

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**H. B. No. 187**

**Representatives Buehrer, Uecker, Hagan, Gilb, Martin, D. Evans, Aslanides,  
Seaver, Schaffer**

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**A B I L L**

To amend sections 9.84, 119.12, 124.03, 124.04, 1  
124.07, 124.11, 124.134, 124.14, 124.21, 124.22, 2  
124.23, 124.26, 124.27, 124.271, 124.30, 124.31, 3  
124.32, 124.321, 124.322, 124.323, 124.324, 4  
124.326, 124.327, 124.34, 124.341, 124.38, 5  
124.383, 124.384, 124.385, 124.386, 124.388, 6  
124.40, 124.43, 124.44, 124.45, 124.46, 124.48, 7  
302.202, 325.19, 329.02, 1513.03, 1513.34, 8  
4111.03, 4112.01, 5107.52, 5119.09, and 5155.03, 9  
to enact sections 124.12 and 124.141, and to 10  
repeal section 124.311 of the Revised Code to 11  
implement recommendations of the Civil Service 12  
Review Commission. 13

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

**Section 1.** That sections 9.84, 119.12, 124.03, 124.04, 14  
124.07, 124.11, 124.134, 124.14, 124.21, 124.22, 124.23, 124.26, 15  
124.27, 124.271, 124.30, 124.31, 124.32, 124.321, 124.322, 16  
124.323, 124.324, 124.326, 124.327, 124.34, 124.341, 124.38, 17  
124.383, 124.384, 124.385, 124.386, 124.388, 124.40, 124.43, 18  
124.44, 124.45, 124.46, 124.48, 302.202, 325.19, 329.02, 1513.03, 19  
1513.34, 4111.03, 4112.01, 5107.52, 5119.09, and 5155.03 be 20

amended and sections 124.12 and 124.141 of the Revised Code be 21  
enacted to read as follows: 22

**Sec. 9.84.** ~~Any~~ Except as otherwise provided in this section, 23  
any person appearing as a witness before any public official, 24  
department, board, bureau, commission, or agency, or any 25  
representative ~~thereof~~ of a public official, department, board, 26  
bureau, commission, or agency, in any administrative or executive 27  
proceeding or investigation, public or private, if ~~he~~ the witness 28  
so requests, shall be permitted to be accompanied, represented, 29  
and advised by an attorney, whose participation ~~in the hearing~~ 30  
shall be limited to the protection of the rights of the witness, 31  
and who may not examine or cross-examine witnesses, ~~and the.~~ The 32  
witness shall be advised of ~~his~~ the right to counsel before ~~he~~ the 33  
witness is interrogated. This section ~~shall~~ does not apply to 34  
proceedings before a grand jury or to an employee of an appointing 35  
authority, as defined in section 124.01 of the Revised Code, who 36  
appears only as a witness in an employment interview, 37  
investigation, or proceeding conducted by or for the appointing 38  
authority. 39

**Sec. 119.12.** Any party adversely affected by any order of an 40  
agency issued pursuant to an adjudication denying an applicant 41  
admission to an examination, or denying the issuance or renewal of 42  
a license or registration of a licensee, or revoking or suspending 43  
a license, or allowing the payment of a forfeiture under section 44  
4301.252 of the Revised Code, may appeal from the order of the 45  
agency to the court of common pleas of the county in which the 46  
place of business of the licensee is located or the county in 47  
which the licensee is a resident, except that appeals from 48  
decisions of the liquor control commission, the state medical 49  
board, state chiropractic board, and board of nursing shall be to 50

the court of common pleas of Franklin county. If any ~~such~~ party 51  
appealing from the order is not a resident of and has no place of 52  
business in this state, the party may appeal to the court of 53  
common pleas of Franklin county. 54

Any party adversely affected by any order of an agency issued 55  
pursuant to any other adjudication may appeal to the court of 56  
common pleas of Franklin county, except that appeals from orders 57  
of the fire marshal issued under Chapter 3737. of the Revised Code 58  
may be to the court of common pleas of the county in which the 59  
building of the aggrieved person is located and except that 60  
appeals under division (B) of section 124.34 of the Revised Code 61  
from a decision of the state personnel board of review or a 62  
municipal or civil service township civil service commission shall 63  
be taken to the court of common pleas of the county in which the 64  
appointing authority is located or, in the case of an appeal by 65  
the department of rehabilitation and correction, to the court of 66  
common pleas of Franklin county. 67

This section does not apply to appeals from the department of 68  
taxation. 69

Any party desiring to appeal shall file a notice of appeal 70  
with the agency setting forth the order appealed from and the 71  
grounds of the party's appeal. A copy of ~~such~~ the notice of appeal 72  
shall also be filed by the appellant with the court. Unless 73  
otherwise provided by law relating to a particular agency, ~~such~~ 74  
notices of appeal shall be filed within fifteen days after the 75  
mailing of the notice of the agency's order as provided in this 76  
section. For purposes of this paragraph, an order includes a 77  
determination appealed pursuant to division (C) of section 119.092 78  
of the Revised Code. 79

The filing of a notice of appeal shall not automatically 80  
operate as a suspension of the order of an agency. If it appears 81  
to the court that an unusual hardship to the appellant will result 82

from the execution of the agency's order pending determination of  
the appeal, the court may grant a suspension and fix its terms. If  
an appeal is taken from the judgment of the court and the court  
has previously granted a suspension of the agency's order as  
provided in this section, ~~such~~ the suspension of the agency's  
order shall not be vacated and shall be given full force and  
effect until the matter is finally adjudicated. No renewal of a  
license or permit shall be denied by reason of ~~such~~ the suspended  
order during the period of the appeal from the decision of the  
court of common pleas. In the case of an appeal from the state  
medical board or state chiropractic board, the court may grant a  
suspension and fix its terms if it appears to the court that an  
unusual hardship to the appellant will result from the execution  
of the agency's order pending determination of the appeal and the  
health, safety, and welfare of the public will not be threatened  
by suspension of the order. This provision shall not be construed  
to limit the factors the court may consider in determining whether  
to suspend an order of any other agency pending determination of  
an appeal.

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The final order of adjudication may apply to any renewal of a  
license or permit which has been granted during the period of the  
appeal.

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Notwithstanding any other provision of this section, any  
order issued by a court of common pleas or a court of appeals  
suspending the effect of an order of the liquor control commission  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that  
suspends, revokes, or cancels a permit issued under Chapter 4303.  
of the Revised Code, or that allows the payment of a forfeiture  
under section 4301.252 of the Revised Code, shall terminate not  
more than six months after the date of the filing of the record of  
the liquor control commission with the clerk of the court of  
common pleas and shall not be extended. The court of common pleas,

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or the court of appeals on appeal, shall render a judgment in that 115  
matter within six months after the date of the filing of the 116  
record of the liquor control commission with the clerk of the 117  
court of common pleas. A court of appeals shall not issue an order 118  
suspending the effect of an order of the liquor control commission 119  
that extends beyond six months after the date on which the record 120  
of the liquor control commission is filed with a court of common 121  
pleas. 122

Notwithstanding any other provision of this section, any 123  
order issued by a court of common pleas suspending the effect of 124  
an order of the state medical board or state chiropractic board 125  
that limits, revokes, suspends, places on probation, or refuses to 126  
register or reinstate a certificate issued by the board or 127  
reprimands the holder of ~~such a~~ the certificate shall terminate 128  
not more than fifteen months after the date of the filing of a 129  
notice of appeal in the court of common pleas, or upon the 130  
rendering of a final decision or order in the appeal by the court 131  
of common pleas, whichever occurs first. 132

Within thirty days after receipt of a notice of appeal from 133  
an order in any case in which a hearing is required by sections 134  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 135  
certify to the court a complete record of the proceedings in the 136  
case. Failure of the agency to comply within the time allowed, 137  
upon motion, shall cause the court to enter a finding in favor of 138  
the party adversely affected. Additional time, however, may be 139  
granted by the court, not to exceed thirty days, when it is shown 140  
that the agency has made substantial effort to comply. ~~Such~~ The 141  
record shall be prepared and transcribed, and the expense of it 142  
shall be taxed as a part of the costs on the appeal. The appellant 143  
shall provide security for costs satisfactory to the court of 144  
common pleas. Upon demand by any interested party, the agency 145  
shall furnish at the cost of the party requesting it a copy of the 146

stenographic report of testimony offered and evidence submitted at 147  
any hearing and a copy of the complete record. 148

Notwithstanding any other provision of this section, any 149  
party desiring to appeal an order or decision of the state 150  
personnel board of review shall, at the time of filing a notice of 151  
appeal with the board, provide a security deposit in an amount and 152  
manner prescribed in rules that the board shall adopt in 153  
accordance with this chapter. In addition, the board is not 154  
required to prepare or transcribe the record of any of its 155  
proceedings unless the appellant has provided the deposit 156  
described above. The failure of the board to prepare or transcribe 157  
a record for an appellant who has not provided a security deposit 158  
shall not cause a court to enter a finding adverse to the board. 159

Unless otherwise provided by law, in the hearing of the 160  
appeal, the court is confined to the record as certified to it by 161  
the agency. Unless otherwise provided by law, the court may grant 162  
a request for the admission of additional evidence when satisfied 163  
that ~~such~~ the additional evidence is newly discovered and could 164  
not with reasonable diligence have been ascertained prior to the 165  
hearing before the agency. 166

The court shall conduct a hearing on ~~such~~ the appeal and 167  
shall give preference to all proceedings under sections 119.01 to 168  
119.13 of the Revised Code, over all other civil cases, 169  
irrespective of the position of the proceedings on the calendar of 170  
the court. An appeal from an order of the state medical board 171  
issued pursuant to division (G) of either section 4730.25 or 172  
4731.22 of the Revised Code, or the state chiropractic board 173  
issued pursuant to section 4734.37 of the Revised Code, or the 174  
liquor control commission issued pursuant to Chapter 4301. or 175  
4303. of the Revised Code shall be set down for hearing at the 176  
earliest possible time and takes precedence over all other 177  
actions. The hearing in the court of common pleas shall proceed as 178

in the trial of a civil action, and the court shall determine the 179  
rights of the parties in accordance with the laws applicable to 180  
~~such a civil~~ action. At ~~such the~~ hearing, counsel may be heard on 181  
oral argument, briefs may be submitted, and evidence may be 182  
introduced if the court has granted a request for the presentation 183  
of additional evidence. 184

The court may affirm the order of the agency complained of in 185  
the appeal if it finds, upon consideration of the entire record 186  
and ~~such any~~ additional evidence ~~as~~ the court has admitted, that 187  
the order is supported by reliable, probative, and substantial 188  
evidence and is in accordance with law. In the absence of ~~such a~~ 189  
this finding, it may reverse, vacate, or modify the order or make 190  
such other ruling as is supported by reliable, probative, and 191  
substantial evidence and is in accordance with law. The court 192  
shall award compensation for fees in accordance with section 193  
2335.39 of the Revised Code to a prevailing party, other than an 194  
agency, in an appeal filed pursuant to this section. 195

The judgment of the court shall be final and conclusive 196  
unless reversed, vacated, or modified on appeal. ~~Such~~ These 197  
appeals may be taken either by the party or the agency, shall 198  
proceed as in the case of appeals in civil actions, and shall be 199  
pursuant to the Rules of Appellate Procedure and, to the extent 200  
not in conflict with those rules, Chapter 2505. of the Revised 201  
Code. ~~Such An~~ appeal by the agency shall be taken on questions of 202  
law relating to the constitutionality, construction, or 203  
interpretation of statutes and rules of the agency, and, in ~~such~~ 204  
the appeal, the court may also review and determine the 205  
correctness of the judgment of the court of common pleas that the 206  
order of the agency is not supported by any reliable, probative, 207  
and substantial evidence in the entire record. 208

The court shall certify its judgment to ~~such the~~ agency or 209  
take ~~such any~~ other action necessary to give its judgment effect. 210

Sec. 124.03. (A) The state personnel board of review shall 211  
exercise the following powers and perform the following duties: 212

~~(A)(1)~~ Hear appeals, as provided by law, of employees in the 213  
classified state service from final decisions of appointing 214  
authorities or the director of administrative services relative to 215  
reduction in pay or position, job abolishments, layoff, 216  
suspension, discharge, assignment or reassignment to a new or 217  
different position classification, or refusal of the director, or 218  
anybody authorized to perform the director's functions, to 219  
reassign an employee to another classification or to reclassify 220  
the employee's position with or without a job audit under division 221  
(D) of section 124.14 of the Revised Code. As used in this 222  
division, "discharge" includes disability separations. 223

The board may affirm, disaffirm, or modify the decisions of 224  
the appointing authorities or the director, as the case may be, 225  
and its decision is final. The board's decisions shall be 226  
consistent with the applicable classification specifications. 227

The board shall not be deprived of jurisdiction to hear any 228  
appeal due to the failure of an appointing authority to file its 229  
decision with the board. Any final decision of an appointing 230  
authority or of the director not filed in the manner provided in 231  
this chapter shall be disaffirmed. 232

The board may place an exempt employee, as defined in section 233  
124.152 of the Revised Code, into a bargaining unit 234  
classification, if the board determines that the bargaining unit 235  
classification is the proper classification for that employee. 236  
Notwithstanding Chapter 4117. of the Revised Code or instruments 237  
and contracts negotiated under it, such placements are at the 238  
board's discretion. 239

The mere failure of an employee's appointing authority to 240

file a statement with the department of administrative services 241  
indicating that the employee is in the unclassified civil service, 242  
or the mere late filing of such a statement, does not prevent the 243  
board from determining that the employee is in the unclassified 244  
civil service. In determining whether an employee is in the 245  
unclassified civil service, the board shall consider the inherent 246  
nature of the duties of the employee's classification during the 247  
two-year period immediately preceding the appointing authority's 248  
appealable action relating to the employee. 249

In any hearing before the board, including any hearing at 250  
which a record is taken that may be the basis of an appeal to a 251  
court, an employee may be represented by a person permitted to 252  
practice before the board who is not an attorney at law as long as 253  
the person does not receive any compensation from the employee for 254  
the representation. 255

~~(B)~~(2) Hear appeals, as provided by law, of appointing 256  
authorities from final decisions of the director relative to the 257  
classification or reclassification of any position in the 258  
classified state service under the jurisdiction of that appointing 259  
authority. The board may affirm, disaffirm, or modify the 260  
decisions of the director, and its decision is final. The board's 261  
decisions shall be consistent with the applicable classification 262  
specifications. 263

~~(C)~~(3) Exercise the authority provided by section 124.40 of 264  
the Revised Code, for appointment, removal, and supervision of 265  
municipal and civil service township civil service commissions; 266

~~(D)~~(4) Appoint a secretary, referees, examiners, and whatever 267  
other employees are necessary in the exercise of its powers and 268  
performance of its duties and functions. The board shall determine 269  
appropriate education and experience requirements for its 270  
secretary, referees, examiners, and other employees and shall 271

prescribe their duties. A referee or examiner does not need to 272  
have been admitted to the practice of law. 273

~~(E)~~(5) Maintain a journal that shall be open to public 274  
inspection, in which it shall keep a record of all of its 275  
proceedings and of the vote of each of its members upon every 276  
action taken by it; 277

~~(F)~~(6) Adopt rules in accordance with Chapter 119. of the 278  
Revised Code relating to the procedure of the board in 279  
administering the laws it has the authority or duty to administer 280  
and for the purpose of invoking the jurisdiction of the board in 281  
hearing appeals of appointing authorities and employees in matters 282  
set forth in divisions (A)(1) and ~~(B)~~(2) of this section; 283

~~(G)~~(7) Subpoena and require the attendance and testimony of 284  
witnesses and the production of books, papers, public records, and 285  
other documentary evidence pertinent to any matter it has 286  
authority to investigate, inquire into, or hear in the same manner 287  
and to the same extent as provided by division (G) of section 288  
124.09 of the Revised Code. All witness fees shall be paid in the 289  
manner set forth in that division. 290

~~(H)~~(B) The board shall be funded by general revenue fund 291  
appropriations. All moneys received by the board for copies of 292  
documents, rule books, and transcriptions shall be paid into the 293  
state treasury to the credit of the transcript and other documents 294  
fund, which is hereby created to defray the cost of producing an 295  
administrative record. 296

**Sec. 124.04.** In addition to those powers enumerated in 297  
Chapters 123. and 125. of the Revised Code and as provided 298  
elsewhere by law, the powers, duties, and functions of the 299  
department of administrative services not specifically vested in 300  
and assigned to, or to be performed by, the state personnel board 301  
of review are hereby vested in and assigned to, and shall be 302

performed by, the director of administrative services. These 303  
powers, duties, and functions shall include, but shall not be 304  
limited to, the following powers, duties, and functions: 305

(A) To prepare, conduct, and grade all competitive 306  
examinations for positions in the classified state service; 307

(B) To prepare, conduct, and grade all noncompetitive 308  
examinations for positions in the classified state service; 309

(C) To prepare eligible lists containing the names of persons 310  
qualified for appointment to positions in the classified state 311  
service; 312

(D) To prepare or amend, in accordance with section 124.14 of 313  
the Revised Code, specifications descriptive of duties, 314  
responsibilities, requirements, and desirable qualifications of 315  
the various classifications of positions in the state service; 316

(E) To allocate and reallocate, upon the motion of the 317  
director or upon request of an appointing authority and in 318  
accordance with section 124.14 of the Revised Code, any position, 319  
office, or employment in the state service to the appropriate 320  
classification on the basis of the duties, responsibilities, 321  
requirements, and qualifications of that position, office, or 322  
employment; 323

(F) To develop and conduct personnel recruitment services for 324  
positions in the state service; 325

(G) To conduct research on specifications, classifications, 326  
and salaries of positions in the state service; 327

(H) To develop and conduct personnel training programs, 328  
including supervisory training programs and best practices plans, 329  
and to develop merit hiring processes, in cooperation with 330  
appointing authorities; 331

(I) To include periodically in communications sent to state 332

employees both of the following:	333
(1) Information developed under section 2108.15 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	334 335 336
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	337 338 339
(J) To enter into agreements with universities and colleges for in-service training of <del>personnel</del> <u>officers and employees</u> in the civil service <u>and to assist appointing authorities in recruiting qualified applicants;</u>	340 341 342 343
(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees;	344 345 346 347 348
(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the state classified service and assignment or reassignment of employees in the state classified service to specific position classifications;	349 350 351 352 353 354
(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary;	355 356 357 358
(N) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any political subdivision with the concurrence of the legislative authority of the political subdivision.	359 360 361 362

Sec. 124.07. The director of administrative services shall 363  
appoint ~~such~~ examiners, inspectors, clerks, and other assistants 364  
as ~~are~~ necessary to carry out sections 124.01 to 124.64 of the 365  
Revised Code. The director may designate persons in or out of the 366  
official service of the state to serve as examiners or assistants 367  
under the director's direction. An examiner or assistant shall 368  
receive such compensation for each day actually and necessarily 369  
spent in the discharge of duties as an examiner or assistant as is 370  
determined by the director; provided~~7~~ that~~7~~ if any ~~such~~ examiner 371  
or assistant is in the official service of the state or any 372  
political subdivision of the state, it shall be a part of the 373  
examiner's or assistant's official duties to render such services 374  
in connection with such examination without extra compensation. 375

Each state agency ~~and state-supported college and university~~ 376  
shall pay the cost of the services and facilities furnished to it 377  
by the department of administrative services that are necessary to 378  
provide and maintain payroll services as prescribed in section 379  
125.21 of the Revised Code and state merit standards as prescribed 380  
in sections 124.01 to 124.64 of the Revised Code for the agency~~7~~ 381  
~~college, or university~~. If a state-supported college or university 382  
or a municipal corporation chooses to use the services and 383  
facilities furnished by the department that are necessary to 384  
provide and maintain the services and standards so prescribed, the 385  
state-supported college or university or municipal corporation 386  
shall pay the cost of the services and facilities that the 387  
department furnishes to it. ~~Such~~ The charges against a state 388  
agency, ~~state~~ state-supported college or university, or municipal 389  
corporation shall be computed on a reasonable cost basis in 390  
accordance with procedures prescribed by the director of budget 391  
and management. Any moneys the department of administrative 392  
services receives from any such state agency, state-supported 393  
college~~7~~ or university, or municipal corporation which are in 394

excess of the amount necessary to pay the cost of furnishing ~~such~~ 395  
those services and facilities during any fiscal year shall be 396  
either refunded to or credited for the ensuing fiscal year to the 397  
state agency, state-supported college, or university, or municipal 398  
corporation that contributed the excess moneys. 399

The director of administrative services may enter into an 400  
agreement with any municipal corporation or other political 401  
subdivision to furnish services and facilities of the department 402  
of administrative services in the administration of its merit 403  
program. ~~Such~~ The agreement shall provide that the department 404  
shall be reimbursed for the reasonable costs of ~~such~~ those 405  
services and facilities as determined by the director. 406

All moneys received by the department of administrative 407  
services as reimbursement for payroll and merit program services 408  
performed and facilities furnished shall be paid into the state 409  
treasury to the credit of the human resources services fund, which 410  
is hereby created. 411

In counties of the state in which are located cities having 412  
municipal civil service commissions, the director may designate 413  
the municipal civil service commission of the largest city within 414  
~~such~~ the county as the director's agent for the purpose of 415  
carrying out ~~such~~ provisions of sections 124.01 to 124.64 of the 416  
Revised Code, within ~~such~~ those counties, as the director 417  
designates. Each municipal civil service commission designated as 418  
the agent of the director shall, at the end of each month, render 419  
an itemized statement to the director of the cost incurred by ~~such~~ 420  
the commission for work done as the agent of the director, and the 421  
director shall, after approving ~~such~~ the statement, pay the total 422  
amount of it to the treasurer of ~~such~~ the municipal corporation in 423  
the same manner as other expenses of the department of 424  
administrative services. 425

The director, examiners, inspectors, clerks, and assistants 426

shall, in addition to their salaries, receive reimbursement for 427  
~~such~~ necessary traveling and other expenses ~~as are~~ incurred in the 428  
actual discharge of their official duties. The director may also 429  
incur the necessary expenses for stationery, printing, and other 430  
supplies incident to the business of the department of 431  
administrative services. 432

**Sec. 124.11.** The civil service of the state and the several 433  
counties, cities, civil service townships, city health districts, 434  
general health districts, and city school districts ~~thereof~~ of the 435  
state shall be divided into the unclassified service and the 436  
classified service. 437

(A) The unclassified service shall comprise the following 438  
positions, which shall not be included in the classified service, 439  
and which shall be exempt from all examinations required by this 440  
chapter: 441

(1) All officers elected by popular vote or persons appointed 442  
to fill vacancies in such offices; 443

(2) All election officers as defined in section 3501.01 of 444  
the Revised Code; 445

(3)(a) The members of all boards and commissions, and heads 446  
of principal departments, boards, and commissions appointed by the 447  
governor or by and with the governor's consent; ~~and the~~ 448

(b) The heads of all departments appointed by a board of 449  
county commissioners; 450

(c) The members of all boards and commissions and all heads 451  
of departments appointed by the mayor, or, if there is no mayor, 452  
such other similar chief appointing authority of any city or city 453  
school district; ~~except.~~ 454

Except as otherwise provided in division (A)(17) or (C) of 455  
this section, this chapter does not exempt the chiefs of police 456

departments and chiefs of fire departments of cities or civil 457  
service townships from the competitive classified service+. 458

(4) The members of county or district licensing boards or 459  
commissions and boards of revision, and not more than five deputy 460  
county auditors; 461

(5) All officers and employees elected or appointed by either 462  
or both branches of the general assembly, and ~~such~~ employees of 463  
the city legislative authority ~~as are~~ engaged in legislative 464  
duties; 465

(6) All commissioned, warrant, and noncommissioned officers 466  
and enlisted persons in the Ohio organized militia, including 467  
military appointees in the adjutant general's department; 468

(7)(a) All presidents, business managers, administrative 469  
officers, superintendents, assistant superintendents, principals, 470  
deans, assistant deans, instructors, teachers, and such employees 471  
as are engaged in educational or research duties connected with 472  
the public school system, colleges, and universities, as 473  
determined by the governing body of the public school system, 474  
colleges, and universities; 475

(b) The library staff of any library in the state supported 476  
wholly or in part at public expense. 477

(8) Four clerical and administrative support employees for 478  
each of the elective state officers+, four clerical and 479  
administrative support employees for each board of county 480  
commissioners and one such employee for each county commissioner, 481  
and ~~three~~ four clerical and administrative support employees for 482  
other elective officers and each of the principal appointive 483  
executive officers, boards, or commissions, except for civil 484  
service commissions, that are authorized to appoint such clerical 485  
and administrative support employees; 486

(9) The deputies and assistants of state agencies authorized 487

to act for and on behalf of the agency, or holding a fiduciary or 488  
administrative relation to that agency and those persons employed 489  
by and directly responsible to elected county officials or a 490  
county administrator and holding a fiduciary or administrative 491  
relationship to such elected county officials or county 492  
administrator, and the employees of such county officials whose 493  
fitness would be impracticable to determine by competitive 494  
examination, provided that division (A)(9) of this section shall 495  
not affect those persons in county employment in the classified 496  
service as of September 19, 1961. Nothing in division (A)(9) of 497  
this section applies to any position in a county department of job 498  
and family services created pursuant to Chapter 329. of the 499  
Revised Code. 500

(10) Bailiffs, constables, official stenographers, and 501  
commissioners of courts of record, deputies of clerks of the 502  
courts of common pleas who supervise, or who handle public moneys 503  
or secured documents, and such officers and employees of courts of 504  
record and such deputies of clerks of the courts of common pleas 505  
as the director of administrative services finds it impracticable 506  
to determine their fitness by competitive examination; 507

(11) Assistants to the attorney general, special counsel 508  
appointed or employed by the attorney general, assistants to 509  
county prosecuting attorneys, and assistants to city directors of 510  
law; 511

(12) Such teachers and employees in the agricultural 512  
experiment stations; such students in normal schools, colleges, 513  
and universities of the state who are employed by the state or a 514  
political subdivision of the state in student or intern 515  
classifications; and such unskilled labor positions as the 516  
director of administrative services or any municipal civil service 517  
commission may find it impracticable to include in the competitive 518  
classified service; provided such exemptions shall be by order of 519

the commission or the director, duly entered on the record of the 520  
commission or the director with the reasons for each such 521  
exemption; 522

(13) Any physician or dentist who is a full-time employee of 523  
the department of mental health ~~or~~ the department of mental 524  
retardation and developmental disabilities, or ~~of~~ an institution 525  
under the jurisdiction of either department; and physicians who 526  
are in residency programs at the institutions; 527

(14) Up to twenty positions at each institution under the 528  
jurisdiction of the department of mental health or the department 529  
of mental retardation and developmental disabilities that the 530  
department director determines to be primarily administrative or 531  
managerial; and up to fifteen positions in any division of either 532  
department, excluding administrative assistants to the director 533  
and division chiefs, which are within the immediate staff of a 534  
division chief and which the director determines to be primarily 535  
and distinctively administrative and managerial; 536

(15) Noncitizens of the United States employed by the state, 537  
or its counties or cities, as physicians or nurses who are duly 538  
licensed to practice their respective professions under the laws 539  
of ~~Ohio~~ this state, or medical assistants, in mental or chronic 540  
disease hospitals, or institutions; 541

(16) Employees of the governor's office; 542

(17) Fire chiefs and chiefs of police in civil service 543  
townships appointed by boards of township trustees under section 544  
505.38 or 505.49 of the Revised Code; 545

(18) Executive directors, deputy directors, and program 546  
directors employed by boards of alcohol, drug addiction, and 547  
mental health services under Chapter 340. of the Revised Code, and 548  
secretaries of the executive directors, deputy directors, and 549  
program directors; 550

(19) Superintendents, and management employees as defined in	551
section 5126.20 of the Revised Code, of county boards of mental	552
retardation and developmental disabilities;	553
(20) Physicians, nurses, and other employees of a county	554
hospital who are appointed pursuant to sections 339.03 and 339.06	555
of the Revised Code;	556
(21) The executive director of the state medical board, who	557
is appointed pursuant to division (B) of section 4731.05 of the	558
Revised Code;	559
(22) County directors of job and family services as provided	560
in section 329.02 of the Revised Code and administrators appointed	561
under section 329.021 of the Revised Code;	562
(23) A director of economic development who is hired pursuant	563
to division (A) of section 307.07 of the Revised Code;	564
(24) Chiefs of construction and compliance, of operations and	565
maintenance, and of licensing and certification in the division of	566
industrial compliance in the department of commerce;	567
(25) The executive director of a county transit system	568
appointed under division (A) of section 306.04 of the Revised	569
Code;	570
(26) Up to five positions at each of the administrative	571
departments listed in section 121.02 of the Revised Code and at	572
the department of taxation, department of the adjutant general,	573
department of education, Ohio board of regents, bureau of workers'	574
compensation, industrial commission, state lottery commission, and	575
public utilities commission of Ohio that the head of that	576
administrative department or of that other state agency determines	577
to be involved in policy development and implementation. The head	578
of the administrative department or other state agency shall set	579
the compensation for employees in these positions at a rate that	580

is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 44 of salary schedule E-2 in section 124.152 of the Revised Code. The authority to establish positions in the unclassified service under division (A)(26) of this section is in addition to and does not limit any other authority that an administrative department or state agency has under the Revised Code to establish positions, appoint employees, or set compensation.

(27) Employees of the department of agriculture employed under section 901.09 of the Revised Code;

(28) For cities, counties, civil service townships, city health districts, general health districts, and city school districts, the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals;

(29) Employees who receive external ~~interim, intermittent, or~~ temporary appointments under division (B) of section 124.30 of the Revised Code;

(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation;

(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications;

(32) Employees placed in the unclassified service by another section of the Revised Code.

(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts ~~thereof of the state~~, not specifically included in the unclassified service. Upon the creation by the board of trustees

of a civil service township civil service commission, the 611  
classified service shall also comprise, except as otherwise 612  
provided in division (A)(17) or (C) of this section, all persons 613  
in the employ of civil service township police or fire departments 614  
having ten or more full-time paid employees. The classified 615  
service consists of two classes, which shall be designated as the 616  
competitive class and the unskilled labor class. 617

(1) The competitive class shall include all positions and 618  
employments in the state and the counties, cities, city health 619  
districts, general health districts, and city school districts 620  
~~thereof of the state~~, and, upon the creation by the board of 621  
trustees of a civil service township of a township civil service 622  
commission, all positions in civil service township police or fire 623  
departments having ten or more full-time paid employees, for which 624  
it is practicable to determine the merit and fitness of applicants 625  
by competitive examinations. Appointments shall be made to, or 626  
employment shall be given in, all positions in the competitive 627  
class that are not filled by promotion, reinstatement, transfer, 628  
or reduction, as provided in this chapter, and the rules of the 629  
director of administrative services, by appointment from those 630  
certified to the appointing officer in accordance with this 631  
chapter. 632

(2) The unskilled labor class shall include ordinary 633  
unskilled laborers. Vacancies in the labor class shall be filled 634  
by appointment from lists of applicants registered by the 635  
director. The director or the commission, by rule, shall require 636  
an applicant for registration in the labor class to furnish such 637  
evidence or take such tests as the director considers proper with 638  
respect to age, residence, physical condition, ability to labor, 639  
honesty, sobriety, industry, capacity, and experience in the work 640  
or employment for which application is made. Laborers who fulfill 641  
the requirements shall be placed on the eligible list for the kind 642

of labor or employment sought, and preference shall be given in  
employment in accordance with the rating received from such  
evidence or in such tests. Upon the request of an appointing  
officer, stating the kind of labor needed, the pay and probable  
length of employment, and the number to be employed, the director  
shall certify from the highest on the list double the number to be  
employed; from this number the appointing officer shall appoint  
the number actually needed for the particular work. If more than  
one applicant receives the same rating, priority in time of  
application shall determine the order in which their names shall  
be certified for appointment.

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

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(D) This division does not apply to persons in the  
unclassified service who have the right to resume positions in the  
classified service under sections 4121.121, 5119.071, 5120.07,  
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the  
Revised Code.

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An appointing authority whose employees are paid directly by  
warrant of the auditor of state may appoint a person who holds a  
certified position in the classified service within the appointing  
authority's agency to a position in the unclassified service  
within that agency. A person who held a certified position in the  
classified service and who was appointed on or after March 30,  
1999, but before the effective date of this amendment, pursuant to  
this division to a position in the unclassified service shall  
retain the right to resume the position and status held by the  
person in the classified service immediately prior to the person's  
appointment to the position in the unclassified service, unless  
the person is removed from the position in the unclassified

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service for incompetency, inefficiency, dishonesty, drunkenness, 675  
immoral conduct, insubordination, discourteous treatment of the 676  
public, neglect of duty, violation of any policy or work rule of 677  
the appointing authority, violation of this chapter or the rules 678  
of the director of administrative services, any other failure of 679  
good behavior, any other acts of misfeasance, malfeasance, or 680  
nonfeasance in office, or conviction of a felony, regardless of 681  
the number of positions the person held in the unclassified 682  
service. Reinstatement 683

A person who holds a certified position in the classified 684  
service and who is appointed, after the effective date of this 685  
amendment, pursuant to this division to a position in the 686  
unclassified service shall retain the right to resume the position 687  
and status held by the person in the classified service 688  
immediately prior to the person's appointment to the position in 689  
the unclassified service for a period of one year, unless the 690  
person is removed from the position in the unclassified service 691  
for incompetency, inefficiency, dishonesty, drunkenness, immoral 692  
conduct, insubordination, discourteous treatment of the public, 693  
neglect of duty, violation of any policy or work rule of the 694  
appointing authority, violation of this chapter or the rules of 695  
the director of administrative services, any other failure of good 696  
behavior, any other acts of misfeasance, malfeasance, or 697  
nonfeasance in office, or conviction of a felony or unless the 698  
person moves to another position within the unclassified service 699  
after the person's appointment from the classified service to the 700  
unclassified service. 701

Reinstatement to a position in the classified service under 702  
this division shall be to a position substantially equal to that 703  
position in the classified service held previously, as certified 704  
by the director of administrative services. If the position the 705  
person previously held in the classified service has been placed 706

in the unclassified service or is otherwise unavailable, the 707  
person shall be appointed to a position in the classified service 708  
within the appointing authority's agency that the director of 709  
administrative services certifies is comparable in compensation to 710  
the position the person previously held in the classified service. 711  
Service in the position in the unclassified service shall be 712  
counted as service in the position in the classified service held 713  
by the person immediately prior to the person's appointment to the 714  
position in the unclassified service. When a person is reinstated 715  
to a position in the classified service as provided in this 716  
division, the person is entitled to all rights, status, and 717  
benefits accruing to the position in the classified service during 718  
the person's time of service in the position in the unclassified 719  
service. 720

Sec. 124.12. (A) Within ninety days after an appointing 721  
authority appoints an employee to an unclassified position in the 722  
state service, the appointing authority shall notify the 723  
department of administrative services of that appointment. 724

(B) On the date an appointing authority appoints an employee 725  
to an unclassified position in the state service, the appointing 726  
authority shall provide the employee with written information 727  
describing the nature of employment in the unclassified civil 728  
service. Within thirty days after the date an appointing authority 729  
appoints an employee to an unclassified position in the state 730  
service, the appointing authority shall provide the employee with 731  
written information describing the duties of that position. 732  
Failure of the appointing authority to provide the written 733  
information described in this division to the employee does not 734  
confer any additional rights upon the employee in any appellate 735  
body with jurisdiction over an appeal of the employee. 736

(C) The department shall develop and provide each appointing 737

authority in the state service with a general written description 738  
of the nature of employment in the unclassified civil service that 739  
shall be provided to employees under division (B) of this section. 740

**Sec. 124.134.** (A) Each full-time permanent state employee 741  
paid in accordance with section 124.152 of the Revised Code and 742  
those employees listed in divisions (B)(2) and (4) of section 743  
124.14 of the Revised Code, after service of one year, shall have 744  
earned and will be due upon the attainment of the first year of 745  
employment, and annually thereafter, eighty hours of vacation 746  
leave with full pay. One year of service shall be computed on the 747  
basis of twenty-six biweekly pay periods. A full-time permanent 748  
state employee with five or more years of service shall have 749  
earned and is entitled to one hundred twenty hours of vacation 750  
leave with full pay. A full-time permanent state employee with ten 751  
or more years of service shall have earned and is entitled to one 752  
hundred sixty hours of vacation leave with full pay. A full-time 753  
permanent state employee with fifteen or more years of service 754  
shall have earned and is entitled to one hundred eighty hours of 755  
vacation leave with full pay. A full-time permanent state employee 756  
with twenty or more years of service shall have earned and is 757  
entitled to two hundred hours of vacation leave with full pay. A 758  
full-time permanent state employee with twenty-five or more years 759  
of service shall have earned and is entitled to two hundred forty 760  
hours of vacation leave with full pay. Such vacation leave shall 761  
accrue to the employee at the rate of three and one-tenth hours 762  
each biweekly period for those entitled to eighty hours per year; 763  
four and six-tenths hours each biweekly period for those entitled 764  
to one hundred twenty hours per year; six and two-tenths hours 765  
each biweekly period for those entitled to one hundred sixty hours 766  
per year; six and nine-tenths hours each biweekly period for those 767  
entitled to one hundred eighty hours per year; seven and 768  
seven-tenths hours each biweekly period for those entitled to two 769

hundred hours per year; and nine and two-tenths hours each 770  
biweekly period for those entitled to two hundred forty hours per 771  
year. 772

The amount of an employee's service shall be determined in 773  
accordance with the standard specified in section 9.44 of the 774  
Revised Code. Credit for prior service, including an increased 775  
vacation accrual rate and longevity supplement, shall take effect 776  
during the first pay period that begins immediately following the 777  
date the director of administrative services approves granting 778  
credit for that prior service. No employee, other than an employee 779  
who submits proof of prior service within ninety days after the 780  
date of the employee's hiring, shall receive any amount of 781  
vacation leave for the period prior to the date of the director's 782  
approval of the grant of credit for prior service. 783

Part-time permanent employees who are paid in accordance with 784  
section 124.152 of the Revised Code and full-time permanent 785  
employees subject to this section who are in active pay status for 786  
less than eighty hours in a pay period shall earn vacation leave 787  
on a prorated basis. The ratio between the hours worked and the 788  
vacation hours earned by these classes of employees shall be the 789  
same as the ratio between the hours worked and the vacation hours 790  
earned by a full-time permanent employee with the same amount of 791  
service as provided for in this section. 792

(B) Employees granted leave under this section shall forfeit 793  
their right to take or to be paid for any vacation leave to their 794  
credit which is in excess of the accrual for three years. Such 795  
excess leave shall be eliminated from the employees' leave 796  
balance. If an employee's vacation leave credit is at, or will 797  
reach in the immediately following pay period, the maximum of the 798  
accrual for three years and the employee has been denied the use 799  
of vacation leave during the immediately preceding twelve months, 800  
the employee, at the employee's request, shall be paid in a pay 801

period for the vacation leave the employee was denied, up to the  
maximum amount the employee would be entitled to be paid for in  
any pay period. An employee is not entitled to receive payment for  
vacation leave denied in any pay period in which the employee's  
vacation leave credit is not at, or will not reach in the  
immediately following pay period, the maximum of accrual for three  
years. Any vacation leave for which an employee receives payment  
shall be deducted from the employee's vacation leave balance. Such  
payment shall not be made for any leave accrued in the same  
calendar year in which the payment is made.

(C) Upon separation from state service, an employee granted  
leave under this section is entitled to compensation at the  
employee's current rate of pay for all unused vacation leave  
accrued under this section or section 124.13 of the Revised Code  
to the employee's credit. In case of transfer of an employee from  
one state agency to another, the employee shall retain the accrued  
and unused vacation leave. In case of the death of an employee,  
such unused vacation leave shall be paid in accordance with  
section 2113.04 of the Revised Code, or to the employee's estate.  
An employee serving in a temporary work level ~~or an interim~~  
~~appointment~~ who is eligible to receive compensation under this  
division shall be compensated at the base rate of pay of the  
employee's normal classification.

**Sec. 124.14.** (A)(1) The director of administrative services  
shall establish, and may modify or repeal, by rule, a job  
classification plan for all positions, offices, and employments  
the salaries of which are paid in whole or in part by the state.  
The director shall group jobs within a classification so that the  
positions are similar enough in duties and responsibilities to be  
described by the same title, to have the same pay assigned with  
equity, and to have the same qualifications for selection applied.

The director shall, by rule, assign a classification title to each 833  
classification within the classification plan. However, the 834  
director shall consider in establishing classifications, including 835  
classifications with parenthetical titles, and assigning pay 836  
ranges such factors as duties performed only on one shift, special 837  
skills in short supply in the labor market, recruitment problems, 838  
separation rates, comparative salary rates, the amount of training 839  
required, and other conditions affecting employment. The director 840  
shall describe the duties and responsibilities of ~~the class and~~ 841  
positions in each classification, establish the qualifications for 842  
being employed in ~~that~~ each position in the classification, and 843  
~~shall~~ file with the secretary of state a copy of specifications 844  
for all of the classifications. The director shall file new, 845  
additional, or revised specifications with the secretary of state 846  
before ~~being~~ they are used. 847

The director shall, by rule, assign each classification, 848  
either on a statewide basis or in particular counties or state 849  
institutions, to a pay range established under section 124.15 or 850  
section 124.152 of the Revised Code. The director may assign a 851  
classification to a pay range on a temporary basis for a period of 852  
~~time designated in the rule~~ six months. The director may 853  
establish, by rule adopted under Chapter 119. of the Revised Code, 854  
experimental classification plans for some or all employees paid 855  
directly by warrant of the auditor of state. The rule shall 856  
include specifications for each classification within the plan and 857  
shall specifically address compensation ranges, and methods for 858  
advancing within the ranges, for the classifications, which may be 859  
assigned to pay ranges other than the pay ranges established under 860  
section 124.15 or 124.152 of the Revised Code. 861

(2) The director may reassign to a proper classification 862  
those positions that have been assigned to an improper 863  
classification. If the compensation of an employee in such a 864

reassigned position exceeds the maximum rate of pay for the  
employee's new classification, the employee shall be placed in pay  
step X and shall not receive an increase in compensation until the  
maximum rate of pay for that classification exceeds the employee's  
compensation.

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(3) The director may reassign an exempt employee, as defined  
in section 124.152 of the Revised Code, to a bargaining unit  
classification if the director determines that the bargaining unit  
classification is the proper classification for that employee.  
Notwithstanding Chapter 4117. of the Revised Code or instruments  
and contracts negotiated under it, ~~such~~ these placements are at  
the director's discretion.

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(4) The director shall, by rule, assign related  
classifications, which form a career progression, to a  
classification series. The director shall, by rule, assign each  
classification in the classification plan a five-digit number, the  
first four digits of which shall denote the classification series  
to which the classification is assigned. When a career progression  
encompasses more than ten classifications, the director shall, by  
rule, identify the additional classifications belonging to a  
classification series. ~~Such~~ The additional classifications shall  
be part of the classification series, notwithstanding the fact  
that the first four digits of the number assigned to the  
additional classifications do not correspond to the first four  
digits of the numbers assigned to other classifications in the  
classification series.

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(5) The director ~~shall adopt, in accordance with rules in~~  
~~accordance with~~ adopted under Chapter 119. of the Revised Code ~~for~~  
~~the establishment of, shall establish, and may modify or repeal,~~ a  
classification plan for county agencies that elect not to use the  
services and facilities of a county personnel department. The  
rules shall include a methodology for the establishment of titles

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unique to county agencies, the use of state classification titles 897  
and classification specifications for common positions, the 898  
criteria for a county to meet in establishing its own 899  
classification plan, and the establishment of what constitutes a 900  
classification series for county agencies. 901

(B) Division (A) of this section and sections 124.15 and 902  
124.152 of the Revised Code do not apply to the following persons, 903  
positions, offices, and employments: 904

(1) Elected officials; 905

(2) Legislative employees, employees of the legislative 906  
service commission, employees in the office of the governor, 907  
employees who are in the unclassified civil service and exempt 908  
from collective bargaining coverage in the office of the secretary 909  
of state, auditor of state, treasurer of state, and attorney 910  
general, and employees of the supreme court; 911

(3) Employees of a county children services board that 912  
establishes compensation rates under section 5153.12 of the 913  
Revised Code; 914

(4) Any position for which the authority to determine 915  
compensation is given by law to another individual or entity; 916

(5) Employees of the bureau of workers' compensation whose 917  
compensation the administrator of workers' compensation 918  
establishes under division (B) of section 4121.121 of the Revised 919  
Code. 920

(C) The director may employ a consulting agency to aid and 921  
assist the director in carrying out this section. 922

(D)(1) When the director proposes to modify a classification 923  
or the assignment of classes to appropriate pay ranges, the 924  
director shall send written notice of the proposed rule to the 925  
appointing authorities of the affected employees thirty days 926

before the hearing on the proposed rule. The appointing 927  
authorities shall notify the affected employees regarding the 928  
proposed rule. The director shall also send ~~such~~ those appointing 929  
authorities notice of any final rule ~~which~~ that is adopted within 930  
ten days after adoption. 931

(2) When the director proposes to reclassify any employee so 932  
that the employee is adversely affected, the director shall give 933  
to the employee affected and to the employee's appointing 934  
authority a written notice setting forth the proposed new 935  
classification, pay range, and salary. Upon the request of any 936  
classified employee who is not serving in a probationary period, 937  
the director shall perform a job audit to review the 938  
classification of the employee's position to determine whether the 939  
position is properly classified. The director shall give to the 940  
employee affected and to the employee's appointing authority a 941  
written notice of the director's determination whether or not to 942  
reclassify the position or to reassign the employee to another 943  
classification. An employee or appointing authority desiring a 944  
hearing shall file a written request for the hearing with the 945  
state personnel board of review within thirty days after receiving 946  
the notice. The board shall set the matter for a hearing and 947  
notify the employee and appointing authority of the time and place 948  
of the hearing. The employee, the appointing authority, or any 949  
authorized representative of the employee who wishes to submit 950  
facts for the consideration of the board shall be afforded 951  
reasonable opportunity to do so. After the hearing, the board 952  
shall consider anew the reclassification and may order the 953  
reclassification of the employee and require the director to 954  
assign the employee to such appropriate classification as the 955  
facts and evidence warrant. As provided in division (A)(1) of 956  
section 124.03 of the Revised Code, the board may determine the 957  
most appropriate classification for the position of any employee 958

coming before the board, with or without a job audit. The board 959  
shall disallow any reclassification or reassignment classification 960  
of any employee when it finds that changes have been made in the 961  
duties and responsibilities of any particular employee for 962  
political, religious, or other unjust reasons. 963

(E)(1) Employees of each county department of job and family 964  
services shall be paid a salary or wage established by the board 965  
of county commissioners. The provisions of section 124.18 of the 966  
Revised Code concerning the standard work week apply to employees 967  
of county departments of job and family services. A board of 968  
county commissioners may do either of the following: 969

(a) Notwithstanding any other section of the Revised Code, 970  
supplement the sick leave, vacation leave, personal leave, and 971  
other benefits of any employee of the county department of job and 972  
family services of that county, if the employee is eligible for 973  
the supplement under a written policy providing for the 974  
supplement; 975

(b) Notwithstanding any other section of the Revised Code, 976  
establish alternative schedules of sick leave, vacation leave, 977  
personal leave, or other benefits for employees not inconsistent 978  
with the provisions of a collective bargaining agreement covering 979  
the affected employees. 980

(2) ~~The provisions of division~~ Division (E)(1) of this 981  
section ~~do~~ does not apply to employees for whom the state 982  
employment relations board establishes appropriate bargaining 983  
units pursuant to section 4117.06 of the Revised Code, except in 984  
either of the following situations: 985

(a) The employees for whom the state employment relations 986  
board establishes appropriate bargaining units elect no 987  
representative in a board-conducted representation election. 988

(b) After the state employment relations board establishes 989

appropriate bargaining units for such employees, all employee 990  
organizations withdraw from a representation election. 991

~~(F) With respect to officers and employees of state supported 992  
colleges and universities and except for the powers and duties of 993  
the state personnel board of review set forth in section 124.03 of 994  
the Revised Code, the powers, duties, and functions of the 995  
department of administrative services and of the director of 996  
administrative services specified in this chapter are hereby 997  
vested in and assigned to the boards of trustees of those colleges 998  
and universities, or those officers to whom the boards of trustees 999  
have delegated these powers, duties, and functions, subject to a 1000  
periodic audit and review by the director. In exercising the 1001  
powers, duties, and functions of the director, the boards of 1002  
trustees or the officers to whom these powers, duties, and 1003  
functions were delegated need not establish a job classification 1004  
plan for unclassified employees and may proceed under section 1005  
111.15 of the Revised Code when exercising the director's 1006  
rule making authority. The adoption, amendment, rescission, and 1007  
enforcement of rules under this division is not subject to 1008  
approval, disapproval, or modification by the state personnel 1009  
board of review. Nothing in this division shall be construed to 1010  
limit the right of any classified employee who possesses the right 1011  
of appeal to the state personnel board of review to continue to 1012  
possess that right of appeal. 1013~~

~~Upon the director's determination or finding of the misuse by 1014  
the board of trustees of or a designated officer of a 1015  
state supported college or university of the authority granted 1016  
under this division, the director shall order and direct the 1017  
personnel functions of that state supported college or university 1018  
until sections 124.01 to 124.64 of the Revised Code have been 1019  
fully complied with (1) Notwithstanding any contrary provision of 1020  
sections 124.01 to 124.64 of the Revised Code, the board of 1021~~

trustees of each college or university, as defined in section 1022  
3345.12 of the Revised Code, shall carry out all matters of 1023  
governance involving the officers and employees of the college or 1024  
university, including, but not limited to, the powers, duties, and 1025  
functions of the department of administrative services and the 1026  
director of administrative services specified in this chapter. 1027  
Officers and employees of a college or university shall have the 1028  
right of appeal to the state personnel board of review as provided 1029  
in this chapter. 1030

(2) Each board of trustees shall adopt rules under section 1031  
111.15 of the Revised Code to carry out the matters of governance 1032  
described in division (F)(1) of this section. Until the board of 1033  
trustees adopts those rules, a college or university shall 1034  
continue to operate pursuant to the applicable rules adopted by 1035  
the director of administrative services under this chapter. 1036

(G)(1) Each board of county commissioners may, by a 1037  
resolution adopted by a majority of its members, establish a 1038  
county personnel department to exercise the powers, duties, and 1039  
functions specified in division (G) of this section. As used in 1040  
division (G) of this section, "county personnel department" means 1041  
a county personnel department established by a board of county 1042  
commissioners under division (G)(1) of this section. 1043

(2) Each board of county commissioners may, by a resolution 1044  
adopted by a majority of its members, designate the county 1045  
personnel department of the county to exercise the powers, duties, 1046  
and functions of the department of administrative services and the 1047  
director of administrative services specified in sections 124.01 1048  
to 124.64 and Chapter 325. of the Revised Code, except for the 1049  
powers and duties of the state personnel board of review, which 1050  
powers and duties shall not be construed as having been modified 1051  
or diminished in any manner by division (G)(2) of this section, 1052  
with respect to the employees for whom the board of county 1053

commissioners is the appointing authority or co-appointing  
authority. Upon certification of a copy of the resolution by the  
board to the director, ~~these~~ those powers, duties, and functions  
are vested in and assigned to the county personnel department with  
respect to the employees for whom the board ~~of county~~  
~~commissioners~~ is the appointing authority or co-appointing  
authority. The certification to the director shall be provided not  
later than one hundred twenty days before the first day of July of  
an odd-numbered year, and, following the certification, ~~the~~ those  
powers, duties, and functions ~~specified in sections 124.01 to~~  
~~124.64 and Chapter 325. of the Revised Code~~ shall be vested in and  
assigned to the county personnel department on that first day of  
July. Nothing in division (G)(2) of this section shall be  
construed to limit the right of any employee who possesses the  
right of appeal to the state personnel board of review to continue  
to possess that right of appeal.

Any board of county commissioners that has established a  
county personnel department may contract with the department of  
administrative services, another political subdivision, or an  
appropriate public or private entity to provide competitive  
testing services or other appropriate services.

(3) After the county personnel department of a county has  
assumed the powers, duties, and functions of the department of  
administrative services and the director as described in division  
(G)(2) of this section, any elected official, board, agency, or  
other appointing authority of that county may, upon notification  
to the director, elect to use the services and facilities of the  
county personnel department. Upon the acceptance by the director  
of such a notification, the county personnel department shall  
exercise the powers, duties, and functions of the department of  
administrative services and the director as described in division  
(G)(2) of this section with respect to the employees of that

elected official, board, agency, or other appointing authority. 1086  
The notification to the director shall be provided not later than 1087  
one hundred twenty days before the first day of July of an 1088  
odd-numbered year, and, following the notification, the powers, 1089  
duties, and functions specified in sections 124.01 to 124.64 and 1090  
Chapter 325. of the Revised Code with respect to the employees of 1091  
that elected official, board, agency, or other appointing 1092  
authority shall be vested in and assigned to the county personnel 1093  
department on that first day of July. Except for those employees 1094  
under the jurisdiction of the county personnel department, the 1095  
director shall continue to exercise these powers, duties, and 1096  
functions with respect to employees of the county. 1097

(4) Each board of county commissioners that has established a 1098  
county personnel department may, by a resolution adopted by a 1099  
majority of its members, disband the county personnel department 1100  
and return to the department of administrative services for the 1101  
administration of sections 124.01 to 124.64 and Chapter 325. of 1102  
the Revised Code. The board shall, not later than one hundred 1103  
twenty days before the first day of July of an odd-numbered year, 1104  
send the director a certified copy of the resolution disbanding 1105  
the county personnel department. All powers, duties, and functions 1106  
previously vested in and assigned to the county personnel 1107  
department shall return to the director on that first day of July. 1108

(5) Any elected official, board, agency, or appointing 1109  
authority of a county may return to the department of 1110  
administrative services for the administration of sections 124.01 1111  
to 124.64 and Chapter 325. of the Revised Code. The elected 1112  
official, board, agency, or appointing authority shall, not later 1113  
than one hundred twenty days before the first day of July of an 1114  
odd-numbered year, send the director a certified copy of the 1115  
resolution that states its decision. All powers, duties, and 1116  
functions previously vested in and assigned to the county 1117

personnel department with respect to the employees of that elected 1118  
official, board, agency, or appointing authority shall return to 1119  
the director on that first day of July. 1120

(6) The director, by rule adopted in accordance with Chapter 1121  
119. of the Revised Code, shall prescribe criteria and procedures 1122  
for granting to each county personnel department the powers, 1123  
duties, and functions of the department of administrative services 1124  
and the director as described in division (G)(2) of this section 1125  
with respect to the employees of an elected official, board, 1126  
agency, or other appointing authority or co-appointing authority. 1127  
The rules shall cover the following criteria and procedures: 1128

(a) The notification to the department of administrative 1129  
services that an elected official, board, agency, or other 1130  
appointing authority of a county has elected to use the services 1131  
and facilities of the county personnel department; 1132

(b) A requirement that each county personnel department, in 1133  
carrying out its duties, adhere to merit system principles with 1134  
regard to employees of county departments of job and family 1135  
services, child support enforcement agencies, and public child 1136  
welfare agencies so that there is no threatened loss of federal 1137  
funding for these agencies, and a requirement that the county be 1138  
financially liable to the state for any loss of federal funds due 1139  
to the action or inaction of the county personnel department. The 1140  
costs associated with audits conducted to monitor compliance with 1141  
division (G)(6)(b) of this section shall be borne equally by the 1142  
department of administrative services and the county. 1143

(c) The termination of services and facilities rendered by 1144  
the department of administrative services, to include rate 1145  
adjustments, time periods for termination, and other related 1146  
matters; 1147

(d) Authorization for the director of administrative services 1148

to conduct periodic audits and reviews of county personnel 1149  
departments to guarantee the uniform application of this granting 1150  
of the director's powers, duties, and functions. The costs of the 1151  
audits and reviews shall be borne equally by the department of 1152  
administrative services and the county for which the services ~~were~~ 1153  
are performed. 1154

(e) The dissemination of audit findings under division 1155  
(G)(5)(d) of this section, any appeals process relating to adverse 1156  
findings by the department, and the methods whereby the county 1157  
personnel program will revert to the authority of the director of 1158  
administrative services due to misuse or nonuniform application of 1159  
the authority granted to the county under division (G)(2) or (3) 1160  
of this section. 1161

(H) The director shall establish the rate and method of 1162  
compensation for all employees who are paid directly by warrant of 1163  
the auditor of state and who are serving in positions ~~which~~ that 1164  
the director has determined impracticable to include in the state 1165  
job classification plan. This division does not apply to elected 1166  
officials, legislative employees, employees of the legislative 1167  
service commission, employees who are in the unclassified civil 1168  
service and exempt from collective bargaining coverage in the 1169  
office of the secretary of state, auditor of state, treasurer of 1170  
state, and attorney general, employees of the courts, employees of 1171  
the bureau of workers' compensation whose compensation the 1172  
administrator of workers' compensation establishes under division 1173  
(B) of section 4121.121 of the Revised Code, or employees of an 1174  
appointing authority authorized by law to fix the compensation of 1175  
those employees. 1176

(I) The director shall set the rate of compensation for all 1177  
~~intermittent, interim,~~ seasonal, temporary, emergency, and casual 1178  
employees who are not considered public employees under section 1179  
4117.01 of the Revised Code. ~~Such~~ Those employees are not entitled 1180

to receive employee benefits. This rate of compensation shall be 1181  
equitable in terms of the rate of employees serving in the same or 1182  
similar classifications. This division does not apply to elected 1183  
officials, legislative employees, employees of the legislative 1184  
service commission, employees who are in the unclassified civil 1185  
service and exempt from collective bargaining coverage in the 1186  
office of the secretary of state, auditor of state, treasurer of 1187  
state, and attorney general, employees of the courts, employees of 1188  
the bureau of workers' compensation whose compensation the 1189  
administrator establishes under division (B) of section 4121.121 1190  
of the Revised Code, or employees of an appointing authority 1191  
authorized by law to fix the compensation of those employees. 1192

Sec. 124.141. An appointing authority may pay to an officer 1193  
or employee described in division (A)(30) of section 124.11, 1194  
division (B)(2) of section 124.14, or division (B) of section 1195  
126.32 of the Revised Code a salary and benefits package that 1196  
differs from the salary and benefits otherwise provided by law for 1197  
that officer or employee. 1198

Sec. 124.21. (A) The director of administrative services may 1199  
divide the state into civil service districts, and establish an 1200  
officer in each ~~of such districts~~ district. The director may place 1201  
in charge of each ~~such~~ district an assistant whose duties and 1202  
compensation shall be determined and fixed by ~~the rules~~ rule of 1203  
the director. 1204

(B) The director shall designate five regions for purposes of 1205  
administering civil service examinations based on population 1206  
demographics in geographic areas. Examinations shall be conducted 1207  
in each region when the director determines that the list of 1208  
certified applicants fails to provide adequate eligible candidates 1209  
for efficient selection in a particular region. 1210

**Sec. 124.22.** ~~No rules or regulations shall be made setting up~~ 1211  
~~Rules establishing~~ educational requirements as a condition of 1212  
taking a civil service examination ~~except in~~ shall only be adopted 1213  
with respect to ~~professional and other~~ positions for which ~~such~~ 1214  
educational requirements are expressly imposed by ~~statute a~~ 1215  
section of the Revised Code or federal requirements ~~and to the~~ 1216  
~~extent of the requirements so imposed, except for such positions~~ 1217  
~~where education and training are necessary to the performance of a~~ 1218  
~~specific job or professional pursuit or for which the director~~ 1219  
determines that the educational requirements are job-related. An 1220  
applicant for a civil service examination must be a United States 1221  
citizen or have legally declared ~~his~~ the intention of becoming a 1222  
United States citizen. 1223

**Sec. 124.23.** (A) All applicants for positions and places in 1224  
the classified service shall be subject to examination, except for 1225  
applicants for positions as professional or certified service and 1226  
paraprofessional employees of county boards of mental retardation 1227  
and developmental disabilities, who shall be hired in the manner 1228  
provided in section 124.241 of the Revised Code. 1229

(B) Any examination administered under this section shall be 1230  
public, and be open to all citizens of the United States and those 1231  
persons who have legally declared their intentions of becoming 1232  
United States citizens, within certain limitations to be 1233  
determined by the director of administrative services, as to 1234  
citizenship, age, experience, education, health, habit, and moral 1235  
character; ~~provided any soldier, sailor, marine, coast guarder,~~ 1236  
~~member of the auxiliary corps as established by congress, member~~ 1237  
~~of the army nurse corps or navy nurse corps, or red cross nurse~~ 1238  
~~who has served in the army, navy, or hospital service of the~~ 1239  
United States, and such other military service as is designated by 1240  
congress, including World War I, World War II, or during the 1241

~~period beginning May 1, 1949, and lasting so long as the armed~~ 1242  
~~forces of the United States are engaged in armed conflict or~~ 1243  
~~occupation duty, or the selective service or similar conscriptive~~ 1244  
~~acts are in effect in the United States, whichever is the later~~ 1245  
~~date.~~ Any person who has completed service in the uniformed 1246  
services, who has been honorably discharged ~~therefrom~~ from the 1247  
uniformed services or transferred to the reserve with evidence of 1248  
satisfactory service, and who is a resident of ~~Ohio,~~ this state 1249  
may file with the director of ~~administrative services~~ a 1250  
certificate of service or honorable discharge, ~~whereupon and, upon~~ 1251  
this filing, the person shall receive additional credit of twenty 1252  
per cent of the person's total grade given in the regular 1253  
examination in which the person receives a passing grade. ~~Such~~ 1254

As used in this division, "service in the uniformed services" 1255  
and "uniformed services" have the same meanings as in the 1256  
"Uniformed Services Employment and Reemployment Rights Act of 1257  
1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 1258

(C) An examination may include an evaluation of such factors 1259  
as education, training, capacity, knowledge, manual dexterity, and 1260  
physical or psychological fitness. ~~Examinations~~ An examination 1261  
shall consist of one or more tests in any combination. Tests may 1262  
be written, oral, physical, demonstration of skill, or an 1263  
evaluation of training and experiences and shall be designed to 1264  
fairly test the relative capacity of the persons examined to 1265  
discharge the particular duties of the position for which 1266  
appointment is sought. ~~Where~~ Tests may include structured 1267  
interviews, assessment centers, work simulations, examinations of 1268  
knowledge, skills, and abilities, and any other acceptable testing 1269  
methods. If minimum or maximum requirements are established for 1270  
any examination, they shall be specified in the examination 1271  
announcement. 1272

(D) The director of administrative services shall have 1273

control of all examinations, except as otherwise provided in 1274  
sections 124.01 to 124.64 of the Revised Code. No questions in any 1275  
examination shall relate to political or religious opinions or 1276  
affiliations. No credit for seniority, efficiency, or any other 1277  
reason shall be added to an applicant's examination grade unless 1278  
the applicant achieves at least the minimum passing grade on the 1279  
examination without counting ~~such~~ that extra credit. 1280

(E) Except as otherwise provided in sections 124.01 to 124.64 1281  
of the Revised Code, the director of administrative services shall 1282  
give reasonable notice of the time, place, and general scope of 1283  
every competitive examination for appointment to a position in the 1284  
civil service. The director ~~of administrative services~~ shall send 1285  
written, printed, or electronic notices of every examination ~~of~~ to 1286  
be conducted in the state classified service to each agency of the 1287  
type the director of job and family services specifies and, in the 1288  
case of a county in which no such agency is located, to the clerk 1289  
of the court of common pleas of that county and to the clerk of 1290  
each city ~~of~~ located within that county. ~~Such~~ Those notices, 1291  
~~promptly upon receipt,~~ shall be posted in conspicuous public 1292  
places in the designated agencies ~~and~~ or the courthouse, and city 1293  
hall of the cities, of the counties in which no ~~such~~ designated 1294  
agency is located. ~~Such notices shall be posted for at least two~~ 1295  
weeks preceding any examination involved, and in a conspicuous 1296  
place in the office of the director of administrative services for 1297  
at least two weeks ~~before~~ preceding any examination involved. In 1298  
case of examinations limited by the director ~~of administrative~~ 1299  
~~services~~ to a district, county, city, or department, the director 1300  
~~of administrative services~~ shall provide by rule for adequate 1301  
publicity of ~~such examinations~~ an examination in the district, 1302  
county, city, or department within which competition is permitted. 1303

**Sec. 124.26.** ~~(A) Except as provided in divisions (B) and (C)~~ 1304  
~~of this section, from~~ From the returns of the examinations, the 1305

director of administrative services shall prepare an eligible list 1306  
of the persons whose general average standing upon examinations 1307  
for ~~such~~ the grade or class is not less than the minimum fixed by 1308  
the rules of the director, and who are otherwise eligible; ~~and~~ 1309  
~~such~~. Those persons shall take rank upon the eligible list as 1310  
candidates in the order of their relative excellence as determined 1311  
by the examination without reference to priority of the time of 1312  
examination. ~~In the event~~ If two or more applicants receive the 1313  
same mark in an open competitive examination, priority in the time 1314  
of filing the application with the director shall determine the 1315  
order in which their names shall be placed on the eligible list; ~~+~~ 1316  
~~provided~~, except that applicants eligible for veteran's preference 1317  
under section 124.23 of the Revised Code shall receive priority in 1318  
rank on the eligible list over nonveterans on the list with a 1319  
rating equal to that of the veteran. Ties among veterans shall be 1320  
decided by priority of filing the application. ~~In the event of~~ If 1321  
two or more applicants ~~receiving~~ receive the same mark on a 1322  
promotional examination, seniority shall determine the order in 1323  
which their names shall be placed on the eligible list. The term 1324  
of eligibility of each list shall be fixed by the director at not 1325  
less than one ~~nor~~ or more than two years. ~~When~~ 1326

When an eligible list is reduced to ten names or less, a new 1327  
list may be prepared. The director may consolidate two or more 1328  
eligible lists of the same kind by the rearranging of eligibles 1329  
named ~~therein~~ in the lists, according to their grades. 1330

~~(B) A person serving as a provisional employee who passes an 1331  
examination, given for the department in which he is employed, for 1332  
the class or grade in which the person holds the position shall be 1333  
appointed as a certified employee in the position before the 1334  
director of administrative services prepares an eligible list. 1335~~

**Sec. 124.27.** (A) The head of a department, office, or 1336

institution, in which a position in the classified service is to 1337  
be filled, shall notify the director of administrative services of 1338  
the fact, and the director shall, except as otherwise provided in 1339  
this section and sections 124.30 and 124.31 of the Revised Code, 1340  
certify to the appointing authority the names and addresses of the 1341  
ten candidates standing highest on the eligible list for the class 1342  
or grade to which the position belongs; ~~provided, except~~ that the 1343  
director may certify less than ten names if ten names are not 1344  
available. When less than ten names are certified to an appointing 1345  
authority, appointment from that list shall not be mandatory. When 1346  
a position in the classified service in the department of mental 1347  
health or the department of mental retardation and developmental 1348  
disabilities is to be filled, the director of administrative 1349  
services shall make such certification to the appointing authority 1350  
within seven working days of the date the eligible list is 1351  
requested. 1352

This division and division (B) of this section do not apply 1353  
to original appointments described in division (B) of section 1354  
124.43 of the Revised Code. 1355

(B) The appointing authority shall notify the director of 1356  
~~such~~ a position in the classified service to be filled, and the 1357  
appointing authority shall fill ~~such~~ the vacant position by 1358  
appointment of one of the ten persons certified by the director. 1359  
If more than one position is to be filled, the director ~~of~~ 1360  
~~administrative services~~ may certify a group of names from the 1361  
eligible list, and the appointing authority shall appoint in the 1362  
following manner: ~~Beginning~~ beginning at the top of the list, each 1363  
time a selection is made, it must be from one of the first ten 1364  
candidates remaining on the list who is willing to accept 1365  
consideration for the position. If an eligible list becomes 1366  
exhausted, and until a new list can be created, or when no 1367  
eligible list for ~~such~~ a position exists, names may be certified 1368

from eligible lists most appropriate for the group or class in 1369  
which the position to be filled is classified. A person who is 1370  
certified from an eligible list more than three times to the same 1371  
appointing authority for the same or similar positions, may be 1372  
omitted from future certification to ~~such that~~ appointing 1373  
authority, provided that certification for a temporary appointment 1374  
shall not be counted as one of ~~such those~~ certifications. Every 1375  
~~soldier, sailor, marine, coast guarder, member of the auxiliary~~ 1376  
~~corps as established by congress, member of the army nurse corps,~~ 1377  
~~or navy nurse corps, or red cross nurse who has served in the~~ 1378  
~~army, navy, or hospital service of the United States, and such~~ 1379  
~~other military service as is designated by congress in the war~~ 1380  
~~with Spain, including the Philippine insurrection and the Chinese~~ 1381  
~~relief expedition, or from April 21, 1898, to July 4, 1902, World~~ 1382  
~~War I, World War II, or during the period beginning May 1, 1949,~~ 1383  
~~and lasting so long as the armed forces of the United States are~~ 1384  
~~engaged in armed conflict or occupation duty, or the selective~~ 1385  
~~service or similar conscriptive acts are in effect in the United~~ 1386  
~~States, whichever is the later date, who has been honorably~~ 1387  
~~discharged or separated under honorable conditions therefrom,~~ 1388  
person who qualifies for veteran's preference under section 124.23 1389  
of the Revised Code, who is a resident of this state, and whose 1390  
name is on the eligible list for a position, shall be entitled to 1391  
preference in original appointments to any such competitive 1392  
position in the civil service of the state and ~~the~~ its civil 1393  
divisions ~~thereof~~, over all other persons eligible for ~~such those~~ 1394  
appointments and standing on the relevant eligible list ~~therefor~~, 1395  
with a rating equal to that of ~~each such~~ the person qualifying for 1396  
veteran's preference. Appointments to all positions in the 1397  
classified service, that are not filled by promotion, transfer, or 1398  
reduction, as provided in sections 124.01 to 124.64 of the Revised 1399  
Code and the rules of the director prescribed under those 1400  
sections, shall be made only from those persons whose names are 1401

certified to the appointing authority, and no employment, except 1402  
as provided in those sections, shall be otherwise given in the 1403  
classified service of this state or any political subdivision of 1404  
the state. 1405

(C) All original and promotional appointments, including 1406  
~~provisional~~ appointments made pursuant to section 124.30 of the 1407  
Revised Code, shall be for a probationary period, not less than 1408  
sixty days nor more than one year, to be fixed by the rules of the 1409  
director, except as provided in section 124.231 of the Revised 1410  
Code, ~~or~~ and except for original appointments to a police 1411  
department as a police officer~~7~~ or to a fire department as a 1412  
firefighter which shall be for a probationary period of one year~~7~~ 1413  
~~and no~~. No appointment or promotion is final until the appointee 1414  
has satisfactorily served the probationary period. ~~Service as a~~ 1415  
~~provisional employee in the same or similar class shall be~~ 1416  
~~included in the probationary period.~~ If the service of the 1417  
probationary employee is unsatisfactory, the employee may be 1418  
removed or reduced at any time during the probationary period. If 1419  
the appointing ~~authority's decision is~~ authority decides to remove 1420  
the appointee, the appointing ~~authority's communication to the~~ 1421  
~~director~~ authority shall indicate the reason for that decision. A 1422  
probationary employee duly removed or reduced in position for 1423  
unsatisfactory service does not have the right to appeal the 1424  
removal or reduction under section 124.34 of the Revised Code. 1425

**Sec. 124.271.** Any employee in the classified service of the 1426  
state or any county, city, city health district, general health 1427  
district, or city school district who is appointed ~~provisionally~~ 1428  
to ~~fill a vacancy and who~~ position under section 124.30 of the 1429  
Revised Code, and either demonstrates merit and fitness for the 1430  
position by successfully completing the probationary period for 1431  
the position or remains in ~~provisional~~ status in the same 1432  
~~classification or classification series~~ position for a period of 1433

~~two years~~ six months of continuous service, ~~during which period no~~ 1434  
~~competitive examination is held, becomes~~ whichever period is 1435  
longer, shall become a permanent appointee in the classified 1436  
service at the conclusion of ~~such two-year~~ that period. 1437

**Sec. 124.30.** (A) Positions in the classified service may be 1438  
filled without competition as follows: 1439

(1) Whenever there are urgent reasons for filling a vacancy 1440  
in any position in the classified service and the director of 1441  
administrative services is unable to certify to the appointing 1442  
authority, upon ~~requisition by the latter~~ its request, a list of 1443  
persons eligible for appointment to ~~such~~ the position after a 1444  
competitive examination, the appointing authority may ~~nominate a~~ 1445  
~~person to the director for~~ fill the position by noncompetitive 1446  
examination, ~~and if such nominee is certified by the director as~~ 1447  
~~qualified after such noncompetitive examination, the nominee may~~ 1448  
~~be appointed provisionally to fill such vacancy until a selection~~ 1449  
~~and appointment can be made after competitive examination; but~~ 1450  
~~such provisional appointment shall continue in force only until a~~ 1451  
~~regular appointment can be made from eligible lists prepared by~~ 1452  
~~the director and such eligible lists shall be prepared within six~~ 1453  
~~months, provided that an examination for the position must be held~~ 1454  
~~within the six month period from the date of such provisional~~ 1455  
~~appointment. In the case of provisional appointees in county~~ 1456  
~~departments of job and family services and in the department of~~ 1457  
~~job and family services and department of health, if the salary is~~ 1458  
~~paid in whole or in part from federal funds, such eligible lists~~ 1459  
~~shall be prepared within six months, provided that an examination~~ 1460  
~~for the position must be held within the six month period from the~~ 1461  
~~date of such provisional appointment. In case of an emergency, an~~ 1462

A temporary appointment may be made without regard to the 1463  
rules of sections 124.01 to 124.64 of the Revised Code, ~~but in no~~ 1464

~~ease to.~~ Except as otherwise provided in this division, the 1465  
temporary appointment may not continue longer than ~~thirty one~~ 1466  
hundred twenty days, and in no case shall successive temporary 1467  
appointments be made. ~~Interim or A~~ temporary ~~appointments, made~~ 1468  
appointment longer than one hundred twenty days may be made if one 1469  
of the following applies: 1470

(a) It is necessary to complete a task or project funded 1471  
under a discrete grant or similar funding mechanism, in which case 1472  
it shall continue only during the period the applicable position, 1473  
program, or project is funded. 1474

(b) It is necessary by reason of sickness, disability, or 1475  
other approved leave of absence of regular officers or employees 1476  
~~shall, in which case it may~~ continue ~~only~~ during ~~such~~ the period 1477  
of sickness, disability, or other approved leave of absence, 1478  
subject to the rules ~~to be provided for by~~ of the director; 1479

(c) It is determined by the fluctuating demands of the work 1480  
involved, the work being unpredictable and generally characterized 1481  
as requiring less than one thousand hours per year. 1482

(2) In case of a vacancy in a position in the classified 1483  
service where peculiar and exceptional qualifications of a 1484  
scientific, managerial, professional, or educational character are 1485  
required, and upon satisfactory evidence that for specified 1486  
reasons competition in ~~such~~ this special case is impracticable and 1487  
that the position can best be filled by a selection of some 1488  
designated person of high and recognized attainments in ~~such~~ those 1489  
qualities, the director may suspend the provisions of sections 1490  
124.01 to 124.64 of the Revised Code, ~~requiring that~~ require 1491  
competition in ~~such~~ this special case, but no suspension shall be 1492  
general in its application, ~~and all.~~ All such cases of suspension 1493  
shall be reported in the annual report of the director with the 1494  
reasons for ~~the~~ each suspension. The director shall suspend the 1495  
provisions when the director of job and family services provides 1496

the ~~director~~ certification under section 5101.051 of the Revised 1497  
Code that a position with the department of job and family 1498  
services can best be filled if the provisions are suspended. 1499

(3) ~~Where the services to be rendered by an appointee are for~~ 1500  
~~a temporary period, not to exceed six months, and the need of such~~ 1501  
~~service is important and urgent, the appointing authority may~~ 1502  
~~select for such temporary service any person on the proper list of~~ 1503  
~~those eligible for permanent appointment. Successive temporary~~ 1504  
~~appointments to the same position shall not be made under this~~ 1505  
~~division.~~ The acceptance or refusal by an eligible of a temporary 1506  
appointment shall not affect the person's standing on the ~~register~~ 1507  
eligible list for permanent ~~employment; appointment,~~ nor shall the 1508  
period of temporary service be counted as a part of the 1509  
probationary service in case of subsequent appointment to a 1510  
permanent position. 1511

(B) Persons who receive external ~~interim, temporary, or~~ 1512  
~~intermittent~~ appointments are in the unclassified civil service 1513  
and serve at the pleasure of their appointing authority. ~~Interim~~ 1514  
~~appointments shall be made only to fill a vacancy that results~~ 1515  
~~from an employee's temporary absence, but shall not be made to~~ 1516  
~~fill a vacancy that results because an employee receives an~~ 1517  
~~interim appointment.~~ 1518

**Sec. 124.31.** (A) Vacancies in positions in the classified 1519  
service shall be filled insofar as practicable by promotions. The 1520  
director of administrative services shall provide in the 1521  
director's rules for keeping a record of efficiency for each 1522  
employee in the classified service, and for making promotions in 1523  
the classified service on the basis of merit, to be ascertained ~~as~~ 1524  
~~far~~ insofar as practicable by promotional examinations, by conduct 1525  
and capacity in office, and by seniority in service, ~~and.~~ The 1526  
director shall provide that vacancies shall be filled by promotion 1527

in all cases where, in the judgment of the director, it is for the 1528  
best interest of the service. The director's rules shall authorize 1529  
each appointing authority of a county to develop and administer in 1530  
a manner it devises, an evaluation system for the employees it 1531  
appoints. 1532

(B) All examinations for promotions shall be competitive and 1533  
may be conducted in the same manner as examinations described in 1534  
section 124.23 of the Revised Code. In promotional examinations, 1535  
seniority in service shall be added to the examination grade, but 1536  
no credit for seniority or any other reason shall be added to an 1537  
examination grade unless the applicant achieves at least the 1538  
minimum passing score on the examination without counting ~~such~~ 1539  
that extra credit. Credit for seniority shall equal, for the first 1540  
four years of service, one per cent of the total grade attainable 1541  
in the promotion examination, and, for each of the fifth through 1542  
fourteenth years of service, six-tenths per cent of the total 1543  
grade attainable. 1544

In all cases where vacancies are to be filled by promotion, 1545  
the director shall certify to the appointing authority ~~only~~ the 1546  
names of the three persons having the highest rating on the 1547  
eligible list. The method of examination for promotions, the 1548  
manner of giving notice ~~thereof~~ of the examination, and the rules 1549  
governing ~~the same~~ it shall be in general the same as those 1550  
provided for original examinations, except as otherwise provided 1551  
in sections 124.01 to 124.64 of the Revised Code. 1552

**Sec. 124.32.** (A) With the consent of the director of 1553  
administrative services, a person holding an office or position in 1554  
the classified service may be transferred to a similar position in 1555  
another office, department, or institution having the same pay and 1556  
similar duties~~+~~, but no transfer shall be made ~~from~~ as follows: 1557

(1) To an office or position in one class to an office or 1558

position in another class, ~~nor shall a person be transferred to;~~ 1559

(2) To an office or position for original entrance to which 1560  
there is required by sections 124.01 to 124.64 of the Revised 1561  
Code, or the rules adopted pursuant to ~~such~~ those sections, an 1562  
examination involving essential tests or qualifications or 1563  
carrying a salary different from or higher than those required for 1564  
original entrance to an office or position held by ~~such~~ the person 1565  
proposed to be transferred. 1566

(B) Any person holding an office or position under the 1567  
classified service who has been separated from the service without 1568  
delinquency or misconduct on the person's part may, with the 1569  
consent of the director, be reinstated within one year from the 1570  
date of ~~such~~ that separation to a vacancy in the same ~~or similar~~ 1571  
office or in a similar position in the same department; ~~provided,~~ 1572  
But, if ~~such~~ that separation is due to injury or physical or 1573  
psychiatric disability, ~~such~~ the person shall be reinstated ~~to~~ in 1574  
the same office held or in a similar position to that held at the 1575  
time of separation, within thirty days after written application 1576  
for reinstatement ~~and after passing,~~ if the person passes a 1577  
physical or psychiatric examination made by a licensed physician, 1578  
a physician assistant, a clinical nurse specialist, a certified 1579  
nurse practitioner, or a certified nurse-midwife showing that the 1580  
person has recovered from ~~such~~ the injury or physical or 1581  
psychiatric disability, ~~provided further that such~~ if the 1582  
application for reinstatement ~~be~~ is filed within ~~three~~ two years 1583  
from the date of separation, and ~~further provided that such~~ if the 1584  
application ~~shall~~ is not ~~be~~ filed after the date of service 1585  
eligibility retirement. The physician, physician assistant, 1586  
clinical nurse specialist, certified nurse practitioner, or 1587  
certified nurse-midwife shall be designated by the appointing 1588  
authority and shall complete any written documentation of the 1589  
physical or psychiatric examination. 1590

Sec. 124.321. (A) Whenever it becomes necessary for an 1591  
appointing authority to reduce its work force, the appointing 1592  
authority shall lay off or furlough employees, reduce their work 1593  
hours, or abolish their positions in accordance with sections 1594  
124.321 to 124.327 of the Revised Code and the rules of the 1595  
director of administrative services. 1596

(B)(1) Employees may be laid off as a result of a lack of 1597  
funds within an appointing authority. For appointing authorities 1598  
~~which~~ that employ persons whose salary or wage is paid by warrant 1599  
of the auditor of state, the director of budget and management 1600  
shall be responsible for determining, consistent with the rules 1601  
adopted under division (B)(3) of this section, whether a lack of 1602  
funds exists. For ~~all other~~ appointing authorities ~~which~~ that 1603  
employ persons whose salary or wage is paid other than by warrant 1604  
of the auditor of state, the appointing authority ~~shall~~ itself 1605  
shall determine whether a lack of funds exists and shall file a 1606  
statement of rationale and supporting documentation with the 1607  
director of administrative services prior to sending ~~the~~ a layoff 1608  
notice. 1609

A (2) As used in this division and divisions (F) and (G) of 1610  
this section, a "lack of funds" means an appointing authority has 1611  
a current or projected deficiency of funding to maintain current, 1612  
or to sustain projected, levels of staffing and operations. This 1613  
section does not require any transfer of money between funds in 1614  
order to offset a deficiency or projected deficiency of ~~federal~~ 1615  
funding for ~~a program~~ programs funded by the federal government, 1616  
special revenue accounts, or proprietary accounts. Whenever a 1617  
program receives funding through a grant or similar mechanism, a 1618  
lack of funds shall be presumed for the positions assigned to and 1619  
the employees who work under the grant or similar mechanism if, 1620  
for any reason, the funding is reduced or withdrawn. 1621

(3) The director of budget and management shall ~~promulgate~~ 1622  
adopt rules, under Chapter 119. of the Revised Code, for agencies 1623  
whose employees are paid by warrant of the auditor of state, for 1624  
determining whether a lack of funds exists. 1625

(C)(1) Employees may be laid off as a result of lack of work 1626  
within an appointing authority. For appointing authorities whose 1627  
employees are paid by warrant of the auditor of state, the 1628  
director of administrative services shall determine, consistent 1629  
with the rules adopted under division (K) of this section, whether 1630  
a lack of work exists. All other appointing authorities shall 1631  
themselves determine whether a lack of work exists and shall file 1632  
a statement of rationale and supporting documentation with the 1633  
director of administrative services prior to sending ~~the~~ a lay-off 1634  
notice ~~of layoff~~. 1635

~~A~~ (2) As used in this division, a "lack of work, ~~for purposes~~ 1636  
~~of layoff," means an appointing authority has a current or 1637  
projected ~~temporary~~ decrease in the workload, ~~expected to last~~ 1638  
~~less than one year, which~~ that requires a reduction of current or 1639  
projected staffing levels in its organization or structure. The 1640  
determination of a lack of work shall indicate the current or 1641  
projected ~~temporary~~ decrease in the workload ~~of an appointing~~ 1642  
~~authority~~ and whether the current or projected staffing levels of 1643  
the appointing authority will be excessive. 1644~~

(D) Employees may be laid off as a result of abolishment of 1645  
positions. ~~Abolishment~~ As used in this division, "abolishment" 1646  
means the permanent deletion of a position or positions from the 1647  
organization or structure of an appointing authority due to lack 1648  
of continued need for the position or positions. ~~An~~ 1649

An appointing authority may abolish positions as a result of 1650  
a reorganization for the efficient operation of the appointing 1651  
authority, for reasons of economy, or for lack of work. The 1652

determination of the need to abolish positions shall indicate the 1653  
lack of continued need for positions within an appointing 1654  
authority. Appointing authorities ~~shall~~ themselves shall determine 1655  
whether any position should be abolished and shall file a 1656  
statement of rationale and supporting documentation with the 1657  
director of administrative services prior to sending ~~the~~ a notice 1658  
of abolishment. If an abolishment results in a reduction of the 1659  
work force, the appointing authority shall follow the procedures 1660  
for laying off employees, subject to the following modifications: 1661

(1) The employee whose position has been abolished shall have 1662  
the right to fill an available vacancy within the employee's 1663  
classification~~+~~. 1664

(2) If the employee whose position has been abolished has 1665  
more retention points than any other employee serving in the same 1666  
classification, ~~then~~ the employee with the fewest retention points 1667  
shall be displaced~~+~~. 1668

(3) If the employee whose position has been abolished has the 1669  
fewest retention points in the classification, the employee shall 1670  
have the right to fill an available vacancy in a lower 1671  
classification in the classification series~~+~~. 1672

(4) If the employee whose position has been abolished has the 1673  
fewest retention points in the classification, the employee shall 1674  
displace the employee with the fewest retention points in the next 1675  
or successively lower classification in the classification series. 1676

(E) Notwithstanding any contrary provision of the 1677  
displacement procedure described in section 124.324 of the Revised 1678  
Code for employees to displace other employees after a layoff has 1679  
occurred, the director of administrative services may establish a 1680  
paper lay-off process under which employees who are to be laid off 1681  
or displaced may be required, before the date of their paper 1682  
layoff, to preselect their options for displacing other employees. 1683

(F)(1) An appointing authority may furlough employees for up to seventy days during a fiscal year due to a lack of funds. The seventy days of furlough may be nonconsecutive. 1684  
1685  
1686

(2) An employee furloughed under division (F) of this section is eligible to apply for unemployment compensation under Chapter 4141. of the Revised Code. 1687  
1688  
1689

(3) During a furlough under division (F) of this section, a furloughed employee is not eligible to use or to be paid for any accrued leave. Any paid leave approved for use during a furlough under division (F) of this section is canceled. 1690  
1691  
1692  
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(4) An employee may volunteer to take a furlough under division (F) of this section, but the employee's appointing authority must approve the taking of the furlough. 1694  
1695  
1696

(5) Employees who will be subject to a furlough under division (F) of this section shall be given as much advance notice of the furlough as possible. 1697  
1698  
1699

(6) If a temporary or permanent layoff is necessary following a furlough under division (F) of this section, the period of the furlough shall be counted as part of the layoff for purposes of reinstatement. 1700  
1701  
1702  
1703

(G) An appointing authority may reduce the work hours of full-time permanent employees for up to seventy days in a fiscal year due to a lack of funds. An employee may volunteer to accept a reduction in work hours, but the employee's appointing authority must approve the reduction. 1704  
1705  
1706  
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(H) In the event of a reduction of the workforce pursuant to division (F) or (G) of this section that results in an employee of an appointing authority not being in active pay status, the appointing authority shall continue the health, medical, hospital, dental, vision, and surgical benefits coverage of the employee, 1709  
1710  
1711  
1712  
1713

whether provided by an insurance company, health insuring 1714  
corporation, or other health plan or entity, for the duration of 1715  
the time the employee is not in active pay status. The employee is 1716  
liable for payment of the same costs for the benefits coverage as 1717  
if the employee was in active pay status. 1718

(I) An employee who is furloughed under division (F) of this 1719  
section or whose work hours are reduced under division (G) of this 1720  
section does not have the right to displace another employee under 1721  
the displacement procedure described in division (E) of this 1722  
section or in section 124.324 of the Revised Code. 1723

(J) During a fiscal year, an employee may be both furloughed 1724  
under division (F) of this section and have the employee's work 1725  
hours reduced under division (G) of this section. 1726

(K) The director of administrative services shall ~~promulgate~~ 1727  
adopt rules, under Chapter 119. of the Revised Code, for the 1728  
determination of lack of work within an appointing authority, for 1729  
the abolishment of positions by an appointing authority, and for 1730  
the implementation of this section. 1731

**Sec. 124.322.** Whenever a reduction in the work force is 1732  
necessary, the appointing authority of an agency shall decide in 1733  
which classification or classifications the layoff or layoffs will 1734  
occur and the number of employees to be laid off within each 1735  
affected classification. The director of administrative services 1736  
shall ~~promulgate~~ adopt rules, under Chapter 119. of the Revised 1737  
Code, establishing a method for determining layoff procedures and 1738  
an order of layoff of, and the displacement and recall of, 1739  
laid-off state and county employees. ~~The~~ 1740

The order of layoff in those rules shall be based in part on 1741  
length of service and, may include efficiency in service, 1742  
appointment type, or ~~such~~ similar other factors the director 1743

considers appropriate. If the director establishes relative 1744  
efficiency as a criterion to be used in determining order of 1745  
layoff for state and county employees, credit for efficiency may 1746  
be other than ten per cent of total retention points. 1747

**Sec. 124.323.** ~~(A)~~ Employees shall be laid off in the order 1748  
set forth in this section within the primary appointment 1749  
categories of part-time probationary, part-time permanent, 1750  
~~seasonal, and full-time probationary, and other appointment~~ 1751  
~~categories as established by the director of administrative~~ 1752  
~~services full-time permanent. Whenever~~ 1753

~~(B) Whenever~~ a reduction in force is necessary within each of 1754  
the primary appointment categories, first ~~seasonal~~ part-time 1755  
probationary, then part-time permanent, ~~and~~ then full-time 1756  
probationary, and then full-time permanent employees shall be laid 1757  
off ~~in the following order:~~ 1758

~~(1) Employees serving provisionally who have not completed~~ 1759  
~~their probationary period after appointment;~~ 1760

~~(2) Employees serving provisionally who have satisfactorily~~ 1761  
~~completed their probationary period after appointment;~~ 1762

~~(3) Employees appointed from certified eligible lists or who~~ 1763  
~~are certified and who have not completed their probationary period~~ 1764  
~~after appointment;~~ 1765

~~(4) Employees appointed from certified eligible lists or who~~ 1766  
~~are certified and who have successfully completed their~~ 1767  
~~probationary period after appointment.~~ 1768

**Sec. 124.324.** (A) A laid-off employee has the right to 1769  
displace the employee with the fewest retention points ~~in the~~ 1770  
~~classification from which the employee was laid off or in a lower~~ 1771  
~~or equivalent classification,~~ in the following order: 1772

(1) Within the classification from which the employee was  
laid off; 1773  
1774

(2) Within the classification series from which the employee  
was laid off; 1775  
1776

~~(3) Within a classification which has the same or similar  
duties as the classification from which the employee was laid off,  
in accordance with the list published by the director under  
division (B)(2) of section 124.311 of the Revised Code;~~ 1777  
1778  
1779  
1780

~~(4) Within the classification the employee held immediately  
prior to holding the classification from which the employee was  
laid off.~~ 1781  
1782  
1783

~~Divisions (A)(3) and (4) of this section shall not apply to  
employees of cities, city health districts, and counties, except  
for employees of county departments of job and family services.~~ 1784  
1785  
1786

~~A laid off employee in the classified service has the right  
to displace an employee with the fewest retention points in the  
classification that the laid off employee held immediately prior  
to holding the classification from which the employee was laid  
off, if the laid off employee was certified in the former  
classification. If a position in that classification does not  
exist, then the employee may displace employees in the  
classification that the employee next previously held, and so on,  
subject to the same provisions. The employee may not displace  
employees in a classification if the employee does not meet the  
minimum qualifications of the classification, or if the employee  
held the classification more than five years prior to the date on  
which the employee was laid off, except that failure to meet  
minimum qualifications shall not prevent the employee from  
displacing employees in the classification that the employee next  
previously held within that five year period.~~ 1787  
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If, after exercising displacement rights, an employee is 1803

subject to further layoff action, the employee's displacement 1804  
rights shall be in accordance with the classification from which 1805  
the employee was first laid off. 1806

The director shall verify the calculation of the retention 1807  
points of all employees in an affected classification in 1808  
accordance with section 124.325 of the Revised Code. 1809

(B) Following the order of layoff, an employee laid off in 1810  
the classified civil service shall displace another employee 1811  
within the same appointing authority or independent institution 1812  
and layoff jurisdiction in the following manner: 1813

(1) Each laid-off employee possessing more retention points 1814  
shall displace the employee with the fewest retention points in 1815  
the next lower classification or successively lower classification 1816  
in the same classification series; ~~except that a laid-off~~ 1817  
~~provisional employee shall not have the right to displace a~~ 1818  
~~certified employee;.~~ 1819

(2) Any employee displaced by an employee possessing more 1820  
retention points shall displace the employee with the fewest 1821  
retention points in the next lower classification or successively 1822  
lower classification in the same classification series; ~~except~~ 1823  
~~that a displaced provisional employee shall not displace a~~ 1824  
~~certified employee.~~ This process shall continue, if necessary, 1825  
until the employee with the fewest retention points in the lowest 1826  
classification of the classification series of the same appointing 1827  
authority or independent institution has been reached and, if 1828  
necessary, laid off. 1829

(C) Employees shall notify the appointing authority of their 1830  
intention to exercise their displacement rights, within five days 1831  
after receiving notice of layoff. 1832

(D) No employee shall displace an employee for whose position 1833  
or classification there ~~exists special~~ are certain 1834

position-specific minimum qualifications, as established by a 1835  
~~position description, classification specifications~~ the appointing 1836  
authority and reviewed for validity by the department of 1837  
administrative services, or as established by bona fide 1838  
occupational qualification, unless the employee desiring to 1839  
displace another employee possesses the requisite 1840  
position-specific minimum qualifications for the position or 1841  
classification. 1842

(E) If an employee exercising displacement rights must 1843  
displace an employee in another county within the same layoff 1844  
district, the displacement shall not be construed to be a 1845  
transfer. 1846

(F) The director of administrative services shall ~~promulgate~~ 1847  
adopt rules, under Chapter 119. of the Revised Code, for the 1848  
implementation of this section. 1849

**Sec. 124.326.** (A) The order of layoff and displacement shall 1850  
apply within layoff jurisdictions. Each of the layoff 1851  
jurisdictions, as defined in this section, is autonomous, and 1852  
layoff, displacement, reinstatement, and reemployment procedures 1853  
shall apply only within the jurisdiction affected by the layoff. 1854

(B) The layoff jurisdictions are as follows: 1855

(1) District layoff jurisdiction: the order of layoff shall 1856  
be followed on a district-wide basis within each state agency, 1857  
board, commission, or independent institution. The director of 1858  
administrative services shall establish layoff districts for state 1859  
agencies, boards, and commissions. 1860

(2) County jurisdiction: within county agencies, the order of 1861  
layoff shall be followed within each county appointing authority. 1862

(3) University and college jurisdiction: each state-supported 1863  
college and university is a separate, indivisible layoff 1864

jurisdiction throughout which the order of layoff shall be 1865  
followed, except that a branch campus outside the layoff district 1866  
of its main campus shall be considered a separate layoff 1867  
jurisdiction. For purposes of division (B)(3) of this section, the 1868  
Ohio agriculture research and development center shall be 1869  
considered a branch campus of the Ohio state university. 1870

The layoff jurisdiction described in division (B)(3) of this 1871  
section shall not apply to employees who: 1872

(a) Are laid off for a temporary period of up to one hundred 1873  
ten consecutive days; or 1874

(b) Have specialized skills, knowledge, or training necessary 1875  
for the performance of their job. 1876

A state-supported college or university may adopt rules 1877  
pursuant to Chapter 119. of the Revised Code to provide for the 1878  
layoff of employees who are not subject to the lay-off 1879  
jurisdiction described in division (B)(3) of this section but 1880  
instead are subject to the lay-off jurisdiction described in 1881  
division (B)(1) of this section. 1882

(C) As used in this section, "independent institution" means 1883  
an institution under the control of a managing officer or board of 1884  
trustees with the power to appoint or remove employees as provided 1885  
by statute. 1886

**Sec. 124.327.** (A) Employees who have been laid off or have, 1887  
by virtue of exercising their displacements rights, been displaced 1888  
to a lower classification in their classification series, shall be 1889  
placed on appropriate layoff lists. Those employees with the most 1890  
retention points within each category of order of layoff, as 1891  
established in section 124.323 of the Revised Code, shall be 1892  
placed at the top of the layoff list to be followed by employees 1893  
ranked in descending total retention order. Laid-off employees 1894

shall be placed on layoff lists for each classification in the 1895  
classification series equal to or lower than the classification in 1896  
which the employee was employed at the time of layoff. 1897

(B) An employee who is laid off retains reinstatement rights 1898  
in the agency from which the employee was laid off. Reinstatement 1899  
rights continue for one year from the date of layoff. During this 1900  
one-year period, in any layoff jurisdiction in which an appointing 1901  
authority has an employee on a layoff list, the appointing 1902  
authority shall not hire or promote anyone into a position within 1903  
that classification until all laid-off persons on a layoff list 1904  
for that classification who are qualified to perform the duties of 1905  
the position are reinstated or decline the position when it is 1906  
offered. 1907

For an exempt employee, as defined in section 124.152 of the 1908  
Revised Code, who has reinstatement rights into a bargaining unit 1909  
classification, the exempt employee's recall jurisdiction shall be 1910  
the same as the exempt employee's original lay-off jurisdiction 1911  
for the counties in which the exempt employee indicates 1912  
willingness to accept reinstatement. 1913

(C) Each laid-off or displaced employee, in addition to 1914  
reinstatement rights within the employee's appointing authority, 1915  
~~shall have~~ has the right to reemployment with any other agencies 1916  
within the layoff jurisdiction state agency, board, commission, or 1917  
independent institution described in division (B)(1) of section 1918  
124.326 of the Revised Code, if the employee ~~is qualified to 1919  
perform the duties of the position~~ meets all applicable 1920  
position-specific minimum qualifications developed by the other 1921  
agency, board, commission, or independent institution and reviewed 1922  
for validity by the department of administrative services or, in 1923  
the absence of position-specific minimum qualifications so 1924  
developed and reviewed, meets the qualifications described in the 1925  
position's description or classification, but only in the same 1926

classification from which the employee was initially laid off or 1927  
displaced. Layoff lists for each appointing authority must be 1928  
exhausted before ~~jurisdictional~~ other jurisdiction reemployment 1929  
layoff lists are used. 1930

(D) Any employee accepting or declining reinstatement to the 1931  
same classification and same appointment type from which the 1932  
employee was laid off or displaced shall be removed from the 1933  
appointing authority's layoff list. 1934

(E) Any employee accepting or declining reemployment to the 1935  
same classification and the same appointment type from which the 1936  
employee was laid off or displaced shall be removed from the 1937  
~~jurisdictional~~ layoff list used to determine re-employment under 1938  
division (C) of this section. 1939

(F) An employee who does not exercise the option to displace 1940  
under section 124.324 of the Revised Code shall only be entitled 1941  
to reinstatement or reemployment in the classification from which 1942  
the employee was displaced or laid off. 1943

(G) ~~An~~ Except as otherwise provided in this division, an 1944  
employee who declines reinstatement to a classification lower in 1945  
the classification series than the classification from which the 1946  
employee was laid off or displaced, ~~shall~~ thereafter is only ~~be~~ 1947  
entitled to reinstatement to a classification higher, up to and 1948  
including the classification from which the employee was laid off 1949  
or displaced, in the classification series than the classification 1950  
that was declined. This division does not apply when an employee, 1951  
who was a full-time employee at the time of layoff or 1952  
displacement, declines reinstatement in a part-time position. 1953

(H) Any employee reinstated or reemployed under this section 1954  
shall not serve a probationary period upon reinstatement or 1955  
reemployment, except that an employee laid off during an original 1956  
or promotional probationary period shall begin a new probationary 1957

period. 1958

(I) For the purposes of this section, employees whose salary 1959  
or wage is not paid directly by warrant of the auditor of state 1960  
shall be placed on layoff lists of their appointing authority 1961  
only. 1962

**Sec. 124.34.** (A) The tenure of every officer or employee in 1963  
the classified service of the state and the counties, civil 1964  
service townships, cities, city health districts, general health 1965  
districts, and city school districts of the state, holding a 1966  
position under this chapter, shall be during good behavior and 1967  
efficient service. No ~~such~~ officer or employee shall be reduced in 1968  
pay or position, fined, suspended, or removed, or have the 1969  
officer's or employee's longevity reduced or eliminated, except as 1970  
provided in section 124.32 of the Revised Code, and for 1971  
incompetency, inefficiency, dishonesty, drunkenness, immoral 1972  
conduct, insubordination, discourteous treatment of the public, 1973  
neglect of duty, violation of any policy or work rule of the 1974  
officer's or employee's appointing authority, violation of this 1975  
chapter or the rules of the director of administrative services or 1976  
the commission, any other failure of good behavior, any other acts 1977  
of misfeasance, malfeasance, or nonfeasance in office, or 1978  
conviction of a felony. ~~An~~ The denial of a one-time pay supplement 1979  
or a bonus to an officer or employee is not a reduction in pay for 1980  
purposes of this section. 1981

An appointing authority may require an employee who is 1982  
suspended to report to work to serve the suspension. An employee 1983  
serving a suspension in this manner shall continue to be 1984  
compensated at the employee's regular rate of pay for hours 1985  
worked. ~~Such~~ The disciplinary action shall be recorded in the 1986  
employee's personnel file in the same manner as other disciplinary 1987  
actions and has the same effect as a suspension without pay for 1988

the purpose of recording disciplinary actions. 1989

A finding by the appropriate ethics commission, based upon a 1990  
preponderance of the evidence, that the facts alleged in a 1991  
complaint under section 102.06 of the Revised Code constitute a 1992  
violation of Chapter 102., section 2921.42, or section 2921.43 of 1993  
the Revised Code may constitute grounds for dismissal. Failure to 1994  
file a statement or falsely filing a statement required by section 1995  
102.02 of the Revised Code may also constitute grounds for 1996  
dismissal. The tenure of an employee in the career professional 1997  
service of the department of transportation is subject to section 1998  
5501.20 of the Revised Code. 1999

Conviction of a felony is a separate basis for reducing in 2000  
pay or position, suspending, or removing an officer or employee, 2001  
even if the officer or employee has already been reduced in pay or 2002  
position, suspended, or removed for the same conduct that is the 2003  
basis of the felony. An officer or employee may not appeal to the 2004  
state personnel board of review or the commission any disciplinary 2005  
action taken by an appointing authority as a result of the 2006  
officer's or employee's conviction of a felony. If an officer or 2007  
employee removed under this section is reinstated as a result of 2008  
an appeal of the removal, any conviction of a felony that occurs 2009  
during the pendency of the appeal is a basis for further 2010  
disciplinary action under this section upon the officer's or 2011  
employee's reinstatement. 2012

A person convicted of a felony immediately forfeits the 2013  
person's status as a classified employee in any public employment 2014  
on and after the date of the conviction for the felony. If an 2015  
officer or employee is removed under this section as a result of 2016  
being convicted of a felony or is subsequently convicted of a 2017  
felony that involves the same conduct that was the basis for the 2018  
removal, the officer or employee is barred from receiving any 2019  
compensation after the removal notwithstanding any modification or 2020

disaffirmance of the removal, unless the conviction for the felony 2021  
is subsequently reversed or annulled. 2022

Any person removed for conviction of a felony is entitled to 2023  
a cash payment for any accrued but unused sick, personal, and 2024  
vacation leave as authorized by law. If subsequently reemployed in 2025  
the public sector, ~~such~~ the person shall qualify for and accrue 2026  
these forms of leave in the manner specified by law for a newly 2027  
appointed employee and shall not be credited with prior public 2028  
service for the purpose of receiving these forms of leave. 2029

As used in this division, "felony" means any of the 2030  
following: 2031

(1) A felony that is an offense of violence as defined in 2032  
section 2901.01 of the Revised Code; 2033

(2) A felony that is a felony drug abuse offense as defined 2034  
in section 2925.01 of the Revised Code; 2035

(3) A felony under the laws of this or any other state or the 2036  
United States that is a crime of moral turpitude; 2037

(4) A felony involving dishonesty, fraud, or theft; 2038

(5) A felony that is a violation of section 2921.05, 2921.32, 2039  
or 2921.42 of the Revised Code. 2040

(B) In case of a reduction, a suspension of forty or more 2041  
work hours in the case of an employee exempt from the payment of 2042  
overtime compensation, a suspension of more than three working 2043  
days twenty-four or more work hours in the case of an employee 2044  
required to be paid overtime compensation, a fine of forty or more 2045  
hours' pay in the case of an employee exempt from the payment of 2046  
overtime compensation, a fine in excess of three days' twenty-four 2047  
or more hours' pay in the case of an employee required to be paid 2048  
overtime compensation, or removal, except for the reduction or 2049  
removal of a probationary employee, the appointing authority shall 2050

serve the employee with a copy of the order of reduction, fine, 2051  
suspension, or removal, which order shall state the reasons for 2052  
the action. ~~The order shall be filed with the director of 2053  
administrative services and state personnel board of review, or 2054  
the commission, as may be appropriate.~~ 2055

Within ten days following the date on which the order is 2056  
served or, in the case of an employee in the career professional 2057  
service of the department of transportation, within ten days 2058  
following the filing of a removal order, the employee, except as 2059  
otherwise provided in this section, may file an appeal of the 2060  
order in writing with the state personnel board of review or the 2061  
commission. For purposes of this section, the date on which an 2062  
order is served is the date of hand delivery of the order or the 2063  
date of delivery of the order by certified United States mail, 2064  
whichever occurs first. If ~~such~~ an appeal is filed, the board or 2065  
commission shall forthwith notify the appointing authority and 2066  
shall hear, or appoint a trial board to hear, the appeal within 2067  
thirty days from and after its filing with the board or 2068  
commission, ~~and it.~~ The board, commission, or trial board may 2069  
affirm, disaffirm, or modify the judgment of the appointing 2070  
authority. However, in an appeal of a removal order based upon a 2071  
violation of a last chance agreement, the board, commission, or 2072  
trial board may only determine if the employee violated the 2073  
agreement and thus affirm or disaffirm the judgment of the 2074  
appointing authority. 2075

In cases of removal or reduction in pay for disciplinary 2076  
reasons, either the appointing authority or the officer or 2077  
employee may appeal from the decision of the state personnel board 2078  
of review or the commission, and any such appeal shall be to the 2079  
court of common pleas of the county in which the ~~employee resides~~ 2080  
~~in accordance with the procedure~~ appointing authority is located, 2081  
or to the court of common pleas of Franklin county, as provided by 2082

section 119.12 of the Revised Code. 2083

(C) In the case of the suspension for any period of time, or 2084  
a fine, demotion, or removal, of a chief of police ~~or~~, a chief of 2085  
a fire department, or any member of the police or fire department 2086  
of a city or civil service township, who is in the classified 2087  
civil service, the appointing authority shall furnish ~~such~~ the 2088  
chief or member ~~of a department~~ with a copy of the order of 2089  
suspension, fine, demotion, or removal, which order shall state 2090  
the reasons for the action. The order shall be filed with the 2091  
municipal or civil service township civil service commission. 2092  
Within ten days following the filing of the order, ~~such~~ the chief 2093  
or member ~~of a department~~ may file an appeal, in writing, with the 2094  
~~municipal or civil service township~~ civil service commission. If 2095  
~~such~~ an appeal is filed, the commission shall forthwith notify the 2096  
appointing authority and shall hear, or appoint a trial board to 2097  
hear, the appeal within thirty days from and after its filing with 2098  
the commission, and it may affirm, disaffirm, or modify the 2099  
judgment of the appointing authority. An appeal on questions of 2100  
law and fact may be had from the decision of the ~~municipal or~~ 2101  
~~civil service township~~ civil service commission to the court of 2102  
common pleas in the county in which ~~such~~ the city or civil service 2103  
township is situated. ~~Such~~ The appeal shall be taken within thirty 2104  
days from the finding of the commission. 2105

(D) A violation of division (A)(7) of section 2907.03 of the 2106  
Revised Code is grounds for termination of employment of a 2107  
nonteaching employee under this section. 2108

(E) As used in this section, "last chance agreement" means an 2109  
agreement signed by both an appointing authority and an officer or 2110  
employee of the appointing authority that describes the type of 2111  
behavior or circumstances that, if it occurs, will automatically 2112  
lead to removal of the officer or employee without the right of 2113  
appeal to the state personnel board of review or the appropriate 2114

commission.

2115

**Sec. 124.341.** (A) If a ~~state~~ an employee in the classified or 2116  
unclassified civil service becomes aware in the course of ~~his~~ 2117  
employment of a violation of state or federal statutes, rules, or 2118  
regulations or the misuse of public resources, and the employee's 2119  
supervisor or appointing authority has authority to correct the 2120  
violation or misuse, the employee may file a written report 2121  
identifying the violation or misuse with ~~his~~ the supervisor or 2122  
appointing authority. 2123

If the employee reasonably believes that a violation or 2124  
misuse of public resources is a criminal offense, the employee, in 2125  
addition to or instead of filing a written report with the 2126  
supervisor or appointing authority, may report it to a prosecuting 2127  
attorney, director of law, village solicitor, or similar chief 2128  
legal officer of a municipal corporation, to a peace officer, as 2129  
defined in section 2935.01 of the Revised Code, or, if the 2130  
violation or misuse of public resources is within the jurisdiction 2131  
of the inspector general, to the inspector general in accordance 2132  
with section 121.46 of the Revised Code. In addition to that 2133  
report, if the employee reasonably believes the violation or 2134  
misuse is also a violation of Chapter 102., section 2921.42, or 2135  
section 2921.43 of the Revised Code, the employee may report it to 2136  
the appropriate ethics commission. 2137

(B) Except as otherwise provided in division (C) of this 2138  
section, no ~~state~~ officer or ~~state~~ employee in the classified or 2139  
unclassified civil service shall take any disciplinary action 2140  
against a ~~state~~ an employee in the classified or unclassified 2141  
civil service for making any report authorized by division (A) of 2142  
this section, including, without limitation, doing any of the 2143  
following: 2144

(1) Removing or suspending the employee from employment; 2145

(2) Withholding from the employee salary increases or	2146
employee benefits to which the employee is otherwise entitled;	2147
(3) Transferring or reassigning the employee;	2148
(4) Denying the employee promotion that otherwise would have	2149
been received;	2150
(5) Reducing the employee in pay or position.	2151
(C) <del>A state</del> <u>An employee in the classified or unclassified</u>	2152
<u>civil service</u> shall make a reasonable effort to determine the	2153
accuracy of any information reported under division (A) of this	2154
section. The employee is subject to disciplinary action, including	2155
suspension or removal, as determined by the employee's appointing	2156
authority, for purposely, knowingly, or recklessly reporting false	2157
information under division (A) of this section.	2158
(D) If an appointing authority takes any disciplinary or	2159
retaliatory action against a classified or unclassified employee	2160
as a result of the employee's having filed a report under division	2161
(A) of this section, the employee's sole and exclusive remedy,	2162
notwithstanding any other provision of law, is to file an appeal	2163
with the state personnel board of review within thirty days after	2164
receiving actual notice of the appointing authority's action. If	2165
the employee files such an appeal, the board shall immediately	2166
notify the employee's appointing authority and shall hear the	2167
appeal. The board may affirm or disaffirm the action of the	2168
appointing authority or may issue any other order as is	2169
appropriate. The order of the board is appealable in accordance	2170
with <del>the provisions of</del> Chapter 119. of the Revised Code.	2171
(E) As used in this section:	2172
(1) "Purposely," "knowingly," and "recklessly" have the same	2173
meanings as in section 2901.22 of the Revised Code <del>+</del> .	2174
(2) "Appropriate ethics commission" has the same meaning as	2175

in section 102.01 of the Revised Code. 2176

(3) "Inspector general" means the inspector general appointed 2177  
under section 121.48 of the Revised Code. 2178

**Sec. 124.38.** Each of the following shall be entitled for each 2179  
completed eighty hours of service to sick leave of four and 2180  
six-tenths hours with pay: 2181

(A) Employees in the various offices of the county, 2182  
municipal, and civil service township service, other than 2183  
superintendents and management employees, as defined in section 2184  
5126.20 of the Revised Code, of county boards of mental 2185  
retardation and developmental disabilities; 2186

(B) Employees of any state college or university; 2187

(C) Employees of any board of education for whom sick leave 2188  
is not provided by section 3319.141 of the Revised Code. 2189

Employees may use sick leave, upon approval of the 2190  
responsible administrative officer of the employing unit, for 2191  
absence due to personal illness, pregnancy, injury, exposure to 2192  
contagious disease that could be communicated to other employees, 2193  
and illness, injury, or death in the employee's immediate family. 2194  
Unused sick leave shall be cumulative without limit. When sick 2195  
leave is used, it shall be deducted from the employee's credit on 2196  
the basis of one hour for every one hour of absence from 2197  
previously scheduled work. 2198

The previously accumulated sick leave of an employee who has 2199  
been separated from the public service shall be placed to the 2200  
employee's credit upon the employee's re-employment in the public 2201  
service, provided that ~~such~~ the re-employment takes place within 2202  
ten years of the date on which the employee was last terminated 2203  
from public service. This ten-year period shall be tolled for any 2204  
period during which the employee holds elective public office, 2205

whether by election or by appointment. 2206

An employee who transfers from one public agency to another 2207  
shall be credited with the unused balance of the employee's 2208  
accumulated sick leave up to the maximum of the sick leave 2209  
accumulation permitted in the public agency to which the employee 2210  
transfers. 2211

The appointing authorities of the various offices of the 2212  
county service may permit all or any part of a person's accrued 2213  
but unused sick leave acquired during service with any regional 2214  
council of government established in accordance with Chapter 167. 2215  
of the Revised Code to be credited to the employee upon a transfer 2216  
as if the employee were transferring from one public agency to 2217  
another under this section. 2218

The appointing authority of each employing unit shall require 2219  
an employee to furnish a satisfactory written, signed statement to 2220  
justify the use of sick leave. If medical attention is required, a 2221  
certificate stating the nature of the illness from a licensed 2222  
physician shall be required to justify the use of sick leave. 2223  
Falsification of either a written, signed statement or a 2224  
physician's certificate shall be grounds for disciplinary action, 2225  
including dismissal. 2226

This section does not interfere with existing unused sick 2227  
leave credit in any agency of government where attendance records 2228  
are maintained and credit has been given employees for unused sick 2229  
leave. 2230

Notwithstanding this section or any other section of the 2231  
Revised Code, any appointing authority of a county office, 2232  
department, commission, board, or body may, upon notification to 2233  
the board of county commissioners, establish alternative schedules 2234  
of sick leave for employees of the appointing authority for whom 2235  
the state employment relations board has not established an 2236

appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, ~~provided that~~ as long as the alternative schedules are not inconsistent with the provisions of ~~a~~ at least one collective bargaining agreement covering other employees of that appointing authority, if such a collective bargaining agreement exists. If no such collective bargaining agreement exists, an appointing authority may, upon notification to the board of county commissioners, establish an alternative schedule of sick leave for its employees that does not diminish the sick leave benefits granted by this section.

**Sec. 124.383.** (A) The director of administrative services shall allow a full-time or part-time employee who is credited with sick leave pursuant to division (B) of section 124.382 of the Revised Code to elect one of the following options with respect to sick leave credit remaining at the end of the year:

(1) Carry forward the balance;

(2) Receive a cash benefit as established by the director ~~of administrative services~~. An employee serving in a temporary work level ~~or holding an interim appointment~~ who elects to convert unused sick leave credit to cash shall do so at the base rate of pay of the employee's normal classification.

(3) Carry forward a portion of the balance and receive a cash benefit for the remainder. The cash benefit shall be calculated in the manner specified in division (A)(2) of this section.

(B) The director of administrative services shall establish procedures to allow employees to indicate the option that will be selected. Included within the procedures shall be the final date by which notification is to be made to the director concerning the option selected. Failure to comply with the date will result in the automatic carry forward of unused balances.

(C) Cash benefits shall be paid in the first pay the employee receives in December. 2267  
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(D) Balances carried forward are excluded from further cash benefits provided under this section. 2269  
2270

(E) An employee who separates during the year shall not be eligible for cash benefits provided under this section. 2271  
2272

**Sec. 124.384.** (A) Except as otherwise provided in this section, employees whose salaries or wages are paid by warrant of the auditor of state and who have accumulated sick leave under section 124.38 or 124.382 of the Revised Code shall be paid for a percentage of their accumulated balances, upon separation for any reason, including death but excluding retirement, at their last base rate of pay at the rate of one hour of pay for every two hours of accumulated balances. An employee who retires in accordance with any retirement plan offered by the state shall be paid upon retirement for each hour of the employee's accumulated sick leave balance at a rate of fifty-five per cent of the employee's last base rate of pay. 2273  
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An employee serving in a temporary work level ~~or an interim appointment~~ who elects to convert unused sick leave to cash shall do so at the base rate of pay of the employee's normal classification. If an employee dies, the employee's unused sick leave shall be paid in accordance with section 2113.04 of the Revised Code or to the employee's estate. 2285  
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In order to be eligible for the payment authorized by this section, an employee shall have at least one year of state service and shall request all or a portion of ~~such~~ that payment no later than three years after separation from state service. No person is eligible to receive all or a portion of the payment authorized by this section at any time later than three years after the person's 2291  
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separation from state service. 2297

(B) Except as otherwise provided in this division, a person 2298  
initially employed on or after July 5, 1987, by a state agency in 2299  
which the employees' salaries or wages are paid directly by 2300  
warrant of the auditor of state shall receive payment under this 2301  
section only for sick leave accumulated while employed by state 2302  
agencies in which the employees' salaries or wages are paid 2303  
directly by warrant of the auditor of state. A person initially 2304  
employed on or after July 5, 1987, by the state department of 2305  
education as an unclassified employee shall receive payment under 2306  
this section only for sick leave accumulated while employed by 2307  
state agencies in which the employees' salaries or wages are paid 2308  
directly by warrant of the auditor of state and for sick leave 2309  
placed to the employee's credit under division (E)(2) of section 2310  
124.382 of the Revised Code. 2311

(C) For employees paid in accordance with section 124.152 of 2312  
the Revised Code and those employees listed in divisions (B)(2) 2313  
and (4) of section 124.14 of the Revised Code, the director of 2314  
administrative services, with the approval of the director of the 2315  
office of budget and management, may establish a plan for early 2316  
payment of accrued sick leave and vacation leave. 2317

**Sec. 124.385.** (A) An employee is eligible for disability 2318  
leave benefits under this section if the employee has completed 2319  
one year of continuous state service immediately prior to the date 2320  
of the disability and if any of the following applies: 2321

(1) The employee is a full-time permanent employee and is 2322  
eligible for sick leave credit pursuant to division (B) of section 2323  
124.382 of the Revised Code. 2324

(2) The employee is a part-time permanent employee who has 2325  
worked at least fifteen hundred hours within the twelve-month 2326  
period immediately preceding the date of disability and is 2327

eligible for sick leave credit under division (B) of section 2328  
124.382 of the Revised Code. 2329

(3) The employee is a full-time permanent or part-time 2330  
permanent employee, is on disability leave or leave of absence for 2331  
medical reasons, and would be eligible for sick leave credit 2332  
pursuant to division (B) of section 124.382 of the Revised Code 2333  
except that the employee is in no pay status due to the employee's 2334  
medical condition. 2335

(B) The director of administrative services, by rule adopted 2336  
in accordance with Chapter 119. of the Revised Code, shall 2337  
establish a disability leave program. The rule shall include, but 2338  
shall not be limited to, the following: 2339

(1) Procedures to be followed for determining disability; 2340

(2) Provisions for the allowance of disability leave due to 2341  
illness or injury; 2342

(3) Provisions for the continuation of service credit for 2343  
employees granted disability leave, including service credit 2344  
towards retirement, as provided by the applicable statute; 2345

(4) The establishment of a minimum level of benefit and of a 2346  
waiting period before benefits begin; 2347

(5) Provisions setting a maximum length of benefit and 2348  
requiring that employees eligible to apply for disability 2349  
retirement shall do so prior to completing the first six months of 2350  
their period of disability. The director's rules shall indicate 2351  
those employees required to apply for disability retirement. If an 2352  
employee is approved to receive disability retirement, the 2353  
employee shall receive the retirement benefit and a supplement 2354  
payment that equals a percentage of the employee's base rate of 2355  
pay and that, when added to the retirement benefit, equals no more 2356  
than the percentage of pay received by employees after the first 2357

six months of disability. ~~Such~~ 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, or vacation leave balances to supplement  
the benefits payable under this section. ~~Such~~ 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, 2388  
time off for an employee granted disability leave is not 2389  
chargeable to any other leave granted by other sections of the 2390  
Revised Code. 2391

(D) While an employee is on an approved disability leave, the 2392  
employer's and employee's share of health, life, and other 2393  
insurance benefits shall be paid by the state, and the retirement 2394  
contribution shall be paid as follows: 2395

(1) The employer's share shall be paid by the state. 2396

(2) For the first three months, the employee's share shall be 2397  
paid by the employee. 2398

(3) After the first three months, the employee's share shall 2399  
be paid by the state. 2400

(E) The approval for disability leave shall be made by the 2401  
director, upon recommendation by the appointing authority. The 2402  
director may delegate to any appointing authority the authority to 2403  
approve disability benefits for a standard recovery period. 2404

(F) If a request for disability leave is denied based on a 2405  
medical determination, the director shall obtain a medical opinion 2406  
from a third party. The decision of the third party is binding. 2407

(G) The rule adopted by the director under division (B) of 2408  
this section shall not deny disability leave benefits for an 2409  
illness or injury to an employee who is a veteran of the United 2410  
States armed forces because the employee contracted the illness or 2411  
received the injury in the course of or as a result of military 2412  
service and the illness or injury is or may be covered by a 2413  
compensation plan administered by the United States department of 2414  
veterans affairs. 2415

**Sec. 124.386.** (A) Each full-time permanent employee paid in 2416  
accordance with section 124.152 of the Revised Code and those 2417

full-time permanent employees listed in divisions (B)(2) and (4) 2418  
of section 124.14 of the Revised Code shall be credited with 2419  
thirty-two hours of personal leave each year. Each part-time 2420  
permanent employee paid in accordance with section 124.152 of the 2421  
Revised Code, and those part-time permanent employees listed in 2422  
divisions (B)(2) and (4) of section 124.14 of the Revised Code, 2423  
shall receive a pro-rated personal leave credit as determined by 2424  
rule of the director of administrative services. Such credit shall 2425  
be made to each eligible employee in the first pay the employee 2426  
receives in December. Employees, upon giving reasonable notice to 2427  
the responsible administrative officer of the appointing 2428  
authority, may use personal leave for absence due to mandatory 2429  
court appearances, legal or business matters, family emergencies, 2430  
unusual family obligations, medical appointments, weddings, 2431  
religious holidays not listed in section 124.19 of the Revised 2432  
Code, or any other matter of a personal nature. Personal leave may 2433  
not be used on a holiday when an employee is scheduled to work. 2434

(B) When personal leave is used, it shall be deducted from 2435  
the unused balance of the employee's personal leave on the basis 2436  
of absence in such increments of an hour as the director of 2437  
administrative services determines. Compensation for such personal 2438  
leave shall be equal to the employee's base rate of pay. 2439

(C) A newly appointed full-time permanent employee or a 2440  
nonfull-time employee who receives a full-time permanent 2441  
appointment shall be credited with personal leave of thirty-two 2442  
hours, less one and two-tenths hours for each pay period that has 2443  
elapsed following the base pay period until the first day of the 2444  
pay period during which the appointment was effective. 2445

(D) The director of administrative services shall allow 2446  
employees to elect one of the following options with respect to 2447  
the unused balance of personal leave: 2448

(1) Carry forward the balance. The maximum credit that shall 2449

be available to an employee at any one time is forty hours. 2450

(2) Convert the balance to accumulated sick leave, to be used 2451  
in the manner provided by section 124.382 of the Revised Code; 2452

(3) Receive a cash benefit. The cash benefit shall equal one 2453  
hour of the employee's base rate of pay for every hour of unused 2454  
credit that is converted. An employee serving in a temporary work 2455  
level ~~or an interim appointment~~ who elects to convert unused 2456  
personal leave to cash shall do so at the base rate of pay of the 2457  
employee's normal classification. Such cash benefit shall not be 2458  
subject to contributions to any of the retirement systems, either 2459  
by the employee or the employer. 2460

(E) A full-time permanent employee who separates from state 2461  
service or becomes ineligible to be credited with leave under this 2462  
section shall receive a reduction of personal leave credit of one 2463  
and two-tenths hours for each pay period that remains beginning 2464  
with the first pay period following the date of separation or the 2465  
effective date of the employee's ineligibility until the pay 2466  
period preceding the next base pay period. After calculation of 2467  
the reduction of an employee's personal leave credit, the employee 2468  
is entitled to compensation for any remaining personal leave 2469  
credit at the employee's current base rate of pay. If the 2470  
reduction results in a number of hours less than zero, the cash 2471  
equivalent value of such number of hours shall be deducted from 2472  
any compensation that remains payable to the employee, or from the 2473  
cash conversion value of any vacation or sick leave that remains 2474  
credited to the employee. An employee serving in a temporary work 2475  
level ~~or an interim appointment~~ who is eligible to receive 2476  
compensation under this section shall be compensated at the base 2477  
rate of pay of the employee's normal classification. 2478

(F) An employee who transfers from one public agency to 2479  
another public agency in which the employee is eligible for the 2480

credit provided under this section shall be credited with the 2481  
unused balance of personal leave. 2482

(G) The director of administrative services shall establish 2483  
procedures to uniformly administer this section. No personal leave 2484  
may be granted to a state employee upon or after retirement or 2485  
termination of employment. 2486

**Sec. 124.388.** (A) An appointing authority may, in its 2487  
discretion, place an employee on administrative leave with pay. 2488  
~~Such~~ Administrative leave with pay is to be used only in 2489  
circumstances where the health or safety of an employee or of any 2490  
person or property entrusted to the employee's care could be 2491  
adversely affected. Compensation for administrative leave with pay 2492  
shall be equal to the employee's base rate of pay. The length of 2493  
~~such~~ administrative leave with pay is solely at the discretion of 2494  
the appointing authority, ~~except that the length of the leave but~~ 2495  
shall not exceed the length of the situation for which the leave 2496  
was granted. An appointing authority may also grant administrative 2497  
leave with pay of two days or less for employees who are moved in 2498  
accordance with section 124.33 of the Revised Code. 2499

(B) An appointing authority may, in its discretion, place an 2500  
employee on administrative leave without pay for a period not to 2501  
exceed two months, if the employee has been charged with a 2502  
violation of law that is punishable as a felony. If the employee 2503  
subsequently does not plead guilty to or is not found guilty of a 2504  
felony with which the employee is charged or any other felony, the 2505  
appointing authority shall pay the employee at the employee's base 2506  
rate of pay, plus interest, for the period the employee was on the 2507  
unpaid administrative leave. 2508

**Sec. 124.40.** (A) The mayor or other chief appointing 2509  
authority of each city in the state shall appoint three persons, 2510

one for a term of two years, one for a term of four years, and one 2511  
for a term of six years, who shall constitute the municipal civil 2512  
service commission of ~~such that~~ city and of the city school 2513  
district and city health district in which ~~such that~~ city is 2514  
located. Each alternate year thereafter the mayor or other chief 2515  
appointing authority shall appoint one person, as successor of the 2516  
member whose term expires, to serve six years. A vacancy shall be 2517  
filled by the mayor or other chief appointing authority ~~of a city~~ 2518  
for the unexpired term. At the time of any appointment, not more 2519  
than two commissioners shall be adherents of the same political 2520  
party. ~~Such~~ 2521

The municipal civil service commission shall prescribe, 2522  
amend, and enforce rules not inconsistent with this chapter for 2523  
the classification of positions in the civil service of ~~such the~~ 2524  
city and city school district, and all the positions in the city 2525  
health district; for examinations for and resignations therefor 2526  
from those positions; for appointments, promotions, removals, 2527  
transfers, layoffs, suspensions, reductions, and reinstatements 2528  
~~therein~~ with respect to those positions; and for standardizing 2529  
those positions and maintaining efficiency therein in them. The 2530  
commission's rules shall authorize each appointing authority of a 2531  
city, city school district, or city health district to develop and 2532  
administer in a manner it devises an evaluation system for the 2533  
employees it appoints. The ~~municipal civil service~~ commission 2534  
shall exercise all other powers and perform all other duties with 2535  
respect to the civil service of ~~such the~~ city, city school 2536  
district, and city health district, as prescribed in this chapter 2537  
and conferred upon the director of administrative services and the 2538  
state personnel board of review with respect to the civil service 2539  
of the state; and all authority granted to the director and the 2540  
board with respect to the service under their jurisdiction shall, 2541  
except as otherwise provided by this chapter, be held to ~~grant the~~ 2542  
~~same authority~~ be granted to the ~~municipal civil service~~ 2543

commission with respect to the service under its jurisdiction. The 2544  
procedure applicable to reductions, suspensions, and removals, as 2545  
provided for in section 124.34 of the Revised Code, shall govern 2546  
the civil service of cities. ~~The~~ 2547

The expense and salaries of a municipal civil service 2548  
commission shall be determined by the legislative authority of the 2549  
city and a sufficient sum of money shall be appropriated each year 2550  
to carry out this chapter in the city. 2551

All persons who are employed by a city school district, city 2552  
health district, or city health department when a municipal civil 2553  
service commission having jurisdiction over them is appointed, or 2554  
when they become subject to civil service by extension of civil 2555  
service to include new classifications of employees, shall 2556  
continue to hold their positions until removed in accordance with 2557  
the civil service laws. 2558

If the appointing authority of any ~~such~~ city fails to appoint 2559  
a civil service commission or commissioner, as provided by law, 2560  
within sixty days after ~~he~~ the appointing authority has the power 2561  
to so appoint, or after a vacancy exists, the state personnel 2562  
board of review shall make the appointment, and ~~such~~ the appointee 2563  
shall hold office until the expiration of the term of the 2564  
appointing authority of ~~such~~ the city. If any ~~such~~ municipal civil 2565  
service commission fails to prepare and submit ~~such~~ rules ~~and or~~ 2566  
regulations in ~~pursuance of~~ accordance with this chapter, the 2567  
board shall forthwith make ~~such~~ those rules or regulations. This 2568  
chapter ~~of the Revised Code~~, shall in all ~~other~~ respects, except 2569  
as provided in this section, be in full force in ~~such~~ cities with 2570  
a civil service commission. 2571

Each municipal civil service commission shall make reports 2572  
from time to time, as the board requires, of the manner in which 2573  
the law and the rules and regulations ~~thereunder~~ under it have 2574  
been and are being administered, and the results of their 2575

administration, in ~~such~~ the city, city school district, and city 2576  
health district. A copy of the annual report of each ~~such~~ 2577  
municipal civil service commission shall be filed in the office of 2578  
the board as a public record. 2579

Whenever the board has reason to believe that a municipal 2580  
civil service commission is violating or is failing to perform the 2581  
duties imposed upon it by law, or that any member of ~~such a~~ 2582  
municipal civil service commission is willfully or through 2583  
culpable negligence violating the law or failing to perform ~~his~~ 2584  
official duties as a member of the commission, it shall institute 2585  
an investigation, and if, in the judgment of the board, it finds 2586  
any such violation or failure to perform the duties imposed by 2587  
law, it shall make a report of ~~such~~ the violation or failure in 2588  
writing to the chief executive authority of ~~such~~ the city, which 2589  
report shall be a public record. 2590

Upon the receipt of ~~the a~~ report from the board, charging a 2591  
the municipal civil service ~~commissioner~~ commission with violating 2592  
or failing to perform the duties imposed upon it by law, or 2593  
charging any member of the commission with willfully or through 2594  
culpable negligence violating the law by failure or failing to 2595  
perform ~~his~~ official duties as a member of the ~~municipal civil~~ 2596  
~~service~~ commission, along with the evidence on which the report is 2597  
based, the chief executive ~~officer~~ authority of the city shall 2598  
forthwith remove the municipal civil service commissioner or 2599  
commissioners. In all cases of removal of a municipal civil 2600  
service commissioner by the chief executive authority of any ~~such~~ 2601  
city, an appeal may be had to the court of common pleas, in the 2602  
county in which the city is situated, to determine the sufficiency 2603  
of the cause of removal. The appeal shall be taken within ten days 2604  
from the decision of the chief executive authority ~~of the city~~. 2605  
~~Should~~ If the court ~~disaffirm~~ disaffirms the judgment of the chief 2606  
executive authority, the commissioner shall be reinstated to ~~his~~ 2607

~~the commissioner's~~ former position ~~in on~~ the ~~municipal civil~~ 2608  
~~service~~ commission. The 2609

The chief executive authority of ~~such a~~ city with a municipal 2610  
civil service commission may remove at any time ~~remove~~ any 2611  
~~municipal civil service~~ commissioner for inefficiency, neglect of 2612  
duty, or malfeasance in office, having first given to the 2613  
commissioner a copy of the charges ~~against him~~ and an opportunity 2614  
to be publicly heard in person or by counsel in ~~his own~~ defense. 2615

The mayor has the exclusive right to suspend the chief of the 2616  
police department or the chief of the fire department for 2617  
incompetence, gross neglect of duty, gross immorality, habitual 2618  
drunkenness, failure to obey orders given ~~him~~ by the proper 2619  
authority, or ~~for~~ any other reasonable and just cause. If either 2620  
the chief of police or the chief of the fire department is so 2621  
suspended, the mayor forthwith shall certify ~~such that~~ fact, 2622  
together with the cause of the suspension, to the municipal civil 2623  
service commission, ~~which within~~. Within five days from the date 2624  
of receipt of the notice, the commission shall proceed to hear 2625  
~~such the~~ charges and render judgment ~~thereon, which on them~~. The 2626  
judgment may affirm, disaffirm, or modify the judgment of the 2627  
~~appointing officer~~ mayor, and an appeal may be had from the 2628  
decision of the commission to the court of common pleas as 2629  
provided in section 124.34 of the Revised Code to determine the 2630  
sufficiency of the cause of removal. 2631

(B) The board of trustees of a township ~~with~~ that has a 2632  
population of ten thousand or more persons residing within the 2633  
township and outside any municipal corporation and ~~which that~~ has 2634  
a police or fire department of ten or more full-time paid 2635  
employees may appoint three persons ~~who shall~~ to constitute the 2636  
township civil service commission. Of the initial appointments 2637  
made to the commission, one shall be for a term ending two years 2638  
after the date of initial appointment, one shall be for a term 2639

ending four years after that date, and one shall be for a term 2640  
ending six years after that date. Thereafter, terms of office 2641  
shall be for six years, each term ending on the same day of the 2642  
same month as did the term which it succeeds. Each member shall 2643  
hold office from the date of ~~his~~ appointment until the end of the 2644  
term for which ~~he~~ the member was appointed. Any member appointed 2645  
to fill a vacancy occurring prior to the expiration of the term 2646  
for which ~~his~~ the member's predecessor was appointed shall hold 2647  
office for the remainder of ~~such~~ that term. Any member shall 2648  
continue in office subsequent to the expiration date of ~~his~~ the 2649  
member's term until ~~his~~ a successor takes office, or until a 2650  
period of sixty days has elapsed, whichever occurs first. At the 2651  
time of any appointment, not more than two commissioners shall be 2652  
adherents of the same political party. 2653

The board of township trustees shall determine the 2654  
compensation and expenses to be paid to the members of the 2655  
township civil service commission. The powers and duties conferred 2656  
on municipal civil service commissions and the supervisory 2657  
authority of the state personnel board of review under division 2658  
(A) of this section shall be applicable to the civil service 2659  
commission of a civil service township. ~~The~~ 2660

The board of township trustees has the exclusive right to 2661  
suspend the chief of the police or fire department of the township 2662  
in the same manner as provided in division (A) of this section for 2663  
municipal chiefs. 2664

The jurisdiction of the ~~civil service~~ township civil service 2665  
commission is limited to employees of the township fire or police 2666  
department and then only if the department has ten or more 2667  
full-time paid employees, and it does not extend to any other 2668  
township employees. 2669

**Sec. 124.43.** (A) Separate examinations shall be given and 2670

separate eligibility lists maintained by municipal and civil 2671  
service township civil service commissions for original 2672  
appointments to and promotions in the fire and police departments 2673  
in the cities and civil service townships. No person may be 2674  
transferred from one list to the other. Appointments and 2675  
promotions in the departments shall be only from the separate 2676  
eligible lists maintained for each of the departments. Transfers 2677  
of personnel from one department to the other are hereby 2678  
prohibited. 2679

(B) Eligible lists maintained under division (A) of this 2680  
section for original appointments to fire and police departments 2681  
in cities and civil service townships shall consist of all 2682  
applicants who have passed the examination and shall be ranked by 2683  
examination grade. The appointing authority may appoint any 2684  
applicant on the applicable eligible list who the appointing 2685  
authority determines to be qualified for a position. 2686

**Sec. 124.44.** (A) The legislative authority of a city, by 2687  
ordinance or resolution, may provide procedures for the 2688  
appointment of the chief of the police department that differ from 2689  
the procedures provided by this chapter. Division (B) of this 2690  
section does not apply to the appointment of the chief of a police 2691  
department if the legislative authority of the city has adopted an 2692  
ordinance or resolution that provides different appointment 2693  
procedures. 2694

(B) No positions above the rank of ~~patrolman~~ patrol officer 2695  
in the police department shall be filled by original appointment. 2696  
Vacancies in positions above the rank of ~~patrolman~~ patrol officer 2697  
in a police department shall be filled by promotion from among 2698  
persons holding positions in a rank lower than the position to be 2699  
filled. No position above the rank of ~~patrolman~~ patrol officer in 2700  
a police department shall be filled by any person unless ~~he~~ the 2701

person has first passed a competitive promotional examination. 2702  
Promotion shall be by successive ranks ~~so far~~ insofar as 2703  
practicable, and no person in a police department shall be 2704  
promoted to a position in a higher rank who has not served at 2705  
least twelve months in the next lower rank. ~~No~~ A municipal civil 2706  
service commission may require a period of service of longer than 2707  
twelve months for promotion to the rank immediately above the rank 2708  
of patrol officer. 2709

No competitive promotional examination shall be held unless 2710  
there are at least two persons eligible to compete. Whenever a 2711  
municipal or civil service township civil service commission 2712  
determines that there are less than two persons holding positions 2713  
in the rank next lower than the position to be filled, who are 2714  
eligible and willing to compete, ~~such~~ the commission shall allow 2715  
the persons holding positions in the then next lower rank who are 2716  
eligible, to compete with the persons holding positions in the 2717  
rank lower than the position to be filled. ~~An~~ 2718

An increase in the salary or other compensation of anyone 2719  
holding a position in a police department, beyond that fixed for 2720  
the rank in which ~~such~~ that position is classified, shall be 2721  
deemed a promotion, except as provided in section 124.491 of the 2722  
Revised Code. ~~Whenever~~ 2723

If a vacancy occurs in ~~the~~ a position above the rank of 2724  
~~patrolman~~ patrol officer in a police department, and there is no 2725  
eligible list for such rank, the municipal or civil service 2726  
township civil service commission shall, within sixty days of ~~such~~ 2727  
that vacancy, hold a competitive promotional examination. After 2728  
~~such~~ the examination has been held and an eligible list 2729  
established, the commission shall forthwith certify to the 2730  
appointing officer the ~~name~~ names of the ~~person~~ three persons on 2731  
the list receiving the highest rating. Upon ~~such~~ the 2732  
certification, the appointing officer shall appoint one of the 2733

~~person~~ persons so certified within thirty days from the date of 2734  
~~such the~~ certification. If there is a list, the commission shall, 2735  
~~where when~~ there is a vacancy, immediately certify the ~~name~~ names 2736  
of the ~~person~~ three persons on the list having the highest rating, 2737  
and the appointing authority shall appoint ~~such person~~ one of the 2738  
persons within thirty days from the date of ~~such the~~ 2739  
certification. 2740

No credit for seniority, efficiency, or any other reason 2741  
shall be added to an applicant's examination grade unless the 2742  
applicant achieves at least the minimum passing grade on the 2743  
examination without counting ~~such that~~ extra credit. 2744

**Sec. 124.45.** (A) The legislative authority of a city, by 2745  
ordinance or resolution, may provide procedures for the 2746  
appointment of the chief of the fire department that differ from 2747  
the procedures provided by this chapter. Division (B) of this 2748  
section does not apply to the appointment of the chief of a fire 2749  
department if the legislative authority of the city has adopted an 2750  
ordinance or resolution that provides different appointment 2751  
procedures. 2752

(B) Vacancies in positions above the rank of regular ~~fireman~~ 2753  
~~fire fighter~~ in a fire department shall be filled by competitive 2754  
promotional examinations, and promotions shall be by successive 2755  
ranks as provided in this section and sections 124.46 to 124.49 of 2756  
the Revised Code. Positions in which ~~such~~ those vacancies occur 2757  
shall be called promoted ranks. 2758

When a vacancy occurs in the promoted rank immediately above 2759  
the rank of regular ~~fireman~~ fire fighter, no person shall be 2760  
eligible to take the examination unless ~~he~~ the person has served 2761  
~~twenty-four~~ forty-eight months, not including the person's 2762  
probationary period, in the rank of regular ~~firemen~~ fire fighter, 2763  
provided that, in those cases ~~where~~ when there are less than two 2764

persons in the rank of regular ~~firemen~~ fire fighter who have 2765  
served ~~twenty-four~~ forty-eight months ~~therein, not including the~~ 2766  
person's probationary period, in that rank and who are willing to 2767  
take the examination, ~~the twenty-four month~~ this service 2768  
requirement does not apply. 2769

When a vacancy occurs in a promoted rank, other than the 2770  
promoted rank immediately above the rank of regular ~~fireman~~ fire 2771  
fighter, no person shall be eligible to take the examination 2772  
unless ~~he~~ the person has served twelve months in the rank from 2773  
which the promotion is to be made, provided that, in those cases 2774  
~~where~~ when there are less than two persons in ~~such~~ that next lower 2775  
rank who have served twelve months ~~therein~~ in that rank and who 2776  
are willing to take the examination, ~~the twelve-months~~ 2777  
twelve-month service requirement shall not apply. If the 2778  
nonapplication of the twelve-month service requirement to persons 2779  
in the next lower rank does not produce two persons eligible and 2780  
willing to compete, ~~then~~ the same method shall be followed by 2781  
going to successively lower ranks until two or more persons are 2782  
eligible and willing to compete in an examination for the vacancy. 2783  
~~In the event~~ If this process of searching successively lower ranks 2784  
reaches the rank of regular ~~fireman~~ fire fighter, the ~~twenty-four~~ 2785  
forty-eight-month service requirement applies, provided that, in 2786  
those cases ~~where such~~ when that application still fails to 2787  
produce two persons who are eligible and willing to compete, ~~said~~ 2788  
~~twenty-four~~ the forty-eight-month service requirement does not 2789  
apply. ~~In the event~~ If two persons are unwilling to compete for 2790  
~~such~~ the examination, ~~then~~ the one person who is willing to 2791  
compete shall be appointed to fill the vacancy after passing a 2792  
qualifying examination. 2793

Promotional examinations for positions within a fire 2794  
department shall relate to those matters ~~which~~ that test the 2795  
ability of the person examined to discharge the particular duties 2796

of the position sought, ~~and shall be in writing, provided,~~ in 2797  
examinations for positions requiring the operation of machines or 2798  
equipment, practical demonstration tests of the operation of ~~such~~ 2799  
those machines or equipment may be a part of the examination. 2800

Those persons who compete in a promotional examination in 2801  
accordance with the rules of the civil service commission shall 2802  
have added to their grade credit for seniority. Credit for 2803  
seniority shall be given as follows: one point shall be added for 2804  
each of the first four years of service, ~~and~~ six-tenths of a point 2805  
shall be added for each year for the next ten years of service. In 2806  
computing the credit for seniority, half of the credit ~~above set~~ 2807  
~~out~~ specified in this paragraph shall be given for a half year of 2808  
service. Credit for seniority shall be based only on service in 2809  
the municipal or civil service township fire department and the 2810  
service provided for in the next succeeding paragraph. 2811

When service in a municipal or civil service township fire 2812  
department is interrupted by service in the armed forces of the 2813  
United States, seniority credit shall be granted in promotional 2814  
examinations for the time so served. No additional credit for 2815  
military service shall be allowed in promotional examinations. 2816

Credit for efficiency may be given as an added credit ~~and,~~ 2817  
shall be ten per cent of the member's efficiency rating for the 2818  
last year, ~~and~~ shall be based on the record of efficiency 2819  
maintained in the fire department in the manner established by the 2820  
civil service commission, provided the efficiency shall be graded 2821  
by three ranking officers of the fire department familiar with the 2822  
work of the member. In those cases ~~where~~ when three such officers 2823  
do not exist, ~~the~~ ranking officers or officer familiar with the 2824  
work of the member shall grade the efficiency. 2825

No credit for seniority, efficiency, or any other reason 2826  
shall be added to an applicant's grade unless the applicant 2827  
achieves at least the minimum passing grade on the examination 2828

without counting ~~such~~ that extra credit.

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~~After a promotional examination has been held and prior to the grading of such examination papers, each participant in said promotional examination shall have a period of five days, exclusive of Saturdays, Sundays, and holidays, to inspect the questions, the rating keys or answers to the examination and to file any protest he may deem advisable. These protests shall be in writing and shall remain anonymous to the commission. All protests with respect to rating keys or answers shall be determined by the commission within a period of not more than five days, exclusive of Saturdays, Sundays, and holidays, and its decision shall be final. If the commission finds an error in the rating key or answer, it shall publish a revised rating key within five days of its finding of such error or errors. The revised rating key or answer shall then be available to participants for a period of five days, exclusive of Saturdays, Sundays, and holidays, subsequent to such determination of error or errors.~~

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After the grading of ~~such~~ examination papers, any participant in the examination who ~~deems his~~ considers the participant's examination papers to have been erroneously graded, shall have the right to appeal to the commission, and ~~said the~~ the appeal ~~or appeals~~ shall be heard by the commission.

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The public notice of a holding of a promotional examination for a position or positions in a fire department shall, unless waived by all persons eligible to participate, be published not less than thirty days prior to the examination and shall contain a description of the source material from which the examination questions are prepared. ~~Such~~ The source material shall be readily accessible to the examinee. Failure to comply with this requirement shall make void the pursuant examination. This paragraph does not prohibit the use of questions having answers based on experience in the fire service within the fire department

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in which the promotional examination is being given. 2861

**Sec. 124.46.** The names of the examinees who have passed the 2862  
examination shall be placed on the eligible list in accordance 2863  
with their grades; ~~the one.~~ The examinee receiving the highest 2864  
grade shall be placed first on the list. ~~In the event~~ If two or 2865  
more examinees receive the same grade, seniority in the fire 2866  
department service shall determine the order of their names. ~~The~~ 2867  
~~person having the highest position on the list shall be appointed~~ 2868  
~~in the case of a vacancy.~~ Eligible lists established as provided 2869  
in this section shall continue for two years. ~~In the event~~ If a 2870  
vacancy occurs prior to the expiration of the two-year period, the 2871  
list shall continue for the purpose of filling ~~such~~ the vacancy 2872  
until the vacancy has been filled. 2873

~~Where~~ If an eligible list exists and a vacancy occurs ~~which~~ 2874  
that may be filled from ~~such eligible that~~ list, the vacancy shall 2875  
be filled within a period of not more than ten days from the date 2876  
of ~~such~~ the vacancy. 2877

**Sec. 124.48.** Whenever a vacancy occurs in a promoted rank in 2878  
a fire department and no eligible list for ~~such that~~ rank exists, 2879  
the appointing authority shall certify the fact to the civil 2880  
service commission, ~~and the.~~ The civil service commission ~~shall,~~ 2881  
within sixty days of ~~such the~~ vacancy, shall conduct a competitive 2882  
promotional examination. After ~~such the~~ examination has been held, 2883  
an eligible list shall be established ~~within twenty days of the~~ 2884  
~~final date, of the revised rating key or answer inspection date,~~ 2885  
and the civil service commission shall certify to the appointing 2886  
authority the ~~name~~ names of the ~~person~~ three persons on the list 2887  
receiving the highest ~~grade~~ grades. Upon ~~such the~~ certification, 2888  
the appointing authority shall appoint one of the ~~person~~ persons 2889  
so certified within ten days. 2890

When an eligible list ~~is in existence~~ exists and a vacancy 2891  
occurs in a position for which the list was established, the 2892  
appointing authority shall certify the fact to the civil service 2893  
commission. The ~~person~~ three persons standing highest on ~~such the~~ 2894  
list shall be certified to the appointing authority, and ~~such~~ 2895  
~~person~~ one of the persons shall be appointed within ten days. 2896

**Sec. 302.202.** If established under ~~Chapter 302. of the~~ 2897  
~~Revised Code~~ this chapter, the department of personnel shall make 2898  
and promulgate personnel rules ~~which~~ that, when adopted by the 2899  
board of county commissioners after public hearing, shall be the 2900  
sole basis for determining the provisions and procedures of the 2901  
county personnel system. 2902

Notwithstanding the provisions of Chapter 124. of the Revised 2903  
Code, personnel rules adopted by the board of county commissioners 2904  
pursuant to this section, may provide for, but need not be limited 2905  
to, the following: 2906

(A) Classification of all county positions, which 2907  
classification shall be based on the duties, authority, and 2908  
responsibility of each position; 2909

(B) A pay plan for all county positions, which pay plan may 2910  
include ~~such~~ fringe benefits as may be determined by the board of 2911  
county commissioners, in addition to salary; 2912

(C) Certification of payrolls as to compliance with the pay 2913  
plan and the personnel rules; 2914

(D) The method of holding competitive tests for determining 2915  
the merit and fitness of candidates for appointment and promotion; 2916

(E) The establishment, maintenance, and certification of 2917  
eligible lists for filling vacancies; 2918

(F) The order and manner in which lay-offs may be effected; 2919

(G) The procedure for suspension and removal of employees, 2920  
which procedure shall include provisions for appeals from orders 2921  
of suspension or removal or other disciplinary action; 2922

(H) The hours of work, the attendance regulations, and the 2923  
provisions for sick and vacation leave; 2924

~~(I) The procedure for provisional appointments;~~ 2925

~~(J)~~ Other practices and procedures necessary to the 2926  
administration of the county personnel system. 2927

**Sec. 325.19.** (A)(1) The granting of vacation leave under 2928  
division (A)(1) of this section is subject to divisions (A)(2) and 2929  
(3) of this section. Each full-time employee in the several 2930  
offices and departments of the county service, including full-time 2931  
hourly rate employees, after service of one year with the county 2932  
or any political subdivision of the state, shall have earned and 2933  
will be due upon the attainment of the first year of employment, 2934  
and annually thereafter, eighty hours of vacation leave with full 2935  
pay. One year of service shall be computed on the basis of 2936  
twenty-six biweekly pay periods. A full-time county employee with 2937  
eight or more years of service with the county or any political 2938  
subdivision of the state shall have earned and is entitled to one 2939  
hundred twenty hours of vacation leave with full pay. A full-time 2940  
county employee with fifteen or more years of service with the 2941  
county or any political subdivision of the state shall have earned 2942  
and is entitled to one hundred sixty hours of vacation leave with 2943  
full pay. A full-time county employee with twenty-five years of 2944  
service with the county or any political subdivision of the state 2945  
shall have earned and is entitled to two hundred hours of vacation 2946  
leave with full pay. Such vacation leave shall accrue to the 2947  
employee at the rate of three and one-tenth hours each biweekly 2948  
period for those entitled to eighty hours per year; four and 2949  
six-tenths hours each biweekly period for those entitled to one 2950

hundred twenty hours per year; six and two-tenths hours each 2951  
biweekly period for those entitled to one hundred sixty hours per 2952  
year; and seven and seven-tenths hours each biweekly period for 2953  
those entitled to two hundred hours per year. 2954

The appointing authorities of the offices and departments of 2955  
the county service may permit all or any part of a person's prior 2956  
service with any regional council of government established in 2957  
accordance with Chapter 167. of the Revised Code to be considered 2958  
service with the county or a political subdivision of the state 2959  
for the purpose of determining years of service under this 2960  
division. 2961

(2) Full-time employees granted vacation leave under division 2962  
(A)(1) of this section who render any standard of service other 2963  
than forty hours per week as described in division (J) of this 2964  
section and who are in active pay status in a biweekly pay period, 2965  
shall accrue a number of hours of vacation leave during each such 2966  
pay period that bears the same ratio to the number of hours 2967  
specified in division (A)(1) of this section as their number of 2968  
hours which are accepted as full-time in active pay status, 2969  
excluding overtime hours, bears to eighty hours. 2970

(3) Full-time employees granted vacation leave under division 2971  
(A)(1) of this section who are in active pay status in a biweekly 2972  
pay period for less than eighty hours or the number of hours of 2973  
service otherwise accepted as full-time by their employing office 2974  
or department shall accrue a number of hours of vacation leave 2975  
during that pay period that bears the same ratio to the number of 2976  
hours specified in division (A)(1) of this section as their number 2977  
of hours in active pay status, excluding overtime hours, bears to 2978  
eighty or the number of hours of service accepted as full-time, 2979  
whichever is applicable. 2980

(B) A board of county commissioners, by resolution, may grant 2981  
vacation leave with full pay to part-time county employees. A 2982

part-time county employee shall be eligible for vacation leave 2983  
with full pay upon the attainment of the first year of employment, 2984  
and annually thereafter. The ratio between the hours worked and 2985  
the vacation hours awarded to a part-time employee shall be the 2986  
same as the ratio between the hours worked and the vacation hours 2987  
earned by a full-time employee as provided for in this section. 2988

(C) Days specified as holidays in section 124.19 of the 2989  
Revised Code shall not be charged to an employee's vacation leave. 2990  
Vacation leave shall be taken by the employee during the year in 2991  
which it accrued and prior to the next recurrence of the 2992  
anniversary date of the employee's employment, provided that the 2993  
appointing authority may, in special and meritorious cases, permit 2994  
such employee to accumulate and carry over the employee's vacation 2995  
leave to the following year. No vacation leave shall be carried 2996  
over for more than three years. An employee is entitled to 2997  
compensation, at the employee's current rate of pay, for the 2998  
prorated portion of any earned but unused vacation leave for the 2999  
current year to the employee's credit at time of separation, and 3000  
in addition shall be compensated for any unused vacation leave 3001  
accrued to the employee's credit, with the permission of the 3002  
appointing authority, for the three years immediately preceding 3003  
the last anniversary date of employment. 3004

(D)(1) In addition to vacation leave, a full-time county 3005  
employee is entitled to eight hours of holiday pay for New Year's 3006  
day, Martin Luther King day, Washington-Lincoln day, Memorial day, 3007  
Independence day, Labor day, Columbus day, Veterans' day, 3008  
Thanksgiving day, and Christmas day, of each year. Except as 3009  
provided in division (D)(2) of this section, holidays shall occur 3010  
on the days specified in section 1.14 of the Revised Code. If any 3011  
of those holidays fall on Saturday, the Friday immediately 3012  
preceding shall be observed as the holiday. If any of those 3013  
holidays fall on Sunday, the Monday immediately succeeding shall 3014

be observed as the holiday. If an employee's work schedule is 3015  
other than Monday through Friday, the employee is entitled to 3016  
holiday pay for holidays observed on the employee's day off 3017  
regardless of the day of the week on which they are observed. 3018

(2)(a) When a classified employee of a county board of mental 3019  
retardation and developmental disabilities works at a site 3020  
maintained by a government entity other than the board, such as a 3021  
public school, the board may adjust the employee's holiday 3022  
schedule to conform to the schedule adopted by the government 3023  
entity. Under an adjusted holiday schedule, an employee shall 3024  
receive the number of hours of holiday pay granted under division 3025  
(D)(1) of this section. 3026

(b) Pursuant to division (H)(6) of section 339.06 of the 3027  
Revised Code, a county hospital may observe Martin Luther King 3028  
day, Washington-Lincoln day, Columbus day, and Veterans' day on 3029  
days other than those specified in section 1.14 of the Revised 3030  
Code. 3031

(E) In the case of the death of a county employee, the unused 3032  
vacation leave and unpaid overtime to the credit of ~~any such~~ the 3033  
employee shall be paid in accordance with section 2113.04 of the 3034  
Revised Code, or to the employee's estate. 3035

(F) Notwithstanding this section or any other section of the 3036  
Revised Code, any appointing authority of a county office, 3037  
department, commission, board, or body may, upon notification to 3038  
the board of county commissioners, establish alternative schedules 3039  
of vacation leave and holidays for employees of the appointing 3040  
authority for whom the state employment relations board has not 3041  
established an appropriate bargaining unit pursuant to section 3042  
4117.06 of the Revised Code, ~~provided that~~ as long as the 3043  
alternative schedules are not inconsistent with the provisions of 3044  
a at least one collective bargaining agreement covering other 3045

employees of that appointing authority, if such an agreement 3046  
exists. If no such collective bargaining agreement exists, an 3047  
appointing authority, upon notification to the board of county 3048  
commissioners, may establish an alternative schedule of vacation 3049  
leave and holidays for its employees that does not diminish the 3050  
vacation leave and holiday benefits granted by this section. 3051

(G) The employees of a county children services board that 3052  
establishes vacation benefits under section 5153.12 of the Revised 3053  
Code are exempt from division (A) of this section. 3054

(H) The provisions of this section do not apply to 3055  
superintendents and management employees of county boards of 3056  
mental retardation and developmental disabilities. 3057

(I) Division (A) of this section does not apply to an 3058  
employee of a county board of mental retardation and developmental 3059  
disabilities who works at, or provides transportation services to 3060  
pupils of, a special education program provided by the county 3061  
board pursuant to division (A)(4) of section 5126.05 of the 3062  
Revised Code, if the employee's employment is based on a school 3063  
year and the employee is not subject to a contract with the county 3064  
board that provides for division (A) of this section to apply to 3065  
the employee. 3066

(J) As used in this section: 3067

(1) "Full-time employee" means an employee whose regular 3068  
hours of service for a county total forty hours per week, or who 3069  
renders any other standard of service accepted as full-time by an 3070  
office, department, or agency of county service. 3071

(2) "Part-time employee" means an employee whose regular 3072  
hours of service for a county total less than forty hours per 3073  
week, or who renders any other standard of service accepted as 3074  
part-time by an office, department, or agency of county service, 3075  
and whose hours of county service total at least five hundred 3076

twenty hours annually.

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(3) "Management employee" has the same meaning as in section  
5126.20 of the Revised Code.

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**Sec. 329.02.** Under the control and direction of the board of  
county commissioners, the county director of job and family  
services shall have full charge of the county department of job  
and family services. The director shall prepare the annual budget  
estimate of the department and submit it to the board ~~of county~~  
~~commissioners~~. Before submitting the budget estimate to the board  
~~of county commissioners~~, the director shall consider the  
recommendations of the county family services planning committee  
relative to ~~such~~ that estimate. The director, with the approval of  
the board ~~of county commissioners~~, shall appoint all necessary  
assistants and superintendents of institutions under the  
jurisdiction of the department, and all other employees of the  
department, ~~excepting~~ except that the superintendent of each such  
institution shall appoint all employees ~~therein~~ in it and only the  
board ~~of county commissioners~~ may appoint administrators under  
section 329.021 of the Revised Code. Except for administrators  
appointed under section 329.021 of the Revised Code and up to five  
other administrative positions, the assistants and other employees  
of the department shall be in the classified civil service, and  
may not be placed in or removed to the unclassified service. If no  
eligible list is available, ~~provisional~~ a probationary appointment  
shall be made until ~~such~~ an eligible list is available.

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Each director appointed on or after ~~the effective date of~~  
~~this amendment~~ October 5, 1987, shall be in the unclassified civil  
service and serve at the pleasure of the board ~~of county~~  
~~commissioners~~. If a person holding a classified position in the  
department is appointed as director on or after ~~the effective~~ that  
~~date of this amendment~~ and is later removed by the board, except

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for a reason listed in section 124.34 of the Revised Code, the 3108  
person so removed has the right to resume the position the person 3109  
held in the classified service immediately prior to being 3110  
appointed as director, or if that position no longer exists or has 3111  
become an unclassified position, the person shall be appointed to 3112  
a position in the classified service that the board, with the 3113  
approval of the director of administrative services, determines is 3114  
equivalent to the position the person held immediately prior to 3115  
being appointed as director. 3116

The board ~~of county commissioners~~, except as provided in this 3117  
chapter, may provide by resolution for the coordination of the 3118  
operations of the department and those of any county institution 3119  
whose board or managing officer is appointed by the board of 3120  
county commissioners. 3121

The board of county commissioners may enter into a written 3122  
contract with a county director of job and family services 3123  
specifying terms and conditions of the director's employment. The 3124  
period of the contract shall not exceed three years. In addition 3125  
to any review specified in ~~such a~~ the contract, the contract shall 3126  
be subject to review and renegotiation for a period of thirty 3127  
days, from the sixtieth to the ninetieth days after the beginning 3128  
of the term of any newly elected commissioner. Such a contract 3129  
shall in no way abridge the right of the board to terminate the 3130  
employment of the director as an unclassified employee at will, 3131  
but may specify terms and conditions of any such termination. 3132

**Sec. 1513.03.** The chief of the division of mineral resources 3133  
management shall designate certain employees of the division as 3134  
mineral resources inspectors for the purpose of enforcing the coal 3135  
mining laws and the surface mining laws. ~~Such~~ Those inspectors may 3136  
enter upon and inspect any coal or surface mining operation at any 3137  
time, and, upon entering the permit area ~~the,~~ an inspector shall 3138

notify the operator and shall furnish proper identification. After 3139  
the final maps have been approved, the inspector shall notify the 3140  
nearest mine office of the operator and advise of the inspection. 3141  
~~They~~ Inspectors may serve and execute warrants and other processes 3142  
of law issued in the enforcement of this chapter and Chapter 1514. 3143  
of the Revised Code and the rules adopted ~~thereunder~~ under them. 3144

~~Such~~ The inspectors, while in the normal, lawful, and 3145  
peaceful pursuit of their duties, may enter upon, cross over, and 3146  
remain upon privately owned lands for such purposes, and shall not 3147  
be subject to arrest for trespass while so engaged or for such 3148  
cause thereafter. 3149

Before a person, other than a person who was an inspector of 3150  
coal or surface mining operations or oil and gas operations on 3151  
July 1, 1999, is eligible for appointment as a mineral resources 3152  
inspector, the person shall pass an examination prepared and 3153  
administered by the department of administrative services and 3154  
shall serve ~~in a provisional status~~ for a probationary period of 3155  
six months to the satisfaction of the chief. The chief may hire 3156  
~~provisionally~~, pending the administration of a civil service 3157  
examination and establishment of a civil service eligibility list. 3158  
~~A person serving in a provisional status has,~~ a person as a 3159  
mineral resources inspector, who shall have the same authority as 3160  
~~a permanently appointed~~ an inspector hired from an eligible list. 3161  
This section does not affect the status of any person employed as 3162  
an inspector of coal or surface mining operations or oil and gas 3163  
operations prior to July 1, 1999, ~~if the person is a certified~~ 3164  
~~employee in the classified service of the state.~~ 3165

**Sec. 1513.34.** The chief of the division of mineral resources 3166  
management shall provide education and training for all mineral 3167  
resources inspectors, district supervisors, and enforcement 3168  
personnel. ~~The chief shall provide adequate training and education~~ 3169

~~as necessary for all persons appointed as mineral resources~~ 3170  
~~inspectors during their provisional status.~~ The chief shall 3171  
provide, on a regular basis as funding allows, continuing 3172  
education and training as necessary for all mineral resources 3173  
inspectors, district supervisors, and enforcement personnel. 3174

**Sec. 4111.03.** (A) An employer shall pay an employee for 3175  
overtime at a wage rate of one and one-half times the employee's 3176  
wage rate for hours worked in excess of forty hours in one 3177  
workweek, in the manner and methods provided in and subject to the 3178  
exemptions of section 7 and section 13 of the "Fair Labor 3179  
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as 3180  
amended. 3181

Any employee employed in agriculture shall not be covered by 3182  
the overtime provision of this section. 3183

~~(B) For the purposes of this section, the number of hours~~ 3184  
~~worked by a county employee in any one workweek shall be deemed to~~ 3185  
~~include, in addition to hours actually worked, all periods in an~~ 3186  
~~active pay status.~~ 3187

~~(C)~~ If a county employee elects to take compensatory time off 3188  
in lieu of overtime pay, for any overtime worked, ~~such~~ 3189  
compensatory time may be granted by the employee's administrative 3190  
superior, on a time and one-half basis, at a time mutually 3191  
convenient to the employee and the administrative superior within 3192  
one hundred eighty days after the overtime is worked. 3193

~~(D)~~(C) A county appointing authority with the exception of 3194  
the county department of job and family services may, by rule or 3195  
resolution as is appropriate, indicate the authority's intention 3196  
not to be bound by division (B) ~~or (C)~~ of this section, and to 3197  
adopt a different policy for the calculation and payment of 3198  
overtime than that is embodied in those divisions established by 3199  
that division. Upon adoption, the alternative overtime policy 3200

prevails. Prior to the adoption of an alternative overtime policy, 3201  
the a county appointing authority with the exception of the county 3202  
department of job and family services shall give a written notice 3203  
of the alternative policy to each employee at least ten days prior 3204  
to the its effective date ~~of the policy~~. 3205

**Sec. 4112.01.** (A) As used in this chapter: 3206

(1) "Person" includes one or more individuals, partnerships, 3207  
associations, organizations, corporations, legal representatives, 3208  
trustees, trustees in bankruptcy, receivers, and other organized 3209  
groups of persons. "Person" also includes, but is not limited to, 3210  
any owner, lessor, assignor, builder, manager, broker, 3211  
salesperson, appraiser, agent, employee, lending institution, and 3212  
the state and all political subdivisions, authorities, agencies, 3213  
boards, and commissions of the state. 3214

(2) "Employer" includes the state, any political subdivision 3215  
of the state, any person employing four or more persons within the 3216  
state, and any person acting directly or indirectly in the 3217  
interest of an employer. 3218

(3) "Employee" means an individual employed by any employer 3219  
but does not include any individual employed in the domestic 3220  
service of any person. 3221

(4) "Labor organization" includes any organization that 3222  
exists, in whole or in part, for the purpose of collective 3223  
bargaining or of dealing with employers concerning grievances, 3224  
terms or conditions of employment, or other mutual aid or 3225  
protection in relation to employment. 3226

(5) "Employment agency" includes any person regularly 3227  
undertaking, with or without compensation, to procure 3228  
opportunities to work or to procure, recruit, refer, or place 3229  
employees. 3230

(6) "Commission" means the Ohio civil rights commission	3231
created by section 4112.03 of the Revised Code.	3232
(7) "Discriminate" includes segregate or separate.	3233
(8) "Unlawful discriminatory practice" means any act	3234
prohibited by section 4112.02, 4112.021, or 4112.022 of the	3235
Revised Code.	3236
(9) "Place of public accommodation" means any inn,	3237
restaurant, eating house, barbershop, public conveyance by air,	3238
land, or water, theater, store, other place for the sale of	3239
merchandise, or any other place of public accommodation or	3240
amusement of which the accommodations, advantages, facilities, or	3241
privileges are available to the public.	3242
(10) "Housing accommodations" includes any building or	3243
structure, or portion of a building or structure, that is used or	3244
occupied or is intended, arranged, or designed to be used or	3245
occupied as the home residence, dwelling, dwelling unit, or	3246
sleeping place of one or more individuals, groups, or families	3247
whether or not living independently of each other; and any vacant	3248
land offered for sale or lease. "Housing accommodations" also	3249
includes any housing accommodations held or offered for sale or	3250
rent by a real estate broker, salesperson, or agent, by any other	3251
person pursuant to authorization of the owner, by the owner, or by	3252
the owner's legal representative.	3253
(11) "Restrictive covenant" means any specification limiting	3254
the transfer, rental, lease, or other use of any housing	3255
accommodations because of race, color, religion, sex, familial	3256
status, national origin, disability, or ancestry, or any	3257
limitation based upon affiliation with or approval by any person,	3258
directly or indirectly, employing race, color, religion, sex,	3259
familial status, national origin, disability, or ancestry as a	3260
condition of affiliation or approval.	3261

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

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

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

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

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;

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

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

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

lymphatic; skin; and endocrine;	3292
(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;	3293 3294 3295
(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.	3296 3297 3298 3299 3300 3301
(b) "Physical or mental impairment" does not include any of the following:	3302 3303
(i) Homosexuality and bisexuality;	3304
(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;	3305 3306 3307
(iii) Compulsive gambling, kleptomania, or pyromania;	3308
(iv) Psychoactive substance use disorders resulting from <u>the current illegal use of a controlled substance or the current use of alcoholic beverages.</u>	3309 3310 3311
(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	3312 3313
(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.	3314 3315 3316 3317 3318 3319
(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made	3320 3321

available to the general public. 3322

(20) "Controlled substance" has the same meaning as in 3323  
section 3719.01 of the Revised Code. 3324

(21) "Disabled tenant" means a tenant or prospective tenant 3325  
who is a person with a disability. 3326

(B) For the purposes of divisions (A) to (F) of section 3327  
4112.02 of the Revised Code, the terms "because of sex" and "on 3328  
the basis of sex" include, but are not limited to, because of or 3329  
on the basis of pregnancy, any illness arising out of and 3330  
occurring during the course of a pregnancy, childbirth, or related 3331  
medical conditions. Women affected by pregnancy, childbirth, or 3332  
related medical conditions shall be treated the same for all 3333  
employment-related purposes, including receipt of benefits under 3334  
fringe benefit programs, as other persons not so affected but 3335  
similar in their ability or inability to work, and nothing in 3336  
division (B) of section 4111.17 of the Revised Code shall be 3337  
interpreted to permit otherwise. This division shall not be 3338  
construed to require an employer to pay for health insurance 3339  
benefits for abortion, except where the life of the mother would 3340  
be endangered if the fetus were carried to term or except where 3341  
medical complications have arisen from the abortion, provided that 3342  
nothing in this division precludes an employer from providing 3343  
abortion benefits or otherwise affects bargaining agreements in 3344  
regard to abortion. 3345

**Sec. 5107.52.** (A) There is hereby established, as a work 3346  
activity under Ohio works first, the subsidized employment 3347  
program, under which private and government employers receive 3348  
payments from appropriations to the department of job and family 3349  
services for a portion of the costs of salaries, wages, and 3350  
benefits ~~such~~ those employers pay to or on behalf of employees who 3351  
are participants of the subsidized employment program at the time 3352

of employment. 3353

(B) The director of job and family services may redetermine 3354  
rates of payments to employers under this section annually. 3355

(C) A state agency or political subdivision may create or 3356  
fill vacant full-time and part-time positions, including 3357  
classified and unclassified positions for those positions that are 3358  
included in the civil service under Chapter 124. of the Revised 3359  
Code, for or with participants of the subsidized employment 3360  
program. The director shall specify in rules adopted under section 3361  
5107.05 of the Revised Code the maximum amount of time the 3362  
department will subsidize the positions. After the subsidy 3363  
expires, the agency or subdivision may hire the participant for an 3364  
unclassified position or as a ~~provisional~~ an employee in the 3365  
classified civil service, ~~if the position is in the classified~~ 3366  
~~civil service, and the participant shall become certified in the~~ 3367  
~~same manner as other provisional employees.~~ The director of 3368  
administrative services may adopt rules in accordance with Chapter 3369  
119. of the Revised Code governing this division. 3370

(D) Participants of the subsidized employment program for 3371  
whom payments are made under this section: 3372

(1) Shall be considered regular employees of the employer, 3373  
entitled to the same employment benefits and opportunities for 3374  
advancement and affiliation with employee organizations that are 3375  
available to other regular employees of the employer, and the 3376  
employer shall pay premiums to the bureau of workers' compensation 3377  
on account of employees for whom payments are made; 3378

(2) Shall be paid at the same rate as other employees doing 3379  
similar work for the employer. 3380

(E) An agreement for employment of a subsidized employment 3381  
program participant by a private employer shall require that the 3382  
participant be given preference for any unsubsidized full-time 3383

position with the employer that becomes available after the 3384  
participant completes any probationary or training period 3385  
specified in the agreement. 3386

**Sec. 5119.09.** The director of mental health shall prepare, 3387  
and may amend from time to time, specifications descriptive of the 3388  
duties, responsibilities, requirements, and desirable 3389  
qualifications of physician specialists in the department of 3390  
mental health. The director shall prepare, and may amend from time 3391  
to time, classifications for ~~such~~ those physician specialists, and 3392  
~~such physician specialists~~ they shall receive a salary fixed 3393  
pursuant to section 124.15 or 124.152 of the Revised Code. 3394

The director may employ and classify physicians in the 3395  
department as physician specialists, within the classifications 3396  
and pay ranges fixed pursuant to section 124.15 or 124.152 of the 3397  
Revised Code. Any physician employed in the department, whether 3398  
previously classified pursuant to section 124.15 or 124.152 of the 3399  
Revised Code or otherwise employed in the department, may be 3400  
classified or reclassified as a physician specialist, pursuant to 3401  
this section, upon order of the director; provided, that, each 3402  
such physician shall be qualified as required by this section and 3403  
meet the specifications for the classification to which ~~he~~ the 3404  
physician is assigned. Any physician classified and designated a 3405  
physician specialist under authority of this section may be 3406  
assigned to a different physician specialist classification upon 3407  
order of the director; the director shall certify each such 3408  
reclassification, and the department of administrative services 3409  
shall be governed by ~~such~~ the certification; provided that, 3410  
nothing in this section shall alter the powers and duties of ~~such~~ 3411  
~~department as defined in the state personnel board of review under~~ 3412  
division (A)(1) of section 124.03 of the Revised Code. 3413

Each physician classified and designated as a physician 3414

specialist in the department, under authority of this section, 3415  
shall be a reputable physician, and a graduate of an accredited 3416  
medical college, who has had special training and experience in 3417  
the treatment of mental illness or other condition found in 3418  
patients in the department. 3419

**Sec. 5155.03.** The board of county commissioners or operator 3420  
shall appoint a superintendent, who may be authorized to use the 3421  
title "administrator," who may reside on the premises of the 3422  
county home or ~~other~~ another building contiguous to the county 3423  
home, and who shall receive the compensation the board or operator 3424  
determines. The superintendent or administrator and any 3425  
administrative assistant shall each be allowed actual necessary 3426  
expenses incurred in the discharge of official duties. The 3427  
superintendent or administrator shall perform the duties that the 3428  
board or operator imposes and shall be governed in all respects by 3429  
the board's or operator's rules. The superintendent or 3430  
administrator shall be in the unclassified civil service. 3431

The board or operator may, by resolution, provide for the 3432  
appointment by the superintendent or administrator of an assistant 3433  
superintendent or administrator, who shall perform the duties at 3434  
the county home prescribed by the superintendent or administrator. 3435  
The board or operator shall not appoint one of its own board 3436  
members superintendent or administrator, nor shall any 3437  
commissioner or trustee be eligible to any other office in the 3438  
county home, or receive any compensation as physician or 3439  
otherwise, directly or indirectly, wherein the appointing power is 3440  
vested in the board of county commissioners or board of county 3441  
hospital trustees, as applicable. 3442

**Section 2.** That existing sections 9.84, 119.12, 124.03, 3443  
124.04, 124.07, 124.11, 124.134, 124.14, 124.21, 124.22, 124.23, 3444

124.26, 124.27, 124.271, 124.30, 124.31, 124.32, 124.321, 124.322, 3445  
124.323, 124.324, 124.326, 124.327, 124.34, 124.341, 124.38, 3446  
124.383, 124.384, 124.385, 124.386, 124.388, 124.40, 124.43, 3447  
124.44, 124.45, 124.46, 124.48, 302.202, 325.19, 329.02, 1513.03, 3448  
1513.34, 4111.03, 4112.01, 5107.52, 5119.09, and 5155.03 and 3449  
section 124.311 of the Revised Code are hereby repealed. 3450

**Section 3.** In addition to its recommendations that are 3451  
included in this act, the Civil Service Review Commission that was 3452  
created by Amended Senate Bill No. 210 of the 123rd General 3453  
Assembly recommends all of the following: 3454

(A) The Department of Administrative Services, in conjunction 3455  
with all appropriate stakeholder groups, shall study the 3456  
compensation and classification system that applies to employees 3457  
paid by warrant of the Auditor of State and county employees in 3458  
order to determine how the system could be simplified. The 3459  
Department shall report to the General Assembly on the results of 3460  
its study not later than six months after the effective date of 3461  
this act and at appropriate intervals thereafter. 3462

(B) An ad hoc committee shall be formed to review, study, and 3463  
encourage greater awareness of the use of alternate dispute 3464  
resolution procedures, such as mediation, in appeals to the State 3465  
Personnel Board of Review and to municipal and civil service 3466  
township civil service commissions. The committee shall consist of 3467  
representatives of labor organizations, counties, cities, the 3468  
State Personnel Board of Review, the State Employment Relations 3469  
Board, the Office of Collective Bargaining of the Department of 3470  
Administrative Services, the Ohio Commission on Dispute Resolution 3471  
and Conflict Management, the American Arbitration Association, and 3472  
the Federal Mediation and Conciliation Service. Professors on the 3473  
faculty of Ohio law schools, a professional arbitrator with 3474  
experience in public sector disputes, and a plaintiff's lawyer 3475

with experience in civil service disputes also should be members 3476  
of the committee. The committee shall report its findings and 3477  
recommendations to the General Assembly within six months after 3478  
the effective date of this act. 3479

**Section 4.** (A) Division (F) of section 124.14 of the Revised 3480  
Code, as amended by this act, shall first be applied beginning 3481  
January 1, 2007. 3482

(B) The Executive Director of the Inter-University Council 3483  
shall coordinate the organization of a committee consisting of the 3484  
president, or the president's representative, of each 3485  
state-supported college or university. By not later than October 3486  
1, 2006, the committee, in consultation with the Department of 3487  
Administrative Services, shall develop guidelines and standards 3488  
that are to be used by the boards of trustees of these colleges 3489  
and universities in adopting the rules concerning the matters of 3490  
governance of the officers and employees of the college or 3491  
university as required by division (F) of section 124.14 of the 3492  
Revised Code. The guidelines shall address, at a minimum, all of 3493  
the following: 3494

- (1) Classification plans; 3495
- (2) Compensation plans; 3496
- (3) Recruitment, selection, and appointment processes; 3497
- (4) Performance, discipline, and termination processes; 3498
- (5) Layoff and reduction-in-workforce processes; 3499
- (6) Paid leave, holiday leave, and benefit programs; 3500
- (7) Appeals processes. 3501

The guidelines also shall require the colleges and 3502  
universities to adopt changes in a controlled and incremental 3503  
manner. 3504

**Section 5.** Section 124.26 of the Revised Code is presented in 3505  
this act as a composite of the section as amended by both Am. Sub. 3506  
H.B. 117 and Am. Sub. S.B. 99 of the 121st General Assembly. The 3507  
General Assembly, applying the principle stated in division (B) of 3508  
section 1.52 of the Revised Code that amendments are to be 3509  
harmonized if reasonably capable of simultaneous operation, finds 3510  
that the composite is the resulting version of the section in 3511  
effect prior to the effective date of the section as presented in 3512  
this act. 3513