

Sub. H.B. 49  
LSC 132 0001-3

\_\_\_\_\_ moved to amend as follows:

In line 8 of the title, after "123.21," insert "124.23,  
124.26, 124.27," 1  
2

In line 485, after "123.21," insert "124.23, 124.26, 124.27," 3

Between lines 7098 and 7099, insert: 4

"**Sec. 124.23.** (A) All applicants for positions and places in 5  
the classified service shall be subject to examination, except for 6  
applicants for positions as professional or certified service and 7  
paraprofessional employees of county boards of developmental 8  
disabilities, who shall be hired in the manner provided in section 9  
124.241 of the Revised Code. 10

(B) Any examination administered under this section shall be 11  
public and be open to all citizens of the United States and those 12  
persons who have legally declared their intentions of becoming 13  
United States citizens. For examinations administered for 14  
positions in the service of the state, the director of 15  
administrative services or the director's designee may determine 16  
certain limitations as to citizenship, age, experience, education, 17  
health, habit, and moral character. 18

(C)(1) ~~Any~~ A person who shall receive additional credit of 19  
twenty per cent of the person's total grade given in the 20

examination in which the person receives a passing grade if either 21  
of the following apply: 22

(a) The person has completed service in ~~the uniformed~~ 23  
~~services, who, and~~ has been honorably discharged from, the 24  
~~uniformed services or transferred to the reserve with evidence of~~ 25  
~~satisfactory service, and who is a resident of this state and any~~ 26  
armed forces. 27

(b) The person is a member in good standing of a reserve 28  
~~component of the armed forces of the United States, including the~~ 29  
~~Ohio national guard, who has successfully completed more than one~~ 30  
~~hundred eighty days of active duty service pursuant to an~~ 31  
~~executive order of the president of the United States or an act of~~ 32  
~~the congress of the United States may file with the director a~~ 33  
~~certificate of service or honorable discharge, and, upon this~~ 34  
~~filing, the person shall receive additional credit of twenty per~~ 35  
~~cent of the person's total grade given in the examination in which~~ 36  
~~the person receives a passing grade. A person who receives an~~ 37  
~~additional credit under division (C)(1) of this section shall not~~ 38  
~~receive an additional credit under division (C)(2) of this section~~ 39  
initial entry-level training. 40

(2) A member in good standing of a reserve component of the 41  
~~armed forces of the United States, including the Ohio national~~ 42  
~~guard, who successfully completes the member's initial entry level~~ 43  
~~training shall receive a credit of fifteen per cent of the~~ 44  
~~person's total grade given in the examination in which the person~~ 45  
receives a passing grade A person shall receive the additional 46  
credit under division (C)(1) of this section upon filing with the 47  
director a certificate of service or honorable discharge or other 48  
acceptable form of proof as provided in rules adopted by the 49  
director. 50

(3) No person shall receive additional credit under division (C)(1) of this section greater than twenty per cent of the person's total passing grade given in the examination. 51  
52  
53

(4) ~~As used in this division, "service in the uniformed services" and "uniformed services" have the same meanings as in the "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 4303:~~ 54  
55  
56  
57

(a) "Armed forces" has the same meaning as in section 5903.01 of the Revised Code. 58  
59

(b) "Service in the armed forces" means the performance of duty on a voluntary or involuntary basis in the armed forces under competent authority. 60  
61  
62

(D) An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods. If minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement. 63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75

(E) Except as otherwise provided in sections 124.01 to 124.64 of the Revised Code, when a position in the classified service of the state is to be filled, an examination shall be administered. The director of administrative services shall have control of all examinations administered for positions in the service of the 76  
77  
78  
79  
80

state and all other examinations the director administers as 81  
 provided in section 124.07 of the Revised Code, except as 82  
 otherwise provided in sections 124.01 to 124.64 of the Revised 83  
 Code. The director shall, by rule adopted under Chapter 119. of 84  
 the Revised Code, prescribe the notification method that is to be 85  
 used by an appointing authority to notify the director that a 86  
 position in the classified service of the state is to be filled. 87  
 In addition to the positions described in section 124.30 of the 88  
 Revised Code, the director may, with sufficient justification from 89  
 the appointing authority, allow the appointing authority to fill 90  
 the position by noncompetitive examination. The director shall 91  
 establish, by rule adopted under Chapter 119. of the Revised Code, 92  
 standards that the director shall use to determine what serves as 93  
 sufficient justification from an appointing authority to fill a 94  
 position by noncompetitive examination. 95

(F) No questions in any examination shall relate to political 96  
 or religious opinions or affiliations. No credit for seniority, 97  
 efficiency, or any other reason shall be added to an applicant's 98  
 examination grade unless the applicant achieves at least the 99  
 minimum passing grade on the examination without counting that 100  
 extra credit. 101

(G) Except as otherwise provided in sections 124.01 to 124.64 102  
 of the Revised Code, the director of administrative services or 103  
 the director's designee shall give reasonable notice of the time, 104  
 place, and general scope of every competitive examination for 105  
 appointment that the director or the director's designee 106  
 administers for positions in the classified service of the state. 107  
 The director or the director's designee shall post notices via 108  
 electronic media of every examination to be conducted for 109  
 positions in the classified civil service of the state. The 110  
 electronic notice shall be posted on the director's internet site 111

on the world wide web for a minimum of one week preceding any examination involved.

**Sec. 124.26.** From the returns of examinations for positions in the service of the state, the director of administrative services or the director's designee shall prepare an eligible list of the persons whose general average standing upon examinations for the class or position is not less than the minimum fixed by the rules of the director, and who are otherwise eligible. Those persons shall take rank upon the eligible list as candidates in the order of their relative excellence as determined by the examination without reference to priority of the time of examination. If two or more applicants receive the same mark in an open competitive examination, priority in the time of filing the application with the director or the director's designee shall determine the order in which their names shall be placed on the eligible list, except that applicants eligible for the veteran's or ~~the reserve component member's~~ reservist's preference under section 124.23 of the Revised Code shall receive priority in rank on the eligible list over nonveterans and ~~nonmembers of the reserve component~~ nonreservists on the list with a rating equal to that of the veteran or ~~reserve component member~~ reservist. Ties among ~~veterans or among reserve component members~~ applicants eligible for the veteran's or reservist's preference under section 124.23 of the Revised Code shall be decided by priority of filing the application. ~~A tie between a veteran and a reserve component member shall be decided in favor of the veteran.~~

An eligible list expires upon the filling or closing of the position. An expired eligible list may be used to fill a position of the same classification within the same appointing authority for which the list was created. But, in no event shall an expired

list be used more than one year past its expiration date. 142

**Sec. 124.27.** (A) Appointments to all positions in the 143  
 classified civil service, that are not filled by promotion, 144  
 transfer, or reduction, as provided in sections 124.01 to 124.64 145  
 of the Revised Code and the rules of the director prescribed under 146  
 those sections, shall be made only from those persons whose names 147  
 take rank order on an eligible list, and no employment, except as 148  
 provided in those sections, shall be otherwise given in the 149  
 classified civil service. The appointing authority shall appoint 150  
 in the following manner: each time a selection is made, it shall 151  
 be from one of the names that ranks in the top ten names on the 152  
 eligible list or the top twenty-five per cent of the eligible 153  
 list, whichever is greater. In the event that ten or fewer names 154  
 are on the eligible list, the appointing authority may select any 155  
 of the listed candidates. Each person who qualifies for the 156  
 veteran's or reservist's preference under section 124.23 of the 157  
 Revised Code, ~~who is a resident of this state,~~ and whose name is 158  
 on the eligible list for a position is entitled to preference in 159  
 original appointment to any such competitive position in the 160  
 classified civil service of the state over all other persons who 161  
 are eligible for those appointments and who are standing on the 162  
 relevant eligible list with a rating equal to that of the person 163  
 qualifying for the veteran's or reservist's preference. 164

(B) All original and promotional appointments in the 165  
 classified civil service, including appointments made pursuant to 166  
 section 124.30 of the Revised Code, but not intermittent 167  
 appointments, shall be for a probationary period, not less than 168  
 sixty days nor more than one year, to be fixed by the rules of the 169  
 director for appointments in the civil service of the state, 170  
 except as provided in section 124.231 of the Revised Code, and 171

except for original appointments to a police department as a 172  
 police officer or to a fire department as a firefighter which 173  
 shall be for a probationary period of one year. No appointment or 174  
 promotion is final until the appointee has satisfactorily served 175  
 the probationary period. If the service of the probationary 176  
 employee is unsatisfactory, the employee may be removed or reduced 177  
 at any time during the probationary period. If the appointing 178  
 authority decides to remove a probationary employee in the service 179  
 of the state, the appointing authority shall communicate the 180  
 removal to the director. A probationary employee duly removed or 181  
 reduced in position for unsatisfactory service does not have the 182  
 right to appeal the removal or reduction under section 124.34 of 183  
 the Revised Code." 184

In line 102602, after "123.21," insert "124.23, 124.26, 185  
 124.27," 186

Between lines 137710 and 137711, insert: 187

"Section 124.26 of the Revised Code as amended by both Am. 188  
 Sub. H.B. 487 and Am. Sub. H.B. 490 of the 129th General 189  
 Assembly." 190

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Veteran's and reservist's preference in classified civil 191  
 service 192**

**R.C. 124.23, 124.26, and 124.27 193**

Expands eligibility for preference in the classified civil 194  
 service to any person who has honorably completed service as a 195

reservist in the U.S. Armed Forces, who has honorably completed	196
service as a member of the Merchant Marine Service during wartime,	197
or who has honorably completed service as a member of the Ohio	198
Organized Militia under certain conditions.	199
Eliminates the different civil service examination	200
preferences for veterans (20%) and certain reservists (15%) in the	201
U.S. Armed Forces and applies a single preference (20%) to both	202
veterans and reservists in good standing who have completed	203
entry-level training.	204
Removes residency requirement from veteran's and reservist's	205
preference in classified civil service.	206