

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 654**

**Representatives Schuring, Slesnick**

**Cosponsors: Representatives Becker, Brenner, Driehaus, Fedor, Hood,  
Hagan, R., Mallory, Reece, Ruhl, Sykes**

—

**A BILL**

To amend sections 124.11, 124.25, 124.26, 124.34, 1  
329.021, 4121.121, 5123.08, and 5139.02, and to 2  
enact section 9.73 of the Revised Code to limit 3  
the use of criminal records in the hiring and 4  
employment practices of public employers. 5

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

**Section 1.** That sections 124.11, 124.25, 124.26, 124.34, 6  
329.021, 4121.121, 5123.08, and 5139.02 be amended and section 7  
9.73 of the Revised Code be enacted to read as follows: 8

**Sec. 9.73.** (A) As used in this section: 9

(1) "Public employer" means a state agency or a political 10  
subdivision of the state. 11

(2) "State agency" means any organized body, office, agency, 12  
institution, or other entity established by the laws of the state 13  
for the exercise of any function of government. 14

(3) "Political subdivision" means a county, township, 15  
municipal corporation, or any other body corporate and politic 16  
that is responsible for government activities in a geographic area 17

smaller than that of the state. 18

(4) "Appointing authority" means the officer, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or institution. 19  
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(B) Notwithstanding any provision of the Revised Code to the contrary, no appointing authority shall inquire into or consider the criminal background of an applicant to a position in the service of a public employer until the applicant has been selected for appointment and the appointing authority is prepared to make an offer of employment. 23  
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(C) An appointing authority may notify an applicant of any provision of the Revised Code or federal law that disqualifies an individual with a particular criminal history from employment in a particular position. 29  
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(D) Except if an applicant is specifically disqualified from employment by any provision of the Revised Code or under federal law because of the prior conviction of or plea of guilty to a particular offense, an applicant shall not be disqualified from employment in the service of a governmental entity based solely upon the prior conviction of or plea of guilty to an offense. An appointing authority may deny an applicant employment in the service of a public employer by reason of the prior conviction of or plea of guilty to an offense only after the appointing authority has considered all of the following factors: 33  
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(1) Whether the offense directly relates to the responsibilities of the position for which the applicant applied; 43  
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(2) The nature and severity of the offense; 45

(3) The age of the applicant at the time the applicant committed the offense; 46  
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<u>(4) The date the offense was committed;</u>	48
<u>(5) How long the person has lived while not incarcerated or under correctional supervision without having any additional, subsequent convictions;</u>	49 50 51
<u>(6) Any documentation or testimony demonstrating the applicant's rehabilitation.</u>	52 53
<u>(E) If a conviction of or plea of guilty to an offense is used as a basis for the rejection of an applicant, the appointing authority shall state that rejection in writing and specifically state the evidence presented and reasons for rejection. The appointing authority shall send a copy of the rejection by registered mail to the applicant.</u>	54 55 56 57 58 59
<u>(F) No appointing authority shall use the record of an arrest of an applicant that is not followed by a conviction or plea of guilty in connection with an application for employment.</u>	60 61 62
<b>Sec. 124.11.</b> The civil service of the state and the several counties, cities, civil service townships, city health districts, general health districts, and city school districts of the state shall be divided into the unclassified service and the classified service.	63 64 65 66 67
(A) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required by this chapter:	68 69 70 71
(1) All officers elected by popular vote or persons appointed to fill vacancies in those offices;	72 73
(2) All election officers as defined in section 3501.01 of the Revised Code;	74 75
(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the	76 77

governor or by and with the governor's consent;	78
(b) The heads of all departments appointed by a board of county commissioners;	79 80
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	81 82 83 84
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	85 86 87 88
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	89 90 91
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	92 93 94
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	95 96 97
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	98 99 100 101 102 103 104
(b) The library staff of any library in the state supported wholly or in part at public expense.	105 106
(8) Four clerical and administrative support employees for	107

each of the elective state officers, four clerical and 108  
administrative support employees for each board of county 109  
commissioners and one such employee for each county commissioner, 110  
and four clerical and administrative support employees for other 111  
elective officers and each of the principal appointive executive 112  
officers, boards, or commissions, except for civil service 113  
commissions, that are authorized to appoint such clerical and 114  
administrative support employees; 115

(9) The deputies and assistants of state agencies authorized 116  
to act for and on behalf of the agency, or holding a fiduciary or 117  
administrative relation to that agency and those persons employed 118  
by and directly responsible to elected county officials or a 119  
county administrator and holding a fiduciary or administrative 120  
relationship to such elected county officials or county 121  
administrator, and the employees of such county officials whose 122  
fitness would be impracticable to determine by competitive 123  
examination, provided that division (A)(9) of this section shall 124  
not affect those persons in county employment in the classified 125  
service as of September 19, 1961. Nothing in division (A)(9) of 126  
this section applies to any position in a county department of job 127  
and family services created pursuant to Chapter 329. of the 128  
Revised Code. 129

(10) Bailiffs, constables, official stenographers, and 130  
commissioners of courts of record, deputies of clerks of the 131  
courts of common pleas who supervise or who handle public moneys 132  
or secured documents, and such officers and employees of courts of 133  
record and such deputies of clerks of the courts of common pleas 134  
as the appointing authority finds it impracticable to determine 135  
their fitness by competitive examination; 136

(11) Assistants to the attorney general, special counsel 137  
appointed or employed by the attorney general, assistants to 138  
county prosecuting attorneys, and assistants to city directors of 139

law;	140
(12) Such teachers and employees in the agricultural	141
experiment stations; such students in normal schools, colleges,	142
and universities of the state who are employed by the state or a	143
political subdivision of the state in student or intern	144
classifications; and such unskilled labor positions as the	145
director of administrative services, with respect to positions in	146
the service of the state, or any municipal civil service	147
commission may find it impracticable to include in the competitive	148
classified service; provided such exemptions shall be by order of	149
the commission or the director, duly entered on the record of the	150
commission or the director with the reasons for each such	151
exemption;	152
(13) Any physician or dentist who is a full-time employee of	153
the department of mental health and addiction services, the	154
department of developmental disabilities, or an institution under	155
the jurisdiction of either department; and physicians who are in	156
residency programs at the institutions;	157
(14) Up to twenty positions at each institution under the	158
jurisdiction of the department of mental health and addiction	159
services or the department of developmental disabilities that the	160
department director determines to be primarily administrative or	161
managerial; and up to fifteen positions in any division of either	162
department, excluding administrative assistants to the director	163
and division chiefs, which are within the immediate staff of a	164
division chief and which the director determines to be primarily	165
and distinctively administrative and managerial;	166
(15) Noncitizens of the United States employed by the state,	167
or its counties or cities, as physicians or nurses who are duly	168
licensed to practice their respective professions under the laws	169
of this state, or medical assistants, in mental or chronic disease	170
hospitals, or institutions;	171

(16) Employees of the governor's office;	172
(17) Fire chiefs and chiefs of police in civil service	173
townships appointed by boards of township trustees under section	174
505.38 or 505.49 of the Revised Code;	175
(18) Executive directors, deputy directors, and program	176
directors employed by boards of alcohol, drug addiction, and	177
mental health services under Chapter 340. of the Revised Code, and	178
secretaries of the executive directors, deputy directors, and	179
program directors;	180
(19) Superintendents, and management employees as defined in	181
section 5126.20 of the Revised Code, of county boards of	182
developmental disabilities;	183
(20) Physicians, nurses, and other employees of a county	184
hospital who are appointed pursuant to sections 339.03 and 339.06	185
of the Revised Code;	186
(21) The executive director of the state medical board, who	187
is appointed pursuant to division (B) of section 4731.05 of the	188
Revised Code;	189
(22) County directors of job and family services as provided	190
in section 329.02 of the Revised Code and administrators appointed	191
under section 329.021 of the Revised Code;	192
(23) A director of economic development who is hired pursuant	193
to division (A) of section 307.07 of the Revised Code;	194
(24) Chiefs of construction and compliance, of operations and	195
maintenance, of worker protection, and of licensing and	196
certification in the division of industrial compliance in the	197
department of commerce;	198
(25) The executive director of a county transit system	199
appointed under division (A) of section 306.04 of the Revised	200
Code;	201

(26) Up to five positions at each of the administrative	202
departments listed in section 121.02 of the Revised Code and at	203
the department of taxation, department of the adjutant general,	204
department of education, Ohio board of regents, bureau of workers'	205
compensation, industrial commission, state lottery commission,	206
opportunities for Ohioans with disabilities agency, and public	207
utilities commission of Ohio that the head of that administrative	208
department or of that other state agency determines to be involved	209
in policy development and implementation. The head of the	210
administrative department or other state agency shall set the	211
compensation for employees in these positions at a rate that is	212
not less than the minimum compensation specified in pay range 41	213
but not more than the maximum compensation specified in pay range	214
47 of salary schedule E-2 in section 124.152 of the Revised Code.	215
The authority to establish positions in the unclassified service	216
under division (A)(26) of this section is in addition to and does	217
not limit any other authority that an administrative department or	218
state agency has under the Revised Code to establish positions,	219
appoint employees, or set compensation.	220
(27) Employees of the department of agriculture employed	221
under section 901.09 of the Revised Code;	222
(28) For cities, counties, civil service townships, city	223
health districts, general health districts, and city school	224
districts, the deputies and assistants of elective or principal	225
executive officers authorized to act for and in the place of their	226
principals or holding a fiduciary relation to their principals;	227
(29) Employees who receive intermittent or temporary	228
appointments under division (B) of section 124.30 of the Revised	229
Code;	230
(30) Employees appointed to administrative staff positions	231
for which an appointing authority is given specific statutory	232
authority to set compensation;	233



(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications; 234  
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(32) Employees placed in the unclassified service by another section of the Revised Code. 236  
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(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. 238  
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Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class. 242  
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(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative services, by appointment from those certified to the appointing officer in accordance with this chapter. 250  
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(2) The unskilled labor class shall include ordinary 265

unskilled laborers. Vacancies in the labor class for positions in 266  
service of the state shall be filled by appointment from lists of 267  
applicants registered by the director or the director's designee. 268  
Vacancies in the labor class for all other positions shall be 269  
filled by appointment from lists of applicants registered by a 270  
commission. The director or the commission, as applicable, by 271  
rule, shall require an applicant for registration in the labor 272  
class to furnish evidence or take tests as the director or 273  
commission considers proper with respect to age, residence, 274  
physical condition, ability to labor, honesty, sobriety, industry, 275  
capacity, and experience in the work or employment for which 276  
application is made. Laborers who fulfill the requirements shall 277  
be placed on the eligible list for the kind of labor or employment 278  
sought, and preference shall be given in employment in accordance 279  
with the rating received from that evidence or in those tests. 280  
Upon the request of an appointing officer, stating the kind of 281  
labor needed, the pay and probable length of employment, and the 282  
number to be employed, the director or commission, as applicable, 283  
shall certify from the highest on the list double the number to be 284  
employed; from this number, the appointing officer shall appoint 285  
the number actually needed for the particular work. If more than 286  
one applicant receives the same rating, priority in time of 287  
application shall determine the order in which their names shall 288  
be certified for appointment. 289

(C) A municipal or civil service township civil service 290  
commission may place volunteer firefighters who are paid on a 291  
fee-for-service basis in either the classified or the unclassified 292  
civil service. 293

(D)(1) This division does not apply to persons in the 294  
unclassified service who have the right to resume positions in the 295  
classified service under sections 4121.121, 5119.18, 5120.38, 296  
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 297

Code or to cities, counties, or political subdivisions of the 298  
state. 299

(2) A person who holds a position in the classified service 300  
of the state and who is appointed to a position in the 301  
unclassified service shall retain the right to resume the position 302  
and status held by the person in the classified service 303  
immediately prior to the person's appointment to the position in 304  
the unclassified service, regardless of the number of positions 305  
the person held in the unclassified service. An employee's right 306  
to resume a position in the classified service may only be 307  
exercised when an appointing authority demotes the employee to a 308  
pay range lower than the employee's current pay range or revokes 309  
the employee's appointment to the unclassified service and: 310

(a) That person held a certified position prior to July 1, 311  
2007, in the classified service within the appointing authority's 312  
agency; or 313

(b) That person held a permanent position on or after July 1, 314  
2007, in the classified service within the appointing authority's 315  
agency. 316

(3) An employee forfeits the right to resume a position in 317  
the classified service when: 318

(a) The employee is removed from the position in the 319  
unclassified service due to incompetence, inefficiency, 320  
dishonesty, drunkenness, immoral conduct, insubordination, 321  
discourteous treatment of the public, neglect of duty, violation 322  
of this chapter or the rules of the director of administrative 323  
services, any other failure of good behavior, any other acts of 324  
misfeasance, malfeasance, or nonfeasance in office, or conviction 325  
of a felony while employed in the civil service; or 326

(b) Upon transfer to a different agency. 327

(4) Reinstatement to a position in the classified service 328

shall be to a position substantially equal to that position in the 329  
classified service held previously, as certified by the director 330  
of administrative services. If the position the person previously 331  
held in the classified service has been placed in the unclassified 332  
service or is otherwise unavailable, the person shall be appointed 333  
to a position in the classified service within the appointing 334  
authority's agency that the director of administrative services 335  
certifies is comparable in compensation to the position the person 336  
previously held in the classified service. Service in the position 337  
in the unclassified service shall be counted as service in the 338  
position in the classified service held by the person immediately 339  
prior to the person's appointment to the position in the 340  
unclassified service. When a person is reinstated to a position in 341  
the classified service as provided in this division, the person is 342  
entitled to all rights, status, and benefits accruing to the 343  
position in the classified service during the person's time of 344  
service in the position in the unclassified service. 345

**Sec. 124.25.** The director of administrative services shall 346  
require persons applying for an examination for original 347  
appointment in the service of the state to file with the director 348  
or the director's designee, within reasonable time prior to the 349  
examination, a formal application, in which the applicant shall 350  
state the applicant's name, address, and such other information as 351  
may reasonably be required concerning the applicant's education 352  
and experience. No inquiry shall be made as to religious or 353  
political affiliations or as to racial or ethnic origin of the 354  
applicant, except as necessary to gather equal employment 355  
opportunity or other statistics that, when compiled, will not 356  
identify any specific individual. No inquiry shall be made as to 357  
the criminal background of the applicant. The director or the 358  
director's designee may notify an applicant of any provision of 359  
the Revised Code or federal law that disqualifies an individual 360

with a particular criminal history from employment in a particular position. 361  
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Blank forms for applications shall be furnished by the 363  
director or the director's designee without charge to any person 364  
requesting the same. The director or the director's designee may 365  
require in connection with such application such certificate of 366  
persons having knowledge of the applicant as the good of the 367  
service demands. The director or the director's designee may 368  
refuse to appoint or examine an applicant, or, after an 369  
examination, refuse to certify the applicant as eligible, who is 370  
found to lack any of the established preliminary requirements for 371  
the examination, who is addicted to the habitual use of 372  
intoxicating liquors or drugs to excess, who has a pattern of poor 373  
work habits and performance with previous employers, ~~who has been~~ 374  
~~convicted of a felony, who has been guilty of infamous or~~ 375  
~~notoriously disgraceful conduct,~~ who has been dismissed from 376  
either branch of the civil service for delinquency or misconduct, 377  
or who has made false statements of any material fact, or 378  
practiced, or attempted to practice, any deception or fraud in the 379  
application or examination, in establishing eligibility, or 380  
securing an appointment. 381

**Sec. 124.26.** From the returns of examinations for positions 382  
in the service of the state, the director of administrative 383  
services or the director's designee shall prepare an eligible list 384  
of the persons whose general average standing upon examinations 385  
for the class or position is not less than the minimum fixed by 386  
the rules of the director, and who are otherwise eligible. Those 387  
persons shall take rank upon the eligible list as candidates in 388  
the order of their relative excellence as determined by the 389  
examination without reference to priority of the time of 390  
examination. If two or more applicants receive the same mark in an 391  
open competitive examination, priority in the time of filing the 392

application with the director or the director's designee shall 393  
determine the order in which their names shall be placed on the 394  
eligible list, except that applicants eligible for the veteran's 395  
or the reserve component member's preference under section 124.23 396  
of the Revised Code shall receive priority in rank on the eligible 397  
list over nonveterans and nonmembers of the reserve component on 398  
the list with a rating equal to that of the veteran or reserve 399  
component member. Ties among veterans or among reserve component 400  
members shall be decided by priority of filing the application. A 401  
tie between a veteran and a reserve component member shall be 402  
decided in favor of the veteran. 403

The director or the director's designee shall not inquire 404  
into or consider the criminal history of an applicant when 405  
preparing an eligible list. 406

An eligible list expires upon the filling or closing of the 407  
position. An expired eligible list may be used to fill a position 408  
of the same classification within the same appointing authority 409  
for which the list was created. But, in no event shall an expired 410  
list be used more than one year past its expiration date. 411

**Sec. 124.34.** (A) The tenure of every officer or employee in 412  
the classified service of the state and the counties, civil 413  
service townships, cities, city health districts, general health 414  
districts, and city school districts of the state, holding a 415  
position under this chapter, shall be during good behavior and 416  
efficient service. No officer or employee shall be reduced in pay 417  
or position, fined, suspended, or removed, or have the officer's 418  
or employee's longevity reduced or eliminated, except as provided 419  
in section 124.32 of the Revised Code, and for incompetency, 420  
inefficiency, dishonesty, drunkenness, immoral conduct, 421  
insubordination, discourteous treatment of the public, neglect of 422  
duty, violation of any policy or work rule of the officer's or 423

employee's appointing authority, violation of this chapter or the 424  
rules of the director of administrative services or the 425  
commission, any other failure of good behavior, any other acts of 426  
misfeasance, malfeasance, or nonfeasance in office, or conviction 427  
of a felony while employed in the civil service. The denial of a 428  
one-time pay supplement or a bonus to an officer or employee is 429  
not a reduction in pay for purposes of this section. 430

This section does not apply to any modifications or 431  
reductions in pay or work week authorized by division (Q) of 432  
section 124.181 or section 124.392, 124.393, or 124.394 of the 433  
Revised Code. 434

An appointing authority may require an employee who is 435  
suspended to report to work to serve the suspension. An employee 436  
serving a suspension in this manner shall continue to be 437  
compensated at the employee's regular rate of pay for hours 438  
worked. The disciplinary action shall be recorded in the 439  
employee's personnel file in the same manner as other disciplinary 440  
actions and has the same effect as a suspension without pay for 441  
the purpose of recording disciplinary actions. 442

A finding by the appropriate ethics commission, based upon a 443  
preponderance of the evidence, that the facts alleged in a 444  
complaint under section 102.06 of the Revised Code constitute a 445  
violation of Chapter 102., section 2921.42, or section 2921.43 of 446  
the Revised Code may constitute grounds for dismissal. Failure to 447  
file a statement or falsely filing a statement required by section 448  
102.02 of the Revised Code may also constitute grounds for 449  
dismissal. The tenure of an employee in the career professional 450  
service of the department of transportation is subject to section 451  
5501.20 of the Revised Code. 452

Conviction of a felony while employed in the civil service is 453  
a separate basis for reducing in pay or position, suspending, or 454  
removing an officer or employee, even if the officer or employee 455

has already been reduced in pay or position, suspended, or removed 456  
for the same conduct that is the basis of the felony. An officer 457  
or employee may not appeal to the state personnel board of review 458  
or the commission any disciplinary action taken by an appointing 459  
authority as a result of the officer's or employee's conviction of 460  
a felony. If an officer or employee removed under this section is 461  
reinstated as a result of an appeal of the removal, any conviction 462  
of a felony that occurs during the pendency of the appeal is a 463  
basis for further disciplinary action under this section upon the 464  
officer's or employee's reinstatement. 465

A person convicted of a felony while employed in the civil 466  
service immediately forfeits the person's status as a classified 467  
employee in any public employment on and after the date of the 468  
conviction for the felony. If an officer or employee is removed 469  
under this section as a result of being convicted of a felony or 470  
is subsequently convicted of a felony that involves the same 471  
conduct that was the basis for the removal, the officer or 472  
employee is barred from receiving any compensation after the 473  
removal notwithstanding any modification or disaffirmance of the 474  
removal, unless the conviction for the felony is subsequently 475  
reversed or annulled. 476

Any person removed for conviction of a felony is entitled to 477  
a cash payment for any accrued but unused sick, personal, and 478  
vacation leave as authorized by law. If subsequently reemployed in 479  
the public sector, the person shall qualify for and accrue these 480  
forms of leave in the manner specified by law for a newly 481  
appointed employee and shall not be credited with prior public 482  
service for the purpose of receiving these forms of leave. 483

As used in this division, "felony" means any of the 484  
following: 485

(1) A felony that is an offense of violence as defined in 486  
section 2901.01 of the Revised Code; 487



(2) A felony that is a felony drug abuse offense as defined	488
in section 2925.01 of the Revised Code;	489
(3) A felony under the laws of this or any other state or the	490
United States that is a crime of moral turpitude;	491
(4) A felony involving dishonesty, fraud, or theft;	492
(5) A felony that is a violation of section 2921.05, 2921.32,	493
or 2921.42 of the Revised Code.	494
(B) In case of a reduction, a suspension of more than forty	495
work hours in the case of an employee exempt from the payment of	496
overtime compensation, a suspension of more than twenty-four work	497
hours in the case of an employee required to be paid overtime	498
compensation, a fine of more than forty hours' pay in the case of	499
an employee exempt from the payment of overtime compensation, a	500
fine of more than twenty-four hours' pay in the case of an	501
employee required to be paid overtime compensation, or removal,	502
except for the reduction or removal of a probationary employee,	503
the appointing authority shall serve the employee with a copy of	504
the order of reduction, fine, suspension, or removal, which order	505
shall state the reasons for the action.	506
Within ten days following the date on which the order is	507
served or, in the case of an employee in the career professional	508
service of the department of transportation, within ten days	509
following the filing of a removal order, the employee, except as	510
otherwise provided in this section, may file an appeal of the	511
order in writing with the state personnel board of review or the	512
commission. For purposes of this section, the date on which an	513
order is served is the date of hand delivery of the order or the	514
date of delivery of the order by certified United States mail,	515
whichever occurs first. If an appeal is filed, the board or	516
commission shall forthwith notify the appointing authority and	517
shall hear, or appoint a trial board to hear, the appeal within	518

thirty days from and after its filing with the board or 519  
commission. The board, commission, or trial board may affirm, 520  
disaffirm, or modify the judgment of the appointing authority. 521  
However, in an appeal of a removal order based upon a violation of 522  
a last chance agreement, the board, commission, or trial board may 523  
only determine if the employee violated the agreement and thus 524  
affirm or disaffirm the judgment of the appointing authority. 525

In cases of removal or reduction in pay for disciplinary 526  
reasons, either the appointing authority or the officer or 527  
employee may appeal from the decision of the state personnel board 528  
of review or the commission, and any such appeal shall be to the 529  
court of common pleas of the county in which the appointing 530  
authority is located, or to the court of common pleas of Franklin 531  
county, as provided by section 119.12 of the Revised Code. 532

(C) In the case of the suspension for any period of time, or 533  
a fine, demotion, or removal, of a chief of police, a chief of a 534  
fire department, or any member of the police or fire department of 535  
a city or civil service township, who is in the classified civil 536  
service, the appointing authority shall furnish the chief or 537  
member with a copy of the order of suspension, fine, demotion, or 538  
removal, which order shall state the reasons for the action. The 539  
order shall be filed with the municipal or civil service township 540  
civil service commission. Within ten days following the filing of 541  
the order, the chief or member may file an appeal, in writing, 542  
with the commission. If an appeal is filed, the commission shall 543  
forthwith notify the appointing authority and shall hear, or 544  
appoint a trial board to hear, the appeal within thirty days from 545  
and after its filing with the commission, and it may affirm, 546  
disaffirm, or modify the judgment of the appointing authority. An 547  
appeal on questions of law and fact may be had from the decision 548  
of the commission to the court of common pleas in the county in 549  
which the city or civil service township is situated. The appeal 550

shall be taken within thirty days from the finding of the 551  
commission. 552

(D) A violation of division (A)(7) of section 2907.03 of the 553  
Revised Code is grounds for termination of employment of a 554  
nonteaching employee under this section. 555

(E) As used in this section, "last chance agreement" means an 556  
agreement signed by both an appointing authority and an officer or 557  
employee of the appointing authority that describes the type of 558  
behavior or circumstances that, if it occurs, will automatically 559  
lead to removal of the officer or employee without the right of 560  
appeal to the state personnel board of review or the appropriate 561  
commission. 562

**Sec. 329.021.** (A) The board of county commissioners may, in 563  
addition to the county director of job and family services, 564  
appoint administrators to oversee services provided by the county 565  
department of job and family services, subject to the following 566  
limitations: 567

(1) If the county has a population of five hundred thousand 568  
or more, the board may appoint up to five administrators. 569

(2) If the county has a population of two hundred and fifty 570  
thousand or more, but less than five hundred thousand, the board 571  
may appoint up to four administrators. 572

(3) If the county has a population of one hundred thousand or 573  
more, but less than two hundred and fifty thousand, the board may 574  
appoint up to three administrators. 575

(4) If the county has a population of forty thousand or more, 576  
but less than one hundred thousand, the board may appoint up to 577  
two administrators. 578

(5) If the county has a population of less than forty 579  
thousand, the board may appoint one administrator. 580

(B) The administrators appointed by the board of county commissioners under this section shall be in the unclassified civil service and serve at the pleasure of the board. However, no administrator position that is filled by a person serving in the classified service on ~~the effective date of this amendment~~ July 1, 2007, shall be placed in the unclassified civil service until that person vacates the position.

(C) The board of county commissioners may appoint a person who holds a certified position in the classified service within the county department of job and family services to the position of administrator. A person appointed to the position of administrator pursuant to this division and later removed by the board retains the right to resume the position in the classified service held by that person immediately prior to being appointed to the position of administrator, except that a person first appointed to a classified position in the department on or after ~~the effective date of this amendment~~ July 1, 2007, shall retain the right to resume the position in the classified service for only six months after being appointed to the position of administrator. An employee forfeits the right to resume a position in the classified service when the employee is removed from the position of administrator due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the board or department, violation of Chapter 124. of the Revised Code or the rules of the director of administrative services, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony while employed in the civil service. If the position the person previously held in the classified service no longer exists or has been placed in the unclassified service, the person shall be appointed to a position in the classified service of the department that is equivalent to

the classified position the person previously held, as determined 614  
by the board with the approval of the director of administrative 615  
services. 616

(D) As used in this section, "administrator" means assistant 617  
director, fiscal officer or director, personnel officer or 618  
director, social services administrator, income maintenance 619  
administrator, child support administrator in a combined agency, 620  
children services administrator in a combined agency, and 621  
workforce development administrator in a combined agency. 622

**Sec. 4121.121.** (A) There is hereby created the bureau of 623  
workers' compensation, which shall be administered by the 624  
administrator of workers' compensation. A person appointed to the 625  
position of administrator shall possess significant management 626  
experience in effectively managing an organization or 627  
organizations of substantial size and complexity. A person 628  
appointed to the position of administrator also shall possess a 629  
minimum of five years of experience in the field of workers' 630  
compensation insurance or in another insurance industry, except as 631  
otherwise provided when the conditions specified in division (C) 632  
of this section are satisfied. The governor shall appoint the 633  
administrator as provided in section 121.03 of the Revised Code, 634  
and the administrator shall serve at the pleasure of the governor. 635  
The governor shall fix the administrator's salary on the basis of 636  
the administrator's experience and the administrator's 637  
responsibilities and duties under this chapter and Chapters 4123., 638  
4125., 4127., 4131., and 4167. of the Revised Code. The governor 639  
shall not appoint to the position of administrator any person who 640  
has, or whose spouse has, given a contribution to the campaign 641  
committee of the governor in an amount greater than one thousand 642  
dollars during the two-year period immediately preceding the date 643  
of the appointment of the administrator. 644

The administrator shall hold no other public office and shall devote full time to the duties of administrator. Before entering upon the duties of the office, the administrator shall take an oath of office as required by sections 3.22 and 3.23 of the Revised Code, and shall file in the office of the secretary of state, a bond signed by the administrator and by surety approved by the governor, for the sum of fifty thousand dollars payable to the state, conditioned upon the faithful performance of the administrator's duties.

(B) The administrator is responsible for the management of the bureau and for the discharge of all administrative duties imposed upon the administrator in this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, and in the discharge thereof shall do all of the following:

(1) Perform all acts and exercise all authorities and powers, discretionary and otherwise that are required of or vested in the bureau or any of its employees in this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, except the acts and the exercise of authority and power that is required of and vested in the bureau of workers' compensation board of directors or the industrial commission pursuant to those chapters. The treasurer of state shall honor all warrants signed by the administrator, or by one or more of the administrator's employees, authorized by the administrator in writing, or bearing the facsimile signature of the administrator or such employee under sections 4123.42 and 4123.44 of the Revised Code.

(2) Employ, direct, and supervise all employees required in connection with the performance of the duties assigned to the bureau by this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, including an actuary, and may establish job classification plans and compensation for all employees of the bureau provided that this grant of authority

shall not be construed as affecting any employee for whom the 677  
state employment relations board has established an appropriate 678  
bargaining unit under section 4117.06 of the Revised Code. All 679  
positions of employment in the bureau are in the classified civil 680  
service except those employees the administrator may appoint to 681  
serve at the administrator's pleasure in the unclassified civil 682  
service pursuant to section 124.11 of the Revised Code. The 683  
administrator shall fix the salaries of employees the 684  
administrator appoints to serve at the administrator's pleasure, 685  
including the chief operating officer, staff physicians, and other 686  
senior management personnel of the bureau and shall establish the 687  
compensation of staff attorneys of the bureau's legal section and 688  
their immediate supervisors, and take whatever steps are necessary 689  
to provide adequate compensation for other staff attorneys. 690

The administrator may appoint a person who holds a certified 691  
position in the classified service within the bureau to a position 692  
in the unclassified service within the bureau. A person appointed 693  
pursuant to this division to a position in the unclassified 694  
service shall retain the right to resume the position and status 695  
held by the person in the classified service immediately prior to 696  
the person's appointment in the unclassified service, regardless 697  
of the number of positions the person held in the unclassified 698  
service. An employee's right to resume a position in the 699  
classified service may only be exercised when the administrator 700  
demotes the employee to a pay range lower than the employee's 701  
current pay range or revokes the employee's appointment to the 702  
unclassified service. An employee forfeits the right to resume a 703  
position in the classified service when the employee is removed 704  
from the position in the unclassified service due to incompetence, 705  
inefficiency, dishonesty, drunkenness, immoral conduct, 706  
insubordination, discourteous treatment of the public, neglect of 707  
duty, violation of this chapter or Chapter 124., 4123., 4125., 708  
4127., 4131., or 4167. of the Revised Code, violation of the rules 709

of the director of administrative services or the administrator, 710  
any other failure of good behavior, any other acts of misfeasance, 711  
malfeasance, or nonfeasance in office, or conviction of a felony 712  
while employed in the civil service. An employee also forfeits the 713  
right to resume a position in the classified service upon transfer 714  
to a different agency. 715

Reinstatement to a position in the classified service shall 716  
be to a position substantially equal to that position in the 717  
classified service held previously, as certified by the department 718  
of administrative services. If the position the person previously 719  
held in the classified service has been placed in the unclassified 720  
service or is otherwise unavailable, the person shall be appointed 721  
to a position in the classified service within the bureau that the 722  
director of administrative services certifies is comparable in 723  
compensation to the position the person previously held in the 724  
classified service. Service in the position in the unclassified 725  
service shall be counted as service in the position in the 726  
classified service held by the person immediately prior to the 727  
person's appointment in the unclassified service. When a person is 728  
reinstated to a position in the classified service as provided in 729  
this division, the person is entitled to all rights, status, and 730  
benefits accruing to the position during the person's time of 731  
service in the position in the unclassified service. 732

(3) Reorganize the work of the bureau, its sections, 733  
departments, and offices to the extent necessary to achieve the 734  
most efficient performance of its functions and to that end may 735  
establish, change, or abolish positions and assign and reassign 736  
duties and responsibilities of every employee of the bureau. All 737  
persons employed by the commission in positions that, after 738  
November 3, 1989, are supervised and directed by the administrator 739  
under this section are transferred to the bureau in their 740  
respective classifications but subject to reassignment and 741



reclassification of position and compensation as the administrator 742  
determines to be in the interest of efficient administration. The 743  
civil service status of any person employed by the commission is 744  
not affected by this section. Personnel employed by the bureau or 745  
the commission who are subject to Chapter 4117. of the Revised 746  
Code shall retain all of their rights and benefits conferred 747  
pursuant to that chapter as it presently exists or is hereafter 748  
amended and nothing in this chapter or Chapter 4123. of the 749  
Revised Code shall be construed as eliminating or interfering with 750  
Chapter 4117. of the Revised Code or the rights and benefits 751  
conferred under that chapter to public employees or to any 752  
bargaining unit. 753

(4) Provide offices, equipment, supplies, and other 754  
facilities for the bureau. 755

(5) Prepare and submit to the board information the 756  
administrator considers pertinent or the board requires, together 757  
with the administrator's recommendations, in the form of 758  
administrative rules, for the advice and consent of the board, for 759  
classifications of occupations or industries, for premium rates 760  
and contributions, for the amount to be credited to the surplus 761  
fund, for rules and systems of rating, rate revisions, and merit 762  
rating. The administrator shall obtain, prepare, and submit any 763  
other information the board requires for the prompt and efficient 764  
discharge of its duties. 765

(6) Keep the accounts required by division (A) of section 766  
4123.34 of the Revised Code and all other accounts and records 767  
necessary to the collection, administration, and distribution of 768  
the workers' compensation funds and shall obtain the statistical 769  
and other information required by section 4123.19 of the Revised 770  
Code. 771

(7) Exercise the investment powers vested in the 772  
administrator by section 4123.44 of the Revised Code in accordance 773

with the investment policy approved by the board pursuant to 774  
section 4121.12 of the Revised Code and in consultation with the 775  
chief investment officer of the bureau of workers' compensation. 776  
The administrator shall not engage in any prohibited investment 777  
activity specified by the board pursuant to division (F)(9) of 778  
section 4121.12 of the Revised Code and shall not invest in any 779  
type of investment specified in divisions (B)(1) to (10) of 780  
section 4123.442 of the Revised Code. All business shall be 781  
transacted, all funds invested, all warrants for money drawn and 782  
payments made, and all cash and securities and other property 783  
held, in the name of the bureau, or in the name of its nominee, 784  
provided that nominees are authorized by the administrator solely 785  
for the purpose of facilitating the transfer of securities, and 786  
restricted to the administrator and designated employees. 787

(8) Make contracts for and supervise the construction of any 788  
project or improvement or the construction or repair of buildings 789  
under the control of the bureau. 790

(9) Purchase supplies, materials, equipment, and services; 791  
make contracts for, operate, and superintend the telephone, other 792  
telecommunication, and computer services for the use of the 793  
bureau; and make contracts in connection with office reproduction, 794  
forms management, printing, and other services. Notwithstanding 795  
sections 125.12 to 125.14 of the Revised Code, the administrator 796  
may transfer surplus computers and computer equipment directly to 797  
an accredited public school within the state. The computers and 798  
computer equipment may be repaired or refurbished prior to the 799  
transfer. 800

(10) Prepare and submit to the board an annual budget for 801  
internal operating purposes for the board's approval. The 802  
administrator also shall, separately from the budget the 803  
industrial commission submits, prepare and submit to the director 804  
of budget and management a budget for each biennium. The budgets 805

submitted to the board and the director shall include estimates of 806  
the costs and necessary expenditures of the bureau in the 807  
discharge of any duty imposed by law. 808

(11) As promptly as possible in the course of efficient 809  
administration, decentralize and relocate such of the personnel 810  
and activities of the bureau as is appropriate to the end that the 811  
receipt, investigation, determination, and payment of claims may 812  
be undertaken at or near the place of injury or the residence of 813  
the claimant and for that purpose establish regional offices, in 814  
such places as the administrator considers proper, capable of 815  
discharging as many of the functions of the bureau as is 816  
practicable so as to promote prompt and efficient administration 817  
in the processing of claims. All active and inactive lost-time 818  
claims files shall be held at the service office responsible for 819  
the claim. A claimant, at the claimant's request, shall be 820  
provided with information by telephone as to the location of the 821  
file pertaining to the claimant's claim. The administrator shall 822  
ensure that all service office employees report directly to the 823  
director for their service office. 824

(12) Provide a written binder on new coverage where the 825  
administrator considers it to be in the best interest of the risk. 826  
The administrator, or any other person authorized by the 827  
administrator, shall grant the binder upon submission of a request 828  
for coverage by the employer. A binder is effective for a period 829  
of thirty days from date of issuance and is nonrenewable. Payroll 830  
reports and premium charges shall coincide with the effective date 831  
of the binder. 832

(13) Set standards for the reasonable and maximum handling 833  
time of claims payment functions, ensure, by rules, the impartial 834  
and prompt treatment of all claims and employer risk accounts, and 835  
establish a secure, accurate method of time stamping all incoming 836  
mail and documents hand delivered to bureau employees. 837

(14) Ensure that all employees of the bureau follow the 838  
orders and rules of the commission as such orders and rules relate 839  
to the commission's overall adjudicatory policy-making and 840  
management duties under this chapter and Chapters 4123., 4127., 841  
and 4131. of the Revised Code. 842

(15) Manage and operate a data processing system with a 843  
common data base for the use of both the bureau and the commission 844  
and, in consultation with the commission, using electronic data 845  
processing equipment, shall develop a claims tracking system that 846  
is sufficient to monitor the status of a claim at any time and 847  
that lists appeals that have been filed and orders or 848  
determinations that have been issued pursuant to section 4123.511 849  
or 4123.512 of the Revised Code, including the dates of such 850  
filings and issuances. 851

(16) Establish and maintain a medical section within the 852  
bureau. The medical section shall do all of the following: 853

(a) Assist the administrator in establishing standard medical 854  
fees, approving medical procedures, and determining eligibility 855  
and reasonableness of the compensation payments for medical, 856  
hospital, and nursing services, and in establishing guidelines for 857  
payment policies which recognize usual, customary, and reasonable 858  
methods of payment for covered services; 859

(b) Provide a resource to respond to questions from claims 860  
examiners for employees of the bureau; 861

(c) Audit fee bill payments; 862

(d) Implement a program to utilize, to the maximum extent 863  
possible, electronic data processing equipment for storage of 864  
information to facilitate authorizations of compensation payments 865  
for medical, hospital, drug, and nursing services; 866

(e) Perform other duties assigned to it by the administrator. 867

(17) Appoint, as the administrator determines necessary, 868  
panels to review and advise the administrator on disputes arising 869  
over a determination that a health care service or supply provided 870  
to a claimant is not covered under this chapter or Chapter 4123., 871  
4127., or 4131. of the Revised Code or is medically unnecessary. 872  
If an individual health care provider is involved in the dispute, 873  
the panel shall consist of individuals licensed pursuant to the 874  
same section of the Revised Code as such health care provider. 875

(18) Pursuant to section 4123.65 of the Revised Code, approve 876  
applications for the final settlement of claims for compensation 877  
or benefits under this chapter and Chapters 4123., 4127., and 878  
4131. of the Revised Code as the administrator determines 879  
appropriate, except in regard to the applications of self-insuring 880  
employers and their employees. 881

(19) Comply with section 3517.13 of the Revised Code, and 882  
except in regard to contracts entered into pursuant to the 883  
authority contained in section 4121.44 of the Revised Code, comply 884  
with the competitive bidding procedures set forth in the Revised 885  
Code for all contracts into which the administrator enters 886  
provided that those contracts fall within the type of contracts 887  
and dollar amounts specified in the Revised Code for competitive 888  
bidding and further provided that those contracts are not 889  
otherwise specifically exempt from the competitive bidding 890  
procedures contained in the Revised Code. 891

(20) Adopt, with the advice and consent of the board, rules 892  
for the operation of the bureau. 893

(21) Prepare and submit to the board information the 894  
administrator considers pertinent or the board requires, together 895  
with the administrator's recommendations, in the form of 896  
administrative rules, for the advice and consent of the board, for 897  
the health partnership program and the qualified health plan 898  
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 899

the Revised Code. 900

(C) The administrator, with the advice and consent of the 901  
senate, shall appoint a chief operating officer who has a minimum 902  
of five years of experience in the field of workers' compensation 903  
insurance or in another similar insurance industry if the 904  
administrator does not possess such experience. The chief 905  
operating officer shall not commence the chief operating officer's 906  
duties until after the senate consents to the chief operating 907  
officer's appointment. The chief operating officer shall serve in 908  
the unclassified civil service of the state. 909

**Sec. 5123.08.** An appointing officer may appoint a person who 910  
holds a certified position in the classified service within the 911  
department of developmental disabilities to a position in the 912  
unclassified service within the department. A person appointed 913  
pursuant to this section to a position in the unclassified service 914  
shall retain the right to resume the position and status held by 915  
the person in the classified service immediately prior to the 916  
person's appointment to the position in the unclassified service, 917  
regardless of the number of positions the person held in the 918  
unclassified service. An employee's right to resume a position in 919  
the classified service may only be exercised when an appointing 920  
authority demotes the employee to a pay range lower than the 921  
employee's current pay range or revokes the employee's appointment 922  
to the unclassified service. An employee forfeits the right to 923  
resume a position in the classified service when the employee is 924  
removed from the position in the unclassified service due to 925  
incompetence, inefficiency, dishonesty, drunkenness, immoral 926  
conduct, insubordination, discourteous treatment of the public, 927  
neglect of duty, violation of this chapter or Chapter 124. of the 928  
Revised Code, the rules of the director of developmental 929  
disabilities or the director of administrative services, any other 930  
failure of good behavior, any other acts of misfeasance, 931

malfeasance, or nonfeasance in office, or conviction of a felony 932  
while employed in the civil service. An employee also forfeits the 933  
right to resume a position in the classified service upon transfer 934  
to a different agency. 935

Reinstatement to a position in the classified service shall 936  
be to a position substantially equal to that position in the 937  
classified service held previously, as certified by the director 938  
of administrative services. If the position the person previously 939  
held in the classified service has been placed in the unclassified 940  
service or is otherwise unavailable, the person shall be appointed 941  
to a position in the classified service within the department that 942  
the director of administrative services certifies is comparable in 943  
compensation to the position the person previously held in the 944  
classified service. Service in the position in the unclassified 945  
service shall be counted as service in the position in the 946  
classified service held by the person immediately prior to the 947  
person's appointment to the position in the unclassified service. 948  
When a person is reinstated to a position in the classified 949  
service as provided in this section, the person is entitled to all 950  
rights, status, and benefits accruing to the position in the 951  
classified service during the time of the person's service in the 952  
position in the unclassified service. 953

**Sec. 5139.02.** (A)(1) As used in this section, "managing 954  
officer" means a deputy director, an assistant deputy director, a 955  
superintendent, a regional administrator, a deputy superintendent, 956  
or the superintendent of schools of the department of youth 957  
services, a member of the release authority, the chief of staff to 958  
the release authority, and the victims administrator of the office 959  
of victim services. 960

(2) Each division established by the director of youth 961  
services shall consist of managing officers and other employees, 962

including those employed in institutions and regions as necessary 963  
to perform the functions assigned to them. The director or 964  
appropriate deputy director or managing officer of the department 965  
shall supervise the work of each division and determine general 966  
policies governing the exercise of powers vested in the department 967  
and assigned to each division. The appropriate managing officer or 968  
deputy director is responsible to the director for the 969  
organization, direction, and supervision of the work of the 970  
division or unit and for the exercise of the powers and the 971  
performance of the duties of the department assigned to it and, 972  
with the director's approval, may establish bureaus or other 973  
administrative units within the department. 974

(B) The director shall appoint all managing officers, who 975  
shall be in the unclassified civil service. The director may 976  
appoint a person who holds a certified position in the classified 977  
service within the department to a position as a managing officer 978  
within the department. A person appointed pursuant to this 979  
division to a position as a managing officer shall retain the 980  
right to resume the position and status held by the person in the 981  
classified service immediately prior to the person's appointment 982  
as managing officer, regardless of the number of positions the 983  
person held in the unclassified service. A managing officer's 984  
right to resume a position in the classified service may only be 985  
exercised when the director demotes the managing officer to a pay 986  
range lower than the managing officer's current pay range or 987  
revokes the managing officer's appointment to the position of 988  
managing officer. A managing officer forfeits the right to resume 989  
a position in the classified service when the managing officer is 990  
removed from the position of managing officer due to incompetence, 991  
inefficiency, dishonesty, drunkenness, immoral conduct, 992  
insubordination, discourteous treatment of the public, neglect of 993  
duty, violation of this chapter or Chapter 124. of the Revised 994  
Code, the rules of the director of youth services or the director 995



of administrative services, any other failure of good behavior, 996  
any other acts of misfeasance, malfeasance, or nonfeasance in 997  
office, or conviction of a felony while employed in the civil 998  
service. A managing officer also forfeits the right to resume a 999  
position in the classified service upon transfer to a different 1000  
agency. 1001

Reinstatement to a position in the classified service shall 1002  
be to the position held in the classified service immediately 1003  
prior to appointment as managing officer, or to another position 1004  
certified by the director of administrative services as being 1005  
substantially equal to that position. If the position the person 1006  
previously held in the classified service immediately prior to 1007  
appointment as a managing officer has been placed in the 1008  
unclassified service or is otherwise unavailable, the person shall 1009  
be appointed to a position in the classified service within the 1010  
department that the director of administrative services certifies 1011  
is comparable in compensation to the position the person 1012  
previously held in the classified service. Service as a managing 1013  
officer shall be counted as service in the position in the 1014  
classified service held by the person immediately prior to the 1015  
person's appointment as a managing officer. If a person is 1016  
reinstated to a position in the classified service under this 1017  
division, the person shall be returned to the pay range and step 1018  
to which the person had been assigned at the time of the 1019  
appointment as managing officer. Longevity, where applicable, 1020  
shall be calculated pursuant to the provisions of section 124.181 1021  
of the Revised Code. 1022

(C) Each person appointed as a managing officer shall have 1023  
received special training and shall have experience in the type of 1024  
work that the person's division is required to perform. Each 1025  
managing officer, under the supervision of the director, has 1026  
entire charge of the division, institution, unit, or region for 1027

which the managing officer is appointed and, with the director's 1028  
approval, shall appoint necessary employees and may remove them 1029  
for cause. 1030

(D) The director may designate one or more deputy directors 1031  
to sign any personnel actions on the director's behalf. The 1032  
director shall make a designation in a writing signed by the 1033  
director, and the designation shall remain in effect until the 1034  
director revokes or supersedes it with a new designation. 1035

**Section 2.** That existing sections 124.11, 124.25, 124.26, 1036  
124.34, 329.021, 4121.121, 5123.08, and 5139.02 of the Revised 1037  
Code are hereby repealed. 1038

**Section 3.** Section 124.26 of the Revised Code is presented in 1039  
this act as a composite of the section as amended by both Am. Sub. 1040  
H.B. 487 and Am. Sub. H.B. 490 of the 129th General Assembly. The 1041  
General Assembly, applying the principle stated in division (B) of 1042  
section 1.52 of the Revised Code that amendments are to be 1043  
harmonized if reasonably capable of simultaneous operation, finds 1044  
that the composite is the resulting version of the section in 1045  
effect prior to the effective date of the section as presented in 1046  
this act. 1047