

MINUTES
Cuyahoga County Human Resources Commission
Wednesday, January 18, 2012
Lakeside Place Building.
323 W. Lakeside Avenue, Suite 400
5:00 p.m.

1) CALL TO ORDER

Chairman Robert Wolff began the meeting at 5:00 p.m. and made a motion to approve the minutes from the December 21, 2011 and January 4, 2012 meetings. Commissioner Palmer seconded the motion. No objections.

2) ATTENDANCE

Chairman Robert Wolff, Commissioner Angela Simmons, Commissioner Kathleen Palmer, Administrator Rebecca Kopcienski, Coordinator Jessica Vezina, Assistant Prosecutor Sara DeCaro, Assistant Prosecutor Barbara Marburger, Law Director Majeed Makhlof, and Assistant Law Director Amy Marquit-Renwald were in attendance.

3) PUBLIC COMMENT - Nothing Submitted

4) UNFINISHED BUSINESS – Nothing Submitted

5) NEW BUSINESS

a) Appeals

i) N. Farina - Objection to Dismissal of Appeal

Chairman Wolff recused himself from hearing the upcoming statement from Ms. Farina and from any consideration of or deliberation regarding her appeal. Ms. Farina presented her objections to the Commission. Discussion ensued. Commissioner Palmer motioned for dismissal for lack of jurisdiction. Commissioner Simmons seconded the motion. Order issued.

ii) C. Brewer - Final Order – Commissioners all in agreement. Order issued.

iii) D. Pasela - Final Order – Commissioners all in agreement. Order issued.

b) Domestic Partner Benefits Ordinance no. 02011-0042-

i) Law Director Makhlof presented revised ordinance to the Commission. Discussion ensued. Commissioners to review and final recommendation to be placed on February 1st agenda.

c) Procedural Questions / Possible Rule Changes

i) Do employee notifications to Human Resources Department of intent to appeal constitute an appeal to HRC?

Discussion ensued. Commissioners agreed to have Administrator Kopcienski contact the five additional persons who have not notified HRC directly of their

intent to file, and to clarify their intentions. as to whether or not they wish to file an appeal with HRC. Commissioners also requested that going forward, the Human Resources Department change the language in their responses to persons who may have the right to appeal to the HR Commission to clarify that they must contact HRC directly to file an appeal.

ii) Can HRC vacate an Order of Dismissal?

Discussion ensued. HRC staff to assist with scheduling of hearings. Contact with parties will begin with a telephone call from the Hearing Officer. HRC will follow up with a Notice of Scheduled Hearing sent Certified and regular mail to the appellants to make every effort to contact all parties.

iii) Will HRC adopt SPBR rule regarding witness number and document list?

Discussion ensued. Chairman Wolff suggested hearings with HRC should be less formal. Commission advised Hearing Officers to use SBPR's rule as a guideline, and to limit the number of witnesses to five unless parties demonstrate rationale for more.

iv) What is procedure for notifying parties of mediation option?

Discussion ensued. No formal policy on mediation to be adopted at this time, and Commissioners advised Hearing Officers should be open to addressing opportunities for mediation and/or settlement as they arise during the hearing process. Chairman Wolff suggested that given the backlog of cases, this issue be revisited at a later date. Assistant Prosecuting Attorney Marburger suggested procedural guidelines be issued to the Hearing Officers. Goal is to complete hearings in one day. Hearing Officers are advised to conduct telephone pre-hearings with parties to address stipulations, discovery and possibility of mediation/resolution.

v) Are Hearings subject to Ohio's Open Meetings regulations?

Discussion ensued. Hearings are considered 'quasi-judicial, and as such, are not considered public meetings.

vi) Can appellants in HRC hearings be represented by non-attorneys?

Discussion ensued. Commissioners do not condone unauthorized practice of law, and agree that pro-se appellants may have other persons present to help them in hearings, but assistance should be limited to non-legal matters, and only legal counsel can cross examine or give presentation..

vii) Can/should Hearing Officers grant continuances and extensions to objection periods?

Discussion ensued. Hearing Officers may grant continuances for good cause, but Commissioners encourage discretion in granting them. HRC may grant one extension of the fourteen (14) day period of extension for filing objections to Report and Recommendations, but will exercise discretion to grant any additional continuances in interest of addressing pending backlog. .

6) PUBLIC COMMENT – N/A

7) OTHER BUSINESS –

- HRC to investigate transcriptions services available to the County.
- HRC to investigate cooperative wage survey for Prosecutor's and Public Defender's offices in conjunction with the Executive's office.

8) ADJOURNMENT –

Chairman Wolff made a motion to adjourn the meeting at 8:00 p.m. Commissioner Palmer seconded the motion.

Next Human Resource Commission meeting is scheduled for Wednesday, February 1, 2012 at 5:00 p.m. at Lakeside Place (323 W. Lakeside Avenue, Suite 400)