



Ohio Administrative Code

Rule 123:1-49-08 Hearing.

Effective: [October 25, 2020](#)

(A) Any hearing ordered by the deputy director of the human resources division or the deputy director's designee pursuant to rule 123:1-49-07 of the Administrative Code shall be held by a hearing officer who may be an employee of another agency or who may be an employee of the affirmative action and equal employment opportunity unit of the department of administrative services.

(B) The hearing officer shall schedule the hearing for a convenient time and place and shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. The complainant, his or her representative, and representatives of the agency at the hearing shall be given the opportunity to examine witnesses who appear and testify.

(C) The hearing officer shall have the power to regulate the course of the hearing; limit the number of witnesses whose testimony would be unduly repetitious; and exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

(D) The hearing officer shall request the agency to make available as a witness at the hearing any employee requested by the complainant when he or she determines that the testimony of the employee is necessary. The hearing officer may also request the appearance of an employee of any state agency whose testimony he or she determines is necessary to furnish information pertinent to the complainant under consideration. The hearing officer shall give the complainant his or her reasons for the denial of a request for the appearance of employees as witnesses and shall insert those reasons in the record of the hearing. An agency to which a request is made must make its employees available as witnesses at a hearing on a complaint when requested to do so by the hearing officer. Any agency who has not allowed the employee to testify must state the reasons in writing for the hearing officer. An employee of an agency shall be in pay status during the time he or she is made available as a witness. The agency shall be billed by the affirmative action and equal employment opportunity unit for expenditures involved in the hearing.



(E) The hearing officer shall issue a written report and recommendation to the agency and the deputy director of the human resources division or the deputy director's designee within a reasonable period of time but no later than thirty days from the date of the hearing. The agency may approve, reject or modify the recommendations of the hearing officer and report its action to the complainant and the affirmative action and equal employment opportunity unit. The deputy director of the human resources division or the deputy director's designee may take any of the dispositive actions set forth in paragraph (C)(1), (C)(2), or (C)(4) of rule 123:1-49-07 of the Administrative Code and issue a written decision pursuant to paragraph (D) of rule 123:1-49-07 of the Administrative Code. There is no right to a hearing before the deputy director of the human resources division or the deputy director's designee.