



## Ohio Administrative Code Rule 4167-14-02 Hearings and appeals.

Effective: [March 1, 2024](#)

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### (A) Definitions.

For purposes of this rule:

- (1) "Affected party" means any public employer, public employee, or public employee representative affected by an order, rule or Ohio employment risk reduction standard proposed, adopted, or otherwise issued pursuant to this chapter.
- (2) "Program action" means the proposal, adoption, or issuance of the order, rule, or standard under this chapter.

### (B) Request of hearing from the superintendent.

Any affected party may request, within fourteen calendar days of a program action, a hearing from the superintendent.

- (1) The superintendent shall appoint a hearing officer within fourteen calendar days of the receipt of the request.
- (2) The hearing officer shall hold a hearing within fourteen calendar days of appointment. The hearing will be held in conformance with the procedures outlined in section 119.09 of the Revised Code.
  - (a) Continuances may be ordered by the hearing officer on the superintendent's own motion, or may be granted by the hearing officer on motion or application of any party filed in writing and showing good and sufficient cause for the continuance.
  - (b) The parties may, by stipulations filed in writing with the hearing officer or orally presented at the



hearing, agree on any facts involved in the proceedings, but the hearing officer may thereafter require development of any fact necessary to a proper determination of a controversy.

(3) The hearing officer shall render a decision within fourteen calendar days of the hearing.

(4) The hearing officer's decision shall be a final order after thirty days, unless:

(a) Within thirty days, the adversely impacted party appeals the decision to the superintendent pursuant to paragraph (C) of this rule; or

(b) The superintendent, on the superintendent's own motion, modifies or reverses the decision within thirty days which shall be a final order after thirty days of issuance if the superintendent's decision has not been appealed pursuant to paragraph (D) of this rule.

(C) Appeal of hearing officer's decision to superintendent.

A public employer, public employee, or public employee representative may appeal the decision of the hearing officer to the superintendent pursuant to Chapter 119. of the Revised Code, provided that the appeal is made within thirty days of the receipt of the hearing officer's decision.

(1) The superintendent will review the record of the hearing and issue a determination within thirty days of receipt of the appeal of the hearing officer's decision.

(2) The superintendent's determination shall be a final order after thirty days of issuance if it has not been appealed pursuant to paragraph (D) of this rule.

(D) Appeal of superintendent's determination to court.

An affected party that has received a determination by the superintendent under paragraph (B)(4)(b) or paragraph (C)(1) of this rule may, within thirty calendar days of issuance of the determination, appeal to the court of common pleas of Franklin county or the court of common pleas of the county in which the alleged violation occurred, pursuant to section 4167.16 of the Revised Code.