

ETHICS

R96-1-06

Commission and Hearing Officer Code of Conduct

September 18, 1996

WHEREAS, the principal function of the Industrial Commission is the impartial adjudication of workers' compensation claims; and

WHEREAS, the members of the Industrial Commission are charged, as fiduciaries, with the preservation of the integrity of the adjudicatory process; and

WHEREAS, the members of the Industrial Commission occupy a position of public trust which requires strict adherence to the highest ethical standards; and

WHEREAS, the role of the members of the Industrial Commission as impartial adjudicators of workers' compensation claims must remain without question and cannot be tainted by even the appearance of impropriety; and

WHEREAS, the Industrial Commission's Code of Ethics, as set out in Ohio Adm.Code 4121-15-03(G), provides the intent of the Code of Ethics is "that employees avoid any action . . . which result[s] in or create[s] the appearance of: (1) using public office for private gain, or (2) giving preferential treatment to any person, entity or group;"

THEREFORE BE IT RESOLVED THAT the members of the Industrial Commission and their administrative assistants shall be subject to and shall follow Rules 2.5 and 2.15 of the Code of Judicial Conduct, as adopted by the Supreme Court of Ohio on March 1, 2009, and all amendments adopted subsequent thereto;

BE IT FURTHER RESOLVED THAT, in addition to the above provisions contained in the Code of Judicial Conduct, and in furtherance of the desire to maintain the workers' compensation adjudicatory process entirely free from improper influences, all discretionary appeals pursuant to R.C. 4123.511(E), all requests for the members of the Industrial Commission to reconsider any decision and all information, correspondence, and/or communications pertaining thereto should not be filed with the administrative offices of the Industrial Commission or with individual commissioners and/or their staff. However, in accordance with R.C. 4123.51, this Resolution shall not preclude a party from filing said documents in any regional office of the Industrial Commission, the Appeals and Reconsiderations Unit of the Industrial Commission or the Claims Management Section of the Industrial Commission, or any other proper place of filing;

BE IT FURTHER RESOLVED THAT all discretionary appeals pursuant to R.C. 4123.511(E), all requests for the members of the Industrial Commission to reconsider any decision and all information, correspondence, and/or communications pertaining thereto shall be placed in the claim file;

BE IT FURTHER RESOLVED THAT, all discretionary appeals pursuant to R.C. 4123.511(E), all requests for the members of the Industrial Commission to reconsider any decision and all information, correspondence, and/or communications pertaining thereto that are filed with the administrative offices of the Industrial Commission or with individual members of the Industrial Commission and/or their staff shall be immediately transmitted, without review, acknowledgment or comment, to the Appeals and Reconsiderations Unit of the Industrial Commission or other appropriate place of filing for placement in the claim file;

BE IT FURTHER RESOLVED THAT in recognition of Ohio Adm.Code 4121-15-03(G) and the obligation that section imposes to maintain conduct which does not even portray the appearance of impropriety, no exempt and/or unclassified employee of the Industrial Commission's Legal Services Section shall engage in ex parte written, oral or other communications (including but not limited to in person, telephone, and e-mail communications) regarding the merits of a claim which has been filed with the Industrial Commission;

BE IT FURTHER RESOLVED THAT if a member of the Industrial Commission receives and reviews or engages in an ex parte written, oral or other communication (including but not limited to in person, telephone, and e-mail communications) regarding the merits of a claim which has been filed with the Industrial Commission, or is disqualified pursuant to the terms of Rules 2.5 and 2.15 of the Code of Judicial Conduct, he or she shall recuse himself or herself from all matters dealing with the claim;

BE IT FURTHER RESOLVED THAT no written communication shall be considered by the members of the Industrial Commission in the adjudication of a claim on appeal pursuant to R.C. 4123.511(E) or before the Commission as a request for reconsideration unless the communication indicates that the opposing party or parties have received copies of the communication;

BE IT FURTHER RESOLVED THAT communications whether written, oral or otherwise (including but not limited to in person, telephone, and e-mail communications), regarding non-substantive, i.e., procedural, matters are not prohibited by the terms of this resolution.

Modification

This resolution was modified to correct citations and is effective on September 26, 2018.