



OHIO

CRIMINAL SENTENCING COMMISSION

65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

COMMISSION OPERATING GUIDELINES

These Operating Guidelines are issued by the Ohio Criminal Sentencing Commission (“Commission”) pursuant to R.C. 181.21(B) and apply to the operation of the Commission to assist in exercising the responsibilities established for the Commission under sections 181.21 through 181.267 of the Ohio Revised Code. These guidelines are intended to establish consistent standards and expectations in undertaking its duties and responsibilities. **References to administrative policies in these guidelines refer to the Administrative Policies of the Supreme Court of Ohio.**

I. General Provisions

- (A) **Officers.** The Commission shall select a Vice-Chairperson and any other necessary officers. In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson.
- (B) **Commission Meetings.** The full Commission shall meet at least once per calendar quarter, at the call of the Chair or on the written request of eight or more of its members.
- (C) **Commission Actions.** Members of the Commission shall strive for consensus on recommendations concerning criminal justice policy, procedure or legislative proposals. Official actions of the Commission will be recorded by roll call vote and dissenting opinion(s) noted **or by voice vote at the discretion of the Chairperson or Vice-Chairperson if the Vice-Chairperson presides over the meeting. A roll call vote must be taken for the purpose of entering into executive session.**
- (D) **Meetings Open.** Meetings of the Commission and any committees shall be open to the public pursuant to R.C. 121.22.
- (E) ~~**Advisory Committee.** Pursuant to R.C. 181.22, the Advisory Committee serves as an advisory body to the Commission and Advisory Committee members freely participate at all Commission meetings.~~

II. Member Attendance

- (A) **Requirement.** For a fully effective Commission, a Commission member ~~or Advisory Committee member~~ shall make a good faith effort to attend, in person, each Commission meeting.
- (B) **Participation by telephone or other electronic means.** A Commission member ~~or Advisory Committee member~~ who is unable to attend a meeting due



to an unavoidable conflict may request to participate by telephone or other electronic means available to the Commission. A Commission member ~~or Advisory Committee member~~ participating in this manner is **not** considered present for meeting attendance, quorum, and voting purposes.

- (C) **Replacement designee.** Designees for the individual Commission members specified in R.C.181.21 shall be treated as Commission members for purposes of attendance, quorum, and voting. Other Commission ~~and Advisory Committee~~ members may request for an alternate individual to attend meetings; however, those alternates will not take the place of actual member for purposes of attendance, quorum, or voting.
- (D) **Nonattendance.** If a Commission ~~or Advisory Committee~~ member misses three consecutive meetings of the full Commission pursuant to R.C. 3.17, the chairperson or executive director may recommend to the appointing authority that the member relinquish the member's position on the Commission ~~or Advisory Committee~~.

III. Commission Meeting Voting

- (A) **Procedure.** Commission members in attendance at a Commission meeting may vote on any motion properly before the Commission. ~~The Advisory Committee members in attendance may vote if the Commission adopts a motion that allows for it.~~ Members may abstain from a vote if they have a conflict, noting their abstention for the record.
- (B) **Quorum.** Sixteen members of the combined membership of the Commission ~~and Advisory Committee~~ constitute a quorum, and the votes of a majority of the quorum present shall be required to validate any action of the Commission.
- (C) **Proxy voting.** Pursuant to Operating Guideline II(C), a Commission member may not vote by proxy unless the proxy vote is cast by a replacement designee specified under R.C. 181.21(A). If the statutory member and the replacement designee both attend a meeting, only the statutory member may vote. ~~Advisory Committee members do not have designees.~~

IV. Minutes

- (A) Minutes shall be kept at every Commission meeting and distributed to the members for review and approval at the next meeting.



- (B) Minutes shall, at a minimum, record any votes taken on motions by the Commission, including a notation of those members in opposition to and abstaining from such motion.

V. Parliamentary Authority

- (A) The rules contained in the current edition of *Robert's Rules of Order Newly Revised* (<http://www.robertsrules.com/>) shall govern the Commission in all cases in which they are applicable and in which they do not conflict with State law and regulations; these Operating Guidelines; and any rules, procedures, or official action the Commission may adopt.

VI. Ethics

- (A) **Compensation.** Pursuant to R.C. 181.21 and R.C. 181.22 Commission members ~~and Advisory Committee members~~ shall serve without compensation, but each member shall be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties on the commission. In order for non-Commission ~~and Advisory Committee~~ members serving on standing or ad hoc committees to receive reimbursement, they must be appointed by the Commission Chair, Vice-Chair, or standing committee chair and they must appear on the standing or ad hoc committee roster.
- (B) **Ethics.** Commission ~~and Advisory Committee~~ members have the duty to file any disclosures required of them.

VII. Standing and Ad Hoc Committees

- (A) **Creation.** The Commission hereby creates the following standing committees: Adult Criminal Justice committee and the Juvenile Justice committee, by vote of the Commission at the May 18, 2023 meeting. A Personnel committee is hereby created as a standing committee with the adoption of these Operating Guidelines. ~~Data Collection and Sharing committee~~. The Commission may form additional standing committees by formal vote. The Commission may also form ad hoc committees it believes necessary to complete its work. Ad Hoc committees shall be created by the Commission by formal vote and will also be dissolved by the Commission by formal vote when the Commission determines the Ad Hoc committee has completed its work and/or at the time final recommendations are presented to the Commission.
- (B) **Chairpersons.** Each standing committee shall select a Chairperson and Vice-Chairperson who shall be Commission ~~or Advisory Committee~~ members. Chairpersons and Vice-Chairpersons shall serve in their capacity for a term not



exceeding two years. Chairpersons and Vice-Chairpersons shall be permitted to serve no more than two consecutive terms in their respective capacities. Ad Hoc committees created will select a chairperson in consultation with the Standing Committee Chairperson, Vice-Chairperson or Director of the Commission.

- (C) **Membership.** Any standing or ad hoc committee created should consist of Commission members, ~~Advisory Committee members~~ and other persons who the Standing Committee Chairperson, Vice-Chairperson, or Director of the Commission believe will assist in a full exploration and vetting of the specific issues under the review of the committee. Standing committee members and Ad Hoc committee members must be appointed by the Commission's Chair, Vice-Chair, or the Standing Committee Chairperson. The Commission will maintain member rosters for all Standing Committee and Ad Hoc committees. ~~The Personnel committee will consist of three members, and all three must be members of the Commission.~~
- (D) **Voting.** All appointed members to a standing and/or ad hoc committee including non-Commission ~~or non-Advisory Committee~~ members, may vote on any motion properly before the (standing or ad hoc) committee.

VIII. Office Operations

- (A) **Duties of the Executive Director.** In addition to the duties outlined in the position description, statute, and those determined by the Commission, the Executive Director manages the following day-to-day duties of the Commission Office, including:
- (1) **Purchase Requisitions.** Upon completion of a Purchase Requisition, including obtaining the necessary quotes and certifications according to the process directed by the Director of Fiscal Resources, the Executive Director shall indicate approval of the purchase upon determining the justification for the purchase is sufficient and the requirements of this policy have been met for all purchases \$2,500 or less.
 - **Signature Authority.** The Executive Director requesting the purchase shall sign all contracts and purchase approvals not requiring the approval of the Commission and signature of the Chair.
 - (2) **Approval of Timesheets.** Each pay period, the Executive Director shall submit the time sheet completed by every employee, as described in Administrative Policy 13, to the Office of Human Resources. The Executive



OHIO

CRIMINAL SENTENCING COMMISSION

65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

Director shall acknowledge reviewing the information contained on the form by approving it.

- (3) **Approval of Employee Leave.** An employee shall prepare a request for leave and follow all procedures as listed in the Supreme Court of Ohio's Administrative Policy 12.
 - (4) **In-state travel.** A staff member shall obtain prior approval from the Executive Director to travel in-state at Commission expense while on Commission business with anticipated expenses equaling \$1,500 or less. Prior approval may be given verbally and may be of a continuing nature, except when an employee wishes to attend a continuing education conference, seminar, or workshop, in which case the employee shall complete a Travel and Conference Approval Form. Approval for travel costs greater than \$1,500 must be approved by the Commission, in the same manner as out-of-state travel, as described below. The Executive Director may approve their own in-state travel, within the limits listed here.
- (B) **Duties of the Commission.** The Commission shall vote on operations matters concerning the office and the staff of the Commission and the Executive Director in certain instances, as outlined below. "Approval of the Commission" as discussed in this section refers to a majority vote of a quorum of the Commission:
- (1) **Purchase Requisitions over \$2,500.** Upon completion of a Purchase Requisition, including obtaining the necessary quotes and certifications according to the process directed by the Director of Fiscal Resources, the matter should be brought to the next meeting of the Commission for approval. A majority vote of a quorum of the Commission shall approve a purchase upon determining the justification for the purchase is sufficient, fiscal responsibility has been demonstrated, and the requirements of the policy of the Director of Fiscal Resources has been demonstrated, for all purchases greater than \$2,500.
 - (2) **Out-of-state travel.** All staff members and Commission members, including the Executive Director, shall obtain prior written approval from the Commission to travel out-of-state at Commission expense while on Commission business. The procedure to obtain approval shall occur in the following order:
 - The staff member shall complete a Travel and Conference Approval Form and attach a copy of the notice, agenda, course description, or letter of invitation relating to the meeting, conference, seminar, or workshop the



employee will attend and reasonable estimates of reimbursable expenses the employee expects to incur;

- The Executive Director shall indicate approval of the travel as appropriate Commission business by signing the form;
 - The Director of Fiscal Resources shall indicate the availability of funds to reimburse the employee for travel expenses by signing the form;
 - The Commission shall indicate approval with a majority vote of a quorum of the Commission in favor of the travel. The Chair shall indicate this approval of the travel by signing the form.
- (3) **Authority of the Chair.** The Commission delegates approval to the Chair for the following matters:

- **Executive Director leave requests.** The Executive Director may present a request for leave—vacation leave, personal leave, family and medical leave, adoption or childbirth leave, unpaid leave, poll worker leave, compensatory time, sick leave, bereavement leave, court leave, or military leave—to the Chair for approval. The Chair shall indicate approval by approving the leave through the Supreme Court of Ohio system.
- **Approval of Executive Director time sheets.** Each pay period the Executive Director shall complete a timesheet consistent with Administrative Policy 13 and submit it for review and approval of the Chair.

- (4) **Signature Authority.** Where the approval of the Commission is necessary as described above, this approval shall be documented in the Minutes and indicated on appropriate forms and contracts with the signature of the Chair.

- (C) **Personnel Actions.** The Executive Director shall work together with the Commission's Personnel committee and the Commission on the matter of personnel actions, as described below:

- (1) **Hiring of Commission Staff.** The Executive Director will lead the hiring process for the replacement or addition of Commission staff members, not including an Executive Director, according to the following procedures:



OHIO

CRIMINAL SENTENCING COMMISSION

65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

- The Executive Director shall present a job announcement and position description to the Commission for approval prior to its posting. Approval of the Commission is indicated with a majority vote of a quorum;
 - The Executive Director and members of the Commission's Personnel committee will review applications received and select the candidates for a first-round interview;
 - A minimum of two rounds of interviews are held, with the panel containing the Executive Director, member of Commission staff, the Supreme Court of Ohio's Director of Human Resources or the director's designee, and one or more members of the Commission's Personnel committee. Other persons may serve on an interview team, including outside consultants or experts, if appropriate;
 - The Executive Director, in consultation with the Personnel committee and staff of the Office of Human Resources, shall select the most qualified applicant for the position vacancy without regard to race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or non-disqualifying disability pursuant to Adm. P. 5 (Equal Employment Opportunity);
 - The Executive Director shall present the recommended candidate to the Commission for appointment, approval indicated with the majority vote of a quorum.
- (2) **Hiring of the Executive Director.** The Personnel committee, in partnership with the Chairperson or Vice-Chairperson, will lead the hiring of an Executive Director, e according to the following procedures:
- The Chair of the Personnel committee shall present a job announcement and position description to the Commission for approval prior to its posting. Approval of the Commission is indicated with a majority vote of a quorum;
 - Members of the Commission's Personnel committee will review applications received and select the candidates for a first-round interview;
 - A minimum of two rounds of interviews are held, with the panel containing the Personnel committee, the Supreme Court of Ohio's Director of Human Resources or the director's designee. Other persons



- may serve on an interview team, including additional members of the Commission, or outside consultants or experts, if appropriate;
- The Personnel committee in consultation with the Chairperson or Vice-Chairperson of the Commission and staff of the Office of Human Resources, shall select the most qualified applicant for the Executive Director without regard to race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or non-disqualifying disability pursuant to Administrative Policy 5 (Equal Employment Opportunity);
 - The Chair of the Personnel committee shall present the recommended candidate to the Chairperson or Vice-Chairperson of the Commission for approval;
 - Upon approval, the Chairperson or Vice-Chairperson shall present the recommended candidate to the Commission for appointment, approval indicated with the majority vote of a quorum.
- (3) **Employee corrective action, dismissal, or demotion.** The Executive Director has the authority to take corrective action against an employee whose job performance is deemed unsatisfactory or who engages in misconduct, consistent with Administrative Policy 21.
- If, by the judgment of the Executive Director, verbal and written reprimands do not sufficiently address the issue, the Executive Director shall refer the matter to the Personnel committee for investigation and/or further corrective action including but not limited to: suspension, reduction in pay, demotion, or dismissal.
- (4) **Allegations of misconduct by the Executive Director.** If there are allegations of misconduct against the Executive Director, or their job performance is deemed unsatisfactory, the matter shall be brought to the Personnel committee of the Commission. The Personnel committee shall take the following action:
- Investigate alleged misconduct and/or job performance concerns;
 - Consult with the Attorney General's office for legal advice as necessary;
 - If corrective action is deemed necessary based on the investigation, bring a recommendation for corrective action to the Commission



including but not limited to: verbal or written reprimand, suspension, reduction in pay, demotion, or dismissal;

- The Commission may take corrective action considered appropriate in view of the nature, frequency, and severity of the misconduct or unsatisfactory job performance and other relevant factors.

(5) **Employee compensation.** The Personnel committee shall work with the Executive Director to establish appropriate salary ranges for Commission staff based on the analysis of the compensation of similar positions.

- At the last Commission meeting of each fiscal year, the Personnel committee shall recommend a cost-of-living salary adjustment for Commission staff to the Commission. Approval of this recommendation is indicated by a majority vote of a quorum of the Commission.

(6) **Americans with Disabilities Act (ADA) and Family Medical Leave Act (FMLA) requests for accommodations and/or leave.** The personnel committee shall work with the Executive Director to address ADA and FMLA requests. The committee will present a recommendation to the Commission, approval indicated with the majority vote of a quorum of the Commission.

VIII.

IX. Amendment of Operating Guidelines

(A) The Operating Guidelines may be amended at any full meeting of the Commission by the votes of a majority of the quorum present, provided that the amendment was submitted in writing at the last previous full Commission meeting or in advance of the full Commission meeting as approved by the chairperson, vice-chairperson or executive director.

X. Effective Date

(A) These Operating Guidelines are effective upon adoption.