

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

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Sub. H. B. No. 187

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

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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 48
agency to the court of common pleas of the county in which the 49
place of business of the licensee is located or the county in 50
which the licensee is a resident, except that appeals from 51
decisions of the liquor control commission, the state medical 52
board, state chiropractic board, and board of nursing shall be to 53
the court of common pleas of Franklin county. If any ~~such~~ party 54
appealing from the order is not a resident of and has no place of 55
business in this state, the party may appeal to the court of 56
common pleas of Franklin county. 57

Any party adversely affected by any order of an agency issued 58
pursuant to any other adjudication may appeal to the court of 59
common pleas of Franklin county, except that appeals from orders 60
of the fire marshal issued under Chapter 3737. of the Revised Code 61
may be to the court of common pleas of the county in which the 62
building of the aggrieved person is located and except that 63
appeals under division (B) of section 124.34 of the Revised Code 64
from a decision of the state personnel board of review or a 65
municipal or civil service township civil service commission shall 66
be taken to the court of common pleas of the county in which the 67
appointing authority is located or, in the case of an appeal by 68
the department of rehabilitation and correction, to the court of 69
common pleas of Franklin county. 70

This section does not apply to appeals from the department of 71
taxation. 72

Any party desiring to appeal shall file a notice of appeal 73
with the agency setting forth the order appealed from and the 74
grounds of the party's appeal. A copy of ~~such~~ the notice of appeal 75
shall also be filed by the appellant with the court. Unless 76
otherwise provided by law relating to a particular agency, ~~such~~ 77

notices of appeal shall be filed within fifteen days after the 78
mailing of the notice of the agency's order as provided in this 79
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
granted by the court, not to exceed thirty days, when it is shown
that the agency has made substantial effort to comply. ~~Such~~ The
record shall be prepared and transcribed, and the expense of it
shall be taxed as a part of the costs on the appeal. The appellant
shall provide security for costs satisfactory to the court of
common pleas. Upon demand by any interested party, the agency
shall furnish at the cost of the party requesting it a copy of the
stenographic report of testimony offered and evidence submitted at
any hearing and a copy of the complete record.

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

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

The court shall conduct a hearing on ~~such~~ the appeal and
shall give preference to all proceedings under sections 119.01 to
119.13 of the Revised Code, over all other civil cases,
irrespective of the position of the proceedings on the calendar of

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 Code. 236
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(F) "Employee" means any person holding a position subject to appointment, removal, promotion, or reduction by an appointing officer. 238
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(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. 241
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(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. 247
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(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. 250
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(J) "Classification change" means a change in an employee's classification in the job classification plan. 256
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(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. 258
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Sec. 124.03. (A) The state personnel board of review shall 266
exercise the following powers and perform the following duties: 267

~~(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 361
examinations for positions in the classified state service; 362

(B) To prepare, conduct, and grade all noncompetitive 363
examinations for positions in the classified state service; 364

(C) To prepare eligible lists containing the names of persons 365
qualified for appointment to positions in the classified state 366
service; 367

(D) To prepare or amend, in accordance with section 124.14 of 368
the Revised Code, specifications descriptive of duties, 369
responsibilities, requirements, and desirable qualifications of 370
the various classifications of positions in the state service; 371

(E) To allocate and reallocate, upon the motion of the 372
director or upon request of an appointing authority and in 373
accordance with section 124.14 of the Revised Code, any position, 374
office, or employment in the state service to the appropriate 375
classification on the basis of the duties, responsibilities, 376
requirements, and qualifications of that position, office, or 377
employment; 378

(F) To develop and conduct personnel recruitment services for 379
positions in the state service; 380

(G) To conduct research on specifications, classifications, 381
and salaries of positions in the state service; 382

(H) To develop and conduct personnel training programs, 383
including supervisory training programs and best practices plans, 384
and to develop merit hiring processes, in cooperation with 385
appointing authorities; 386

(I) To include periodically in communications sent to state 387

employees both of the following:	388
(1) Information developed under section 2108.15 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	389 390 391
(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 personnel <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 state classified <u>civil service of the state</u> and assignment or reassignment of employees in the state 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	415 416 417

authority of the political subdivision. 418

Sec. 124.07. (A) The director of administrative services 419
shall appoint examiners, inspectors, clerks, and other assistants 420
as necessary to carry out sections 124.01 to 124.64 of the Revised 421
Code. The director may designate persons in or out of the ~~official~~ 422
service of the state to serve as examiners or assistants under the 423
director's direction. An examiner or assistant shall receive the 424
compensation for each day actually and necessarily spent in the 425
discharge of duties as an examiner or assistant that the director 426
determines; provided that, if the examiner or assistant is in the 427
~~official~~ service of the state or any political subdivision of the 428
state, it shall be a part of the examiner's or assistant's 429
official duties to render those services in connection with an 430
examination without extra compensation. 431

(B) Each state agency ~~and each state-supported college or~~ 432
~~university~~ shall pay the cost of the services and facilities 433
furnished to it by the department of administrative services that 434
are necessary to provide and maintain payroll services as 435
prescribed in section 125.21 of the Revised Code and state merit 436
standards as prescribed in sections 124.01 to 124.64 of the 437
Revised Code for the agency ~~or state-supported college or~~ 438
~~university~~. If a state-supported college or university or a 439
municipal corporation chooses to use the services and facilities 440
furnished by the department that are necessary to provide and 441
maintain the services and standards so prescribed, the 442
state-supported college or university or municipal corporation 443
shall pay the cost of the services and facilities that the 444
department furnishes to it. The charges against a state agency, a 445
state-supported college or university, or a municipal corporation 446
shall be computed on a reasonable cost basis in accordance with 447
procedures prescribed by the director of budget and management. 448

Any moneys the department receives from a state agency, a 449
state-supported college or university, or a municipal corporation 450
under this division that are in excess of the amount necessary to 451
pay the cost of furnishing the department's services and 452
facilities during any fiscal year shall be either refunded to or 453
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 580
service. 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 commissions and boards of revision, and not more than five deputy county auditors;

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

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

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

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

(8) Four clerical and administrative support employees for each of the elective state officers, 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;

(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 634
relationship to such elected county officials or county 635
administrator, and the employees of such county officials whose 636
fitness would be impracticable to determine by competitive 637
examination, provided that division (A)(9) of this section shall 638
not affect those persons in county employment in the classified 639
service as of September 19, 1961. Nothing in division (A)(9) of 640
this section applies to any position in a county department of job 641
and family services created pursuant to Chapter 329. of the 642
Revised Code. 643

(10) Bailiffs, constables, official stenographers, and 644
commissioners of courts of record, deputies of clerks of the 645
courts of common pleas who supervise, or who handle public moneys 646
or secured documents, and such officers and employees of courts of 647
record and such deputies of clerks of the courts of common pleas 648
as the director of administrative services finds it impracticable 649
to determine their fitness by competitive examination; 650

(11) Assistants to the attorney general, special counsel 651
appointed or employed by the attorney general, assistants to 652
county prosecuting attorneys, and assistants to city directors of 653
law; 654

(12) Such teachers and employees in the agricultural 655
experiment stations; such students in normal schools, colleges, 656
and universities of the state who are employed by the state or a 657
political subdivision of the state in student or intern 658
classifications; and such unskilled labor positions as the 659
director of administrative services or any municipal civil service 660
commission may find it impracticable to include in the competitive 661
classified service; provided such exemptions shall be by order of 662
the commission or the director, duly entered on the record of the 663
commission or the director with the reasons for each such 664
exemption; 665

(13) Any physician or dentist who is a full-time employee of 666
the department of mental health ~~or~~, the department of mental 667
retardation and developmental disabilities, or ~~of~~ an institution 668
under the jurisdiction of either department; and physicians who 669
are in residency programs at the institutions; 670

(14) Up to twenty positions at each institution under the 671
jurisdiction of the department of mental health or the department 672
of mental retardation and developmental disabilities that the 673
department director determines to be primarily administrative or 674
managerial; and up to fifteen positions in any division of either 675
department, excluding administrative assistants to the director 676
and division chiefs, which are within the immediate staff of a 677
division chief and which the director determines to be primarily 678
and distinctively administrative and managerial; 679

(15) Noncitizens of the United States employed by the state, 680
or its counties or cities, as physicians or nurses who are duly 681
licensed to practice their respective professions under the laws 682
of this state, or medical assistants, in mental or chronic disease 683
hospitals, or institutions; 684

(16) Employees of the governor's office; 685

(17) Fire chiefs and chiefs of police in civil service 686
townships appointed by boards of township trustees under section 687
505.38 or 505.49 of the Revised Code; 688

(18) Executive directors, deputy directors, and program 689
directors employed by boards of alcohol, drug addiction, and 690
mental health services under Chapter 340. of the Revised Code, and 691
secretaries of the executive directors, deputy directors, and 692
program directors; 693

(19) Superintendents, and management employees as defined in 694
section 5126.20 of the Revised Code, of county boards of mental 695
retardation and developmental disabilities; 696

(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;	697 698 699
(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;	700 701 702
(22) County directors of job and family services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;	703 704 705
(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;	706 707
(24) Chiefs of construction and compliance, of operations and maintenance, and of licensing and certification in the division of industrial compliance in the department of commerce;	708 709 710
(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;	711 712 713
(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery commission, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 44 of salary schedule E-2 in section 124.152 of the Revised Code. The authority to establish positions in the unclassified	714 715 716 717 718 719 720 721 722 723 724 725 726 727

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 authority appoints an employee to an unclassified position in the service of the state, the appointing authority shall notify the department of administrative services of that appointment.

(B) On 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 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 884
paid in accordance with section 124.152 of the Revised Code and 885
those employees listed in divisions (B)(2) and (4) of section 886
124.14 of the Revised Code, after service of one year, shall have 887
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
maximum rate of pay for that classification exceeds the employee's
compensation.

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

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

(5) The director ~~shall adopt, in accordance with~~ rules in
~~accordance with~~ adopted under Chapter 119. of the Revised Code ~~for~~
~~the establishment of,~~ shall establish, and may modify or rescind,
a classification plan for county agencies that elect not to use
the services and facilities of a county personnel department. The
rules shall include a methodology for the establishment of titles
unique to county agencies, the use of state classification titles
and classification specifications for common positions, the

criteria for a county to meet in establishing its own 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 1051
service commission, employees in the office of the governor, 1052
employees who are in the unclassified civil service and exempt 1053
from collective bargaining coverage in the office of the secretary 1054
of state, auditor of state, treasurer of state, and attorney 1055
general, and employees of the supreme court; 1056

(3) Employees of a county children services board that 1057
establishes compensation rates under section 5153.12 of the 1058
Revised Code; 1059

(4) Any position for which the authority to determine 1060
compensation is given by law to another individual or entity; 1061

(5) Employees of the bureau of workers' compensation whose 1062
compensation the administrator of workers' compensation 1063
establishes under division (B) of section 4121.121 of the Revised 1064
Code. 1065

(C) The director may employ a consulting agency to aid and 1066
assist the director in carrying out this section. 1067

(D)(1) When the director proposes to modify a classification 1068
or the assignment of classes to appropriate pay ranges, the 1069
director shall send written notice of the proposed rule to the 1070
appointing authorities of the affected employees thirty days 1071
before ~~the~~ a hearing on the proposed rule. The appointing 1072
authorities shall notify the affected employees regarding the 1073

proposed rule. The director also shall ~~also~~ send ~~such~~ those 1074
appointing authorities notice of any final rule ~~which~~ that is 1075
adopted within ten days after adoption. 1076

(2) When the director proposes to reclassify any employee so 1077
that the employee is adversely affected, the director shall give 1078
to the employee affected and to the employee's appointing 1079
authority a written notice setting forth the proposed new 1080
classification, pay range, and salary. Upon the request of any 1081
classified employee who is not serving in a probationary period, 1082
the director shall perform a job audit to review the 1083
classification of the employee's position to determine whether the 1084
position is properly classified. The director shall give to the 1085
employee affected and to the employee's appointing authority a 1086
written notice of the director's determination whether or not to 1087
reclassify the position or to reassign the employee to another 1088
classification. An employee or appointing authority desiring a 1089
hearing shall file a written request for the hearing with the 1090
state personnel board of review within thirty days after receiving 1091
the notice. The board shall set the matter for a hearing and 1092
notify the employee and appointing authority of the time and place 1093
of the hearing. The employee, the appointing authority, or any 1094
authorized representative of the employee who wishes to submit 1095
facts for the consideration of the board shall be afforded 1096
reasonable opportunity to do so. After the hearing, the board 1097
shall consider anew the reclassification and may order the 1098
reclassification of the employee and require the director to 1099
assign the employee to such appropriate classification as the 1100
facts and evidence warrant. As provided in division (A)(1) of 1101
section 124.03 of the Revised Code, the board may determine the 1102
most appropriate classification for the position of any employee 1103
coming before the board, with or without a job audit. The board 1104
shall disallow any reclassification or reassignment classification 1105
of any employee when it finds that changes have been made in the 1106

duties and responsibilities of any particular employee for 1107
political, religious, or other unjust reasons. 1108

(E)(1) Employees of each county department of job and family 1109
services shall be paid a salary or wage established by the board 1110
of county commissioners. The provisions of section 124.18 of the 1111
Revised Code concerning the standard work week apply to employees 1112
of county departments of job and family services. A board of 1113
county commissioners may do either of the following: 1114

(a) Notwithstanding any other section of the Revised Code, 1115
supplement the sick leave, vacation leave, personal leave, and 1116
other benefits of any employee of the county department of job and 1117
family services of that county, if the employee is eligible for 1118
the supplement under a written policy providing for the 1119
supplement; 1120

(b) Notwithstanding any other section of the Revised Code, 1121
establish alternative schedules of sick leave, vacation leave, 1122
personal leave, or other benefits for employees not inconsistent 1123
with the provisions of a collective bargaining agreement covering 1124
the affected employees. 1125

(2) ~~The provisions of division~~ Division (E)(1) of this 1126
section ~~do~~ does not apply to employees for whom the state 1127
employment relations board establishes appropriate bargaining 1128
units pursuant to section 4117.06 of the Revised Code, except in 1129
either of the following situations: 1130

(a) The employees for whom the state employment relations 1131
board establishes appropriate bargaining units elect no 1132
representative in a board-conducted representation election. 1133

(b) After the state employment relations board establishes 1134
appropriate bargaining units for such employees, all employee 1135
organizations withdraw from a representation election. 1136

(F) ~~With respect to officers and employees of state supported~~ 1137

~~colleges and universities and except for the powers and duties of 1138
the state personnel board of review set forth in section 124.03 of 1139
the Revised Code, the powers, duties, and functions of the 1140
department of administrative services and of the director of 1141
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 1176
111.15 of the Revised Code to carry out the matters of governance 1177
described in division (F)(1) of this section. Until the board of 1178
trustees adopts those rules, a state university or college shall 1179
continue to operate pursuant to the applicable rules adopted by 1180
the director of administrative services under this chapter. 1181

(G)(1) Each board of county commissioners may, by a 1182
resolution adopted by a majority of its members, establish a 1183
county personnel department to exercise the powers, duties, and 1184
functions specified in division (G) of this section. As used in 1185
division (G) of this section, "county personnel department" means 1186
a county personnel department established by a board of county 1187
commissioners under division (G)(1) of this section. 1188

(2)(a) Each board of county commissioners ~~may~~, by a 1189
resolution adopted by a majority of its members, may designate the 1190
county personnel department of the county to exercise the powers, 1191
duties, and functions of the department of administrative services 1192
and the director of administrative services specified in sections 1193
124.01 to 124.64 and Chapter 325. of the Revised Code, except for 1194
the powers and duties of the state personnel board of review, 1195
which powers and duties shall not be construed as having been 1196
modified or diminished in any manner by division (G)(2) of this 1197
section, with respect to the employees for whom the board of 1198
county commissioners is the appointing authority or co-appointing 1199
authority. ~~Upon certification~~ The board of county commissioners 1200
shall deliver a certified copy of the resolution to the director 1201
of administrative services not later than ten working days after 1202

the resolution is adopted, and the director shall inform the board 1203
in a writing sent by certified mail of the date of receipt of the 1204
copy of the resolution. 1205

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

(4) ~~Each~~ When at least two years have passed since the creation of a county personnel department, a board of county commissioners ~~that has established a county personnel department may,~~ by a resolution adopted by a majority of its members, may disband the county personnel department and return to the department of administrative services for the administration of sections 124.01 to 124.64 and Chapter 325. of the Revised Code. ~~The board shall, not later than one hundred twenty days before the first day of July of an odd-numbered year, send the director a certified copy of the resolution disbanding the county personnel department. All 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 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				
Range		Step 1	Step 2	Step 3	Step 4	
23	Hourly	5.72	5.91	6.10	6.31	1387
	Annually	11897.60	12292.80	12688.00	13124.80	1388
		Step 5	Step 6			1389
	Hourly	6.52	6.75			1390
	Annually	13561.60	14040.00			1391
		Step 1	Step 2	Step 3	Step 4	1392
24	Hourly	6.00	6.20	6.41	6.63	1393

	Annually	12480.00	12896.00	13332.80	13790.40	1394
		Step 5	Step 6			1395
	Hourly	6.87	7.10			1396
	Annually	14289.60	14768.00			1397
		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
employee shall be placed in a step no lower than step two of the
new pay range. If the employee has not completed a probationary
period, the employee may be placed in step one of the new pay
range. Such new salary or wage shall become effective on such date
as the director determines.

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

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

Each employee paid in accordance with schedule E-1 of section

124.152 of the Revised Code shall be eligible to advance to the
next higher step until the employee reaches the top step in the
range for the employee's class or grade, if the employee has
maintained satisfactory performance in accordance with criteria
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 1653
this section, an employee who is hired or promoted and serves a 1654
probationary period in the employee's new position shall advance 1655
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 of June, establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of that superintendent's respective school constructed as follows:

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

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

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

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

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

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

qualifications. 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 employees," as defined in section 124.152 of the Revised Code, who are paid under that section.

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

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

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

~~(B) For appointment, promotions, transfers, layoffs, suspensions, reductions, reinstatements, and removals therein 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.~~

~~(C)~~(B) For maintaining and keeping records of the efficiency 1807
of officers and employees in the civil service of the state in 1808
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.~~ 1934
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Sec. 124.27. (A) The head of a department, office, or 1939
institution, in which a position in the classified service is to 1940
be filled, shall notify the director of administrative services of 1941
the fact, and the director shall, except as otherwise provided in 1942
this section and sections 124.30 and 124.31 of the Revised Code, 1943
certify to the appointing authority the names and addresses of the 1944
ten candidates standing highest on the eligible list for the class 1945
or grade to which the position belongs; ~~provided, except~~ that the 1946
director may certify less than ten names if ten names are not 1947
available. When less than ten names are certified to an appointing 1948
authority, appointment from that list shall not be mandatory. When 1949
a position in the classified service in the department of mental 1950
health or the department of mental retardation and developmental 1951
disabilities is to be filled, the director of administrative 1952
services shall make such certification to the appointing authority 1953
within seven working days of the date the eligible list is 1954
requested. 1955

(B) The appointing authority shall notify the director of 1956
~~such~~ a position in the classified service to be filled, and the 1957
appointing authority shall fill ~~such~~ the vacant position by 1958
appointment of one of the ten persons certified by the director. 1959
If more than one position is to be filled, the director ~~of~~ 1960
~~administrative services~~ may certify a group of names from the 1961
eligible list, and the appointing authority shall appoint in the 1962
following manner: ~~Beginning~~ beginning at the top of the list, each 1963

time a selection is made, it must be from one of the first ten 1964
candidates remaining on the list who is willing to accept 1965
consideration for the position. If an eligible list becomes 1966
exhausted, and until a new list can be created, or when no 1967
eligible list for ~~such~~ a position exists, names may be certified 1968
from eligible lists most appropriate for the group or class in 1969
which the position to be filled is classified. A person who is 1970
certified from an eligible list more than three times to the same 1971
appointing authority for the same or similar positions, may be 1972
omitted from future certification to ~~such~~ that appointing 1973
authority, provided that certification for a temporary appointment 1974
shall not be counted as one of ~~such~~ those certifications. Every 1975
~~soldier, sailor, marine, coast guarder, member of the auxiliary~~ 1976
~~corps as established by congress, member of the army nurse corps,~~ 1977
~~or navy nurse corps, or red cross nurse who has served in the~~ 1978
~~army, navy, or hospital service of the United States, and such~~ 1979
~~other military service as is designated by congress in the war~~ 1980
~~with Spain, including the Philippine insurrection and the Chinese~~ 1981
~~relief expedition, or from April 21, 1898, to July 4, 1902, World~~ 1982
~~War I, World War II, or during the period beginning May 1, 1949,~~ 1983
~~and lasting so long as the armed forces of the United States are~~ 1984
~~engaged in armed conflict or occupation duty, or the selective~~ 1985
~~service or similar conscriptive acts are in effect in the United~~ 1986
~~States, whichever is the later date, who has been honorably~~ 1987
~~discharged or separated under honorable conditions therefrom,~~ 1988
person who qualifies for veteran's preference under section 124.23 1989
of the Revised Code, who is a resident of this state, and whose 1990
name is on the eligible list for a position, shall be entitled to 1991
preference in original appointments to any such competitive 1992
position in the civil service of the state and ~~the~~ its civil 1993
divisions ~~thereof~~, over all other persons eligible for ~~such~~ those 1994
appointments and standing on the relevant eligible list ~~therefor~~, 1995
with a rating equal to that of ~~each such~~ the person qualifying for 1996

veteran's preference. Appointments to all positions in the 1997
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, or to a fire department as a 2012
firefighter which shall be for a probationary period of one year, 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 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~~ 2061
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A temporary appointment may be made without regard to the rules of sections 124.01 to 124.64 of the Revised Code, ~~but in no case to.~~ Except as otherwise provided in this division, the temporary appointment may not continue longer than thirty one hundred twenty days, and in no case shall successive temporary appointments be made. ~~Interim or A temporary appointments, made appointment longer than one hundred twenty days may be made if~~ necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees shall, in which case it may continue ~~only~~ during ~~such~~ the period of sickness, disability, or other approved leave of absence, subject to the rules ~~to be provided for by~~ of the director. 2065
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(2) In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in ~~such~~ this special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in ~~such~~ those qualities, the director may suspend the provisions of sections 124.01 to 124.64 of the Revised Code, ~~requiring that~~ require competition in ~~such~~ this special case, but no suspension shall be general in its application, ~~and all.~~ All such cases of suspension shall be reported in the annual report of the director with the reasons for ~~the~~ each suspension. The director shall suspend the provisions when the director of job and family services provides the ~~director~~ certification under section 5101.051 of the Revised Code that a position with the department of job and family 2077
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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 2124
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 no transfer shall be made ~~from~~ as 2153
follows: 2154

(1) From an office or position in one class to an office or position in another class, ~~nor shall a person be transferred to;~~

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

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

(B) Any person holding an office or position ~~under~~ in the classified service who has been separated from the service without delinquency or misconduct on the person's part may, ~~with the consent of the director,~~ be reinstated within one year from the date of ~~such~~ that separation to a vacancy in the same ~~or similar~~ office or in a similar position in the same department; ~~provided,~~ except that a person in the classified service of the state only may be reinstated with the consent of the director of administrative services. But, if such that separation is due to injury or physical or psychiatric disability, ~~such~~ the person shall be reinstated ~~to~~ in the same office held or in a similar position to that held at the time of separation, within thirty days after written application for reinstatement ~~and after passing,~~ if the person passes a physical or psychiatric examination made by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife showing that the person has recovered from ~~such~~ the injury or physical or psychiatric disability, ~~provided further that such~~ if the application for reinstatement ~~be is~~ filed within ~~three~~ two years from the date of separation, and ~~further~~

~~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 . <u>An appointing authority</u>	2291
<u>abolishing any position in the service of the state</u> 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, except that the employee may not displace 2391
employees in a classification if the employee does not meet the 2392
minimum qualifications of the classification or if the employee 2393
last held the classification more than five three years prior to 2394
the date on which the employee was laid off, ~~except that failure 2395
to meet minimum qualifications shall not prevent the employee from 2396
displacing employees in the classification that the employee next 2397
previously 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 be followed on a district-wide basis within each state agency, board, commission, or independent institution. The director of administrative services shall establish layoff districts for state agencies, boards, and commissions.	2493 2494 2495 2496 2497
(2) County jurisdiction: within county agencies, the order of layoff shall be followed within each county appointing authority.	2498 2499
(3) University and college jurisdiction: each state-supported college and university is a separate, indivisible layoff jurisdiction throughout which the order of layoff shall be followed, except that a branch campus outside the layoff district of its main campus shall be considered a separate layoff jurisdiction. For purposes of division (B)(3) of this section, the Ohio agriculture research and development center shall be considered a branch campus of the Ohio state university.	2500 2501 2502 2503 2504 2505 2506 2507
The layoff jurisdiction described in division (B)(3) of this section shall not apply to employees who:	2508 2509
(a) Are laid off for a temporary period of up to one hundred ten consecutive days; or	2510 2511
(b) Have specialized skills, knowledge, or training necessary for the performance of their job.	2512 2513
A state-supported college or university may adopt rules pursuant to Chapter 119. of the Revised Code to provide for the layoff of employees who are <u>not subject to the lay-off jurisdiction described in division (B)(3) of this section but instead are subject to the lay-off jurisdiction described in</u> division (B)(1) of this section.	2514 2515 2516 2517 2518 2519
(C) As used in this section, "independent institution" means an institution under the control of a managing officer or board of	2520 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
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(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 responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease that could be communicated to other employees, and illness, injury, or death in the employee's immediate family. Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work.

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

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

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

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

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 administrative services . An employee serving in a temporary work level or holding an interim appointment who elects to convert unused sick leave credit to cash shall do so at the base rate of pay of the employee's normal classification.	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
Sec. 124.384. (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 service or becomes ineligible to be credited with leave under this section shall receive a reduction of personal leave credit of one and two-tenths hours for each pay period that remains beginning with the first pay period following the date of separation or the effective date of the employee's ineligibility until the pay period preceding the next base pay period. After calculation of the reduction of an employee's personal leave credit, the employee is entitled to compensation for any remaining personal leave credit at the employee's current base rate of pay. If the reduction results in a number of hours less than zero, the cash equivalent value of such number of hours shall be deducted from any compensation that remains payable to the employee, or from the cash conversion value of any vacation or sick leave that remains credited to the employee. An employee serving in a temporary work level ~~or an interim appointment~~ who is eligible to receive compensation under this section shall be compensated at the base rate of pay of the employee's normal classification.

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

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

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

adversely affected. Compensation for administrative leave 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
authority, or ~~for~~ any other reasonable and just cause. If either
the chief of police or the chief of the fire department is so
suspended, the mayor forthwith shall certify ~~such~~ that fact,
together with the cause of the suspension, to the municipal civil
service commission, ~~which within~~. Within five days from the date
of receipt of the notice, the commission shall proceed to hear
~~such~~ the charges and render judgment ~~thereon, which on them~~. The
judgment may affirm, disaffirm, or modify the judgment of the
~~appointing officer~~ mayor, and an appeal may be had from the
decision of the commission to the court of common pleas as
provided in section 124.34 of the Revised Code to determine the
sufficiency of the cause of removal.

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

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~~ 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
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(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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(H) The provisions of this section do not apply to superintendents and management employees of county boards of mental retardation and developmental disabilities. 3763
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(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
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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 serving 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 <u>the</u>	4077
current illegal use of a controlled substance <u>or the current use</u>	4078
<u>of alcoholic beverages.</u>	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