

**As Reported by the House State Government and Elections
Committee**

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Sub. S. B. No. 289

Senator Spada

**Cosponsors: Senators Harris, Stivers, Grendell, Schuler, Schuring, Seitz,
Padgett, Fedor, Niehaus, Austria, Mumper, Cates, Sawyer, Wilson, Kearney,
Bocchieri, Cafaro, Carey, Faber, Goodman, Miller, D., Roberts, Schaffer,
Miller, R., Smith, Morano
Representatives Hite, Book, Collier, Domenick, Flowers, Lundy, Reinhard,
Schneider**

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A B I L L

To amend sections 121.02, 121.03, 2311.07, 2311.08,	1
2743.03, 3313.616, 3319.13, 4112.01, 5901.02,	2
5901.021, 5901.07, 5901.09, 5902.01, 5902.02,	3
5902.03, 5902.04, 5902.06, 5902.07, 5902.08,	4
5902.15, 5903.02, 5903.99, 5904.01, 5907.01,	5
5907.02, 5907.022, 5907.023, 5907.03, 5907.04,	6
5907.11, 5907.12, 5907.13, 5907.141, 5910.02, and	7
5923.05, to enact sections 2743.091 and 5902.09,	8
and to repeal sections 124.29, 5902.05, and	9
5903.01 of the Revised Code to create a Department	10
of Veterans Services and a Director of Veterans	11
Services, to create duties for the department and	12
the director, to transfer the duties of the	13
Governor's Office of Veterans Affairs to the	14
department, to place the Ohio Veterans' Home	15
Agency and the Ohio War Orphans Scholarship Board	16
under the department, to establish specified	17

employment rights for private sector employees in 18
the uniformed services, to permit certain 19
aggrieved persons to file a claim against the 20
person's employer in a state court, to require the 21
clerk of the court to give the action priority on 22
the court's dockets, and to prohibit the court 23
from requiring a plaintiff to pay court costs. 24
25

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

Section 1. That sections 121.02, 121.03, 2311.07, 2311.08, 26
2743.03, 3313.616, 3319.13, 4112.01, 5901.02, 5901.021, 5901.07, 27
5901.09, 5902.01, 5902.02, 5902.03, 5902.04, 5902.06, 5902.07, 28
5902.08, 5902.15, 5903.02, 5903.99, 5904.01, 5907.01, 5907.02, 29
5907.022, 5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 5907.13, 30
5907.141, 5910.02, and 5923.05 be amended and that sections 31
2743.091 and 5902.09 of the Revised Code be enacted to read as 32
follows: 33

Sec. 121.02. The following administrative departments and 34
their respective directors are hereby created: 35

(A) The office of budget and management, which shall be 36
administered by the director of budget and management; 37

(B) The department of commerce, which shall be administered 38
by the director of commerce; 39

(C) The department of administrative services, which shall be 40
administered by the director of administrative services; 41

(D) The department of transportation, which shall be 42
administered by the director of transportation; 43

(E) The department of agriculture, which shall be 44

administered by the director of agriculture;	45
(F) The department of natural resources, which shall be administered by the director of natural resources;	46 47
(G) The department of health, which shall be administered by the director of health;	48 49
(H) The department of job and family services, which shall be administered by the director of job and family services;	50 51
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	52 53
(J) The department of public safety, which shall be administered by the director of public safety;	54 55
(K) The department of mental health, which shall be administered by the director of mental health;	56 57
(L) The department of mental retardation and developmental disabilities, which shall be administered by the director of mental retardation and developmental disabilities;	58 59 60
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	61 62
(N) The department of development, which shall be administered by the director of development;	63 64
(O) The department of youth services, which shall be administered by the director of youth services;	65 66
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	67 68 69
(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	70 71
(R) The department of aging, which shall be administered by the director of aging;	72 73

(S) The department of alcohol and drug addiction services, 74
which shall be administered by the director of alcohol and drug 75
addiction services; 76

(T) The department of veterans services, which shall be 77
administered by the director of veterans services. 78

The director of each department shall exercise the powers and 79
perform the duties vested by law in such department. 80

Sec. 121.03. The following administrative department heads 81
shall be appointed by the governor, with the advice and consent of 82
the senate, and shall hold their offices during the term of the 83
appointing governor, and are subject to removal at the pleasure of 84
the governor. 85

- (A) The director of budget and management; 86
- (B) The director of commerce; 87
- (C) The director of transportation; 88
- (D) The director of agriculture; 89
- (E) The director of job and family services; 90
- (F) Until July 1, 1997, the director of liquor control; 91
- (G) The director of public safety; 92
- (H) The superintendent of insurance; 93
- (I) The director of development; 94
- (J) The tax commissioner; 95
- (K) The director of administrative services; 96
- (L) The director of natural resources; 97
- (M) The director of mental health; 98
- (N) The director of mental retardation and developmental 99
disabilities; 100

(O) The director of health;	101
(P) The director of youth services;	102
(Q) The director of rehabilitation and correction;	103
(R) The director of environmental protection;	104
(S) The director of aging;	105
(T) The director of alcohol and drug addiction services;	106
(U) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	107 108 109
<u>(V) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code.</u>	110 111
Sec. 2311.07. Cases in which there is an issue of fact or damages to be assessed shall be tried in the order in which they stand on the trial docket, unless by the consent of parties, or by the order of the court, they are continued or placed at the end of the docket, or for good cause shown are especially assigned for trial or hearing out of their regular order. Actions for wages <u>and actions pursuant to section 5903.02 of the Revised Code</u> shall be first in order for trial.	112 113 114 115 116 117 118 119
Sec. 2311.08. The court may assign for trial the cases triable to a jury, in a series, in the order in which they stand upon the docket, giving preference always to actions for wages, <u>actions pursuant to section 5903.02 of the Revised Code</u> , and cases not triable to a jury, in a series in like manner. All other cases shall be heard in the order in which they stand upon the trial docket, unless the court otherwise directs.	120 121 122 123 124 125 126
Sec. 2743.03. (A)(1) There is hereby created a court of claims. The court of claims is a court of record and has	127 128

exclusive, original jurisdiction of all civil actions against the 129
state permitted by the waiver of immunity contained in section 130
2743.02 of the Revised Code, exclusive jurisdiction of the causes 131
of action of all parties in civil actions that are removed to the 132
court of claims, and jurisdiction to hear appeals from the 133
decisions of the court of claims commissioners. The court shall 134
have full equity powers in all actions within its jurisdiction and 135
may entertain and determine all counterclaims, cross-claims, and 136
third-party claims. 137

(2) If the claimant in a civil action as described in 138
division (A)(1) of this section also files a claim for a 139
declaratory judgment, injunctive relief, or other equitable relief 140
against the state that arises out of the same circumstances that 141
gave rise to the civil action described in division (A)(1) of this 142
section, the court of claims has exclusive, original jurisdiction 143
to hear and determine that claim in that civil action. This 144
division does not affect, and shall not be construed as affecting, 145
the original jurisdiction of another court of this state to hear 146
and determine a civil action in which the sole relief that the 147
claimant seeks against the state is a declaratory judgment, 148
injunctive relief, or other equitable relief. 149

(3) In addition to its exclusive, original jurisdiction as 150
conferred by division (A)(1) and (2) of this section, the court of 151
claims has exclusive, original jurisdiction as described in 152
division (F) of section 2743.02 ~~and~~, division (B) of section 153
3335.03, and division (C) of section 5903.02 of the Revised Code. 154

(B) The court of claims shall sit in Franklin county, its 155
hearings shall be public, and it shall consist of incumbent 156
justices or judges of the supreme court, courts of appeals, or 157
courts of common pleas, or retired justices or judges eligible for 158
active duty pursuant to division (C) of Section 6 of Article IV, 159
Ohio Constitution, sitting by temporary assignment of the chief 160

justice of the supreme court. The chief justice may direct the 161
court to sit in any county for cases on removal upon a showing of 162
substantial hardship and whenever justice dictates. 163

(C)(1) A civil action against the state shall be heard and 164
determined by a single judge. Upon application by the claimant or 165
the state, the chief justice of the supreme court may assign a 166
panel of three judges to hear and determine a civil action 167
presenting novel or complex issues of law or fact. Concurrence of 168
two members of the panel is necessary for any judgment or order. 169

(2) Whenever the chief justice of the supreme court believes 170
an equitable resolution of a case will be expedited, ~~he~~ the chief 171
justice may appoint referees in accordance with Civil Rule 53 to 172
hear the case. 173

(3) When any dispute under division (B) of section 153.12 of 174
the Revised Code is brought to the court of claims, upon request 175
of either party to the dispute, the chief justice of the supreme 176
court shall appoint a single referee or a panel of three referees. 177
The referees need not be attorneys, but shall be persons 178
knowledgeable about construction contract law, a member of the 179
construction industry panel of the American arbitration 180
association, or an individual or individuals deemed qualified by 181
the chief justice to serve. No person shall serve as a referee if 182
that person has been employed by an affected state agency or a 183
contractor or subcontractor involved in the dispute at any time in 184
the preceding five years. Proceedings governing referees shall be 185
in accordance with Civil Rule 53, except as modified by this 186
division. The referee or panel of referees shall submit its 187
report, which shall include a recommendation and finding of fact, 188
to the judge assigned to the case by the chief justice, within 189
thirty days of the conclusion of the hearings. Referees appointed 190
pursuant to this division shall be compensated on a per diem basis 191
at the same rate as is paid to judges of the court and also shall 192

be paid their expenses. If a single referee is appointed or a 193
panel of three referees is appointed, then, with respect to one 194
referee of the panel, the compensation and expenses of the referee 195
shall not be taxed as part of the costs in the case but shall be 196
included in the budget of the court. If a panel of three referees 197
is appointed, the compensation and expenses of the two remaining 198
referees shall be taxed as costs of the case. 199

All costs of a case shall be apportioned among the parties. 200
The court may not require that any party deposit with the court 201
cash, bonds, or other security in excess of two hundred dollars to 202
guarantee payment of costs without the prior approval in each case 203
of the chief justice. 204

(4) An appeal from a decision of the court of claims 205
commissioners shall be heard and determined by one judge of the 206
court of claims. 207

(D) The Rules of Civil Procedure shall govern practice and 208
procedure in all actions in the court of claims, except insofar as 209
inconsistent with this chapter. The supreme court may promulgate 210
rules governing practice and procedure in actions in the court as 211
provided in Section 5 of Article IV, Ohio Constitution. 212

(E)(1) A party who files a counterclaim against the state or 213
makes the state a third-party defendant in an action commenced in 214
any court, other than the court of claims, shall file a petition 215
for removal in the court of claims. The petition shall state the 216
basis for removal, be accompanied by a copy of all process, 217
pleadings, and other papers served upon the petitioner, and shall 218
be signed in accordance with Civil Rule 11. A petition for removal 219
based on a counterclaim shall be filed within twenty-eight days 220
after service of the counterclaim of the petitioner. A petition 221
for removal based on third-party practice shall be filed within 222
twenty-eight days after the filing of the third-party complaint of 223
the petitioner. 224

(2) Within seven days after filing a petition for removal, 225
the petitioner shall give written notice to the parties, and shall 226
file a copy of the petition with the clerk of the court in which 227
the action was brought originally. The filing effects the removal 228
of the action to the court of claims, and the clerk of the court 229
where the action was brought shall forward all papers in the case 230
to the court of claims. The court of claims shall adjudicate all 231
civil actions removed. The court may remand a civil action to the 232
court in which it originated upon a finding that the removal 233
petition does not justify removal, or upon a finding that the 234
state is no longer a party. 235

(3) Bonds, undertakings, or security and injunctions, 236
attachments, sequestrations, or other orders issued prior to 237
removal remain in effect until dissolved or modified by the court 238
of claims. 239

Sec. 2743.091. If a person brings an action in the court of 240
claims pursuant to section 5903.02 of the Revised Code or section 241
4323 of the "Uniformed Services Employment and Reemployment Rights 242
Act of 1994," 108 Stat. 3149, 38 U.S.C. 4301, et seq., the clerk 243
of the court of claims shall give the action priority on the court 244
of claims' dockets. 245

Sec. 3313.616. (A) Notwithstanding the requirements of 246
sections 3313.61, 3313.611, and 3313.612 of the Revised Code, the 247
board of education of any city, exempted village, or local school 248
district or the governing authority of any chartered nonpublic 249
school may grant a high school diploma to any veteran of World War 250
II, the Korean conflict, or the Vietnam conflict who is a resident 251
of this state or who was previously enrolled in any high school in 252
this state if all of the following apply: 253

(1) The veteran either: 254

(a) Left a public or nonpublic school located in any state	255
prior to graduation in order to serve in the armed forces of the	256
United States;	257
(b) Left a public or nonpublic school located in any state	258
prior to graduation due to family circumstances and subsequently	259
entered the armed forces of the United States.	260
(2) The veteran received an honorable discharge from the	261
armed forces of the United States.	262
(3) The veteran has not been granted a diploma as provided in	263
section 3313.61 or 3313.612 of the Revised Code, a diploma of	264
adult education as provided in section 3313.611 of the Revised	265
Code, or a diploma under this section.	266
(B) Notwithstanding the requirements of sections 3313.61,	267
3313.611, and 3313.612 of the Revised Code, the board of education	268
of any city, exempted village, or local school district or the	269
governing authority of any chartered nonpublic school may grant a	270
high school diploma to any woman who left high school during World	271
War II, the Korean conflict, or the Vietnam conflict and who is a	272
resident of this state or was previously enrolled in any high	273
school in this state, if both of the following apply:	274
(1) The woman either:	275
(a) Left a public or nonpublic school located in any state	276
prior to graduation in order to join the workforce to support her	277
family or to join the war effort;	278
(b) Left a public or nonpublic school located in any state	279
prior to graduation due to family circumstances and subsequently	280
joined the workforce or war effort.	281
(2) The woman has not been granted a diploma as provided in	282
section 3313.61 or 3313.612 of the Revised Code, a diploma of	283
adult education as provided in section 3313.611 of the Revised	284

Code, or a diploma under this section. 285

(C) If a person who would otherwise qualify for a diploma 286
under this section is deceased, the board of education of any 287
school district or the governing authority of any chartered 288
nonpublic school may award such diploma to the person posthumously 289
and may present that diploma to a living relative of the person. 290

(D) The ~~governor's office~~ department of ~~veterans' affairs~~ 291
veterans services, in accordance with section 111.15 of the 292
Revised Code, and with the advice and consent of the veterans 293
advisory committee established under division (K) of section 294
5902.02 of the Revised Code, shall develop and adopt rules to 295
implement this section. Such rules shall include, but not be 296
limited to, rules establishing procedures for application and 297
verification of eligible persons for a diploma under this section. 298
299

Sec. 3319.13. Upon the written request of a teacher or a 300
regular nonteaching school employee, a board of education may 301
grant a leave of absence for a period of not more than two 302
consecutive school years for educational, professional, or other 303
purposes, and shall grant such leave where illness or other 304
disability is the reason for the request. Upon subsequent request, 305
such leave may be renewed by the board. Without request, a board 306
may grant similar leave of absence and renewals thereof to any 307
teacher or regular nonteaching school employee because of physical 308
or mental disability, but such teacher may have a hearing on such 309
unrequested leave of absence or its renewals in accordance with 310
section 3319.16 of the Revised Code, and such nonteaching school 311
employee may have a hearing on such unrequested leave of absence 312
or its renewals in accordance with division (C) of section 313
3319.081 of the Revised Code. Upon the return to service of a 314
teacher or a nonteaching school employee at the expiration of a 315

leave of absence, the teacher or nonteaching school employee shall 316
resume the contract status that the teacher or nonteaching school 317
employee held prior to the leave of absence. Any teacher who 318
leaves a teaching position for service in the uniformed services 319
and who returns from service in the uniformed services that is 320
terminated in a manner other than as described in section 4304 of 321
Title 38 of the United States Code, "Uniformed Services Employment 322
and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 323
4304, shall resume the contract status held prior to entering the 324
uniformed services, subject to passing a physical examination by 325
an individual authorized by the Revised Code to conduct physical 326
examinations, including a physician assistant, a clinical nurse 327
specialist, a certified nurse practitioner, or a certified 328
nurse-midwife. Any written documentation of the physical 329
examination shall be completed by the individual who conducted the 330
examination. Such contract status shall be resumed at the first of 331
the school semester or the beginning of the school year following 332
return from the uniformed services. For purposes of this section 333
and section 3319.14 of the Revised Code, "uniformed services" and 334
"service in the uniformed services" have the same meanings as 335
defined in section ~~5903.04~~ 5923.05 of the Revised Code. 336

Upon the return of a nonteaching school employee from a leave 337
of absence, the board may terminate the employment of a person 338
hired exclusively for the purpose of replacing the returning 339
employee while the returning employee was on leave. If, after the 340
return of a nonteaching employee from leave, the person employed 341
exclusively for the purpose of replacing an employee while the 342
employee was on leave is continued in employment as a regular 343
nonteaching school employee or if the person is hired by the board 344
as a regular nonteaching school employee within a year after 345
employment as a replacement is terminated, the person shall, for 346
purposes of section 3319.081 of the Revised Code, receive credit 347
for the person's length of service with the school district during 348

such replacement period in the following manner: 349

(A) If employed as a replacement for less than twelve months, 350
the person shall be employed under a contract valid for a period 351
equal to twelve months less the number of months employed as a 352
replacement. At the end of such contract period, if the person is 353
reemployed it shall be under a two-year contract. Subsequent 354
reemployment shall be pursuant to division (B) of section 3319.081 355
of the Revised Code. 356

(B) If employed as a replacement for twelve months or more 357
but less than twenty-four months, the person shall be employed 358
under a contract valid for a period equal to twenty-four months 359
less the number of months employed as a replacement. Subsequent 360
reemployment shall be pursuant to division (B) of section 3319.081 361
of the Revised Code. 362

(C) If employed as a replacement for more than twenty-four 363
months, the person shall be employed pursuant to division (B) of 364
section 3319.081 of the Revised Code. 365

For purposes of this section, employment during any part of a 366
month shall count as employment during the entire month. 367

Sec. 4112.01. (A) As used in this chapter: 368

(1) "Person" includes one or more individuals, partnerships, 369
associations, organizations, corporations, legal representatives, 370
trustees, trustees in bankruptcy, receivers, and other organized 371
groups of persons. "Person" also includes, but is not limited to, 372
any owner, lessor, assignor, builder, manager, broker, 373
salesperson, appraiser, agent, employee, lending institution, and 374
the state and all political subdivisions, authorities, agencies, 375
boards, and commissions of the state. 376

(2) "Employer" includes the state, any political subdivision 377
of the state, any person employing four or more persons within the 378

state, and any person acting directly or indirectly in the 379
interest of an employer. 380

(3) "Employee" means an individual employed by any employer 381
but does not include any individual employed in the domestic 382
service of any person. 383

(4) "Labor organization" includes any organization that 384
exists, in whole or in part, for the purpose of collective 385
bargaining or of dealing with employers concerning grievances, 386
terms or conditions of employment, or other mutual aid or 387
protection in relation to employment. 388

(5) "Employment agency" includes any person regularly 389
undertaking, with or without compensation, to procure 390
opportunities to work or to procure, recruit, refer, or place 391
employees. 392

(6) "Commission" means the Ohio civil rights commission 393
created by section 4112.03 of the Revised Code. 394

(7) "Discriminate" includes segregate or separate. 395

(8) "Unlawful discriminatory practice" means any act 396
prohibited by section 4112.02, 4112.021, or 4112.022 of the 397
Revised Code. 398

(9) "Place of public accommodation" means any inn, 399
restaurant, eating house, barbershop, public conveyance by air, 400
land, or water, theater, store, other place for the sale of 401
merchandise, or any other place of public accommodation or 402
amusement of which the accommodations, advantages, facilities, or 403
privileges are available to the public. 404

(10) "Housing accommodations" includes any building or 405
structure, or portion of a building or structure, that is used or 406
occupied or is intended, arranged, or designed to be used or 407
occupied as the home residence, dwelling, dwelling unit, or 408

sleeping place of one or more individuals, groups, or families 409
whether or not living independently of each other; and any vacant 410
land offered for sale or lease. "Housing accommodations" also 411
includes any housing accommodations held or offered for sale or 412
rent by a real estate broker, salesperson, or agent, by any other 413
person pursuant to authorization of the owner, by the owner, or by 414
the owner's legal representative. 415

(11) "Restrictive covenant" means any specification limiting 416
the transfer, rental, lease, or other use of any housing 417
accommodations because of race, color, religion, sex, military 418
status, familial status, national origin, disability, or ancestry, 419
or any limitation based upon affiliation with or approval by any 420
person, directly or indirectly, employing race, color, religion, 421
sex, military status, familial status, national origin, 422
disability, or ancestry as a condition of affiliation or approval. 423

(12) "Burial lot" means any lot for the burial of deceased 424
persons within any public burial ground or cemetery, including, 425
but not limited to, cemeteries owned and operated by municipal 426
corporations, townships, or companies or associations incorporated 427
for cemetery purposes. 428

(13) "Disability" means a physical or mental impairment that 429
substantially limits one or more major life activities, including 430
the functions of caring for one's self, performing manual tasks, 431
walking, seeing, hearing, speaking, breathing, learning, and 432
working; a record of a physical or mental impairment; or being 433
regarded as having a physical or mental impairment. 434

(14) Except as otherwise provided in section 4112.021 of the 435
Revised Code, "age" means at least forty years old. 436

(15) "Familial status" means either of the following: 437

(a) One or more individuals who are under eighteen years of 438
age and who are domiciled with a parent or guardian having legal 439

custody of the individual or domiciled, with the written 440
permission of the parent or guardian having legal custody, with a 441
designee of the parent or guardian; 442

(b) Any person who is pregnant or in the process of securing 443
legal custody of any individual who is under eighteen years of 444
age. 445

(16)(a) Except as provided in division (A)(16)(b) of this 446
section, "physical or mental impairment" includes any of the 447
following: 448

(i) Any physiological disorder or condition, cosmetic 449
disfigurement, or anatomical loss affecting one or more of the 450
following body systems: neurological; musculoskeletal; special 451
sense organs; respiratory, including speech organs; 452
cardiovascular; reproductive; digestive; genito-urinary; hemic and 453
lymphatic; skin; and endocrine; 454

(ii) Any mental or psychological disorder, including, but not 455
limited to, mental retardation, organic brain syndrome, emotional 456
or mental illness, and specific learning disabilities; 457

(iii) Diseases and conditions, including, but not limited to, 458
orthopedic, visual, speech, and hearing impairments, cerebral 459
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, 460
cancer, heart disease, diabetes, human immunodeficiency virus 461
infection, mental retardation, emotional illness, drug addiction, 462
and alcoholism. 463

(b) "Physical or mental impairment" does not include any of 464
the following: 465

(i) Homosexuality and bisexuality; 466

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, 467
voyeurism, gender identity disorders not resulting from physical 468
impairments, or other sexual behavior disorders; 469

(iii) Compulsive gambling, kleptomania, or pyromania;	470
(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.	471 472 473
(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	474 475
(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.	476 477 478 479 480 481
(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.	482 483 484
(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	485 486
(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	487 488
(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5903.01 <u>5923.05</u> of the Revised Code.	489 490 491
(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under	492 493 494 495 496 497 498 499

fringe benefit programs, as other persons not so affected but 500
similar in their ability or inability to work, and nothing in 501
division (B) of section 4111.17 of the Revised Code shall be 502
interpreted to permit otherwise. This division shall not be 503
construed to require an employer to pay for health insurance 504
benefits for abortion, except where the life of the mother would 505
be endangered if the fetus were carried to term or except where 506
medical complications have arisen from the abortion, provided that 507
nothing in this division precludes an employer from providing 508
abortion benefits or otherwise affects bargaining agreements in 509
regard to abortion. 510

Sec. 5901.02. In each county there shall be a commission 511
known as "the veterans service commission." Except as provided in 512
section 5901.021 of the Revised Code, the commission shall be 513
composed of five residents of the county appointed to five-year 514
terms by a judge of the court of common pleas. At the time of 515
appointment or reappointment to the commission, no commission 516
member appointed under this section shall be an employee of the 517
commission or hold an elective or other appointive office of the 518
county served by the commission. 519

Each member of the commission appointed under this section 520
shall be an honorably discharged or honorably separated veteran. 521
Within sixty days after the date of appointment, each such member 522
shall file the member's form DD214 with the ~~governor's office~~ 523
department of veterans ~~affairs~~ services in accordance with 524
guidelines established by the director of that ~~office~~ department. 525
Such appointments shall be made from lists of recommended persons, 526
in the manner specified in the following paragraph. One person 527
shall be a representative recommended by the American Legion; one 528
person shall be a representative recommended by the Veterans of 529
Foreign Wars; one person shall be a representative recommended by 530
the Disabled American Veterans; one person shall be a 531

representative recommended by the AMVETS; and one person shall be 532
a representative recommended by the Military Order of the Purple 533
Heart of the U.S.A., the Vietnam Veterans of America, or the 534
Korean War Veterans Association. If any such organization has no 535
post or chapter located in the county, the appointment shall be 536
made from lists of recommended persons submitted by posts or 537
chapters of any other congressionally chartered veterans 538
organizations located in the county. If no such other 539
organizations have posts or chapters located in the county, the 540
judge responsible for making appointments under this section may 541
appoint any qualified veteran to represent the veteran community. 542

On or before the fifteenth day of October of each year, the 544
appointing judge shall notify each post or chapter of each 545
organization within the county from which the member may or must 546
be appointed that it may submit a list containing three 547
recommendations of persons who are eligible for appointment. If 548
the judge does not receive any recommendations within sixty days 549
after providing the required notification, the judge may appoint 550
any qualified veteran to represent the veteran community. The 551
judge shall make the appointment on or before the fifteenth day of 552
January of each year. Any vacancy in a membership appointed under 553
this section shall be filled in the same manner as the original 554
appointments. 555

Beginning in the year 2000, appointment of members to the 556
commission under this section shall be made as follows: 557

(A) Appointments for members to represent the American Legion 558
shall be made for terms to commence in years ending in zero and 559
five. 560

(B) Appointments for members to represent the Veterans of 561
Foreign Wars shall be made for terms to commence in years ending 562
in one and six. 563

(C) Appointments for members to represent the Disabled American Veterans shall be made for terms to commence in years ending in two and seven.

(D) Appointments for members to represent the AMVETS shall be made for terms to commence in years ending in three and eight.

(E) Appointments for members to represent the Military Order of the Purple Heart of the U.S.A., the Vietnam Veterans of America, or the Korean War Veterans Association shall be made for terms to commence in years ending in four and nine.

The terms immediately preceding the initial appointments made under divisions (A) to (E) of this section may be for periods of less than five years.

The appointing authority shall remove a member who fails to maintain certification or whose certification is revoked by the director of veterans services.

Sec. 5901.021. (A) This section applies only to counties having a population, according to the most recent decennial census, of more than five hundred thousand.

(B)(1) In any county that is described in division (A) of this section and in which the veterans service commission submits a budget request under section 5901.11 of the Revised Code for the ensuing fiscal year that exceeds twenty-five-thousandths of one per cent of the assessed value of property in the county or the amount appropriated to the commission from the county general fund in the current fiscal year by more than ten per cent of that appropriation, the board of county commissioners, by resolution, may create not more than six memberships on the veterans service commission in addition to the memberships provided for by section 5901.02 of the Revised Code. The board shall prescribe the number of years the additional memberships shall exist, which shall not

exceed five years. Once a board of county commissioners creates 594
any additional memberships, it may not create further additional 595
memberships under this section if the total number of such 596
memberships would exceed six. The board shall appoint persons who 597
are residents of the county and who are honorably discharged or 598
honorably separated veterans to each of the additional 599
memberships, for terms prescribed by the board and commencing on a 600
date fixed by the board. Each person appointed to an additional 601
membership shall file, within sixty days after the date of the 602
appointment, the person's form DD214 with the ~~governor's office~~ 603
department of veterans ~~affairs~~ services in accordance with 604
guidelines established by the director of that ~~office~~ department. 605

(2) If the board of county commissioners appoints additional 607
members as described in division (B)(1) of this section, the board 608
may permit the commission to submit an original or revised budget 609
request for the ensuing fiscal year later than the last Monday in 610
May, as otherwise required under section 5901.11 of the Revised 611
Code. 612

(C) The board of county commissioners may remove, for cause, 613
any member appointed under this section. The board shall determine 614
whether the additional members may be reappointed upon the 615
expiration of their terms, and shall fill any vacancy in an 616
additional membership for the unexpired term in the manner 617
provided for the original appointment. 618

Sec. 5901.07. The veterans service commission shall employ 619
one or more county veterans service officers, one of whom may act 620
as executive director. Each service officer shall be a veteran. 621
Within sixty days after the date of initial employment, each 622
service officer shall file a copy of the officer's form DD214 with 623
the ~~governor's office~~ department of veterans ~~affairs~~ services in 624

accordance with guidelines established by the director of that 625
~~office~~ department. Each service officer shall be employed in the 626
classified service and is exempt from civil service examination. 627
The commission may remove a veterans service officer who fails to 628
maintain accreditation or whose certification is revoked by the 629
director of veterans services. The service officers shall advise 630
and assist present and former members of the armed forces of the 631
United States, veterans, and their spouses, surviving spouses, 632
children, parents, and dependents in presenting claims or 633
obtaining rights or benefits under any law of the United States or 634
of this state. 635

The commission shall employ each service officer on a part- 636
or full-time basis and fix the officer's compensation. No county 637
commissioner or member of the veterans service commission shall be 638
employed as a service officer. 639

The commission shall employ the necessary clerks, 640
stenographers, and other personnel to assist the service officers 641
in the performance of duties and shall fix their compensation. 642
Each of these employees shall be a veteran or, if a qualified 643
veteran is not available, the spouse, surviving spouse, child, or 644
parent of a veteran. Each of these employees shall be employed in 645
the classified service and is exempt from civil service 646
examination. 647

The board of county commissioners, upon the recommendation or 648
approval of the veterans service commission, may provide suitable 649
office space, supplies, and office and incidental expenses for 650
each service officer. The compensation of each service officer and 651
of any employee and any expenses incurred under this section shall 652
be paid out of funds appropriated to the commission, as provided 653
in section 5901.11 of the Revised Code. 654

Sec. 5901.09. (A) Each applicant for financial assistance 655

under sections 5901.01 to 5901.15 of the Revised Code shall 656
provide the veterans service commission with a statement 657
concerning the applicant's household income and the amount of real 658
and personal taxable property, stocks, bonds, moneys on hand 659
loaned or deposited in any bank or elsewhere, shares in building 660
associations, mortgages, notes, or other articles of value from 661
which the applicant derives an income or revenue. The statement 662
shall be made upon blanks furnished by the commission and shall be 663
subscribed by the applicant. 664

Statements provided under this division shall not include 665
medical records and, pursuant to division (B) of this section, are 666
not public records under section 149.43 of the Revised Code. 667
Veterans service commissions may compile statistical data from the 668
statements in a manner to be prescribed by the ~~governor's office~~ 669
department of veterans affairs services. These data shall be 670
considered a matter of public record. 671

(B) The following are not public records under section 149.43 672
of the Revised Code: 673

(1) A statement described in division (A) of this section; 674

(2) Any application for financial assistance under sections 675
5901.01 to 5901.15 of the Revised Code; 676

(3) Any documents that accompany and pertain to a statement 677
described in division (A) of this section or an application 678
described in division (B)(2) of this section; 679

(4) Any other documents that are used by or are in the 680
possession of a veterans service commission that may affect the 681
determination of the eligibility of an applicant for financial 682
assistance under sections 5901.01 to 5901.15 of the Revised Code 683
or that may affect the determination of an increase, decrease, or 684
discontinuance of an allowance under section 5901.14 of the 685
Revised Code, if those documents are required to be kept 686

confidential under any statute of this state or the United States; 687

(5) Any applications to obtain benefits under any law of the 688
United States or of this state, and any documents accompanying 689
those applications, in the possession of a veterans service 690
commission and filed by persons in the armed forces of the United 691
States, veterans, or the spouses, surviving spouses, children, 692
parents, or dependents of veterans. 693

(C) Interviews of applicants for financial assistance under 694
sections 5901.01 to 5901.15 of the Revised Code, discussions of 695
the applications, statements, and other documents described in 696
division (B) of this section, and reviews of matters relating to 697
applicants' requests for financial assistance under sections 698
5901.01 to 5901.15 of the Revised Code shall be kept confidential. 699
In accordance with division (J) of section 121.22 of the Revised 700
Code, a veterans service commission shall conduct a meeting of the 701
commission or a portion of a meeting of the commission to 702
interview an applicant for financial assistance under sections 703
5901.01 to 5901.15 of the Revised Code, to discuss an application, 704
statement, or other document described in division (B) of this 705
section, or to review matters relating to an applicant's request 706
for financial assistance under sections 5901.01 to 5901.15 of the 707
Revised Code in an executive session. 708

(D) Except as otherwise provided in division (E) of this 709
section or division (B) of section 5902.04 of the Revised Code, a 710
veterans service commission shall ensure that the applications, 711
statements, and other documents described in division (B) of this 712
section are not used for any purpose other than to determine the 713
eligibility of the applicant for financial assistance under 714
sections 5901.01 to 5901.15 of the Revised Code or to determine 715
whether to increase, decrease, or discontinue an allowance under 716
section 5901.14 of the Revised Code. 717

(E)(1) An applicant for, or a recipient or former recipient 718

of, financial assistance under sections 5901.01 to 5901.15 of the Revised Code may consent to the release by a veterans service commission of any information in an application, statement, or other document described in division (B) of this section that pertains to the applicant, recipient, or former recipient by completing and signing a release of information form. The form shall be prescribed by the ~~governor's office~~ department of veterans ~~affairs~~ services. An applicant for, or a recipient or former recipient of, financial assistance shall sign a separate release of information form each time the applicant, recipient, or former recipient consents to the release of any specific information in the application, statement, or other document involved. A copy of each signed release of information form shall be kept in the file of the applicant, recipient, or former recipient kept by the commission. The release of information form shall specify the following items:

(a) The individual, agency, or organization requesting the information;

(b) The specific information requested;

(c) The intended use of the information requested;

(d) The date of the request for the information;

(e) The signature of the person who consents to the release of the information.

(2) A law enforcement officer may obtain an application, statement, or document as described in division (B) of this section pursuant to an investigation by a law enforcement authority, upon the issuance of a court order established upon reasonable grounds that the information contained in the ~~application~~ application, statement, or document is relevant to a suspected violation of law.

(3)(a) A party to a matter pending before a court may obtain

an application, statement, or document as described in division 750
(B) of this section, if upon application to a court of competent 751
jurisdiction, the party proves all of the following: 752

(i) The information contained in the application, statement, 753
or document is relevant and material to the matter before the 754
court. 755

(ii) Disclosure of the application, statement, or document 756
serves the interests of justice, because the need of the party 757
requesting the information within the application, statement, or 758
document outweighs the privacy interest of the applicant, 759
recipient, or former recipient of financial assistance under 760
sections 5901.01 to 5901.15 of the Revised Code. 761

(iii) No other reasonable mean exists to obtain the 762
information contained in the application, statement, or document. 763

(b) If the party to a matter pending before a court proves 764
all of the elements in division (E)(3)(a) of this section, the 765
court may order the disclosure of an application, statement, or 766
document described in division (B) of this section. For purposes 767
of this division the court shall do all of the following: 768

(i) Indicate the specific application, statement, or document 769
to be disclosed; 770

(ii) Indicate the purpose for the disclosure of the 771
application, statement, or ~~document~~ document; 772

(iii) Indicate the person to whom the application, statement, 773
or document will be disclosed. 774

Sec. 5902.01. ~~There is hereby established within the office~~ 775
~~of the governor the governor's office of veterans affairs. The~~ 776
~~governor shall appoint, with the advice and consent of the senate,~~ 777
~~a chief executive assistant, who~~ The person appointed to the 778
position of director of veterans services shall be an honorably 779

discharged or honorably separated veteran of the United States 780
armed forces, ~~to be known as director of the governor's office of~~ 781
~~veterans affairs.~~ The ~~governor's office~~ department of veterans 782
~~affairs~~ services shall employ ~~such other~~ administrative and 783
technical personnel as are necessary to perform the general and 784
specific duties of the ~~office~~ department. The ~~administrative~~ 785
~~assistants and technical personnel shall be honorably discharged~~ 786
~~or honorably separated veterans of the United States armed forces,~~ 787
~~and shall be employed in the classified service and not be~~ 788
~~considered employees of the governor's office for purposes of~~ 789
~~division (A)(16) of section 124.11 or division (B)(2) of section~~ 790
~~124.14 of the Revised Code. Each individual employed in the~~ 791
~~clerical staff shall be an honorably discharged or honorably~~ 792
~~separated veteran or, if a qualified veteran is not available, the~~ 793
~~spouse, surviving spouse, child, or parent of an honorably~~ 794
~~discharged or honorably separated veteran, and shall be employed~~ 795
~~in the classified service and not be considered an employee of the~~ 796
~~governor's office for purposes of division (A)(16) of section~~ 797
~~124.11 of the Revised Code. For positions within the department,~~ 798
~~the director shall adopt rules under Chapter 119. of the Revised~~ 799
~~Code establishing a program, which the director shall implement,~~ 800
~~giving hiring preferences to veterans.~~ 801

Sec. 5902.02. The duties of the director of ~~the governor's~~ 802
~~office of~~ veterans affairs services shall include the following: 803

(A) Furnishing the veterans service commissions of all 804
counties of the state copies of the state laws, rules, and 805
legislation relating to the operation of the commissions and their 806
offices; 807

(B) Upon application, assisting the general public in 808
obtaining records of vital statistics pertaining to veterans or 809
their dependents; 810

(C) Adopting rules pursuant to Chapter 119. of the Revised 811
Code pertaining to minimum qualifications for hiring, certifying, 812
and accrediting county veterans service officers ~~and~~, pertaining 813
to their required duties, and pertaining to revocation of the 814
certification of county veterans service officers; 815

(D) Adopting rules pursuant to Chapter 119. of the Revised 816
Code for the education, training, certification, and duties of 817
veterans service commissioners and for the revocation of the 818
certification of a veterans service commissioner; 819

(E) Developing and monitoring programs and agreements 820
enhancing employment and training for veterans in single or 821
multiple county areas; 822

(F) Developing and monitoring programs and agreements to 823
enable county veterans service commissions to address 824
homelessness, indigency, and other veteran-related issues 825
individually or jointly; 826

(G) Developing and monitoring programs and agreements to 827
enable state agencies, individually or jointly, that provide 828
services to veterans, including the veterans' homes operated under 829
Chapter 5907. of the Revised Code and the director of job and 830
family services, to address homelessness, indigency, employment, 831
and other veteran-related issues; 832

(H) Establishing and providing statistical reporting formats 833
and procedures for county veterans service commissions; 834

(I) Publishing annually, promulgating change notices for, and 835
distributing a listing of county veterans service officers, county 836
veterans service commissioners, state directors of veterans 837
affairs, and national and state service officers of accredited 838
veterans organizations and their state headquarters. The listing 839
shall include the expiration dates of commission members' terms of 840
office and the organizations they represent; the names, addresses, 841

and telephone numbers of county veterans service officers and 842
state directors of veterans affairs; and the addresses and 843
telephone numbers of the Ohio offices and headquarters of state 844
and national veterans service organizations. 845

(J) Publishing, by the first day of April of each 846
odd-numbered year, a directory of the laws of this state dealing 847
with veterans, as enacted through the conclusion of the previous 848
session of the general assembly, and distributing the publication 849
to each county veterans service office and the state headquarters 850
of each congressionally chartered veterans organization in the 851
state; 852

(K) Establishing a veterans advisory committee to advise and 853
assist the ~~governor's office~~ department of veterans affairs 854
services in its duties. Members shall include a state 855
representative of congressionally chartered veterans organizations 856
referred to in section 5901.02 of the Revised Code, a 857
representative of any other congressionally chartered state 858
veterans organization that has at least one veterans service 859
commissioner in the state, three representatives of the Ohio state 860
association of county veterans service commissioners, who shall 861
have a combined vote of one, three representatives of the state 862
association of county veterans service officers, who shall have a 863
combined vote of one, one representative of the county 864
commissioners association of Ohio, who shall be a county 865
commissioner not from the same county as any of the other county 866
representatives, a representative of the advisory committee on 867
women veterans, a representative of a labor organization, and a 868
representative of the office of the attorney general. The 869
~~governor's office~~ department of veterans affairs services shall 870
submit to the advisory committee proposed rules for the 871
committee's operation. The committee may review and revise these 872
proposed rules prior to submitting them to the joint committee on 873

agency rule review. 874

(L) Adopting, with the advice and assistance of the veterans 875
advisory committee, policy and procedural guidelines that the 876
veterans service commissions shall adhere to in the development 877
and implementation of rules, policies, procedures, and guidelines 878
for the administration of Chapter 5901. of the Revised Code. The 879
~~governor's office~~ department of veterans ~~affairs~~ services shall 880
adopt no guidelines or rules regulating the purposes, scope, 881
duration, or amounts of financial assistance provided to 882
applicants pursuant to sections 5901.01 to 5901.15 of the Revised 883
Code. The director of ~~the governor's office~~ of veterans ~~affairs~~ 884
services may obtain opinions from the office of the attorney 885
general regarding rules, policies, procedures, and guidelines of 886
the veterans service commissions and may enforce compliance with 887
Chapter 5901. of the Revised Code. 888

(M) Receiving copies of form DD214 filed in accordance with 889
the director's guidelines adopted under division (L) of this 890
section from members of veterans service commissions appointed 891
under section 5901.02 and from county veterans service officers 892
employed under section 5901.07 of the Revised Code; 893

(N) Developing and maintaining and improving a resource, such 894
as a telephone answering point or a web site, by means of which 895
veterans and their dependents, through a single portal, can access 896
multiple sources of information and interaction with regard to the 897
rights of, and the benefits available to, veterans and their 898
dependents. The director of veterans services may enter into 899
agreements with state and federal agencies, with agencies of 900
political subdivisions, with state and local instrumentalities, 901
and with private entities as necessary to make the resource as 902
complete as is possible. 903

(O) Planning, organizing, advertising, and conducting 904
outreach efforts, such as conferences and fairs, at which veterans 905

and their dependents may meet, learn about the organization and operation of the department of veterans services and of veterans service commissions, and obtain information about the rights of, and the benefits and services available to, veterans and their dependents; 906
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(P) Advertising, in print, on radio and television, and otherwise, the rights of, and the benefits and services available to, veterans and their dependents; 911
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913

(O) Developing and advocating improved benefits and services for, and improved delivery of benefits and services to, veterans and their dependents; 914
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916

(R) Searching for, identifying, and reviewing statutory and administrative policies that relate to veterans and their dependents and reporting to the general assembly statutory and administrative policies that should be consolidated in whole or in part within the organization of the department of veterans services to unify funding, delivery, and accounting of statutory and administrative policy expressions that relate particularly to veterans and their dependents; 917
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(S) Encouraging veterans service commissions to innovate and otherwise to improve efficiency in delivering benefits and services to veterans and their dependents and to report successful innovations and efficiencies to the director of veterans services; 925
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(T) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents; 929
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931
932

(U) Establishing advisory committees, in addition to the veterans advisory committee established under division (K) of this section, on veterans issues; 933
934
935

(V) Developing and maintaining a relationship with the United 936

States department of veterans affairs, seeking optimal federal 937
benefits and services for Ohio veterans and their dependents, and 938
encouraging veterans service commissions to maximize the federal 939
benefits and services to which veterans and their dependents are 940
entitled; 941

(W) Developing and maintaining relationships with the several 942
veterans organizations, encouraging the organizations in their 943
efforts at assisting veterans and their dependents, and advocating 944
for adequate state subsidization of the organizations; 945

(X) Requiring the several veterans organizations that receive 946
funding from the state annually to report to the director of 947
veterans services and prescribing the form and content of the 948
report; 949

(Y) Investigating complaints against county veterans services 950
commissioners and county veterans service officers if the director 951
reasonably believes the investigation to be appropriate and 952
necessary; 953

(Z) Taking any other actions required by this chapter. 954

Sec. 5902.03. ~~The director of the governor's office of~~ 955
~~veterans affairs services~~ may microfilm or otherwise duplicate all 956
or any part of copies of original certificates of discharge and 957
separation submitted by Ohio veterans ~~in conjunction with their~~ 958
~~applications for Ohio war bonuses.~~ 959

The director may prepare and maintain files of such 960
microfilmed certificates of discharge and separation in such 961
manner that they may readily be available for the use of the 962
~~governor's office~~ department of veterans affairs services, 963
authorized veterans service officers of the several 964
congressionally chartered veterans organizations, and county 965
veterans service officers of the several counties of the state in 966

support of applications for compensation, pension, medical, or 967
domiciliary care, or other state and federal benefits provided for 968
eligible veterans or their dependents or survivors. 969

The director may make copies of such microfilmed certificates 970
of discharge and separation for storage under secure conditions to 971
assure their preservation, and for supply to qualified veterans or 972
their dependents or survivors or to interested and authorized 973
veterans organizations to aid such organizations in their programs 974
of veterans aid and assistance. 975

Sec. 5902.04. (A) Upon application, the director of ~~the~~ 976
~~governor's office of~~ veterans affairs services shall furnish 977
necessary instructions and advice to the veterans of the state, 978
their heirs, or their legal representatives, respecting their 979
claims against the United States or the state for pensions, 980
bounty, bonus, back pay, or otherwise, by reason of military 981
service, ~~and perform other duties that the governor requires.~~ 982

(B) The director or the director's representative may examine 983
the files of any veterans service commission that pertain to 984
either of the following classes of persons to determine the 985
custody, use, or confidentiality of any documents in those files: 986

(1) Applicants for, or recipients or former recipients of, 987
financial assistance under sections 5901.01 to 5901.15 of the 988
Revised Code; 989

(2) Applicants for federal, state, or county benefits under 990
those sections. 991

(C)(1) No information or documents obtained by examinations 992
conducted under division (B) of this section shall be considered 993
part of the public records of the ~~governor's office~~ department of 994
veterans ~~affairs~~ services. The director may disclose information 995
or documents that the director obtains pursuant to an examination 996

conducted under division (B) of this section and that personally 997
identify an applicant, recipient, or former recipient described in 998
that division, if either of the following applies: 999

(a) The director considers the disclosure necessary to 1000
enforce compliance with Chapter 5901. of the Revised Code. 1001

(b) For the purposes and under the circumstances authorized 1002
under division (E) of section 5901.09 of the Revised Code. 1003

(2) In all other cases, the director shall maintain the 1004
confidentiality of information or documents that the director 1005
obtains pursuant to an examination under division (B) of this 1006
section and that personally identify an applicant, recipient, or 1007
former recipient described in that division. 1008

Sec. 5902.06. The director of ~~the governor's office of~~ 1009
veterans ~~affairs~~ services shall keep a register showing the 1010
situation and disposition of any claim filed by ~~that office~~ the 1011
department of veterans services. 1012

Sec. 5902.07. The director of ~~the governor's office of~~ 1013
veterans ~~affairs~~ services may administer oaths. ~~He shall have a~~ 1014
~~seal of office and his~~ The director's official certificate shall 1015
be received in evidence without further authentication. 1016

Sec. 5902.08. The director of ~~the governor's office of~~ 1017
veterans ~~affairs~~ services, or any employee thereof, shall not 1018
receive directly or indirectly a fee or reward of any kind from a 1019
claimant or other person for services rendered or to be rendered, 1020
relating to a duty required of ~~him~~ the director or employee under 1021
sections 5902.01 to 5902.07 of the Revised Code, or in any manner 1022
connected therewith. 1023

Sec. 5902.09. The person in charge of a state agency or 1024

instrumentality, an agency or instrumentality of a political 1025
subdivision, or a private entity, such as a nursing home, that 1026
provides law enforcement, health, or welfare services to 1027
individuals, other than the Ohio veterans' home and veterans 1028
service organizations, shall ask an individual with whom the 1029
agency, instrumentality, or entity interacts if the individual is 1030
a veteran or is or was the dependent of a veteran. If the 1031
individual claims to be such an individual, the person in charge 1032
shall report the individual's name, address, telephone number, and 1033
e-mail address; the agency's, instrumentality's, or entity's name, 1034
address, telephone number, and e-mail address; the nature of the 1035
agency's, instrumentality's, or entity's interaction with the 1036
individual; and the date on which the interaction occurred to the 1037
director of veterans services. The director shall inform the 1038
veterans service commission having jurisdiction about the veteran 1039
or dependent and the interaction. The commission shall inquire 1040
about, and offer benefits and services appropriate to, the veteran 1041
or dependent. 1042

Sec. 5902.15. (A) If the president of the United States 1043
indicates that national guard or reserve forces with headquarters 1044
in this state may be called to active military duty, the governor 1045
or the director of ~~the governor's office of~~ veterans affairs 1046
services shall convene, not later than ten days after all its 1047
members are appointed, a military activation task force to 1048
determine whether federal, state, and county agencies have 1049
prepared proper support mechanisms for that military activation. 1050
The task force shall prepare and publish a report stating whether 1051
these mechanisms have been prepared and what further actions need 1052
to be taken to support that military activation. 1053

(B) The members of the task force are the chairpersons and 1054
ranking minority members of the committees of the house of 1055
representatives and senate that customarily consider bills dealing 1056

with the military and veterans affairs, and a representative of	1057
each of the following agencies and organizations whom that agency	1058
or organization shall appoint:	1059
(1) The Ohio army national guard;	1060
(2) The Ohio air national guard;	1061
(3) The United States army reserve;	1062
(4) The United States marine corps reserve;	1063
(5) The United States naval reserve;	1064
(6) The United States air force reserve;	1065
(7) The United States coast guard reserve;	1066
(8) The United States department of veterans affairs;	1067
(9) The American Legion, department of Ohio;	1068
(10) The Veterans of Foreign Wars, department of Ohio;	1069
(11) The AMVETS, department of Ohio <u>Ohio</u> ;	1070
(12) The Disabled American Veterans, department of Ohio <u>Ohio</u> ;	1071
(13) The American Ex-Prisoners of War, department of Ohio;	1072
(14) The Vietnam Veterans of America, department of Ohio	1073
<u>Ohio</u> ;	1074
(15) The office of the Ohio attorney general;	1075
(16) The Ohio association of county veterans service	1076
officers;	1077
(17) The Ohio association of county veterans service	1078
commissioners;	1079
(18) The bureau of employment services;	1080
(19) The department of administrative services;	1081
(20) (19) The state department of human <u>job and family</u>	1082
services;	1083

(21) (20) The Ohio office of the United States department of labor;	1084 1085
(22) (21) The employer support of the national guard and reserve;	1086 1087
(23) (22) The Ohio military family support group;	1088
(24) (23) The national league of families of prisoners and missing in action;	1089 1090
(25) (24) The governor's office <u>department</u> of veterans affairs <u>services</u> .	1091 1092
(C) At its first meeting, the task force shall elect a chairperson and other officers it considers necessary.	1093 1094
(D) Members of the task force shall receive no compensation but shall be reimbursed for expenses they incur in the performance of their duties.	1095 1096 1097
(E) Members of the task force shall serve until the task force publishes its report. Any vacancy on the task force shall be filled in the same manner as the original appointment.	1098 1099 1100
(F) The governor's office <u>department</u> of veterans affairs <u>services</u> shall provide the task force with necessary personnel, supplies, and services.	1101 1102 1103
Sec. 5903.02. (A) The determination of reinstatement and reemployment rights of permanent public employees and permanent private employees in the uniformed services shall be made in accordance with <u>As used in this section, "uniformed services" and "service in the uniformed services" have the same meanings as in</u> the "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 4301, et. seq <u>4303.</u>	1104 1105 1106 1107 1108 1109 1110
(B) <u>Any person whose absence from a position of employment is necessitated by reason of service in the uniformed services or in</u>	1111 1112

the Ohio organized militia has the same reinstatement and 1113
reemployment rights in this state that a person has under the 1114
"Uniformed Services Employment and Reemployment Rights Act of 1115
1994." A person who is denied a reinstatement or reemployment 1116
right pursuant to this section has a cause of action for the same 1117
remedies as a person has under the "Uniformed Services Employment 1118
and Reemployment Rights Act of 1994." The court of common pleas, 1119
notwithstanding any sum limitation established by decision of a 1120
board of county commissioners pursuant to section 2305.01 of the 1121
Revised Code, shall have exclusive original jurisdiction for such 1122
actions, unless the defendant is the state, in which case the 1123
court of claims shall have exclusive original jurisdiction 1124
pursuant to division (C) of this section. 1125

(C) A person who seeks reinstatement or reemployment rights 1126
with the state, pursuant to this section, may bring an action in 1127
the court of claims pursuant to this section or section 4323 of 1128
the "Uniformed Services Employment and Reemployment Rights Act of 1129
1994." 1130

(D) Notwithstanding any other provision of the Revised Code, 1131
court costs may not be charged against any person claiming rights 1132
under this section. 1133

(E) In any action or proceeding to enforce a provision of 1134
this section the court may award to a plaintiff who prevails in 1135
such action or proceeding reasonable attorney's fees, expert 1136
witness fees, and other litigation expenses. If the plaintiff does 1137
not receive a favorable judgment from the court in that action, 1138
the court shall not require the plaintiff to reimburse the state 1139
for attorney's fees. 1140

(F) The director of administrative services shall adopt rules 1141
in accordance with Chapter 119. of the Revised Code for the 1142
implementation of this chapter with respect to persons in public 1143
service. 1144

Sec. 5903.99. Whoever violates ~~sections 5903.01 and~~ section 1145
5903.02 of the Revised Code may be fined not more than one 1146
thousand dollars or imprisoned not more than six months, or both. 1147

Sec. 5904.01. (A) There is hereby created the Ohio veterans 1148
hall of fame. The ~~governor's office~~ department of veterans ~~affairs~~ 1149
services shall serve as the veterans hall of fame's administrative 1150
agent. The veterans hall of fame shall recognize the post-military 1151
achievements of outstanding veterans and spotlight all veterans' 1152
contributions to the civilian workplace. 1153

(B) The Ohio veterans hall of fame shall have an executive 1154
committee composed of thirteen members, all of whom shall be 1155
veterans. The director of ~~the governor's office of~~ veterans 1156
~~affairs~~ services shall be an ex officio member. The ~~governor's~~ 1157
~~office~~ department of veterans ~~affairs'~~ services' veterans advisory 1158
committee, the advisory committee on women veterans, the Ohio 1159
veterans hall of fame foundation, the Veterans of Foreign Wars, 1160
the Disabled American Veterans, the AMVETS, the Vietnam Veterans 1161
of America, and the American Legion shall each appoint one member. 1162
1163

The Ohio veterans hall of fame executive committee shall 1164
appoint its final four members, one of whom shall be from any 1165
veterans organization that is incorporated in this state and that 1166
is not otherwise represented on the executive committee, one of 1167
whom was inducted into the veterans hall of fame three years 1168
before the current fiscal year, one of whom was inducted into the 1169
veterans hall of fame two years before the current fiscal year, 1170
and one of whom was inducted into the veterans hall of fame one 1171
year before the current fiscal year. 1172

(C) Terms of office of the members of the Ohio veterans hall 1173
of fame executive committee shall be for three years. Each member 1174

shall serve subsequent to the expiration of the member's term 1175
until the member's successor is appointed, or until sixty days has 1176
elapsed, whichever occurs first. No member shall serve more than 1177
two consecutive terms. 1178

(D) All vacancies in the membership of the Ohio veterans hall 1179
of fame executive committee shall be filled in the same manner as 1180
prescribed for original appointments, and the terms of the 1181
appointees shall be limited to the unexpired terms. 1182

(E) The members of the Ohio veterans hall of fame executive 1183
committee shall serve without compensation, but shall be 1184
reimbursed for their actual and necessary expenses incurred in the 1185
performance of their official duties. 1186

(F) The Ohio veterans hall of fame executive committee shall 1187
elect a chairperson and vice-chairperson from its membership. It 1188
shall meet annually to select inductees for the veterans hall of 1189
fame from the persons nominated in a manner prescribed by the 1190
executive committee. The names of selected inductees shall be 1191
submitted to the governor for final approval. The governor shall 1192
provide any final approval within thirty days after the executive 1193
committee submits the names of the selected inductees. The 1194
governor may reject any of the selected inductees for cause, but 1195
shall not make any additions to the list of those inductees. 1196

(G) Except as otherwise provided in this division, all state 1197
elected officials, members of the general assembly, members of the 1198
Ohio veterans hall of fame foundation, members of the veterans 1199
hall of fame executive committee, members of the governor's staff, 1200
members of the veterans hall of fame staff, and members of any 1201
county veterans service commission, and the director of ~~the~~ 1202
~~governor's office of veterans affairs services~~, shall not be 1203
eligible for induction into the veterans hall of fame until two 1204
years after they have left their position. The executive committee 1205
may waive the two-years requirement for nominees over the age of 1206

seventy. 1207

(H) The Ohio veterans hall of fame executive committee is not 1208
subject to sections 101.82 to 101.87 of the Revised Code. 1209

Sec. 5907.01. (A) As used in this chapter: 1210

(1) "Nursing home" means a nursing home within a veterans' 1211
home. 1212

(2) "Veterans' home" means a veterans' home operated by the 1213
Ohio veterans' home agency. 1214

(B) There is hereby established the Ohio veterans' home 1215
agency ~~that~~ as part of the department of veterans services. The 1216
agency shall maintain and operate veterans' and nursing homes for 1217
honorably discharged veterans. 1218

Sec. 5907.02. ~~The board of trustees of the Ohio veterans'~~ 1219
~~home agency, which is hereby created, shall consist of seven~~ 1220
~~members who~~ director of veterans services shall govern the Ohio 1221
veterans' home agency and have charge and custody of the agency's 1222
facilities. ~~The members shall be the director of administrative~~ 1223
~~services or that director's designee, the director of aging or~~ 1224
~~that director's designee, and five members who shall be appointed~~ 1225
~~by the governor with the advice and consent of the senate. All the~~ 1226
~~members of the board appointed by the governor shall be veterans~~ 1227
~~of wars in which the United States has participated, and not more~~ 1228
~~than three of the members shall be of the same political party.~~ 1229
~~The trustees shall serve without compensation, but they shall be~~ 1230
~~allowed their actual expenses incurred in the discharge of their~~ 1231
~~duties. Each year, the governor shall appoint one trustee. The~~ 1232
~~term of office for each member of the board shall be for five~~ 1233
~~years, commencing on the first day of July and ending on the~~ 1234
~~thirtieth day of June. Each member shall hold office from the date~~ 1235
~~of that member's appointment until the end of the term for which~~ 1236

~~the member was appointed. Any member appointed to fill a vacancy~~ 1237
~~occurring prior to the expiration of the term for which that~~ 1238
~~member's predecessor was appointed shall hold office for the~~ 1239
~~remainder of that term. Any member shall continue in office~~ 1240
~~subsequent to the expiration date of that member's term until the~~ 1241
~~member's successor takes office, or until a period of sixty days~~ 1242
~~has elapsed, whichever occurs first. The board director shall~~ 1243
govern, conduct, and care for veterans' homes, the property of the 1244
homes, and the veterans residing in the home. 1245

~~Four members of the board constitute a quorum, but any three~~ 1246
~~may approve the payment of current expenses, salaries, and open~~ 1247
~~contracts previously entered into by the board.~~ 1248

All supplies for the agency shall be purchased as provided in 1249
sections 125.04 to 125.15 of the Revised Code. 1250

The ~~board~~ director shall appoint a superintendent of the Ohio 1251
veterans' home agency upon any terms that are proper, and the 1252
superintendent, with the advice and consent of the ~~board~~ director, 1253
shall employ aides, assistants, and employees, and perform other 1254
duties that may be assigned to the superintendent by the ~~board~~ 1255
director or become necessary in the carrying out of the 1256
superintendent's duties. The superintendent shall be responsible 1257
directly to the ~~board~~ director. 1258

Subject to section 5907.021 of the Revised Code, the 1259
superintendent may appoint one or more employees at each veterans' 1260
home as veterans' home police officers authorized to act on the 1261
grounds of that home. The superintendent shall provide to those 1262
employees a copy of the rules that apply to their appointment. The 1263
rules shall specify whether or not the police officers may carry a 1264
firearm. 1265

Subject to section 5907.021 of the Revised Code, the 1266
superintendent shall appoint a chief of police of the Ohio 1267

veterans' home agency, determine the number of officers and other 1268
personnel required by each veterans' home, and establish salary 1269
schedules and other conditions of employment for veterans' homes 1270
police officers. The chief of police shall serve at the pleasure 1271
of the superintendent and shall appoint officers and other 1272
personnel as the veterans' homes may require, subject to the rules 1273
and limits that the superintendent establishes regarding 1274
qualifications, salary ranges, and the number of personnel. The 1275
superintendent, with the approval of the ~~board~~ director, may 1276
purchase or otherwise acquire any police apparatus, equipment, or 1277
materials, including a police communication system and vehicles, 1278
that the veterans' homes police officers may require. The 1279
superintendent may send one or more of the officers or employees 1280
nominated by the police chief to a school of instruction designed 1281
to provide additional training or skills related to their work 1282
assignment at their veterans' home. The superintendent may send 1283
those officers or employees to the Ohio peace officer training 1284
academy that the superintendent considers appropriate. 1285

The ~~board~~ director shall make an annual report to the 1286
governor as to all expenditures and as to the management of the 1287
Ohio veterans' home agency. 1288

Sec. 5907.022. The ~~board of trustees of the Ohio veterans'~~ 1289
~~home agency~~ director of veterans services may do either of the 1290
following to expand nursing home care and domiciliary services to 1291
veterans at sites other than the Ohio veterans' homes and nursing 1292
homes: 1293

(A) Enter into contracts or agreements, including agreements 1294
for the acceptance of grants, to construct, lease, purchase, or 1295
otherwise acquire real property or facilities to establish a 1296
network of facilities; 1297

(B) Enter into contracts with private providers. 1298

Sec. 5907.023. ~~Neither the~~ The Ohio veterans' home agency 1299
established by section 5907.01 of the Revised Code ~~nor the board~~ 1300
~~of trustees of the Ohio veterans' home agency created by section~~ 1301
~~5907.02 of the Revised Code~~ is not subject to sections 101.82 to 1302
101.87 of the Revised Code. 1303

Sec. 5907.03. The management and control of veterans' homes 1304
shall be subject to such inspection and supervision as the 1305
congress of the United States may require as a condition of making 1306
appropriations for their maintenance. A person appointed or 1307
designated by congress may make such inspection and exercise such 1308
supervision, and, if so required by congress, the person may have 1309
and exercise the privileges of ~~a member of the board of trustees~~ 1310
~~of the Ohio veterans' home agency~~ the director of veterans 1311
services. 1312

Sec. 5907.04. ~~All~~ Subject to the following paragraph, all 1313
members of the armed forces, who served in the regular or 1314
volunteer forces of the United States or the Ohio national guard 1315
or members of the naval militia during the war with Spain, the 1316
Philippine insurrection, the China relief expedition, the Indian 1317
war, the Mexican expedition, World War I, World War II, or during 1318
the period beginning June 25, 1950 and ending July 19, 1953, known 1319
as the Korean conflict, or during the period beginning August 5, 1320
1964, and ending July 1, 1973, known as the Vietnam conflict, or 1321
any person who is awarded either the armed forces expeditionary 1322
medal established by presidential executive order 10977 dated 1323
December 4, 1961, or the Vietnam service medal established by 1324
presidential executive order 11231 dated July 8, 1965, who have 1325
been honorably discharged or separated under honorable conditions 1326
therefrom, or any discharged members of the Polish and 1327
Czechoslovakian armed forces who served in armed conflict with an 1328

enemy of the United States in World War I or World War II who have 1329
been citizens of the United States for at least ten years, 1330
provided that the above-mentioned persons have been citizens of 1331
this state for five consecutive years or more at the date of 1332
making application for admission, are disabled by disease, wounds, 1333
or otherwise, and are by reason of such disability incapable of 1334
earning their living, and all members of the Ohio national guard 1335
or naval militia who have lost an arm or leg, or their sight, or 1336
become permanently disabled from any cause, while in the line and 1337
discharge of duty, and are not able to support themselves, may be 1338
admitted to a veterans' home under such rules as the ~~board of~~ 1339
~~trustees of the Ohio veterans' home agency~~ director of veterans 1340
services adopts. 1341

A person who served in the armed forces of the United States 1342
as defined in division (E)(7) of section 5903.11 of the Revised 1343
Code is eligible for admission to a veterans' home under the 1344
preceding paragraph only if the person has the characteristics 1345
defined in division (B)(1) of section 5901.01 of the Revised Code. 1346

The superintendent of the Ohio veterans' home agency shall 1347
promptly and diligently pursue the establishment of the 1348
eligibility for medical assistance under Chapter 5111. of the 1349
Revised Code of all persons admitted to a veterans' home and all 1350
residents of a home who appear to qualify and shall promptly and 1351
diligently pursue and maintain the certification of each home's 1352
compliance with federal laws and regulations governing 1353
participation in the medical assistance program to include as 1354
large as possible a part of the home's bed capacity. 1355

Veterans' homes may reserve a bed during the temporary 1356
absence of a resident or patient from the home, including a 1357
nursing home within it, under conditions prescribed by the ~~board~~ 1358
~~of trustees~~ director, to include hospitalization for an acute 1359
condition, visits with relatives and friends, and participation in 1360

therapeutic programs outside the home. A home shall not reserve a 1361
bed for more than thirty days, except that absences for more than 1362
thirty days due to hospitalization may be authorized. 1363

Sec. 5907.11. (A) The superintendent of the Ohio veterans' 1364
home agency, with the approval of the ~~board of trustees of the~~ 1365
~~agency~~ director of veterans services, may establish a local fund 1366
for each veterans' home to be used for the entertainment and 1367
welfare of the residents of the home. Each fund shall be 1368
designated as the residents' benefit fund and shall be operated 1369
for the exclusive benefit of the residents of the associated home. 1370
Each fund shall receive all revenue from the sale of commissary 1371
items at the associated home and shall receive all moneys received 1372
as donations by the associated home from any source. 1373

(B) The residents' benefit funds also may be used to receive 1374
and disburse any donations made for events sponsored by the Ohio 1375
veterans hall of fame. 1376

(C) The superintendent, subject to the approval of the ~~board~~ 1377
~~of trustees~~ director, shall establish rules for the operation of 1378
the residents' benefit funds. 1379

Sec. 5907.12. The ~~board of trustees of the Ohio veterans'~~ 1380
~~home agency~~ director of veterans services may utilize the services 1381
of volunteers to assist in attending to and caring for residents, 1382
assisting in resident activities, caring for veterans' homes' 1383
buildings and grounds, and participating in any other services 1384
that accomplish any of the ~~board's~~ director's purposes related to 1385
veterans' homes. All volunteer programs are subject to the ~~board's~~ 1386
director's approval. The ~~board~~ director may recruit, train, and 1387
supervise the services of community volunteers or volunteer groups 1388
for volunteer programs. The ~~board~~ director may designate 1389
volunteers as state employees for the purpose of motor vehicle 1390

accident liability insurance under section 9.83 of the Revised 1391
Code and for the purpose of indemnification from liability 1392
incurred in the performance of their duties under section 9.87 of 1393
the Revised Code. 1394

Sec. 5907.13. Residents of veterans' homes may be assessed a 1395
fee to pay a portion of the expenses of their support, dependent 1396
upon their ability to pay. Subject to controlling board approval, 1397
the ~~board of trustees of the Ohio veterans' home agency~~ director 1398
of veterans services shall adopt rules for determining a 1399
resident's ability to pay. Each resident shall furnish the ~~board~~ 1400
~~of trustees~~ director statements of income, assets, debts, and 1401
expenses that the ~~board~~ director requires. 1402

All fees contributed by the residents under this section 1403
shall be deposited into an interest-bearing account in a public 1404
depository in accordance with section 135.18 of the Revised Code. 1405
All of these fees shall be paid to the treasurer of state within 1406
thirty days after the end of the month of receipt, together with 1407
all interest credited to the account to date. The treasurer of 1408
state shall credit eighty per cent of these fees and of this 1409
interest to the Ohio veterans' homes operating fund and twenty per 1410
cent of these fees and of this interest to the Ohio veterans' 1411
homes fund. 1412

The fee for each resident shall be based upon the level of 1413
care provided to the resident by the resident's home. The ~~board of~~ 1414
~~trustees~~ director shall determine authorized levels of care for 1415
residents. The assessment for each resident shall not exceed the 1416
difference between the total per diem amount collected by the 1417
state for maintenance from all sources on the resident's behalf 1418
and the average annual per diem cost for the resident's 1419
maintenance, computed in accordance with veterans administration 1420
regulations. 1421

Sec. 5907.141. (A) All money received from the United States 1422
department of veterans affairs in per diem grants for care that 1423
veterans' homes provide shall be deposited in the state treasury 1424
to the credit of the Ohio veterans' homes federal grant fund, 1425
which is hereby created. Money credited to the fund shall be used 1426
only for the operating costs of veterans' homes. 1427

(B) Any resident of a veterans' home whom the United States 1428
department of veterans affairs determines to have excess income or 1429
assets, or is denied per diem for any reason by the United States 1430
department of veterans affairs, therefore rendering the home 1431
ineligible to collect per diem grant reimbursement for days of 1432
care provided to that resident, may be required to pay, in 1433
addition to the fees assessed under section 5907.13 of the Revised 1434
Code, an amount equal to the rate of per diem grant that the 1435
department denied for that particular resident. Any amount that 1436
the resident pays under this division shall be collected and 1437
distributed in the same manner as the fees assessed under section 1438
5907.13 of the Revised Code. 1439

Sec. 5910.02. There is hereby created an Ohio war orphans 1440
scholarship board ~~consisting~~ as part of the department of veterans 1441
services. The board consists of ~~seven~~ eight members as follows: 1442
the chancellor of the Ohio board of regents or the chancellor's 1443
designee; the director of veterans services or the director's 1444
designee; one member of the house of representatives, appointed by 1445
the speaker; one member of the senate, appointed by the president 1446
of the senate; and four members appointed by the governor, one of 1447
whom shall be a representative of the American Legion, one of whom 1448
shall be a representative of the Veterans of Foreign Wars, one of 1449
whom shall be a representative of the Disabled American Veterans, 1450
and one of whom shall be a representative of the AMVETS. At least 1451
ninety days prior to the expiration of the term of office of the 1452

representative of a veterans organization appointed by the 1453
governor, the governor shall notify the state headquarters of the 1454
affected organization of the need for an appointment and request 1455
the organization to make at least three nominations. Within sixty 1456
days after making the request for nominations, the governor may 1457
make the appointment from the nominations received, or may reject 1458
all the nominations and request at least three new nominations, 1459
from which the governor shall make an appointment within thirty 1460
days after making the request for the new nominations. If the 1461
governor receives no nominations during this thirty-day period, 1462
the governor may appoint any veteran. 1463

Terms of office for the four members appointed by the 1464
governor shall be for four years, commencing on the first day of 1465
January and ending on the thirty-first day of December, except 1466
that the term of the AMVETS representative shall expire December 1467
31, 1998, and the new term that succeeds it shall commence on 1468
January 1, 1999, and end on December 31, 2002. Each member shall 1469
hold office from the date of the member's appointment until the 1470
end of the term for which the member was appointed. The other 1471
members shall serve during their terms of office. Any vacancy 1472
shall be filled by appointment in the same manner as by original 1473
appointment. Any member appointed to fill a vacancy occurring 1474
prior to the expiration of the term for which the member's 1475
predecessor was appointed shall hold office for the remainder of 1476
such term. Any appointed member shall continue in office 1477
subsequent to the expiration date of the member's term until the 1478
member's successor takes office, or until a period of sixty days 1479
has elapsed, whichever occurs first. The members of the board 1480
shall serve without pay but shall be reimbursed for travel 1481
expenses and for other actual and necessary expenses incurred in 1482
the performance of their duties, not to exceed ten dollars per day 1483
for ten days in any one year to be appropriated out of any moneys 1484
in the state treasury to the credit of the general revenue fund. 1485

The chancellor of the board of regents shall act as secretary 1486
to the board and shall furnish such clerical and other assistance 1487
as may be necessary to the performance of the duties of the board. 1488

The board shall determine the number of scholarships to be 1489
made available, receive applications for scholarships, pass upon 1490
the eligibility of applicants, decide which applicants are to 1491
receive scholarships, and do all other things necessary for the 1492
proper administration of this chapter. 1493

Sec. 5923.05. (A)(1) Permanent public employees who are 1494
members of the Ohio organized militia or members of other reserve 1495
components of the armed forces of the United States, including the 1496
Ohio national guard, are entitled to a leave of absence from their 1497
respective positions without loss of pay for the time they are 1498
performing service in the uniformed services, for periods of up to 1499
one month, for each calendar year in which they are performing 1500
service in the uniformed services. 1501

(2) As used in this section: 1502

(a) "Calendar year" means the year beginning on the first day 1503
of January and ending on the last day of December. 1504

(b) "Month" means twenty-two eight-hour work days or one 1505
hundred seventy-six hours within one calendar year. 1506

(c) "~~Permanent public employees" and "uniformed services"~~ 1507
~~have the same meanings as in section 5903.01 of the Revised Code~~ 1508
employee" means any person holding a position in public employment 1509
that requires working a regular schedule of twenty-six consecutive 1510
biweekly pay periods, or any other regular schedule of comparable 1511
consecutive pay periods, which is not limited to a specific season 1512
or duration. "Permanent public employee" does not include student 1513
help; intermittent, seasonal, or external interim employees; or 1514
individuals covered by personal services contracts. 1515

(d) "State agency" means any department, bureau, board, commission, office, or other organized body established by the constitution or laws of this state for the exercise of any function of state government, the general assembly, all legislative agencies, the supreme court, the court of claims, and the state-supported institutions of higher education.

(e) "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(f) "Uniformed services" means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

(B) Except as otherwise provided in division (D) of this section, any permanent public employee who is employed by a political subdivision, who is entitled to the leave provided under division (A) of this section, and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section

5919.29 of the Revised Code is entitled, during the period 1548
designated in the order or act, to a leave of absence and to be 1549
paid, during each monthly pay period of that leave of absence, the 1550
lesser of the following: 1551

(1) The difference between the permanent public employee's 1552
gross monthly wage or salary as a permanent public employee and 1553
the sum of the permanent public employee's gross uniformed pay and 1554
allowances received that month; 1555

(2) Five hundred dollars. 1556

(C) Except as otherwise provided in division (D) of this 1557
section, any permanent public employee who is employed by a state 1558
agency, who is entitled to the leave provided under division (A) 1559
of this section, and who is called or ordered to the uniformed 1560
services for longer than a month, for each calendar year in which 1561
the employee performed service in the uniformed services, because 1562
of an executive order issued by the president of the United 1563
States, because of an act of congress, or because of an order to 1564
perform duty issued by the governor pursuant to section 5919.29 or 1565
5923.21 of the Revised Code is entitled, during the period 1566
designated in the order or act, to a leave of absence and to be 1567
paid, during each monthly pay period of that leave of absence, the 1568
difference between the permanent public employee's gross monthly 1569
wage or salary as a permanent public employee and the sum of the 1570
permanent public employee's gross uniformed pay and allowances 1571
received that month. 1572

(D) No permanent public employee shall receive payments under 1573
division (B) or (C) of this section if the sum of the permanent 1574
public employee's gross uniformed pay and allowances received in a 1575
pay period exceeds the employee's gross wage or salary as a 1576
permanent public employee for that period or if the permanent 1577
public employee is receiving pay under division (A) of this 1578
section. 1579

(E) Any political subdivision of the state, as defined in section 2744.01 of the Revised Code, may elect to pay any of its permanent public employees who are entitled to the leave provided under division (A) of this section and who are called or ordered to the uniformed services for longer than one month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the president or an act of congress, such payments, in addition to those payments required by division (B) of this section, as may be authorized by the legislative authority of the political subdivision.

(F) Each permanent public employee who is entitled to leave provided under division (A) of this section shall submit to the permanent public employee's appointing authority the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing that service, prior to being credited with that leave.

(G) Any permanent public employee of a political subdivision whose employment is governed by a collective bargaining agreement with provision for the performance of service in the uniformed services shall abide by the terms of that collective bargaining agreement with respect to the performance of that service, except that no collective bargaining agreement may afford fewer rights and benefits than are conferred under this section.

Section 2. That existing sections 121.02, 121.03, 2311.07, 2311.08, 2743.03, 3313.616, 3319.13, 4112.01, 5901.02, 5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 5902.03, 5902.04, 5902.06, 5902.07, 5902.08, 5902.15, 5903.02, 5903.99, 5904.01, 5907.01, 5907.02, 5907.022, 5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 5907.13, 5907.141, 5910.02, and 5923.05 of the Revised Code are hereby repealed.

Section 3. That sections 124.29, 5902.05, and 5903.01 of the Revised Code are hereby repealed.

Section 4. Chapter 5902. of the Revised Code shall be known as "Department of Veterans Services."

Section 5. On the effective date of this section, the Governor's Office of Veterans Affairs is abolished and its functions, and its assets and liabilities, are transferred to the Department of Veterans Services. The Department of Veterans Services is successor to, assumes the obligations and authority of, and otherwise continues the Governor's Office of Veterans Affairs. No right, privilege, or remedy, and no duty, liability, or obligation, accrued under the Governor's Office of Veterans Affairs is impaired or lost by reason of the transfer and shall be recognized, administered, performed, or enforced by the Department of Veterans Services.

Business commenced but not completed by the Governor's Office of Veterans Affairs or by the Director of the Governor's Office of Veterans Affairs shall be completed by the Department of Veterans Services or the Director of Veterans Services in the same manner, and with the same effect, as if completed by the Governor's Office of Veterans Affairs or the Director of the Governor's Office of Veterans Affairs.

All the rules, orders, and determinations of the Governor's Office of Veterans Affairs continue in effect as rules, orders, and determinations of the Department of Veterans Services, until modified or rescinded by the Department of Veterans Services. If necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules of the Governor's Office of Veterans Affairs to reflect their transfer to the Department of

Veterans Services. 1641

Subject to the layoff provisions of sections 124.321 to 1642
124.382 of the Revised Code, all employees of the Governor's 1643
Office of Veterans Affairs are transferred to the Department of 1644
Veterans Services and retain their positions and all benefits 1645
accruing thereto. 1646

The Director of Budget and Management shall determine the 1647
amount of unexpended balances in the appropriation accounts that 1648
pertain to the Governor's Office of Veterans Affairs and shall 1649
recommend to the Controlling Board their transfer to appropriation 1650
accounts that pertain to the Department of Veterans Services. The 1651
Director of the Governor's Office of Veterans Affairs shall 1652
provide full and timely information to the Controlling Board to 1653
facilitate the transfer. 1654

Whenever the Governor's Office of Veterans Affairs or the 1655
Director of the Governor's Office of Veterans Affairs is referred 1656
to in a statute, contract, or other instrument, the reference is 1657
deemed to refer to the Department of Veterans Services or to the 1658
Director of Veterans Services, whichever is appropriate in 1659
context. 1660

No pending action or proceeding being prosecuted or defended 1661
in court or before an agency by the Governor's Office of Veterans 1662
Affairs or the Director of the Governor's Office of Veterans 1663
Affairs is affected by the transfer and shall be prosecuted or 1664
defended in the name of Department of Veterans Services or the 1665
Director of Veterans Services, whichever is appropriate. Upon 1666
application to the court or agency, the Department of Veterans 1667
Services or the Director of Veterans Services shall be substituted 1668
as a party. 1669

Section 6. On the effective date of this section, the Ohio 1670
Veterans' Home Agency is abolished and its functions, and its 1671

assets and liabilities, are transferred to the Department of 1672
Veterans Services. The Department of Veterans Services is 1673
successor to, assumes the obligations and authority of, and 1674
otherwise continues the Ohio Veterans' Home Agency. No right, 1675
privilege, or remedy, and no duty, liability, or obligation, 1676
accrued under the Ohio Veterans' Home Agency is impaired or lost 1677
by reason of the transfer and shall be recognized, administered, 1678
performed, or enforced by the Department of Veterans Services. 1679

Business commenced but not completed by the Ohio Veterans' 1680
Home Agency or its Board of Trustees shall be completed by the 1681
Department of Veterans Services or the Director of Veterans 1682
Services in the same manner, and with the same effect, as if 1683
completed by the Ohio Veterans' Home Agency or its Board of 1684
Trustees. 1685

All the rules, orders, and determinations of the Ohio 1686
Veterans' Home Agency or its Board of Trustees continue in effect 1687
as rules, orders, and determinations of the Department of Veterans 1688
Services, until modified or rescinded by the Department of 1689
Veterans Services. If necessary to ensure the integrity of the 1690
numbering of the Administrative Code, the Director of the 1691
Legislative Service Commission shall renumber the rules of the 1692
Ohio Veterans' Home Agency or its Board of Trustees to reflect 1693
their transfer to the Department of Veterans Services. 1694

Subject to the layoff provisions of sections 124.321 to 1695
124.382 of the Revised Code, all employees of the Ohio Veterans' 1696
Home Agency are transferred to the Department of Veterans Services 1697
and retain their positions and all benefits accruing thereto. 1698

The Director of Budget and Management shall determine the 1699
amount of unexpended balances in the appropriation accounts that 1700
pertain to the Ohio Veterans' Home Agency and shall recommend to 1701
the Controlling Board their transfer to appropriation accounts 1702
that pertain to the Department of Veterans Services. The Board of 1703

Trustees of the Ohio Veterans' Home Agency shall provide full and 1704
timely information to the Controlling Board to facilitate the 1705
transfer. 1706

Whenever the Ohio Veterans' Home Agency or its Board of 1707
Trustees is referred to in a statute, contract, or other 1708
instrument, the reference is deemed to refer to the Department of 1709
Veterans Services or to the Director of Veterans Services, 1710
whichever is appropriate in context. 1711

No pending action or proceeding being prosecuted or defended 1712
in court or before an agency by the Ohio Veterans' Home Agency or 1713
its Board of Trustees is affected by the transfer and shall be 1714
prosecuted or defended in the name of the Department of Veterans 1715
Services or the Director of Veterans Services, whichever is 1716
appropriate. Upon application to the court or agency, the 1717
Department of Veterans Services or the Director of Veterans 1718
Services shall be substituted as a party. 1719