

### **4167-14-03 Appeals to the court.**

(A) A public employer, public employee, or public employee representative who has exhausted all administrative appeals of a final order by the superintendent may within thirty calendar days of issuance of the order appeal to the court of common pleas of Franklin county or to the court of common pleas of the county in which the alleged violation has occurred.

(B) The court shall conduct a hearing on the appeal filed under paragraph (A) of this rule and shall give preference to all proceedings under this rule over all other civil cases, irrespective of the position of the proceedings on the calendar of the court. The hearing shall proceed as in the case of a civil action as provided for in Chapter 2505. of the Revised Code, and the court shall determine the rights of the parties in accordance with the laws applicable to the action.

(C) If the court finds an undue hardship to the appellant as defined in rule 4167-5-02 of the Administrative Code will result from the enforcement of the order pending determination of the appeal, the court may grant a suspension of the order and fix the terms thereof.

(D) The court shall affirm the order of the superintendent upon consideration of the record as a whole and additional evidence as the court has admitted, if the order is supported by reliable, probative, and substantial evidence and is in accordance with law.

(E) In the absence of the elements of paragraph (C) of this rule, the court shall reverse, vacate or modify the order or make such other ruling as is supported by this rule.

(F) The judgment of the court is final and conclusive unless reversed, vacated, or modified on appeal as provided in Chapter 2505. of the Revised Code.

(G) No person who has failed to exhaust all administrative appeals as provided in this rule and rule 4167-5-03 of the Administrative Code may file an appeal of a final order of the superintendent.

Effective: 8/1/01  
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