY HUMAN RESOURCE COMMISSION RULES

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JULY 28, 2015  
SUMMIT COUNTY HRC  
175 S. Main Street Room 708 Akron, Ohio 44308

**COUNTY HUMAN RESOURCE COMMISSION RULES**

**ARTICLE ONE: Statement of Purpose**

**1.01 Purpose**

The purpose of the Human Resource Commission (the “Commission”) is to provide a fair, efficient, and economical administration of a system of County employment that is based on the fair and practical selection of any employee and applicant without regard to race, color, sex, religion, age, disability, national origin, ancestry, veteran status, sexual orientation, gender identity or any other characteristic to the extent protected by law. The Commission shall act by and through the rules and procedures set forth in the Charter of the County of Summit, the Codified Ordinances of the County of Summit (“Ordinances”), Resolutions adopted by the Council of the County of Summit, and herein.

**1.02 Origin**

On November 7, 1995 the Charter of the County of Summit was amended to create the Commission, as now set forth in Article Six of that document, with rules initially adopted July 1, 1996.

**1.03 Relationship to Collective Bargaining Agreements**

Nothing in these rules shall apply to bargaining unit employees or be construed or interpreted, in any way, to modify, restrain, or restrict any collective bargaining agreement currently in effect, or that may in the future be negotiated.

**ARTICLE TWO: Jurisdiction of the Commission**

**2.01 Jurisdiction**

The Commission is an independent, neutral body that provides a forum for administrative appeal by classified non-bargaining unit employees of the following County entities:

- A. County Clerk of Courts
- B. County Council
- C. County Engineer
- D. County Executive

- E. County Fiscal Officer
- F. County Prosecutor
- G. County Sheriff
- H. County Information Technology Board

In addition, the Commission shall provide a forum for administrative appeals for applicants related to Pre-employment Testing under Section 169.28 of the Ordinances and for classified and unclassified employees related to Fraud Reporting under Section 169.33 of the Ordinances.

## **2.02 Addition of Entities**

- A. In the event that an existing entity is modified, a new entity is created, or additional entities are identified by law to fall under the Commission’s jurisdiction, they shall be added to Section 2. 01.
- B. Other County of Summit governmental offices, agencies and commissions may petition the Commission to voluntarily participate under these Rules. Additionally, such offices, agencies and commissions may petition to voluntarily participate and comply with HRC policies and procedures such as Family Medical Leave and reasonable accommodations under the Americans with Disabilities Act.

## **ARTICLE THREE: Definitions**

### **3.01 Definitions**

- A. “Abolishment” means the permanent deletion of a position from the organization or structure of an appointing authority due to lack of continued need for the position, due to reorganization for efficient operation, lack of funds, lack of work, or other lawful purpose.
- B. “Active Pay Status” includes an employee currently receiving compensation from the County of Summit for hours worked or approved leave which includes but is not limited to vacation leave, sick leave, leave donation, personal leave, compensatory time, election judge leave, non-personal court leave, holiday and administrative leave.
- C. “Appointment” means the initial placement of an employee in a position.
- D. “Appointing Authority” means the elected officeholders as described in Article III, Section 3.03(10) of the County of Summit Charter, who are

authorized by law to make appointments to positions or any other entities subject to these rules based on Section 2.02 herein.

- E. “Break in Service” occurs when an employee is terminated for any reason other than layoff and is not re-employed by the appointing authority within one (1) year of the termination.
- F. “Classified” means the general group of employees of the County not in the unclassified service.
- G. “Classification group” means a group of positions that involve similar duties and responsibilities, requires similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A classification may include only one position in some circumstances.
- H. “Classification series” refers to a related family of classification identified by a distinctive title or series number.
- I. “Classification specification” means a general written description of a cluster or grouping of a variety of jobs which contain certain core tasks which are common to the position and similar in duties, responsibilities, and qualification for selection. The classification specification sets forth typical duties and/or describes expected functions, and is accompanied by anticipated ranges of percentages reflecting the amount of time devoted to each.
- J. “Commission” means the County of Summit Human Resource Commission.
- K. “County” means the County of Summit, State of Ohio.
- L. “Demotion” means a move within an appointing authority to a lower category and/or grade in the County of Summit Classification and Compensation Plan which reduces the scope of responsibility and/or salary.
- M. “Essential functions” refer to the fundamental core job duties of a given position. Essential functions do not include marginal or nonexistent functions.
- N. “Fair and Practical” means an assessment based upon the knowledge, skills and abilities using relevant experience, training, education, skills demonstration, structured interview and/or prior work experience as set forth for the position in question.
- O. “Full-time employee” means an employee who works thirty-five (35) to forty (40) hours per week or averages seventy (70) to eighty (80) hours per pay period on a regular scheduled basis.

- P. “Job safety requirement” refers to the application of federal OSHA safety standards to a position and the actions, training and equipment required thereby.
- Q. “Lateral Reassignment” means a move within an appointing authority between one classification and another classification within the same category and grade in the County of Summit Classification and Compensation Plan.
- R. “Layoff” means a suspension of employment expected to last less than one (1) year.
- S. “Original appointment” means the initial appointment of a candidate not currently employed by the County at the time of the appointment.
- T. “Part-time employee” means an employee who works less than thirty-five (35) hours per week or averages less than seventy (70) hours per pay period.
- U. “Position” means a group of duties and responsibilities assigned or delegated by competent authority to be performed by one person.
- V. “Position description” means a written summary of the duties which comprise a position and state its essential functions.
- W. “Promotion” means a move within an appointing authority to a higher classification which results in an increase in salary and responsibility.
- X. “Reassignment” means the assignment of an employee to a different classification.
- Y. “Reclassification” means the assignment of a position to a different classification.
- Z. “Regular employee” means an employee who is not temporary.
- AA. “Removal” means the termination of an employee’s employment.
- BB. “Rule” refers to the end product of the grant in Section 6.06 of the Charter of the County of Summit of the power to make and adopt both rules and regulations.
- CC. “Seniority” means an employee’s continuous service with an appointing authority, provided that such continuous service shall be uninterrupted by any break in service of one (1) year or more. A break in service of one (1) year or more shall result in a new seniority date that begins on the date of return.

- DD. “Service”, as it pertains to the delivery of documents other than subpoenas means the act of delivering documents, or reading the documents to the affected employee in person. In the absence of such acts, service shall be deemed to have occurred upon passage of three (3) business days after mailing of such documents by regular U.S. mail to the payroll address of the affected employee.
- EE. “Supervisor” means an individual who has been authorized by the appointing authority to oversee and direct the work of lower level employees on a daily basis.
- FF. “Temporary employee” means an employee who works for a period not to exceed six (6) months within a one (1) year period.
- GG. “Transfer” means a move between appointing authorities within the County of Summit.
- HH. “Unclassified” means those positions which are considered at-will and are not included in the classified service.

## **ARTICLE FOUR: Powers and Duties of the Commission**

### **4.01 General Powers**

The Commission shall exercise their authority under the County of Summit Charter, ordinances, resolutions and by rule to ensure the economic and efficient, administration of a system of county employment and modern human resource practices. The Commission shall seek advice and representation from the County Prosecutor.

### **4.02 Responsibilities of the Commission**

In compliance with the Charter mandate, as set forth in Section 6.05 of the Charter of the County of Summit, the Commission shall assume responsibility for the resolution or disposition of all personnel matters and hear all appeals previously under the jurisdiction of the State Personnel Board of Review. The Commission shall exercise the following powers and perform the following duties:

- A. Hear and decide appeals as provided herein from final decisions of county appointing authorities relative to reduction in pay or classification, job abolishment, layoff, suspension of greater than 3 days, discharge, reclassification, or involuntary disability separation of classified employees.
- B. Appoint the staff needed to carry out the duties as assigned herein.
- C. Delegate powers as needed to carry out the duties assigned herein.
- D. Administer countywide compliance with federal, state and local laws regarding personnel matters including but not limited to:

- 1) pay equity for like positions;
  - 2) standardization of benefits;
  - 3) approval of qualifications;
  - 4) consistent discipline;
  - 5) training of management in personnel practices;
  - 6) training of employees in job functions;
  - 7) training for total quality management;
  - 8) consistent administration of a performance management system
  - 9) coordination of recruitment;
  - 10) compliance to ethics resolutions or ordinances as passed by County Council; and
  - 11) such other functions as may be necessary to carry out the mission and purpose of the HRC.
- E. Maintain a journal of proceedings, minutes of meetings, transcripts
- F. Adopt rule(s), as necessary, relating to any function, power, or duty as described herein.
- G. Ensure a standardized process of hiring, termination, disciplinary action, job posting, employee benefits, training, classification, compensation, overtime, compensatory time, EEO, and performance appraisal, as delegated to the County HRD.
- H. Provide for a non-binding process of alternative dispute resolution.
- I. Ensure compliance with ethics laws and ordinances, including the filing of financial disclosure forms and the prohibition of outside employment as provided in Section 169.03 of the Ordinances and refer matters to the Ohio Ethics commission where, in the discretion of the Commission, further investigation is warranted.
- J. Communicate to County Council Commission recommendations on classification, classification specification and compensation plans.
- K. Appoint hearing officers and determine compensation as required to carry out the function as contained herein.
- L. Administer Family Medical Leave for offices under the Commission's jurisdiction as provided in County of Summit Ordinance 169.22(j).
- M. Administer the Leave Donation Program for offices under the Commission's jurisdiction as provided in County of Summit Ordinance 169.22(d).

- N. Administer the process of providing reasonable accommodation requests under the Americans with Disabilities Act as provided in County of Summit Ordinance 169.27.
- O. Assist in ensuring compliance with restriction on political activity as provided in County of Summit Ordinance 169.18.

#### **4.03 Meetings**

- A. The Commission shall designate one member to serve as chairperson and one member to serve as vice-chairperson in convening a meeting and conducting business while in session.
- B. The Commission shall meet as often as necessary to complete Commission business.
- C. Meetings of the Commission shall be conducted in accordance with Section 121-22 of the Ohio Revised Code and Robert's Rules of Order.
- D. Notification of all the Commission's meetings and cancellations are to be publicized and posted on designated bulletin boards throughout the County government offices.
- E. At any meeting of the Commission, business may be conducted whenever a quorum of two (2) or more Commissioners are present.

#### **4.04 Procedure for Rule Making**

- A. The Commission is an entity drawing its rule making authority directly from Section 6.06 of the County Charter.
- B. The procedure for rule making shall be as follows:
  - 1. A proposed rule, rule change, or rule amendment may be offered through the Commission or the County Human Resource Department (the "HRD") at any regularly scheduled or specially convened meeting as part of "new" business.
  - 2. Any proposed rule, or collection of rules, submitted to the Commission for consideration must contain a cover sheet briefly summarizing the general substance of the rule(s) affected, except where the proposed rule(s) would have general application. A copy of each proposed rule must be tendered to the Commission.
  - 3. The cover sheet description shall be read into the record during the Commission meeting at which the proposed rule(s) is presented. The sponsor may offer additional verbal explanation. The sponsor shall be notified of when the Commission will consider the proposed change.



4. The Commission may raise any questions or comments relative to the scope of the proposed rule(s) or the effective date.
5. Once offered to the Commission, each rule(s) shall receive a docket number and time stamp, which shall be used in all future communication or discussion regarding the rule(s). Such docket number shall be in the format of year, type, sequence, by example (“02 Rule 1”).
6. Following the presentation and reading of the description, the Commission will announce the location at which the proposed rule(s) may be viewed by the public, and the location and address to which public comments may be directed.
7. Viewing locations must include, at a minimum, the HRD. The Commission may make copies available at other locations as announced.
8. Each proposed rule(s) must be available for public review and comment for a period of at least fourteen (14) calendar days.
9. After the expiration of the fourteenth calendar day, all public comments that have been received will be collected by the Commission, docketed under the number of the rule, copies distributed to the members of the Commission, and copies made available for public review in the same location at which the rule(s) was made available.
10. At the next regularly scheduled meeting or at a special meeting called for that purpose, as a part of the “old business” of the Commission, the Chairperson will call for a roll call vote by posing the question – “Shall we recommend adoption of “\_\_\_ Rule \_\_\_” as proposed?”
  - (a) If the vote is in the affirmative, the proposed rule(s) will be will take effect immediately on the effective date stated therein, as appropriate.
  - (b) Affirmation or rejection of a rule(s) shall be made by a majority of the full Commission. If the vote is deadlocked due to the abstention of a Commission member, the matter will be continued until the next regularly schedule or specially convened meeting and until such time as a decision is reached by the majority.
  - (c) Rejection is not an adjudication nor does it preclude resubmitting all or part of the rule(s) at a subsequent meeting.

#### **4.05 Annual Report**

The Commission shall prepare, an annual report detailing the activities of the Commission during the prior twelve (12) month period.

#### **ARTICLE FIVE: Duties of the County Human Resource Department (“HRD”)**

##### **5.01 General Powers**

The HRD shall have all powers necessary to carry out duties set forth herein or assigned and delegated by the Commission.

##### **5.02 Responsibilities of the HRD**

- A. Manage the hiring process as set forth in Article 7 herein.
- B. Serve as liaison between appointing authorities and the Commission.
- C. Ensure compliance with applicable laws, Ordinances, resolutions, rules and EEO considerations.
- D. Review employee requisitions, personnel actions, classification specifications job postings.
- E. Review and submit recommendations regarding any additions or deletions of classifications to the County classification/compensation plan.
- F. Approve the extension of the length of a probationary period for a position within a classification upon showing of need and request by an appointing authority.
- G. Assist appointing authorities with methods of assessment in determining selection of candidates applying for classified non-bargaining employment.
- H. Propose rules, rule changes, or rule amendments to the Commission in accordance with Section 4.04(B)(1) herein.
- I. Perform any action or exercise any powers needed to perform the duties set forth herein.
- J. Provide support to the Commission and County Council as needed to implement the Commission's responsibilities and those of County Council, i.e., establish personnel policies, procedures, classifications, classifications series, classification specifications and uniform pay ranges.
- K. Provide and coordinate human resource related training for appointing authorities and staff to ensure compliance with federal, state and local mandates.
- L. Create, revise and distribute compensation plan documents.
- M. Create, revise and maintain classification specifications denoting essential functions and job safety requirements for each position.
- N. Perform job audits at the request of an appointing authority.
- O. Ensure the proper use of the County's layoff and job abolishment procedures.
- P. Coordinate recruitment and posting for County positions.
- Q. Administer and conduct new employee orientation.
- R. Administer tuition reimbursement, employee assistance program and other employee benefit programs.
- S. Assist and support appointing authorities in matters related to human resource administration and management.
- T. Perform such other functions and duties as delegated by the Commission.

5.03 Responsibilities of HRD related to Classification/Compensation Plan

- A. Develop new classification specifications as requested by the appointing authorities.
- B. Group similar jobs within a classification so positions with similar duties and responsibilities are described by the same title with the same pay assigned and the same qualifications for selection.
- C. Recommend to the Commission assignment of a classification title to each classification within the classification/compensation plan.
- D. Prepare a classification specification for each classification describing the duties, responsibilities and qualifications of the classification.

- E. Ensure that each classification is assigned a proper pay range.
- F. Recommend reclassification when a position is not properly classified.
- G. Recommend assignment of related classifications to a classification series.
- H. Assign an identification number to each classification designating the classification series to which the classification is assigned.
- I. Submit a classification or compensation plan action to the Commission, and where required, to County Council.
- J. Monitor the compensation practices of appointing authorities to ensure compliance with the compensation plan.
- K. Conduct periodic wage surveys or other compensation studies.
- L. Perform any and all other functions necessary to effectively administer the classification/compensation plan.
- M. When the Commission submits a recommendation to County Council to modify a classification or assign a classification to an appropriate pay range, the County HRD shall send written notice of the recommendation to the appointing authority of the affected employees no later than the time that such recommendation is submitted to County Council. The appointing authority shall notify affected employees regarding such recommendations. The HRD shall also notify the appointing authority of County Council's action on such matters.
- N. Initiate and conduct audits of any positions that are part of the classified non-bargaining classification/compensation plan. Any affected employee or appointing authority shall be afforded reasonable opportunity to submit facts for consideration.

## **ARTICLE SIX: Powers and Duties of County Appointing Authorities**

### **6.01 Duties of Appointing Authorities**

- A. Each appointing authority shall follow the procedures and rules set forth herein.
- B. Each appointing authority shall inform the HRD in a timely manner of all appointments, retirements, resignations, terminations, suspension, demotions, and reclassifications.

### **6.02 Powers of Appointing Authorities**

Each appointing authority shall have authority under these Rules to:

- A. hire, promote, demote, transfer, reclassify and discharge employees within their departments;
- B. use, discontinue using, or initiate abolishment of positions;
- C. recommend reclassification;
- D. request through the HRD, subject to the review by the Commission, the County Council create a new classification title, classification specification, classification number, or pay grade assignment;

- E. request through the HRD, subject to review by the Commission, that County Council change the pay grade of an existing classification in the County Classification Plan or change/amend classification specifications;

### **6.03 Representation of Appointing Authorities**

An Appointing Authority may be represented by any counsel, consultant, or qualified lay representative of their choice in any action coming before the Commission. Costs for use of an outside counsel, other than the County Prosecuting Attorney, shall be borne by the Appointing Authority.

## **ARTICLE SEVEN: HIRING OR PROMOTING**

### **7.01 Hiring**

No full-time or permanent part-time vacancy in the classified service shall be filled by an appointing authority except through the process contained herein and in accordance with Ordinances.

### **7.02 Process for Hiring**

- A. An appointing authority wishing to hire an employee or fill a vacant position must submit the designated employee requisition form to the HRD.
- B. All applications received will be assessed and those who have failed to establish minimum qualifications shall be eliminated. The assessment shall be based on the knowledge, skills and abilities as defined in the classification specification for the position.
- C. The HRD will provide the appointing authority with a list of the names of candidates in alphabetical order along with a copy of the candidates' applications.
- D. The appointing authority shall interview such candidates and document the selection of the best candidate based on fair and practical selection.
- E. The appointing authority shall fill the vacancy from the list of candidates and within one hundred eighty (180) calendar days of the receipt of the list of candidates. This time period may be extended at the request of the appointing authority. The appointing authority shall notify the HRD of the identity of the successful candidate.
- F. A recent list of candidates for a specific classification shall have continued viability following the selection of the candidate for any subsequent new vacancy within the same classification for a period of up to one (1) year at the appointing authority's discretion.

### **7.03 Promotion**

When a vacancy exists, the appointing authority may do any of the following: Select and promote an employee who meets the knowledge, skills, abilities, experience and required certification(s) to effectively perform within the classification; post the position internally; request HRD to post the vacancy under the procedures set forth herein.

#### 7.04 Appointment of Candidates

Appointment of a candidate shall not become effective until a personnel action form approving the appointment has been received and approved by the HRD and provided to the County Fiscal Officer:

### ARTICLE 8: Personnel Files

Each appointing authority must maintain a personnel file and a separate, confidential medical file for each employee. Discipline in the form of written warnings and subsequent written reprimands shall be placed in an employee's personnel file. They may be removed upon written request of the employee after a period of twelve (12) months, provided there is no intervening discipline. Disciplinary actions resulting in the loss of pay or time not to exceed five (5) days shall be placed in an employee's personnel file. They may be removed upon written request of the employee after eighteen (18) months, provided there is no intervening discipline. Disciplinary action resulting in the loss of pay or time exceeding five (5) days shall be placed in an employee's personnel file. They may be removed upon written request of the employee after twenty four (24) months, provided there is no intervening discipline. Any disciplinary actions removed pursuant to this process shall be placed in the confidential file.

### ARTICLE NINE: APPEALS

#### 9.01 General

The Commission shall have the sole power to hear and decide appeals as is set forth in Section 6.05 of the Charter of County of Summit, and by these Rules.

#### 9.02 Time for Filing Appeals

All appeals shall be filed with the Commission within ten (10) calendar days of the date on which the employee was served with the action in question. Appeals filed after that date will not be considered.

#### 9.03 Location for Filing Appeals

Appeals shall be filed by delivery to the Commission within the filing period of 9.02 above.

#### **9.04 Content of Appeals**

All Appeals to the Commission shall be in writing and must include:

- A. The Appellant's name, address, and telephone number.
- B. The name, address, and telephone number of the appointing authority.
- C. A copy of the action being appealed, or in the absence of such, a detailed description of the action giving rise to the appeal.

#### **9.05 Docketing of Appeals**

Once an appeal has been received by the Commission, a docket number shall be assigned to the appeal which shall be utilized to identify all correspondence, pleadings, notices, filings, etc.

#### **9.06 Hearings**

- A. Hearings shall be conducted by a designated member or members of the Commission, or, if necessary, by such other person designated by the Commission having demonstrated prior experience in city, county, or state civil service appeals. For the purposes of hearings, any Commission member or designee shall be considered the hearing officer.
- B. Once an appeal has been received and docketed, the matter shall be set for hearing as soon as practicable.

### **ARTICLE TEN: HEARINGS**

#### **10.01 Scheduling**

- A. The Commission will notify all parties and known representatives of the time, date, and place of an evidentiary hearing at least twenty-one (21) calendar days in advance of the hearing.
- B. Continuances may be granted, upon written motion and for good cause shown.

#### **10.02 Disclosure Documents and Witness Lists**

- A. Each party shall file with the Commission and the opposing party's representative, a list of all witnesses and a list of all documents intended to be produced at hearing. Such lists shall be filed at least seven (7) calendar days prior to the record hearing. Filing of a list of witnesses does not automatically guarantee their attendance at the hearing. Parties are responsible for requesting subpoenas for the attendance of witnesses under Section 9.03 below as necessary. Filing of a list of documents does not guarantee the production of such documents

by the opposing party. Parties are responsible for requesting subpoenas for documents under Section 9.03 below as necessary.

- B. Should a party fail to provide the lists required under Section A above, the hearing officer may, upon motion of the party adversely affected, exclude that party's undisclosed witnesses and documents from the hearing.

### **10.03 Subpoenas**

- A. Upon the request of either party made on or before the tenth (10<sup>th</sup>) calendar day prior to hearing, the hearing officer of the Commission shall issue subpoenas for such persons, documents, and attendance of witnesses as the requesting party deems necessary. Such subpoenas may be served either by the Commission or by an attorney representing such party.
- B. A subpoena is deemed served when:
  - 1. It is personally delivered to the person; or
  - 2. It is received at the person's last known address by certified mail, return receipt requested. If service by certified mail is returned with endorsement showing the service was refused or unclaimed, then the subpoena is deemed served when sent by ordinary mail, evidenced by a certificate of mailing; or
  - 3. It is left at the usual place of residence or place of employment, or last known address for the person, with an adult eighteen (18) year or older.
- C. Upon motion and for good cause, the hearing officer may quash any subpoena. Motions to quash shall be raised, in writing, prior to a hearing. Unless a motion to quash has been granted, a witness shall attend the hearing to which he or she was subpoenaed.

### **10.04 Motions**

- A. All motions shall state, with particularity, both the relief sought and the basis for such relief.
  - 1. All motions, and any supporting documentation, shall be served on the opposing party.
  - 2. Motions to dismiss an appeal shall be supported by affidavits, made on personal knowledge, setting forth facts as would be admissible in evidence. Sworn or certified copies of all papers referred to in an affidavit shall be attached thereto. When a motion is made and supported as provided in this rule, an adverse party may not rest upon mere allegations or denials. An adverse party's response, by affidavit or otherwise, shall set forth specific facts showing there is a genuine issue in dispute.
- B. Procedural motions, not determinative of the final outcome of an appeal, may be acted upon at any time after receipt by the Commission without awaiting a response from the opposing party.
- C. Within ten (10) calendar days of service of a motion that is determinative of all or part of the appeal, the non-moving party shall serve a written response on the moving party, and file a copy of that response with the hearing officer. The

hearing officer may rule on any such motion once the time to respond has run. The hearing officer may extend the time to reply to such a motion.

### **10.05 Evidence**

The parties may offer such evidence as is relevant and material to the appeal. The hearing officer shall be the judge of the relevancy and materiality of the evidence offered. Conformity to the legal rules of evidence shall not be necessary. The hearing officer may request offers of proof, may disregard evidence deemed to be unreliable, and reject evidence deemed to be cumulative, unnecessary, or of slight value.

### **10.06 Standard of Proof**

Matters coming before the Commission will be sustained if they are supported by a preponderance of the evidence.

### **10.07 Recording**

All hearings shall be by stenographic record ordered by the Commission. The cost of such recording shall be the responsibility of the appointing authority.

### **10.08 Briefs**

- A. At any time prior to the issuance of a final order, the hearing officer may require briefs from the parties. Briefs shall address questions put to the parties by the hearing officer and shall be filed within the allotted time limits set by the Commission.
  - 1. The hearing office may limit both the number of reply briefs and the time for their preparation and filing.
  - 2. If a party fails to submit a brief within the allotted time limit, the hearing officer may exclude that party's brief from consideration.
- B. Upon motion, the hearing officer may hold the record open for receipt of briefs.

### **10.09 Filing**

- A. A document is time stamped and filed when it is received by the Commission.
- B. Either an original or a legible copy of any document required to be served by these rules shall be filed with the Commission not more than three (3) calendar days after service on the other party.
- C. All pleadings to be filed with the Commission shall be legibly written or typewritten on 8 1/2" x 11" paper.

### **10.10 Report and Recommendation**

- A. After the parties have submitted either closing arguments or written briefs and the record has been closed, the hearing officer will consider all evidence and



submissions and issue a Report and Recommendation making findings of fact and conclusions of law.

- B. The decision of the hearing officer shall be final unless, within fourteen (14) calendar days after the date on which the decision was mailed to the last known post office address of all interested parties, objections are received by the Commission.

### **10.11 Objections**

Objections must be in writing and must be supported by a memorandum in support and a certificate of service showing service on all interested parties.

### **10.12 Response to Objections**

Once objections are received, the non-objecting party may respond in writing within seven (7) calendar days.

### **10.13 Decision of the Commission**

At the regular meeting of the Commission next following objections or responses, if appropriate, the Commission will, as a regular item of business, address the question of:

“Shall the decision of the hearing officer be affirmed, denied or modified?”

Prior to a roll call vote, the parties shall have the opportunity to address the Commission. The Commission may, in its discretion, limit the amount of time given to the parties for this purpose. The roll call vote shall be recorded in the minutes and the parties shall be advised in writing as to the outcome.

## **ARTICLE ELEVEN: Appeals to the Court of Common Pleas**

### **11.01 General**

Appeals to the Court of Common Pleas are governed by RC 2506.

### **11.02 Notices of Appeal**

Notices of Appeal shall be filed with both the Court and the Commission within thirty (30) calendar days of the date on which the Commission’s final decision was mailed to all interested parties.

### **11.03 Certification of the Record**

Upon receipt of a Notice of Appeal, the Commission shall assemble the record and shall certify one (1) copy of same to the Court of Common Pleas. The costs of the preparation of the record shall be conveyed to the Court of Common Pleas, to be assessed as part of the court costs of the appeal.

### **11.04 Notice of Appeal shall not operate as a Stay**

The filing of a notice of appeal shall not operate as a stay of execution of the Commission decision.