



THE
HUMAN RESOURCES
COMMISSION

**ADMINISTRATIVE
RULES**



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STATEMENT OF PURPOSE

The purpose of the Human Resources Commission (“The Commission”) is to further the intent of the City of Akron Charter by creating a fair, efficient, and economical administrative system for hearing and deciding appeals of Dismissals, Suspensions and Disciplinary Demotions without regard to race, color, sex, religion, age, disability, national origin, ancestry, veteran’s status, sexual orientation, gender identity, or other characteristics provided by law. In doing so, the Commission shall act in accordance with the City of Akron Charter, any ordinances or resolutions adopted by Council, and the Human Resources Administrative Rules adopted herein. By adopting these Rules, the Commission knowingly repeals any and all Rules and policies or procedures of the Civil Service Commission of the City of Akron, Ohio. Pursuant to the Ohio Revised Code, these Rules shall also apply to the classified positions of the Akron Board of Education. Nothing in these rules shall be construed or interpreted as amending, modifying, restricting, or superseding the terms of any applicable collective bargaining agreements that are in effect.

DEFINITIONS

As used in these Rules, the following terms shall have the meaning as indicated below.

APPOINTING AUTHORITY - The Mayor of the City of Akron (The City), the Akron City Council or the Akron Public School Board.

CLASSIFIED SERVICE - Service in a position listed in the classification and compensation plan that is approved by the Department of Human Resources of the City of Akron.

COMMISSION - The Human Resources Commission of the City of Akron, Ohio.

CONTINUOUS SERVICE - The time a person has been continuously employed, including time served as a full time, temporary, seasonal, provisional or probationary employee where there has been a continuation of employment to permanent status without any break in service.

DIRECTOR OF HUMAN RESOURCES - Appointed by the Mayor, the Director of Human Resources administers the activities of the Department of Human Resources and exercises general supervision over all human resources policies of the City.

DEPARTMENT OF HUMAN RESOURCES - Employees carry out functions, programs and policies of the Human Resources Department under the supervision of the Director.

POSITION - A specific job that is assigned to a classification.

RULE 1 - LAYOFF, DISPLACEMENT AND RECALL

SECTION 1.1 AUTHORITY. The Commission shall have no jurisdiction or power to hear any appeals relating to or arising from any decisions or actions relating to layoffs, displacement or recalls of employees in the classified service.

RULE 2 - DISCIPLINARY ACTION

SECTION 2.1 DISCIPLINARY ACTION. Any officer or employee in the classified service is subject to disciplinary action for just or reasonable cause. Such disciplinary action may include dismissal, suspension, reduction in grade and compensation, or any other type of disciplinary action that may be determined by the Appointing Authority. If the disciplinary action involves dismissal, suspension, reduction in grade or compensation due to disciplinary demotion for an employee in the classified service, then specific written charges shall be served on said employee and a copy shall be filed with the Director of Human Resources and the Commission.

RULE 3 - APPEALS TO THE COMMISSION

SECTION 3.1 SCOPE OF JURISDICTION. Pursuant to Section 116 of the Charter, any employee in the classified service who has passed the original probation period may file an appeal to the Commission from any disciplinary action that results in the dismissal, suspension, or reduction in grade or compensation due to a disciplinary demotion of the employee. The Commission's jurisdiction is strictly limited to final disciplinary actions relating to the dismissal, suspension, or reduction in grade and compensation for disciplinary demotion of an employee in the classified service and does not extend to any other type of disciplinary actions or any other adverse action that may affect an employee.

SECTION 3.2 REQUIREMENTS FOR FILING APPEAL. Any appeal of a disciplinary action relating to a discharge, suspension or reduction in grade or compensation due to a disciplinary demotion must be filed within ten (10) calendar days from the date the disciplinary action is served upon the employee from the Employer. The Commission shall not have jurisdiction to hear any appeal that is not timely filed and served in accordance with the requirements of this Rule.

SECTION 3.3 PROCESS FOR FILING APPEALS.

(a) Appeals must be filed no later than 4:30 pm on the 10th day after the notice of disciplinary action is received to the Human Resources Department. Appeals will not be accepted after this time.

(b) Appeals must use the Appeal Form provided by the Human Resources Department and may attach any additional documents to the Appeals Form.

(c) Appeals will be date and time-stamped by the Human Resource Department. A copy will be provided to the employee, the Commission, the Law Department and the Labor Relations Division, and the original will be maintained by the Human Resources Department.

SECTION 3.4 HEARING OF APPEALS BY THE COMMISSION.

(a) **Scheduling of Hearing.** The Commission shall have thirty (30) days, or a later time if agreed to by the parties, to hear the appeal. Continuances of the hearing date may be granted upon written motion and for good cause shown.

(b) **Notice.** The Human Resources Department shall send written notice of the time and place of the hearing by first class mail to the parties, the Law Department and the Labor Relations Division, at least fourteen (14) calendar days in advance of the hearing date. If the employee does not appear at the hearing, the appeal may be dismissed.

(c) **Hearing Procedures.** The hearing before the Commission shall be as informal as is compatible with the requirements of justice, and the Commission need not be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in the matter through oral testimony and any records that may be presented at the hearing. Time limits for examination, cross-examination, and presentation of evidence shall be at the discretion of the Commission. Upon a challenge to the introduction of evidence, the Commissioners, by a majority vote, shall pass upon the relevance and acceptance of the challenged evidence. The Commissioners may deliberate on any matter during the course of the hearing.

(d) **Representation.** The City of Akron may be represented by any counsel, consultant or other person as designated in any action before the Commission. Non-bargaining unit employees in the classified service may represent themselves or be represented by an attorney or any other representative at the Hearing. The employee is required to provide the Human Resources Department and the Commission with the name and contact information of any representative prior to the Hearing. The employee shall be responsible to pay for his or her own attorney fees and costs. To the extent that a member of a collective bargaining unit is a party to any appeal, the exclusive representative of the employee will be the Union of which the employee is a member, as set forth in the applicable Collective Bargaining Agreement, unless union representation is waived in writing.

(e) **Disclosure of Exhibit and Witness Lists.** Each party shall file with the Commission and the opposing party and or his/her representative, a list of all witnesses, and a list of all documents intended to be presented at the Hearing no later than seven (7) calendar days prior to the Hearing. Should a party fail to provide the lists required under the above rule, the Commission may either upon motion of the party adversely

affected or on their own, exclude that party's undisclosed witnesses and documents from the hearing.

(f) **Subpoenas.** The Commission shall have the authority to issue subpoenas to compel the appearance of witnesses and the production of documents at the Hearing. If a party requests that the Commission issue a subpoena to an individual, the party must make the request in writing and provide the following information: the name, address and reason for the individual's compelled appearance at the hearing.

(g) **Motions.** Oral motions may be made at the hearing at any time as deemed necessary by a party and the representative should clearly explain the basis for the Motion being made.

(h) **Recording.** All Hearings shall be recorded by audio recording, in order to facilitate the subsequent creation of a transcription of all or part of the record, if necessary. The costs of such a transcription shall be borne by the requesting party. A copy of any audio recordings shall be maintained by the Human Resource Department in accordance with record retention requirements.

(i) **Oath.** The testimony taken at the hearing shall be under oath.

(j) **Failure to appear.** If the Employee or the Employer or both fail to appear at the time set for the Hearing, the Commission may hear the evidence before them and render judgment.

SECTION 3.5 FINAL DETERMINATION OF APPEALS BY THE COMMISSION

After the parties have either made closing arguments at the Hearing, and the record is determined by the Commission to be closed, the Commission shall deliberate to the extent required, and shall issue a written decision that may affirm, disaffirm, or modify the action of the Appointing Authority. The final decision of the Commission may be subject to appeal to the Summit County Court of Common Pleas under Ohio Revised Code Chapter 2506. Such administrative appeal shall be the sole and exclusive remedy to challenge the final decision of the Commission.

SECTION 3.6 TIMELINESS OF FILINGS

Timely filings of all documents referenced in this Rule shall be determined by time-stamp provided by the Human Resources Department. Filings are considered timely when filed by 4:30 pm on the final date the filing is due. For filings where the due date falls on a Saturday, Sunday or City recognized holiday, the filing will be accepted on the next business day following that date.

RULE 4 - ADMINISTRATION

SECTION 4.1 ORGANIZATION AND STAFF. The Human Resources Commission shall consist of three (3) electors of the City, and no more than two (2) shall be adherents of the same political party. The Human Resources Commissioners shall be appointed by the Mayor, with the consent of Council, and shall be persons with experience in human resources administration, personnel administration, public administration, labor relations, law, or a related field. The term of office of a Human Resource Commissioner shall be three (3) years. The terms of the three (3) Commissioners shall be staggered so that no term expires within less than one (1) years of the expiration of any other term. A Commissioner shall continue in office after the expiration of the term until a successor takes office. A vacancy occurring during a term shall be filled by the Mayor for the unexpired term with the consent of Council in the same manner as a regular appointment.

The Commission shall elect from its membership a Chairman and a Vice Chair. The Chairman shall preside at all meetings and public hearings of the Commission, and shall represent and act for the Commission in matters deemed appropriate by majority consent of the other members of the Commission and in keeping with applicable provisions of the City Charter and Administrative Rules. In the absence of the Chairman, the Vice Chair shall exercise the full authority and responsibility of the Chairman.

The Mayor shall appoint a Director of Human Resources. The Mayor shall appoint all employees of the Department of Human Resources to such positions as may be established by the Council. The Director of Human Resources shall direct and supervise the work of the Department of Human Resources. The Director of Human Resources shall act as Chief Examiner and superintend the examinations, and shall administer and enforce these rules, investigate the effect of their enforcement, report from time to time any violations or other conditions which, in his or her judgment, make it desirable to amend the rules, supervise and direct the Department of Human Resources and pass upon employment matters under these rules, and shall perform such other duties as are prescribed by the Charter, by ordinance, or by the Mayor.

SECTION 4.2 MEETINGS AND MINUTES. Meetings of the Commission shall be held at a time and place designated by the Director of Human Resources in consultation with the Commission. Notice of the time and place of meetings of the Commission shall be posted at least twenty-four (24) hours prior to each meeting. Two members of the Commission shall constitute a quorum. An Agenda will be prepared by the Human Resource Department. Except for Disciplinary Hearings as referenced in Rule 2, the Commission will meet with Human Resource Department on a quarterly basis (March, June, September and December) to review Agenda items. Matters requiring immediate attention may require a meeting or Hearing to be held outside of these dates per discussion by all involved parties. The Human Resource Department shall prepare the minutes. All meetings of the Commission shall be open to the public and the minutes shall be open to public inspection.

RULE 5 - RULE AMENDMENTS

SECTION 5.1 COMMISSION RULES MAY BE AMENDED. Pursuant to the Charter of the City of Akron, the Director of Human Resources, under the direction of the Mayor, may prepare and recommend rules and regulations for the administration of the Commission and from time to time shall propose amendments thereto for approval by the Commission.

SECTION 5.2 NOTICE OF AMENDMENTS. No amendment of these rules shall be made by the Commission nor shall any rule be neither repealed nor any new rule be adopted at the same meeting at which it is proposed. No final action to amend, repeal, or supplement rules shall be less than seven days after its proposal and until notice of the proposed amendments, specifying the numbers of the rules to be amended and the date upon which final action is to be taken by the Commission, shall be posted upon the bulletin board, at the entrance of the Commission's office, not later than one week before the date of said meeting, and such meeting shall be open to the public.

RULE 6 - MISCELLANEOUS

SECTION 6.1 SERVICE OR NOTICE, METHODS. Unless otherwise provided in these rules, "notice" or "service" may be accomplished by personal service, by residence service, or by sending notice in regular or certified mail.

SECTION 6.2 EFFECT OF INVALIDITY IN PART. If any part or sub-part, sentence, clause or phrase of these rules is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions. The Human Resources Commission hereby declares that it would have passed each part, sub-part, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sub-parts, sentences, clauses or phrases be declared invalid

SECTION 6.3 USE OF GENDER PRONOUNS. Where masculine pronouns (he, his, him) are used anywhere in these Rules, it shall be construed to include either gender in the connotation in which it is written.