



Ohio Administrative Code

Rule 4141-28-04 Labor dispute hearing procedure; evidence; rights of parties.

Effective: July 30, 2018

The hearing officer shall conduct hearings and other proceedings and take any steps consistent with the impartial discharge of his or her duties which appear reasonable and necessary to ascertain all relevant facts and to render a fair and complete decision on all issues. The proceedings shall be informal, and the hearing officer shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officer conducting a proceeding may examine the interested parties and other witnesses. Each interested party and his or her representative shall have all rights of fair hearing, including the right of examination and cross-examination of witnesses, the right to present testimony and other evidence, the right to inspect and examine documents, files, reports and records received in evidence, the right to present testimony and other evidence in explanation and rebuttal, the right to subpoenas for witnesses and documentary evidence and the right to present argument.

(A) Stipulations by the parties.

Interested parties may submit stipulations or any other agreed statement respecting all or any part of the facts involved in the case and may also waive the hearing. The hearing officer conducting such proceeding shall require or obtain such additional evidence as may be necessary to render a fair and complete decision.

(B) Securing witnesses and documents; special investigations.

The attendance of witnesses and the production of books, papers and other documents, files and records may be required by the hearing officer as deemed necessary to present fully and adequately any issue to be determined. Whenever an investigation, payroll audit or other examination is necessary to present fully and adequately any issue to be determined in a case, the hearing officer shall require or authorize that such examination, audit or investigation be performed and submitted in evidence.



(C) Public hearings.

All hearings under division (A) of section 4141.283 of the Revised Code shall be open to the public, but the hearing officer conducting a hearing may close the hearing as to other than interested parties to the extent necessary to protect the interests and rights of the claimants or employers to a fair hearing.

(D) Adjournment or continuance.

On his or her own motion, or upon the showing of good cause by an interested party, or whenever it appears that such action is necessary to afford the claimant or employer a reasonable opportunity for a fair hearing, the hearing officer may adjourn or continue a hearing to another time or place.

(E) Failure of party to appear.

If a party in any case fails to appear personally or by authorized representative at the hearing scheduled and such party has been duly notified of the hearing, and if good cause for such failure to appear is not shown to the hearing officer, the hearing will be conducted as scheduled and a decision by the hearing officer will be issued within ten days after the hearing.

In the event there is a showing of good cause for failure to appear prior to the issuance of the decision of the hearing officer, the hearing may be rescheduled with due notice to all interested parties.

(F) Oral argument and briefs.

At the conclusion of any hearing, the interested parties shall be granted a reasonable opportunity to present argument on all issues of fact and law to be decided. The hearing officer to whom the case is assigned shall afford the interested parties an opportunity to present oral argument and may permit the filing of briefs. However, time provided to file briefs shall be limited so as to afford the hearing officer time to prepare a decision to be issued within ten calendar days after the conclusion of the hearing.



(G) Exhibits.

Exhibits shall be properly marked, identified and placed in the case folder. Those exhibits that cannot be placed in the case folder shall be retained by the hearing officer pending further proceedings.