

TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 6.5

EMPLOYEE DUE PROCESS HEARING RULES

1. The purpose of employee due process hearings is to identify facts specific to the incident. The employee due process hearing is not meant to create a historical picture of the County Board.
2. If an advocate is present for an individual receiving service, they may assist the individual to testify but may not put words in his or her mouth.
3. Children and adults with disabilities may testify but direct questioning is not permitted. Questions from either party must be directed to the hearing officer who can choose to question the person or designate someone to conduct the questioning who will maximize child/adult participation and comfort level. Video or audio testimony may be used. A union representative may be present during the tapings as an observer only.
4. Extensions of the hearing are permissible, but usually only once and for good cause.
5. A hearing record can be held open or continued for additional information that is forthcoming.
6. There is no confidentiality regarding the information disclosed at the hearing except for medical information and information about children or adults with disabilities.
7. 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.
8. A witness must have direct knowledge of the incident. Anything else is hearsay. Hearsay is inadmissible.
9. The hearing officer has the right to stop testimony if it:
 - a. has already been given,
 - b. is irrelevant, or
 - c. is not directly related to the case (i.e. character witness statements).
10. Witnesses may only be questioned by the union representative, leadership representative or the hearing officer.
11. A written statement explaining the consequences for failing to tell the truth shall be presented to each witness for his or her signature.

12. The hearing officer may need to conduct investigative activities to verify information presented by either party at the hearing. In such cases, the activities shall be announced to both parties. Each party shall have the right to be present during the activities. Examples of activities include, but are not limited to, direct observation of individuals in relevant settings, review of a consumer plan, visiting community sites, acting out events, or researching applicable rules or laws, etc.

Adopted: 6/25/2012