

## TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

### Procedure

### Section 6.4

#### EMPLOYEE DUE PROCESS HEARING PROCEDURE

1. When a Leadership member has cause to believe that an employee under his/her supervision has committed an infraction that may result in a suspension, disciplinary reduction in pay or position, or removal from public service, the Leadership member shall reduce the alleged infraction to writing on the designated form. The completed form must indicate in sufficient detail the behavior or conduct which is the basis for the leadership member's belief that discipline may be warranted.
2. The completed form shall be provided to the employee, Union President, Grievance Chairperson, and Superintendent at least two (2) days in advance of the date, time and place of the hearing.
3. The union and employee shall receive copies of all documentation and evidence related to the charges 48 hours prior to the initiation of the hearing. Summaries of incident reports related to individuals served may be provided but the actual incident report is not a public document and will not be released.
4. Advance information such as exhibits are **not** to be provided to the hearing officer in advance of the hearing. All exhibits must be numbered. Copies of all exhibits must be made available at the hearing for the hearing officer, union and Leadership representatives. The only information the hearing officer will have in advance is the packet that establishes the hearing.
5. Sworn affidavits are admissible if the witness will not be available. The opposing party must be made aware of the affidavit and must be provided a copy at least 24 hours prior to the hearing.
6. A list of witnesses providing testimony at the hearing shall be provided to the hearing officer no later than one (1) hour prior to the start of the hearing.
7. All witnesses at the hearing will sign a statement of truth form.
8. The Leadership representative or his or her representative will present the employer's evidence to the hearing officer at the designated time. The employee, or his or her representative, will be permitted to question any witnesses presented.
9. The hearing officer may limit the number of witnesses, the manner and method of questioning, or the issues to be addressed.

10. At the conclusion of the employer's case, the employee may present any relevant evidence which abuts the evidence for the employee's conduct. The Leadership representative, or his or her representative, will be permitted to question the employee or any witnesses presented by the employee.
11. The hearing officer shall determine when the hearing is concluded and will adjourn the meeting.
12. The hearing officer shall prepare a report which sets forth findings of facts based upon the evidence presented at the hearing. The hearing officer deals with facts only and does not recommend discipline.
13. The hearing officer's report shall be furnished to both the Superintendent and the Union President within twenty (20) calendar days of the close of the hearing.
14. Within twenty (20) calendar days of receiving the hearing officer's report, the Superintendent shall determine what discipline, if any, is warranted based upon the facts submitted by the hearing officer.
15. If discipline is warranted, the Superintendent shall follow the County Board's disciplinary policy and procedures.

Adopted: 6/25/2012