



Ohio Administrative Code

Rule 4117-5-05 Hearing or inquiry on questions of representation.

Effective: August 6, 2015

(A) If the board determines that there is reasonable cause to believe that a question or questions of representation requiring a hearing or inquiry exist, the board shall issue to the parties a notice of hearing or inquiry. Immediately upon receipt, an employer shall post such notice in a conspicuous place where employees will be reasonably apprised of its contents. The notice shall remain posted until the hearing is concluded. The employer shall take reasonable steps to ensure that such notices are not altered, defaced or covered by other materials.

(B) The board, a board member, an administrative law judge, or a board agent or designee will conduct a hearing or inquiry to determine whether a question of representation exists. In a written prehearing statement, each party shall state all issues to be raised at the hearing. Parties failing to submit a prehearing statement may be denied the opportunity to present evidence at the hearing.

(C) If the board finds upon the record of the hearing that a question of representation exists, it shall direct an election in accordance with section 4117.07 of the Revised Code and Chapter 4117-5 of the Administrative Code. If the board finds that a question of representation does not exist, it shall dismiss the petition and notify all parties.

(D) If the board determines from the investigation that there is a question of majority representation requiring an election and that there are no other disputed issues, the board may direct an election without a hearing.
