



Ohio Legislative Service Commission

Bill Analysis

Daniel M. DeSantis

Sub. H.B. 162

129th General Assembly
(As Passed by the House)

Reps. Stebelton and Bubb, J. Adams, Antonio, Barnes, Blessing, Butler, Carey, Combs, Derickson, Dovilla, Fende, Murray, Newbold, Pillich, Rosenberger, Martin, Fedor, C. Hagan, Landis, Milkovich, Yuko, R. Adams, Amstutz, Anielski, Ashford, Baker, Balderson, Beck, Blair, Boose, Brenner, Buchy, Carney, Celeste, Clyde, Conditt, Damschroder, DeGeeter, Driehaus, Gardner, Garland, Gentile, Gerberry, Goodwin, Goyal, Hackett, R. Hagan, Hall, Hayes, Heard, Henne, Hottinger, Huffman, Johnson, Kozlowski, Letson, Lundy, Maag, Mallory, McClain, McKenney, Mecklenborg, O'Brien, Patmon, Peterson, Phillips, Reece, Roegner, Ruhl, Sears, Slaby, Slesnick, Sprague, Stautberg, Stinziano, Sykes, Szollosi, Thompson, Uecker, Weddington, Winburn, Young, Batchelder

BILL SUMMARY

- Eliminates the requirement that a veteran be a resident of Ohio to qualify to receive the veterans preference on civil service examinations.
- Entitles a member of the armed forces whose trade or professional license or certificate has expired in defined circumstances to renewal of the license or certificate at the usual cost, without penalty, and without re-examination, so long as the member is not otherwise disqualified.
- Entitles an individual whose spouse is on active military duty in the state to a temporary license or certificate to practice the individual's trade or profession in the state so long as the individual meets defined conditions, and submits to and is not disqualified by a criminal records check.
- Requires state and political subdivision agencies and private state contractors to consider relevant education, training, or service completed by an individual as a member of the armed forces toward the qualifications required to receive a license or certificate.
- Authorizes an education program, which has been approved by a state or political subdivision agency or private state contractor, to grant advanced standing to an

individual who served in the armed forces for the individual's military experience and coursework.

CONTENT AND OPERATION

Civil service examination – veterans preference

(R.C. 124.23)

The bill maintains the civil service examination veterans preference as described below, but eliminates the requirement that a veteran be a resident of Ohio to qualify to receive the veterans preference.

The Civil Service Law generally requires that classified employees be hired and promoted through examinations. An examination can include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness and can contain different, appropriate formats. Generally, all examinations must be public, within certain limitations to be determined by the Director of Administrative Services. The Director must give reasonable notice of every competitive examination for appointment to a civil service position.

Under current law, any person who has completed service in the uniformed services,¹ who has been honorably discharged from the uniformed services or transferred to the reserves with evidence of satisfactory service, and who is a resident of Ohio, and any member of the National Guard or a reserve component of the United States Armed Forces who has completed more than 180 days of active duty service pursuant to an executive order of the President or an act of Congress, can file with the Director a certificate of service or honorable discharge, and, upon this filing, the person is entitled to additional credit of 20% of the person's total grade given in the regular examination in which the person receives a passing grade.

¹ "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes: active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person's employment for the purpose of performing certain funeral honors duty. "Uniformed services" means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency. Uniformed Services Employment and Reemployment Rights Act of 1994, 108 Stat. 3149, 38 U.S.C. 4303.

Licensing and certification rights to service members and spouses

(R.C. 5903.10)

The bill entitles the holder of an expired trade or professional license or certificate from the state or any political subdivision or agency of the state, to be granted a renewal of the license or certificate at the usual cost, without penalty, and without re-examination, if the license holder is not otherwise disqualified, so long as either of the following circumstances apply:

(1) The license or certificate was not renewed because of the license or certificate holder's service in the armed forces of the United States, or in the National Guard or in a reserve component; or

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

In order to be granted the renewal, the license or certificate holder or the holder's spouse, as the case may be, must present satisfactory evidence of the service member's honorable discharge, or general discharge under honorable conditions, within six months after the discharge or reassignment.

Temporary license for spouse of service member

(R.C. 5903.101)

The bill authorizes an agency of the state or of any political subdivision of the state that issues a license or certificate to practice a trade or profession to issue a temporary license or certificate to practice to an individual whose spouse is on active duty in the state. The following conditions must be met in order for an agency to issue such a temporary license:

(1) The individual holds a valid license or certificate for the trade or profession issued by another state or by any foreign jurisdiction;

(2) The individual's spouse is assigned to a duty station in the state; and

(3) The individual is accompanying the individual's spouse to the duty station in this state.

Such a temporary license or certificate expires six months after the date it was issued and is not renewable.

Application for or receipt of a temporary license or certificate does not preclude the individual from acquiring a regular license or certificate by means of the standard process for doing so.

Criminal records check

The bill requires the agency to obtain a criminal records check of an individual who applies for a temporary license or certificate. The agency must provide the individual with the form that the individual must complete to enable the criminal records check, together with a standard fingerprint impression sheet. The individual must complete the form and fingerprint impression sheet and return them to the agency. The agency then must forward the completed form and impression sheet to the Superintendent of the Bureau of Criminal Identification and Investigation (BCII), and must request the Superintendent as part of the criminal records check also to obtain information from the FBI, including fingerprint-based checks of the National Crime Information Databases, and from other states and the federal government under the National Crime Prevention Privacy Compact. Upon receiving the form and impression sheet, the Superintendent must conduct a criminal records check to determine whether any information exists that indicates that the individual previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of the state, any other state, or the United States. The Superintendent must report the findings of the criminal records check and any information the FBI provides to the agency. The agency must review the results of the criminal records check.

If the individual fails to complete and return the criminal records check form and fingerprint impression sheet within a reasonable time, the individual is ineligible to receive the temporary license or certificate.

The agency must pay the fee BCII charges for the criminal records check. The individual must reimburse the agency for the amount of the fee that was paid to BCII on the individual's behalf. If the individual fails to reimburse the agency, the individual is ineligible to receive the temporary license or certificate.

The report of a criminal records check is not a public record that is open to public inspection and copying. The agency is prohibited from making the report available to any person except the individual who was the subject of the criminal records check or any court or agency, including a hearing examiner, in a judicial or administrative proceeding relating to the individual's application for the license or certificate.

Military experience recognized toward licensing and certification requirements

(R.C. 5903.102)

The bill generally requires any agency of the state and any agency of any political subdivision of the state, or a private state contractor, authorized by the Revised Code to grant a licensure or certification, upon presentation of satisfactory evidence, to consider relevant education, training, or service completed by an individual as a member of the United States armed forces or reserve components thereof, the national guard of any state, the military reserve of any state, or the naval militia of any state toward the qualifications required to receive the licensure or certification.

If an individual is required to successfully complete specific training or education authorized by a state or nationally accredited entity as a prerequisite for obtaining a state license or certification and the state or nationally accredited entity accepts relevant military education, service, or training to fulfill part or all of those requirements, the agency or private state contractor has met the duty described above upon receiving proof by the individual of completion of the specific training or education authorized by a state or nationally accredited entity.

Additionally, the bill permits an education program, which has been approved by an agency or private state contractor, to grant advanced standing to an individual who served in the United States armed forces or the reserve components thereof, the national guard of any state, the military reserve of any state, or the naval militia of any state for the individual's prior relevant military experience and coursework, in accordance with (1) the education program's specific written policies and procedures and (2) rules promulgated by the appropriate governmental unit or contractor that permit granting advanced standing in those education programs. If applicable, the advanced standing must be applied to the individual's status toward completion of an education program if the individual satisfies all of the program requirements adopted under the appropriate governmental unit's or contractor's rules.

Additionally, if, within six months before or after discharge, an individual otherwise qualified to receive a licensure or certification presents satisfactory evidence of honorable discharge or general discharge under honorable conditions, the agency or private state contractor issuing the licensure or certification must waive any licensure or certification fee.

HISTORY

ACTION	DATE
Introduced	03-15-11
Reported, H. Veterans Affairs	06-09-11
Passed House (96-0)	06-23-11

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