

Human Resource Commission Rules

COUNTY OF SUMMIT OHIO

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HUMAN RESOURCE COMMISSION RULES

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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 merit and fitness of any employee and applicant without regard to race, color, sex, religion, age, disability, national origin, or sexual orientation. 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, 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 Human Resource 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, including Department of Jobs and Family Services
- E. County Fiscal Officer
- F. County Prosecutor, including Child Support Enforcement Agency
- G. County Sheriff

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 HRC Rules.

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. "Appointment" (hire) means the initial placement of an employee in a position.
- C. "Appointing Authority" means the officeholder, commission, board, or body having the power of appointment to, or removal from, positions in offices and entities subject to these rules.
- D. "Classification" means any of the following:
 - 1. A group of positions of sufficiently similar duties to which the title and specification may be assigned.
 - 2. The title assigned to a position.
 - 3. The act of assigning a classification title to a position(s) based upon the duties performed.
- E. "Commission" means the Summit County Human Resource Commission.
- F. "Constituent bodies" means any one or more of the entities listed in Rule 2.01.
- G. "Demotion" means the act of placing, at the request of the Appointing Authority, or the employee, an individual in a position, the classification for which carries a lower salary range than that of the classification the employee currently holds.

- H. "Discharge/removal" means the termination of an employees employment.
- I. "Layoff" means a suspension of employment, expected to last less than one (1) year.
- J. "Merit and fitness" means an assessment based upon the knowledge, skills, and abilities as set forth for the job or position in question.
- K. "Position" means a group of duties to be performed by an employee.
- L. "Reclassification" means the assignment of a position to a different classification.
- M. "Reduction in pay" means an action which diminishes an employee's pay.
- N. "Reduction in position" means an action which diminishes an employee's duties or responsibilities that could result in a reclassification of a position to a classification assigned a lower pay range.
- O. "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.
- P. "Service", as it pertains to the delivery of documents 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.

ARTICLE FOUR: Powers and Duties of the Human Resource 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 Human Resource 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 position, job abolishment, layoff, suspension, discharge, reclassification, or involuntary disability separation of classified employees.
- B. Power to appoint an unclassified Commission Director (the 'HRC Director') and a classified clerical support person in accordance with the policy and procedures established for the filling of the positions.
- C. Administer countywide compliance with federal and state laws regarding personnel matters for which the County is responsible in whole or in part, to ensure:
 - 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 ordinances as passed by County Council; and
- 11) such other functions as may be necessary to carry out the mission and purpose of the County Human Resource Department.

The Commission acknowledges and agrees that said administrative functions set forth herein have been and remain delegated to the County Human Resource Department (the 'County HRD') subject to such oversight as allowed by the Charter of the County of Summit.

- D. Maintain a journal of proceedings, minutes of meetings, transcripts
- E. Adopt and obtain approval of rule(s), as necessary, relating to any function, power, or duty as described herein.
- F. Ensure a standardized process of hiring, termination, disciplinary action, recruiting, employee benefits, training, classification, compensation, overtime, compensatory time, EEO, and performance appraisal, as delegated to the County HRD.
- G. Provide for a non-binding process of alternative dispute resolution.
- H. Ensure compliance with ethics laws and ordinances, and refer matters to the Ohio Ethics Commission where, in the discretion of the Commission, further investigation is warranted.
- I. Communicate to County Council those recommendations made by the Appointing Authorities of constituent bodies.
- J. Ability to appoint hearing officers and determine compensation as required to carry out the functions as contained herein.

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 Roberts Rules of Order.
- D. Notification of all the Commission's meetings and cancellations are to be publicized and posted on designated bulletin boards through out 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, subject to Council approval.
- B. The procedure for rule making shall be as follows:
 - 1. A proposed rule, rule change, or rule amendment may be offered through the HRC Director or HRD Director, or by any one or more Commissioners at any regularly scheduled or specially convened meeting as a 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) presented and identifying any County entity specifically affected, except where the proposed rule(s) would have general application. Ten (10) copies of each proposed rule must be tendered to the HRC Director.
 - 3. The HRC Director shall read the cover sheet description 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 HRC Director 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 County HRD. The HRC Director 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 HRC Director, 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 referred to County Council as an ordinance and

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 scheduled 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.

4.6 Determination of Unclassified Positions

The Commission shall have the power to determine classified and/or unclassified positions for those Appointing Authorities, Boards, Commissions or agencies under the jurisdiction of the Commission utilizing the established Administrative Code.

ARTICLE FIVE: Powers and Duties of County Appointing Authorities

5.01 Duties of Appointing Authorities

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

5.02 Powers of Appointing Authorities

Each Appointing Authority shall have authority under these Rules to:

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

5.03 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 SIX: Appeals

6.01 General

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

6.02 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.

6.03 Location for Filing Appeals

Appeals shall be filed by delivery to the HRC Director within the filing period of 6.02 above.

6.04 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.

6.05 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.

6.06 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 SEVEN: Hearings

7.01 Scheduling

- A. The Commission will notify all parties and known representatives of the time, date, and place of any 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.

7.02 Disclosure Documents and Witness Lists

- 1. On written request of the opposing party, made no less than fourteen (14) calendar days prior to the hearing, a party shall file with the Commission and the opposing party's representative, a list of all witnesses and documents intended to be produced at the hearing. Said documents shall be filed at least seven (7) calendar days prior to the record hearing.
- 2. Should a party fail to comply with this rule, the hearing officer of the Commission may, upon motion of the party adversely affected, exclude that party's undisclosed witnesses and documents from the hearing.

7.03 Subpoenas

- A. Upon the request of either party made on or before the tenth (10th) 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 may be 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) years or older; or

- C. Upon motion and for good cause, the designee of the Commission 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.

7.04 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, a party shall serve a written response on the opposing party and file a copy of that response with the hearing officer of the Commission. The Commission may rule on any such motion once the time to respond has run. The hearing officer of the Commission may extend the time to reply to such a motion.

7.05 Evidence

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

7.06 Standard of Proof

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

7.07 Recording

All hearings shall be by stenographic record ordered by the Commission.

7.08 Briefs

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

7.09 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.

7.10 Report and Recommendation

- A. After the parties have submitted either closing arguments or written briefs and the record has been closed, the hearing officer of the Commission 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 of the Commission 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.

7.11 Objections

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

7.12 Response to Objections

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

7.13 Decision of Human Resource Commission

At the regular meeting of the Commission next following the 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?"

The HRC Director shall then record the roll call vote in the minutes and advise the parties in writing as to the outcome.

ARTICLE EIGHT: Appeals to the Court of Common Pleas

8.01 General

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

8.02 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.

8.03 Certification of the Record

Upon receipt of a Notice of Appeal, the HRC Director 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.

8.04 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.

ARTICLE NINE: Determination of Unclassified Positions

9.01 Procedure

- A. All Appointing Authorities, Boards, Commissions, Agencies under the jurisdiction of the Human Resource Commission shall follow the procedure set forth below when requesting the determination of classified and/or unclassified status:**

Submit to the Human Resource Department, all documentation needed to justify the establishment of an unclassified position.

- B. The Human Resource Department will review the request and determine if the requested position qualifies as an unclassified position, and submit a recommendation to the Human Resource Commission for approval.**

- C. All determinations approved and/or approved by the Commission shall be final and binding.**

