

OHIO

SENATE

JOURNAL

CORRECTED VERSION
MONDAY, JUNE 29, 2009

SIXTY-SIXTH DAY
Senate Chamber, Columbus, Ohio
Monday, June 29, 2009, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Matt Keller, Calvary Bible Baptist Church, Westerville, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

**REPORTS OF REFERENCE AND BILLS FOR SECOND
CONSIDERATION**

Senator Harris reports for the Standing Committee on Reference, recommending that the following bills and resolutions, standing in order for second consideration, be referred to committee as recommended:

Sub. H. B. No. 10-Representative Brown, et al.

To amend sections 2151.23, 2151.358, 2903.214, 2919.25, 2919.27, 3113.31, and 3113.33 and to enact section 2151.34 of the Revised Code to allow a juvenile court to issue a protection order against a child who is alleged to have committed certain offenses or domestic violence against the person to be protected and to include foster parents under the scope of the domestic violence laws.

To the Committee on Judiciary - Civil Justice.

Sub. H. B. No. 190-Representative Fende, et al.

To amend sections 4715.14, 4715.141, 4715.21, 4715.22, 4715.24, and 4715.25 and to enact sections 4715.241, 4715.242, 4715.36, 4715.361, 4715.362, 4715.363, 4715.364, 4715.365, 4715.366, 4715.367, 4715.368, 4715.369, 4715.37, 4715.371, 4715.372, 4715.373, 4715.374, and 4715.375 of the Revised Code to modify certain licensing procedures for dentists and dental hygienists and to establish the Public Oral Health Supervision Program for the provision of dental hygiene services.

To the Committee on Health, Human Services and Aging.

H. C. R. No. 26-Representative Weddington, et al.

Designating Summer Learning Day in Ohio for 2009 and 2010

To the Committee on Education.

Am. H. J. R. No. 2-Representatives Sayre, Ruhl, et al.

Proposing to enact Section 1 of Article XIV of the Constitution of the State of Ohio to create the Ohio Livestock Care Standards Board.

To the Committee on Agriculture.

YES - 3: BILL HARRIS, TOM NIEHAUS, CAPRI S. CAFARO.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills and resolutions were considered a second time and referred to committee as recommended.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Hughes submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **H. B. No. 67**-Representative Carney, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Fedor, Miller, R., Turner, Hughes.

YES - 7: TERESA FEDOR, RAY MILLER, NINA TURNER, JIM HUGHES, JIMMY STEWART, TIMOTHY J. GRENDALL, BILL SEITZ.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Hughes submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **Am. H. B. No. 150**-Representatives Ujvagi,

McGregor, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsors: Hughes, Fedor, Grendell.

YES - 7: JIM HUGHES, JIMMY STEWART, BILL SEITZ,
TIMOTHY J. GRENDALL, TERESA FEDOR, RAY
MILLER, NINA TURNER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Widener submitted the following report:

The standing committee on Energy and Public Utilities, to which was referred **S. C. R. No. 15**-Senator Widener, et al., having had the same under consideration, reports it back and recommends its adoption.

Co-Sponsor: Coughlin.

YES - 9: CHRIS WIDENER, TIMOTHY O. SCHAFFER, KEVIN
J. COUGHLIN, JON A. HUSTED, TOM PATTON,
JASON H. WILSON, JIM HUGHES, STEPHEN
BUEHRER, KAREN GILLMOR.

NO - 3: THOMAS SAWYER, JOSEPH SCHIAVONI, RAY
MILLER.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

REPORTS OF CONFERENCE COMMITTEES

Senator Buehrer submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Sub. H.B. 15, Representative Sykes – et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 572, delete " fourteen" and insert " fifteen"

In line 597, after " senate" insert " ;

(7) The governor, with the advice and consent of the senate, shall appoint

one member who, by training and vocation, represents a nonprofit association of vocational rehabilitation services providers that deliver services to injured workers"

In line 817, after "(f)" delete the balance of the line

Delete lines 818 through 826

In line 827, delete "(g)"

In line 830, delete "(h)" and insert "(g)"

In line 849, delete "(i)" and insert "(h)"

In line 923, after "(D)" delete the balance of the line

Delete lines 924 and 925

In line 926, delete " premium rates, the" and insert " The"; delete " those rules" and insert " a rule that sets an estimated discount for programs or alternative premium plans"

In line 928, delete " program or alternative"; delete " plan" and insert " rate"; after " effect" insert " and shall adopt a rule that sets the actual discount for programs or alternative premium plans not later than the first day of January of the year in which the discount for programs or alternative premium plans is to be in effect"

In line 930, delete everything before the underlined period and insert " rule that sets the estimate shall not be adopted"

In line 1067, delete " of"

In line 1068, delete " workers' compensation"; delete " that"

Delete line 1069

In line 1070, delete everything before " to"

In line 1075, after " premiums" insert " of not less than two per cent"

In line 1077, delete " of"

In line 1078, delete " workers' compensation"

Delete line 1079

In line 1080, delete " offered by the bureau on the effective date of this section"

In line 1084, after " discount" insert " of not less than three per cent per year"

In line 1085, after " premiums" insert " for each year the employer participates in the program"

In line 1089, delete " program" and insert " and workplace safety"

programs"

In line 1865, after the underlined comma insert "but subject to division (A) of this section."

In line 1867, after "except" insert "for the bureau of workers' compensation and"

In line 1868, delete "of workers' compensation"

In line 2079, delete "and" and insert a comma

In line 2080, after "Senate" insert ", and the Governor"

In line 2082, delete "and" and insert a comma; after "(6)" insert ", and (7)"

In line 2088, delete "and" and insert a comma; after "(6)" insert ", and (7)"

In line 2127, after "**301.**" delete the balance of the line

Delete lines 2128 through 2212

In line 2213, delete "**Section 401.**"

In line 2220, delete "**411.**" and insert "**311.**"

In line 2227, delete "**413.**" and insert "**313.**"

In line 2232, delete "(A)(4)(f),"; delete the second comma	
Managers on the Part of the House	Managers on the Part of the Senate

/S/ DAN DODD
DAN DODD

/S/ STEVE BUEHRER
STEVE BUEHRER

/S/ LINDA BOLON
LINDA BOLON

/S/ KAREN GILLMOR
KAREN GILLMOR

/S/ LYNN WACHTMANN
LYNN WACHTMANN

/S/ JOSEPH SCHIAVONI
JOSEPH SCHIAVONI

The report of the Committee of Conference was laid over under the rule.

On the motion of Senator Niehaus, the Senate recessed until 2:20 p.m.

The Senate met pursuant to the recess.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 16-Representative Sykes.

Cosponsors: Representatives Dodd, Letson, Dyer, Phillips, Bolon, Brown, Combs, Domenick, Foley, Gerberry, Goyal, Harris, Heard, Koziura, Luckie, Mallory, Moran, Pryor, Slesnick, Stewart, Szollosi, Weddington, Williams, B.,

Williams, S., Winburn, Yates, Yuko.

To amend sections 2305.24, 2305.25, 4121.04, and 4123.511 of the Revised Code to make changes to the Industrial Commission Law, to make appropriations for the Industrial Commission for the biennium beginning July 1, 2009, and ending June 30, 2011, and to provide authorization and conditions for the operation of Commission programs, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 16**, pass?"

Senator Carey moved to amend as follows:

In line 9, after "sections" insert "124.15, 124.18, 124.181, 124.34, 124.385, 124.392, 126.05,"

Between lines 10 and 11, insert:

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

Schedule B

Pay Ranges and Step Values

Range	Step 1	Step 2	Step 3	Step 4
23 Hourly	5.72	5.91	6.10	6.31
Annually	11897.60	12292.80	12688.00	13124.80
	Step 5	Step 6		
Hourly	6.52	6.75		
Annually	13561.60	14040.00		
	Step 1	Step 2	Step 3	Step 4
24 Hourly	6.00	6.20	6.41	6.63
Annually	12480.00	12896.00	13332.80	13790.40
	Step 5	Step 6		
Hourly	6.87	7.10		
Annually	14289.60	14768.00		
	Step 1	Step 2	Step 3	Step 4
25 Hourly	6.31	6.52	6.75	6.99
Annually	13124.80	13561.60	14040.00	14539.20
	Step 5	Step 6		
Hourly	7.23	7.41		
Annually	15038.40	15412.80		
	Step 1	Step 2	Step 3	Step 4
26 Hourly	6.63	6.87	7.10	7.32
Annually	13790.40	14289.60	14768.00	15225.60
	Step 5	Step 6		
Hourly	7.53	7.77		
Annually	15662.40	16161.60		
	Step 1	Step 2	Step 3	Step 4
27 Hourly	6.99	7.23	7.41	7.64
Annually	14534.20	15038.40	15412.80	15891.20
	Step 5	Step 6	Step 7	
Hourly	7.88	8.15	8.46	
Annually	16390.40	16952.00	17596.80	
	Step 1	Step 2	Step 3	Step 4
28 Hourly	7.41	7.64	7.88	8.15

	Annually	15412.80	15891.20	16390.40	16952.00
		Step 5	Step 6	Step 7	
	Hourly	8.46	8.79	9.15	
	Annually	17596.80	18283.20	19032.00	
		Step 1	Step 2	Step 3	Step 4
29	Hourly	7.88	8.15	8.46	8.79
	Annually	16390.40	16952.00	17596.80	18283.20
		Step 5	Step 6	Step 7	
	Hourly	9.15	9.58	10.01	
	Annually	19032.00	19926.40	20820.80	
		Step 1	Step 2	Step 3	Step 4
30	Hourly	8.46	8.79	9.15	9.58
	Annually	17596.80	18283.20	19032.00	19926.40
		Step 5	Step 6	Step 7	
	Hourly	10.01	10.46	10.99	
	Annually	20820.80	21756.80	22859.20	
		Step 1	Step 2	Step 3	Step 4
31	Hourly	9.15	9.58	10.01	10.46
	Annually	19032.00	19962.40	20820.80	21756.80
		Step 5	Step 6	Step 7	
	Hourly	10.99	11.52	12.09	
	Annually	22859.20	23961.60	25147.20	
		Step 1	Step 2	Step 3	Step 4
32	Hourly	10.01	10.46	10.99	11.52
	Annually	20820.80	21756.80	22859.20	23961.60
		Step 5	Step 6	Step 7	Step 8
	Hourly	12.09	12.68	13.29	13.94
	Annually	25147.20	26374.40	27643.20	28995.20
		Step 1	Step 2	Step 3	Step 4
33	Hourly	10.99	11.52	12.09	12.68
	Annually	22859.20	23961.60	25147.20	26374.40
		Step 5	Step 6	Step 7	Step 8
	Hourly	13.29	13.94	14.63	15.35
	Annually	27643.20	28995.20	30430.40	31928.00
		Step 1	Step 2	Step 3	Step 4
34	Hourly	12.09	12.68	13.29	13.94
	Annually	25147.20	26374.40	27643.20	28995.20
		Step 5	Step 6	Step 7	Step 8
	Hourly	14.63	15.35	16.11	16.91
	Annually	30430.40	31928.00	33508.80	35172.80
		Step 1	Step 2	Step 3	Step 4
35	Hourly	13.29	13.94	14.63	15.35
	Annually	27643.20	28995.20	30430.40	31928.00
		Step 5	Step 6	Step 7	Step 8
	Hourly	16.11	16.91	17.73	18.62
	Annually	33508.80	35172.80	36878.40	38729.60
		Step 1	Step 2	Step 3	Step 4
36	Hourly	14.63	15.35	16.11	16.91
	Annually	30430.40	31928.00	33508.80	35172.80
		Step 5	Step 6	Step 7	Step 8
	Hourly	17.73	18.62	19.54	20.51
	Annually	36878.40	38729.60	40643.20	42660.80

Schedule C

Pay Range and Values

Range	Minimum	Maximum
41 Hourly	10.44	15.72
Annually	21715.20	32697.60
42 Hourly	11.51	17.35
Annually	23940.80	36088.00
43 Hourly	12.68	19.12
Annually	26374.40	39769.60

44 Hourly	13.99	20.87
Annually	29099.20	43409.60
45 Hourly	15.44	22.80
Annually	32115.20	47424.00
46 Hourly	17.01	24.90
Annually	35380.80	51792.00
47 Hourly	18.75	27.18
Annually	39000.00	56534.40
48 Hourly	20.67	29.69
Annually	42993.60	61755.20
49 Hourly	22.80	32.06
Annually	47424.00	66684.80

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis.

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code.

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

The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and determine whether certain benefits or payments provided to the employees covered by those agreements should also be provided to employees in the service of the state who are exempt from collective bargaining coverage and are paid in accordance with section 124.152 of the Revised Code or are listed in division (B)(2) or (4) of section 124.14 of the Revised Code. On completing the review, the director of administrative services, with the approval of the director of budget and management, may provide to some or all of these employees any payment or benefit, except for salary, contained in such a collective bargaining agreement even if it is similar to a payment or benefit already provided by law to some or all of these employees. Any payment or benefit so provided shall not exceed the highest level for that payment or benefit specified in such a collective bargaining agreement. The director of administrative services shall not provide, and the director of budget and management shall not approve, any payment or benefit to such an employee under this division unless the payment or benefit is provided pursuant to a collective bargaining agreement to a state employee who is in a position with

similar duties as, is supervised by, or is employed by the same appointing authority as, the employee to whom the benefit or payment is to be provided.

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

(E) New employees paid in accordance with schedule B of division (A) of this section or schedule E-1 of section 124.152 of the Revised Code shall be employed at the minimum rate established for the range unless otherwise provided. Employees with qualifications that are beyond the minimum normally required for the position and that are determined by the director to be exceptional may be employed in, or may be transferred or promoted to, a position at an advanced step of the range. Further, in time of a serious labor market condition when it is relatively impossible to recruit employees at the minimum rate for a particular classification, the entrance rate may be set at an advanced step in the range by the director of administrative services. This rate may be limited to geographical regions of the state. Appointments made to an advanced step under the provision regarding exceptional qualifications shall not affect the step assignment of employees already serving. However, anytime the hiring rate of an entire classification is advanced to a higher step, all incumbents of that classification being paid at a step lower than that being used for hiring, shall be advanced beginning at the start of the first pay period thereafter to the new hiring rate, and any time accrued at the lower step will be used to calculate advancement to a succeeding step. If the hiring rate of a classification is increased for only a geographical region of the state, only incumbents who work in that geographical region shall be advanced to a higher step. When an employee in the unclassified service changes from one state position to another or is appointed to a position in the classified service, or if an employee in the classified service is appointed to a position in the unclassified service, the employee's salary or wage in the new position shall be determined in the same manner as if the employee were an employee in the classified service. When an employee in the unclassified service who is not eligible for step increases is appointed to a classification in the classified service under which step increases are provided, future step increases shall be based on the date on which the employee last received a pay increase. If the employee has not received an increase during the previous year, the date of the appointment to the classified service shall be used to determine the employee's annual step advancement eligibility date. In reassigning any employee to a classification resulting in a pay range increase or to a new pay range as a result of a promotion, an increase pay range adjustment, or other classification change resulting in a pay range increase, the director shall assign such employee to the step in the new pay range that will provide an increase of approximately four per cent if the new pay range can accommodate the increase. When an employee is being assigned to a classification or new pay range as the result of a class plan change, if the employee has completed a probationary period, the employee shall be placed in a

step no lower than step two of the new pay range. If the employee has not completed a probationary period, the employee may be placed in step one of the new pay range. Such new salary or wage shall become effective on such date as the director determines.

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

(G)(1) Except as provided in ~~division~~ divisions (G)(2) and (3) of this section, each state employee paid in accordance with schedule B of this section or schedule E-1 of section 124.152 of the Revised Code shall be eligible for advancement to succeeding steps in the range for the employee's class or grade according to the schedule established in this division. Beginning on the first day of the pay period within which the employee completes the prescribed probationary period in the employee's classification with the state, each employee shall receive an automatic salary adjustment equivalent to the next higher step within the pay range for the employee's class or grade.

~~Each~~ Except as provided in divisions (G)(2) and (3) of this section, each employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code shall be eligible to advance to the next higher step until the employee reaches the top step in the range for the employee's class or grade, if the employee has maintained satisfactory performance in accordance with criteria established by the employee's appointing authority. Those step advancements shall not occur more frequently than once in any twelve-month period.

~~When an employee is promoted or reassigned to a higher pay range, the employee's step indicator shall return to "0" or be adjusted to account for a probationary period, as appropriate. When an employee is promoted, the step entry date shall be set to account for a probationary period. When an employee is reassigned to a higher pay range, the step entry date shall be set to allow an employee who is not at the highest step of the range to receive a step advancement one year from the reassignment date.~~ Step advancement shall not be affected by demotion. A promoted employee shall advance to the next higher step of the pay range on the first day of the pay period in which the required probationary period is completed. Step advancement shall become effective at the beginning of the pay period within which the employee attains the necessary length of service. Time spent on authorized leave of absence shall be counted for

this purpose.

If determined to be in the best interest of the state service, the director of administrative services may, either statewide or in selected agencies, adjust the dates on which annual step advancements are received by employees paid in accordance with schedule E-1 of section 124.152 of the Revised Code.

(2)(a) (i) ~~Except as provided in division (G)(2)(a)(ii) of this section, there~~ There shall be a moratorium on annual step advancements under division (G)(1) of this section from the pay period beginning June 29, 2003 June 21, 2009, through the pay period ending June 25, 2005 June 20, 2011. Step advancements shall resume with the pay period beginning June 26, 2005 June 21, 2011. Upon the resumption of step advancements, there shall be no retroactive step advancements for the period the moratorium was in effect. The moratorium shall not affect an employee's performance evaluation schedule.

(ii) ~~During the moratorium under division (G)(2)(a)(i) of this section, an employee who is hired or promoted and serves a probationary period in the employee's new position shall advance to the next step in the employee's pay range upon successful completion of the employee's probationary period. Thereafter, the employee is subject to the moratorium. An employee who begins a probationary period before June 21, 2009, shall advance to the next step in the employee's pay range at the end of probation, and then become subject to the moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011.~~

(b) The moratorium under division (G)(2)(a) (i) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before ~~July 1, 2003~~ July 1, 2009.

(3) Employees in intermittent positions shall be employed at the minimum rate established for the pay range for their classification and are not eligible for step advancements.

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

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

(J) Unless compensation for members of a board or commission is otherwise specifically provided by law, the director of administrative services shall establish the rate and method of payment for members of boards and commissions pursuant to the pay schedules listed in section 124.152 of the Revised Code.

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

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

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

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

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

(1) Annually, between the first day of April and the last day of June, establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of that superintendent's respective school constructed as follows:

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

(b) Determine which six city, local, and exempted village school districts

with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year that begins on the ensuing first day of July, teacher salary schedules with the highest minimum salaries for a teacher with a bachelor's degree and no experience;

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

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

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

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

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

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

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

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

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

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

(M) Division (A) of this section does not apply to "exempt employees," as defined in section 124.152 of the Revised Code, who are paid under that section.

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

Sec. 124.18. (A) Forty hours shall be the standard work week for all employees whose salary or wage is paid in whole or in part by the state or by any state-supported college or university. When any employee whose salary or wage is paid in whole or in part by the state or by any state-supported college or university is required by an authorized administrative authority to be in an active pay status more than forty hours in any calendar week, the employee shall be compensated for such time over forty hours, except as otherwise provided in this section, at one and one-half times the employee's regular rate of pay. The use of sick leave or any leave used in lieu of sick leave shall not be considered to be active pay status for the purposes of earning overtime or compensatory time by employees whose wages are paid directly by warrant of the director of budget and management. A flexible-hours employee is not entitled to compensation for overtime work unless the employee's authorized administrative authority required the employee to be in active pay status for more than forty hours in a calendar week, regardless of the number of hours the employee works on any day in the same calendar week.

Such compensation for overtime work shall be paid no later than at the conclusion of the next succeeding pay period.

If the employee elects to take compensatory time off in lieu of overtime pay for any overtime worked, such compensatory time shall be granted by the employee's administrative superior, on a time and one-half basis, at a time mutually convenient to the employee and the administrative superior. Compensatory time is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.

An employee may accrue compensatory time to a maximum of two hundred forty hours, except that public safety employees and other employees who meet the criteria established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, may accrue a maximum of four hundred eighty hours of compensatory time. An employee shall be paid at the employee's regular rate of pay for any hours of compensatory time accrued in excess of these maximum amounts if the employee has not used the compensatory time within ~~one~~ three hundred ~~eighty~~ sixty-five days after it is granted, if the employee transfers to another agency of the state, or if a change in the employee's status exempts the employee from the payment of overtime compensation. Upon the termination of employment, any employee with accrued

but unused compensatory time shall be paid for that time at a rate that is the greater of the employee's final regular rate of pay or the employee's average regular rate of pay during the employee's last three years of employment with the state.

No overtime, as described in this section, can be paid unless it has been authorized by the authorized administrative authority. Employees may be exempted from the payment of compensation as required by this section only under the criteria for exemption from the payment of overtime compensation established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. With the approval of the director of administrative services, the appointing authority may establish a policy to grant compensatory time or to pay compensation to state employees who are exempt from overtime compensation. With the approval of the board of county commissioners, a county human services department may establish a policy to grant compensatory time or to pay compensation to employees of the department who are exempt from overtime compensation.

(B)(1) An employee, whose salary or wage is paid in whole or in part by the state, shall be paid for the holidays declared in section 124.19 of the Revised Code and shall not be required to work on those holidays, unless, in the opinion of the employee's responsible administrative authority, failure to work on those holidays would impair the public service. ~~An~~

(2) An employee paid directly by warrant of the director of budget and management who is scheduled to work on a holiday the first day of January, the commemoration of memorial day, the fourth day of July, the fourth Thursday in November, or the twenty-fifth day of December and who does not report to work the day before, the day of, or the day after the holiday due to an illness of the employee or of a member of the employee's immediate family shall not receive holiday pay as provided by this division, unless the employee can provide documentation of extenuating circumstances that prohibited the employee from so reporting to work. ~~An~~ If the employee works a shift between the employee's scheduled shift and the holiday, the employee shall be paid for the holiday.

(3) An employee also shall not be paid for a holiday unless the employee was in active pay status on the scheduled work day immediately preceding the holiday, except that an employee need not be in active pay status on that work day in order to be paid for the holiday if the employee is participating in a mandatory or voluntary cost savings day under section 124.392 of the Revised Code.

~~(2)~~ (4) If any of the holidays declared in section 124.19 of the Revised Code falls on Saturday, the Friday immediately preceding shall be observed as the holiday. If any of the holidays declared in section 124.19 of the Revised Code falls on Sunday, the Monday immediately succeeding shall be observed as the holiday. Employees whose work schedules are based on the requirements of a seven-days-a-week work operation shall observe holidays on the actual days specified in section 124.19 of the Revised Code.

(3) (5) If an employee's work schedule is other than Monday through Friday, the employee shall be entitled to eight hours of holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed.

(4) (6) A full-time permanent employee is entitled to a minimum of eight hours of pay for each holiday regardless of the employee's work shift and work schedule. A flexible-hours employee, who is normally scheduled to work in excess of eight hours on a day on which a holiday falls, either shall be required to work an alternate schedule for that week or shall receive additional holiday pay for the hours the employee is normally scheduled to work. Such an alternate schedule may require a flexible-hours employee to work five shifts consisting of eight hours each during the week including the holiday, and, in that case, the employee shall receive eight hours of holiday pay for the day the holiday is observed.

(5) ~~Part-time~~ (7) Except as provided under section 124.392 of the Revised Code, part-time permanent employees shall receive four hours of holiday pay on a pro-rated basis, based upon the daily average of actual hours worked, excluding overtime hours worked, in the previous calendar quarter. The figure shall be calculated for the preceding calendar quarter on the first day of January, April, July, and October of each year regardless of the employee's work shift and work schedule.

(6) (8) When an employee who is eligible for overtime pay under this section is required by the employee's responsible administrative authority to work on the day observed as a holiday, the employee shall be entitled to pay for such time worked at one and one-half times the employee's regular rate of pay in addition to the employee's regular pay, or to be granted compensatory time off at time and one-half thereafter, at the employee's option. Payment at such rate shall be excluded in the calculation of hours in active pay status.

(C) Each appointing authority may designate the number of employees in an agency who are flexible-hours employees. The appointing authority may establish for each flexible-hours employee a specified minimum number of hours to be worked each day that is consistent with the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended.

(D) This section shall be uniformly administered for employees as defined in section 124.01 of the Revised Code and by the personnel departments of state-supported colleges and universities for employees of state-supported colleges and universities. If employees are not paid directly by warrant of the director of budget and management, the political subdivision shall determine whether the use of sick leave shall be considered to be active pay status for purposes of those employees earning overtime or compensatory time.

(E) Policies relating to the payment of overtime pay or the granting of compensatory time off shall be adopted by the chief administrative officer of the house of representatives for employees of the house of representatives, by the

clerk of the senate for employees of the senate, and by the director of the legislative service commission for all other legislative employees.

(F) As used in this section, "regular rate of pay" means the base rate of pay an employee receives plus any pay supplements received pursuant to section 124.181 of the Revised Code.

Sec. 124.181. (A) Except as provided in ~~division~~ divisions (M) and (P) of this section, any employee paid in accordance with schedule B of section 124.15 or schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code is eligible for the pay supplements provided in this section upon application by the appointing authority substantiating the employee's qualifications for the supplement and with the approval of the director of administrative services except as provided in division (E) of this section.

(B)(1) Except as provided in section 124.183 of the Revised Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule B of section 124.15 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

(2) Except as provided in section 124.183 of the Revised Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

(3) Except as provided in section 124.183 of the Revised Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 for step seven only of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate in the corresponding pay range, provided in schedule E-1 of that section, to which the employee is assigned at the time of the computation.

(C) The effective date of any pay supplement, except as provided in section 124.183 of the Revised Code or unless otherwise provided in this section, shall be determined by the director.

(D) The director shall, by rule, establish standards regarding the administration of this section.

(E)(1) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years of total service with the state government or any of its political subdivisions, each employee in positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code shall receive an automatic salary adjustment equivalent to two and one-half per cent of the classification

salary base, to the nearest whole cent. Each employee shall receive thereafter an annual adjustment equivalent to one-half of one per cent of the employee's classification salary base, to the nearest whole cent, for each additional year of qualified employment until a maximum of ten per cent of the employee's classification salary base is reached. The granting of longevity adjustments shall not be affected by promotion, demotion, or other changes in classification held by the employee, nor by any change in pay range for the employee's class or grade. Longevity pay adjustments shall become effective at the beginning of the pay period within which the employee completes the necessary length of service, except that when an employee requests credit for prior service, the effective date of the prior service credit and of any longevity adjustment shall be the first day of the pay period following approval of the credit by the director of administrative services. No employee, other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall receive any longevity adjustment for the period prior to the director's approval of a prior service credit. Time spent on authorized leave of absence shall be counted for this purpose.

(2) An employee who has retired in accordance with the provisions of any retirement system offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state or any political subdivision of the state counted for the purpose of determining the amount of the salary adjustment provided under this division.

(3) There shall be a moratorium on employees' receipt under this division of credit for service with the state government or any of its political subdivisions during the period from July 1, 2003, through June 30, 2005. In calculating the number of years of total service under this division, no credit shall be included for service during the moratorium. The moratorium shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2003.

If an employee is exempt from the moratorium, receives credit for a period of service during the moratorium, and takes a position with another entity in the state government or any of its political subdivisions, either during or after the moratorium, and if that entity's employees are or were subject to the moratorium, the employee shall continue to retain the credit. However, if the moratorium is in effect upon the taking of the new position, the employee shall cease receiving additional credit as long as the employee is in the position, until the moratorium expires.

(F) When an exceptional condition exists that creates a temporary or a permanent hazard for one or more positions in a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with

schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code, a special hazard salary adjustment may be granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into standard conditions of: some unusual hazard not common to the class; considerable unusual hazard not common to the class; and exceptional hazard not common to the class.

(1) A hazardous salary adjustment of five per cent of the employee's classification salary base may be applied in the case of some unusual hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the unusual hazard condition.

(2) A hazardous salary adjustment of seven and one-half per cent of the employee's classification salary base may be applied in the case of some considerable hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the considerable hazard condition.

(3) A hazardous salary adjustment of ten per cent of the employee's classification salary base may be applied in the case of some exceptional hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, when the employee was subject to the exceptional hazard condition.

(4) Each claim for temporary hazard pay shall be submitted as a separate payment and shall be subject to an administrative audit by the director as to the extent and duration of the employee's exposure to the hazardous condition.

(G) When a full-time employee whose salary or wage is paid directly by warrant of the director of budget and management and who also is eligible for overtime under the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered by the appointing authority to report back to work after termination of the employee's regular work schedule and the employee reports, the employee shall be paid for such time. The employee shall be entitled to four hours at the employee's total rate of pay or overtime compensation for the actual hours worked, whichever is greater. This division does not apply to work that is a continuation of or immediately preceding an employee's regular work schedule.

(H) When a certain position or positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code require the ability to speak or write a language other than English, a special pay supplement may be granted to attract bilingual individuals, to encourage present employees to become proficient in other languages, or to retain qualified bilingual employees. The bilingual pay supplement provided in this division may be granted in the amount of five per cent of the employee's

classification salary base for each required foreign language and shall remain in effect as long as the bilingual requirement exists.

(I) The director of administrative services may establish a shift differential for employees. The differential shall be paid to employees in positions working in other than the regular or first shift. In those divisions or agencies where only one shift prevails, no shift differential shall be paid regardless of the hours of the day that are worked. The director and the appointing authority shall designate which positions shall be covered by this division.

(J) Whenever an employee is assigned to work in a higher level position for a continuous period of more than two weeks but no more than two years because of a vacancy, the employee's pay may be established at a rate that is approximately four per cent above the employee's current base rate for the period the employee occupies the position, provided that this temporary occupancy is approved by the director. Employees paid under this division shall continue to receive any of the pay supplements due them under other divisions of this section based on the step one base rate for their normal classification.

(K) If a certain position, or positions, within a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code are mandated by state or federal law or regulation or other regulatory agency or other certification authority to have special technical certification, registration, or licensing to perform the functions which are under the mandate, a special professional achievement pay supplement may be granted. This special professional achievement pay supplement shall not be granted when all incumbents in all positions in a class require a license as provided in the classification description published by the department of administrative services; to licensees where no special or extensive training is required; when certification is granted upon completion of a stipulated term of in-service training; when an appointing authority has required certification; or any other condition prescribed by the director.

(1) Before this supplement may be applied, evidence as to the requirement must be provided by the agency for each position involved, and certification must be received from the director as to the director's concurrence for each of the positions so affected.

(2) The professional achievement pay supplement provided in this division shall be granted in an amount up to ten per cent of the employee's classification salary base and shall remain in effect as long as the mandate exists.

(L) Those employees assigned to teaching supervisory, principal, assistant principal, or superintendent positions who have attained a higher educational level than a basic bachelor's degree may receive an educational pay supplement to remain in effect as long as the employee's assignment and classification remain the same.

(1) An educational pay supplement of two and one-half per cent of the employee's classification salary base may be applied upon the achievement of a bachelor's degree plus twenty quarter hours of postgraduate work.

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly, for each classification title requiring a licensed physician, in accordance with a schedule approved by the state controlling board. The individual salary levels recommended for each such physician employed shall be approved by the director. Notwithstanding section 124.11 of the Revised Code, such personnel are in the unclassified civil service.

(2) The director of administrative services may approve supplementary compensation for the director of health, if the director is a licensed physician, in accordance with a supplementary compensation schedule approved under division (M)(1) of this section or in accordance with another supplementary compensation schedule the director of administrative services considers appropriate. The supplementary compensation shall not exceed twenty per cent of the director of health's base rate of pay.

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 117.42, and 131.02 of the Revised Code, the state shall not institute any civil action to recover and shall not seek reimbursement for overpayments made in violation of division (E) of this section or division (C) of section 9.44 of the Revised Code

for the period starting after June 24, 1987, and ending on October 31, 1993.

(O) Employees of the office of the treasurer of state who are exempt from collective bargaining coverage may be granted a merit pay supplement of up to one and one-half per cent of their step rate. The rate at which this supplement is granted shall be based on performance standards established by the treasurer of state. Any supplements granted under this division shall be administered on an annual basis.

(P) Intermittent employees appointed under section 124.30 of the Revised Code are not eligible for the pay supplements provided by this section.

Sec. 124.34. (A) The tenure of every officer or employee in the classified service of the state and the counties, civil service townships, cities, city health districts, general health districts, and city school districts of the state, holding a position under this chapter, shall be during good behavior and efficient service. No officer or employee shall be reduced in pay or position, fined, suspended, or removed, or have the officer's or employee's longevity reduced or eliminated, except as provided in section 124.32 of the Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the officer's or employee's appointing authority, violation of this chapter or the rules of the director of administrative services or the commission, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. The denial of a one-time pay supplement or a bonus to an officer or employee is not a reduction in pay for purposes of this section.

This section does not apply to any modifications or reductions in pay authorized by section 124.392 of the Revised Code.

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

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

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee

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

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

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

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

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

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

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

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

(5) A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.

(B) In case of a reduction, a suspension of forty or more work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of twenty-four or more work hours in the case of an employee required to be paid overtime compensation, a fine of forty or more hours' pay in the case of an employee exempt from the payment of overtime compensation, a fine of twenty-four or more hours' pay in the case of an employee required to be paid overtime compensation, or removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action.

Within ten days following the date on which the order is served or, in the case of an employee in the career professional service of the department of transportation, within ten days following the filing of a removal order, the employee, except as otherwise provided in this section, may file an appeal of the order in writing with the state personnel board of review or the commission. For purposes of this section, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first. If an appeal is filed, the board or commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, the appeal within thirty days from and after its filing with the board or commission. The board, commission, or trial board may affirm, disaffirm, or modify the judgment of the appointing authority. However, in an appeal of a removal order based upon a violation of a last chance agreement, the board, commission, or trial board may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority.

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

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

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

(E) As used in this section, "last chance agreement" means an agreement signed by both an appointing authority and an officer or employee of the appointing authority that describes the type of behavior or circumstances that, if

it occurs, will automatically lead to removal of the officer or employee without the right of appeal to the state personnel board of review or the appropriate commission.

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

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

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

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

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

(1) Procedures to be followed for determining disability;

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

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

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

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

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

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

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

(b) A maximum of fifteen days for the parties to select a third-party opinion pursuant to division (F) of this section, unless an extension is agreed to by the parties;

(c) A maximum of thirty days for the third party to render an opinion.

(8) Provisions for approving leave of absence for medical reasons where an employee is in no pay status because the employee has used all the employee's sick leave, personal leave, vacation leave, and compensatory time;

(9) Provisions for precluding the payment of benefits if the injury for which the benefits are sought is covered by a workers' compensation plan;

(10) Provisions for precluding the payment of benefits in order to ensure that benefits are provided in a consistent manner.

(C) Except as provided in division (B)(6) of this section, time off for an employee granted disability leave is not chargeable to any other leave granted by other sections of the Revised Code.

(D) While an employee is on an approved disability leave, the employer's and employee's share of health, life, and other insurance benefits shall be paid by the state, and the retirement contribution shall be paid as follows:

(1) The employer's share shall be paid by the state.

(2) For the first three months, the employee's share shall be paid by the employee.

(3) After the first three months, the employee's share shall be paid by the state.

(E) The approval for disability leave shall be made by the director, upon recommendation by the appointing authority. The director may delegate to any appointing authority the authority to approve disability benefits for a standard recovery period.

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

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

Sec. 124.392. (A) As used in this section, ~~"exempt~~ :

(1) "Exempt employee" has the same meaning as in section 124.152 of the Revised Code.

(2) "Fiscal emergency" means a fiscal emergency declared by the governor under section 126.05 of the Revised Code.

(B) The director of administrative services may establish a voluntary cost savings program for exempt employees. ~~The~~

(C) The director of administrative services shall establish a mandatory cost savings program applicable to exempt employees. Subject to division (C)(1) of this section, the program may include, but is not limited to, a loss of pay or loss of holiday pay as determined by the director. The program may be administered differently among exempt employees based on their classifications, appointment categories, appointing authorities, or other relevant distinctions.

(1) Each full-time exempt employee shall participate in the program for a total of eighty hours of mandatory cost savings in both fiscal year 2010 and fiscal year 2011. Each part-time exempt employee shall participate in the program by not receiving holiday pay during both fiscal year 2010 and fiscal year 2011. Each employee of the secretary of state, auditor of state, treasurer of state, and attorney general shall participate in the program unless the secretary of state, auditor of state, treasurer of state, or attorney general decides to exempt the officer's employees from the program and so notifies the director of administrative services in writing on or before July 1, 2009.

(2) After June 30, 2011, the director of administrative services, in consultation with the director of budget and management, may implement mandatory cost savings days applicable to exempt employees in the event of a fiscal emergency. Each employee of the secretary of state, auditor of state, treasurer of state, and attorney general shall participate in the mandatory cost savings days unless the secretary of state, auditor of state, treasurer of state, or attorney general decides to exempt the officer's employees from the mandatory cost savings days and so notifies the director of administrative services in the manner the director of administrative services prescribes by rule adopted under this section.

(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for the administration of the ~~program~~ mandatory cost savings program and days.

(E) The cost savings fund is hereby created in the state treasury. Savings

accrued through employee participation in the mandatory cost savings program and in mandatory cost savings days shall be allocated to the fund. The fund may be used to pay employees who participated in the mandatory cost savings program or in mandatory cost savings days. Any investment earnings of the fund shall be credited to the fund.

Sec. 126.05. On or before the tenth day of each month, the director of budget and management shall furnish to the governor statements in such form as the governor requires showing the condition of the general revenue fund. The statements shall provide a summary of the status of appropriations to enable the governor to exercise and maintain effective supervision and control over the expenditures of the state. The director shall also furnish statements the governor requests showing the condition of any other fund.

If the governor ascertains that the available revenue receipts and balances for the general revenue fund for the current fiscal year will in all probability be less than the appropriations for the year, ~~he~~ the governor shall issue such orders to the state agencies as will prevent their expenditures and incurred obligations from exceeding such revenue receipts and balances.

If the governor ascertains that the available revenue receipts and balances for any fund other than the general revenue fund for the current fiscal year will in all probability be less than the appropriations for the year, ~~he~~ the governor may issue such orders to the state agencies as will prevent their expenditures and incurred obligations from exceeding such revenue receipts and balances.

If the governor determines that the available revenue receipts and balances in any fund or across funds will likely be less than the appropriations for the year, the governor may declare a fiscal emergency and may issue such orders as necessary to the director of budget and management to reduce expenditures, or to the director of administrative services to implement personnel actions consistent therewith, including, but not limited to, mandatory cost savings days under section 124.392 of the Revised Code.

As used in this section, "expenditures and incurred obligations" includes all moneys expended or obligated pursuant to appropriations by the general assembly that are calculated and distributed pursuant to a distribution formula in law."

In line 565, after "sections" insert "124.15, 124.18, 124.181, 124.34, 124.385, 124.392, 126.05,"

Between lines 605 and 606, insert:

"Section 310. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained.

Section 315. Except as provided in divisions (C) and (D) of this section, there is hereby appropriated for the period July 1, 2009, through July 7, 2009, to

each agency, board, commission, department, office, authority, or other organization for which an appropriation was made by the 127th General Assembly, out of money in the state treasury to the credit of the respective funds of the state from which appropriations were made for the 2009 fiscal year, for each specific item for which an appropriation was made by the 127th General Assembly, taking into account Controlling Board actions and executive budget reductions, an amount equal to the following:

(A) For General Revenue Fund appropriation items, seventy per cent of one fifty-second of each item's adjusted spending levels for the 2009 fiscal year as adjusted by all budget directives issued by the Office of Budget and Management pursuant to Executive Order 2008-01S. Where additional amounts are necessary to pay the wages, benefits, and other payroll related expenses of state employees, those additional amounts are hereby appropriated.

(B) For federal special revenue, state special revenue, or proprietary appropriation items, one hundred per cent of one fifty-second of each item's adjusted spending levels for the 2009 fiscal year as adjusted by all budget directives issued by the Office of Budget and Management pursuant to Executive Order 2008-01S.

(C) It is expressly provided as follows:

(1) There is hereby appropriated from the money in the state treasury an amount equal to one hundred per cent of spending levels equal to the second foundation payment made in June of 2009 for appropriation item 200550, Foundation Funding.

(2) There is hereby appropriated from the money in the state treasury an amount equal to one-twelfth of spending levels for the 2009 fiscal year for appropriation item 235501, State Share of Instruction.

(3) There is hereby appropriated to those agencies mentioned in Section 420 of this act those moneys received from the federal government pursuant to the American Reinvestment and Recovery Act.

(4) There is hereby appropriated those amounts necessary for expenses incurred in appropriation item 600525 for Medicaid. Rates reimbursed for providers for the period from July 1, 2009, through July 7, 2009, shall be the same as rates on June 29, 2009.

(5) No money is appropriated for programs or agencies that were terminated by action of law, other than the expiration of an appropriation item, prior to June 30, 2009.

(6) No money shall be spent by any state agency for any program that is new or to the extent it has been expanded other than by operation of law.

(7) Specific appropriations are made elsewhere in this act for the purpose of paying debt service and financing costs on bonds or notes of the state issued under the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such

amounts are hereby appropriated.

(8) No money is appropriated for any purpose for which appropriations are made elsewhere in this act.

(9) No money is appropriated for capital purposes other than by reappropriation of unexpended balances of existing appropriations.

(10) No money is appropriated for purposes that have full fiscal year 2010 appropriations by another act of the General Assembly.

(D) There is hereby appropriated for the period July 1, 2009, through July 7, 2009, to the legislative and judicial branches and their respective agencies seventy per cent of one-fifty second of those agencies' adjusted spending levels for the 2009 fiscal year as adjusted by all budget directives issued by the Office of Budget and Management pursuant to the Executive Order 2008-01S.

The Director of Budget and Management shall make any determinations necessary to decide which provision applies from this section. All appropriations contained in this act, except for appropriation item 911401, Emergency Purposes/Contingencies and appropriation item 911412, OBM-Uneven Cash Distribution, shall be cumulative with any subsequent appropriation act of the 128th General Assembly, and the Director of Budget and Management shall account for expenditures from appropriations contained in this act accordingly.

Section 320. There is hereby appropriated for the fiscal year 2010-2011 biennium, out of money in the state treasury to the credit of the General Revenue Fund, the following sums:

Appropriations

CEB CONTROLLING BOARD

General Revenue Fund

GRF 911401	Emergency Purposes/Contingencies	\$	20,000,000
GRF 911412	OBM-Uneven Cash Distribution	\$	250,000,000
TOTAL GRF General Revenue Fund		\$	270,000,000
TOTAL ALL BUDGET FUND GROUPS		\$	270,000,000

EMERGENCY PURPOSES/CONTINGENCIES AND OBM-UNEVEN CASH DISTRIBUTION

The foregoing appropriation item 911401, Emergency Purposes/Contingencies, may be transferred by the Controlling Board to any agency, board, commission, department, office, authority, or other organization that urgently requires funds in excess of those appropriated in Section 315 of this act because of cash flow, seasonal, contractual obligation, or other special factors.

The foregoing appropriation item 911412, OBM-Uneven Cash Distribution, may be transferred by the Director of Budget and Management to any agency, board, commission, department, office, authority, or other organization when the Director determines that because of cash flow, seasonal, contractual obligation, or other special factors requiring a higher disbursement,

the specific appropriations made to the agency, board, commission, department, office, authority, or other organization are inadequate to carry out the purpose for which the specific appropriations are made.

For the same purposes as the preceding paragraph there is hereby appropriated up to \$200,000,000 from funds other than the General Revenue Fund for use by the Director of Budget and Management for Uneven Cash Distributions for non-GRF appropriation items.

When transfers are made from either appropriation item 911401, Emergency Purposes/Contingencies, or 911412, OBM-Uneven Cash Distribution, to other appropriation items, the appropriations to the affected items shall be increased by any estimated amount of federal reimbursement that will be received. Such additional amounts are hereby appropriated.

Section 325. For the period July 1, 2009, through June 30, 2011, there is hereby appropriated from the General Revenue Fund, Liquor Control Fund, and any other fund designated by or pursuant to applicable proceedings authorizing the issuance of bonds, notes, or other obligations of the state issued pursuant to the Ohio Constitution and acts of the General Assembly, amounts necessary to fully and timely pay debt service and financing costs on those bonds, notes, or other obligations.

Section 330. There is hereby appropriated necessary amounts determined by the Director of Budget and Management out of money in the state treasury to the following appropriation items for the fiscal year ending June 30, 2010, for the purposes of administering the following employee benefits program in accordance with law.

PAY EMPLOYEE BENEFITS FUNDS

Accrued Leave Liability Fund Group

8060	995666	Accrued Leave Fund
8070	995667	Disability Fund

Agency Fund Group

1240	995673	Payroll Deductions
8080	995668	State Employee Health Benefit Fund
8090	995669	Dependent Care Spending Account
8100	995670	Life Insurance Investment Fund
8110	995671	Parental Leave Benefit Fund
8130	995672	Health Care Spending Account
8140	995674	Cost Savings Day Fund

Except for the Cost Savings Day Fund described and appropriated below, the foregoing funds shall be used consistent with the purposes enumerated in Am. Sub. H.B. 119 of the 127th General Assembly.

There is hereby appropriated the amounts determined necessary by the Director of Budget and Management during the fiscal year ending June 30, 2010, for appropriation item 995674, Cost Savings Day Fund, which shall be used by the Director in accordance with the provisions of division (E) of section 124.392 of the Revised Code to pay employees who participated in a mandatory cost

savings program, or to reimburse employees who did not fully participate in a mandatory cost savings program by the close of each fiscal year. Notwithstanding any provision of law to the contrary, in fiscal year 2010 the Director may transfer agency savings achieved from the use of a mandatory cost savings program to the General Revenue Fund or any other fund as deemed necessary by the Director. The Director may make temporary cash transfers from the General Revenue Fund to ensure sufficient balances in the Cost Savings Fund and may replenish the General Revenue Fund for such transfers.

Section 335. There is hereby appropriated necessary amounts determined by the Director of Budget and Management out of money in the state treasury to the following appropriation items during the fiscal year ending June 30, 2010, for the purposes of administering and distributing revenue distribution funds in accordance with law.

REVENUE DISTRIBUTION FUNDS

Volunteer Firefighters' Dependents Fund

7085	800985	Volunteer Firemen's Dependents Fund
Agency Fund Group		
4P80	001698	Cash Management Improvement Fund
6080	001699	Investment Earnings
7062	110962	Resort Area Excise Tax
7063	110963	Permissive Tax Distribution
7067	110967	School District Income Tax

Holding Account Redistribution

R045	110617	International Fuel Tax Distribution
Revenue Distribution Fund Group		
7049	038900	Indigent Drivers Alcohol Treatment
7050	762900	International Registration Plan Distribution
7051	762901	Auto Registration Distribution
7054	110954	Local Government Property Tax Replacement - Utility
7060	110960	Gasoline Excise Tax Fund
7065	110965	Public Library Fund
7066	800966	Undivided Liquor Permits
7068	110968	State and Local Government Highway Distribution
7069	110969	Local Government Fund
7081	110981	Local Government Property Tax Replacement-Business
7082	110982	Horse Racing Tax
7083	700900	Ohio Fairs Fund

GENERAL REVENUE FUND TRANSFERS TO LOCAL GOVERNMENT PROPERTY TAX REPLACEMENT FUND (FUND 7081)

Notwithstanding any provision of law to the contrary, in fiscal year 2010, the Director of Budget and Management may transfer from the General Revenue Fund to the Local Government Property Tax Replacement Fund - Business (Fund 7081) in the Revenue Distribution Fund, those amounts necessary to reimburse local taxing units under section 5751.22 of the Revised Code. Also, in fiscal year 2010, the Director of Budget and Management may make temporary transfers from the General Revenue Fund to ensure sufficient balances in the Local Government Property Tax Replacement Fund - Business (Fund 7081) and to replenish the General Revenue Fund for such transfers.

Section 340. TRANSFERS FROM THE BUDGET STABILIZATION FUND

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, in fiscal year 2009, may transfer cash from the Budget Stabilization Fund to the General Revenue Fund. The transferred funds are to be used to help balance General Revenue Fund revenues with General Revenue Fund current expenses in fiscal year 2009. Before any such transfer, the Director shall notify the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Minority Leaders of the House of Representatives and the Senate of the date and amount of the transfer and the cash balance remaining in the Budget Stabilization Fund.

Section 350. EXPENDITURES AND APPROPRIATION INCREASES APPROVED BY THE CONTROLLING BOARD

Any money that the Controlling Board approves for expenditure and any increase in appropriations that the Controlling Board approves pursuant to section 127.14, 131.35, or 131.39 of the Revised Code or any other provision of law is appropriated for the period ending June 30, 2011.

Section 360. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and all group insurance programs; the costs of centralized accounting, centralized payroll processing, and related personnel reports and services; the cost of the Office of Collective Bargaining; the cost of the Personnel Board of Review; the cost of the Employee Assistance Program; the cost of the affirmative action and equal employment opportunity programs administered by the Department of Administrative Services; the costs of interagency information management infrastructure; and the cost of administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with the appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070601, Public Audit Expense - Local Government, may be exempted from the requirements of this section.

Section 365. REISSUANCE OF VOIDED WARRANTS

In order to provide funds for the reissuance of voided warrants pursuant to section 126.37 of the Revised Code, there is appropriated, out of money in the state treasury from the fund credited as provided in section 126.37 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

Section 370. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF STATE

Certain appropriations are in this act for the purpose of making lease

rental payments pursuant to leases and agreements relating to bonds or notes issued under Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of the Revised Code by the Ohio Building Authority or the Treasurer of State or, previously, by the Ohio Public Facilities Commission, pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

Section 375. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS

The Office of Budget and Management shall process payments from general obligation and lease rental payment appropriation items during the period from July 1, 2009, to June 30, 2011, relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 2n, 2o, 2p, 2q, and 15 of Article VIII, Ohio Constitution, and Chapters 151. and 154. of the Revised Code. Payments shall be made upon certification by the Treasurer of State, Officer of the Sinking Fund, of the dates and amounts due on those dates.

Section 380. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS

The Office of Budget and Management shall process payments from lease rental payment appropriation items during the period from July 1, 2009, to June 30, 2011, pursuant to the lease agreements entered into relating to bonds or notes issued under Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of the Revised Code. Payments shall be made upon certification by the Ohio Building Authority of the dates and the amounts due on those dates.

Section 385. STATE AND LOCAL REBATE AUTHORIZATION

There is hereby appropriated, from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations, amounts computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations pursuant to section 148(f) of the Internal Revenue Code.

Rebate payments shall be approved and vouchered by the Office of Budget and Management.

Section 390. APPROPRIATIONS RELATED TO CASH TRANSFERS AND REESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management as provided by section 126.15 of the Revised Code is appropriated. Any amounts necessary to reestablish appropriations or encumbrances as provided in section 126.15 of the Revised Code are hereby appropriated.

Section 395. FEDERAL CASH MANAGEMENT IMPROVEMENT

ACT

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and reestablish all or parts of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to reestablish all or parts of encumbrances are hereby appropriated.

Section 400. STATEWIDE INDIRECT COST RECOVERY

Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs pursuant to section 126.12 of the Revised Code, the amount required for such purpose is appropriated from the available receipts of such fund.

Section 405. GRF TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT COST ALLOCATION PLAN

The total transfers made from the General Revenue Fund by the Director of Budget and Management under this section shall not exceed the amounts transferred into the General Revenue Fund pursuant to section 126.12 of the Revised Code.

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared pursuant to section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

Section 410. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS

An unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of a fiscal year is reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the following period and shall remain available only for the purpose of discharging the encumbrance:

(A) For an encumbrance for personal services, maintenance, equipment, or items for resale, other than an encumbrance for an item of special order

manufacture not available on term contract or in the open market or for reclamation of land or oil and gas wells for a period of not more than five months from the end of the fiscal year;

(B) For an encumbrance for an item of special order manufacture not available on term contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(C) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended or for a period of two years, whichever is less;

(D) For an encumbrance for any other expense, for such period as the director approves, provided such period does not exceed two years.

Any operating appropriations for which unexpended balances are reappropriated beyond a five-month period from the end of the fiscal year by division (B) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report on each such item shall include the item, the cost of the item, and the name of the vendor. This report to the board shall be updated on a quarterly basis for encumbrances remaining open.

Upon the expiration of the reappropriation period set out in division (A), (B), (C), or (D) of this section, a reappropriation made by this section lapses, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

Notwithstanding the preceding paragraph, with the approval of the Director of Budget and Management, an unexpended balance of an encumbrance that was reappropriated on the first day of July by this section for a period specified in division (C) or (D) of this section and that remains encumbered at the close of the fiscal biennium is hereby reappropriated on the first day of July of the following fiscal biennium from the fund from which it was originally appropriated or reappropriated for the applicable period specified in division (C) or (D) of this section and shall remain available only for the purpose of discharging the encumbrance.

The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as reestablishing encumbrances or appropriations canceled in error, during the cancellation of operating encumbrances in November and of nonoperating encumbrances in December.

If the Controlling Board approved a purchase, that approval remains in effect as long as the appropriation used to make that purchase remains encumbered.

Section 415. FEDERAL GOVERNMENT INTEREST REQUIREMENTS

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared pursuant to division (A) of section 126.12 of the Revised Code, may designate such funds as the director considers necessary to retain their own interest earnings.

Section 420. FEDERAL STABILIZATION APPROPRIATIONS

There is hereby appropriated in anticipation of receiving federal stabilization funds from the American Recovery and Reinvestment Act, Title XIV for the following items:

(A) Board of Regents appropriation item 235644, State Share of Instruction - Federal Stimulus – Education, \$5,959,116;

(B) Department of Education appropriation item 200551 Foundation Funding - Federal Stimulus, \$7,453,537; and

(C) Department of Rehabilitation and Corrections appropriation item 501620 Institutional Operations-Federal Stimulus, \$638,881.

Section 425. NEGATIVE CASH BALANCES

Notwithstanding the provisions of section 126.06 of the Revised Code or any other provision of law to the contrary, for the period July 1, 2009, through June 30, 2011, the Director of Budget and Management may allow the negative cash balance of the General Revenue Fund to exceed ten per cent of the total revenue of the General Revenue Fund in the preceding fiscal year.

Section 430. TRANSFERS TO THE BUDGET STABILIZATION FUND AND INCOME TAX REDUCTION FUND

Notwithstanding section 131.44 of the Revised Code or any other provision of law to the contrary, for the period July 1, 2009, through June 30, 2011, the Director of Budget and Management shall determine what, if any, surplus revenue exists in each preceding fiscal year. If the Director determines that insufficient revenues exist or that transfers to the budget stabilization fund or the income tax reduction fund are impracticable, the Director shall not be required to transfer from the General Revenue Fund the unencumbered balance on the preceding thirtieth day of June in excess of one-half of one per cent of the General Revenue Fund revenues in the preceding fiscal year to the budget stabilization fund or the income tax reduction fund."

In line 606, delete "**230**" and insert "**803.10**"

In line 610, delete "**301**" and insert "**805.10**"

In line 617, delete "**401**" and insert "**807.10**"

In line 621, delete "**501**" and insert "**809.10**"

In line 627, delete "**503**" and insert "**809.12**"

In line 1 of the title, after "sections" insert "124.15, 124.18, 124.181, 124.34, 124.385, 124.392, 126.05,"

In line 2 of the title, after "Code" insert "to make certain reductions in state employee benefits,"

In line 3 of the title, after the comma insert "to make operating appropriations for the period beginning July 1, 2009, and ending July 7, 2009, to authorize transfers from the Budget Stabilization Fund in fiscal year 2009, to make certain non-General Revenue Fund appropriations for fiscal year 2010, to make debt service appropriations for the FY 2010-FY 2011 biennium,"

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

The question recurred, "Shall the bill, **Sub. H. B. No. 16**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 0, as follows:

Those who voted in the affirmative were: Senators

Buehrer	Cafaro	Carey	Cates
Coughlin	Faber	Fedor	Gibbs
Gillmor	Goodman	Grendell	Hughes
Husted	Kearney	Miller D	Miller R
Morano	Niehaus	Patton	Sawyer
Schaffer	Schiavoni	Schuring	Seitz
Smith	Stewart	Strahorn	Turner
Wagoner	Widener	Wilson	Harris-32.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Buehrer moved to amend the title as follows:

Add the names: "Gillmor, Harris."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 150-Senator Cates.

Cosponsors: Senators Buehrer, Gibbs, Seitz, Schaffer, Patton, Schuring, Husted.

To amend sections 9.63, 311.07, and 341.21 of the Revised Code to provide that a board of county commissioners may direct a sheriff to take custody of persons who are being detained for deportation or who are charged with civil violations of immigration law and to expressly authorize state and local employees and county sheriffs to render assistance to federal immigration officials in the investigation and enforcement of federal immigration law.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 78-Senator Cates.

Honoring the Ross High School softball team as the 2009 Division II State Champion.

S. R. No. 79-Senator Buehrer.

Honoring The University of Findlay men's basketball team on winning the 2009 NCAA Division II National Championship.

S. R. No. 80-Senator Schaffer.

Honoring the Lakewood High School softball team on winning the 2009 Division III State Championship.

The question being, "Shall the resolutions listed under the President's prerogative be adopted?"

So the resolutions were adopted.

On the motion of Senator Niehaus, the Senate adjourned until Tuesday, June 30, 2009 at 1:30 p.m.

Attest:

VINCENT L. KEERAN,
Clerk.