

AN ACT

To amend sections 124.14, 3341.02, and 3357.10 of the Revised Code to clarify the authority of the boards of trustees of, or officers designated by the boards of trustees of, state-supported colleges or universities over decision-making related to employees of these institutions; to change the date of appointment of student trustees at Bowling Green State University from the seventeenth day of March to the seventeenth day of May; to eliminate the requirement for a technical college district to select a depository for its funds in accordance with the Uniform Depository Act; and to create the Civil Service Review Commission to review Ohio's civil service laws, rules, practices, and procedures and to require the Commission to issue a report that makes recommendations for changing them.

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

SECTION 1. That sections 124.14, 3341.02, and 3357.10 of the Revised Code be amended to read as follows:

Sec. 124.14. (A)(1) 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~~

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.

(2) 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.

(3) 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.

(4) 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.

(5) 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)(1) 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.

(2) 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~~ for the hearing 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 job and family 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 job and family 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 job and family 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.

(F) With respect to officers and employees of state-supported colleges and universities and except for the powers and duties of the state personnel board of review set forth in section 124.03 of the Revised Code, the powers, duties, and functions of the department of administrative services and of the director of administrative services specified in this chapter are hereby vested in and assigned to the ~~personnel departments~~ boards of trustees of such those colleges and universities, or those officers to whom the boards of trustees have delegated these powers, duties, and functions, 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 In exercising the powers, duties, and functions of the director, the boards of trustees or the officers to whom these powers, duties, and functions were delegated need not establish a job classification plan for unclassified employees and may proceed under section 111.15 of the Revised Code when exercising the director's rule-making authority. The adoption, amendment, rescission, and enforcement of rules under this division is not subject to approval, disapproval, or modification by the state personnel board of review. Nothing in this division shall be construed to limit the right of any classified employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal.

Upon the director's determination or finding of the misuse or nonuniform application by the board of trustees of or a designated officer of a state-supported college or university of this the authority granted to the personnel department of such state-supported colleges and universities under this division, the director shall order and direct the personnel functions of ~~such institution~~ that state-supported college or university 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

ision (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 job and family 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 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 for all intermittent, interim, seasonal, temporary, emergency, and casual employees who are not considered public employees under section 4117.01 of the Revised Code.

Such employees are not entitled to receive employee benefits. This rate of compensation 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. 3341.02. (A) The government of Bowling Green state university is vested in a board of eleven trustees, who shall be appointed by the governor, with the advice and consent of the senate. Two of the trustees shall be students at Bowling Green state university, and their selection and terms shall be in accordance with division (B) of this section. A majority of the board constitutes a quorum. Except for the terms of student members, terms of office shall be for nine years, commencing on the seventeenth day of May and ending on the sixteenth day of May. No person who has served a full nine-year term or more than six years of such a term shall be eligible for reappointment.

(B) The student members of the board of trustees of Bowling Green state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on March 17, 1988, and shall expire on March 16, 1989, and the initial term of office of the other student member shall commence on March 17, 1988, and expire on March 16, 1990. ~~Thereafter~~ After the effective date of this amendment, terms of office shall commence on the seventeenth day of May and shall end on the sixteenth day of May. Terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event that a student member cannot fulfill ~~his~~ the student member's two-year term, a replacement shall be selected in the manner used for the original selection to fill the unexpired term.

(C) The government of Kent state university is vested in a board of eleven trustees, who shall be appointed by the governor, with the advice and consent of the senate. Two of the trustees shall be students at Kent state university, and their selection and terms shall be in accordance with division (D) of this section. A majority of the board constitutes a quorum. Except for the terms of student members, terms of office shall be for nine years, commencing on the seventeenth day of May and ending on the sixteenth day of May. No person who has served a full nine-year term or more than six years of such a term shall be eligible for reappointment.

(D) The student members of the board of trustees of Kent state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on May 17, 1988, and shall expire on May 16, 1989, and the initial term of office of the other student member shall commence on May 17, 1988, and expire on May 16, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event that a student member cannot fulfill ~~his~~ the student member's two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(E) The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties.

(F) Each trustee shall hold office from the date of ~~his~~ appointment until the end of the term for which ~~he~~ the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of ~~his~~ the trustee's term until ~~his~~ a successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

Sec. 3357.10. The board of trustees of a technical college district shall elect a treasurer, who is not a member of the board, to serve at its pleasure. The treasurer may be the person serving as secretary under section 3357.06 of the Revised Code. The treasurer shall be the fiscal officer of the district and shall receive and disburse all funds of the district under the direction of

the board. No contract of the board involving the expenditure of money shall become effective until the treasurer certifies that there are funds of the board otherwise unappropriated sufficient to provide therefor.

When the treasurer of the district ceases to hold such office, ~~he~~ the treasurer or ~~his~~ the treasurer's legal representatives shall deliver to the board or to ~~his~~ the treasurer's successor all moneys, books, papers, and other property of the district in ~~his~~ the treasurer's possession as treasurer. In case of the death or incapacity of the treasurer, ~~his~~ the treasurer's legal representatives shall, in like manner, deliver all moneys, books, papers, and other property of the district to the board or to the person named as ~~his~~ the treasurer's successor.

~~Any~~ All funds under the control of a board of trustees of a technical college district may select a depository for the funds of a district, regardless of the source of the funds, may be deposited by the board to its credit in banks or trust companies designated by it. The banks or trust companies shall furnish security for every deposit to the extent and in the manner provided in section 135.18 of the Revised Code, but no deposit shall otherwise be subject to sections 135.01 to 135.21 of the Revised Code, upon the adoption of a resolution declaring such intent. Funds deposited in a bank or trust company may be disbursed by the board of trustees for the uses and purposes of the district.

SECTION 2. That existing sections 124.14, 3341.02, and 3357.10 of the Revised Code are hereby repealed.

SECTION 3. Any student member of the board of trustees of Bowling Green State University appointed under the version of division (B) of section 3341.02 of the Revised Code that existed prior to the effective date of this section shall continue to hold the office of trustee until the sixteenth day of May of the year in which that person's term would have expired under that version. Any appointment of a student member of that board of trustees made after the effective date of this section shall be in accordance with division (B) of section 3341.02 as amended by this act.

SECTION 4. (A) There is hereby created the Civil Service Review Commission. The Commission shall consist of the following members:

(1) Three members of the Senate appointed by the President of the Senate with at least one member from the minority party;

(2) Three members of the House of Representatives appointed by the Speaker of the House of Representatives with at least one member from the minority party;

(3) Nine members appointed by the Governor, of whom one shall be the Director of Administrative Services or the Director's designee, one shall be from a union representing the largest number of state employees, one shall be from a union representing the largest number of local government employees, two shall be recommended by a statewide organization representing counties, two shall be recommended by a statewide organization representing municipal corporations, and two shall represent the public.

All appointments shall be made not later than one month after the effective date of this section. The Commission shall be co-chaired by a member of the House of Representatives designated by the Speaker of the House of Representatives and a member of the Senate designated by the President of the Senate. The co-chairs shall alternate chairing meetings of the Commission by agreement of the co-chairs.

(B) The Commission shall review civil service laws and practice under those laws in Ohio. In conducting the review, the Commission shall conduct a comprehensive analysis of Ohio's civil service laws as set forth in the Revised Code and associated rules, including an analysis of how the laws and any associated rules are applied in practice by public entities across Ohio. Additionally, the Commission may review decisions of the Personnel Board of Review created in section 124.05 of the Revised Code or other administrative and judicial bodies to determine how decisions of the Board or those other bodies influence the interpretation or application of civil service laws. The Commission also may review practices and innovations of public entities in other states. The Commission may call witnesses and review any other information that it determines to be appropriate and may consider recommendations of the Governor's Management Improvement Commission.

(C) Upon completion of its review under division (B) of this section, but not later than nine months after all of the appointments have been made under division (A) of this section, the Commission shall issue a report to the President of the Senate and the Speaker of the House of Representatives. The report shall identify current statutes, rules, practices, and procedures and shall make recommendations for changes to those statutes, rules, practices, and procedures that the Commission determines necessary to improve them. Upon issuance of the report under this division, the Commission ceases to exist.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

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

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____