

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 196

Representative Pillich

**Cosponsors: Representatives Antonio, Ashford, Brenner, Fende, Garland,
Letson, Murray, Reece, Szollosi, Yuko, Fedor**

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A B I L L

To amend sections 109.572, 3107.014, 4757.41, and 1
5903.10 and to enact sections 5903.101 and 2
5903.102 of the Revised Code to provide certain 3
professional licensing and certification rights to 4
service members, spouses of service members, and 5
veterans, and to eliminate the civil service 6
employee exemption from counselor and social 7
worker licensure and certification requirements. 8

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

Section 1. That sections 109.572, 3107.014, 4757.41, and 9
5903.10 be amended and sections 5903.101 and 5903.102 of the 10
Revised Code be enacted to read as follows: 11

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 12
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 13
a completed form prescribed pursuant to division (C)(1) of this 14
section, and a set of fingerprint impressions obtained in the 15
manner described in division (C)(2) of this section, the 16
superintendent of the bureau of criminal identification and 17
investigation shall conduct a criminal records check in the manner 18

described in division (B) of this section to determine whether any
information exists that indicates that the person who is the
subject of the request previously has been convicted of or pleaded
guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01,
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25,
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,
2925.06, or 3716.11 of the Revised Code, felonious sexual
penetration in violation of former section 2907.12 of the Revised
Code, a violation of section 2905.04 of the Revised Code as it
existed prior to July 1, 1996, a violation of section 2919.23 of
the Revised Code that would have been a violation of section
2905.04 of the Revised Code as it existed prior to July 1, 1996,
had the violation been committed prior to that date, or a
violation of section 2925.11 of the Revised Code that is not a
minor drug possession offense;

(b) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (A)(1)(a) of
this section.

(2) On receipt of a request pursuant to section 5123.081 of
the Revised Code with respect to an applicant for employment in
any position with the department of developmental disabilities,
pursuant to section 5126.28 of the Revised Code with respect to an
applicant for employment in any position with a county board of
developmental disabilities, or pursuant to section 5126.281 of the
Revised Code with respect to an applicant for employment in a
direct services position with an entity contracting with a county

board for employment, a completed form prescribed pursuant to 51
division (C)(1) of this section, and a set of fingerprint 52
impressions obtained in the manner described in division (C)(2) of 53
this section, the superintendent of the bureau of criminal 54
identification and investigation shall conduct a criminal records 55
check. The superintendent shall conduct the criminal records check 56
in the manner described in division (B) of this section to 57
determine whether any information exists that indicates that the 58
person who is the subject of the request has been convicted of or 59
pleaded guilty to any of the following: 60

(a) A violation of section 2903.01, 2903.02, 2903.03, 61
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 62
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 63
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 64
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 65
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 66
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 67
2925.03, or 3716.11 of the Revised Code; 68

(b) An existing or former municipal ordinance or law of this 69
state, any other state, or the United States that is substantially 70
equivalent to any of the offenses listed in division (A)(2)(a) of 71
this section. 72

(3) On receipt of a request pursuant to section 173.27, 73
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 74
completed form prescribed pursuant to division (C)(1) of this 75
section, and a set of fingerprint impressions obtained in the 76
manner described in division (C)(2) of this section, the 77
superintendent of the bureau of criminal identification and 78
investigation shall conduct a criminal records check with respect 79
to any person who has applied for employment in a position for 80
which a criminal records check is required by those sections. The 81
superintendent shall conduct the criminal records check in the 82

manner described in division (B) of this section to determine 83
whether any information exists that indicates that the person who 84
is the subject of the request previously has been convicted of or 85
pleaded guilty to any of the following: 86

(a) A violation of section 2903.01, 2903.02, 2903.03, 87
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 88
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 89
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 90
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 91
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 92
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 93
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 94
2925.22, 2925.23, or 3716.11 of the Revised Code; 95

(b) An existing or former law of this state, any other state, 96
or the United States that is substantially equivalent to any of 97
the offenses listed in division (A)(3)(a) of this section. 98

(4) On receipt of a request pursuant to section 3701.881 of 99
the Revised Code with respect to an applicant for employment with 100
a home health agency as a person responsible for the care, 101
custody, or control of a child, a completed form prescribed 102
pursuant to division (C)(1) of this section, and a set of 103
fingerprint impressions obtained in the manner described in 104
division (C)(2) of this section, the superintendent of the bureau 105
of criminal identification and investigation shall conduct a 106
criminal records check. The superintendent shall conduct the 107
criminal records check in the manner described in division (B) of 108
this section to determine whether any information exists that 109
indicates that the person who is the subject of the request 110
previously has been convicted of or pleaded guilty to any of the 111
following: 112

(a) A violation of section 2903.01, 2903.02, 2903.03, 113
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 114

2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 115
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 116
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 117
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 118
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 119
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 120
violation of section 2925.11 of the Revised Code that is not a 121
minor drug possession offense; 122

(b) An existing or former law of this state, any other state, 123
or the United States that is substantially equivalent to any of 124
the offenses listed in division (A)(4)(a) of this section. 125

(5) On receipt of a request pursuant to section 5111.032, 126
5111.033, or 5111.034 of the Revised Code, a completed form 127
prescribed pursuant to division (C)(1) of this section, and a set 128
of fingerprint impressions obtained in the manner described in 129
division (C)(2) of this section, the superintendent of the bureau 130
of criminal identification and investigation shall conduct a 131
criminal records check. The superintendent shall conduct the 132
criminal records check in the manner described in division (B) of 133
this section to determine whether any information exists that 134
indicates that the person who is the subject of the request 135
previously has been convicted of, has pleaded guilty to, or has 136
been found eligible for intervention in lieu of conviction for any 137
of the following, regardless of the date of the conviction, the 138
date of entry of the guilty plea, or the date the person was found 139
eligible for intervention in lieu of conviction: 140

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 141
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 142
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 143
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 144
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 145
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 146

2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 147
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 148
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 149
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 150
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 151
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 152
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 153
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 154
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 155
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 156
penetration in violation of former section 2907.12 of the Revised 157
Code, a violation of section 2905.04 of the Revised Code as it 158
existed prior to July 1, 1996, a violation of section 2919.23 of 159
the Revised Code that would have been a violation of section 160
2905.04 of the Revised Code as it existed prior to July 1, 1996, 161
had the violation been committed prior to that date; 162

(b) A violation of an existing or former municipal ordinance 163
or law of this state, any other state, or the United States that 164
is substantially equivalent to any of the offenses listed in 165
division (A)(5)(a) of this section. 166

(6) On receipt of a request pursuant to section 3701.881 of 167
the Revised Code with respect to an applicant for employment with 168
a home health agency in a position that involves providing direct 169
care to an older adult, a completed form prescribed pursuant to 170
division (C)(1) of this section, and a set of fingerprint 171
impressions obtained in the manner described in division (C)(2) of 172
this section, the superintendent of the bureau of criminal 173
identification and investigation shall conduct a criminal records 174
check. The superintendent shall conduct the criminal records check 175
in the manner described in division (B) of this section to 176
determine whether any information exists that indicates that the 177
person who is the subject of the request previously has been 178

convicted of or pleaded guilty to any of the following: 179

(a) A violation of section 2903.01, 2903.02, 2903.03, 180
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 181
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 182
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 183
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 184
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 185
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 186
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 187
2925.22, 2925.23, or 3716.11 of the Revised Code; 188

(b) An existing or former law of this state, any other state, 189
or the United States that is substantially equivalent to any of 190
the offenses listed in division (A)(6)(a) of this section. 191

(7) When conducting a criminal records check upon a request 192
pursuant to section 3319.39 of the Revised Code for an applicant 193
who is a teacher, in addition to the determination made under 194
division (A)(1) of this section, the superintendent shall 195
determine whether any information exists that indicates that the 196
person who is the subject of the request previously has been 197
convicted of or pleaded guilty to any offense specified in section 198
3319.31 of the Revised Code. 199

(8) On receipt of a request pursuant to section 2151.86 of 200
the Revised Code, a completed form prescribed pursuant to division 201
(C)(1) of this section, and a set of fingerprint impressions 202
obtained in the manner described in division (C)(2) of this 203
section, the superintendent of the bureau of criminal 204
identification and investigation shall conduct a criminal records 205
check in the manner described in division (B) of this section to 206
determine whether any information exists that indicates that the 207
person who is the subject of the request previously has been 208
convicted of or pleaded guilty to any of the following: 209

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 210
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 211
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 212
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 213
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 214
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 215
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 216
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 217
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 218
of the Revised Code, a violation of section 2905.04 of the Revised 219
Code as it existed prior to July 1, 1996, a violation of section 220
2919.23 of the Revised Code that would have been a violation of 221
section 2905.04 of the Revised Code as it existed prior to July 1, 222
1996, had the violation been committed prior to that date, a 223
violation of section 2925.11 of the Revised Code that is not a 224
minor drug possession offense, two or more OVI or OVUAC violations 225
committed within the three years immediately preceding the 226
submission of the application or petition that is the basis of the 227
request, or felonious sexual penetration in violation of former 228
section 2907.12 of the Revised Code; 229

(b) A violation of an existing or former law of this state, 230
any other state, or the United States that is substantially 231
equivalent to any of the offenses listed in division (A)(8)(a) of 232
this section. 233

(9) Upon receipt of a request pursuant to section 5104.012 or 234
5104.013 of the Revised Code, a completed form prescribed pursuant 235
to division (C)(1) of this section, and a set of fingerprint 236
impressions obtained in the manner described in division (C)(2) of 237
this section, the superintendent of the bureau of criminal 238
identification and investigation shall conduct a criminal records 239
check in the manner described in division (B) of this section to 240
determine whether any information exists that indicates that the 241

person who is the subject of the request has been convicted of or 242
pleaded guilty to any of the following: 243

(a) A violation of section 2903.01, 2903.02, 2903.03, 244
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 245
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 246
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 247
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 248
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 249
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 250
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 251
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 252
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 253
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 254
3716.11 of the Revised Code, felonious sexual penetration in 255
violation of former section 2907.12 of the Revised Code, a 256
violation of section 2905.04 of the Revised Code as it existed 257
prior to July 1, 1996, a violation of section 2919.23 of the 258
Revised Code that would have been a violation of section 2905.04 259
of the Revised Code as it existed prior to July 1, 1996, had the 260
violation been committed prior to that date, a violation of 261
section 2925.11 of the Revised Code that is not a minor drug 262
possession offense, a violation of section 2923.02 or 2923.03 of 263
the Revised Code that relates to a crime specified in this 264
division, or a second violation of section 4511.19 of the Revised 265
Code within five years of the date of application for licensure or 266
certification. 267

(b) A violation of an existing or former law of this state, 268
any other state, or the United States that is substantially 269
equivalent to any of the offenses or violations described in 270
division (A)(9)(a) of this section. 271

(10) Upon receipt of a request pursuant to section 5153.111 272
of the Revised Code, a completed form prescribed pursuant to 273

division (C)(1) of this section, and a set of fingerprint 274
impressions obtained in the manner described in division (C)(2) of 275
this section, the superintendent of the bureau of criminal 276
identification and investigation shall conduct a criminal records 277
check in the manner described in division (B) of this section to 278
determine whether any information exists that indicates that the 279
person who is the subject of the request previously has been 280
convicted of or pleaded guilty to any of the following: 281

(a) A violation of section 2903.01, 2903.02, 2903.03, 282
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 283
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 284
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 285
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 286
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 287
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 288
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 289
felonious sexual penetration in violation of former section 290
2907.12 of the Revised Code, a violation of section 2905.04 of the 291
Revised Code as it existed prior to July 1, 1996, a violation of 292
section 2919.23 of the Revised Code that would have been a 293
violation of section 2905.04 of the Revised Code as it existed 294
prior to July 1, 1996, had the violation been committed prior to 295
that date, or a violation of section 2925.11 of the Revised Code 296
that is not a minor drug possession offense; 297

(b) A violation of an existing or former law of this state, 298
any other state, or the United States that is substantially 299
equivalent to any of the offenses listed in division (A)(10)(a) of 300
this section. 301

(11) On receipt of a request for a criminal records check 302
from an individual pursuant to section 4749.03 or 4749.06 of the 303
Revised Code, accompanied by a completed copy of the form 304
prescribed in division (C)(1) of this section and a set of 305

fingerprint impressions obtained in a manner described in division 306
(C)(2) of this section, the superintendent of the bureau of 307
criminal identification and investigation shall conduct a criminal 308
records check in the manner described in division (B) of this 309
section to determine whether any information exists indicating 310
that the person who is the subject of the request has been 311
convicted of or pleaded guilty to a felony in this state or in any 312
other state. If the individual indicates that a firearm will be 313
carried in the course of business, the superintendent shall 314
require information from the federal bureau of investigation as 315
described in division (B)(2) of this section. The superintendent 316
shall report the findings of the criminal records check and any 317
information the federal bureau of investigation provides to the 318
director of public safety. 319

(12) On receipt of a request pursuant to section 1321.37, 320
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 321
Code, a completed form prescribed pursuant to division (C)(1) of 322
this section, and a set of fingerprint impressions obtained in the 323
manner described in division (C)(2) of this section, the 324
superintendent of the bureau of criminal identification and 325
investigation shall conduct a criminal records check with respect 326
to any person who has applied for a license, permit, or 327
certification from the department of commerce or a division in the 328
department. The superintendent shall conduct the criminal records 329
check in the manner described in division (B) of this section to 330
determine whether any information exists that indicates that the 331
person who is the subject of the request previously has been 332
convicted of or pleaded guilty to any of the following: a 333
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 334
2925.03 of the Revised Code; any other criminal offense involving 335
theft, receiving stolen property, embezzlement, forgery, fraud, 336
passing bad checks, money laundering, or drug trafficking, or any 337
criminal offense involving money or securities, as set forth in 338

Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 339
the Revised Code; or any existing or former law of this state, any 340
other state, or the United States that is substantially equivalent 341
to those offenses. 342

(13) On receipt of a request for a criminal records check 343
from the treasurer of state under section 113.041 of the Revised 344
Code or from an individual under section 4701.08, 4715.101, 345
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 346
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 347
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 348
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 349
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 350
a completed form prescribed under division (C)(1) of this section 351
and a set of fingerprint impressions obtained in the manner 352
described in division (C)(2) of this section, the superintendent 353
of the bureau of criminal identification and investigation shall 354
conduct a criminal records check in the manner described in 355
division (B) of this section to determine whether any information 356
exists that indicates that the person who is the subject of the 357
request has been convicted of or pleaded guilty to any criminal 358
offense in this state or any other state. The superintendent shall 359
send the results of a check requested under section 113.041 of the 360
Revised Code to the treasurer of state and shall send the results 361
of a check requested under any of the other listed sections to the 362
licensing board specified by the individual in the request. 363

(14) On receipt of a request pursuant to section 1121.23, 364
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 365
Code, a completed form prescribed pursuant to division (C)(1) of 366
this section, and a set of fingerprint impressions obtained in the 367
manner described in division (C)(2) of this section, the 368
superintendent of the bureau of criminal identification and 369
investigation shall conduct a criminal records check in the manner 370

described in division (B) of this section to determine whether any 371
information exists that indicates that the person who is the 372
subject of the request previously has been convicted of or pleaded 373
guilty to any criminal offense under any existing or former law of 374
this state, any other state, or the United States. 375

(15) On receipt of a request for a criminal records check 376
from an appointing or licensing authority under section 3772.07 of 377
the Revised Code, a completed form prescribed under division 378
(C)(1) of this section, and a set of fingerprint impressions 379
obtained in the manner prescribed in division (C)(2) of this 380
section, the superintendent of the bureau of criminal 381
identification and investigation shall conduct a criminal records 382
check in the manner described in division (B) of this section to 383
determine whether any information exists that indicates that the 384
person who is the subject of the request previously has been 385
convicted of or pleaded guilty or no contest to any offense under 386
any existing or former law of this state, any other state, or the 387
United States that is a disqualifying offense as defined in 388
section 3772.07 of the Revised Code or substantially equivalent to 389
such an offense. 390

(16) On receipt of a request for a criminal records check 391
from an agency under section 5903.101 of the Revised Code, a 392
completed form prescribed under division (C)(1) of this section, 393
and a set of fingerprint impressions obtained in the manner 394
prescribed under division (C)(2) of this section, the 395
superintendent of the bureau of criminal identification and 396
investigation shall conduct a criminal records check in the manner 397
described in division (B) of this section to determine whether any 398
information exists that indicates that the individual who is the 399
subject of the request previously has been convicted of or pleaded 400
guilty or no contest to any offense under any existing or former 401
law of this state, any other state, or the United States. The 402

superintendent shall report the findings of the criminal records 403
check and any information the federal bureau of investigation 404
provides to the agency. 405

(17) Not later than thirty days after the date the 406
superintendent receives a request of a type described in division 407
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 408
(14), ~~or~~ (15), or (16) of this section, the completed form, and 409
the fingerprint impressions, the superintendent shall send the 410
person, board, or entity that made the request any information, 411
other than information the dissemination of which is prohibited by 412
federal law, the superintendent determines exists with respect to 413
the person who is the subject of the request that indicates that 414
the person previously has been convicted of or pleaded guilty to 415
any offense listed or described in division (A)(1), (2), (3), (4), 416
(5), (6), (7), (8), (9), (10), (11), (12), (14), ~~or~~ (15), or (16) 417
of this section, as appropriate. The superintendent shall send the 418
person, board, or entity that made the request a copy of the list 419
of offenses specified in division (A)(1), (2), (3), (4), (5), (6), 420
(7), (8), (9), (10), (11), (12), (14), ~~or~~ (15), or (16) of this 421
section, as appropriate. If the request was made under section 422
3701.881 of the Revised Code with regard to an applicant who may 423
be both responsible for the care, custody, or control of a child 424
and involved in providing direct care to an older adult, the 425
superintendent shall provide a list of the offenses specified in 426
divisions (A)(4) and (6) of this section. 427

Not later than thirty days after the superintendent receives 428
a request for a criminal records check pursuant to section 113.041 429
of the Revised Code, the completed form, and the fingerprint 430
impressions, the superintendent shall send the treasurer of state 431
any information, other than information the dissemination of which 432
is prohibited by federal law, the superintendent determines exist 433
with respect to the person who is the subject of the request that 434

indicates that the person previously has been convicted of or 435
pleaded guilty to any criminal offense in this state or any other 436
state. 437

(B) The superintendent shall conduct any criminal records 438
check requested under section 113.041, 121.08, 173.27, 173.394, 439
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 440
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 441
3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 4715.101, 442
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 443
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 444
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 445
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 446
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 447
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 448
5126.281, ~~or~~ 5153.111, or 5903.101 of the Revised Code as follows: 449

(1) The superintendent shall review or cause to be reviewed 450
any relevant information gathered and compiled by the bureau under 451
division (A) of section 109.57 of the Revised Code that relates to 452
the person who is the subject of the request, including, if the 453
criminal records check was requested under section 113.041, 454
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 455
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 456
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 457
3722.151, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 458
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, ~~or~~ 459
5153.111, or 5903.101 of the Revised Code, any relevant 460
information contained in records that have been sealed under 461
section 2953.32 of the Revised Code; 462

(2) If the request received by the superintendent asks for 463
information from the federal bureau of investigation, the 464
superintendent shall request from the federal bureau of 465
investigation any information it has with respect to the person 466

who is the subject of the request, including fingerprint-based 467
checks of national crime information databases as described in 42 468
U.S.C. 671 if the request is made pursuant to section 2151.86, 469
5104.012, or 5104.013 of the Revised Code or if any other Revised 470
Code section requires fingerprint-based checks of that nature, and 471
shall review or cause to be reviewed any information the 472
superintendent receives from that bureau. If a request under 473
section 3319.39 of the Revised Code asks only for information from 474
the federal bureau of investigation, the superintendent shall not 475
conduct the review prescribed by division (B)(1) of this section. 476

(3) The superintendent or the superintendent's designee may 477
request criminal history records from other states or the federal 478
government pursuant to the national crime prevention and privacy 479
compact set forth in section 109.571 of the Revised Code. 480

(C)(1) The superintendent shall prescribe a form to obtain 481
the information necessary to conduct a criminal records check from 482
any person for whom a criminal records check is requested under 483
section 113.041 of the Revised Code or required by section 121.08, 484
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 485
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 486
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 487
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 488
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 489
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 490
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 491
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 492
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 493
5126.281, ~~or~~ 5153.111, or 5903.101 of the Revised Code. The form 494
that the superintendent prescribes pursuant to this division may 495
be in a tangible format, in an electronic format, or in both 496
tangible and electronic formats. 497

(2) The superintendent shall prescribe standard impression 498

sheets to obtain the fingerprint impressions of any person for 499
whom a criminal records check is requested under section 113.041 500
of the Revised Code or required by section 121.08, 173.27, 501
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 502
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 503
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 504
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 505
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 506
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 507
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 508
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 509
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 510
5126.281, ~~or~~ 5153.111, or 5903.101 of the Revised Code. Any person 511
for whom a records check is requested under or required by any of 512
those sections shall obtain the fingerprint impressions at a 513
county sheriff's office, municipal police department, or any other 514
entity with the ability to make fingerprint impressions on the 515
standard impression sheets prescribed by the superintendent. The 516
office, department, or entity may charge the person a reasonable 517
fee for making the impressions. The standard impression sheets the 518
superintendent prescribes pursuant to this division may be in a 519
tangible format, in an electronic format, or in both tangible and 520
electronic formats. 521

(3) Subject to division (D) of this section, the 522
superintendent shall prescribe and charge a reasonable fee for 523
providing a criminal records check requested under section 524
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 525
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 526
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 527
3722.151, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 528
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 529
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 530
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 531

4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 532
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 533
5123.081, 5126.28, 5126.281, ~~or~~ 5153.111 or 5903.101 of the 534
Revised Code. The person making a criminal records request under 535
any of those sections shall pay the fee prescribed pursuant to 536
this division. A person making a request under section 3701.881 of 537
the Revised Code for a criminal records check for an applicant who 538
may be both responsible for the care, custody, or control of a 539
child and involved in providing direct care to an older adult 540
shall pay one fee for the request. In the case of a request under 541
section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 542
5111.032 of the Revised Code, the fee shall be paid in the manner 543
specified in that section. 544

(4) The superintendent of the bureau of criminal 545
identification and investigation may prescribe methods of 546
forwarding fingerprint impressions and information necessary to 547
conduct a criminal records check, which methods shall include, but 548
not be limited to, an electronic method. 549

(D) A determination whether any information exists that 550
indicates that a person previously has been convicted of or 551
pleaded guilty to any offense listed or described in division 552
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 553
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 554
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), ~~or~~ (A)(15), or 555
(A)(16) of this section, or that indicates that a person 556
previously has been convicted of or pleaded guilty to any criminal 557
offense in this state or any other state regarding a criminal 558
records check of a type described in division (A)(13) of this 559
section, and that is made by the superintendent with respect to 560
information considered in a criminal records check in accordance 561
with this section is valid for the person who is the subject of 562
the criminal records check for a period of one year from the date 563

upon which the superintendent makes the determination. During the 564
period in which the determination in regard to a person is valid, 565
if another request under this section is made for a criminal 566
records check for that person, the superintendent shall provide 567
the information that is the basis for the superintendent's initial 568
determination at a lower fee than the fee prescribed for the 569
initial criminal records check. 570

(E) As used in this section: 571

(1) "Criminal records check" means any criminal records check 572
conducted by the superintendent of the bureau of criminal 573
identification and investigation in accordance with division (B) 574
of this section. 575

(2) "Minor drug possession offense" has the same meaning as 576
in section 2925.01 of the Revised Code. 577

(3) "Older adult" means a person age sixty or older. 578

(4) "OVI or OVUAC violation" means a violation of section 579
4511.19 of the Revised Code or a violation of an existing or 580
former law of this state, any other state, or the United States 581
that is substantially equivalent to section 4511.19 of the Revised 582
Code. 583

Sec. 3107.014. (A) Except as provided in division (B) of this 584
section, only an individual who meets all of the following 585
requirements may perform the duties of an assessor under sections 586
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 587
5103.0324, and 5103.152 of the Revised Code: 588

(1) The individual must be in the employ of, appointed by, or 589
under contract with a court, public children services agency, 590
private child placing agency, or private noncustodial agency; 591

(2) The individual must be one of the following: 592

(a) A professional counselor, social worker, or marriage and 593

family therapist licensed under Chapter 4757. of the Revised Code; 594

(b) A psychologist licensed under Chapter 4732. of the 595
Revised Code; 596

(c) A student working to earn a four-year, post-secondary 597
degree, or higher, in a social or behavior science, or both, who 598
conducts assessor's duties under the supervision of a professional 599
counselor, social worker, or marriage and family therapist 600
licensed under Chapter 4757. of the Revised Code or a psychologist 601
licensed under Chapter 4732. of the Revised Code. Beginning July 602
1, 2009, a student is eligible under this division only if the 603
supervising professional counselor, social worker, marriage and 604
family therapist, or psychologist has completed training in 605
accordance with rules adopted under section 3107.015 of the 606
Revised Code. 607

(d) ~~A civil service employee engaging in social work without~~ 608
~~a license under Chapter 4757. of the Revised Code, as permitted by~~ 609
~~division (A)(5) of section 4757.41 of the Revised Code~~ An employee 610
of a court or public children services agency employed to conduct 611
the duties of an assessor; 612

(e) A former employee of a public children services agency 613
who, while so employed, conducted the duties of an assessor. 614

(3) The individual must complete training in accordance with 615
rules adopted under section 3107.015 of the Revised Code. 616

(B) An individual in the employ of, appointed by, or under 617
contract with a court prior to September 18, 1996, to conduct 618
adoption investigations of prospective adoptive parents may 619
perform the duties of an assessor under sections 3107.031, 620
3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 621
5103.152 of the Revised Code if the individual complies with 622
division (A)(3) of this section regardless of whether the 623
individual meets the requirement of division (A)(2) of this 624

section. 625

(C) A court, public children services agency, private child 626
placing agency, or private noncustodial agency may employ, 627
appoint, or contract with an assessor in the county in which a 628
petition for adoption is filed and in any other county or location 629
outside this state where information needed to complete or 630
supplement the assessor's duties may be obtained. More than one 631
assessor may be utilized for an adoption. 632

(D) Not later than January 1, 2008, the department of job and 633
family services shall develop and maintain an assessor registry. 634
The registry shall list all individuals who are employed, 635
appointed by, or under contract with a court, public children 636
services agency, private child placing agency, or private 637
noncustodial agency and meet the requirements of an assessor as 638
described in this section. A public children services agency, 639
private child placing agency, private noncustodial agency, court, 640
or any other person may contact the department to determine if an 641
individual is listed in the assessor registry. An individual 642
listed in the assessor registry shall immediately inform the 643
department when that individual is no longer employed, appointed 644
by, or under contract with a court, public children services 645
agency, private child placing agency, or private noncustodial 646
agency to perform the duties of an assessor as described in this 647
section. The director of job and family services shall adopt rules 648
in accordance with Chapter 119. of the Revised Code necessary for 649
the implementation, contents, and maintenance of the registry, and 650
any sanctions related to the provision of information, or the 651
failure to provide information, that is needed for the proper 652
operation of the assessor registry. 653

Sec. 4757.41. (A) This chapter shall not apply to the 654
following: 655

(1) A person certified by the state board of education under Chapter 3319. of the Revised Code while performing any services within the person's scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code or in a program operated under Chapter 5126. of the Revised Code for training individuals with mental retardation or other developmental disabilities;

(2) Psychologists or school psychologists licensed under Chapter 4732. of the Revised Code;

(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;

(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g)(5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

~~(5) Any person employed in the civil service as defined in section 124.01 of the Revised Code while engaging in social work or professional counseling as a civil service employee;~~

~~(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by~~

the educational institution and if the student does not hold 687
herself or himself out as a person licensed or registered under 688
this chapter; 689

~~(7) Until two years after the date the department of alcohol 690
and drug addiction services ceases to administer its process for 691
the certification or credentialing of chemical dependency 692
counselors and alcohol and other drug prevention specialists under 693
section 3793.07 of the Revised Code, as specified in division (B) 694
of that section, or in the case of an individual who has the 695
expiration date of the individual's certificate or credentials 696
delayed under section 4758.04 of the Revised Code, until the date 697
of the delayed expiration, individuals with certification or 698
credentials accepted by the department under that section who are 699
acting within the scope of their certification or credentials as 700
members of the profession of chemical dependency counseling or as 701
alcohol and other drug prevention specialists;~~ 702

~~(8)~~(6) Individuals who hold a license or certificate under 703
Chapter 4758. of the Revised Code who are acting within the scope 704
of their license or certificate as members of the profession of 705
chemical dependency counseling or alcohol and other drug 706
prevention services; 707

~~(9)~~(7) Any person employed by the American red cross while 708
engaging in activities relating to services for military families 709
and veterans and disaster relief, as described in the "American 710
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 711
amended; 712

~~(10)~~(8) Members of labor organizations who hold union 713
counselor certificates while performing services in their official 714
capacity as union counselors; 715

~~(11)~~(9) Any person employed in a hospital as defined in 716
section 3727.01 of the Revised Code or in a nursing home as 717

defined in section 3721.01 of the Revised Code while providing as 718
a hospital employee or nursing home employee, respectively, social 719
services other than counseling and the use of psychosocial 720
interventions and social psychotherapy. 721

(B) Divisions (A)~~(5)~~, ~~(9)~~, ~~(7)~~ and ~~(11)~~~~(9)~~ of this section do 722
not prevent a person described in those divisions from obtaining a 723
license or certificate of registration under this chapter. 724

(C) Nothing in this chapter shall be construed to require 725
licensure or certification for a caseworker employed by a public 726
children services agency under section 5153.112 of the Revised 727
Code. 728

Sec. 5903.10. ~~Any (A) A~~ holder of an expired license or 729
certificate from this state or any political subdivision or agency 730
of the state to practice a trade or profession, ~~whose license or~~ 731
~~certificate was not renewed because of the holder's service in the~~ 732
~~armed forces of the United States, or in the national guard or in~~ 733
~~a reserve component, shall, upon presentation of satisfactory~~ 734
~~evidence of honorable discharge or separation under honorable~~ 735
~~conditions therefrom within six months of such discharge or~~ 736
~~separation, be granted a renewal of said the license or~~ 737
certificate by the issuing ~~board or authority~~ agency at the usual 738
cost without penalty and without re-examination, if not otherwise 739
disqualified because of mental or physical disability, and if 740
either: 741

(1) The license or certificate was not renewed because of the 742
holder's service in the armed forces of the United States, or in 743
the national guard or in a reserve component; or 744

(2) The license or certificate was not renewed because the 745
holder's spouse served in the armed forces of the United States, 746
or in the national guard or in a reserve component, and this 747
service resulted in the holder's absence from this state. 748

(B) A renewal shall not be granted under division (A) of this section unless the holder or the holder's spouse, as the case may be, has either presented satisfactory evidence of the service member's honorable discharge, or general discharge under honorable conditions, within six months after the discharge or reassignment. 749
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Sec. 5903.101. An agency of this state or of any political subdivision of this state that issues a license or certificate to practice a trade or profession may issue a temporary license or certificate to practice to an individual whose spouse is on active duty in this state if all of the following conditions are met: 754
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(A) The individual holds a valid license or certificate for the trade or profession issued by another state or by any foreign jurisdiction; 759
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(B) The individual's spouse is assigned to a duty station in this state; and 762
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(C) The individual is accompanying the individual's spouse to the duty station in this state. 764
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The agency shall obtain a criminal records check of an individual who applies for a temporary license or certificate. The agency shall provide to the individual a copy of the form and the standard fingerprint impression sheet prescribed under divisions (C)(1) and (2) of section 109.572 of the Revised Code. The individual shall complete the form and impression sheet and return it to the agency. If the individual fails to complete and return the form and impression sheet within a reasonable time, the individual is ineligible to receive a temporary license or certificate. 766
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The agency shall forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation. The agency shall request the 776
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superintendent also to obtain information from the federal bureau 779
of investigation, including fingerprint-based checks of the 780
national crime information databases, and from other states and 781
the federal government under the national crime prevention and 782
privacy compact as part of the criminal records check. 783

The agency shall pay the fee the bureau of criminal 784
identification and investigation charges for a criminal records 785
check. The individual shall reimburse the agency for the amount of 786
the fee paid on the individual's behalf. If the individual fails 787
to reimburse the agency for the amount of the fee, the individual 788
is ineligible to receive a temporary license or certificate. 789

The agency shall review the results of a criminal records 790
check. 791

The report of a criminal records check is not a public record 792
that is open to public inspection and copying. The agency shall 793
not make the report available to any person except the individual 794
who was the subject of the criminal records check or any court or 795
agency, including a hearing examiner, in a judicial or 796
administrative proceeding relating to the individual's licensure 797
or certification. 798

A temporary license or certificate expires six months after 799
the date it was issued and is not renewable. 800

Application for or receipt of a temporary license or 801
certificate under this section does not preclude an individual 802
from acquiring a regular license or certificate by means of the 803
standard process for doing so. 804

Sec. 5903.102. (A) Except as provided in division (B) of this 805
section, an agency of this state or of any political subdivision 806
of this state, or a private state contractor, authorized by the 807
Revised Code to grant a licensure or certification shall, upon 808

presentation of satisfactory evidence, consider relevant 809
education, training, or service completed by an individual as a 810
member of the armed forces of the United States or reserve 811
components thereof, the national guard of any state, the military 812
reserve of any state, or the naval militia of any state toward the 813
qualifications required to receive the licensure or certification. 814

(B)(1) If an individual is required to successfully complete 815
specific training or education authorized by a state or nationally 816
accredited entity as a prerequisite for obtaining a state license 817
or certification and the state or nationally accredited entity 818
accepts relevant military education, service, or training to 819
fulfill part or all of those requirements, the agency or private 820
state contractor has met the duty specified in division (A) of 821
this section upon receiving proof by the individual of completion 822
of the specific training or education authorized by a state or 823
nationally accredited entity. 824

(2) An education program approved by an agency or private 825
state contractor may grant advanced standing to an individual who 826
served as a member of the armed forces of the United States or 827
reserve components thereof, the national guard of any state, the 828
military reserve of any state, or the naval militia of any state 829
for the individual's prior relevant military experience and 830
coursework, in accordance with specific written policies and 831
procedures of the education program and in accordance with rules 832
promulgated by the appropriate governmental unit or contractor 833
that permit granting advanced standing in those education 834
programs. If applicable, such advanced standing shall be applied 835
to the individual's status toward completion of an education 836
program if the individual satisfies all of the program 837
requirements adopted under the appropriate governmental unit's or 838
contractor's rules. 839

(C) If, within six months before or after discharge, an 840

individual otherwise qualified to receive a licensure or 841
certification presents satisfactory evidence of honorable 842
discharge or general discharge under honorable conditions, the 843
agency or private state contractor, issuing the licensure or 844
certification shall waive any licensure or certification fee. 845

Section 2. That existing sections 109.572, 3107.014, 4757.41, 846
and 5903.10 of the Revised Code are hereby repealed. 847

Section 3. Within one year after the effective date of this 848
act, the Office of Collective Bargaining within the Department of 849
Administrative Services shall implement the change by this act to 850
division (A)(5) of section 4757.41 of the Revised Code. 851

Within ninety days after the effective date of this act, the 852
Office of Collective Bargaining shall negotiate with each state 853
agency and the affected union to reach a mutually agreeable 854
resolution for employees impacted by this change. 855

Notwithstanding divisions (A) and (D) of section 124.14 of 856
the Revised Code or any other contrary provision of law, for 857
employees in the service of the state exempt from Chapter 4117. of 858
the Revised Code who are impacted by this change, the Director of 859
Administrative Services may implement any or all of the provisions 860
of the resolutions described in the preceding paragraph. Nothing 861
in this section restricts the Director from developing new 862
classifications related to this change or from reassigning 863
impacted employees to appropriate classifications based on the 864
employee's duties and qualifications. 865