

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

**128th General Assembly  
Regular Session  
2009-2010**

**S. B. No. 20**

**Senator Carey**

**Cosponsors: Senators Patton, Stewart, Hughes, Fedor, Turner, Grendell,  
Miller, R., Wagoner, Coughlin, Goodman**

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**A B I L L**

To amend sections 9.44 and 124.181 of the Revised Code to permit state employees to receive longevity and vacation credit for prior military service.

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

**Section 1.** That sections 9.44 and 124.181 of the Revised Code be amended to read as follows:

**Sec. 9.44.** (A) Except as otherwise provided in this section, a for the purpose of computing the amount of an employee's vacation leave:

(1) A person employed, other than as an elective officer, by the state or any political subdivision of the state, earning vacation credits currently, is entitled to have the employee's prior service with any of these employers counted as service with the state or any political subdivision of the state, ~~for the purpose of computing the amount of the employee's vacation leave.~~  
The

(2) A person employed, other than as an elective officer, by the state, earning vacation credits currently, is entitled to have the employee's prior service as a member of the armed forces of the United States or a reserve component thereof counted as service with the state.

The anniversary date of employment for the purpose of computing the amount of the employee's vacation leave, unless deferred pursuant to the appropriate law, ordinance, or regulation, is the anniversary date of such prior service.

(B) To determine prior service for the purpose of computing the amount of vacation leave for a person initially employed on or after July 5, 1987, by:

(1) A municipal corporation, the person shall have only prior service within that municipal corporation counted;

(2) A township, the person shall have only prior service with a township counted.

(C) An employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the state or any political subdivision of the state on or after June 24, 1987, shall not have prior service with the state, any political subdivision of the state, or a regional council of government established in accordance with Chapter 167. of the Revised Code counted for the purpose of computing vacation leave.

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

for the supplement and with the approval of the director of 47  
administrative services except as provided in division (E) of this 48  
section. 49

(B)(1) Except as provided in section 124.183 of the Revised 50  
Code, in computing any of the pay supplements provided in this 51  
section for an employee paid in accordance with schedule B of 52  
section 124.15 of the Revised Code, the classification salary base 53  
shall be the minimum hourly rate of the pay range, provided in 54  
that section, in which the employee is assigned at the time of 55  
computation. 56

(2) Except as provided in section 124.183 of the Revised 57  
Code, in computing any of the pay supplements provided in this 58  
section for an employee paid in accordance with schedule E-1 of 59  
section 124.152 of the Revised Code, the classification salary 60  
base shall be the minimum hourly rate of the pay range, provided 61  
in that section, in which the employee is assigned at the time of 62  
computation. 63

(3) Except as provided in section 124.183 of the Revised 64  
Code, in computing any of the pay supplements provided in this 65  
section for an employee paid in accordance with schedule E-1 for 66  
step seven only of section 124.152 of the Revised Code, the 67  
classification salary base shall be the minimum hourly rate in the 68  
corresponding pay range, provided in schedule E-1 of that section, 69  
to which the employee is assigned at the time of the computation. 70

(C) The effective date of any pay supplement, except as 71  
provided in section 124.183 of the Revised Code or unless 72  
otherwise provided in this section, shall be determined by the 73  
director. 74

(D) The director shall, by rule, establish standards 75  
regarding the administration of this section. 76

(E)(1) Except as otherwise provided in this division, 77

beginning on the first day of the pay period within which the 78  
employee completes five years of total service with the state 79  
government or any of its political subdivisions, each employee in 80  
positions paid in accordance with schedule B of section 124.15 of 81  
the Revised Code or in accordance with schedule E-1 or schedule 82  
E-1 for step seven only of section 124.152 of the Revised Code 83  
shall receive an automatic salary adjustment equivalent to two and 84  
one-half per cent of the classification salary base, to the 85  
nearest whole cent. Each employee shall receive thereafter an 86  
annual adjustment equivalent to one-half of one per cent of the 87  
employee's classification salary base, to the nearest whole cent, 88  
for each additional year of qualified employment until a maximum 89  
of ten per cent of the employee's classification salary base is 90  
reached. The granting of longevity adjustments shall not be 91  
affected by promotion, demotion, or other changes in 92  
classification held by the employee, nor by any change in pay 93  
range for the employee's class or grade. Longevity pay adjustments 94  
shall become effective at the beginning of the pay period within 95  
which the employee completes the necessary length of service, 96  
except that when an employee requests credit for prior service, 97  
the effective date of the prior service credit and of any 98  
longevity adjustment shall be the first day of the pay period 99  
following approval of the credit by the director of administrative 100  
services. No employee, other than an employee who submits proof of 101  
prior service within ninety days after the date of the employee's 102  
hiring, shall receive any longevity adjustment for the period 103  
prior to the director's approval of a prior service credit. Time 104  
spent on authorized leave of absence shall be counted for this 105  
purpose. 106

(2) An employee who has retired in accordance with the 107  
provisions of any retirement system offered by the state and who 108  
is employed by the state or any political subdivision of the state 109  
on or after June 24, 1987, shall not have prior service with the 110

state or any political subdivision of the state counted for the 111  
purpose of determining the amount of the salary adjustment 112  
provided under this division. 113

(3) There shall be a moratorium on employees' receipt under 114  
this division of credit for service with the state government or 115  
any of its political subdivisions during the period from July 1, 116  
2003, through June 30, 2005. In calculating the number of years of 117  
total service under this division, no credit shall be included for 118  
service during the moratorium. The moratorium shall apply to the 119  
employees of the secretary of state, the auditor of state, the 120  
treasurer of state, and the attorney general, who are subject to 121  
this section unless the secretary of state, the auditor of state, 122  
the treasurer of state, or the attorney general decides to exempt 123  
the office's employees from the moratorium and so notifies the 124  
director of administrative services in writing on or before July 125  
1, 2003. 126

If an employee is exempt from the moratorium, receives credit 127  
for a period of service during the moratorium, and takes a 128  
position with another entity in the state government or any of its 129  
political subdivisions, either during or after the moratorium, and 130  
if that entity's employees are or were subject to the moratorium, 131  
the employee shall continue to retain the credit. However, if the 132  
moratorium is in effect upon the taking of the new position, the 133  
employee shall cease receiving additional credit as long as the 134  
employee is in the position, until the moratorium expires. 135

(4) A state employee may have prior service as a member of 136  
the armed forces of the United States or a reserve component 137  
thereof counted for the purpose of determining the amount of the 138  
salary adjustment provided under this division. 139

(F) When an exceptional condition exists that creates a 140  
temporary or a permanent hazard for one or more positions in a 141  
class paid in accordance with schedule B of section 124.15 of the 142

Revised Code or in accordance with schedule E-1 or schedule E-1 143  
for step seven only of section 124.152 of the Revised Code, a 144  
special hazard salary adjustment may be granted for the time the 145  
employee is subjected to the hazardous condition. All special 146  
hazard conditions shall be identified for each position and 147  
incidence from information submitted to the director on an 148  
appropriate form provided by the director and categorized into 149  
standard conditions of: some unusual hazard not common to the 150  
class; considerable unusual hazard not common to the class; and 151  
exceptional hazard not common to the class. 152

(1) A hazardous salary adjustment of five per cent of the 153  
employee's classification salary base may be applied in the case 154  
of some unusual hazardous condition not common to the class for 155  
those hours worked, or a fraction of those hours worked, while the 156  
employee was subject to the unusual hazard condition. 157

(2) A hazardous salary adjustment of seven and one-half per 158  
cent of the employee's classification salary base may be applied 159  
in the case of some considerable hazardous condition not common to 160  
the class for those hours worked, or a fraction of those hours 161  
worked, while the employee was subject to the considerable hazard 162  
condition. 163

(3) A hazardous salary adjustment of ten per cent of the 164  
employee's classification salary base may be applied in the case 165  
of some exceptional hazardous condition not common to the class 166  
for those hours worked, or a fraction of those hours worked, when 167  
the employee was subject to the exceptional hazard condition. 168

(4) Each claim for temporary hazard pay shall be submitted as 169  
a separate payment and shall be subject to an administrative audit 170  
by the director as to the extent and duration of the employee's 171  
exposure to the hazardous condition. 172

(G) When a full-time employee whose salary or wage is paid 173

directly by warrant of the director of budget and management and 174  
who also is eligible for overtime under the "Fair Labor Standards 175  
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 176  
ordered by the appointing authority to report back to work after 177  
termination of the employee's regular work schedule and the 178  
employee reports, the employee shall be paid for such time. The 179  
employee shall be entitled to four hours at the employee's total 180  
rate of pay or overtime compensation for the actual hours worked, 181  
whichever is greater. This division does not apply to work that is 182  
a continuation of or immediately preceding an employee's regular 183  
work schedule. 184

(H) When a certain position or positions paid in accordance 185  
with schedule B of section 124.15 of the Revised Code or in 186  
accordance with schedule E-1 or schedule E-1 for step seven only 187  
of section 124.152 of the Revised Code require the ability to 188  
speak or write a language other than English, a special pay 189  
supplement may be granted to attract bilingual individuals, to 190  
encourage present employees to become proficient in other 191  
languages, or to retain qualified bilingual employees. The 192  
bilingual pay supplement provided in this division may be granted 193  
in the amount of five per cent of the employee's classification 194  
salary base for each required foreign language and shall remain in 195  
effect as long as the bilingual requirement exists. 196

(I) The director of administrative services may establish a 197  
shift differential for employees. The differential shall be paid 198  
to employees in positions working in other than the regular or 199  
first shift. In those divisions or agencies where only one shift 200  
prevails, no shift differential shall be paid regardless of the 201  
hours of the day that are worked. The director and the appointing 202  
authority shall designate which positions shall be covered by this 203  
division. 204

(J) Whenever an employee is assigned to work in a higher 205

level position for a continuous period of more than two weeks but 206  
no more than two years because of a vacancy, the employee's pay 207  
may be established at a rate that is approximately four per cent 208  
above the employee's current base rate for the period the employee 209  
occupies the position, provided that this temporary occupancy is 210  
approved by the director. Employees paid under this division shall 211  
continue to receive any of the pay supplements due them under 212  
other divisions of this section based on the step one base rate 213  
for their normal classification. 214

(K) If a certain position, or positions, within a class paid 215  
in accordance with schedule B of section 124.15 of the Revised 216  
Code or in accordance with schedule E-1 or schedule E-1 for step 217  
seven only of section 124.152 of the Revised Code are mandated by 218  
state or federal law or regulation or other regulatory agency or 219  
other certification authority to have special technical 220  
certification, registration, or licensing to perform the functions 221  
which are under the mandate, a special professional achievement 222  
pay supplement may be granted. This special professional 223  
achievement pay supplement shall not be granted when all 224  
incumbents in all positions in a class require a license as 225  
provided in the classification description published by the 226  
department of administrative services; to licensees where no 227  
special or extensive training is required; when certification is 228  
granted upon completion of a stipulated term of in-service 229  
training; when an appointing authority has required certification; 230  
or any other condition prescribed by the director. 231

(1) Before this supplement may be applied, evidence as to the 232  
requirement must be provided by the agency for each position 233  
involved, and certification must be received from the director as 234  
to the director's concurrence for each of the positions so 235  
affected. 236

(2) The professional achievement pay supplement provided in 237

this division shall be granted in an amount up to ten per cent of 238  
the employee's classification salary base and shall remain in 239  
effect as long as the mandate exists. 240

(L) Those employees assigned to teaching supervisory, 241  
principal, assistant principal, or superintendent positions who 242  
have attained a higher educational level than a basic bachelor's 243  
degree may receive an educational pay supplement to remain in 244  
effect as long as the employee's assignment and classification 245  
remain the same. 246

(1) An educational pay supplement of two and one-half per 247  
cent of the employee's classification salary base may be applied 248  
upon the achievement of a bachelor's degree plus twenty quarter 249  
hours of postgraduate work. 250

(2) An educational pay supplement of an additional five per 251  
cent of the employee's classification salary base may be applied 252  
upon achievement of a master's degree. 253

(3) An educational pay supplement of an additional two and 254  
one-half per cent of the employee's classification salary base may 255  
be applied upon achievement of a master's degree plus thirty 256  
quarter hours of postgraduate work. 257

(4) An educational pay supplement of five per cent of the 258  
employee's classification salary base may be applied when the 259  
employee is performing as a master teacher. 260

(5) An educational pay supplement of five per cent of the 261  
employee's classification salary base may be applied when the 262  
employee is performing as a special education teacher. 263

(6) Those employees in teaching supervisory, principal, 264  
assistant principal, or superintendent positions who are 265  
responsible for specific extracurricular activity programs shall 266  
receive overtime pay for those hours worked in excess of their 267  
normal schedule, at their straight time hourly rate up to a 268

maximum of five per cent of their regular base salary in any 269  
calendar year. 270

(M)(1) A state agency, board, or commission may establish a 271  
supplementary compensation schedule for those licensed physicians 272  
employed by the agency, board, or commission in positions 273  
requiring a licensed physician. The supplementary compensation 274  
schedule, together with the compensation otherwise authorized by 275  
this chapter, shall provide for the total compensation for these 276  
employees to range appropriately, but not necessarily uniformly, 277  
for each classification title requiring a licensed physician, in 278  
accordance with a schedule approved by the state controlling 279  
board. The individual salary levels recommended for each such 280  
physician employed shall be approved by the director. 281  
Notwithstanding section 124.11 of the Revised Code, such personnel 282  
are in the unclassified civil service. 283

(2) The director of administrative services may approve 284  
supplementary compensation for the director of health, if the 285  
director is a licensed physician, in accordance with a 286  
supplementary compensation schedule approved under division (M)(1) 287  
of this section or in accordance with another supplementary 288  
compensation schedule the director of administrative services 289  
considers appropriate. The supplementary compensation shall not 290  
exceed twenty per cent of the director of health's base rate of 291  
pay. 292

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 293  
117.42, and 131.02 of the Revised Code, the state shall not 294  
institute any civil action to recover and shall not seek 295  
reimbursement for overpayments made in violation of division (E) 296  
of this section or division (C) of section 9.44 of the Revised 297  
Code for the period starting after June 24, 1987, and ending on 298  
October 31, 1993. 299

(O) Employees of the office of the treasurer of state who are 300

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Committee

exempt from collective bargaining coverage may be granted a merit 301  
pay supplement of up to one and one-half per cent of their step 302  
rate. The rate at which this supplement is granted shall be based 303  
on performance standards established by the treasurer of state. 304  
Any supplements granted under this division shall be administered 305  
on an annual basis. 306

**Section 2.** That existing sections 9.44 and 124.181 of the 307  
Revised Code are hereby repealed. 308