

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**

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 Such authorization may be withdrawn in 35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
Sec. 4117.03. (A) Public employees have the right to:	923
(1) Form, join, assist, or participate in, or refrain from	924
forming, joining, assisting, or participating in, except as	925
otherwise provided in Chapter 4117. of the Revised Code <u>this</u>	926
<u>chapter</u> , any employee organization of their own choosing;	927
(2) Engage in <u>or refrain from engaging in</u> other concerted	928
activities for the purpose of collective bargaining or other	929
mutual aid and protection;	930
(3) Representation by an employee organization;	931
(4) Bargain collectively with their public employers to	932
determine wages, hours, terms and other conditions of employment	933
and the continuation, modification, or deletion of an existing	934
provision of a collective bargaining agreement, and enter into	935
collective bargaining agreements;	936
(5) Present grievances and have them adjusted, without the	937
intervention of the bargaining representative, as long as the	938
adjustment is not inconsistent with the terms of the collective	939
bargaining agreement then in effect and as long as the	940
bargaining representatives have the opportunity to be present at	941
the adjustment.	942
(B) Persons on active duty or acting in any capacity as	943
members of the organized militia do not have collective	944
bargaining rights.	945
(C) Except as provided in division (D) of this section,	946
nothing in Chapter 4117. of the Revised Code <u>this chapter</u>	947
prohibits public employers from electing to engage in collective	948
bargaining, to meet and confer, to hold discussions, or to	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 1307
agencies that is required for negotiating purposes; 1308

(6) Prepare and submit an annual report and other reports 1309
as requested to the governor and the general assembly on the 1310
implementation of this chapter and its impact upon state 1311
government. 1312

Sec. 4117.11. (A) It is an unfair labor practice for a 1313
public employer, its agents, or representatives to: 1314

(1) Interfere with, restrain, or coerce employees in the 1315
exercise of the rights guaranteed in ~~Chapter 4117. of the~~ 1316
~~Revised Code~~ this chapter or an employee organization in the 1317
selection of its representative for the purposes of collective 1318
bargaining or the adjustment of grievances; 1319

(2) Initiate, create, dominate, or interfere with the 1320
formation or administration of any employee organization, or 1321
contribute financial or other support to it; except that a 1322
public employer may permit employees to confer with it during 1323
working hours without loss of time or pay, permit the exclusive 1324
representative to use the facilities of the public employer for 1325
membership or other meetings, or permit the exclusive 1326
representative to use the internal mail system or other internal 1327
communications system; 1328

(3) Discriminate in regard to hire or tenure of employment 1329
or any term or condition of employment on the basis of the 1330
exercise of rights guaranteed by ~~Chapter 4117. of the Revised~~ 1331
~~Code~~ this chapter. ~~Nothing precludes any employer from making~~ 1332
~~and enforcing an agreement pursuant to division (C) of section~~ 1333
~~4117.09 of the Revised Code.~~ 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 matters and may secure for the commission facilities, equipment, and supplies necessary to house the commission, any employees, and files and records under the commission's control and to discharge any duty imposed upon the commission by law, the expense thereof to be audited and paid in the same manner as other state expenses. For that purpose, the chairperson, separately from the budget prepared by the administrator of workers' compensation, shall prepare and submit to the office of budget and management a budget for each biennium according to sections 101.532 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the commission and staff and district hearing officers in the discharge of any duty imposed upon the chairperson, the commission, and hearing officers by law.

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

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

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
Section 5. 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