

# AN ACT

To amend sections 124.03, 124.09, 124.10, 124.11, 124.13, 124.134, 124.14, 124.15, 124.18, 124.181, 124.20, 124.25, 124.27, 124.30, 124.32, 124.323, 124.327, 124.34, 124.382, 124.383, 124.384, 124.385, 124.386, 124.387, 124.388, 124.82, 124.87, 124.92, 125.041, 125.12, 125.13, 125.21, 125.211, 125.48, 156.04, 2716.03, 4141.242, and 5101.07 and to repeal sections 124.139 and 124.312 of the Revised Code to make various changes in the Civil Service, Excess and Surplus Supplies, and State Printing Laws and in other laws that affect the Department of Administrative Services.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 124.03, 124.09, 124.10, 124.11, 124.13, 124.134, 124.14, 124.15, 124.18, 124.181, 124.20, 124.25, 124.27, 124.30, 124.32, 124.323, 124.327, 124.34, 124.382, 124.383, 124.384, 124.385, 124.386, 124.387, 124.388, 124.82, 124.87, 124.92, 125.041, 125.12, 125.13, 125.21, 125.211, 125.48, 156.04, 2716.03, 4141.242, and 5101.07 of the Revised Code be amended to read as follows:

Sec. 124.03. The state personnel board of review shall exercise the following powers and perform the following duties:

(A) Hear appeals, as provided by law, of employees in the classified state service from final decisions of appointing authorities or the director of administrative services relative to reduction in pay or position, job abolishments, layoff, suspension, discharge, assignment or reassignment to a new or different position classification, or refusal of the director, or anybody authorized to perform ~~his~~ the director's functions, to reassign an employee to another classification or to reclassify the employee's position with or without a job audit under division ~~(E)~~(D) of section 124.14 of the Revised Code. As used in this division, "discharge" includes ~~involuntary~~ disability separations. The board may affirm, disaffirm, or modify the decisions of the

appointing authorities or the director, as the case may be, and its decision is final. The board's decisions shall be consistent with the applicable classification specifications. The board shall not be deprived of jurisdiction to hear any appeal due to the failure of an appointing authority to file its decision with the board. Any final decision of an appointing authority or of the director not filed in the manner provided in this chapter shall be disaffirmed. The board may place an exempt employee, as defined in section 124.152 of the Revised Code, into a bargaining unit classification, if the board determines that the bargaining unit classification is the proper classification for that employee. Notwithstanding Chapter 4117. of the Revised Code or instruments and contracts negotiated under it, such placements are at the board's discretion.

In any hearing before the board, including any hearing at which a record is taken that may be the basis of an appeal to a court, an employee may be represented by a person permitted to practice before the board who is not an attorney at law so long as the person does not receive any compensation from the employee for such representation.

(B) Hear appeals, as provided by law, of appointing authorities from final decisions of the director relative to the classification or reclassification of any position in the classified state service under the jurisdiction of such appointing authority. The board may affirm, disaffirm, or modify the decisions of the director, and its decision is final. The board's decisions shall be consistent with the applicable classification specifications.

(C) Exercise the authority provided by section 124.40 of the Revised Code, for appointment, removal, and supervision of municipal and civil service township civil service commissions;

(D) Appoint a secretary, referees, examiners, and whatever other employees are necessary in the exercise of its powers and performance of its duties and functions. The board shall determine appropriate education and experience requirements for its secretary, referees, examiners, and other employees and shall prescribe their duties. A referee or examiner does not need to have been admitted to the practice of law.

(E) Maintain a journal which shall be open to public inspection, in which it shall keep a record of all of its proceedings and of the vote of each of its members upon every action taken by it;

(F) Adopt rules in accordance with Chapter 119. of the Revised Code relating to the procedure of the board in administering the laws which it has the authority or duty to administer and for the purpose of invoking the jurisdiction of the board in hearing appeals of appointing authorities and employees in matters set forth in divisions (A) and (B) of this section;

(G) Subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any matter which it has authority to investigate, inquire into, or hear in the same manner and to the same extent as provided by division (G) of section 124.09 of the Revised Code. All witness fees shall be paid in the manner set forth in that division.

(H) The board shall be funded by general revenue fund appropriations. All moneys received by the board for copies of documents, rule books, and transcriptions shall be paid into the state treasury to the credit of the transcript and other documents fund, which is hereby created to defray the cost of furnishing or making available such copies, rule books, and transcriptions.

Sec. 124.09. The director of administrative services shall do all of the following:

(A) Prescribe, amend, and enforce administrative rules for the purpose of carrying out the functions, powers, and duties vested in and imposed upon the director by this chapter. Except in the case of rules adopted pursuant to section 124.14 of the Revised Code, the prescription, amendment, and enforcement of rules under this division are subject to approval, disapproval, or modification by the state personnel board of review.

(B) Keep records of the director's proceedings and records of all applications for examinations and all examinations conducted by the director. All such records, except examinations and recommendations of former employers, shall be open to public inspection under reasonable regulations; provided the governor, or any person designated by the governor, may, for the purpose of investigation, have free access to all such records, whenever the governor has reason to believe that this chapter, or the administrative rules of the director prescribed under such sections, are being violated.

(C) Prepare, continue, and keep in the office of the department, a complete roster of all persons in the classified service who are paid directly by warrant of the auditor of state. This roster shall be open to public inspection at all reasonable hours. It shall show in reference to each of such those persons, the person's name, address, ~~the~~ date of appointment to or employment in such the classified service, ~~the person's~~ and salary or compensation, the title of the place or office ~~which that~~ the person holds, the nature of the duties ~~thereof~~ of that place or office, and, in case of the person's removal or resignation, the date of the termination of such that service.

(D) Approve the establishment of all new positions in the civil service of the state and the reestablishment of abolished positions.

(E) Require the abolishment of any position in the civil service of the state that is not filled after a period of twelve months unless it is determined that the position is seasonal in nature or that the vacancy is otherwise justified.

(F) Make investigations concerning all matters touching the enforcement and effect of this chapter, and the administrative rules of the director prescribed under ~~such sections~~ this chapter. In the course of such investigations, the director or the director's deputy may administer oaths and affirmations, and take testimony relative to any matter which the director has authority to investigate.

(G) Have the power to subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to the investigations, inquiries, or hearings on any matter which the director has authority to investigate, inquire into or hear, and to examine them in relation to any matter which the director has authority to investigate, inquire into, or hear. Fees shall be allowed to witnesses, and on their certificate, duly audited, shall be paid by the treasurer of state, or in the case of municipal or civil service township civil service commissions by the county treasurer, for attendance and traveling, as is provided in section 2335.06 of the Revised Code for witnesses in courts of record. All officers in the civil service of the state or any of the political subdivisions thereof and their deputies, clerks, and employees shall attend and testify when summoned to do so by the director or the state personnel board of review. Depositions of witnesses may be taken by the director or the board, or any member thereof, in the manner prescribed by law for like depositions in civil actions in the courts of common pleas. In case any person, in disobedience to any subpoena issued by the director or the board, or any member thereof, or the chief examiner, fails or refuses to attend and testify to any matter regarding which the person may be lawfully interrogated, or produce any documentary evidence pertinent to any investigation, inquiry, or hearing, the court of common pleas of any county, or any judge thereof, where such disobedience, failure, or refusal occurs, upon application of the director or the board, or any member thereof, or a municipal or civil service township civil service commission, or any commissioner thereof, or their chief examiner, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such courts or a refusal to testify therein.

(H) Make a report to the governor, on or before the first day of January of each year, showing the director's actions, the rules and all exceptions thereto in force, and any recommendations for the more effectual accomplishment of the purposes of this chapter. The director shall also furnish any special reports to the governor whenever the governor requests them. Such reports shall be printed for public distribution under the same regulations as are the reports of other state officers, boards, or commissions.

Sec. 124.10. (A) Any creditor or judgment creditor of an employee or officer of the state may maintain against the state any action or proceeding in attachment or garnishment; or in aid of execution to subject to the payment of ~~his~~ the creditor's or judgment creditor's claim or judgment any salary, wages, or other compensation owing to any ~~such~~ employee or officer of the state, in the same manner, to the same extent, and in the same courts as any creditor or judgment creditor may, under the laws of this state, subject moneys due ~~his~~ A debtor or judgment debtor from any person.

In any such action or proceeding against the state, the order and notice of attachment, garnishment, or proceeding in aid of execution shall be served upon the director of administrative services and shall set forth the name of the state agency in which ~~such~~ the debtor or judgment debtor is employed.

(B) No proceeding in garnishment of personal earnings brought under section 2716.03 of the Revised Code shall be brought against a judgment debtor sooner than thirty days after the time an order and notice of garnishment is served upon the director of administrative services, regardless of who brings the proceeding or who brought the last successful proceeding.

(C) If, at the time an order and notice of garnishment is served upon the director of administrative services pursuant to section 2716.05 of the Revised Code, ~~he~~ the director has lost administrative control of disposable earnings of the defendant that are being held back, the director may answer question 4(B) of the "Answer of Employer (Garnishee)." In such a case, the director, as garnishee, shall answer the order and notice of garnishment on the first workday following the defendant's next subsequent pay period, notwithstanding any other different time of answer prescribed by Chapter 2716. of the Revised Code. If, at the time an order and notice of garnishment is served upon ~~him~~ the director pursuant to section 2716.05 of the Revised Code, the director has not lost administrative control of disposable earnings of the defendant that are being held back, the director, as garnishee, shall answer the order and notice of garnishment on the first workday following the then-current pay period, notwithstanding any different time of answer

prescribed by Chapter 2716. of the Revised Code.

Sec. 124.11. The civil service of the state and the several counties, cities, civil service townships, city health districts, general health districts, and city school districts thereof shall be divided into the unclassified service and the classified service.

(A) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required by this chapter:

(1) All officers elected by popular vote or persons appointed to fill vacancies in such offices;

(2) All election officers as defined in section 3501.01 of the Revised Code;

(3) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent; and the members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district; except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service;

(4) The members of county or district licensing boards or commissions and boards of revision, and deputy county auditors;

(5) All officers and employees elected or appointed by either or both branches of the general assembly, and such employees of the city legislative authority as are engaged in legislative duties;

(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;

(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;

(b) The library staff of any library in the state supported wholly or in part at public expense.

(8) Four clerical and administrative support employees for each of the elective state officers; and three clerical and administrative support employees for other elective officers and each of the principal appointive

executive officers, boards, or commissions, except for civil service commissions, that are authorized to appoint such clerical and administrative support employees;

(9) The deputies and assistants of state agencies authorized to act for and on behalf of the agency, or holding a fiduciary or administrative relation to that agency and those persons employed by and directly responsible to elected county officials or a county administrator and holding a fiduciary or administrative relationship to such elected county officials or county administrator, and the employees of such county officials whose fitness would be impracticable to determine by competitive examination, provided that division (A)(9) of this section shall not affect those persons in county employment in the classified service as of September 19, 1961. Nothing in division (A)(9) of this section applies to any position in a county department of human services created pursuant to Chapter 329. of the Revised Code.

(10) Bailiffs, constables, official stenographers, and commissioners of courts of record, deputies of clerks of the courts of common pleas who supervise, or who handle public moneys or secured documents, and such officers and employees of courts of record and such deputies of clerks of the courts of common pleas as the director of administrative services finds it impracticable to determine their fitness by competitive examination;

(11) Assistants to the attorney general, special counsel appointed or employed by the attorney general, assistants to county prosecuting attorneys, and assistants to city directors of law;

(12) Such teachers and employees in the agricultural experiment stations; such students in normal schools, colleges, and universities of the state who are employed by the state or a political subdivision of the state in student or intern classifications; and such unskilled labor positions as the director of administrative services or any municipal civil service commission may find it impracticable to include in the competitive classified service; provided such exemptions shall be by order of the commission or the director, duly entered on the record of the commission or the director with the reasons for each such exemption;

(13) Any physician or dentist who is a full-time employee of the department of mental health or the department of mental retardation and developmental disabilities or of an institution under the jurisdiction of either department; and physicians who are in residency programs at the institutions;

(14) Up to twenty positions at each institution under the jurisdiction of the department of mental health or the department of mental retardation and developmental disabilities that the department director determines to be

marily administrative or managerial; and up to fifteen positions in any division of either department, excluding administrative assistants to the director and division chiefs, which are within the immediate staff of a division chief and which the director determines to be primarily and distinctively administrative and managerial;

(15) Noncitizens of the United States employed by the state, or its counties or cities, as physicians or nurses who are duly licensed to practice their respective professions under the laws of Ohio, or medical assistants, in mental, tuberculosis, or chronic disease hospitals, or institutions;

(16) Employees of the governor's office;

(17) Fire chiefs and chiefs of police in civil service townships appointed by boards of township trustees under section 505.38 or 505.49 of the Revised Code;

(18) Executive directors, deputy directors, and program directors employed by boards of alcohol, drug addiction, and mental health services under Chapter 340. of the Revised Code, and secretaries of the executive directors, deputy directors, and program directors;

(19) Superintendents, and management employees as defined in section 5126.20 of the Revised Code, of county boards of mental retardation and developmental disabilities;

(20) Physicians, nurses, and other employees of a county hospital who are appointed pursuant to sections 339.03 and 339.06 of the Revised Code;

(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;

(22) County directors of human services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;

(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;

(24) Chiefs of construction and compliance, of operations and maintenance, and of licensing and certification in the division of industrial compliance in the department of commerce;

(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;

(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of employment services, bureau of workers' compensation, industrial commission, state lottery commission, and public utilities commission of Ohio that the head of that administrative department or of



that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 44 of salary schedule E-2 in section 124.152 of the Revised Code. The authority to establish positions in the unclassified service under division (A)(26) of this section is in addition to and does not limit any other authority that an administrative department or state agency has under the Revised Code to establish positions, appoint employees, or set compensation.

(27) Employees of the department of agriculture employed under section 901.09 of the Revised Code;

(28) For cities, counties, civil service townships, city health districts, general health districts, and city school districts, the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals;

(29) Employees who receive external interim, intermittent, or temporary appointments under division (B) of section 124.30 Of the Revised Code;

(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation;

(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications.

(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts thereof, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of civil service township police or fire departments having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.

(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts thereof, and upon the creation by the board of trustees of a civil service township of a township civil service commission all positions in civil service township police or fire departments having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations.

Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative services, by appointment from those certified to the appointing officer in accordance with this chapter.

(2) The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered by the director. The director ~~of~~ or the commission, by rule, shall require an applicant for registration in the labor class to furnish such evidence or take such tests as the director considers proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity, and experience in the work or employment for which application is made. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of labor or employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such tests. Upon the request of an appointing officer, stating the kind of labor needed, the pay and probable length of employment, and the number to be employed, the director shall certify from the highest on the list double the number to be employed; from this number the appointing officer shall appoint the number actually needed for the particular work. If more than one applicant receives the same rating, priority in time of application shall determine the order in which their names shall be certified for appointment.

(C) A municipal or civil service township civil service commission may place volunteer firefighters who are paid on a fee-for-service basis in either the classified or the unclassified civil service.

(D) This division does not apply to persons in the unclassified service who have the right to resume positions in the classified service under sections 4121.121, 5119.071, 5120.07, 5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised Code.

service held previously, as certified by the director of administrative services. If the position the person previously held in the classified service has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the appointing authority's agency that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service. Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment to the position in the unclassified service. When a person is reinstated to a position in the classified service as provided in this division, the person is entitled to all rights, status, and benefits accruing to the position in the classified service during the person's time of service in the position in the unclassified service.

Sec. 124.13. (A) ~~The grant of vacation leave to full-time employees under this division is subject to division (B) of this section~~ As used in this section, "state employee" means a state employee who does not accrue vacation leave under section 124.134 Of the Revised Code.

(B) Each full-time state employee or county human services department employee, including full-time hourly rate employees, after service of one year with the state, or any political subdivision of the state, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time state employee, or county human services department employee with eight or more years of service with the state or any political subdivision of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time state employee or county human services department employee with fifteen or more years of service with the state or any political subdivision of the state shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time state employee or county human services department employee with twenty-five years of service with the state or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; and seven and seven-tenths hours each biweekly period

for those entitled to two hundred hours per year.

~~(B)~~(C) Full-time state and county human services department employees who are in active pay status for less than eighty hours in a pay period, and part-time state employees, shall earn vacation leave on a prorated basis. The ratio between the hours worked and the vacation hours earned by these classes of employees shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time state or county human services department employee who works forty hours in a pay period and who has the same amount of service as provided for in this section.

~~(C)~~(D) An employee shall take vacation leave during the year in which it accrues and is available for use that equals not less than the amount of vacation leave that the employee accrues and has available to use during that year, except that an appointing authority may permit an employee to carry over vacation leave to the following year. As used in this division, "year" means the twelve-month period that commences on an employee's anniversary date of employment. Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of the accrual for three years. Such excess leave shall be eliminated from the employees' leave balance.

~~(D)~~(E) Upon separation from state service an employee shall be entitled to compensation at the employee's current rate of pay for all lawfully accrued and unused vacation leave to the employee's credit at the time of separation up to three years. In case of transfer of an employee from one state agency to another, or between a county and the state, the employee may elect to be compensated at the employee's current rate of pay for accrued and unused vacation leave at the time of transfer by the releasing agency or to retain the accrued and unused vacation leave. In case of death of an employee such unused vacation leave shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate. Notwithstanding section 325.19 of the Revised Code, county human services employees shall receive vacation benefits as provided in this section.

~~(E) This section does not apply to employees who accrue vacation leave under section 124.134 of the Revised Code.~~

Sec. 124.134. (A) Each full-time permanent state employee paid in accordance with section 124.152 of the Revised Code and those employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code, after service of one year, shall have earned and will be due upon the attainment of the first year of employment, and annually thereafter, eighty

hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time permanent state employee with five or more years of service shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time permanent state employee with ten or more years of service shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time permanent state employee with fifteen or more years of service shall have earned and is entitled to one hundred eighty hours of vacation leave with full pay. A full-time permanent state employee with twenty or more years of service shall have earned and is entitled to two hundred hours of vacation leave with full pay. A full-time permanent state employee with twenty-five or more years of service shall have earned and is entitled to two hundred forty hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; six and nine-tenths HOURS each biweekly period for those entitled to one hundred eighty hours per year; seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year; and nine and two-tenths HOURS each biweekly period for those entitled to two hundred forty hours per year.

The amount of an employee's service shall be determined in accordance with the standard specified in section 9.44 of the Revised Code. Credit for prior service, including an increased vacation accrual rate and longevity supplement, shall take effect during the first pay period that begins immediately following the date the director of administrative services approves granting credit for that prior service. No employee, other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall receive any amount of vacation leave for the period prior to the date of the director's approval of the grant of credit for prior service.

Part-time permanent employees who are paid in accordance with section 124.152 of the Revised Code and full-time permanent employees subject to this section who are in active pay status for less than eighty hours in a pay period shall earn vacation leave on a prorated basis. The ratio between the hours worked and the vacation hours earned by these classes of employees shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time permanent employee with the same amount of service as provided for in this section.

(B) ~~Except as otherwise provided in this section, employees~~ Employees granted leave under this section shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of the accrual for three years. Such excess leave shall be eliminated from the employees' leave balance. If an employee's vacation leave credit is ~~in excess at, or will reach~~ in the immediately following pay period, the maximum of the accrual for three years and the employee has been denied the use of vacation leave during the immediately preceding twelve months, the employee, at the employee's request, shall be paid in a pay period for all or a portion of the vacation leave the employee was denied, in the amount designated by the employee up to the maximum amount the employee would be entitled to be paid for in any pay period. An employee is not entitled to receive payment for vacation leave denied in any pay period in which the employee's vacation leave credit is not at, or will not reach in the immediately following pay period, the maximum of accrual for three years. Any vacation leave for which an employee receives payment shall be deducted from the employee's vacation leave balance. Such payment shall not be made for any leave accrued in the same calendar year in which the payment is made.

(C) Upon separation from state service an employee granted leave under this section is entitled to compensation at the employee's current rate of pay for all unused vacation leave accrued under this section or section 124.13 of the Revised Code to the employee's credit. In case of transfer of an employee from one state agency to another, the employee ~~may elect to be compensated at the employee's current rate of pay for accrued and unused vacation leave at the time of transfer by the releasing agency or to~~ shall retain the accrued and unused vacation leave. In case of death of an employee such unused vacation leave shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate. An employee serving in a temporary work level or an interim appointment who is eligible to receive compensation under this division shall be compensated at the base rate of pay of the employee's normal classification.

Sec. 124.14. (A) The director of administrative services shall establish, and may modify or repeal, by rule, a job classification plan for all positions, offices, and employments the salaries of which are paid in whole or in part by the state. The director shall group jobs within a classification so that the positions are similar enough in duties and responsibilities to be described by the same title, to have the same pay assigned with equity, and to have the same qualifications for selection applied. The director shall, by rule, assign a classification title to each classification within the classification plan. However, the director shall consider in establishing classifications,

including classifications with parenthetical titles, and assigning pay ranges such factors as duties performed only on one shift, special skills in short supply in the labor market, recruitment problems, separation rates, comparative salary rates, the amount of training required, and other conditions affecting employment. The director shall describe the duties and responsibilities of the class and establish the qualifications for being employed in that position, and shall file with the secretary of state a copy of specifications for all of the classifications. The director shall file new, additional, or revised specifications with the secretary of state before being used. The director shall, by rule, assign each classification, either on a statewide basis or in particular counties or state institutions, to a pay range established under section 124.15 or section 124.152 of the Revised Code. The director may assign a classification to a pay range on a temporary basis for a period of time designated in the rule. The director may establish, by rule adopted under Chapter 119. Of the Revised Code, experimental classification plans for some or all employees paid directly by warrant of the auditor of state. The administrative rule shall include specifications for each classification within the plan and shall specifically address compensation ranges, and methods for advancing within the ranges, for the classifications, which may be assigned to pay ranges other than the pay ranges established under section 124.15 or 124.152 Of the Revised Code.

The director may reassign to a proper classification those positions that have been assigned to an improper classification. If the compensation of an employee in such a reassigned position exceeds the maximum rate of pay for the employee's new classification, the employee shall be placed in pay step X and shall not receive an increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

The director may reassign an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the director determines that the bargaining unit classification is the proper classification for that employee. Notwithstanding Chapter 4117. of the Revised Code or instruments and contracts negotiated under it, such placements are at the director's discretion.

The director shall, by rule, assign related classifications, which form a career progression, to a classification series. The director shall, by rule, assign each classification in the classification plan a five-digit number, the first four digits of which shall denote the classification series to which the classification is assigned. When a career progression encompasses more than ten classifications, the director shall, by rule, identify the additional classifications belonging to a classification series. Such additional

classifications shall be part of the classification series, notwithstanding the fact that the first four digits of the number assigned to the additional classifications do not correspond to the first four digits of the numbers assigned to other classifications in the classification series.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code for the establishment of a classification plan for county agencies that elect not to use the services and facilities of a county personnel department. The rules shall include a methodology for the establishment of titles unique to county agencies, the use of state classification titles and classification specifications for common positions, the criteria for a county to meet in establishing its own classification plan, and the establishment of what constitutes a classification series for county agencies.

(B) Division (A) of this section and sections 124.15 and 124.152 of the Revised Code do not apply to the following persons, positions, offices, and employments:

- (1) Elected officials;
- (2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court;
- (3) Employees of a county children services board that establishes compensation rates under section 5153.12 of the Revised Code;
- (4) Any position for which the authority to determine compensation is given by law to another individual or entity;
- (5) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.

(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.

(D) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall send written notice of the proposed rule to the appointing authorities of the affected employees thirty days before the hearing on the proposed rule. The appointing authorities shall notify the affected employees regarding the proposed rule. The director shall also send such appointing authorities notice of any final rule which is adopted within ten days after adoption.

When the director proposes to reclassify any employee so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting



forth the proposed new classification, pay range, and salary. Upon the request of any classified employee who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The director shall give to the employee affected and to the employee's appointing authority a written notice of the director's determination whether or not to reclassify the position or to reassign the employee to another classification. An employee or appointing authority desiring a hearing shall file a written request therefor with the state personnel board of review within thirty days after receiving the notice. The board shall set the matter for a hearing and notify the employee and appointing authority of the time and place of the hearing. The employee, appointing authority, or any authorized representative of the employee who wishes to submit facts for the consideration of the board shall be afforded reasonable opportunity to do so. After the hearing, the board shall consider anew the reclassification and may order the reclassification of the employee and require the director to assign the employee to such appropriate classification as the facts and evidence warrant. As provided in division (A) of section 124.03 of the Revised Code, the board may determine the most appropriate classification for the position of any employee coming before the board, with or without a job audit. The board shall disallow any reclassification or reassignment classification of any employee when it finds that changes have been made in the duties and responsibilities of any particular employee for political, religious, or other unjust reasons.

(E)(1) Employees of each county department of human services shall be paid a salary or wage established by the board of county commissioners. The provisions of section 124.18 of the Revised Code concerning the standard work week apply to employees of county departments of human services. A board of county commissioners may do either of the following:

(a) Notwithstanding any other section of the Revised Code, supplement the sick leave, vacation leave, personal leave, and other benefits of any employee of the county department of human services of that county, if the employee is eligible for the supplement under a written policy providing for the supplement;

(b) Notwithstanding any other section of the Revised Code, establish alternative schedules of sick leave, vacation leave, personal leave, or other benefits for employees not inconsistent with the provisions of a collective bargaining agreement covering the affected employees.

(2) The provisions of division (E)(1) of this section do not apply to employees for whom the state employment relations board establishes

appropriate bargaining units pursuant to section 4117.06 of the Revised Code, except in either of the following situations:

(a) The employees for whom the state employment relations board establishes appropriate bargaining units elect no representative in a board-conducted representation election.

(b) After the state employment relations board establishes appropriate bargaining units for such employees, all employee organizations withdraw from a representation election.

~~(3) Division (E)(1) of this section does not apply to employees of a county department of human services subject to the rules of a county personnel department.~~

(F) With respect to officers and employees of state-supported colleges and universities except for the powers and duties of the state personnel board of review, the powers, duties, and functions of the department of administrative services and the director of administrative services specified in this chapter are hereby vested in and assigned to the personnel departments of such colleges and universities subject to a periodic audit and review by the director to guarantee the uniform application of this granting of the director's powers, duties, and functions. Upon the determination or finding of the misuse or nonuniform application of this authority granted to the personnel department of such state-supported colleges and universities, the director shall order and direct the personnel functions of such institution until sections 124.01 to 124.64 of the Revised Code have been fully complied with.

(G)(1) Each board of county commissioners may, by a resolution adopted by a majority of its members, establish a county personnel department to exercise the powers, duties, and functions specified in division (G) of this section. As used in division (G) of this section, "county personnel department" means a county personnel department established by a board of county commissioners under division (G)(1) of this section.

(2) Each board of county commissioners may, by a resolution adopted by a majority of its members, designate the county personnel department of the county to exercise the powers, duties, and functions of the department of administrative services and the director of administrative services specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code, except for the powers and duties of the state personnel board of review, which powers and duties shall not be construed as having been modified or diminished in any manner by division (G)(2) of this section, with respect to the employees for whom the board of county commissioners is the appointing authority or co-appointing authority. Upon certification of a copy

of the resolution by the board to the director, these powers, duties, and functions are vested in and assigned to the county personnel department with respect to the employees for whom the board of county commissioners is the appointing authority or co-appointing authority. The certification to the director shall be provided not later than one hundred twenty days before the first day of July of an odd-numbered year, and, following the certification, the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code shall be vested in and assigned to the county personnel department on that first day of July. Nothing in division (G)(2) of this section shall be construed to limit the right of any employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal.

Any board of county commissioners that has established a county personnel department may contract with the department of administrative services, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services.

(3) After the county personnel department of a county has assumed the powers, duties, and functions of the department of administrative services and the director as described in division (G)(2) of this section, any elected official, board, agency, or other appointing authority of that county may, upon notification to the director, elect to use the services and facilities of the county personnel department. Upon the acceptance by the director of such notification, the county personnel department shall exercise the powers, duties, and functions of the department of administrative services and the director as described in division (G)(2) of this section with respect to the employees of that elected official, board, agency, or other appointing authority. The notification to the director shall be provided not later than one hundred twenty days before the first day of July of an odd-numbered year, and, following the notification, the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code with respect to the employees of that elected official, board, agency, or other appointing authority shall be vested in and assigned to the county personnel department on that first day of July. Except for those employees under the jurisdiction of the county personnel department, the director shall continue to exercise these powers, duties, and functions with respect to employees of the county.

(4) Each board of county commissioners that has established a county personnel department may, by a resolution adopted by a majority of its members, disband the county personnel department and return to the department of administrative services for the administration of sections

124.01 to 124.64 and Chapter 325. of the Revised Code. The board shall, not later than one hundred twenty days before the first day of July of an odd-numbered year, send the director a certified copy of the resolution disbanding the county personnel department. All powers, duties, and functions previously vested in and assigned to the county personnel department shall return to the director on that first day of July.

(5) Any elected official, board, agency, or appointing authority of a county may return to the department of administrative services for the administration of sections 124.01 to 124.64 and Chapter 325. of the Revised Code. The elected official, board, agency, or appointing authority shall, not later than one hundred twenty days before the first day of July of an odd-numbered year, send the director a certified copy of the resolution that states its decision. All powers, duties, and functions previously vested in and assigned to the county personnel department with respect to the employees of that elected official, board, agency, or appointing authority shall return to the director on that first day of July.

(6) The director, by rule adopted in accordance with Chapter 119. of the Revised Code, shall prescribe criteria and procedures for granting to each county personnel department the powers, duties, and functions of the department of administrative services and the director as described in division (G)(2) of this section with respect to the employees of an elected official, board, agency, or other appointing authority or co-appointing authority. The rules shall cover the following criteria and procedures:

(a) The notification to the department of administrative services that an elected official, board, agency, or other appointing authority of a county has elected to use the services and facilities of the county personnel department;

(b) A requirement that each county personnel department, in carrying out its duties, adhere to merit system principles with regard to employees of county departments of human services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and a requirement that the county be financially liable to the state for any loss of federal funds due to the action or inaction of the county personnel department. The costs associated with audits conducted to monitor compliance with division (G)(6)(b) of this section shall be borne equally by the department of administrative services and the county.

(c) The termination of services and facilities rendered by the department of administrative services, to include rate adjustments, time periods for termination, and other related matters;

(d) Authorization for the director of administrative services to conduct

periodic audits and reviews of county personnel departments to guarantee the uniform application of this granting of ~~his~~ the director's powers, duties, and functions. The costs of the audits and reviews shall be borne equally by the department of administrative services and the county for which the services were performed.

(e) The dissemination of audit findings under division (G)(5)(d) of this section, any appeals process relating to adverse findings by the department, and the methods whereby the county personnel program will revert to the authority of the director of administrative services due to misuse or nonuniform application of the authority granted to the county under division (G)(2) or (3) of this section.

(H) The director shall establish the rate and method of compensation for all employees who are paid directly by warrant of the auditor of state and who are serving in positions which the director has determined impracticable to include in the state job classification plan. This division does not apply to elected officials, legislative employees, employees of the legislative service commission, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, employees of the courts, employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code, or employees of an appointing authority authorized by law to fix the compensation of those employees.

(I) The director shall set the rate of compensation ~~and employee benefits~~ for all intermittent, interim, seasonal, temporary, emergency, and casual employees who are not considered public employees ~~for the purposes of Chapter 4117. under section 4117.01~~ of the Revised Code. Such employees are not entitled to receive employee benefits. This rate of compensation ~~and employee benefits~~ shall be equitable in terms of the rate of employees serving in the same or similar classifications. This division does not apply to elected officials, legislative employees, employees of the legislative service commission, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, employees of the courts, employees of the bureau of workers' compensation whose compensation the administrator establishes under division (B) of section 4121.121 of the Revised Code, or employees of an appointing authority authorized by law to fix the compensation of those employees.

Sec. 124.15. (A) Board and commission members appointed prior to

July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates:

Schedule B

Pay Ranges and Step Values				
Range	Step 1	Step 2	Step 3	Step 4
23 Hourly	5.72	5.91	6.10	6.31
Annually	11897.60	12292.80	12688.00	13124.80
Hourly	6.52	6.75		
Annually	13561.60	14040.00		
24 Hourly	6.00	6.20	6.41	6.63
Annually	12480.00	12896.00	13332.80	13790.40
Hourly	6.87	7.10		
Annually	14289.60	14768.00		
25 Hourly	6.31	6.52	6.75	6.99
Annually	13124.80	13561.60	14040.00	14539.20
Hourly	7.23	7.41		
Annually	15038.40	15412.80		
26 Hourly	6.63	6.87	7.10	7.32
Annually	13790.40	14289.60	14768.00	15225.60
Hourly	7.53	7.77		
Annually	15662.40	16161.60		
27 Hourly	6.99	7.23	7.41	7.64
Annually	14534.20	15038.40	15412.80	15891.20
Hourly	7.88	8.15	8.46	
Annually	16390.40	16952.00	17596.80	
28 Hourly	7.41	7.64	7.88	8.15
Annually	15412.80	15891.20	16390.40	16952.00
Hourly	8.46	8.79	9.15	
Annually	17596.80	18283.20	19032.00	

	Step 1	Step 2	Step 3	Step 4
29 Hourly	7.88	8.15	8.46	8.79
Annually	16390.40	16952.00	17596.80	18283.20
	Step 5	Step 6	Step 7	
Hourly	9.15	9.58	10.01	
Annually	19032.00	19926.40	20820.80	
	Step 1	Step 2	Step 3	Step 4
30 Hourly	8.46	8.79	9.15	9.58
Annually	17596.80	18283.20	19032.00	19926.40
	Step 5	Step 6	Step 7	
Hourly	10.01	10.46	10.99	
Annually	20820.80	21756.80	22859.20	
	Step 1	Step 2	Step 3	Step 4
31 Hourly	9.15	9.58	10.01	10.46
Annually	19032.00	19962.40	20820.80	21756.80
	Step 5	Step 6	Step 7	
Hourly	10.99	11.52	12.09	
Annually	22859.20	23961.60	25147.20	
	Step 1	Step 2	Step 3	Step 4
32 Hourly	10.01	10.46	10.99	11.52
Annually	20820.80	21756.80	22859.20	23961.60
	Step 5	Step 6	Step 7	Step 8
Hourly	12.09	12.68	13.29	13.94
Annually	25147.20	26374.40	27643.20	28995.20
	Step 1	Step 2	Step 3	Step 4
33 Hourly	10.99	11.52	12.09	12.68
Annually	22859.20	23961.60	25147.20	26374.40
	Step 5	Step 6	Step 7	Step 8
Hourly	13.29	13.94	14.63	15.35
Annually	27643.20	28995.20	30430.40	31928.00
	Step 1	Step 2	Step 3	Step 4
34 Hourly	12.09	12.68	13.29	13.94
Annually	25147.20	26374.40	27643.20	28995.20
	Step 5	Step 6	Step 7	Step 8
Hourly	14.63	15.35	16.11	16.91
Annually	30430.40	31928.00	33508.80	35172.80
	Step 1	Step 2	Step 3	Step 4
35 Hourly	13.29	13.94	14.63	15.35
Annually	27643.20	28995.20	30430.40	31928.00
	Step 5	Step 6	Step 7	Step 8

Hourly	16.11	16.91	17.73	18.62
Annually	33508.80	35172.80	36878.40	38729.60
	Step 1	Step 2	Step 3	Step 4
36 Hourly	14.63	15.35	16.11	16.91
Annually	30430.40	31928.00	33508.80	35172.80
	Step 5	Step 6	Step 7	Step 8
Hourly	17.73	18.62	19.54	20.51
Annually	36878.40	38729.60	40643.20	42660.80

Schedule C

Pay Range and Values

Range	Minimum	Maximum
41 Hourly	10.44	15.72
Annually	21715.20	32697.60
42 Hourly	11.51	17.35
Annually	23940.80	36088.00
43 Hourly	12.68	19.12
Annually	26374.40	39769.60
44 Hourly	13.99	20.87
Annually	29099.20	43409.60
45 Hourly	15.44	22.80
Annually	32115.20	47424.00
46 Hourly	17.01	24.90
Annually	35380.80	51792.00
47 Hourly	18.75	27.18
Annually	39000.00	56534.40
48 Hourly	20.67	29.69
Annually	42993.60	61755.20
49 Hourly	22.80	32.06
Annually	47424.00	66684.80

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis.

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code.

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee, the actual costs or fair market value thereof shall be paid by the employee in such amounts and manner as



determined by the director of administrative services and approved by the director of budget and management, and such services shall not be considered as a part of the employee's compensation. An appointing authority, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance thereof.

The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover state employees and determine whether certain benefits or payments provided to state employees covered by those agreements should also be provided to ~~"exempt employees" as defined in~~ employees who are exempt from collective bargaining coverage and are paid in accordance with section 124.152 of the Revised Code or are listed in division (B)(2) or (4) of section 124.14 of the Revised Code. On completing the review, the director of administrative services, with the approval of the director of budget and management, may provide to some or all ~~exempt of these~~ employees any payment or benefit, except for salary, contained in such a collective bargaining agreement even if ~~a~~ it is similar to a payment or benefit is already provided by law to some or all of these ~~exempt~~ employees. Any payment or benefit so provided shall not exceed the highest level for that payment or benefit specified in such a collective bargaining agreement. The director of administrative services shall not provide, and the director of budget and management shall not approve, any payment or benefit to such an ~~exempt~~ employee under this division unless the payment or benefit is provided pursuant to a collective bargaining agreement to a state employee who is in a position with similar duties as, is supervised by, or is employed by the same appointing authority as, the ~~exempt~~ employee to whom the benefit or payment is to be provided.

As used in this division, a "payment or benefit already provided by law ~~means~~" includes, but is not limited to, bereavement, personal, vacation, administrative, and sick leave, disability benefits, ~~wages,~~ holiday pay, and pay supplements provided to ~~exempt employees~~ under the Revised Code, but does not include wages or salary.

(E) New employees paid under schedule B of division (A) of this section or under schedule E-1 of section 124.152 of the Revised Code shall be employed at the minimum rate established for the range unless otherwise provided. Employees with qualifications that are beyond the minimum normally required for the position and that are determined by the director to be exceptional may be employed in, or may be transferred or promoted to, a

position at an advanced step of the range. Further, in time of a serious labor market condition when it is relatively impossible to recruit employees at the minimum rate for a particular classification the entrance rate may be set at an advanced step in the range by the director of administrative services. This rate may be limited to geographical regions of the state. Appointments made to an advanced step under the provision regarding exceptional qualifications shall not affect the step assignment of employees already serving. However, anytime the hiring rate of an entire classification is advanced to a higher step all incumbents of that classification being paid at a step lower than that being used for hiring, shall be advanced beginning at the start of the first pay period thereafter to the new hiring rate and any time accrued at the lower step will be used to calculate advancement to a succeeding step. If the hiring rate of a classification is increased for only a geographical region of the state, then only incumbents who work in that geographical region shall be advanced to a higher step. When an employee in the unclassified service changes from one state position to another, or is appointed to a position in the classified service, or if an employee in the classified service is appointed to a position in the unclassified service, the employee's salary or wage in the new position shall be determined in the same manner as if the employee were an employee in the classified service. When an employee in the unclassified service who is not eligible for step increases is appointed to a classification in the classified service under which step increases are provided, future step increases shall be based on the date on which the employee last received a pay increase. Future step increases shall be effective on the pay period that is twenty-six pay periods following the employee's last increase. If the employee has not received an increase during the previous year, the date of the appointment to the classified service shall be used to determine the employee's annual step advancement date. In reassigning any employee to a classification resulting in a pay range increase or to a new pay range as a result of a promotion, an increase pay range adjustment, or other classification change resulting in a pay range increase, the director shall assign such employee to the step in the new pay range that will provide an increase of approximately four per cent if the new pay range can accommodate the increase. When an employee is being assigned to a classification or new pay range as the result of a class plan change, if the employee has completed a probationary period, the employee shall be placed in a step no lower than step two of the new pay range. If the employee has not completed a probationary period, the employee may be placed in step one of the new pay range. Such new salary or wage shall become effective on such date as the director determines.

(F) If employment conditions and the urgency of the work require such action, the director of administrative services may, upon the application of a department head, authorize payment at any rate established within the range for the class of work, for work of a casual or intermittent nature or on a project basis. Payment at such rates shall not be made to the same individual for more than three calendar months in any one calendar year. Any such action shall be subject to the approval of the director of budget and management as to the availability of funds. This section and sections 124.14 and 124.152 of the Revised Code do not repeal any authority of any department or public official to contract with or fix the compensation of professional persons who may be employed temporarily for work of a casual nature or for work on a project basis.

(G) Each state employee paid under schedule B of this section or under schedule E-1 of section 124.152 of the Revised Code shall be advanced to succeeding steps in the range for the employee's class according to the schedule established in this division. Beginning on the first day of the pay period within which the employee completes the prescribed probationary period in the employee's classification with the state, each employee shall receive an automatic salary adjustment equivalent to the next higher step within the pay range for the employee's class or grade. The base rate of each employee paid under schedule B of this section or under schedule E-1 of section 124.152 of the Revised Code shall advance at annual intervals thereafter, if the employee has maintained satisfactory performance, to the next higher step until the maximum step is reached. When an employee is promoted or reassigned to a higher pay range, the employee's step indicator shall return to "0" or be adjusted to account for a probationary period, as appropriate. Step advancement shall not be affected by demotion. A promoted employee shall advance to the next higher step of the pay range on the first day of the pay period in which the required probationary period is completed. Step advancement shall become effective at the beginning of the pay period within which the employee attains the necessary length of service. Time spent on authorized leave of absence shall be counted for this purpose.

If determined to be in the best interest of the state service, the director of administrative services may, either statewide or in selected agencies, adjust the dates on which annual step increases are received by employees paid under schedule E-1 of section 124.152 of the Revised Code.

(H) Employees in appointive managerial or professional positions paid under salary schedule C of this section or under salary schedule E-2 of section 124.152 of the Revised Code may be appointed at any rate within

the appropriate pay range. This rate of pay may be adjusted higher or lower within the respective pay range at any time the appointing authority so desires as long as the adjustment is based on the employee's ability to successfully administer those duties assigned to the employee. Salary adjustments shall not be made more frequently than once in any six-month period under this provision to incumbents holding the same position and classification.

(I) When an employee is assigned to duty outside this state, the employee may be compensated, upon request of the department head and with the approval of the director of administrative services at a rate not to exceed fifty per cent in excess of the employee's current base rate for the period of time spent on such duty.

(J) Unless compensation for members of a board or commission is otherwise specifically provided by law, the director of administrative services shall establish the rate and method of payment for members of boards and commissions pursuant to the pay schedules listed in section 124.152 of the Revised Code.

(K) Regular full-time employees in positions assigned to classes within the instruction and education administration series under the rules of the director of administrative services, except certificated employees on the instructional staff of the state school for the blind or the state school for the deaf, whose positions are scheduled to work on the basis of an academic year rather than a full calendar year, shall be paid according to the pay range assigned by such rules but only during those pay periods included in the academic year of the school where the employee is located.

(1) Part-time or substitute teachers or those whose period of employment is other than the full academic year shall be compensated for the actual time worked at the rate established by this section.

(2) Employees governed by this division are exempt from sections 124.13 and 124.19 of the Revised Code.

(3) Length of service for the purpose of determining eligibility for step increases as provided by division (G) of this section and for the purpose of determining eligibility for longevity pay supplements as provided by division (F) of section 124.181 of the Revised Code shall be computed on the basis of one full year of service for the completion of each academic year.

(L) The superintendent of the state school for the deaf and the superintendent of the state school for the blind shall, subject to the approval of the superintendent of public instruction, carry out both of the following:

(1) Annually, between the first day of April and the last day of June,

establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of that superintendent's respective school constructed as follows:

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year that begins on the ensuing first day of July, teacher salary schedules with the highest minimum salaries for a teacher with a bachelor's degree and no experience;

(c) Divide the sum of such six highest minimum salaries by ten thousand five hundred sixty;

(d) Multiply each per cent determined in division (L)(1)(a) of this section by the quotient obtained in division (L)(1)(c) of this section;

(e) One hundred five per cent of each product thus obtained shall be the hourly rate for the corresponding level of training, experience, or other professional qualification in the schedule for the ensuing fiscal year.

(2) Annually, assign each certificated employee on the instructional staff of the superintendent's respective school to an hourly rate on the schedule that is commensurate with the employee's training, experience, and other professional qualifications.

If an employee is employed on the basis of an academic year, the employee's annual salary shall be calculated by multiplying the employee's assigned hourly rate times one thousand seven hundred sixty. If an employee is not employed on the basis of an academic year, the employee's annual salary shall be calculated in accordance with the following formula:

(a) Multiply the number of days the employee is required to work pursuant to the employee's contract by eight;

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division.

As used in this division, "academic year" means the number of days in each school year that the schools are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of such section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year.

(M) Division (A) of this section does not apply to "exempt employees" as defined in section 124.152 of the Revised Code who are paid under that section.

Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

Sec. 124.18. (A) Forty hours shall be the standard work week for all employees whose salary or wage is paid in whole or in part by the state or by any state-supported college or university. When any employee whose salary or wage is paid in whole or in part by the state or by any state-supported college or university is required by an authorized administrative authority to be in an active pay status more than forty hours in any calendar week, the employee shall be compensated for such time over forty hours, except as otherwise provided in this section, at one and one-half times the employee's regular rate of pay. The use of sick leave shall not be considered to be active pay status for the purposes of earning overtime or compensatory time by employees whose wages are paid directly by warrant of the auditor of state. A flexible hours employee is not entitled to compensation for overtime work unless the employee's authorized administrative authority required the employee to be in active pay status for more than forty hours in a calendar week, regardless of the number of hours the employee works on any day in the same calendar week.

~~The authorized administrative authority shall be designated by the appointing authority to the director of administrative services.~~ Such compensation for overtime work shall be paid no later than at the conclusion of the next succeeding pay period.

If the employee elects to take compensatory time off in lieu of overtime

pay; for any overtime worked, such compensatory time shall be granted by the employee's administrative superior, on a time and one-half basis, at a time mutually convenient to the employee and the administrative superior. An employee may accrue compensatory time to a maximum of two hundred forty hours, except that public safety employees and other employees who meet the criteria established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, may accrue a maximum of four hundred eighty hours of compensatory time. An employee shall be paid at the employee's regular rate of pay for any hours of compensatory time accrued in excess of these maximum amounts if the employee has not used the compensatory time within one hundred eighty days after it is granted, if the employee transfers to another agency of the state, or if a change in the employee's status exempts the employee from the payment of overtime compensation. Upon the termination of employment, any employee with accrued but unused compensatory time shall be paid for that time at a rate that is the greater of the employee's final regular rate of pay or the employee's average regular rate of pay during the employee's last three years of employment with the state.

No overtime, as described in this section, can be paid unless it has been authorized by the authorized administrative authority. Employees may be exempted from the payment of compensation as required by this section only under the criteria for exemption from the payment of overtime compensation established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. With the approval of the director of administrative services, the appointing authority may establish a policy to grant compensatory time or to pay compensation to state employees who are exempt from overtime compensation. With the approval of the board of county commissioners, a county human services department may establish a policy to grant compensatory time or to pay compensation to employees of the department who are exempt from overtime compensation.

(B) An employee, whose salary or wage is paid in whole or in part by the state, shall be paid for the holidays declared in section 124.19 of the Revised Code and shall not be required to work on such holidays, unless in the opinion of the employee's responsible administrative authority failure to work on such holidays would impair the public service. An employee shall not be paid for a holiday unless the employee was in active pay status on the scheduled work day immediately preceding the holiday. In the event that any of the holidays declared in section 124.19 of the Revised Code should fall on Saturday, the Friday immediately preceding shall be observed as the

holiday. In the event that any of the holidays declared in section 124.19 of the Revised Code should fall on Sunday, the Monday immediately succeeding shall be observed as the holiday. If an employee's work schedule is other than Monday through Friday, the employee shall be entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed. A full-time permanent employee is entitled to eight hours of pay for each holiday regardless of the employee's work shift and work schedule. A flexible hours employee is entitled to holiday pay for the number of hours for which the employee normally would have been scheduled to work. Part-time permanent employees shall be paid holiday pay for that portion of any holiday for which they would normally have been scheduled to work. When an employee who is eligible for overtime pay under this section is required by the employee's responsible administrative authority to work on the day observed as a holiday, the employee shall be entitled to pay for such time worked at one and one-half times the employee's regular rate of pay in addition to the employee's regular pay, or to be granted compensatory time off at time and one-half thereafter, at the employee's option. Payment at such rate shall be excluded in the calculation of hours in active pay status.

(C) Each appointing authority may designate the number of employees in an agency who are flexible hours employees. The appointing authority may establish for each flexible hours employee a specified minimum number of hours to be worked each day that is consistent with the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended.

(D) This section shall be uniformly administered for employees as defined in section 124.01 of the Revised Code and by the personnel departments of state-supported colleges and universities for employees of state-supported colleges and universities. If employees are not paid directly by warrant of the auditor of state, the political subdivision shall determine whether the use of sick leave shall be considered to be active pay status for purposes of those employees earning overtime or compensatory time.

(E) Policies relating to the payment of overtime pay or the granting of compensatory time off shall be adopted by the executive secretary of the house of representatives for employees of the house of representatives, by the clerk of the senate for employees of the senate, and by the director of the legislative service commission for all other legislative employees.

(F) As used in this section, "regular rate of pay" means the base rate of pay an employee receives plus any pay supplements received pursuant to section 124.181 of the Revised Code.



Sec. 124.181. (A) Except as provided in division (M) of this section, any employee paid under schedule B of section 124.15 or under schedule E-1 of section 124.152 of the Revised Code is eligible for the pay supplements provided herein upon application by the appointing authority substantiating the employee's qualifications for the supplement and with the approval of the director of administrative services except as provided in division (E) of this section.

(B) In computing any of the pay supplements provided in this section the classification salary base shall be the minimum hourly rate of the pay range, provided in section 124.15 or 124.152 of the Revised Code, in which the employee is assigned at the time of computation.

(C) The effective date of any pay supplement, unless otherwise provided herein, shall be determined by the director.

(D) The director shall, by rule, establish standards regarding the administration of this section.

(E) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years of total service with the state government or any of its political subdivisions, each employee in positions paid under salary schedule B of section 124.15 or under salary schedule E-1 of section 124.152 of the Revised Code shall receive an automatic salary adjustment equivalent to two and one-half per cent of the classification salary base, to the nearest whole cent. Each employee shall receive thereafter an annual adjustment equivalent to one-half of one per cent of the employee's classification salary base, to the nearest whole cent, for each additional year of qualified employment until a maximum of ten per cent of the employee's classification salary base is reached. The granting of longevity adjustments shall not be affected by promotion, demotion, or other changes in classification held by the employee, nor by any change in pay range for the employee's class. Longevity pay adjustments shall become effective at the beginning of the pay period within which the employee completes the necessary length of service, except that when an employee requests credit for prior service, the effective date of the prior service credit and of any longevity adjustment shall be the first day of the pay period following approval of the credit by the director of administrative services. No employee, other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall receive any longevity adjustment for the period prior to the director's approval of a prior service credit. Time spent on authorized leave of absence shall be counted for this purpose.

An employee who has retired in accordance with the provisions of any

retirement system offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state or any political subdivision of the state counted for the purpose of determining the amount of the salary adjustment provided under this division.

(F) When an exceptional condition exists that creates a temporary or a permanent hazard for one or more positions in a class paid under schedule B of section 124.15 or under salary schedule E-1 of section 124.152 of the Revised Code, a special hazard salary adjustment may be granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into standard conditions of: some unusual hazard not common to the class; considerable unusual hazard not common to the class; and exceptional hazard not common to the class.

(1) A hazardous salary adjustment of five per cent of the employee's classification salary base may be applied in the case of some unusual hazardous condition not common to the class for those hours worked, or a fraction thereof, while the employee was subject to the unusual hazard condition.

(2) A hazardous salary adjustment of seven and one-half per cent of the employee's classification salary base may be applied in the case of some considerable hazardous condition not common to the class for those hours worked, or a fraction thereof, while the employee was subject to the considerable hazard condition.

(3) A hazardous salary adjustment of ten per cent of the employee's classification salary base may be applied in the case of some exceptional hazardous condition not common to the class for those hours, or a fraction thereof, when the employee was subject to the exceptional hazard condition.

(4) Each claim for temporary hazard pay shall be submitted as a separate payment and shall be subject to an administrative audit by the director as to the extent and duration of the employee's exposure to the hazardous condition.

(G) When a full-time employee whose ~~rate of pay for a normal biweekly pay period is less than a rate equivalent to pay range 29, step 2, salary schedule B, or pay range 9, salary schedule E-1 of section 124.152 of the Revised Code~~ salary or wage is paid directly by warrant of the auditor of state and who also is eligible for overtime under the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered by the appointing authority to report back to work after termination of the

employee's regular work schedule and the employee reports, the employee shall be paid for such time. ~~The minimum the employee shall receive for reporting is an amount equal to four times the employee's hourly base salary~~ be entitled to four hours at the employee's total rate of pay or overtime compensation for the actual hours worked, whichever is greater. This division does not apply to work that is a continuation of or immediately preceding an employee's regular work schedule. ~~An appointing authority may apply to the director to pay the supplement provided by this division to employees who are at a higher pay range than those established by this division.~~

(H) When a certain position or positions paid under schedule B of section 124.15 or under salary schedule E-1 of section 124.152 of the Revised Code require the ability to speak or write a language other than English a special pay supplement may be granted to attract bilingual individuals, to encourage present employees to become proficient in other languages or to retain qualified bilingual employees. The bilingual pay supplement provided herein may be granted in the amount of five per cent of the employee's classification salary base for each required foreign language and shall remain in effect as long as the bilingual requirement exists.

(I) The director may establish a shift differential for employees. Such differential shall be paid to employees in positions working in other than the regular or first shift. In those divisions or agencies where only one shift prevails, no shift differential shall be paid regardless of the hours of the day that are worked. The director and the appointing authority shall designate which positions shall be covered by this section.

(J) Whenever an employee is assigned to work in a higher level position for a continuous period of more than two weeks but no more than two years because of a vacancy, the employee's pay may be established at a rate that is approximately four per cent above the employee's current base rate for the period the employee occupies the position provided that this temporary occupancy is approved by the director. Employees paid under this provision shall continue to receive any of the pay supplements due them under provisions of this section based on the step one base rate for their normal classification.

(K) If a certain position, or positions, within a class paid under schedule B of section 124.15 or under salary schedule E-1 of section 124.152 of the Revised Code are mandated by state or federal law or regulation or other regulatory agency or other certification authority to have special technical certification, registration, or licensing to perform the functions which are under the mandate a special professional achievement pay supplement may

be granted. This special professional achievement pay supplement shall not be granted when all incumbents in all positions in a class require license as provided in the classification description published by the department of administrative services; to licensees where no special or extensive training is required; when certification is granted upon completion of a stipulated term of in-service training; when an appointing authority has required certification; or any other condition prescribed by the director.

(1) Before this supplement may be applied, evidence as to the requirement must be provided by the agency for each position involved and certification received from the director as to the director's concurrence for each of the positions so affected.

(2) The professional achievement pay supplement provided herein shall be granted in an amount up to ten per cent of the employee's classification salary base and shall remain in effect as long as the mandate exists.

(L) Those employees assigned to teaching supervisory, principal, assistant principal, or superintendent positions who have attained a higher educational level than a basic bachelor's degree may receive an educational pay supplement to remain in effect as long as the employee's assignment and classification remain the same.

(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work.

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar

year.

(M) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly, for each classification title requiring a licensed physician, in accordance with a schedule approved by the state controlling board. The individual salary levels recommended for each such physician employed shall be approved by the director. Notwithstanding section 124.11 of the Revised Code, such personnel are in the unclassified civil service.

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 117.42, and 131.02 of the Revised Code, the state shall not institute any civil action to recover and shall not seek reimbursement for overpayments made in violation of division (E) of this section or division (C) of section 9.44 of the Revised Code for the period starting after June 24, 1987, and ending on October 31, 1993.

(O) Employees of the office of the treasurer of state who are exempt from collective bargaining coverage may be granted a merit pay supplement of up to one and one-half per cent of their step rate. The rate at which this supplement is granted shall be based on performance standards established by the treasurer of state. Any supplements granted under this division shall be administered on an annual basis.

Sec. 124.20. The director of administrative services, with the approval of the state personnel board of review, shall adopt rules:

(A) For the classification of officers, positions, and employments, in the civil service of the state and the several counties thereof;

(B) For appointment, promotions, transfers, layoffs, suspensions, reductions, reinstatements, and removals therein and examinations and registrations. Except as otherwise provided in this division, appointing authorities shall submit personnel action information to the department of administrative services as the director requires. County boards of mental retardation and developmental disabilities shall be required to submit personnel action forms to the department of administrative services only when an employee is hired by a board, when a disciplinary action appealable pursuant to this chapter is taken by a board, or when the board terminates the employment of an employee for any reason. Any submittals required by this section shall be made to the county personnel department with jurisdiction in the matter, if one has been established.

(C) For maintaining and keeping records of the efficiency of officers and employees in accordance with sections 124.01 to 124.64 of the Revised Code.

Due notice of the contents of such rules and of all changes therein shall be given to appointing authorities affected by such rules, and such rules shall also be printed for public distribution.

Sec. 124.25. The director of administrative services shall require persons applying for an examination for original appointment to file with the director, within reasonable time prior to the examination, a formal application, in which the applicant shall state the applicant's name, address, and such other information as may reasonably be required concerning the applicant's education and experience. No inquiry shall be made as to religious or political affiliations ~~nor~~ or as to racial or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual.

Blank forms for applications shall be furnished by the director without charge to any person requesting the same. The director may require in connection with such application such certificate of persons having knowledge of the applicant as the good of the service demands. The director may refuse to appoint or examine an applicant, or, after an examination, refuse to certify the applicant as eligible, who is found to lack any of the established preliminary requirements for the examination, who is addicted to the habitual use of intoxicating liquors or drugs to excess, who has a pattern of poor work habits and performance with previous employers, who has been convicted of a felony, who has been guilty of infamous or notoriously disgraceful conduct, who has been dismissed from either branch of the civil service for delinquency or misconduct, or who has made false statements of any material fact, or practiced, or attempted to practice, any deception or fraud in the application or examination, in establishing eligibility, or securing an appointment.

Sec. 124.27. The head of a department, office, or institution, in which a position in the classified service is to be filled, shall notify the director of administrative services of the fact, and the director shall, except as otherwise provided in this section and sections 124.30 and 124.31 of the Revised Code, certify to the appointing authority the names and addresses of the ten candidates standing highest on the eligible list for the class or grade to which the position belongs; provided that the director may certify less than ten names if ten names are not available. When less than ~~six~~ ten names are certified to an appointing authority, appointment from that list shall not be mandatory. When a position in the classified service in the department of

mental health or the department of mental retardation and developmental disabilities is to be filled, the director of administrative services shall make such certification to the appointing authority within seven working days of the date the eligible list is requested.

The appointing authority shall notify the director of such position to be filled, and the appointing authority shall fill such position by appointment of one of the ten persons certified by the director. If more than one position is to be filled, the director of administrative services may certify a group of names from the eligible list and the appointing authority shall appoint in the following manner: Beginning at the top of the list, each time a selection is made it must be from one of the first ten candidates remaining on the list who is willing to accept consideration for the position. If an eligible list becomes exhausted, and until a new list can be created, or when no eligible list for such position exists, names may be certified from eligible lists most appropriate for the group or class in which the position to be filled is classified. A person certified from an eligible list more than three times to the same appointing authority for the same or similar positions, may be omitted from future certification to such appointing authority, provided that certification for a temporary appointment shall not be counted as one of such certifications. Every soldier, sailor, marine, coast guardsman, member of the auxiliary corps as established by congress, member of the army nurse corps, or navy nurse corps, or red cross nurse who has served in the army, navy, or hospital service of the United States, and such other military service as is designated by congress in the war with Spain, including the Philippine insurrection and the Chinese relief expedition, or from April 21, 1898, to July 4, 1902, World War I, World War II, or during the period beginning May 1, 1949, and lasting so long as the armed forces of the United States are engaged in armed conflict or occupation duty, or the selective service or similar conscriptive acts are in effect in the United States, whichever is the later date, who has been honorably discharged or separated under honorable conditions therefrom, and is a resident of Ohio, and whose name is on the eligible list for a position, shall be entitled to preference in original appointments to any such competitive position in the civil service of the state and the civil divisions thereof, over all persons eligible for such appointments and standing on the list therefor, with a rating equal to that of each such person. Appointments to all positions in the classified service, that are not filled by promotion, transfer, or reduction, as provided in sections 124.01 to 124.64 of the Revised Code, and the rules of the director prescribed under such sections, shall be made only from those persons whose names are certified to the appointing authority, and no

yment, except as provided in such sections, shall be otherwise given in the classified service of this state or any political subdivision thereof.

All original and promotional appointments, including provisional appointments made pursuant to section 124.30 of the Revised Code, shall be for a probationary period, not less than sixty days nor more than one year, to be fixed by the rules of the director, except as provided in section 124.231 of the Revised Code, or except original appointments to a police department as a police officer, or to a fire department as a ~~fire fighter~~ firefighter which shall be for a probationary period of one year, and no appointment or promotion is final until the appointee has satisfactorily served the probationary period. Service as a provisional employee in the same or similar class shall be included in the probationary period. If the service of the probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period ~~after completion of sixty days or one-half of the probationary period, whichever is greater.~~ If the appointing authority's decision is to remove the appointee, the appointing authority's communication to the director shall indicate the reason for such decision. ~~Dismissal or reduction may be made under provisions of section 124.34 of the Revised Code during the first sixty days or first half of the probationary period, whichever is greater.~~ Any person appointed to a position in the classified service under sections 124.01 to 124.64 of the Revised Code, except temporary and exceptional appointments, shall be or become forthwith a resident of the state.

Sec. 124.30. (A) Positions in the classified service may be filled without competition as follows:

~~(A)~~(1) Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the director of administrative services is unable to certify to the appointing authority, upon requisition by the latter, a list of persons eligible for appointment to such position after a competitive examination, the appointing authority may nominate a person to the director for noncompetitive examination, and if such nominee is certified by the director as qualified after such noncompetitive examination, the nominee may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until a regular appointment can be made from eligible lists prepared by the director and such eligible lists shall be prepared within six months, provided that an examination for the position must be held within the six-month period from the date of such provisional appointment. In the case of provisional appointees in county departments of human services and in the department



of human services and department of health, if the salary is paid in whole or in part from federal funds, such eligible lists shall be prepared within six months, provided that an examination for the position must be held within the six-month period from the date of such provisional appointment. In case of an emergency, an appointment may be made without regard to the rules of sections 124.01 to 124.64 of the Revised Code, but in no case to continue longer than thirty days, and in no case shall successive appointments be made. Interim or temporary appointments, made necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees shall continue only during such period of sickness, disability, or other approved leave of absence, subject to rules to be provided for by the director.

~~Persons who receive interim, temporary, or intermittent appointments shall serve at the pleasure of their appointing authority. Interim appointments shall be made only to fill a vacancy that results from an employee's temporary absence, but shall not be made to fill a vacancy that results because an employee receives an interim appointment.~~

~~(B)(2)~~ In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the director may suspend the provisions of sections 124.01 to 124.64 of the Revised Code, requiring competition in such case, but no suspension shall be general in its application, and all such cases of suspension shall be reported in the annual report of the director with the reasons for the suspension.

~~(C)(3)~~ Where the services to be rendered by an appointee are for a temporary period, not to exceed six months, and the need of such service is important and urgent, the appointing authority may select for such temporary service any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this division. The acceptance or refusal by an eligible of a temporary appointment shall not affect the person's standing on the register for permanent employment; nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position.

(B) Persons who receive external interim, temporary, or intermittent appointments are in the unclassified civil service and serve at the pleasure of

their appointing authority. Interim appointments shall be made only to fill a vacancy that results from an employee's temporary absence, but shall not be made to fill a vacancy that results because an employee receives an interim appointment.

Sec. 124.32. (A) With the consent of the director of administrative services, a person holding an office or position in the classified service may be transferred to a similar position in another office, department, or institution having the same pay and similar duties; but no transfer shall be made from an office or position in one class to an office or position in another class, nor shall a person be transferred to an office or position for original entrance to which there is required by sections 124.01 to 124.64 of the Revised Code, or the rules adopted pursuant to such sections, an examination involving essential tests or qualifications or carrying a salary different from or higher than those required for original entrance to an office or position held by such person.

(B) Any person holding an office or position under the classified service who has been separated from the service without delinquency or misconduct on ~~his~~ the person's part may, with the consent of the director, be reinstated within one year from the date of such separation to a vacancy in the same or similar office or position in the same department; provided, if such separation is due to injury or physical disability, such person shall be reinstated to the same office or similar position ~~he~~ held at the time of ~~his~~ separation, within thirty days after written application for reinstatement and after passing a physical examination made by a licensed physician designated by the ~~director~~ appointing authority, showing that ~~he~~ the person has recovered from such disability, provided further that such application for reinstatement be filed within three years from the date of separation, and further provided that such application shall not be filed after the date of service eligibility retirement.

Sec. 124.323. (A) Employees shall be laid off in the order set forth in this section within the primary appointment categories of ~~temporary, intermittent,~~ part-time, seasonal, and full-time, and other appointment categories as established by the director of administrative services.

(B) Whenever a reduction in force is necessary within each of the primary appointment categories, first ~~temporary, then intermittent, then~~ seasonal, then part-time permanent, and then full-time permanent employees shall be laid off in the following order:

- (1) Employees serving provisionally who have not completed their probationary period after appointment;
- (2) Employees serving provisionally who have satisfactorily completed

their probationary period after appointment;

(3) Employees appointed from certified eligible lists or who are certified and who have not completed their probationary period after appointment;

(4) Employees appointed from certified eligible lists or who are certified and who have successfully completed their probationary period after appointment.

Sec. 124.327. (A) Employees who have been laid off or have, by virtue of exercising their displacements rights, been displaced to a lower classification in their classification series, shall be placed on appropriate layoff lists. Those employees with the most retention points within each category of order of layoff, as established in section 124.323 of the Revised Code, shall be placed at the top of the layoff list to be followed by employees ranked in descending total retention order. Laid-off employees shall be placed on layoff lists for each classification in the classification series equal to or lower than the classification in which the employee was employed at the time of layoff.

(B) An employee who is laid off retains reinstatement rights in the agency from which ~~he~~ the employee was laid off. Reinstatement rights continue for one year from the date of layoff. During this one-year period, in any layoff jurisdiction in which an appointing authority has an employee on a layoff list, the appointing authority shall not hire or promote anyone into a position within that classification until all laid-off ~~perons~~ persons on a layoff list for that classification who are qualified to perform the duties of the position are reinstated or decline the position when it is offered.

(C) Each laid-off or displaced employee, in addition to reinstatement rights within the employee's appointing authority, shall have the right to reemployment with other agencies within the layoff jurisdiction, if the employee is qualified to perform the duties of the position, but only in the same classification from which the employee was initially laid off or displaced. Layoff lists for each appointing authority must be exhausted before jurisdictional reemployment layoff lists are used.

(D) Any employee accepting or declining reinstatement to the same classification and same appointment type from which the employee was laid off or displaced shall be removed from the appointing authority's layoff list.

(E) Any employee accepting or declining reemployment to the same classification and the same appointment type from which the employee was laid off or displaced shall be removed from the jurisdictional layoff list.

(F) An employee who does not exercise ~~his~~ the option to displace under section 124.324 of the Revised Code shall only be entitled to reinstatement or reemployment in the classification from which the employee was

displaced or laid off.

(G) An employee who declines reinstatement to a classification lower in the classification series than the classification from which the employee was laid off or displaced, shall thereafter only be entitled to reinstatement to a classification higher, up to and including the classification from which the employee was laid off or displaced, in the classification series than the classification that was declined.

(H) Any employee reinstated or reemployed under this section shall not serve a probationary period upon reinstatement or reemployment except that an employee laid off during an original or promotional probationary period shall begin a new probationary period.

(I) For the purposes of this section, employees whose salary or wage is not paid directly by warrant of the auditor of state shall be placed on layoff lists of their appointing authority only.

Sec. 124.34. The tenure of every officer or employee in the classified service of the state and the counties, civil service townships, cities, city health districts, general health districts, and city school districts ~~thereof of the state~~, holding a position under this chapter ~~of the Revised Code~~, shall be during good behavior and efficient service, and no such officer or employee shall be reduced in pay or position, fined in excess of five days' pay, suspended, or removed, except as provided in section 124.32 of the Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of ~~such sections~~ this chapter or the rules of the director of administrative services or the commission, ~~or~~ any other failure of good behavior, or any other acts of misfeasance, malfeasance, or nonfeasance in office. A An appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under section 102.06 of the Revised Code constitute a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code may constitute grounds for dismissal. Failure to file a statement or falsely filing a statement required by section 102.02 of the Revised Code may also constitute grounds for dismissal. The tenure of an employee in the career professional service

of the department of transportation is subject to section 5501.20 of the Revised Code.

In any case of a ~~fine~~, reduction, suspension of more than three working days, or fine in excess of three days' pay, or A removal, the appointing authority shall furnish ~~such~~ the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons therefor. Such order shall be filed with the director of administrative services and state personnel board of review, or the commission, as may be appropriate.

Within ten days following the filing of such order or, in the case of an employee in the career professional service of the department of transportation, within ten days following the filing of a removal order, the employee may file an appeal, in writing, with the state personnel board of review or the commission. In the event such an appeal is filed, the board or commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, such appeal within thirty days from and after its filing with the board or commission, and it may affirm, disaffirm, or modify the judgment of the appointing authority.

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or employee may appeal from the decision of the state personnel board of review or the commission to the court of common pleas of the county in which the employee resides in accordance with the procedure provided by section 119.12 of the Revised Code.

In the case of the suspension for any period of time, or a fine, demotion, or removal of a chief of police or a chief of a fire department or any member of the police or fire department of a city or civil service township, the appointing authority shall furnish such chief or member of a department with a copy of the order of suspension, demotion, or removal, which order shall state the reasons therefor. Such order shall be filed with the municipal or civil service township civil service commission. Within ten days following the filing of such order such chief or member of a department may file an appeal, in writing, with the municipal or civil service township civil service commission. In the event such an appeal is filed, the commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, such appeal within thirty days from and after its filing with the commission, and it may affirm, disaffirm, or modify the judgment of the appointing authority. An appeal on questions of law and fact may be had from the decision of the municipal or civil service township civil service commission to the court of common pleas in the county in which such city

or civil service township is situated. Such appeal shall be taken within thirty days from the finding of the commission.

A violation of division (A)(7) of section 2907.03 of the Revised Code is grounds for termination of employment of a nonteaching employee under this section.

Sec. 124.382. (A) As used in this section and sections 124.383, 124.386, 124.387, and 124.388 of the Revised Code:

(1) "Base pay period" means the pay period that includes the first day of December.

(2) "Pay period" means the fourteen-day period of time during which the payroll is accumulated, as determined by the director of administrative services.

(3) "Active pay status" means the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, personal leave, bereavement leave, and administrative leave.

(4) "No pay status" means the conditions under which an employee is ineligible to receive pay, and includes, but is not limited to, leave without pay, leave of absence, and disability leave.

(5) "Disability leave" means the leave granted pursuant to section 124.385 of the Revised Code.

(6) "Full-time permanent employee" means an employee whose regular hours of duty total eighty hours in a pay period in a state agency, and whose appointment is not for a limited period of time.

(7) "Base rate of pay" means the rate of pay established under schedule B or C of section 124.15 or under schedule E-1 or E-2 of section 124.152 of the Revised Code, plus any supplement provided under section 124.181 of the Revised Code, plus any supplements enacted into law which are added to schedule B or C of section 124.15 or to schedule E-1 or E-2 of section 124.152 of the Revised Code.

(8) "Part-time permanent employee" means an employee whose regular hours of duty total less than eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time.

(B) Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the auditor of state shall be credited with sick leave of three and one-tenth hours for each completed eighty hours of service, excluding overtime hours worked.

(C) Any sick leave credit provided pursuant to division (B) of this section, remaining as of the last day of the pay period preceding the next succeeding base pay period, shall be converted pursuant to section 124.383 of the Revised Code.

(D) Employees may use sick leave, provided a credit balance is available, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and to illness, injury, or death in the employee's immediate family. When sick leave is used, it shall be deducted from the employee's credit on the basis of absence from previously scheduled work in such increments of an hour and at such a compensation rate as the director of administrative services determines. The appointing authority of each employing unit may require an employee to furnish a satisfactory, signed statement to justify the use of sick leave.

If, after having utilized the credit provided by this section, an employee utilizes sick leave that was accumulated prior to November 15, 1981, compensation for such sick leave used shall be ~~equal to the employee's hourly base rate of pay~~ at a rate as the director determines.

(E)(1) The previously accumulated sick leave balance of an employee who has been separated from the public service, for which separation payments pursuant to the provisions of section 124.384 of the Revised Code have not been made, shall be placed to the employee's credit upon the employee's reemployment in the public service, if the reemployment takes place within ten years of the date on which the employee was last terminated from public service.

(2) The previously accumulated sick leave balance of an employee who has separated from a school district shall be placed to the employee's credit upon the employee's appointment as an unclassified employee of the state department of education, if all of the following apply:

(a) The employee accumulated the sick leave balance while employed by the school district;

(b) The employee did not receive any separation payments for the sick leave balance;

(c) The employee's employment with the department takes place within ten years after the date on which the employee separated from the school district.

(F) An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave ~~up to the maximum of the sick leave accumulation permitted in the public agency to which the employee transfers.~~

(G) The director of administrative services shall establish procedures to uniformly administer this section. No sick leave may be granted to a state employee upon or after the employee's retirement or termination of

employment.

Sec. 124.383. (A) The director of administrative services shall allow a full-time or part-time employee who is credited with sick leave pursuant to division (B) of section 124.382 of the Revised Code to elect one of the following options with respect to sick leave credit remaining at the end of the year:

(1) Carry forward the balance;

(2) Receive a cash benefit as established by the director of administrative services. An employee serving in a temporary work level or holding an interim appointment who elects to convert unused sick leave credit to cash shall do so at the base rate of pay of the employee's normal classification.

(3) Carry forward a portion of the balance and receive a cash benefit for the remainder. The cash benefit shall be calculated in the manner specified in division (A)(2) of this section.

(B) The director of administrative services shall establish procedures to allow employees to indicate the option that will be selected. Included within the procedures shall be the final date by which notification is to be made to the director concerning the option selected. Failure to comply with the date will result in the automatic carry forward of unused balances.

(C) Cash benefits shall be paid in the first pay the employee receives in December.

(D) Balances carried forward are excluded from further cash benefits provided under this section.

(E) An employee who separates during the year shall not be eligible for cash benefits provided under this section.

Sec. 124.384. Except as otherwise provided in this section, employees whose salaries or wages are paid by warrant of the auditor of state and who have accumulated sick leave under section 124.38 or 124.382 of the Revised Code shall be paid for a percentage of their accumulated balances, upon separation for any reason, including retirement or death, at their last base rate of pay at the rate of one hour of pay for every two hours of accumulated balances. An employee serving in a temporary work level or an interim appointment who elects to convert unused sick leave to cash shall do so at the base rate of pay of the employee's normal classification. If an employee dies, the employee's unused sick leave shall be paid in accordance with section 2113.04 of the Revised Code or to ~~his~~ the employee's estate.

In order to be eligible for the payment authorized by this section, an employee shall have at least one year of state service and ~~must~~ shall request all or a portion of such payment no later than three years after separation



from state service. No person is eligible to receive all or a portion of the payment authorized by this section at any time later than three years after the person's separation from state service.

Except as otherwise provided in this paragraph, a person initially employed on or after July 5, 1987, by a state agency in which the employees' salaries or wages are paid directly by warrant of the auditor of state shall receive payment under this section only for sick leave accumulated while employed by state agencies in which the employees' salaries or wages are paid directly by warrant of the auditor of state. A person initially employed on or after July 5, 1987, by the state department of education as an unclassified employee shall receive payment under this section only for sick leave accumulated while employed by state agencies in which the employees' salaries or wages are paid directly by warrant of the auditor of state and for sick leave placed to the employee's credit under division (E)(2) of section 124.382 of the Revised Code.

For employees paid in accordance with section 124.152 of the Revised Code and those employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code, the director of administrative services, with the approval of the director of the office of budget and management, may establish a plan for early payment of accrued sick leave and vacation leave.

Sec. 124.385. (A) An employee is eligible for disability leave benefits under this section if the employee has completed one year of continuous state service immediately prior to the date of the disability and if either of the following applies:

(1) The employee is a full-time permanent employee and is eligible for sick leave credit pursuant to division (B) of section 124.382 of the Revised Code, or is a full-time permanent employee and is listed in division (B)(2) or (4) of section 124.14 of the Revised Code.

(2) The employee is a full-time permanent employee, is on disability leave or leave of absence for medical reasons, and would be eligible for sick leave credit pursuant to division (B) of section 124.382 of the Revised Code except that the employee is in no pay status.

(B) The director of administrative services, by rule adopted in accordance with Chapter 119. of the Revised Code, shall establish a disability leave program. The rule shall include, but shall not be limited to:

(1) Procedures to be followed for determining disability;

(2) Provisions for the allowance of disability leave due to illness or injury;

(3) Provisions for the continuation of service credit for employees granted disability leave, including service credit towards retirement, as

provided by the applicable statute;

(4) The establishment of a minimum level of benefit and of a waiting period before benefits begin;

(5) Provisions setting a maximum length of benefit and requiring that employees eligible to apply for disability retirement shall do so prior to completing the first six months of their period of disability. The director's rules shall indicate those employees required to apply for disability retirement. If an employee is approved to receive disability retirement, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than the percentage of pay received by employees after the first six months of disability. Such supplemental payment shall not be considered earnable salary, compensation, or salary, and is not subject to contributions, under Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code.

(6) Provisions that allow employees to utilize available sick leave, personal leave, or vacation leave balances to supplement the benefits payable under this section. Such balances used to supplement the benefits, plus any amount contributed by the state as provided in division (D) of this section, shall be paid at the employee's base rate of pay in an amount sufficient to give employees up to one hundred per cent of pay for time on disability.

(7) Procedures for appealing denial of payment of a claim, including:

(a) A maximum of thirty days to file an appeal by the employee;

(b) A maximum of fifteen days for the parties to select a third-party opinion pursuant to division (F) of this section, unless an extension is agreed to by the parties;

(c) A maximum of thirty days for the third party to render an opinion.

(8) Provisions for approving leave of absence for medical reasons where an employee is in no pay status because the employee has used all the employee's sick leave, personal leave, vacation leave, and compensatory time;

(9) Provisions for precluding the payment of benefits if the injury for which the benefits are sought is covered by a workers' compensation plan;

(10) Provisions for precluding the payment of benefits in order to ensure that benefits are provided in a consistent manner.

(C) Except as provided in division (B)(6) of this section, time off for an employee granted disability leave is not chargeable to any other leave granted by other sections of the Revised Code.

(D) While an employee is on an approved disability leave, the ~~employer~~

employer's and employee's share of health, life, and other insurance benefits shall be paid by the state, and the retirement contribution shall be paid as follows:

- (1) The employer's share shall be paid by the state;
- (2) For the first three months, the employee's share shall be paid by the employee;
- (3) After the first three months, the employee's share shall be paid by the state.

(E) The approval for disability leave shall be made by the director, upon recommendation by the appointing authority.

(F) If a request for disability leave is denied based on a medical determination, the director shall obtain a medical opinion from a third party. The decision of the third party is binding.

(G) The rule adopted by the director under division (B) of this section shall not deny disability leave benefits for an illness or injury to an employee who is a veteran of the United States armed forces because the employee contracted the illness or received the injury in the course of or as a result of military service and the illness or injury is or may be covered by a compensation plan administered by the United States department of veterans affairs.

Sec. 124.386. (A) Each full-time permanent employee paid in accordance with section 124.152 of the Revised Code and those employees listed in divisions (B)(2) and (4) of section 124.14 of the Revised Code shall be credited with thirty-two hours of personal leave each year. Such credit shall be made to each eligible employee ~~beginning in the first day of pay the base pay period~~ employee receives in December. Employees, upon giving reasonable notice to the responsible administrative officer of the appointing authority, may use personal leave for absence due to mandatory court appearances, legal or business matters, family emergencies, unusual family obligations, medical appointments, weddings, religious holidays, or any other matter of a personal nature.

(B) When personal leave is used, it shall be deducted from the unused balance of the employee's personal leave on the basis of absence in such increments of an hour as the director of administrative services determines. Compensation for such leave shall be equal to the employee's base rate of pay.

(C) A newly appointed full-time permanent employee or a nonfull-time employee who receives a full-time permanent appointment shall be credited with personal leave of thirty-two hours, less one and two-tenths hours for each pay period that has elapsed following the base pay period until the first

day of the pay period during which the appointment was effective.

(D) The director of administrative services shall allow employees to elect one of the following options with respect to the unused balance of personal leave:

(1) Carry forward the balance. The maximum credit that shall be available to an employee at any one time is forty hours.

(2) Convert the balance to accumulated sick leave, to be used in the manner provided by section 124.382 of the Revised Code;

(3) Receive a cash benefit. The cash benefit shall equal one hour of the employee's base rate of pay for every hour of unused credit that is converted. An employee serving in a temporary work level or an interim appointment who elects to convert unused personal leave to cash shall do so at the base rate of pay of the employee's normal classification. Such cash benefit shall not be subject to contributions to any of the retirement systems, either by the employee or the employer.

~~(E) Upon separation from state service, an employee shall be entitled to compensation for all unused personal leave balance. The rate of pay shall be equal to the employee's base rate of pay.~~

~~(F)~~ A full-time permanent employee who separates from state service or ~~is no longer a full-time permanent employee during the year~~ becomes ineligible to be credited with leave under this section shall receive a reduction of personal leave credit of one and two-tenths hours for each pay period that remains beginning with the first pay period following the date of separation or the effective date of the employee's ineligibility until the pay period preceding the next base pay period. After calculation of the reduction of an employee's personal leave credit, the employee is entitled to compensation for any remaining personal leave credit at the employee's current base rate of pay. If the reduction results in a number of hours less than zero, the cash equivalent value of such number of hours shall be deducted from any compensation that remains payable to the employee, or from the cash conversion value of any vacation or sick leave that remains credited to the employee. An employee serving in a temporary work level or an interim appointment who is eligible to receive compensation under this section shall be compensated at the base rate of pay of the employee's normal classification.

~~(G)~~~~(F)~~ An employee who transfers from one public agency to another public agency in which the employee is eligible for the credit provided under this section shall be credited with the unused balance of personal leave ~~up to the maximum personal leave accumulation permitted in the public agency to which the employee transfers, provided that if no personal~~

~~leave accumulation is permitted, the employee shall receive compensation in the manner prescribed in division (E) of this section.~~

(G) The director of administrative services shall establish procedures to uniformly administer this section. No personal leave may be granted to a state employee upon or after his retirement or termination of employment.

Sec. 124.387. Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the auditor of state shall be granted three days of bereavement leave with pay upon the death of a member of the employee's immediate family. Compensation for bereavement leave shall be equal to the employee's base rate of pay.

Sec. 124.388. An appointing authority may, in its discretion, place an ~~employee whose salary or wage is paid directly by warrant of the auditor of state~~ on administrative leave with pay. Such leave is to be used only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. Compensation for administrative leave shall be equal to the employee's base rate of pay. The length of such leave is solely at the discretion of the appointing authority, except that the length of the leave shall not exceed the length of the situation for which the leave was granted. An appointing authority may also grant administrative leave of two days or less for employees who are moved in accordance with section 124.33 of the Revised Code.

Sec. 124.82. (A) Except as provided in division (D) of this section, the department of administrative services, in consultation with the superintendent of insurance, shall, in accordance with competitive selection procedures of Chapter 125. of the Revised Code, contract with an insurance company or a health plan in combination with an insurance company, authorized to do business in this state, for the issuance of a policy or contract of health, medical, hospital, dental, or surgical benefits, or any combination thereof, covering state employees who are paid directly by warrant of the auditor of state, including elected state officials. The department may fulfill its obligation under this division by exercising its authority under division (A)(2) of section 124.81 of the Revised Code.

(B) The department may, in addition, in consultation with the superintendent of insurance, negotiate and contract with health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code, in their approved service areas only, for issuance of a contract or contracts of health care services, covering state employees who are paid directly by warrant of the auditor of state, including elected state officials. Except for health insuring corporations, no more than one

insurance carrier or health plan shall be contracted with to provide the same plan of benefits, provided that:

(1) The amount of the premium or cost for such coverage contributed by the state, for an individual or for an individual and the individual's family, does not exceed that same amount of the premium or cost contributed by the state under division (A) of this section;

(2) The employee be permitted to exercise the option as to which plan the employee will select under division (A) or (B) of this section, at a set time ~~each year, which time~~ that shall be determined by the department;

(3) The health insuring corporations do not refuse to accept the employee, or the employee and the employee's family, if the employee exercises the option to select care provided by the corporations;

(4) The employee may choose participation in only one of the plans sponsored by the department;

(5) The director of health examines and certifies to the department that the quality and adequacy of care rendered by the health insuring corporations meet at least the standards of care provided by hospitals and physicians in that employee's community, who would be providing such care as would be covered by a contract awarded under division (A) of this section.

(C) All or any portion of the cost, premium, or charge for the coverage in divisions (A) and (B) of this section may be paid in such manner or combination of manners as the department determines and may include the proration of health care costs, premiums, or charges for part-time employees.

(D) Notwithstanding division (A) of this section, the department may provide benefits equivalent to those that may be paid under a policy or contract issued by an insurance company or a health plan pursuant to division (A) of this section.

(E) This section does not prohibit the state office of collective bargaining from entering into an agreement with an employee representative for the purposes of providing fringe benefits including, but not limited to, hospitalization, surgical care, major medical care, disability, dental care, vision care, medical care, hearing aids, prescription drugs, group life insurance, sickness and accident insurance, group legal services or other benefits, or any combination thereof, to employees paid directly by warrant of the auditor of state through a jointly administered trust fund. The employer's contribution for the cost of the benefit care shall be mutually agreed to in the collectively bargained agreement. The amount, type, and structure of fringe benefits provided under this division is subject to the

determination of the board of trustees of the jointly administered trust fund. Notwithstanding any other provision of the Revised Code, competitive bidding does not apply to the purchase of fringe benefits for employees under this division when such benefits are provided through a jointly administered trust fund.

Sec. 124.87. (A) There is hereby established in the state treasury the state employee health benefit fund for the sole purpose of enabling the department of administrative services to provide state employees with any benefits specified in division (A) of section 124.82 of the Revised Code.

(B) The fund shall be under the supervision of the department. The department shall be responsible, under approved bonds, for all moneys coming into, and paid out of, the fund in accordance with this section and shall ensure that the fund is actuarially sound. Amounts from the fund may be used to pay direct and indirect costs that are attributable to consultants or a third-party administrator and that are necessary to administer this section.

(C) In carrying out its duties and responsibilities, the department shall:

(1) Adopt rules with regard to the administration of the fund;

(2) With respect to benefits specified in division (A) of section 124.82 of the Revised Code, enter into a contract with a company authorized to do the business of sickness and accident insurance under Title XXXIX of the Revised Code or a professional claim administrator, to serve as administrator of that portion of the fund set aside to provide such benefits. As used in this division, a "professional claim administrator" means any person that has experience in the handling of insurance claims and has been determined by the department to be fully qualified, financially sound, and capable of meeting all of the service requirements of the contract of administration under such criteria as may be established by rules adopted by the department. With respect to the ~~health, medical, hospital, or surgical~~ benefits specified in division (A) of section 124.82 of the Revised Code, if the fund is the secondary payor of these benefits, the amount the professional claim administrator may pay is limited to an amount that will yield a benefit no greater than the amount that would have been paid if the fund were the primary payor of these benefits.

(3) Adopt rules governing the conditions under which an employee may participate in or withdraw from the fund, and the procedure by which the employee is to contribute to the fund;

(4) Adopt rules to ensure that the fund is actuarially sound;

(5) Adopt rules to ensure the integrity of the fund, and to ensure that the fund be used solely for the purpose specified in division (A) of this section.

The department shall adopt all rules pursuant to this section in

accordance with Chapter 119. of the Revised Code.

(D) Amounts withheld from employees, amounts contributed by the state or from federal funds, and all amounts contributed by any state authority, shall be credited to the fund. All other income, including the income derived from any dividends and distributions, interest earned, premium rate adjustments, or other refunds, shall also be credited to the fund. Any amounts remaining in the fund after all premiums or subscription charges, and other expenses have been paid, shall be retained in the fund as a special reserve for adverse fluctuation.

(E) All income derived from the investment of the fund shall accrue to the fund.

~~(F)(1) The department shall file annually, by the first day of March, a complete report of its operations for the preceding fiscal year conducted pursuant to this section, with the governor, the general assembly, and the superintendent of insurance.~~

~~(2) The report shall include a detailed financial statement of the fund and the expenses incurred pursuant to this section so that the cost of the fund established under this section can be determined and identified. The report shall include, but not be limited to, the following information concerning the fund:~~

~~(a) Assets and liabilities;~~

~~(b) Income and expenditures;~~

~~(c) Benefits paid and the reserves for losses incurred but not yet paid, including potential losses and unreported losses;~~

~~(d) Cost of any excess insurance or conversion coverage or of any other kind of insurance obtained to cover potential losses, or provide supplemental benefits;~~

~~(e) Direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees;~~

~~(f) The cost of developing, monitoring, and evaluating cost containment plans as required by the department and the savings derived from those plans.~~

~~The financial information required by divisions (F)(2)(a) to (F)(2)(f) of this section shall be certified by an independent certified public accountant or independent public accountant selected by the department who, by reason of knowledge and experience, is especially qualified in insurance accounting.~~

~~(3) The report shall also contain the following information:~~

~~(a) The actuarial report for the preceding calendar year and any other~~



~~studies or evaluations prepared in the preceding year pursuant to division (G) of this section;~~

~~(b) A description of the benefits provided by the fund and the number of state employees covered under the fund;~~

~~(c) The rights of state employees who terminate their employment and the extent of benefits or coverages thereafter available to those persons and their dependents;~~

~~(d) Any other information which is relevant in order to make full, fair, and effective disclosure of the operations of the fund conducted pursuant to this section.~~

~~(G)~~ The department shall have prepared every year, by a competent actuary familiar with health and life insurance, a report showing a complete actuarial evaluation of the fund and the adequacy of the rates of contribution, which report shall contain such recommendations as the actuary considers advisable. The department may at any time request the actuary to make any studies or evaluations to determine the adequacy of the rates of contribution, and such rates may be adjusted by the department, as recommended by the actuary, effective as of the first of any fiscal year thereafter.

~~(H) Any new cost resulting from the enactment of this section shall be reported pursuant to division (F)(2) of this section.~~

Sec. 124.92. If the superintendent of insurance has approved all or a portion of a service area expansion of a health insuring corporation into an additional county or counties, the department of administrative services shall authorize the corporation, ~~at the next open enrollment period conducted by the department~~ upon the corporation's meeting the department's established participation criteria, to participate in the next open enrollment for state employees who reside in the expanded service area; if ~~both of the following apply:~~

~~(A) The open enrollment is conducted in accordance with section 1751.15 of the Revised Code;~~

~~(B) Prior prior~~ to the expansion of the service area, fewer than two health insuring corporations were available to state employees in the county or counties into which the corporation expanded.

Sec. 125.041. Nothing in sections 125.02 ~~or 125.04, 125.03~~ to 125.08, 125.12 to 125.16, 125.31 to 125.76, or 125.831 of the Revised Code shall be construed as limiting the attorney general, auditor of state, secretary of state, or treasurer of state in any of the following:

(A) Purchases for less than ~~fifty thousand dollars~~ the dollar amounts for the purchase of supplies or services determined pursuant to division (D) of

section 125.05 Of the Revised Code:

(B) Purchases for fifty thousand dollars or more that equal or exceed the dollar amounts for the purchase of supplies or services determined pursuant to division (D) of section 125.05 Of the Revised Code with the approval of the controlling board, if such that approval is required by section 127.16 of the Revised Code;

(C) The final determination of the nature or quantity making any purchase of supplies or services to be purchased pursuant to section 125.06 of the Revised Code;

(D) The final determination and disposal of excess and surplus supplies;

(E) The inventory of state property;

(F) The purchase of printing;

(G) The fleet management program.

Sec. 125.12. As used in sections 125.12 to 125.14 of the Revised Code:

(A) "Excess supplies" means any supplies that have a remaining useful life, but that are no longer needed by the agency that possesses them.

(B) "Supplies" means all personal property owned by the state, including, but not limited to, equipment and materials.

(C) "Surplus supplies" means any supplies no longer having any use to the state, including obsolete supplies, scrap materials, and supplies that have completed their useful life cycle. "Surplus supplies" does not include materials that have completed their useful life cycle and are recyclable goods and materials, providing that the goods and materials are actually recycled.

(D) "Transfer" means to transfer either by sale or without a sale.

(E) "Hazardous property" means any property subject to the jurisdiction of or regulated by the Ohio environmental protection agency.

Sec. 125.13. (A) Except as otherwise provided in section ~~5193.03~~ 5139.03 of the Revised Code, whenever a state agency determines that it has excess or surplus supplies, it shall notify the director of administrative services. Upon request by the director and on forms provided by the director, the state agency shall furnish to the director a list of all ~~such~~ those excess and surplus supplies and an appraisal of their value.

(B) The director of administrative services shall take immediate ~~possession~~ control of a state agency's excess and surplus supplies, except for ~~those~~ the following excess and surplus supplies:

(1) Excess or surplus supplies that have a value below the minimum value that the director establishes for excess and surplus supplies under division ~~(D)~~(E) of this section. ~~The;~~

(2) Excess or surplus supplies that the director has authorized an agency

to donate to a public entity, including, but not limited to, public schools and surplus computers and computer equipment transferred to a public school under division (G) of this section;

(3) Excess or surplus supplies that an agency trades in as full or partial payment when purchasing a replacement item;

(4) Hazardous property.

~~(C)~~ The director shall inventory excess and surplus supplies in the director's ~~possession~~ control and may have the supplies repaired.

~~(C)~~~~(D)~~ The director may do either of the following:

(1) Dispose of declared surplus or excess supplies in the director's ~~possession~~ control by sale, lease, donation, or transfer. If the director does so, the director shall dispose of ~~such~~ those supplies in the following order of priority:

(a) To state agencies;

(b) To state-supported or state-assisted institutions of higher education;

(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state;

(d) To the general public by auction, sealed bid, or negotiation.

(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions ~~(C)~~~~(D)~~(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code, ~~the~~ The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division.

~~(D)~~~~(E)~~ The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's ~~possession~~ control by public auction, sealed bid, or negotiation, except that no employee of the disposing agency shall be allowed to purchase, lease, or receive any such supplies. The director may dispose of declared surplus or excess supplies, including motor vehicles, in the director's ~~possession~~ control as the director determines proper if such supplies cannot be disposed of pursuant to division ~~(C)~~~~(D)~~ of this section. The director shall by rule establish a minimum value for excess and surplus supplies and prescribe procedures for a state agency to follow in disposing of excess and surplus supplies in its ~~possession~~ control that have a value below the minimum value established

by the director.

~~(E)~~(F) No state-supported or state-assisted institution of higher education, tax-supported agency, municipal corporation, or other political subdivision of this state shall sell, lease, or transfer excess or surplus supplies acquired under this section to private entities or the general public at a price greater than the price it originally paid for ~~such~~ those supplies.

(G) The director of administrative services may authorize any state agency to transfer surplus computers and computer equipment that are not needed by other state agencies directly to an accredited public school within the state. The computers and computer equipment may be repaired or refurbished prior to transfer. The state agency may charge a service fee to the public schools for the property not to exceed the direct cost of repairing or refurbishing it. The state agency shall deposit such funds into the account used for repair or refurbishment.

Sec. 125.21. The director of administrative services shall ~~prepare~~ process payroll ~~journals~~ information for the purpose of payment for personal services of state officials and employees on the basis of rates of pay determined by pertinent law, the director, or other competent authority.

Calculation of payrolls may be made after the conclusion of each pay period based upon the amount of time served as certified by the appropriate appointing authority. Payment for personal service rendered by an official or employee during any pay period shall be made no later than at the conclusion of the official's or employee's next succeeding pay period.

The director shall furnish to the auditor of state all necessary data for drawing state official and employee pay warrants and preparing earning statements. These data shall include the rate at which paid; the time for which paid, including overtime and any other adjustments affecting the official's or employee's gross pay; all taxes withheld, including, whenever practicable, year-to-date figures on all taxes withheld; the amount of contribution to the appropriate retirement system; any voluntary deductions made in accordance with authorizations filed by the official or employee; and whether a direct deposit is to be made in accordance with an authorization filed by the official or employee.

Amounts deducted from the salaries or wages of all officials and employees shall be transferred to the payroll withholding fund, which is hereby created in the state treasury for the purpose of consolidating all such deductions made in any month. Payments from this fund shall be made at intervals for the intended purpose of the deduction or for refund where it is determined that deductions were made in error.

Sec. 125.211. (A) There is hereby created in the state treasury the

ued leave liability fund, for the purpose of paying both of the following:

(1) The annual cash benefit payable for every hour of unused sick leave credit that is converted pursuant to section 124.383 of the Revised Code and for every hour of unused personal leave credit that is converted pursuant to section 124.386 of the Revised Code;

(2) Upon separation from state service, the obligation of the state to compensate its employees, including employees listed in division (B)(2) or (4) of section 124.14 of the Revised Code and employees in bargaining units who do not receive vacation leave, sick leave, or personal leave under Chapter 124. of the Revised Code, for unused vacation leave, sick leave, or personal leave credit. Any interest earned on the balances in the fund shall be credited to the fund.

(B) In performing the calculations required by section 125.21 of the Revised Code, the director of administrative services shall charge to the appropriate salary account an amount sufficient to make the payments provided in division (A) of this section.

(C) The director of administrative services, in consultation with the director of budget and management, shall develop the procedures to carry out this section.

(D) Amounts from the accrued leave liability fund may be used to pay direct and indirect costs that are attributable to consultants or a third-party administrator and that are necessary to carry out this section.

Sec. 125.48. ~~Biennially, between the first day of June and the first day of August, the~~ The department of administrative services shall give notice pursuant to sections 125.07 and 125.08 of the Revised Code that sealed proposals will be received at its office for executing ~~the several~~ one, two, three, and four classes of public printing, including the necessary binding ~~for the term of two years from the first Monday of October next ensuing for classes one and two printing, and terms not to exceed two years for classes three and four.~~

~~bureau employment services~~

Sec. 156.04. (A) In accordance with this section, the director of administrative services may enter into an installment payment contract for the implementation of one or more energy saving measures. If the director wishes an installment payment contract to be exempted from Chapter 153. of the Revised Code, ~~he~~ the director shall proceed pursuant to section 156.03 of the Revised Code.

(B) Any installment payment contract under this section for one or more energy saving measures shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration,

are to be a stated percentage of calculated savings of energy and operating costs attributable to the one or more measures over a defined period of time and are to be made only to the extent that ~~such~~ those savings actually occur. No such contract shall contain any of the following:

(1) A requirement of any additional capital investment or contribution of funds, other than funds available from state or federal grants;

(2) In the case of a contract for an energy saving measure that is a cogeneration system described in division (H) of section 156.01 of the Revised Code, a payment term longer than five years;

(3) In the case of a contract for any energy saving measure that is not a cogeneration system, a payment term longer than ten years.

(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated to the department of administrative services by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

Sec. 2716.03. (A) ~~A~~ Subject to the limitation on the commencement of proceedings contained in division (B) of section 124.10 of the Revised Code, a proceeding in garnishment of personal earnings may be commenced after a judgment has been obtained by a judgment creditor by the filing of an affidavit in writing made by the judgment creditor or the judgment creditor's agent or the judgment creditor's attorney setting forth all of the following:

(1) The name of the judgment debtor whose personal earnings the judgment creditor seeks to garnish;

(2) That the affiant has good reason to believe and does believe that the person, partnership, or corporation named in the affidavit as the garnishee is an employer of the judgment debtor who has personal earnings of the judgment debtor that are not exempt under section 2329.66 of the Revised Code;

(3) That the demand in writing, as required by section 2716.02 of the Revised Code, has been made;

(4) That the payment demanded in the notice required by section 2716.02 of the Revised Code has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings as described in section 2716.02 of the Revised Code;

(5) That the affiant has no knowledge of any application by the judgment debtor for the appointment of a trustee so as to preclude the garnishment of the judgment debtor's personal earnings;

(6) That the affiant has no knowledge that the debt to which the affidavit pertains is the subject of a debt scheduling agreement of such a nature that it precludes the garnishment of the personal earnings of the judgment debtor under division (B) of this section.

(B) No proceeding in garnishment of personal earnings shall be brought against a judgment debtor sooner than thirty days after the filing of the last successful proceeding in garnishment of personal earnings against the judgment debtor, regardless of who brings the proceeding or who brought the last successful proceeding. No proceeding in garnishment of personal earnings shall be brought against a judgment debtor for the collection of a debt that is the subject of an agreement for debt scheduling between the judgment debtor and a budget and debt counseling service, unless any payment to be made by the judgment debtor, or by a budget and debt counseling service to the judgment creditor under the agreement for debt scheduling between the judgment debtor and the budget and debt counseling service, is due and unpaid for more than forty-five days after the date on which the payment became due, or unless the judgment creditor previously was notified by the service that the debt scheduling agreement between the judgment debtor and the service was terminated.

(C) Upon the filing of a proceeding in garnishment of personal earnings under this section, the garnishee and the judgment debtor shall be notified of the proceeding in accordance with sections 2716.05 and 2716.06 of the Revised Code.

(D) As used in this chapter:

(1) A "budget and debt counseling service" or "service" means a corporation organized under Chapter 1702. of the Revised Code for the purpose of counseling consumers with respect to their financial obligations and assisting them in dealing with their creditors.

(2) "Debt scheduling" means counseling and assistance provided to a consumer by a budget and debt counseling service under all of the following circumstances:

(a) The counseling and assistance is manifested in an agreement between the consumer and the service under which the consumer regularly pays that portion of the consumer's income to the service that has been determined not to be required for the maintenance of health or the essentials of life;

(b) The payments are made to the service until the debts of the consumer that are the subject of the agreement are fully retired;

(c) The service has sent written notice, by certified mail, return receipt requested, or by regular mail evidenced by a properly completed and

stamped certificate of mailing by regular mail, to the creditors of the consumer that are disclosed by the consumer to the service. The notice shall contain all of the following:

(i) A statement of the consumer's intent to participate in debt scheduling;

(ii) A summary of the consumer's income, proposed itemized budget, schedule of creditors, and proposed debt retirement plan;

(iii) A statement of the particular creditor's duty to respond, in writing, to the service regarding the consumer's participation in debt scheduling within fifteen days after receiving the notice.

(d) The debts of the consumer that are the subject of the agreement for debt scheduling are determined as follows:

(i) Any debt owed to a creditor that was notified of the consumer's intent to participate is a subject of the agreement if the creditor responds to the service and enters into an agreement with the service, pursuant to which agreement the creditor agrees not to attempt to collect the debts of the consumer as long as the consumer regularly pays to the service the amount previously agreed upon by the service and the consumer and no payment to be made by the judgment debtor to the service or by the service to the creditor is due and unpaid for more than forty-five days after the date on which the payment became due, as long as the debt scheduling agreement between the consumer and the service has not been terminated, and as long as the service regularly pays to the creditor a mutually acceptable amount, which amount is either the amount agreed upon by the service and the creditor on the date they entered into their original agreement or an amount agreed upon by both the service and the creditor on a date after the date of the original agreement;

(ii) Any debt owed to a creditor that was notified of the consumer's intent to participate is a subject of the agreement if the creditor does not respond to the service and state the creditor's objection, in writing, to the consumer's participation in debt scheduling within fifteen days after receiving notice of the consumer's intention to do so; however, no debt that is subject to a lien or security interest of any type, other than a judgment lien or execution lien, shall be a subject of the agreement unless the creditor specifically assents, in writing, to the debt being a subject of the agreement. The creditor shall be considered to have entered into an agreement of the type described in division (D)(2)(d)(i) of this section, and the amount to be regularly paid by the service to the creditor shall be an amount determined to be reasonable by the service or an amount agreed upon by both the service and the creditor on a date after the expiration of the fifteen-day



period.

(iii) Any debt owed to a creditor that was not notified of the consumer's intent to participate, or a debt owed to a creditor that was notified of the consumer's intent to participate and that responded to the service and stated its objection, in writing, to the consumer's participation in debt scheduling within fifteen days after receiving notice of the consumer's intention to do so is not a subject of the agreement.

(e) The service agrees that, if the consumer fails to make a payment under the agreement within forty-five days of its due date or if the agreement is terminated, the service will notify each creditor that is owed a debt that is subject to the agreement of the failure or termination by regular mail within two business days of the failure or termination and the service provides that notice in accordance with the agreement.

Sec. 4141.242. (A) On or after January 1, 1978, the state, its instrumentalities, its political subdivisions and their instrumentalities, and any subdivision thereof as defined in division (H) of this section and described in this section as public entities, shall pay to the administrator of the bureau of employment services for deposit in the unemployment compensation fund an amount in lieu of contributions equal to the full amount of regular benefits, and the amount of extended benefits chargeable under the terms of section 4141.301 of the Revised Code, from that fund that is attributable to service in the employ of the public entity, under the same terms and conditions as required of nonprofit organizations electing reimbursing status under section 4141.241 of the Revised Code; unless the public entity elects to pay contributions under section 4141.25 of the Revised Code, under the following conditions:

(1) Any public entity may elect, after December 31, 1977, to become liable for contribution payments, as set forth in section 4141.25 of the Revised Code, for a period of not less than two calendar years by filing with the administrator a written notice of its election.

(2) The effective date of the election to pay contributions shall be the first day of the first calendar quarter after the election is approved by the administrator and which is at least thirty days after the election notice was received.

(B) No surety bond shall be required of any reimbursing public entity, as is required of nonprofit organizations under division (C) of section 4141.241 of the Revised Code. Any public entity, either reimbursing or contributory, shall, if it becomes delinquent in the payment of reimbursements, contributions, forfeiture, or interest, be subject to the same terms and the same collection procedures as are set forth for reimbursing

employers under division (B) of section 4141.241 of the Revised Code; and as set forth for contributory employers under ~~Chapter 4141. of the Revised Code~~ this chapter.

(C) The state of Ohio account and the accounts and subaccounts of its instrumentalities, as defined in divisions (H)(1)(a) and ~~(H)(b)~~ of this section, shall be administered by the director of ~~the department of~~ administrative services, in coordination with the administrator in accordance with the terms and conditions of ~~Chapter 4141. of the Revised Code~~ this chapter, regarding the determination and payment of benefits attributable to service with the state or its instrumentalities. In this capacity, the director of ~~the department of~~ administrative services shall maintain any necessary accounts and subaccounts for the various agencies and departments of the state and, through the director ~~of the office~~ of budget and management, apportion among the various state entities, and collect, the costs of unemployment benefits, as billed by the bureau of employment services, except that any of the individual agencies and departments for which such accounts and subaccounts are maintained may, with the concurrence of the director of administrative services and the administrator, be designated to receive billings directly from the administrator and make payment in response to such billings directly to the administrator. ~~The Any~~ moneys ~~so~~ paid directly under this division and collected by the director of administrative services shall be forwarded to the administrator for deposit in the fund established by division (A) of section 4141.09 of the Revised Code, and shall be credited to the accounts of the state and its instrumentalities.

(D) The accounts of the various local subdivisions, and their instrumentalities shall be administered by appropriate officials, as designated to the administrator when the accounts are established.

(E) Two or more reimbursing public entities may file a joint application to the administrator for the establishment of a group account, for the purpose of sharing the cost of benefits attributable to service with the public entities, under the conditions provided for nonprofit organizations under division (D) of section 4141.241 of the Revised Code.

(F) Two or more public entities that have elected to pay contributions may apply for a common rate under division (I) of section 4141.24 of the Revised Code. Clear authority, resolution, or ordinance for combining must be presented with the application requesting the common rate status. Applications must be filed by the first day of October of any year, to be effective for the following calendar year.

(G) A public entity, either reimbursing or one electing to pay contributions, shall be liable for the full amount of any regular benefits paid

that are attributable to service in the employ of the public entity during the base period of a benefit claim, and any extended benefits paid based on service as provided in divisions (G)(1)(b) and (1)(c) of section 4141.301 of the Revised Code. Where a public entity has changed from a reimbursing status to a contributory status, during the base period of the benefit claim, then the benefit charges attributable to service with the reimbursement account shall be charged to the reimbursement account; and, the charges attributable to the contributory account shall be charged to that account. The same rule shall be applicable to situations where a contributory public entity has changed to a reimbursing status during the base period of a benefit claim.

(H)(1) For the purposes of establishing employer status and accounts for the state and its instrumentalities, its political subdivisions and their instrumentalities, a separate account shall be established and maintained for:

(a) The state, including therein the legislative and executive branches, as defined in Articles II and III of the Ohio ~~constitution~~ constitution, and the Ohio supreme court;

(b) Each separate instrumentality of the state;

(c) Each political subdivision of the state, including therein the legislative, executive, and judicial functions performed for the subdivision;

(d) Each separate instrumentality of the political subdivision;

(e) Any jointly owned instrumentality of more than one of the public entities described in this division, or any jointly owned instrumentality of any such public entities and one or more other states or political subdivisions thereof.

(2) For the purposes of ~~Chapter 4141. of the Revised Code~~ this chapter, the separate accounts, established by this division, shall be described as "public entity accounts."

(I) The administrator, in accordance with any rules that ~~he~~ the administrator may prescribe, shall notify each public entity of any determination which ~~he~~ the administrator may make of its status as an employer and of the effective date of any election which it makes and of any termination of the election. Any determinations are subject to reconsideration, appeal, and review in accordance with sections 4141.26 and 4141.28 of the Revised Code.

Sec. 5101.07. Each office, division, bureau, and section authorized by section 5101.06 of the Revised Code shall consist of a chief and the officers and employees necessary for the performance of the functions assigned to it. The director of human services shall supervise the work of each office, division, bureau, and section and shall be responsible for the determination

of general policies in the exercise of powers vested in the department and powers assigned to each office, division, bureau, and section. The chief of each office, division, bureau, and section shall be responsible to the director for the organization, direction, and supervision of the work of the office, division, bureau, or section and the exercise of the powers and the performance of the duties of the department assigned to such office, division, bureau, or section, and, with the approval of the director, may establish other administrative units therein. The director shall appoint the chief of each office, division, bureau, and section, who, unless placed in the unclassified service under section 124.11 of the Revised Code, shall be in the classified service, and all other employees of the department. The chief of each office, division, bureau, and section shall be a person who has had special training and experience in the type of work with the performance of which the office, division, bureau, or section is charged. If the director certifies that any such position can best be filled under division ~~(B)~~(A)(2) of section 124.30 of the Revised Code or without regard to residence of the appointee, the department of administrative services shall be governed by such certification. Each chief of an office, division, bureau, or section, under the director of human services, shall have entire executive charge of the office, division, bureau, or section for which the chief is appointed.

All employees holding positions in the classified service within the department on June 30, 1966, shall continue to hold such positions and this section does not affect their civil service status.

SECTION 2. That existing sections 124.03, 124.09, 124.10, 124.11, 124.13, 124.134, 124.14, 124.15, 124.18, 124.181, 124.20, 124.25, 124.27, 124.30, 124.32, 124.323, 124.327, 124.34, 124.382, 124.383, 124.384, 124.385, 124.386, 124.387, 124.388, 124.82, 124.87, 124.92, 125.041, 125.12, 125.13, 125.21, 125.211, 125.48, 156.04, 2716.03, 4141.242, and 5101.07 and sections 124.139 and 124.312 of the Revised Code are hereby repealed.

SECTION 3. Sections 124.09, 124.14, and 124.27 of the Revised Code are presented in this act as composites of the sections as amended by both Am. Sub. H.B. 117 and Am. Sub. S.B. 99 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 125.13 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. Section 125.48 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. S.B. 99 and Am. Sub. S.B. 162 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. Section 2716.03 of the Revised Code is presented in this act as a composite of the section as amended by both Am. H.B. 193 and Am. Sub. S.B. 150 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Am. Sub. S. B. No. 144

70

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_