

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 53**

**Representative Becker**

**Cosponsors: Representatives Hood, Brinkman, Dean, Thompson, Vitale,  
Goodman, Riedel, Roegner, Merrin, Antani, Zeltwanger, Keller**

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**A BILL**

To amend sections 9.81, 121.40, 124.14, 124.15, 1  
3345.31, 4117.03, 4117.04, 4117.05, 4117.09, 2  
4117.10, 4117.11, 4121.03, 4121.121, 4121.69, 3  
and 5501.20 of the Revised Code to remove any 4  
requirement under the Public Employees 5  
Collective Bargaining Law that public employees 6  
join or pay dues to any employee organization, 7  
to prohibit public employers from requiring 8  
public employees to join or pay dues to any 9  
employee organization, to prohibit an employee 10  
organization from being required to represent 11  
public employees who are not members of the 12  
employee organization, and to make an 13  
appropriation. 14

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

**Section 1.** That sections 9.81, 121.40, 124.14, 124.15, 15  
3345.31, 4117.03, 4117.04, 4117.05, 4117.09, 4117.10, 4117.11, 16  
4121.03, 4121.121, 4121.69, and 5501.20 of the Revised Code be 17  
amended to read as follows: 18

**Sec. 9.81.** After an authorization adopted under section 19  
9.80 of the Revised Code, any public officer or employee of any 20  
department or division of the state, any political subdivision 21  
or school district thereof, or of any institution supported in 22  
whole or in part by the state, a county, or municipal 23  
corporation, who desires to make a contribution by the payroll 24  
deduction plan to one or more of the specified charitable 25  
agencies which are corporations not for profit, community 26  
chests, united funds, or other similar united community fund 27  
organizations, may be permitted to have such contribution 28  
payments deducted from the salary or wages due such public 29  
officer or employee by filing a written request and 30  
authorization signed by such public officer or employee and 31  
specifying the amount of the deduction in each payroll period 32  
with the fiscal officer of the state, political subdivision, or 33  
school district, or institution by which such public officer or 34  
employee is employed. Such authorization may be withdrawn in 35  
writing by such public officer or employee at any time. No funds 36  
may be withheld from the salary or wages of any such public 37  
officer or employee for the purposes permitted by sections 9.80 38  
and 9.81 of the Revised Code unless the withholding is 39  
specifically, freely, and voluntarily authorized by that public 40  
officer or employee in writing. 41

Upon receipt of evidence of such request by the 42  
appropriate fiscal officer, or upon receipt of a written 43  
deduction authorization under division (B) (2) ~~or (C)~~ of section 44  
4117.09 of the Revised Code, such fiscal officer shall make such 45  
deduction and shall, at periodic intervals to the extent of the 46  
amount collected, pay the designated charitable agencies which 47  
are corporations not for profit, community chests, united funds, 48  
or other similar united community fund organizations, or the 49

exclusive representative designated under section 4117.05 of the Revised Code.

**Sec. 121.40.** (A) There is hereby created the Ohio commission on service and volunteerism consisting of twenty-one voting members including the superintendent of public instruction or the superintendent's designee, the chancellor of higher education or the chancellor's designee, the director of youth services or the director's designee, the director of aging or the director's designee, the chairperson of the committee of the house of representatives dealing with education or the chairperson's designee, the chairperson of the committee of the senate dealing with education or the chairperson's designee, and fifteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of office of three years. The appointees shall include educators, including teachers and administrators; representatives of youth organizations; students and parents; representatives of organizations engaged in volunteer program development and management throughout the state, including youth and conservation programs; and representatives of business, government, nonprofit organizations, social service agencies, veterans organizations, religious organizations, or philanthropies that support or encourage volunteerism within the state. The director of the governor's office of faith-based and community initiatives shall serve as a nonvoting ex officio member of the commission. Members of the commission shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(B) The commission shall appoint an executive director for the commission, who shall be in the unclassified civil service.

The governor shall be informed of the appointment of an 81  
executive director before such an appointment is made. The 82  
executive director shall supervise the commission's activities 83  
and report to the commission on the progress of those 84  
activities. The executive director shall do all things necessary 85  
for the efficient and effective implementation of the duties of 86  
the commission. 87

The responsibilities assigned to the executive director do 88  
not relieve the members of the commission from final 89  
responsibility for the proper performance of the requirements of 90  
this section. 91

(C) The commission or its designee shall do all of the 92  
following: 93

(1) Employ, promote, supervise, and remove all employees 94  
as needed in connection with the performance of its duties under 95  
this section and may assign duties to those employees as 96  
necessary to achieve the most efficient performance of its 97  
functions, and to that end may establish, change, or abolish 98  
positions, and assign and reassign duties and responsibilities 99  
of any employee of the commission. Personnel employed by the 100  
commission who are subject to Chapter 4117. of the Revised Code 101  
and who are members of an exclusive representative as defined in 102  
section 4117.01 of the Revised Code shall retain all of their 103  
rights and benefits conferred pursuant to that chapter. Nothing 104  
in this chapter shall be construed as eliminating or interfering 105  
with Chapter 4117. of the Revised Code or the rights and 106  
benefits conferred under that chapter to public employees or to 107  
any bargaining unit. 108

(2) Maintain its office in Columbus, and may hold sessions 109  
at any place within the state; 110

(3) Acquire facilities, equipment, and supplies necessary	111
to house the commission, its employees, and files and records	112
under its control, and to discharge any duty imposed upon it by	113
law. The expense of these acquisitions shall be audited and paid	114
for in the same manner as other state expenses. For that	115
purpose, the commission shall prepare and submit to the office	116
of budget and management a budget for each biennium according to	117
sections 101.532 and 107.03 of the Revised Code. The budget	118
submitted shall cover the costs of the commission and its staff	119
in the discharge of any duty imposed upon the commission by law.	120
The commission shall not delegate any authority to obligate	121
funds.	122
(4) Pay its own payroll and other operating expenses from	123
line items designated by the general assembly;	124
(5) Retain its fiduciary responsibility as appointing	125
authority. Any transaction instructions shall be certified by	126
the appointing authority or its designee.	127
(6) Establish the overall policy and management of the	128
commission in accordance with this chapter;	129
(7) Assist in coordinating and preparing the state	130
application for funds under sections 101 to 184 of the "National	131
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42	132
U.S.C.A. 12411 to 12544, as amended, assist in administering and	133
overseeing the "National and Community Service Trust Act of	134
1993," P.L. 103-82, 107 Stat. 785, and the americorps program in	135
this state, and assist in developing objectives for a	136
comprehensive strategy to encourage and expand community service	137
programs throughout the state;	138
(8) Assist the state board of education, school districts,	139

the chancellor of higher education, and institutions of higher 140  
education in coordinating community service education programs 141  
through cooperative efforts between institutions and 142  
organizations in the public and private sectors; 143

(9) Assist the departments of natural resources, youth 144  
services, aging, and job and family services in coordinating 145  
community service programs through cooperative efforts between 146  
institutions and organizations in the public and private 147  
sectors; 148

(10) Suggest individuals and organizations that are 149  
available to assist school districts, institutions of higher 150  
education, and the departments of natural resources, youth 151  
services, aging, and job and family services in the 152  
establishment of community service programs and assist in 153  
investigating sources of funding for implementing these 154  
programs; 155

(11) Assist in evaluating the state's efforts in providing 156  
community service programs using standards and methods that are 157  
consistent with any statewide objectives for these programs and 158  
provide information to the state board of education, school 159  
districts, the chancellor of higher education, institutions of 160  
higher education, and the departments of natural resources, 161  
youth services, aging, and job and family services to guide them 162  
in making decisions about these programs; 163

(12) Assist the state board of education in complying with 164  
section 3301.70 of the Revised Code and the chancellor of higher 165  
education in complying with division (B) (2) of section 3333.043 166  
of the Revised Code. 167

(D) The commission shall in writing enter into an 168

agreement with another state agency to serve as the commission's 169  
fiscal agent. Before entering into such an agreement, the 170  
commission shall inform the governor of the terms of the 171  
agreement and of the state agency designated to serve as the 172  
commission's fiscal agent. The fiscal agent shall be responsible 173  
for all the commission's fiscal matters and financial 174  
transactions, as specified in the agreement. Services to be 175  
provided by the fiscal agent include, but are not limited to, 176  
the following: 177

(1) Preparing and processing payroll and other personnel 178  
documents that the commission executes as the appointing 179  
authority; 180

(2) Maintaining ledgers of accounts and reports of account 181  
balances, and monitoring budgets and allotment plans in 182  
consultation with the commission; and 183

(3) Performing other routine support services that the 184  
fiscal agent considers appropriate to achieve efficiency. 185

(E) (1) The commission, in conjunction and consultation 186  
with the fiscal agent, has the following authority and 187  
responsibility relative to fiscal matters: 188

(a) Sole authority to draw funds for any and all federal 189  
programs in which the commission is authorized to participate; 190

(b) Sole authority to expend funds from their accounts for 191  
programs and any other necessary expenses the commission may 192  
incur and its subgrantees may incur; and 193

(c) Responsibility to cooperate with and inform the fiscal 194  
agent fully of all financial transactions. 195

(2) The commission shall follow all state procurement, 196

fiscal, human resources, statutory, and administrative rule 197  
requirements. 198

(3) The fiscal agent shall determine fees to be charged to 199  
the commission, which shall be in proportion to the services 200  
performed for the commission. 201

(4) The commission shall pay fees owed to the fiscal agent 202  
from a general revenue fund of the commission or from any other 203  
fund from which the operating expenses of the commission are 204  
paid. Any amounts set aside for a fiscal year for the payment of 205  
these fees shall be used only for the services performed for the 206  
commission by the fiscal agent in that fiscal year. 207

(F) The commission may accept and administer grants from 208  
any source, public or private, to carry out any of the 209  
commission's functions this section establishes. 210

**Sec. 124.14.** (A) (1) The director of administrative 211  
services shall establish, and may modify or rescind, a job 212  
classification plan for all positions, offices, and employments 213  
in the service of the state. The director shall group jobs 214  
within a classification so that the positions are similar enough 215  
in duties and responsibilities to be described by the same 216  
title, to have the same pay assigned with equity, and to have 217  
the same qualifications for selection applied. The director 218  
shall assign a classification title to each classification 219  
within the classification plan. However, the director shall 220  
consider in establishing classifications, including 221  
classifications with parenthetical titles, and assigning pay 222  
ranges such factors as duties performed only on one shift, 223  
special skills in short supply in the labor market, recruitment 224  
problems, separation rates, comparative salary rates, the amount 225  
of training required, and other conditions affecting employment. 226



The director shall describe the duties and responsibilities of 227  
the class, establish the qualifications for being employed in 228  
each position in the class, and file with the secretary of state 229  
a copy of specifications for all of the classifications. The 230  
director shall file new, additional, or revised specifications 231  
with the secretary of state before they are used. 232

The director shall assign each classification, either on a 233  
statewide basis or in particular counties or state institutions, 234  
to a pay range established under section 124.15 or section 235  
124.152 of the Revised Code. The director may assign a 236  
classification to a pay range on a temporary basis for a period 237  
of six months. The director may establish experimental 238  
classification plans for some or all employees paid directly by 239  
warrant of the director of budget and management. Any such 240  
experimental classification plan shall include specifications 241  
for each classification within the plan and shall specifically 242  
address compensation ranges, and methods for advancing within 243  
the ranges, for the classifications, which may be assigned to 244  
pay ranges other than the pay ranges established under section 245  
124.15 or 124.152 of the Revised Code. 246

(2) The director of administrative services may reassign 247  
to a proper classification those positions that have been 248  
assigned to an improper classification. If the compensation of 249  
an employee in such a reassigned position exceeds the maximum 250  
rate of pay for the employee's new classification, the employee 251  
shall be placed in pay step X and shall not receive an increase 252  
in compensation until the maximum rate of pay for that 253  
classification exceeds the employee's compensation. 254

(3) The director may reassign an exempt employee, as 255  
defined in section 124.152 of the Revised Code, to a bargaining 256

unit classification if the director determines that the 257  
bargaining unit classification is the proper classification for 258  
that employee. Notwithstanding Chapter 4117. of the Revised Code 259  
or instruments and contracts negotiated under it, these 260  
placements are at the director's discretion. 261

(4) The director shall assign related classifications, 262  
which form a career progression, to a classification series. The 263  
director shall assign each classification in the classification 264  
plan a five-digit number, the first four digits of which shall 265  
denote the classification series to which the classification is 266  
assigned. When a career progression encompasses more than ten 267  
classifications, the director shall identify the additional 268  
classifications belonging to a classification series. The 269  
additional classifications shall be part of the classification 270  
series, notwithstanding the fact that the first four digits of 271  
the number assigned to the additional classifications do not 272  
correspond to the first four digits of the numbers assigned to 273  
other classifications in the classification series. 274

(B) Division (A) of this section and sections 124.15 and 275  
124.152 of the Revised Code do not apply to the following 276  
persons, positions, offices, and employments: 277

(1) Elected officials; 278

(2) Legislative employees, employees of the legislative 279  
service commission, employees in the office of the governor, 280  
employees who are in the unclassified civil service and exempt 281  
from collective bargaining coverage in the office of the 282  
secretary of state, auditor of state, treasurer of state, and 283  
attorney general, and employees of the supreme court; 284

(3) Any position for which the authority to determine 285

compensation is given by law to another individual or entity;	286
(4) Employees of the bureau of workers' compensation whose	287
compensation the administrator of workers' compensation	288
establishes under division (B) of section 4121.121 of the	289
Revised Code.	290
(C) The director may employ a consulting agency to aid and	291
assist the director in carrying out this section.	292
(D) (1) When the director proposes to modify a	293
classification or the assignment of classes to appropriate pay	294
ranges, the director shall notify the appointing authorities of	295
the affected employees before implementing the modification. The	296
director's notice shall include the effective date of the	297
modification. The appointing authorities shall notify the	298
affected employees regarding the modification.	299
(2) When the director proposes to reclassify any employee	300
in the service of the state so that the employee is adversely	301
affected, the director shall give to the employee affected and	302
to the employee's appointing authority a written notice setting	303
forth the proposed new classification, pay range, and salary.	304
Upon the request of any classified employee in the service of	305
the state who is not serving in a probationary period, the	306
director shall perform a job audit to review the classification	307
of the employee's position to determine whether the position is	308
properly classified. The director shall give to the employee	309
affected and to the employee's appointing authority a written	310
notice of the director's determination whether or not to	311
reclassify the position or to reassign the employee to another	312
classification. An employee or appointing authority desiring a	313
hearing shall file a written request for the hearing with the	314
state personnel board of review within thirty days after	315

receiving the notice. The board shall set the matter for a 316  
hearing and notify the employee and appointing authority of the 317  
time and place of the hearing. The employee, the appointing 318  
authority, or any authorized representative of the employee who 319  
wishes to submit facts for the consideration of the board shall 320  
be afforded reasonable opportunity to do so. After the hearing, 321  
the board shall consider anew the reclassification and may order 322  
the reclassification of the employee and require the director to 323  
assign the employee to such appropriate classification as the 324  
facts and evidence warrant. As provided in division (A) (1) of 325  
section 124.03 of the Revised Code, the board may determine the 326  
most appropriate classification for the position of any employee 327  
coming before the board, with or without a job audit. The board 328  
shall disallow any reclassification or reassignment 329  
classification of any employee when it finds that changes have 330  
been made in the duties and responsibilities of any particular 331  
employee for political, religious, or other unjust reasons. 332

(E) (1) Employees of each county department of job and 333  
family services shall be paid a salary or wage established by 334  
the board of county commissioners. The provisions of section 335  
124.18 of the Revised Code concerning the standard work week 336  
apply to employees of county departments of job and family 337  
services. A board of county commissioners may do either of the 338  
following: 339

(a) Notwithstanding any other section of the Revised Code, 340  
supplement the sick leave, vacation leave, personal leave, and 341  
other benefits of any employee of the county department of job 342  
and family services of that county, if the employee is eligible 343  
for the supplement under a written policy providing for the 344  
supplement; 345

(b) Notwithstanding any other section of the Revised Code, 346  
establish alternative schedules of sick leave, vacation leave, 347  
personal leave, or other benefits for employees not inconsistent 348  
with the provisions of a collective bargaining agreement 349  
covering the affected employees. 350

(2) Division (E) (1) of this section does not apply to 351  
employees for whom the state employment relations board 352  
establishes appropriate bargaining units pursuant to section 353  
4117.06 of the Revised Code, except in ~~either~~ any of the 354  
following situations: 355

(a) The employees for whom the state employment relations 356  
board establishes appropriate bargaining units elect no 357  
representative in a board-conducted representation election. 358

(b) After the state employment relations board establishes 359  
appropriate bargaining units for such employees, all employee 360  
organizations withdraw from a representation election. 361

(c) An employee who is a member of the bargaining unit 362  
elects not to be a member of the exclusive representative 363  
selected by the employees within the bargaining unit. 364

(F) (1) Notwithstanding any contrary provision of sections 365  
124.01 to 124.64 of the Revised Code, the board of trustees of 366  
each state university or college, as defined in section 3345.12 367  
of the Revised Code, shall carry out all matters of governance 368  
involving the officers and employees of the university or 369  
college, including, but not limited to, the powers, duties, and 370  
functions of the department of administrative services and the 371  
director of administrative services specified in this chapter. 372  
Officers and employees of a state university or college shall 373  
have the right of appeal to the state personnel board of review 374

as provided in this chapter. 375

(2) Each board of trustees shall adopt rules under section 376  
111.15 of the Revised Code to carry out the matters of 377  
governance described in division (F)(1) of this section. Until 378  
the board of trustees adopts those rules, a state university or 379  
college shall continue to operate pursuant to the applicable 380  
rules adopted by the director of administrative services under 381  
this chapter. 382

(G)(1) Each board of county commissioners may, by a 383  
resolution adopted by a majority of its members, establish a 384  
county personnel department to exercise the powers, duties, and 385  
functions specified in division (G) of this section. As used in 386  
division (G) of this section, "county personnel department" 387  
means a county personnel department established by a board of 388  
county commissioners under division (G)(1) of this section. 389

(2)(a) Each board of county commissioners, by a resolution 390  
adopted by a majority of its members, may designate the county 391  
personnel department of the county to exercise the powers, 392  
duties, and functions specified in sections 124.01 to 124.64 and 393  
Chapter 325. of the Revised Code with regard to employees in the 394  
service of the county, except for the powers and duties of the 395  
state personnel board of review, which powers and duties shall 396  
not be construed as having been modified or diminished in any 397  
manner by division (G)(2) of this section, with respect to the 398  
employees for whom the board of county commissioners is the 399  
appointing authority or co-appointing authority. 400

(b) Nothing in division (G)(2) of this section shall be 401  
construed to limit the right of any employee who possesses the 402  
right of appeal to the state personnel board of review to 403  
continue to possess that right of appeal. 404

(c) Any board of county commissioners that has established 405  
a county personnel department may contract with the department 406  
of administrative services, in accordance with division (H) of 407  
this section, another political subdivision, or an appropriate 408  
public or private entity to provide competitive testing services 409  
or other appropriate services. 410

(3) After the county personnel department of a county has 411  
been established as described in division (G) (2) of this 412  
section, any elected official, board, agency, or other 413  
appointing authority of that county, upon written notification 414  
to the county personnel department, may elect to use the 415  
services and facilities of the county personnel department. Upon 416  
receipt of the notification by the county personnel department, 417  
the county personnel department shall exercise the powers, 418  
duties, and functions as described in division (G) (2) of this 419  
section with respect to the employees of that elected official, 420  
board, agency, or other appointing authority. 421

(4) Each board of county commissioners, by a resolution 422  
adopted by a majority of its members, may disband the county 423  
personnel department. 424

(5) Any elected official, board, agency, or appointing 425  
authority of a county may end its involvement with a county 426  
personnel department upon actual receipt by the department of a 427  
certified copy of the notification that contains the decision to 428  
no longer participate. 429

(6) A county personnel department, in carrying out its 430  
duties, shall adhere to merit system principles with regard to 431  
employees of county departments of job and family services, 432  
child support enforcement agencies, and public child welfare 433  
agencies so that there is no threatened loss of federal funding 434

for these agencies, and the county is financially liable to the 435  
state for any loss of federal funds due to the action or 436  
inaction of the county personnel department. 437

(H) County agencies may contract with the department of 438  
administrative services for any human resources services, 439  
including, but not limited to, establishment and modification of 440  
job classification plans, competitive testing services, and 441  
periodic audits and reviews of the county's uniform application 442  
of the powers, duties, and functions specified in sections 443  
124.01 to 124.64 and Chapter 325. of the Revised Code with 444  
regard to employees in the service of the county. Nothing in 445  
this division modifies the powers and duties of the state 446  
personnel board of review with respect to employees in the 447  
service of the county. Nothing in this division limits the right 448  
of any employee who possesses the right of appeal to the state 449  
personnel board of review to continue to possess that right of 450  
appeal. 451

(I) The director of administrative services shall 452  
establish the rate and method of compensation for all employees 453  
who are paid directly by warrant of the director of budget and 454  
management and who are serving in positions that the director of 455  
administrative services has determined impracticable to include 456  
in the state job classification plan. This division does not 457  
apply to elected officials, legislative employees, employees of 458  
the legislative service commission, employees who are in the 459  
unclassified civil service and exempt from collective bargaining 460  
coverage in the office of the secretary of state, auditor of 461  
state, treasurer of state, and attorney general, employees of 462  
the courts, employees of the bureau of workers' compensation 463  
whose compensation the administrator of workers' compensation 464  
establishes under division (B) of section 4121.121 of the 465



Revised Code, or employees of an appointing authority authorized 466  
by law to fix the compensation of those employees. 467

(J) The director of administrative services shall set the 468  
rate of compensation for all intermittent, seasonal, temporary, 469  
emergency, and casual employees in the service of the state who 470  
are not considered public employees under section 4117.01 of the 471  
Revised Code. Those employees are not entitled to receive 472  
employee benefits, unless otherwise required by law. This rate 473  
of compensation shall be equitable in terms of the rate of 474  
employees serving in the same or similar classifications. This 475  
division does not apply to elected officials, legislative 476  
employees, employees of the legislative service commission, 477  
employees who are in the unclassified civil service and exempt 478  
from collective bargaining coverage in the office of the 479  
secretary of state, auditor of state, treasurer of state, and 480  
attorney general, employees of the courts, employees of the 481  
bureau of workers' compensation whose compensation the 482  
administrator establishes under division (B) of section 4121.121 483  
of the Revised Code, or employees of an appointing authority 484  
authorized by law to fix the compensation of those employees. 485

**Sec. 124.15.** (A) Board and commission members appointed 486  
prior to July 1, 1991, shall be paid a salary or wage in 487  
accordance with the following schedules of rates: 488

Schedule B 489

Pay Ranges and Step Values 490

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	491
Annually	11897.60	12292.80	12688.00	13124.80	492
	Step 5	Step 6			493
Hourly	6.52	6.75			494
					495

	Annually	13561.60	14040.00			496
		Step 1	Step 2	Step 3	Step 4	497
24	Hourly	6.00	6.20	6.41	6.63	498
	Annually	12480.00	12896.00	13332.80	13790.40	499
		Step 5	Step 6			500
	Hourly	6.87	7.10			501
	Annually	14289.60	14768.00			502
		Step 1	Step 2	Step 3	Step 4	503
25	Hourly	6.31	6.52	6.75	6.99	504
	Annually	13124.80	13561.60	14040.00	14539.20	505
		Step 5	Step 6			506
	Hourly	7.23	7.41			507
	Annually	15038.40	15412.80			508
		Step 1	Step 2	Step 3	Step 4	509
26	Hourly	6.63	6.87	7.10	7.32	510
	Annually	13790.40	14289.60	14768.00	15225.60	511
		Step 5	Step 6			512
	Hourly	7.53	7.77			513
	Annually	15662.40	16161.60			514
		Step 1	Step 2	Step 3	Step 4	515
27	Hourly	6.99	7.23	7.41	7.64	516
	Annually	14534.20	15038.40	15412.80	15891.20	517
		Step 5	Step 6	Step 7		518
	Hourly	7.88	8.15	8.46		519
	Annually	16390.40	16952.00	17596.80		520
		Step 1	Step 2	Step 3	Step 4	521
28	Hourly	7.41	7.64	7.88	8.15	522
	Annually	15412.80	15891.20	16390.40	16952.00	523
		Step 5	Step 6	Step 7		524
	Hourly	8.46	8.79	9.15		525
	Annually	17596.80	18283.20	19032.00		526
		Step 1	Step 2	Step 3	Step 4	527

29	Hourly	7.88	8.15	8.46	8.79	528
	Annually	16390.40	16952.00	17596.80	18283.20	529
		Step 5	Step 6	Step 7		530
	Hourly	9.15	9.58	10.01		531
	Annually	19032.00	19926.40	20820.80		532
		Step 1	Step 2	Step 3	Step 4	533
30	Hourly	8.46	8.79	9.15	9.58	534
	Annually	17596.80	18283.20	19032.00	19926.40	535
		Step 5	Step 6	Step 7		536
	Hourly	10.01	10.46	10.99		537
	Annually	20820.80	21756.80	22859.20		538
		Step 1	Step 2	Step 3	Step 4	539
31	Hourly	9.15	9.58	10.01	10.46	540
	Annually	19032.00	19962.40	20820.80	21756.80	541
		Step 5	Step 6	Step 7		542
	Hourly	10.99	11.52	12.09		543
	Annually	22859.20	23961.60	25147.20		544
		Step 1	Step 2	Step 3	Step 4	545
32	Hourly	10.01	10.46	10.99	11.52	546
	Annually	20820.80	21756.80	22859.20	23961.60	547
		Step 5	Step 6	Step 7	Step 8	548
	Hourly	12.09	12.68	13.29	13.94	549
	Annually	25147.20	26374.40	27643.20	28995.20	550
		Step 1	Step 2	Step 3	Step 4	551
33	Hourly	10.99	11.52	12.09	12.68	552
	Annually	22859.20	23961.60	25147.20	26374.40	553
		Step 5	Step 6	Step 7	Step 8	554
	Hourly	13.29	13.94	14.63	15.35	555
	Annually	27643.20	28995.20	30430.40	31928.00	556
		Step 1	Step 2	Step 3	Step 4	557
34	Hourly	12.09	12.68	13.29	13.94	558
	Annually	25147.20	26374.40	27643.20	28995.20	559

		Step 5	Step 6	Step 7	Step 8	560
	Hourly	14.63	15.35	16.11	16.91	561
	Annually	30430.40	31928.00	33508.80	35172.80	562
		Step 1	Step 2	Step 3	Step 4	563
35	Hourly	13.29	13.94	14.63	15.35	564
	Annually	27643.20	28995.20	30430.40	31928.00	565
		Step 5	Step 6	Step 7	Step 8	566
	Hourly	16.11	16.91	17.73	18.62	567
	Annually	33508.80	35172.80	36878.40	38729.60	568
		Step 1	Step 2	Step 3	Step 4	569
36	Hourly	14.63	15.35	16.11	16.91	570
	Annually	30430.40	31928.00	33508.80	35172.80	571
		Step 5	Step 6	Step 7	Step 8	572
	Hourly	17.73	18.62	19.54	20.51	573
	Annually	36878.40	38729.60	40643.20	42660.80	574
	Schedule C					575
	Pay Range and Values					576
	Range	Minimum		Maximum		577
41	Hourly	10.44		15.72		578
	Annually	21715.20		32697.60		579
42	Hourly	11.51		17.35		580
	Annually	23940.80		36088.00		581
43	Hourly	12.68		19.12		582
	Annually	26374.40		39769.60		583
44	Hourly	13.99		20.87		584
	Annually	29099.20		43409.60		585
45	Hourly	15.44		22.80		586
	Annually	32115.20		47424.00		587
46	Hourly	17.01		24.90		588
	Annually	35380.80		51792.00		589
47	Hourly	18.75		27.18		590

Annually	39000.00	56534.40	591
48 Hourly	20.67	29.69	592
Annually	42993.60	61755.20	593
49 Hourly	22.80	32.06	594
Annually	47424.00	66684.80	595

(B) The pay schedule of all employees shall be on a 596  
biweekly basis, with amounts computed on an hourly basis. 597

(C) Part-time employees shall be compensated on an hourly 598  
basis for time worked, at the rates shown in division (A) of 599  
this section or in section 124.152 of the Revised Code. 600

(D) The salary and wage rates in division (A) of this 601  
section or in section 124.152 of the Revised Code represent base 602  
rates of compensation and may be augmented by the provisions of 603  
section 124.181 of the Revised Code. In those cases where 604  
lodging, meals, laundry, or other personal services are 605  
furnished an employee in the service of the state, the actual 606  
costs or fair market value of the personal services shall be 607  
paid by the employee in such amounts and manner as determined by 608  
the director of administrative services and approved by the 609  
director of budget and management, and those personal services 610  
shall not be considered as a part of the employee's 611  
compensation. An appointing authority that appoints employees in 612  
the service of the state, with the approval of the director of 613  
administrative services and the director of budget and 614  
management, may establish payments to employees for uniforms, 615  
tools, equipment, and other requirements of the department and 616  
payments for the maintenance of them. 617

The director of administrative services may review 618  
collective bargaining agreements entered into under Chapter 619  
4117. of the Revised Code that cover employees in the service of 620

the state and determine whether certain benefits or payments 621  
provided to the employees covered by those agreements should 622  
also be provided to employees in the service of the state who 623  
are exempt from collective bargaining coverage and are paid in 624  
accordance with section 124.152 of the Revised Code or are 625  
listed in division (B) (2) or (4) of section 124.14 of the 626  
Revised Code. On completing the review, the director of 627  
administrative services, with the approval of the director of 628  
budget and management, may provide to some or all of these 629  
employees any payment or benefit, except for salary, contained 630  
in such a collective bargaining agreement even if it is similar 631  
to a payment or benefit already provided by law to some or all 632  
of these employees. Any payment or benefit so provided shall not 633  
exceed the highest level for that payment or benefit specified 634  
in such a collective bargaining agreement. The director of 635  
administrative services shall not provide, and the director of 636  
budget and management shall not approve, any payment or benefit 637  
to such an employee under this division unless the payment or 638  
benefit is provided pursuant to a collective bargaining 639  
agreement to a state employee who is in a position with similar 640  
duties as, is supervised by, or is employed by the same 641  
appointing authority as, the employee to whom the benefit or 642  
payment is to be provided. 643

As used in this division, "payment or benefit already 644  
provided by law" includes, but is not limited to, bereavement, 645  
personal, vacation, administrative, and sick leave, disability 646  
benefits, holiday pay, and pay supplements provided under the 647  
Revised Code, but does not include wages or salary. 648

(E) New employees paid in accordance with schedule B of 649  
division (A) of this section or schedule E-1 of section 124.152 650  
of the Revised Code shall be employed at the minimum rate 651

established for the range unless otherwise provided. Employees 652  
with qualifications that are beyond the minimum normally 653  
required for the position and that are determined by the 654  
director to be exceptional may be employed in, or may be 655  
transferred or promoted to, a position at an advanced step of 656  
the range. Further, in time of a serious labor market condition 657  
when it is relatively impossible to recruit employees at the 658  
minimum rate for a particular classification, the entrance rate 659  
may be set at an advanced step in the range by the director of 660  
administrative services. This rate may be limited to 661  
geographical regions of the state. Appointments made to an 662  
advanced step under the provision regarding exceptional 663  
qualifications shall not affect the step assignment of employees 664  
already serving. However, anytime the hiring rate of an entire 665  
classification is advanced to a higher step, all incumbents of 666  
that classification being paid at a step lower than that being 667  
used for hiring, shall be advanced beginning at the start of the 668  
first pay period thereafter to the new hiring rate, and any time 669  
accrued at the lower step will be used to calculate advancement 670  
to a succeeding step. If the hiring rate of a classification is 671  
increased for only a geographical region of the state, only 672  
incumbents who work in that geographical region shall be 673  
advanced to a higher step. When an employee in the unclassified 674  
service changes from one state position to another or is 675  
appointed to a position in the classified service, or if an 676  
employee in the classified service is appointed to a position in 677  
the unclassified service, the employee's salary or wage in the 678  
new position shall be determined in the same manner as if the 679  
employee were an employee in the classified service. When an 680  
employee in the unclassified service who is not eligible for 681  
step increases is appointed to a classification in the 682  
classified service under which step increases are provided, 683

future step increases shall be based on the date on which the 684  
employee last received a pay increase. If the employee has not 685  
received an increase during the previous year, the date of the 686  
appointment to the classified service shall be used to determine 687  
the employee's annual step advancement eligibility date. In 688  
reassigning any employee to a classification resulting in a pay 689  
range increase or to a new pay range as a result of a promotion, 690  
an increase pay range adjustment, or other classification change 691  
resulting in a pay range increase, the director shall assign 692  
such employee to the step in the new pay range that will provide 693  
an increase of approximately four per cent if the new pay range 694  
can accommodate the increase. When an employee is being assigned 695  
to a classification or new pay range as the result of a class 696  
plan change, if the employee has completed a probationary 697  
period, the employee shall be placed in a step no lower than 698  
step two of the new pay range. If the employee has not completed 699  
a probationary period, the employee may be placed in step one of 700  
the new pay range. Such new salary or wage shall become 701  
effective on such date as the director determines. 702

(F) If employment conditions and the urgency of the work 703  
require such action, the director of administrative services 704  
may, upon the application of a department head, authorize 705  
payment at any rate established within the range for the class 706  
of work, for work of a casual or intermittent nature or on a 707  
project basis. Payment at such rates shall not be made to the 708  
same individual for more than three calendar months in any one 709  
calendar year. Any such action shall be subject to the approval 710  
of the director of budget and management as to the availability 711  
of funds. This section and sections 124.14 and 124.152 of the 712  
Revised Code do not repeal any authority of any department or 713  
public official to contract with or fix the compensation of 714



professional persons who may be employed temporarily for work of 715  
a casual nature or for work on a project basis. 716

(G) (1) Except as provided in ~~divisions~~division (G) (2) ~~and~~ 717  
~~(3)~~ of this section, each state employee paid in accordance with 718  
schedule B of this section or schedule E-1 of section 124.152 of 719  
the Revised Code shall be eligible for advancement to succeeding 720  
steps in the range for the employee's class or grade according 721  
to the schedule established in this division. Beginning on the 722  
first day of the pay period within which the employee completes 723  
the prescribed probationary period in the employee's 724  
classification with the state, each employee shall receive an 725  
automatic salary adjustment equivalent to the next higher step 726  
within the pay range for the employee's class or grade. 727

Except as provided in ~~divisions~~division (G) (2) ~~and~~ (3) of 728  
this section, each employee paid in accordance with schedule E-1 729  
of section 124.152 of the Revised Code shall be eligible to 730  
advance to the next higher step until the employee reaches the 731  
top step in the range for the employee's class or grade, if the 732  
employee has maintained satisfactory performance in accordance 733  
with criteria established by the employee's appointing 734  
authority. Those step advancements shall not occur more 735  
frequently than once in any twelve-month period. 736

When an employee is promoted, the step entry date shall be 737  
set to account for a probationary period. When an employee is 738  
reassigned to a higher pay range, the step entry date shall be 739  
set to allow an employee who is not at the highest step of the 740  
range to receive a step advancement one year from the 741  
reassignment date. Step advancement shall not be affected by 742  
demotion. A promoted employee shall advance to the next higher 743  
step of the pay range on the first day of the pay period in 744

which the required probationary period is completed. Step 745  
advancement shall become effective at the beginning of the pay 746  
period within which the employee attains the necessary length of 747  
service. Time spent on authorized leave of absence shall be 748  
counted for this purpose. 749

If determined to be in the best interest of the state 750  
service, the director of administrative services may, either 751  
statewide or in selected agencies, adjust the dates on which 752  
annual step advancements are received by employees paid in 753  
accordance with schedule E-1 of section 124.152 of the Revised 754  
Code. 755

~~(2) (a) There shall be a moratorium on annual step 756  
advancements under division (G) (1) of this section beginning 757  
June 21, 2009, through June 20, 2011. Step advancements shall 758  
resume with the pay period beginning June 21, 2011. Upon the 759  
resumption of step advancements, there shall be no retroactive 760  
step advancements for the period the moratorium was in effect. 761  
The moratorium shall not affect an employee's performance 762  
evaluation schedule. 763~~

~~An employee who begins a probationary period before June 764  
21, 2009, shall advance to the next step in the employee's pay 765  
range at the end of probation, and then become subject to the 766  
moratorium. An employee who is hired, promoted, or reassigned to 767  
a higher pay range between June 21, 2009, through June 20, 2011, 768  
shall not advance to the next step in the employee's pay range 769  
until the next anniversary of the employee's date of hire, 770  
promotion, or reassignment that occurs on or after June 21, 771  
2011. 772~~

~~(b) The moratorium under division (G) (2) (a) of this 773  
section shall apply to the employees of the secretary of state, 774~~

~~the auditor of state, the treasurer of state, and the attorney- 775  
general, who are subject to this section unless the secretary of 776  
state, the auditor of state, the treasurer of state, or the 777  
attorney general decides to exempt the office's employees from 778  
the moratorium and so notifies the director of administrative 779  
services in writing on or before July 1, 2009. 780~~

~~(3) Employees in intermittent positions shall be employed 781  
at the minimum rate established for the pay range for their 782  
classification and are not eligible for step advancements. 783~~

(H) Employees in appointive managerial or professional 784  
positions paid in accordance with schedule C of this section or 785  
schedule E-2 of section 124.152 of the Revised Code may be 786  
appointed at any rate within the appropriate pay range. This 787  
rate of pay may be adjusted higher or lower within the 788  
respective pay range at any time the appointing authority so 789  
desires as long as the adjustment is based on the employee's 790  
ability to successfully administer those duties assigned to the 791  
employee. Salary adjustments shall not be made more frequently 792  
than once in any six-month period under this provision to 793  
incumbents holding the same position and classification. 794

(I) When an employee is assigned to duty outside this 795  
state, the employee may be compensated, upon request of the 796  
department head and with the approval of the director of 797  
administrative services, at a rate not to exceed fifty per cent 798  
in excess of the employee's current base rate for the period of 799  
time spent on that duty. 800

(J) Unless compensation for members of a board or 801  
commission is otherwise specifically provided by law, the 802  
director of administrative services shall establish the rate and 803  
method of payment for members of boards and commissions pursuant 804

to the pay schedules listed in section 124.152 of the Revised Code. 805  
806

(K) Regular full-time employees in positions assigned to 807  
classes within the instruction and education administration 808  
series under the job classification plans of the director of 809  
administrative services, except certificated employees on the 810  
instructional staff of the state school for the blind or the 811  
state school for the deaf, whose positions are scheduled to work 812  
on the basis of an academic year rather than a full calendar 813  
year, shall be paid according to the pay range assigned by the 814  
applicable job classification plan, but only during those pay 815  
periods included in the academic year of the school where the 816  
employee is located. 817

(1) Part-time or substitute teachers or those whose period 818  
of employment is other than the full academic year shall be 819  
compensated for the actual time worked at the rate established 820  
by this section. 821

(2) Employees governed by this division are exempt from 822  
sections 124.13 and 124.19 of the Revised Code. 823

(3) Length of service for the purpose of determining 824  
eligibility for step advancements as provided by division (G) of 825  
this section and for the purpose of determining eligibility for 826  
longevity pay supplements as provided by division (E) of section 827  
124.181 of the Revised Code shall be computed on the basis of 828  
one full year of service for the completion of each academic 829  
year. 830

(L) The superintendent of the state school for the deaf 831  
and the superintendent of the state school for the blind shall, 832  
subject to the approval of the superintendent of public 833

instruction, carry out both of the following: 834

(1) Annually, between the first day of April and the last 835  
day of June, establish for the ensuing fiscal year a schedule of 836  
hourly rates for the compensation of each certificated employee 837  
on the instructional staff of that superintendent's respective 838  
school constructed as follows: 839

(a) Determine for each level of training, experience, and 840  
other professional qualification for which an hourly rate is set 841  
forth in the current schedule, the per cent that rate is of the 842  
rate set forth in such schedule for a teacher with a bachelor's 843  
degree and no experience. If there is more than one such rate 844  
for such a teacher, the lowest rate shall be used to make the 845  
computation. 846

(b) Determine which six city, local, and exempted village 847  
school districts with territory in Franklin county have in 848  
effect on, or have adopted by, the first day of April for the 849  
school year that begins on the ensuing first day of July, 850  
teacher salary schedules with the highest minimum salaries for a 851  
teacher with a bachelor's degree and no experience; 852

(c) Divide the sum of such six highest minimum salaries by 853  
ten thousand five hundred sixty; 854

(d) Multiply each per cent determined in division (L) (1) 855  
(a) of this section by the quotient obtained in division (L) (1) 856  
(c) of this section; 857

(e) One hundred five per cent of each product thus 858  
obtained shall be the hourly rate for the corresponding level of 859  
training, experience, or other professional qualification in the 860  
schedule for the ensuing fiscal year. 861

(2) Annually, assign each certificated employee on the 862

instructional staff of the superintendent's respective school to 863  
an hourly rate on the schedule that is commensurate with the 864  
employee's training, experience, and other professional 865  
qualifications. 866

If an employee is employed on the basis of an academic 867  
year, the employee's annual salary shall be calculated by 868  
multiplying the employee's assigned hourly rate times one 869  
thousand seven hundred sixty. If an employee is not employed on 870  
the basis of an academic year, the employee's annual salary 871  
shall be calculated in accordance with the following formula: 872

(a) Multiply the number of days the employee is required 873  
to work pursuant to the employee's contract by eight; 874

(b) Multiply the product of division (L) (2) (a) of this 875  
section by the employee's assigned hourly rate. 876

Each employee shall be paid an annual salary in biweekly 877  
installments. The amount of each installment shall be calculated 878  
by dividing the employee's annual salary by the number of 879  
biweekly installments to be paid during the year. 880

Sections 124.13 and 124.19 of the Revised Code do not 881  
apply to an employee who is paid under this division. 882

As used in this division, "academic year" means the number 883  
of days in each school year that the schools are required to be 884  
open for instruction with pupils in attendance. Upon completing 885  
an academic year, an employee paid under this division shall be 886  
deemed to have completed one year of service. An employee paid 887  
under this division is eligible to receive a pay supplement 888  
under division (L) (1), (2), or (3) of section 124.181 of the 889  
Revised Code for which the employee qualifies, but is not 890  
eligible to receive a pay supplement under division (L) (4) or 891

(5) of that section. An employee paid under this division is 892  
eligible to receive a pay supplement under division (L) (6) of 893  
section 124.181 of the Revised Code for which the employee 894  
qualifies, except that the supplement is not limited to a 895  
maximum of five per cent of the employee's regular base salary 896  
in a calendar year. 897

(M) Division (A) of this section does not apply to "exempt 898  
employees," as defined in section 124.152 of the Revised Code, 899  
who are paid under that section. 900

Notwithstanding any other provisions of this chapter, when 901  
an employee who is a member of an employee organization as 902  
defined in section 4117.01 of the Revised Code transfers between 903  
bargaining units or transfers out of or into a bargaining unit, 904  
the director of administrative services shall establish the 905  
employee's compensation and adjust the maximum leave accrual 906  
schedule as the director deems equitable. 907

**Sec. 3345.31.** The boards of trustees of a state 908  
university, the board of trustees of the northeast Ohio medical 909  
university, the board of trustees of a technical college or 910  
community college district, and the board of control of the Ohio 911  
agricultural research and development center may establish 912  
compensation plans, including schedules of hourly rates, for the 913  
compensation of all employees and may establish rules or 914  
policies for the administration of their respective compensation 915  
plans. 916

The provisions of this section do not apply to employees 917  
for whom the state employment relations board establishes 918  
appropriate bargaining units pursuant to section 4117.06 of the 919  
Revised Code and who are members of the exclusive 920  
representative, as defined in section 4117.01 of the Revised 921

<u>Code, selected by the members of such a bargaining unit.</u>	922
<b>Sec. 4117.03.</b> (A) Public employees have the right to:	923
(1) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in <del>Chapter 4117. of the Revised Code</del> <u>this chapter</u> , any employee organization of their own choosing;	924 925 926 927
(2) Engage in <u>or refrain from engaging in</u> other concerted activities for the purpose of collective bargaining or other mutual aid and protection;	928 929 930
(3) Representation by an employee organization;	931
(4) Bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into collective bargaining agreements;	932 933 934 935 936
(5) Present grievances and have them adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.	937 938 939 940 941 942
(B) Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights.	943 944 945
(C) Except as provided in division (D) of this section, nothing in <del>Chapter 4117. of the Revised Code</del> <u>this chapter</u> prohibits public employers from electing to engage in collective bargaining, to meet and confer, to hold discussions, or to	946 947 948 949



engage in any other form of collective negotiations with public 950  
employees who are not subject to ~~Chapter 4117. of the Revised~~ 951  
~~Code~~ this chapter pursuant to division (C) of section 4117.01 of 952  
the Revised Code. 953

(D) A public employer shall not engage in collective 954  
bargaining or other forms of collective negotiations with the 955  
employees of county boards of elections referred to in division 956  
(C) (12) of section 4117.01 of the Revised Code. 957

(E) Employees of public schools may bargain collectively 958  
for health care benefits. 959

**Sec. 4117.04.** (A) Public employers shall extend to an 960  
exclusive representative designated under section 4117.05 of the 961  
Revised Code, the right to represent exclusively the employees 962  
in the appropriate bargaining unit and the right to unchallenged 963  
and exclusive representation for a period of not less than 964  
twelve months following the date of certification and 965  
thereafter, if the public employer and the employee organization 966  
enter into an agreement, for a period of not more than three 967  
years from the date of signing the agreement. For ~~the~~ purposes 968  
of this section, extensions of agreements shall not be construed 969  
to affect the expiration date of the original agreement. Nothing 970  
in this section shall be construed to require or permit an 971  
exclusive representative to represent a public employee who is 972  
not a member of the exclusive representative. 973

(B) A public employer shall bargain collectively with an 974  
exclusive representative designated under section 4117.05 of the 975  
Revised Code for purposes of Chapter 4117. of the Revised Code. 976

When the state employment relations board notifies a 977  
public employer that it has certified an employee organization 978

as exclusive representative for a unit of its employees, the 979  
public employer shall designate an employer representative and 980  
promptly notify the board and the employee organization of ~~his~~ 981  
the employer representative's identity and address. On 982  
certification, the employee organization shall designate an 983  
employee representative and promptly notify the board and the 984  
public employer of ~~his~~ the employee representative's identity 985  
and address. The board or any party shall address to the 986  
appropriate designated representative all communications 987  
concerned with collective relationships under Chapter 4117. of 988  
the Revised Code. In the case of municipal corporations, 989  
counties, school districts, educational service centers, 990  
villages, and townships, the designation of the employer 991  
representative is as provided in division (C) of section 4117.10 992  
of the Revised Code. The designated representative of a party 993  
may sign agreements resulting from collective bargaining on 994  
behalf of ~~his~~ the representative's designator; but the 995  
agreements are subject to the procedures set forth in Chapter 996  
4117. of the Revised Code. 997

**Sec. 4117.05.** (A) ~~An~~ For the purpose of collective 998  
bargaining, an employee organization becomes the exclusive 999  
representative of all the public employees in an appropriate 1000  
unit ~~for the purposes of collective bargaining who are members~~ 1001  
of the employee organization by either: 1002

(1) Being certified by the state employment relations 1003  
board when a majority of the voting employees in the unit select 1004  
the employee organization as their representative in a board- 1005  
conducted election under section 4117.07 of the Revised Code; 1006

(2) Filing a request with a public employer with a copy to 1007  
the state employment relations board for recognition as an 1008

exclusive representative. In the request for recognition, the 1009  
employee organization shall describe the bargaining unit, shall 1010  
allege that a majority of the employees in the bargaining unit 1011  
wish to be represented by the employee organization, and shall 1012  
support the request with substantial evidence based on, and in 1013  
accordance with, rules prescribed by the board demonstrating 1014  
that a majority of the employees in the bargaining unit wish to 1015  
be represented by the employee organization. Immediately upon 1016  
receipt of a request, the public employer shall either request 1017  
an election under division (A) (2) of section 4117.07 of the 1018  
Revised Code, or take the following action: 1019

(a) Post notice in each facility at which employees in the 1020  
proposed unit are employed, setting forth the description of the 1021  
bargaining unit, the name of the employee organization 1022  
requesting recognition, and the date of the request for 1023  
recognition, and advising employees that objections to 1024  
certification must be filed with the state employment relations 1025  
board not later than the twenty-first day following the date of 1026  
the request for recognition; 1027

(b) Immediately notify the state employment relations 1028  
board of the request for recognition. 1029

The state employment relations board shall certify the 1030  
employee organization filing the request for recognition on the 1031  
twenty-second day following the filing of the request for 1032  
recognition, unless by the twenty-first day following the filing 1033  
of the request for recognition it receives: 1034

(i) A petition for an election from the public employer 1035  
pursuant to division (A) (2) of section 4117.07 of the Revised 1036  
Code; 1037

(ii) Substantial evidence based on, and in accordance 1038  
with, rules prescribed by the board demonstrating that a 1039  
majority of the employees in the described bargaining unit do 1040  
not wish to be represented by the employee organization filing 1041  
the request for recognition; 1042

(iii) Substantial evidence based on, and in accordance 1043  
with, rules prescribed by the board from another employee 1044  
organization demonstrating that at least ten per cent of the 1045  
employees in the described bargaining unit wish to be 1046  
represented by such other employee organization; or 1047

(iv) Substantial evidence based on, and in accordance 1048  
with, rules prescribed by the board indicating that the proposed 1049  
unit is not an appropriate unit pursuant to section 4117.06 of 1050  
the Revised Code. 1051

(B) Nothing in this section shall be construed to permit a 1052  
public employer to recognize, or the state employment relations 1053  
board to certify, an employee organization as an exclusive 1054  
representative under Chapter 4117. of the Revised Code if there 1055  
is in effect a lawful written agreement, contract, or memorandum 1056  
of understanding between the public employer and another 1057  
employee organization which, ~~on the effective date of this~~ 1058  
~~section~~ April 1, 1984, has been recognized by a public employer 1059  
as the exclusive representative of the employees in a unit or 1060  
which by tradition, custom, practice, election, or negotiation 1061  
has been the only employee organization representing all 1062  
employees in the unit; this restriction does not apply to that 1063  
period of time covered by any agreement which exceeds three 1064  
years. For the purposes of this section, extensions of agreement 1065  
do not affect the expiration of the original agreement. 1066

**Sec. 4117.09.** (A) The parties to any collective bargaining 1067

agreement shall reduce the agreement to writing and both execute 1068  
it. 1069

(B) The agreement shall contain a provision that: 1070

(1) Provides for a grievance procedure which may culminate 1071  
with final and binding arbitration of unresolved grievances, and 1072  
disputed interpretations of agreements, and which is valid and 1073  
enforceable under its terms when entered into in accordance with 1074  
this chapter. No publication thereof is required to make it 1075  
effective. A party to the agreement may bring suits for 1076  
violation of agreements or the enforcement of an award by an 1077  
arbitrator in the court of common pleas of any county wherein a 1078  
party resides or transacts business. 1079

(2) Authorizes the public employer to deduct the periodic 1080  
dues, initiation fees, and assessments of members of the 1081  
exclusive representative upon presentation of a written 1082  
deduction authorization by the employee. 1083

~~(C) The agreement may contain a provision that requires as 1084  
a condition of employment, on or after a mutually agreed upon 1085  
probationary period or sixty days following the beginning of 1086  
employment, whichever is less, or the effective date of a 1087  
collective bargaining agreement, whichever is later, that the 1088  
employees in the unit who are not members of the employee 1089  
organization pay to the employee organization a fair share fee. 1090  
The arrangement does not require any employee to become a member 1091  
of the employee organization, nor shall fair share fees exceed 1092  
dues paid by members of the employee organization who are in the 1093  
same bargaining unit. Any public employee organization 1094  
representing public employees pursuant to this chapter shall 1095  
prescribe an internal procedure to determine a rebate, if any, 1096  
for nonmembers which conforms to federal law, provided a 1097~~

~~nonmember makes a timely demand on the employee organization. 1098~~  
~~Absent arbitrary and capricious action, such determination is 1099~~  
~~conclusive on the parties except that a challenge to the 1100~~  
~~determination may be filed with the state employment relations 1101~~  
~~board within thirty days of the determination date specifying 1102~~  
~~the arbitrary or capricious nature of the determination and the 1103~~  
~~board shall review the rebate determination and decide whether 1104~~  
~~it was arbitrary or capricious. The deduction of a fair share 1105~~  
~~fee by the public employer from the payroll check of the 1106~~  
~~employee and its payment to the employee organization is 1107~~  
~~automatic and does not require the written authorization of the 1108~~  
~~employee. 1109~~

~~The internal rebate procedure shall provide for a rebate 1110~~  
~~of expenditures in support of partisan politics or ideological 1111~~  
~~causes not germane to the work of employee organizations in the 1112~~  
~~realm of collective bargaining. 1113~~

~~Any public employee who is a member of and adheres to 1114~~  
~~established and traditional tenets or teachings of a bona fide 1115~~  
~~religion or religious body which has historically held 1116~~  
~~conscientious objections to joining or financially supporting an 1117~~  
~~employee organization and which is exempt from taxation under 1118~~  
~~the provisions of the Internal Revenue Code shall not be 1119~~  
~~required to join or financially support any employee 1120~~  
~~organization as a condition of employment. Upon submission of 1121~~  
~~proper proof of religious conviction to the board, the board 1122~~  
~~shall declare the employee exempt from becoming a member of or 1123~~  
~~financially supporting an employee organization. The employee 1124~~  
~~shall be required, in lieu of the fair share fee, to pay an 1125~~  
~~amount of money equal to the fair share fee to a nonreligious 1126~~  
~~charitable fund exempt from taxation under section 501(c)(3) of 1127~~  
~~the Internal Revenue Code mutually agreed upon by the employee 1128~~

~~and the representative of the employee organization to which the~~ 1129  
~~employee would otherwise be required to pay the fair share fee.~~ 1130  
~~The employee shall furnish to the employee organization written~~ 1131  
~~receipts evidencing such payment, and failure to make the~~ 1132  
~~payment or furnish the receipts shall subject the employee to~~ 1133  
~~the same sanctions as would nonpayment of dues under the~~ 1134  
~~applicable collective bargaining agreement.~~ 1135

No public employer shall agree to a provision requiring 1136  
that a public employee become a member of, or pay dues or fees 1137  
to, an employee organization as a condition for securing or 1138  
retaining employment. 1139

Nothing in this section prohibits a public employee who is 1140  
not a member of an employee organization from making a voluntary 1141  
contribution to the employee organization. 1142

(D) As used in this division, "teacher" means any employee 1143  
of a school district certified to teach in the public schools of 1144  
this state. 1145

The agreement may contain a provision that provides for a 1146  
peer review plan under which teachers in a bargaining unit or 1147  
representatives of an employee organization representing 1148  
teachers may, for other teachers of the same bargaining unit 1149  
covered by the agreement or teachers whom the employee 1150  
organization represents, participate in assisting, instructing, 1151  
reviewing, evaluating, or appraising and make recommendations or 1152  
participate in decisions with respect to the retention, 1153  
discharge, renewal, or nonrenewal of, the teachers covered by a 1154  
peer review plan. 1155

The participation of teachers or their employee 1156  
organization representative in a peer review plan permitted 1157

under this division shall not be construed as an unfair labor 1158  
practice under this chapter or as a violation of any other 1159  
provision of law or rule adopted pursuant thereto. 1160

(E) No agreement shall contain an expiration date that is 1161  
later than three years from the date of execution. The parties 1162  
may extend any agreement, but the extensions do not affect the 1163  
expiration date of the original agreement. 1164

**Sec. 4117.10.** (A) An agreement between a public employer 1165  
and an exclusive representative entered into pursuant to this 1166  
chapter governs the wages, hours, and terms and conditions of 1167  
public employment for public employees who are members of the 1168  
exclusive representative and who are covered by the agreement. 1169  
If the agreement provides for a final and binding arbitration of 1170  
grievances, public employers, employees who are members of the 1171  
employee organization, and employee organizations are subject 1172  
solely to that grievance procedure and the state personnel board 1173  
of review or civil service commissions have no jurisdiction to 1174  
receive and determine any appeals relating to matters that were 1175  
the subject of a final and binding grievance procedure. Where no 1176  
agreement exists or where an agreement makes no specification 1177  
about a matter, the public employer and public employees are 1178  
subject to all applicable state or local laws or ordinances 1179  
pertaining to the wages, hours, and terms and conditions of 1180  
employment for public employees. All of the following prevail 1181  
over conflicting provisions of agreements between employee 1182  
organizations and public employers: 1183

(1) Laws pertaining to any of the following subjects: 1184

(a) Civil rights; 1185

(b) Affirmative action; 1186



(c) Unemployment compensation;	1187
(d) Workers' compensation;	1188
(e) The retirement of public employees;	1189
(f) Residency requirements;	1190
(g) The minimum educational requirements contained in the Revised Code pertaining to public education including the requirement of a certificate by the fiscal officer of a school district pursuant to section 5705.41 of the Revised Code;	1191 1192 1193 1194
(h) The provisions of division (A) of section 124.34 of the Revised Code governing the disciplining of officers and employees who have been convicted of a felony;	1195 1196 1197
(i) The minimum standards promulgated by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.	1198 1199 1200
(2) The law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code, if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and the public authority is the state or any agency, authority, commission, or board of the state or if the public authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code;	1201 1202 1203 1204 1205 1206 1207 1208 1209 1210
(3) The law pertaining to the leave established under section 5906.02 of the Revised Code, if the terms of the agreement contain benefits that are less than those contained in section 5906.02 of the Revised Code;	1211 1212 1213 1214

(4) The law pertaining to excess benefits prohibited under 1215  
section 3345.311 of the Revised Code with respect to an 1216  
agreement between an employee organization and a public employer 1217  
entered into on or after ~~the effective date of this amendment~~ 1218  
September 29, 2015. 1219

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 1220  
the Revised Code and arrangements entered into thereunder, and 1221  
section 4981.21 of the Revised Code as necessary to comply with 1222  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 1223  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 1224  
entered into thereunder, this chapter prevails over any and all 1225  
other conflicting laws, resolutions, provisions, present or 1226  
future, except as otherwise specified in this chapter or as 1227  
otherwise specified by the general assembly. Nothing in this 1228  
section prohibits or shall be construed to invalidate the 1229  
provisions of an agreement establishing supplemental workers' 1230  
compensation or unemployment compensation benefits or exceeding 1231  
minimum requirements contained in the Revised Code pertaining to 1232  
public education or the minimum standards promulgated by the 1233  
state board of education pursuant to division (D) of section 1234  
3301.07 of the Revised Code. 1235

(B) The public employer shall submit a request for funds 1236  
necessary to implement an agreement and for approval of any 1237  
other matter requiring the approval of the appropriate 1238  
legislative body to the legislative body within fourteen days of 1239  
the date on which the parties finalize the agreement, unless 1240  
otherwise specified, but if the appropriate legislative body is 1241  
not in session at the time, then within fourteen days after it 1242  
convenes. The legislative body must approve or reject the 1243  
submission as a whole, and the submission is deemed approved if 1244  
the legislative body fails to act within thirty days after the 1245

public employer submits the agreement. The parties may specify 1246  
that those provisions of the agreement not requiring action by a 1247  
legislative body are effective and operative in accordance with 1248  
the terms of the agreement, provided there has been compliance 1249  
with division (C) of this section. If the legislative body 1250  
rejects the submission of the public employer, either party may 1251  
reopen all or part of the entire agreement. 1252

As used in this section, "legislative body" includes the 1253  
governing board of a municipal corporation, school district, 1254  
college or university, village, township, or board of county 1255  
commissioners or any other body that has authority to approve 1256  
the budget of their public jurisdiction and, with regard to the 1257  
state, "legislative body" means the controlling board. 1258

(C) The chief executive officer, or the chief executive 1259  
officer's representative, of each municipal corporation, the 1260  
designated representative of the board of education of each 1261  
school district, college or university, or any other body that 1262  
has authority to approve the budget of their public 1263  
jurisdiction, the designated representative of the board of 1264  
county commissioners and of each elected officeholder of the 1265  
county whose employees are covered by the collective 1266  
negotiations, and the designated representative of the village 1267  
or the board of township trustees of each township is 1268  
responsible for negotiations in the collective bargaining 1269  
process; except that the legislative body may accept or reject a 1270  
proposed collective bargaining agreement. When the matters about 1271  
which there is agreement are reduced to writing and approved by 1272  
the employee organization and the legislative body, the 1273  
agreement is binding upon the legislative body, the employer, 1274  
and the employee organization and employees covered by the 1275  
agreement. 1276

(D) There is hereby established an office of collective bargaining in the department of administrative services for the purpose of negotiating with and entering into written agreements between state agencies, departments, boards, and commissions and the exclusive representative on matters of wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. Nothing in any provision of law to the contrary shall be interpreted as excluding the bureau of workers' compensation and the industrial commission from the preceding sentence. This office shall not negotiate on behalf of other statewide elected officials or boards of trustees of state institutions of higher education who shall be considered as separate public employers for the purposes of this chapter; however, the office may negotiate on behalf of these officials or trustees where authorized by the officials or trustees. The staff of the office of collective bargaining are in the unclassified service. The director of administrative services shall fix the compensation of the staff.

The office of collective bargaining shall:

(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;

(2) Conduct negotiations with the exclusive representatives of each employee organization;

(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;

(4) Conduct systematic reviews of collective bargaining

agreements for the purpose of contract negotiations;	1306
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	1307 1308
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	1309 1310 1311 1312
<b>Sec. 4117.11.</b> (A) It is an unfair labor practice for a public employer, its agents, or representatives to:	1313 1314
(1) Interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in <del>Chapter 4117. of the Revised Code</del> <u>this chapter</u> or an employee organization in the selection of its representative for the purposes of collective bargaining or the adjustment of grievances;	1315 1316 1317 1318 1319
(2) Initiate, create, dominate, or interfere with the formation or administration of any employee organization, or contribute financial or other support to it; except that a public employer may permit employees to confer with it during working hours without loss of time or pay, permit the exclusive representative to use the facilities of the public employer for membership or other meetings, or permit the exclusive representative to use the internal mail system or other internal communications system;	1320 1321 1322 1323 1324 1325 1326 1327 1328
(3) Discriminate in regard to hire or tenure of employment or any term or condition of employment on the basis of the exercise of rights guaranteed by <del>Chapter 4117. of the Revised Code</del> <u>this chapter</u> . <del>Nothing precludes any employer from making and enforcing an agreement pursuant to division (C) of section 4117.09 of the Revised Code.</del>	1329 1330 1331 1332 1333 1334

(4) Discharge or otherwise discriminate against an 1335  
employee because ~~he~~ the employee has filed charges or given 1336  
testimony under ~~Chapter 4117. of the Revised Code~~ this chapter; 1337

(5) Refuse to bargain collectively with the representative 1338  
of ~~his~~ the employer's employees recognized as the exclusive 1339  
representative or certified pursuant to ~~Chapter 4117. of the~~ 1340  
~~Revised Code~~ this chapter; 1341

(6) Establish a pattern or practice of repeated failures 1342  
to timely process grievances and requests for arbitration of 1343  
grievances; 1344

(7) Lock out or otherwise prevent employees from 1345  
performing their regularly assigned duties where an object 1346  
thereof is to bring pressure on the employees or an employee 1347  
organization to compromise or capitulate to the employer's terms 1348  
regarding a labor relations dispute; 1349

(8) Cause or attempt to cause an employee organization, 1350  
its agents, or representatives to violate division (B) of this 1351  
section. 1352

(B) It is an unfair labor practice for an employee 1353  
organization, its agents, or representatives, or public 1354  
employees to: 1355

(1) Restrain or coerce employees in the exercise of the 1356  
rights guaranteed in ~~Chapter 4117. of the Revised Code~~ this 1357  
chapter. This division does not impair the right of an employee 1358  
organization to prescribe its own rules with respect to the 1359  
acquisition or retention of membership therein, or an employer 1360  
in the selection of ~~his~~ the employer's representative for the 1361  
purpose of collective ~~bargaining~~ bargaining or the adjustment of 1362  
grievances. 1363

- (2) Cause or attempt to cause an employer to violate  
division (A) of this section; 1364  
1365
- (3) Refuse to bargain collectively with a public employer 1366  
if the employee organization is recognized as the exclusive 1367  
representative or certified as the exclusive representative of 1368  
public employees in a bargaining unit; 1369
- (4) Call, institute, maintain, or conduct a boycott 1370  
against any public employer, or picket any place of business of 1371  
a public employer, on account of any jurisdictional work 1372  
dispute; 1373
- (5) Induce or encourage any individual employed by any 1374  
person to engage in a strike in violation of ~~Chapter 4117. of~~ 1375  
~~the Revised Code~~ this chapter or refusal to handle goods or 1376  
perform services; or threaten, coerce, or restrain any person 1377  
where an object thereof is to force or require any public 1378  
employee to cease dealing or doing business with any other 1379  
person, or force or require a public employer to recognize for 1380  
representation purposes an employee organization not certified 1381  
by the state employment relations board; 1382
- (6) Fail to fairly represent all public employees in a 1383  
bargaining unit who are members of the employee organization; 1384
- (7) Induce or encourage any individual in connection with 1385  
a labor relations dispute to picket the residence or any place 1386  
of private employment of any public official or representative 1387  
of the public employer; 1388
- (8) Engage in any picketing, striking, or other concerted 1389  
refusal to work without giving written notice to the public 1390  
employer and to the state employment relations board not less 1391  
than ten days prior to the action. The notice shall state the 1392

date and time that the action will commence and, once the notice  
is given, the parties may extend it by the written agreement of  
both.

(C) The determination by the board or any court that a  
public officer or employee has committed any of the acts  
prohibited by divisions (A) and (B) of this section shall not be  
made the basis of any charge for the removal from office or  
recall of the public officer or the suspension from or  
termination of employment of or disciplinary acts against an  
employee, nor shall the officer or employee be found subject to  
any suit for damages based on such a determination; however  
nothing in this division prevents any party to a collective  
bargaining agreement from seeking enforcement or damages for a  
violation thereof against the other party to the agreement.

(D) As to jurisdictional work disputes, the board shall  
hear and determine the dispute unless, within ten days after  
notice to the board by a party to the dispute that a dispute  
exists, the parties to the dispute submit to the board  
satisfactory evidence that they have adjusted, or agreed upon  
the method for the voluntary adjustment of, the dispute.

**Sec. 4121.03.** (A) The governor shall appoint from among  
the members of the industrial commission the chairperson of the  
industrial commission. The chairperson shall serve as  
chairperson at the pleasure of the governor. The chairperson is  
the head of the commission and its chief executive officer.

(B) The chairperson shall appoint, after consultation with  
other commission members and obtaining the approval of at least  
one other commission member, an executive director of the  
commission. The executive director shall serve at the pleasure  
of the chairperson. The executive director, under the direction



of the chairperson, shall perform all of the following duties: 1423

(1) Act as chief administrative officer for the 1424  
commission; 1425

(2) Ensure that all commission personnel follow the rules 1426  
of the commission; 1427

(3) Ensure that all orders, awards, and determinations are 1428  
properly heard and signed, prior to attesting to the documents; 1429

(4) Coordinate, to the fullest extent possible, commission 1430  
activities with the bureau of workers' compensation activities; 1431

(5) Do all things necessary for the efficient and 1432  
effective implementation of the duties of the commission. 1433

The responsibilities assigned to the executive director of 1434  
the commission do not relieve the chairperson from final 1435  
responsibility for the proper performance of the acts specified 1436  
in this division. 1437

(C) The chairperson shall do all of the following: 1438

(1) Except as otherwise provided in this division, employ, 1439  
promote, supervise, remove, and establish the compensation of 1440  
all employees as needed in connection with the performance of 1441  
the commission's duties under this chapter and Chapters 4123., 1442  
4127., and 4131. of the Revised Code and may assign to them 1443  
their duties to the extent necessary to achieve the most 1444  
efficient performance of its functions, and to that end may 1445  
establish, change, or abolish positions, and assign and reassign 1446  
duties and responsibilities of every employee of the commission. 1447  
The civil service status of any person employed by the 1448  
commission prior to November 3, 1989, is not affected by this 1449  
section. Personnel employed by the bureau or the commission who 1450

are subject to Chapter 4117. of the Revised Code and who are 1451  
members of an exclusive representative as defined in section 1452  
4117.01 of the Revised Code shall retain all of their rights and 1453  
benefits conferred pursuant to that chapter as it presently 1454  
exists or is hereafter amended and nothing in this chapter or 1455  
Chapter 4123. of the Revised Code shall be construed as 1456  
eliminating or interfering with Chapter 4117. of the Revised 1457  
Code or the rights and benefits conferred under that chapter to 1458  
public employees or to any bargaining unit. 1459

(2) Hire district and staff hearing officers after 1460  
consultation with other commission members and obtaining the 1461  
approval of at least one other commission member; 1462

(3) Fire staff and district hearing officers when the 1463  
chairperson finds appropriate after obtaining the approval of at 1464  
least one other commission member; 1465

(4) Maintain the office for the commission in Columbus; 1466

(5) To the maximum extent possible, use electronic data 1467  
processing equipment for the issuance of orders immediately 1468  
following a hearing, scheduling of hearings and medical 1469  
examinations, tracking of claims, retrieval of information, and 1470  
any other matter within the commission's jurisdiction, and shall 1471  
provide and input information into the electronic data 1472  
processing equipment as necessary to effect the success of the 1473  
claims tracking system established pursuant to division (B) (14) 1474  
of section 4121.121 of the Revised Code; 1475

(6) Exercise all administrative and nonadjudicatory powers 1476  
and duties conferred upon the commission by Chapters 4121., 1477  
4123., 4127., and 4131. of the Revised Code; 1478

(7) Approve all contracts for special services. 1479

(D) The chairperson is responsible for all administrative 1480  
matters and may secure for the commission facilities, equipment, 1481  
and supplies necessary to house the commission, any employees, 1482  
and files and records under the commission's control and to 1483  
discharge any duty imposed upon the commission by law, the 1484  
expense thereof to be audited and paid in the same manner as 1485  
other state expenses. For that purpose, the chairperson, 1486  
separately from the budget prepared by the administrator of 1487  
workers' compensation, shall prepare and submit to the office of 1488  
budget and management a budget for each biennium according to 1489  
sections 101.532 and 107.03 of the Revised Code. The budget 1490  
submitted shall cover the costs of the commission and staff and 1491  
district hearing officers in the discharge of any duty imposed 1492  
upon the chairperson, the commission, and hearing officers by 1493  
law. 1494

(E) A majority of the commission constitutes a quorum to 1495  
transact business. No vacancy impairs the rights of the 1496  
remaining members to exercise all of the powers of the 1497  
commission, so long as a majority remains. Any investigation, 1498  
inquiry, or hearing that the commission may hold or undertake 1499  
may be held or undertaken by or before any one member of the 1500  
commission, or before one of the deputies of the commission, 1501  
except as otherwise provided in this chapter and Chapters 4123., 1502  
4127., and 4131. of the Revised Code. Every order made by a 1503  
member, or by a deputy, when approved and confirmed by a 1504  
majority of the members, and so shown on its record of 1505  
proceedings, is the order of the commission. The commission may 1506  
hold sessions at any place within the state. The commission is 1507  
responsible for all of the following: 1508

(1) Establishing the overall adjudicatory policy and 1509  
management of the commission under this chapter and Chapters 1510

4123., 4127., and 4131. of the Revised Code, except for those 1511  
administrative matters within the jurisdiction of the 1512  
chairperson, bureau of workers' compensation, and the 1513  
administrator of workers' compensation under those chapters; 1514

(2) Hearing appeals and reconsiderations under this 1515  
chapter and Chapters 4123., 4127., and 4131. of the Revised 1516  
Code; 1517

(3) Engaging in rulemaking where required by this chapter 1518  
or Chapter 4123., 4127., or 4131. of the Revised Code. 1519

**Sec. 4121.121.** (A) There is hereby created the bureau of 1520  
workers' compensation, which shall be administered by the 1521  
administrator of workers' compensation. A person appointed to 1522  
the position of administrator shall possess significant 1523  
management experience in effectively managing an organization or 1524  
organizations of substantial size and complexity. A person 1525  
appointed to the position of administrator also shall possess a 1526  
minimum of five years of experience in the field of workers' 1527  
compensation insurance or in another insurance industry, except 1528  
as otherwise provided when the conditions specified in division 1529  
(C) of this section are satisfied. The governor shall appoint 1530  
the administrator as provided in section 121.03 of the Revised 1531  
Code, and the administrator shall serve at the pleasure of the 1532  
governor. The governor shall fix the administrator's salary on 1533  
the basis of the administrator's experience and the 1534  
administrator's responsibilities and duties under this chapter 1535  
and Chapters 4123., 4125., 4127., 4131., and 4167. of the 1536  
Revised Code. The governor shall not appoint to the position of 1537  
administrator any person who has, or whose spouse has, given a 1538  
contribution to the campaign committee of the governor in an 1539  
amount greater than one thousand dollars during the two-year 1540

period immediately preceding the date of the appointment of the administrator. 1541  
1542

The administrator shall hold no other public office and 1543  
shall devote full time to the duties of administrator. Before 1544  
entering upon the duties of the office, the administrator shall 1545  
take an oath of office as required by sections 3.22 and 3.23 of 1546  
the Revised Code, and shall file in the office of the secretary 1547  
of state, a bond signed by the administrator and by surety 1548  
approved by the governor, for the sum of fifty thousand dollars 1549  
payable to the state, conditioned upon the faithful performance 1550  
of the administrator's duties. 1551

(B) The administrator is responsible for the management of 1552  
the bureau and for the discharge of all administrative duties 1553  
imposed upon the administrator in this chapter and Chapters 1554  
4123., 4125., 4127., 4131., and 4167. of the Revised Code, and 1555  
in the discharge thereof shall do all of the following: 1556

(1) Perform all acts and exercise all authorities and 1557  
powers, discretionary and otherwise that are required of or 1558  
vested in the bureau or any of its employees in this chapter and 1559  
Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised 1560  
Code, except the acts and the exercise of authority and power 1561  
that is required of and vested in the bureau of workers' 1562  
compensation board of directors or the industrial commission 1563  
pursuant to those chapters. The treasurer of state shall honor 1564  
all warrants signed by the administrator, or by one or more of 1565  
the administrator's employees, authorized by the administrator 1566  
in writing, or bearing the facsimile signature of the 1567  
administrator or such employee under sections 4123.42 and 1568  
4123.44 of the Revised Code. 1569

(2) Employ, direct, and supervise all employees required 1570

in connection with the performance of the duties assigned to the 1571  
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 1572  
and 4167. of the Revised Code, including an actuary, and may 1573  
establish job classification plans and compensation for all 1574  
employees of the bureau provided that this grant of authority 1575  
shall not be construed as affecting any employee for whom the 1576  
state employment relations board has established an appropriate 1577  
bargaining unit under section 4117.06 of the Revised Code and 1578  
who is a member of the exclusive representative, as defined in 1579  
section 4117.01 of the Revised Code, selected by the members of 1580  
such a bargaining unit. All positions of employment in the 1581  
bureau are in the classified civil service except those 1582  
employees the administrator may appoint to serve at the 1583  
administrator's pleasure in the unclassified civil service 1584  
pursuant to section 124.11 of the Revised Code. The 1585  
administrator shall fix the salaries of employees the 1586  
administrator appoints to serve at the administrator's pleasure, 1587  
including the chief operating officer, staff physicians, and 1588  
other senior management personnel of the bureau and shall 1589  
establish the compensation of staff attorneys of the bureau's 1590  
legal section and their immediate supervisors, and take whatever 1591  
steps are necessary to provide adequate compensation for other 1592  
staff attorneys. 1593

The administrator may appoint a person who holds a 1594  
certified position in the classified service within the bureau 1595  
to a position in the unclassified service within the bureau. A 1596  
person appointed pursuant to this division to a position in the 1597  
unclassified service shall retain the right to resume the 1598  
position and status held by the person in the classified service 1599  
immediately prior to the person's appointment in the 1600  
unclassified service, regardless of the number of positions the 1601

person held in the unclassified service. An employee's right to 1602  
resume a position in the classified service may only be 1603  
exercised when the administrator demotes the employee to a pay 1604  
range lower than the employee's current pay range or revokes the 1605  
employee's appointment to the unclassified service. An employee 1606  
who holds a position in the classified service and who is 1607  
appointed to a position in the unclassified service on or after 1608  
January 1, 2016, shall have the right to resume a position in 1609  
the classified service under this division only within five 1610  
years after the effective date of the employee's appointment in 1611  
the unclassified service. An employee forfeits the right to 1612  
resume a position in the classified service when the employee is 1613  
removed from the position in the unclassified service due to 1614  
incompetence, inefficiency, dishonesty, drunkenness, immoral 1615  
conduct, insubordination, discourteous treatment of the public, 1616  
neglect of duty, violation of this chapter or Chapter 124., 1617  
4123., 4125., 4127., 4131., or 4167. of the Revised Code, 1618  
violation of the rules of the director of administrative 1619  
services or the administrator, any other failure of good 1620  
behavior, any other acts of misfeasance, malfeasance, or 1621  
nonfeasance in office, or conviction of a felony while employed 1622  
in the civil service. An employee also forfeits the right to 1623  
resume a position in the classified service upon transfer to a 1624  
different agency. 1625

Reinstatement to a position in the classified service 1626  
shall be to a position substantially equal to that position in 1627  
the classified service held previously, as certified by the 1628  
department of administrative services. If the position the 1629  
person previously held in the classified service has been placed 1630  
in the unclassified service or is otherwise unavailable, the 1631  
person shall be appointed to a position in the classified 1632

service within the bureau that the director of administrative 1633  
services certifies is comparable in compensation to the position 1634  
the person previously held in the classified service. Service in 1635  
the position in the unclassified service shall be counted as 1636  
service in the position in the classified service held by the 1637  
person immediately prior to the person's appointment in the 1638  
unclassified service. When a person is reinstated to a position 1639  
in the classified service as provided in this division, the 1640  
person is entitled to all rights, status, and benefits accruing 1641  
to the position during the person's time of service in the 1642  
position in the unclassified service. 1643

(3) Reorganize the work of the bureau, its sections, 1644  
departments, and offices to the extent necessary to achieve the 1645  
most efficient performance of its functions and to that end may 1646  
establish, change, or abolish positions and assign and reassign 1647  
duties and responsibilities of every employee of the bureau. All 1648  
persons employed by the commission in positions that, after 1649  
November 3, 1989, are supervised and directed by the 1650  
administrator under this section are transferred to the bureau 1651  
in their respective classifications but subject to reassignment 1652  
and reclassification of position and compensation as the 1653  
administrator determines to be in the interest of efficient 1654  
administration. The civil service status of any person employed 1655  
by the commission is not affected by this section. Personnel 1656  
employed by the bureau or the commission who are subject to 1657  
Chapter 4117. of the Revised Code and who are members of an 1658  
exclusive representative as defined in section 4117.01 of the 1659  
Revised Code shall retain all of their rights and benefits 1660  
conferred pursuant to that chapter as it presently exists or is 1661  
hereafter amended and nothing in this chapter or Chapter 4123. 1662  
of the Revised Code shall be construed as eliminating or 1663



interfering with Chapter 4117. of the Revised Code or the rights 1664  
and benefits conferred under that chapter to public employees or 1665  
to any bargaining unit. 1666

(4) Provide offices, equipment, supplies, and other 1667  
facilities for the bureau. 1668

(5) Prepare and submit to the board information the 1669  
administrator considers pertinent or the board requires, 1670  
together with the administrator's recommendations, in the form 1671  
of administrative rules, for the advice and consent of the 1672  
board, for classifications of occupations or industries, for 1673  
premium rates and contributions, for the amount to be credited 1674  
to the surplus fund, for rules and systems of rating, rate 1675  
revisions, and merit rating. The administrator shall obtain, 1676  
prepare, and submit any other information the board requires for 1677  
the prompt and efficient discharge of its duties. 1678

(6) Keep the accounts required by division (A) of section 1679  
4123.34 of the Revised Code and all other accounts and records 1680  
necessary to the collection, administration, and distribution of 1681  
the workers' compensation funds and shall obtain the statistical 1682  
and other information required by section 4123.19 of the Revised 1683  
Code. 1684

(7) Exercise the investment powers vested in the 1685  
administrator by section 4123.44 of the Revised Code in 1686  
accordance with the investment policy approved by the board 1687  
pursuant to section 4121.12 of the Revised Code and in 1688  
consultation with the chief investment officer of the bureau of 1689  
workers' compensation. The administrator shall not engage in any 1690  
prohibited investment activity specified by the board pursuant 1691  
to division (F) (9) of section 4121.12 of the Revised Code and 1692  
shall not invest in any type of investment specified in 1693

divisions (B) (1) to (10) of section 4123.442 of the Revised Code. All business shall be transacted, all funds invested, all warrants for money drawn and payments made, and all cash and securities and other property held, in the name of the bureau, or in the name of its nominee, provided that nominees are authorized by the administrator solely for the purpose of facilitating the transfer of securities, and restricted to the administrator and designated employees.

(8) In accordance with Chapter 125. of the Revised Code, purchase supplies, materials, equipment, and services.

(9) Prepare and submit to the board an annual budget for internal operating purposes for the board's approval. The administrator also shall, separately from the budget the industrial commission submits, prepare and submit to the director of budget and management a budget for each biennium. The budgets submitted to the board and the director shall include estimates of the costs and necessary expenditures of the bureau in the discharge of any duty imposed by law.

(10) As promptly as possible in the course of efficient administration, decentralize and relocate such of the personnel and activities of the bureau as is appropriate to the end that the receipt, investigation, determination, and payment of claims may be undertaken at or near the place of injury or the residence of the claimant and for that purpose establish regional offices, in such places as the administrator considers proper, capable of discharging as many of the functions of the bureau as is practicable so as to promote prompt and efficient administration in the processing of claims. All active and inactive lost-time claims files shall be held at the service office responsible for the claim. A claimant, at the claimant's

request, shall be provided with information by telephone as to 1724  
the location of the file pertaining to the claimant's claim. The 1725  
administrator shall ensure that all service office employees 1726  
report directly to the director for their service office. 1727

(11) Provide a written binder on new coverage where the 1728  
administrator considers it to be in the best interest of the 1729  
risk. The administrator, or any other person authorized by the 1730  
administrator, shall grant the binder upon submission of a 1731  
request for coverage by the employer. A binder is effective for 1732  
a period of thirty days from date of issuance and is 1733  
nonrenewable. Payroll reports and premium charges shall coincide 1734  
with the effective date of the binder. 1735

(12) Set standards for the reasonable and maximum handling 1736  
time of claims payment functions, ensure, by rules, the 1737  
impartial and prompt treatment of all claims and employer risk 1738  
accounts, and establish a secure, accurate method of time 1739  
stamping all incoming mail and documents hand delivered to 1740  
bureau employees. 1741

(13) Ensure that all employees of the bureau follow the 1742  
orders and rules of the commission as such orders and rules 1743  
relate to the commission's overall adjudicatory policy-making 1744  
and management duties under this chapter and Chapters 4123., 1745  
4127., and 4131. of the Revised Code. 1746

(14) Manage and operate a data processing system with a 1747  
common data base for the use of both the bureau and the 1748  
commission and, in consultation with the commission, using 1749  
electronic data processing equipment, shall develop a claims 1750  
tracking system that is sufficient to monitor the status of a 1751  
claim at any time and that lists appeals that have been filed 1752  
and orders or determinations that have been issued pursuant to 1753

section 4123.511 or 4123.512 of the Revised Code, including the 1754  
dates of such filings and issuances. 1755

(15) Establish and maintain a medical section within the 1756  
bureau. The medical section shall do all of the following: 1757

(a) Assist the administrator in establishing standard 1758  
medical fees, approving medical procedures, and determining 1759  
eligibility and reasonableness of the compensation payments for 1760  
medical, hospital, and nursing services, and in establishing 1761  
guidelines for payment policies which recognize usual, 1762  
customary, and reasonable methods of payment for covered 1763  
services; 1764

(b) Provide a resource to respond to questions from claims 1765  
examiners for employees of the bureau; 1766

(c) Audit fee bill payments; 1767

(d) Implement a program to utilize, to the maximum extent 1768  
possible, electronic data processing equipment for storage of 1769  
information to facilitate authorizations of compensation 1770  
payments for medical, hospital, drug, and nursing services; 1771

(e) Perform other duties assigned to it by the 1772  
administrator. 1773

(16) Appoint, as the administrator determines necessary, 1774  
panels to review and advise the administrator on disputes 1775  
arising over a determination that a health care service or 1776  
supply provided to a claimant is not covered under this chapter 1777  
or Chapter 4123., 4127., or 4131. of the Revised Code or is 1778  
medically unnecessary. If an individual health care provider is 1779  
involved in the dispute, the panel shall consist of individuals 1780  
licensed pursuant to the same section of the Revised Code as 1781  
such health care provider. 1782

(17) Pursuant to section 4123.65 of the Revised Code, 1783  
approve applications for the final settlement of claims for 1784  
compensation or benefits under this chapter and Chapters 4123., 1785  
4127., and 4131. of the Revised Code as the administrator 1786  
determines appropriate, except in regard to the applications of 1787  
self-insuring employers and their employees. 1788

(18) Comply with section 3517.13 of the Revised Code, and 1789  
except in regard to contracts entered into pursuant to the 1790  
authority contained in section 4121.44 of the Revised Code, 1791  
comply with the competitive bidding procedures set forth in the 1792  
Revised Code for all contracts into which the administrator 1793  
enters provided that those contracts fall within the type of 1794  
contracts and dollar amounts specified in the Revised Code for 1795  
competitive bidding and further provided that those contracts 1796  
are not otherwise specifically exempt from the competitive 1797  
bidding procedures contained in the Revised Code. 1798

(19) Adopt, with the advice and consent of the board, 1799  
rules for the operation of the bureau. 1800

(20) Prepare and submit to the board information the 1801  
administrator considers pertinent or the board requires, 1802  
together with the administrator's recommendations, in the form 1803  
of administrative rules, for the advice and consent of the 1804  
board, for the health partnership program and the qualified 1805  
health plan system, as provided in sections 4121.44, 4121.441, 1806  
and 4121.442 of the Revised Code. 1807

(C) The administrator, with the advice and consent of the 1808  
senate, shall appoint a chief operating officer who has a 1809  
minimum of five years of experience in the field of workers' 1810  
compensation insurance or in another similar insurance industry 1811  
if the administrator does not possess such experience. The chief 1812

operating officer shall not commence the chief operating 1813  
officer's duties until after the senate consents to the chief 1814  
operating officer's appointment. The chief operating officer 1815  
shall serve in the unclassified civil service of the state. 1816

**Sec. 4121.69.** (A) The administrator of workers' 1817  
compensation may establish compensation plans, including 1818  
schedules of hourly rates, for the compensation of professional, 1819  
administrative, and managerial employees who are employed to 1820  
fulfill the duties placed upon the bureau of workers' 1821  
compensation pursuant to sections 4121.61 to 4121.69 of the 1822  
Revised Code. The administrator may establish rules or policies 1823  
for the administration of the respective compensation plans. 1824

This division does not apply to employees for whom the 1825  
state employment relations board establishes appropriate 1826  
bargaining units pursuant to section 4117.06 of the Revised Code 1827  
and who are members of the exclusive representative, as defined 1828  
in section 4117.01 of the Revised Code, selected by the members 1829  
of such a bargaining unit. 1830

(B) The administrator may employ the services and 1831  
resources of any public entity or private person, business, or 1832  
association in fulfilling the duties placed upon the bureau of 1833  
workers' compensation by sections 4121.61 to 4121.69 of the 1834  
Revised Code. The opportunities for Ohioans with disabilities 1835  
agency, the director of job and family services, and any other 1836  
public officer, employee, or agency shall give to the bureau of 1837  
workers' compensation full cooperation and, at the request of 1838  
the administrator, enter into a written agreement stating the 1839  
procedures and criteria for referring, accepting, and providing 1840  
services to claimants in the job placement and rehabilitation 1841  
efforts of the bureau of workers' compensation on behalf of a 1842

claimant when referred by the bureau of workers' compensation. 1843

(C) In appropriate cases, the bureau may refer a candidate 1844  
to the opportunities for Ohioans with disabilities agency for 1845  
participation in a program of the agency. For that purpose, the 1846  
bureau of workers' compensation shall compensate the agency for 1847  
the nonfederal portion of its services. 1848

**Sec. 5501.20.** (A) As used in this section: 1849

(1) "Career professional service" means that part of the 1850  
competitive classified service that consists of employees of the 1851  
department of transportation who, regardless of job 1852  
classification, meet both of the following qualifications: 1853

(a) They are supervisors, professional employees who are 1854  
not in a collective bargaining unit or who are in a collective 1855  
bargaining unit but who are not members of the exclusive 1856  
representative of that unit, confidential employees, or 1857  
management level employees, all as defined in section 4117.01 of 1858  
the Revised Code. 1859

(b) They exercise authority that is not merely routine or 1860  
clerical in nature and report only to a higher level 1861  
unclassified employee or employee in the career professional 1862  
service. 1863

(2) "Demoted" means that an employee is placed in a 1864  
position where the employee's wage rate equals, or is not more 1865  
than twenty per cent less than, the employee's wage rate 1866  
immediately prior to demotion or where the employee's job 1867  
responsibilities are reduced, or both. 1868

(3) "Employee in the career professional service with 1869  
restoration rights" means an employee in the career professional 1870  
service who has been in the classified civil service for at 1871

least two years and who has a cumulative total of at least ten 1872  
years of continuous service with the department of 1873  
transportation. 1874

(B) Not later than the first day of July of each odd- 1875  
numbered year, the director of transportation shall adopt a rule 1876  
in accordance with section 111.15 of the Revised Code that 1877  
establishes a business plan for the department of transportation 1878  
that states the department's mission, business objectives, and 1879  
strategies and that establishes a procedure by which employees 1880  
in the career professional service will be held accountable for 1881  
their performance. The director shall adopt a rule that 1882  
establishes a business plan for the department only once in each 1883  
two years. Within sixty days after the effective date of a rule 1884  
that establishes a business plan for the department, the 1885  
director shall adopt a rule in accordance with section 111.15 of 1886  
the Revised Code that identifies specific positions within the 1887  
department of transportation that are included in the career 1888  
professional service. The director may amend the rule that 1889  
identifies the specific positions included in the career 1890  
professional service whenever the director determines necessary. 1891  
Any rule adopted under this division is subject to review and 1892  
invalidation by the joint committee on agency rule review as 1893  
provided in division (D) of section 111.15 of the Revised Code. 1894  
The director shall provide a copy of any rule adopted under this 1895  
division to the director of budget and management. 1896

Except as otherwise provided in this section, an employee 1897  
in the career professional service is subject to the provisions 1898  
of Chapter 124. of the Revised Code that govern employees in the 1899  
classified civil service. 1900

(C) After an employee is appointed to a position in the 1901



career professional service, the employee's direct supervisor 1902  
shall provide the employee appointed to that position with a 1903  
written performance action plan that describes the department's 1904  
expectations for that employee in fulfilling the mission, 1905  
business objectives, and strategies stated in the department's 1906  
business plan. No sooner than four months after being appointed 1907  
to a position in the career professional service, an employee 1908  
appointed to that position shall receive a written performance 1909  
review based on the employee's fulfillment of the mission, 1910  
business objectives, and strategies stated in the department's 1911  
business plan. After the initial performance review, the 1912  
employee shall receive a written performance review at least 1913  
once each year or as often as the director considers necessary. 1914  
The department shall give an employee whose performance is 1915  
unsatisfactory an opportunity to improve performance for a 1916  
period of at least six months, by means of a written corrective 1917  
action plan, before the department takes any disciplinary action 1918  
under this section or section 124.34 of the Revised Code. The 1919  
department shall base its performance review forms on its 1920  
business plan. 1921

(D) An employee in the career professional service may be 1922  
suspended, demoted, or removed because of performance that 1923  
hinders or restricts the fulfillment of the department's 1924  
business plan or for disciplinary reasons under section 124.34 1925  
or 124.57 of the Revised Code. An employee in the career 1926  
professional service may appeal only the employee's removal to 1927  
the state personnel board of review. An employee in the career 1928  
professional service may appeal a demotion or a suspension of 1929  
more than three days pursuant to rules the director adopts in 1930  
accordance with section 111.15 of the Revised Code. 1931

(E) An employee in the career professional service with 1932

restoration rights has restoration rights if demoted because of 1933  
performance that hinders or restricts fulfillment of the 1934  
mission, business objectives, or strategies stated in the 1935  
department's business plan, but not if involuntarily demoted or 1936  
removed for any of the reasons described in section 124.34 or 1937  
for a violation of section 124.57 of the Revised Code. The 1938  
director shall demote an employee who has restoration rights of 1939  
that nature to a position in the classified service that in the 1940  
director's judgment is similar in nature to the position the 1941  
employee held immediately prior to being appointed to the 1942  
position in the career professional service. The director shall 1943  
assign to an employee who is demoted to a position in the 1944  
classified service as provided in this division a wage rate that 1945  
equals, or that is not more than twenty per cent less than, the 1946  
wage rate assigned to the employee in the career professional 1947  
service immediately prior to the employee's demotion. 1948

**Section 2.** That existing sections 9.81, 121.40, 124.14, 1949  
124.15, 3345.31, 4117.03, 4117.04, 4117.05, 4117.09, 4117.10, 1950  
4117.11, 4121.03, 4121.121, 4121.69, and 5501.20 of the Revised 1951  
Code are hereby repealed. 1952

**Section 3.** This act applies to all collective bargaining 1953  
agreements entered into pursuant to Chapter 4117. of the Revised 1954  
Code on or after the effective date of this act. 1955

**Section 4.** All items in this section are hereby 1956  
appropriated as designated out of any moneys in the state 1957  
treasury to the credit of the designated fund. For all 1958  
appropriations made in this act, those in the first column are 1959  
for fiscal year 2018 and those in the second column are for 1960  
fiscal year 2019. The appropriations made in this act are in 1961  
addition to any other appropriations made for the FY 2018-FY 1962

2019 biennium.			1963
ERB State Employment Relations Board			1964
General Revenue Fund			1965
GRF125401 Pamphlets and Brochures	\$30,000	\$0	1966
TOTAL GRF General Revenue Fund	\$30,000	\$0	1967
TOTAL ALL BUDGET FUND GROUPS	\$30,000	\$0	1968
PAMPHLETS AND BROCHURES			1969
The foregoing appropriation item 125401, Pamphlets and			1970
Brochures, shall be used by the State Employment Relations Board			1971
to pay the costs of developing, producing, and distributing			1972
pamphlets, brochures, electronic mail, or other literature			1973
explaining a public employee's rights and options under Chapter			1974
4117. of the Revised Code. The Board shall provide these items,			1975
at no cost, to public employees and public employers upon			1976
request.			1977
Any unexpended and unencumbered portion of the foregoing			1978
appropriation item 125401, Pamphlets and Brochures, at the end			1979
of fiscal year 2018 is hereby reappropriated for the same			1980
purpose in fiscal year 2019.			1981
<b>Section 5.</b> Within the limits set forth in this act, the			1982
Director of Budget and Management shall establish accounts			1983
indicating the source and amount of funds for each appropriation			1984
made in this act, and shall determine the form and manner in			1985
which appropriation accounts shall be maintained. Expenditures			1986
from appropriations contained in this act shall be accounted for			1987
as though made in the main operating appropriations act of the			1988
132nd General Assembly.			1989

The appropriations made in this act are subject to all	1990
provisions of the main operating appropriations act of the 132nd	1991
General Assembly that are generally applicable to such	1992
appropriations.	1993