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**Am. Sub. H. B. No. 187**

**Representatives Buehrer, Uecker, Hagan, Gilb, Martin, Evans, D., Aslanides,  
Seaver, Schaffer, Daniels, Combs, Wagner, Blasdel, Blessing, Bubp, Calvert,  
Collier, Core, Dolan, Faber, Flowers, Gibbs, Hood, Law, Peterson, Raga,  
Raussen, Reidelbach, Reinhard, Schneider, Seitz, Setzer, Wagoner, Webster,  
White, D., White, J., Wolpert**

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**A B I L L**

To amend sections 9.84, 119.12, 124.01, 124.03, 1  
124.04, 124.07, 124.09, 124.11, 124.133, 124.134, 2  
124.14, 124.15, 124.20, 124.22, 124.23, 124.26, 3  
124.27, 124.271, 124.30, 124.31, 124.32, 124.321, 4  
124.322, 124.323, 124.324, 124.325, 124.326, 5  
124.327, 124.33, 124.34, 124.341, 124.38, 124.383, 6  
124.384, 124.385, 124.386, 124.388, 124.40, 7  
124.44, 124.45, 124.46, 124.48, 302.202, 325.19, 8  
329.02, 329.021, 1513.03, 1513.34, 4111.03, 9  
4112.01, 5107.52, 5119.09, 5155.03, and 5703.17, 10  
to enact sections 124.12 and 124.141, and to 11  
repeal section 124.311 of the Revised Code to 12  
implement recommendations of the Civil Service 13  
Review Commission and to make other changes to the 14  
civil service laws. 15

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 9.84, 119.12, 124.01, 124.03, 16  
124.04, 124.07, 124.09, 124.11, 124.133, 124.134, 124.14, 124.15, 17

124.20, 124.22, 124.23, 124.26, 124.27, 124.271, 124.30, 124.31, 18  
124.32, 124.321, 124.322, 124.323, 124.324, 124.325, 124.326, 19  
124.327, 124.33, 124.34, 124.341, 124.38, 124.383, 124.384, 20  
124.385, 124.386, 124.388, 124.40, 124.44, 124.45, 124.46, 124.48, 21  
302.202, 325.19, 329.02, 329.021, 1513.03, 1513.34, 4111.03, 22  
4112.01, 5107.52, 5119.09, 5155.03, and 5703.17 be amended and 23  
sections 124.12 and 124.141 of the Revised Code be enacted to read 24  
as follows: 25

**Sec. 9.84.** ~~Any~~ Except as otherwise provided in this section, 26  
any person appearing as a witness before any public official, 27  
department, board, bureau, commission, or agency, or any 28  
representative ~~thereof~~ of a public official, department, board, 29  
bureau, commission, or agency, in any administrative or executive 30  
proceeding or investigation, public or private, if ~~he~~ the witness 31  
so requests, shall be permitted to be accompanied, represented, 32  
and advised by an attorney, whose participation ~~in the hearing~~ 33  
shall be limited to the protection of the rights of the witness, 34  
and who may not examine or cross-examine witnesses, ~~and the.~~ The 35  
witness shall be advised of ~~his~~ the right to counsel before ~~he~~ the 36  
witness is interrogated. This section ~~shall~~ does not apply to 37  
proceedings before a grand jury or to an employee of an appointing 38  
authority, as defined in section 124.01 of the Revised Code, who 39  
appears only as a witness in an employment interview, 40  
investigation, or proceeding conducted by or for the appointing 41  
authority. 42

**Sec. 119.12.** Any party adversely affected by any order of an 43  
agency issued pursuant to an adjudication denying an applicant 44  
admission to an examination, or denying the issuance or renewal of 45  
a license or registration of a licensee, or revoking or suspending 46  
a license, or allowing the payment of a forfeiture under section 47

4301.252 of the Revised Code, may appeal from the order of the agency to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident, except that appeals from decisions of the liquor control commission, the state medical board, state chiropractic board, and board of nursing shall be to the court of common pleas of Franklin county. If any ~~such~~ party appealing from the order is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin county.

Any party adversely affected by any order of an agency issued pursuant to any other adjudication may appeal to the court of common pleas of Franklin county, except that appeals from orders of the fire marshal issued under Chapter 3737. of the Revised Code may be to the court of common pleas of the county in which the building of the aggrieved person is located and except that appeals under division (B) of section 124.34 of the Revised Code from a decision of the state personnel board of review or a municipal or civil service township civil service commission shall be taken to the court of common pleas of the county in which the appointing authority is located or, in the case of an appeal by the department of rehabilitation and correction, to the court of common pleas of Franklin county.

This section does not apply to appeals from the department of taxation.

Any party desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and the grounds of the party's appeal. A copy of ~~such~~ the notice of appeal shall also be filed by the appellant with the court. Unless otherwise provided by law relating to a particular agency, ~~such~~ notices of appeal shall be filed within fifteen days after the mailing of the notice of the agency's order as provided in this

section. For purposes of this paragraph, an order includes a 80  
determination appealed pursuant to division (C) of section 119.092 81  
of the Revised Code. 82

The filing of a notice of appeal shall not automatically 83  
operate as a suspension of the order of an agency. If it appears 84  
to the court that an unusual hardship to the appellant will result 85  
from the execution of the agency's order pending determination of 86  
the appeal, the court may grant a suspension and fix its terms. If 87  
an appeal is taken from the judgment of the court and the court 88  
has previously granted a suspension of the agency's order as 89  
provided in this section, ~~such~~ the suspension of the agency's 90  
order shall not be vacated and shall be given full force and 91  
effect until the matter is finally adjudicated. No renewal of a 92  
license or permit shall be denied by reason of ~~such~~ the suspended 93  
order during the period of the appeal from the decision of the 94  
court of common pleas. In the case of an appeal from the state 95  
medical board or state chiropractic board, the court may grant a 96  
suspension and fix its terms if it appears to the court that an 97  
unusual hardship to the appellant will result from the execution 98  
of the agency's order pending determination of the appeal and the 99  
health, safety, and welfare of the public will not be threatened 100  
by suspension of the order. This provision shall not be construed 101  
to limit the factors the court may consider in determining whether 102  
to suspend an order of any other agency pending determination of 103  
an appeal. 104

The final order of adjudication may apply to any renewal of a 105  
license or permit which has been granted during the period of the 106  
appeal. 107

Notwithstanding any other provision of this section, any 108  
order issued by a court of common pleas or a court of appeals 109  
suspending the effect of an order of the liquor control commission 110  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 111

suspends, revokes, or cancels a permit issued under Chapter 4303. 112  
of the Revised Code, or that allows the payment of a forfeiture 113  
under section 4301.252 of the Revised Code, shall terminate not 114  
more than six months after the date of the filing of the record of 115  
the liquor control commission with the clerk of the court of 116  
common pleas and shall not be extended. The court of common pleas, 117  
or the court of appeals on appeal, shall render a judgment in that 118  
matter within six months after the date of the filing of the 119  
record of the liquor control commission with the clerk of the 120  
court of common pleas. A court of appeals shall not issue an order 121  
suspending the effect of an order of the liquor control commission 122  
that extends beyond six months after the date on which the record 123  
of the liquor control commission is filed with a court of common 124  
pleas. 125

Notwithstanding any other provision of this section, any 126  
order issued by a court of common pleas suspending the effect of 127  
an order of the state medical board or state chiropractic board 128  
that limits, revokes, suspends, places on probation, or refuses to 129  
register or reinstate a certificate issued by the board or 130  
reprimands the holder of ~~such a~~ the certificate shall terminate 131  
not more than fifteen months after the date of the filing of a 132  
notice of appeal in the court of common pleas, or upon the 133  
rendering of a final decision or order in the appeal by the court 134  
of common pleas, whichever occurs first. 135

Within thirty days after receipt of a notice of appeal from 136  
an order in any case in which a hearing is required by sections 137  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 138  
certify to the court a complete record of the proceedings in the 139  
case. Failure of the agency to comply within the time allowed, 140  
upon motion, shall cause the court to enter a finding in favor of 141  
the party adversely affected. Additional time, however, may be 142  
granted by the court, not to exceed thirty days, when it is shown 143

that the agency has made substantial effort to comply. ~~Such~~ The 144  
record shall be prepared and transcribed, and the expense of it 145  
shall be taxed as a part of the costs on the appeal. The appellant 146  
shall provide security for costs satisfactory to the court of 147  
common pleas. Upon demand by any interested party, the agency 148  
shall furnish at the cost of the party requesting it a copy of the 149  
stenographic report of testimony offered and evidence submitted at 150  
any hearing and a copy of the complete record. 151

Notwithstanding any other provision of this section, any 152  
party desiring to appeal an order or decision of the state 153  
personnel board of review shall, at the time of filing a notice of 154  
appeal with the board, provide a security deposit in an amount and 155  
manner prescribed in rules that the board shall adopt in 156  
accordance with this chapter. In addition, the board is not 157  
required to prepare or transcribe the record of any of its 158  
proceedings unless the appellant has provided the deposit 159  
described above. The failure of the board to prepare or transcribe 160  
a record for an appellant who has not provided a security deposit 161  
shall not cause a court to enter a finding adverse to the board. 162

Unless otherwise provided by law, in the hearing of the 163  
appeal, the court is confined to the record as certified to it by 164  
the agency. Unless otherwise provided by law, the court may grant 165  
a request for the admission of additional evidence when satisfied 166  
that ~~such~~ the additional evidence is newly discovered and could 167  
not with reasonable diligence have been ascertained prior to the 168  
hearing before the agency. 169

The court shall conduct a hearing on ~~such~~ the appeal and 170  
shall give preference to all proceedings under sections 119.01 to 171  
119.13 of the Revised Code, over all other civil cases, 172  
irrespective of the position of the proceedings on the calendar of 173  
the court. An appeal from an order of the state medical board 174  
issued pursuant to division (G) of either section 4730.25 or 175

4731.22 of the Revised Code, or the state chiropractic board 176  
issued pursuant to section 4734.37 of the Revised Code, or the 177  
liquor control commission issued pursuant to Chapter 4301. or 178  
4303. of the Revised Code shall be set down for hearing at the 179  
earliest possible time and takes precedence over all other 180  
actions. The hearing in the court of common pleas shall proceed as 181  
in the trial of a civil action, and the court shall determine the 182  
rights of the parties in accordance with the laws applicable to 183  
~~such~~ a civil action. At ~~such~~ the hearing, counsel may be heard on 184  
oral argument, briefs may be submitted, and evidence may be 185  
introduced if the court has granted a request for the presentation 186  
of additional evidence. 187

The court may affirm the order of the agency complained of in 188  
the appeal if it finds, upon consideration of the entire record 189  
and ~~such~~ any additional evidence ~~as~~ the court has admitted, that 190  
the order is supported by reliable, probative, and substantial 191  
evidence and is in accordance with law. In the absence of ~~such~~ a 192  
this finding, it may reverse, vacate, or modify the order or make 193  
such other ruling as is supported by reliable, probative, and 194  
substantial evidence and is in accordance with law. The court 195  
shall award compensation for fees in accordance with section 196  
2335.39 of the Revised Code to a prevailing party, other than an 197  
agency, in an appeal filed pursuant to this section. 198

The judgment of the court shall be final and conclusive 199  
unless reversed, vacated, or modified on appeal. ~~Such~~ These 200  
appeals may be taken either by the party or the agency, shall 201  
proceed as in the case of appeals in civil actions, and shall be 202  
pursuant to the Rules of Appellate Procedure and, to the extent 203  
not in conflict with those rules, Chapter 2505. of the Revised 204  
Code. ~~Such~~ An appeal by the agency shall be taken on questions of 205  
law relating to the constitutionality, construction, or 206  
interpretation of statutes and rules of the agency, and, ~~in~~ such 207

the appeal, the court may also review and determine the 208  
correctness of the judgment of the court of common pleas that the 209  
order of the agency is not supported by any reliable, probative, 210  
and substantial evidence in the entire record. 211

The court shall certify its judgment to ~~such~~ the agency or 212  
take ~~such~~ any other action necessary to give its judgment effect. 213

**Sec. 124.01.** ~~As~~ Except as otherwise provided in this chapter, 214  
as used in ~~Chapter 124. of the Revised Code~~ this chapter: 215

(A) "Civil service" includes all offices and positions of 216  
trust or employment in the service of the state and in the service 217  
of the counties, cities, city health districts, general health 218  
districts, and city school districts ~~thereof~~ of the state. 219

(B) "State service" includes all ~~such~~ offices and positions 220  
in the service of the state, and the counties, and general health 221  
districts ~~thereof, except~~ of the state. "State service" does not 222  
include offices and positions in the service of the cities, city 223  
health districts, and city school districts of the state. 224

(C) "Classified service" means the competitive classified 225  
civil service of the state, the several counties, cities, city 226  
health districts, general health districts, and city school 227  
districts ~~thereof~~ of the state, and civil service townships. 228

(D) "Appointing authority" means the officer, commission, 229  
board, or body having the power of appointment to, or removal 230  
from, positions in any office, department, commission, board, or 231  
institution. 232

(E) "Commission" means the municipal civil service commission 233  
of any city, except that, when in reference to the commission that 234  
serves a city school district, "commission" means the civil 235  
service commission determined under section 124.011 of the Revised 236  
Code. 237



(F) "Employee" means any person holding a position subject to appointment, removal, promotion, or reduction by an appointing officer.

(G) "Civil service township" means any township with a population of ten thousand or more persons residing within the township and outside any municipal corporation, which has a police or fire department of ten or more full-time paid employees, and which has a civil service commission established under division (B) of section 124.40 of the Revised Code.

(H) "Flexible hours employee" means an employee who may work more or less than eight hours on any given day so long as ~~he~~ the employee works forty hours in the same week.

(I) "Classification series" means any group of classification titles that have the identical name but different numerical designations, or identical titles except for designated levels of supervision, except for those classification series established by the director of administrative services in accordance with division (A) of section 124.14 of the Revised Code.

(J) "Classification change" means a change in an employee's classification in the job classification plan.

(K) "Service of the state" or "civil service of the state" includes all offices and positions of trust or employment with the government of the state. "Service of the state" and "civil service of the state" do not include offices and positions of trust or employment with state-supported colleges and universities, counties, cities, city health districts, city school districts, general health districts, and civil service townships of the state.

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

~~(A)~~(1) Hear appeals, as provided by law, of employees in the 268  
classified state service from final decisions of appointing 269  
authorities or the director of administrative services relative to 270  
reduction in pay or position, job abolishments, layoff, 271  
suspension, discharge, assignment or reassignment to a new or 272  
different position classification, or refusal of the director, or 273  
anybody authorized to perform the director's functions, to 274  
reassign an employee to another classification or to reclassify 275  
the employee's position with or without a job audit under division 276  
(D) of section 124.14 of the Revised Code. As used in this 277  
division, "discharge" includes disability separations. 278

The board may affirm, disaffirm, or modify the decisions of 279  
the appointing authorities or the director, as the case may be, 280  
and its decision is final. The board's decisions shall be 281  
consistent with the applicable classification specifications. 282

The board shall not be deprived of jurisdiction to hear any 283  
appeal due to the failure of an appointing authority to file its 284  
decision with the board. Any final decision of an appointing 285  
authority or of the director not filed in the manner provided in 286  
this chapter shall be disaffirmed. 287

The board may place an exempt employee, as defined in section 288  
124.152 of the Revised Code, into a bargaining unit 289  
classification, if the board determines that the bargaining unit 290  
classification is the proper classification for that employee. 291  
Notwithstanding Chapter 4117. of the Revised Code or instruments 292  
and contracts negotiated under it, such placements are at the 293  
board's discretion. 294

The mere failure of an employee's appointing authority to 295  
file a statement with the department of administrative services 296  
indicating that the employee is in the unclassified civil service, 297  
or the mere late filing of such a statement, does not prevent the 298

board from determining that the employee is in the unclassified 299  
civil service. In determining whether an employee is in the 300  
unclassified civil service, the board shall consider the inherent 301  
nature of the duties of the employee's classification during the 302  
two-year period immediately preceding the appointing authority's 303  
appealable action relating to the employee. 304

In any hearing before the board, including any hearing at 305  
which a record is taken that may be the basis of an appeal to a 306  
court, an employee may be represented by a person permitted to 307  
practice before the board who is not an attorney at law as long as 308  
the person does not receive any compensation from the employee for 309  
the representation. 310

~~(B)~~(2) Hear appeals, as provided by law, of appointing 311  
authorities from final decisions of the director relative to the 312  
classification or reclassification of any position in the 313  
classified state service under the jurisdiction of that appointing 314  
authority. The board may affirm, disaffirm, or modify the 315  
decisions of the director, and its decision is final. The board's 316  
decisions shall be consistent with the applicable classification 317  
specifications. 318

~~(C)~~(3) Exercise the authority provided by section 124.40 of 319  
the Revised Code, for appointment, removal, and supervision of 320  
municipal and civil service township civil service commissions; 321

~~(D)~~(4) Appoint a secretary, referees, examiners, and whatever 322  
other employees are necessary in the exercise of its powers and 323  
performance of its duties and functions. The board shall determine 324  
appropriate education and experience requirements for its 325  
secretary, referees, examiners, and other employees and shall 326  
prescribe their duties. A referee or examiner does not need to 327  
have been admitted to the practice of law. 328

~~(E)~~(5) Maintain a journal that shall be open to public 329

inspection, in which it shall keep a record of all of its 330  
proceedings and of the vote of each of its members upon every 331  
action taken by it; 332

~~(F)~~(6) Adopt rules in accordance with Chapter 119. of the 333  
Revised Code relating to the procedure of the board in 334  
administering the laws it has the authority or duty to administer 335  
and for the purpose of invoking the jurisdiction of the board in 336  
hearing appeals of appointing authorities and employees in matters 337  
set forth in divisions (A)(1) and ~~(B)~~(2) of this section; 338

~~(G)~~(7) Subpoena and require the attendance and testimony of 339  
witnesses and the production of books, papers, public records, and 340  
other documentary evidence pertinent to any matter it has 341  
authority to investigate, inquire into, or hear in the same manner 342  
and to the same extent as provided by division (G) of section 343  
124.09 of the Revised Code. All witness fees shall be paid in the 344  
manner set forth in that division. 345

~~(H)~~(B) The board shall be funded by general revenue fund 346  
appropriations. All moneys received by the board for copies of 347  
documents, rule books, and transcriptions shall be paid into the 348  
state treasury to the credit of the transcript and other documents 349  
fund, which is hereby created to defray the cost of producing an 350  
administrative record. 351

**Sec. 124.04.** In addition to those powers enumerated in 352  
Chapters 123. and 125. of the Revised Code and as provided 353  
elsewhere by law, the powers, duties, and functions of the 354  
department of administrative services not specifically vested in 355  
and assigned to, or to be performed by, the state personnel board 356  
of review are hereby vested in and assigned to, and shall be 357  
performed by, the director of administrative services. These 358  
powers, duties, and functions shall include, but shall not be 359  
limited to, the following powers, duties, and functions: 360

(A) To prepare, conduct, and grade all competitive examinations for positions in the classified state service;	361 362
(B) To prepare, conduct, and grade all noncompetitive examinations for positions in the classified state service;	363 364
(C) To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified state service;	365 366 367
(D) To prepare or amend, in accordance with section 124.14 of the Revised Code, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the various classifications of positions in the state service;	368 369 370 371
(E) To allocate and reallocate, upon the motion of the director or upon request of an appointing authority and in accordance with section 124.14 of the Revised Code, any position, office, or employment in the state service to the appropriate classification on the basis of the duties, responsibilities, requirements, and qualifications of that position, office, or employment;	372 373 374 375 376 377 378
(F) To develop and conduct personnel recruitment services for positions in the state service;	379 380
(G) To conduct research on specifications, classifications, and salaries of positions in the state service;	381 382
(H) To develop and conduct personnel training programs, <u>including supervisory training programs and best practices plans, and to develop merit hiring processes,</u> in cooperation with appointing authorities;	383 384 385 386
(I) To include periodically in communications sent to state employees both of the following:	387 388
(1) Information developed under section 2108.15 of the Revised Code promoting the donation of anatomical gifts under	389 390

Chapter 2108. of the Revised Code;	391
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	392 393 394
(J) To enter into agreements with universities and colleges for in-service training of <del>personnel</del> <u>officers and employees</u> in the civil service <u>and to assist appointing authorities in recruiting qualified applicants</u> ;	395 396 397 398
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	399 400 401 402 403
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the <del>state</del> classified <u>civil service of the state</u> and assignment or reassignment of employees in the <del>state</del> classified <u>civil service of the state</u> to specific position classifications;	404 405 406 407 408 409 410
(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;	411 412 413 414
(N) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any political subdivision with the concurrence of the legislative authority of the political subdivision.	415 416 417 418
<b>Sec. 124.07.</b> (A) The director of administrative services shall appoint examiners, inspectors, clerks, and other assistants	419 420

as necessary to carry out sections 124.01 to 124.64 of the Revised Code. The director may designate persons in or out of the ~~official~~ service of the state to serve as examiners or assistants under the director's direction. An examiner or assistant shall receive the compensation for each day actually and necessarily spent in the discharge of duties as an examiner or assistant that the director determines; provided that, if the examiner or assistant is in the ~~official~~ service of the state or any political subdivision of the state, it shall be a part of the examiner's or assistant's official duties to render those services in connection with an examination without extra compensation.

(B) Each state agency ~~and each state-supported college or university~~ shall pay the cost of the services and facilities furnished to it by the department of administrative services that are necessary to provide and maintain payroll services as prescribed in section 125.21 of the Revised Code and state merit standards as prescribed in sections 124.01 to 124.64 of the Revised Code for the agency ~~or state-supported college or university~~. If a state-supported college or university or a municipal corporation chooses to use the services and facilities furnished by the department that are necessary to provide and maintain the services and standards so prescribed, the state-supported college or university or municipal corporation shall pay the cost of the services and facilities that the department furnishes to it. The charges against a state agency, a state-supported college or university, or a municipal corporation shall be computed on a reasonable cost basis in accordance with procedures prescribed by the director of budget and management. Any moneys the department receives from a state agency, a state-supported college or university, or a municipal corporation under this division that are in excess of the amount necessary to pay the cost of furnishing the department's services and facilities during any fiscal year shall be either refunded to or

credited for the ensuing fiscal year to the state agency, the 454  
state-supported college or university, or the municipal 455  
corporation. 456

(C) The director of administrative services may enter into an 457  
agreement with any municipal corporation or other political 458  
subdivision to furnish services and facilities of the department 459  
in the administration of a merit program or other functions 460  
related to human resources. The agreement shall provide that the 461  
department shall be reimbursed for the reasonable costs of those 462  
services and facilities as determined by the director. 463

(D) All moneys received by the department as reimbursement 464  
for payroll ~~and~~, merit program, or other human resources services 465  
performed and facilities furnished under this section shall be 466  
paid into the state treasury to the credit of the human resources 467  
services fund, which is hereby created. 468

(E) In counties of the state in which are located cities 469  
having municipal civil service commissions, the director of 470  
administrative services may designate the municipal civil service 471  
commission of the largest city within the county as the director's 472  
agent for the purpose of carrying out the provisions of sections 473  
124.01 to 124.64 of the Revised Code, within the county, that the 474  
director designates. Each municipal civil service commission 475  
designated as an agent of the director shall render to the 476  
director, at the end of each month, an itemized statement of the 477  
cost incurred by the commission for work done as the agent of the 478  
director, and the director, after approving that statement, shall 479  
pay the total amount of it to the treasurer of the municipal 480  
corporation in the same manner as other expenses of the department 481  
of administrative services. 482

(F) The director of administrative services and the 483  
examiners, inspectors, clerks, and assistants referred to in this 484  
section shall receive, in addition to their salaries, 485



reimbursement for necessary traveling and other expenses incurred 486  
in the actual discharge of their official duties. The director may 487  
also incur the necessary expenses for stationery, printing, and 488  
other supplies incident to the business of the department. 489

**Sec. 124.09.** The director of administrative services shall do 490  
all of the following: 491

(A) Prescribe, amend, and enforce administrative rules for 492  
the purpose of carrying out the functions, powers, and duties 493  
vested in and imposed upon the director by this chapter. Except in 494  
the case of rules adopted pursuant to section 124.14 of the 495  
Revised Code, the prescription, amendment, and enforcement of 496  
rules under this division are subject to approval, disapproval, or 497  
modification by the state personnel board of review. 498

(B) Keep records of the director's proceedings and records of 499  
all applications for examinations and all examinations conducted 500  
by the director. All of those records, except examinations, 501  
proficiency assessments, and recommendations of former employers, 502  
shall be open to public inspection under reasonable regulations; 503  
provided the governor, or any person designated by the governor, 504  
may, for the purpose of investigation, have free access to all of 505  
those records, whenever the governor has reason to believe that 506  
this chapter, or the administrative rules of the director 507  
prescribed under this chapter, are being violated. 508

(C) Prepare, continue, and keep in the office of the 509  
department of administrative services a complete roster of all 510  
persons in the classified civil service of the state who are paid 511  
directly by warrant of the director of budget and management. This 512  
roster shall be open to public inspection at all reasonable hours. 513  
It shall show in reference to each of those persons, the person's 514  
name, address, date of appointment to or employment in the 515  
classified civil service of the state, and salary or compensation, 516

the title of the place or office that the person holds, the nature 517  
of the duties of that place or office, and, in case of the 518  
person's removal or resignation, the date of the termination of 519  
that service. 520

(D) Approve the establishment of all new positions in the 521  
civil service of the state and the reestablishment of abolished 522  
positions; 523

(E) Require the abolishment of any position in the civil 524  
service of the state that is not filled after a period of twelve 525  
months unless it is determined that the position is seasonal in 526  
nature or that the vacancy is otherwise justified; 527

(F) Make investigations concerning all matters touching the 528  
enforcement and effect of this chapter and the administrative 529  
rules of the director of administrative services prescribed under 530  
this chapter. In the course of those investigations, the director 531  
or the director's deputy may administer oaths and affirmations and 532  
take testimony relative to any matter which the director has 533  
authority to investigate. 534

(G) Have the power to subpoena and require the attendance and 535  
testimony of witnesses and the production of books, papers, public 536  
records, and other documentary evidence pertinent to the 537  
investigations, inquiries, or hearings on any matter which the 538  
director has authority to investigate, inquire into, or hear, and 539  
to examine them in relation to any matter which the director has 540  
authority to investigate, inquire into, or hear. Fees shall be 541  
allowed to witnesses and, on their certificate, duly audited, 542  
shall be paid by the treasurer of state or, in the case of 543  
municipal or civil service township civil service commissions, by 544  
the county treasurer, for attendance and traveling, as is provided 545  
in section 2335.06 of the Revised Code for witnesses in courts of 546  
record. All officers in the civil service of the state or any of 547  
the political subdivisions of the state and their deputies, 548

clerks, and employees shall attend and testify when summoned to do 549  
so by the director or the state personnel board of review. 550  
Depositions of witnesses may be taken by the director or the 551  
board, or any member of the board, in the manner prescribed by law 552  
for like depositions in civil actions in the courts of common 553  
pleas. In case any person, in disobedience to any subpoena issued 554  
by the director or the board, or any member of the board, or the 555  
chief examiner, fails or refuses to attend and testify to any 556  
matter regarding which the person may be lawfully interrogated, or 557  
produce any documentary evidence pertinent to any investigation, 558  
inquiry, or hearing, the court of common pleas of any county, or 559  
any judge of the court of common pleas of any county, where the 560  
disobedience, failure, or refusal occurs, upon application of the 561  
director or the board, or any member of the board, or a municipal 562  
or civil service township civil service commission, or any 563  
commissioner of such a commission, or their chief examiner, shall 564  
compel obedience by attachment proceedings for contempt as in the 565  
case of disobedience of the requirements of a subpoena issued from 566  
the court or a refusal to testify in the court. 567

(H) Make a report to the governor, on or before the first day 568  
of January of each year, showing the director's actions, the rules 569  
and all exceptions to the rules in force, and any recommendations 570  
for the more effectual accomplishment of the purposes of this 571  
chapter. The director shall also furnish any special reports to 572  
the governor whenever the governor requests them. The reports 573  
shall be printed for public distribution under the same 574  
regulations as are the reports of other state officers, boards, or 575  
commissions. 576

**Sec. 124.11.** The civil service of the state and the several 577  
counties, cities, civil service townships, city health districts, 578  
general health districts, and city school districts of the state 579

shall be divided into the unclassified service and the classified service. 580  
581

(A) The unclassified service shall comprise the following 582  
positions, which shall not be included in the classified service, 583  
and which shall be exempt from all examinations required by this 584  
chapter: 585

(1) All officers elected by popular vote or persons appointed 586  
to fill vacancies in those offices; 587

(2) All election officers as defined in section 3501.01 of 588  
the Revised Code; 589

(3)(a) The members of all boards and commissions, and heads 590  
of principal departments, boards, and commissions appointed by the 591  
governor or by and with the governor's consent; ~~and the~~ 592

(b) The heads of all departments appointed by a board of 593  
county commissioners; 594

(c) The members of all boards and commissions and all heads 595  
of departments appointed by the mayor, or, if there is no mayor, 596  
such other similar chief appointing authority of any city or city 597  
school district. ~~Except;~~ 598

Except as otherwise provided in division (A)(17) or (C) of 599  
this section, this chapter does not exempt the chiefs of police 600  
departments and chiefs of fire departments of cities or civil 601  
service townships from the competitive classified service. 602

(4) The members of county or district licensing boards or 603  
commissions and boards of revision, and not more than five deputy 604  
county auditors; 605

(5) All officers and employees elected or appointed by either 606  
or both branches of the general assembly, and employees of the 607  
city legislative authority engaged in legislative duties; 608

(6) All commissioned, warrant, and noncommissioned officers 609

and enlisted persons in the Ohio organized militia, including  
military appointees in the adjutant general's department;

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(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;

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

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(8) Four clerical and administrative support employees for  
each of the elective state officers, four clerical and  
administrative support employees for each board of county  
commissioners and one such employee for each county commissioner,  
and ~~three~~ four 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;

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(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

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this section applies to any position in a county department of job  
and family 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 primarily 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 this state, or medical assistants, in mental 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;	702
(22) County directors of job and family services as provided	703
in section 329.02 of the Revised Code and administrators appointed	704
under section 329.021 of the Revised Code;	705
(23) A director of economic development who is hired pursuant	706
to division (A) of section 307.07 of the Revised Code;	707
(24) Chiefs of construction and compliance, of operations and	708
maintenance, and of licensing and certification in the division of	709
industrial compliance in the department of commerce;	710
(25) The executive director of a county transit system	711
appointed under division (A) of section 306.04 of the Revised	712
Code;	713
(26) Up to five positions at each of the administrative	714
departments listed in section 121.02 of the Revised Code and at	715
the department of taxation, department of the adjutant general,	716
department of education, Ohio board of regents, bureau of workers'	717
compensation, industrial commission, state lottery commission, and	718
public utilities commission of Ohio that the head of that	719
administrative department or of that other state agency determines	720
to be involved in policy development and implementation. The head	721
of the administrative department or other state agency shall set	722
the compensation for employees in these positions at a rate that	723
is not less than the minimum compensation specified in pay range	724
41 but not more than the maximum compensation specified in pay	725
range 44 of salary schedule E-2 in section 124.152 of the Revised	726
Code. The authority to establish positions in the unclassified	727
service under division (A)(26) of this section is in addition to	728
and does not limit any other authority that an administrative	729
department or state agency has under the Revised Code to establish	730
positions, appoint employees, or set compensation.	731
(27) Employees of the department of agriculture employed	732



under section 901.09 of the Revised Code; 733

(28) For cities, counties, civil service townships, city 734  
health districts, general health districts, and city school 735  
districts, the deputies and assistants of elective or principal 736  
executive officers authorized to act for and in the place of their 737  
principals or holding a fiduciary relation to their principals; 738

(29) Employees who receive external ~~interim, intermittent, or~~ 739  
temporary appointments under division (B) of section 124.30 of the 740  
Revised Code; 741

(30) Employees appointed to administrative staff positions 742  
for which an appointing authority is given specific statutory 743  
authority to set compensation; 744

(31) Employees appointed to highway patrol cadet or highway 745  
patrol cadet candidate classifications; 746

(32) Employees placed in the unclassified service by another 747  
section of the Revised Code. 748

(B) The classified service shall comprise all persons in the 749  
employ of the state and the several counties, cities, city health 750  
districts, general health districts, and city school districts of 751  
the state, not specifically included in the unclassified service. 752  
Upon the creation by the board of trustees of a civil service 753  
township civil service commission, the classified service shall 754  
also comprise, except as otherwise provided in division (A)(17) or 755  
(C) of this section, all persons in the employ of a civil service 756  
township police or fire department having ten or more full-time 757  
paid employees. The classified service consists of two classes, 758  
which shall be designated as the competitive class and the 759  
unskilled labor class. 760

(1) The competitive class shall include all positions and 761  
employments in the state and the counties, cities, city health 762

districts, general health districts, and city school districts of 763  
the state, and, upon the creation by the board of trustees of a 764  
civil service township of a township civil service commission, all 765  
positions in a civil service township police or fire department 766  
having ten or more full-time paid employees, for which it is 767  
practicable to determine the merit and fitness of applicants by 768  
competitive examinations. Appointments shall be made to, or 769  
employment shall be given in, all positions in the competitive 770  
class that are not filled by promotion, reinstatement, transfer, 771  
or reduction, as provided in this chapter, and the rules of the 772  
director of administrative services, by appointment from those 773  
certified to the appointing officer in accordance with this 774  
chapter. 775

(2) The unskilled labor class shall include ordinary 776  
unskilled laborers. Vacancies in the labor class for positions in 777  
service of the state shall be filled by appointment from lists of 778  
applicants registered by the director ~~or a commission, as~~ 779  
~~applicable.~~ Vacancies in the labor class for all other positions 780  
shall be filled by appointment from lists of applicants registered 781  
by a commission. The director or the commission, as applicable, by 782  
rule, shall require an applicant for registration in the labor 783  
class to furnish evidence or take tests as the director or 784  
commission considers proper with respect to age, residence, 785  
physical condition, ability to labor, honesty, sobriety, industry, 786  
capacity, and experience in the work or employment for which 787  
application is made. Laborers who fulfill the requirements shall 788  
be placed on the eligible list for the kind of labor or employment 789  
sought, and preference shall be given in employment in accordance 790  
with the rating received from that evidence or in those tests. 791  
Upon the request of an appointing officer, stating the kind of 792  
labor needed, the pay and probable length of employment, and the 793  
number to be employed, the director or commission, as applicable, 794

shall certify from the highest on the list double the number to be 795  
employed; from this number, the appointing officer shall appoint 796  
the number actually needed for the particular work. If more than 797  
one applicant receives the same rating, priority in time of 798  
application shall determine the order in which their names shall 799  
be certified for appointment. 800

(C) A municipal or civil service township civil service 801  
commission may place volunteer firefighters who are paid on a 802  
fee-for-service basis in either the classified or the unclassified 803  
civil service. 804

(D) This division does not apply to persons in the 805  
unclassified service who have the right to resume positions in the 806  
classified service under sections 4121.121, 5119.071, 5120.07, 807  
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the 808  
Revised Code. 809

An appointing authority whose employees are paid directly by 810  
warrant of the director of budget and management may appoint a 811  
person who holds a certified position in the classified service 812  
within the appointing authority's agency to a position in the 813  
unclassified service within that agency. A person appointed 814  
pursuant to this division to a position in the unclassified 815  
service shall retain the right to resume the position and status 816  
held by the person in the classified service immediately prior to 817  
the person's appointment to the position in the unclassified 818  
service, regardless of the number of positions the person held in 819  
the unclassified service. An employee's right to resume a position 820  
in the classified service may only be exercised when an appointing 821  
authority demotes the employee to a pay range lower than the 822  
employee's current pay range or revokes the employee's appointment 823  
to the unclassified service. An employee forfeits the right to 824  
resume a position in the classified service when the employee is 825  
removed from the position in the unclassified service due to 826

incompetence, inefficiency, dishonesty, drunkenness, immoral 827  
conduct, insubordination, discourteous treatment of the public, 828  
neglect of duty, violation of this chapter or the rules of the 829  
director of administrative services, any other failure of good 830  
behavior, any other acts of misfeasance, malfeasance, or 831  
nonfeasance in office, or conviction of a felony. An employee also 832  
forfeits the right to resume a position in the classified service 833  
upon transfer to a different agency. 834

Reinstatement to a position in the classified service shall 835  
be to a position substantially equal to that position in the 836  
classified service held previously, as certified by the director 837  
of administrative services. If the position the person previously 838  
held in the classified service has been placed in the unclassified 839  
service or is otherwise unavailable, the person shall be appointed 840  
to a position in the classified service within the appointing 841  
authority's agency that the director of administrative services 842  
certifies is comparable in compensation to the position the person 843  
previously held in the classified service. Service in the position 844  
in the unclassified service shall be counted as service in the 845  
position in the classified service held by the person immediately 846  
prior to the person's appointment to the position in the 847  
unclassified service. When a person is reinstated to a position in 848  
the classified service as provided in this division, the person is 849  
entitled to all rights, status, and benefits accruing to the 850  
position in the classified service during the person's time of 851  
service in the position in the unclassified service. 852

Sec. 124.12. (A) Within ninety days after an appointing 853  
authority appoints an employee to an unclassified position in the 854  
service of the state, the appointing authority shall notify the 855  
department of administrative services of that appointment. 856

(B) On the date an appointing authority appoints an employee 857

to an unclassified position in the state service, the appointing authority shall provide the employee with written information describing the nature of employment in the unclassified civil service. Within thirty days after the date an appointing authority appoints an employee to an unclassified position in the state service, the appointing authority shall provide the employee with written information describing the duties of that position. Failure of the appointing authority to provide the written information described in this division to the employee does not confer any additional rights upon the employee in any appellate body with jurisdiction over an appeal of the employee.

(C) The department shall develop and provide each appointing authority in the state service with a general written description of the nature of employment in the unclassified civil service that shall be provided to employees under division (B) of this section.

**Sec. 124.133.** The director of administrative services may establish, by rule adopted under Chapter 119. of the Revised Code, an experimental program to be implemented on a limited basis only which grants to employees in the service of the state vacation leave, sick leave, disability leave, personal leave, life insurance, or medical insurance benefits that differ from these benefits as granted by sections 124.13, 124.134, 124.382, 124.385, 124.386, 124.81, and 124.82 of the Revised Code. However, this program shall not reduce the number of hours of vacation leave, sick leave, or personal leave which an employee has accrued as of the effective date of the rule.

**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 888  
employment, and annually thereafter, eighty hours of vacation 889  
leave with full pay. One year of service shall be computed on the 890  
basis of twenty-six biweekly pay periods. A full-time permanent 891  
state employee with five or more years of service shall have 892  
earned and is entitled to one hundred twenty hours of vacation 893  
leave with full pay. A full-time permanent state employee with ten 894  
or more years of service shall have earned and is entitled to one 895  
hundred sixty hours of vacation leave with full pay. A full-time 896  
permanent state employee with fifteen or more years of service 897  
shall have earned and is entitled to one hundred eighty hours of 898  
vacation leave with full pay. A full-time permanent state employee 899  
with twenty or more years of service shall have earned and is 900  
entitled to two hundred hours of vacation leave with full pay. A 901  
full-time permanent state employee with twenty-five or more years 902  
of service shall have earned and is entitled to two hundred forty 903  
hours of vacation leave with full pay. Such vacation leave shall 904  
accrue to the employee at the rate of three and one-tenth hours 905  
each biweekly period for those entitled to eighty hours per year; 906  
four and six-tenths hours each biweekly period for those entitled 907  
to one hundred twenty hours per year; six and two-tenths hours 908  
each biweekly period for those entitled to one hundred sixty hours 909  
per year; six and nine-tenths hours each biweekly period for those 910  
entitled to one hundred eighty hours per year; seven and 911  
seven-tenths hours each biweekly period for those entitled to two 912  
hundred hours per year; and nine and two-tenths hours each 913  
biweekly period for those entitled to two hundred forty hours per 914  
year. 915

The amount of an employee's service shall be determined in 916  
accordance with the standard specified in section 9.44 of the 917  
Revised Code. Credit for prior service, including an increased 918  
vacation accrual rate and longevity supplement, shall take effect 919  
during the first pay period that begins immediately following the 920

date the director of administrative services approves granting 921  
credit for that prior service. No employee, other than an employee 922  
who submits proof of prior service within ninety days after the 923  
date of the employee's hiring, shall receive any amount of 924  
vacation leave for the period prior to the date of the director's 925  
approval of the grant of credit for prior service. 926

Part-time permanent employees who are paid in accordance with 927  
section 124.152 of the Revised Code and full-time permanent 928  
employees subject to this section who are in active pay status for 929  
less than eighty hours in a pay period shall earn vacation leave 930  
on a prorated basis. The ratio between the hours worked and the 931  
vacation hours earned by these classes of employees shall be the 932  
same as the ratio between the hours worked and the vacation hours 933  
earned by a full-time permanent employee with the same amount of 934  
service as provided for in this section. 935

Vacation leave is not available for use until it appears on 936  
the employee's earning statement and the compensation described in 937  
the earning statement is available to the employee. 938

(B) Employees granted leave under this section shall forfeit 939  
their right to take or to be paid for any vacation leave to their 940  
credit which is in excess of the accrual for three years. ~~Such~~ Any 941  
excess leave shall be eliminated from the employees' leave 942  
balance. If an employee's vacation leave credit is at, or will 943  
reach in the immediately following pay period, the maximum of the 944  
accrual for three years and the employee has been denied the use 945  
of vacation leave during the immediately preceding twelve months, 946  
the employee, at the employee's request, shall be paid in a pay 947  
period for the vacation leave the employee was denied, up to the 948  
maximum amount the employee would be entitled to be paid for in 949  
any pay period. An employee is not entitled to receive payment for 950  
vacation leave denied in any pay period in which the employee's 951  
vacation leave credit is not at, or will not reach in the 952

immediately following pay period, the maximum of accrual for three 953  
years. Any vacation leave for which an employee receives payment 954  
shall be deducted from the employee's vacation leave balance. ~~Such~~ 955  
~~payment~~ Payment shall not be made for any leave accrued in the 956  
same calendar year in which the payment is made. 957

(C) Upon separation from state service, an employee granted 958  
leave under this section is entitled to compensation at the 959  
employee's current rate of pay for all unused vacation leave 960  
accrued under this section or section 124.13 of the Revised Code 961  
to the employee's credit. In case of transfer of an employee from 962  
one state agency to another, the employee shall retain the accrued 963  
and unused vacation leave. In case of the death of an employee, 964  
~~such~~ the unused vacation leave shall be paid in accordance with 965  
section 2113.04 of the Revised Code, or to the employee's estate. 966  
An employee serving in a temporary work level ~~or an interim~~ 967  
~~appointment~~ who is eligible to receive compensation under this 968  
division shall be compensated at the base rate of pay of the 969  
employee's normal classification. 970

**Sec. 124.14.** (A)(1) The director of administrative services 971  
shall establish, and may modify or ~~repeal~~ rescind, by rule, a job 972  
classification plan for all positions, offices, and employments 973  
the salaries of which are paid in whole or in part by the state. 974  
The director shall group jobs within a classification so that the 975  
positions are similar enough in duties and responsibilities to be 976  
described by the same title, to have the same pay assigned with 977  
equity, and to have the same qualifications for selection applied. 978  
The director shall, by rule, assign a classification title to each 979  
classification within the classification plan. However, the 980  
director shall consider in establishing classifications, including 981  
classifications with parenthetical titles, and assigning pay 982  
ranges such factors as duties performed only on one shift, special 983  
skills in short supply in the labor market, recruitment problems, 984



separation rates, comparative salary rates, the amount of training 985  
required, and other conditions affecting employment. The director 986  
shall describe the duties and responsibilities of the class ~~and~~, 987  
establish the qualifications for being employed in ~~that~~ each 988  
position in the class, and ~~shall~~ file with the secretary of state 989  
a copy of specifications for all of the classifications. The 990  
director shall file new, additional, or revised specifications 991  
with the secretary of state before ~~being~~ they are used. 992

The director shall, by rule, assign each classification, 993  
either on a statewide basis or in particular counties or state 994  
institutions, to a pay range established under section 124.15 or 995  
section 124.152 of the Revised Code. The director may assign a 996  
classification to a pay range on a temporary basis for a period of 997  
~~time designated in the rule~~ six months. The director may 998  
establish, by rule adopted under Chapter 119. of the Revised Code, 999  
experimental classification plans for some or all employees paid 1000  
directly by warrant of the director of budget and management. The 1001  
rule shall include specifications for each classification within 1002  
the plan and shall specifically address compensation ranges, and 1003  
methods for advancing within the ranges, for the classifications, 1004  
which may be assigned to pay ranges other than the pay ranges 1005  
established under section 124.15 or 124.152 of the Revised Code. 1006

(2) The director of administrative services may reassign to a 1007  
proper classification those positions that have been assigned to 1008  
an improper classification. If the compensation of an employee in 1009  
such a reassigned position exceeds the maximum rate of pay for the 1010  
employee's new classification, the employee shall be placed in pay 1011  
step X and shall not receive an increase in compensation until the 1012  
maximum rate of pay for that classification exceeds the employee's 1013  
compensation. 1014

(3) The director may reassign an exempt employee, as defined 1015  
in section 124.152 of the Revised Code, to a bargaining unit 1016

classification if the director determines that the bargaining unit 1017  
classification is the proper classification for that employee. 1018  
Notwithstanding Chapter 4117. of the Revised Code or instruments 1019  
and contracts negotiated under it, ~~such~~ these placements are at 1020  
the director's discretion. 1021

(4) The director shall, by rule, assign related 1022  
classifications, which form a career progression, to a 1023  
classification series. The director shall, by rule, assign each 1024  
classification in the classification plan a five-digit number, the 1025  
first four digits of which shall denote the classification series 1026  
to which the classification is assigned. When a career progression 1027  
encompasses more than ten classifications, the director shall, by 1028  
rule, identify the additional classifications belonging to a 1029  
classification series. ~~Such~~ The additional classifications shall 1030  
be part of the classification series, notwithstanding the fact 1031  
that the first four digits of the number assigned to the 1032  
additional classifications do not correspond to the first four 1033  
digits of the numbers assigned to other classifications in the 1034  
classification series. 1035

(5) The director ~~shall adopt, in accordance with rules in~~ 1036  
~~accordance with~~ adopted under Chapter 119. of the Revised Code ~~for~~ 1037  
~~the establishment of, shall establish, and may modify or rescind,~~ 1038  
a classification plan for county agencies that elect not to use 1039  
the services and facilities of a county personnel department. The 1040  
rules shall include a methodology for the establishment of titles 1041  
unique to county agencies, the use of state classification titles 1042  
and classification specifications for common positions, the 1043  
criteria for a county to meet in establishing its own 1044  
classification plan, and the establishment of what constitutes a 1045  
classification series for county agencies. 1046

(B) Division (A) of this section and sections 124.15 and 1047  
124.152 of the Revised Code do not apply to the following persons, 1048

positions, offices, and employments:	1049
(1) Elected officials;	1050
(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;	1051 1052 1053 1054 1055 1056
(3) Employees of a county children services board that establishes compensation rates under section 5153.12 of the Revised Code;	1057 1058 1059
(4) Any position for which the authority to determine compensation is given by law to another individual or entity;	1060 1061
(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.	1062 1063 1064 1065
(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.	1066 1067
(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 <del>the</del> <u>a</u> hearing on the proposed rule. The appointing authorities shall notify the affected employees regarding the proposed rule. The director <u>also</u> shall <del>also</del> send <del>such</del> <u>those</u> appointing authorities notice of any final rule <del>which</del> <u>that</u> is adopted within ten days after adoption.	1068 1069 1070 1071 1072 1073 1074 1075 1076
(2) When the director proposes to reclassify any employee so that the employee is adversely affected, the director shall give	1077 1078

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 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, the 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)(1) 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 Division (E)(1) of this section ~~do~~ does 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 1142  
vested in and assigned to the boards of trustees of those colleges 1143  
and universities, or those officers to whom the boards of trustees 1144  
have delegated these powers, duties, and functions, subject to a 1145  
periodic audit and review by the director. In exercising the 1146  
powers, duties, and functions of the director, the boards of 1147  
trustees or the officers to whom these powers, duties, and 1148  
functions were delegated need not establish a job classification 1149  
plan for unclassified employees and may proceed under section 1150  
111.15 of the Revised Code when exercising the director's 1151  
rule making authority. The adoption, amendment, rescission, and 1152  
enforcement of rules under this division is not subject to 1153  
approval, disapproval, or modification by the state personnel 1154  
board of review. Nothing in this division shall be construed to 1155  
limit the right of any classified employee who possesses the right 1156  
of appeal to the state personnel board of review to continue to 1157  
possess that right of appeal. 1158~~

~~Upon the director's determination or finding of the misuse by 1159  
the board of trustees of or a designated officer of a 1160  
state supported college or university of the authority granted 1161  
under this division, the director shall order and direct the 1162  
personnel functions of that state supported college or university 1163  
until sections 124.01 to 124.64 of the Revised Code have been 1164  
fully complied with (1) Notwithstanding any contrary provision of 1165  
sections 124.01 to 124.64 of the Revised Code, the board of 1166  
trustees of each state university or college, as defined in 1167  
section 3345.12 of the Revised Code, shall carry out all matters 1168  
of governance involving the officers and employees of the 1169  
university or college, including, but not limited to, the powers, 1170  
duties, and functions of the department of administrative services 1171  
and the director of administrative services specified in this 1172  
chapter. Officers and employees of a state university or college 1173  
shall have the right of appeal to the state personnel board of 1174~~

review as provided in this chapter. 1175

(2) Each board of trustees shall adopt rules under section 111.15 of the Revised Code to carry out the matters of governance described in division (F)(1) of this section. Until the board of trustees adopts those rules, a state university or college shall continue to operate pursuant to the applicable rules adopted by the director of administrative services under this chapter. 1176  
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(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. 1182  
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(2)(a) Each board of county commissioners may, by a resolution adopted by a majority of its members, may 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~~ The board of county commissioners shall deliver a certified copy of the resolution to the director of administrative services not later than ten working days after the resolution is adopted, and the director shall inform the board in a writing sent by certified mail of the date of receipt of the copy of the resolution. 1189  
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(b) Upon the director's receipt of a the copy of the 1206

resolution ~~by the board to the director, these, the~~ powers, 1207  
duties, and functions ~~are referred to in division (G)(2)(a) of~~ 1208  
this section that may be exercised shall be vested in and assigned 1209  
to the county personnel department with respect to the employees 1210  
for whom the board of county commissioners is the appointing 1211  
authority or co-appointing authority. ~~The certification to the~~ 1212  
~~director shall be provided not later than one hundred twenty days~~ 1213  
~~before the first day of July of an odd numbered year, and,~~ 1214  
~~following the certification, the powers, duties, and functions~~ 1215  
~~specified in sections 124.01 to 124.64 and Chapter 325. of the~~ 1216  
~~Revised Code shall be vested in and assigned to the county~~ 1217  
~~personnel department on that first day of July. Nothing~~ 1218

(c) Nothing in division (G)(2) of this section shall be 1219  
construed to limit the right of any employee who possesses the 1220  
right of appeal to the state personnel board of review to continue 1221  
to possess that right of appeal. 1222

(d) Any board of county commissioners that has established a 1223  
county personnel department may contract with the department of 1224  
administrative services, another political subdivision, or an 1225  
appropriate public or private entity to provide competitive 1226  
testing services or other appropriate services. 1227

(3) After the county personnel department of a county has 1228  
assumed the powers, duties, and functions of the department of 1229  
administrative services and the director of administrative 1230  
services as described in division (G)(2) of this section, any 1231  
elected official, board, agency, or other appointing authority of 1232  
that county ~~may~~, upon written notification to the director, may 1233  
elect to use the services and facilities of the county personnel 1234  
department. Upon the acceptance by the director of ~~such that~~ 1235  
written notification, the county personnel department shall 1236  
exercise the powers, duties, and functions of the department of 1237  
administrative services and the director as described in division 1238



(G)(2) of this section with respect to the employees of that 1239  
elected official, board, agency, or other appointing authority. 1240  
~~The notification to the director shall be provided not later than~~ 1241  
~~one hundred twenty days before the first day of July of an~~ 1242  
~~odd numbered year, and, following the notification, the powers,~~ 1243  
~~duties, and functions specified in sections 124.01 to 124.64 and~~ 1244  
~~Chapter 325. of the Revised Code with respect to the employees of~~ 1245  
~~that elected official, board, agency, or other appointing~~ 1246  
~~authority shall be vested in and assigned to the county personnel~~ 1247  
~~department on that first day of July. The director shall inform~~ 1248  
~~the elected official, board, agency, or other appointing authority~~ 1249  
~~in a writing sent by certified mail of the date of acceptance of~~ 1250  
~~that written notification.~~ Except for those employees under the 1251  
jurisdiction of the county personnel department, the director 1252  
shall continue to exercise these powers, duties, and functions 1253  
with respect to employees of the county. 1254

(4) ~~Each~~ When at least two years have passed since the 1255  
creation of a county personnel department, a board of county 1256  
commissioners ~~that has established a county personnel department~~ 1257  
~~may,~~ by a resolution adopted by a majority of its members, may 1258  
disband the county personnel department and return to the 1259  
department of administrative services for the administration of 1260  
sections 124.01 to 124.64 and Chapter 325. of the Revised Code. 1261  
~~The board shall, not later than one hundred twenty days before the~~ 1262  
~~first day of July of an odd numbered year, send the director a~~ 1263  
~~certified copy of the resolution disbanding the county personnel~~ 1264  
~~department. All shall deliver a certified copy of the resolution~~ 1265  
~~to the director of administrative services not later than ten~~ 1266  
~~working days after the resolution is adopted, and the director~~ 1267  
~~shall inform the board in a writing sent by certified mail of the~~ 1268  
~~date of receipt of the copy of the resolution. Upon the director's~~ 1269  
~~receipt of the copy of the resolution, all~~ powers, duties, and 1270  
functions previously vested in and assigned to the county 1271

personnel department shall return to the director ~~on that first~~ 1272  
~~day of July.~~ 1273

(5) ~~Any~~ When at least two years have passed since electing to 1274  
use the services and facilities of a county personnel department, 1275  
an elected official, board, agency, or appointing authority of a 1276  
county may return to the department of administrative services for 1277  
the administration of sections 124.01 to 124.64 and Chapter 325. 1278  
of the Revised Code. The elected official, board, agency, or 1279  
appointing authority shall, ~~not later than one hundred twenty days~~ 1280  
~~before the first day of July of an odd numbered year,~~ send the 1281  
director of administrative services a certified copy of the 1282  
resolution that states its decision. ~~All~~ to return to the 1283  
department of administrative services' jurisdiction, and the 1284  
director shall inform the elected official, board, agency, or 1285  
appointing authority in a writing sent by certified mail of the 1286  
date of receipt of the copy of the resolution. Upon the director's 1287  
receipt of the copy of the resolution, all powers, duties, and 1288  
functions previously vested in and assigned to the county 1289  
personnel department with respect to the employees of that elected 1290  
official, board, agency, or appointing authority shall return to 1291  
the director ~~on that first day of July.~~ 1292

(6) The director of administrative services, by rule adopted 1293  
in accordance with Chapter 119. of the Revised Code, shall 1294  
prescribe criteria and procedures for granting to each county 1295  
personnel department the powers, duties, and functions of the 1296  
department of administrative services and the director as 1297  
described in division (G)(2) of this section with respect to the 1298  
employees of an elected official, board, agency, or other 1299  
appointing authority or co-appointing authority. The rules shall 1300  
cover the following criteria and procedures: 1301

(a) The notification to the department of administrative 1302  
services that an elected official, board, agency, or other 1303

appointing authority of a county has elected to use the services 1304  
and facilities of the county personnel department; 1305

(b) A requirement that each county personnel department, in 1306  
carrying out its duties, adhere to merit system principles with 1307  
regard to employees of county departments of job and family 1308  
services, child support enforcement agencies, and public child 1309  
welfare agencies so that there is no threatened loss of federal 1310  
funding for these agencies, and a requirement that the county be 1311  
financially liable to the state for any loss of federal funds due 1312  
to the action or inaction of the county personnel department. The 1313  
costs associated with audits conducted to monitor compliance with 1314  
division (G)(6)(b) of this section shall be borne equally by the 1315  
department of administrative services and the county. 1316

(c) The termination of services and facilities rendered by 1317  
the department of administrative services, to include rate 1318  
adjustments, time periods for termination, and other related 1319  
matters; 1320

(d) Authorization for the director of administrative services 1321  
to conduct periodic audits and reviews of county personnel 1322  
departments to guarantee the uniform application of this granting 1323  
of the director's powers, duties, and functions. The costs of the 1324  
audits and reviews shall be borne equally by the department of 1325  
administrative services and the county for which the services ~~were~~ 1326  
are performed. 1327

(e) The dissemination of audit findings under division 1328  
(G)~~(5)~~(6)(d) of this section, any appeals process relating to 1329  
adverse findings by the department, and the methods whereby the 1330  
county personnel program will revert to the authority of the 1331  
director of administrative services due to misuse or nonuniform 1332  
application of the authority granted to the county under division 1333  
(G)(2) or (3) of this section. 1334

(H) The director of administrative services shall establish 1335  
the rate and method of compensation for all employees who are paid 1336  
directly by warrant of the director of budget and management and 1337  
who are serving in positions ~~which~~ that the director of 1338  
administrative services has determined impracticable to include in 1339  
the state job classification plan. This division does not apply to 1340  
elected officials, legislative employees, employees of the 1341  
legislative service commission, employees who are in the 1342  
unclassified civil service and exempt from collective bargaining 1343  
coverage in the office of the secretary of state, auditor of 1344  
state, treasurer of state, and attorney general, employees of the 1345  
courts, employees of the bureau of workers' compensation whose 1346  
compensation the administrator of workers' compensation 1347  
establishes under division (B) of section 4121.121 of the Revised 1348  
Code, or employees of an appointing authority authorized by law to 1349  
fix the compensation of those employees. 1350

(I) The director shall set the rate of compensation for all 1351  
~~intermittent, interim,~~ seasonal, temporary, emergency, and casual 1352  
employees in the service of the state who are not considered 1353  
public employees under section 4117.01 of the Revised Code. ~~Such~~ 1354  
Those employees are not entitled to receive employee benefits. 1355  
This rate of compensation shall be equitable in terms of the rate 1356  
of employees serving in the same or similar classifications. This 1357  
division does not apply to elected officials, legislative 1358  
employees, employees of the legislative service commission, 1359  
employees who are in the unclassified civil service and exempt 1360  
from collective bargaining coverage in the office of the secretary 1361  
of state, auditor of state, treasurer of state, and attorney 1362  
general, employees of the courts, employees of the bureau of 1363  
workers' compensation whose compensation the administrator 1364  
establishes under division (B) of section 4121.121 of the Revised 1365  
Code, or employees of an appointing authority authorized by law to 1366

fix the compensation of those employees. 1367

Sec. 124.141. The director of administrative services may 1368  
establish, by rule adopted under Chapter 119. of the Revised Code, 1369  
an appointment incentive program that allows an appointing 1370  
authority to pay to an officer or employee described in division 1371  
(A)(30) of section 124.11, division (B)(2) of section 124.14, or 1372  
division (B) of section 126.32 of the Revised Code a salary and 1373  
benefits package that differs from the salary and benefits 1374  
otherwise provided by law for that officer or employee, provided 1375  
that the appointment incentive program established by the director 1376  
cannot include authority for an appointing authority to provide 1377  
health care benefits to a covered officer or employee that are 1378  
different from health care benefits otherwise provided by law for 1379  
that officer or employee. 1380

**Sec. 124.15.** (A) Board and commission members appointed prior 1381  
to July 1, 1991, shall be paid a salary or wage in accordance with 1382  
the following schedules of rates: 1383

Schedule B 1384

Pay Ranges and Step Values 1385

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	1386
Annually	11897.60	12292.80	12688.00	13124.80	1387
	Step 5	Step 6			1388
Hourly	6.52	6.75			1389
Annually	13561.60	14040.00			1390
	Step 1	Step 2	Step 3	Step 4	1391
24 Hourly	6.00	6.20	6.41	6.63	1392
Annually	12480.00	12896.00	13332.80	13790.40	1393
	Step 5	Step 6			1394
Hourly	6.87	7.10			1395
Annually	14289.60	14768.00			1396

		Step 1	Step 2	Step 3	Step 4	1398
25	Hourly	6.31	6.52	6.75	6.99	1399
	Annually	13124.80	13561.60	14040.00	14539.20	1400
		Step 5	Step 6			1401
	Hourly	7.23	7.41			1402
	Annually	15038.40	15412.80			1403
		Step 1	Step 2	Step 3	Step 4	1404
26	Hourly	6.63	6.87	7.10	7.32	1405
	Annually	13790.40	14289.60	14768.00	15225.60	1406
		Step 5	Step 6			1407
	Hourly	7.53	7.77			1408
	Annually	15662.40	16161.60			1409
		Step 1	Step 2	Step 3	Step 4	1410
27	Hourly	6.99	7.23	7.41	7.64	1411
	Annually	14534.20	15038.40	15412.80	15891.20	1412
		Step 5	Step 6	Step 7		1413
	Hourly	7.88	8.15	8.46		1414
	Annually	16390.40	16952.00	17596.80		1415
		Step 1	Step 2	Step 3	Step 4	1416
28	Hourly	7.41	7.64	7.88	8.15	1417
	Annually	15412.80	15891.20	16390.40	16952.00	1418
		Step 5	Step 6	Step 7		1419
	Hourly	8.46	8.79	9.15		1420
	Annually	17596.80	18283.20	19032.00		1421
		Step 1	Step 2	Step 3	Step 4	1422
29	Hourly	7.88	8.15	8.46	8.79	1423
	Annually	16390.40	16952.00	17596.80	18283.20	1424
		Step 5	Step 6	Step 7		1425
	Hourly	9.15	9.58	10.01		1426
	Annually	19032.00	19926.40	20820.80		1427
		Step 1	Step 2	Step 3	Step 4	1428
30	Hourly	8.46	8.79	9.15	9.58	1429
	Annually	17596.80	18283.20	19032.00	19926.40	1430

		Step 5	Step 6	Step 7		1431
	Hourly	10.01	10.46	10.99		1432
	Annually	20820.80	21756.80	22859.20		1433
		Step 1	Step 2	Step 3	Step 4	1434
31	Hourly	9.15	9.58	10.01	10.46	1435
	Annually	19032.00	19962.40	20820.80	21756.80	1436
		Step 5	Step 6	Step 7		1437
	Hourly	10.99	11.52	12.09		1438
	Annually	22859.20	23961.60	25147.20		1439
		Step 1	Step 2	Step 3	Step 4	1440
32	Hourly	10.01	10.46	10.99	11.52	1441
	Annually	20820.80	21756.80	22859.20	23961.60	1442
		Step 5	Step 6	Step 7	Step 8	1443
	Hourly	12.09	12.68	13.29	13.94	1444
	Annually	25147.20	26374.40	27643.20	28995.20	1445
		Step 1	Step 2	Step 3	Step 4	1446
33	Hourly	10.99	11.52	12.09	12.68	1447
	Annually	22859.20	23961.60	25147.20	26374.40	1448
		Step 5	Step 6	Step 7	Step 8	1449
	Hourly	13.29	13.94	14.63	15.35	1450
	Annually	27643.20	28995.20	30430.40	31928.00	1451
		Step 1	Step 2	Step 3	Step 4	1452
34	Hourly	12.09	12.68	13.29	13.94	1453
	Annually	25147.20	26374.40	27643.20	28995.20	1454
		Step 5	Step 6	Step 7	Step 8	1455
	Hourly	14.63	15.35	16.11	16.91	1456
	Annually	30430.40	31928.00	33508.80	35172.80	1457
		Step 1	Step 2	Step 3	Step 4	1458
35	Hourly	13.29	13.94	14.63	15.35	1459
	Annually	27643.20	28995.20	30430.40	31928.00	1460
		Step 5	Step 6	Step 7	Step 8	1461
	Hourly	16.11	16.91	17.73	18.62	1462
	Annually	33508.80	35172.80	36878.40	38729.60	1463

		Step 1	Step 2	Step 3	Step 4	1464
36	Hourly	14.63	15.35	16.11	16.91	1465
	Annually	30430.40	31928.00	33508.80	35172.80	1466
		Step 5	Step 6	Step 7	Step 8	1467
	Hourly	17.73	18.62	19.54	20.51	1468
	Annually	36878.40	38729.60	40643.20	42660.80	1469
Schedule C						1470
Pay Range and Values						1471
Range		Minimum		Maximum		1472
41	Hourly	10.44		15.72		1473
	Annually	21715.20		32697.60		1474
42	Hourly	11.51		17.35		1475
	Annually	23940.80		36088.00		1476
43	Hourly	12.68		19.12		1477
	Annually	26374.40		39769.60		1478
44	Hourly	13.99		20.87		1479
	Annually	29099.20		43409.60		1480
45	Hourly	15.44		22.80		1481
	Annually	32115.20		47424.00		1482
46	Hourly	17.01		24.90		1483
	Annually	35380.80		51792.00		1484
47	Hourly	18.75		27.18		1485
	Annually	39000.00		56534.40		1486
48	Hourly	20.67		29.69		1487
	Annually	42993.60		61755.20		1488
49	Hourly	22.80		32.06		1489
	Annually	47424.00		66684.80		1490
(B) The pay schedule of all employees shall be on a biweekly						1491
basis, with amounts computed on an hourly basis.						1492
(C) Part-time employees shall be compensated on an hourly						1493
basis for time worked, at the rates shown in division (A) of this						1494
section or in section 124.152 of the Revised Code.						1495



(D) The salary and wage rates in division (A) of this section 1496  
or in section 124.152 of the Revised Code represent base rates of 1497  
compensation and may be augmented by the provisions of section 1498  
124.181 of the Revised Code. In those cases where lodging, meals, 1499  
laundry, or other personal services are furnished an employee in 1500  
the service of the state, the actual costs or fair market value of 1501  
the personal services shall be paid by the employee in such 1502  
amounts and manner as determined by the director of administrative 1503  
services and approved by the director of budget and management, 1504  
and those personal services shall not be considered as a part of 1505  
the employee's compensation. An appointing authority that appoints 1506  
employees in the service of the state, with the approval of the 1507  
director of administrative services and the director of budget and 1508  
management, may establish payments to employees for uniforms, 1509  
tools, equipment, and other requirements of the department and 1510  
payments for the maintenance of them. 1511

The director of administrative services may review collective 1512  
bargaining agreements entered into under Chapter 4117. of the 1513  
Revised Code that cover ~~state~~ employees in the service of the 1514  
state and determine whether certain benefits or payments provided 1515  
to ~~state~~ the employees covered by those agreements should also be 1516  
provided to employees in the service of the state who are exempt 1517  
from collective bargaining coverage and are paid in accordance 1518  
with section 124.152 of the Revised Code or are listed in division 1519  
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 1520  
the review, the director of administrative services, with the 1521  
approval of the director of budget and management, may provide to 1522  
some or all of these employees any payment or benefit, except for 1523  
salary, contained in such a collective bargaining agreement even 1524  
if it is similar to a payment or benefit already provided by law 1525  
to some or all of these employees. Any payment or benefit so 1526  
provided shall not exceed the highest level for that payment or 1527

benefit specified in such a collective bargaining agreement. The 1528  
director of administrative services shall not provide, and the 1529  
director of budget and management shall not approve, any payment 1530  
or benefit to such an employee under this division unless the 1531  
payment or benefit is provided pursuant to a collective bargaining 1532  
agreement to a state employee who is in a position with similar 1533  
duties as, is supervised by, or is employed by the same appointing 1534  
authority as, the employee to whom the benefit or payment is to be 1535  
provided. 1536

As used in this division, "payment or benefit already 1537  
provided by law" includes, but is not limited to, bereavement, 1538  
personal, vacation, administrative, and sick leave, disability 1539  
benefits, holiday pay, and pay supplements provided under the 1540  
Revised Code, but does not include wages or salary. 1541

(E) New employees paid in accordance with schedule B of 1542  
division (A) of this section or schedule E-1 of section 124.152 of 1543  
the Revised Code shall be employed at the minimum rate established 1544  
for the range unless otherwise provided. Employees with 1545  
qualifications that are beyond the minimum normally required for 1546  
the position and that are determined by the director to be 1547  
exceptional may be employed in, or may be transferred or promoted 1548  
to, a position at an advanced step of the range. Further, in time 1549  
of a serious labor market condition when it is relatively 1550  
impossible to recruit employees at the minimum rate for a 1551  
particular classification, the entrance rate may be set at an 1552  
advanced step in the range by the director of administrative 1553  
services. This rate may be limited to geographical regions of the 1554  
state. Appointments made to an advanced step under the provision 1555  
regarding exceptional qualifications shall not affect the step 1556  
assignment of employees already serving. However, anytime the 1557  
hiring rate of an entire classification is advanced to a higher 1558  
step, all incumbents of that classification being paid at a step 1559

lower than that being used for hiring, shall be advanced beginning 1560  
at the start of the first pay period thereafter to the new hiring 1561  
rate, and any time accrued at the lower step will be used to 1562  
calculate advancement to a succeeding step. If the hiring rate of 1563  
a classification is increased for only a geographical region of 1564  
the state, only incumbents who work in that geographical region 1565  
shall be advanced to a higher step. When an employee in the 1566  
unclassified service changes from one state position to another or 1567  
is appointed to a position in the classified service, or if an 1568  
employee in the classified service is appointed to a position in 1569  
the unclassified service, the employee's salary or wage in the new 1570  
position shall be determined in the same manner as if the employee 1571  
were an employee in the classified service. When an employee in 1572  
the unclassified service who is not eligible for step increases is 1573  
appointed to a classification in the classified service under 1574  
which step increases are provided, future step increases shall be 1575  
based on the date on which the employee last received a pay 1576  
increase. If the employee has not received an increase during the 1577  
previous year, the date of the appointment to the classified 1578  
service shall be used to determine the employee's annual step 1579  
advancement eligibility date. In reassigning any employee to a 1580  
classification resulting in a pay range increase or to a new pay 1581  
range as a result of a promotion, an increase pay range 1582  
adjustment, or other classification change resulting in a pay 1583  
range increase, the director shall assign such employee to the 1584  
step in the new pay range that will provide an increase of 1585  
approximately four per cent if the new pay range can accommodate 1586  
the increase. When an employee is being assigned to a 1587  
classification or new pay range as the result of a class plan 1588  
change, if the employee has completed a probationary period, the 1589  
employee shall be placed in a step no lower than step two of the 1590  
new pay range. If the employee has not completed a probationary 1591  
period, the employee may be placed in step one of the new pay 1592

range. Such new salary or wage shall become effective on such date 1593  
as the director determines. 1594

(F) If employment conditions and the urgency of the work 1595  
require such action, the director of administrative services may, 1596  
upon the application of a department head, authorize payment at 1597  
any rate established within the range for the class of work, for 1598  
work of a casual or intermittent nature or on a project basis. 1599  
Payment at such rates shall not be made to the same individual for 1600  
more than three calendar months in any one calendar year. Any such 1601  
action shall be subject to the approval of the director of budget 1602  
and management as to the availability of funds. This section and 1603  
sections 124.14 and 124.152 of the Revised Code do not repeal any 1604  
authority of any department or public official to contract with or 1605  
fix the compensation of professional persons who may be employed 1606  
temporarily for work of a casual nature or for work on a project 1607  
basis. 1608

(G)(1) Except as provided in division (G)(2) of this section, 1609  
each state employee paid in accordance with schedule B of this 1610  
section or schedule E-1 of section 124.152 of the Revised Code 1611  
shall be eligible for advancement to succeeding steps in the range 1612  
for the employee's class or grade according to the schedule 1613  
established in this division. Beginning on the first day of the 1614  
pay period within which the employee completes the prescribed 1615  
probationary period in the employee's classification with the 1616  
state, each employee shall receive an automatic salary adjustment 1617  
equivalent to the next higher step within the pay range for the 1618  
employee's class or grade. 1619

Each employee paid in accordance with schedule E-1 of section 1620  
124.152 of the Revised Code shall be eligible to advance to the 1621  
next higher step until the employee reaches the top step in the 1622  
range for the employee's class or grade, if the employee has 1623  
maintained satisfactory performance in accordance with criteria 1624

established by the employee's appointing authority. Those step  
advancements shall not occur more frequently than once in any  
twelve-month period.

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 advancements are received by employees paid in  
accordance with schedule E-1 of section 124.152 of the Revised  
Code.

(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of  
this section, there shall be a moratorium on step advancements  
under division (G)(1) of this section from the pay period  
beginning June 29, 2003, through the pay period ending June 25,  
2005. Step advancements shall resume with the pay period beginning  
June 26, 2005. Upon the resumption of step advancements, there  
shall be no retroactive step advancements for the period the  
moratorium was in effect. The moratorium shall not affect an  
employee's performance evaluation schedule.

(ii) During the moratorium under division (G)(2)(a)(i) of  
this section, an employee who is hired or promoted and serves a  
probationary period in the employee's new position shall advance

to the next step in the employee's pay range upon successful 1656  
completion of the employee's probationary period. Thereafter, the 1657  
employee is subject to the moratorium. 1658

(b) The moratorium under division (G)(2)(a)(i) of this 1659  
section shall apply to the employees of the secretary of state, 1660  
the auditor of state, the treasurer of state, and the attorney 1661  
general, who are subject to this section unless the secretary of 1662  
state, the auditor of state, the treasurer of state, or the 1663  
attorney general decides to exempt the office's employees from the 1664  
moratorium and so notifies the director of administrative services 1665  
in writing on or before July 1, 2003. 1666

(H) Employees in appointive managerial or professional 1667  
positions paid in accordance with schedule C of this section or 1668  
schedule E-2 of section 124.152 of the Revised Code may be 1669  
appointed at any rate within the appropriate pay range. This rate 1670  
of pay may be adjusted higher or lower within the respective pay 1671  
range at any time the appointing authority so desires as long as 1672  
the adjustment is based on the employee's ability to successfully 1673  
administer those duties assigned to the employee. Salary 1674  
adjustments shall not be made more frequently than once in any 1675  
six-month period under this provision to incumbents holding the 1676  
same position and classification. 1677

(I) When an employee is assigned to duty outside this state, 1678  
the employee may be compensated, upon request of the department 1679  
head and with the approval of the director of administrative 1680  
services, at a rate not to exceed fifty per cent in excess of the 1681  
employee's current base rate for the period of time spent on that 1682  
duty. 1683

(J) Unless compensation for members of a board or commission 1684  
is otherwise specifically provided by law, the director of 1685  
administrative services shall establish the rate and method of 1686

payment for members of boards and commissions pursuant to the pay 1687  
schedules listed in section 124.152 of the Revised Code. 1688

(K) Regular full-time employees in positions assigned to 1689  
classes within the instruction and education administration series 1690  
under the rules of the director of administrative services, except 1691  
certificated employees on the instructional staff of the state 1692  
school for the blind or the state school for the deaf, whose 1693  
positions are scheduled to work on the basis of an academic year 1694  
rather than a full calendar year, shall be paid according to the 1695  
pay range assigned by such rules but only during those pay periods 1696  
included in the academic year of the school where the employee is 1697  
located. 1698

(1) Part-time or substitute teachers or those whose period of 1699  
employment is other than the full academic year shall be 1700  
compensated for the actual time worked at the rate established by 1701  
this section. 1702

(2) Employees governed by this division are exempt from 1703  
sections 124.13 and 124.19 of the Revised Code. 1704

(3) Length of service for the purpose of determining 1705  
eligibility for step advancements as provided by division (G) of 1706  
this section and for the purpose of determining eligibility for 1707  
longevity pay supplements as provided by division (E) of section 1708  
124.181 of the Revised Code shall be computed on the basis of one 1709  
full year of service for the completion of each academic year. 1710

(L) The superintendent of the state school for the deaf and 1711  
the superintendent of the state school for the blind shall, 1712  
subject to the approval of the superintendent of public 1713  
instruction, carry out both of the following: 1714

(1) Annually, between the first day of April and the last day 1715  
of June, establish for the ensuing fiscal year a schedule of 1716  
hourly rates for the compensation of each certificated employee on 1717

the instructional staff of that superintendent's respective school 1718  
constructed as follows: 1719

(a) Determine for each level of training, experience, and 1720  
other professional qualification for which an hourly rate is set 1721  
forth in the current schedule, the per cent that rate is of the 1722  
rate set forth in such schedule for a teacher with a bachelor's 1723  
degree and no experience. If there is more than one such rate for 1724  
such a teacher, the lowest rate shall be used to make the 1725  
computation. 1726

(b) Determine which six city, local, and exempted village 1727  
school districts with territory in Franklin county have in effect 1728  
on, or have adopted by, the first day of April for the school year 1729  
that begins on the ensuing first day of July, teacher salary 1730  
schedules with the highest minimum salaries for a teacher with a 1731  
bachelor's degree and no experience; 1732

(c) Divide the sum of such six highest minimum salaries by 1733  
ten thousand five hundred sixty; 1734

(d) Multiply each per cent determined in division (L)(1)(a) 1735  
of this section by the quotient obtained in division (L)(1)(c) of 1736  
this section; 1737

(e) One hundred five per cent of each product thus obtained 1738  
shall be the hourly rate for the corresponding level of training, 1739  
experience, or other professional qualification in the schedule 1740  
for the ensuing fiscal year. 1741

(2) Annually, assign each certificated employee on the 1742  
instructional staff of the superintendent's respective school to 1743  
an hourly rate on the schedule that is commensurate with the 1744  
employee's training, experience, and other professional 1745  
qualifications. 1746

If an employee is employed on the basis of an academic year, 1747



the employee's annual salary shall be calculated by multiplying 1748  
the employee's assigned hourly rate times one thousand seven 1749  
hundred sixty. If an employee is not employed on the basis of an 1750  
academic year, the employee's annual salary shall be calculated in 1751  
accordance with the following formula: 1752

(a) Multiply the number of days the employee is required to 1753  
work pursuant to the employee's contract by eight; 1754

(b) Multiply the product of division (L)(2)(a) of this 1755  
section by the employee's assigned hourly rate. 1756

Each employee shall be paid an annual salary in biweekly 1757  
installments. The amount of each installment shall be calculated 1758  
by dividing the employee's annual salary by the number of biweekly 1759  
installments to be paid during the year. 1760

Sections 124.13 and 124.19 of the Revised Code do not apply 1761  
to an employee who is paid under this division. 1762

As used in this division, "academic year" means the number of 1763  
days in each school year that the schools are required to be open 1764  
for instruction with pupils in attendance. Upon completing an 1765  
academic year, an employee paid under this division shall be 1766  
deemed to have completed one year of service. An employee paid 1767  
under this division is eligible to receive a pay supplement under 1768  
division (L)(1), (2), or (3) of section 124.181 of the Revised 1769  
Code for which the employee qualifies, but is not eligible to 1770  
receive a pay supplement under division (L)(4) or (5) of that 1771  
section. An employee paid under this division is eligible to 1772  
receive a pay supplement under division (L)(6) of section 124.181 1773  
of the Revised Code for which the employee qualifies, except that 1774  
the supplement is not limited to a maximum of five per cent of the 1775  
employee's regular base salary in a calendar year. 1776

(M) Division (A) of this section does not apply to "exempt 1777  
employees," as defined in section 124.152 of the Revised Code, who 1778

are paid under that section.

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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 of administrative services shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

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

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

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~~(B) For appointment, promotions, transfers, layoffs, suspensions, reductions, reinstatements, and removals therein in and examinations and registrations for offices and positions in the civil service of the state. Except as otherwise provided in this division, appointing Appointing authorities with officers or employees in the civil service of the state 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.~~~~

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~~(C)~~(B) For maintaining and keeping records of the efficiency of officers and employees in the civil service of the state in

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accordance with sections 124.01 to 124.64 of the Revised Code. 1809

Due notice of the contents of ~~such~~ those rules and of all 1810  
changes ~~therein~~ shall be given to appointing authorities affected 1811  
by ~~such~~ those rules, and ~~such~~ those rules also shall ~~also~~ be 1812  
~~printed~~ available for public distribution. 1813

**Sec. 124.22.** ~~No rules or regulations shall be made setting up~~ 1814  
Rules establishing educational requirements as a condition of 1815  
taking a civil service examination ~~except in~~ shall only be adopted 1816  
with respect to ~~professional and other~~ positions for which ~~such~~ 1817  
educational requirements are expressly imposed by ~~statute a~~ 1818  
section of the Revised Code or federal requirements ~~and to the~~ 1819  
~~extent of the requirements so imposed, except for such positions~~ 1820  
~~where education and training are necessary to the performance of a~~ 1821  
~~specific job or professional pursuit or for which the director~~ 1822  
determines that the educational requirements are job-related. An 1823  
applicant for a civil service examination must be a United States 1824  
citizen or have legally declared ~~his~~ the intention of becoming a 1825  
United States citizen. 1826

**Sec. 124.23.** (A) All applicants for positions and places in 1827  
the classified service shall be subject to examination, except for 1828  
applicants for positions as professional or certified service and 1829  
paraprofessional employees of county boards of mental retardation 1830  
and developmental disabilities, who shall be hired in the manner 1831  
provided in section 124.241 of the Revised Code. 1832

(B) Any examination administered under this section shall be 1833  
public, and be open to all citizens of the United States and those 1834  
persons who have legally declared their intentions of becoming 1835  
United States citizens, within certain limitations to be 1836  
determined by the director of administrative services, as to 1837  
citizenship, age, experience, education, health, habit, and moral 1838

character; ~~provided any soldier, sailor, marine, coast guarder,~~ 1839  
~~member of the auxiliary corps as established by congress, member~~ 1840  
~~of the army nurse corps or navy nurse corps, or red cross nurse~~ 1841  
~~who has served in the army, navy, or hospital service of the~~ 1842  
~~United States, and such other military service as is designated by~~ 1843  
~~congress, including World War I, World War II, or during the~~ 1844  
~~period beginning May 1, 1949, and lasting so long as the armed~~ 1845  
~~forces of the United States are engaged in armed conflict or~~ 1846  
~~occupation duty, or the selective service or similar conscriptive~~ 1847  
~~acts are in effect in the United States, whichever is the later~~ 1848  
~~date.~~ Any person who has completed service in the uniformed 1849  
services, who has been honorably discharged ~~therefrom~~ from the 1850  
uniformed services or transferred to the reserve with evidence of 1851  
satisfactory service, and who is a resident of ~~Ohio,~~ this state 1852  
may file with the director ~~of administrative services~~ a 1853  
certificate of service or honorable discharge, ~~whereupon~~ and, upon 1854  
this filing, the person shall receive additional credit of twenty 1855  
per cent of the person's total grade given in the regular 1856  
examination in which the person receives a passing grade. ~~Such~~ 1857

As used in this division, "service in the uniformed services" 1858  
and "uniformed services" have the same meanings as in the 1859  
"Uniformed Services Employment and Reemployment Rights Act of 1860  
1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 1861

(C) An examination may include an evaluation of such factors 1862  
as education, training, capacity, knowledge, manual dexterity, and 1863  
physical or psychological fitness. ~~Examinations~~ An examination 1864  
shall consist of one or more tests in any combination. Tests may 1865  
be written, oral, physical, demonstration of skill, or an 1866  
evaluation of training and experiences and shall be designed to 1867  
fairly test the relative capacity of the persons examined to 1868  
discharge the particular duties of the position for which 1869  
appointment is sought. ~~Where~~ Tests may include structured 1870

interviews, assessment centers, work simulations, examinations of 1871  
knowledge, skills, and abilities, and any other acceptable testing 1872  
methods. If minimum or maximum requirements are established for 1873  
any examination, they shall be specified in the examination 1874  
announcement. 1875

(D) The director of administrative services shall have 1876  
control of all examinations, except as otherwise provided in 1877  
sections 124.01 to 124.64 of the Revised Code. No questions in any 1878  
examination shall relate to political or religious opinions or 1879  
affiliations. No credit for seniority, efficiency, or any other 1880  
reason shall be added to an applicant's examination grade unless 1881  
the applicant achieves at least the minimum passing grade on the 1882  
examination without counting ~~such~~ that extra credit. 1883

(E) Except as otherwise provided in sections 124.01 to 124.64 1884  
of the Revised Code, the director of administrative services shall 1885  
give reasonable notice of the time, place, and general scope of 1886  
every competitive examination for appointment to a position in the 1887  
civil service. The director of ~~administrative services~~ shall send 1888  
written, printed, or electronic notices of every examination ~~of~~ to 1889  
be conducted in the state classified service to each agency of the 1890  
type the director of job and family services specifies and, in the 1891  
case of a county in which no such agency is located, to the clerk 1892  
of the court of common pleas of that county and to the clerk of 1893  
each city ~~of~~ located within that county. ~~Such~~ Those notices, 1894  
~~promptly upon receipt,~~ shall be posted in conspicuous public 1895  
places in the designated agencies ~~and~~ or the courthouse, and city 1896  
hall of the cities, of the counties in which no ~~such~~ designated 1897  
agency is located. ~~Such notices shall be posted for at least two~~ 1898  
weeks preceding any examination involved, and in a conspicuous 1899  
place in the office of the director of administrative services for 1900  
at least two weeks ~~before~~ preceding any examination involved. In 1901  
case of examinations limited by the director of ~~administrative~~ 1902

services to a district, county, city, or department, the director 1903  
of ~~administrative services~~ shall provide by rule for adequate 1904  
publicity of ~~such examinations~~ an examination in the district, 1905  
county, city, or department within which competition is permitted. 1906

**Sec. 124.26.** ~~(A) Except as provided in divisions (B) and (C)~~ 1907  
~~of this section, from~~ From the returns of the examinations, the 1908  
director of administrative services shall prepare an eligible list 1909  
of the persons whose general average standing upon examinations 1910  
for ~~such~~ the grade or class is not less than the minimum fixed by 1911  
the rules of the director, and who are otherwise eligible; ~~and~~ 1912  
~~such.~~ Those persons shall take rank upon the eligible list as 1913  
candidates in the order of their relative excellence as determined 1914  
by the examination without reference to priority of the time of 1915  
examination. ~~In the event~~ If two or more applicants receive the 1916  
same mark in an open competitive examination, priority in the time 1917  
of filing the application with the director shall determine the 1918  
order in which their names shall be placed on the eligible list; 1919  
~~provided, except~~ that applicants eligible for veteran's preference 1920  
under section 124.23 of the Revised Code shall receive priority in 1921  
rank on the eligible list over nonveterans on the list with a 1922  
rating equal to that of the veteran. Ties among veterans shall be 1923  
decided by priority of filing the application. ~~In the event of~~ If 1924  
two or more applicants ~~receiving~~ receive the same mark on a 1925  
promotional examination, seniority shall determine the order in 1926  
which their names shall be placed on the eligible list. The term 1927  
of eligibility of each list shall be fixed by the director at not 1928  
less than one ~~nor~~ or more than two years. ~~When~~ 1929

When an eligible list is reduced to ten names or less, a new 1930  
list may be prepared. The director may consolidate two or more 1931  
eligible lists of the same kind by the rearranging of eligibles 1932  
named ~~therein~~ in the lists, according to their grades. 1933

~~(B) A person serving as a provisional employee who passes an examination, given for the department in which he is employed, for the class or grade in which the person holds the position shall be appointed as a certified employee in the position before the director of administrative services prepares an eligible list.~~

**Sec. 124.27.** (A) 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, except~~ that the director may certify less than ten names if ten names are not available. When less than 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.

(B) The appointing authority shall notify the director of ~~such~~ a position in the classified service to be filled, and the appointing authority shall fill ~~such~~ the vacant 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~~ beginning at the top of the list, each time a selection is made, it must be from one of the first ten

1965 candidates remaining on the list who is willing to accept  
1966 consideration for the position. If an eligible list becomes  
1967 exhausted, and until a new list can be created, or when no  
1968 eligible list for ~~such~~ a position exists, names may be certified  
1969 from eligible lists most appropriate for the group or class in  
1970 which the position to be filled is classified. A person who is  
1971 certified from an eligible list more than three times to the same  
1972 appointing authority for the same or similar positions, may be  
1973 omitted from future certification to ~~such~~ that appointing  
1974 authority, provided that certification for a temporary appointment  
1975 shall not be counted as one of ~~such~~ those certifications. Every  
1976 ~~soldier, sailor, marine, coast guarder, member of the auxiliary~~  
1977 ~~corps as established by congress, member of the army nurse corps,~~  
1978 ~~or navy nurse corps, or red cross nurse who has served in the~~  
1979 ~~army, navy, or hospital service of the United States, and such~~  
1980 ~~other military service as is designated by congress in the war~~  
1981 ~~with Spain, including the Philippine insurrection and the Chinese~~  
1982 ~~relief expedition, or from April 21, 1898, to July 4, 1902, World~~  
1983 ~~War I, World War II, or during the period beginning May 1, 1949,~~  
1984 ~~and lasting so long as the armed forces of the United States are~~  
1985 ~~engaged in armed conflict or occupation duty, or the selective~~  
1986 ~~service or similar conscriptive acts are in effect in the United~~  
1987 ~~States, whichever is the later date, who has been honorably~~  
1988 ~~discharged or separated under honorable conditions therefrom,~~  
1989 person who qualifies for veteran's preference under section 124.23  
1990 of the Revised Code, who is a resident of this state, and whose  
1991 name is on the eligible list for a position, shall be entitled to  
1992 preference in original appointments to any such competitive  
1993 position in the civil service of the state and ~~the~~ its civil  
1994 divisions ~~thereof~~, over all other persons eligible for ~~such~~ those  
1995 appointments and standing on the relevant eligible list ~~therefor~~,  
1996 with a rating equal to that of ~~each~~ ~~such~~ the person qualifying for  
1997 veteran's preference. Appointments to all positions in the



classified service, that are not filled by promotion, transfer, or 1998  
reduction, as provided in sections 124.01 to 124.64 of the Revised 1999  
Code and the rules of the director prescribed under those 2000  
sections, shall be made only from those persons whose names are 2001  
certified to the appointing authority, and no employment, except 2002  
as provided in those sections, shall be otherwise given in the 2003  
classified service of this state or any political subdivision of 2004  
the state. 2005

(C) All original and promotional appointments, including 2006  
~~provisional~~ appointments made pursuant to section 124.30 of the 2007  
Revised Code, shall be for a probationary period, not less than 2008  
sixty days nor more than one year, to be fixed by the rules of the 2009  
director, except as provided in section 124.231 of the Revised 2010  
Code, ~~or and~~ except for original appointments to a police 2011  
department as a police officer~~7~~ or to a fire department as a 2012  
firefighter which shall be for a probationary period of one year~~7~~ 2013  
~~and no.~~ No appointment or promotion is final until the appointee 2014  
has satisfactorily served the probationary period. ~~Service as a~~ 2015  
~~provisional employee in the same or similar class shall be~~ 2016  
~~included in the probationary period.~~ If the service of the 2017  
probationary employee is unsatisfactory, the employee may be 2018  
removed or reduced at any time during the probationary period. If 2019  
the appointing ~~authority's decision is~~ authority decides to remove 2020  
~~the appointee~~ a probationary employee in the service of the state, 2021  
the appointing ~~authority's communication to the director~~ authority 2022  
shall ~~indicate~~ communicate to the director the reason for that 2023  
decision. A probationary employee duly removed or reduced in 2024  
position for unsatisfactory service does not have the right to 2025  
appeal the removal or reduction under section 124.34 of the 2026  
Revised Code. 2027

**Sec. 124.271.** Any employee in the classified service of the 2028  
state or any county, city, city health district, general health 2029

district, or city school district who is appointed provisionally 2030  
to fill a vacancy and who position under section 124.30 of the 2031  
Revised Code, and either demonstrates merit and fitness for the 2032  
position by successfully completing the probationary period for 2033  
the position or remains in provisional status in the same 2034  
classification or classification series position for a period of 2035  
~~two years~~ six months of continuous service, ~~during which period no~~ 2036  
~~competitive examination is held, becomes~~ whichever period is 2037  
longer, shall become a permanent appointee in the classified 2038  
service at the conclusion of ~~such two-year~~ that period. 2039

**Sec. 124.30.** (A) Positions in the classified service may be 2040  
filled without competition as follows: 2041

(1) Whenever there are urgent reasons for filling a vacancy 2042  
in any position in the classified service and the director of 2043  
administrative services is unable to certify to the appointing 2044  
authority, upon ~~requisition by the latter~~ its request, a list of 2045  
persons eligible for appointment to ~~such~~ the position after a 2046  
competitive examination, the appointing authority may ~~nominate a~~ 2047  
~~person to the director for~~ fill the position by noncompetitive 2048  
examination, and if such nominee is certified by the director as 2049  
~~qualified after such noncompetitive examination, the nominee may~~ 2050  
~~be appointed provisionally to fill such vacancy until a selection~~ 2051  
~~and appointment can be made after competitive examination; but~~ 2052  
~~such provisional appointment shall continue in force only until a~~ 2053  
~~regular appointment can be made from eligible lists prepared by~~ 2054  
~~the director and such eligible lists shall be prepared within six~~ 2055  
~~months, provided that an examination for the position must be held~~ 2056  
~~within the six-month period from the date of such provisional~~ 2057  
~~appointment. In the case of provisional appointees in county~~ 2058  
~~departments of job and family services and in the department of~~ 2059  
~~job and family services and department of health, if the salary is~~ 2060  
~~paid in whole or in part from federal funds, such eligible lists~~ 2061

~~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~~ 2062  
2063  
2064

A temporary appointment may be made without regard to the 2065  
rules of sections 124.01 to 124.64 of the Revised Code, ~~but in no~~ 2066  
~~case to. Except as otherwise provided in this division, the~~ 2067  
temporary appointment may not continue longer than thirty one 2068  
hundred twenty days, and in no case shall successive temporary 2069  
appointments be made. ~~Interim or A temporary appointments, made~~ 2070  
appointment longer than one hundred twenty days may be made if 2071  
necessary by reason of sickness, disability, or other approved 2072  
leave of absence of regular officers or employees ~~shall, in which~~ 2073  
case it may continue ~~only~~ during such the period of sickness, 2074  
disability, or other approved leave of absence, subject to the 2075  
rules ~~to be provided for by~~ of the director. 2076

(2) In case of a vacancy in a position in the classified 2077  
service where peculiar and exceptional qualifications of a 2078  
scientific, managerial, professional, or educational character are 2079  
required, and upon satisfactory evidence that for specified 2080  
reasons competition in ~~such this~~ such this special case is impracticable and 2081  
that the position can best be filled by a selection of some 2082  
designated person of high and recognized attainments in ~~such those~~ 2083  
qualities, the director may suspend the provisions of sections 2084  
124.01 to 124.64 of the Revised Code, ~~requiring that require~~ 2085  
competition in ~~such this special~~ such this special case, but no suspension shall be 2086  
general in its application, ~~and all. All~~ each such cases of suspension 2087  
shall be reported in the annual report of the director with the 2088  
reasons for ~~the~~ each suspension. The director shall suspend the 2089  
provisions when the director of job and family services provides 2090  
the ~~director~~ certification under section 5101.051 of the Revised 2091  
Code that a position with the department of job and family 2092  
services can best be filled if the provisions are suspended. 2093

(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 person of a temporary appointment shall not affect the person's standing on the ~~register~~ eligible list for permanent ~~employment; appointment,~~ 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. 124.31.** (A) Vacancies in positions in the classified service shall be filled insofar as practicable by promotions. The director of administrative services shall provide in the director's rules for keeping a record of efficiency for each employee in the classified civil service of the state, and for making promotions in the classified civil service of the state on the basis of merit, to be ascertained ~~as far~~ insofar as practicable by promotional examinations, by conduct and capacity in office, and by seniority in service, ~~and.~~ The director shall provide that vacancies in positions in the classified civil service of the state shall be filled by promotion in all cases where, in the judgment of the director, it is for the best

interest of the service. The director's rules shall authorize each 2125  
appointing authority of a county to develop and administer in a 2126  
manner it devises, an evaluation system for the employees it 2127  
appoints. 2128

(B) All examinations for promotions shall be competitive and 2129  
may be conducted in the same manner as examinations described in 2130  
section 124.23 of the Revised Code. In promotional examinations, 2131  
seniority in service shall be added to the examination grade, but 2132  
no credit for seniority or any other reason shall be added to an 2133  
examination grade unless the applicant achieves at least the 2134  
minimum passing score on the examination without counting ~~such~~ 2135  
that extra credit. Credit for seniority shall equal, for the first 2136  
four years of service, one per cent of the total grade attainable 2137  
in the promotion examination, and, for each of the fifth through 2138  
fourteenth years of service, six-tenths per cent of the total 2139  
grade attainable. 2140

In all cases where vacancies are to be filled by promotion, 2141  
the director shall certify to the appointing authority ~~only~~ the 2142  
names of the three persons having the highest rating on the 2143  
eligible list. The method of examination for promotions, the 2144  
manner of giving notice ~~thereof~~ of the examination, and the rules 2145  
governing ~~the same~~ it shall be in general the same as those 2146  
provided for original examinations, except as otherwise provided 2147  
in sections 124.01 to 124.64 of the Revised Code. 2148

**Sec. 124.32.** (A) ~~With the consent of the director of~~ 2149  
~~administrative services, a~~ A person holding an office or position 2150  
in the classified service may be transferred to a similar position 2151  
in another office, department, or institution having the same pay 2152  
and similar duties; ~~but~~ but no transfer shall be made ~~from~~ as 2153  
follows: 2154

(1) From an office or position in one class to an office or 2155

position in another class, ~~nor shall a person be transferred to;~~ 2156

(2) To an office or position for original entrance to which 2157  
there is required by sections 124.01 to 124.64 of the Revised 2158  
Code, or the rules adopted pursuant to ~~such~~ those sections, an 2159  
examination involving essential tests or qualifications or 2160  
carrying a salary different from or higher than those required for 2161  
original entrance to an office or position held by ~~such~~ the person 2162  
proposed to be transferred. 2163

No person in the classified civil service of the state may be 2164  
transferred without the consent of the director of administrative 2165  
services. 2166

(B) Any person holding an office or position ~~under~~ in the 2167  
classified service who has been separated from the service without 2168  
delinquency or misconduct on the person's part may, ~~with the~~ 2169  
~~consent of the director,~~ be reinstated within one year from the 2170  
date of ~~such~~ that separation to a vacancy in the same ~~or similar~~ 2171  
office or in a similar position in the same department; ~~provided,~~ 2172  
except that a person in the classified service of the state only 2173  
may be reinstated with the consent of the director of 2174  
administrative services. But, if ~~such~~ that separation is due to 2175  
injury or physical or psychiatric disability, ~~such~~ the person 2176  
shall be reinstated ~~to~~ in the same office held or in a similar 2177  
position to that held at the time of separation, within thirty 2178  
days after written application for reinstatement ~~and after~~ 2179  
~~passing,~~ if the person passes a physical or psychiatric 2180  
examination made by a licensed physician, a physician assistant, a 2181  
clinical nurse specialist, a certified nurse practitioner, or a 2182  
certified nurse-midwife showing that the person has recovered from 2183  
~~such~~ the injury or physical or psychiatric disability, ~~provided~~ 2184  
~~further that such~~ if the application for reinstatement ~~be~~ is filed 2185  
within ~~three~~ two years from the date of separation, and ~~further~~ 2186  
~~provided that such~~ if the application ~~shall~~ is not ~~be~~ filed after 2187

the date of service eligibility retirement. The physician, 2188  
physician assistant, clinical nurse specialist, certified nurse 2189  
practitioner, or certified nurse-midwife shall be designated by 2190  
the appointing authority and shall complete any written 2191  
documentation of the physical or psychiatric examination. 2192

**Sec. 124.321.** (A) Whenever it becomes necessary for an 2193  
appointing authority to reduce its work force, the appointing 2194  
authority shall lay off employees or abolish their positions in 2195  
accordance with sections 124.321 to 124.327 of the Revised Code 2196  
and the rules of the director of administrative services. 2197

(B)(1) Employees may be laid off as a result of a lack of 2198  
funds within an appointing authority. For appointing authorities 2199  
that employ persons whose salary or wage is paid by warrant of the 2200  
director of budget and management, the director of budget and 2201  
management shall be responsible for determining, consistent with 2202  
the rules adopted under division (B)(3) of this section, whether a 2203  
lack of funds exists. For appointing authorities that employ 2204  
persons whose salary or wage is paid other than by warrant of the 2205  
director of budget and management, the appointing authority itself 2206  
shall determine whether a lack of funds exists and shall file a 2207  
statement of rationale and supporting documentation with the 2208  
director of administrative services prior to sending the layoff 2209  
notice. 2210

(2) As used in this division, a "lack of funds" means an 2211  
appointing authority has a current or projected deficiency of 2212  
funding to maintain current, or to sustain projected, levels of 2213  
staffing and operations. This section does not require any 2214  
transfer of money between funds in order to offset a deficiency or 2215  
projected deficiency of ~~federal~~ funding for ~~a program~~ programs 2216  
funded by the federal government, special revenue accounts, or 2217  
proprietary accounts. Whenever a program receives funding through 2218

a grant or similar mechanism, a lack of funds shall be presumed 2219  
for the positions assigned to and the employees who work under the 2220  
grant or similar mechanism if, for any reason, the funding is 2221  
reduced or withdrawn. 2222

(3) The director of budget and management shall adopt rules, 2223  
under Chapter 119. of the Revised Code, for agencies whose 2224  
employees are paid by warrant of the director of budget and 2225  
management, for determining whether a lack of funds exists. 2226

(C)(1) Employees may be laid off as a result of lack of work 2227  
within an appointing authority. For appointing authorities whose 2228  
employees are paid by warrant of the director of budget and 2229  
management, the director of administrative services shall 2230  
determine, consistent with the rules adopted under division (F) of 2231  
this section, whether a lack of work exists. All other appointing 2232  
authorities shall themselves determine whether a lack of work 2233  
exists and shall file a statement of rationale and supporting 2234  
documentation with the director of administrative services prior 2235  
to sending the layoff notice. 2236

(2) As used in this division, a "lack of work" means an 2237  
appointing authority has a current or projected ~~temporary~~ decrease 2238  
in ~~the workload, expected to last less than one year,~~ that 2239  
requires a reduction of current or projected staffing levels in 2240  
its organization or structure. The determination of a lack of work 2241  
shall indicate the current or projected ~~temporary~~ decrease in ~~the~~ 2242  
~~workload of an appointing authority~~ and whether the current or 2243  
projected staffing levels of the appointing authority will be 2244  
excessive. 2245

(D)(1) Employees may be laid off as a result of abolishment 2246  
of positions. As used in this division, "abolishment" means the 2247  
deletion of a position or positions from the organization or 2248  
structure of an appointing authority. 2249



For purposes of this division, an appointing authority may 2250  
abolish positions for any one or any combination of the following 2251  
reasons: as a result of a reorganization for the efficient 2252  
operation of the appointing authority, for reasons of economy, or 2253  
for lack of work. 2254

(2)(a) Reasons of economy permitting an appointing authority 2255  
to abolish a position and to lay off the holder of that position 2256  
under this division shall be determined at the time the appointing 2257  
authority proposes to abolish the position. The reasons of economy 2258  
shall be based on the appointing authority's estimated amount of 2259  
savings with respect to salary, benefits, and other matters 2260  
associated with the abolishment of the position, except that the 2261  
reasons of economy associated with the position's abolishment 2262  
instead may be based on the appointing authority's estimated 2263  
amount of savings with respect to salary and benefits only, if: 2264

(i) Either the appointing authority's operating appropriation 2265  
has been reduced by an executive or legislative action, or the 2266  
appointing authority has a current or projected deficiency in 2267  
funding to maintain current or projected levels of staffing and 2268  
operations; and 2269

(ii) ~~It~~ In the case of a position in the service of the 2270  
state, it files a notice of the position's abolishment with the 2271  
director of administrative services within one year of the 2272  
occurrence of the applicable circumstance described in division 2273  
(D)(2)(a)(i) of this section. 2274

(b) The following principles apply when a circumstance 2275  
described in division (D)(2)(a)(i) of this section would serve to 2276  
authorize an appointing authority to abolish a position and to lay 2277  
off the holder of the position under this division based on the 2278  
appointing authority's estimated amount of savings with respect to 2279  
salary and benefits only: 2280

(i) The position's abolishment shall be done in good faith 2281  
and not as a subterfuge for discipline. 2282

(ii) If a circumstance affects a specific program only, the 2283  
appointing authority only may abolish a position within that 2284  
program. 2285

(iii) If a circumstance does not affect a specific program 2286  
only, the appointing authority may identify a position that it 2287  
considers appropriate for abolishment based on the reasons of 2288  
economy. 2289

(3) Each appointing authority shall determine itself whether 2290  
any position should be abolished ~~and~~. An appointing authority 2291  
abolishing any position in the service of the state shall file a 2292  
statement of rationale and supporting documentation with the 2293  
director of administrative services prior to sending the notice of 2294  
abolishment. 2295

If an abolishment results in a reduction of the work force, 2296  
the appointing authority shall follow the procedures for laying 2297  
off employees, subject to the following modifications: 2298

(a) The employee whose position has been abolished shall have 2299  
the right to fill an available vacancy within the employee's 2300  
classification. 2301

(b) If the employee whose position has been abolished has 2302  
more retention points than any other employee serving in the same 2303  
classification, the employee with the fewest retention points 2304  
shall be displaced. 2305

(c) If the employee whose position has been abolished has the 2306  
fewest retention points in the classification, the employee shall 2307  
have the right to fill an available vacancy in a lower 2308  
classification in the classification series. 2309

(d) If the employee whose position has been abolished has the 2310

fewest retention points in the classification, the employee shall 2311  
displace the employee with the fewest retention points in the next 2312  
or successively lower classification in the classification series. 2313

(E) Notwithstanding any contrary provision of the 2314  
displacement procedure described in section 124.324 of the Revised 2315  
Code for employees to displace other employees during a layoff, 2316  
the director of administrative services or a county appointing 2317  
authority may establish a paper lay-off process under which 2318  
employees who are to be laid off or displaced may be required, 2319  
before the date of their paper layoff, to preselect their options 2320  
for displacing other employees. 2321

(F) The director of administrative services shall adopt rules 2322  
under Chapter 119. of the Revised Code for the determination of 2323  
lack of work within an appointing authority, for the abolishment 2324  
of positions by an appointing authority, and for the 2325  
implementation of this section. 2326

**Sec. 124.322.** Whenever a reduction in the work force is 2327  
necessary, the appointing authority of an agency shall decide in 2328  
which classification or classifications the layoff or layoffs will 2329  
occur and the number of employees to be laid off within each 2330  
affected classification. The director of administrative services 2331  
shall ~~promulgate~~ adopt rules, under Chapter 119. of the Revised 2332  
Code, establishing a method for determining layoff procedures and 2333  
an order of layoff of, and the displacement and recall of, 2334  
laid-off state and county employees. ~~The~~ 2335

The order of layoff in those rules shall be based in part on 2336  
length of service and, may include efficiency in service, 2337  
appointment type, or ~~such~~ similar other factors the director 2338  
considers appropriate. If the director establishes relative 2339  
efficiency as a criterion to be used in determining order of 2340  
layoff for state and county employees, credit for efficiency may 2341

be other than ten per cent of total retention points. 2342

**Sec. 124.323.** ~~(A)~~ Employees shall be laid off in the order 2343  
set forth in this section within the primary appointment 2344  
categories of part-time probationary, part-time permanent, 2345  
~~seasonal, and full-time probationary,~~ and other appointment 2346  
~~categories as established by the director of administrative~~ 2347  
~~services full-time permanent. Whenever~~ 2348

~~(B) Whenever~~ a reduction in force is necessary within each of 2349  
the primary appointment categories, first ~~seasonal~~ part-time 2350  
probationary, then part-time permanent, ~~and~~ then full-time 2351  
probationary, and then full-time permanent employees shall be laid 2352  
off ~~in the following order:~~ 2353

~~(1) Employees serving provisionally who have not completed~~ 2354  
~~their probationary period after appointment;~~ 2355

~~(2) Employees serving provisionally who have satisfactorily~~ 2356  
~~completed their probationary period after appointment;~~ 2357

~~(3) Employees appointed from certified eligible lists or who~~ 2358  
~~are certified and who have not completed their probationary period~~ 2359  
~~after appointment;~~ 2360

~~(4) Employees appointed from certified eligible lists or who~~ 2361  
~~are certified and who have successfully completed their~~ 2362  
~~probationary period after appointment.~~ 2363

**Sec. 124.324.** (A) A laid-off employee has the right to 2364  
displace the employee with the fewest retention points ~~in the~~ 2365  
~~classification from which the employee was laid off or in a lower~~ 2366  
~~or equivalent classification,~~ in the following order: 2367

(1) Within the classification from which the employee was 2368  
laid off; 2369

(2) Within the classification series from which the employee 2370

was laid off; 2371

~~(3) Within a classification that has the same or similar 2372  
duties as the classification from which the employee was laid off, 2373  
in accordance with the list published by the director of 2374  
administrative services under division (B)(2) of section 124.311 2375  
of the Revised Code; 2376~~

~~(4) Within the classification the employee held immediately 2377  
prior to holding the classification from which the employee was 2378  
laid off. 2379~~

~~Divisions (A)(3) and (4) of this section shall not apply to 2380  
employees of cities, city health districts, and counties, except 2381  
for employees of county departments of job and family services. 2382~~

~~A laid off employee in the classified service has the right 2383  
to displace an employee with the fewest retention points in the 2384  
classification that the laid off employee held immediately prior 2385  
to holding the classification from which the employee was laid 2386  
off, if the laid off employee was certified in the former 2387  
classification. If a position in that classification does not 2388  
exist, the employee may displace employees in the classification 2389  
that the employee next previously held, and so on, subject to the 2390  
same provisions. The employee may not displace employees in a 2391  
classification if the employee does not meet the minimum 2392  
qualifications of the classification or if the employee held the 2393  
classification more than five years prior to the date on which the 2394  
employee was laid off, except that failure to meet minimum 2395  
qualifications shall not prevent the employee from displacing 2396  
employees in the classification that the employee next previously 2397  
held within that five year period. 2398~~

~~If, after exercising displacement rights, an employee is 2399  
subject to further layoff action, the employee's displacement 2400  
rights shall be in accordance with the classification from which 2401~~

the employee was first laid off.

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The director of administrative services shall verify the calculation of the retention points of all employees in an affected classification in accordance with section 124.325 of the Revised Code.

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(B) Following the order of layoff, an employee laid off in the classified civil service shall displace another employee within the same appointing authority or independent institution and layoff jurisdiction in the following manner:

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(1) Each laid-off employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series, ~~except that a laid-off provisional employee shall not have the right to displace a certified employee.~~

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(2) Any employee displaced by an employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series, ~~except that a displaced provisional employee shall not displace a certified employee.~~ This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series of the same appointing authority or independent institution has been reached and, if necessary, laid off.

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(C) Employees shall notify the appointing authority of their intention to exercise their displacement rights, within five days after receiving notice of layoff. This division does not apply if the director of administrative services has established a paper lay-off process pursuant to division (E) of section 124.321 of the Revised Code that includes a different notification requirement

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for employees exercising their displacement rights under that  
process.

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(D) No employee shall displace an employee for whose position  
or classification there ~~exists special~~ are certain  
position-specific minimum qualifications, as established by a  
~~position description, by classification specifications~~ the  
appointing authority and reviewed for validity by the department  
of administrative services, or as established by bona fide  
occupational qualification, unless the employee desiring to  
displace another employee possesses the requisite  
position-specific minimum qualifications for the position or  
classification.

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(E) If an employee exercising displacement rights must  
displace an employee in another county within the same layoff  
district, the displacement shall not be construed to be a  
transfer.

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(F) The director of administrative services shall adopt rules  
under Chapter 119. of the Revised Code for the implementation of  
this section.

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**Sec. 124.325.** (A) Retention points to reflect the length of  
continuous service and efficiency in service for all employees  
affected by a layoff shall be verified by the director of  
administrative services.

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(B) An employee's length of continuous service will be  
carried from one layoff jurisdiction to another so long as no  
break in service occurs between ~~such~~ transfers or appointments.

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~~(C) Retention points for efficiency in service shall be  
determined by averaging the employee's latest two annual  
performance evaluations. An employee with less than two years of  
service will have the latest performance evaluation used. Any~~

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~~employees with less than one year of service will have their final  
probationary evaluation used.~~ 2463  
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~~(D)~~ (C) If two or more employees have an identical 2465  
number of retention points, employees having the shortest period 2466  
of continuous service shall be laid off first. 2467

~~(E)~~ (D) (1) As used in this division, "affected employee" means 2468  
a city employee who becomes a county employee, or a county 2469  
employee who becomes a city employee, as the result of any of the 2470  
following: 2471

(a) The merger of a city and a county office; 2472

(b) The merger of city and county functions or duties; 2473

(c) The transfer of functions or duties between a city and 2474  
county. 2475

(2) For purposes of this section, the new employer of any 2476  
affected employee shall treat the employee's prior service with 2477  
~~such a~~ a former employer as if it had been served with the new 2478  
employer. 2479

~~(F)~~ (E) The director of administrative services shall 2480  
~~promulgate~~ adopt rules, in accordance with Chapter 119. of the 2481  
Revised Code, to establish a system for the assignment of 2482  
retention points for each employee in a classification affected by 2483  
a layoff and for determining, in those instances where employees 2484  
have identical retention points, which employee shall be laid off 2485  
first. 2486

**Sec. 124.326.** (A) The order of layoff and displacement shall 2487  
apply within layoff jurisdictions. Each of the layoff 2488  
jurisdictions, as defined in this section, is autonomous, and 2489  
layoff, displacement, reinstatement, and reemployment procedures 2490  
shall apply only within the jurisdiction affected by the layoff. 2491



(B) The layoff jurisdictions are as follows: 2492

(1) District layoff jurisdiction: the order of layoff shall 2493  
be followed on a district-wide basis within each state agency, 2494  
board, commission, or independent institution. The director of 2495  
administrative services shall establish layoff districts for state 2496  
agencies, boards, and commissions. 2497

(2) County jurisdiction: within county agencies, the order of 2498  
layoff shall be followed within each county appointing authority. 2499

(3) University and college jurisdiction: each state-supported 2500  
college and university is a separate, indivisible layoff 2501  
jurisdiction throughout which the order of layoff shall be 2502  
followed, except that a branch campus outside the layoff district 2503  
of its main campus shall be considered a separate layoff 2504  
jurisdiction. For purposes of division (B)(3) of this section, the 2505  
Ohio agriculture research and development center shall be 2506  
considered a branch campus of the Ohio state university. 2507

The layoff jurisdiction described in division (B)(3) of this 2508  
section shall not apply to employees who: 2509

(a) Are laid off for a temporary period of up to one hundred 2510  
ten consecutive days; or 2511

(b) Have specialized skills, knowledge, or training necessary 2512  
for the performance of their job. 2513

A state-supported college or university may adopt rules 2514  
pursuant to Chapter 119. of the Revised Code to provide for the 2515  
layoff of employees who are not subject to the lay-off 2516  
jurisdiction described in division (B)(3) of this section but 2517  
instead are subject to the lay-off jurisdiction described in 2518  
division (B)(1) of this section. 2519

(C) As used in this section, "independent institution" means 2520  
an institution under the control of a managing officer or board of 2521

trustees with the power to appoint or remove employees as provided 2522  
by statute. 2523

**Sec. 124.327.** (A) Employees who have been laid off or have, 2524  
by virtue of exercising their displacement rights, been displaced 2525  
to a lower classification in their classification series, shall be 2526  
placed on appropriate layoff lists. Those employees with the most 2527  
retention points within each category of order of layoff, as 2528  
established in section 124.323 of the Revised Code, shall be 2529  
placed at the top of the layoff list to be followed by employees 2530  
ranked in descending total retention order. Laid-off employees 2531  
shall be placed on layoff lists for each classification in the 2532  
classification series equal to or lower than the classification in 2533  
which the employee was employed at the time of layoff. 2534

(B) An employee who is laid off retains reinstatement rights 2535  
in the agency from which the employee was laid off. Reinstatement 2536  
rights continue for one year from the date of layoff. During this 2537  
one-year period, in any layoff jurisdiction in which an appointing 2538  
authority has an employee on a layoff list, the appointing 2539  
authority shall not hire or promote anyone into a position within 2540  
that classification until all laid-off persons on a layoff list 2541  
for that classification who are qualified to perform the duties of 2542  
the position are reinstated or decline the position when it is 2543  
offered. 2544

For an exempt employee, as defined in section 124.152 of the 2545  
Revised Code, who has reinstatement rights into a bargaining unit 2546  
classification, the exempt employee's recall jurisdiction shall be 2547  
the counties in which the exempt employee indicates willingness to 2548  
accept reinstatement as determined by the applicable collective 2549  
bargaining agreement. 2550

(C) Each laid-off or displaced employee, in addition to 2551  
reinstatement rights within the employee's appointing authority, 2552

~~shall have~~ has the right to reemployment with any other agencies 2553  
~~within the layoff jurisdiction~~ state agency, board, commission, or 2554  
independent institution described in division (B)(1) of section 2555  
124.326 of the Revised Code, if the employee ~~is qualified to~~ 2556  
~~perform the duties of the position~~ meets all applicable 2557  
position-specific minimum qualifications developed by the other 2558  
agency, board, commission, or independent institution and reviewed 2559  
for validity by the department of administrative services or, in 2560  
the absence of position-specific minimum qualifications so 2561  
developed and reviewed, meets the qualifications described in the 2562  
applicable classification, but only in the same classification 2563  
from which the employee was initially laid off or displaced. 2564  
Layoff lists for each appointing authority must be exhausted 2565  
before ~~jurisdictional~~ other jurisdiction reemployment layoff lists 2566  
are used. 2567

(D) Any employee accepting or declining reinstatement to the 2568  
same classification and same appointment type from which the 2569  
employee was laid off or displaced shall be removed from the 2570  
appointing authority's layoff list. 2571

(E) Any employee accepting or declining reemployment to the 2572  
same classification and the same appointment type from which the 2573  
employee was laid off or displaced shall be removed from the 2574  
~~jurisdictional~~ layoff list for the jurisdiction in which the 2575  
employee accepted or declined that reemployment as determined 2576  
under division (C) of this section. 2577

(F) An employee who does not exercise the option to displace 2578  
under section 124.324 of the Revised Code shall only be entitled 2579  
to reinstatement or reemployment in the classification from which 2580  
the employee was displaced or laid off. 2581

(G) ~~An~~ Except as otherwise provided in this division, an 2582  
employee who declines reinstatement to a classification lower in 2583  
the classification series than the classification from which the 2584

employee was laid off or displaced, ~~shall~~ thereafter is only be 2585  
entitled to reinstatement to a classification higher, up to and 2586  
including the classification from which the employee was laid off 2587  
or displaced, in the classification series than the classification 2588  
that was declined. This division does not apply when an employee, 2589  
who was a full-time employee at the time of layoff or 2590  
displacement, declines reinstatement in a part-time position. 2591

(H) Any employee reinstated or reemployed under this section 2592  
shall not serve a probationary period upon reinstatement or 2593  
reemployment, except that an employee laid off during an original 2594  
or promotional probationary period shall begin a new probationary 2595  
period. 2596

(I) For the purposes of this section, employees whose salary 2597  
or wage is not paid directly by warrant of the director of budget 2598  
and management shall be placed on layoff lists of their appointing 2599  
authority only. 2600

**Sec. 124.33.** An employee holding a position in the classified 2601  
service ~~of the state~~ may be temporarily transferred from ~~his~~ the 2602  
employee's original position to a similar position, for a period 2603  
not to exceed thirty days, or for a longer period not to exceed 2604  
ninety days if agreed to by the employee and employer. 2605

No employee shall be temporarily transferred more than once 2606  
during any six-month period without the approval of the director 2607  
of administrative services, ~~who,~~ if the employee is in the service 2608  
of the state, or otherwise without the approval of a commission. 2609  
The director, by rule, shall set guidelines ~~in his rules and~~ 2610  
~~regulations~~ concerning procedures to be followed by all appointing 2611  
authorities when making a temporary transfer and list those 2612  
classifications where the nature of the employment is such that 2613  
systematic changes in the location of an employee's work 2614  
assignments are necessary for the efficient operation of an 2615

office, department, or institution. 2616

If the director or a commission approves a second temporary 2617  
transfer within any six-month period and the employee objects to 2618  
the transfer because ~~he~~ the employee does not hold a position 2619  
listed in the director's rules ~~and regulations~~ as one requiring 2620  
systematic changes in the employee's work assignment or because it 2621  
is not necessary for the efficient operation of the office, 2622  
department, or institution, the employee may appeal ~~such that~~ 2623  
transfer to the state personnel board of review. If the board 2624  
finds that the position held by the employee is not by its nature 2625  
subject to systematic changes or that a temporary transfer is not 2626  
necessary for the efficient operation of the office, department, 2627  
or institution, it shall not approve the transfer. If the board 2628  
finds that the temporary transfer is necessary for the efficient 2629  
operation of the office, department, or institution or that the 2630  
position is by its nature subject to systematic changes, it shall 2631  
approve the transfer. 2632

Any employee who is temporarily transferred from ~~his~~ the 2633  
employee's original position to a similar position in excess of 2634  
twenty miles from ~~his~~ the employee's place of residence shall be 2635  
reimbursed, by the appointing authority requesting the transfer, 2636  
for all actual and necessary expenses incurred during ~~such~~ the 2637  
temporary transfer. 2638

An appointing authority ~~may~~, with the approval of the 2639  
director of administrative services, if the employee is in the 2640  
service of the state, or otherwise with the approval of a 2641  
commission, may permanently transfer an employee in the classified 2642  
civil service ~~of the state~~ from ~~his~~ the employee's original 2643  
position to a similar position in another office, department, or 2644  
institution. For purposes of this section, a "permanent transfer 2645  
~~is~~" means any transfer in excess of thirty days unless the 2646  
employee and the employer agree to a longer period not to exceed 2647

ninety days. The appointing authority requesting the permanent 2648  
transfer shall notify the employee and the director or commission 2649  
in writing of the request to transfer. If the director or 2650  
commission determines that the transfer is not necessary for the 2651  
efficient operation of the office, department, or institution, ~~he~~ 2652  
the director or commission shall not approve the transfer and 2653  
shall notify the appointing authority and the employee in writing 2654  
that transfer is not approved. If ~~he~~ the director or commission 2655  
finds that the transfer is necessary for the efficient operation 2656  
of the office, department, or institution, ~~he~~ the director or 2657  
commission shall notify the appointing authority and the employee 2658  
~~involved in the request for transfer~~, in writing, that the 2659  
transfer is approved, including in ~~such~~ that notification a 2660  
statement whether the transfer will require a permanent change of 2661  
residence for the employee. 2662

If the employee consents to the transfer and is in agreement 2663  
with the ~~director's~~ statement concerning a permanent change of 2664  
residence, the appointing authority of the office, department, or 2665  
institution receiving the employee shall reimburse ~~such~~ the 2666  
employee for ~~his~~ actual and necessary travel and living expenses 2667  
or, if the move requires a permanent change of residence, ~~his~~ 2668  
actual and necessary expenses of moving to ~~his~~ the new location 2669  
and provide a per diem allowance not to exceed thirty days for 2670  
living expenses until ~~his~~ the employee's residence can be moved to 2671  
the new location. 2672

If the employee does not wish to be transferred or ~~he~~ feels 2673  
that the ~~director's~~ decision regarding the need for a permanent 2674  
change of residence has been unfair, ~~he may~~ the employee, within 2675  
ten days after receipt of ~~such~~ the notice, may appeal the transfer 2676  
to the state personnel board of review, but, pending determination 2677  
of ~~such~~ the appeal, the employee shall not refuse ~~such~~ the 2678  
transfer. 2679

In such an appeal, the appointing authority of the office, department, or institution receiving the employee shall be required to show that the permanent transfer is necessary for the efficient operation of the office, department, or institution. If the state personnel board of review finds that the transfer is necessary for the efficient operation of the office, department, or institution, and if the employee is transferred, the appointing authority of the office, department, or institution receiving the employee shall reimburse ~~such~~ the employee for the actual and necessary expenses of moving to ~~his~~ the new location and shall pay the employee a per diem allowance not to exceed thirty days for living expenses until ~~his~~ the employee's residence can be moved to the new location.

If the state personnel board of review finds that the transfer is not necessary for the efficient operation of the office, department, or institution, and if the employee has moved to the new location pending ~~his~~ the appeal, the appointing authority of the receiving office, department, or institution shall pay the actual and necessary expenses of the employee of moving to the new location and actual and necessary expenses for returning the employee to ~~his~~ the employee's previous location.

**Sec. 124.34.** (A) 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 of the state, holding a position under this chapter, shall be during good behavior and efficient service. No ~~such~~ officer or employee shall be reduced in pay or position, fined, suspended, or removed, or have the officer's or employee's longevity reduced or eliminated, 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, 2711  
neglect of duty, violation of any policy or work rule of the 2712  
officer's or employee's appointing authority, violation of this 2713  
chapter or the rules of the director of administrative services or 2714  
the commission, any other failure of good behavior, any other acts 2715  
of misfeasance, malfeasance, or nonfeasance in office, or 2716  
conviction of a felony. ~~An~~ The denial of a one-time pay supplement 2717  
or a bonus to an officer or employee is not a reduction in pay for 2718  
purposes of this section. 2719

An appointing authority may require an employee who is 2720  
suspended to report to work to serve the suspension. An employee 2721  
serving a suspension in this manner shall continue to be 2722  
compensated at the employee's regular rate of pay for hours 2723  
worked. ~~Such~~ The disciplinary action shall be recorded in the 2724  
employee's personnel file in the same manner as other disciplinary 2725  
actions and has the same effect as a suspension without pay for 2726  
the purpose of recording disciplinary actions. 2727

A finding by the appropriate ethics commission, based upon a 2728  
preponderance of the evidence, that the facts alleged in a 2729  
complaint under section 102.06 of the Revised Code constitute a 2730  
violation of Chapter 102., section 2921.42, or section 2921.43 of 2731  
the Revised Code may constitute grounds for dismissal. Failure to 2732  
file a statement or falsely filing a statement required by section 2733  
102.02 of the Revised Code may also constitute grounds for 2734  
dismissal. The tenure of an employee in the career professional 2735  
service of the department of transportation is subject to section 2736  
5501.20 of the Revised Code. 2737

Conviction of a felony is a separate basis for reducing in 2738  
pay or position, suspending, or removing an officer or employee, 2739  
even if the officer or employee has already been reduced in pay or 2740  
position, suspended, or removed for the same conduct that is the 2741  
basis of the felony. An officer or employee may not appeal to the 2742



state personnel board of review or the commission any disciplinary 2743  
action taken by an appointing authority as a result of the 2744  
officer's or employee's conviction of a felony. If an officer or 2745  
employee removed under this section is reinstated as a result of 2746  
an appeal of the removal, any conviction of a felony that occurs 2747  
during the pendency of the appeal is a basis for further 2748  
disciplinary action under this section upon the officer's or 2749  
employee's reinstatement. 2750

A person convicted of a felony immediately forfeits the 2751  
person's status as a classified employee in any public employment 2752  
on and after the date of the conviction for the felony. If an 2753  
officer or employee is removed under this section as a result of 2754  
being convicted of a felony or is subsequently convicted of a 2755  
felony that involves the same conduct that was the basis for the 2756  
removal, the officer or employee is barred from receiving any 2757  
compensation after the removal notwithstanding any modification or 2758  
disaffirmance of the removal, unless the conviction for the felony 2759  
is subsequently reversed or annulled. 2760

Any person removed for conviction of a felony is entitled to 2761  
a cash payment for any accrued but unused sick, personal, and 2762  
vacation leave as authorized by law. If subsequently reemployed in 2763  
the public sector, ~~such~~ the person shall qualify for and accrue 2764  
these forms of leave in the manner specified by law for a newly 2765  
appointed employee and shall not be credited with prior public 2766  
service for the purpose of receiving these forms of leave. 2767

As used in this division, "felony" means any of the 2768  
following: 2769

(1) A felony that is an offense of violence as defined in 2770  
section 2901.01 of the Revised Code; 2771

(2) A felony that is a felony drug abuse offense as defined 2772  
in section 2925.01 of the Revised Code; 2773

(3) A felony under the laws of this or any other state or the United States that is a crime of moral turpitude; 2774  
2775

(4) A felony involving dishonesty, fraud, or theft; 2776

(5) A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code. 2777  
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(B) In case of a reduction, a suspension of forty or more work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of more than three working days twenty-four or more work hours in the case of an employee required to be paid overtime compensation, a fine of forty or more hours' pay in the case of an employee exempt from the payment of overtime compensation, a fine in excess of three days' twenty-four or more hours' pay in the case of an employee required to be paid overtime compensation, or removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action. ~~The order shall be filed with the director of administrative services and state personnel board of review, or the commission, as may be appropriate.~~ 2779  
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Within ten days following the date on which the order is served 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, except as otherwise provided in this section, may file an appeal of the order in writing with the state personnel board of review or the commission. For purposes of this section, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first. If ~~such~~ an appeal is filed, the board or commission shall forthwith notify the appointing authority and 2794  
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shall hear, or appoint a trial board to hear, the appeal within 2805  
thirty days from and after its filing with the board or 2806  
commission, ~~and it.~~ The board, commission, or trial board may 2807  
affirm, disaffirm, or modify the judgment of the appointing 2808  
authority. However, in an appeal of a removal order based upon a 2809  
violation of a last chance agreement, the board, commission, or 2810  
trial board may only determine if the employee violated the 2811  
agreement and thus affirm or disaffirm the judgment of the 2812  
appointing authority. 2813

In cases of removal or reduction in pay for disciplinary 2814  
reasons, either the appointing authority or the officer or 2815  
employee may appeal from the decision of the state personnel board 2816  
of review or the commission, and any such appeal shall be to the 2817  
court of common pleas of the county in which the ~~employee resides~~ 2818  
~~in accordance with the procedure~~ appointing authority is located, 2819  
or to the court of common pleas of Franklin county, as provided by 2820  
section 119.12 of the Revised Code. 2821

(C) In the case of the suspension for any period of time, or 2822  
a fine, demotion, or removal, of a chief of police ~~or~~ a chief of 2823  
a fire department, or any member of the police or fire department 2824  
of a city or civil service township, who is in the classified 2825  
civil service, the appointing authority shall furnish ~~such the~~ 2826  
chief or member ~~of a department~~ with a copy of the order of 2827  
suspension, fine, demotion, or removal, which order shall state 2828  
the reasons for the action. The order shall be filed with the 2829  
municipal or civil service township civil service commission. 2830  
Within ten days following the filing of the order, ~~such the~~ chief 2831  
or member ~~of a department~~ may file an appeal, in writing, with the 2832  
~~municipal or civil service township civil service~~ commission. If 2833  
~~such~~ an appeal is filed, the commission shall forthwith notify the 2834  
appointing authority and shall hear, or appoint a trial board to 2835  
hear, the appeal within thirty days from and after its filing with 2836

the commission, and it may affirm, disaffirm, or modify the 2837  
judgment of the appointing authority. An appeal on questions of 2838  
law and fact may be had from the decision of the ~~municipal or~~ 2839  
~~civil service township civil service~~ commission to the court of 2840  
common pleas in the county in which ~~such~~ the city or civil service 2841  
township is situated. ~~Such~~ The appeal shall be taken within thirty 2842  
days from the finding of the commission. 2843

(D) A violation of division (A)(7) of section 2907.03 of the 2844  
Revised Code is grounds for termination of employment of a 2845  
nonteaching employee under this section. 2846

(E) As used in this section, "last chance agreement" means an 2847  
agreement signed by both an appointing authority and an officer or 2848  
employee of the appointing authority that describes the type of 2849  
behavior or circumstances that, if it occurs, will automatically 2850  
lead to removal of the officer or employee without the right of 2851  
appeal to the state personnel board of review or the appropriate 2852  
commission. 2853

**Sec. 124.341.** (A) If a ~~state~~ an employee in the classified or 2854  
unclassified civil service becomes aware in the course of ~~his~~ 2855  
employment of a violation of state or federal statutes, rules, or 2856  
regulations or the misuse of public resources, and the employee's 2857  
supervisor or appointing authority has authority to correct the 2858  
violation or misuse, the employee may file a written report 2859  
identifying the violation or misuse with ~~his~~ the supervisor or 2860  
appointing authority. 2861

If the employee reasonably believes that a violation or 2862  
misuse of public resources is a criminal offense, the employee, in 2863  
addition to or instead of filing a written report with the 2864  
supervisor or appointing authority, may report it to a prosecuting 2865  
attorney, director of law, village solicitor, or similar chief 2866  
legal officer of a municipal corporation, to a peace officer, as 2867

defined in section 2935.01 of the Revised Code, or, if the  
violation or misuse of public resources is within the jurisdiction  
of the inspector general, to the inspector general in accordance  
with section 121.46 of the Revised Code. In addition to that  
report, if the employee reasonably believes the violation or  
misuse is also a violation of Chapter 102., section 2921.42, or  
section 2921.43 of the Revised Code, the employee may report it to  
the appropriate ethics commission.

(B) Except as otherwise provided in division (C) of this  
section, no ~~state~~ officer or ~~state~~ employee in the classified or  
unclassified civil service shall take any disciplinary action  
against a ~~state~~ an employee in the classified or unclassified  
civil service for making any report authorized by division (A) of  
this section, including, without limitation, doing any of the  
following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or  
employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have  
been received;
- (5) Reducing the employee in pay or position.

(C) ~~A state~~ An employee in the classified or unclassified  
civil service shall make a reasonable effort to determine the  
accuracy of any information reported under division (A) of this  
section. The employee is subject to disciplinary action, including  
suspension or removal, as determined by the employee's appointing  
authority, for purposely, knowingly, or recklessly reporting false  
information under division (A) of this section.

(D) If an appointing authority takes any disciplinary or

retaliatory action against a classified or unclassified employee 2898  
as a result of the employee's having filed a report under division 2899  
(A) of this section, the employee's sole and exclusive remedy, 2900  
notwithstanding any other provision of law, is to file an appeal 2901  
with the state personnel board of review within thirty days after 2902  
receiving actual notice of the appointing authority's action. If 2903  
the employee files such an appeal, the board shall immediately 2904  
notify the employee's appointing authority and shall hear the 2905  
appeal. The board may affirm or disaffirm the action of the 2906  
appointing authority or may issue any other order as is 2907  
appropriate. The order of the board is appealable in accordance 2908  
with ~~the provisions of~~ Chapter 119. of the Revised Code. 2909

(E) As used in this section: 2910

(1) "Purposely," "knowingly," and "recklessly" have the same 2911  
meanings as in section 2901.22 of the Revised Code. 2912

(2) "Appropriate ethics commission" has the same meaning as 2913  
in section 102.01 of the Revised Code. 2914

(3) "Inspector general" means the inspector general appointed 2915  
under section 121.48 of the Revised Code. 2916

**Sec. 124.38.** Each of the following shall be entitled for each 2917  
completed eighty hours of service to sick leave of four and 2918  
six-tenths hours with pay: 2919

(A) Employees in the various offices of the county, 2920  
municipal, and civil service township service, other than 2921  
superintendents and management employees, as defined in section 2922  
5126.20 of the Revised Code, of county boards of mental 2923  
retardation and developmental disabilities; 2924

(B) Employees of any state college or university; 2925

(C) Employees of any board of education for whom sick leave 2926  
is not provided by section 3319.141 of the Revised Code. 2927

Employees may use sick leave, upon approval of the 2928  
responsible administrative officer of the employing unit, for 2929  
absence due to personal illness, pregnancy, injury, exposure to 2930  
contagious disease that could be communicated to other employees, 2931  
and illness, injury, or death in the employee's immediate family. 2932  
Unused sick leave shall be cumulative without limit. When sick 2933  
leave is used, it shall be deducted from the employee's credit on 2934  
the basis of one hour for every one hour of absence from 2935  
previously scheduled work. 2936

The previously accumulated sick leave of an employee who has 2937  
been separated from the public service shall be placed to the 2938  
employee's credit upon the employee's re-employment in the public 2939  
service, provided that ~~such~~ the re-employment takes place within 2940  
ten years of the date on which the employee was last terminated 2941  
from public service. This ten-year period shall be tolled for any 2942  
period during which the employee holds elective public office, 2943  
whether by election or by appointment. 2944

An employee who transfers from one public agency to another 2945  
shall be credited with the unused balance of the employee's 2946  
accumulated sick leave up to the maximum of the sick leave 2947  
accumulation permitted in the public agency to which the employee 2948  
transfers. 2949

The appointing authorities of the various offices of the 2950  
county service may permit all or any part of a person's accrued 2951  
but unused sick leave acquired during service with any regional 2952  
council of government established in accordance with Chapter 167. 2953  
of the Revised Code to be credited to the employee upon a transfer 2954  
as if the employee were transferring from one public agency to 2955  
another under this section. 2956

The appointing authority of each employing unit shall require 2957  
an employee to furnish a satisfactory written, signed statement to 2958

justify the use of sick leave. If medical attention is required, a  
certificate stating the nature of the illness from a licensed  
physician shall be required to justify the use of sick leave.  
Falsification of either a written, signed statement or a  
physician's certificate shall be grounds for disciplinary action,  
including dismissal.

This section does not interfere with existing unused sick  
leave credit in any agency of government where attendance records  
are maintained and credit has been given employees for unused sick  
leave.

Notwithstanding this section or any other section of the  
Revised Code, any appointing authority of a county office,  
department, commission, board, or body may, upon notification to  
the board of county commissioners, establish alternative schedules  
of sick leave for employees of the appointing authority for whom  
the state employment relations board has not established an  
appropriate bargaining unit pursuant to section 4117.06 of the  
Revised Code, ~~provided that~~ as long as the alternative schedules  
are not inconsistent with the provisions of ~~a~~ at least one  
collective bargaining agreement covering other employees of that  
appointing authority, if such a collective bargaining agreement  
exists. If no such collective bargaining agreement exists, an  
appointing authority may, upon notification to the board of county  
commissioners, establish an alternative schedule of sick leave for  
its employees that does not diminish the sick leave benefits  
granted by this section.

**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;	2990
(2) Receive a cash benefit as established by the director of <del>administrative services</del> . An employee serving in a temporary work level <del>or holding an interim appointment</del> 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.	2991 2992 2993 2994 2995
(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.	2996 2997 2998
(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.	2999 3000 3001 3002 3003 3004
(C) Cash benefits shall be paid in the first pay the employee receives in December.	3005 3006
(D) Balances carried forward are excluded from further cash benefits provided under this section.	3007 3008
(E) An employee who separates during the year shall not be eligible for cash benefits provided under this section.	3009 3010
<b>Sec. 124.384.</b> (A) Except as otherwise provided in this section, employees whose salaries or wages are paid by warrant of the director of budget and management 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 death but excluding retirement, at their last base rate of pay at the rate of one hour of pay for every two hours of accumulated balances. An employee who retires in accordance with any retirement plan offered by the	3011 3012 3013 3014 3015 3016 3017 3018 3019

state shall be paid upon retirement for each hour of the 3020  
employee's accumulated sick leave balance at a rate of fifty-five 3021  
per cent of the employee's last base rate of pay. 3022

An employee serving in a temporary work level ~~or an interim~~ 3023  
~~appointment~~ who elects to convert unused sick leave to cash shall 3024  
do so at the base rate of pay of the employee's normal 3025  
classification. If an employee dies, the employee's unused sick 3026  
leave shall be paid in accordance with section 2113.04 of the 3027  
Revised Code or to the employee's estate. 3028

In order to be eligible for the payment authorized by this 3029  
section, an employee shall have at least one year of state service 3030  
and shall request all or a portion of ~~such~~ that payment no later 3031  
than three years after separation from state service. No person is 3032  
eligible to receive all or a portion of the payment authorized by 3033  
this section at any time later than three years after the person's 3034  
separation from state service. 3035

(B) Except as otherwise provided in this division, a person 3036  
initially employed on or after July 5, 1987, by a state agency in 3037  
which the employees' salaries or wages are paid directly by 3038  
warrant of the director of budget and management shall receive 3039  
payment under this section only for sick leave accumulated while 3040  
employed by state agencies in which the employees' salaries or 3041  
wages are paid directly by warrant of the director of budget and 3042  
management. A person initially employed on or after July 5, 1987, 3043  
by the state department of education as an unclassified employee 3044  
shall receive payment under this section only for sick leave 3045  
accumulated while employed by state agencies in which the 3046  
employees' salaries or wages are paid directly by warrant of the 3047  
director of budget and management and for sick leave placed to the 3048  
employee's credit under division (E)(2) of section 124.382 of the 3049  
Revised Code. 3050

(C) For employees paid in accordance with section 124.152 of 3051

the Revised Code and those employees listed in divisions (B)(2) 3052  
and (4) of section 124.14 of the Revised Code, the director of 3053  
administrative services, with the approval of the director of 3054  
budget and management, may establish a plan for early payment of 3055  
accrued sick leave and vacation leave. 3056

**Sec. 124.385.** (A) An employee is eligible for disability 3057  
leave benefits under this section if the employee has completed 3058  
one year of continuous state service immediately prior to the date 3059  
of the disability and if any of the following applies: 3060

(1) The employee is a full-time permanent employee and is 3061  
eligible for sick leave credit pursuant to division (B) of section 3062  
124.382 of the Revised Code. 3063

(2) The employee is a part-time permanent employee who has 3064  
worked at least fifteen hundred hours within the twelve-month 3065  
period immediately preceding the date of disability and is 3066  
eligible for sick leave credit under division (B) of section 3067  
124.382 of the Revised Code. 3068

(3) The employee is a full-time permanent or part-time 3069  
permanent employee, is on disability leave or leave of absence for 3070  
medical reasons, and would be eligible for sick leave credit 3071  
pursuant to division (B) of section 124.382 of the Revised Code 3072  
except that the employee is in no pay status due to the employee's 3073  
medical condition. 3074

(B) The director of administrative services, by rule adopted 3075  
in accordance with Chapter 119. of the Revised Code, shall 3076  
establish a disability leave program. The rule shall include, but 3077  
shall not be limited to, the following: 3078

(1) Procedures to be followed for determining disability; 3079

(2) Provisions for the allowance of disability leave due to 3080  
illness or injury; 3081

(3) Provisions for the continuation of service credit for 3082  
employees granted disability leave, including service credit 3083  
towards retirement, as provided by the applicable statute; 3084

(4) The establishment of a minimum level of benefit and of a 3085  
waiting period before benefits begin; 3086

(5) Provisions setting a maximum length of benefit and 3087  
requiring that employees eligible to apply for disability 3088  
retirement shall do so prior to completing the first six months of 3089  
their period of disability. The director's rules shall indicate 3090  
those employees required to apply for disability retirement. If an 3091  
employee is approved to receive disability retirement, the 3092  
employee shall receive the retirement benefit and a supplement 3093  
payment that equals a percentage of the employee's base rate of 3094  
pay and that, when added to the retirement benefit, equals no more 3095  
than the percentage of pay received by employees after the first 3096  
six months of disability. ~~Such~~ This supplemental payment shall not 3097  
be considered earnable salary, compensation, or salary, and is not 3098  
subject to contributions, under Chapter 145., 742., 3307., 3309., 3099  
or 5505. of the Revised Code. 3100

(6) Provisions that allow employees to utilize available sick 3101  
leave, personal leave, or vacation leave balances to supplement 3102  
the benefits payable under this section. ~~Such~~ The balances used to 3103  
supplement the benefits, plus any amount contributed by the state 3104  
as provided in division (D) of this section, shall be paid at the 3105  
employee's base rate of pay in an amount sufficient to give 3106  
employees up to one hundred per cent of pay for time on 3107  
disability. 3108

(7) Procedures for appealing denial of payment of a claim, 3109  
including the following: 3110

(a) A maximum of thirty days to file an appeal by the 3111  
employee; 3112

(b) A maximum of fifteen days for the parties to select a	3113
third-party opinion pursuant to division (F) of this section,	3114
unless an extension is agreed to by the parties;	3115
(c) A maximum of thirty days for the third party to render an	3116
opinion.	3117
(8) Provisions for approving leave of absence for medical	3118
reasons where an employee is in no pay status because the employee	3119
has used all the employee's sick leave, personal leave, vacation	3120
leave, and compensatory time;	3121
(9) Provisions for precluding the payment of benefits if the	3122
injury for which the benefits are sought is covered by a workers'	3123
compensation plan;	3124
(10) Provisions for precluding the payment of benefits in	3125
order to ensure that benefits are provided in a consistent manner.	3126
(C) Except as provided in division (B)(6) of this section,	3127
time off for an employee granted disability leave is not	3128
chargeable to any other leave granted by other sections of the	3129
Revised Code.	3130
(D) While an employee is on an approved disability leave, the	3131
employer's and employee's share of health, life, and other	3132
insurance benefits shall be paid by the state, and the retirement	3133
contribution shall be paid as follows:	3134
(1) The employer's share shall be paid by the state.	3135
(2) For the first three months, the employee's share shall be	3136
paid by the employee.	3137
(3) After the first three months, the employee's share shall	3138
be paid by the state.	3139
(E) The approval for disability leave shall be made by the	3140
director, upon recommendation by the appointing authority. <u>The</u>	3141
<u>director may delegate to any appointing authority the authority to</u>	3142

approve disability benefits for a standard recovery period. 3143

(F) If a request for disability leave is denied based on a 3144  
medical determination, the director shall obtain a medical opinion 3145  
from a third party. The decision of the third party is binding. 3146

(G) The rule adopted by the director under division (B) of 3147  
this section shall not deny disability leave benefits for an 3148  
illness or injury to an employee who is a veteran of the United 3149  
States armed forces because the employee contracted the illness or 3150  
received the injury in the course of or as a result of military 3151  
service and the illness or injury is or may be covered by a 3152  
compensation plan administered by the United States department of 3153  
veterans affairs. 3154

**Sec. 124.386.** (A) Each full-time permanent employee paid in 3155  
accordance with section 124.152 of the Revised Code and those 3156  
full-time permanent employees listed in divisions (B)(2) and (4) 3157  
of section 124.14 of the Revised Code shall be credited with 3158  
thirty-two hours of personal leave each year. Each part-time 3159  
permanent employee paid in accordance with section 124.152 of the 3160  
Revised Code and those part-time permanent employees listed in 3161  
divisions (B)(2) and (4) of section 124.14 of the Revised Code 3162  
shall receive a pro-rated personal leave credit as determined by 3163  
rule of the director of administrative services. ~~Such~~ The credit 3164  
shall be made to each eligible employee in the first pay the 3165  
employee receives in December. Employees, upon giving reasonable 3166  
notice to the responsible administrative officer of the appointing 3167  
authority, may use personal leave for absence due to mandatory 3168  
court appearances, legal or business matters, family emergencies, 3169  
unusual family obligations, medical appointments, weddings, 3170  
religious holidays not listed in section 124.19 of the Revised 3171  
Code, or any other matter of a personal nature. Personal leave may 3172  
not be used on a holiday when an employee is scheduled to work. 3173

Personal leave is not available for use until it appears on 3174  
the employee's earning statement and the compensation described in 3175  
the earning statement is available to the employee. 3176

(B) When personal leave is used, it shall be deducted from 3177  
the unused balance of the employee's personal leave on the basis 3178  
of absence in such increments of an hour as the director of 3179  
administrative services determines. Compensation for ~~such~~ personal 3180  
leave shall be equal to the employee's base rate of pay. 3181

(C) A newly appointed full-time permanent employee or a 3182  
nonfull-time employee who receives a full-time permanent 3183  
appointment shall be credited with personal leave of thirty-two 3184  
hours, less one and two-tenths hours for each pay period that has 3185  
elapsed following the first paycheck the employee receives in 3186  
December, until the first day of the pay period during which the 3187  
appointment was effective. 3188

(D) The director of administrative services shall allow 3189  
employees to elect one of the following options with respect to 3190  
the unused balance of personal leave: 3191

(1) Carry forward the balance. The maximum credit that shall 3192  
be available to an employee at any one time is forty hours. 3193

(2) Convert the balance to accumulated sick leave, to be used 3194  
in the manner provided by section 124.382 of the Revised Code; 3195

(3) Receive a cash benefit. The cash benefit shall equal one 3196  
hour of the employee's base rate of pay for every hour of unused 3197  
credit that is converted. An employee serving in a temporary work 3198  
level ~~or an interim appointment~~ who elects to convert unused 3199  
personal leave to cash shall do so at the base rate of pay of the 3200  
employee's normal classification. Such cash benefit shall not be 3201  
subject to contributions to any of the retirement systems, either 3202  
by the employee or the employer. 3203

(E) A full-time permanent employee who separates from state 3204  
service or becomes ineligible to be credited with leave under this 3205  
section shall receive a reduction of personal leave credit of one 3206  
and two-tenths hours for each pay period that remains beginning 3207  
with the first pay period following the date of separation or the 3208  
effective date of the employee's ineligibility until the pay 3209  
period preceding the next base pay period. After calculation of 3210  
the reduction of an employee's personal leave credit, the employee 3211  
is entitled to compensation for any remaining personal leave 3212  
credit at the employee's current base rate of pay. If the 3213  
reduction results in a number of hours less than zero, the cash 3214  
equivalent value of such number of hours shall be deducted from 3215  
any compensation that remains payable to the employee, or from the 3216  
cash conversion value of any vacation or sick leave that remains 3217  
credited to the employee. An employee serving in a temporary work 3218  
level ~~or an interim appointment~~ who is eligible to receive 3219  
compensation under this section shall be compensated at the base 3220  
rate of pay of the employee's normal classification. 3221

(F) An employee who transfers from one public agency to 3222  
another public agency in which the employee is eligible for the 3223  
credit provided under this section shall be credited with the 3224  
unused balance of personal leave. 3225

(G) The director of administrative services shall establish 3226  
procedures to uniformly administer this section. No personal leave 3227  
may be granted to a state employee upon or after retirement or 3228  
termination of employment. 3229

**Sec. 124.388.** (A) An appointing authority may, in its 3230  
discretion, place an employee on administrative leave with pay. 3231  
~~Such~~ Administrative leave with pay is to be used only in 3232  
circumstances where the health or safety of an employee or of any 3233  
person or property entrusted to the employee's care could be 3234



adversely affected. Compensation for administrative leave with pay 3235  
shall be equal to the employee's base rate of pay. The length of 3236  
~~such~~ administrative leave with pay is solely at the discretion of 3237  
the appointing authority, ~~except that the length of the leave but~~ 3238  
shall not exceed the length of the situation for which the leave 3239  
was granted. An appointing authority may also grant administrative 3240  
leave with pay of two days or less for employees who are moved in 3241  
accordance with section 124.33 of the Revised Code. 3242

(B) An appointing authority may, in its discretion, place an 3243  
employee on administrative leave without pay for a period not to 3244  
exceed two months, if the employee has been charged with a 3245  
violation of law that is punishable as a felony. If the employee 3246  
subsequently does not plead guilty to or is not found guilty of a 3247  
felony with which the employee is charged or any other felony, the 3248  
appointing authority shall pay the employee at the employee's base 3249  
rate of pay, plus interest, for the period the employee was on the 3250  
unpaid administrative leave. 3251

**Sec. 124.40.** (A) The mayor or other chief appointing 3252  
authority of each city in the state shall appoint three persons, 3253  
one for a term of two years, one for a term of four years, and one 3254  
for a term of six years, who shall constitute the municipal civil 3255  
service commission of ~~such~~ that city and of the city school 3256  
district and city health district in which ~~such~~ that city is 3257  
located. Each alternate year thereafter the mayor or other chief 3258  
appointing authority shall appoint one person, as successor of the 3259  
member whose term expires, to serve six years. A vacancy shall be 3260  
filled by the mayor or other chief appointing authority ~~of a city~~ 3261  
for the unexpired term. At the time of any appointment, not more 3262  
than two commissioners shall be adherents of the same political 3263  
party. ~~Such~~ 3264

The municipal civil service commission shall prescribe, 3265

amend, and enforce rules not inconsistent with this chapter for 3266  
the classification of positions in the civil service of ~~such the~~ 3267  
city and city school district, and all the positions in the city 3268  
health district; for examinations for and resignations ~~therefor~~ 3269  
from those positions; for appointments, promotions, removals, 3270  
transfers, layoffs, suspensions, reductions, and reinstatements 3271  
~~therein~~ with respect to those positions; and for standardizing 3272  
those positions and maintaining efficiency ~~therein~~ in them. The 3273  
commission's rules shall authorize each appointing authority of a 3274  
city, city school district, or city health district to develop and 3275  
administer in a manner it devises an evaluation system for the 3276  
employees it appoints. The ~~municipal civil service~~ commission 3277  
shall exercise all other powers and perform all other duties with 3278  
respect to the civil service of ~~such the~~ city, city school 3279  
district, and city health district, as prescribed in this chapter 3280  
and conferred upon the director of administrative services and the 3281  
state personnel board of review with respect to the civil service 3282  
of the state; and all authority granted to the director and the 3283  
board with respect to the service under their jurisdiction shall, 3284  
except as otherwise provided by this chapter, be held to ~~grant the~~ 3285  
~~same authority~~ be granted to the ~~municipal civil service~~ 3286  
commission with respect to the service under its jurisdiction. The 3287  
procedure applicable to reductions, suspensions, and removals, as 3288  
provided for in section 124.34 of the Revised Code, shall govern 3289  
the civil service of cities. ~~The~~ 3290

The expense and salaries of a municipal civil service 3291  
commission shall be determined by the legislative authority of the 3292  
city and a sufficient sum of money shall be appropriated each year 3293  
to carry out this chapter in the city. 3294

All persons who are employed by a city school district, city 3295  
health district, or city health department when a municipal civil 3296  
service commission having jurisdiction over them is appointed, or 3297

when they become subject to civil service by extension of civil 3298  
service to include new classifications of employees, shall 3299  
continue to hold their positions until removed in accordance with 3300  
the civil service laws. 3301

If the appointing authority of any ~~such~~ city fails to appoint 3302  
a civil service commission or commissioner, as provided by law, 3303  
within sixty days after ~~he~~ the appointing authority has the power 3304  
to so appoint, or after a vacancy exists, the state personnel 3305  
board of review shall make the appointment, and ~~such~~ the appointee 3306  
shall hold office until the expiration of the term of the 3307  
appointing authority of ~~such~~ the city. If any ~~such~~ municipal civil 3308  
service commission fails to prepare and submit ~~such~~ rules and or 3309  
regulations in ~~pursuance of~~ accordance with this chapter, the 3310  
board shall forthwith make ~~such~~ those rules or regulations. This 3311  
chapter ~~of the Revised Code,~~ shall in all ~~other~~ respects, except 3312  
as provided in this section, be in full force in ~~such~~ cities with 3313  
a civil service commission. 3314

Each municipal civil service commission shall make reports 3315  
from time to time, as the board requires, of the manner in which 3316  
the law and the rules and regulations ~~thereunder~~ under it have 3317  
been and are being administered, and the results of their 3318  
administration, in ~~such~~ the city, city school district, and city 3319  
health district. A copy of the annual report of each ~~such~~ 3320  
municipal civil service commission shall be filed in the office of 3321  
the board as a public record. 3322

Whenever the board has reason to believe that a municipal 3323  
civil service commission is violating or is failing to perform the 3324  
duties imposed upon it by law, or that any member of ~~such a~~ 3325  
municipal civil service commission is willfully or through 3326  
culpable negligence violating the law or failing to perform ~~his~~ 3327  
official duties as a member of the commission, it shall institute 3328  
an investigation, and if, in the judgment of the board, it finds 3329

any such violation or failure to perform the duties imposed by 3330  
law, it shall make a report of ~~such~~ the violation or failure in 3331  
writing to the chief executive authority of ~~such~~ the city, which 3332  
report shall be a public record. 3333

Upon the receipt of ~~the~~ a report from the board, charging a 3334  
the municipal civil service ~~commissioner~~ commission with violating 3335  
or failing to perform the duties imposed upon it by law, or 3336  
charging any member of the commission with willfully or through 3337  
culpable negligence violating the law ~~by failure or failing~~ to 3338  
perform ~~his~~ official duties as a member of the ~~municipal civil~~ 3339  
~~service~~ commission, along with the evidence on which the report is 3340  
based, the chief executive ~~officer~~ authority of the city shall 3341  
forthwith remove the municipal civil service commissioner or 3342  
commissioners. In all cases of removal of a municipal civil 3343  
service commissioner by the chief executive authority of any ~~such~~ 3344  
city, an appeal may be had to the court of common pleas, in the 3345  
county in which the city is situated, to determine the sufficiency 3346  
of the cause of removal. The appeal shall be taken within ten days 3347  
from the decision of the chief executive authority ~~of the city~~. 3348  
~~Should~~ If the court ~~disaffirm~~ disaffirms the judgment of the chief 3349  
executive authority, the commissioner shall be reinstated to ~~his~~ 3350  
the commissioner's former position ~~in~~ on the ~~municipal civil~~ 3351  
~~service~~ commission. ~~The~~ 3352

The chief executive authority of ~~such~~ a city with a municipal 3353  
civil service commission may remove at any time ~~remove~~ any 3354  
~~municipal civil service~~ commissioner for inefficiency, neglect of 3355  
duty, or malfeasance in office, having first given to the 3356  
commissioner a copy of the charges ~~against him~~ and an opportunity 3357  
to be publicly heard in person or by counsel in ~~his own~~ defense. 3358

The mayor has the exclusive right to suspend the chief of the 3359  
police department or the chief of the fire department for 3360  
incompetence, gross neglect of duty, gross immorality, habitual 3361

drunkenness, failure to obey orders given ~~him~~ by the proper 3362  
authority, or ~~for~~ any other reasonable and just cause. If either 3363  
the chief of police or the chief of the fire department is so 3364  
suspended, the mayor forthwith shall certify ~~such~~ that fact, 3365  
together with the cause of the suspension, to the municipal civil 3366  
service commission, ~~which within~~. Within five days from the date 3367  
of receipt of the notice, the commission shall proceed to hear 3368  
~~such~~ the charges and render judgment ~~thereon, which on them~~. The 3369  
judgment may affirm, disaffirm, or modify the judgment of the 3370  
~~appointing officer~~ mayor, and an appeal may be had from the 3371  
decision of the commission to the court of common pleas as 3372  
provided in section 124.34 of the Revised Code to determine the 3373  
sufficiency of the cause of removal. 3374

(B) The board of trustees of a township ~~with~~ that has a 3375  
population of ten thousand or more persons residing within the 3376  
township and outside any municipal corporation and ~~which~~ that has 3377  
a police or fire department of ten or more full-time paid 3378  
employees may appoint three persons ~~who shall~~ to constitute the 3379  
township civil service commission. Of the initial appointments 3380  
made to the commission, one shall be for a term ending two years 3381  
after the date of initial appointment, one shall be for a term 3382  
ending four years after that date, and one shall be for a term 3383  
ending six years after that date. Thereafter, terms of office 3384  
shall be for six years, each term ending on the same day of the 3385  
same month as did the term which it succeeds. Each member shall 3386  
hold office from the date of ~~his~~ appointment until the end of the 3387  
term for which ~~he~~ the member was appointed. Any member appointed 3388  
to fill a vacancy occurring prior to the expiration of the term 3389  
for which ~~his~~ the member's predecessor was appointed shall hold 3390  
office for the remainder of ~~such~~ that term. Any member shall 3391  
continue in office subsequent to the expiration date of ~~his~~ the 3392  
member's term until ~~his~~ a successor takes office, or until a 3393

period of sixty days has elapsed, whichever occurs first. At the 3394  
time of any appointment, not more than two commissioners shall be 3395  
adherents of the same political party. 3396

The board of township trustees shall determine the 3397  
compensation and expenses to be paid to the members of the 3398  
township civil service commission. The powers and duties conferred 3399  
on municipal civil service commissions and the supervisory 3400  
authority of the state personnel board of review under division 3401  
(A) of this section shall be applicable to the civil service 3402  
commission of a civil service township. ~~The~~ 3403

The board of township trustees has the exclusive right to 3404  
suspend the chief of the police or fire department of the township 3405  
in the same manner as provided in division (A) of this section for 3406  
municipal chiefs. 3407

The jurisdiction of the ~~civil service~~ township civil service 3408  
commission is limited to employees of the township fire or police 3409  
department and then only if the department has ten or more 3410  
full-time paid employees, and it does not extend to any other 3411  
township employees. 3412

**Sec. 124.44.** No positions above the rank of ~~patrolman~~ patrol 3413  
officer in the police department shall be filled by original 3414  
appointment. Vacancies in positions above the rank of ~~patrolman~~ 3415  
patrol officer in a police department shall be filled by promotion 3416  
from among persons holding positions in a rank lower than the 3417  
position to be filled. No position above the rank of ~~patrolman~~ 3418  
patrol officer in a police department shall be filled by any 3419  
person unless ~~he~~ the person has first passed a competitive 3420  
promotional examination. Promotion shall be by successive ranks ~~se~~ 3421  
~~far~~ insofar as practicable, and no person in a police department 3422  
shall be promoted to a position in a higher rank who has not 3423  
served at least twelve months in the next lower rank. ~~No~~ A 3424

municipal civil service commission may require a period of service 3425  
of longer than twelve months for promotion to the rank immediately 3426  
above the rank of patrol officer. 3427

No competitive promotional examination shall be held unless 3428  
there are at least two persons eligible to compete. Whenever a 3429  
municipal or civil service township civil service commission 3430  
determines that there are less than two persons holding positions 3431  
in the rank next lower than the position to be filled, who are 3432  
eligible and willing to compete, ~~such~~ the commission shall allow 3433  
the persons holding positions in the then next lower rank who are 3434  
eligible, to compete with the persons holding positions in the 3435  
rank lower than the position to be filled. ~~An~~ 3436

An increase in the salary or other compensation of anyone 3437  
holding a position in a police department, beyond that fixed for 3438  
the rank in which ~~such~~ that position is classified, shall be 3439  
deemed a promotion, except as provided in section 124.491 of the 3440  
Revised Code. ~~Whenever~~ 3441

If a vacancy occurs in ~~the~~ a position above the rank of 3442  
~~patrolman~~ patrol officer in a police department, and there is no 3443  
eligible list for such rank, the municipal or civil service 3444  
township civil service commission shall, within sixty days of ~~such~~ 3445  
that vacancy, hold a competitive promotional examination. After 3446  
~~such~~ the examination has been held and an eligible list 3447  
established, the commission shall forthwith certify to the 3448  
appointing officer the name of the person on the list receiving 3449  
the highest rating. Upon ~~such~~ the certification, the appointing 3450  
officer shall appoint the person so certified within thirty days 3451  
from the date of ~~such~~ the certification. If there is a list, the 3452  
commission shall, ~~where~~ when there is a vacancy, immediately 3453  
certify the name of the person on the list having the highest 3454  
rating, and the appointing authority shall appoint ~~such~~ that 3455  
person within thirty days from the date of ~~such~~ the certification. 3456

No credit for seniority, efficiency, or any other reason 3457  
shall be added to an applicant's examination grade unless the 3458  
applicant achieves at least the minimum passing grade on the 3459  
examination without counting ~~such~~ that extra credit. 3460

**Sec. 124.45.** Vacancies in positions above the rank of regular 3461  
~~fireman~~ fire fighter in a fire department shall be filled by 3462  
competitive promotional examinations, and promotions shall be by 3463  
successive ranks as provided in this section and sections 124.46 3464  
to 124.49 of the Revised Code. Positions in which ~~such~~ those 3465  
vacancies occur shall be called promoted ranks. 3466

When a vacancy occurs in the promoted rank immediately above 3467  
the rank of regular ~~fireman~~ fire fighter, no person shall be 3468  
eligible to take the examination unless ~~he~~ the person has served 3469  
~~twenty-four~~ forty-eight months, not including the person's 3470  
probationary period, in the rank of regular ~~firemen~~ fire fighter, 3471  
provided that, in those cases ~~where~~ when there are less than two 3472  
persons in the rank of regular ~~firemen~~ fire fighter who have 3473  
served ~~twenty-four~~ forty-eight months ~~therein~~, not including the 3474  
person's probationary period, in that rank and who are willing to 3475  
take the examination, ~~the twenty-four month~~ this service 3476  
requirement does not apply. 3477

When a vacancy occurs in a promoted rank, other than the 3478  
promoted rank immediately above the rank of regular ~~fireman~~ fire 3479  
fighter, no person shall be eligible to take the examination 3480  
unless ~~he~~ the person has served twelve months in the rank from 3481  
which the promotion is to be made, provided that, in those cases 3482  
~~where~~ when there are less than two persons in ~~such~~ that next lower 3483  
rank who have served twelve months ~~therein~~ in that rank and who 3484  
are willing to take the examination, ~~the twelve months~~ 3485  
twelve-month service requirement shall not apply. If the 3486  
nonapplication of the twelve-month service requirement to persons 3487



in the next lower rank does not produce two persons eligible and 3488  
willing to compete, ~~then~~ the same method shall be followed by 3489  
going to successively lower ranks until two or more persons are 3490  
eligible and willing to compete in an examination for the vacancy. 3491  
~~In the event~~ If this process of searching successively lower ranks 3492  
reaches the rank of regular ~~fireman~~ fire fighter, the ~~twenty-four~~ 3493  
forty-eight-month service requirement applies, provided that, in 3494  
those cases ~~where such~~ when that application still fails to 3495  
produce two persons who are eligible and willing to compete, ~~said~~ 3496  
~~twenty-four~~ the forty-eight-month service requirement does not 3497  
apply. ~~In the event~~ If two persons are unwilling to compete for 3498  
~~such~~ the examination, ~~then~~ the one person who is willing to 3499  
compete shall be appointed to fill the vacancy after passing a 3500  
qualifying examination. 3501

Promotional examinations for positions within a fire 3502  
department shall relate to those matters ~~which~~ that test the 3503  
ability of the person examined to discharge the particular duties 3504  
of the position sought, ~~and shall be in writing, provided~~ include 3505  
a written testing component, and, in examinations for positions 3506  
requiring the operation of machines or equipment, may include 3507  
practical demonstration tests of the operation of ~~such~~ those 3508  
machines or equipment ~~may be~~ as a part of the examination. 3509

Those persons who compete in a promotional examination in 3510  
accordance with the rules of the civil service commission shall 3511  
have added to their grade credit for seniority. Credit for 3512  
seniority shall be given as follows: one point shall be added for 3513  
each of the first four years of service, and six-tenths of a point 3514  
shall be added for each year for the next ten years of service. In 3515  
computing the credit for seniority, half of the credit ~~above set~~ 3516  
~~out~~ specified in this paragraph shall be given for a half year of 3517  
service. Credit for seniority shall be based only on service in 3518  
the municipal or civil service township fire department and the 3519

service provided for in the next succeeding paragraph. 3520

When service in a municipal or civil service township fire 3521  
department is interrupted by service in the armed forces of the 3522  
United States, seniority credit shall be granted in promotional 3523  
examinations for the time so served. No additional credit for 3524  
military service shall be allowed in promotional examinations. 3525

Credit for efficiency may be given as an added credit ~~and~~ 3526  
shall be ten per cent of the member's efficiency rating for the 3527  
last year, and shall be based on the record of efficiency 3528  
maintained in the fire department in the manner established by the 3529  
civil service commission, provided the efficiency shall be graded 3530  
by three ranking officers of the fire department familiar with the 3531  
work of the member. In those cases ~~where~~ when three such officers 3532  
do not exist, the ranking officers or officer familiar with the 3533  
work of the member shall grade the efficiency. 3534

No credit for seniority, efficiency, or any other reason 3535  
shall be added to an applicant's grade unless the applicant 3536  
achieves at least the minimum passing grade on the examination 3537  
without counting ~~such~~ that extra credit. 3538

~~After a promotional examination has been held and prior to 3539  
the grading of such examination papers, each participant in said 3540  
promotional examination shall have a period of five days, 3541  
exclusive of Saturdays, Sundays, and holidays, to inspect the 3542  
questions, the rating keys or answers to the examination and to 3543  
file any protest he may deem advisable. These protests shall be in 3544  
writing and shall remain anonymous to the commission. All protests 3545  
with respect to rating keys or answers shall be determined by the 3546  
commission within a period of not more than five days, exclusive 3547  
of Saturdays, Sundays, and holidays, and its decision shall be 3548  
final. If the commission finds an error in the rating key or 3549  
answer, it shall publish a revised rating key within five days of 3550  
its finding of such error or errors. The revised rating key or 3551~~

~~answer shall then be available to participants for a period of 3552  
five days, exclusive of Saturdays, Sundays, and holidays, 3553  
subsequent to such determination of error or errors. 3554~~

After the grading of ~~such~~ examination papers, any participant 3555  
in the examination who ~~deems his~~ considers the participant's 3556  
examination papers to have been erroneously graded, shall have the 3557  
right to appeal to the commission, and ~~said the appeal or appeals~~ 3558  
shall be heard by the commission. 3559

The public notice of a holding of a promotional examination 3560  
for a position or positions in a fire department shall, unless 3561  
waived by all persons eligible to participate, be published not 3562  
less than thirty days prior to the examination and shall contain a 3563  
description of the source material from which the examination 3564  
questions are prepared. ~~Such~~ The source material shall be readily 3565  
accessible to the examinee. Failure to comply with this 3566  
requirement shall make void the pursuant examination. This 3567  
paragraph does not prohibit the use of questions having answers 3568  
based on experience in the fire service within the fire department 3569  
in which the promotional examination is being given. 3570

**Sec. 124.46.** The names of the examinees who have passed the 3571  
examination shall be placed on the eligible list in accordance 3572  
with their grades; ~~the one.~~ The examinee receiving the highest 3573  
grade shall be placed first on the list. ~~In the event~~ If two or 3574  
more examinees receive the same grade, seniority in the fire 3575  
department service shall determine the order of their names. The 3576  
person having the highest position on the list shall be appointed 3577  
in the case of a vacancy. Eligible lists established as provided 3578  
in this section shall continue for two years. ~~In the event~~ If a 3579  
vacancy occurs prior to the expiration of the two-year period, the 3580  
list shall continue for the purpose of filling ~~such~~ the vacancy 3581  
until the vacancy has been filled. 3582

~~Where~~ If an eligible list exists and a vacancy occurs ~~which~~ 3583  
~~that~~ may be filled from ~~such eligible~~ that list, the vacancy shall 3584  
be filled within a period of not more than ten days from the date 3585  
of ~~such~~ the vacancy. 3586

**Sec. 124.48.** Whenever a vacancy occurs in a promoted rank in 3587  
a fire department and no eligible list for ~~such that~~ rank exists, 3588  
the appointing authority shall certify the fact to the civil 3589  
service commission, ~~and the.~~ The civil service commission ~~shall,~~ 3590  
within sixty days of ~~such the~~ vacancy, shall conduct a competitive 3591  
promotional examination. After ~~such the~~ examination has been held, 3592  
an eligible list shall be established ~~within twenty days of the~~ 3593  
~~final date, of the revised rating key or answer inspection date,~~ 3594  
and the civil service commission shall certify to the appointing 3595  
authority the name of the person on the list receiving the highest 3596  
grade. Upon ~~such the~~ certification, the appointing authority shall 3597  
appoint the person so certified within ten days. 3598

When an eligible list ~~is in existence~~ exists and a vacancy 3599  
occurs in a position for which the list was established, the 3600  
appointing authority shall certify the fact to the civil service 3601  
commission. The person standing highest on ~~such the~~ list shall be 3602  
certified to the appointing authority, and ~~such that~~ person shall 3603  
be appointed within ten days. 3604

**Sec. 302.202.** If established under ~~Chapter 302. of the~~ 3605  
~~Revised Code~~ this chapter, the department of personnel shall make 3606  
and promulgate personnel rules ~~which that~~, when adopted by the 3607  
board of county commissioners after public hearing, shall be the 3608  
sole basis for determining the provisions and procedures of the 3609  
county personnel system. 3610

Notwithstanding the provisions of Chapter 124. of the Revised 3611  
Code, personnel rules adopted by the board of county commissioners 3612

pursuant to this section, may provide for, but need not be limited  
to, the following: 3613  
3614

(A) Classification of all county positions, which 3615  
classification shall be based on the duties, authority, and 3616  
responsibility of each position; 3617

(B) A pay plan for all county positions, which pay plan may 3618  
include ~~such~~ fringe benefits as may be determined by the board of 3619  
county commissioners, in addition to salary; 3620

(C) Certification of payrolls as to compliance with the pay 3621  
plan and the personnel rules; 3622

(D) The method of holding competitive tests for determining 3623  
the merit and fitness of candidates for appointment and promotion; 3624

(E) The establishment, maintenance, and certification of 3625  
eligible lists for filling vacancies; 3626

(F) The order and manner in which lay-offs may be effected; 3627

(G) The procedure for suspension and removal of employees, 3628  
which procedure shall include provisions for appeals from orders 3629  
of suspension or removal or other disciplinary action; 3630

(H) The hours of work, the attendance regulations, and the 3631  
provisions for sick and vacation leave; 3632

(I) ~~The procedure for provisional appointments;~~ 3633

~~(J)~~ Other practices and procedures necessary to the 3634  
administration of the county personnel system. 3635

**Sec. 325.19.** (A)(1) The granting of vacation leave under 3636  
division (A)(1) of this section is subject to divisions (A)(2) and 3637  
(3) of this section. Each full-time employee in the several 3638  
offices and departments of the county service, including full-time 3639  
hourly rate employees, after service of one year with the county 3640  
or any political subdivision of the state, shall have earned and 3641

will be due upon the attainment of the first year of employment, 3642  
and annually thereafter, eighty hours of vacation leave with full 3643  
pay. One year of service shall be computed on the basis of 3644  
twenty-six biweekly pay periods. A full-time county employee with 3645  
eight or more years of service with the county or any political 3646  
subdivision of the state shall have earned and is entitled to one 3647  
hundred twenty hours of vacation leave with full pay. A full-time 3648  
county employee with fifteen or more years of service with the 3649  
county or any political subdivision of the state shall have earned 3650  
and is entitled to one hundred sixty hours of vacation leave with 3651  
full pay. A full-time county employee with twenty-five years of 3652  
service with the county or any political subdivision of the state 3653  
shall have earned and is entitled to two hundred hours of vacation 3654  
leave with full pay. Such vacation leave shall accrue to the 3655  
employee at the rate of three and one-tenth hours each biweekly 3656  
period for those entitled to eighty hours per year; four and 3657  
six-tenths hours each biweekly period for those entitled to one 3658  
hundred twenty hours per year; six and two-tenths hours each 3659  
biweekly period for those entitled to one hundred sixty hours per 3660  
year; and seven and seven-tenths hours each biweekly period for 3661  
those entitled to two hundred hours per year. 3662

The appointing authorities of the offices and departments of 3663  
the county service may permit all or any part of a person's prior 3664  
service with any regional council of government established in 3665  
accordance with Chapter 167. of the Revised Code to be considered 3666  
service with the county or a political subdivision of the state 3667  
for the purpose of determining years of service under this 3668  
division. 3669

(2) Full-time employees granted vacation leave under division 3670  
(A)(1) of this section who render any standard of service other 3671  
than forty hours per week as described in division (J) of this 3672  
section and who are in active pay status in a biweekly pay period, 3673

shall accrue a number of hours of vacation leave during each such 3674  
pay period that bears the same ratio to the number of hours 3675  
specified in division (A)(1) of this section as their number of 3676  
hours which are accepted as full-time in active pay status, 3677  
excluding overtime hours, bears to eighty hours. 3678

(3) Full-time employees granted vacation leave under division 3679  
(A)(1) of this section who are in active pay status in a biweekly 3680  
pay period for less than eighty hours or the number of hours of 3681  
service otherwise accepted as full-time by their employing office 3682  
or department shall accrue a number of hours of vacation leave 3683  
during that pay period that bears the same ratio to the number of 3684  
hours specified in division (A)(1) of this section as their number 3685  
of hours in active pay status, excluding overtime hours, bears to 3686  
eighty or the number of hours of service accepted as full-time, 3687  
whichever is applicable. 3688

(B) A board of county commissioners, by resolution, may grant 3689  
vacation leave with full pay to part-time county employees. A 3690  
part-time county employee shall be eligible for vacation leave 3691  
with full pay upon the attainment of the first year of employment, 3692  
and annually thereafter. The ratio between the hours worked and 3693  
the vacation hours awarded to a part-time employee shall be the 3694  
same as the ratio between the hours worked and the vacation hours 3695  
earned by a full-time employee as provided for in this section. 3696

(C) Days specified as holidays in section 124.19 of the 3697  
Revised Code shall not be charged to an employee's vacation leave. 3698  
Vacation leave shall be taken by the employee during the year in 3699  
which it accrued and prior to the next recurrence of the 3700  
anniversary date of the employee's employment, provided that the 3701  
appointing authority may, in special and meritorious cases, permit 3702  
such employee to accumulate and carry over the employee's vacation 3703  
leave to the following year. No vacation leave shall be carried 3704  
over for more than three years. An employee is entitled to 3705

compensation, at the employee's current rate of pay, for the 3706  
prorated portion of any earned but unused vacation leave for the 3707  
current year to the employee's credit at time of separation, and 3708  
in addition shall be compensated for any unused vacation leave 3709  
accrued to the employee's credit, with the permission of the 3710  
appointing authority, for the three years immediately preceding 3711  
the last anniversary date of employment. 3712

(D)(1) In addition to vacation leave, a full-time county 3713  
employee is entitled to eight hours of holiday pay for New Year's 3714  
day, Martin Luther King day, Washington-Lincoln day, Memorial day, 3715  
Independence day, Labor day, Columbus day, Veterans' day, 3716  
Thanksgiving day, and Christmas day, of each year. Except as 3717  
provided in division (D)(2) of this section, holidays shall occur 3718  
on the days specified in section 1.14 of the Revised Code. If any 3719  
of those holidays fall on Saturday, the Friday immediately 3720  
preceding shall be observed as the holiday. If any of those 3721  
holidays fall on Sunday, the Monday immediately succeeding shall 3722  
be observed as the holiday. If an employee's work schedule is 3723  
other than Monday through Friday, the employee is entitled to 3724  
holiday pay for holidays observed on the employee's day off 3725  
regardless of the day of the week on which they are observed. 3726

(2)(a) When a classified employee of a county board of mental 3727  
retardation and developmental disabilities works at a site 3728  
maintained by a government entity other than the board, such as a 3729  
public school, the board may adjust the employee's holiday 3730  
schedule to conform to the schedule adopted by the government 3731  
entity. Under an adjusted holiday schedule, an employee shall 3732  
receive the number of hours of holiday pay granted under division 3733  
(D)(1) of this section. 3734

(b) Pursuant to division (H)(6) of section 339.06 of the 3735  
Revised Code, a county hospital may observe Martin Luther King 3736  
day, Washington-Lincoln day, Columbus day, and Veterans' day on 3737



days other than those specified in section 1.14 of the Revised Code. 3738  
3739

(E) In the case of the death of a county employee, the unused vacation leave and unpaid overtime to the credit of ~~any such~~ the employee shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate. 3740  
3741  
3742  
3743

(F) Notwithstanding this section or any other section of the Revised Code, any appointing authority of a county office, department, commission, board, or body may, upon notification to the board of county commissioners, establish alternative schedules of vacation leave and holidays for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, ~~provided that~~ as long as the alternative schedules are not inconsistent with the provisions of a at least one collective bargaining agreement covering other employees of that appointing authority, if such an agreement exists. If no such collective bargaining agreement exists, an appointing authority, upon notification to the board of county commissioners, may establish an alternative schedule of vacation leave and holidays for its employees that does not diminish the vacation leave and holiday benefits granted by this section. 3744  
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(G) The employees of a county children services board that establishes vacation benefits under section 5153.12 of the Revised Code are exempt from division (A) of this section. 3760  
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3762

(H) The provisions of this section do not apply to superintendents and management employees of county boards of mental retardation and developmental disabilities. 3763  
3764  
3765

(I) Division (A) of this section does not apply to an employee of a county board of mental retardation and developmental disabilities who works at, or provides transportation services to 3766  
3767  
3768

pupils of, a special education program provided by the county 3769  
board pursuant to division (A)(4) of section 5126.05 of the 3770  
Revised Code, if the employee's employment is based on a school 3771  
year and the employee is not subject to a contract with the county 3772  
board that provides for division (A) of this section to apply to 3773  
the employee. 3774

(J) As used in this section: 3775

(1) "Full-time employee" means an employee whose regular 3776  
hours of service for a county total forty hours per week, or who 3777  
renders any other standard of service accepted as full-time by an 3778  
office, department, or agency of county service. 3779

(2) "Part-time employee" means an employee whose regular 3780  
hours of service for a county total less than forty hours per 3781  
week, or who renders any other standard of service accepted as 3782  
part-time by an office, department, or agency of county service, 3783  
and whose hours of county service total at least five hundred 3784  
twenty hours annually. 3785

(3) "Management employee" has the same meaning as in section 3786  
5126.20 of the Revised Code. 3787

**Sec. 329.02.** Under the control and direction of the board of 3788  
county commissioners, the county director of job and family 3789  
services shall have full charge of the county department of job 3790  
and family services. The director shall prepare the annual budget 3791  
estimate of the department and submit it to the board ~~of county~~ 3792  
~~commissioners~~. Before submitting the budget estimate to the board 3793  
~~of county commissioners~~, the director shall consider the 3794  
recommendations of the county family services planning committee 3795  
relative to ~~such that~~ estimate. The director, with the approval of 3796  
the board ~~of county commissioners~~, shall appoint all necessary 3797  
assistants and superintendents of institutions under the 3798

jurisdiction of the department, and all other employees of the 3799  
department, ~~excepting~~ except that the superintendent of each such 3800  
institution shall appoint all employees ~~therein~~ in it and only the 3801  
board ~~of county commissioners~~ may appoint administrators under 3802  
section 329.021 of the Revised Code. Except for administrators 3803  
appointed under section 329.021 of the Revised Code and up to five 3804  
other administrative positions, the assistants and other employees 3805  
of the department shall be in the classified civil service, and 3806  
may not be placed in or removed to the unclassified service. If no 3807  
eligible list is available, ~~provisional~~ a probationary appointment 3808  
shall be made until ~~such~~ an eligible list is available. 3809

Each director appointed on or after ~~the effective date of~~ 3810  
~~this amendment~~ October 5, 1987, shall be in the unclassified civil 3811  
service and serve at the pleasure of the board ~~of county~~ 3812  
~~commissioners~~. If a person holding a classified position in the 3813  
department is appointed as director on or after ~~the effective~~ that 3814  
~~date of this amendment~~ and is later removed by the board, except 3815  
for a reason listed in section 124.34 of the Revised Code, the 3816  
person so removed has the right to resume the position the person 3817  
held in the classified service immediately prior to being 3818  
appointed as director, or if that position no longer exists or has 3819  
become an unclassified position, the person shall be appointed to 3820  
a position in the classified service that the board, with the 3821  
approval of the director of administrative services, determines is 3822  
equivalent to the position the person held immediately prior to 3823  
being appointed as director. 3824

The board ~~of county commissioners~~, except as provided in this 3825  
chapter, may provide by resolution for the coordination of the 3826  
operations of the department and those of any county institution 3827  
whose board or managing officer is appointed by the board of 3828  
county commissioners. 3829

The board of county commissioners may enter into a written 3830

contract with a county director of job and family services 3831  
specifying terms and conditions of the director's employment. The 3832  
period of the contract shall not exceed three years. In addition 3833  
to any review specified in ~~such a~~ the contract, the contract shall 3834  
be subject to review and renegotiation for a period of thirty 3835  
days, from the sixtieth to the ninetieth days after the beginning 3836  
of the term of any newly elected commissioner. Such a contract 3837  
shall in no way abridge the right of the board to terminate the 3838  
employment of the director as an unclassified employee at will, 3839  
but may specify terms and conditions of any such termination. 3840

**Sec. 329.021.** (A) The board of county commissioners ~~servin~~g a 3841  
~~county with a population of more than one million people~~ may, in 3842  
addition to the county director of job and family services, 3843  
appoint ~~not more than five~~ administrators to oversee services 3844  
provided by the county department of job and family services. ~~The,~~ 3845  
subject to the following limitations: 3846

(1) If the county has a population of five hundred thousand 3847  
or more, the board may appoint up to five administrators. 3848

(2) If the county has a population of two hundred and fifty 3849  
thousand or more, but less than five hundred thousand, the board 3850  
may appoint up to four administrators. 3851

(3) If the county has a population of one hundred thousand or 3852  
more, but less than two hundred and fifty thousand, the board may 3853  
appoint up to three administrators. 3854

(4) If the county has a population of forty thousand or more, 3855  
but less than one hundred thousand, the board may appoint up to 3856  
two administrators. 3857

(5) If the county has a population of less than forty 3858  
thousand, the board may appoint one administrator. 3859

(B) The administrators appointed by the board of county 3860

commissioners under this section shall be in the unclassified 3861  
civil service and serve at the pleasure of the board of county 3862  
commissioners. However, no administrator position that is filled 3863  
by a person serving in the classified service on the effective 3864  
date of this amendment shall be placed in the unclassified civil 3865  
service until that person vacates the position. 3866

(C) The board of county commissioners may appoint a person 3867  
who holds a certified position in the classified service within 3868  
the county department of job and family services to the position 3869  
of administrator. A person appointed to the position of 3870  
administrator pursuant to this division and later removed by the 3871  
board retains the right to resume the position in the classified 3872  
service held by that person immediately prior to being appointed 3873  
to the position of administrator, except that a person first 3874  
appointed to a classified position in the department on or after 3875  
the effective date of this amendment shall retain the right to 3876  
resume the position in the classified service for only six months 3877  
after being appointed to the position of administrator. An 3878  
employee forfeits the right to resume a position in the classified 3879  
service when the employee is removed from the position of 3880  
administrator due to incompetence, inefficiency, dishonesty, 3881  
drunkenness, immoral conduct, insubordination, discourteous 3882  
treatment of the public, neglect of duty, violation of any policy 3883  
or work rule of the board or department, violation of Chapter 124. 3884  
of the Revised Code or the rules of the director of administrative 3885  
services, any other failure of good behavior, any other acts of 3886  
misfeasance, malfeasance, or nonfeasance in office, or conviction 3887  
of a felony. If the position the person previously held in the 3888  
classified service no longer exists or has been placed in the 3889  
unclassified service, the person shall be appointed to a position 3890  
in the classified service of the department that is equivalent to 3891  
the classified position the person previously held, as determined 3892  
by the board with the approval of the director of administrative 3893

services. 3894

(D) As used in this section, "administrator" means assistant 3895  
director, fiscal officer or director, personnel officer or 3896  
director, social services administrator, income maintenance 3897  
administrator, child support administrator in a combined agency, 3898  
children services administrator in a combined agency, and 3899  
workforce development administrator in a combined agency. 3900

**Sec. 1513.03.** The chief of the division of mineral resources 3901  
management shall designate certain employees of the division as 3902  
mineral resources inspectors for the purpose of enforcing the coal 3903  
mining laws and the surface mining laws. ~~Such~~ Those inspectors may 3904  
enter upon and inspect any coal or surface mining operation at any 3905  
time, and, upon entering the permit area ~~the,~~ an inspector shall 3906  
notify the operator and shall furnish proper identification. After 3907  
the final maps have been approved, the inspector shall notify the 3908  
nearest mine office of the operator and advise of the inspection. 3909  
~~They~~ Inspectors may serve and execute warrants and other processes 3910  
of law issued in the enforcement of this chapter and Chapter 1514. 3911  
of the Revised Code and the rules adopted ~~thereunder~~ under them. 3912

~~Such~~ The inspectors, while in the normal, lawful, and 3913  
peaceful pursuit of their duties, may enter upon, cross over, and 3914  
remain upon privately owned lands for such purposes, and shall not 3915  
be subject to arrest for trespass while so engaged or for such 3916  
cause thereafter. 3917

Before a person, other than a person who was an inspector of 3918  
coal or surface mining operations or oil and gas operations on 3919  
July 1, 1999, is eligible for appointment as a mineral resources 3920  
inspector, the person shall pass an examination prepared and 3921  
administered by the department of administrative services and 3922  
shall serve ~~in a provisional status~~ for a probationary period of 3923  
six months to the satisfaction of the chief. The chief may hire 3924

~~provisionally, pending the administration of a civil service examination and establishment of a civil service eligibility list-~~ 3925  
~~A person serving in a provisional status has, a person as a~~ 3926  
~~mineral resources inspector, who shall have the same authority as~~ 3927  
~~a permanently appointed an inspector hired from an eligible list.~~ 3928  
This section does not affect the status of any person employed as 3929  
an inspector of coal or surface mining operations or oil and gas 3930  
operations prior to July 1, 1999, ~~if the person is a certified~~ 3931  
~~employee in the classified service of the state.~~ 3932  
3933

**Sec. 1513.34.** The chief of the division of mineral resources 3934  
management shall provide education and training for all mineral 3935  
resources inspectors, district supervisors, and enforcement 3936  
personnel. ~~The chief shall provide adequate training and education~~ 3937  
~~as necessary for all persons appointed as mineral resources~~ 3938  
~~inspectors during their provisional status.~~ The chief shall 3939  
provide, on a regular basis as funding allows, continuing 3940  
education and training as necessary for all mineral resources 3941  
inspectors, district supervisors, and enforcement personnel. 3942

**Sec. 4111.03.** (A) An employer shall pay an employee for 3943  
overtime at a wage rate of one and one-half times the employee's 3944  
wage rate for hours worked in excess of forty hours in one 3945  
workweek, in the manner and methods provided in and subject to the 3946  
exemptions of section 7 and section 13 of the "Fair Labor 3947  
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as 3948  
amended. 3949

Any employee employed in agriculture shall not be covered by 3950  
the overtime provision of this section. 3951

(B) ~~For the purposes of this section, the number of hours~~ 3952  
~~worked by a county employee in any one workweek shall be deemed to~~ 3953  
~~include, in addition to hours actually worked, all periods in an~~ 3954

~~active pay status.~~ 3955

~~(C)~~ If a county employee elects to take compensatory time off 3956  
in lieu of overtime pay, for any overtime worked, ~~such~~ 3957  
compensatory time may be granted by the employee's administrative 3958  
superior, on a time and one-half basis, at a time mutually 3959  
convenient to the employee and the administrative superior within 3960  
one hundred eighty days after the overtime is worked. 3961

~~(D)~~(C) A county appointing authority with the exception of 3962  
the county department of job and family services may, by rule or 3963  
resolution as is appropriate, indicate the authority's intention 3964  
not to be bound by division (B) ~~or (C)~~ of this section, and to 3965  
adopt a different policy for the calculation and payment of 3966  
overtime than that ~~is embodied in those divisions established by~~ 3967  
that division. Upon adoption, the alternative overtime policy 3968  
prevails. Prior to the adoption of an alternative overtime policy, 3969  
~~the~~ a county appointing authority with the exception of the county 3970  
department of job and family services shall give a written notice 3971  
of the alternative policy to each employee at least ten days prior 3972  
to ~~the~~ its effective date ~~of the policy~~. 3973

**Sec. 4112.01.** (A) As used in this chapter: 3974

(1) "Person" includes one or more individuals, partnerships, 3975  
associations, organizations, corporations, legal representatives, 3976  
trustees, trustees in bankruptcy, receivers, and other organized 3977  
groups of persons. "Person" also includes, but is not limited to, 3978  
any owner, lessor, assignor, builder, manager, broker, 3979  
salesperson, appraiser, agent, employee, lending institution, and 3980  
the state and all political subdivisions, authorities, agencies, 3981  
boards, and commissions of the state. 3982

(2) "Employer" includes the state, any political subdivision 3983  
of the state, any person employing four or more persons within the 3984  
state, and any person acting directly or indirectly in the 3985



interest of an employer.	3986
(3) "Employee" means an individual employed by any employer	3987
but does not include any individual employed in the domestic	3988
service of any person.	3989
(4) "Labor organization" includes any organization that	3990
exists, in whole or in part, for the purpose of collective	3991
bargaining or of dealing with employers concerning grievances,	3992
terms or conditions of employment, or other mutual aid or	3993
protection in relation to employment.	3994
(5) "Employment agency" includes any person regularly	3995
undertaking, with or without compensation, to procure	3996
opportunities to work or to procure, recruit, refer, or place	3997
employees.	3998
(6) "Commission" means the Ohio civil rights commission	3999
created by section 4112.03 of the Revised Code.	4000
(7) "Discriminate" includes segregate or separate.	4001
(8) "Unlawful discriminatory practice" means any act	4002
prohibited by section 4112.02, 4112.021, or 4112.022 of the	4003
Revised Code.	4004
(9) "Place of public accommodation" means any inn,	4005
restaurant, eating house, barbershop, public conveyance by air,	4006
land, or water, theater, store, other place for the sale of	4007
merchandise, or any other place of public accommodation or	4008
amusement of which the accommodations, advantages, facilities, or	4009
privileges are available to the public.	4010
(10) "Housing accommodations" includes any building or	4011
structure, or portion of a building or structure, that is used or	4012
occupied or is intended, arranged, or designed to be used or	4013
occupied as the home residence, dwelling, dwelling unit, or	4014
sleeping place of one or more individuals, groups, or families	4015

whether or not living independently of each other; and any vacant  
land offered for sale or lease. "Housing accommodations" also  
includes any housing accommodations held or offered for sale or  
rent by a real estate broker, salesperson, or agent, by any other  
person pursuant to authorization of the owner, by the owner, or by  
the owner's legal representative.

(11) "Restrictive covenant" means any specification limiting  
the transfer, rental, lease, or other use of any housing  
accommodations because of race, color, religion, sex, familial  
status, national origin, disability, or ancestry, or any  
limitation based upon affiliation with or approval by any person,  
directly or indirectly, employing race, color, religion, sex,  
familial status, national origin, disability, or ancestry as a  
condition of affiliation or approval.

(12) "Burial lot" means any lot for the burial of deceased  
persons within any public burial ground or cemetery, including,  
but not limited to, cemeteries owned and operated by municipal  
corporations, townships, or companies or associations incorporated  
for cemetery purposes.

(13) "Disability" means a physical or mental impairment that  
substantially limits one or more major life activities, including  
the functions of caring for one's self, performing manual tasks,  
walking, seeing, hearing, speaking, breathing, learning, and  
working; a record of a physical or mental impairment; or being  
regarded as having a physical or mental impairment.

(14) Except as otherwise provided in section 4112.021 of the  
Revised Code, "age" means at least forty years old.

(15) "Familial status" means either of the following:

(a) One or more individuals who are under eighteen years of  
age and who are domiciled with a parent or guardian having legal  
custody of the individual or domiciled, with the written

permission of the parent or guardian having legal custody, with a  
designee of the parent or guardian; 4047  
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(b) Any person who is pregnant or in the process of securing  
legal custody of any individual who is under eighteen years of  
age. 4049  
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(16)(a) Except as provided in division (A)(16)(b) of this  
section, "physical or mental impairment" includes any of the  
following: 4052  
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(i) Any physiological disorder or condition, cosmetic  
disfigurement, or anatomical loss affecting one or more of the  
following body systems: neurological; musculoskeletal; special  
sense organs; respiratory, including speech organs;  
cardiovascular; reproductive; digestive; genito-urinary; hemic and  
lymphatic; skin; and endocrine; 4055  
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(ii) Any mental or psychological disorder, including, but not  
limited to, mental retardation, organic brain syndrome, emotional  
or mental illness, and specific learning disabilities; 4061  
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(iii) Diseases and conditions, including, but not limited to,  
orthopedic, visual, speech, and hearing impairments, cerebral  
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis,  
cancer, heart disease, diabetes, human immunodeficiency virus  
infection, mental retardation, emotional illness, drug addiction,  
and alcoholism. 4064  
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(b) "Physical or mental impairment" does not include any of  
the following: 4070  
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(i) Homosexuality and bisexuality; 4072

(ii) Transvestism, transsexualism, pedophilia, exhibitionism,  
voyeurism, gender identity disorders not resulting from physical  
impairments, or other sexual behavior disorders; 4073  
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(iii) Compulsive gambling, kleptomania, or pyromania; 4076

(iv) Psychoactive substance use disorders resulting from the 4077  
current illegal use of a controlled substance or the current use 4078  
of alcoholic beverages. 4079

(17) "Dwelling unit" means a single unit of residence for a 4080  
family of one or more persons. 4081

(18) "Common use areas" means rooms, spaces, or elements 4082  
inside or outside a building that are made available for the use 4083  
of residents of the building or their guests, and includes, but is 4084  
not limited to, hallways, lounges, lobbies, laundry rooms, refuse 4085  
rooms, mail rooms, recreational areas, and passageways among and 4086  
between buildings. 4087

(19) "Public use areas" means interior or exterior rooms or 4088  
spaces of a privately or publicly owned building that are made 4089  
available to the general public. 4090

(20) "Controlled substance" has the same meaning as in 4091  
section 3719.01 of the Revised Code. 4092

(21) "Disabled tenant" means a tenant or prospective tenant 4093  
who is a person with a disability. 4094

(B) For the purposes of divisions (A) to (F) of section 4095  
4112.02 of the Revised Code, the terms "because of sex" and "on 4096  
the basis of sex" include, but are not limited to, because of or 4097  
on the basis of pregnancy, any illness arising out of and 4098  
occurring during the course of a pregnancy, childbirth, or related 4099  
medical conditions. Women affected by pregnancy, childbirth, or 4100  
related medical conditions shall be treated the same for all 4101  
employment-related purposes, including receipt of benefits under 4102  
fringe benefit programs, as other persons not so affected but 4103  
similar in their ability or inability to work, and nothing in 4104  
division (B) of section 4111.17 of the Revised Code shall be 4105  
interpreted to permit otherwise. This division shall not be 4106  
construed to require an employer to pay for health insurance 4107

benefits for abortion, except where the life of the mother would  
be endangered if the fetus were carried to term or except where  
medical complications have arisen from the abortion, provided that  
nothing in this division precludes an employer from providing  
abortion benefits or otherwise affects bargaining agreements in  
regard to abortion.

**Sec. 5107.52.** (A) There is hereby established, as a work  
activity under Ohio works first, the subsidized employment  
program, under which private and government employers receive  
payments from appropriations to the department of job and family  
services for a portion of the costs of salaries, wages, and  
benefits ~~such~~ those employers pay to or on behalf of employees who  
are participants of the subsidized employment program at the time  
of employment.

(B) The director of job and family services may redetermine  
rates of payments to employers under this section annually.

(C) A state agency or political subdivision may create or  
fill vacant full-time and part-time positions, including  
classified and unclassified positions for those positions that are  
included in the civil service under Chapter 124. of the Revised  
Code, for or with participants of the subsidized employment  
program. The director shall specify in rules adopted under section  
5107.05 of the Revised Code the maximum amount of time the  
department will subsidize the positions. After the subsidy  
expires, the agency or subdivision may hire the participant for an  
unclassified position or as a ~~provisional~~ an employee in the  
classified civil service, ~~if the position is in the classified  
civil service, and the participant shall become certified in the  
same manner as other provisional employees.~~ The director of  
administrative services may adopt rules in accordance with Chapter  
119. of the Revised Code governing this division.

(D) Participants of the subsidized employment program for 4139  
whom payments are made under this section: 4140

(1) Shall be considered regular employees of the employer, 4141  
entitled to the same employment benefits and opportunities for 4142  
advancement and affiliation with employee organizations that are 4143  
available to other regular employees of the employer, and the 4144  
employer shall pay premiums to the bureau of workers' compensation 4145  
on account of employees for whom payments are made; 4146

(2) Shall be paid at the same rate as other employees doing 4147  
similar work for the employer. 4148

(E) An agreement for employment of a subsidized employment 4149  
program participant by a private employer shall require that the 4150  
participant be given preference for any unsubsidized full-time 4151  
position with the employer that becomes available after the 4152  
participant completes any probationary or training period 4153  
specified in the agreement. 4154

**Sec. 5119.09.** The director of mental health shall prepare, 4155  
and may amend from time to time, specifications descriptive of the 4156  
duties, responsibilities, requirements, and desirable 4157  
qualifications of physician specialists in the department of 4158  
mental health. The director shall prepare, and may amend from time 4159  
to time, classifications for ~~such~~ those physician specialists, and 4160  
~~such physician specialists~~ they shall receive a salary fixed 4161  
pursuant to section 124.15 or 124.152 of the Revised Code. 4162

The director may employ and classify physicians in the 4163  
department as physician specialists, within the classifications 4164  
and pay ranges fixed pursuant to section 124.15 or 124.152 of the 4165  
Revised Code. Any physician employed in the department, whether 4166  
previously classified pursuant to section 124.15 or 124.152 of the 4167  
Revised Code or otherwise employed in the department, may be 4168

classified or reclassified as a physician specialist, pursuant to 4169  
this section, upon order of the director; provided, that, each 4170  
such physician shall be qualified as required by this section and 4171  
meet the specifications for the classification to which ~~he~~ the 4172  
physician is assigned. Any physician classified and designated a 4173  
physician specialist under authority of this section may be 4174  
assigned to a different physician specialist classification upon 4175  
order of the director; the director shall certify each such 4176  
reclassification, and the department of administrative services 4177  
shall be governed by ~~such~~ the certification; provided that, 4178  
nothing in this section shall alter the powers and duties of ~~such~~ 4179  
~~department as defined in~~ the state personnel board of review under 4180  
division (A)(1) of section 124.03 of the Revised Code. 4181

Each physician classified and designated as a physician 4182  
specialist in the department, under authority of this section, 4183  
shall be a reputable physician, and a graduate of an accredited 4184  
medical college, who has had special training and experience in 4185  
the treatment of mental illness or other condition found in 4186  
patients in the department. 4187

**Sec. 5155.03.** The board of county commissioners or operator 4188  
shall appoint a superintendent, who may be authorized to use the 4189  
title "administrator," who may reside on the premises of the 4190  
county home or ~~other~~ another building contiguous to the county 4191  
home, and who shall receive the compensation the board or operator 4192  
determines. The superintendent or administrator and any 4193  
administrative assistant shall each be allowed actual necessary 4194  
expenses incurred in the discharge of official duties. The 4195  
superintendent or administrator shall perform the duties that the 4196  
board or operator imposes and shall be governed in all respects by 4197  
the board's or operator's rules. The superintendent or 4198  
administrator shall be in the unclassified civil service. 4199

The board or operator may, by resolution, provide for the 4200  
appointment by the superintendent or administrator of an assistant 4201  
superintendent or administrator, who shall perform the duties at 4202  
the county home prescribed by the superintendent or administrator. 4203  
The board or operator shall not appoint one of its own board 4204  
members superintendent or administrator, nor shall any 4205  
commissioner or trustee be eligible to any other office in the 4206  
county home, or receive any compensation as physician or 4207  
otherwise, directly or indirectly, wherein the appointing power is 4208  
vested in the board of county commissioners or board of county 4209  
hospital trustees, as applicable. 4210

**Sec. 5703.17.** (A) In making an investigation as to any 4211  
company, firm, corporation, person, association, partnership, or 4212  
public utility subject to the laws ~~which~~ that the tax commissioner 4213  
is required to administer, the commissioner may appoint by an 4214  
order in writing an agent, a tax auditor agent, or a tax auditor 4215  
agent manager, whose duties shall be prescribed in ~~such~~ the order. 4216

In the discharge of such an agent's duties, the agent shall 4217  
have every power of an inquisitorial nature granted by law to the 4218  
commissioner, and the same powers as a notary public as to the 4219  
taking of depositions, ~~and all.~~ All powers given by law to a 4220  
notary public relative to depositions are hereby given to such an 4221  
agent. 4222

(B) No person shall be appointed as a tax auditor agent or a 4223  
tax auditor agent manager, unless that person meets one of the 4224  
following requirements: 4225

(1) The person holds from an accredited college or university 4226  
a baccalaureate or higher degree in accounting, business, business 4227  
administration, public administration, ~~or~~ management, or other 4228  
business-related field that is acceptable to the tax commissioner, 4229  
a doctoral degree in law, a bachelor of laws degree, or a master 4230



of laws degree in taxation. 4231

(2) The person possesses a current certified public 4232  
accountant, certified managerial accountant, or certified internal 4233  
auditor certificate; a professional tax designation issued by the 4234  
institute for professionals in taxation or the international 4235  
association of assessing officers; or a designation as an enrolled 4236  
agent of the Internal Revenue Service. 4237

(3) The person has accounting, auditing, or taxation 4238  
experience ~~that is acceptable to the department of taxation as~~ 4239  
defined in the classification specifications for the positions of 4240  
tax auditor agent or tax auditor agent manager established by the 4241  
director of administrative services pursuant to division (A)(1) of 4242  
section 124.14 of the Revised Code. 4243

(4) The person has experience as a tax commissioner agent, 4244  
tax auditor agent, or supervisor of tax agents that is acceptable 4245  
to the department of taxation. 4246

**Section 2.** That existing sections 9.84, 119.12, 124.01, 4247  
124.03, 124.04, 124.07, 124.09, 124.11, 124.133, 124.134, 124.14, 4248  
124.15, 124.20, 124.22, 124.23, 124.26, 124.27, 124.271, 124.30, 4249  
124.31, 124.32, 124.321, 124.322, 124.323, 124.324, 124.325, 4250  
124.326, 124.327, 124.33, 124.34, 124.341, 124.38, 124.383, 4251  
124.384, 124.385, 124.386, 124.388, 124.40, 124.44, 124.45, 4252  
124.46, 124.48, 302.202, 325.19, 329.02, 329.021, 1513.03, 4253  
1513.34, 4111.03, 4112.01, 5107.52, 5119.09, 5155.03, and 5703.17 4254  
and section 124.311 of the Revised Code are hereby repealed. 4255

**Section 3.** In addition to its recommendations that are 4256  
included in this act, the Civil Service Review Commission that was 4257  
created by Amended Senate Bill No. 210 of the 123rd General 4258  
Assembly recommends, with necessary changes made by the General 4259  
Assembly to reflect subsequent legislative enactments, all of the 4260

following: 4261

(A) The Department of Administrative Services, in conjunction 4262  
with all appropriate stakeholder groups, shall study the 4263  
compensation and classification system that applies to employees 4264  
paid by warrant of the Director of Budget and Management and 4265  
county employees in order to determine how the system could be 4266  
simplified. The Department shall report to the General Assembly on 4267  
the results of its study not later than six months after the 4268  
effective date of this act and at appropriate intervals 4269  
thereafter. 4270

(B) An ad hoc committee shall be formed to review, study, and 4271  
encourage greater awareness of the use of alternate dispute 4272  
resolution procedures, such as mediation, in appeals to the State 4273  
Personnel Board of Review and to municipal and civil service 4274  
township civil service commissions. The committee shall consist of 4275  
representatives of labor organizations, counties, cities, the 4276  
State Personnel Board of Review, the State Employment Relations 4277  
Board, the Office of Collective Bargaining of the Department of 4278  
Administrative Services, the Ohio Commission on Dispute Resolution 4279  
and Conflict Management, the American Arbitration Association, and 4280  
the Federal Mediation and Conciliation Service. Professors on the 4281  
faculty of Ohio law schools, a professional arbitrator with 4282  
experience in public sector disputes, and a plaintiff's lawyer 4283  
with experience in civil service disputes also should be members 4284  
of the committee. The committee shall report its findings and 4285  
recommendations to the General Assembly within six months after 4286  
the effective date of this act. 4287

**Section 4.** The Executive Director of the Inter-University 4288  
Council shall coordinate the organization of a committee 4289  
consisting of the president, or the president's representative, of 4290  
each state-supported college or university. Ninety days after the 4291

effective date of this act, the committee, in consultation with 4292  
the Department of Administrative Services, shall develop 4293  
guidelines and standards that are to be used by the boards of 4294  
trustees of these colleges and universities in adopting the rules 4295  
concerning the matters of governance of the officers and employees 4296  
of the college or university as required by division (F) of 4297  
section 124.14 of the Revised Code. The guidelines shall address, 4298  
at a minimum, all of the following: 4299

- (A) Classification plans; 4300
- (B) Compensation plans; 4301
- (C) Recruitment, selection, and appointment processes; 4302
- (D) Performance, discipline, and termination processes; 4303
- (E) Layoff and reduction-in-workforce processes; 4304
- (F) Paid leave, holiday leave, and benefit programs; 4305
- (G) Appeals processes. 4306

The guidelines also shall require the colleges and 4307  
universities to adopt changes in a controlled and incremental 4308  
manner. 4309

**Section 5.** Nothing in this act abrogates, annuls, or 4310  
modifies, or may be construed as abrogating, annulling, or 4311  
modifying, any collective bargaining agreement between a public 4312  
employer and an exclusive representative that was entered into 4313  
before the effective date of this act. 4314

**Section 6.** Section 124.26 of the Revised Code is presented in 4315  
this act as a composite of the section as amended by both Am. Sub. 4316  
H.B. 117 and Am. Sub. S.B. 99 of the 121st General Assembly. The 4317  
General Assembly, applying the principle stated in division (B) of 4318  
section 1.52 of the Revised Code that amendments are to be 4319  
harmonized if reasonably capable of simultaneous operation, finds 4320

that the composite is the resulting version of the section in 4321  
effect prior to the effective date of the section as presented in 4322  
this act. 4323

**Section 7.** Sections 1, 2, 3, 4, 5, and 6 of this act shall 4324  
take effect on July 1, 2007. 4325