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Committee**

**129th General Assembly
Regular Session
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Sub. S. B. No. 5

Senator Jones

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A B I L L

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5126.05, 5126.24, 5139.02, 5501.20, 5502.01,	34
5502.62, 5503.03, 5505.15, 5703.09, 5705.412, and	35
5907.02, to enact sections 4117.081, 4117.104, and	36
4117.26, and to repeal sections 9.901, 3317.12,	37
3317.14, 3319.131, 3319.142, 3319.143, and 4117.22	38
of the Revised Code to make various changes to	39
laws concerning public employees, including	40
collective bargaining, salary schedules and	41
compensation, layoff procedures, and leave.	42

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

Section 1. That sections 9.06, 9.90, 102.02, 103.74, 109.33,	43
120.40, 121.40, 122.40, 122.64, 122.72, 124.03, 124.11, 124.14,	44
124.15, 124.151, 124.152, 124.181, 124.182, 124.322, 124.325,	45
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1347.15, 1347.99, 1349.71, 1509.35, 1513.182, 1513.29, 1545.071,	50
1551.35, 1707.36, 1707.46, 3101.01, 3301.03, 3304.12, 3304.50,	51
3306.01, 3307.27, 3307.77, 3309.47, 3311.19, 3313.12, 3313.202,	52
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3317.11, 3317.13, 3318.31, 3319.01, 3319.011, 3319.02, 3319.06, 54
3319.08, 3319.084, 3319.085, 3319.088, 3319.09, 3319.10, 3319.11, 55
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3901.07, 4112.03, 4117.01, 4117.02, 4117.03, 4117.06, 4117.08, 59
4117.09, 4117.10, 4117.11, 4117.14, 4117.15, 4117.20, 4121.03, 60
4121.121, 4121.351, 4121.38, 4121.69, 4121.77, 4123.352, 4301.07, 61
4517.30, 4701.03, 4701.05, 4703.03, 4703.31, 4709.04, 4715.06, 62
4717.02, 4723.02, 4725.06, 4725.46, 4729.03, 4730.05, 4731.03, 63
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4755.01, 4757.05, 4758.12, 4759.03, 4761.02, 4763.02, 4775.05, 65
4905.10, 4906.02, 4911.07, 4911.12, 5119.071, 5119.09, 5123.08, 66
5123.51, 5126.0220, 5126.05, 5126.24, 5139.02, 5501.20, 5502.01, 67
5502.62, 5503.03, 5505.15, 5703.09, 5705.412, and 5907.02 be 68
amended and sections 4117.081, 4117.104, and 4117.26 of the 69
Revised Code be enacted to read as follows: 70

Sec. 9.06. (A)(1) The department of rehabilitation and 71
correction may contract for the private operation and management 72
pursuant to this section of the initial intensive program prison 73
established pursuant to section 5120.033 of the Revised Code, if 74
one or more intensive program prisons are established under that 75
section, and may contract for the private operation and management 76
of any other facility under this section. Counties and municipal 77
corporations to the extent authorized in sections 307.93, 341.35, 78
753.03, and 753.15 of the Revised Code may contract for the 79
private operation and management of a facility under this section. 80
A contract entered into under this section shall be for an initial 81
term of not more than two years with an option to renew for 82
additional periods of two years. 83

(2) The department of rehabilitation and correction, by rule, 84

shall adopt minimum criteria and specifications that a person or 85
entity, other than a person or entity that satisfies the criteria 86
set forth in division (A)(3)(a) of this section and subject to 87
division (I) of this section, must satisfy in order to apply to 88
operate and manage as a contractor pursuant to this section the 89
initial intensive program prison established pursuant to section 90
5120.033 of the Revised Code, if one or more intensive program 91
prisons are established under that section. 92

(3) Subject to division (I) of this section, any person or 93
entity that applies to operate and manage a facility as a 94
contractor pursuant to this section shall satisfy one or more of 95
the following criteria: 96

(a) The person or entity is accredited by the American 97
correctional association and, at the time of the application, 98
operates and manages one or more facilities accredited by the 99
American correctional association. 100

(b) The person or entity satisfies all of the minimum 101
criteria and specifications adopted by the department of 102
rehabilitation and correction pursuant to division (A)(2) of this 103
section, provided that this alternative shall be available only in 104
relation to the initial intensive program prison established 105
pursuant to section 5120.033 of the Revised Code, if one or more 106
intensive program prisons are established under that section. 107

(4) Subject to division (I) of this section, before a public 108
entity may enter into a contract under this section, the 109
contractor shall convincingly demonstrate to the public entity 110
that it can operate the facility with the inmate capacity required 111
by the public entity and provide the services required in this 112
section and realize at least a five per cent savings over the 113
projected cost to the public entity of providing these same 114
services to operate the facility that is the subject of the 115
contract. No out-of-state prisoners may be housed in any facility 116

that is the subject of a contract entered into under this section. 117

(B) Subject to division (I) of this section, any contract 118
entered into under this section shall include all of the 119
following: 120

(1) A requirement that the contractor retain the contractor's 121
accreditation from the American correctional association 122
throughout the contract term or, if the contractor applied 123
pursuant to division (A)(3)(b) of this section, continue complying 124
with the applicable criteria and specifications adopted by the 125
department of rehabilitation and correction pursuant to division 126
(A)(2) of this section; 127

(2) A requirement that all of the following conditions be 128
met: 129

(a) The contractor begins the process of accrediting the 130
facility with the American correctional association no later than 131
sixty days after the facility receives its first inmate. 132

(b) The contractor receives accreditation of the facility 133
within twelve months after the date the contractor applies to the 134
American correctional association for accreditation. 135

(c) Once the accreditation is received, the contractor 136
maintains it for the duration of the contract term. 137

(d) If the contractor does not comply with divisions 138
(B)(2)(a) to (c) of this section, the contractor is in violation 139
of the contract, and the public entity may revoke the contract at 140
its discretion. 141

(3) A requirement that the contractor comply with all rules 142
promulgated by the department of rehabilitation and correction 143
that apply to the operation and management of correctional 144
facilities, including the minimum standards for jails in Ohio and 145
policies regarding the use of force and the use of deadly force, 146

although the public entity may require more stringent standards, 147
and comply with any applicable laws, rules, or regulations of the 148
federal, state, and local governments, including, but not limited 149
to, sanitation, food service, safety, and health regulations. The 150
contractor shall be required to send copies of reports of 151
inspections completed by the appropriate authorities regarding 152
compliance with rules and regulations to the director of 153
rehabilitation and correction or the director's designee and, if 154
contracting with a local public entity, to the governing authority 155
of that entity. 156

(4) A requirement that the contractor report for 157
investigation all crimes in connection with the facility to the 158
public entity, to all local law enforcement agencies with 159
jurisdiction over the place at which the facility is located, and, 160
for a crime committed at a state correctional institution, to the 161
state highway patrol; 162

(5) A requirement that the contractor immediately report all 163
escapes from the facility, and the apprehension of all escapees, 164
by telephone and in writing to all local law enforcement agencies 165
with jurisdiction over the place at which the facility is located, 166
to the prosecuting attorney of the county in which the facility is 167
located, to the state highway patrol, to a daily newspaper having 168
general circulation in the county in which the facility is 169
located, and, if the facility is a state correctional institution, 170
to the department of rehabilitation and correction. The written 171
notice may be by either facsimile transmission or mail. A failure 172
to comply with this requirement regarding an escape is a violation 173
of section 2921.22 of the Revised Code. 174

(6) A requirement that, if the facility is a state 175
correctional institution, the contractor provide a written report 176
within specified time limits to the director of rehabilitation and 177
correction or the director's designee of all unusual incidents at 178

the facility as defined in rules promulgated by the department of 179
rehabilitation and correction or, if the facility is a local 180
correctional institution, that the contractor provide a written 181
report of all unusual incidents at the facility to the governing 182
authority of the local public entity; 183

(7) A requirement that the contractor maintain proper control 184
of inmates' personal funds pursuant to rules promulgated by the 185
department of rehabilitation and correction for state correctional 186
institutions or pursuant to the minimum standards for jails along 187
with any additional standards established by the local public 188
entity for local correctional institutions and that records 189
pertaining to these funds be made available to representatives of 190
the public entity for review or audit; 191

(8) A requirement that the contractor prepare and distribute 192
to the director of rehabilitation and correction or, if 193
contracting with a local public entity, to the governing authority 194
of the local entity annual budget income and expenditure 195
statements and funding source financial reports; 196

(9) A requirement that the public entity appoint and 197
supervise a full-time contract monitor, that the contractor 198
provide suitable office space for the contract monitor at the 199
facility, and that the contractor allow the contract monitor 200
unrestricted access to all parts of the facility and all records 201
of the facility except the contractor's financial records; 202

(10) A requirement that if the facility is a state 203
correctional institution designated department of rehabilitation 204
and correction staff members be allowed access to the facility in 205
accordance with rules promulgated by the department; 206

(11) A requirement that the contractor provide internal and 207
perimeter security as agreed upon in the contract; 208

(12) If the facility is a state correctional institution, a 209

requirement that the contractor impose discipline on inmates 210
housed in a state correctional institution only in accordance with 211
rules promulgated by the department of rehabilitation and 212
correction; 213

(13) A requirement that the facility be staffed at all times 214
with a staffing pattern approved by the public entity and adequate 215
both to ensure supervision of inmates and maintenance of security 216
within the facility and to provide for programs, transportation, 217
security, and other operational needs. In determining security 218
needs, the contractor shall be required to consider, among other 219
things, the proximity of the facility to neighborhoods and 220
schools. 221

(14) If the contract is with a local public entity, a 222
requirement that the contractor provide services and programs, 223
consistent with the minimum standards for jails promulgated by the 224
department of rehabilitation and correction under section 5120.10 225
of the Revised Code; 226

(15) A clear statement that no immunity from liability 227
granted to the state, and no immunity from liability granted to 228
political subdivisions under Chapter 2744. of the Revised Code, 229
shall extend to the contractor or any of the contractor's 230
employees; 231

(16) A statement that all documents and records relevant to 232
the facility shall be maintained in the same manner required for, 233
and subject to the same laws, rules, and regulations as apply to, 234
the records of the public entity; 235

(17) Authorization for the public entity to impose a fine on 236
the contractor from a schedule of fines included in the contract 237
for the contractor's failure to perform its contractual duties or 238
to cancel the contract, as the public entity considers 239
appropriate. If a fine is imposed, the public entity may reduce 240

the payment owed to the contractor pursuant to any invoice in the 241
amount of the imposed fine. 242

(18) A statement that all services provided or goods produced 243
at the facility shall be subject to the same regulations, and the 244
same distribution limitations, as apply to goods and services 245
produced at other correctional institutions; 246

(19) Authorization for the department to establish one or 247
more prison industries at a facility operated and managed by a 248
contractor for the department; 249

(20) A requirement that, if the facility is an intensive 250
program prison established pursuant to section 5120.033 of the 251
Revised Code, the facility shall comply with all criteria for 252
intensive program prisons of that type that are set forth in that 253
section; 254

(21) If the institution is a state correctional institution, 255
a requirement that the contractor provide clothing for all inmates 256
housed in the facility that is conspicuous in its color, style, or 257
color and style, that conspicuously identifies its wearer as an 258
inmate, and that is readily distinguishable from clothing of a 259
nature that normally is worn outside the facility by non-inmates, 260
that the contractor require all inmates housed in the facility to 261
wear the clothing so provided, and that the contractor not permit 262
any inmate, while inside or on the premises of the facility or 263
while being transported to or from the facility, to wear any 264
clothing of a nature that does not conspicuously identify its 265
wearer as an inmate and that normally is worn outside the facility 266
by non-inmates. 267

(C) No contract entered into under this section may require, 268
authorize, or imply a delegation of the authority or 269
responsibility of the public entity to a contractor for any of the 270
following: 271

(1) Developing or implementing procedures for calculating inmate release and parole eligibility dates and recommending the granting or denying of parole, although the contractor may submit written reports that have been prepared in the ordinary course of business;	272 273 274 275 276
(2) Developing or implementing procedures for calculating and awarding earned credits, approving the type of work inmates may perform and the wage or earned credits, if any, that may be awarded to inmates engaging in that work, and granting, denying, or revoking earned credits;	277 278 279 280 281
(3) For inmates serving a term imposed for a felony offense committed prior to July 1, 1996, or for a misdemeanor offense, developing or implementing procedures for calculating and awarding good time, approving the good time, if any, that may be awarded to inmates engaging in work, and granting, denying, or revoking good time;	282 283 284 285 286 287
(4) Classifying an inmate or placing an inmate in a more or a less restrictive custody than the custody ordered by the public entity;	288 289 290
(5) Approving inmates for work release;	291
(6) Contracting for local or long distance telephone services for inmates or receiving commissions from those services at a facility that is owned by or operated under a contract with the department.	292 293 294 295
(D) A contractor that has been approved to operate a facility under this section, and a person or entity that enters into a contract for specialized services, as described in division (I) of this section, relative to an intensive program prison established pursuant to section 5120.033 of the Revised Code to be operated by a contractor that has been approved to operate the prison under this section, shall provide an adequate policy of insurance	296 297 298 299 300 301 302

specifically including, but not limited to, insurance for civil 303
rights claims as determined by a risk management or actuarial firm 304
with demonstrated experience in public liability for state 305
governments. The insurance policy shall provide that the state, 306
including all state agencies, and all political subdivisions of 307
the state with jurisdiction over the facility or in which a 308
facility is located are named as insured, and that the state and 309
its political subdivisions shall be sent any notice of 310
cancellation. The contractor may not self-insure. 311

A contractor that has been approved to operate a facility 312
under this section, and a person or entity that enters into a 313
contract for specialized services, as described in division (I) of 314
this section, relative to an intensive program prison established 315
pursuant to section 5120.033 of the Revised Code to be operated by 316
a contractor that has been approved to operate the prison under 317
this section, shall indemnify and hold harmless the state, its 318
officers, agents, and employees, and any local government entity 319
in the state having jurisdiction over the facility or ownership of 320
the facility, shall reimburse the state for its costs in defending 321
the state or any of its officers, agents, or employees, and shall 322
reimburse any local government entity of that nature for its costs 323
in defending the local government entity, from all of the 324
following: 325

(1) Any claims or losses for services rendered by the 326
contractor, person, or entity performing or supplying services in 327
connection with the performance of the contract; 328

(2) Any failure of the contractor, person, or entity or its 329
officers or employees to adhere to the laws, rules, regulations, 330
or terms agreed to in the contract; 331

(3) Any constitutional, federal, state, or civil rights claim 332
brought against the state related to the facility operated and 333
managed by the contractor; 334

(4) Any claims, losses, demands, or causes of action arising 335
out of the contractor's, person's, or entity's activities in this 336
state; 337

(5) Any attorney's fees or court costs arising from any 338
habeas corpus actions or other inmate suits that may arise from 339
any event that occurred at the facility or was a result of such an 340
event, or arise over the conditions, management, or operation of 341
the facility, which fees and costs shall include, but not be 342
limited to, attorney's fees for the state's representation and for 343
any court-appointed representation of any inmate, and the costs of 344
any special judge who may be appointed to hear those actions or 345
suits. 346

(E) Private correctional officers of a contractor operating 347
and managing a facility pursuant to a contract entered into under 348
this section may carry and use firearms in the course of their 349
employment only after being certified as satisfactorily completing 350
an approved training program as described in division (A) of 351
section 109.78 of the Revised Code. 352

(F) Upon notification by the contractor of an escape from, or 353
of a disturbance at, the facility that is the subject of a 354
contract entered into under this section, the department of 355
rehabilitation and correction and state and local law enforcement 356
agencies shall use all reasonable means to recapture escapees or 357
quell any disturbance. Any cost incurred by the state or its 358
political subdivisions relating to the apprehension of an escapee 359
or the quelling of a disturbance at the facility shall be 360
chargeable to and borne by the contractor. The contractor shall 361
also reimburse the state or its political subdivisions for all 362
reasonable costs incurred relating to the temporary detention of 363
the escapee following recapture. 364

(G) Any offense that would be a crime if committed at a state 365
correctional institution or jail, workhouse, prison, or other 366

correctional facility shall be a crime if committed by or with 367
regard to inmates at facilities operated pursuant to a contract 368
entered into under this section. 369

(H) A contractor operating and managing a facility pursuant 370
to a contract entered into under this section shall pay any inmate 371
workers at the facility at the rate approved by the public entity. 372
Inmates working at the facility shall not be considered employees 373
of the contractor. 374

(I) In contracting for the private operation and management 375
pursuant to division (A) of this section of any intensive program 376
prison established pursuant to section 5120.033 of the Revised 377
Code, the department of rehabilitation and correction may enter 378
into a contract with a contractor for the general operation and 379
management of the prison and may enter into one or more separate 380
contracts with other persons or entities for the provision of 381
specialized services for persons confined in the prison, 382
including, but not limited to, security or training services or 383
medical, counseling, educational, or similar treatment programs. 384
If, pursuant to this division, the department enters into a 385
contract with a contractor for the general operation and 386
management of the prison and also enters into one or more 387
specialized service contracts with other persons or entities, all 388
of the following apply: 389

(1) The contract for the general operation and management 390
shall comply with all requirements and criteria set forth in this 391
section, and all provisions of this section apply in relation to 392
the prison operated and managed pursuant to the contract. 393

(2) Divisions (A)(2), (B), and (C) of this section do not 394
apply in relation to any specialized services contract, except to 395
the extent that the provisions of those divisions clearly are 396
relevant to the specialized services to be provided under the 397
specialized services contract. Division (D) of this section 398

applies in relation to each specialized services contract.	399
(J) As used in this section:	400
(1) "Public entity" means the department of rehabilitation and correction, or a county or municipal corporation or a combination of counties and municipal corporations, that has jurisdiction over a facility that is the subject of a contract entered into under this section.	401 402 403 404 405
(2) "Local public entity" means a county or municipal corporation, or a combination of counties and municipal corporations, that has jurisdiction over a jail, workhouse, or other correctional facility used only for misdemeanants that is the subject of a contract entered into under this section.	406 407 408 409 410
(3) "Governing authority of a local public entity" means, for a county, the board of county commissioners; for a municipal corporation, the legislative authority; for a combination of counties and municipal corporations, all the boards of county commissioners and municipal legislative authorities that joined to create the facility.	411 412 413 414 415 416
(4) "Contractor" means a person or entity that enters into a contract under this section to operate and manage a jail, workhouse, or other correctional facility.	417 418 419
(5) "Facility" means the specific county, multicounty, municipal, municipal-county, or multicounty-municipal jail, workhouse, prison, or other type of correctional institution or facility used only for misdemeanants, or a state correctional institution, that is the subject of a contract entered into under this section.	420 421 422 423 424 425
(6) "Person or entity" in the case of a contract for the private operation and management of a state correctional institution, includes an employee organization, as defined in section 4117.01 of the Revised Code, that represents employees at	426 427 428 429

~~state correctional institutions.~~ 430

Sec. 9.90. (A) The governing board of any public institution 431
of higher education, including without limitation state 432
universities and colleges, community college districts, university 433
branch districts, technical college districts, and municipal 434
universities, may, in addition to all other powers provided in the 435
Revised Code: 436

(1) Contract for, purchase, or otherwise procure from an 437
insurer or insurers licensed to do business by the state of Ohio 438
for or on behalf of such of its employees as it may determine, 439
life insurance, or sickness, accident, annuity, endowment, health, 440
medical, hospital, dental, or surgical coverage and benefits, or 441
any combination thereof, by means of insurance plans or other 442
types of coverage, family, group or otherwise, and may pay from 443
funds under its control and available for such purpose all or any 444
portion of the cost, premium, or charge for such insurance, 445
coverage, or benefits. However, the governing board, in addition 446
to or as an alternative to the authority otherwise granted by 447
division (A)(1) of this section, may elect to procure coverage for 448
health care services, for or on behalf of such of its employees as 449
it may determine, by means of policies, contracts, certificates, 450
or agreements issued by at least two health insuring corporations 451
holding a certificate of authority under Chapter 1751. of the 452
Revised Code and may pay from funds under the governing board's 453
control and available for such purpose all or any portion of the 454
cost of such coverage. 455

(2) Make payments to a custodial account for investment in 456
regulated investment company stock for the purpose of providing 457
retirement benefits as described in section 403(b)(7) of the 458
Internal Revenue Code of 1954, as amended. Such stock shall be 459
purchased only from persons authorized to sell such stock in this 460

state. 461

Any income of an employee deferred under divisions (A)(1) and 462
(2) of this section in a deferred compensation program eligible 463
for favorable tax treatment under the Internal Revenue Code of 464
1954, as amended, shall continue to be included as regular 465
compensation for the purpose of computing the contributions to and 466
benefits from the retirement system of such employee. Any sum so 467
deferred shall not be included in the computation of any federal 468
and state income taxes withheld on behalf of any such employee. 469

(B) All or any portion of the cost, premium, or charge 470
therefor may be paid in such other manner or combination of 471
manners as the governing board may determine, including direct 472
payment by the employee in cases under division (A)(1) of this 473
section, and, if authorized in writing by the employee in cases 474
under division (A)(1) or (2) of this section, by such governing 475
board with moneys made available by deduction from or reduction in 476
salary or wages or by the foregoing of a salary or wage increase. 477
Nothing in section 3917.01 or section 3917.06 of the Revised Code 478
shall prohibit the issuance or purchase of group life insurance 479
authorized by this section by reason of payment of premiums 480
therefor by the governing board from its funds, and such group 481
life insurance may be so issued and purchased if otherwise 482
consistent with the provisions of sections 3917.01 to 3917.07 of 483
the Revised Code. 484

(C) The board of education of any school district may 485
exercise any of the powers granted to the governing boards of 486
public institutions of higher education under divisions (A) and 487
(B) of this section, ~~except in relation to; however, nothing in~~ 488
this division shall be construed to allow a board of education to 489
bargain collectively regarding the provision of health care 490
benefits ~~to employees. All health care benefits provided to~~ 491
~~persons employed by the public schools of this state shall be~~ 492

~~health care plans that contain best practices established by the~~ 493
~~school employees health care board pursuant to as that term is~~ 494
~~defined in section ~~9.901~~ 124.81 of the Revised Code.~~ 495

Sec. 102.02. (A) Except as otherwise provided in division (H) 496
of this section, all of the following shall file with the 497
appropriate ethics commission the disclosure statement described 498
in this division on a form prescribed by the appropriate 499
commission: every person who is elected to or is a candidate for a 500
state, county, or city office and every person who is appointed to 501
fill a vacancy for an unexpired term in such an elective office; 502
all members of the state board of education; the director, 503
assistant directors, deputy directors, division chiefs, or persons 504
of equivalent rank of any administrative department of the state; 505
the president or other chief administrative officer of every state 506
institution of higher education as defined in section 3345.011 of 507
the Revised Code; the executive director and the members of the 508
capitol square review and advisory board appointed or employed 509
pursuant to section 105.41 of the Revised Code; all members of the 510
Ohio casino control commission, the executive director of the 511
commission, all professional employees of the commission, and all 512
technical employees of the commission who perform an internal 513
audit function; the chief executive officer and the members of the 514
board of each state retirement system; each employee of a state 515
retirement board who is a state retirement system investment 516
officer licensed pursuant to section 1707.163 of the Revised Code; 517
the members of the Ohio retirement study council appointed 518
pursuant to division (C) of section 171.01 of the Revised Code; 519
employees of the Ohio retirement study council, other than 520
employees who perform purely administrative or clerical functions; 521
the administrator of workers' compensation and each member of the 522
bureau of workers' compensation board of directors; the bureau of 523
workers' compensation director of investments; the chief 524

investment officer of the bureau of workers' compensation; the 525
director appointed by the workers' compensation council; all 526
members of the board of commissioners on grievances and discipline 527
of the supreme court and the ethics commission created under 528
section 102.05 of the Revised Code; every business manager, 529
treasurer, or superintendent of a city, local, exempted village, 530
joint vocational, or cooperative education school district or an 531
educational service center; every person who is elected to or is a 532
candidate for the office of member of a board of education of a 533
city, local, exempted village, joint vocational, or cooperative 534
education school district or of a governing board of an 535
educational service center that has a total student count of 536
twelve thousand or more as most recently determined by the 537
department of education pursuant to section 3317.03 of the Revised 538
Code; every person who is appointed to the board of education of a 539
municipal school district pursuant to division (B) or (F) of 540
section 3311.71 of the Revised Code; all members of the board of 541
directors of a sanitary district that is established under Chapter 542
6115. of the Revised Code and organized wholly for the purpose of 543
providing a water supply for domestic, municipal, and public use, 544
and that includes two municipal corporations in two counties; 545
every public official or employee who ~~is~~ would be paid a salary or 546
wage in accordance with schedule C prescribed in the version of 547
section 124.15 of the Revised Code in effect immediately prior to 548
the effective date of this amendment or schedule E-2 prescribed in 549
the version of section 124.152 of the Revised Code in effect 550
immediately prior to the effective date of this amendment; members 551
of the board of trustees and the executive director of the 552
southern Ohio agricultural and community development foundation; 553
all members appointed to the Ohio livestock care standards board 554
under section 904.02 of the Revised Code; and every other public 555
official or employee who is designated by the appropriate ethics 556
commission pursuant to division (B) of this section. 557

The disclosure statement shall include all of the following: 558

(1) The name of the person filing the statement and each 559
member of the person's immediate family and all names under which 560
the person or members of the person's immediate family do 561
business; 562

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 563
and except as otherwise provided in section 102.022 of the Revised 564
Code, identification of every source of income, other than income 565
from a legislative agent identified in division (A)(2)(b) of this 566
section, received during the preceding calendar year, in the 567
person's own name or by any other person for the person's use or 568
benefit, by the person filing the statement, and a brief 569
description of the nature of the services for which the income was 570
received. If the person filing the statement is a member of the 571
general assembly, the statement shall identify the amount of every 572
source of income received in accordance with the following ranges 573
of amounts: zero or more, but less than one thousand dollars; one 574
thousand dollars or more, but less than ten thousand dollars; ten 575
thousand dollars or more, but less than twenty-five thousand 576
dollars; twenty-five thousand dollars or more, but less than fifty 577
thousand dollars; fifty thousand dollars or more, but less than 578
one hundred thousand dollars; and one hundred thousand dollars or 579
more. Division (A)(2)(a) of this section shall not be construed to 580
require a person filing the statement who derives income from a 581
business or profession to disclose the individual items of income 582
that constitute the gross income of that business or profession, 583
except for those individual items of income that are attributable 584
to the person's or, if the income is shared with the person, the 585
partner's, solicitation of services or goods or performance, 586
arrangement, or facilitation of services or provision of goods on 587
behalf of the business or profession of clients, including 588
corporate clients, who are legislative agents. A person who files 589

the statement under this section shall disclose the identity of 590
and the amount of income received from a person who the public 591
official or employee knows or has reason to know is doing or 592
seeking to do business of any kind with the public official's or 593
employee's agency. 594

(b) If the person filing the statement is a member of the 595
general assembly, the statement shall identify every source of 596
income and the amount of that income that was received from a 597
legislative agent during the preceding calendar year, in the 598
person's own name or by any other person for the person's use or 599
benefit, by the person filing the statement, and a brief 600
description of the nature of the services for which the income was 601
received. Division (A)(2)(b) of this section requires the 602
disclosure of clients of attorneys or persons licensed under 603
section 4732.12 of the Revised Code, or patients of persons 604
certified under section 4731.14 of the Revised Code, if those 605
clients or patients are legislative agents. Division (A)(2)(b) of 606
this section requires a person filing the statement who derives 607
income from a business or profession to disclose those individual 608
items of income that constitute the gross income of that business 609
or profession that are received from legislative agents. 610

(c) Except as otherwise provided in division (A)(2)(c) of 611
this section, division (A)(2)(a) of this section applies to 612
attorneys, physicians, and other persons who engage in the 613
practice of a profession and who, pursuant to a section of the 614
Revised Code, the common law of this state, a code of ethics 615
applicable to the profession, or otherwise, generally are required 616
not to reveal, disclose, or use confidences of clients, patients, 617
or other recipients of professional services except under 618
specified circumstances or generally are required to maintain 619
those types of confidences as privileged communications except 620
under specified circumstances. Division (A)(2)(a) of this section 621

does not require an attorney, physician, or other professional 622
subject to a confidentiality requirement as described in division 623
(A)(2)(c) of this section to disclose the name, other identity, or 624
address of a client, patient, or other recipient of professional 625
services if the disclosure would threaten the client, patient, or 626
other recipient of professional services, would reveal details of 627
the subject matter for which legal, medical, or professional 628
advice or other services were sought, or would reveal an otherwise 629
privileged communication involving the client, patient, or other 630
recipient of professional services. Division (A)(2)(a) of this 631
section does not require an attorney, physician, or other 632
professional subject to a confidentiality requirement as described 633
in division (A)(2)(c) of this section to disclose in the brief 634
description of the nature of services required by division 635
(A)(2)(a) of this section any information pertaining to specific 636
professional services rendered for a client, patient, or other 637
recipient of professional services that would reveal details of 638
the subject matter for which legal, medical, or professional 639
advice was sought or would reveal an otherwise privileged 640
communication involving the client, patient, or other recipient of 641
professional services. 642

(3) The name of every corporation on file with the secretary 643
of state that is incorporated in this state or holds a certificate 644
of compliance authorizing it to do business in this state, trust, 645
business trust, partnership, or association that transacts 646
business in this state in which the person filing the statement or 647
any other person for the person's use and benefit had during the 648
preceding calendar year an investment of over one thousand dollars 649
at fair market value as of the thirty-first day of December of the 650
preceding calendar year, or the date of disposition, whichever is 651
earlier, or in which the person holds any office or has a 652
fiduciary relationship, and a description of the nature of the 653
investment, office, or relationship. Division (A)(3) of this 654

section does not require disclosure of the name of any bank, 655
savings and loan association, credit union, or building and loan 656
association with which the person filing the statement has a 657
deposit or a withdrawable share account. 658

(4) All fee simple and leasehold interests to which the 659
person filing the statement holds legal title to or a beneficial 660
interest in real property located within the state, excluding the 661
person's residence and property used primarily for personal 662
recreation; 663

(5) The names of all persons residing or transacting business 664
in the state to whom the person filing the statement owes, in the 665
person's own name or in the name of any other person, more than 666
one thousand dollars. Division (A)(5) of this section shall not be 667
construed to require the disclosure of debts owed by the person 668
resulting from the ordinary conduct of a business or profession or 669
debts on the person's residence or real property used primarily 670
for personal recreation, except that the superintendent of 671
financial institutions shall disclose the names of all 672
state-chartered savings and loan associations and of all service 673
corporations subject to regulation under division (E)(2) of 674
section 1151.34 of the Revised Code to whom the superintendent in 675
the superintendent's own name or in the name of any other person 676
owes any money, and that the superintendent and any deputy 677
superintendent of banks shall disclose the names of all 678
state-chartered banks and all bank subsidiary corporations subject 679
to regulation under section 1109.44 of the Revised Code to whom 680
the superintendent or deputy superintendent owes any money. 681

(6) The names of all persons residing or transacting business 682
in the state, other than a depository excluded under division 683
(A)(3) of this section, who owe more than one thousand dollars to 684
the person filing the statement, either in the person's own name 685
or to any person for the person's use or benefit. Division (A)(6) 686

of this section shall not be construed to require the disclosure 687
of clients of attorneys or persons licensed under section 4732.12 688
or 4732.15 of the Revised Code, or patients of persons certified 689
under section 4731.14 of the Revised Code, nor the disclosure of 690
debts owed to the person resulting from the ordinary conduct of a 691
business or profession. 692

(7) Except as otherwise provided in section 102.022 of the 693
Revised Code, the source of each gift of over seventy-five 694
dollars, or of each gift of over twenty-five dollars received by a 695
member of the general assembly from a legislative agent, received 696
by the person in the person's own name or by any other person for 697
the person's use or benefit during the preceding calendar year, 698
except gifts received by will or by virtue of section 2105.06 of 699
the Revised Code, or received from spouses, parents, grandparents, 700
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 701
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 702
fathers-in-law, mothers-in-law, or any person to whom the person 703
filing the statement stands in loco parentis, or received by way 704
of distribution from any inter vivos or testamentary trust 705
established by a spouse or by an ancestor; 706

(8) Except as otherwise provided in section 102.022 of the 707
Revised Code, identification of the source and amount of every 708
payment of expenses incurred for travel to destinations inside or 709
outside this state that is received by the person in the person's 710
own name or by any other person for the person's use or benefit 711
and that is incurred in connection with the person's official 712
duties, except for expenses for travel to meetings or conventions 713
of a national or state organization to which any state agency, 714
including, but not limited to, any legislative agency or state 715
institution of higher education as defined in section 3345.011 of 716
the Revised Code, pays membership dues, or any political 717
subdivision or any office or agency of a political subdivision 718

pays membership dues; 719

(9) Except as otherwise provided in section 102.022 of the 720
Revised Code, identification of the source of payment of expenses 721
for meals and other food and beverages, other than for meals and 722
other food and beverages provided at a meeting at which the person 723
participated in a panel, seminar, or speaking engagement or at a 724
meeting or convention of a national or state organization to which 725
any state agency, including, but not limited to, any legislative 726
agency or state institution of higher education as defined in 727
section 3345.011 of the Revised Code, pays membership dues, or any 728
political subdivision or any office or agency of a political 729
subdivision pays membership dues, that are incurred in connection 730
with the person's official duties and that exceed one hundred 731
dollars aggregated per calendar year; 732

(10) If the disclosure statement is filed by a public 733
official or employee described in division (B)(2) of section 734
101.73 of the Revised Code or division (B)(2) of section 121.63 of 735
the Revised Code who receives a statement from a legislative 736
agent, executive agency lobbyist, or employer that contains the 737
information described in division (F)(2) of section 101.73 of the 738
Revised Code or division (G)(2) of section 121.63 of the Revised 739
Code, all of the nondisputed information contained in the 740
statement delivered to that public official or employee by the 741
legislative agent, executive agency lobbyist, or employer under 742
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 743
the Revised Code. 744

A person may file a statement required by this section in 745
person or by mail. A person who is a candidate for elective office 746
shall file the statement no later than the thirtieth day before 747
the primary, special, or general election at which the candidacy 748
is to be voted on, whichever election occurs soonest, except that 749
a person who is a write-in candidate shall file the statement no 750

later than the twentieth day before the earliest election at which 751
the person's candidacy is to be voted on. A person who holds 752
elective office shall file the statement on or before the 753
fifteenth day of April of each year unless the person is a 754
candidate for office. A person who is appointed to fill a vacancy 755
for an unexpired term in an elective office shall file the 756
statement within fifteen days after the person qualifies for 757
office. Other persons shall file an annual statement on or before 758
the fifteenth day of April or, if appointed or employed after that 759
date, within ninety days after appointment or employment. No 760
person shall be required to file with the appropriate ethics 761
commission more than one statement or pay more than one filing fee 762
for any one calendar year. 763

The appropriate ethics commission, for good cause, may extend 764
for a reasonable time the deadline for filing a statement under 765
this section. 766

A statement filed under this section is subject to public 767
inspection at locations designated by the appropriate ethics 768
commission except as otherwise provided in this section. 769

(B) The Ohio ethics commission, the joint legislative ethics 770
committee, and the board of commissioners on grievances and 771
discipline of the supreme court, using the rule-making procedures 772
of Chapter 119. of the Revised Code, may require any class of 773
public officials or employees under its jurisdiction and not 774
specifically excluded by this section whose positions involve a 775
substantial and material exercise of administrative discretion in 776
the formulation of public policy, expenditure of public funds, 777
enforcement of laws and rules of the state or a county or city, or 778
the execution of other public trusts, to file an annual statement 779
on or before the fifteenth day of April under division (A) of this 780
section. The appropriate ethics commission shall send the public 781
officials or employees written notice of the requirement by the 782

fifteenth day of February of each year the filing is required 783
unless the public official or employee is appointed after that 784
date, in which case the notice shall be sent within thirty days 785
after appointment, and the filing shall be made not later than 786
ninety days after appointment. 787

Except for disclosure statements filed by members of the 788
board of trustees and the executive director of the southern Ohio 789
agricultural and community development foundation, disclosure 790
statements filed under this division with the Ohio ethics 791
commission by members of boards, commissions, or bureaus of the 792
state for which no compensation is received other than reasonable 793
and necessary expenses shall be kept confidential. Disclosure 794
statements filed with the Ohio ethics commission under division 795
(A) of this section by business managers, treasurers, and 796
superintendents of city, local, exempted village, joint 797
vocational, or cooperative education school districts or 798
educational service centers shall be kept confidential, except 799
that any person conducting an audit of any such school district or 800
educational service center pursuant to section 115.56 or Chapter 801
117. of the Revised Code may examine the disclosure statement of 802
any business manager, treasurer, or superintendent of that school 803
district or educational service center. The Ohio ethics commission 804
shall examine each disclosure statement required to be kept 805
confidential to determine whether a potential conflict of interest 806
exists for the person who filed the disclosure statement. A 807
potential conflict of interest exists if the private interests of 808
the person, as indicated by the person's disclosure statement, 809
might interfere with the public interests the person is required 810
to serve in the exercise of the person's authority and duties in 811
the person's office or position of employment. If the commission 812
determines that a potential conflict of interest exists, it shall 813
notify the person who filed the disclosure statement and shall 814
make the portions of the disclosure statement that indicate a 815

potential conflict of interest subject to public inspection in the 816
same manner as is provided for other disclosure statements. Any 817
portion of the disclosure statement that the commission determines 818
does not indicate a potential conflict of interest shall be kept 819
confidential by the commission and shall not be made subject to 820
public inspection, except as is necessary for the enforcement of 821
Chapters 102. and 2921. of the Revised Code and except as 822
otherwise provided in this division. 823

(C) No person shall knowingly fail to file, on or before the 824
applicable filing deadline established under this section, a 825
statement that is required by this section. 826

(D) No person shall knowingly file a false statement that is 827
required to be filed under this section. 828

(E)(1) Except as provided in divisions (E)(2) and (3) of this 829
section, the statement required by division (A) or (B) of this 830
section shall be accompanied by a filing fee of forty dollars. 831

(2) The statement required by division (A) of this section 832
shall be accompanied by the following filing fee to be paid by the 833
person who is elected or appointed to, or is a candidate for, any 834
of the following offices: 835

For state office, except member of the		836
state board of education	\$65	837
For office of member of general assembly	\$40	838
For county office	\$40	839
For city office	\$25	840
For office of member of the state board		841
of education	\$25	842
For office of member of the Ohio		843
livestock care standards board	\$25	844
For office of member of a city, local,		845
exempted village, or cooperative		846

education board of	847
education or educational service	848
center governing board	\$20 849
For position of business manager,	850
treasurer, or superintendent of a	851
city, local, exempted village, joint	852
vocational, or cooperative education	853
school district or	854
educational service center	\$20 855
(3) No judge of a court of record or candidate for judge of a	856
court of record, and no referee or magistrate serving a court of	857
record, shall be required to pay the fee required under division	858
(E)(1) or (2) or (F) of this section.	859
(4) For any public official who is appointed to a nonelective	860
office of the state and for any employee who holds a nonelective	861
position in a public agency of the state, the state agency that is	862
the primary employer of the state official or employee shall pay	863
the fee required under division (E)(1) or (F) of this section.	864
(F) If a statement required to be filed under this section is	865
not filed by the date on which it is required to be filed, the	866
appropriate ethics commission shall assess the person required to	867
file the statement a late filing fee of ten dollars for each day	868
the statement is not filed, except that the total amount of the	869
late filing fee shall not exceed two hundred fifty dollars.	870
(G)(1) The appropriate ethics commission other than the Ohio	871
ethics commission and the joint legislative ethics committee shall	872
deposit all fees it receives under divisions (E) and (F) of this	873
section into the general revenue fund of the state.	874
(2) The Ohio ethics commission shall deposit all receipts,	875
including, but not limited to, fees it receives under divisions	876
(E) and (F) of this section and all moneys it receives from	877
settlements under division (G) of section 102.06 of the Revised	878

Code, into the Ohio ethics commission fund, which is hereby 879
created in the state treasury. All moneys credited to the fund 880
shall be used solely for expenses related to the operation and 881
statutory functions of the commission. 882

(3) The joint legislative ethics committee shall deposit all 883
receipts it receives from the payment of financial disclosure 884
statement filing fees under divisions (E) and (F) of this section 885
into the joint legislative ethics committee investigative fund. 886

(H) Division (A) of this section does not apply to a person 887
elected or appointed to the office of precinct, ward, or district 888
committee member under Chapter 3517. of the Revised Code; a 889
presidential elector; a delegate to a national convention; village 890
or township officials and employees; any physician or psychiatrist 891
who ~~is~~ would be paid a salary or wage in accordance with schedule 892
C as prescribed by the version of section 124.15 of the Revised 893
Code in effect immediately prior to the effective date of this 894
amendment or schedule E-2 as prescribed by the version of section 895
124.152 of the Revised Code in effect immediately prior to the 896
effective date of this amendment and whose primary duties do not 897
require the exercise of administrative discretion; or any member 898
of a board, commission, or bureau of any county or city who 899
receives less than one thousand dollars per year for serving in 900
that position. 901

Sec. 103.74. The correctional institution inspection 902
committee may employ a director and any other nonlegal staff, who 903
shall be in the unclassified service of the state, that are 904
necessary for the committee to carry out its duties and may 905
contract for the services of whatever nonlegal technical advisors 906
are necessary for the committee to carry out its duties. The 907
attorney general shall act as legal counsel to the committee. 908

The chairperson and vice-chairperson of the legislative 909

service commission shall fix the compensation of the director. The 910
director, with the approval of the director of the legislative 911
service commission, shall fix the compensation of other staff of 912
the committee in accordance with a salary schedule established by 913
the director of the legislative service commission. The director 914
of the legislative service commission, when establishing the 915
salary schedule, shall require merit to be the only basis, and the 916
director of the correctional institution inspection committee 917
shall use merit as the only basis for an employee's progression 918
through the schedule. Contracts for the services of necessary 919
technical advisors shall be approved by the director of the 920
legislative service commission. 921

The general assembly shall biennially appropriate to the 922
correctional institution inspection committee an amount sufficient 923
to enable the committee to perform its duties. Salaries and 924
expenses incurred by the committee shall be paid from that 925
appropriation upon vouchers approved by the chairperson of the 926
committee. 927

Sec. 109.33. The attorney general may appoint, with salaries 928
fixed ~~pursuant to section 124.15 or 124.152 of the Revised Code~~ by 929
the attorney general based on merit, such assistants and may 930
employ such stenographers and clerks as may be necessary to carry 931
out sections 109.23 to 109.33 of the Revised Code. The attorney 932
general may also employ experts for assistance in any specific 933
matter at a reasonable rate of compensation. 934

Sec. 120.40. The ~~pay ranges established~~ salary or wage fixed 935
by the board of county commissioners for the county public 936
defender and staff, and those established by the joint board of 937
county commissioners for the joint county public defender and 938
staff, shall not exceed the ~~pay ranges assigned~~ highest salary or 939
wage fixed under section 124.14 of the Revised Code for comparable 940

positions of the Ohio public defender and staff. 941

Sec. 121.40. (A) There is hereby created the Ohio community 942
service council consisting of twenty-one voting members including 943
the superintendent of public instruction or the superintendent's 944
designee, the chancellor of the Ohio board of regents or the 945
chancellor's designee, the director of youth services or the 946
director's designee, the director of aging or the director's 947
designee, the chairperson of the committee of the house of 948
representatives dealing with education or the chairperson's 949
designee, the chairperson of the committee of the senate dealing 950
with education or the chairperson's designee, and fifteen members 951
who shall be appointed by the governor with the advice and consent 952
of the senate and who shall serve terms of office of three years. 953
The appointees shall include educators, including teachers and 954
administrators; representatives of youth organizations; students 955
and parents; representatives of organizations engaged in volunteer 956
program development and management throughout the state, including 957
youth and conservation programs; and representatives of business, 958
government, nonprofit organizations, social service agencies, 959
veterans organizations, religious organizations, or philanthropies 960
that support or encourage volunteerism within the state. The 961
director of the governor's office of faith-based and community 962
initiatives shall serve as a nonvoting ex officio member of the 963
council. Members of the council shall receive no compensation, but 964
shall be reimbursed for actual and necessary expenses incurred in 965
the performance of their official duties. 966

(B) The council shall appoint an executive director for the 967
council, who shall be in the unclassified civil service. The 968
governor shall be informed of the appointment of an executive 969
director before such an appointment is made. The executive 970
director shall supervise the council's activities and report to 971
the council on the progress of those activities. The executive 972

director shall do all things necessary for the efficient and 973
effective implementation of the duties of the council. 974

The responsibilities assigned to the executive director do 975
not relieve the members of the council from final responsibility 976
for the proper performance of the requirements of this section. 977

(C) The council or its designee shall do all of the 978
following: 979

(1) Employ, promote, supervise, and remove all employees as 980
needed in connection with the performance of its duties under this 981
section and may assign duties to those employees as necessary to 982
achieve the most efficient performance of its functions, and to 983
that end may establish, change, or abolish positions, and assign 984
and reassign duties and responsibilities of any employee of the 985
council. ~~Personnel employed by the council who are subject to~~ 986
~~Chapter 4117. of the Revised Code shall retain all of their rights~~ 987
~~and benefits conferred pursuant to that chapter. Nothing in this~~ 988
~~chapter shall be construed as eliminating or interfering with~~ 989
~~Chapter 4117. of the Revised Code or the rights and benefits~~ 990
~~conferred under that chapter to public employees or to any~~ 991
~~bargaining unit.~~ 992

(2) Maintain its office in Columbus, and may hold sessions at 993
any place within the state; 994

(3) Acquire facilities, equipment, and supplies necessary to 995
house the council, its employees, and files and records under its 996
control, and to discharge any duty imposed upon it by law. The 997
expense of these acquisitions shall be audited and paid for in the 998
same manner as other state expenses. For that purpose, the council 999
shall prepare and submit to the office of budget and management a 1000
budget for each biennium according to sections 101.532 and 107.03 1001
of the Revised Code. The budget submitted shall cover the costs of 1002
the council and its staff in the discharge of any duty imposed 1003

upon the council by law. The council shall not delegate any authority to obligate funds. 1004
1005

(4) Pay its own payroll and other operating expenses from line items designated by the general assembly; 1006
1007

(5) Retain its fiduciary responsibility as appointing authority. Any transaction instructions shall be certified by the appointing authority or its designee. 1008
1009
1010

(6) Establish the overall policy and management of the council in accordance with this chapter; 1011
1012

(7) Assist in coordinating and preparing the state application for funds under sections 101 to 184 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 12411 to 12544, as amended, assist in administering and overseeing the "National and Community Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the americorps program in this state, and assist in developing objectives for a comprehensive strategy to encourage and expand community service programs throughout the state; 1013
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(8) Assist the state board of education, school districts, the chancellor of the board of regents, and institutions of higher education in coordinating community service education programs through cooperative efforts between institutions and organizations in the public and private sectors; 1022
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(9) Assist the departments of natural resources, youth services, aging, and job and family services in coordinating community service programs through cooperative efforts between institutions and organizations in the public and private sectors; 1027
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(10) Suggest individuals and organizations that are available to assist school districts, institutions of higher education, and the departments of natural resources, youth services, aging, and job and family services in the establishment of community service 1031
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programs and assist in investigating sources of funding for 1035
implementing these programs; 1036

(11) Assist in evaluating the state's efforts in providing 1037
community service programs using standards and methods that are 1038
consistent with any statewide objectives for these programs and 1039
provide information to the state board of education, school 1040
districts, the chancellor of the board of regents, institutions of 1041
higher education, and the departments of natural resources, youth 1042
services, aging, and job and family services to guide them in 1043
making decisions about these programs; 1044

(12) Assist the state board of education in complying with 1045
section 3301.70 of the Revised Code and the chancellor of the 1046
board of regents in complying with division (B)(2) of section 1047
3333.043 of the Revised Code; 1048

(13) Advise, assist, consult with, and cooperate with, by 1049
contract or otherwise, agencies and political subdivisions of this 1050
state in establishing a statewide system for volunteers pursuant 1051
to section 121.404 of the Revised Code. 1052

(D) The council shall in writing enter into an agreement with 1053
another state agency to serve as the council's fiscal agent. 1054
Before entering into such an agreement, the council shall inform 1055
the governor of the terms of the agreement and of the state agency 1056
designated to serve as the council's fiscal agent. The fiscal 1057
agent shall be responsible for all the council's fiscal matters 1058
and financial transactions, as specified in the agreement. 1059
Services to be provided by the fiscal agent include, but are not 1060
limited to, the following: 1061

(1) Preparing and processing payroll and other personnel 1062
documents that the council executes as the appointing authority; 1063

(2) Maintaining ledgers of accounts and reports of account 1064
balances, and monitoring budgets and allotment plans in 1065

consultation with the council; and 1066

(3) Performing other routine support services that the fiscal 1067
agent considers appropriate to achieve efficiency. 1068

(E)(1) The council, in conjunction and consultation with the 1069
fiscal agent, has the following authority and responsibility 1070
relative to fiscal matters: 1071

(a) Sole authority to draw funds for any and all federal 1072
programs in which the council is authorized to participate; 1073

(b) Sole authority to expend funds from their accounts for 1074
programs and any other necessary expenses the council may incur 1075
and its subgrantees may incur; and 1076

(c) Responsibility to cooperate with and inform the fiscal 1077
agent fully of all financial transactions. 1078

(2) The council shall follow all state procurement, fiscal, 1079
human resources, statutory, and administrative rule requirements. 1080

(3) The fiscal agent shall determine fees to be charged to 1081
the council, which shall be in proportion to the services 1082
performed for the council. 1083

(4) The council shall pay fees owed to the fiscal agent from 1084
a general revenue fund of the council or from any other fund from 1085
which the operating expenses of the council are paid. Any amounts 1086
set aside for a fiscal year for the payment of these fees shall be 1087
used only for the services performed for the council by the fiscal 1088
agent in that fiscal year. 1089

(F) The council may accept and administer grants from any 1090
source, public or private, to carry out any of the council's 1091
functions this section establishes. 1092

Sec. 122.40. (A) There is hereby created the development 1093
financing advisory council to assist in carrying out the programs 1094

created pursuant to sections 122.39 to 122.62 and Chapter 166. of 1095
the Revised Code. 1096

(B) The council shall consist of eight members appointed by 1097
the governor, with the advice and consent of the senate, who are 1098
selected for their knowledge of and experience in economic 1099
development financing, one member of the senate appointed by the 1100
president of the senate, one member of the house of 1101
representatives appointed by the speaker of the house of 1102
representatives, and the director of development or the director's 1103
designee. With respect to the council: 1104

(1) No more than four members of the council appointed by the 1105
governor shall be members of the same political party. 1106

(2) Each member shall hold office from the date of the 1107
member's appointment until the end of the term for which the 1108
member was appointed. 1109

(3) The terms of office for the eight members appointed by 1110
the governor shall be for five years commencing on the first day 1111
of January and ending on the thirty-first day of December. The 1112
members appointed by the governor who are serving terms of office 1113
of seven years on December 30, 2004, shall continue to serve those 1114
terms, but their successors in office, including the filling of a 1115
vacancy occurring prior to the expiration of those terms, shall be 1116
appointed for terms of five years in accordance with this 1117
division. 1118

(4) Any member of the council is eligible for reappointment. 1119

(5) As a term of a member of the council appointed by the 1120
governor expires, the governor shall appoint a successor with the 1121
advice and consent of the senate. 1122

(6) Except as otherwise provided in division (B)(3) of this 1123
section, any member appointed to fill a vacancy occurring prior to 1124
the expiration of the term for which the member's predecessor was 1125

appointed shall hold office for the remainder of the predecessor's 1126
term. 1127

(7) Any member shall continue in office subsequent to the 1128
expiration date of the member's term until the member's successor 1129
takes office, or until a period of sixty days has elapsed, 1130
whichever occurs first. 1131

(8) Before entering upon duties as a member of the council, 1132
each member shall take an oath provided by Section 7 of Article 1133
XV, Ohio Constitution. 1134

(9) The governor may, at any time, remove any nonlegislative 1135
member pursuant to section 3.04 of the Revised Code. 1136

(10) Members of the council, notwithstanding section 101.26 1137
of the Revised Code with respect to members who are members of the 1138
general assembly, shall receive their necessary and actual 1139
expenses while engaged in the business of the council and shall be 1140
paid at ~~the a per diem rate of step 1, pay range 31, of determined~~ 1141
under division (A) of section 124.15 of the Revised Code. 1142

(11) Six members of the council constitute a quorum and the 1143
affirmative vote of six members is necessary for any action taken 1144
by the council. 1145

(12) In the event of the absence of a member appointed by the 1146
president of the senate or by the speaker of the house of 1147
representatives, the following persons may serve in the member's 1148
absence: the president of the senate or the speaker of the house, 1149
as the case may be, or a member of the senate or of the house of 1150
representatives, of the same political party as the development 1151
financing advisory council member, designated by the president of 1152
the senate or the speaker of the house. 1153

Sec. 122.64. (A) There is hereby established in the 1154
department of development a division of economic development. The 1155

division shall be supervised by a deputy director appointed by the 1156
director of development. 1157

The division is responsible for the administration of the 1158
state economic development financing programs established pursuant 1159
to sections 122.17 and 122.18, sections 122.39 to 122.62, and 1160
Chapter 166. of the Revised Code and for coordinating the 1161
activities of the development financing advisory council so as to 1162
ensure the efficient administration of the programs. 1163

(B) The director of development shall: 1164

(1) Appoint an individual to serve as director of the 1165
development financing advisory council; 1166

(2) Receive applications for assistance pursuant to sections 1167
122.39 to 122.62 and Chapter 166. of the Revised Code. The 1168
director shall process the applications and, except as provided in 1169
division (C)(2) of section 166.05 of the Revised Code, forward 1170
them to the development financing advisory council. As 1171
appropriate, the director shall receive the recommendations of the 1172
council as to applications for assistance. 1173

(3) With the approval of the director of administrative 1174
services, establish salary schedules for employees of the various 1175
positions of employment with the division and assign the various 1176
positions to those salary schedules; 1177

(4) Furnish and pay for, out of funds appropriated to the 1178
department of development for that purpose, office space and 1179
associated utilities service, for the development financing 1180
advisory council; 1181

(5) Employ and fix the compensation of financial consultants, 1182
appraisers, consulting engineers, superintendents, managers, 1183
construction and accounting experts, attorneys, and other agents 1184
for the assistance programs authorized pursuant to sections 122.17 1185
and 122.18, sections 122.39 to 122.62, and Chapter 166. of the 1186

Revised Code as are necessary; 1187

(6) Supervise the administrative operations of the division; 1188

(7) On or before the first day of October in each year, make 1189
an annual report of the activities and operations under assistance 1190
programs authorized pursuant to sections 122.39 to 122.62 and 1191
Chapter 166. of the Revised Code for the preceding fiscal year to 1192
the governor and the general assembly. Each such report shall set 1193
forth a complete operating and financial statement covering such 1194
activities and operations during the year in accordance with 1195
generally accepted accounting principles and shall be audited by a 1196
certified public accountant. The director of development shall 1197
transmit a copy of the audited financial report to the office of 1198
budget and management. 1199

(C) The director of development, when establishing the salary 1200
schedules required under division (B)(3) of this section, shall 1201
use merit as the only basis for an employee's progression through 1202
the schedule. 1203

Sec. 122.72. (A) There is hereby created the minority 1204
development financing advisory board to assist in carrying out the 1205
programs created pursuant to sections 122.71 to 122.89 of the 1206
Revised Code. 1207

(B) The board shall consist of ten members. The director of 1208
development or the director's designee shall be a voting member on 1209
the board. Seven members shall be appointed by the governor with 1210
the advice and consent of the senate and selected because of their 1211
knowledge of and experience in industrial, business, and 1212
commercial financing, suretyship, construction, and their 1213
understanding of the problems of minority business enterprises; 1214
one member also shall be a member of the senate and appointed by 1215
the president of the senate, and one member also shall be a member 1216
of the house of representatives and appointed by the speaker of 1217

the house of representatives. With respect to the board, all of 1218
the following apply: 1219

(1) Not more than four of the members of the board appointed 1220
by the governor shall be of the same political party. 1221

(2) Each member shall hold office from the date of the 1222
member's appointment until the end of the term for which the 1223
member was appointed. 1224

(3) The terms of office for the seven members appointed by 1225
the governor shall be for seven years, commencing on the first day 1226
of October and ending on the thirtieth day of September of the 1227
seventh year, except that of the original seven members, three 1228
shall be appointed for three years and two shall be appointed for 1229
five years. 1230

(4) Any member of the board is eligible for reappointment. 1231

(5) Any member appointed to fill a vacancy occurring prior to 1232
the expiration of the term for which the member's predecessor was 1233
appointed shall hold office for the remainder of the predecessor's 1234
term. 1235

(6) Any member shall continue in office subsequent to the 1236
expiration date of the member's term until the member's successor 1237
takes office, or until a period of sixty days has elapsed, 1238
whichever occurs first. 1239

(7) Before entering upon official duties as a member of the 1240
board, each member shall take an oath as provided by Section 7 of 1241
Article XV, Ohio Constitution. 1242

(8) The governor may, at any time, remove any member 1243
appointed by the governor pursuant to section 3.04 of the Revised 1244
Code. 1245

(9) Notwithstanding section 101.26 of the Revised Code, 1246
members shall receive their necessary and actual expenses while 1247

engaged in the business of the board and shall be paid at ~~the a~~ a 1248
per diem rate ~~of step 1 of pay range 31~~ determined under division 1249
(A) of section 124.15 of the Revised Code. 1250

(10) Six members of the board constitute a quorum and the 1251
affirmative vote of six members is necessary for any action taken 1252
by the board. 1253

(11) In the event of the absence of a member appointed by the 1254
president of the senate or by the speaker of the house of 1255
representatives, either of the following persons may serve in the 1256
member's absence: 1257

(a) The president of the senate or the speaker of the house 1258
of representatives, whoever appointed the absent member; 1259

(b) A member of the senate or of the house of representatives 1260
of the same political party as the absent member, as designated by 1261
the president of the senate or the speaker of the house of 1262
representatives, whoever appointed the absent member. 1263

(12) The board shall annually elect one of its members as 1264
chairperson and another as vice-chairperson. 1265

Sec. 124.03. (A) The state personnel board of review shall 1266
exercise the following powers and perform the following duties: 1267

(1) Hear appeals, as provided by law, of employees in the 1268
classified state service from final decisions of appointing 1269
authorities or the director of administrative services relative to 1270
reduction in pay or position, job abolishments, layoff, 1271
suspension, discharge, assignment or reassignment to a new or 1272
different position classification, or refusal of the director, or 1273
anybody authorized to perform the director's functions, to 1274
reassign an employee to another classification or to reclassify 1275
the employee's position with or without a job audit under division 1276
(D) of section 124.14 of the Revised Code. As used in this 1277

division, "discharge" includes disability separations. 1278

The state personnel board of review may affirm, disaffirm, or 1279
modify the decisions of the appointing authorities or the 1280
director, as the case may be, and its decision is final. The 1281
decisions of the state personnel board of review shall be 1282
consistent with the applicable classification specifications. 1283

The state personnel board of review shall not be deprived of 1284
jurisdiction to hear any appeal due to the failure of an 1285
appointing authority to file its decision with the board. Any 1286
final decision of an appointing authority or of the director not 1287
filed in the manner provided in this chapter shall be disaffirmed. 1288

~~The state personnel board of review may place an exempt 1289
employee, as defined in section 124.152 of the Revised Code, into 1290
a bargaining unit classification, if the state personnel board of 1291
review determines that the bargaining unit classification is the 1292
proper classification for that employee. Notwithstanding Chapter 1293
4117. of the Revised Code or instruments and contracts negotiated 1294
under it, such placements are at the discretion of the state 1295
personnel board of review. 1296~~

The mere failure of an employee's appointing authority to 1297
file a statement with the department of administrative services 1298
indicating that the employee is in the unclassified civil service, 1299
or the mere late filing of such a statement, does not prevent the 1300
state personnel board of review from determining that the employee 1301
is in the unclassified civil service. In determining whether an 1302
employee is in the unclassified civil service, the state personnel 1303
board of review shall consider the inherent nature of the duties 1304
of the employee's classification during the two-year period 1305
immediately preceding the appointing authority's appealable action 1306
relating to the employee. 1307

In any hearing before the state personnel board of review, 1308

including any hearing at which a record is taken that may be the 1309
basis of an appeal to a court, an employee may be represented by a 1310
person permitted to practice before the state personnel board of 1311
review who is not an attorney at law as long as the person does 1312
not receive any compensation from the employee for the 1313
representation. 1314

(2) Hear appeals, as provided by law, of appointing 1315
authorities from final decisions of the director relative to the 1316
classification or reclassification of any position in the 1317
classified state service under the jurisdiction of that appointing 1318
authority. The state personnel board of review may affirm, 1319
disaffirm, or modify the decisions of the director, and its 1320
decision is final. The decisions of the state personnel board of 1321
review shall be consistent with the applicable classification 1322
specifications. 1323

(3) Exercise the authority provided by section 124.40 of the 1324
Revised Code, for appointment, removal, and supervision of 1325
municipal and civil service township civil service commissions; 1326

(4) Utilize employees provided by the state employment 1327
relations board in the exercise of the powers and performance of 1328
the duties and functions of the state personnel board of review 1329
under this chapter; 1330

(5) Maintain a journal that shall be open to public 1331
inspection, in which it shall keep a record of all of its 1332
proceedings and of the vote of each of its members upon every 1333
action taken by it; 1334

(6) Adopt rules in accordance with Chapter 119. of the 1335
Revised Code relating to the procedure of the state personnel 1336
board of review in administering the laws it has the authority or 1337
duty to administer and for the purpose of invoking the 1338
jurisdiction of the state personnel board of review in hearing 1339

appeals of appointing authorities and employees in matters set 1340
forth in divisions (A)(1) and (2) of this section; 1341

(7) Subpoena and require the attendance and testimony of 1342
witnesses and the production of books, papers, public records, and 1343
other documentary evidence pertinent to any matter it has 1344
authority to investigate, inquire into, or hear in the same manner 1345
and to the same extent as provided by division (G) of section 1346
124.09 of the Revised Code. All witness fees shall be paid in the 1347
manner set forth in that division. 1348

(B) The state personnel board of review shall exist as a 1349
separate entity within the administrative structure of the state 1350
employment relations board. 1351

(C) The state personnel board of review shall be funded by 1352
general revenue fund appropriations. All moneys received by the 1353
state personnel board of review for copies of documents, rule 1354
books, and transcriptions shall be paid into the state treasury to 1355
the credit of the training, publications, and grants fund created 1356
in section 4117.24 of the Revised Code. 1357

Sec. 124.11. The civil service of the state and the several 1358
counties, cities, civil service townships, city health districts, 1359
general health districts, and city school districts of the state 1360
shall be divided into the unclassified service and the classified 1361
service. 1362

(A) The unclassified service shall comprise the following 1363
positions, which shall not be included in the classified service, 1364
and which shall be exempt from all examinations required by this 1365
chapter: 1366

(1) All officers elected by popular vote or persons appointed 1367
to fill vacancies in those offices; 1368

(2) All election officers as defined in section 3501.01 of 1369

the Revised Code;	1370
(3)(a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;	1371 1372 1373
(b) The heads of all departments appointed by a board of county commissioners;	1374 1375
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	1376 1377 1378 1379
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	1380 1381 1382 1383
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	1384 1385 1386
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	1387 1388 1389
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	1390 1391 1392
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	1393 1394 1395 1396 1397 1398 1399

(b) The library staff of any library in the state supported 1400
wholly or in part at public expense. 1401

(8) Four clerical and administrative support employees for 1402
each of the elective state officers, four clerical and 1403
administrative support employees for each board of county 1404
commissioners and one such employee for each county commissioner, 1405
and four clerical and administrative support employees for other 1406
elective officers and each of the principal appointive executive 1407
officers, boards, or commissions, except for civil service 1408
commissions, that are authorized to appoint such clerical and 1409
administrative support employees; 1410

(9) The deputies and assistants of state agencies authorized 1411
to act for and on behalf of the agency, or holding a fiduciary or 1412
administrative relation to that agency and those persons employed 1413
by and directly responsible to elected county officials or a 1414
county administrator and holding a fiduciary or administrative 1415
relationship to such elected county officials or county 1416
administrator, and the employees of such county officials whose 1417
fitness would be impracticable to determine by competitive 1418
examination, provided that division (A)(9) of this section shall 1419
not affect those persons in county employment in the classified 1420
service as of September 19, 1961. Nothing in division (A)(9) of 1421
this section applies to any position in a county department of job 1422
and family services created pursuant to Chapter 329. of the 1423
Revised Code. 1424

(10) Bailiffs, constables, official stenographers, and 1425
commissioners of courts of record, deputies of clerks of the 1426
courts of common pleas who supervise or who handle public moneys 1427
or secured documents, and such officers and employees of courts of 1428
record and such deputies of clerks of the courts of common pleas 1429
as the director of administrative services finds it impracticable 1430
to determine their fitness by competitive examination; 1431

(11) Assistants to the attorney general, special counsel 1432
appointed or employed by the attorney general, assistants to 1433
county prosecuting attorneys, and assistants to city directors of 1434
law; 1435

(12) Such teachers and employees in the agricultural 1436
experiment stations; such students in normal schools, colleges, 1437
and universities of the state who are employed by the state or a 1438
political subdivision of the state in student or intern 1439
classifications; and such unskilled labor positions as the 1440
director of administrative services or any municipal civil service 1441
commission may find it impracticable to include in the competitive 1442
classified service; provided such exemptions shall be by order of 1443
the commission or the director, duly entered on the record of the 1444
commission or the director with the reasons for each such 1445
exemption; 1446

(13) Any physician or dentist who is a full-time employee of 1447
the department of mental health, the department of developmental 1448
disabilities, or an institution under the jurisdiction of either 1449
department; and physicians who are in residency programs at the 1450
institutions; 1451

(14) Up to twenty positions at each institution under the 1452
jurisdiction of the department of mental health or the department 1453
of developmental disabilities that the department director 1454
determines to be primarily administrative or managerial; and up to 1455
fifteen positions in any division of either department, excluding 1456
administrative assistants to the director and division chiefs, 1457
which are within the immediate staff of a division chief and which 1458
the director determines to be primarily and distinctively 1459
administrative and managerial; 1460

(15) Noncitizens of the United States employed by the state, 1461
or its counties or cities, as physicians or nurses who are duly 1462
licensed to practice their respective professions under the laws 1463

of this state, or medical assistants, in mental or chronic disease	1464
hospitals, or institutions;	1465
(16) Employees of the governor's office;	1466
(17) Fire chiefs and chiefs of police in civil service	1467
townships appointed by boards of township trustees under section	1468
505.38 or 505.49 of the Revised Code;	1469
(18) Executive directors, deputy directors, and program	1470
directors employed by boards of alcohol, drug addiction, and	1471
mental health services under Chapter 340. of the Revised Code, and	1472
secretaries of the executive directors, deputy directors, and	1473
program directors;	1474
(19) Superintendents, and management employees as defined in	1475
section 5126.20 of the Revised Code, of county boards of	1476
developmental disabilities;	1477
(20) Physicians, nurses, and other employees of a county	1478
hospital who are appointed pursuant to sections 339.03 and 339.06	1479
of the Revised Code;	1480
(21) The executive director of the state medical board, who	1481
is appointed pursuant to division (B) of section 4731.05 of the	1482
Revised Code;	1483
(22) County directors of job and family services as provided	1484
in section 329.02 of the Revised Code and administrators appointed	1485
under section 329.021 of the Revised Code;	1486
(23) A director of economic development who is hired pursuant	1487
to division (A) of section 307.07 of the Revised Code;	1488
(24) Chiefs of construction and compliance, of operations and	1489
maintenance, of worker protection, and of licensing and	1490
certification in the division of labor in the department of	1491
commerce;	1492
(25) The executive director of a county transit system	1493

appointed under division (A) of section 306.04 of the Revised Code; 1494
1495

(26) Up to five positions at each of the administrative 1496
departments listed in section 121.02 of the Revised Code and at 1497
the department of taxation, department of the adjutant general, 1498
department of education, Ohio board of regents, bureau of workers' 1499
compensation, industrial commission, state lottery commission, and 1500
public utilities commission of Ohio that the head of that 1501
administrative department or of that other state agency determines 1502
to be involved in policy development and implementation. The head 1503
of the administrative department or other state agency shall set 1504
the compensation for employees in these positions at a rate that 1505
is not less than the minimum compensation specified in pay range 1506
41 but not more than the maximum compensation specified in pay 1507
range 44 of salary schedule E-2 prescribed in the version of 1508
section 124.152 of the Revised Code in effect immediately prior to 1509
the effective date of this amendment. The authority to establish 1510
positions in the unclassified service under division (A)(26) of 1511
this section is in addition to and does not limit any other 1512
authority that an administrative department or state agency has 1513
under the Revised Code to establish positions, appoint employees, 1514
or set compensation. 1515

(27) Employees of the department of agriculture employed 1516
under section 901.09 of the Revised Code; 1517

(28) For cities, counties, civil service townships, city 1518
health districts, general health districts, and city school 1519
districts, the deputies and assistants of elective or principal 1520
executive officers authorized to act for and in the place of their 1521
principals or holding a fiduciary relation to their principals; 1522

(29) Employees who receive intermittent or temporary 1523
appointments under division (B) of section 124.30 of the Revised 1524
Code; 1525

(30) Employees appointed to administrative staff positions	1526
for which an appointing authority is given specific statutory	1527
authority to set compensation;	1528
(31) Employees appointed to highway patrol cadet or highway	1529
patrol cadet candidate classifications;	1530
(32) Employees placed in the unclassified service by another	1531
section of the Revised Code.	1532
(B) The classified service shall comprise all persons in the	1533
employ of the state and the several counties, cities, city health	1534
districts, general health districts, and city school districts of	1535
the state, not specifically included in the unclassified service.	1536
Upon the creation by the board of trustees of a civil service	1537
township civil service commission, the classified service shall	1538
also comprise, except as otherwise provided in division (A)(17) or	1539
(C) of this section, all persons in the employ of a civil service	1540
township police or fire department having ten or more full-time	1541
paid employees. The classified service consists of two classes,	1542
which shall be designated as the competitive class and the	1543
unskilled labor class.	1544
(1) The competitive class shall include all positions and	1545
employments in the state and the counties, cities, city health	1546
districts, general health districts, and city school districts of	1547
the state, and, upon the creation by the board of trustees of a	1548
civil service township of a township civil service commission, all	1549
positions in a civil service township police or fire department	1550
having ten or more full-time paid employees, for which it is	1551
practicable to determine the merit and fitness of applicants by	1552
competitive examinations. Appointments shall be made to, or	1553
employment shall be given in, all positions in the competitive	1554
class that are not filled by promotion, reinstatement, transfer,	1555
or reduction, as provided in this chapter, and the rules of the	1556
director of administrative services, by appointment from those	1557

certified to the appointing officer in accordance with this 1558
chapter. 1559

(2) The unskilled labor class shall include ordinary 1560
unskilled laborers. Vacancies in the labor class for positions in 1561
service of the state shall be filled by appointment from lists of 1562
applicants registered by the director. Vacancies in the labor 1563
class for all other positions shall be filled by appointment from 1564
lists of applicants registered by a commission. The director or 1565
the commission, as applicable, by rule, shall require an applicant 1566
for registration in the labor class to furnish evidence or take 1567
tests as the director or commission considers proper with respect 1568
to age, residence, physical condition, ability to labor, honesty, 1569
sobriety, industry, capacity, and experience in the work or 1570
employment for which application is made. Laborers who fulfill the 1571
requirements shall be placed on the eligible list for the kind of 1572
labor or employment sought, and preference shall be given in 1573
employment in accordance with the rating received from that 1574
evidence or in those tests. Upon the request of an appointing 1575
officer, stating the kind of labor needed, the pay and probable 1576
length of employment, and the number to be employed, the director 1577
or commission, as applicable, shall certify from the highest on 1578
the list double the number to be employed; from this number, the 1579
appointing officer shall appoint the number actually needed for 1580
the particular work. If more than one applicant receives the same 1581
rating, priority in time of application shall determine the order 1582
in which their names shall be certified for appointment. 1583

(C) A municipal or civil service township civil service 1584
commission may place volunteer firefighters who are paid on a 1585
fee-for-service basis in either the classified or the unclassified 1586
civil service. 1587

(D) This division does not apply to persons in the 1588
unclassified service who have the right to resume positions in the 1589

classified service under sections 4121.121, 5119.071, 5120.38, 1590
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 1591
Code. 1592

An appointing authority whose employees are paid directly by 1593
warrant of the director of budget and management may appoint a 1594
person who holds a certified position in the classified service 1595
within the appointing authority's agency to a position in the 1596
unclassified service within that agency. A person appointed 1597
pursuant to this division to a position in the unclassified 1598
service shall retain the right to resume the position and status 1599
held by the person in the classified service immediately prior to 1600
the person's appointment to the position in the unclassified 1601
service, regardless of the number of positions the person held in 1602
the unclassified service. An employee's right to resume a position 1603
in the classified service may only be exercised when an appointing 1604
authority demotes the employee to a pay ~~range~~ lower than the 1605
employee's current pay ~~range~~ or revokes the employee's appointment 1606
to the unclassified service. An employee forfeits the right to 1607
resume a position in the classified service when the employee is 1608
removed from the position in the unclassified service due to 1609
incompetence, inefficiency, dishonesty, drunkenness, immoral 1610
conduct, insubordination, discourteous treatment of the public, 1611
neglect of duty, violation of this chapter or the rules of the 1612
director of administrative services, any other failure of good 1613
behavior, any other acts of misfeasance, malfeasance, or 1614
nonfeasance in office, or conviction of a felony. An employee also 1615
forfeits the right to resume a position in the classified service 1616
upon transfer to a different agency. 1617

Reinstatement to a position in the classified service shall 1618
be to a position substantially equal to that position in the 1619
classified service held previously, as certified by the director 1620
of administrative services. If the position the person previously 1621

held in the classified service has been placed in the unclassified 1622
service or is otherwise unavailable, the person shall be appointed 1623
to a position in the classified service within the appointing 1624
authority's agency that the director of administrative services 1625
certifies is comparable in compensation to the position the person 1626
previously held in the classified service. Service in the position 1627
in the unclassified service shall be counted as service in the 1628
position in the classified service held by the person immediately 1629
prior to the person's appointment to the position in the 1630
unclassified service. When a person is reinstated to a position in 1631
the classified service as provided in this division, the person is 1632
entitled to all rights, status, and benefits accruing to the 1633
position in the classified service during the person's time of 1634
service in the position in the unclassified service. 1635

Sec. 124.14. (A)(1) The director of administrative services 1636
shall establish, and may modify or rescind, by rule, a job 1637
classification plan for all positions, offices, and employments 1638
the salaries of which are paid in whole or in part by the state. 1639
The director shall group jobs within a classification so that the 1640
positions are similar enough in duties and responsibilities to be 1641
described by the same title, ~~to have the same pay assigned with~~ 1642
~~equity,~~ and to have the same qualifications for selection applied. 1643
The director shall, by rule, assign a classification title to each 1644
classification within the classification plan. However, the 1645
director shall consider in establishing classifications, including 1646
classifications with parenthetical titles, ~~and assigning pay~~ 1647
~~ranges~~ such factors as duties performed only on one shift, special 1648
skills in short supply in the labor market, recruitment problems, 1649
separation rates, ~~comparative salary rates,~~ the amount of training 1650
required, and other conditions affecting employment. The director 1651
shall describe the duties and responsibilities of the class, 1652
establish the qualifications for being employed in each position 1653

in the class, and file with the secretary of state a copy of 1654
specifications for all of the classifications. The director shall 1655
file new, additional, or revised specifications with the secretary 1656
of state before they are used. 1657

~~The director shall, by rule, assign each classification, 1658
either on a statewide basis or in particular counties or state 1659
institutions, to a pay range established under section 124.15 or 1660
section 124.152 of the Revised Code. The director may assign a 1661
classification to a pay range on a temporary basis for a period of 1662
six months. The director may establish, by rule adopted under 1663
Chapter 119. of the Revised Code, experimental classification 1664
plans for some or all employees paid directly by warrant of the 1665
director of budget and management. The rule shall include 1666
specifications for each classification within the plan and shall 1667
specifically address compensation ranges, and methods for 1668
advancing within the ranges, for the classifications, which may be 1669
assigned to pay ranges other than the pay ranges established under 1670
section 124.15 or 124.152 of the Revised Code. 1671~~

An employee whose position is included in the job 1672
classification plan established under this section shall be paid a 1673
wage or salary fixed by the employee's appointing authority. The 1674
wage or salary shall be based solely upon merit. Unless otherwise 1675
provided, if an appointing authority is authorized by the Revised 1676
Code to fix the wage or salary of a public employee without 1677
reference to this chapter or other parameters, the appointing 1678
authority shall fix the public employee's wage or salary based on 1679
merit. 1680

(2) The director of administrative services may reassign to a 1681
proper classification those positions that have been assigned to 1682
an improper classification. ~~If the compensation of an employee in 1683
such a reassigned position exceeds the maximum rate of pay for the 1684
employee's new classification, the employee shall be placed in pay 1685~~

~~step X and shall not receive an increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.~~

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

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

~~(5)~~(4) The director may establish, modify, or rescind a classification plan for county agencies that elect not to use the services and facilities of a county personnel department. The director shall establish any such classification plan by means of rules adopted under Chapter 119. of the Revised Code. The rules shall include a methodology for the establishment of titles unique to county agencies, the use of state classification titles and classification specifications for common positions, the criteria

for a county to meet in establishing its own classification plan, 1718
and the establishment of what constitutes a classification series 1719
for county agencies. The director may assess a county agency that 1720
chooses to use the classification plan a usage fee the director 1721
determines. All usage fees the department of administrative 1722
services receives shall be paid into the state treasury to the 1723
credit of the human resources fund created in section 124.07 of 1724
the Revised Code. 1725

(B) Division (A) of this section and sections 124.15 and 1726
124.152 of the Revised Code do not apply to the following persons, 1727
positions, offices, and employments: 1728

(1) Elected officials; 1729

(2) Legislative employees, employees of the legislative 1730
service commission, employees in the office of the governor, 1731
employees who are in the unclassified civil service and who were 1732
exempt from collective bargaining coverage prior to the effective 1733
date of this amendment in the office of the secretary of state, 1734
auditor of state, treasurer of state, and attorney general, and 1735
employees of the supreme court; 1736

(3) Employees of a county children services board that 1737
establishes compensation rates under section 5153.12 of the 1738
Revised Code; 1739

(4) Any position for which the authority to determine 1740
compensation is given by law to another individual or entity; 1741

(5) Employees of the bureau of workers' compensation whose 1742
compensation the administrator of workers' compensation 1743
establishes under division (B) of section 4121.121 of the Revised 1744
Code. 1745

(C) The director may employ a consulting agency to aid and 1746
assist the director in carrying out this section. 1747

(D)(1) When the director proposes to modify a classification 1748
~~or the assignment of classes to appropriate pay ranges,~~ the 1749
director shall send written notice of the proposed rule to the 1750
appointing authorities of the affected employees thirty days 1751
before a hearing on the proposed rule. The appointing authorities 1752
shall notify the affected employees regarding the proposed rule. 1753
The director also shall send those appointing authorities notice 1754
of any final rule that is adopted within ten days after adoption. 1755

(2) When the director proposes to reclassify any employee so 1756
that the employee is adversely affected, the director shall give 1757
to the employee affected and to the employee's appointing 1758
authority a written notice setting forth the proposed new 1759
classification, ~~pay range, and salary.~~ Upon the request of any 1760
classified employee who is not serving in a probationary period, 1761
the director shall perform a job audit to review the 1762
classification of the employee's position to determine whether the 1763
position is properly classified. The director shall give to the 1764
employee affected and to the employee's appointing authority a 1765
written notice of the director's determination whether or not to 1766
reclassify the position or to reassign the employee to another 1767
classification. An employee or appointing authority desiring a 1768
hearing shall file a written request for the hearing with the 1769
state personnel board of review within thirty days after receiving 1770
the notice. The board shall set the matter for a hearing and 1771
notify the employee and appointing authority of the time and place 1772
of the hearing. The employee, the appointing authority, or any 1773
authorized representative of the employee who wishes to submit 1774
facts for the consideration of the board shall be afforded 1775
reasonable opportunity to do so. After the hearing, the board 1776
shall consider anew the reclassification and may order the 1777
reclassification of the employee and require the director to 1778
assign the employee to such appropriate classification as the 1779
facts and evidence warrant. As provided in division (A)(1) of 1780

section 124.03 of the Revised Code, the board may determine the 1781
most appropriate classification for the position of any employee 1782
coming before the board, with or without a job audit. The board 1783
shall disallow any reclassification or reassignment classification 1784
of any employee when it finds that changes have been made in the 1785
duties and responsibilities of any particular employee for 1786
political, religious, or other unjust reasons. 1787

(E)(1) Employees of each county department of job and family 1788
services shall be paid a salary or wage established by the board 1789
of county commissioners. The provisions of section 124.18 of the 1790
Revised Code concerning the standard work week apply to employees 1791
of county departments of job and family services. A board of 1792
county commissioners may do either of the following: 1793

(a) Notwithstanding any other section of the Revised Code, 1794
supplement the sick leave, vacation leave, personal leave, and 1795
other benefits of any employee of the county department of job and 1796
family services of that county, if the employee is eligible for 1797
the supplement under a written policy providing for the 1798
supplement; 1799

(b) Notwithstanding any other section of the Revised Code, 1800
establish alternative schedules of sick leave, vacation leave, 1801
personal leave, or other benefits for employees not inconsistent 1802
with the provisions of a collective bargaining agreement covering 1803
the affected employees. 1804

(2) Division (E)(1) of this section does not apply to 1805
employees for whom the state employment relations board 1806
establishes appropriate bargaining units pursuant to section 1807
4117.06 of the Revised Code, except in either of the following 1808
situations: 1809

(a) The employees for whom the state employment relations 1810
board establishes appropriate bargaining units elect no 1811

representative in a board-conducted representation election. 1812

(b) After the state employment relations board establishes 1813
appropriate bargaining units for such employees, all employee 1814
organizations withdraw from a representation election. 1815

(F)(1) Notwithstanding any contrary provision of sections 1816
124.01 to 124.64 of the Revised Code, the board of trustees of 1817
each state university or college, as defined in section 3345.12 of 1818
the Revised Code, shall carry out all matters of governance 1819
involving the officers and employees of the university or college, 1820
including, but not limited to, the powers, duties, and functions 1821
of the department of administrative services and the director of 1822
administrative services specified in this chapter. Officers and 1823
employees of a state university or college shall have the right of 1824
appeal to the state personnel board of review as provided in this 1825
chapter. 1826

(2) Each board of trustees shall adopt rules under section 1827
111.15 of the Revised Code to carry out the matters of governance 1828
described in division (F)(1) of this section. Until the board of 1829
trustees adopts those rules, a state university or college shall 1830
continue to operate pursuant to the applicable rules adopted by 1831
the director of administrative services under this chapter. 1832

(G)(1) Each board of county commissioners may, by a 1833
resolution adopted by a majority of its members, establish a 1834
county personnel department to exercise the powers, duties, and 1835
functions specified in division (G) of this section. As used in 1836
division (G) of this section, "county personnel department" means 1837
a county personnel department established by a board of county 1838
commissioners under division (G)(1) of this section. 1839

(2)(a) Each board of county commissioners, by a resolution 1840
adopted by a majority of its members, may designate the county 1841
personnel department of the county to exercise the powers, duties, 1842

and functions specified in sections 124.01 to 124.64 and Chapter 1843
325. of the Revised Code with regard to employees in the service 1844
of the county, except for the powers and duties of the state 1845
personnel board of review, which powers and duties shall not be 1846
construed as having been modified or diminished in any manner by 1847
division (G)(2) of this section, with respect to the employees for 1848
whom the board of county commissioners is the appointing authority 1849
or co-appointing authority. 1850

(b) Nothing in division (G)(2) of this section shall be 1851
construed to limit the right of any employee who possesses the 1852
right of appeal to the state personnel board of review to continue 1853
to possess that right of appeal. 1854

(c) Any board of county commissioners that has established a 1855
county personnel department may contract with the department of 1856
administrative services, another political subdivision, or an 1857
appropriate public or private entity to provide competitive 1858
testing services or other appropriate services. 1859

(3) After the county personnel department of a county has 1860
been established as described in division (G)(2) of this section, 1861
any elected official, board, agency, or other appointing authority 1862
of that county, upon written notification to the county personnel 1863
department, may elect to use the services and facilities of the 1864
county personnel department. Upon receipt of the notification by 1865
the county personnel department, the county personnel department 1866
shall exercise the powers, duties, and functions as described in 1867
division (G)(2) of this section with respect to the employees of 1868
that elected official, board, agency, or other appointing 1869
authority. 1870

(4) Each board of county commissioners, by a resolution 1871
adopted by a majority of its members, may disband the county 1872
personnel department. 1873

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

(6) The director of administrative services may, by rule adopted in accordance with Chapter 119. of the Revised Code, prescribe criteria and procedures for the following:

(a) A requirement that each county personnel department, in carrying out its duties, adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and a requirement that the county be financially liable to the state for any loss of federal funds due to the action or inaction of the county personnel department. The costs associated with audits conducted to monitor compliance with division (G)(6)(a) of this section shall be reimbursed to the department of administrative services as determined by the director. All money the department receives for these audits shall be paid into the state treasury to the credit of the human resources fund created in section 124.07 of the Revised Code.

(b) Authorization for the director of administrative services to conduct periodic audits and reviews of county personnel departments to guarantee the uniform application of the powers, duties, and functions exercised pursuant to division (G)(2)(a) of this section. The costs of the audits and reviews shall be reimbursed to the department of administrative services as determined by the director by the county for which the services are performed. All money the department receives shall be paid into the state treasury to the credit of the human resources fund created in section 124.07 of the Revised Code.

(H) The director of administrative services shall establish 1906
the rate and method of compensation, based upon merit, for all 1907
employees who are paid directly by warrant of the director of 1908
budget and management and who are serving in positions that the 1909
director of administrative services has determined impracticable 1910
to include in the state job classification plan. This division 1911
does not apply to elected officials, legislative employees, 1912
employees of the legislative service commission, employees who are 1913
in the unclassified civil service and who were exempt from 1914
collective bargaining coverage prior to the effective date of this 1915
amendment in the office of the secretary of state, auditor of 1916
state, treasurer of state, and attorney general, employees of the 1917
courts, employees of the bureau of workers' compensation whose 1918
compensation the administrator of workers' compensation 1919
establishes under division (B) of section 4121.121 of the Revised 1920
Code, or employees of an appointing authority authorized by law to 1921
fix the compensation of those employees. 1922

(I) The director shall set the rate of compensation for all 1923
~~intermittent, seasonal, temporary, emergency,~~ and casual employees 1924
in the service of the state ~~who are not considered public~~ 1925
~~employees under section 4117.01 of the Revised Code.~~ Those 1926
employees are not entitled to receive employee benefits. This rate 1927
of compensation shall be equitable in terms of the rate of 1928
employees serving in the same or similar classifications and shall 1929
be based upon merit. This division does not apply to elected 1930
officials, legislative employees, employees of the legislative 1931
service commission, employees who are in the unclassified civil 1932
service and who were exempt from collective bargaining coverage 1933
prior to the effective date of this amendment in the office of the 1934
secretary of state, auditor of state, treasurer of state, and 1935
attorney general, employees of the courts, employees of the bureau 1936
of workers' compensation whose compensation the administrator 1937
establishes under division (B) of section 4121.121 of the Revised 1938

Code, or employees of an appointing authority authorized by law to 1939
fix the compensation of those employees. 1940

~~Sec. 124.15.~~ (A) Board and commission members ~~appointed prior~~ 1941
~~to July 1, 1991,~~ shall be paid a salary or wage ~~in accordance with~~ 1942
~~the following schedules of rates:~~ 1943

~~Schedule B~~ 1944

~~Pay Ranges and Step Values~~ 1945

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	1947
Annually	11897.60	12292.80	12688.00	13124.80	1948
	Step 5	Step 6			1949
Hourly	6.52	6.75			1950
Annually	13561.60	14040.00			1951
	Step 1	Step 2	Step 3	Step 4	1952
24 Hourly	6.00	6.20	6.41	6.63	1953
Annually	12480.00	12896.00	13332.80	13790.40	1954
	Step 5	Step 6			1955
Hourly	6.87	7.10			1956
Annually	14289.60	14768.00			1957
	Step 1	Step 2	Step 3	Step 4	1958
25 Hourly	6.31	6.52	6.75	6.99	1959
Annually	13124.80	13561.60	14040.00	14539.20	1960
	Step 5	Step 6			1961
Hourly	7.23	7.41			1962
Annually	15038.40	15412.80			1963
	Step 1	Step 2	Step 3	Step 4	1964
26 Hourly	6.63	6.87	7.10	7.32	1965
Annually	13790.40	14289.60	14768.00	15225.60	1966
	Step 5	Step 6			1967
Hourly	7.53	7.77			1968
Annually	15662.40	16161.60			1969

		Step 1	Step 2	Step 3	Step 4	1970
27	Hourly	6.99	7.23	7.41	7.64	1971
	Annually	14534.20	15038.40	15412.80	15891.20	1972
		Step 5	Step 6	Step 7		1973
	Hourly	7.88	8.15	8.46		1974
	Annually	16390.40	16952.00	17596.80		1975
		Step 1	Step 2	Step 3	Step 4	1976
28	Hourly	7.41	7.64	7.88	8.15	1977
	Annually	15412.80	15891.20	16390.40	16952.00	1978
		Step 5	Step 6	Step 7		1979
	Hourly	8.46	8.79	9.15		1980
	Annually	17596.80	18283.20	19032.00		1981
		Step 1	Step 2	Step 3	Step 4	1982
29	Hourly	7.88	8.15	8.46	8.79	1983
	Annually	16390.40	16952.00	17596.80	18283.20	1984
		Step 5	Step 6	Step 7		1985
	Hourly	9.15	9.58	10.01		1986
	Annually	19032.00	19926.40	20820.80		1987
		Step 1	Step 2	Step 3	Step 4	1988
30	Hourly	8.46	8.79	9.15	9.58	1989
	Annually	17596.80	18283.20	19032.00	19926.40	1990
		Step 5	Step 6	Step 7		1991
	Hourly	10.01	10.46	10.99		1992
	Annually	20820.80	21756.80	22859.20		1993
		Step 1	Step 2	Step 3	Step 4	1994
31	Hourly	9.15	9.58	10.01	10.46	1995
	Annually	19032.00	19962.40	20820.80	21756.80	1996
		Step 5	Step 6	Step 7		1997
	Hourly	10.99	11.52	12.09		1998
	Annually	22859.20	23961.60	25147.20		1999
		Step 1	Step 2	Step 3	Step 4	2000
32	Hourly	10.01	10.46	10.99	11.52	2001
	Annually	20820.80	21756.80	22859.20	23961.60	2002

		Step 5	Step 6	Step 7	Step 8	2003
	Hourly	12.09	12.68	13.29	13.94	2004
	Annually	25147.20	26374.40	27643.20	28995.20	2005
		Step 1	Step 2	Step 3	Step 4	2006
33	Hourly	10.99	11.52	12.09	12.68	2007
	Annually	22859.20	23961.60	25147.20	26374.40	2008
		Step 5	Step 6	Step 7	Step 8	2009
	Hourly	13.29	13.94	14.63	15.35	2010
	Annually	27643.20	28995.20	30430.40	31928.00	2011
		Step 1	Step 2	Step 3	Step 4	2012
34	Hourly	12.09	12.68	13.29	13.94	2013
	Annually	25147.20	26374.40	27643.20	28995.20	2014
		Step 5	Step 6	Step 7	Step 8	2015
	Hourly	14.63	15.35	16.11	16.91	2016
	Annually	30430.40	31928.00	33508.80	35172.80	2017
		Step 1	Step 2	Step 3	Step 4	2018
35	Hourly	13.29	13.94	14.63	15.35	2019
	Annually	27643.20	28995.20	30430.40	31928.00	2020
		Step 5	Step 6	Step 7	Step 8	2021
	Hourly	16.11	16.91	17.73	18.62	2022
	Annually	33508.80	35172.80	36878.40	38729.60	2023
		Step 1	Step 2	Step 3	Step 4	2024
36	Hourly	14.63	15.35	16.11	16.91	2025
	Annually	30430.40	31928.00	33508.80	35172.80	2026
		Step 5	Step 6	Step 7	Step 8	2027
	Hourly	17.73	18.62	19.54	20.51	2028
	Annually	36878.40	38729.60	40643.20	42660.80	2029
	Schedule C					2030
		Pay Range and Values				2031
	Range	Minimum		Maximum		2032
41	Hourly	10.44		15.72		2033
	Annually	21715.20		32697.60		2034
42	Hourly	11.51		17.35		2035

Annually	23940.80	36088.00	2036
43 Hourly	12.68	19.12	2037
Annually	26374.40	39769.60	2038
44 Hourly	13.99	20.87	2039
Annually	29099.20	43409.60	2040
45 Hourly	15.44	22.80	2041
Annually	32115.20	47424.00	2042
46 Hourly	17.01	24.90	2043
Annually	35380.80	51792.00	2044
47 Hourly	18.75	27.18	2045
Annually	39000.00	56534.40	2046
48 Hourly	20.67	29.69	2047
Annually	42993.60	61755.20	2048
49 Hourly	22.80	32.06	2049
Annually	47424.00	66684.80	2050

based upon merit. Unless compensation for members of a board or 2051
commission is otherwise specifically provided by law, the director 2052
of administrative services shall establish the rate and method of 2053
payment for members of boards and commissions. 2054

(B) The pay schedule of all employees shall be on a biweekly 2055
basis, with amounts computed on an hourly basis. 2056

(C) Part-time employees shall be compensated on an hourly 2057
basis for time worked, ~~at the rates shown in~~ as required by 2058
division (A) of this section or ~~in~~ by section 124.152 of the 2059
Revised Code. 2060

(D) The salary and wage rates ~~in~~ determined under division 2061
(A) of this section or in section 124.152 of the Revised Code 2062
~~represent~~ are base rates of compensation and may be augmented by 2063
the provisions of section 124.181 of the Revised Code. In those 2064
cases where lodging, meals, laundry, or other personal services 2065
are furnished an employee in the service of the state, the actual 2066
costs or fair market value of the personal services shall be paid 2067

by the employee in such amounts and manner as determined by the 2068
director of administrative services and approved by the director 2069
of budget and management, and those personal services shall not be 2070
considered as a part of the employee's compensation. An appointing 2071
authority that appoints employees in the service of the state, 2072
with the approval of the director of administrative services and 2073
the director of budget and management, may establish payments to 2074
employees for uniforms, tools, equipment, and other requirements 2075
of the department and payments for the maintenance of them. 2076

~~The director of administrative services may review collective 2077
bargaining agreements entered into under Chapter 4117. of the 2078
Revised Code that cover employees in the service of the state and 2079
determine whether certain benefits or payments provided to the 2080
employees covered by those agreements should also be provided to 2081
employees in the service of the state who are exempt from 2082
collective bargaining coverage and are paid in accordance with 2083
section 124.152 of the Revised Code or are listed in division 2084
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 2085
the review, the director of administrative services, with the 2086
approval of the director of budget and management, may provide to 2087
some or all of these employees any payment or benefit, except for 2088
salary, contained in such a collective bargaining agreement even 2089
if it is similar to a payment or benefit already provided by law 2090
to some or all of these employees. Any payment or benefit so 2091
provided shall not exceed the highest level for that payment or 2092
benefit specified in such a collective bargaining agreement. The 2093
director of administrative services shall not provide, and the 2094
director of budget and management shall not approve, any payment 2095
or benefit to such an employee under this division unless the 2096
payment or benefit is provided pursuant to a collective bargaining 2097
agreement to a state employee who is in a position with similar 2098
duties as, is supervised by, or is employed by the same appointing 2099
authority as, the employee to whom the benefit or payment is to be 2100~~

~~provided.~~ 2101

~~As used in this division, "payment or benefit already
provided by law" includes, but is not limited to, bereavement,
personal, vacation, administrative, and sick leave, disability
benefits, holiday pay, and pay supplements provided under the
Revised Code, but does not include wages or salary.~~ 2102
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~~(E) New employees paid in accordance with schedule B of
division (A) of this section or schedule E 1 of section 124.152 of
the Revised Code shall be employed at the minimum rate established
for the range unless otherwise provided. Employees with
qualifications that are beyond the minimum normally required for
the position and that are determined by the director to be
exceptional may be employed in, or may be transferred or promoted
to, a position at an advanced step of the range. Further, in time
of a serious labor market condition when it is relatively
impossible to recruit employees at the minimum rate for a
particular classification, the entrance rate may be set at an
advanced step in the range by the director of administrative
services. This rate may be limited to geographical regions of the
state. Appointments made to an advanced step under the provision
regarding exceptional qualifications shall not affect the step
assignment of employees already serving. However, anytime the
hiring rate of an entire classification is advanced to a higher
step, all incumbents of that classification being paid at a step
lower than that being used for hiring, shall be advanced beginning
at the start of the first pay period thereafter to the new hiring
rate, and any time accrued at the lower step will be used to
calculate advancement to a succeeding step. If the hiring rate of
a classification is increased for only a geographical region of
the state, only incumbents who work in that geographical region
shall be advanced to a higher step. When an employee in the
unclassified service changes from one state position to another or~~ 2107
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~~is appointed to a position in the classified service, or if an~~ 2133
~~employee in the classified service is appointed to a position in~~ 2134
~~the unclassified service, the employee's salary or wage in the new~~ 2135
~~position shall be determined in the same manner as if the employee~~ 2136
~~were an employee in the classified service. When an employee in~~ 2137
~~the unclassified service who is not eligible for step increases is~~ 2138
~~appointed to a classification in the classified service under~~ 2139
~~which step increases are provided, future step increases shall be~~ 2140
~~based on the date on which the employee last received a pay~~ 2141
~~increase. If the employee has not received an increase during the~~ 2142
~~previous year, the date of the appointment to the classified~~ 2143
~~service shall be used to determine the employee's annual step~~ 2144
~~advancement eligibility date. In reassigning any employee to a~~ 2145
~~classification resulting in a pay range increase or to a new pay~~ 2146
~~range as a result of a promotion, an increase pay range~~ 2147
~~adjustment, or other classification change resulting in a pay~~ 2148
~~range increase, the director shall assign such employee to the~~ 2149
~~step in the new pay range that will provide an increase of~~ 2150
~~approximately four per cent if the new pay range can accommodate~~ 2151
~~the increase. When an employee is being assigned to a~~ 2152
~~classification or new pay range as the result of a class plan~~ 2153
~~change, if the employee has completed a probationary period, the~~ 2154
~~employee shall be placed in a step no lower than step two of the~~ 2155
~~new pay range. If the employee has not completed a probationary~~ 2156
~~period, the employee may be placed in step one of the new pay~~ 2157
~~range. Such new salary or wage shall become effective on such date~~ 2158
~~as the director determines.~~ 2159

~~(F) If employment conditions and the urgency of the work~~ 2160
~~require such action, the director of administrative services may,~~ 2161
~~upon the application of a department head, authorize payment at~~ 2162
~~any rate established within the range for the class of work, for~~ 2163
~~work of a casual or intermittent nature or on a project basis.~~ 2164
~~Payment at such rates shall not be made to the same individual for~~ 2165

~~more than three calendar months in any one calendar year. Any such
action shall be subject to the approval of the director of budget
and management as to the availability of funds. This section and
sections 124.14 and 124.152 of the Revised Code do not repeal any
authority of any department or public official to contract with or
fix the compensation of professional persons who may be employed
temporarily for work of a casual nature or for work on a project
basis.~~

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

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

~~When an employee is promoted, the step entry date shall be
set to account for a probationary period. When an employee is
reassigned to a higher pay range, the step entry date shall be set
to allow an employee who is not at the highest step of the range~~

~~to receive a step advancement one year from the reassignment date. 2198~~
~~Step advancement shall not be affected by demotion. A promoted 2199~~
~~employee shall advance to the next higher step of the pay range on 2200~~
~~the first day of the pay period in which the required probationary 2201~~
~~period is completed. Step advancement shall become effective at 2202~~
~~the beginning of the pay period within which the employee attains 2203~~
~~the necessary length of service. Time spent on authorized leave of 2204~~
~~absence shall be counted for this purpose. 2205~~

~~If determined to be in the best interest of the state 2206~~
~~service, the director of administrative services may, either 2207~~
~~statewide or in selected agencies, adjust the dates on which 2208~~
~~annual step advancements are received by employees paid in 2209~~
~~accordance with schedule E-1 of section 124.152 of the Revised 2210~~
~~Code. 2211~~

~~(2)(a) There shall be a moratorium on annual step 2212~~
~~advancements under division (C)(1) of this section beginning June 2213~~
~~21, 2009, through June 20, 2011. Step advancements shall resume 2214~~
~~with the pay period beginning June 21, 2011. Upon the resumption 2215~~
~~of step advancements, there shall be no retroactive step 2216~~
~~advancements for the period the moratorium was in effect. The 2217~~
~~moratorium shall not affect an employee's performance evaluation 2218~~
~~schedule. 2219~~

~~An employee who begins a probationary period before June 21, 2220~~
~~2009, shall advance to the next step in the employee's pay range 2221~~
~~at the end of probation, and then become subject to the 2222~~
~~moratorium. An employee who is hired, promoted, or reassigned to a 2223~~
~~higher pay range between June 21, 2009, through June 20, 2011, 2224~~
~~shall not advance to the next step in the employee's pay range 2225~~
~~until the next anniversary of the employee's date of hire, 2226~~
~~promotion, or reassignment that occurs on or after June 21, 2011. 2227~~

~~(b) The moratorium under division (C)(2)(a) of this section 2228~~
~~shall apply to the employees of the secretary of state, the 2229~~

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

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

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

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

~~(J) Unless compensation for members of a board or commission
is otherwise specifically provided by law, the director of
administrative services shall establish the rate and method of
payment for members of boards and commissions pursuant to the pay
schedules listed in section 124.152 of the Revised Code.~~

~~(K)(F)~~ Regular full-time employees in positions assigned to 2261
classes within the instruction and education administration series 2262
~~under the rules of the director of administrative services,~~ except 2263
certificated employees on the instructional staff of the state 2264
school for the blind or the state school for the deaf, whose 2265
positions are scheduled to work on the basis of an academic year 2266
rather than a full calendar year, shall be paid according to ~~the~~ 2267
~~pay range assigned by such rules but only during those pay periods~~ 2268
~~included in the academic year of the school where the employee is~~ 2269
~~located~~ merit. 2270

(1) Part-time or substitute teachers or those whose period of 2271
employment is other than the full academic year shall be 2272
compensated for the actual time worked at the rate established by 2273
this section. 2274

(2) Employees governed by this division are exempt from 2275
sections 124.13 and 124.19 of the Revised Code. 2276

~~(3) Length of service for the purpose of determining 2277
eligibility for step advancements as provided by division (G) of 2278
this section and for the purpose of determining eligibility for 2279
longevity pay supplements as provided by division (E) of section 2280
124.181 of the Revised Code shall be computed on the basis of one 2281
full year of service for the completion of each academic year. 2282~~

~~(L)(G)~~ The superintendent of the state school for the deaf 2283
and the superintendent of the state school for the blind shall, 2284
subject to the approval of the superintendent of public 2285
instruction, ~~carry out both of the following:~~ 2286

~~(1) Annually, between the first day of April and the last day 2287
of June, establish for the ensuing fiscal year a schedule of 2288
hourly rates for the compensation of each certificated employee on 2289
the instructional staff of that superintendent's respective school 2290
constructed as follows:~~ 2291

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

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

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

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

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

~~(2) Annually, annually assign each certificated employee on the instructional staff of the superintendent's respective school to an hourly rate ~~on the schedule~~ that is commensurate with the employee's training, experience, and other professional qualifications.~~

If an employee is employed on the basis of an academic year, the employee's annual salary shall be calculated by multiplying the employee's assigned hourly rate times one thousand seven hundred sixty. If an employee is not employed on the basis of an

academic year, the employee's annual salary shall be calculated in 2323
accordance with the following formula: 2324

~~(a)(1)~~ Multiply the number of days the employee is required 2325
to work pursuant to the employee's contract by eight; 2326

~~(b)(2)~~ Multiply the product of division ~~(L)(2)(a)(G)(1)~~ of 2327
this section by the employee's assigned hourly rate. 2328

Each employee shall be paid an annual salary in biweekly 2329
installments. The amount of each installment shall be calculated 2330
by dividing the employee's annual salary by the number of biweekly 2331
installments to be paid during the year. 2332

Sections 124.13 and 124.19 of the Revised Code do not apply 2333
to an employee who is paid under this division. 2334

As used in this division, "academic year" means the number of 2335
days in each school year that the schools are required to be open 2336
for instruction with pupils in attendance. Upon completing an 2337
academic year, an employee paid under this division shall be 2338
deemed to have completed one year of service. An employee paid 2339
under this division is eligible to receive a pay supplement under 2340
division ~~(L)(J)(1)~~, (2), or (3) of section 124.181 of the Revised 2341
Code for which the employee qualifies, but is not eligible to 2342
receive a pay supplement under division ~~(L)(J)(4)~~ or (5) of that 2343
section. An employee paid under this division is eligible to 2344
receive a pay supplement under division ~~(L)(J)(6)~~ of section 2345
124.181 of the Revised Code for which the employee qualifies, 2346
except that the supplement is not limited to a maximum of five per 2347
cent of the employee's regular base salary in a calendar year. 2348

~~(M)(H)~~ Division (A) of this section does not apply to "exempt 2349
employees," as defined in section 124.152 of the Revised Code, who 2350
are paid under that section. 2351

~~Notwithstanding any other provisions of this chapter, when an 2352
employee transfers between bargaining units or transfers out of or 2353~~

~~into a bargaining unit, the director of administrative services 2354~~
~~shall establish the employee's compensation and adjust the maximum 2355~~
~~leave accrual schedule as the director deems equitable. 2356~~

Sec. 124.151. (A) As used in this section, "compensation" 2357
includes, but is not limited to, wages and salary, travel 2358
allowances paid pursuant to section 101.27 of the Revised Code, 2359
and benefits paid pursuant to sections 124.13, 124.19, 124.381, 2360
124.382, 124.383, 124.384, 124.385, and 124.386 of the Revised 2361
Code. 2362

(B)~~(1)~~ The compensation of any employee who is paid by 2363
warrant of the director of budget and management shall be paid by 2364
direct deposit. Each such employee shall provide to the appointing 2365
authority a written authorization for payment by direct deposit. 2366
The authorization shall include the designation of a financial 2367
institution equipped to accept direct deposits and the number of 2368
the account into which the deposit is to be made. The 2369
authorization shall remain in effect until withdrawn in writing by 2370
the employee or until dishonored by the financial institution. The 2371
director of administrative services shall provide by rule adopted 2372
under Chapter 119. of the Revised Code for the direct deposit in a 2373
financial institution of the compensation of an employee who fails 2374
to provide to the appointing authority a written authorization for 2375
payment by direct deposit. 2376

~~(2) Division (B)(1) of this section does not apply to an 2377~~
~~employee who was appointed to the employee's current position 2378~~
~~before June 5, 2002, who is a public employee as defined in 2379~~
~~section 4117.01 of the Revised Code, and whose applicable 2380~~
~~collective bargaining agreement does not require the employee to 2381~~
~~be paid by direct deposit. 2382~~

Sec. 124.152. (A)~~(1)~~ Except as provided in divisions ~~(A)(2)~~ 2383

~~and (3) of this section, each Each exempt employee shall be paid a salary or wage in accordance with schedule E 1 or schedule E 2 of division (B) of this section.~~

~~(2) Each exempt employee who holds a position in the unclassified civil service pursuant to division (A)(26) or (30) of section 124.11 of the Revised Code may be paid a salary or wage in accordance with schedule E 1, schedule E 1 for step seven only, or schedule E 2 of division (B) or (C) of this section, as applicable.~~

~~(3)(a) Except as provided in division (A)(3)(b) of this section, each exempt employee who was paid a salary or wage at step 7 in the employee's pay range on June 28, 2003, in accordance with the applicable schedule E 1 of former section 124.152 of the Revised Code and who continued to be so paid on June 29, 2003, shall be paid a salary or wage in the corresponding pay range in schedule E 1 for step seven only of division (C) of this section for as long as the employee remains in the position the employee held as of July 1, 2003.~~

~~(b) Except as provided in division (A)(3)(c) of this section, if an exempt employee who is being paid a salary or wage in accordance with schedule E 1 for step seven only of division (C) of this section moves to another position, the employee shall not receive a salary or wage for that position or any other position in the future in accordance with that schedule.~~

~~(c) If an exempt employee who is being paid a salary or wage in accordance with schedule E 1 for step seven only of division (C) of this section moves to another position assigned to pay range 12 or above, the appointing authority may assign the employee to be paid a salary or wage in the appropriate pay range for that position in accordance with the schedule E 1 for step seven only of division (C) of this section, provided that the appointing authority so notifies the director of administrative~~

~~services in writing at the time the employee is appointed to that position.~~ 2416
2417

~~(B) Beginning on the first day of the pay period that includes July 1, 2008, each exempt employee who must be paid in accordance with schedule E 1 or schedule E 2 of this section shall be paid a salary or wage in accordance with the following schedule of rates:~~ 2418
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~~Schedule E 1~~ 2423

~~Pay Ranges and Step Values~~ 2424

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	
	Range	1	2	3	4	5	6	2425
1	Hourly	10.07	10.52	10.97	11.44			2426
	Annually	20946	21882	22818	23795			2427
2	Hourly	12.21	12.73	13.28	13.86			2428
	Annually	25397	26478	27622	28829			2429
3	Hourly	12.79	13.37	13.96	14.57			2430
	Annually	26603	27810	29037	30306			2431
4	Hourly	13.43	14.03	14.70	15.36			2432
	Annually	27934	29182	30576	31949			2433
5	Hourly	14.09	14.73	15.36	16.03			2434
	Annually	29307	30638	31949	33342			2435
6	Hourly	14.85	15.46	16.15	16.81			2436
	Annually	30888	32157	33592	34965			2437
7	Hourly	15.77	16.35	17.02	17.62	18.30		2438
	Annually	32802	34008	35402	36650	38064		2439
8	Hourly	16.66	17.40	18.15	18.97	19.78		2440
	Annually	34653	36192	37752	39458	41142		2441
9	Hourly	17.78	18.70	19.62	20.60	21.65		2442
	Annually	36982	38896	40810	42848	45032		2443
10	Hourly	19.19	20.23	21.32	22.55	23.76		2444
	Annually	39915	42078	44346	46904	49421		2445
11	Hourly	20.89	22.11	23.39	24.71	26.11		2446

	Annually	43451	45989	48651	51397	54309		2448
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	2449
	Annually	47923	50627	53352	56306	59446	62670	2450
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	2451
	Annually	52832	55744	58802	61942	65416	68973	2452
14	Hourly	27.93	29.51	31.10	32.80	34.65	36.59	2453
	Annually	58094	61381	64688	68224	72072	76107	2454
15	Hourly	30.68	32.41	34.24	36.12	38.13	40.22	2455
	Annually	63814	67413	71219	75130	79310	83658	2456
16	Hourly	33.83	35.71	37.67	39.79	41.98	44.38	2457
	Annually	70366	74277	78354	82763	87318	92310	2458
17	Hourly	37.28	39.34	41.54	43.83	46.27	48.86	2459
	Annually	77542	81827	86403	91166	96242	101629	2460
18	Hourly	41.08	43.36	45.80	48.31	50.99	53.84	2461
	Annually	85446	90189	95264	100485	106059	111987	2462
Schedule E-2								2463
	Range			Minimum			Maximum	2464
41	Hourly			16.23			37.25	2465
	Annually			33758			77480	2466
42	Hourly			17.89			41.14	2467
	Annually			37211			85571	2468
43	Hourly			19.70			45.31	2469
	Annually			40976			94245	2470
44	Hourly			21.73			49.50	2471
	Annually			45198			102960	2472
45	Hourly			24.01			54.04	2473
	Annually			49941			112403	2474
46	Hourly			26.43			59.06	2475
	Annually			54974			122845	2476
47	Hourly			29.14			64.45	2477
	Annually			60611			134056	2478
48	Hourly			32.14			70.33	2479
	Annually			66851			146286	2480

49	Hourly	35.44	75.94	2481
	Annually	73715	157955	2482

~~(C) Beginning on the first day of the pay period that includes July 1, 2008, each exempt employee who must be paid in accordance with salary schedule E-1 for step seven only shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E-1 for Step Seven Only~~ 2488

~~Pay Ranges and Step Values~~ 2489

~~Range~~ 2490

12	Hourly	31.80		2491
	Annually	66144		2492
13	Hourly	34.98		2493
	Annually	72758		2494
14	Hourly	38.57		2495
	Annually	80226		2496
15	Hourly	42.44		2497
	Annually	88275		2498
16	Hourly	46.81		2499
	Annually	97365		2500
17	Hourly	51.55		2501
	Annually	107224		2502
18	Hourly	56.80		2503
	Annually	118144		2504

~~(D) based upon merit.~~ 2505

~~(B) As used in this section, "exempt:~~ 2506

~~(1) "Exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the director of budget and management whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but and who is not considered a public employee for the purposes of Chapter 4117. of the Revised~~

<u>Code any of the following persons:</u>	2513
<u>(a) A person who is a member of the Ohio organized militia,</u>	2514
<u>while training or performing duty under section 5919.29 or 5923.12</u>	2515
<u>of the Revised Code;</u>	2516
<u>(b) A management level employee;</u>	2517
<u>(c) An employee of the clerks of courts who perform a</u>	2518
<u>judicial function;</u>	2519
<u>(d) An employee of a public official who acts in a fiduciary</u>	2520
<u>capacity, appointed pursuant to section 124.11 of the Revised</u>	2521
<u>Code;</u>	2522
<u>(e) A supervisor;</u>	2523
<u>(f) A seasonal or casual employee;</u>	2524
<u>(g) An employee of the state employment relations board;</u>	2525
<u>(h) A participant in a work activity, developmental activity,</u>	2526
<u>or alternative work activity under sections 5107.40 to 5107.69 of</u>	2527
<u>the Revised Code who performs a service for a public employer that</u>	2528
<u>the public employer needs but is not performed by an employee of</u>	2529
<u>the public employer if the participant is not engaged in paid</u>	2530
<u>employment or subsidized employment pursuant to the activity;</u>	2531
<u>(i) An employee included in the career professional service</u>	2532
<u>of the department of transportation under section 5501.20 of the</u>	2533
<u>Revised Code;</u>	2534
<u>(j) An employee of a community-based correctional facility or</u>	2535
<u>district community-based correctional facility created under</u>	2536
<u>sections 2301.51 to 2301.58 of the Revised Code who was not</u>	2537
<u>subject to a collective bargaining agreement on June 1, 2005. As</u>	2538
<u>used in this section, "exempt</u>	2539
<u>(2) "Exempt employee" also includes a permanent full-time or</u>	2540
<u>permanent part-time employee of the secretary of state, auditor of</u>	2541
<u>state, treasurer of state, or attorney general who has not been</u>	2542

~~placed in an appropriate bargaining unit by the state employment
relations board.~~ 2543
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(3) "Public employer" means the state or any state agency,
authority, commission, or board. 2545
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(4) "Supervisor" and "management level employee" have the
same meanings as in section 4117.01 of the Revised Code. 2547
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Sec. 124.181. (A) Except as provided in divisions ~~(M)~~(K) and
~~(P)~~(L) of this section, any employee who would be paid in 2549
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accordance with schedule B prescribed in the version of section 2551
124.15 of the Revised Code in effect immediately prior to the 2552
effective date of this amendment or schedule E-1 or schedule E-1 2553
for step seven only prescribed in the version of section 124.152 2554
of the Revised Code in effect immediately prior to the effective 2555
date of this amendment is eligible for the pay supplements 2556
provided in this section upon application by the appointing 2557
authority substantiating the employee's qualifications for the 2558
supplement and with the approval of the director of administrative 2559
services ~~except as provided in division (E) of this section.~~ 2560

~~(B)(1) Except as provided in section 124.183 of the Revised
Code, in computing any of the pay supplements provided in this
section for an employee paid in accordance with schedule B of
section 124.15 of the Revised Code, the classification salary base
shall be the minimum hourly rate of the pay range, provided in
that section, in which the employee is assigned at the time of
computation.~~ 2561
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~~(2) Except as provided in section 124.183 of the Revised
Code, in computing any of the pay supplements provided in this
section for an employee paid in accordance with schedule E-1 of
section 124.152 of the Revised Code, the classification salary
base shall be the minimum hourly rate of the pay range, provided
in that section, in which the employee is assigned at the time of~~ 2568
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computation. 2574

~~(3) Except as provided in section 124.183 of the Revised Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 for step seven only of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate in the corresponding pay range, provided in schedule E-1 of that section, to which the employee is assigned at the time of the computation.~~ 2575
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~~(C)~~ The effective date of any pay supplement, except as provided in section 124.183 of the Revised Code or unless otherwise provided in this section, shall be determined by the director. 2582
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~~(D)~~(C) The director shall, by rule, establish standards regarding the administration of this section. 2586
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~~(E)(1) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years of total service with the state government or any of its political subdivisions, each employee in positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code shall receive an automatic salary adjustment equivalent to two and one half per cent of the classification salary base, to the nearest whole cent. Each employee shall receive thereafter an annual adjustment equivalent to one half of one per cent of the employee's classification salary base, to the nearest whole cent, for each additional year of qualified employment until a maximum of ten per cent of the employee's classification salary base is reached. The granting of longevity adjustments shall not be affected by promotion, demotion, or other changes in classification held by the employee, nor by any change in pay range for the employee's class or grade. Longevity pay adjustments~~ 2588
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~~shall become effective at the beginning of the pay period within 2606
which the employee completes the necessary length of service, 2607
except that when an employee requests credit for prior service, 2608
the effective date of the prior service credit and of any 2609
longevity adjustment shall be the first day of the pay period 2610
following approval of the credit by the director of administrative 2611
services. No employee, other than an employee who submits proof of 2612
prior service within ninety days after the date of the employee's 2613
hiring, shall receive any longevity adjustment for the period 2614
prior to the director's approval of a prior service credit. Time 2615
spent on authorized leave of absence shall be counted for this 2616
purpose. 2617~~

~~(2) An employee who has retired in accordance with the 2618
provisions of any retirement system offered by the state and who 2619
is employed by the state or any political subdivision of the state 2620
on or after June 24, 1987, shall not have prior service with the 2621
state or any political subdivision of the state counted for the 2622
purpose of determining the amount of the salary adjustment 2623
provided under this division. 2624~~

~~(3) There shall be a moratorium on employees' receipt under 2625
this division of credit for service with the state government or 2626
any of its political subdivisions during the period from July 1, 2627
2003, through June 30, 2005. In calculating the number of years of 2628
total service under this division, no credit shall be included for 2629
service during the moratorium. The moratorium shall apply to the 2630
employees of the secretary of state, the auditor of state, the 2631
treasurer of state, and the attorney general, who are subject to 2632
this section unless the secretary of state, the auditor of state, 2633
the treasurer of state, or the attorney general decides to exempt 2634
the office's employees from the moratorium and so notifies the 2635
director of administrative services in writing on or before July 2636
1, 2003. 2637~~

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

~~(F)(D)~~ When an exceptional condition exists that creates a temporary or a permanent hazard for one or more positions in a class that would have been paid in accordance with schedule B prescribed in the version of section 124.15 of the Revised Code in effect immediately prior to the effective date of this amendment or in accordance with schedule E-1 or schedule E-1 for step seven only prescribed in the version of section 124.152 of the Revised Code in effect immediately prior to the effective date of this amendment, a special hazard salary adjustment may be granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into standard conditions of: some unusual hazard not common to the class; considerable unusual hazard not common to the class; and exceptional hazard not common to the class.

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

(2) A hazardous salary adjustment of seven and one-half per cent of the employee's ~~classification~~ salary base may be applied

in the case of some considerable hazardous condition not common to 2670
the class for those hours worked, or a fraction of those hours 2671
worked, while the employee was subject to the considerable hazard 2672
condition. 2673

(3) A hazardous salary adjustment of ten per cent of the 2674
employee's ~~classification~~ salary base may be applied in the case 2675
of some exceptional hazardous condition not common to the class 2676
for those hours worked, or a fraction of those hours worked, when 2677
the employee was subject to the exceptional hazard condition. 2678

(4) Each claim for temporary hazard pay shall be submitted as 2679
a separate payment and shall be subject to an administrative audit 2680
by the director as to the extent and duration of the employee's 2681
exposure to the hazardous condition. 2682

~~(G)~~(E) When a full-time employee whose salary or wage is paid 2683
directly by warrant of the director of budget and management and 2684
who also is eligible for overtime under the "Fair Labor Standards 2685
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 2686
ordered by the appointing authority to report back to work after 2687
termination of the employee's regular work schedule and the 2688
employee reports, the employee shall be paid for such time. The 2689
employee shall be entitled to four hours at the employee's total 2690
rate of pay or overtime compensation for the actual hours worked, 2691
whichever is greater. This division does not apply to work that is 2692
a continuation of or immediately preceding an employee's regular 2693
work schedule. 2694

~~(H)~~(F) When a certain position or positions that would have 2695
been paid in accordance with schedule B prescribed in the version 2696
of section 124.15 of the Revised Code in effect immediately prior 2697
to the effective date of this amendment or in accordance with 2698
schedule E-1 or schedule E-1 for step seven only as prescribed in 2699
the version of section 124.152 of the Revised Code in effect 2700
immediately prior to the effective date of this amendment require 2701

the ability to speak or write a language other than English, a 2702
special pay supplement may be granted to attract bilingual 2703
individuals, to encourage present employees to become proficient 2704
in other languages, or to retain qualified bilingual employees. 2705
The bilingual pay supplement provided in this division may be 2706
granted in the amount of five per cent of the employee's 2707
~~classification~~ salary ~~base~~ for each required foreign language and 2708
shall remain in effect as long as the bilingual requirement 2709
exists. 2710

~~(I)~~(G) The director of administrative services may establish 2711
a shift differential for employees. The differential shall be paid 2712
to employees in positions working in other than the regular or 2713
first shift. In those divisions or agencies where only one shift 2714
prevails, no shift differential shall be paid regardless of the 2715
hours of the day that are worked. The director and the appointing 2716
authority shall designate which positions shall be covered by this 2717
division. 2718

~~(J)~~(H) Whenever an employee is assigned to work in a higher 2719
level position for a continuous period of more than two weeks but 2720
no more than two years because of a vacancy, the employee's pay 2721
may be established at a rate that is approximately four per cent 2722
above the employee's current base rate for the period the employee 2723
occupies the position, provided that this temporary occupancy is 2724
approved by the director. Employees paid under this division shall 2725
continue to receive any of the pay supplements due them under 2726
other divisions of this section ~~based on the step one base rate~~ 2727
~~for their normal classification.~~ 2728

~~(K)~~(I) If a certain position, or positions, within a class 2729
that would have been paid in accordance with schedule B as 2730
prescribed in the version of section 124.15 of the Revised Code in 2731
effect immediately prior to the effective date of this amendment 2732
or in accordance with schedule E-1 or schedule E-1 for step seven 2733

only as prescribed in the version of section 124.152 of the 2734
Revised Code in effect immediately prior to the effective date of 2735
this amendment are mandated by state or federal law or regulation 2736
or other regulatory agency or other certification authority to 2737
have special technical certification, registration, or licensing 2738
to perform the functions which are under the mandate, a special 2739
professional achievement pay supplement may be granted. This 2740
special professional achievement pay supplement shall not be 2741
granted when all incumbents in all positions in a class require a 2742
license as provided in the classification description published by 2743
the department of administrative services; to licensees where no 2744
special or extensive training is required; when certification is 2745
granted upon completion of a stipulated term of in-service 2746
training; when an appointing authority has required certification; 2747
or any other condition prescribed by the director. 2748

(1) Before this supplement may be applied, evidence as to the 2749
requirement must be provided by the agency for each position 2750
involved, and certification must be received from the director as 2751
to the director's concurrence for each of the positions so 2752
affected. 2753

(2) The professional achievement pay supplement provided in 2754
this division shall be granted in an amount up to ten per cent of 2755
the employee's ~~classification~~ salary base and shall remain in 2756
effect as long as the mandate exists. 2757

~~(I)~~(J) Those employees assigned to teaching supervisory, 2758
principal, assistant principal, or superintendent positions who 2759
have attained a higher educational level than a basic bachelor's 2760
degree may receive an educational pay supplement to remain in 2761
effect as long as the employee's assignment and classification 2762
remain the same. 2763

(1) An educational pay supplement of two and one-half per 2764
cent of the employee's ~~classification~~ salary base may be applied 2765

upon the achievement of a bachelor's degree plus twenty quarter 2766
hours of postgraduate work. 2767

(2) An educational pay supplement of an additional five per 2768
cent of the employee's ~~classification~~ salary base may be applied 2769
upon achievement of a master's degree. 2770

(3) An educational pay supplement of an additional two and 2771
one-half per cent of the employee's ~~classification~~ salary base may 2772
be applied upon achievement of a master's degree plus thirty 2773
quarter hours of postgraduate work. 2774

(4) An educational pay supplement of five per cent of the 2775
employee's ~~classification~~ salary base may be applied when the 2776
employee is performing as a master teacher. 2777

(5) An educational pay supplement of five per cent of the 2778
employee's ~~classification~~ salary base may be applied when the 2779
employee is performing as a special education teacher. 2780

(6) Those employees in teaching supervisory, principal, 2781
assistant principal, or superintendent positions who are 2782
responsible for specific extracurricular activity programs shall 2783
receive overtime pay for those hours worked in excess of their 2784
normal schedule, at their straight time hourly rate up to a 2785
maximum of five per cent of their regular base salary in any 2786
calendar year. 2787

~~(M)(K)~~(1) A state agency, board, or commission may establish 2788
a supplementary compensation ~~schedule~~ for those licensed 2789
physicians employed by the agency, board, or commission in 2790
positions requiring a licensed physician. ~~The supplementary~~ 2791
~~compensation schedule, together with the compensation otherwise~~ 2792
~~authorized by this chapter, shall provide for the total~~ 2793
~~compensation for these employees to range appropriately, but not~~ 2794
~~necessarily uniformly, for each classification title requiring a~~ 2795
~~licensed physician, in accordance with a schedule approved by the~~ 2796

~~state controlling board. The individual salary levels recommended 2797
for each such physician employed shall be approved by the 2798
director. Notwithstanding section 124.11 of the Revised Code, such 2799
personnel are in the unclassified civil service. 2800~~

(2) The director of administrative services may approve 2801
supplementary compensation for the director of health, if the 2802
director is a licensed physician, ~~in accordance with a 2803
supplementary compensation schedule approved under division (M)(1) 2804
of this section or in accordance with another supplementary 2805
compensation schedule the director of administrative services 2806
considers appropriate. The supplementary compensation shall not 2807
exceed twenty per cent of the director of health's base rate of 2808
pay. 2809~~

~~(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 2810
117.42, and 131.02 of the Revised Code, the state shall not 2811
institute any civil action to recover and shall not seek 2812
reimbursement for overpayments made in violation of division (E) 2813
of this section or division (C) of section 9.44 of the Revised 2814
Code for the period starting after June 24, 1987, and ending on 2815
October 31, 1993. 2816~~

~~(O) Employees of the office of the treasurer of state who are 2817
exempt from collective bargaining coverage may be granted a merit 2818
pay supplement of up to one and one half per cent of their step 2819
rate. The rate at which this supplement is granted shall be based 2820
on performance standards established by the treasurer of state. 2821
Any supplements granted under this division shall be administered 2822
on an annual basis. 2823~~

~~(P)(L) Intermittent employees appointed under section 124.30 2824
of the Revised Code are not eligible for the pay supplements 2825
provided by this section. 2826~~

~~(Q) Employees of the office of the auditor of state who are 2827~~

~~exempt from collective bargaining and who are paid in accordance 2828
with schedule E 1 or in accordance with schedule E 1 for step 7 2829
only and are paid a salary or wage in accordance with the schedule 2830
of rates in division (B) or (C) of section 124.152 of the Revised 2831
Code shall receive a reduction of two per cent in their hourly and 2832
annual pay calculation beginning with the pay period that 2833
immediately follows July 1, 2009. 2834~~

Sec. 124.182. (A) There is hereby created in the state 2835
treasury the professional development fund. The director of 2836
administrative services shall use moneys credited to the fund to 2837
pay for programs that provide professional development 2838
opportunities for employees who are ~~exempt from collective~~ 2839
~~bargaining coverage and~~ paid by warrant of the director of budget 2840
and management and who would not have been considered public 2841
employees as defined in former section 4117.01 of the Revised 2842
Code, as that section existed immediately prior to the effective 2843
date of this amendment. The director of administrative services 2844
shall identify by rule adopted under Chapter 119. of the Revised 2845
Code programs for which payments from the fund shall be made. The 2846
fund also shall be used to pay any direct and indirect costs that 2847
are attributable to consultants or a third-party administrator and 2848
that are necessary to administer this section. All investment 2849
earnings of the fund shall be credited to it. 2850

(B) The director of administrative services, in consultation 2851
with the director of budget and management, shall determine a rate 2852
at which the payrolls of all participating state agencies with 2853
employees paid by warrant of the director of budget and management 2854
shall be charged each pay period that is sufficient to cover the 2855
costs of administering the programs paid for with the moneys 2856
credited to the professional development fund. The rate shall be 2857
based on the total number of those employees and may be adjusted 2858
as the director of administrative services, in consultation with 2859

the director of budget and management, considers necessary. All 2860
moneys collected from the charge shall be credited to the 2861
professional development fund. 2862

(C) If the director of administrative services determines 2863
that additional appropriation amounts are necessary, the director 2864
may request that the director of budget and management increase 2865
the appropriation amounts. The additional appropriation amounts 2866
are hereby appropriated. 2867

Sec. 124.322. Whenever a reduction in the work force is 2868
necessary, the appointing authority of an agency shall decide in 2869
which classification or classifications the layoff or layoffs will 2870
occur and the number of employees to be laid off within each 2871
affected classification. The director of administrative services 2872
shall adopt rules, under Chapter 119. of the Revised Code, 2873
establishing a method for determining layoff procedures and an 2874
order of layoff of, and the displacement and recall of, laid-off 2875
state and county employees. 2876

The order of layoff in those rules shall be based in part on 2877
length of service ~~and may~~; however, the rules shall prohibit an 2878
agency from using an employee's length of service as the only 2879
factor to determine whether to lay off the employee. The rules 2880
shall include efficiency in service, appointment type, ~~or~~ and 2881
similar other factors the director considers appropriate. ~~If the~~ 2882
~~director establishes relative efficiency as a criterion to be used~~ 2883
~~in determining order of layoff for state and county employees,~~ 2884
~~credit for efficiency may be other than ten per cent of total~~ 2885
~~retention points.~~ 2886

Sec. 124.325. (A) An appointing authority shall calculate an 2887
employee's retention points based upon length of service, 2888
efficiency of service, and other similar factors the director of 2889

administrative services, in the rules the director adopts for 2890
state or county employees under section 124.322 of the Revised 2891
Code, or the appointing authority, as applicable, determines is 2892
appropriate. ~~Retention points to reflect the length of continuous~~ 2893
~~service and efficiency in service~~ for all employees affected by a 2894
layoff shall be verified by the director of administrative 2895
services for positions in the service of the state. 2896

(B) An employee's length of continuous service will be 2897
carried from one layoff jurisdiction to another so long as no 2898
break in service occurs between transfers or appointments. 2899

(C) ~~If (1) Except as otherwise provided in division (C)(2) of~~ 2900
~~this section, an appointing authority shall adopt rules to~~ 2901
~~determine which employee the appointing authority shall lay off~~ 2902
~~first if~~ two or more employees have an identical number of 2903
retention points, ~~employees having the shortest period of~~ 2904
~~continuous service shall be laid off first.~~ 2905

(2) The director shall adopt rules in accordance with Chapter 2906
119. of the Revised Code to establish a system for the assignment 2907
of retention points for each employee in the service of the state 2908
in a classification affected by a layoff and for determining, in 2909
those instances where employees in the service of the state have 2910
identical retention points, which employee shall be laid off 2911
first. The rules shall permit an appointing authority to consider 2912
the number of management and nonmanagement employees when 2913
determining which employees to lay off. 2914

(D)(1) As used in this division, "affected employee" means a 2915
city employee who becomes a county employee, or a county employee 2916
who becomes a city employee, as the result of any of the 2917
following: 2918

(a) The merger of a city and a county office; 2919

(b) The merger of city and county functions or duties; 2920

(c) The transfer of functions or duties between a city and 2921
county. 2922

(2) For purposes of this section, the new employer of any 2923
affected employee shall treat the employee's prior service with a 2924
former employer as if it had been served with the new employer. 2925

~~(E) The director of administrative services shall adopt rules 2926
in accordance with Chapter 119. of the Revised Code to establish a 2927
system for the assignment of retention points for each employee in 2928
the service of the state in a classification affected by a layoff 2929
and for determining, in those instances where employees in the 2930
service of the state have identical retention points, which 2931
employee shall be laid off first. 2932~~

Sec. 124.327. (A) Employees who have been laid off or have, 2933
by virtue of exercising their displacement rights, been displaced 2934
to a lower classification in their classification series, shall be 2935
placed on appropriate layoff lists. Those employees with the most 2936
retention points within each category of order of layoff, as 2937
established in section 124.323 of the Revised Code, shall be 2938
placed at the top of the layoff list to be followed by employees 2939
ranked in descending total retention order. Laid-off employees 2940
shall be placed on layoff lists for each classification in the 2941
classification series equal to or lower than the classification in 2942
which the employee was employed at the time of layoff. 2943

(B) An employee who is laid off retains reinstatement rights 2944
in the agency from which the employee was laid off. Reinstatement 2945
rights continue for one year from the date of layoff. During this 2946
one-year period, in any layoff jurisdiction in which an appointing 2947
authority has an employee on a layoff list, the appointing 2948
authority shall not hire or promote anyone into a position within 2949
that classification until all laid-off persons on a layoff list 2950
for that classification who are qualified to perform the duties of 2951

the position are reinstated or decline the position when it is 2952
offered. 2953

~~For an exempt employee, as defined in section 124.152 of the 2954
Revised Code, who has reinstatement rights into a bargaining unit 2955
classification, the exempt employee's recall jurisdiction shall be 2956
the counties in which the exempt employee indicates willingness to 2957
accept reinstatement as determined by the applicable collective 2958
bargaining agreement. 2959~~

(C) Each laid-off or displaced employee, in addition to 2960
reinstatement rights within the employee's appointing authority, 2961
has the right to reemployment with any other state agency, board, 2962
commission, or independent institution described in division 2963
(B)(1) of section 124.326 of the Revised Code, if the employee 2964
meets all applicable position-specific minimum qualifications 2965
developed by the other agency, board, commission, or independent 2966
institution and reviewed for validity by the department of 2967
administrative services or, in the absence of position-specific 2968
minimum qualifications so developed and reviewed, meets the 2969
qualifications described in the applicable classification, but 2970
only in the same classification from which the employee was 2971
initially laid off or displaced. Layoff lists for each appointing 2972
authority must be exhausted before other jurisdiction reemployment 2973
layoff lists are used. 2974

(D) Any employee accepting or declining reinstatement to the 2975
same classification and same appointment type from which the 2976
employee was laid off or displaced shall be removed from the 2977
appointing authority's layoff list. 2978

(E) Any employee accepting or declining reemployment to the 2979
same classification and the same appointment type from which the 2980
employee was laid off or displaced shall be removed from the 2981
layoff list for the jurisdiction in which the employee accepted or 2982
declined that reemployment as determined under division (C) of 2983

this section. 2984

(F) An employee who does not exercise the option to displace 2985
under section 124.324 of the Revised Code shall only be entitled 2986
to reinstatement or reemployment in the classification from which 2987
the employee was displaced or laid off. 2988

(G) Except as otherwise provided in this division, an 2989
employee who declines reinstatement to a classification lower in 2990
the classification series than the classification from which the 2991
employee was laid off or displaced, thereafter is only entitled to 2992
reinstatement to a classification higher, up to and including the 2993
classification from which the employee was laid off or displaced, 2994
in the classification series than the classification that was 2995
declined. This division does not apply when an employee, who was a 2996
full-time employee at the time of layoff or displacement, declines 2997
reinstatement in a part-time position. 2998

(H) Any employee reinstated or reemployed under this section 2999
shall not serve a probationary period upon reinstatement or 3000
reemployment, except that an employee laid off during an original 3001
or promotional probationary period shall begin a new probationary 3002
period. 3003

(I) For the purposes of this section, employees whose salary 3004
or wage is not paid directly by warrant of the director of budget 3005
and management shall be placed on layoff lists of their appointing 3006
authority only. 3007

Sec. 124.34. (A) The tenure of every officer or employee in 3008
the classified service of the state and the counties, civil 3009
service townships, cities, city health districts, general health 3010
districts, and city school districts of the state, holding a 3011
position under this chapter, shall be during good behavior and 3012
efficient service. No officer or employee shall be reduced in pay 3013
or position, fined, suspended, or removed, or have the officer's 3014

or employee's longevity reduced or eliminated, except as provided 3015
in section 124.32 of the Revised Code, and for incompetency, 3016
inefficiency, dishonesty, drunkenness, immoral conduct, 3017
insubordination, discourteous treatment of the public, neglect of 3018
duty, violation of any policy or work rule of the officer's or 3019
employee's appointing authority, violation of this chapter or the 3020
rules of the director of administrative services or the 3021
commission, any other failure of good behavior, any other acts of 3022
misfeasance, malfeasance, or nonfeasance in office, or conviction 3023
of a felony. The denial of a one-time pay supplement or a bonus to 3024
an officer or employee is not a reduction in pay for purposes of 3025
this section. 3026

This section does not apply to any modifications or 3027
reductions in pay authorized by ~~division (Q) of section 124.181 or~~ 3028
section 124.392 or 124.393 of the Revised Code. 3029

An appointing authority may require an employee who is 3030
suspended to report to work to serve the suspension. An employee 3031
serving a suspension in this manner shall continue to be 3032
compensated at the employee's regular rate of pay for hours 3033
worked. The disciplinary action shall be recorded in the 3034
employee's personnel file in the same manner as other disciplinary 3035
actions and has the same effect as a suspension without pay for 3036
the purpose of recording disciplinary actions. 3037

A finding by the appropriate ethics commission, based upon a 3038
preponderance of the evidence, that the facts alleged in a 3039
complaint under section 102.06 of the Revised Code constitute a 3040
violation of Chapter 102., section 2921.42, or section 2921.43 of 3041
the Revised Code may constitute grounds for dismissal. Failure to 3042
file a statement or falsely filing a statement required by section 3043
102.02 of the Revised Code may also constitute grounds for 3044
dismissal. The tenure of an employee in the career professional 3045
service of the department of transportation is subject to section 3046

5501.20 of the Revised Code. 3047

Conviction of a felony is a separate basis for reducing in 3048
pay or position, suspending, or removing an officer or employee, 3049
even if the officer or employee has already been reduced in pay or 3050
position, suspended, or removed for the same conduct that is the 3051
basis of the felony. An officer or employee may not appeal to the 3052
state personnel board of review or the commission any disciplinary 3053
action taken by an appointing authority as a result of the 3054
officer's or employee's conviction of a felony. If an officer or 3055
employee removed under this section is reinstated as a result of 3056
an appeal of the removal, any conviction of a felony that occurs 3057
during the pendency of the appeal is a basis for further 3058
disciplinary action under this section upon the officer's or 3059
employee's reinstatement. 3060

A person convicted of a felony immediately forfeits the 3061
person's status as a classified employee in any public employment 3062
on and after the date of the conviction for the felony. If an 3063
officer or employee is removed under this section as a result of 3064
being convicted of a felony or is subsequently convicted of a 3065
felony that involves the same conduct that was the basis for the 3066
removal, the officer or employee is barred from receiving any 3067
compensation after the removal notwithstanding any modification or 3068
disaffirmance of the removal, unless the conviction for the felony 3069
is subsequently reversed or annulled. 3070

Any person removed for conviction of a felony is entitled to 3071
a cash payment for any accrued but unused sick, personal, and 3072
vacation leave as authorized by law. If subsequently reemployed in 3073
the public sector, the person shall qualify for and accrue these 3074
forms of leave in the manner specified by law for a newly 3075
appointed employee and shall not be credited with prior public 3076
service for the purpose of receiving these forms of leave. 3077

As used in this division, "felony" means any of the 3078

following:	3079
(1) A felony that is an offense of violence as defined in section 2901.01 of the Revised Code;	3080 3081
(2) A felony that is a felony drug abuse offense as defined in section 2925.01 of the Revised Code;	3082 3083
(3) A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;	3084 3085
(4) A felony involving dishonesty, fraud, or theft;	3086
(5) A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.	3087 3088
(B) In case of a reduction, a suspension of more than forty work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of more than twenty-four work hours in the case of an employee required to be paid overtime compensation, a fine of more than forty hours' pay in the case of an employee exempt from the payment of overtime compensation, a fine of more than twenty-four hours' pay in the case of an employee required to be paid overtime compensation, or removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action.	3089 3090 3091 3092 3093 3094 3095 3096 3097 3098 3099 3100
Within ten days following the date on which the order is served or, in the case of an employee in the career professional service of the department of transportation, within ten days following the filing of a removal order, the employee, except as otherwise provided in this section, may file an appeal of the order in writing with the state personnel board of review or the commission. For purposes of this section, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail,	3101 3102 3103 3104 3105 3106 3107 3108 3109

whichever occurs first. If an appeal is filed, the board or 3110
commission shall forthwith notify the appointing authority and 3111
shall hear, or appoint a trial board to hear, the appeal within 3112
thirty days from and after its filing with the board or 3113
commission. The board, commission, or trial board may affirm, 3114
disaffirm, or modify the judgment of the appointing authority. 3115
However, in an appeal of a removal order based upon a violation of 3116
a last chance agreement, the board, commission, or trial board may 3117
only determine if the employee violated the agreement and thus 3118
affirm or disaffirm the judgment of the appointing authority. 3119

In cases of removal or reduction in pay for disciplinary 3120
reasons, either the appointing authority or the officer or 3121
employee may appeal from the decision of the state personnel board 3122
of review or the commission, and any such appeal shall be to the 3123
court of common pleas of the county in which the appointing 3124
authority is located, or to the court of common pleas of Franklin 3125
county, as provided by section 119.12 of the Revised Code. 3126

(C) In the case of the suspension for any period of time, or 3127
a fine, demotion, or removal, of a chief of police, a chief of a 3128
fire department, or any member of the police or fire department of 3129
a city or civil service township, who is in the classified civil 3130
service, the appointing authority shall furnish the chief or 3131
member with a copy of the order of suspension, fine, demotion, or 3132
removal, which order shall state the reasons for the action. The 3133
order shall be filed with the municipal or civil service township 3134
civil service commission. Within ten days following the filing of 3135
the order, the chief or member may file an appeal, in writing, 3136
with the commission. If an appeal is filed, the commission shall 3137
forthwith notify the appointing authority and shall hear, or 3138
appoint a trial board to hear, the appeal within thirty days from 3139
and after its filing with the commission, and it may affirm, 3140
disaffirm, or modify the judgment of the appointing authority. An 3141

appeal on questions of law and fact may be had from the decision 3142
of the commission to the court of common pleas in the county in 3143
which the city or civil service township is situated. The appeal 3144
shall be taken within thirty days from the finding of the 3145
commission. 3146

(D) A violation of division (A)(7) of section 2907.03 of the 3147
Revised Code is grounds for termination of employment of a 3148
nonteaching employee under this section. 3149

(E) As used in this section, "last chance agreement" means an 3150
agreement signed by both an appointing authority and an officer or 3151
employee of the appointing authority that describes the type of 3152
behavior or circumstances that, if it occurs, will automatically 3153
lead to removal of the officer or employee without the right of 3154
appeal to the state personnel board of review or the appropriate 3155
commission. 3156

Sec. 124.38. Each of the following shall be entitled for each 3157
completed eighty hours of service to sick leave of four and 3158
six-tenths hours with pay: 3159

(A) Employees in the various offices of the county, 3160
municipal, and civil service township service, other than 3161
superintendents and management employees, as defined in section 3162
5126.20 of the Revised Code, of county boards of developmental 3163
disabilities; 3164

(B) Employees of any state college or university; 3165

~~(C) Employees of any board of education for whom sick leave 3166
is not provided by section 3319.141 of the Revised Code. 3167~~

Employees may use sick leave, upon approval of the 3168
responsible administrative officer of the employing unit, for 3169
absence due to personal illness, pregnancy, injury, exposure to 3170
contagious disease that could be communicated to other employees, 3171

and illness, injury, or death in the employee's immediate family. 3172
Unused sick leave shall be cumulative without limit. When sick 3173
leave is used, it shall be deducted from the employee's credit on 3174
the basis of one hour for every one hour of absence from 3175
previously scheduled work. 3176

The previously accumulated sick leave of an employee who has 3177
been separated from the public service shall be placed to the 3178
employee's credit upon the employee's re-employment in the public 3179
service, provided that the re-employment takes place within ten 3180
years of the date on which the employee was last terminated from 3181
public service. This ten-year period shall be tolled for any 3182
period during which the employee holds elective public office, 3183
whether by election or by appointment. 3184

An employee who transfers from one public agency to another 3185
shall be credited with the unused balance of the employee's 3186
accumulated sick leave up to the maximum of the sick leave 3187
accumulation permitted in the public agency to which the employee 3188
transfers. 3189

The appointing authorities of the various offices of the 3190
county service may permit all or any part of a person's accrued 3191
but unused sick leave acquired during service with any regional 3192
council of government established in accordance with Chapter 167. 3193
of the Revised Code to be credited to the employee upon a transfer 3194
as if the employee were transferring from one public agency to 3195
another under this section. 3196

The appointing authority of each employing unit shall require 3197
an employee to furnish a satisfactory written, signed statement to 3198
justify the use of sick leave. If medical attention is required, a 3199
certificate stating the nature of the illness from a licensed 3200
physician shall be required to justify the use of sick leave. 3201
Falsification of either a written, signed statement or a 3202
physician's certificate shall be grounds for disciplinary action, 3203

including dismissal. 3204

This section does not interfere with existing unused sick 3205
leave credit in any agency of government where attendance records 3206
are maintained and credit has been given employees for unused sick 3207
leave. 3208

Notwithstanding this section or any other section of the 3209
Revised Code, any appointing authority of a county office, 3210
department, commission, board, or body may, upon notification to 3211
the board of county commissioners, establish alternative schedules 3212
of sick leave for employees of the appointing authority for whom 3213
the state employment relations board has not established an 3214
appropriate bargaining unit pursuant to section 4117.06 of the 3215
Revised Code, as long as the alternative schedules are not 3216
inconsistent with the provisions of at least one collective 3217
bargaining agreement covering other employees of that appointing 3218
authority, if such a collective bargaining agreement exists. If no 3219
such collective bargaining agreement exists, an appointing 3220
authority may, upon notification to the board of county 3221
commissioners, establish an alternative schedule of sick leave for 3222
its employees that does not diminish the sick leave benefits 3223
granted by this section. 3224

Any sick leave that a board of education awards shall be 3225
awarded in accordance with the leave policy the board adopts 3226
pursuant to section 3319.141 of the Revised Code. 3227

Sec. 124.382. (A) As used in this section and sections 3228
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 3229

(1) "Pay period" means the fourteen-day period of time during 3230
which the payroll is accumulated, as determined by the director of 3231
administrative services. 3232

(2) "Active pay status" means the conditions under which an 3233

employee is eligible to receive pay, and includes, but is not 3234
limited to, vacation leave, sick leave, personal leave, 3235
bereavement leave, and administrative leave. 3236

(3) "No pay status" means the conditions under which an 3237
employee is ineligible to receive pay and includes, but is not 3238
limited to, leave without pay, leave of absence, and disability 3239
leave. 3240

(4) "Disability leave" means the leave granted pursuant to 3241
section 124.385 of the Revised Code. 3242

(5) "Full-time permanent employee" means an employee whose 3243
regular hours of duty total eighty hours in a pay period in a 3244
state agency and whose appointment is not for a limited period of 3245
time. 3246

(6) "Base rate of pay" means the rate of pay established 3247
under ~~schedule B or C of~~ section 124.15 or section 124.152 of the 3248
Revised Code ~~or under schedule E 1, schedule E 1 for step seven~~ 3249
~~only, or schedule E 2 of section 124.152 of the Revised Code,~~ plus 3250
any supplement provided under section 124.181 of the Revised Code, 3251
~~plus any supplements enacted into law which are added to schedule~~ 3252
~~B or C of section 124.15 of the Revised Code or to schedule E 1,~~ 3253
~~schedule E 1 for step seven only, or schedule E 2 of section~~ 3254
~~124.152 of the Revised Code.~~ 3255

(7) "Part-time permanent employee" means an employee whose 3256
regular hours of duty total less than eighty hours in a pay period 3257
in a state agency and whose appointment is not for a limited 3258
period of time. 3259

(B) Each full-time permanent and part-time permanent employee 3260
whose salary or wage is paid directly by warrant of the director 3261
of budget and management shall be credited with sick leave of 3262
three and one-tenth hours for each completed eighty hours of 3263
service, excluding overtime hours worked. Sick leave is not 3264

available for use until it appears on the employee's earning 3265
statement and the compensation described in the earning statement 3266
is available to the employee. 3267

(C) Any sick leave credit provided pursuant to division (B) 3268
of this section, remaining as of the last day of the pay period 3269
preceding the first paycheck the employee receives in December, 3270
shall be converted pursuant to section 124.383 of the Revised 3271
Code. 3272

(D) Employees may use sick leave, provided a credit balance 3273
is available, upon approval of the responsible administrative 3274
officer of the employing unit, for absence due to personal 3275
illness, pregnancy, injury, exposure to contagious disease that 3276
could be communicated to other employees, and illness, injury, or 3277
death in the employee's immediate family. When sick leave is used, 3278
it shall be deducted from the employee's credit on the basis of 3279
absence from previously scheduled work in such increments of an 3280
hour and at such a compensation rate as the director of 3281
administrative services determines. The appointing authority of 3282
each employing unit may require an employee to furnish a 3283
satisfactory, signed statement to justify the use of sick leave. 3284

If, after having utilized the credit provided by this 3285
section, an employee utilizes sick leave that was accumulated 3286
prior to November 15, 1981, compensation for such sick leave used 3287
shall be at a rate as the director determines. 3288

(E)(1) The previously accumulated sick leave balance of an 3289
employee who has been separated from the public service, for which 3290
separation payments pursuant to section 124.384 of the Revised 3291
Code have not been made, shall be placed to the employee's credit 3292
upon the employee's reemployment in the public service, if the 3293
reemployment takes place within ten years of the date on which the 3294
employee was last terminated from public service. 3295

(2) The previously accumulated sick leave balance of an 3296
employee who has separated from a school district shall be placed 3297
to the employee's credit upon the employee's appointment as an 3298
unclassified employee of the state department of education, if all 3299
of the following apply: 3300

(a) The employee accumulated the sick leave balance while 3301
employed by the school district. 3302

(b) The employee did not receive any separation payments for 3303
the sick leave balance. 3304

(c) The employee's employment with the department takes place 3305
within ten years after the date on which the employee separated 3306
from the school district. 3307

(F) An employee who transfers from one public agency to 3308
another shall be credited with the unused balance of the 3309
employee's accumulated sick leave. 3310

(G) The director of administrative services shall establish 3311
procedures to uniformly administer this section. No sick leave may 3312
be granted to a state employee upon or after the employee's 3313
retirement or termination of employment. 3314

(H) As used in this division, "active payroll" means 3315
conditions under which an employee is in active pay status or 3316
eligible to receive pay for an approved leave of absence, 3317
including, but not limited to, occupational injury leave, 3318
disability leave, or workers' compensation. 3319

(1) Employees who are in active payroll status on June 18, 3320
2011, shall receive a one-time credit of additional sick leave in 3321
the pay period that begins on July 1, 2011. Full-time employees 3322
shall receive the lesser of either a one-time credit of thirty-two 3323
hours of additional sick leave or a one-time credit of additional 3324
sick leave equivalent to half the hours of personal leave the 3325
employee lost during the moratorium established under either 3326

division (A) of section 124.386 of the Revised Code or pursuant to 3327
a rule of the director of administrative services. Part-time 3328
employees shall receive a one-time credit of sixteen hours of 3329
additional sick leave. 3330

(2) Employees who are not in active payroll status due to 3331
military leave or an absence taken in accordance with the federal 3332
"Family and Medical Leave Act" are eligible to receive the 3333
one-time additional sick leave credit. 3334

(3) The one-time additional sick leave credit does not apply 3335
to employees of the supreme court, general assembly, legislative 3336
service commission, secretary of state, auditor of state, 3337
treasurer of state, or attorney general unless the supreme court, 3338
general assembly, legislative service commission, secretary of 3339
state, auditor of state, treasurer of state, or attorney general 3340
participated in the moratorium under division (H) or (I) of 3341
section 124.386 of the Revised Code and notifies in writing the 3342
director of administrative services on or before June 1, 2011, of 3343
the decision to participate in the one-time additional sick leave 3344
credit. Written notice under this division shall be signed by the 3345
appointing authority for employees of the supreme court, general 3346
assembly, or legislative service commission, as the case may be. 3347

Sec. 124.388. (A) ~~An~~ Except as otherwise provided in division 3348
(C) of this section, an appointing authority may, in its 3349
discretion, place an employee on administrative leave with pay. 3350
Administrative leave with pay is to be used only in circumstances 3351
where the health or safety of an employee or of any person or 3352
property entrusted to the employee's care could be adversely 3353
affected. Compensation for administrative leave with pay shall be 3354
equal to the employee's base rate of pay. The length of 3355
administrative leave with pay is solely at the discretion of the 3356
appointing authority, but shall not exceed the length of the 3357

situation for which the leave was granted. An appointing authority 3358
may also grant administrative leave with pay of two days or less 3359
for employees who are moved in accordance with section 124.33 of 3360
the Revised Code. 3361

(B) ~~An~~ Except as otherwise provided in division (C) of this 3362
section, an appointing authority may, in its discretion, place an 3363
employee on administrative leave without pay for a period not to 3364
exceed two months, if the employee has been charged with a 3365
violation of law that is punishable as a felony. If the employee 3366
subsequently does not plead guilty to or is not found guilty of a 3367
felony with which the employee is charged or any other felony, the 3368
appointing authority shall pay the employee at the employee's base 3369
rate of pay, plus interest, for the period the employee was on the 3370
unpaid administrative leave. 3371

(C) An appointing authority that is a city school district 3372
may place an employee on administrative leave in accordance with 3373
the policy the board of education of the district adopts pursuant 3374
to section 3319.141 of the Revised Code. 3375

Sec. 124.39. As used in this section, "retirement" means 3376
disability or service retirement under any state or municipal 3377
retirement system in this state. 3378

(A)(1) Except as provided in division (A)(3) of this section, 3379
an employee of a state college or university may elect, at the 3380
time of retirement from active service and with ten or more years 3381
of service with the state or any of its political subdivisions, to 3382
be paid in cash for one-fourth of the value of the employee's 3383
accrued but unused sick leave credit. Such payment shall be based 3384
on the employee's rate of pay at the time of retirement. Payment 3385
for sick leave on this basis shall be considered to eliminate all 3386
sick leave credit accrued by the employee at that time. Such 3387
payment shall be made only once to any employee. The maximum 3388

payment which may be made under this division shall be for 3389
one-fourth of one hundred twenty days. 3390

(2) A state college or university may adopt a policy allowing 3391
an employee to receive payment for more than one-fourth the value 3392
of the employee's unused sick leave or for more than the aggregate 3393
value of thirty days of the employee's unused sick leave, or 3394
allowing the number of years of service to be less than ten. 3395

(3) Notwithstanding the provisions of division (A)(1) of this 3396
section, any employee who retired from the university of 3397
Cincinnati on or after September 25, 1978, and on or before 3398
November 15, 1981, may be paid in cash for up to one-half of the 3399
value of the employee's accrued but unused sick leave credit up to 3400
a maximum of sixty days if the employee otherwise meets the 3401
service and other requirements necessary to receive such payment 3402
and if any such payment has deducted from it any amount previously 3403
paid to the employee from the employee's accrued but unused sick 3404
leave credit at the time of the employee's retirement. 3405

(B) Except as provided in division (C) of this section, an 3406
employee of a political subdivision covered by section 124.38 or 3407
3319.141 of the Revised Code may elect, at the time of retirement 3408
from active service with the political subdivision, and with ten 3409
or more years of service with the state, any political 3410
subdivisions, or any combination thereof, to be paid in cash for 3411
one-fourth the value of the employee's accrued but unused sick 3412
leave credit. The payment shall be based on the employee's rate of 3413
pay at the time of retirement and eliminates all sick leave credit 3414
accrued but unused by the employee at the time payment is made. An 3415
employee may receive one or more payments under this division, but 3416
the aggregate value of accrued but unused sick leave credit that 3417
is paid shall not exceed, for all payments, the value of thirty 3418
days of accrued but unused sick leave. 3419

(C) A political subdivision may adopt a policy allowing an 3420

employee to receive payment for more than one-fourth the value of 3421
the employee's unused sick leave or for more than the aggregate 3422
value of thirty days of the employee's unused sick leave, or 3423
allowing the number of years of service to be less than ten. The 3424
political subdivision may also adopt a policy permitting an 3425
employee to receive payment upon a termination of employment other 3426
than retirement or permitting more than one payment to any 3427
employee. Any policy adopted under this division by a political 3428
subdivision that is a city school district shall comply with the 3429
policy the board of education of the district adopts pursuant to 3430
section 3319.141 of the Revised Code. 3431

Notwithstanding section 325.17 or any other section of the 3432
Revised Code authorizing any appointing authority of a county 3433
office, department, commission, or board to set compensation, any 3434
modification of the right provided by division (B) of this 3435
section, and any policy adopted under division (C) of this 3436
section, shall only apply to a county office, department, 3437
commission, or board if it is adopted in one of the following 3438
ways: 3439

(1) By resolution of the board of county commissioners for 3440
any office, department, commission, or board that receives at 3441
least one-half of its funding from the county general revenue 3442
fund; 3443

(2) By order of any appointing authority of a county office, 3444
department, commission, or board that receives less than one-half 3445
of its funding from the county general revenue fund. Such office, 3446
department, commission, or board shall provide written notice to 3447
the board of county commissioners of such order. 3448

(3) As part of a collective bargaining agreement. 3449

A political subdivision may adopt policies similar to the 3450
provisions contained in sections 124.382 to 124.386 of the Revised 3451

Code. 3452

Sec. 124.81. (A) Except as provided in division (F) of this 3453
section, the department of administrative services in consultation 3454
with the superintendent of insurance shall negotiate with and, in 3455
accordance with the competitive selection procedures of Chapter 3456
125. of the Revised Code, contract with one or more insurance 3457
companies authorized to do business in this state, for the 3458
issuance of one of the following: 3459

(1) A policy of group life insurance covering all state 3460
employees who are paid directly by warrant of the state auditor, 3461
including elected state officials; 3462

(2) A combined policy, or coordinated policies of one or more 3463
insurance companies or health insuring corporations in combination 3464
with one or more insurance companies providing group life and 3465
health, medical, hospital, dental, or surgical insurance, or any 3466
combination thereof, covering all such employees; 3467

(3) A policy that may include, but is not limited to, 3468
~~hospitalization, surgical, major medical, dental, vision, and~~ 3469
~~medical health care, disability, hearing aids, prescription drugs~~ 3470
benefits, group life, life, sickness, and accident insurance, 3471
group legal services, or a combination of the above benefits for 3472
some or all of the employees paid in accordance with section 3473
124.152 of the Revised Code and for some or all of the employees 3474
listed in divisions (B)(2) and (4) of section 124.14 of the 3475
Revised Code, and their immediate dependents. 3476

(B) The department of administrative services in consultation 3477
with the superintendent of insurance shall negotiate with and, in 3478
accordance with the competitive selection procedures of Chapter 3479
125. of the Revised Code, contract with one or more insurance 3480
companies authorized to do business in this state, for the 3481
issuance of a policy of group life insurance covering all 3482

municipal and county court judges. The amount of such coverage 3483
shall be an amount equal to the aggregate salary set forth for 3484
each municipal court judge in sections 141.04 and 1901.11 of the 3485
Revised Code, and set forth for each county court judge in 3486
sections 141.04 and 1907.16 of the Revised Code. 3487

(C) If a state employee uses all accumulated sick leave and 3488
then goes on an extended medical disability, the policyholder 3489
shall continue at no cost to the employee the coverage of the 3490
group life insurance for such employee for the period of such 3491
extended leave, but not beyond three years. 3492

(D) If a state employee insured under a group life insurance 3493
policy as provided in division (A) of this section is laid off 3494
pursuant to section 124.32 of the Revised Code, such employee by 3495
request to the policyholder, made no later than the effective date 3496
of the layoff, may elect to continue the employee's group life 3497
insurance for the one-year period through which the employee may 3498
be considered to be on laid-off status by paying the policyholder 3499
through payroll deduction or otherwise twelve times the monthly 3500
premium computed at the existing average rate for the group life 3501
case for the amount of the employee's insurance thereunder at the 3502
time of the employee's layoff. The policyholder shall pay the 3503
premiums to the insurance company at the time of the next regular 3504
monthly premium payment for the actively insured employees and 3505
furnish the company appropriate data as to such laid-off 3506
employees. At the time an employee receives written notice of a 3507
layoff, the policyholder shall also give such employee written 3508
notice of the opportunity to continue group life insurance in 3509
accordance with this division. When such laid-off employee is 3510
reinstated for active work before the end of the one-year period, 3511
the employee shall be reclassified as insured again as an active 3512
employee under the group and appropriate refunds for the number of 3513
full months of unearned premium payment shall be made by the 3514

policyholder. 3515

(E) This section does not affect the conversion rights of an 3516
insured employee when the employee's group insurance terminates 3517
under the policy. 3518

(F) Notwithstanding division (A) of this section, the 3519
department may provide benefits equivalent to those that may be 3520
paid under a policy issued by an insurance company, or the 3521
department may, to comply with a collectively bargained contract, 3522
enter into an agreement with a jointly administered trust fund 3523
which receives contributions pursuant to a collective bargaining 3524
agreement entered into between ~~this state, or any of its political~~ 3525
~~subdivisions,~~ subdivision of the state and any collective 3526
bargaining representative of the employees of ~~this state or any~~ 3527
political subdivision for the purpose of providing for 3528
self-insurance of all risk in the provision of fringe benefits 3529
similar to those that may be paid pursuant to division (A) of this 3530
section, and the jointly administered trust fund may provide 3531
through the self-insurance method specific fringe benefits as 3532
authorized by the rules of the board of trustees of the jointly 3533
administered trust fund. Any health care benefits provided through 3534
the fund shall be the same as those health care benefits provided 3535
under a contract entered into under division (A) of this section. 3536
The director shall make any contract entered into under division 3537
(A) of this section that provides health care benefits available 3538
to the board of trustees of the jointly administered trust fund. 3539
Amounts from the fund may be used to pay direct and indirect costs 3540
that are attributable to consultants or a third-party 3541
administrator and that are necessary to administer this section. 3542
Benefits provided under this section include, ~~but are not limited~~ 3543
~~to, hospitalization, surgical care, major medical care,~~ 3544
~~disability, dental care, vision care, medical~~ health care, ~~hearing~~ 3545
~~aids, prescription drugs~~ benefits, group life insurance, sickness 3546

and accident insurance, group legal services, or a combination of 3547
the above benefits, for the employees and their immediate 3548
dependents. 3549

(G) Notwithstanding any other provision of the Revised Code, 3550
any public employer, ~~including the state, and any of its~~ that is a 3551
~~political subdivisions~~ subdivision of this state, including, but 3552
not limited to, any county, county hospital, municipal 3553
corporation, township, park district, school district, ~~state~~ 3554
~~institution of higher education~~, public or special district, ~~state~~ 3555
~~agency, authority, commission, or board~~, or any other branch of 3556
public employment that is not the state or a state institution of 3557
higher education, and any collective bargaining representative of 3558
employees of ~~the state or~~ any political subdivision may agree in a 3559
collective bargaining agreement that any mutually agreed fringe 3560
benefit including, ~~but not limited to, hospitalization, surgical~~ 3561
~~care, major medical care, disability, dental care, vision care,~~ 3562
~~medical~~ health care, hearing aids, prescription drugs benefits, 3563
group life insurance, sickness and accident insurance, group legal 3564
services, or a combination thereof, for employees and their 3565
dependents be provided through a mutually agreed upon contribution 3566
to a jointly administered trust fund. Amounts from the fund may be 3567
used to pay direct and indirect costs that are attributable to 3568
consultants or a third-party administrator and that are necessary 3569
to administer this section. The amount, type, and structure of 3570
fringe benefits provided under this division is subject to the 3571
determination of the board of trustees of the jointly administered 3572
trust fund, except that any health care benefits provided through 3573
the fund shall be the same as those health care benefits provided 3574
under a contract entered into between the public employer and the 3575
insurance company providing those benefits. The public employer 3576
shall make that contract available to the board of trustees of the 3577
jointly administered trust fund. Notwithstanding any other 3578
provision of the Revised Code, competitive bidding does not apply 3579

to the purchase of fringe benefits for employees under this 3580
division through a jointly administered trust fund. 3581

(H) A public employer, including the state and any of its 3582
political subdivisions, shall not pay more than eighty per cent of 3583
the cost of the provision of health care benefits pursuant to this 3584
section. 3585

(I) As used in this section, "health care benefits" includes 3586
hospitalization, surgical, major medical, dental, vision, and 3587
medical care, disability, hearing aids, prescription drugs, or a 3588
combination of these benefits. 3589

Sec. 124.82. (A) Except as provided in division (D) of this 3590
section, the department of administrative services, in 3591
consultation with the superintendent of insurance, shall, in 3592
accordance with competitive selection procedures of Chapter 125. 3593
of the Revised Code, contract with an insurance company or a 3594
health plan in combination with an insurance company, authorized 3595
to do business in this state, for the issuance of a policy or 3596
contract of health, medical, hospital, dental, or surgical 3597
benefits, or any combination of those benefits, covering state 3598
employees who are paid directly by warrant of the director of 3599
budget and management, including elected state officials. The 3600
department may fulfill its obligation under this division by 3601
exercising its authority under division (A)(2) of section 124.81 3602
of the Revised Code. 3603

(B) The department may, in addition, in consultation with the 3604
superintendent of insurance, negotiate and contract with health 3605
insuring corporations holding a certificate of authority under 3606
Chapter 1751. of the Revised Code, in their approved service areas 3607
only, for issuance of a contract or contracts of health care 3608
services, covering state employees who are paid directly by 3609
warrant of the director of budget and management, including 3610

elected state officials. The department may enter into contracts 3611
with one or more insurance carriers or health plans to provide the 3612
same plan of benefits, provided that: 3613

(1) The amount of the premium or cost for such coverage 3614
contributed by the state, for an individual or for an individual 3615
and the individual's family, does not exceed that same amount of 3616
the premium or cost contributed by the state under division (A) of 3617
this section; 3618

(2) The employee be permitted to exercise the option as to 3619
which plan the employee will select under division (A) or (B) of 3620
this section, at a time that shall be determined by the 3621
department; 3622

(3) The health insuring corporations do not refuse to accept 3623
the employee, or the employee and the employee's family, if the 3624
employee exercises the option to select care provided by the 3625
corporations; 3626

(4) The employee may choose participation in only one of the 3627
plans sponsored by the department; 3628

(5) The director of health examines and certifies to the 3629
department that the quality and adequacy of care rendered by the 3630
health insuring corporations meet at least the standards of care 3631
provided by hospitals and physicians in that employee's community, 3632
who would be providing such care as would be covered by a contract 3633
awarded under division (A) of this section. 3634

(C) ~~All~~ Except as provided in division (F) of this section, 3635
all or any portion of the cost, premium, or charge for the 3636
coverage in divisions (A) and (B) of this section may be paid in 3637
such manner or combination of manners as the department determines 3638
and may include the proration of health care costs, premiums, or 3639
charges for part-time employees. 3640

(D) Notwithstanding division (A) of this section, the 3641

department may provide benefits equivalent to those that may be 3642
paid under a policy or contract issued by an insurance company or 3643
a health plan pursuant to division (A) of this section. 3644

~~(E) This section does not prohibit the state office of 3645
collective bargaining from entering into an agreement with an 3646
employee representative for the purposes of providing fringe 3647
benefits, including, but not limited to, hospitalization, surgical 3648
care, major medical care, disability, dental care, vision care, 3649
medical care, hearing aids, prescription drugs, group life 3650
insurance, sickness and accident insurance, group legal services 3651
or other benefits, or any combination of those benefits, to 3652
employees paid directly by warrant of the director of budget and 3653
management through a jointly administered trust fund. The 3654
employer's contribution for the cost of the benefit care shall be 3655
mutually agreed to in the collectively bargained agreement. The 3656
amount, type, and structure of fringe benefits provided under this 3657
division is subject to the determination of the board of trustees 3658
of the jointly administered trust fund. Notwithstanding any other 3659
provision of the Revised Code, competitive bidding does not apply 3660
to the purchase of fringe benefits for employees under this 3661
division when those benefits are provided through a jointly 3662
administered trust fund. 3663~~

~~(F) Members of state boards or commissions may be covered by 3664
any policy, contract, or plan of benefits or services described in 3665
division (A) or (B) of this section. Board or commission members 3666
who are appointed for a fixed term and who are compensated on a 3667
per meeting basis, or paid only for expenses, or receive a 3668
combination of per diem payments and expenses shall pay the entire 3669
amount of the premiums, costs, or charges for that coverage. 3670~~

~~(F) A state employee who receives insurance under this 3671
section shall pay at least twenty per cent of the cost of the 3672
premium assessed for any insurance policy issued pursuant to this 3673~~

section that covers health, medical, hospital, or surgical 3674
benefits. 3675

Sec. 124.823. The department of administrative services shall 3676
establish a pilot program under which it includes medical savings 3677
accounts as part of any package of health care benefit options 3678
offered to state employees and state elected officials paid by 3679
warrant of the director of budget and management. Except for the 3680
provisions in divisions (A) and (B) of section 3924.64 of the 3681
Revised Code concerning designation of an administrator, a medical 3682
savings account established as part of the program is subject to 3683
sections 3924.64 to 3924.74 of the Revised Code. 3684

~~The department is not required to offer the medical savings~~ 3685
~~account option to any state employee who is covered under a~~ 3686
~~collective bargaining agreement entered into pursuant to Chapter~~ 3687
~~4117. of the Revised Code, but a medical savings account option~~ 3688
~~may be part of a package of health care benefit options offered~~ 3689
~~pursuant to a collective bargaining agreement.~~ The department may 3690
limit enrollment in the medical savings account program and may 3691
require state employees enrolled in it to contribute to their 3692
medical savings accounts. The department shall make both 3693
individual and family coverage available through the accounts. The 3694
program shall not increase the cost of providing health insurance 3695
to state employees. The department may end the program at any time 3696
not sooner than two years after it is established, except that the 3697
department may not end the program prior to providing six months' 3698
notice to the speaker of the house of representatives, president 3699
of the senate, minority leader of the house and minority leader of 3700
the senate, and the chairs of the standing committees of the 3701
senate and house of representatives with primary responsibility 3702
for health and insurance legislation. 3703

A state employee who chooses the medical savings account 3704

option shall have any state health, medical, hospital, dental, 3705
surgical, and vision benefits for which the employee is eligible 3706
provided through the medical savings account. The department, 3707
under section 124.81 or 124.82 of the Revised Code, shall contract 3708
for or otherwise provide a high-deductible policy or contract 3709
through which those benefits can be paid. 3710

The employee for whom a medical savings account is opened 3711
shall at the time the account is opened choose an administrator 3712
from a list of administrators designated by the department, one of 3713
which may be the insurer from which the department purchases the 3714
high-deductible policy or contract. If the employee fails to 3715
choose an administrator, the department shall designate an 3716
administrator. 3717

If an elected state official whose term commenced prior to 3718
the establishment of the program elects to participate in the 3719
medical savings account program, participation shall commence at 3720
the beginning of the term following establishment of the program. 3721

Sec. 125.211. (A) There is hereby created in the state 3722
treasury the accrued leave liability fund, for the purpose of 3723
paying both of the following: 3724

(1) The annual cash benefit payable for every hour of unused 3725
sick leave credit that is converted pursuant to section 124.383 of 3726
the Revised Code and for every hour of unused personal leave 3727
credit that is converted pursuant to section 124.386 of the 3728
Revised Code; 3729

(2) Upon separation from state service, the obligation of the 3730
state to compensate its employees, including employees listed in 3731
division (B)(2) or (4) of section 124.14 of the Revised Code ~~and~~ 3732
~~employees in bargaining units~~ who do not receive vacation leave, 3733
sick leave, or personal leave under Chapter 124. of the Revised 3734
Code, for unused vacation leave, sick leave, or personal leave 3735

credit. Any interest earned on the balances in the fund shall be 3736
credited to the fund. 3737

(B) In performing the calculations required by section 125.21 3738
of the Revised Code, the director of administrative services shall 3739
charge to the appropriate salary account an amount sufficient to 3740
make the payments provided in division (A) of this section. 3741

(C) The director of administrative services, in consultation 3742
with the director of budget and management, shall develop the 3743
procedures to carry out this section. 3744

(D) Amounts from the accrued leave liability fund may be used 3745
to pay direct and indirect costs that are attributable to 3746
consultants or a third-party administrator and that are necessary 3747
to carry out this section. 3748

Sec. 126.32. (A) Any officer of any state agency may 3749
authorize reimbursement for travel, including the costs of 3750
transportation, for lodging, and for meals to any person who is 3751
interviewing for a position that ~~is~~ would be classified in pay 3752
range 13 or above in schedule E-1 or schedule E-1 for step seven 3753
only, or is classified in schedule E-2, as prescribed in the 3754
version of section 124.152 of the Revised Code in effect 3755
immediately prior to the effective date of this amendment. 3756

(B) If a person is appointed to a position listed in section 3757
121.03 of the Revised Code, to the position of chairperson of the 3758
industrial commission, adjutant general, chancellor of the Ohio 3759
board of regents, superintendent of public instruction, 3760
chairperson of the public utilities commission of Ohio, or 3761
director of the state lottery commission, to a position holding a 3762
fiduciary relationship to the governor, to a position of an 3763
appointing authority of the department of mental health, 3764
developmental disabilities, or rehabilitation and correction, to a 3765
position of superintendent in the department of youth services, or 3766

to a position under section 122.05 of the Revised Code, and if 3767
that appointment requires a permanent change of residence, the 3768
appropriate state agency may reimburse the person for the person's 3769
actual and necessary expenses, including the cost of in-transit 3770
storage of household goods and personal effects, of moving the 3771
person and members of the person's immediate family residing in 3772
the person's household, and of moving their household goods and 3773
personal effects, to the person's new location. 3774

Until that person moves the person's permanent residence to 3775
the new location, but not for a period that exceeds thirty 3776
consecutive days, the state agency may reimburse the person for 3777
the person's temporary living expenses at the new location that 3778
the person has incurred on behalf of the person and members of the 3779
person's immediate family residing in the person's household. In 3780
addition, the state agency may reimburse that person for the 3781
person's travel expenses between the new location and the person's 3782
former residence during this period for a maximum number of trips 3783
specified by rule of the director of budget and management, but 3784
the state agency shall not reimburse the person for travel 3785
expenses incurred for those trips by members of the person's 3786
immediate family. With the prior written approval of the director, 3787
the maximum thirty-day period for temporary living expenses may be 3788
extended for a person appointed to a position under section 122.05 3789
of the Revised Code. 3790

The director of development may reimburse a person appointed 3791
to a position under section 122.05 of the Revised Code for the 3792
person's actual and necessary expenses of moving the person and 3793
members of the person's immediate family residing in the person's 3794
household back to the United States and may reimburse a person 3795
appointed to such a position for the cost of storage of household 3796
goods and personal effects of the person and the person's 3797
immediate family while the person is serving outside the United 3798

States, if the person's office outside the United States is the person's primary job location.

(C) All reimbursement under division (A) or (B) of this section shall be made in the manner, and at rates that do not exceed those, provided by rule of the director of budget and management in accordance with section 111.15 of the Revised Code. Reimbursements may be made under division (B) of this section directly to the persons who incurred the expenses or directly to the providers of goods or services the persons receive, as determined by the director of budget and management.

Sec. 141.01. Except as provided in section 141.011 of the Revised Code, the annual salaries of the elective executive officers of the state are as follows:

(A) Governor, one hundred twenty-two thousand eight hundred twelve dollars;

(B) Lieutenant governor, sixty-four thousand three hundred seventy-five dollars;

(C) Secretary of state, ninety thousand seven hundred twenty-five dollars;

(D) Auditor of state, ninety thousand seven hundred twenty-five dollars;

(E) Treasurer of state, ninety thousand seven hundred twenty-five dollars;

(F) Attorney general, ninety thousand seven hundred twenty-five dollars.

~~These salaries shall be paid according to the schedule established in division (B) of section 124.15 of the Revised Code.~~ Upon the death of an elected executive officer of the state listed in divisions (A) to (F) of this section during the officer's term of office, an amount shall be paid in accordance with section

2113.04 of the Revised Code, or to the officer's estate. The 3829
amount shall equal the amount of the salary that the officer would 3830
have received during the remainder of the officer's unexpired term 3831
or an amount equal to the salary of the office held for two years, 3832
whichever is less. 3833

Unless a higher salary is explicitly established by statute, 3834
no officer or employee elected or appointed, and no officer or 3835
employee of any state agency or state-assisted institution except 3836
a state institution of higher education or the Ohio board of 3837
regents for the positions of chancellor and vice chancellor for 3838
health affairs, shall be paid as an officer or employee, whether 3839
from appropriated or nonappropriated funds, a total salary that 3840
exceeds fifty-five thousand dollars per calendar year. This 3841
paragraph does not apply to the salaries of individuals holding or 3842
appointed to endowed academic chairs or endowed academic 3843
professorships at a state-supported institution of higher 3844
education or to the salaries of individuals that would have been 3845
paid under schedule C prescribed in the version of section 124.15 3846
of the Revised Code in effect immediately prior to the effective 3847
date of this amendment or under schedule E-2 prescribed in the 3848
version of section 124.152 of the Revised Code in effect 3849
immediately prior to the effective date of this amendment. 3850

Sec. 141.02. (A) The salaries of the adjutant general, the 3851
assistant adjutant general for army, the assistant adjutant 3852
general for air, and the assistant quartermaster general shall be 3853
paid according to ~~divisions~~ division (B) ~~and (H)~~ of section 124.15 3854
of the Revised Code. 3855

(B) The adjutant general, the assistant adjutant general for 3856
army, the assistant adjutant general for air, and the assistant 3857
quartermaster general shall receive the basic allowances for 3858
quarters and for subsistence of their rank according to the pay at 3859

the time prescribed for the armed forces of the United States, 3860
except that the assistant adjutant general for air shall not 3861
receive flying pay. The adjutant general shall not receive any 3862
flying pay, even if the adjutant general is an officer in the air 3863
national guard. 3864

(C) The adjutant general, assistant adjutant general for 3865
army, and the assistant adjutant general for air may take a leave 3866
of absence from their respective positions without loss of pay for 3867
the time they are performing service in the uniformed service as 3868
required by their federally recognized officer status. These 3869
positions shall not accrue leave as other permanent state 3870
employees do but shall accrue leave and record usage of leave as 3871
if these positions were those of the administrative department 3872
heads listed in section 121.03 of the Revised Code. 3873

(D) If the assistant quartermaster general is a federally 3874
recognized officer, the assistant quartermaster general may take a 3875
leave of absence from the position without loss of pay for the 3876
time the assistant quartermaster general is performing service in 3877
the uniformed service as required by the person's federally 3878
recognized officer status and the assistant quartermaster general 3879
shall not accrue leave as other permanent state employees do but 3880
shall accrue leave and record usage of leave as if the assistant 3881
quartermaster general were an administrative department head 3882
listed in section 121.03 of the Revised Code. If the assistant 3883
quartermaster general is not a federally recognized officer, the 3884
assistant quartermaster general shall accrue leave as other 3885
permanent state employees do. 3886

(E) Notwithstanding Chapter 102. of the Revised Code and any 3887
other provision of law, the adjutant general, assistant adjutant 3888
general for army, assistant adjutant general for air, and 3889
assistant quartermaster general may retain, in addition to any 3890
state compensation, any federal pay, allowances, and compensation 3891

received because of any federally recognized officer status. 3892

Sec. 145.012. (A) "Public employee," as defined in division 3893
(A) of section 145.01 of the Revised Code, does not include any 3894
person: 3895

(1) Who is employed by a private, temporary-help service and 3896
performs services under the direction of a public employer or is 3897
employed on a contractual basis as an independent contractor under 3898
a personal service contract with a public employer; 3899

(2) Who is an emergency employee serving on a temporary basis 3900
in case of fire, snow, earthquake, flood, or other similar 3901
emergency; 3902

(3) Who is employed in a program established pursuant to the 3903
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 3904
1501; 3905

(4) Who is an appointed member of either the motor vehicle 3906
salvage dealers board or the motor vehicle dealer's board whose 3907
rate and method of payment are determined pursuant to division 3908
~~(J)~~(A) of section 124.15 of the Revised Code; 3909

(5) Who is employed as an election worker and paid less than 3910
five hundred dollars per calendar year for that service; 3911

(6) Who is employed as a firefighter in a position requiring 3912
satisfactory completion of a firefighter training course approved 3913
under former section 3303.07 or section 4765.55 of the Revised 3914
Code or conducted under section 3737.33 of the Revised Code except 3915
for the following: 3916

(a) Any firefighter who has elected under section 145.013 of 3917
the Revised Code to remain a contributing member of the public 3918
employees retirement system; 3919

(b) Any firefighter who was eligible to transfer from the 3920
public employees retirement system to the Ohio police and fire 3921

pension fund under section 742.51 or 742.515 of the Revised Code 3922
and did not elect to transfer; 3923

(c) Any firefighter who has elected under section 742.516 of 3924
the Revised Code to transfer from the Ohio police and fire pension 3925
fund to the public employees retirement system. 3926

(7) Who is a member of the board of health of a city or 3927
general health district, which pursuant to sections 3709.051 and 3928
3709.07 of the Revised Code includes a combined health district, 3929
and whose compensation for attendance at meetings of the board is 3930
set forth in division (B) of section 3709.02 or division (B) of 3931
section 3709.05 of the Revised Code, as appropriate; 3932

(8) Who participates in an alternative retirement plan 3933
established under Chapter 3305. of the Revised Code; 3934

(9) Who is a member of the board of directors of a sanitary 3935
district established under Chapter 6115. of the Revised Code; 3936

(10) Who is a member of the unemployment compensation 3937
advisory council. 3938

(B) No inmate of a correctional institution operated by the 3939
department of rehabilitation and correction, no patient in a 3940
hospital for the mentally ill or criminally insane operated by the 3941
department of mental health, no resident in an institution for the 3942
mentally retarded operated by the department of developmental 3943
disabilities, no resident admitted as a patient of a veterans' 3944
home operated under Chapter 5907. of the Revised Code, and no 3945
resident of a county home shall be considered as a public employee 3946
for the purpose of establishing membership or calculating service 3947
credit or benefits under this chapter. Nothing in this division 3948
shall be construed to affect any service credit attained by any 3949
person who was a public employee before becoming an inmate, 3950
patient, or resident at any institution listed in this division, 3951
or the payment of any benefit for which such a person or such a 3952

person's beneficiaries otherwise would be eligible. 3953

Sec. 145.47. (A) Each public employee who is a contributor to 3954
the public employees retirement system shall contribute eight per 3955
cent of the contributor's earnable salary to the employees' 3956
savings fund, except that the public employees retirement board 3957
may raise the contribution rate to a rate not greater than ten per 3958
cent of the employee's earnable salary. 3959

The contributions required under this section shall not be 3960
paid by an employer on an employee's behalf, but may be treated as 3961
employer contributions for purposes of state and federal income 3962
tax deferred income provisions. 3963

(B) The head of each state department, institution, board, 3964
and commission, and the fiscal officer of each local authority 3965
subject to this chapter, shall deduct from the earnable salary of 3966
each contributor on every payroll of such contributor for each 3967
payroll period subsequent to the date of coverage, an amount equal 3968
to the applicable per cent of the contributor's earnable salary. 3969
The head of each state department and the fiscal officer of each 3970
local authority subject to this chapter shall transmit promptly to 3971
the system a report of contributions at such intervals and in such 3972
form as the system shall require, showing thereon all deductions 3973
for the system made from the earnable salary of each contributor 3974
employed, together with warrants, checks, or electronic payments 3975
covering the total of such deductions. A penalty shall be added 3976
when such report, together with warrants, checks, or electronic 3977
payments to cover the total amount due from the earnable salary of 3978
all amenable employees of such employer, is filed thirty or more 3979
days after the last day of such reporting period. The system, 3980
after making a record of all receipts under this division, shall 3981
deposit the receipts with the treasurer of state for use as 3982
provided by this chapter. 3983

(C) Unless the board adopts a rule under division (D) of this section, the penalty described in division (B) of this section for failing to timely transmit a report, pay the total amount due, or both is as follows:

(1) At least one but not more than ten days past due, an amount equal to one per cent of the total amount due;

(2) At least eleven but not more than thirty days past due, an amount equal to two and one-half per cent of the total amount due;

(3) Thirty-one or more days past due, an amount equal to five per cent of the total amount due.

The penalty described in this division shall be added to and collected on the next succeeding regular employer billing. Interest at a rate set by the retirement board shall be charged on the amount of the penalty in case such penalty is not paid within thirty days after it is added to the regular employer billing.

(D) The board may adopt rules to establish penalties in amounts that do not exceed the amounts specified in divisions (C)(1) to (3) of this section.

(E) In addition to the periodical reports of deduction required by this section, the fiscal officer of each local authority subject to this chapter shall submit to the system at least once each year a complete listing of all noncontributing appointive employees. Where an employer fails to transmit contributions to the system, the system may make a determination of the employees' liability for contributions and certify to the employer the amounts due for collection in the same manner as payments due the employers' accumulation fund. Any amounts so collected shall be held in trust pending receipt of a report of contributions for such public employees for the period involved as provided by law and, thereafter, the amount in trust shall be

transferred to the employees' savings fund to the credit of the 4015
employees. Any amount remaining after the transfer to the 4016
employees' savings fund shall be transferred to the employers' 4017
accumulation fund as a credit of such employer. 4018

(F) The fiscal officer of each local authority subject to 4019
this chapter shall require each new contributor to submit to the 4020
system a detailed report of all the contributor's previous service 4021
as a public employee along with such other facts as the board 4022
requires for the proper operation of the system. 4023

(G) Any member who, because of the member's own illness, 4024
injury, or other reason which may be approved by the member's 4025
employer is prevented from making the member's contribution to the 4026
system for any payroll period, may pay such deductions as a back 4027
payment within one year. 4028

Sec. 175.05. (A) The Ohio housing finance agency shall do all 4029
of the following related to the agency's operation: 4030

(1) Adopt bylaws for the conduct of its business; 4031

(2) Employ and fix the compensation of an executive director 4032
who serves at the pleasure of the agency to administer the 4033
agency's programs and activities. The executive director may 4034
employ and fix the compensation of employees in the unclassified 4035
civil service as necessary to carry out this chapter ~~and may~~ 4036
~~employ other personnel who are governed by collective bargaining~~ 4037
~~law and classified under that law.~~ The executive director shall 4038
file financial disclosure statements as described in section 4039
102.02 of the Revised Code. 4040

(3) Establish an operating budget for the agency and 4041
administer funds appropriated for the agency's use; 4042

(4) Notwithstanding any other provision of the Revised Code, 4043
hold all moneys, funds, properties, and assets the agency acquires 4044

or that are directly or indirectly within the agency's control, 4045
including proceeds from the sale of bonds, revenues, and 4046
otherwise, in trust for the purpose of exercising its powers and 4047
carrying out its duties pursuant to this chapter. Notwithstanding 4048
any other provision of the Revised Code other than section 175.051 4049
of the Revised Code, at no time shall the agency's moneys, funds, 4050
properties, or assets be considered public moneys, public funds, 4051
public properties, or public assets or subject to Chapters 131. 4052
and 135. of the Revised Code. 4053

(5) Maintain a principal office and other offices within the 4054
state. 4055

(B) The Ohio housing finance agency may do any of the 4056
following related to the agency's operation: 4057

(1) Except as otherwise provided in section 174.04 of the 4058
Revised Code, determine income limits for low- and moderate-income 4059
persons and establish periodic reviews of income limits. In 4060
determining income limits, the agency shall take into 4061
consideration the amount of income available for housing, family 4062
size, the cost and condition of available housing, ability to pay 4063
the amounts the private market charges for decent, safe, and 4064
sanitary housing without federal subsidy or state assistance, and 4065
the income eligibility standards of federal programs. Income 4066
limits may vary from area to area within the state. 4067

(2) Provide technical information, advice, and assistance 4068
related to obtaining federal and state aid to assist in the 4069
planning, construction, rehabilitation, refinancing, and operation 4070
of housing; 4071

(3) Provide information, assistance, or instruction 4072
concerning agency programs, eligibility requirements, application 4073
procedures, and other related matters; 4074

(4) Procure or require the procurement of insurance and pay 4075

the premium against loss in connection with the agency's 4076
operations, to include the repayment of a loan, in amounts and 4077
from insurers, including the federal government, as the agency 4078
determines; 4079

(5) Contract with, retain, or designate financial 4080
consultants, accountants, and other consultants and independent 4081
contractors, other than attorneys, whom the agency determines are 4082
necessary or appropriate; 4083

(6) Charge, alter, and collect interest and other charges for 4084
program services including, but not limited to, the allocation of 4085
loan funds, the purchase of mortgage loans, and the provision of 4086
services that include processing, inspecting, and monitoring of 4087
housing units financed and the financial records for those units; 4088

(7) Conduct or authorize studies and analyses of housing 4089
needs and conditions to the extent that those activities are not 4090
carried out by other agencies in a manner that is satisfactory for 4091
the agency's needs; 4092

(8)(a) Acquire by gift, purchase, foreclosure, investment, or 4093
other means, and hold, assign, pledge, lease, transfer, or 4094
otherwise dispose of real and personal property or any interest in 4095
that property in the exercise of its powers and the performance of 4096
its duties; 4097

(b) Any instrument by which real property is acquired 4098
pursuant to this section shall identify the state agency that has 4099
the use and benefit of the real property as specified in section 4100
5301.012 of the Revised Code. 4101

(9)(a) Borrow money, receive gifts, grants, loans, or other 4102
assistance from any federal, state, local, or other government 4103
source, including the housing development fund and the housing 4104
trust fund, and enter into contracts in connection with those 4105
sources of assistance; 4106

(b) Receive assistance or contributions from any nongovernment source to include money, property, labor, or things of value, to be held, used, and applied only for the purposes for which the grants and contributions are made and within the purposes of this chapter.

(10) Sue and be sued in its own name with respect to its contracts, obligations, and covenants, or the enforcement of this chapter. Any actions against the agency shall be brought in a court of competent jurisdiction located in Franklin county, Ohio.

(11) Enter into any contract, commitment, or agreement and execute any instrument necessary or incidental to the performance of duties and the execution of powers;

(12) Adopt an official seal;

(13)(a) Contract with any private or government entity to administer programs for which the agency receives sufficient revenues for its services or the agency supports with uncommitted agency resources that pay the agency's operating costs;

(b) Administer state and federal programs for which the governor designates the agency to act as administrator. The agency may charge administrative fees to the state, the federal government, or a program recipient.

(14) Notwithstanding any other provision of the Revised Code, establish, maintain, administer, and close funds and accounts as convenient or appropriate to the agency's operations;

(15) Establish a policy to permit the investment of agency funds in securities and obligations;

(16) Establish rules and procedures that the agency determines are appropriate to appeal the agency's actions and decisions;

(17) Serve housing needs in instances that the agency

determines necessary as a public purpose; 4137

(18) Provide coverage for its employees under Chapters 145., 4138
4123., and 4141. of the Revised Code; 4139

(19) Adopt rules pursuant to Chapter 119. of the Revised 4140
Code; 4141

(20) Do anything necessary or appropriate to exercise the 4142
powers of this chapter and carry out the purposes of this chapter 4143
and Section 14, Article VIII and Section 16, Article VIII, Ohio 4144
Constitution. 4145

(C) The attorney general shall serve as the legal 4146
representative for the Ohio housing finance agency and may appoint 4147
special counsel for that purpose in accordance with section 109.07 4148
of the Revised Code. 4149

Sec. 306.04. (A) Except as otherwise provided in division (B) 4150
of this section, employees of a county transit board or a board of 4151
county commissioners operating a transit system are employees of 4152
the county. If the system is operated by the board of county 4153
commissioners, the board shall appoint an executive director, who 4154
shall be in the unclassified service. 4155

(B) Any county transit board that established its own civil 4156
service organization and procedure prior to ~~the effective date of~~ 4157
~~this amendment~~ October 25, 1995, shall continue to operate under 4158
that organization. Appointments and promotions in that system 4159
shall be made, as far as practicable, by competitive examination. 4160

A board that established its own civil service organization 4161
prior to ~~the effective date of this amendment~~ October 25, 1995, 4162
shall establish by rule the seniority provisions relating to 4163
street railway and motor bus employees in effect at the time of 4164
the acquisition of the transit system by the county. When a 4165
reduction in force is necessary, the board shall not use an 4166

employee's length of service as the only factor to determine 4167
whether to lay off the employee. The vacation, holiday, and sick 4168
leave privileges shall not be regulated by other provisions of law 4169
relating to public employees of the state or county, except that 4170
the transit board, its officers and employees, shall be subject to 4171
the public employees retirement system of the state and the 4172
transit board shall assume any pension obligations which have been 4173
assumed by any publicly owned transit system which the county may 4174
acquire. 4175

(C) A county transit board or board of county commissioners 4176
operating a transit system may: 4177

(1) Acquire in its name by gift, grant, purchase, or 4178
condemnation and hold and operate real estate and interests 4179
therein and personal property suitable for its purposes; 4180

(2) In its name purchase, acquire, construct, enlarge, 4181
improve, equip, repair, maintain, sell, exchange, lease as lessee 4182
or lessor, receive a right of use of, and manage, control, and 4183
operate, in or out of the county, a county transit system 4184
consisting of all real estate and interests therein, personal 4185
property, and a combination thereof, for or related to the 4186
movement of persons including but not limited to street railway, 4187
tramline, subways, rapid transits, monorails, and passenger bus 4188
systems but excluding therefrom trucks, the movement of property 4189
by truck, and facilities designed for use in the movement of 4190
property by truck for hire; 4191

(3) Issue, with the approval of the county commissioners when 4192
the issuance is made by the transit board, revenue bonds of the 4193
county as provided in division (B) of section 306.09 of the 4194
Revised Code, to secure funds to accomplish its purposes. The 4195
principal of and interest on such bonds, together with all other 4196
payments required to be made by the trust agreement or indenture 4197
securing such bonds, shall be paid solely from revenues or other 4198

income accruing to the board from facilities of the county transit system designated in said agreement or indenture.	4199 4200
(4) Enter into contracts in the exercise of the rights, powers, and duties conferred upon it, and execute all instruments necessary in the conduct of its business;	4201 4202 4203
(5) Fix, alter, and charge rates and other charges for the use of its real estate and interests therein, personal property, and combinations thereof;	4204 4205 4206
(6) Employ such financial consultants, accountants, appraisers, consulting engineers, architects, construction experts, attorneys-at-law, managers and other supervisory personnel, and other officers, employees, and agents as it determines necessary to conduct its business, and fix their compensation and duties;	4207 4208 4209 4210 4211 4212
(7) Pledge, hypothecate, or otherwise encumber its revenues and other income as security for its obligations and enter into trust agreements or indentures for the benefit of revenue bondholders;	4213 4214 4215 4216
(8) Borrow money or accept or contract to accept advances, loans, gifts, grants, devises, or bequests from and enter into contracts or agreements with any federal, state, or other governmental or private source and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof including provisions which are required by such federal, state, or other governmental or private source to protect the interest of employees affected by such advances, loans, gifts, grants, devises, or bequests. Such advances, loans, gifts, grants, or devises may be subject to any reasonable reservation and any gift, grant, or devise or real estate may be in fee simple or any lesser estate. Any advances or loans received from any federal, state, or other governmental or private source may be repaid in accordance	4217 4218 4219 4220 4221 4222 4223 4224 4225 4226 4227 4228 4229

with the terms of such advance or loan. 4230

(9) Conduct investigations and surveys into the needs of the 4231
public within or without the county for transportation services to 4232
provide for the movement of persons within, into, or from the area 4233
serviced or to be serviced by the county transit system; 4234

(10) Enter into lawful arrangements with the appropriate 4235
federal or state department or agency, county, township, municipal 4236
corporation, or other political subdivision or public agency for 4237
the planning and installation of any public facilities which are 4238
determined necessary in the conduct of its business; 4239

(11) Purchase fire, extended coverage, and liability 4240
insurance for the real estate and interests therein, personal 4241
property and any combination thereof, used by or in connection 4242
with the county transit system and insurance covering the board 4243
and the county transit system and its officers and employees for 4244
liability for damage or injury to persons or property; 4245

(12) Procure and pay all or any part of the cost of group 4246
hospitalization, surgical, major medical, or sickness and accident 4247
insurance, or a combination thereof, for the officers and 4248
employees of the county transit system and their immediate 4249
dependents, issued by an insurance company, duly authorized to do 4250
business in this state; 4251

(13) Sell, lease, release, or otherwise dispose of real 4252
estate or interests therein or personal property owned by it and 4253
grant such easements across its real estate and interests therein 4254
as will not interfere with its use by the county transit system; 4255

(14) Establish rules for the use and operation of the county 4256
transit system including the real estate or interests therein, 4257
personal property or a combination of the foregoing used by or in 4258
connection with such system; 4259

(15) Exercise the power of eminent domain to appropriate any 4260

real estate or interests therein, personal property, franchises, 4261
or any combination thereof, within or without the county, 4262
necessary or proper in the exercise of its powers provided in 4263
sections 306.01 to 306.13 of the Revised Code, as provided in 4264
sections 163.01 to 163.22 of the Revised Code, and subject to 4265
divisions (15)(a), (b), and (c) of this section, provided that a 4266
county transit board or a board of county commissioners operating 4267
a transit system shall not proceed to so appropriate real property 4268
outside its territorial boundaries, until it has served at the 4269
office of the county commissioners of the county in which it is 4270
proposed to appropriate real property, a notice describing the 4271
real property to be taken and the purpose for which it is proposed 4272
to be taken, and such county commissioners have entered on their 4273
journal within thirty days after such service a resolution 4274
approving such appropriation; 4275

(a) Nothing contained in this division authorizes a county 4276
transit board or a board of county commissioners to appropriate 4277
any land, rights, rights-of-way, franchises, or easements 4278
belonging to the state or to a municipal corporation without the 4279
consent of the state or of the municipal corporation, and no 4280
county transit board or board of county commissioners shall 4281
exercise the right of eminent domain to acquire any certificate of 4282
public convenience and necessity, or any part thereof, issued to a 4283
motor transportation company by the public utilities commission of 4284
Ohio or by the interstate commerce commission of the United 4285
States, or to take or disturb other real estate or interests 4286
therein, personal property, or any combination thereof belonging 4287
to any municipal corporation without the consent of the 4288
legislative authority of such municipal corporation, or take or 4289
disturb real estate or interests therein, personal property, or 4290
any combination thereof belonging to any other political 4291
subdivision, public corporation, public utility, or common 4292
carrier, which is necessary and convenient in the operation of 4293

such political subdivision, public corporation, public utility, or 4294
common carrier unless provision is made for the restoration, 4295
relocation, or duplication of that taken or upon the election of 4296
such political subdivision, public corporation, public utility, or 4297
common carrier for the payment of compensation, if any, at the 4298
sole cost of the county transit system. 4299

(b) If any restoration or duplication proposed to be made 4300
under this division involves a relocation, the new location shall 4301
have at least comparable utilitarian value and effectiveness, and 4302
such relocation shall not impair the ability of the public utility 4303
or common carrier to compete in its original area of operation. 4304

(c) If such restoration or duplication proposed to be made 4305
under this division involves a relocation, the county transit 4306
board or board of county commissioners shall acquire no interest 4307
or right in or to the appropriated property or facility until the 4308
relocated property or facility is available for use and until 4309
marketable title thereto has been transferred to the political 4310
subdivision, public corporation, public utility, or common 4311
carrier. Nothing in this division shall require any board of 4312
county commissioners or county transit board operating a county 4313
transit system to so restore, relocate, or duplicate, if all of 4314
the real estate and interests therein, personal property, and any 4315
combination of the foregoing which is owned by a public utility or 4316
common carrier and used by it or in connection with the movement 4317
of persons, is acquired by exercise of the power of eminent 4318
domain. 4319

(16) When real property is acquired that is located outside 4320
the county and is removed from the tax duplicate, the county 4321
transit board or board of county commissioners operating a transit 4322
system shall pay annually to the county treasurer of the county in 4323
which that property is located, commencing with the first tax year 4324
in which that property is removed from the tax duplicate, an 4325

amount of money in lieu of taxes equal to the smaller of the 4326
following: 4327

(a) The last annual installment of taxes due from the 4328
acquired property before removal from the tax duplicate; 4329

(b) An amount equal to the difference between the combined 4330
revenue from real estate taxes of all the taxing districts in 4331
which the property is located in the tax year immediately prior to 4332
the removal of the acquired property from the tax duplicate, and 4333
either: 4334

(i) The total revenue which would be produced by the tax rate 4335
of each such taxing district in the tax year immediately prior to 4336
the removal of the acquired property from the tax duplicate, 4337
applied to the real estate tax duplicate of each of such taxing 4338
districts in each tax year subsequent to the year of removal; or 4339

(ii) The combined revenue from real estate taxes of all such 4340
taxing districts in each tax year subsequent to the year of 4341
removal, whichever is the greater. 4342

The county transit board or board of county commissioners may 4343
be exempted from such payment by agreement of the affected taxing 4344
district or districts in the county in which the property is 4345
located. 4346

The county auditor of the county in which that property is 4347
located shall apportion each such annual payment to each taxing 4348
district as if the annual payment had been levied and collected as 4349
a tax. 4350

Those annual payments shall never again be made after they 4351
have ceased. 4352

(17) Sue or be sued, plead or be impleaded, and be held 4353
liable in any court of proper jurisdiction for damages received by 4354
reason of negligence, in the same manner and to the same extent as 4355

if the county transit system were privately operated, provided, 4356
that no funds of a county other than those of the county transit 4357
board or, if the transit system is operated by the board of county 4358
commissioners, other than those in the account for the county 4359
transit system created under division (C) of section 306.01 of the 4360
Revised Code, shall be available for the satisfaction of judgments 4361
rendered against that system; 4362

(18) Annually prepare and make available for public 4363
inspection a report in condensed form showing the financial 4364
results of the operation of the county transit system. For systems 4365
operated by a county transit board, copies of this report shall be 4366
furnished to the county commissioners as well as a monthly summary 4367
statement of revenues and expenses for the preceding month 4368
sufficient to show the exact financial condition of the county 4369
transit system as of the last day of the preceding month. 4370

(19) With the approval of the county commissioners when the 4371
action is taken by the transit board, and without competitive 4372
bidding, sell, lease, or grant the right of use of all or a 4373
portion of the county transit system to any other political 4374
subdivision, taxing district, or other public body or agency 4375
having the power to operate a transit system; 4376

(20) Enter into and supervise franchise agreements for the 4377
operation of a county transit system; 4378

(21) Accept the assignment of and then supervise an existing 4379
franchise agreement for the operation of a county transit system. 4380

Sec. 307.054. (A) The board of trustees of a joint emergency 4381
medical services district shall employ an executive director, who 4382
shall be in the unclassified service, and fix ~~his~~ the executive 4383
director's compensation. In addition to that compensation, the 4384
director shall be reimbursed for actual and necessary expenses 4385
incurred in the performance of ~~his~~ the executive director's 4386

official duties. The board may enter into an employment contract 4387
with the executive director for a period not to exceed three 4388
years. In the absence of contrary contractual provisions, the 4389
board may remove the director by a majority vote of the full 4390
membership, but only after holding a hearing on the matter if the 4391
director requests such a hearing. 4392

Except as otherwise provided in this division, the board 4393
shall prescribe the director's duties and may authorize the 4394
director to act on its behalf in the performance of its 4395
administrative duties. In addition to those duties prescribed by 4396
the board, the director shall do all the following: 4397

(1) Subject to the board's approval for each contract, 4398
execute contracts on the board's behalf; 4399

(2) Supervise all services provided or contracted for and all 4400
facilities operated or contracted for, and ensure that emergency 4401
medical services are being lawfully administered in conformity 4402
with the Revised Code and the resolution creating the district; 4403

(3) Recommend changes to the board that may increase the 4404
effectiveness of emergency medical services within the district; 4405

(4) Employ persons for all positions authorized by the board 4406
and approve all personnel actions that affect classified 4407
employees; 4408

(5) Approve compensation for employees within the limits set 4409
by the salary schedule and budget established by the board; 4410

(6) Prepare an annual report of the services provided by the 4411
district, including a fiscal accounting, for the board to approve. 4412

(B) Except as otherwise provided in this section, employees 4413
of the district shall be treated the same as county employees for 4414
the purposes of Chapter 124. of the Revised Code and any other 4415
provisions of state law applicable to county employees. Instead of 4416

or in addition to appointing employees of the district, the board 4417
of trustees may contract with one or more of the participating 4418
counties for county employees to serve the district and for the 4419
district to share in their compensation in any manner that may be 4420
agreed upon in the joint resolution creating the district. 4421

(C) For purposes of division (A)(5) of this section, the 4422
board, when establishing a salary schedule, shall require merit to 4423
be the only basis, and the executive director shall use merit as 4424
the only basis, for an employee's progression through the 4425
schedule. 4426

Sec. 339.06. (A) The board of county hospital trustees, upon 4427
completion of construction or leasing and equipping of a county 4428
hospital, shall assume and continue the operation of the hospital. 4429

(B) The board of county hospital trustees shall have the 4430
entire management and control of the county hospital. The board 4431
shall establish such rules for the hospital's government and the 4432
admission of persons as are expedient. 4433

(C) The board of county hospital trustees has control of the 4434
property of the county hospital, including management and disposal 4435
of surplus property other than real estate or an interest in real 4436
estate. 4437

(D) With respect to the use of funds by the board of county 4438
hospital trustees and its accounting for the use of funds, all of 4439
the following apply: 4440

(1) The board of county hospital trustees has control of all 4441
funds used in the county hospital's operation, including moneys 4442
received from the operation of the hospital, moneys appropriated 4443
for its operation by the board of county commissioners, and moneys 4444
resulting from special levies submitted by the board of county 4445
commissioners as provided for in section 5705.22 of the Revised 4446

Code. 4447

(2) Of the funds used in the county hospital's operation, all 4448
or part of any amount determined not to be necessary to meet 4449
current demands on the hospital may be invested by the board of 4450
county hospital trustees or its designee in any classifications of 4451
securities and obligations eligible for deposit or investment of 4452
county moneys pursuant to section 135.35 of the Revised Code, 4453
subject to the approval of the board's written investment policy 4454
by the county investment advisory committee established pursuant 4455
to section 135.341 of the Revised Code. 4456

(3) Annually, not later than sixty days before the end of the 4457
fiscal year used by the county hospital, the board of county 4458
hospital trustees shall submit its proposed budget for the ensuing 4459
fiscal year to the board of county commissioners for that board's 4460
review. The board of county commissioners shall review and approve 4461
the proposed budget by the first day of the fiscal year to which 4462
the budget applies. If the board of county commissioners has not 4463
approved the budget by the first day of the fiscal year to which 4464
the budget applies, the budget is deemed to have been approved by 4465
the board on the first day of that fiscal year. 4466

(4) The board of county hospital trustees shall not expend 4467
funds received from taxes collected pursuant to any tax levied 4468
under section 5705.22 of the Revised Code or the amount 4469
appropriated to the county hospital by the board of county 4470
commissioners in the annual appropriation measure for the county 4471
until its budget for the applicable fiscal year is approved in 4472
accordance with division (C)(3) of this section. At any time the 4473
amount received from those sources differs from the amount shown 4474
in the approved budget, the board of county commissioners may 4475
require the board of county hospital trustees to revise the county 4476
hospital budget accordingly. 4477

(5) Funds under the control of the board of county hospital 4478

trustees may be disbursed by the board, consistent with the 4479
approved budget, for the uses and purposes of the county hospital; 4480
for the replacement of necessary equipment; for the acquisition, 4481
leasing, or construction of permanent improvements to county 4482
hospital property; or for making a donation authorized by division 4483
(E) of this section. Each disbursement of funds shall be made on a 4484
voucher signed by signatories designated and approved by the board 4485
of county hospital trustees. 4486

(6) The head of a board of county hospital trustees is not 4487
required to file an estimate of contemplated revenue and 4488
expenditures for the ensuing fiscal year under section 5705.28 of 4489
the Revised Code unless the board of county commissioners levies a 4490
tax for the county hospital, or such a tax is proposed, or the 4491
board of county hospital trustees desires that the board of county 4492
commissioners make an appropriation to the county hospital for the 4493
ensuing fiscal year. 4494

(7) All moneys appropriated by the board of county 4495
commissioners or from special levies by the board of county 4496
commissioners for the operation of the hospital, when collected 4497
shall be paid to the board of county hospital trustees on a 4498
warrant of the county auditor and approved by the board of county 4499
commissioners. 4500

(8) The board of county hospital trustees shall provide for 4501
the conduct of an annual financial audit of the county hospital. 4502
Not later than thirty days after it receives the final report of 4503
an annual financial audit, the board shall file a copy of the 4504
report with the board of county commissioners. 4505

(E) For the public purpose of improving the health, safety, 4506
and general welfare of the community, the board of county hospital 4507
trustees may donate to a nonprofit entity any of the following: 4508

(1) Moneys and other financial assets determined not to be 4509

necessary to meet current demands on the hospital; 4510

(2) Surplus hospital property, including supplies, equipment, 4511
office facilities, and other property that is not real estate or 4512
an interest in real estate; 4513

(3) Services rendered by the hospital. 4514

(F)(1) For purposes of division (F)(2) of this section: 4515

(a) "Bank" has the same meaning as in section 1101.01 of the 4516
Revised Code. 4517

(b) "Savings and loan association" has the same meaning as in 4518
section 1151.01 of the Revised Code. 4519

(c) "Savings bank" has the same meaning as in section 1161.01 4520
of the Revised Code. 4521

(2) The board of county hospital trustees may enter into a 4522
contract for a secured line of credit with a bank, savings and 4523
loan association, or savings bank if the contract meets all of the 4524
following requirements: 4525

(a) The term of the contract does not exceed one year, except 4526
that the contract may provide for the automatic renewal of the 4527
contract for up to four additional one-year periods if, on the 4528
date of automatic renewal, the aggregate outstanding draws 4529
remaining unpaid under the secured line of credit do not exceed 4530
fifty per cent of the maximum amount that can be drawn under the 4531
secured line of credit. 4532

(b) The contract provides that the bank, savings and loan 4533
association, or savings bank shall not commence a civil action 4534
against the board of county commissioners, any member of the 4535
board, or the county to recover the principal, interest, or any 4536
charges or other amounts that remain outstanding on the secured 4537
line of credit at the time of any default by the board of county 4538
hospital trustees. 4539

(c) The contract provides that no assets other than those of the county hospital can be used to secure the line of credit. 4540
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(d) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit. 4542
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(3) Any obligation incurred by a board of county hospital trustees under division (F)(2) of this section is an obligation of that board only and not a general obligation of the board of county commissioners or the county within the meaning of division (Q) of section 133.01 of the Revised Code. 4545
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(4) Notwithstanding anything to the contrary in the Revised Code, the board of county hospital trustees may secure the line of credit authorized under division (F)(2) of this section by the grant of a security interest in any part or all of its tangible personal property and intangible personal property, including its deposit accounts, accounts receivable, or both. 4550
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(5) No board of county hospital trustees shall at any time have more than one secured line of credit under division (F)(2) of this section. 4556
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(G) The board of county hospital trustees shall establish a schedule of charges for all services and treatment rendered by the county hospital. It may provide for the free treatment in the hospital of soldiers, sailors, and marines of the county, under such conditions and rules as it prescribes. 4559
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(H) The board of county hospital trustees may designate the amounts and forms of insurance protection to be provided, and the board of county commissioners shall assist in obtaining such protection. The expense of providing the protection shall be paid from hospital operating funds. 4564
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(I) The board of county hospital trustees may authorize a county hospital and each of its units, hospital board members, 4569
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designated hospital employees, and medical staff members to be a 4571
member of and maintain membership in any local, state, or national 4572
group or association organized and operated for the promotion of 4573
the public health and welfare or advancement of the efficiency of 4574
hospital administration and in connection therewith to use tax 4575
funds for the payment of dues and fees and related expenses but 4576
nothing in this section prohibits the board from using receipts 4577
from hospital operation, other than tax funds, for the payment of 4578
such dues and fees. 4579

(J) The following apply to the board of county hospital 4580
trustees in relation to its employees and the employees of the 4581
county hospital: 4582

(1) The board shall adopt the wage and salary schedule for 4583
employees. 4584

(2) The board may employ the hospital's administrator 4585
pursuant to section 339.07 of the Revised Code, and the 4586
administrator may employ individuals for the hospital in 4587
accordance with that section. 4588

(3) The board may employ assistants as necessary to perform 4589
its clerical work, superintend properly the construction of the 4590
county hospital, and pay the hospital's expenses. Such employees 4591
may be paid from funds provided for the county hospital. 4592

(4) The board may hire, by contract or as salaried employees, 4593
such management consultants, accountants, attorneys, engineers, 4594
architects, construction managers, and other professional advisors 4595
as it determines are necessary and desirable to assist in the 4596
management of the programs and operation of the county hospital. 4597
Such professional advisors may be paid from county hospital 4598
operating funds. 4599

(5) Notwithstanding section 325.19 of the Revised Code, the 4600
board may grant to employees any fringe benefits the board 4601

determines to be customary and usual in the nonprofit hospital field in its community, including, but not limited to: 4602
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(a) Additional vacation leave with full pay for full-time employees, including full-time hourly rate employees, after service of one year; 4604
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(b) Vacation leave and holiday pay for part-time employees on a pro rata basis; 4607
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(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave; 4609
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(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code; 4612
4613

(e) Moving expenses for new employees; 4614

(f) Discounts on hospital supplies and services. 4615

(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code. 4616
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(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code. 4620
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(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community. 4622
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(9) The board may provide employee recognition awards and hold employee recognition dinners. 4626
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(10) The board may grant to employees the recruitment and retention benefits specified under division ~~(K)~~(L) of this section. 4628
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(K) For purposes of division (J)(1) of this section, the board of county hospital trustees, when establishing a wage and salary schedule, shall require merit to be the only basis for an employee's progression through the schedule.

(L) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.

The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners.

~~(L)~~(M) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts.

Sec. 339.07. (A) The board of county hospital trustees shall provide for the administration of the county hospital by directly employing a hospital administrator or by entering into a contract for the management of the hospital under which an administrator is provided. When an administrator is employed directly, the board shall adopt a job description delineating the administrator's powers and duties and the board may pay the administrator's salary and other benefits from funds provided for the hospital.

(B) During the construction and equipping of the hospital, the administrator shall act in an advisory capacity to the board of county hospital trustees. After the hospital is completed, the administrator shall serve as the chief executive officer and shall carry out the administration of the county hospital according to

the policies set forth by the board. 4662

The administrator shall administer the county hospital, make 4663
reports, and take any other action that the administrator 4664
determines is necessary for the operation of the hospital. 4665

At the end of each fiscal year, the administrator shall 4666
submit to the board a complete financial statement showing the 4667
receipts, revenues, and expenditures in detail for the entire 4668
fiscal year. 4669

The administrator shall ensure that the hospital has such 4670
physicians, nurses, and other employees as are necessary for the 4671
proper care, control, and management of the county hospital and 4672
its patients. The physicians, nurses, and other employees may be 4673
suspended or removed by the administrator at any time the welfare 4674
of the hospital warrants suspension or removal. The administrator 4675
may obtain physicians, nurses, and other employees by direct 4676
employment, entering into contracts, or granting authority to 4677
practice in the hospital. Persons employed directly shall be in 4678
the unclassified civil service, pursuant to section 124.11 of the 4679
Revised Code. If the board delegates to the administrator the 4680
authority to fix employee compensation in accordance with the wage 4681
and salary schedule established by the board under section 339.06 4682
of the Revised Code, the administrator shall use merit as the only 4683
basis for an employee's progression through that schedule. 4684

Sec. 340.04. (A) In addition to such other duties as may be 4685
lawfully imposed, the executive director of a board of alcohol, 4686
drug addiction, and mental health services shall: 4687

~~(A)~~(1) Serve as executive officer of the board and subject to 4688
the prior approval of the board for each contract, execute 4689
contracts on its behalf; 4690

~~(B)~~(2) Supervise services and facilities provided, operated, 4691

contracted, or supported by the board to the extent of determining 4692
that programs are being administered in conformity with this 4693
chapter and rules of the director of mental health and the 4694
department of alcohol and drug addiction services; 4695

~~(C)~~(3) Provide consultation to agencies, associations, or 4696
individuals providing services supported by the board; 4697

~~(D)~~(4) Recommend to the board the changes necessary to 4698
increase the effectiveness of mental health services and alcohol 4699
and drug addiction services and other matters necessary or 4700
desirable to carry out this chapter; 4701

~~(E)~~(5) Employ and remove from office such employees and 4702
consultants in the classified civil service and, subject to the 4703
approval of the board, employ and remove from office such other 4704
employees and consultants as may be necessary for the work of the 4705
board, and fix their compensation and reimbursement within the 4706
limits set by the salary schedule and the budget approved by the 4707
board; 4708

~~(F)~~(6) Encourage the development and expansion of preventive, 4709
treatment, rehabilitative, and consultative programs in the field 4710
of mental health with emphasis on continuity of care; 4711

~~(G)~~(7) Prepare for board approval an annual report of the 4712
programs under the jurisdiction of the board, including a fiscal 4713
accounting of all services; 4714

~~(H)~~(8) Conduct such studies as may be necessary and 4715
practicable for the promotion of mental health and the prevention 4716
of mental illness, emotional disorders, and addiction to alcohol 4717
and drugs; 4718

~~(I)~~(9) Authorize the county auditor, or in a joint-county 4719
district the county auditor designated as the auditor for the 4720
district, to issue warrants for the payment of board obligations 4721
approved by the board, provided that all payments are in 4722

accordance with the comprehensive community mental health plan, as 4723
approved by the department of mental health, or with the alcohol 4724
and drug addiction services plan as approved by the department of 4725
alcohol and drug addiction services. 4726

(B) For purposes of division (A)(5) of this section, a board 4727
of alcohol, drug addiction, and mental health services, when 4728
establishing a salary schedule, shall require merit to be the only 4729
basis, and the executive director shall use merit as the only 4730
basis, for an employee's progression through the schedule. 4731

Sec. 505.38. (A) In each township or fire district that has a 4732
fire department, the head of the department shall be a fire chief, 4733
appointed by the board of township trustees, except that, in a 4734
joint fire district, the fire chief shall be appointed by the 4735
board of fire district trustees. Neither this section nor any 4736
other section of the Revised Code requires, or shall be construed 4737
to require, that the fire chief be a resident of the township or 4738
fire district. 4739

The board shall provide for the employment of firefighters as 4740
it considers best and shall fix their compensation. No person 4741
shall be appointed as a permanent full-time paid member, whose 4742
duties include fire fighting, of the fire department of any 4743
township or fire district unless that person has received a 4744
certificate issued under former section 3303.07 or section 4765.55 4745
of the Revised Code evidencing satisfactory completion of a 4746
firefighter training program. Those appointees shall continue in 4747
office until removed from office as provided by sections 733.35 to 4748
733.39 of the Revised Code. To initiate removal proceedings, and 4749
for that purpose, the board shall designate the fire chief or a 4750
private citizen to investigate the conduct and prepare the 4751
necessary charges in conformity with those sections. 4752

In case of the removal of a fire chief or any member of the 4753

fire department of a township or fire district, an appeal may be 4754
had from the decision of the board to the court of common pleas of 4755
the county in which the township or fire district fire department 4756
is situated to determine the sufficiency of the cause of removal. 4757
The appeal from the findings of the board shall be taken within 4758
ten days. 4759

No person who is appointed as a volunteer firefighter of the 4760
fire department of any township or fire district shall remain in 4761
that position unless either of the following applies: 4762

(1) Within one year of the appointment, the person has 4763
received a certificate issued under former section 3303.07 of the 4764
Revised Code or section 4765.55 of the Revised Code evidencing 4765
satisfactory completion of a firefighter training program. 4766

(2) The person began serving as a permanent full-time paid 4767
firefighter with the fire department of a city or village prior to 4768
July 2, 1970, or as a volunteer firefighter with the fire 4769
department of a city, village, or other township or fire district 4770
prior to July 2, 1979, and receives a certificate issued under 4771
division (C)(3) of section 4765.55 of the Revised Code. 4772

No person shall receive an appointment under this section, in 4773
the case of a volunteer firefighter, unless the person has, not 4774
more than sixty days prior to receiving the appointment, passed a 4775
physical examination, given by a licensed physician, a physician 4776
assistant, a clinical nurse specialist, a certified nurse 4777
practitioner, or a certified nurse-midwife, showing that the 4778
person meets the physical requirements necessary to perform the 4779
duties of the position to which the person is appointed as 4780
established by the board of township trustees having jurisdiction 4781
over the appointment. The appointing authority, prior to making an 4782
appointment, shall file with the Ohio police and fire pension fund 4783
or the local volunteer fire fighters' dependents fund board a copy 4784
of the report or findings of that licensed physician, physician 4785

assistant, clinical nurse specialist, certified nurse 4786
practitioner, or certified nurse-midwife. The professional fee for 4787
the physical examination shall be paid for by the board of 4788
township trustees. 4789

(B) In each township not having a fire department, the board 4790
of township trustees shall appoint a fire prevention officer who 4791
shall exercise all of the duties of a fire chief except those 4792
involving the maintenance and operation of fire apparatus. The 4793
board may appoint one or more deputy fire prevention officers who 4794
shall exercise the duties assigned by the fire prevention officer. 4795

The board may fix the compensation for the fire prevention 4796
officer and the fire prevention officer's deputies as it considers 4797
best. The board shall appoint each fire prevention officer and 4798
deputy for a one-year term. An appointee may be reappointed at the 4799
end of a term to another one-year term. Any appointee may be 4800
removed from office during a term as provided by sections 733.35 4801
to 733.39 of the Revised Code. Section 505.45 of the Revised Code 4802
extends to those officers. 4803

(C)(1) Division (A) of this section does not apply to any 4804
township that has a population of ten thousand or more persons 4805
residing within the township and outside of any municipal 4806
corporation, that has its own fire department employing ten or 4807
more full-time paid employees, and that has a civil service 4808
commission established under division (B) of section 124.40 of the 4809
Revised Code. The township shall comply with the procedures for 4810
the employment, promotion, and discharge of firefighters provided 4811
by Chapter 124. of the Revised Code, except as otherwise provided 4812
in divisions (C)(2) and (3) of this section. 4813

(2) The board of township trustees of the township may 4814
appoint the fire chief, and any person so appointed shall be in 4815
the unclassified service under section 124.11 of the Revised Code 4816
and shall serve at the pleasure of the board. Neither this section 4817

nor any other section of the Revised Code requires, or shall be 4818
construed to require, that the fire chief be a resident of the 4819
township. A person who is appointed fire chief under these 4820
conditions and who is removed by the board or resigns from the 4821
position is entitled to return to the classified service in the 4822
township fire department in the position held just prior to the 4823
appointment as fire chief. 4824

(3) The appointing authority of an urban township, as defined 4825
in section 504.01 of the Revised Code, may appoint to a vacant 4826
position any one of the three highest scorers on the eligible list 4827
for a promotional examination. 4828

(4) The board of township trustees shall determine the number 4829
of personnel required and establish salary schedules and 4830
conditions of employment not in conflict with Chapter 124. of the 4831
Revised Code. The board, when establishing a salary schedule, 4832
shall require merit to be the only basis for an employee's 4833
progression through the schedule. 4834

(5) No person shall receive an original appointment as a 4835
permanent full-time paid member of the fire department of the 4836
township described in this division unless the person has received 4837
a certificate issued under former section 3303.07 or section 4838
4765.55 of the Revised Code evidencing the satisfactory completion 4839
of a firefighter training program. 4840

(6) Persons employed as firefighters in the township 4841
described in this division on the date a civil service commission 4842
is appointed pursuant to division (B) of section 124.40 of the 4843
Revised Code, without being required to pass a competitive 4844
examination or a firefighter training program, shall retain their 4845
employment and any rank previously granted them by action of the 4846
board of township trustees or otherwise, but those persons are 4847
eligible for promotion only by compliance with Chapter 124. of the 4848
Revised Code. 4849

Sec. 505.49. (A) As used in this section, "felony" has the 4850
same meaning as in section 109.511 of the Revised Code. 4851

(B)(1) The township trustees by a two-thirds vote of the 4852
board may adopt rules necessary for the operation of the township 4853
police district, including a determination of the qualifications 4854
of the chief of police, patrol officers, and others to serve as 4855
members of the district police force. 4856

(2) Except as otherwise provided in division (E) of this 4857
section and subject to division (D) of this section, the township 4858
trustees by a two-thirds vote of the board shall appoint a chief 4859
of police for the district, determine the number of patrol 4860
officers and other personnel required by the district, and 4861
establish salary schedules and other conditions of employment for 4862
the employees of the township police district. The township 4863
trustees, when establishing a salary schedule under this division, 4864
shall require merit to be the only basis for an employee's 4865
progression through the schedule. The chief of police of the 4866
district shall serve at the pleasure of the township trustees and 4867
shall appoint patrol officers and other personnel that the 4868
district may require, subject to division (D) of this section and 4869
to the rules and limits as to qualifications, salary ranges, and 4870
numbers of personnel established by the board of township 4871
trustees. The chief of police shall use merit as the only basis 4872
for a patrol officer's or other personnel's progression through 4873
the salary schedule established by the township trustees. The 4874
township trustees may include in the township police district and 4875
under the direction and control of the chief of police any 4876
constable appointed pursuant to section 509.01 of the Revised 4877
Code, or may designate the chief of police or any patrol officer 4878
appointed by the chief of police as a constable, as provided for 4879
in section 509.01 of the Revised Code, for the township police 4880
district. 4881

(3) Except as provided in division (D) of this section, a 4882
patrol officer, other police district employee, or police 4883
constable, who has been awarded a certificate attesting to the 4884
satisfactory completion of an approved state, county, or municipal 4885
police basic training program, as required by section 109.77 of 4886
the Revised Code, may be removed or suspended only under the 4887
conditions and by the procedures in sections 505.491 to 505.495 of 4888
the Revised Code. Any other patrol officer, police district 4889
employee, or police constable shall serve at the pleasure of the 4890
township trustees. In case of removal or suspension of an 4891
appointee by the board of township trustees, that appointee may 4892
appeal the decision of the board to the court of common pleas of 4893
the county in which the district is situated to determine the 4894
sufficiency of the cause of removal or suspension. The appointee 4895
shall take the appeal within ten days of written notice to the 4896
appointee of the decision of the board. 4897

(C)(1) Division (B) of this section does not apply to a 4898
township that has a population of ten thousand or more persons 4899
residing within the township and outside of any municipal 4900
corporation, that has its own police department employing ten or 4901
more full-time paid employees, and that has a civil service 4902
commission established under division (B) of section 124.40 of the 4903
Revised Code. The township shall comply with the procedures for 4904
the employment, promotion, and discharge of police personnel 4905
provided by Chapter 124. of the Revised Code, except as otherwise 4906
provided in divisions (C)(2) and (3) of this section. 4907

(2) The board of township trustees of the township may 4908
appoint the chief of police, and a person so appointed shall be in 4909
the unclassified service under section 124.11 of the Revised Code 4910
and shall serve at the pleasure of the board. A person appointed 4911
chief of police under these conditions who is removed by the board 4912
or who resigns from the position shall be entitled to return to 4913

the classified service in the township police department, in the 4914
position that person held previous to the person's appointment as 4915
chief of police. 4916

(3) The appointing authority of an urban township, as defined 4917
in section 504.01 of the Revised Code, may appoint to a vacant 4918
position any one of the three highest scorers on the eligible list 4919
for a promotional examination. 4920

(4) The board of township trustees shall determine the number 4921
of personnel required and establish salary schedules and 4922
conditions of employment not in conflict with Chapter 124. of the 4923
Revised Code. The board, when establishing a salary schedule under 4924
this division, shall require and use merit as the only basis for 4925
an employee's progression through the schedule. 4926

(5) Persons employed as police personnel in a township 4927
described in this division on the date a civil service commission 4928
is appointed pursuant to division (B) of section 124.40 of the 4929
Revised Code, without being required to pass a competitive 4930
examination or a police training program, shall retain their 4931
employment and any rank previously granted them by action of the 4932
township trustees or otherwise, but those persons are eligible for 4933
promotion only by compliance with Chapter 124. of the Revised 4934
Code. 4935

(6) This division does not apply to constables appointed 4936
pursuant to section 509.01 of the Revised Code. This division is 4937
subject to division (D) of this section. 4938

(D)(1) The board of township trustees shall not appoint or 4939
employ a person as a chief of police, and the chief of police 4940
shall not appoint or employ a person as a patrol officer or other 4941
peace officer of a township police district or a township police 4942
department, on a permanent basis, on a temporary basis, for a 4943
probationary term, or on other than a permanent basis if the 4944

person previously has been convicted of or has pleaded guilty to a 4945
felony. 4946

(2)(a) The board of township trustees shall terminate the 4947
appointment or employment of a chief of police, patrol officer, or 4948
other peace officer of a township police district or township 4949
police department who does either of the following: 4950

(i) Pleads guilty to a felony; 4951

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 4952
plea agreement as provided in division (D) of section 2929.43 of 4953
the Revised Code in which the chief of police, patrol officer, or 4954
other peace officer of a township police district or township 4955
police department agrees to surrender the certificate awarded to 4956
that chief of police, patrol officer, or other peace officer under 4957
section 109.77 of the Revised Code. 4958

(b) The board shall suspend the appointment or employment of 4959
a chief of police, patrol officer, or other peace officer of a 4960
township police district or township police department who is 4961
convicted, after trial, of a felony. If the chief of police, 4962
patrol officer, or other peace officer of a township police 4963
district or township police department files an appeal from that 4964
conviction and the conviction is upheld by the highest court to 4965
which the appeal is taken or if no timely appeal is filed, the 4966
board shall terminate the appointment or employment of that chief 4967
of police, patrol officer, or other peace officer. If the chief of 4968
police, patrol officer, or other peace officer of a township 4969
police district or township police department files an appeal that 4970
results in that chief of police's, patrol officer's, or other 4971
peace officer's acquittal of the felony or conviction of a 4972
misdemeanor, or in the dismissal of the felony charge against the 4973
chief of police, patrol officer, or other peace officer, the board 4974
shall reinstate that chief of police, patrol officer, or other 4975
peace officer. A chief of police, patrol officer, or other peace 4976

officer of a township police district or township police 4977
department who is reinstated under division (D)(2)(b) of this 4978
section shall not receive any back pay unless the conviction of 4979
that chief of police, patrol officer, or other peace officer of 4980
the felony was reversed on appeal, or the felony charge was 4981
dismissed, because the court found insufficient evidence to 4982
convict the chief of police, patrol officer, or other peace 4983
officer of the felony. 4984

(3) Division (D) of this section does not apply regarding an 4985
offense that was committed prior to January 1, 1997. 4986

(4) The suspension or termination of the appointment or 4987
employment of a chief of police, patrol officer, or other peace 4988
officer under division (D)(2) of this section shall be in 4989
accordance with Chapter 119. of the Revised Code. 4990

(E) The board of township trustees may enter into a contract 4991
under section 505.43 or 505.50 of the Revised Code to obtain all 4992
police protection for the township police district from one or 4993
more municipal corporations, county sheriffs, or other townships. 4994
If the board enters into such a contract, subject to division (D) 4995
of this section, it may, but is not required to, appoint a police 4996
chief for the district. 4997

(F) The members of the police force of a township police 4998
district of a township that adopts the limited self-government 4999
form of township government shall serve as peace officers for the 5000
township territory included in the district. 5001

(G) A chief of police or patrol officer of a township police 5002
district, or of a township police department, may participate, as 5003
the director of an organized crime task force established under 5004
section 177.02 of the Revised Code or as a member of the 5005
investigatory staff of that task force, in an investigation of 5006
organized criminal activity in any county or counties in this 5007

state under sections 177.01 to 177.03 of the Revised Code. 5008

Sec. 505.60. (A) ~~As~~ Except as provided in section 124.81 of 5009
the Revised Code, and as provided in this section and section 5010
505.601 of the Revised Code, the board of township trustees of any 5011
township may procure and pay all or any part of the cost of 5012
insurance policies that may provide benefits for hospitalization, 5013
surgical care, major medical care, disability, dental care, eye 5014
care, medical care, hearing aids, prescription drugs, or sickness 5015
and accident insurance, or a combination of any of the foregoing 5016
types of insurance for township officers and employees. The board 5017
of township trustees of any township may negotiate and contract 5018
for the purchase of a policy of long-term care insurance for 5019
township officers and employees pursuant to section 124.841 of the 5020
Revised Code. 5021

If the board procures any insurance policies under this 5022
section, the board shall provide uniform coverage under these 5023
policies for township officers and full-time township employees 5024
and their immediate dependents, and may provide coverage under 5025
these policies for part-time township employees and their 5026
immediate dependents, from the funds or budgets from which the 5027
officers or employees are compensated for services, such policies 5028
to be issued by an insurance company duly authorized to do 5029
business in this state. 5030

(B) The board may also provide coverage for any or all of the 5031
benefits described in division (A) of this section by entering 5032
into a contract for group health care services with health 5033
insuring corporations holding certificates of authority under 5034
Chapter 1751. of the Revised Code for township officers and 5035
employees and their immediate dependents. If the board so 5036
contracts, it shall provide uniform coverage under any such 5037
contracts for township officers and full-time township employees 5038

and their immediate dependents, from the funds or budgets from 5039
which the officers or employees are compensated for services, and 5040
may provide coverage under such contracts for part-time township 5041
employees and their immediate dependents, from the funds or 5042
budgets from which the officers or employees are compensated for 5043
services, provided that each officer and employee so covered is 5044
permitted to: 5045

(1) Choose between a plan offered by an insurance company and 5046
a plan offered by a health insuring corporation, and provided 5047
further that the officer or employee pays any amount by which the 5048
cost of the plan chosen exceeds the cost of the plan offered by 5049
the board under this section; 5050

(2) Change the choice made under this division at a time each 5051
year as determined in advance by the board. 5052

An addition of a class or change of definition of coverage to 5053
the plan offered under this division by the board may be made at 5054
any time that it is determined by the board to be in the best 5055
interest of the township. If the total cost to the township of the 5056
revised plan for any trustee's coverage does not exceed that cost 5057
under the plan in effect during the prior policy year, the 5058
revision of the plan does not cause an increase in that trustee's 5059
compensation. 5060

(C) Any township officer or employee may refuse to accept any 5061
coverage authorized by this section without affecting the 5062
availability of such coverage to other township officers and 5063
employees. 5064

(D) If any township officer or employee is denied coverage 5065
under a health care plan procured under this section or if any 5066
township officer or employee elects not to participate in the 5067
township's health care plan, the township may reimburse the 5068
officer or employee for each out-of-pocket premium attributable to 5069

the coverage provided for the officer or employee for insurance 5070
benefits described in division (A) of this section that the 5071
officer or employee otherwise obtains, but not to exceed an amount 5072
equal to the average premium paid by the township for its officers 5073
and employees under any health care plan it procures under this 5074
section. 5075

(E) The board may provide the benefits authorized under this 5076
section, without competitive bidding, by contributing to a health 5077
and welfare trust fund administered through or in conjunction with 5078
a collective bargaining representative of the township employees 5079
in the same manner as described in division (G) of section 124.81 5080
of the Revised Code. 5081

The board may also provide the benefits described in this 5082
section through an individual self-insurance program or a joint 5083
self-insurance program as provided in section 9.833 of the Revised 5084
Code. 5085

(F) If a board of township trustees fails to pay one or more 5086
premiums for a policy, contract, or plan of insurance or health 5087
care services authorized under this section and the failure causes 5088
a lapse, cancellation, or other termination of coverage under the 5089
policy, contract, or plan, it may reimburse a township officer or 5090
employee for, or pay on behalf of the officer or employee, any 5091
expenses incurred that would have been covered under the policy, 5092
contract, or plan. 5093

(G) As used in this section and section 505.601 of the 5094
Revised Code: 5095

(1) "Part-time township employee" means a township employee 5096
who is hired with the expectation that the employee will work not 5097
more than one thousand five hundred hours in any year. 5098

(2) "Premium" does not include any deductible or health care 5099
costs paid directly by a township officer or employee. 5100

Sec. 709.012. When a municipal corporation annexes township 5101
territory which results in a reduction of the firefighting force 5102
of the township or joint township fire district, the ~~reduction~~ 5103
~~shall be made by dismissal of firefighters in the inverse order of~~ 5104
~~seniority, with the employee with least time of service being~~ 5105
~~dismissed first.~~ The annexing municipal corporation shall offer 5106
employment ~~in the inverse order of dismissal by the township to~~ 5107
~~such~~ dismissed firefighters if a vacancy exists in the municipal 5108
fire department and if they: 5109

(A) Were full-time paid active members of the township or 5110
joint township firefighting force for at least six months prior to 5111
dismissal and have made application to the municipal corporation 5112
within sixty days after the effective date of dismissal; 5113

(B) Have passed a physical examination as prescribed by the 5114
physician of the annexing municipal corporation and meet the 5115
requirements necessary to perform firefighting duties; 5116

(C) Meet minimum standards of the municipal corporation with 5117
respect to moral character, literacy, and ability to understand 5118
oral and written instructions as determined by an interview 5119
conducted by the fire department of the municipal corporation. The 5120
applicant shall be at least twenty-one years of age on the date of 5121
application. 5122

(D) Are able to qualify for membership in the Ohio police and 5123
fire pension fund. 5124

A physical examination required by division (B) of this 5125
section may be conducted by any individual authorized by the 5126
Revised Code to conduct physical examinations, including a 5127
physician assistant, a clinical nurse specialist, a certified 5128
nurse practitioner, or a certified nurse-midwife. Any written 5129
documentation of the physical examination shall be completed by 5130
the individual who administered the examination. 5131

If no vacancy exists in the municipal fire department at the 5132
time of the application referred to in division (A) of this 5133
section, the application shall be held until a vacancy occurs. 5134
When such a vacancy occurs, the applicant shall be entitled to 5135
employment in accordance with the requirements of divisions (A), 5136
(B), (C), and (D) of this section. So long as any application for 5137
employment has been made and is being held under this section, the 5138
municipal corporation shall not fill any vacancy in its fire 5139
department by original appointment. If there are individuals who 5140
are entitled to reinstatement in the municipal fire department and 5141
the vacancies therein are insufficient to permit both such 5142
reinstatements and employment of all those applying for employment 5143
under division (A) of this section, the persons having the 5144
greatest length of service, whether with the municipal or township 5145
fire department, shall be entitled to fill the vacancies as they 5146
occur. 5147

A person employed under this section, upon acceptance into 5148
the municipal fire department, shall be given the rank of 5149
"firefighter" and entitled to full seniority credit for prior 5150
service in the township or joint township fire district. The 5151
person shall be entitled to the same salary, future benefits, 5152
vacations, earned time, sick leave, and other rights and 5153
privileges as the municipal fire department extends to other 5154
employees with the same amount of prior service. The person may 5155
take promotional examinations only after completion of one year of 5156
service with the municipal fire department and after meeting any 5157
applicable civil service requirements for such examination. 5158

Compliance with this section is in lieu of compliance with 5159
section 124.42 of the Revised Code or any other requirements for 5160
original appointment to a municipal fire district. 5161

Sec. 742.31. Each employee shall contribute an amount equal 5162

to ten per cent of the employee's salary to the Ohio police and 5163
fire pension fund. The The contributions required under this 5164
section shall not be paid by an employer on an employee's behalf, 5165
but may be treated as employer contributions for purposes of state 5166
and federal income tax deferred income provisions. 5167

The amount shall be deducted by the employer from the 5168
employee's salary as defined in division (L) of section 742.01 of 5169
the Revised Code for each payroll period, irrespective of whether 5170
the minimum compensation provided by law for the employee is 5171
reduced thereby. Every employee shall be deemed to consent to the 5172
deductions, and payment to the employee less the deductions is a 5173
complete discharge and acquittance of all claims and demands for 5174
the services rendered by the employee during the period covered by 5175
such payment. 5176

Sec. 749.082. (A) The following apply to the board of 5177
hospital commissioners in relation to its employees and the 5178
employees of a hospital erected under sections 749.02 to 749.14 of 5179
the Revised Code, subject to the ordinances of the legislative 5180
authority of the municipal corporation: 5181

(1) The board may adopt the wage and salary schedule for 5182
employees. If the board establishes a salary schedule, the board 5183
shall require merit to be the only basis for an employee's 5184
progression through the schedule. 5185

(2) The board may employ the hospital's administrator 5186
pursuant to section 749.083 of the Revised Code, and the 5187
administrator may employ individuals for the hospital in 5188
accordance with that section. 5189

(3) The board may employ assistants as necessary to perform 5190
its clerical work, superintend properly the construction of the 5191
hospital, and pay the hospital's expenses. The employees may be 5192
paid from funds provided for the hospital. 5193

(4) The board may enter into a contract with an employer or other entity whereby the services of any employee of the board or hospital are rendered to or on behalf of the employer or other entity for a fee paid to the board or hospital.	5194 5195 5196 5197
(5) The board may grant to employees any fringe benefits the board determines to be customary and usual in the nonprofit hospital field in the community, including the following:	5198 5199 5200
(a) Additional vacation leave with full pay for full-time employees, including hourly rate employees, after service of one year;	5201 5202 5203
(b) Vacation leave and holiday pay for part-time employees on a pro rata basis;	5204 5205
(c) Leave with full pay, which shall not be deducted from the employee's accumulated sick leave, due to death in the employee's immediate family;	5206 5207 5208
(d) Moving expenses for new employees;	5209
(e) Premium pay for working on holidays observed by other municipal agencies;	5210 5211
(f) Discounts on purchases from the hospital pharmacy.	5212
(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.	5213 5214 5215 5216
(7) The board may grant to employees the insurance benefits authorized by division (B) of this section.	5217 5218
(8) The board may provide employee recognition awards and may hold employee recognition dinners.	5219 5220
(9) The board may provide scholarships for education in the health care professions, tuition reimbursement, and other staff development programs for the purpose of recruiting or retaining	5221 5222 5223

qualified employees. 5224

(10) The board may pay reasonable expenses for recruiting 5225
physicians into the city or for retaining them if all or part of 5226
the city has been designated as an area with a shortage of 5227
personal health services under the "Health Maintenance 5228
Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 300e, as 5229
amended. 5230

(B)(1) The board of hospital commissioners may contract for, 5231
purchase, or otherwise procure on behalf of any or all of its 5232
employees, the employees of the hospital, or such employees and 5233
their immediate dependents the following types of fringe benefits: 5234

(a) Group or individual insurance contracts which may include 5235
life, sickness, accident, disability, annuities, endowment, 5236
health, medical expense, hospital, dental, surgical and related 5237
coverage or any combination thereof; 5238

(b) Group or individual contracts with health insuring 5239
corporations or other providers of professional services, care, or 5240
benefits duly authorized to do business in this state. 5241

(2) The board of hospital commissioners may contract for, 5242
purchase, or otherwise procure insurance contracts which provide 5243
protection for the commissioners, the board's employees, and the 5244
employees of the hospital against liability, including 5245
professional liability, provided that this section or any 5246
insurance contract issued pursuant to this section shall not be 5247
construed as a waiver of or in any manner affect the immunity of 5248
the hospital or municipal corporation. 5249

(3) All or any portion of the cost, premium, fees, or charges 5250
for the insurance benefits specified in divisions (B)(1) and (2) 5251
of this section may be paid in such manner or combination of 5252
manners as the board may determine, including direct payment by an 5253
employee, and, if authorized in writing by an employee, by the 5254

board with moneys made available by deduction from or reduction in 5255
salary or wages or by the foregoing of a salary or wage increase. 5256

Notwithstanding sections 3917.01 and 3917.06 of the Revised 5257
Code, the board may purchase group life insurance authorized by 5258
this section by reason of payment of premiums therefor by the 5259
board from its funds, and such group life insurance may be issued 5260
and purchased if otherwise consistent with sections 3917.01 to 5261
3917.06 of the Revised Code. 5262

(C) The board with the approval of the legislative authority 5263
may retain counsel to bring actions for the collection of 5264
delinquent accounts. 5265

Sec. 749.083. (A) The board of hospital commissioners shall 5266
provide for the administration of the hospital by directly 5267
employing a hospital administrator or by entering into a contract 5268
for the management of the hospital under which an administrator is 5269
provided. When an administrator is employed directly, the board 5270
shall adopt a job description delineating the administrator's 5271
powers and duties and the board may pay the administrator's salary 5272
and other benefits from funds provided for the hospital. 5273

(B) During the construction and equipping of the hospital, 5274
the administrator shall act in an advisory capacity to the board. 5275
After the hospital is completed, the administrator shall serve as 5276
the chief executive officer and shall carry out the administration 5277
of the hospital according to the policies set forth by the board. 5278

The administrator shall administer the hospital, make 5279
reports, and take any other action that the administrator 5280
determines is necessary for the operation of the hospital. 5281

At the end of each fiscal year, the administrator shall 5282
submit to the board a complete financial statement showing the 5283
receipts, revenues, and expenditures in detail for the entire 5284

fiscal year. 5285

The administrator shall ensure that the hospital has such 5286
physicians, nurses, and other employees as are necessary for the 5287
proper care, control, and management of the hospital and its 5288
patients. The physicians, nurses, and other employees may be 5289
suspended or removed by the administrator at any time the welfare 5290
of the hospital warrants suspension or removal. The administrator 5291
may obtain physicians, nurses, and other employees by direct 5292
employment, entering into contracts, or granting authority to 5293
practice in the hospital. If the board delegates to the 5294
administrator the authority to fix employee compensation in 5295
accordance with the wage and salary schedule established by the 5296
board under section 749.082 of the Revised Code, the administrator 5297
shall use merit as the only basis for an employee's progression 5298
through that schedule. 5299

Sec. 917.03. There is hereby created a milk sanitation board 5300
consisting of the director of agriculture or the director's 5301
authorized representative, the director of health or the 5302
director's authorized representative, and the following members to 5303
be appointed by the director of agriculture: 5304

(A) Two grade A milk producers; 5305

(B) One manufacture milk producer; 5306

(C) Three milk processors, one of whom shall be a grade A 5307
milk processor and one of whom shall be a manufacture milk 5308
processor; 5309

(D) One milk hauler. 5310

The three members who are milk producers shall not be members 5311
or representatives of the same co-operative association. 5312

The director of agriculture or the director's authorized 5313
representative shall serve as chairperson of the board. 5314

Before making the appointments to the board required under 5315
this section, the director of agriculture shall consult the 5316
respective statewide trade organizations that represent grade A 5317
milk producers, manufacture milk producers, milk processors, and 5318
milk haulers. 5319

Of the initial appointments, one grade A milk producer, one 5320
milk processor, and the milk hauler shall serve for a term ending 5321
December 31, 1998, one grade A milk producer and the manufacture 5322
milk processor shall serve for a term ending December 31, 1999, 5323
and the manufacture milk producer and a grade A milk processor 5324
shall serve for a term ending December 31, 2000. Thereafter, 5325
members shall serve three-year terms that expire on the 5326
thirty-first day of December. 5327

Each member shall hold office from the date of appointment 5328
until the end of the term for which the member was appointed. A 5329
member appointed to fill a vacancy occurring prior to the 5330
expiration of the term for which the member's predecessor was 5331
appointed shall hold office for the remainder of the term. A 5332
member shall continue in office subsequent to the expiration date 5333
of the member's term until the member's successor takes office or 5334
a period of sixty days has elapsed, whichever occurs first. A 5335
member shall continue in office for the entirety of the member's 5336
term unless removed for misfeasance, malfeasance, or nonfeasance. 5337

The director shall provide the board with the personnel, 5338
office space, and incidentals necessary for it to perform its 5339
duties and exercise its powers. Members shall be reimbursed for 5340
their actual and necessary expenses incurred in the performance of 5341
their duties. Appointed members shall receive compensation in an 5342
amount determined pursuant to division ~~(J)~~(A) of section 124.15 of 5343
the Revised Code. 5344

Sec. 927.69. To effect the purpose of sections 927.51 to 5345

927.73 of the Revised Code, the director of agriculture or the 5346
director's authorized representative may: 5347

(A) Make reasonable inspection of any premises in this state 5348
and any property therein or thereon; 5349

(B) Stop and inspect in a reasonable manner, any means of 5350
conveyance moving within this state upon probable cause to believe 5351
it contains or carries any pest, host, commodity, or other article 5352
that is subject to sections 927.51 to 927.72 of the Revised Code; 5353

(C) Conduct inspections of agricultural products that are 5354
required by other states, the United States department of 5355
agriculture, other federal agencies, or foreign countries to 5356
determine whether the products are infested. If, upon making such 5357
an inspection, the director or the director's authorized 5358
representative determines that an agricultural product is not 5359
infested, the director or the director's authorized representative 5360
may issue a certificate, as required by other states, the United 5361
States department of agriculture, other federal agencies, or 5362
foreign countries, indicating that the product is not infested. 5363

If the director charges fees for any of the certificates, 5364
agreements, or inspections specified in this section, the fees 5365
shall be as follows: 5366

(1) Phyto sanitary certificates, twenty-five dollars for 5367
those collectors or dealers that are licensed under section 927.53 5368
of the Revised Code; 5369

(2) Phyto sanitary certificates, one hundred dollars for all 5370
others; 5371

(3) Compliance agreements, forty dollars; 5372

(4) Agricultural products and their conveyances inspections, 5373
an hourly amount set by the director equal to the hourly rate of 5374
~~pay in the highest step in the pay range, including fringe~~ 5375

benefits, of a plant pest control specialist multiplied by the 5376
number of hours worked by such a specialist in conducting an 5377
inspection. The director shall set the hourly amount at a rate 5378
adequate to pay the wages and fringe benefits of the specialist. 5379

The director may adopt rules under section 927.52 of the 5380
Revised Code that define the certificates, agreements, and 5381
inspections. 5382

The fees shall be credited to the plant pest program fund 5383
created in section 927.54 of the Revised Code. 5384

Sec. 991.02. (A) There is hereby created the Ohio expositions 5385
commission which shall consist of the following thirteen members: 5386
nine members appointed by the governor with the advice and consent 5387
of the senate; the director of development and the director of 5388
agriculture, or their designated representatives, who shall be ex 5389
officio members with voting rights of such commission; and the 5390
~~chairman~~ chairperson of the standing committee in the house of 5391
representatives to which matters dealing with agriculture are 5392
generally referred and the ~~chairman~~ chairperson of the standing 5393
committee in the senate to which matters dealing with agriculture 5394
are generally referred, who shall be nonvoting members. If the 5395
senate is not in session, recess appointments shall be made by the 5396
governor. 5397

(B) Of the nine members of the commission appointed by the 5398
governor, not more than five shall be from one political party, at 5399
least three members shall receive the major portion of their 5400
income from farming, and at least one member shall, at the time of 5401
~~his~~ appointment, be a member of the board of directors of an 5402
agricultural society which was organized in compliance with 5403
section 1711.01 or 1711.02 of the Revised Code. Terms of office 5404
shall be for six years, commencing on the second day of December 5405
and ending on the first day of December. Each member shall hold 5406

office from the date of ~~his~~ appointment until the end of the term 5407
for which ~~he was~~ appointed. Any member appointed to fill a vacancy 5408
occurring prior to the expiration of the term for which ~~his~~ the 5409
member's predecessor was appointed shall hold office for the 5410
remainder of such term. Any member shall continue in office 5411
subsequent to the expiration date of ~~his~~ the member's term until 5412
~~his~~ the member's successor takes office, or until a period of 5413
sixty days has elapsed, whichever occurs first. 5414

The term of each nonvoting, legislative member of the 5415
commission shall be for two years or until the end of the member's 5416
legislative term, whichever occurs first. 5417

(C) The commission shall annually, during the month of 5418
December, select from among its members a ~~chairman~~ chairperson, a 5419
~~vice-chairman~~ vice-chairperson, who in the absence of the ~~chairman~~ 5420
chairperson shall carry out ~~his~~ the chairperson's duties, and a 5421
secretary, who may be a member or employee of the commission, to 5422
record the minutes of its meetings and to carry out such other 5423
duties as may be assigned by the commission, its ~~chairman~~ 5424
chairperson, or ~~vice-chairman~~ vice-chairperson. 5425

(D) The director of agriculture and the director of 5426
development, or their designated representatives, and the two 5427
legislators appointed to the commission, as members of the 5428
commission shall serve without compensation. 5429

(E) Each of the members of the commission appointed by the 5430
governor shall be paid the rate established pursuant to division 5431
(~~F~~)(A) of section 124.15 of the Revised Code. All members of the 5432
commission are entitled to their actual and necessary expenses 5433
incurred in the performance of their duties as such members, 5434
payable from the appropriations for the commission. 5435

(F) The commission shall hold at least one regular meeting in 5436
each quarter of each calendar year, and shall keep a record of its 5437

proceedings which shall be open to the public for inspection. 5438
Special meetings may be called by the ~~chairman~~ chairperson and 5439
shall be called by ~~him~~ the chairperson upon receipt of a written 5440
request therefor signed by two or more members of the commission. 5441
Written notice of the time and place of each meeting shall be sent 5442
to each member of the commission. Six of the voting members of the 5443
commission shall constitute a quorum. 5444

(G) The commission shall employ and prescribe the powers and 5445
duties of a general manager who shall serve in the unclassified 5446
civil service at a salary fixed pursuant to section 124.14 of the 5447
Revised Code. The general manager may employ such assistant 5448
managers as ~~he~~ the general manager and the commission may approve. 5449
At no time shall such assistant managers exceed four in number, 5450
one of whom shall be appointed in the classified civil service. 5451
The general manager may, subject to the approval of the 5452
commission, employ a fiscal officer and such other officers, 5453
employees, and consultants with such powers and duties as are 5454
necessary to carry out sections 991.01 to 991.07 of the Revised 5455
Code. With the approval of the commission and in order to 5456
implement this chapter, the general manager may employ and fix the 5457
compensation of seasonal employees; these employees shall be in 5458
the unclassified civil service, and the overtime pay requirements 5459
of section 124.18 of the Revised Code do not apply to them. The 5460
general manager shall be considered the appointing authority of 5461
the commission for purposes of Chapter 124. of the Revised Code. 5462

(H) The governor may remove any appointed voting member of 5463
the commission at any time for inefficiency, neglect of duty, or 5464
malfeasance in office. 5465

Sec. 1347.15. (A) As used in this section: 5466

(1) "Confidential personal information" means personal 5467
information that is not a public record for purposes of section 5468

149.43 of the Revised Code. 5469

(2) "State agency" does not include the courts or any 5470
judicial agency, any state-assisted institution of higher 5471
education, or any local agency. 5472

(B) Each state agency shall adopt rules under Chapter 119. of 5473
the Revised Code regulating access to the confidential personal 5474
information the agency keeps, whether electronically or on paper. 5475
The rules shall include all the following: 5476

(1) Criteria for determining which employees of the state 5477
agency may access, and which supervisory employees of the state 5478
agency may authorize those employees to access, confidential 5479
personal information; 5480

(2) A list of the valid reasons, directly related to the 5481
state agency's exercise of its powers or duties, for which only 5482
employees of the state agency may access confidential personal 5483
information; 5484

(3) References to the applicable federal or state statutes or 5485
administrative rules that make the confidential personal 5486
information confidential; 5487

(4) A procedure that requires the state agency to do all of 5488
the following: 5489

(a) Provide that any upgrades to an existing computer system, 5490
or the acquisition of any new computer system, that stores, 5491
manages, or contains confidential personal information include a 5492
mechanism for recording specific access by employees of the state 5493
agency to confidential personal information; 5494

(b) Until an upgrade or new acquisition of the type described 5495
in division (B)(4)(a) of this section occurs, except as otherwise 5496
provided in division (C)(1) of this section, keep a log that 5497
records specific access by employees of the state agency to 5498

confidential personal information; 5499

(5) A procedure that requires the state agency to comply with 5500
a written request from an individual for a list of confidential 5501
personal information about the individual that the state agency 5502
keeps, unless the confidential personal information relates to an 5503
investigation about the individual based upon specific statutory 5504
authority by the state agency; 5505

(6) A procedure that requires the state agency to notify each 5506
person whose confidential personal information has been accessed 5507
for an invalid reason by employees of the state agency of that 5508
specific access; 5509

(7) A requirement that the director of the state agency 5510
designate an employee of the state agency to serve as the data 5511
privacy point of contact within the state agency to work with the 5512
chief privacy officer within the office of information technology 5513
to ensure that confidential personal information is properly 5514
protected and that the state agency complies with this section and 5515
rules adopted thereunder; 5516

(8) A requirement that the data privacy point of contact for 5517
the state agency complete a privacy impact assessment form; and 5518

(9) A requirement that a password or other authentication 5519
measure be used to access confidential personal information that 5520
is kept electronically. 5521

(C)(1) A procedure adopted pursuant to division (B)(4) of 5522
this section shall not require a state agency to record in the log 5523
it keeps under division (B)(4)(b) of this section any specific 5524
access by any employee of the agency to confidential personal 5525
information in any of the following circumstances: 5526

(a) The access occurs as a result of research performed for 5527
official agency purposes, routine office procedures, or incidental 5528
contact with the information, unless the conduct resulting in the 5529

access is specifically directed toward a specifically named 5530
individual or a group of ~~specifically~~ specifically named 5531
individuals. 5532

(b) The access is to confidential personal information about 5533
an individual, and the access occurs as a result of a request by 5534
that individual for confidential personal information about that 5535
individual. 5536

(2) Each state agency shall establish a training program for 5537
all employees of the state agency described in division (B)(1) of 5538
this section so that these employees are made aware of all 5539
applicable statutes, rules, and policies governing their access to 5540
confidential personal information. 5541

The office of information technology shall develop the 5542
privacy impact assessment form and post the form on its internet 5543
web site by the first day of December each year. The form shall 5544
assist each state agency in complying with the rules it adopted 5545
under this section, in assessing the risks and effects of 5546
collecting, maintaining, and disseminating confidential personal 5547
information, and in adopting privacy protection processes designed 5548
to mitigate potential risks to privacy. 5549

(D) Each state agency shall distribute the policies included 5550
in the rules adopted under division (B) of this section to each 5551
employee of the agency described in division (B)(1) of this 5552
section and shall require that the employee acknowledge receipt of 5553
the copy of the policies. The state agency shall create a poster 5554
that describes these policies and post it in a conspicuous place 5555
in the main office of the state agency and in all locations where 5556
the state agency has branch offices. The state agency shall post 5557
the policies on the internet web site of the agency if it 5558
maintains such an internet web site. A state agency that has 5559
established a manual or handbook of its general policies and 5560
procedures shall include these policies in the manual or handbook. 5561

~~(E) No collective bargaining agreement entered into under Chapter 4117. of the Revised Code on or after the effective date of this section shall prohibit disciplinary action against or termination of an employee of a state agency who is found to have accessed, disclosed, or used personal confidential information in violation of a rule adopted under division (B) of this section or as otherwise prohibited by law.~~

~~(F)~~ The auditor of state shall obtain evidence that state agencies adopted the required procedures and policies in a rule under division (B) of this section, shall obtain evidence supporting whether the state agency is complying with those policies and procedures, and may include citations or recommendations relating to this section in any audit report issued under section 117.11 of the Revised Code.

~~(G)~~(F) A person who is harmed by a violation of a rule of a state agency described in division (B) of this section may bring an action in the court of claims, as described in division (F) of section 2743.02 of the Revised Code, against any person who directly and proximately caused the harm.

~~(H)~~(G)(1) No person shall knowingly access confidential personal information in violation of a rule of a state agency described in division (B) of this section.

(2) No person shall knowingly use or disclose confidential personal information in a manner prohibited by law.

(3) No state agency shall employ a person who has been convicted of or pleaded guilty to a violation of division ~~(H)~~(G)(1) or (2) of this section.

(4) A violation of division ~~(H)~~(G)(1) or (2) of this section is a violation of a state statute for purposes of division (A) of section 124.341 of the Revised Code.

Sec. 1347.99. (A) No public official, public employee, or 5592
other person who maintains, or is employed by a person who 5593
maintains, a personal information system for a state or local 5594
agency shall purposely refuse to comply with division (E), (F), 5595
(G), or (H) of section 1347.05, section 1347.071, division (A), 5596
(B), or (C) of section 1347.08, or division (A) or (C) of section 5597
1347.09 of the Revised Code. Whoever violates this section is 5598
guilty of a minor misdemeanor. 5599

(B) Whoever violates division ~~(H)~~(G)(1) or (2) of section 5600
1347.15 of the Revised Code is guilty of a misdemeanor of the 5601
first degree. 5602

Sec. 1349.71. (A) There is hereby created a consumer finance 5603
education board, consisting of the following twelve members: 5604

(1) An employee of the Ohio attorney general's office, 5605
appointed by the governor; 5606

(2) An employee of the department of commerce, appointed by 5607
the governor; 5608

(3) An employee of the Ohio housing finance agency, appointed 5609
by the governor; 5610

(4) A representative of Ohio minority advocacy groups, 5611
appointed by the governor; 5612

(5) A member of the Ohio bankers league, appointed by the 5613
speaker of the house of representatives; 5614

(6) A member of the Ohio mortgage bankers association, 5615
appointed by the speaker of the house of representatives; 5616

(7) A member of the Ohio credit union league, appointed by 5617
the speaker of the house of representatives; 5618

(8) A member of the Ohio community bankers association, 5619
appointed by the speaker of the house of representatives; 5620

(9) A representative of the Ohio real estate industry, 5621
appointed by the president of the senate; 5622

(10) A member of the Ohio mortgage brokers association, 5623
appointed by the president of the senate; 5624

(11) A representative of the financial services industry, 5625
appointed by the president of the senate; 5626

(12) A representative of consumer advocacy organizations, 5627
appointed by the president of the senate. 5628

(B) Geographically diverse representation of the state shall 5629
be considered in making appointments. Of the initial appointments 5630
to the board, four shall be for a term ending December 31, 2008, 5631
four shall be for a term ending December 31, 2009, and four shall 5632
be for a term ending December 31, 2010. Thereafter, terms of 5633
office are for three years, commencing on the first day of January 5634
and ending on the thirty-first day of December. Each member shall 5635
hold office from the date of the member's appointment until the 5636
end of the term for which the member is appointed. Prior to 5637
assuming the duties of office, each member shall subscribe to, and 5638
file with the secretary of state, the constitutional oath of 5639
office. Vacancies that occur on the board shall be filled in the 5640
manner prescribed for regular appointments to the board. A member 5641
appointed to fill a vacancy occurring prior to the expiration of 5642
the term for which the member's predecessor was appointed shall 5643
hold office for the remainder of that predecessor's term. A member 5644
shall continue in office subsequent to the expiration date of the 5645
member's term until the member's successor takes office or until 5646
sixty days have elapsed, whichever occurs first. No person shall 5647
serve as a member of the board for more than two consecutive 5648
terms. The governor may remove a member pursuant to section 3.04 5649
of the Revised Code. 5650

(C) Annually, upon the qualification of the members appointed 5651

in that year, the board shall organize by selecting from its 5652
members a chairperson. The board shall meet at least once each 5653
calendar quarter to conduct its business with the place of future 5654
meetings to be decided by a vote of its members. Each member shall 5655
be provided with written notice of the time and place of each 5656
board meeting at least ten days prior to the scheduled date of the 5657
meeting. A majority of the members of the board constitutes a 5658
quorum to transact and vote on all business coming before the 5659
board. 5660

(D)(1) The governor shall call the first meeting of the 5661
consumer finance education board. At that meeting, and annually 5662
thereafter, the board shall elect a chairperson for a one-year 5663
term and may elect members to other positions on the board as the 5664
board considers necessary or appropriate. 5665

(2) Each member of the board shall receive an amount fixed 5666
pursuant to division ~~(J)~~(A) of section 124.15 of the Revised Code 5667
for each day employed in the discharge of the member's official 5668
duties, and the member's actual and necessary expenses incurred in 5669
the discharge of those duties. 5670

(E) The board may obtain services from any state agency, 5671
including, but not limited to, the department of commerce or its 5672
successor agency. 5673

(F) The board shall assemble an advisory committee of 5674
representatives from the following organizations or groups for the 5675
purpose of receiving recommendations on policy, rules, and 5676
activities of the board: 5677

- (1) The department of aging; 5678
- (2) The department of rehabilitation and correction; 5679
- (3) The department of development; 5680
- (4) The department of job and family services; 5681

- (5) The Ohio treasurer of state's office; 5682
- (6) The county treasurers association of Ohio; 5683
- (7) Ohio college professors; 5684
- (8) Ohio university professors; 5685
- (9) The Ohio board of regents; 5686
- (10) The Ohio community development corporations association; 5687
- (11) The Ohio council for economic education; 5688
- (12) The Ohio state university extension service. 5689

Sec. 1509.35. (A) There is hereby created an oil and gas 5690
commission consisting of five members appointed by the governor. 5691
Terms of office shall be for five years, commencing on the 5692
fifteenth day of October and ending on the fourteenth day of 5693
October, except that the terms of the first five members of the 5694
board shall be for one, two, three, four, and five years, 5695
respectively, as designated by the governor at the time of the 5696
appointment. Each member shall hold office from the date of 5697
appointment until the end of the term for which the member was 5698
appointed. Any member appointed to fill a vacancy occurring prior 5699
to the expiration of the term for which the member's predecessor 5700
was appointed shall hold office for the remainder of that term. 5701
Any member shall continue in office subsequent to the expiration 5702
date of the member's term until a successor takes office, or until 5703
a period of sixty days has elapsed, whichever occurs first. Each 5704
vacancy occurring on the commission shall be filled by appointment 5705
within sixty days after the vacancy occurs. One of the appointees 5706
to the commission shall be a person who, by reason of the person's 5707
previous vocation, employment, or affiliations, can be classed as 5708
a representative of a major petroleum company. One of the 5709
appointees to the commission shall be a person who, by reason of 5710
the person's previous vocation, employment, or affiliations, can 5711

be classed as a representative of the public. One of the 5712
appointees to the commission shall be a person who, by reason of 5713
the person's previous training and experience, can be classed as a 5714
representative of independent petroleum operators. One of the 5715
appointees to the commission shall be a person who, by reason of 5716
the person's previous training and experience, can be classed as 5717
one learned and experienced in oil and gas law. One of the 5718
appointees to the commission shall be a person who, by reason of 5719
the person's previous training and experience, can be classed as 5720
one learned and experienced in geology or petroleum engineering. 5721
Not more than three members shall be members of the same political 5722
party. This division does not apply to temporary members appointed 5723
under division (C) of this section. 5724

(B) Three members constitute a quorum and no action of the 5725
commission is valid unless it has the concurrence of at least a 5726
majority of the members voting on that action. The commission 5727
shall keep a record of its proceedings. 5728

(C) If the chairperson of the commission determines that a 5729
quorum cannot be obtained for the purpose of considering a matter 5730
that will be before the commission because of vacancies or recusal 5731
of its members, the chairperson may contact the technical advisory 5732
council on oil and gas created in section 1509.38 of the Revised 5733
Code and request a list of members of the council who may serve as 5734
temporary members of the commission. Using the list provided by 5735
the council, the chairperson may appoint temporary members to the 5736
commission. The appointment of temporary members shall be for only 5737
the matter for which a quorum cannot be obtained. The number of 5738
temporary members appointed by the chairperson shall not exceed 5739
the number that is necessary to obtain a quorum for the matter. A 5740
temporary member of the commission has the same authority, rights, 5741
and obligations as a member of the commission, including the right 5742
to compensation and other expenses as provided in this section. 5743

The authority, rights, and obligations of a temporary member cease 5744
when the temporary member's service on the commission ends. 5745

(D) Each member shall be paid an amount fixed pursuant to 5746
division ~~(F)~~(A) of section 124.15 of the Revised Code per diem 5747
when actually engaged in the performance of work as a member and 5748
when engaged in travel necessary in connection with that work. In 5749
addition to such compensation each member shall be reimbursed for 5750
all traveling, hotel, and other expenses necessarily incurred in 5751
the performance of work as a member. 5752

(E) The commission shall select from among its members a 5753
chairperson, a vice-chairperson, and a secretary. These officers 5754
shall serve for terms of one year. 5755

(F) The governor may remove any member of the commission from 5756
office for inefficiency, neglect of duty, malfeasance, 5757
misfeasance, or nonfeasance. 5758

(G) The commission, in accordance with Chapter 119. of the 5759
Revised Code, shall adopt rules to govern its procedure. 5760

Sec. 1513.182. (A) There is hereby created the reclamation 5761
forfeiture fund advisory board consisting of the director of 5762
natural resources, the director of insurance, and seven members 5763
appointed by the governor with the advice and consent of the 5764
senate. Of the governor's appointments, one shall be a certified 5765
public accountant, one shall be a registered professional engineer 5766
with experience in reclamation of mined land, two shall represent 5767
agriculture, agronomy, or forestry, one shall be a representative 5768
of operators of coal mining operations that have valid permits 5769
issued under this chapter and that have provided performance 5770
security under division (C)(1) of section 1513.08 of the Revised 5771
Code, one shall be a representative of operators of coal mining 5772
operations that have valid permits issued under this chapter and 5773
that have provided performance security under division (C)(2) of 5774

section 1513.08 of the Revised Code, and one shall be a 5775
representative of the public. 5776

Of the original members appointed by the governor, two shall 5777
serve an initial term of two years, three an initial term of three 5778
years, and two an initial term of four years. Thereafter, terms of 5779
appointed members shall be for four years, with each term ending 5780
on the same date as the original date of appointment. An appointed 5781
member shall hold office from the date of appointment until the 5782
end of the term for which the member was appointed. Vacancies 5783
shall be filled in the same manner as original appointments. A 5784
member appointed to fill a vacancy occurring prior to the 5785
expiration of the term for which the member's predecessor was 5786
appointed shall hold office for the remainder of that term. A 5787
member shall continue in office subsequent to the expiration date 5788
of the member's term until the member's successor takes office or 5789
until a period of sixty days has elapsed, whichever occurs first. 5790
The governor may remove an appointed member of the board for 5791
misfeasance, nonfeasance, or malfeasance. 5792

The directors of natural resources and insurance shall not 5793
receive compensation for serving on the board, but shall be 5794
reimbursed for the actual and necessary expenses incurred in the 5795
performance of their duties as members of the board. The members 5796
appointed by the governor shall receive per diem compensation 5797
fixed pursuant to division ~~(J)~~(A) of section 124.15 of the Revised 5798
Code and reimbursement for the actual and necessary expenses 5799
incurred in the performance of their duties. 5800

(B) The board annually shall elect from among its members a 5801
chairperson, a vice-chairperson, and a secretary to record the 5802
board's meetings. 5803

(C) The board shall hold meetings as often as necessary as 5804
the chairperson or a majority of the members determines. 5805

(D) The board shall establish procedures for conducting meetings and for the election of its chairperson, vice-chairperson, and secretary.	5806 5807 5808
(E) The board shall do all of the following:	5809
(1) Review the deposits into and expenditures from the reclamation forfeiture fund created in section 1513.18 of the Revised Code;	5810 5811 5812
(2) Retain periodically a qualified actuary to perform an actuarial study of the reclamation forfeiture fund;	5813 5814
(3) Based on an actuarial study and as determined necessary by the board, adopt rules in accordance with Chapter 119. of the Revised Code to adjust the rate of the tax levied under division (A)(8) of section 5749.02 of the Revised Code and the balance of the reclamation forfeiture fund that pertains to that rate;	5815 5816 5817 5818 5819
(4) Evaluate any rules, procedures, and methods for estimating the cost of reclamation for purposes of determining the amount of performance security that is required under section 1513.08 of the Revised Code; the collection of forfeited performance security; payments to the reclamation forfeiture fund; reclamation of sites for which operators have forfeited the performance security; and the compliance of operators with their reclamation plans;	5820 5821 5822 5823 5824 5825 5826 5827
(5) Provide a forum for discussion of issues related to the reclamation forfeiture fund and the performance security that is required under section 1513.08 of the Revised Code;	5828 5829 5830
(6) Submit a report biennially to the governor that describes the financial status of the reclamation forfeiture fund and the adequacy of the amount of money in the fund to accomplish the purposes of the fund and that may discuss any matter related to the performance security that is required under section 1513.08 of the Revised Code;	5831 5832 5833 5834 5835 5836

(7) Make recommendations to the governor, if necessary, of 5837
alternative methods of providing money for or using money in the 5838
reclamation forfeiture fund and issues related to the reclamation 5839
of land or water resources that have been adversely affected by 5840
past coal mining for which the performance security was forfeited; 5841

(8) Adopt rules in accordance with Chapter 119. of the 5842
Revised Code that are necessary to administer this section. 5843

Sec. 1513.29. There is hereby created the council on 5844
unreclaimed strip mined lands. Its members are the chief of the 5845
division of mineral resources management, four persons appointed 5846
by the director of natural resources, two members of the house of 5847
representatives appointed by the speaker of the house of 5848
representatives, one member of the house of representatives 5849
appointed by the minority leader of the house of representatives, 5850
two members of the senate appointed by the president of the 5851
senate, and one member of the senate appointed by the minority 5852
leader of the senate. 5853

Members who are members of the general assembly shall serve 5854
terms of four years or until their legislative terms end, 5855
whichever is sooner. Members appointed by the director shall serve 5856
terms of four years, except that the terms of the first four 5857
members shall be for two and four years, as designated by the 5858
director. Any vacancy in the office of a member of the council 5859
shall be filled by the appointing authority for the unexpired term 5860
of the member whose office will be vacant. The appointing 5861
authority may at any time remove a member of the council for 5862
misfeasance, nonfeasance, malfeasance, or conflict of interest in 5863
office. 5864

The council shall hold meetings as necessary at the call of 5865
the chairperson or a majority of the members. The council shall 5866
annually elect from among its members a chairperson, a 5867

vice-chairperson, and a secretary to keep a record of its 5868
proceedings. 5869

The council shall gather information, study, and make 5870
recommendations concerning the number of acres, location, 5871
ownership, condition, environmental damage resulting from the 5872
condition, cost of acquiring, reclaiming, and possible future uses 5873
and value of eroded lands within the state, including land 5874
affected by strip mining for which no cash is held in the 5875
reclamation forfeiture fund created in section 1513.18 of the 5876
Revised Code. 5877

The council may employ such staff and hire such consultants 5878
as necessary to perform its duties. Members appointed by the 5879
director and, notwithstanding section 101.26 of the Revised Code, 5880
members who are members of the general assembly, when engaged in 5881
their official duties as members of the council, shall be 5882
compensated on a per diem basis in accordance with division ~~(J)~~(A) 5883
of section 124.15 of the Revised Code. Members shall be reimbursed 5884
for their necessary expenses. Expenses incurred by the council and 5885
compensation provided under this section shall be paid by the 5886
chief from the unreclaimed lands fund created in section 1513.30 5887
of the Revised Code. 5888

The council shall report its findings and recommendations to 5889
the governor and the general assembly not later than January 1, 5890
1974, and biennially thereafter. 5891

Sec. 1545.071. The Except as provided in section 124.81 of 5892
the Revised Code, the board of park commissioners of any park 5893
district may procure and pay all or any part of the cost of group 5894
insurance policies that may provide benefits for hospitalization, 5895
surgical care, major medical care, disability, dental care, eye 5896
care, medical care, hearing aids, or prescription drugs, or 5897
sickness and accident insurance or a combination of any of the 5898

foregoing types of insurance or coverage for park district 5899
officers and employees and their immediate dependents issued by an 5900
insurance company duly authorized to do business in this state. 5901

The board may procure and pay all or any part of the cost of 5902
group life insurance to insure the lives of park district 5903
employees. 5904

The board also may contract for group health care services 5905
with health insuring corporations holding a certificate of 5906
authority under Chapter 1751. of the Revised Code provided that 5907
each officer or employee is permitted to: 5908

(A) Choose between a plan offered by an insurance company and 5909
a plan offered by a health insuring corporation and provided 5910
further that the officer or employee pays any amount by which the 5911
cost of the plan chosen by the officer or employee exceeds the 5912
cost of the plan offered by the board under this section; 5913

(B) Change the choice made under division (A) of this section 5914
at a time each year as determined in advance by the board. 5915

Any appointed member of the board of park commissioners and 5916
the spouse and dependent children of the member may be covered, at 5917
the option and expense of the member, as a noncompensated employee 5918
of the park district under any benefit plan described in division 5919
(A) of this section. The member shall pay to the park district the 5920
amount certified to it by the benefit provider as the provider's 5921
charge for the coverage the member has chosen under division (A) 5922
of this section. Payments for coverage shall be made, in advance, 5923
in a manner prescribed by the board. The member's exercise of an 5924
option to be covered under this section shall be in writing, 5925
announced at a regular public meeting of the board, and recorded 5926
as a public record in the minutes of the board. 5927

The board may provide the benefits authorized in this section 5928
by contributing to a health and welfare trust fund administered 5929

through or in conjunction with a collective bargaining 5930
representative of the park district employees in the same manner 5931
as described in division (G) of section 124.81 of the Revised 5932
Code. 5933

The board may provide the benefits described in this section 5934
through an individual self-insurance program or a joint 5935
self-insurance program as provided in section 9.833 of the Revised 5936
Code. 5937

Sec. 1551.35. (A) There is hereby established a technical 5938
advisory committee to assist the director of the Ohio coal 5939
development office in achieving the office's purposes. The 5940
director shall appoint to the committee one member of the public 5941
utilities commission and one representative each of coal 5942
production companies, the united mine workers of America, electric 5943
utilities, manufacturers that use Ohio coal, and environmental 5944
organizations, as well as two people with a background in coal 5945
research and development technology, one of whom is employed at 5946
the time of the member's appointment by a state university, as 5947
defined in section 3345.011 of the Revised Code. In addition, the 5948
committee shall include four legislative members. The speaker and 5949
minority leader of the house of representatives each shall appoint 5950
one member of the house of representatives, and the president and 5951
minority leader of the senate each shall appoint one member of the 5952
senate, to the committee. The director of environmental protection 5953
and the director of development shall serve on the committee as ex 5954
officio members. Any member of the committee may designate in 5955
writing a substitute to serve in the member's absence on the 5956
committee. The director of environmental protection may designate 5957
in writing the chief of the air pollution control division of the 5958
agency to represent the agency. Members shall serve on the 5959
committee at the pleasure of their appointing authority. Members 5960
of the committee appointed by the director of the office and, 5961

notwithstanding section 101.26 of the Revised Code, legislative 5962
members of the committee, when engaged in their official duties as 5963
members of the committee, shall be compensated on a per diem basis 5964
in accordance with division ~~(J)~~(A) of section 124.15 of the 5965
Revised Code, except that the member of the public utilities 5966
commission and, while employed by a state university, the member 5967
with a background in coal research, shall not be so compensated. 5968
Members shall receive their actual and necessary expenses incurred 5969
in the performance of their duties. 5970

(B) The technical advisory committee shall review and make 5971
recommendations concerning the Ohio coal development agenda 5972
required under section 1551.34 of the Revised Code, project 5973
proposals, research and development projects submitted to the 5974
office by public utilities for the purpose of section 4905.304 of 5975
the Revised Code, proposals for grants, loans, and loan guarantees 5976
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 5977
and such other topics as the director of the office considers 5978
appropriate. 5979

(C) The technical advisory committee may hold an executive 5980
session at any regular or special meeting for the purpose of 5981
considering research and development project proposals or 5982
applications for assistance submitted to the Ohio coal development 5983
office under section 1551.33, or sections 1555.01 to 1555.06, of 5984
the Revised Code, to the extent that the proposals or applications 5985
consist of trade secrets or other proprietary information. 5986

Any materials or data submitted to, made available to, or 5987
received by the Ohio air quality development authority or the 5988
director of the Ohio coal development office in connection with 5989
agreements for assistance entered into under this chapter or 5990
Chapter 1555. of the Revised Code, or any information taken from 5991
those materials or data for any purpose, to the extent that the 5992
materials or data consist of trade secrets or other proprietary 5993

information, are not public records for the purposes of section 5994
149.43 of the Revised Code. 5995

As used in this division, "trade secrets" has the same 5996
meaning as in section 1333.61 of the Revised Code. 5997

Sec. 1707.36. (A) There is hereby created in the division of 5998
securities a position to be known as attorney-inspector, which 5999
shall be held only by an attorney at law. The duties of this 6000
position are to investigate and report upon all complaints and 6001
alleged violations of this chapter or rules adopted under this 6002
chapter by the division and to represent the division in 6003
prosecutions and other matters arising from such complaints and 6004
alleged violations. 6005

The office of the attorney-inspector is hereby designated a 6006
criminal justice agency in investigating reported violations of 6007
law relating to securities and investment advice, and as such is 6008
authorized by this state to apply for access to the computerized 6009
databases administered by the national crime information center or 6010
the law enforcement automated data system in Ohio, and to other 6011
computerized databases administered for the purpose of making 6012
criminal justice information accessible to state criminal justice 6013
agencies. 6014

(B) There is hereby created in the division of securities two 6015
positions to be known as control-bid attorneys, which shall be 6016
held only by attorneys at law. The duties of these positions are 6017
to investigate and report upon all matters relating to 6018
control-bids and related matters and to represent the division in 6019
the regulatory matters arising under the Ohio control-bid law. 6020

(C) The attorney-inspector and each control-bid attorney 6021
shall be paid at a rate not less than pay range 47 set out in 6022
schedule E-2 prescribed in the version of section 124.152 of the 6023
Revised Code in effect immediately prior to the effective date of 6024

this amendment, to be paid as other operating expenses of the 6025
division. 6026

Sec. 1707.46. The principal executive officer of the division 6027
of securities shall be the commissioner of securities, who shall 6028
be appointed by the director of commerce. The commissioner of 6029
securities shall enforce all the laws and administrative rules 6030
enacted or adopted to regulate the sale of bonds, stocks, and 6031
other securities and to prevent fraud in such sales. The 6032
commissioner also shall enforce all the laws and administrative 6033
rules enacted or adopted to regulate investment advisers, 6034
investment adviser representatives, state retirement system 6035
investment officers, and the bureau of workers' compensation chief 6036
investment officer and to prevent fraud in their acts, practices, 6037
and transactions. 6038

The commissioner shall be paid at a rate not less than pay 6039
range 47 set out in schedule E-2 prescribed in the version of 6040
section 124.152 of the Revised Code in effect immediately prior to 6041
the effective date of this amendment, to be paid as other 6042
operating expenses of the division. 6043

Sec. 3101.01. (A) Male persons of the age of eighteen years, 6044
and female persons of the age of sixteen years, not nearer of kin 6045
than second cousins, and not having a husband or wife living, may 6046
be joined in marriage. A marriage may only be entered into by one 6047
man and one woman. A minor shall first obtain the consent of the 6048
minor's parents, surviving parent, parent who is designated the 6049
residential parent and legal custodian of the minor by a court of 6050
competent jurisdiction, guardian, or any one of the following who 6051
has been awarded permanent custody of the minor by a court 6052
exercising juvenile jurisdiction: 6053

(1) An adult person; 6054

(2) The department of job and family services or any child welfare organization certified by the department; 6055
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(3) A public children services agency. 6057

(B) For the purposes of division (A) of this section, a minor shall not be required to obtain the consent of a parent who resides in a foreign country, has neglected or abandoned the minor for a period of one year or longer immediately preceding the minor's application for a marriage license, has been adjudged incompetent, is an inmate of a state mental or correctional institution, has been permanently deprived of parental rights and responsibilities for the care of the minor and the right to have the minor live with the parent and to be the legal custodian of the minor by a court exercising juvenile jurisdiction, or has been deprived of parental rights and responsibilities for the care of the minor and the right to have the minor live with the parent and to be the legal custodian of the minor by the appointment of a guardian of the person of the minor by the probate court or by another court of competent jurisdiction. 6058
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(C)(1) Any marriage between persons of the same sex is against the strong public policy of this state. Any marriage between persons of the same sex shall have no legal force or effect in this state and, if attempted to be entered into in this state, is void ab initio and shall not be recognized by this state. 6073
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(2) Any marriage entered into by persons of the same sex in any other jurisdiction shall be considered and treated in all respects as having no legal force or effect in this state and shall not be recognized by this state. 6079
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(3) The recognition or extension by the state of the specific statutory benefits of a legal marriage to nonmarital relationships between persons of the same sex or different sexes is against the 6083
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strong public policy of this state. Any public act, record, or 6086
judicial proceeding of this state, as defined in section 9.82 of 6087
the Revised Code, that extends the specific statutory benefits of 6088
legal marriage to nonmarital relationships between persons of the 6089
same sex or different sexes is void ab initio. Nothing in division 6090
(C)(3) of this section shall be construed to do either of the 6091
following: 6092

(a) Prohibit the extension of specific benefits otherwise 6093
enjoyed by all persons, married or unmarried, to nonmarital 6094
relationships between persons of the same sex or different sexes, 6095
including the extension of benefits conferred by any statute that 6096
is not expressly limited to married persons, ~~which includes but is~~ 6097
~~not limited to benefits available under Chapter 4117. of the~~ 6098
~~Revised Code;~~ 6099

(b) Affect the validity of private agreements that are 6100
otherwise valid under the laws of this state. 6101

(4) Any public act, record, or judicial proceeding of any 6102
other state, country, or other jurisdiction outside this state 6103
that extends the specific benefits of legal marriage to nonmarital 6104
relationships between persons of the same sex or different sexes 6105
shall be considered and treated in all respects as having no legal 6106
force or effect in this state and shall not be recognized by this 6107
state. 6108

Sec. 3301.03. Each elected voting member of the state board 6109
of education shall be a qualified elector residing in the 6110
territory composing the district from which the member is elected, 6111
and shall be nominated and elected to office as provided by Title 6112
XXXV of the Revised Code. Each appointed voting member of the 6113
board shall be a qualified elector residing in the state. At least 6114
four of the appointed voting members shall represent rural school 6115
districts in the state, as evidenced by the member's current place 6116

of residence and at least one of the following: 6117

(A) The member's children attend, or at one time attended, 6118
school in a rural district; 6119

(B) The member's past or present occupation is associated 6120
with rural areas of the state; 6121

(C) The member possesses other credentials or experience 6122
demonstrating knowledge and familiarity with rural school 6123
districts. 6124

No elected or appointed voting member of the board shall, 6125
during the member's term of office, hold any other public position 6126
of trust or profit or be an employee or officer of any public or 6127
private elementary or secondary school. Before entering on the 6128
duties of office, each elected and appointed voting member shall 6129
subscribe to the official oath of office. 6130

Each voting member of the state board of education shall be 6131
paid a salary fixed pursuant to division ~~(J)~~(A) of section 124.15 6132
of the Revised Code, together with the member's actual and 6133
necessary expenses incurred while engaged in the performance of 6134
the member's official duties or in the conduct of authorized board 6135
business, and while en route to and from the member's home for 6136
such purposes. 6137

Sec. 3304.12. (A) The governor, with the advice and consent 6138
of the senate, shall appoint a rehabilitation services commission 6139
consisting of seven members, no more than four of whom shall be 6140
members of the same political party and who shall include at least 6141
three from rehabilitation professions, including at least one 6142
member from the field of services to the blind, and at least four 6143
handicapped individuals, no less than two nor more than three of 6144
whom have received vocational rehabilitation services offered by a 6145
state vocational rehabilitation agency or the veterans' 6146

administration. Such handicapped members shall be representative 6147
of several major categories of handicapped persons served by the 6148
commission. 6149

(B) Of the members first appointed to the commission, one 6150
shall be appointed for a term of seven years, one for a term of 6151
six years, one for a term of five years, one for a term of four 6152
years, one for a term of three years, one for a term of two years, 6153
and one for a term of one year. Thereafter, terms of office shall 6154
be for seven years, commencing on the ninth day of September and 6155
ending on the eighth day of September, with no person eligible to 6156
serve more than two seven-year terms. Each member shall hold 6157
office from the date of ~~his~~ appointment until the end of the term 6158
for which ~~he~~ the member was appointed. Any member appointed to 6159
fill a vacancy occurring prior to the expiration of the term for 6160
which ~~his~~ the member's predecessor was appointed shall hold office 6161
for the remainder of such term. Any member shall continue in 6162
office subsequent to the expiration date of ~~his~~ the member's term 6163
until ~~his~~ a successor takes office, or until a period of sixty 6164
days has elapsed, whichever occurs first. Members appointed to the 6165
commission after September 1, 1977, shall be handicapped 6166
individuals representing those who have received vocational 6167
rehabilitation services offered by a state vocational 6168
~~rehabilitaion~~ rehabilitation agency or the veterans' 6169
administration until the commission membership includes at least 6170
four such individuals. Members who fail to perform their duties or 6171
who are guilty of misconduct may be removed on written charges 6172
preferred by the governor or by a majority of the commission. 6173

(C) Members of the commission shall be reimbursed for travel 6174
and necessary expenses incurred in the conduct of their duties, 6175
and shall receive an amount fixed pursuant to division ~~(J)~~(A) of 6176
section 124.15 of the Revised Code while actually engaged in 6177
attendance at meetings or in the performance of their duties. 6178

Sec. 3304.50. The Ohio independent living council established 6179
and appointed by the governor under the authority of section 6180
107.18 of the Revised Code and pursuant to the "Rehabilitation Act 6181
Amendments of 1992," 106 Stat. 4344, 29 U.S.C.A. 796d, shall 6182
appoint an executive director to serve at the pleasure of the 6183
council and shall fix ~~his~~ the executive director's compensation. 6184
~~The executive director shall not be considered a public employee~~ 6185
~~for purposes of Chapter 4117. of the Revised Code.~~ The council may 6186
delegate to the executive director the authority to appoint, 6187
remove, and discipline, without regard to sex, race, creed, color, 6188
age, or national origin, such other professional, administrative, 6189
and clerical staff members as are necessary to carry out the 6190
functions and duties of the council. 6191

Sec. 3306.01. This chapter shall be administered by the state 6192
board of education. The superintendent of public instruction shall 6193
calculate the amounts payable to each school district and shall 6194
certify the amounts payable to each eligible district to the 6195
treasurer of the district as determined under this chapter. As 6196
soon as possible after such amounts are calculated, the 6197
superintendent shall certify to the treasurer of each school 6198
district the district's adjusted charge-off increase, as defined 6199
in section 5705.211 of the Revised Code. No moneys shall be 6200
distributed pursuant to this chapter without the approval of the 6201
controlling board. 6202

The state board of education shall, in accordance with 6203
appropriations made by the general assembly, meet the financial 6204
obligations of this chapter. 6205

Annually, the department of education shall calculate and 6206
report to each school district the district's adequacy amount 6207
utilizing the calculations in sections 3306.03 and 3306.13 of the 6208
Revised Code. The department shall calculate and report separately 6209

for each school district the district's total state and local 6210
funds for its students with disabilities, utilizing the 6211
calculations in sections 3306.05, 3306.11, and 3306.13 of the 6212
Revised Code. The department shall calculate and report separately 6213
for each school district the amount of funding calculated for each 6214
factor of the district's adequacy amount. 6215

Not later than the thirty-first day of August of each fiscal 6216
year, the department of education shall provide to each school 6217
district a preliminary estimate of the amount of funding that the 6218
department calculates the district will receive under section 6219
3306.13 of the Revised Code. Not later than the first day of 6220
December of each fiscal year, the department shall update that 6221
preliminary estimate. 6222

Moneys distributed pursuant to this chapter shall be 6223
calculated and paid on a fiscal year basis, beginning with the 6224
first day of July and extending through the thirtieth day of June. 6225
Unless otherwise provided, the moneys appropriated for each fiscal 6226
year shall be distributed at least monthly to each school 6227
district. The state board shall submit a yearly distribution plan 6228
to the controlling board at its first meeting in July. The state 6229
board shall submit any proposed midyear revision of the plan to 6230
the controlling board in January. Any year-end revision of the 6231
plan shall be submitted to the controlling board in June. If 6232
moneys appropriated for each fiscal year are distributed other 6233
than monthly, such distribution shall be on the same basis for 6234
each school district. 6235

The total amounts paid each month shall constitute, as nearly 6236
as possible, one-twelfth of the total amount payable for the 6237
entire year. 6238

Payments shall be calculated to reflect the reporting of 6239
formula ADM. Annualized periodic payments for each school district 6240
shall be based on the district's final student counts verified by 6241

the superintendent of public instruction based on reports under 6242
section 3317.03 of the Revised Code, as adjusted, if so ordered, 6243
under division (K) of that section. 6244

(A) Except as otherwise provided, payments under this chapter 6245
shall be made only to those school districts that comply with 6246
divisions (A)(1) to (3) of this section. 6247

(1) Each city, exempted village, and local school district 6248
shall levy for current operating expenses at least twenty mills. 6249
Levies for joint vocational or cooperative education school 6250
districts or county school financing districts, limited to or to 6251
the extent apportioned to current expenses, shall be included in 6252
this qualification requirement. School district income tax levies 6253
under Chapter 5748. of the Revised Code, limited to or to the 6254
extent apportioned to current operating expenses, shall be 6255
included in this qualification requirement to the extent 6256
determined by the tax commissioner under division (D) of section 6257
3317.021 of the Revised Code. 6258

(2) Each city, exempted village, local, and joint vocational 6259
school district, during the school year next preceding the fiscal 6260
year for which payments are calculated under this chapter, shall 6261
meet the requirement of section 3313.48 or 3313.481 of the Revised 6262
Code, with regard to the minimum number of days or hours school 6263
must be open for instruction with pupils in attendance, for 6264
individualized parent-teacher conference and reporting periods, 6265
and for professional meetings of teachers. The superintendent of 6266
public instruction shall waive a number of days in accordance with 6267
section 3317.01 of the Revised Code on which it had been necessary 6268
for a school to be closed because of disease epidemic, hazardous 6269
weather conditions, inoperability of school buses or other 6270
equipment necessary to the school's operation, damage to a school 6271
building, or other temporary circumstances due to utility failure 6272
rendering the school building unfit for school use. 6273

A school district shall not be considered to have failed to 6274
comply with this division or section 3313.481 of the Revised Code 6275
because schools were open for instruction but either twelfth grade 6276
students were excused from attendance for up to three days or only 6277
a portion of the kindergarten students were in attendance for up 6278
to three days in order to allow for the gradual orientation to 6279
school of such students. 6280

The superintendent of public instruction shall waive the 6281
requirements of this section with reference to the minimum number 6282
of days or hours a school must be open for instruction with pupils 6283
in attendance for the school year succeeding the school year in 6284
which a board of education initiates a plan of operation pursuant 6285
to section 3313.481 of the Revised Code. The minimum requirements 6286
of this section shall again be applicable to the district 6287
beginning with the school year commencing the second July 6288
succeeding the initiation of the plan, and for each school year 6289
thereafter. 6290

A school district shall not be considered to have failed to 6291
comply with this division or section 3313.48 or 3313.481 of the 6292
Revised Code because schools were open for instruction but the 6293
length of the regularly scheduled learning day, for any number of 6294
days during the school year, was reduced by not more than two 6295
hours due to hazardous weather conditions. 6296

(3) Each city, exempted village, local, and joint vocational 6297
school district ~~shall have on file, and shall pay in accordance~~ 6298
~~with, a teachers' salary schedule which complies with salaries~~ 6299
based upon merit as required under section 3317.13 of the Revised 6300
Code. 6301

(B) A school district board of education or educational 6302
service center governing board that has not conformed with other 6303
law, and the rules pursuant thereto, shall not participate in the 6304
distribution of funds authorized by this chapter, except for good 6305

and sufficient reason established to the satisfaction of the state 6306
board of education and the state controlling board. 6307

(C) All funds allocated to school districts under this 6308
chapter, except those specifically allocated for other purposes, 6309
shall be used only to pay current operating expenses or for either 6310
of the following purposes: 6311

(1) The modification or purchase of classroom space to 6312
provide all-day kindergarten as required by section 3321.05 of the 6313
Revised Code, provided the district certifies its shortage of 6314
space for providing all-day kindergarten to the department of 6315
education, in a manner specified by the department; 6316

(2) The modification or purchase of classroom space to reduce 6317
class sizes in grades kindergarten through three to attain the 6318
goal of fifteen students per core teacher, provided the district 6319
certifies its need for additional classroom space to the 6320
department, in a manner specified by the department. 6321

(D) On or before the last day of each month, the department 6322
of education shall certify to the director of budget and 6323
management for payment, for each county: 6324

(1)(a) That portion of the allocation of money under section 6325
3306.13 of the Revised Code that is required to be paid in that 6326
month to each school district located wholly within the county 6327
subsequent to the deductions described in division (D)(1)(b) of 6328
this section; 6329

(b) The amounts deducted from such allocation under sections 6330
3307.31 and 3309.51 of the Revised Code for payment directly to 6331
the school employees and state teachers retirement systems under 6332
such sections. 6333

(2) If the district is located in more than one county, an 6334
apportionment of the amounts that would otherwise be certified 6335
under division (D)(1) of this section. The amounts apportioned to 6336

the county shall equal the amounts certified under division (D)(1) 6337
of this section times the percentage of the district's resident 6338
pupils who reside both in the district and in the county, based on 6339
the average daily membership reported under division (A) of 6340
section 3317.03 of the Revised Code in October of the prior fiscal 6341
year. 6342

Sec. 3307.27. The contributions required under section 6343
3307.26 of the Revised Code shall not be made by an employer on a 6344
teacher's behalf, but may be treated as paid by the employer in 6345
accordance with division (h) of section 414 of the "Internal 6346
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 414(h), as 6347
amended. 6348

Sec. 3307.77. (A) As used in this section, "employer" means 6349
the employer employing a member of the state teachers retirement 6350
system at the time the member commences an absence, or is granted 6351
a leave described in this section. 6352

(B) Any member of the state teachers retirement system 6353
participating in the plan described in sections 3307.50 to 3307.79 6354
of the Revised Code who is, or has been, prevented from making 6355
contributions under section 3307.26 of the Revised Code because of 6356
an absence due to the member's own illness or injury, or who is, 6357
or has been, granted a leave for educational, professional, or 6358
other purposes pursuant to section 3319.13, ~~3319.131~~ 3319.141, or 6359
3345.28 of the Revised Code or for any other reason approved by 6360
the state teachers retirement board, may purchase service credit, 6361
not to exceed two years for each such period of absence or leave, 6362
either by having deductions made in accordance with division (C) 6363
of this section or by making the payment required by division (D) 6364
or (E) of this section. 6365

(C) If the absence or leave begins and ends in the same year, 6366

the member may purchase credit for the absence or leave by having 6367
the employer deduct and transmit to the system from payrolls in 6368
that year employee contributions on the amount certified by the 6369
employer as the compensation the member would have received had 6370
the member remained employed in the position held when the absence 6371
or leave commenced. The deductions may be made even though the 6372
minimum compensation provided by law for the member is reduced 6373
thereby, unless the amount to be deducted exceeds the compensation 6374
to be paid the member from the time deductions begin until the end 6375
of the year, in which case credit may not be purchased under this 6376
division. The employer shall pay the system the employer 6377
contributions on the compensation amount certified under this 6378
division. Employee and employer contributions shall be made at the 6379
rates in effect at the time the absence or leave occurred. If the 6380
employee or employer rates in effect change during the absence or 6381
leave, the contributions for each month of the absence or leave 6382
shall be made at the rate in effect for that month. 6383

(D) During or following the absence or leave, but no later 6384
than two years following the last day of the year in which the 6385
absence or leave terminates, a member may purchase credit for the 6386
absence or leave by paying to the employer, and the employer 6387
transmitting to the system, employee contributions on the amount 6388
certified by the employer as the compensation the member would 6389
have received had the member remained employed in the position 6390
held when the absence or leave commenced. The employer shall pay 6391
the system the employer contributions on the compensation amount 6392
certified under this division. Employee and employer contributions 6393
shall be made at the rates in effect at the time the absence or 6394
leave occurred. If the employee or employer rates in effect change 6395
during the absence or leave, the contributions for each month of 6396
an absence or leave shall be made at the rate in effect for that 6397
month. 6398

(E) After two years following the last day of the year in 6399
which an absence or leave terminated, a member may purchase credit 6400
for the absence or leave by paying the employer, and the employer 6401
transmitting to the system, the sum of the following for each year 6402
of credit purchased: 6403

(1) An amount determined by multiplying the employee rate of 6404
contribution in effect at the time the absence or leave commenced 6405
by the member's annual compensation for the member's last full 6406
year of service prior to the commencement of the absence or leave, 6407
or, if the member has not had a full year of service, the 6408
compensation the member would have received for the year the 6409
absence or leave commenced had the member continued in service for 6410
a full year; 6411

(2) Interest compounded annually, at a rate determined by the 6412
board, on the amount determined under division (E)(1) of this 6413
section for the period commencing two years following the last day 6414
of the year in which the absence or leave terminated and ending on 6415
the date of payment; 6416

(3) Interest compounded annually, at a rate determined by the 6417
board, on an amount equal to the employer's contribution required 6418
by this division for the period commencing two years following the 6419
last day of the year in which the absence or leave terminated and 6420
ending on the date of payment. 6421

The employer shall pay to the system for each year of credit 6422
purchased under this division an amount determined by multiplying 6423
the employer contribution rate in effect at the time the absence 6424
or leave commenced by the member's annual compensation for the 6425
member's last full year of service prior to the commencement of 6426
the absence or leave, or, if the member has not had a full year of 6427
service, the compensation the member would have received for the 6428
year the absence or leave commenced had the member continued in 6429
service for a full year. 6430

(F) A member who chooses to purchase service credit under 6431
division (D) or (E) of this section may choose to purchase only 6432
part of the credit for which the member is eligible in any one 6433
payment, but payments made more than two years following the last 6434
day of the year in which the absence or leave terminated shall be 6435
made in accordance with division (E) of this section. 6436

(G) The state teachers retirement board may adopt rules to 6437
implement this section. 6438

Sec. 3309.47. Each school employees retirement system 6439
contributor shall contribute eight per cent of the contributor's 6440
compensation to the employees' savings fund, except that the 6441
school employees retirement board may raise the contribution rate 6442
to a rate not greater than ten per cent of compensation. 6443

The contributions required under this section shall not be 6444
paid by an employer on a contributor's behalf, but may be treated 6445
as employer contributions for purposes of state and federal income 6446
tax deferred income provisions. 6447

The contributions by the direction of the school employees 6448
retirement board shall be deducted by the employer from the 6449
compensation of each contributor on each payroll of such 6450
contributor for each payroll period and shall be an amount equal 6451
to the required per cent of such contributor's compensation. On a 6452
finding by the board that an employer has failed or refused to 6453
deduct contributions for any employee during any year and to 6454
transmit such amounts to the retirement system, the retirement 6455
board may make a determination of the amount of the delinquent 6456
contributions, including interest at a rate set by the retirement 6457
board, from the end of each year, and certify to the employer the 6458
amounts for collection. If the amount is not paid by the employer, 6459
it may be certified for collection in the same manner as payments 6460
due the employers' trust fund. Any amounts so collected shall be 6461

held in trust pending receipt of a report of contributions for the 6462
employee for the period involved as provided by law and, 6463
thereafter, the amount in trust shall be transferred to the 6464
employee's savings fund to the credit of the employee. Any amount 6465
remaining after the transfer to the employees' savings fund shall 6466
be transferred to the employers' trust fund as a credit of the 6467
employer. 6468

Any contributor under contract who, because of illness, 6469
accident, or other reason approved by the employer, is prevented 6470
from making the contributor's contribution to the system for any 6471
payroll period, may, upon returning to contributing service, have 6472
such deductions made from other payrolls during the year, or may 6473
pay such amount to the employer and the employer shall transmit 6474
such deductions to the system. The deductions shall be made 6475
notwithstanding that the minimum compensation for any contributor 6476
shall be reduced thereby. Every contributor shall be deemed to 6477
consent and agree to the contributions made and provided for in 6478
this section and shall receipt in full for the contributor's 6479
salary or compensation, and payment, less the contributions, is a 6480
full and complete discharge and acquittance of all claims and 6481
demands whatsoever for the services rendered by the person during 6482
the period covered by the payment. 6483

Each contributor shall pay with the first payment to the 6484
employees' savings fund each year a sum to be determined by the 6485
board, as provided by law, which amount shall be credited to the 6486
expense fund. The payments for the expense fund shall be made to 6487
the board in the same way as payments to the employees' savings 6488
fund are made. 6489

Additional deposits may be made to a member's account. At 6490
retirement, the amount deposited with interest may be used to 6491
provide additional annuity income. The additional deposits may be 6492
refunded to the member before retirement, and shall be refunded if 6493

the member withdraws the member's refundable amount. The deposits 6494
may be refunded to the beneficiary or estate if the member dies 6495
before retirement, and the board shall determine whether regular 6496
interest shall be credited to deposits thus refunded. 6497

Sec. 3311.19. (A) The management and control of a joint 6498
vocational school district shall be vested in the joint vocational 6499
school district board of education. Where a joint vocational 6500
school district is composed only of two or more local school 6501
districts located in one county, or when all the participating 6502
districts are in one county and the boards of such participating 6503
districts so choose, the educational service center governing 6504
board of the county in which the joint vocational school district 6505
is located shall serve as the joint vocational school district 6506
board of education. Where a joint vocational school district is 6507
composed of local school districts of more than one county, or of 6508
any combination of city, local, or exempted village school 6509
districts or educational service centers, unless administration by 6510
the educational service center governing board has been chosen by 6511
all the participating districts in one county pursuant to this 6512
section, the board of education of the joint vocational school 6513
district shall be composed of one or more persons who are members 6514
of the boards of education from each of the city or exempted 6515
village school districts or members of the educational service 6516
centers' governing boards affected to be appointed by the boards 6517
of education or governing boards of such school districts and 6518
educational service centers. In such joint vocational school 6519
districts the number and terms of members of the joint vocational 6520
school district board of education and the allocation of a given 6521
number of members to each of the city and exempted village 6522
districts and educational service centers shall be determined in 6523
the plan for such district, provided that each such joint 6524
vocational school district board of education shall be composed of 6525

an odd number of members. 6526

(B) Notwithstanding division (A) of this section, a governing 6527
board of an educational service center that has members of its 6528
governing board serving on a joint vocational school district 6529
board of education may make a request to the joint vocational 6530
district board that the joint vocational school district plan be 6531
revised to provide for one or more members of boards of education 6532
of local school districts that are within the territory of the 6533
educational service district and within the joint vocational 6534
school district to serve in the place of or in addition to its 6535
educational service center governing board members. If agreement 6536
is obtained among a majority of the boards of education and 6537
governing boards that have a member serving on the joint 6538
vocational school district board of education and among a majority 6539
of the local school district boards of education included in the 6540
district and located within the territory of the educational 6541
service center whose board requests the substitution or addition, 6542
the state board of education may revise the joint vocational 6543
school district plan to conform with such agreement. 6544

(C) If the board of education of any school district or 6545
educational service center governing board included within a joint 6546
vocational district that has had its board or governing board 6547
membership revised under division (B) of this section requests the 6548
joint vocational school district board to submit to the state 6549
board of education a revised plan under which one or more joint 6550
vocational board members chosen in accordance with a plan revised 6551
under such division would again be chosen in the manner prescribed 6552
by division (A) of this section, the joint vocational board shall 6553
submit the revised plan to the state board of education, provided 6554
the plan is agreed to by a majority of the boards of education 6555
represented on the joint vocational board, a majority of the local 6556
school district boards included within the joint vocational 6557

district, and each educational service center governing board 6558
affected by such plan. The state board of education may revise the 6559
joint vocational school district plan to conform with the revised 6560
plan. 6561

(D) The vocational schools in such joint vocational school 6562
district shall be available to all youth of school age within the 6563
joint vocational school district subject to the rules adopted by 6564
the joint vocational school district board of education in regard 6565
to the standards requisite to admission. A joint vocational school 6566
district board of education shall have the same powers, duties, 6567
and authority for the management and operation of such joint 6568
vocational school district as is granted by law, except by this 6569
chapter and Chapters 124., 3306., 3317., 3323., and 3331. of the 6570
Revised Code, to a board of education of a city school district, 6571
and shall be subject to all the provisions of law that apply to a 6572
city school district, except such provisions in this chapter and 6573
Chapters 124., 3306., 3317., 3323., and 3331. of the Revised Code. 6574

(E) Where a governing board of an educational service center 6575
has been designated to serve as the joint vocational school 6576
district board of education, the educational service center 6577
superintendent shall be the executive officer for the joint 6578
vocational school district, and the governing board may provide 6579
for additional compensation to be paid to the educational service 6580
center superintendent by the joint vocational school district, but 6581
the educational service center superintendent shall have no 6582
continuing tenure other than that of educational service center 6583
superintendent. The superintendent of schools of a joint 6584
vocational school district shall exercise the duties and authority 6585
vested by law in a superintendent of schools pertaining to the 6586
operation of a school district and the employment and supervision 6587
of its personnel. The joint vocational school district board of 6588
education shall appoint a treasurer of the joint vocational school 6589

district who shall be the fiscal officer for such district and who 6590
shall have all the powers, duties, and authority vested by law in 6591
a treasurer of a board of education. Where a governing board of an 6592
educational service center has been designated to serve as the 6593
joint vocational school district board of education, such board 6594
may appoint the educational service center superintendent as the 6595
treasurer of the joint vocational school district. 6596

(F) Each member of a joint vocational school district board 6597
of education may be paid such compensation as the board provides 6598
by resolution, but it shall not exceed one hundred twenty-five 6599
dollars per member for each meeting attended plus mileage, at the 6600
rate per mile provided by resolution of the board, to and from 6601
meetings of the board. 6602

The board may provide by resolution for the deduction of 6603
amounts payable for benefits under division (C) of section 6604
3313.202 of the Revised Code. 6605

Each member of a joint vocational school district board may 6606
be paid such compensation as the board provides by resolution for 6607
attendance at an approved training program, provided that such 6608
compensation shall not exceed sixty dollars per day for attendance 6609
at a training program three hours or fewer in length and one 6610
hundred twenty-five dollars a day for attendance at a training 6611
program longer than three hours in length. However, no board 6612
member shall be compensated for the same training program under 6613
this section and section 3313.12 of the Revised Code. 6614

Sec. 3313.12. Each member of the educational service center 6615
governing board may be paid such compensation as the governing 6616
board provides by resolution, provided that any such compensation 6617
shall not exceed one hundred twenty-five dollars a day plus 6618
mileage both ways, at the rate per mile provided by resolution of 6619
the governing board, for attendance at any meeting of the board. 6620

Such compensation and the expenses of the educational service center superintendent, itemized and verified, shall be paid from the educational service center governing board fund upon vouchers signed by the president of the governing board.

The board of education of any city, local, or exempted village school district may provide by resolution for compensation of its members, provided that such compensation shall not exceed one hundred twenty-five dollars per member for meetings attended. The board may provide by resolution for the deduction of amounts payable for benefits under division (C) of section 3313.202 of the Revised Code.

Each member of a district board or educational service center governing board may be paid such compensation as the respective board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

Sec. 3313.202. (A) As used in this section:

(1) "Health care plan" means any of the following types of insurance or coverage, or a combination of any of the following types of insurance or coverage, whether issued by an insurance company or a health insuring corporation duly licensed by this state:

(a) Hospitalization, surgical care, or major medical insurance;

(b) Sickness and accident insurance;

(c) Disability insurance;

(d) Dental care;

(e) Vision care; 6651

(f) Medical care; 6652

(g) Hearing aids; 6653

(h) Prescription drugs. 6654

(2) "Nonteaching employee" means any person employed in the 6655
public schools of the state in a position for which the person is 6656
not required to have a certificate or license issued pursuant to 6657
sections 3319.22 to 3319.31 of the Revised Code. 6658

(3) "Teaching employee" means any person employed in the 6659
public schools of this state in a position for which the person is 6660
required to have a certificate or license issued pursuant to 6661
sections 3319.22 to 3319.31 of the Revised Code. 6662

(B)(1) The board of education of a school district may 6663
procure and pay up to eighty per cent of the cost of a health care 6664
plan for any of the following: 6665

(a) The teaching employees of the school district; 6666

(b) The nonteaching employees of the school district; 6667

(c) The dependent children and spouses of employees for whom 6668
coverage is procured. 6669

(2) A board of education shall continue to carry, on payroll 6670
records, all school employees whose sick leave accumulation has 6671
expired, or who are on a disability leave of absence or an 6672
approved leave of absence, for the purpose of group term life, 6673
hospitalization, surgical, major medical, or any other insurance. 6674
A board of education may pay all or part of such coverage except 6675
when those employees are on an approved leave of absence, or on a 6676
disability leave of absence for a period exceeding two years. 6677

(C) Any elected or appointed member of the board of education 6678
of a school district and the dependent children and spouse of the 6679
member may be covered, at the option of the member, as an employee 6680

of the school district under any health care plan ~~containing best~~ 6681
~~practices prescribed by the school employees health care board~~ 6682
adopted under this section ~~9.901 of the Revised Code~~. The provider 6683
of the benefits shall certify to the board the provider's charge 6684
for coverage under each option available to employees under that 6685
plan, and the member shall pay all premiums to the school district 6686
the amount certified for that coverage. Payments for such coverage 6687
shall be made, in advance, in a manner prescribed by the ~~school~~ 6688
~~employees health care board~~. The member's exercise of an option to 6689
be covered under this section shall be in writing, announced at a 6690
regular public meeting of the board ~~of education~~, and recorded as 6691
a public record in the minutes of the board. 6692

Sec. 3313.23. If a treasurer of a board of education is 6693
absent from any meeting of the board the members present shall 6694
choose one of their number to serve in ~~his~~ the treasurer's place 6695
pro tempore. 6696

If a board of education determines the treasurer is 6697
incapacitated in such a manner that ~~he~~ the treasurer is unable to 6698
perform the duties of the office of treasurer, the board may, by a 6699
majority vote of the members of the board, appoint a person to 6700
serve in ~~his~~ the treasurer's place pro tempore. Each board of 6701
education shall adopt a written policy establishing standards for 6702
determining whether the treasurer is incapacitated, and shall 6703
provide that during any period in which the treasurer is 6704
incapacitated, ~~he~~ the treasurer may be placed on sick leave or on 6705
leave of absence and may be returned to active duty status from 6706
sick leave or leave of absence. The board shall award leave 6707
pursuant to this written policy in accordance with the general 6708
leave policy the board adopts pursuant to section 3319.141 of the 6709
Revised Code. The treasurer may request a hearing before the board 6710
on any action taken under this section, and ~~he~~ shall have the same 6711
rights in any such hearing as are afforded to a teacher in a board 6712

hearing under section 3319.16 of the Revised Code. The treasurer 6713
pro tempore shall perform all of the duties and functions of the 6714
treasurer, and shall serve until the treasurer's incapacity is 6715
removed as determined by a majority vote of the members of the 6716
board or until the expiration of the treasurer's contract or term 6717
of office, whichever is sooner. The treasurer pro tempore may be 6718
removed at any time for cause by a two-thirds vote of the members 6719
of the board. The board shall fix the compensation of the 6720
treasurer pro tempore in accordance with section 3313.24 of the 6721
Revised Code, and shall require the treasurer pro tempore to 6722
execute a bond immediately after ~~his~~ appointment in accordance 6723
with section 3313.25 of the Revised Code. If a treasurer is a 6724
member of the board, ~~he~~ the treasurer shall not vote on any matter 6725
related to ~~his~~ the treasurer's own incapacitation. 6726

Sec. 3313.24. (A) At the time of the appointment or 6727
designation of the term of office of the treasurer, subject to 6728
division (B) of this section, the board of education of each 6729
local, exempted village, or city school district shall fix the 6730
compensation of its treasurer, which shall be paid from the 6731
general fund of the district. No order for payment of the salary 6732
of the treasurer of a local, exempted village, or city school 6733
district, other than an island school district, shall be drawn 6734
until the treasurer presents to the district board evidence that 6735
the treasurer either holds a valid license issued under section 6736
3301.074 of the Revised Code or is an otherwise qualified 6737
treasurer, as defined in division (B) of section 3313.22 of the 6738
Revised Code. 6739

A governing board of an educational service center which 6740
chooses to act as the governing board of the educational service 6741
center pursuant to division (D) of section 135.01 of the Revised 6742
Code shall fix the compensation of its treasurer and pay its 6743
treasurer in the manner prescribed in the section for local, 6744

exempted village, and city school districts. 6745

(B) The compensation of the treasurer may be increased or 6746
decreased during the treasurer's term of office, provided any 6747
decrease is a part of a uniform plan affecting salaries of all 6748
employees of the district. 6749

(C) The board may establish vacation leave for its treasurer 6750
in accordance with the general leave policy the board adopts 6751
pursuant to section 3319.141 of the Revised Code. Upon the 6752
treasurer's separation from employment, the board may provide 6753
compensation at the treasurer's current rate of pay for all 6754
lawfully accrued and unused vacation leave to the treasurer's 6755
credit at the time of separation, not to exceed the amount accrued 6756
during the three years before the date of separation. In case of 6757
the death of a treasurer, unused vacation leave that the board 6758
would have paid to the treasurer upon separation shall be paid in 6759
accordance with section 2113.04 of the Revised Code or to the 6760
treasurer's estate. 6761

Sec. 3313.33. (A) Conveyances made by a board of education 6762
shall be executed by the president and treasurer thereof. 6763

(B) Except as provided in division (C) of this section, no 6764
member of the board shall have, directly or indirectly, any 6765
pecuniary interest in any contract of the board or be employed in 6766
any manner for compensation by the board of which the person is a 6767
member. No contract shall be binding upon any board unless it is 6768
made or authorized at a regular or special meeting of such board. 6769

(C) A member of the board may have a pecuniary interest in a 6770
contract of the board if all of the following apply: 6771

(1) The member's pecuniary interest in that contract is that 6772
the member is employed by a political subdivision, 6773
instrumentality, or agency of the state that is contracting with 6774

the board; 6775

(2) The member does not participate in any discussion or 6776
debate regarding the contract or vote on the contract; 6777

(3) The member files with the school district treasurer an 6778
affidavit stating the member's exact employment status with the 6779
political subdivision, instrumentality, or agency contracting with 6780
the board. 6781

(D) This section does not apply where a member of the board, 6782
being a shareholder of a corporation but not being an officer or 6783
director thereof, owns not in excess of five per cent of the stock 6784
of such corporation. If a stockholder desires to avail self of the 6785
exception, before entering upon such contract such person shall 6786
first file with the treasurer an affidavit stating the 6787
stockholder's exact status and connection with said corporation. 6788

This section does not apply where a member of the board 6789
elects to be covered by a health care plan under division (C) of 6790
section 3313.202 of the Revised Code. 6791

Sec. 3313.42. (A) When in the judgment of a board of 6792
education of any school district in this state, lying adjacent to 6793
a school district of another state, the best interests of the 6794
public schools can be promoted by purchasing school grounds, 6795
repairing or erecting a schoolhouse, and maintaining them jointly 6796
between the two adjacent school districts, the board of education 6797
of the school district of this state so situated may enter into an 6798
agreement with the school authorities of said adjacent school 6799
district for the purpose of purchasing school grounds, repairing 6800
or constructing a school building, purchasing school furniture, 6801
equipment, appliances, fuel, employing teachers, and maintaining a 6802
school. The board of education of this state may levy taxes and 6803
perform such other duties in maintaining such joint school as are 6804
otherwise provided by law for maintaining the public schools in 6805

this state. 6806

In carrying out this section the school district shall pay 6807
such proportion of the cost of purchasing school grounds, 6808
repairing or erecting a building, and in maintaining the joint 6809
school as is equitable and just in the judgment of the board of 6810
education and trustees of the two adjacent school districts. 6811

~~(B) In any school district that has entered into an agreement 6812
under division (A) of this section, the state minimum teacher 6813
salary requirements prescribed by section 3317.13 of the Revised 6814
Code do not apply if the total expenditures by the school district 6815
for teacher salaries in any school year equals or exceeds the 6816
total minimum expenditures that would have been required in that 6817
year if such minimum teacher salary requirements did apply. 6818~~

~~(C) Notwithstanding sections 3319.01, 3319.02, and 3313.22 of 6819
the Revised Code, the board of education of a local school 6820
district that has entered into an agreement with an adjacent 6821
school district in another state under division (A) of this 6822
section may contract with the educational service center within 6823
which the local school district is located for the service center 6824
to provide any administrative services specified in the agreement 6825
to the local school district and the adjacent district. If such an 6826
agreement provides for the duties of a district treasurer, 6827
superintendent, or principals to be performed by the service 6828
center, the local school district is not required to employ 6829
persons to perform such duties. 6830~~

Sec. 3316.07. (A) A school district financial planning and 6831
supervision commission has the following powers, duties, and 6832
functions: 6833

(1) To review or to assume responsibility for the development 6834
of all tax budgets, tax levy and bond and note resolutions, 6835
appropriation measures, and certificates of estimated resources of 6836

the school district in order to ensure that such are consistent 6837
with the financial recovery plan and a balanced appropriation 6838
budget for the current fiscal year, and to request and review any 6839
supporting information upon which the financial recovery plan and 6840
balanced appropriation budget may be developed and based, and to 6841
determine whether revenue estimates and estimates of expenditures 6842
and appropriations will result in a balanced budget; 6843

(2) To inspect and secure copies of any document, resolution, 6844
or instrument pertaining to the effective financial accounting and 6845
reporting system, debt obligations, debt limits, financial 6846
recovery plan, balanced appropriation budgets, appropriation 6847
measures, report of audit, statement or invoice, or other 6848
worksheet or record of the school district; 6849

(3) To inspect and secure copies of any document, instrument, 6850
certification, records of proceedings, or other worksheet or 6851
records of the county budget commission, county auditor, or other 6852
official or employee of the school district or of any other 6853
political subdivision or agency of government of the state; 6854

(4) To review, revise, and approve determinations and 6855
certifications affecting the school district made by the county 6856
budget commission or county auditor pursuant to Chapter 5705. of 6857
the Revised Code to ensure that such determinations and 6858
certifications are consistent with the laws of the state; 6859

(5) To bring civil actions, including mandamus, to enforce 6860
this chapter; 6861

(6) After consultation with the officials of the school 6862
district and the auditor of state, to implement or require 6863
implementation of any necessary or appropriate steps to bring the 6864
books of account, accounting systems, and financial procedures and 6865
reports of the school district into compliance with requirements 6866
prescribed by the auditor of state, and to assume responsibility 6867

for achieving such compliance and for making any desirable 6868
modifications and supplementary systems and procedures pertinent 6869
to the school district; 6870

(7) To assist or provide assistance to the school district or 6871
to assume the total responsibility for the structuring or the 6872
terms of, and the placement for sale of, debt obligations of the 6873
school district; 6874

(8) To perform all other powers, duties, and functions as 6875
provided under this chapter; 6876

(9) To make and enter into all contracts and agreements 6877
necessary or incidental to the performance of its duties and the 6878
exercise of its powers under this chapter; 6879

(10) To consult with officials of the school district and 6880
make recommendations or assume the responsibility for implementing 6881
cost reductions and revenue increases to achieve balanced budgets 6882
and carry out the financial recovery plan in accordance with this 6883
chapter; 6884

(11) To make reductions in force to bring the school 6885
district's budget into balance, notwithstanding section 3319.081 6886
and divisions (A) and (B) of section 3319.17 of the Revised Code, 6887
notwithstanding any provision of a policy adopted under section 6888
3319.171 of the Revised Code, and notwithstanding any provision to 6889
the contrary in section 4117.08 or 4117.10 of the Revised Code or 6890
in any collective bargaining agreement entered into on or after 6891
November 21, 1997. 6892

In making reductions in force, the commission shall first 6893
consider reasonable reductions among the administrative and 6894
~~non-teaching~~ nonteaching employees of the school district giving 6895
due regard to ensuring the district's ability to maintain the 6896
personnel, programs, and services essential to the provision of an 6897
adequate educational program. 6898

In making these reductions in ~~non-teaching~~ nonteaching employees in districts where Chapter 124. of the Revised Code controls such reductions, the reductions shall be made in accordance with sections 124.321 to 124.327 of the Revised Code. In making these reductions in ~~non-teaching~~ nonteaching employees in districts where Chapter 124. of the Revised Code does not control these reductions, within each category of ~~non-teaching~~ nonteaching employees, the commission shall give preference to those employees with continuing contracts or non-probationary status ~~and who have greater seniority.~~

If revenues and expenditures cannot be balanced by reasonable reductions in administrative and ~~non-teaching~~ nonteaching employees, the commission may also make reasonable reductions in the number of teaching contracts. If the commission finds it necessary to suspend teaching contracts, it shall suspend them in accordance with division (C) of section 3319.17 of the Revised Code but shall consider a reduction in non-classroom teachers before classroom teachers.

(B) During the fiscal emergency period, the commission shall, in addition to other powers:

(1) With respect to the appropriation measure in effect at the commencement of the fiscal emergency period of the school district if that period commenced more than three months prior to the end of the current fiscal year, and otherwise with respect to the appropriation measure for the next fiscal year:

(a) Review and determine the adequacy of all revenues to meet all expenditures for such fiscal year;

(b) Review and determine the extent of any deficiency of revenues to meet such expenditures;

(c) Require the school district board or superintendent to provide justification documents to substantiate, to the extent and

in the manner considered necessary, any item of revenue or 6930
appropriation; 6931

(d) Not later than sixty days after taking office or after 6932
receiving the appropriation measure for the next fiscal year, 6933
issue a public report regarding its review pursuant to division 6934
(B)(1) of this section. 6935

(2) Require the school district board, by resolution, to 6936
establish monthly levels of expenditures and encumbrances 6937
consistent with the financial recovery plan and the commission's 6938
review pursuant to divisions (B)(1)(a) and (b) of this section, or 6939
establish such levels itself. If the commission permits the 6940
district board to make expenditures, the commission shall monitor 6941
the monthly levels of expenditures and encumbrances and require 6942
justification documents to substantiate any departure from any 6943
approved level. No district board shall make any expenditure apart 6944
from the approved level without the written approval of the 6945
commission. 6946

(C) In making any determination pursuant to division (B) of 6947
this section, the commission may rely on any information 6948
considered in its judgment reliable or material and shall not be 6949
restricted by any tax budget or certificate or any other document 6950
the school district may have adopted or received from any other 6951
governmental agency. 6952

(D) County, state, and school district officers or employees 6953
shall assist the commission diligently and promptly in the 6954
prosecution of its duties, including the furnishing of any 6955
materials, including justification documents, required. 6956

(E) Annually on or before the first day of April during the 6957
fiscal emergency period, the commission shall make reports and 6958
recommendations to the speaker of the house of representatives and 6959
the president of the senate concerning progress of the school 6960

district to eliminate fiscal emergency conditions, failures of the 6961
school district to comply with this chapter, and recommendations 6962
for further actions to attain the objectives of this chapter, 6963
including any legislative action needed to make provisions of law 6964
more effective for their purposes, or to enhance revenue raising 6965
or financing capabilities of school districts. The commission may 6966
make such interim reports as it considers appropriate for such 6967
purposes and shall make such additional reports as may be 6968
requested by either house of the general assembly. 6969

Sec. 3317.01. As used in this section and section 3317.011 of 6970
the Revised Code, "school district," unless otherwise specified, 6971
means any city, local, exempted village, joint vocational, or 6972
cooperative education school district and any educational service 6973
center. 6974

This chapter shall be administered by the state board of 6975
education. The superintendent of public instruction shall 6976
calculate the amounts payable to each school district and shall 6977
certify the amounts payable to each eligible district to the 6978
treasurer of the district as provided by this chapter. As soon as 6979
possible after such amounts are calculated, the superintendent 6980
shall certify to the treasurer of each school district the 6981
district's adjusted charge-off increase, as defined in section 6982
5705.211 of the Revised Code. No moneys shall be distributed 6983
pursuant to this chapter without the approval of the controlling 6984
board. 6985

The state board of education shall, in accordance with 6986
appropriations made by the general assembly, meet the financial 6987
obligations of this chapter. 6988

Moneys distributed pursuant to this chapter shall be 6989
calculated and paid on a fiscal year basis, beginning with the 6990
first day of July and extending through the thirtieth day of June. 6991

The moneys appropriated for each fiscal year shall be distributed 6992
periodically to each school district unless otherwise provided 6993
for. The state board shall submit a yearly distribution plan to 6994
the controlling board at its first meeting in July. The state 6995
board shall submit any proposed midyear revision of the plan to 6996
the controlling board in January. Any year-end revision of the 6997
plan shall be submitted to the controlling board in June. If 6998
moneys appropriated for each fiscal year are distributed other 6999
than monthly, such distribution shall be on the same basis for 7000
each school district. 7001

Except as otherwise provided, payments under this chapter 7002
shall be made only to those school districts in which: 7003

(A) The school district, except for any educational service 7004
center and any joint vocational or cooperative education school 7005
district, levies for current operating expenses at least twenty 7006
mills. Levies for joint vocational or cooperative education school 7007
districts or county school financing districts, limited to or to 7008
the extent apportioned to current expenses, shall be included in 7009
this qualification requirement. School district income tax levies 7010
under Chapter 5748. of the Revised Code, limited to or to the 7011
extent apportioned to current operating expenses, shall be 7012
included in this qualification requirement to the extent 7013
determined by the tax commissioner under division (D) of section 7014
3317.021 of the Revised Code. 7015

(B) The school year next preceding the fiscal year for which 7016
such payments are authorized meets the requirement of section 7017
3313.48 or 3313.481 of the Revised Code, with regard to the 7018
minimum number of days or hours school must be open for 7019
instruction with pupils in attendance, for individualized 7020
parent-teacher conference and reporting periods, and for 7021
professional meetings of teachers. This requirement shall be 7022
waived by the superintendent of public instruction if it had been 7023

necessary for a school to be closed because of disease epidemic, 7024
hazardous weather conditions, inoperability of school buses or 7025
other equipment necessary to the school's operation, damage to a 7026
school building, or other temporary circumstances due to utility 7027
failure rendering the school building unfit for school use, 7028
provided that for those school districts operating pursuant to 7029
section 3313.48 of the Revised Code the number of days the school 7030
was actually open for instruction with pupils in attendance and 7031
for individualized parent-teacher conference and reporting periods 7032
is not less than one hundred seventy-five, or for those school 7033
districts operating on a trimester plan the number of days the 7034
school was actually open for instruction with pupils in attendance 7035
not less than seventy-nine days in any trimester, for those school 7036
districts operating on a quarterly plan the number of days the 7037
school was actually open for instruction with pupils in attendance 7038
not less than fifty-nine days in any quarter, or for those school 7039
districts operating on a pentamester plan the number of days the 7040
school was actually open for instruction with pupils in attendance 7041
not less than forty-four days in any pentamester. However, for 7042
fiscal year 2012, the superintendent shall waive two fewer such 7043
days for the 2010-2011 school year. 7044

A school district shall not be considered to have failed to 7045
comply with this division or section 3313.481 of the Revised Code 7046
because schools were open for instruction but either twelfth grade 7047
students were excused from attendance for up to three days or only 7048
a portion of the kindergarten students were in attendance for up 7049
to three days in order to allow for the gradual orientation to 7050
school of such students. 7051

The superintendent of public instruction shall waive the 7052
requirements of this section with reference to the minimum number 7053
of days or hours school must be in session with pupils in 7054
attendance for the school year succeeding the school year in which 7055

a board of education initiates a plan of operation pursuant to 7056
section 3313.481 of the Revised Code. The minimum requirements of 7057
this section shall again be applicable to such a district 7058
beginning with the school year commencing the second July 7059
succeeding the initiation of one such plan, and for each school 7060
year thereafter. 7061

A school district shall not be considered to have failed to 7062
comply with this division or section 3313.48 or 3313.481 of the 7063
Revised Code because schools were open for instruction but the 7064
length of the regularly scheduled school day, for any number of 7065
days during the school year, was reduced by not more than two 7066
hours due to hazardous weather conditions. 7067

(C) The school district ~~has on file, and is paying in~~ 7068
~~accordance with, a teachers' salary schedule which complies with~~ 7069
salaries based upon merit as required under section 3317.13 of the 7070
Revised Code. 7071

A board of education or governing board of an educational 7072
service center which has not conformed with other law and the 7073
rules pursuant thereto, shall not participate in the distribution 7074
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 7075
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 7076
and sufficient reason established to the satisfaction of the state 7077
board of education and the state controlling board. 7078

All funds allocated to school districts under this chapter, 7079
except those specifically allocated for other purposes, shall be 7080
used to pay current operating expenses only. 7081

Sec. 3317.018. (A) The department of education shall make no 7082
calculations or payments under Chapter 3317. of the Revised Code 7083
for any fiscal year except as prescribed in this section. 7084

(B) School districts shall report student enrollment data as 7085

prescribed by section 3317.03 of the Revised Code, which data the 7086
department shall use to make payments under Chapters 3306. and 7087
3317. of the Revised Code. 7088

(C) The tax commissioner shall report data regarding tax 7089
valuation and receipts for school districts as prescribed by 7090
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 7091
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of 7092
section 3317.02 of the Revised Code, which data the department 7093
shall use to make payments under Chapters 3306. and 3317. of the 7094
Revised Code. 7095

(D) Unless otherwise specified by another provision of law, 7096
in addition to the payments prescribed by Chapter 3306. of the 7097
Revised Code, the department shall continue to make payments to or 7098
adjustments for school districts in fiscal years after fiscal year 7099
2009 under the following provisions of Chapter 3317. of the 7100
Revised Code: 7101

(1) The catastrophic cost reimbursement under division (C)(3) 7102
of section 3317.022 of the Revised Code. No other payments shall 7103
be made under that section. 7104

(2) All payments or adjustments under section 3317.023 of the 7105
Revised Code, except no payments or adjustments shall be made 7106
under divisions (B), (C), and (D) of that section. 7107

(3) All payments or adjustments under section 3317.024 of the 7108
Revised Code, except no payments or adjustments shall be made 7109
under divisions (F), (L), and (N) of that section. 7110

(4) All payments and adjustments under sections 3317.025, 7111
3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the 7112
Revised Code; 7113

(5) Payments under section 3317.04 of the Revised Code; 7114

(6) Unit payments under sections 3317.05, 3317.051, 3317.052, 7115

and 3317.053 of the Revised Code, except that no units for gifted funding are authorized after fiscal year 2009.	7116 7117
(7) Payments under sections 3317.06, 3317.063, and 3317.064 of the Revised Code;	7118 7119
(8) Payments under section 3317.07 of the Revised Code;	7120
(9) Payments to educational service centers under section 3317.11 of the Revised Code;	7121 7122
(10) The catastrophic cost reimbursement under division (E) of section 3317.16 of the Revised Code and excess cost reimbursements under division (G) of that section. No other payments shall be made under that section;	7123 7124 7125 7126
(11) Payments under section 3317.17 of the Revised Code;	7127
(12) Adjustments under section 3317.18 of the Revised Code;	7128
(13) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	7129 7130
(14) Payments to county MR/DD boards under section 3317.20 of the Revised Code;	7131 7132
(15) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.	7133 7134
(E) Sections 3317.016 and 3317.017 shall not apply to fiscal years after fiscal year 2009.	7135 7136
(F) This section does not affect the provisions of sections 3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 3317.081, 3317.082, 3317.09, 3317.12 , 3317.13, 3317.14 , 3317.15, 3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised Code.	7137 7138 7139 7140 7141
Sec. 3317.11. (A) As used in this section:	7142
(1) "Client school district" means a city or exempted village	7143

school district that has entered into an agreement under section 7144
3313.843 of the Revised Code to receive any services from an 7145
educational service center. 7146

(2) "Service center ADM" means the sum of the total student 7147
counts of all local school districts within an educational service 7148
center's territory and all of the service center's client school 7149
districts. 7150

(3) "STEM school" means a science, technology, engineering, 7151
and mathematics school established under Chapter 3326. of the 7152
Revised Code. 7153

(4) "Total student count" has the same meaning as in section 7154
3301.011 of the Revised Code. 7155

(B)(1) The governing board of each educational service center 7156
shall provide supervisory services to each local school district 7157
within the service center's territory. Each city or exempted 7158
village school district that enters into an agreement under 7159
section 3313.843 of the Revised Code for a governing board to 7160
provide any services also is considered to be provided supervisory 7161
services by the governing board. Except as provided in division 7162
(B)(2) of this section, the supervisory services shall not exceed 7163
one supervisory teacher for the first fifty classroom teachers 7164
required to be employed in the districts, as calculated under 7165
section 3317.023 of the Revised Code, and one for each additional 7166
one hundred required classroom teachers, as so calculated. 7167

The supervisory services shall be financed annually through 7168
supervisory units. Except as provided in division (B)(2) of this 7169
section, the number of supervisory units assigned to each district 7170
shall not exceed one unit for the first fifty classroom teachers 7171
required to be employed in the district, as calculated under 7172
section 3317.023 of the Revised Code, and one for each additional 7173
one hundred required classroom teachers, as so calculated. The 7174

cost of each supervisory unit shall be the sum of: 7175

(a) The ~~minimum~~ merit-based salary prescribed by section 7176
3317.13 of the Revised Code for the licensed supervisory employee 7177
of the governing board; 7178

(b) An amount equal to fifteen per cent of the salary 7179
prescribed by section 3317.13 of the Revised Code; 7180

(c) An allowance for necessary travel expenses, limited to 7181
the lesser of two hundred twenty-three dollars and sixteen cents 7182
per month or two thousand six hundred seventy-eight dollars per 7183
year. 7184

(2) If a majority of the boards of education, or 7185
superintendents acting on behalf of the boards, of the local and 7186
client school districts receiving services from the educational 7187
service center agree to receive additional supervisory services 7188
and to pay the cost of a corresponding number of supervisory units 7189
in excess of the services and units specified in division (B)(1) 7190
of this section, the service center shall provide the additional 7191
services as agreed to by the majority of districts to, and the 7192
department of education shall apportion the cost of the 7193
corresponding number of additional supervisory units pursuant to 7194
division (B)(3) of this section among, all of the service center's 7195
local and client school districts. 7196

(3) The department shall apportion the total cost for all 7197
supervisory units among the service center's local and client 7198
school districts based on each district's total student count. The 7199
department shall deduct each district's apportioned share pursuant 7200
to division (E) of section 3317.023 of the Revised Code and pay 7201
the apportioned share to the service center. 7202

(C) The department annually shall deduct from each local and 7203
client school district of each educational service center, 7204
pursuant to division (E) of section 3317.023 of the Revised Code, 7205

and pay to the service center an amount equal to six dollars and 7206
fifty cents times the school district's total student count. The 7207
board of education, or the superintendent acting on behalf of the 7208
board, of any local or client school district may agree to pay an 7209
amount in excess of six dollars and fifty cents per student in 7210
total student count. If a majority of the boards of education, or 7211
superintendents acting on behalf of the boards, of the local 7212
school districts within a service center's territory approve an 7213
amount in excess of six dollars and fifty cents per student in 7214
total student count, the department shall deduct the approved 7215
excess per student amount from all of the local school districts 7216
within the service center's territory and pay the excess amount to 7217
the service center. 7218

(D) The department shall pay each educational service center 7219
the amounts due to it from school districts pursuant to contracts, 7220
compacts, or agreements under which the service center furnishes 7221
services to the districts or their students. In order to receive 7222
payment under this division, an educational service center shall 7223
furnish either a copy of the contract, compact, or agreement 7224
clearly indicating the amounts of the payments, or a written 7225
statement that clearly indicates the payments owed and is signed 7226
by the superintendent or treasurer of the responsible school 7227
district. The amounts paid to service centers under this division 7228
shall be deducted from payments to school districts pursuant to 7229
division (K)(3) of section 3317.023 of the Revised Code. 7230

(E) Each school district's deduction under this section and 7231
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 7232
shall be made from the total payment computed for the district 7233
under this chapter, after making any other adjustments in that 7234
payment required by law. 7235

(F)(1) Except as provided in division (F)(2) of this section, 7236
the department annually shall pay the governing board of each 7237

educational service center state funds equal to thirty-seven 7238
dollars times its service center ADM. 7239

(2) The department annually shall pay state funds equal to 7240
forty dollars and fifty-two cents times the service center ADM to 7241
each educational service center comprising territory that was 7242
included in the territory of at least three former service centers 7243
or county school districts, which former centers or districts 7244
engaged in one or more mergers under section 3311.053 of the 7245
Revised Code to form the present center. 7246

(G) Each city, exempted village, local, joint vocational, or 7247
cooperative education school district shall pay to the governing 7248
board of an educational service center any amounts agreed to for 7249
each child enrolled in the district who receives special education 7250
and related services or career-technical education from the 7251
educational service center, unless these educational services are 7252
provided pursuant to a contract, compact, or agreement for which 7253
the department deducts and transfers payments under division (D) 7254
of this section and division (K)(3) of section 3317.023 of the 7255
Revised Code. 7256

(H) The department annually shall pay the governing board of 7257
each educational service center that has entered into a contract 7258
with a STEM school for the provision of services described in 7259
division (B) of section 3326.45 of the Revised Code state funds 7260
equal to the per-pupil amount specified in the contract for the 7261
provision of those services times the number of students enrolled 7262
in the STEM school. 7263

(I) An educational service center: 7264

(1) May provide special education and career-technical 7265
education to students in its local or client school districts; 7266

(2) Is eligible for transportation funding under division (G) 7267
of section 3317.024 of the Revised Code and for state subsidies 7268

for the purchase of school buses under section 3317.07 of the Revised Code; 7269
7270

(3) May apply for and receive gifted education units and provide gifted education services to students in its local or client school districts; 7271
7272
7273

(4) May conduct driver education for high school students in accordance with Chapter 4508. of the Revised Code. 7274
7275

Sec. 3317.13. (A) As used in this section and ~~section 3317.14 of the Revised Code:~~ 7276
7277

~~(1) "Years of service" includes the following:~~ 7278

~~(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;~~ 7279
7280
7281
7282

~~(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;~~ 7283
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7285
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~~(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and~~ 7288
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~~(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this~~ 7296
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~~calculation, a partial year of active military service of eight 7299
continuous months or more in the armed forces shall be counted as 7300
a full year. 7301~~

~~(2) "Teacher", "teacher" means all teachers employed by the 7302
board of education of any school district, including any 7303
cooperative education or joint vocational school district and all 7304
teachers employed by any educational service center governing 7305
board. 7306~~

~~(B) No Each teacher shall be paid a salary less than that 7307
provided in the schedule set forth in division (C) of this 7308
section. In calculating the minimum salary any teacher shall be 7309
paid pursuant to this section, years of service shall include the 7310
sum of all years of the teacher's teaching service included in 7311
divisions (A)(1)(a), (b), (c), and (d) of this section; except 7312
that any school district or educational service center employing a 7313
teacher new to the district or educational service center shall 7314
grant such teacher a total of not more than ten years of service 7315
pursuant to divisions (A)(1)(b), (c), and (d) of this section. 7316~~

~~Upon written complaint to the superintendent of public 7317
instruction that the board of education of a district or the 7318
governing board of an educational service center governing board 7319
has failed or refused to annually adopt a salary schedule or to 7320
pay salaries in accordance with the salary schedule set forth in 7321
division (C) of this section, the superintendent of public 7322
instruction shall cause to be made an immediate investigation of 7323
such complaint. If the superintendent finds that the conditions 7324
complained of exist, the superintendent shall order the board to 7325
correct such conditions within ten days from the date of the 7326
finding. No moneys shall be distributed to the district or 7327
educational service center under this chapter until the 7328
superintendent has satisfactory evidence of the board of 7329
education's full compliance with such order. 7330~~

~~Each teacher shall be fully credited with placement in the appropriate academic training level column in the district's or educational service center's salary schedule with years of service properly credited pursuant to this section or section 3317.14 of the Revised Code. No rule shall be adopted or exercised by any board of education or educational service center governing board which restricts the placement or the crediting of annual salary increments for any teacher according to the appropriate academic training level column.~~

~~(C) Minimum salaries exclusive of retirement and sick leave for teachers shall be as follows:~~

Years of Service	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher	
	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460

~~* Percentages represent the percentage which each salary is of the base amount.~~

~~For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience.~~

~~As used in this division:~~

~~(1) "Base amount" means twenty thousand dollars.~~

~~(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.~~

~~(D) For purposes of this section, all credited training shall be from a recognized college or university based upon merit.~~

Sec. 3318.31. (A) The Ohio school facilities commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under, Chapter 3318. of the Revised Code, including any of the following:

(1) Adopt, amend, and rescind, pursuant to section 111.15 of the Revised Code, rules for the administration of programs authorized under Chapter 3318. of the Revised Code.

(2) Contract with, retain the services of, or designate, and fix the compensation of, such agents, accountants, consultants, advisers, and other independent contractors as may be necessary or desirable to carry out the programs authorized under Chapter 3318. of the Revised Code, or authorize the executive director to perform such powers and duties.

(3) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under Chapter 3318. of the Revised Code.

(4) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under Chapter 3318. of the Revised Code, or authorize the executive director to perform such powers and duties.

(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall supervise the operations of the commission and perform such other duties as delegated by the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director. ~~The employees of the commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.~~

(C) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of the Revised Code.

Sec. 3319.01. Except in an island school district, where the superintendent of an educational service center otherwise may serve as superintendent of the district and except as otherwise provided for any cooperative education school district pursuant to division (B)(2) of section 3311.52 or division (B)(3) of section 3311.521 of the Revised Code, the board of education in each school district and the governing board of each service center shall, at a regular or special meeting held not later than the

first day of May of the calendar year in which the term of the 7424
superintendent expires, appoint a person possessed of the 7425
qualifications provided in this section to act as superintendent, 7426
for a term not longer than five years beginning the first day of 7427
August and ending on the thirty-first day of July. Such 7428
superintendent is, at the expiration of a current term of 7429
employment, deemed reemployed for a term of one year at the same 7430
salary plus any increments that may be authorized by the board, 7431
unless such board, on or before the first day of March of the year 7432
in which the contract of employment expires, either reemploys the 7433
superintendent for a succeeding term as provided in this section 7434
or gives to the superintendent written notice of its intention not 7435
to reemploy the superintendent. A superintendent may not be 7436
transferred to any other position during the term of the 7437
superintendent's employment or reemployment except by mutual 7438
agreement by the superintendent and the board. If a vacancy occurs 7439
in the office of superintendent, the board shall appoint a 7440
superintendent for a term not to exceed five years from the next 7441
preceding first day of August. 7442

A board may at any regular or special meeting held during the 7443
period beginning on the first day of January of the calendar year 7444
immediately preceding the year the contract of employment of a 7445
superintendent expires and ending on the first day of March of the 7446
year it expires, reemploy such superintendent for a succeeding 7447
term for not longer than five years, beginning on the first day of 7448
August immediately following the expiration of the 7449
superintendent's current term of employment and ending on the 7450
thirty-first day of July of the year in which such succeeding term 7451
expires. No person shall be appointed to the office of 7452
superintendent of a city, or exempted village school district or a 7453
service center who does not hold a license designated for being a 7454
superintendent issued under section 3319.22 of the Revised Code, 7455
unless such person had been employed as a county, city, or 7456

exempted village superintendent prior to August 1, 1939. No person 7457
shall be appointed to the office of local superintendent who does 7458
not hold a license designated for being a superintendent issued 7459
under section 3319.22 of the Revised Code, unless such person held 7460
or was qualified to hold the position of executive head of a local 7461
school district on September 16, 1957. At the time of making such 7462
appointment or designation of term, such board shall fix the 7463
compensation of the superintendent, which may be increased or 7464
decreased during such term, provided such decrease is a part of a 7465
uniform plan affecting salaries of all employees of the district, 7466
and shall execute a written contract of employment with such 7467
superintendent. 7468

Each board shall adopt procedures for the evaluation of its 7469
superintendent and shall evaluate its superintendent in accordance 7470
with those procedures. An evaluation based upon such procedures 7471
shall be considered by the board in deciding whether to renew the 7472
superintendent's contract. The establishment of an evaluation 7473
procedure shall not create an expectancy of continued employment. 7474
Nothing in this section shall prevent a board from making the 7475
final determination regarding the renewal or failure to renew of a 7476
superintendent's contract. 7477

Termination of a superintendent's contract shall be pursuant 7478
to section 3319.16 of the Revised Code. 7479

A board may establish vacation leave for its superintendent 7480
in accordance with the general leave policy the board adopts 7481
pursuant to section 3319.141 of the Revised Code. Upon the 7482
superintendent's separation from employment a board that has such 7483
leave may provide compensation at the superintendent's current 7484
rate of pay for all lawfully accrued and unused vacation leave to 7485
the superintendent's credit at the time of separation, not to 7486
exceed the amount accrued within three years before the date of 7487
separation. In case of the death of a superintendent, such unused 7488

vacation leave as the board would have paid to this superintendent 7489
upon separation shall be paid in accordance with section 2113.04 7490
of the Revised Code, or to the superintendent's estate. 7491

Notwithstanding section 9.481 of the Revised Code, the board 7492
of a city, local, exempted village, or joint vocational school 7493
district may require its superintendent, as a condition of 7494
employment, to reside within the boundaries of the district. 7495

The superintendent shall be the executive officer for the 7496
board. Subject to section 3319.40 of the Revised Code, the 7497
superintendent shall direct and assign teachers and other 7498
employees of the district or service center, except as provided in 7499
division (B) of section 3313.31 and section 3319.04 of the Revised 7500
Code. The superintendent shall assign the pupils to the proper 7501
schools and grades, provided that the assignment of a pupil to a 7502
school outside of the pupil's district of residence is approved by 7503
the board of the district of residence of such pupil. The 7504
superintendent shall perform such other duties as the board 7505
determines. 7506

The board of education of any school district may contract 7507
with the governing board of the educational service center from 7508
which it otherwise receives services to conduct searches and 7509
recruitment of candidates for the superintendent position 7510
authorized under this section. 7511

Sec. 3319.011. If a board of education determines the 7512
superintendent is incapacitated in such a manner that ~~he~~ the 7513
superintendent is unable to perform the duties of the office of 7514
superintendent, the board may, by a majority vote of the members 7515
of the board, appoint a person to serve in ~~his~~ the 7516
superintendent's place pro tempore. Each board of education shall 7517
adopt a written policy establishing standards for determining 7518
whether the superintendent is incapacitated, and shall provide 7519

that during any period in which the superintendent is 7520
incapacitated, ~~he~~ the superintendent may be placed on sick leave 7521
or on leave of absence and may be returned to active duty status 7522
from sick leave or leave of absence. The board shall award leave 7523
pursuant to this written policy in accordance with the general 7524
leave policy the board adopts pursuant to section 3319.141 of the 7525
Revised Code. The superintendent may request a hearing before the 7526
board on any action taken under this section, and ~~he~~ shall have 7527
the same rights in any such hearing as are granted to a teacher in 7528
a board hearing under section 3319.16 of the Revised Code. The 7529
superintendent pro tempore shall perform all of the duties and 7530
functions of the superintendent and shall serve until the board by 7531
majority vote determines the superintendent's incapacity is 7532
removed or until the expiration of the superintendent's contract 7533
or term of office, whichever is sooner. The superintendent pro 7534
tempore may be removed at any time for cause by a two-thirds vote 7535
of the members of the board. The board shall fix the compensation 7536
of the superintendent pro tempore in accordance with section 7537
3319.01 of the Revised Code. 7538

Sec. 3319.02. (A)(1) As used in this section, "other 7539
administrator" means any of the following: 7540

(a) Except as provided in division (A)(2) of this section, 7541
any employee in a position for which a board of education requires 7542
a license designated by rule of the department of education for 7543
being an administrator issued under section 3319.22 of the Revised 7544
Code, including a professional pupil services employee or 7545
administrative specialist or an equivalent of either one who is 7546
not employed as a school counselor and spends less than fifty per 7547
cent of the time employed teaching or working with students; 7548

(b) Any nonlicensed employee whose job duties enable such 7549
employee to be considered as either a "supervisor" or a 7550

"management level employee," as defined in section 4117.01 of the Revised Code; 7551
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(c) A business manager appointed under section 3319.03 of the Revised Code. 7553
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(2) As used in this section, "other administrator" does not include a superintendent, assistant superintendent, principal, or assistant principal. 7555
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(B) The board of education of each school district and the governing board of an educational service center may appoint one or more assistant superintendents and such other administrators as are necessary. An assistant educational service center superintendent or service center supervisor employed on a part-time basis may also be employed by a local board as a teacher. The board of each city, exempted village, and local school district shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate. 7558
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(C) In educational service centers and in city, exempted village, and local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent, except that a board of education of a school district or the governing board of a service center, by a three-fourths vote of its full membership, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom the superintendent refuses to nominate. 7569
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The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three 7578
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years except that in the case of a person who has been employed as 7582
an assistant superintendent, principal, assistant principal, or 7583
other administrator in the district or center for three years or 7584
more, the term of the contract shall be for not more than five 7585
years and, unless the superintendent of the district recommends 7586
otherwise, not less than two years. If the superintendent so 7587
recommends, the term of the contract of a person who has been 7588
employed by the district or service center as an assistant 7589
superintendent, principal, assistant principal, or other 7590
administrator for three years or more may be one year, but all 7591
subsequent contracts granted such person shall be for a term of 7592
not less than two years and not more than five years. When a 7593
teacher with continuing service status becomes an assistant 7594
superintendent, principal, assistant principal, or other 7595
administrator with the district or service center with which the 7596
teacher holds continuing service status, the teacher retains such 7597
status in the teacher's nonadministrative position as provided in 7598
sections 3319.08 and 3319.09 of the Revised Code. 7599

A board of education or governing board may reemploy an 7600
assistant superintendent, principal, assistant principal, or other 7601
administrator at any regular or special meeting held during the 7602
period beginning on the first day of January of the calendar year 7603
immediately preceding the year of expiration of the employment 7604
contract and ending on the last day of March of the year the 7605
employment contract expires. 7606

Except by mutual agreement of the parties thereto, no 7607
assistant superintendent, principal, assistant principal, or other 7608
administrator shall be transferred during the life of a contract 7609
to a position of lesser responsibility. No contract may be 7610
terminated by a board except pursuant to section 3319.16 of the 7611
Revised Code. No contract may be suspended except pursuant to 7612
section 3319.17 or 3319.171 of the Revised Code. The salaries and 7613

compensation prescribed by such contracts shall not be reduced by 7614
a board unless such reduction is a part of a uniform plan 7615
affecting the entire district or center. The contract shall 7616
specify the employee's administrative position and duties as 7617
included in the job description adopted under division (D) of this 7618
section, the salary and other compensation to be paid for 7619
performance of duties, the number of days to be worked, the number 7620
of days of vacation leave, if any, and any paid holidays in the 7621
contractual year. 7622

An assistant superintendent, principal, assistant principal, 7623
or other administrator is, at the expiration of the current term 7624
of employment, deemed reemployed at the same salary plus any 7625
increments that may be authorized by the board, unless such 7626
employee notifies the board in writing to the contrary on or 7627
before the first day of June, or unless such board, on or before 7628
the last day of March of the year in which the contract of 7629
employment expires, either reemploys such employee for a 7630
succeeding term or gives written notice of its intention not to 7631
reemploy the employee. The term of reemployment of a person 7632
reemployed under this paragraph shall be one year, except that if 7633
such person has been employed by the school district or service 7634
center as an assistant superintendent, principal, assistant 7635
principal, or other administrator for three years or more, the 7636
term of reemployment shall be two years. 7637

(D)(1) Each board shall adopt procedures for the evaluation 7638
of all assistant superintendents, principals, assistant 7639
principals, and other administrators and shall evaluate such 7640
employees in accordance with those procedures. The evaluation 7641
based upon such procedures shall be considered by the board in 7642
deciding whether to renew the contract of employment of an 7643
assistant superintendent, principal, assistant principal, or other 7644
administrator. 7645

(2) The evaluation shall measure each assistant 7646
superintendent's, principal's, assistant principal's, and other 7647
administrator's effectiveness in performing the duties included in 7648
the job description and the evaluation procedures shall provide 7649
for, but not be limited to, the following: 7650

(a) Each assistant superintendent, principal, assistant 7651
principal, and other administrator shall be evaluated annually 7652
through a written evaluation process. 7653

(b) The evaluation shall be conducted by the superintendent 7654
or designee. 7655

(c) In order to provide time to show progress in correcting 7656
the deficiencies identified in the evaluation process, the 7657
evaluation process shall be completed as follows: 7658

(i) In any school year that the employee's contract of 7659
employment is not due to expire, at least one evaluation shall be 7660
completed in that year. A written copy of the evaluation shall be 7661
provided to the employee no later than the end of the employee's 7662
contract year as defined by the employee's annual salary notice. 7663

(ii) In any school year that the employee's contract of 7664
employment is due to expire, at least a preliminary evaluation and 7665
at least a final evaluation shall be completed in that year. A 7666
written copy of the preliminary evaluation shall be provided to 7667
the employee at least sixty days prior to any action by the board 7668
on the employee's contract of employment. The final evaluation 7669
shall indicate the superintendent's intended recommendation to the 7670
board regarding a contract of employment for the employee. A 7671
written copy of the evaluation shall be provided to the employee 7672
at least five days prior to the board's acting to renew or not 7673
renew the contract. 7674

(3) Termination of an assistant superintendent, principal, 7675
assistant principal, or other administrator's contract shall be 7676

pursuant to section 3319.16 of the Revised Code. Suspension of any 7677
such employee shall be pursuant to section 3319.17 or 3319.171 of 7678
the Revised Code. 7679

(4) Before taking action to renew or nonrenew the contract of 7680
an assistant superintendent, principal, assistant principal, or 7681
other administrator under this section and prior to the last day 7682
of March of the year in which such employee's contract expires, 7683
the board shall notify each such employee of the date that the 7684
contract expires and that the employee may request a meeting with 7685
the board. Upon request by such an employee, the board shall grant 7686
the employee a meeting in executive session. In that meeting, the 7687
board shall discuss its reasons for considering renewal or 7688
nonrenewal of the contract. The employee shall be permitted to 7689
have a representative, chosen by the employee, present at the 7690
meeting. 7691

(5) The establishment of an evaluation procedure shall not 7692
create an expectancy of continued employment. Nothing in division 7693
(D) of this section shall prevent a board from making the final 7694
determination regarding the renewal or nonrenewal of the contract 7695
of any assistant superintendent, principal, assistant principal, 7696
or other administrator. However, if a board fails to provide 7697
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 7698
section, or if the board fails to provide at the request of the 7699
employee a meeting as prescribed in division (D)(4) of this 7700
section, the employee automatically shall be reemployed at the 7701
same salary plus any increments that may be authorized by the 7702
board for a period of one year, except that if the employee has 7703
been employed by the district or service center as an assistant 7704
superintendent, principal, assistant principal, or other 7705
administrator for three years or more, the period of reemployment 7706
shall be for two years. 7707

(E) On nomination of the superintendent of a service center a 7708

governing board may employ supervisors who shall be employed under 7709
written contracts of employment for terms not to exceed five years 7710
each. Such contracts may be terminated by a governing board 7711
pursuant to section 3319.16 of the Revised Code. Any supervisor 7712
employed pursuant to this division may terminate the contract of 7713
employment at the end of any school year after giving the board at 7714
least thirty days' written notice prior to such termination. On 7715
the recommendation of the superintendent the contract or contracts 7716
of any supervisor employed pursuant to this division may be 7717
suspended for the remainder of the term of any such contract 7718
pursuant to section 3319.17 or 3319.171 of the Revised Code. 7719

(F) A board may establish vacation leave for any individuals 7720
employed under this section in accordance with the general leave 7721
policy the board adopts pursuant to section 3319.141 of the 7722
Revised Code. Upon such an individual's separation from 7723
employment, a board that has such leave may compensate such an 7724
individual at the individual's current rate of pay for all 7725
lawfully accrued and unused vacation leave credited at the time of 7726
separation, not to exceed the amount accrued within three years 7727
before the date of separation. In case of the death of an 7728
individual employed under this section, such unused vacation leave 7729
as the board would have paid to the individual upon separation 7730
under this section shall be paid in accordance with section 7731
2113.04 of the Revised Code, or to the estate. 7732

(G) The board of education of any school district may 7733
contract with the governing board of the educational service 7734
center from which it otherwise receives services to conduct 7735
searches and recruitment of candidates for assistant 7736
superintendent, principal, assistant principal, and other 7737
administrator positions authorized under this section. 7738

Sec. 3319.06. (A) The board of education of each city, 7739

exempted village, or local school district may create the position 7740
of internal auditor. Any person employed by the board as an 7741
internal auditor shall hold a valid permit issued under section 7742
4701.10 of the Revised Code to practice as a certified public 7743
accountant or a public accountant. 7744

(B) The board shall execute a written contract of employment 7745
with each internal auditor it employs. The contract shall specify 7746
the internal auditor's duties; the salary and other compensation 7747
to be paid for performance of those duties; the number of days to 7748
be worked, the number of days of vacation leave, if any, that the 7749
internal auditor receives under the general leave policy the board 7750
adopts pursuant to section 3319.141 of the Revised Code; and any 7751
paid holidays in the contractual year. The salary and other 7752
compensation prescribed by the contract may be increased by the 7753
board during the term of the contract but shall not be reduced 7754
during that term unless such reduction is part of a uniform plan 7755
affecting employees of the entire district. The term of the 7756
initial contract shall not exceed three years. Any renewal of the 7757
contract shall be for a term of not less than two years and not 7758
more than five years. 7759

The internal auditor shall be directly responsible to the 7760
board for the performance of all duties outlined in the contract. 7761
If the board does not intend to renew the contract upon its 7762
expiration, the board shall provide written notice to the internal 7763
auditor of its intention not to renew the contract not later than 7764
the last day of March of the year in which the contract expires. 7765
If the board does not provide such notice by that date, the 7766
internal auditor shall be deemed reemployed for a term of one year 7767
at the same salary plus any increments that may be authorized by 7768
the board. Termination of an internal auditor's contract shall be 7769
pursuant to section 3319.16 of the Revised Code. 7770

(C) Each board that employs an internal auditor shall adopt 7771
procedures for the evaluation of the internal auditor and shall 7772
evaluate the internal auditor in accordance with those procedures. 7773
The evaluation based upon the procedures shall be considered by 7774
the board in deciding whether to renew the internal auditor's 7775
contract of employment. The establishment of an evaluation 7776
procedure shall not create an expectancy of continued employment. 7777
Nothing in this section shall prevent the board from making the 7778
final determination regarding the renewal or nonrenewal of the 7779
contract of an internal auditor. 7780

Sec. 3319.08. (A) The board of education of each city, 7781
exempted village, local, and joint vocational school district and 7782
the governing board of each educational service center shall enter 7783
into written contracts for the employment and reemployment of all 7784
teachers. Contracts for the employment of teachers shall be of two 7785
types, limited contracts and continuing contracts. The board of 7786
each school district or service center that authorizes 7787
compensation ~~in addition to the base salary stated in the~~ 7788
~~teachers' salary schedule~~ for the performance of duties by a 7789
teacher that are in addition to the teacher's regular teaching 7790
duties, shall enter into a supplemental written contract with each 7791
teacher who is to perform additional duties. Such supplemental 7792
written contracts shall be limited contracts. Such written 7793
contracts and supplemental written contracts shall set forth the 7794
teacher's duties and shall specify the salaries and compensation 7795
to be paid for regular teaching duties and additional teaching 7796
duties, respectively, either or both of which may be increased but 7797
not diminished during the term for which the contract is made, 7798
except as provided in section 3319.12 of the Revised Code. 7799

If a board adopts a motion or resolution to employ a teacher 7800
under a limited or continuing contract and the teacher accepts 7801
such employment, the failure of such parties to execute a written 7802

contract shall not void such employment contract. 7803

(B) Teachers must be paid for all time lost when the schools 7804
in which they are employed are closed due to an epidemic or other 7805
public calamity, and for time lost due to illness or otherwise for 7806
not less than five days annually as authorized by regulations 7807
which each board shall adopt. 7808

(C) A limited contract is: 7809

(1) For a superintendent, a contract for such term as 7810
authorized by section 3319.01 of the Revised Code; 7811

(2) For an assistant superintendent, principal, assistant 7812
principal, or other administrator, a contract for such term as 7813
authorized by section 3319.02 of the Revised Code; 7814

(3) For a classroom teacher, a contract for a term not to 7815
exceed the following: 7816

(a) Five years, in the case of a contract entered into prior 7817
to the effective date of this amendment; 7818

(b) One year, in the case of a contract entered into on or 7819
after the effective date of this amendment. 7820

(4) For all other teachers, a contract for a term not to 7821
exceed five years. 7822

(D) A continuing contract is a contract that remains in 7823
effect until the teacher resigns, elects to retire, or is retired 7824
pursuant to former section 3307.37 of the Revised Code, or until 7825
it is terminated or suspended and shall be granted only to the 7826
following: 7827

(1) Any teacher holding a professional, permanent, or life 7828
teacher's certificate; 7829

(2) Any teacher who ~~meets~~ met the following conditions prior 7830
to the effective date of this amendment: 7831

(a) The teacher was initially issued a teacher's certificate 7832
or educator license prior to January 1, 2011. 7833

(b) The teacher ~~holds~~ held a professional educator license 7834
issued under section 3319.22 or 3319.222 or former section 3319.22 7835
of the Revised Code or a senior professional educator license or 7836
lead professional educator license issued under section 3319.22 of 7837
the Revised Code. 7838

(c) The teacher ~~has~~ had completed the applicable one of the 7839
following: 7840

(i) If the teacher did not hold a master's degree at the time 7841
of initially receiving a teacher's certificate under former law or 7842
an educator license, thirty semester hours of coursework in the 7843
area of licensure or in an area related to the teaching field 7844
since the initial issuance of such certificate or license, as 7845
specified in rules which the state board of education shall adopt; 7846

(ii) If the teacher held a master's degree at the time of 7847
initially receiving a teacher's certificate under former law or an 7848
educator license, six semester hours of graduate coursework in the 7849
area of licensure or in an area related to the teaching field 7850
since the initial issuance of such certificate or license, as 7851
specified in rules which the state board shall adopt. 7852

~~(3) Any teacher who meets the following conditions:~~ 7853

~~(a) The teacher never held a teacher's certificate and was 7854
initially issued an educator license on or after January 1, 2011.~~ 7855

~~(b) The teacher holds a professional educator license, senior 7856
professional educator license, or lead professional educator 7857
license issued under section 3319.22 of the Revised Code.~~ 7858

~~(c) The teacher has held an educator license for at least 7859
seven years.~~ 7860

~~(d) The teacher has completed the applicable one of the 7861~~

following: 7862

~~(i) If the teacher did not hold a master's degree at the time of initially receiving an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt;~~ 7863
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~~(ii) If the teacher held a master's degree at the time of initially receiving an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of that license, as specified in rules which the state board shall adopt.~~ 7868
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(E) Division (D) of this section applies only to continuing contracts entered into on or after ~~the effective date of this amendment~~ the effective date of the amendment of this section by S.B. 5 of the 129th general assembly. Nothing in that division shall be construed to void or otherwise affect a continuing contract entered into prior to that date. 7873
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Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, ~~the:~~ 7879
7880

(1) The requirements of division (D)(3) of this section, as it existed prior to the effective date of this amendment, prevail over any conflicting provisions of a collective bargaining agreement entered into ~~on or after the effective date of this amendment~~ between October 16, 2009, and that effective date. 7881
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(2) The requirements of division (D) of this section, as it exists on and after the effective date of this amendment, prevail over any conflicting provisions of a collective bargaining agreement entered into on or after that effective date. 7886
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(F) Wherever the term "educator license" is used in this section without reference to a specific type of educator license, the term does not include an educator license for substitute 7890
7891
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teaching issued under section 3319.226 of the Revised Code. 7893

Sec. 3319.084. In all school districts each full-time 7894
nonteaching school employee including full-time hourly-rate and 7895
per diem employees, ~~after service of one year with a board of~~ 7896
~~education, shall be entitled, during each year thereafter, while~~ 7897
~~continuing in the employ of such board of education, to receive~~ 7898
vacation leave with full pay for a minimum of two calendar weeks, 7899
~~excluding legal holidays. Employees continuing in the employ of~~ 7900
~~such board of education for ten or more years of service shall be~~ 7901
~~entitled to vacation leave with full pay for a minimum of three~~ 7902
~~calendar weeks, excluding legal holidays. Employees continuing in~~ 7903
~~the employ of such~~ in accordance with the general leave policy the 7904
board of education for twenty or more years of service shall be 7905
~~entitled to vacation leave with full pay for a minimum of four~~ 7906
~~calendar weeks, excluding legal holidays~~ adopts pursuant to 7907
section 3319.141 of the Revised Code. 7908

Upon separation from employment a nonteaching school employee 7909
shall be entitled to compensation at ~~his~~ the nonteaching school 7910
employee's current rate of pay for all lawfully accrued and unused 7911
vacation leave to ~~his~~ the nonteaching school employee's credit at 7912
the time of separation, not to exceed the vacation leave accrued 7913
to ~~his~~ the nonteaching school employee's credit for the two years 7914
immediately preceding ~~his~~ separation and the prorated portion of 7915
~~his~~ the nonteaching school employee's earned but unused vacation 7916
leave for the current year. In case of the death of a non-teaching 7917
school employee such accrued and unused vacation leave and 7918
prorated portion for the current year shall be paid in accordance 7919
with section 2113.04 of the Revised Code, or to ~~his~~ the 7920
nonteaching school employee's estate. 7921

For the purposes of this section, a full-time employee is a 7922
person who is in service for not less than eleven months in each 7923

calendar year. A board of education may establish vacation leave 7924
for employees who are in service less than eleven months in each 7925
calendar year in accordance with the general leave policy the 7926
board adopts pursuant to section 3319.141 of the Revised Code. 7927

Sec. 3319.085. Any nonteaching school employee who, 7928
subsequent to September 1, 1962, has left, or leaves, the employ 7929
of a board of education for the purpose of entering on extended 7930
active duty in the armed services of the United States or the 7931
auxiliaries thereof, and within eight weeks enters such service 7932
and who has returned, or returns, from such service with an 7933
honorable discharge or certificate of service shall be re-employed 7934
by the board of education of the district in which ~~he~~ the 7935
nonteaching school employee held such school position, under the 7936
same type of contract as that which ~~he~~ the nonteaching school 7937
employee last held in such district, if such nonteaching school 7938
employee applies, within ninety days after such discharge, to such 7939
board of education for re-employment. Upon such application, such 7940
nonteaching school employee shall be re-employed at the first of 7941
the next school semester, if such application is made not less 7942
than thirty days prior to the first of such next school semester, 7943
in which case such nonteaching school employee shall be 7944
re-employed the first of the following school semester, unless the 7945
board of education waives the requirement for such thirty-day 7946
period. 7947

For the purposes of seniority ~~and placement on the salary~~ 7948
~~schedule~~, years of absence on extended active duty in the armed 7949
services of the United States or the auxiliaries thereof shall not 7950
exceed four, and shall be counted as though school service had 7951
been performed during such time. 7952

The board of education of this district in which such 7953
nonteaching school employee was employed and is re-employed under 7954

this section may suspend the contract of the nonteaching school 7955
employee whose services become unnecessary by reason of the return 7956
of a nonteaching school employee from service in the armed 7957
services or auxiliaries thereof. 7958

Sec. 3319.088. As used in this section, "educational 7959
assistant" means any nonteaching employee in a school district who 7960
directly assists a teacher as defined in section 3319.09 of the 7961
Revised Code, by performing duties for which a license issued 7962
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 7963
required. 7964

(A) The state board of education shall issue educational aide 7965
permits and educational paraprofessional licenses for educational 7966
assistants and shall adopt rules for the issuance and renewal of 7967
such permits and licenses which shall be consistent with the 7968
provisions of this section. Educational aide permits and 7969
educational paraprofessional licenses may be of several types and 7970
the rules shall prescribe the minimum qualifications of education, 7971
health, and character for the service to be authorized under each 7972
type. The prescribed minimum qualifications may require special 7973
training or educational courses designed to qualify a person to 7974
perform effectively the duties authorized under an educational 7975
aide permit or educational paraprofessional license. 7976

(B)(1) Any application for a permit or license, or a renewal 7977
or duplicate of a permit or license, under this section shall be 7978
accompanied by the payment of a fee in the amount established 7979
under division (A) of section 3319.51 of the Revised Code. Any 7980
fees received under this division shall be paid into the state 7981
treasury to the credit of the state board of education licensure 7982
fund established under division (B) of section 3319.51 of the 7983
Revised Code. 7984

(2) Any person applying for or holding a permit or license 7985

pursuant to this section is subject to sections 3123.41 to 3123.50 7986
of the Revised Code and any applicable rules adopted under section 7987
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 7988
the Revised Code. 7989

(C) Educational assistants shall at all times while in the 7990
performance of their duties be under the supervision and direction 7991
of a teacher as defined in section 3319.09 of the Revised Code. 7992
Educational assistants may assist a teacher to whom assigned in 7993
the supervision of pupils, in assisting with instructional tasks, 7994
and in the performance of duties which, in the judgment of the 7995
teacher to whom the assistant is assigned, may be performed by a 7996
person not licensed pursuant to sections 3319.22 to 3319.30 of the 7997
Revised Code and for which a teaching license, issued pursuant to 7998
sections 3319.22 to 3319.30 of the Revised Code is not required. 7999
The duties of an educational assistant shall not include the 8000
assignment of grades to pupils. The duties of an educational 8001
assistant need not be performed in the physical presence of the 8002
teacher to whom assigned, but the activity of an educational 8003
assistant shall at all times be under the direction of the teacher 8004
to whom assigned. The assignment of an educational assistant need 8005
not be limited to assisting a single teacher. In the event an 8006
educational assistant is assigned to assist more than one teacher 8007
the assignments shall be clearly delineated and so arranged that 8008
the educational assistant shall never be subject to simultaneous 8009
supervision or direction by more than one teacher. 8010

Educational assistants assigned to supervise children shall, 8011
when the teacher to whom assigned is not physically present, 8012
maintain the degree of control and discipline that would be 8013
maintained by the teacher. 8014

Educational assistants may not be used in place of classroom 8015
teachers or other employees and any payment of compensation by 8016
boards of education to educational assistants for such services is 8017

prohibited. The ratio between the number of licensed teachers and 8018
the pupils in a school district may not be decreased by 8019
utilization of educational assistants and no grouping, or other 8020
organization of pupils, for utilization of educational assistants 8021
shall be established which is inconsistent with sound educational 8022
practices and procedures. A school district may employ up to one 8023
full time equivalent educational assistant for each six full time 8024
equivalent licensed employees of the district. Educational 8025
assistants shall not be counted as licensed employees for purposes 8026
of state support in the school foundation program and no grouping 8027
or regrouping of pupils with educational assistants may be counted 8028
as a class or unit for school foundation program purposes. Neither 8029
special courses required by the regulations of the state board of 8030
education, prescribing minimum qualifications of education for an 8031
educational assistant, nor years of service as an educational 8032
assistant shall be counted in any way toward qualifying for a 8033
teacher license, or for a teacher contract of any type, ~~or for~~ 8034
~~determining placement on a salary schedule in a school district as~~ 8035
~~a teacher.~~ 8036

(D) Educational assistants employed by a board of education 8037
shall have all rights, benefits, and legal protection available to 8038
other nonteaching employees in the school district, except that 8039
provisions of Chapter 124. of the Revised Code shall not apply to 8040
any person employed as an educational assistant, and shall be 8041
members of the school employees retirement system. Educational 8042
assistants shall be compensated according to a salary plan adopted 8043
annually by the board. 8044

Except as provided in this section nonteaching employees 8045
shall not serve as educational assistants without first obtaining 8046
an appropriate educational aide permit or educational 8047
paraprofessional license from the state board of education. A 8048
nonteaching employee who is the holder of a valid educational aide 8049

permit or educational paraprofessional license shall neither 8050
render nor be required to render services inconsistent with the 8051
type of services authorized by the permit or license held. No 8052
person shall receive compensation from a board of education for 8053
services rendered as an educational assistant in violation of this 8054
provision. 8055

Nonteaching employees whose functions are solely 8056
secretarial-clerical and who do not perform any other duties as 8057
educational assistants, even though they assist a teacher and work 8058
under the direction of a teacher shall not be required to hold a 8059
permit or license issued pursuant to this section. Students 8060
preparing to become licensed teachers or educational assistants 8061
shall not be required to hold an educational aide permit or 8062
paraprofessional license for such periods of time as such students 8063
are assigned, as part of their training program, to work with a 8064
teacher in a school district. Such students shall not be 8065
compensated for such services. 8066

Following the determination of the assignment and general job 8067
description of an educational assistant and subject to supervision 8068
by the teacher's immediate administrative officer, a teacher to 8069
whom an educational assistant is assigned shall make all final 8070
determinations of the duties to be assigned to such assistant. 8071
Teachers shall not be required to hold a license designated for 8072
being a supervisor or administrator in order to perform the 8073
necessary supervision of educational assistants. 8074

(E) No person who is, or who has been employed as an 8075
educational assistant shall divulge, except to the teacher to whom 8076
assigned, or the administrator of the school in the absence of the 8077
teacher to whom assigned, or when required to testify in a court 8078
or proceedings, any personal information concerning any pupil in 8079
the school district which was obtained or obtainable by the 8080
educational assistant while so employed. Violation of this 8081

provision is grounds for disciplinary action or dismissal, or 8082
both. 8083

Sec. 3319.09. As used in sections 3319.08 to 3319.18, 8084
inclusive, of the Revised Code: 8085

(A) "Teacher" means all persons licensed to teach and who are 8086
employed in the public schools of this state as instructors, 8087
principals, supervisors, superintendents, or in any other 8088
educational position for which the state board of education 8089
requires licensure under sections 3319.22 to 3319.31 of the 8090
Revised Code including persons having a license issued pursuant to 8091
sections 3319.22 to 3319.31 of the Revised Code and employed in an 8092
educational position, as determined by the state board of 8093
education, under programs provided for by federal acts or 8094
regulations and financed in whole or in part from federal funds, 8095
but for which no licensure requirements for the position can be 8096
made under the provisions of such federal acts or regulations. 8097

(B) "Year" as applied to term of service means actual service 8098
of not less than one hundred twenty days within a school year; 8099
provided that any board of education may grant a leave of absence 8100
for professional advancement with full credit for service in 8101
accordance with the general leave policy the board adopts pursuant 8102
to section 3319.141 of the Revised Code, if applicable. 8103

(C) "Continuing service status" for a teacher means 8104
employment under a continuing contract. 8105

Sec. 3319.10. Teachers may be employed as substitute teachers 8106
for terms not to exceed one year for assignment as services are 8107
needed to take the place of regular teachers absent on account of 8108
illness or on leaves of absence or to fill temporarily positions 8109
created by emergencies; such assignment to be subject to 8110
termination when such services no longer are needed. 8111

A teacher employed as a substitute with an assignment to one 8112
specific teaching position shall after sixty days of service be 8113
granted sick leave, visiting days, and other local privileges 8114
granted to regular teachers including a salary ~~not less than the~~ 8115
~~minimum salary on the current adopted salary schedule~~ based upon 8116
merit and in accordance with the general leave policy the board of 8117
education or governing board of an educational service center that 8118
employs the teacher adopts pursuant to section 3319.141 of the 8119
Revised Code. 8120

A teacher employed as a substitute for one hundred twenty 8121
days or more during a school year and re-employed for or assigned 8122
to a specific teaching position for the succeeding year shall 8123
receive a contract as a regular teacher if the substitute meets 8124
the local educational requirements for the employment of regular 8125
teachers. 8126

Teachers employed as substitutes on a casual or day-to-day 8127
basis shall not be entitled to the notice of nonre-employment 8128
prescribed in section 3319.11 of the Revised Code, but boards of 8129
education may grant such teachers sick leave and other local 8130
privileges in accordance with the general leave policy the board 8131
adopts pursuant to section 3319.141 of the Revised Code and 8132
cumulate such service in determining seniority. 8133

For purposes of determining in any school year the days of 8134
service of a substitute teacher under this section, any teacher's 8135
days of service in that school year while conditionally employed 8136
as a substitute teacher under section 3319.101 of the Revised Code 8137
shall count as days of service as a substitute teacher under this 8138
section. 8139

Sec. 3319.11. (A) As used in this section: 8140

(1) "Evaluation procedures" means the procedures adopted 8141
pursuant to division (B) of section 3319.111 of the Revised Code. 8142

(2) "Limited contract" means a limited contract, as described 8143
in section 3319.08 of the Revised Code, that a school district 8144
board of education or governing board of an educational service 8145
center enters into with a teacher who is not eligible for 8146
continuing service status. 8147

(3) "Extended limited contract" means a limited contract, as 8148
described in section 3319.08 of the Revised Code, that a board of 8149
education or governing board enters into with a teacher who is 8150
eligible for continuing service status. 8151

(B) Teachers eligible for continuing service status in any 8152
city, exempted village, local, or joint vocational school district 8153
or educational service center shall be those teachers qualified as 8154
described in division (D) of section 3319.08 of the Revised Code, 8155
who within the ~~last~~ five years prior to the effective date of this 8156
amendment have taught for at least three years in the district or 8157
center, and those teachers who, having attained continuing 8158
contract status elsewhere, have served two years in the district 8159
or center, but the board, upon the recommendation of the 8160
superintendent, may at the time of employment or at any time 8161
within such two-year period, declare any of the latter teachers 8162
eligible. Notwithstanding any provision to the contrary in Chapter 8163
4117. of the Revised Code, the requirements of this paragraph 8164
prevail over any conflicting provisions of a collective bargaining 8165
agreement entered into on or after the effective date of this 8166
amendment. 8167

(1) Upon the recommendation of the superintendent that a 8168
teacher eligible for continuing service status be reemployed, a 8169
continuing contract shall be entered into between the board and 8170
the teacher unless the board by a three-fourths vote of its full 8171
membership rejects the recommendation of the superintendent. If 8172
the board rejects by a three-fourths vote of its full membership 8173
the recommendation of the superintendent that a teacher eligible 8174

for continuing service status be reemployed and the superintendent 8175
makes no recommendation to the board pursuant to division (C) of 8176
this section, the board may declare its intention not to reemploy 8177
the teacher by giving the teacher written notice on or before the 8178
thirtieth day of April of its intention not to reemploy the 8179
teacher. If evaluation procedures have not been complied with 8180
pursuant to division (A) of section 3319.111 of the Revised Code 8181
or the board does not give the teacher written notice on or before 8182
the thirtieth day of April of its intention not to reemploy the 8183
teacher, the teacher is deemed reemployed under an extended 8184
limited contract for a term not to exceed one year at the same 8185
salary ~~plus any increment provided by the salary schedule~~. The 8186
teacher is presumed to have accepted employment under the extended 8187
limited contract for a term not to exceed one year unless such 8188
teacher notifies the board in writing to the contrary on or before 8189
the first day of June, and an extended limited contract for a term 8190
not to exceed one year shall be executed accordingly. Upon any 8191
subsequent reemployment of the teacher only a continuing contract 8192
may be entered into. 8193

(2) If the superintendent recommends that a teacher eligible 8194
for continuing service status not be reemployed, the board may 8195
declare its intention not to reemploy the teacher by giving the 8196
teacher written notice on or before the thirtieth day of April of 8197
its intention not to reemploy the teacher. If evaluation 8198
procedures have not been complied with pursuant to division (A) of 8199
section 3319.111 of the Revised Code or the board does not give 8200
the teacher written notice on or before the thirtieth day of April 8201
of its intention not to reemploy the teacher, the teacher is 8202
deemed reemployed under an extended limited contract for a term 8203
not to exceed one year at the same salary ~~plus any increment~~ 8204
~~provided by the salary schedule~~. The teacher is presumed to have 8205
accepted employment under the extended limited contract for a term 8206
not to exceed one year unless such teacher notifies the board in 8207

writing to the contrary on or before the first day of June, and an 8208
extended limited contract for a term not to exceed one year shall 8209
be executed accordingly. Upon any subsequent reemployment of a 8210
teacher only a continuing contract may be entered into. 8211

(3) Any teacher receiving written notice of the intention of 8212
a board not to reemploy such teacher pursuant to this division is 8213
entitled to the hearing provisions of division (G) of this 8214
section. 8215

(C)(1) If a board rejects the recommendation of the 8216
superintendent for reemployment of a teacher pursuant to division 8217
(B)(1) of this section, the superintendent may recommend 8218
reemployment of the teacher, if continuing service status has not 8219
previously been attained elsewhere, under an extended limited 8220
contract for a term not to exceed two years, provided that written 8221
notice of the superintendent's intention to make such 8222
recommendation has been given to the teacher with reasons directed 8223
at the professional improvement of the teacher on or before the 8224
thirtieth day of April. Upon subsequent reemployment of the 8225
teacher only a continuing contract may be entered into. 8226

(2) If a board of education takes affirmative action on a 8227
superintendent's recommendation, made pursuant to division (C)(1) 8228
of this section, of an extended limited contract for a term not to 8229
exceed two years but the board does not give the teacher written 8230
notice of its affirmative action on the superintendent's 8231
recommendation of an extended limited contract on or before the 8232
thirtieth day of April, the teacher is deemed reemployed under a 8233
continuing contract at the same salary ~~plus any increment provided~~ 8234
~~by the salary schedule.~~ The teacher is presumed to have accepted 8235
employment under such continuing contract unless such teacher 8236
notifies the board in writing to the contrary on or before the 8237
first day of June, and a continuing contract shall be executed 8238
accordingly. 8239

(3) A board shall not reject a superintendent's 8240
recommendation, made pursuant to division (C)(1) of this section, 8241
of an extended limited contract for a term not to exceed two years 8242
except by a three-fourths vote of its full membership. If a board 8243
rejects by a three-fourths vote of its full membership the 8244
recommendation of the superintendent of an extended limited 8245
contract for a term not to exceed two years, the board may declare 8246
its intention not to reemploy the teacher by giving the teacher 8247
written notice on or before the thirtieth day of April of its 8248
intention not to reemploy the teacher. If evaluation procedures 8249
have not been complied with pursuant to division (A) of section 8250
3319.111 of the Revised Code or if the board does not give the 8251
teacher written notice on or before the thirtieth day of April of 8252
its intention not to reemploy the teacher, the teacher is deemed 8253
reemployed under an extended limited contract for a term not to 8254
exceed one year at the same salary ~~plus any increment provided by~~ 8255
~~the salary schedule~~. The teacher is presumed to have accepted 8256
employment under the extended limited contract for a term not to 8257
exceed one year unless such teacher notifies the board in writing 8258
to the contrary on or before the first day of June, and an 8259
extended limited contract for a term not to exceed one year shall 8260
be executed accordingly. Upon any subsequent reemployment of the 8261
teacher only a continuing contract may be entered into. 8262

Any teacher receiving written notice of the intention of a 8263
board not to reemploy such teacher pursuant to this division is 8264
entitled to the hearing provisions of division (G) of this 8265
section. 8266

(D) A teacher eligible for continuing contract status 8267
employed under an extended limited contract pursuant to division 8268
(B) or (C) of this section, is, at the expiration of such extended 8269
limited contract, deemed reemployed under a continuing contract at 8270
the same salary ~~plus any increment granted by the salary schedule,~~ 8271

unless evaluation procedures have been complied with pursuant to 8272
division (A) of section 3319.111 of the Revised Code and the 8273
employing board, acting on the superintendent's recommendation 8274
that the teacher not be reemployed, gives the teacher written 8275
notice on or before the thirtieth day of April of its intention 8276
not to reemploy such teacher. A teacher who does not have 8277
evaluation procedures applied in compliance with division (A) of 8278
section 3319.111 of the Revised Code or who does not receive 8279
notice on or before the thirtieth day of April of the intention of 8280
the board not to reemploy such teacher is presumed to have 8281
accepted employment under a continuing contract unless such 8282
teacher notifies the board in writing to the contrary on or before 8283
the first day of June, and a continuing contract shall be executed 8284
accordingly. 8285

Any teacher receiving a written notice of the intention of a 8286
board not to reemploy such teacher pursuant to this division is 8287
entitled to the hearing provisions of division (G) of this 8288
section. 8289

(E) ~~A The board shall enter into a limited contract ~~may be~~ 8290
~~entered into by each board with each teacher who has not been in~~ 8291
~~the employ of the board for at least three years and shall be~~ 8292
~~entered into, regardless of length of previous employment,~~ with 8293
each teacher employed by the board who is not eligible to be 8294
considered for a continuing contract. 8295~~

Any teacher employed under a limited contract, and not 8296
eligible to be considered for a continuing contract, is, at the 8297
expiration of such limited contract, considered reemployed under 8298
the provisions of this division at the same salary ~~plus any~~ 8299
~~increment provided by the salary schedule~~ unless evaluation 8300
procedures have been complied with pursuant to division (A) of 8301
section 3319.111 of the Revised Code and the employing board, 8302
acting upon the superintendent's written recommendation that the 8303

teacher not be reemployed, gives such teacher written notice of 8304
its intention not to reemploy such teacher on or before the 8305
thirtieth day of April. A teacher who does not have evaluation 8306
procedures applied in compliance with division (A) of section 8307
3319.111 of the Revised Code or who does not receive notice of the 8308
intention of the board not to reemploy such teacher on or before 8309
the thirtieth day of April is presumed to have accepted such 8310
employment unless such teacher notifies the board in writing to 8311
the contrary on or before the first day of June, and a written 8312
contract for the succeeding school year shall be executed 8313
accordingly. 8314

Any teacher receiving a written notice of the intention of a 8315
board not to reemploy such teacher pursuant to this division is 8316
entitled to the hearing provisions of division (G) of this 8317
section. 8318

(F) The failure of a superintendent to make a recommendation 8319
to the board under any of the conditions set forth in divisions 8320
(B) to (E) of this section, or the failure of the board to give 8321
such teacher a written notice pursuant to divisions (C) to (E) of 8322
this section shall not prejudice or prevent a teacher from being 8323
deemed reemployed under either a limited or continuing contract as 8324
the case may be under the provisions of this section. A failure of 8325
the parties to execute a written contract shall not void any 8326
automatic reemployment provisions of this section. 8327

(G)(1) Any teacher receiving written notice of the intention 8328
of a board of education not to reemploy such teacher pursuant to 8329
division (B), (C)(3), (D), or (E) of this section may, within ten 8330
days of the date of receipt of the notice, file with the treasurer 8331
of the board a written demand for a written statement describing 8332
the circumstances that led to the board's intention not to 8333
reemploy the teacher. 8334

(2) The treasurer of a board, on behalf of the board, shall, 8335

within ten days of the date of receipt of a written demand for a written statement pursuant to division (G)(1) of this section, provide to the teacher a written statement describing the circumstances that led to the board's intention not to reemploy the teacher.

(3) Any teacher receiving a written statement describing the circumstances that led to the board's intention not to reemploy the teacher pursuant to division (G)(2) of this section may, within five days of the date of receipt of the statement, file with the treasurer of the board a written demand for a hearing before the board pursuant to divisions (G)(4) to (6) of this section.

(4) The treasurer of a board, on behalf of the board, shall, within ten days of the date of receipt of a written demand for a hearing pursuant to division (G)(3) of this section, provide to the teacher a written notice setting forth the time, date, and place of the hearing. The board shall schedule and conclude the hearing within forty days of the date on which the treasurer of the board receives a written demand for a hearing pursuant to division (G)(3) of this section.

(5) Any hearing conducted pursuant to this division shall be conducted by a majority of the members of the board. The hearing shall be held in executive session of the board unless the board and the teacher agree to hold the hearing in public. The superintendent, assistant superintendent, the teacher, and any person designated by either party to take a record of the hearing may be present at the hearing. The board may be represented by counsel and the teacher may be represented by counsel or a designee. A record of the hearing may be taken by either party at the expense of the party taking the record.

(6) Within ten days of the conclusion of a hearing conducted pursuant to this division, the board shall issue to the teacher a

written decision containing an order affirming the intention of 8368
the board not to reemploy the teacher reported in the notice given 8369
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 8370
this section or an order vacating the intention not to reemploy 8371
and expunging any record of the intention, notice of the 8372
intention, and the hearing conducted pursuant to this division. 8373

(7) A teacher may appeal an order affirming the intention of 8374
the board not to reemploy the teacher to the court of common pleas 8375
of the county in which the largest portion of the territory of the 8376
school district or service center is located, within thirty days 8377
of the date on which the teacher receives the written decision, on 8378
the grounds that the board has not complied with this section or 8379
section 3319.111 of the Revised Code. 8380

Notwithstanding section 2506.04 of the Revised Code, the 8381
court in an appeal under this division is limited to the 8382
determination of procedural errors and to ordering the correction 8383
of procedural errors and shall have no jurisdiction to order a 8384
board to reemploy a teacher, except that the court may order a 8385
board to reemploy a teacher in compliance with the requirements of 8386
division (B), (C)(3), (D), or (E) of this section when the court 8387
determines that evaluation procedures have not been complied with 8388
pursuant to division (A) of section 3319.111 of the Revised Code 8389
or the board has not given the teacher written notice on or before 8390
the thirtieth day of April of its intention not to reemploy the 8391
teacher pursuant to division (B), (C)(3), (D), or (E) of this 8392
section. Otherwise, the determination whether to reemploy or not 8393
reemploy a teacher is solely a board's determination and not a 8394
proper subject of judicial review and, except as provided in this 8395
division, no decision of a board whether to reemploy or not 8396
reemploy a teacher shall be invalidated by the court on any basis, 8397
including that the decision was not warranted by the results of 8398
any evaluation or was not warranted by any statement given 8399

pursuant to division (G)(2) of this section. 8400

No appeal of an order of a board may be made except as 8401
specified in this division. 8402

(H)(1) In giving a teacher any notice required by division 8403
(B), (C), (D), or (E) of this section, the board or the 8404
superintendent shall do either of the following: 8405

(a) Deliver the notice by personal service upon the teacher; 8406

(b) Deliver the notice by certified mail, return receipt 8407
requested, addressed to the teacher at the teacher's place of 8408
employment and deliver a copy of the notice by certified mail, 8409
return receipt requested, addressed to the teacher at the 8410
teacher's place of residence. 8411

(2) In giving a board any notice required by division (B), 8412
(C), (D), or (E) of this section, the teacher shall do either of 8413
the following: 8414

(a) Deliver the notice by personal delivery to the office of 8415
the superintendent during regular business hours; 8416

(b) Deliver the notice by certified mail, return receipt 8417
requested, addressed to the office of the superintendent and 8418
deliver a copy of the notice by certified mail, return receipt 8419
requested, addressed to the president of the board at the 8420
president's place of residence. 8421

(3) When any notice and copy of the notice are mailed 8422
pursuant to division (H)(1)(b) or (2)(b) of this section, the 8423
notice or copy of the notice with the earlier date of receipt 8424
shall constitute the notice for the purposes of division (B), (C), 8425
(D), or (E) of this section. 8426

(I) The provisions of this section shall not apply to any 8427
supplemental written contracts entered into pursuant to section 8428
3319.08 of the Revised Code. 8429

Sec. 3319.13. Upon the written request of a teacher or a 8430
regular nonteaching school employee, a board of education may 8431
grant a leave of absence ~~for a period of not more than two~~ 8432
~~consecutive school years~~ in accordance with the general leave 8433
policy the board adopts pursuant to section 3319.141 of the 8434
Revised Code for educational, professional, or other purposes, and 8435
shall grant such leave in accordance with the board's general 8436
leave policy where illness or other disability is the reason for 8437
the request. Upon subsequent request, such leave may be renewed by 8438
the board in accordance with the board's general leave policy. 8439
Without request, a board may grant similar leave of absence and 8440
renewals thereof in accordance with the board's general leave 8441
policy to any teacher or regular nonteaching school employee 8442
because of physical or mental disability, but such teacher may 8443
have a hearing on such unrequested leave of absence or its 8444
renewals in accordance with section 3319.16 of the Revised Code, 8445
and such nonteaching school employee may have a hearing on such 8446
unrequested leave of absence or its renewals in accordance with 8447
division (C) of section 3319.081 of the Revised Code. Upon the 8448
return to service of a teacher or a nonteaching school employee at 8449
the expiration of a leave of absence, the teacher or nonteaching 8450
school employee shall resume the contract status that the teacher 8451
or nonteaching school employee held prior to the leave of absence. 8452
Any teacher who leaves a teaching position for service in the 8453
uniformed services and who returns from service in the uniformed 8454
services that is terminated in a manner other than as described in 8455
section 4304 of Title 38 of the United States Code, "Uniformed 8456
Services Employment and Reemployment Rights Act of 1994," 108 8457
Stat. 3149, 38 U.S.C.A. 4304, shall resume the contract status 8458
held prior to entering the uniformed services, subject to passing 8459
a physical examination by an individual authorized by the Revised 8460
Code to conduct physical examinations, including a physician 8461

assistant, a clinical nurse specialist, a certified nurse 8462
practitioner, or a certified nurse-midwife. Any written 8463
documentation of the physical examination shall be completed by 8464
the individual who conducted the examination. Such contract status 8465
shall be resumed at the first of the school semester or the 8466
beginning of the school year following return from the uniformed 8467
services. For purposes of this section and section 3319.14 of the 8468
Revised Code, "uniformed services" and "service in the uniformed 8469
services" have the same meanings as defined in section 5923.05 of 8470
the Revised Code. 8471

Upon the return of a nonteaching school employee from a leave 8472
of absence, the board may terminate the employment of a person 8473
hired exclusively for the purpose of replacing the returning 8474
employee while the returning employee was on leave. If, after the 8475
return of a nonteaching employee from leave, the person employed 8476
exclusively for the purpose of replacing an employee while the 8477
employee was on leave is continued in employment as a regular 8478
nonteaching school employee or if the person is hired by the board 8479
as a regular nonteaching school employee within a year after 8480
employment as a replacement is terminated, the person shall, for 8481
purposes of section 3319.081 of the Revised Code, receive credit 8482
for the person's length of service with the school district during 8483
such replacement period in the following manner: 8484

(A) If employed as a replacement for less than twelve months, 8485
the person shall be employed under a contract valid for a period 8486
equal to twelve months less the number of months employed as a 8487
replacement. At the end of such contract period, if the person is 8488
reemployed it shall be under a two-year contract. Subsequent 8489
reemployment shall be pursuant to division (B) of section 3319.081 8490
of the Revised Code. 8491

(B) If employed as a replacement for twelve months or more 8492
but less than twenty-four months, the person shall be employed 8493

under a contract valid for a period equal to twenty-four months 8494
less the number of months employed as a replacement. Subsequent 8495
reemployment shall be pursuant to division (B) of section 3319.081 8496
of the Revised Code. 8497

(C) If employed as a replacement for more than twenty-four 8498
months, the person shall be employed pursuant to division (B) of 8499
section 3319.081 of the Revised Code. 8500

For purposes of this section, employment during any part of a 8501
month shall count as employment during the entire month. 8502

Sec. 3319.14. Any teacher who has left, or leaves, a teaching 8503
position, by resignation or otherwise, and within forty school 8504
days thereafter entered, or enters, the uniformed services and 8505
whose service is terminated in a manner other than as described in 8506
section 4304 of Title 38 of the United States Code, "Uniformed 8507
Services Employment and Reemployment Rights Act of 1994," 108 8508
Stat. 3149, 38 U.S.C.A. 4304, shall be reemployed by the board of 8509
education of the district in which the teacher held such teaching 8510
position, under the same type of contract as that which the 8511
teacher last held in such district, if the teacher applies to the 8512
board of education for reemployment in accordance with the 8513
"Uniformed Services Employment and Reemployment Rights Act of 8514
1994," 108 Stat. 3149, 38 U.S.C.A. 4312. Upon such application, 8515
the teacher shall be reemployed at the first of the next school 8516
semester, if the application is made not less than thirty days 8517
prior to the first of the next school semester, in which case the 8518
teacher shall be reemployed the first of the following school 8519
semester, unless the board of education waives the requirement for 8520
the thirty-day period. 8521

For the ~~purposes~~ purpose of seniority ~~and placement on the~~ 8522
~~salary schedule~~, years of absence performing service in the 8523
uniformed services shall be counted as though teaching service had 8524

been performed during such time. 8525

The board of education of the district in which such teacher 8526
was employed and is reemployed under this section may suspend the 8527
contract of the teacher whose services become unnecessary by 8528
reason of the return of a teacher from service in the uniformed 8529
services in accordance with section 3319.17 or 3319.171 of the 8530
Revised Code. 8531

~~Sec. 3319.141. Each person who is employed by any (A) The~~ 8532
~~board of education in this state of each city, exempted village,~~ 8533
~~local, and joint vocational school district and the governing~~ 8534
~~board of each educational service center shall be entitled to~~ 8535
~~fifteen days sick~~ adopt a policy to provide leave with pay, for 8536
~~each year under contract, which shall be credited at the rate of~~ 8537
~~one and one fourth days per month~~ the employees of the board who 8538
~~are not covered by a collective bargaining agreement. Teachers and~~ 8539
~~nonteaching school employees, upon approval of the responsible~~ 8540
~~administrative officer of the school district, may use sick leave~~ 8541
~~for absence due to personal illness, pregnancy, injury, exposure~~ 8542
~~to contagious disease which could be communicated to others, and~~ 8543
~~for absence due to illness, injury, or death in the employee's~~ 8544
~~immediate family. Unused sick leave shall be cumulative up to one~~ 8545
~~hundred twenty work days, unless more than one hundred twenty days~~ 8546
~~are approved by the employing board of education. The board shall~~ 8547
include all of the following in the policy: 8548

(1) The types of leave an employee may use; 8549

(2) The reasons for which an employee may use the types of 8550
leave the board grants under the policy; 8551

(3) The amount of each type of leave an employee may receive; 8552

(4) The manner in which an employee accumulates each type of 8553
leave; 8554

(5) The maximum amount of each type of leave that an employee 8555
may accumulate; 8556

(6) The manner in which any previously accumulated ~~sick~~ leave 8557
of a person who has been separated from public service, ~~whether~~ 8558
~~accumulated pursuant to section 124.38 of the Revised Code or~~ 8559
~~pursuant to this section, shall~~ will be placed to ~~his~~ the 8560
employee's credit upon ~~his~~ re-employment in the public service, 8561
~~provided that such re-employment takes place within ten years of~~ 8562
~~the date of the last termination from public service. A;~~ 8563

(7) The manner in which a teacher or nonteaching school 8564
employee who transfers from one public agency to another ~~shall~~ 8565
will be credited with the unused balance of ~~his~~ the teacher's or 8566
nonteaching employee's accumulated ~~sick~~ leave up to the maximum of 8567
the ~~sick~~ leave accumulation permitted in the public agency to 8568
which the employee transfers. ~~Teachers;~~ 8569

(8) Whether, and the manner in which, teachers and 8570
nonteaching school employees who render part-time, seasonal, 8571
intermittent, per diem, or hourly service ~~shall~~ will be entitled 8572
to ~~sick~~ leave for the time actually worked ~~at the same rate as~~ 8573
~~that granted like full time employees. Each;~~ 8574

(9) The manner in which the board provides leave under 8575
section 3319.08 of the Revised Code; 8576

(10) Any other issue relating to the use and availability of 8577
leave. 8578

(B) Each board of education may establish regulations for the 8579
entitlement, crediting and use of ~~sick~~ leave by those substitute 8580
teachers employed by such board pursuant to section 3319.10 of the 8581
Revised Code who are not otherwise entitled to sick leave pursuant 8582
to such section. **A** 8583

(C) An employee of the board may use leave in accordance with 8584
the leave policy the board adopts and upon approval of the 8585

responsible administrative officer. 8586

~~(D) A board of education shall, in its policy, may require a~~ 8587
teacher or nonteaching school employee to furnish a written, 8588
signed statement on forms prescribed by such board to justify the 8589
use of any sick leave granted under the policy. ~~If medical~~ 8590
~~attention is required, the employee's statement shall list the~~ 8591
~~name and address of the attending physician and the dates when he~~ 8592
~~was consulted. Nothing in this section shall be construed to waive~~ 8593
~~the physician patient privilege provided by section 2317.02 of the~~ 8594
~~Revised Code. Falsification~~ If the board, in the policy, requires 8595
the employee to submit a statement from a physician, falsification 8596
of a statement is grounds for suspension or termination of 8597
employment under sections 3319.081 and 3319.16 of the Revised 8598
Code. ~~No~~ 8599

(E) The board, in the policy the board adopts, shall not 8600
grant or credit sick leave shall be granted or credited to a 8601
teacher after ~~his~~ the teacher's retirement or termination of 8602
employment. 8603

~~Except to the extent used as sick leave, leave granted under~~ 8604
~~regulations adopted by a board of education pursuant to section~~ 8605
~~3319.08 of the Revised Code shall not be charged against sick~~ 8606
~~leave earned or earnable under this section. Nothing in this~~ 8607
~~section shall be construed to affect in any other way the granting~~ 8608
~~of leave pursuant to section 3319.08 of the Revised Code and any~~ 8609
~~granting of sick leave pursuant to such section shall be charged~~ 8610
~~against sick leave accumulated pursuant to this section.~~ 8611

(F) This section shall not be construed to interfere with any 8612
unused sick leave credit in any agency of government where 8613
attendance records are maintained and credit has been given for 8614
unused sick leave. Unused sick leave accumulated by teachers and 8615
nonteaching school employees under section 124.38 of the Revised 8616
Code, as that section existed immediately prior to the effective 8617

~~date of this amendment, shall continue to be credited toward the 8618
maximum accumulation permitted under a policy adopted in 8619
accordance with this section. Each newly hired regular nonteaching 8620
and each regular nonteaching employee of any board of education 8621
who has exhausted his accumulated sick leave shall be entitled to 8622
an advancement of not less than five days of sick leave each year, 8623
as authorized by rules which each board shall adopt, to be charged 8624
against the sick leave he subsequently accumulates under this 8625
section. 8626~~

(G) This section shall be uniformly administered. 8627

The board shall post the policy adopted under this section in 8628
a conspicuous location on the web site maintained by the board. 8629
The board shall review the policy on an annual basis and shall 8630
post any changes to that policy in a conspicuous location on the 8631
web site maintained by the board. 8632

Nothing in this section shall be construed as preventing a 8633
board and an exclusive representative, as defined in section 8634
4117.01 of the Revised Code, from agreeing to apply the policy 8635
adopted by the board under this section to employees covered by a 8636
collective bargaining agreement between the board and the 8637
exclusive representative. 8638

Sec. 3319.17. (A) As used in this section, "interdistrict 8639
contract" means any contract or agreement entered into by an 8640
educational service center governing board and another board or 8641
other public entity pursuant to section 3313.17, 3313.841, 8642
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 8643
Revised Code, including any such contract or agreement for the 8644
provision of services funded under division (I) of section 8645
3317.024 of the Revised Code or provided in any unit approved 8646
under section 3317.05 of the Revised Code. 8647

(B) When, for any of the following reasons that apply to any 8648

city, exempted village, local, or joint vocational school district 8649
or any educational service center, the board decides that it will 8650
be necessary to reduce the number of teachers it employs, it may 8651
make a reasonable reduction: 8652

(1) In the case of any district or service center, return to 8653
duty of regular teachers after leaves of absence including leaves 8654
provided pursuant to division (B) of section 3314.10 of the 8655
Revised Code, suspension of schools, territorial changes affecting 8656
the district or center, or financial reasons; 8657

(2) In the case of any city, exempted village, local, or 8658
joint vocational school district, decreased enrollment of pupils 8659
in the district; 8660

(3) In the case of any governing board of a service center 8661
providing any particular service directly to pupils pursuant to 8662
one or more interdistrict contracts requiring such service, 8663
reduction in the total number of pupils the governing board is 8664
required to provide with the service under all interdistrict 8665
contracts as a result of the termination or nonrenewal of one or 8666
more of these interdistrict contracts; 8667

(4) In the case of any governing board providing any 8668
particular service that it does not provide directly to pupils 8669
pursuant to one or more interdistrict contracts requiring such 8670
service, reduction in the total level of the service the governing 8671
board is required to provide under all interdistrict contracts as 8672
a result of the termination or nonrenewal of one or more of these 8673
interdistrict contracts. 8674

(C) In making any such reduction, any city, exempted village, 8675
local, or joint vocational school board shall proceed to suspend 8676
contracts in accordance with the recommendation of the 8677
superintendent of schools who shall, within each teaching field 8678
affected, give preference ~~first~~ to teachers on continuing 8679

contracts and then to teachers who have greater seniority. In 8680
making any such reduction, any governing board of a service center 8681
shall proceed to suspend contracts in accordance with the 8682
recommendation of the superintendent who shall, within each 8683
teaching field or service area affected, give preference ~~first~~ to 8684
teachers on continuing contracts ~~and then to teachers who have~~ 8685
~~greater seniority.~~ Subject first to the preference for teachers 8686
with continuing contracts prescribed in this paragraph, the board 8687
shall consider the relative quality of performance the principal 8688
factor in determining the order of reductions under this section. 8689
A board shall measure a teacher's quality of performance by 8690
considering the level of license issued under section 3319.22 of 8691
the Revised Code that the teacher holds, whether the teacher is a 8692
"highly qualified teacher" as defined in section 3319.074 of the 8693
Revised Code, the value-added measure the board uses to determine 8694
the performance of the students assigned to the teacher's 8695
classroom, the results of the teacher's performance evaluation 8696
conducted under section 3319.111 of the Revised Code or under any 8697
other system of evaluation used by the board, and any other 8698
criteria established by the board. 8699

On a case-by-case basis, in lieu of suspending a contract in 8700
whole, a board may suspend a contract in part, so that an 8701
individual is required to work a percentage of the time the 8702
employee otherwise is required to work under the contract and 8703
receives a commensurate percentage of the full compensation the 8704
employee otherwise would receive under the contract. 8705

The teachers whose continuing contracts are suspended by any 8706
board pursuant to this section shall have the right of restoration 8707
to continuing service status by that board in the order of 8708
seniority of service in the district or service center if and when 8709
teaching positions become vacant or are created for which any of 8710
such teachers are or become qualified. No teacher whose continuing 8711

contract has been suspended pursuant to this section shall lose 8712
that right of restoration to continuing service status by reason 8713
of having declined recall to a position that is less than 8714
full-time or, if the teacher was not employed full-time just prior 8715
to suspension of the teacher's continuing contract, to a position 8716
requiring a lesser percentage of full-time employment than the 8717
position the teacher last held while employed in the district or 8718
service center. 8719

(D) Notwithstanding any provision to the contrary in Chapter 8720
4117. of the Revised Code, the requirements of this section, as it 8721
existed prior to the effective date of this amendment, prevail 8722
over any conflicting provisions of agreements between employee 8723
organizations and public employers entered into ~~after~~ between 8724
September 29, 2005, and that effective date. 8725

Sec. 3319.172. The board of education of each school district 8726
wherein the provisions of Chapter 124. of the Revised Code do not 8727
apply and the governing board of each educational service center 8728
may adopt a resolution ordering reasonable reductions in the 8729
number of nonteaching employees for any of the reasons for which 8730
the board of education or governing board may make reductions in 8731
teaching employees, as set forth in division (B) of section 8732
3319.17 of the Revised Code. 8733

In making any reduction under this section, the board of 8734
education or governing board shall proceed to suspend contracts in 8735
accordance with the recommendation of the superintendent of the 8736
district or service center who shall, within each pay 8737
classification affected, give preference ~~first~~ to employees under 8738
continuing contracts ~~and then to employees on the basis of~~ 8739
~~seniority.~~ On Subject first to the preference for employees with 8740
continuing contracts prescribed in this paragraph, the board shall 8741
consider the relative quality of performance, as measured by the 8742

board, the principal factor in determining the order of reductions 8743
under this section. 8744

On a case-by-case basis, in lieu of suspending a contract in 8745
whole, a board may suspend a contract in part, so that an 8746
individual is required to work a percentage of the time the 8747
employee otherwise is required to work under the contract and 8748
receives a commensurate percentage of the full compensation the 8749
employee otherwise would receive under the contract. 8750

Any nonteaching employee whose continuing contract is 8751
suspended under this section shall have the right of restoration 8752
to continuing service status by the board of education or 8753
governing board that suspended that contract in order of seniority 8754
of service in the district or service center, if and when a 8755
nonteaching position for which the employee is qualified becomes 8756
vacant or is created. No nonteaching employee whose continuing 8757
contract has been suspended under this section shall lose that 8758
right of restoration to continuing service status by reason of 8759
having declined recall to a position requiring fewer regularly 8760
scheduled hours of work than required by the position the employee 8761
last held while employed in the district or service center. 8762

Notwithstanding any provision to the contrary in Chapter 8763
4117. of the Revised Code, the requirements of this section, as it 8764
existed prior to the effective date of this amendment, prevail 8765
over any conflicting provisions of agreements between employee 8766
organizations and public employers entered into ~~after the~~ 8767
~~effective date of this section~~ between September 29, 2005, and 8768
that effective date. 8769

Sec. 3319.18. If an entire school district or that part of a 8770
school district which comprises the territory in which a school is 8771
situated is transferred to any other district, or if a new school 8772
district is created, the teachers in such districts or schools 8773

employed on continuing contracts immediately prior to such 8774
transfer, or creation shall, subject to section 3319.17 or 8775
3319.171 of the Revised Code, have continuing service status in 8776
the newly created district, or in the district to which the 8777
territory is transferred. 8778

The limited contracts of the teachers employed in such 8779
districts or schools immediately prior to such transfer, or 8780
creation, shall become the legal obligations of the board of 8781
education in the newly created district, or in the district to 8782
which the territory is transferred, subject to section 3319.17 or 8783
3319.171 of the Revised Code. The teaching experience of such 8784
teachers in such prior districts or schools shall be included in 8785
the three years of service required under section 3319.11 of the 8786
Revised Code for a teacher to become eligible for continuing 8787
service status. 8788

~~Teachers~~ A teacher employed on limited or continuing 8789
contracts in an entire school district or that part of a school 8790
district ~~which that~~ comprises the territory in which a school is 8791
situated ~~which that~~ is transferred to any other district or ~~which~~ 8792
~~that~~ is merged with other school territory to create a new school 8793
district, shall be ~~placed~~ paid, on the effective date of such 8794
transfer or merger, ~~on the a salary schedule of the district to~~ 8795
~~which the territory is transferred or the newly created district,~~ 8796
~~according to their training and experience. Such experience shall~~ 8797
~~be the total sum of the years taught in the district whose~~ 8798
~~territory was transferred or merged to create a new district, plus~~ 8799
~~the total number of years of teaching experience recognized by~~ 8800
~~such previous district upon its first employment of such teachers~~ 8801
based upon merit. 8802

The ~~placement of the teachers on the salary schedule,~~ paid to 8803
a teacher pursuant to this section, shall not result, however, in 8804
the salary of ~~any that~~ that teacher being less than the teacher's 8805

current annual salary for regular duties, in existence immediately 8806
prior to the merger or transfer. 8807

In making any reduction in the number of teachers under 8808
section 3319.17 of the Revised Code by reason of the transfer or 8809
consolidation of school territory, the years of teaching service 8810
of the teachers employed in the district or schools transferred to 8811
any other district or merged with any school territory to create a 8812
new district, shall be included as a part of the seniority on 8813
which the recommendation of the superintendent of schools shall be 8814
based, under section 3319.17 of the Revised Code. Such service 8815
shall have been continuous and shall include years of service in 8816
the previous district as well as the years of continuous service 8817
in any district which had been previously transferred to or 8818
consolidated to form such district. When suspending contracts in 8819
accordance with an administrative personnel suspension policy 8820
adopted under section 3319.171 of the Revised Code, a board may 8821
consider years of teaching service in its decision if it is a part 8822
of the suspension policy, but it shall not be the only factor used 8823
in making the decision. 8824

Sec. 3319.63. The board of education of a school district 8825
that employs any person who is appointed to serve as a member of 8826
the educator standards board under division (A)(1)(a) or (c) of 8827
section 3319.60, as a member of the subcommittee on standards for 8828
superintendents under division (B) or (C) of section 3319.611, or 8829
as a member of the subcommittee on standards for school treasurers 8830
and business managers under division (B) or (C) of section 8831
3319.612 of the Revised Code shall grant that person paid 8832
professional leave for the purpose of attending meetings and 8833
conducting official business of the educator standards board and 8834
the subcommittees in accordance with the general leave policy the 8835
board adopts pursuant to section 3319.141 of the Revised Code. 8836

Sec. 3332.03. There is hereby created the state board of 8837
career colleges and schools to consist of the state superintendent 8838
of public instruction or an assistant superintendent designated by 8839
the superintendent, the chancellor of the Ohio board of regents or 8840
a vice chancellor designated by the chancellor, and six members 8841
appointed by the governor, with the advice and consent of the 8842
senate. Members' terms of office shall be for five years, 8843
commencing on the twenty-first day of November and ending on the 8844
twentieth day of November. Each member shall hold office from the 8845
date of appointment until the end of the term for which the member 8846
was appointed. 8847

Three of the members appointed by the governor shall have 8848
been engaged for a period of not less than five years immediately 8849
preceding appointment in an executive or managerial position in a 8850
private, trade, technical, or other school subject to this 8851
chapter. One member appointed by the governor shall be a 8852
representative of students and shall have graduated with an 8853
associate or baccalaureate degree, within five years prior to 8854
appointment, from a school subject to this chapter. Two members 8855
appointed by the governor shall be representatives of the general 8856
public and shall have had no affiliation with, or direct or 8857
indirect interest in, schools subject to this chapter for at least 8858
two years prior to appointment. In selecting the representatives 8859
of the general public, the governor shall make an effort to find 8860
individuals with background or experience in the regulation of 8861
commerce, business, or education. The two members of the board who 8862
are representatives of the general public shall not be affiliated 8863
in any way with or have any direct or indirect interest in any 8864
schools subject to this chapter during their terms. Except for 8865
enrollment in a school subject to this chapter, the member 8866
representing students shall have had no affiliation in any way 8867
with, or have any direct or indirect interest in any school 8868

subject to this chapter for at least two years prior to 8869
appointment or during the member's term. 8870

Any vacancy shall be filled in the manner provided for 8871
original appointment. Any member appointed to fill a vacancy 8872
occurring prior to the expiration of the term for which the 8873
member's predecessor was appointed shall hold office for the 8874
remainder of such term. Any appointed member shall continue in 8875
office subsequent to the expiration date of the member's term 8876
until the member's successor takes office, or until a period of 8877
sixty days has elapsed, whichever occurs first. 8878

Members of the board have full voting rights, except for the 8879
member representing students who shall be a nonvoting member. Each 8880
member of the board appointed by the governor shall be compensated 8881
at the rate established pursuant to division ~~(J)~~(A) of section 8882
124.15 of the Revised Code, ~~but shall not receive step~~ 8883
~~advancements, for those days the member is engaged in the~~ 8884
~~discharge of official duties.~~ In addition, members appointed by 8885
the governor may be compensated for the expenses necessarily 8886
incurred in the attendance at meetings or in performing other 8887
services for the board. The chairperson of the board shall 8888
annually be elected or determined as follows: 8889

(A) If both members of the board representing the general 8890
public have served on the board for at least one year, the members 8891
shall elect one of these two members as chairperson. If one of 8892
these members declines to be elected or serve, the other member 8893
representing the general public shall be chairperson. If both 8894
members representing the general public decline to be elected or 8895
serve, division (C) of this section shall apply. 8896

(B) If only one member of the board representing the general 8897
public has served on the board for at least one year, this member 8898
shall be chairperson. If this member declines to serve, division 8899
(C) of this section shall apply. 8900

(C) If neither member of the board representing the general public has served on the board for at least one year or if this division applies pursuant to division (A) or (B) of this section, the members of the board shall elect a chairperson from among any of the voting members of the board who have served on the board for at least one year.

Sec. 3334.08. (A) Subject to division (B) of this section, in addition to any other powers conferred by this chapter, the Ohio tuition trust authority may do any of the following:

(1) Impose reasonable residency requirements for beneficiaries of tuition units;

(2) Impose reasonable limits on the number of tuition unit participants;

(3) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(4) Purchase insurance from insurers licensed to do business in this state providing for coverage against any loss in connection with the authority's property, assets, or activities or to further ensure the value of tuition units;

(5) Indemnify or purchase policies of insurance on behalf of members, officers, and employees of the authority from insurers licensed to do business in this state providing for coverage for any liability incurred in connection with any civil action, demand, or claim against a director, officer, or employee by reason of an act or omission by the director, officer, or employee that was not manifestly outside the scope of the employment or official duties of the director, officer, or employee or with malicious purpose, in bad faith, or in a wanton or reckless manner;

(6) Make, execute, and deliver contracts, conveyances, and

other instruments necessary to the exercise and discharge of the powers and duties of the authority;

(7) Promote, advertise, and publicize the Ohio college savings program and the variable college savings program;

(8) Adopt rules under section 111.15 of the Revised Code for the implementation of the Ohio college savings program;

(9) Contract, for the provision of all or part of the services necessary for the management and operation of the Ohio college savings program and the variable college savings program, with a bank, trust company, savings and loan association, insurance company, or licensed dealer in securities if the bank, company, association, or dealer is authorized to do business in this state and information about the contract is filed with the controlling board pursuant to division (D)(6) of section 127.16 of the Revised Code;

(10) Contract for other services, or for goods, needed by the authority in the conduct of its business, including but not limited to credit card services;

(11) Employ an executive director and other personnel as necessary to carry out its responsibilities under this chapter, and fix the compensation of these persons. All employees of the authority shall be in the unclassified civil service and shall be eligible for membership in the public employees retirement system. In the hiring of the executive director, the Ohio tuition trust authority shall obtain the advice and consent of the Ohio tuition trust board created in section 3334.03 of the Revised Code, provided that the executive director shall not be hired unless a majority of the board votes in favor of the hiring. In addition, the board may remove the executive director at any time subject to the advice and consent of the chancellor of the Ohio board of regents.

- (12) Contract with financial consultants, actuaries, 8962
auditors, and other consultants as necessary to carry out its 8963
responsibilities under this chapter; 8964
- (13) Enter into agreements with any agency of the state or 8965
its political subdivisions or with private employers under which 8966
an employee may agree to have a designated amount deducted in each 8967
payroll period from the wages or salary due the employee for the 8968
purpose of purchasing tuition units pursuant to a tuition payment 8969
contract or making contributions pursuant to a variable college 8970
savings program contract; 8971
- (14) Enter into an agreement with the treasurer of state 8972
under which the treasurer of state will receive, and credit to the 8973
Ohio tuition trust fund or variable college savings program fund, 8974
from any bank or savings and loan association authorized to do 8975
business in this state, amounts that a depositor of the bank or 8976
association authorizes the bank or association to withdraw 8977
periodically from the depositor's account for the purpose of 8978
purchasing tuition units pursuant to a tuition payment contract or 8979
making contributions pursuant to a variable college savings 8980
program contract; 8981
- (15) Solicit and accept gifts, grants, and loans from any 8982
person or governmental agency and participate in any governmental 8983
program; 8984
- (16) Impose limits on the number of units which may be 8985
purchased on behalf of or assigned or awarded to any beneficiary 8986
and on the total amount of contributions that may be made on 8987
behalf of a beneficiary; 8988
- (17) Impose restrictions on the substitution of another 8989
individual for the original beneficiary under the Ohio college 8990
savings program; 8991
- (18) Impose a limit on the age of a beneficiary, above which 8992

tuition units may not be purchased on behalf of that beneficiary; 8993

(19) Enter into a cooperative agreement with the treasurer of 8994
state to provide for the direct disbursement of payments under 8995
tuition payment or variable college savings program contracts; 8996

(20) Determine the other higher education expenses for which 8997
tuition units or contributions may be used; 8998

(21) Terminate any tuition payment or variable college 8999
savings program contract if no purchases or contributions are made 9000
for a period of three years or more and there are fewer than a 9001
total of five tuition units or less than a dollar amount set by 9002
rule on account, provided that notice of a possible termination 9003
shall be provided in advance, explaining any options to prevent 9004
termination, and a reasonable amount of time shall be provided 9005
within which to act to prevent a termination; 9006

(22) Maintain a separate account for each tuition payment or 9007
variable college savings program contract; 9008

(23) Perform all acts necessary and proper to carry out the 9009
duties and responsibilities of the authority pursuant to this 9010
chapter. 9011

(B) The authority shall adopt rules under section 111.15 of 9012
the Revised Code for the implementation and administration of the 9013
variable college savings program. The rules shall provide 9014
taxpayers with the maximum tax advantages and flexibility 9015
consistent with section 529 of the Internal Revenue Code and 9016
regulations adopted thereunder with regard to disposition of 9017
contributions and earnings, designation of beneficiaries, and 9018
rollover of account assets to other programs. 9019

(C) Except as otherwise specified in this chapter, the 9020
provisions of Chapters 123.7 and 125.7, ~~and 4117.~~ of the Revised 9021
Code shall not apply to the authority. The department of 9022
administrative services shall, upon the request of the authority, 9023

act as the authority's agent for the purchase of equipment, 9024
supplies, insurance, or services, or the performance of 9025
administrative services pursuant to Chapter 125. of the Revised 9026
Code. 9027

Sec. 3345.31. The boards of trustees of a state university, 9028
the board of trustees of the northeastern Ohio universities 9029
college of medicine, the board of trustees of a technical college 9030
or community college district, and the board of control of the 9031
Ohio agricultural research and development center may establish 9032
compensation plans, including schedules of hourly rates, for the 9033
compensation of all employees and may establish rules or policies 9034
for the administration of their respective compensation plans. 9035

~~The provisions of this section do not apply to employees for 9036
whom the state employment relations board establishes appropriate 9037
bargaining units pursuant to section 4117.06 of the Revised Code. 9038~~

Sec. 3345.45. On or before January 1, 1994, the Ohio board of 9039
regents jointly with all state universities, as defined in section 9040
3345.011 of the Revised Code, shall develop standards for 9041
instructional workloads for full-time and part-time faculty in 9042
keeping with the universities' missions and with special emphasis 9043
on the undergraduate learning experience. The standards shall 9044
contain clear guidelines for institutions to determine a range of 9045
acceptable undergraduate teaching by faculty. 9046

On or before June 30, 1994, the board of trustees of each 9047
state university shall take formal action to adopt a faculty 9048
workload policy consistent with the standards developed under this 9049
section. ~~Notwithstanding section 4117.08 of the Revised Code, the 9050
policies adopted under this section are not appropriate subjects 9051
for collective bargaining. Notwithstanding division (A) of section 9052
4117.10 of the Revised Code, any policy adopted under this section 9053~~

~~by a board of trustees prevails over any conflicting provisions of~~ 9054
~~any collective bargaining agreement between an employees~~ 9055
~~organization and that board of trustees.~~ 9056

Sec. 3353.03. (A) The eTech Ohio commission shall appoint an 9057
executive director, who shall serve at the pleasure of the 9058
commission. The executive director shall have no authority other 9059
than that provided by law or delegated to the executive director 9060
by the commission. The executive director shall do all of the 9061
following: 9062

(1) Direct commission employees in the administration of all 9063
programs of the commission; 9064

(2) Provide leadership and support in extending the knowledge 9065
of the citizens of this state by promoting equal access to and use 9066
of all forms of educational technology, as directed by the 9067
commission; 9068

(3) Provide financial and other assistance to school 9069
districts, educational television and radio stations, radio 9070
reading services, educational technology organizations, and other 9071
educational institutions for the acquisition and utilization of 9072
educational technology; 9073

(4) Implement policies and directives issued by the 9074
commission; 9075

(5) Perform other duties authorized by the commission. 9076

(B) The commission shall fix the compensation of the 9077
executive director. The executive director shall employ and fix 9078
the compensation for such employees as necessary to facilitate the 9079
activities and purposes of the commission. The employees shall 9080
serve at the pleasure of the executive director. 9081

(C) The employees of the commission shall be placed in the 9082
unclassified service. 9083

~~(D)(1) Except as provided in division (D)(2) of this section, the employees of the commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.~~

~~(2) All employees of the commission who transferred to the commission from one of the commission's predecessor agencies upon the commission's creation and, when employed by the predecessor agency were included in a bargaining unit established under Chapter 4117. of the Revised Code, shall continue to be included in that bargaining unit, are public employees as defined in section 4117.01 of the Revised Code, and may collectively bargain with the commission in accordance with that chapter. Otherwise, any employee hired by the commission after July 1, 2005, either to fill vacancies or to fill new positions, shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.10 of the Revised Code.~~

Sec. 3517.152. (A)(1) There is hereby created the Ohio elections commission consisting of seven members.

Not later than forty-five days after August 24, 1995, the speaker of the house of representatives and the leader in the senate of the political party of which the speaker is a member shall jointly submit to the governor a list of five persons who are affiliated with that political party. Not later than forty-five days after August 24, 1995, the two legislative leaders in the two houses of the general assembly of the major political party of which the speaker is not a member shall jointly submit to the governor a list of five persons who are affiliated with the major political party of which the speaker is not a member. Not later than fifteen days after receiving each list, the governor shall appoint three persons from each list to the commission. The governor shall appoint one person from each list to a term that

ends on December 31, 1996, one person from each list to a term 9115
that ends on December 31, 1997, and one person from each list to a 9116
term that ends on December 31, 1998. 9117

Not later than thirty days after the governor appoints these 9118
six members, they shall, by a majority vote, appoint to the 9119
commission a seventh member, who shall not be affiliated with a 9120
political party. If the six members fail to appoint the seventh 9121
member within this thirty-day period, the chief justice of the 9122
supreme court, not later than thirty days after the end of the 9123
period during which the six members were required to appoint a 9124
member, shall appoint the seventh member, who shall not be 9125
affiliated with a political party. The seventh member shall be 9126
appointed to a term that ends on December 31, 2001. Terms of the 9127
initial members appointed under this division begin on January 1, 9128
1996. 9129

(2) If a vacancy occurs in the position of the seventh 9130
member, who is not affiliated with a political party, the six 9131
remaining members by a majority vote shall appoint, not later than 9132
forty-five days after the date of the vacancy, the seventh member 9133
of the commission, who shall not be affiliated with a political 9134
party. If these members fail to appoint the seventh member within 9135
this forty-five-day period, the chief justice of the supreme 9136
court, within fifteen days after the end of this period, shall 9137
appoint the seventh member, who shall not be affiliated with a 9138
political party. If a vacancy occurs in any of the other six 9139
positions on the commission, the legislative leaders of the 9140
political party from whose list of persons the member being 9141
replaced was appointed shall submit to the governor, not later 9142
than thirty days after the date of the vacancy, a list of three 9143
persons who are affiliated with that political party. Not later 9144
than fifteen days after receiving the list, the governor, with the 9145
advice and consent of the senate, shall appoint one person from 9146

the list to the commission. 9147

(3) At no time shall more than six members of the commission 9148
be affiliated with a political party, and, of these six members, 9149
not more than three shall be affiliated with the same political 9150
party. 9151

(4) In making appointments to the commission, the governor 9152
shall take into consideration the various geographic areas of this 9153
state and shall appoint members so that those areas are 9154
represented on the commission in a balanced manner, to the extent 9155
feasible. 9156

(5) Members of the commission shall be registered electors 9157
and shall be of good moral character. 9158

(B) Each member of the Ohio elections commission shall hold 9159
office from the date of the member's appointment until the end of 9160
the term for which the member was appointed. A member appointed to 9161
fill a vacancy occurring prior to the expiration of the term for 9162
which the member's predecessor was appointed shall hold office for 9163
the remainder of that term. A member shall continue in office 9164
subsequent to the expiration date of the member's term until the 9165
member's successor takes office or until a period of sixty days 9166
has elapsed, whichever occurs first. After the initial terms of 9167
office provided for in division (A)(1) of this section, terms of 9168
office shall be for five years. 9169

(C) A vacancy in the Ohio elections commission may be caused 9170
by death, resignation, or three absences from commission meetings 9171
in a calendar year if those absences are caused by reasons 9172
declared invalid by a vote of five members of the remaining 9173
members of the commission. 9174

(D) Each member of the Ohio elections commission while in the 9175
performance of the business of the commission shall be entitled to 9176
receive compensation at the rate of twenty-five thousand dollars 9177

per year. Members shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties. 9178
9179

(E) No member of the Ohio elections commission shall serve more than one full term unless the terms served are served nonconsecutively. 9180
9181
9182

(F)(1) No member of the Ohio elections commission shall do or be any of the following: 9183
9184

(a) Hold, or be a candidate for, a public office; 9185

(b) Serve on a committee supporting or opposing a candidate or ballot question or issue; 9186
9187

(c) Be an officer of the state central committee, a county central committee, or a district, city, township, or other committee of a political party or an officer of the executive committee of the state central committee, a county central committee, or a district, city, township, or other committee of a political party; 9188
9189
9190
9191
9192
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(d) Be a legislative agent as defined in section 101.70 of the Revised Code or an executive agency lobbyist as defined in section 121.60 of the Revised Code; 9194
9195
9196

(e) Solicit or be involved in soliciting contributions on behalf of a candidate, campaign committee, political party, political action committee, or political contributing entity; 9197
9198
9199

(f) Be in the unclassified service under section 124.11 of the Revised Code; 9200
9201

(g) Be a person or employee who is excluded from the definition of public employee pursuant to division (C) of section 4117.01 of the Revised Code; 9202
9203
9204

(h) Be an employee of the state, any agency, authority, commission, or board of the state, or any state institution of higher education. 9205
9206
9207

(2) No member or employee of the commission shall make a contribution to, or for the benefit of, a campaign committee or committee in support of or opposition to a ballot question or issue, a political party, a legislative campaign fund, a political action committee, or a political contributing entity.

(G)(1) The members of the Ohio elections commission shall elect a chairperson and a vice-chairperson. At no time shall the chairperson and vice-chairperson be affiliated with the same political party. The chairperson shall serve in that capacity for one year and shall not serve as chairperson more than twice during a term as a member of the commission. No two successive chairpersons shall be affiliated with the same political party.

(2) The commission shall meet at the call of the chairperson or upon the written request of a majority of the members. The meetings and hearings of the commission or a panel of the commission under sections 3517.153 to 3517.157 of the Revised Code are subject to section 121.22 of the Revised Code.

(3) The commission shall adopt rules for its procedures in accordance with Chapter 119. of the Revised Code. Five of the seven members constitute a quorum. Except as otherwise provided in this section and in sections 3517.154 to 3517.157 of the Revised Code, no action shall be taken without the concurrence of a majority of the members.

(H)(1) The Ohio elections commission shall employ the technical, professional, and clerical employees that are necessary for it to carry out its duties.

(2)(a) Notwithstanding section 109.02 of the Revised Code, the commission shall employ a full-time attorney, and, as needed, one or more investigatory attorneys to conduct investigations for the commission or a panel of the commission. The commission may employ or contract for the services of additional attorneys, as

needed. The full-time attorney shall do all of the following: 9239

(i) Serve as the commission's attorney in regard to all legal 9240
matters, including representing the commission at appeals from a 9241
final determination of the commission, except that the full-time 9242
attorney shall not perform the duties that an investigatory 9243
attorney is required or requested to perform or that another 9244
attorney the commission employs or contracts with for services is 9245
required or requested to perform, and shall not represent the 9246
commission in any legal proceeding in which the commission is a 9247
named party; 9248

(ii) At the request of the commission or a panel of the 9249
commission, be present at a hearing held under sections 3517.154 9250
to 3517.156 of the Revised Code to rule on the admissibility of 9251
evidence and to advise on the conduct of procedure; 9252

(iii) Perform other duties as required by rule of the 9253
commission. 9254

(b) An attorney employed by or under contract with the 9255
commission shall be licensed to practice law in this state. 9256

(3)(a) Except as otherwise provided in division (H)(3)(b) of 9257
this section, at least five members of the commission shall agree 9258
on the employment of a person, a majority of the members shall 9259
agree on the discharge of an employee, and a person employed by 9260
the commission shall serve at the pleasure of the commission. 9261

(b) At least five of the seven members shall agree on the 9262
discharge of an investigatory attorney. 9263

(I) There is hereby created in the state treasury the Ohio 9264
elections commission fund. All moneys credited to the fund shall 9265
be used solely for the purpose of paying expenses related to the 9266
operation of the Ohio elections commission. 9267

Sec. 3701.33. The public health council shall consist of the 9268

following seven members to be appointed by the governor: 9269

(A) Three physicians who are licensed to practice medicine in 9270
the state; 9271

(B) A pharmacist who is licensed to practice pharmacy in the 9272
state; 9273

(C) A registered nurse who is licensed to practice nursing as 9274
a registered nurse in the state; 9275

(D) A sanitarian who holds a valid certificate of 9276
registration as a sanitarian issued under section 4736.11 of the 9277
Revised Code; 9278

(E) A member of the public who is not associated with or 9279
financially interested in the practice of medicine, nursing, 9280
pharmacy, or environmental health and is at least sixty years of 9281
age. 9282

Terms of office shall be for seven years, commencing on the 9283
first day of July and ending on the thirtieth day of June. Each 9284
member shall hold office from the date of appointment until the 9285
end of the term for which the member was appointed. Any member 9286
appointed to fill a vacancy occurring prior to the expiration of 9287
the term for which the member's predecessor was appointed shall 9288
hold office for the remainder of such term. Any member shall 9289
continue in office subsequent to the expiration date of the 9290
member's term until the member's successor takes office, or until 9291
a period of sixty days has elapsed, whichever occurs first. 9292

The council shall meet four times each year and may meet at 9293
such other times as the business of the council requires. The time 9294
and place for holding regular meetings shall be fixed in the 9295
bylaws of the council. Special meetings may be called upon the 9296
request of any four members of the council or upon request of the 9297
director of health, and may be held at any place considered 9298
advisable by the council or director. Four members of the council 9299

constitute a quorum for the transaction of business. The council, 9300
on or before the first day of July of each year, shall designate 9301
the member who shall act as its chairperson for the ensuing year. 9302
The director, upon request of the council, shall detail an officer 9303
or employee of the department of health to act as secretary of the 9304
council, and shall detail such other employees as the council 9305
requires. 9306

The members of the council shall be paid the rate established 9307
pursuant to division ~~(J)~~(A) of section 124.15 of the Revised Code 9308
while in conference and shall be reimbursed their necessary and 9309
reasonable traveling and other expenses incurred in the 9310
performance of their regular duties. 9311

Sec. 3733.49. (A) There is hereby established under the 9312
authority of the director of job and family services the office of 9313
the migrant agricultural ombudsperson. The director shall appoint 9314
the ombudsperson. No person shall serve as ombudsperson who has a 9315
fiduciary or pecuniary interest in an agricultural labor camp. The 9316
ombudsperson shall have recognized ability and experience in 9317
migrant labor issues and shall speak both English and Spanish 9318
fluently. The ombudsperson shall be a member of the classified 9319
civil service and shall be subject to an annual job evaluation by 9320
the director. The ombudsperson's salary shall be ~~established in a~~ 9321
~~pay range~~ fixed by the director. 9322

(B) The migrant agricultural ombudsperson shall: 9323

(1) Collect and compile available data, statistics, and 9324
information concerning migrant agricultural laborers and 9325
agricultural labor camps published by any agency of this state, 9326
any agency of the federal government, and private organizations, 9327
including, but not limited to, churches and Hispanic 9328
organizations. These data, statistics, and information are public 9329
records as defined in section 149.43 of the Revised Code. 9330

(2) Coordinate the collection, analysis, and dissemination of information about the supply and quality of housing for migrant agricultural laborers in both licensed and unlicensed camps;

(3) Become familiar with state and federal laws and rules concerning migrant agricultural laborers and agricultural labor camps and especially with state and federal programs for which migrant agricultural laborers might qualify;

(4) Establish a toll-free telephone number that:

(a) Camp owners and farmers who employ migrant agricultural laborers may use to seek clarification of laws and rules applicable to camps and for registering complaints; and

(b) Migrant agricultural laborers may use for the purpose of obtaining information described in divisions (B)(1) and (2) of this section and for registering complaints.

(5) Refer problems, complaints, or questions brought to the ombudsperson's attention to the appropriate state or federal agency or the attorney general;

(6) Serve as an advocate for migrant agricultural laborers in social service matters;

(7) Submit an annual report to the president of the senate, the speaker of the house of representatives, and the members of the minority leadership of the senate and house of representatives on or before the thirtieth day of June of each year describing migrant agricultural labor conditions found by the ombudsperson's office, along with an assessment of the effect of existing law on migrant agricultural labor and labor camps and any recommendations for change. The report shall contain a compilation of the kinds of complaints received and recommendations for any changes in the laws or rules that the ombudsperson considers necessary or desirable.

(8) Develop and recommend to the general assembly definitions 9361
of "migrant agricultural laborer" and "migrant farmworker child" 9362
to be used consistently by all state agencies, including, but not 9363
limited to, boards, departments, divisions, commissions, bureaus, 9364
societies, councils, and institutions; and 9365

(9) Conduct a peak-period census of migrant agricultural 9366
laborers in this state, by county, so that the ombudsperson can 9367
properly assess the need for housing for those laborers. The 9368
department of health shall assist the ombudsperson by providing 9369
information on the peak occupancy of agricultural labor camps and 9370
other additional information obtained through inspections of 9371
agricultural labor camps. 9372

Sec. 3737.81. (A) There is hereby created the state fire 9373
commission consisting of ten members to be appointed by the 9374
governor with the advice and consent of the senate. The state fire 9375
marshal or chief deputy fire marshal, a representative designated 9376
by the department of public safety who has tenure in fire 9377
suppression, and a representative designated by the board of 9378
building standards shall be ex officio members. Of the initial 9379
appointments made to the commission, two shall be for a term 9380
ending one year after November 1, 1978, two shall be for a term 9381
ending two years after that date, two shall be for a term ending 9382
three years after that date, two shall be for a term ending four 9383
years after that date, and two shall be for a term ending five 9384
years after that date. Thereafter, terms of office shall be for 9385
five years, each term ending on the same day of the same month of 9386
the year as did the term which it succeeds. Each member shall hold 9387
office from the date of appointment until the end of the term for 9388
which the member was appointed. Any member appointed to fill a 9389
vacancy occurring prior to the expiration of the term for which 9390
the member's predecessor was appointed shall hold office for the 9391
remainder of that term. Any member shall continue in office 9392

subsequent to the expiration date of the member's term until a 9393
successor takes office, or until a period of sixty days has 9394
elapsed, whichever occurs first. Members shall be qualified by 9395
experience and training to deal with the matters that are the 9396
responsibility of the commission. Two members shall be members of 9397
paid fire services, one shall be a member of volunteer fire 9398
services, two shall be mayors, managers, or members of legislative 9399
authorities of municipal corporations, one shall represent 9400
commerce and industry, one shall be a representative of a fire 9401
insurance company domiciled in this state, one shall represent the 9402
flammable liquids industry, one shall represent the construction 9403
industry, and one shall represent the public. At no time shall 9404
more than six members be members of or associated with the same 9405
political party. Membership on the commission shall not constitute 9406
holding a public office, and no person shall forfeit or otherwise 9407
vacate the person's office or position of employment because of 9408
membership on the commission. 9409

(B) The ex officio members may not vote, except that the 9410
state fire marshal or chief deputy fire marshal may vote in case 9411
of a tie. 9412

(C) Each member of the commission, other than ex officio 9413
members, shall be paid an amount fixed pursuant to division ~~(J)~~(A) 9414
of section 124.15 of the Revised Code, and the member's actual and 9415
necessary expenses. 9416

(D) The commission shall select a chairperson and a 9417
vice-chairperson from among its members. No business may be 9418
transacted in the absence of a quorum. A quorum shall be at least 9419
six members, excluding ex officio members, and shall include 9420
either the chairperson or vice-chairperson. The commission shall 9421
hold regular meetings at least once every two months and may meet 9422
at any other time at the call of the chairperson. 9423

(E) The state fire marshal shall provide the commission with 9424

office space, meeting rooms, staff, and clerical assistance 9425
necessary for the commission to perform its duties. If the 9426
commission maintains the Ohio fire service hall of fame under 9427
division (C) of section 3737.03 of the Revised Code, the state 9428
fire marshal shall preserve, in an appropriate manner, in the 9429
office space or meeting rooms provided to the commission under 9430
this division or in another location, copies of all official 9431
commendations awarded to individuals recognized and commemorated 9432
for their exemplary accomplishments and acts of heroism at 9433
fire-related incidents or similar events that occurred in this 9434
state. 9435

(F) If the commission maintains the Ohio fire service hall of 9436
fame under division (C) of section 3737.03 of the Revised Code, 9437
the expenses incurred for the recognition and commemoration of 9438
individuals for their exemplary accomplishments and acts of 9439
heroism at fire-related incidents or similar events that occurred 9440
in this state, including, but not limited to, expenses for 9441
official commendations and an annual awards ceremony as described 9442
in division (B) of section 3737.03 of the Revised Code, may be 9443
paid from moneys appropriated by the general assembly for purposes 9444
of that recognition and commemoration, from moneys that are 9445
available to the state fire marshal under this chapter, or from 9446
other funding sources available to the commission. 9447

Sec. 3737.90. (A) There is hereby created the petroleum 9448
underground storage tank release compensation board consisting of 9449
the treasurer of state and the directors of commerce and 9450
environmental protection as members ex officio, or their 9451
designees, and nine members to be appointed by the governor with 9452
the advice and consent of the senate. No more than five of the 9453
appointed members shall be affiliated with the same political 9454
party. Of the appointed members, one shall represent the interests 9455
of petroleum refiners, one shall represent the interests of 9456

petroleum marketers, one shall represent the interests of retail 9457
petroleum dealers, one shall represent the interests of local 9458
governments, one shall have experience in casualty and fire or 9459
pollution liability insurance, two shall represent the interests 9460
of businesses that own petroleum underground storage tanks and are 9461
not primarily engaged in the sale of petroleum, and two shall be 9462
professional engineers registered under Chapter 4733. of the 9463
Revised Code with experience in geology or environmental 9464
engineering who shall represent the interests of the public and 9465
shall not be associated with the petroleum industry. 9466

Of the initial appointments to the board, three shall be for 9467
a term ending July 11, 1990, three shall be for a term ending July 9468
11, 1991, and three shall be for a term ending July 11, 1992. 9469
Thereafter, terms of office shall be for three years, with each 9470
term ending on the same day of the same month as did the term that 9471
it succeeds. Each member shall hold office from the date of ~~his~~ 9472
the member's appointment until the end of the term for which ~~he~~ 9473
the member was appointed. Members may be reappointed. Vacancies 9474
shall be filled in the manner provided for original appointments. 9475
Any member appointed to fill a vacancy occurring prior to the 9476
expiration date of the term for which ~~his~~ the member's predecessor 9477
was appointed shall hold office as a member for the remainder of 9478
that term. A member shall continue in office subsequent to the 9479
expiration date of ~~his~~ the member's term until ~~his~~ the member's 9480
successor takes office or until a period of sixty days has 9481
elapsed, whichever occurs first. Appointed members of the board 9482
shall be compensated on a per diem basis in accordance with 9483
division ~~(J)~~(A) of section 124.15 of the Revised Code for each day 9484
of actual attendance at meetings of the board. Members shall 9485
receive their actual and necessary expenses incurred in the 9486
performance of their duties as members of the board. 9487

The petroleum underground storage tank release compensation 9488

board is a body both corporate and politic in this state, and the 9489
carrying out of its purposes and the exercise by it of the powers 9490
conferred by sections 3737.90 to 3737.98 of the Revised Code shall 9491
be held to be, and are hereby determined to be, essential 9492
governmental functions and public purposes of the state. 9493

Each appointed member of the board shall give a surety bond 9494
to the state in the penal sum of not less than twenty-five 9495
thousand dollars as determined by the board. The ~~chairman~~ 9496
chairperson of the board shall give a bond in the penal sum of not 9497
less than fifty thousand dollars as determined by the board. Each 9498
surety bond shall be conditioned upon the faithful performance of 9499
the duties of the office, be executed by a surety company 9500
authorized to transact business in this state, be approved by the 9501
governor, and be filed in the office of the secretary of state. 9502
The surety bonds shall be given at such time as is established by 9503
the board, provided that they shall be given prior to the issuance 9504
of any revenue bonds by the board under sections 3737.90 to 9505
3737.948 of the Revised Code. 9506

The board shall meet at least quarterly and shall hold such 9507
additional meetings as are necessary to implement and administer 9508
sections 3737.90 to 3737.98 of the Revised Code. Additional 9509
meetings may be called in accordance with rules adopted under this 9510
section. The board shall annually select from among its members a 9511
~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson. 9512

A majority of the members of the board constitutes a quorum 9513
for the transaction of any business of the board. 9514

(B) The board may: 9515

(1) In accordance with Chapter 119. of the Revised Code, 9516
adopt, amend, and rescind rules establishing procedures for 9517
calling special meetings of the board; 9518

(2) In accordance with Chapter 119. of the Revised Code, 9519

adopt, amend, and rescind such other rules as are necessary or 9520
appropriate to implement and administer sections 3737.90 to 9521
3737.98 of the Revised Code, including, without limitation, rules 9522
for the administration of the petroleum underground storage tank 9523
linked deposit program established under sections 3737.95 to 9524
3737.98 of the Revised Code; rules establishing priorities for the 9525
payment of claims under section 3737.92 of the Revised Code on the 9526
petroleum underground storage tank financial assurance fund 9527
created in section 3737.91 of the Revised Code based upon a 9528
consideration of the date that a claim is originally filed and the 9529
threat posed to human health and the environment by the release to 9530
which the claim applies; and rules providing for the payment of 9531
any such claims in installments, when appropriate. The rules 9532
adopted under division (B)(2) of this section shall be consistent 9533
with section 9003 of the "Resource Conservation and Recovery Act 9534
of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as amended, and 9535
regulations adopted under it. 9536

(3) Employ and fix the compensation of the director of the 9537
petroleum underground storage tank financial assurance fund and 9538
such other personnel as are necessary to implement and administer 9539
sections 3737.90 to 3737.98 of the Revised Code and rules adopted 9540
under them. The board may designate positions in the unclassified 9541
civil service for which it may employ persons who shall be 9542
eligible for membership in the public employees retirement system 9543
under Chapter 145. of the Revised Code ~~and who shall not be~~ 9544
~~subject to Chapter 4117. of the Revised Code.~~ 9545

(4) Enter into contracts or agreements for the purposes of 9546
sections 3737.90 to 3737.98 of the Revised Code, including, 9547
without limitation, a contract for administration of the petroleum 9548
underground storage tank financial assurance fund by an agent; 9549

(5) Sue or be sued in its own name in actions arising out of 9550
any act or omission in connection with its business or affairs 9551

under sections 3737.90 to 3737.98 of the Revised Code; 9552

(6) Issue revenue bonds payable solely from revenues as 9553
provided in sections 3737.94 to 3737.948 of the Revised Code for 9554
the purpose of funding the petroleum underground storage tank 9555
financial assurance fund to preserve jobs and employment 9556
opportunities in the state and to control water pollution and 9557
ensure the viability of ground water in the state by 9558
reimbursements to responsible persons for improving property 9559
damaged by releases of petroleum; 9560

(7) Establish by rule the maximum percentage of the petroleum 9561
underground storage tank financial assurance fund that may be used 9562
to make petroleum underground storage tank linked deposits under 9563
sections 3737.95 to 3737.98 of the Revised Code. 9564

(C) Section 9.86 of the Revised Code applies to the petroleum 9565
underground storage tank release compensation board and to any 9566
officer or employee of the board, as "officer" and "employee" are 9567
defined in section 109.36 of the Revised Code. 9568

(D) The board, in the conduct of its functions and duties, is 9569
not subject to the regulation of the superintendent of insurance 9570
under Title XXXIX of the Revised Code nor any rules of the 9571
department of insurance adopted thereunder. 9572

Sec. 3770.02. (A) Subject to the advice and consent of the 9573
senate, the governor shall appoint a director of the state lottery 9574
commission who shall serve at the pleasure of the governor. The 9575
director shall devote full time to the duties of the office and 9576
shall hold no other office or employment. The director shall meet 9577
all requirements for appointment as a member of the commission and 9578
shall, by experience and training, possess management skills that 9579
equip the director to administer an enterprise of the nature of a 9580
state lottery. The director shall receive an annual salary 9581
determined by the director of administrative services in 9582

accordance with ~~pay range 48~~ of section 124.152 of the Revised Code. 9583
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(B)(1) The director shall attend all meetings of the commission and shall act as its secretary. The director shall keep a record of all commission proceedings and shall keep the commission's records, files, and documents at the commission's principal office. All records of the commission's meetings shall be available for inspection by any member of the public, upon a showing of good cause and prior notification to the director. 9585
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(2) The director shall be the commission's executive officer and shall be responsible for keeping all commission records and supervising and administering the state lottery in accordance with this chapter, and carrying out all commission rules adopted under section 3770.03 of the Revised Code. 9592
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(C)(1) The director shall appoint an assistant director, deputy directors of marketing, operations, sales, finance, public relations, security, and administration, and as many regional managers as are required. The director may also appoint necessary professional, technical, and clerical assistants. All such officers and employees shall be appointed and compensated pursuant to Chapter 124. of the Revised Code. Regional and assistant regional managers, sales representatives, and any lottery executive account representatives shall remain in the unclassified service. 9597
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(2) The director, in consultation with the director of administrative services, may establish standards of proficiency and productivity for commission field representatives. 9607
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(D) The director shall request the bureau of criminal identification and investigation, the department of public safety, or any other state, local, or federal agency to supply the director with the criminal records of any job applicant and may 9610
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periodically request the criminal records of commission employees. 9614
At or prior to the time of making such a request, the director 9615
shall require a job applicant or commission employee to obtain 9616
fingerprint cards prescribed by the superintendent of the bureau 9617
of criminal identification and investigation at a qualified law 9618
enforcement agency, and the director shall cause these fingerprint 9619
cards to be forwarded to the bureau of criminal identification and 9620
investigation and the federal bureau of investigation. The 9621
commission shall assume the cost of obtaining the fingerprint 9622
cards and shall pay to each agency supplying criminal records for 9623
each investigation under this division a reasonable fee, as 9624
determined by the agency. 9625

(E) The director shall license lottery sales agents pursuant 9626
to section 3770.05 of the Revised Code and, when it is considered 9627
necessary, may revoke or suspend the license of any lottery sales 9628
agent. 9629

(F) The director shall confer at least once each month with 9630
the commission, at which time the director shall advise it 9631
regarding the operation and administration of the lottery. The 9632
director shall make available at the request of the commission all 9633
documents, files, and other records pertaining to the operation 9634
and administration of the lottery. The director shall prepare and 9635
make available to the commission each month a complete and 9636
accurate accounting of lottery revenues, prize money disbursements 9637
and the cost of goods and services awarded as prizes, operating 9638
expenses, and all other relevant financial information, including 9639
an accounting of all transfers made from any lottery funds in the 9640
custody of the treasurer of state to benefit education. 9641

(G) The director may enter into contracts for the operation 9642
or promotion of the lottery pursuant to Chapter 125. of the 9643
Revised Code. 9644

(H)(1) Pursuant to rules adopted by the commission under 9645

section 3770.03 of the Revised Code, the director shall require 9646
any lottery sales agents to either mail directly to the commission 9647
or deposit to the credit of the state lottery fund, in banking 9648
institutions designated by the treasurer of state, net proceeds 9649
due the commission as determined by the director, and to file with 9650
the director or the director's designee reports of their receipts 9651
and transactions in the sale of lottery tickets in the form 9652
required by the director. 9653

(2) Pursuant to rules adopted by the commission under Chapter 9654
119. of the Revised Code, the director may impose penalties for 9655
the failure of a sales agent to transfer funds to the commission 9656
in a timely manner. Penalties may include monetary penalties, 9657
immediate suspension or revocation of a license, or any other 9658
penalty the commission adopts by rule. 9659

(I) The director may arrange for any person, or any banking 9660
institution, to perform functions and services in connection with 9661
the operation of the lottery as the director may consider 9662
necessary to carry out this chapter. 9663

(J)(1) As used in this chapter, "statewide joint lottery 9664
game" means a lottery game that the commission sells solely within 9665
this state under an agreement with other lottery jurisdictions to 9666
sell the same lottery game solely within their statewide or other 9667
jurisdictional boundaries. 9668

(2) If the governor directs the director to do so, the 9669
director shall enter into an agreement with other lottery 9670
jurisdictions to conduct statewide joint lottery games. If the 9671
governor signs the agreement personally or by means of an 9672
authenticating officer pursuant to section 107.15 of the Revised 9673
Code, the director then may conduct statewide joint lottery games 9674
under the agreement. 9675

(3) The entire net proceeds from any statewide joint lottery 9676

games shall be used to fund elementary, secondary, vocational, and 9677
special education programs in this state. 9678

(4) The commission shall conduct any statewide joint lottery 9679
games in accordance with rules it adopts under division (B)(5) of 9680
section 3770.03 of the Revised Code. 9681

(K)(1) The director shall enter into an agreement with the 9682
department of alcohol and drug addiction services under which the 9683
department shall provide a program of gambling addiction services 9684
on behalf of the commission. The commission shall pay the costs of 9685
the program provided pursuant to the agreement. 9686

(2) As used in this section, "gambling addiction services" 9687
has the same meaning as in section 3793.01 of the Revised Code. 9688

Sec. 3772.06. (A)(1) The commission shall appoint an 9689
executive director who shall serve at the pleasure of the 9690
commission. The executive director is in the unclassified service, 9691
shall devote full time to the duties of the office, and shall hold 9692
no other office or employment. The executive director shall, by 9693
experience and training, possess management skills that equip the 9694
executive director to administer an enterprise of the nature of 9695
the commission. The executive director shall not have a pecuniary 9696
interest in any business organization that holds a license under 9697
this chapter, or that does business with any person licensed under 9698
this chapter. A member of the general assembly, a person who holds 9699
an elective office, or an office holder of a political party is 9700
ineligible to be appointed executive director at the same time as 9701
being such a member or holding such an office. The executive 9702
director shall receive an annual salary determined by the 9703
commission in accordance with ~~pay range 48~~ of section 124.152 of 9704
the Revised Code. 9705

(2) The executive director, before entering upon the 9706
discharge of the executive director's official duties, shall give, 9707

and thereafter shall maintain, bond in the amount of twenty-five 9708
thousand dollars, payable to the state, conditioned upon the 9709
executive director's faithful and proper performance of the 9710
executive director's official duties. The bond shall be issued by 9711
a surety authorized to do business in this state and shall be 9712
filed with the secretary of state. The bond may be an individual 9713
bond or a schedule or blanket bond. 9714

(B)(1) The executive director or a deputy designated in 9715
writing by the executive director shall attend all meetings of the 9716
commission and shall act as its secretary. The executive director 9717
shall keep a record of all commission proceedings and shall keep 9718
the commission's records, files, and documents at the commission's 9719
principal office. 9720

(2) The executive director shall be the chief executive 9721
officer and shall be responsible for keeping all commission 9722
records and supervising and administering casino gaming in 9723
accordance with this chapter, and enforcing all commission rules 9724
adopted under this chapter. 9725

(3) The executive director shall hire staff, including an 9726
assistant director or deputy directors, as necessary to assist the 9727
executive director in the executive director's duties under this 9728
chapter. In appointing employees, the executive director is 9729
subject to section 3772.061 of the Revised Code. The executive 9730
director may employ employees as necessary, unless the commission 9731
determines otherwise. Except as otherwise provided in this 9732
chapter, all costs of administration incurred by the executive 9733
director and the executive director's employees shall be paid out 9734
of the casino control commission fund. 9735

(C) A state agency or other unit of state government shall 9736
cooperate with the commission, and shall provide the commission 9737
with information and services the commission considers necessary 9738
to carry out the commission's duties and functions under this 9739

chapter. 9740

(D) The executive director shall confer at least once each 9741
month with the commission, at which time the executive director 9742
shall advise it regarding the operation and administration of the 9743
commission and casino gaming. The executive director shall make 9744
available at the request of the commission all documents, files, 9745
and other records pertaining to the operation and administration 9746
of the commission and casino gaming. The executive director shall 9747
prepare and make available to the commission each month a complete 9748
and accurate accounting of gross casino gaming revenues, and all 9749
other relevant financial information, including an accounting of 9750
all transfers made from the casino control commission fund. 9751

Sec. 3773.33. (A) There is hereby created the Ohio athletic 9752
commission. The commission shall consist of five voting members 9753
appointed by the governor with the advice and consent of the 9754
senate, not more than three of whom shall be of the same political 9755
party, and two nonvoting members, one of whom shall be a member of 9756
the senate appointed by and to serve at the pleasure of the 9757
president of the senate and one of whom shall be a member of the 9758
house of representatives appointed by and to serve at the pleasure 9759
of the speaker of the house of representatives. To be eligible for 9760
appointment as a voting member, a person shall be a qualified 9761
elector and a resident of the state for not less than five years 9762
immediately preceding the person's appointment. Two voting members 9763
shall be knowledgeable in boxing, at least one voting member shall 9764
be knowledgeable and experienced in high school athletics, one 9765
voting member shall be knowledgeable and experienced in 9766
professional athletics, and at least one voting member shall be 9767
knowledgeable and experienced in collegiate athletics. One 9768
commission member shall hold the degree of doctor of medicine or 9769
doctor of osteopathy. 9770

(B) No person shall be appointed to the commission or be an 9771
employee of the commission who is licensed, registered, or 9772
regulated by the commission. No member shall have any legal or 9773
beneficial interest, direct or indirect, pecuniary or otherwise, 9774
in any person who is licensed, registered, or regulated by the 9775
commission or who participates in prize fights or public boxing or 9776
wrestling matches or exhibitions. No member shall participate in 9777
any fight, match, or exhibition other than in the member's 9778
official capacity as a member of the commission, or as an 9779
inspector as authorized in section 3773.52 of the Revised Code. 9780

(C) The governor shall appoint the voting members to the 9781
commission. Of the initial appointments, two shall be for terms 9782
ending one year after September 3, 1996, two shall be for terms 9783
ending two years after September 3, 1996, and one shall be for a 9784
term ending three years after September 3, 1996. Thereafter, terms 9785
of office shall be for three years, each term ending the same day 9786
of the same month of the year as did the term which it succeeds. 9787
Each member shall hold office from the date of the member's 9788
appointment until the end of the term for which the member was 9789
appointed. Any member appointed to fill a vacancy occurring prior 9790
to the expiration of the term for which the member's predecessor 9791
was appointed shall hold office for the remainder of the term. Any 9792
member shall continue in office subsequent to the expiration date 9793
of the member's term until the member's successor takes office, or 9794
until a period of sixty days has elapsed, whichever occurs first. 9795

The governor shall name one voting member as chairperson of 9796
the commission at the time of making the appointment of any member 9797
for a full term. Three voting members shall constitute a quorum, 9798
and the affirmative vote of three voting members shall be 9799
necessary for any action taken by the commission. No vacancy on 9800
the commission impairs the authority of the remaining members to 9801
exercise all powers of the commission. 9802

Voting members, when engaged in commission duties, shall 9803
receive a per diem compensation determined in accordance with 9804
division ~~(J)~~(A) of section 124.15 of the Revised Code, and all 9805
members shall receive their actual and necessary expenses incurred 9806
in the performance of their official duties. 9807

Each voting member, before entering upon the discharge of the 9808
member's duties, shall file a surety bond payable to the treasurer 9809
of state in the sum of ten thousand dollars. Each surety bond 9810
shall be conditioned upon the faithful performance of the duties 9811
of the office, executed by a surety company authorized to transact 9812
business in this state, and filed in the office of the secretary 9813
of state. 9814

The governor may remove any voting member for malfeasance, 9815
misfeasance, or nonfeasance in office after giving the member a 9816
copy of the charges against the member and affording the member an 9817
opportunity for a public hearing, at which the member may be 9818
represented by counsel, upon not less than ten days' notice. If 9819
the member is removed, the governor shall file a complete 9820
statement of all charges made against the member and the 9821
governor's finding on the charges in the office of the secretary 9822
of state, together with a complete report of the proceedings. The 9823
governor's decision shall be final. 9824

Sec. 3781.07. There is hereby established in the department 9825
of commerce a board of building standards consisting of fifteen 9826
members appointed by the governor with the advice and consent of 9827
the senate. The board shall appoint a secretary who shall serve in 9828
the unclassified civil service for a term of six years at a salary 9829
fixed pursuant to Chapter 124. of the Revised Code. The board may 9830
employ additional staff in the classified civil service. The 9831
secretary may be removed by the board under the rules the board 9832
adopts. Terms of office shall be for four years, commencing on the 9833

fourteenth day of October and ending on the thirteenth day of 9834
October. Each member shall hold office from the date of 9835
appointment until the end of the term for which the member was 9836
appointed. Any member appointed to fill a vacancy occurring prior 9837
to the expiration of the term for which the member's predecessor 9838
was appointed shall hold office for the remainder of such term. 9839
Any member shall continue in office subsequent to the expiration 9840
date of the member's term until the member's successor takes 9841
office, or until a period of sixty days has elapsed, whichever 9842
occurs first. One of the members appointed to the board shall be 9843
an attorney at law, admitted to the bar of this state; two shall 9844
be registered architects; two shall be professional engineers, one 9845
in the field of mechanical and one in the field of structural 9846
engineering, each of whom shall be duly licensed to practice such 9847
profession in this state; one shall be a person of recognized 9848
ability, broad training, and fifteen years experience in problems 9849
and practice incidental to the construction and equipment of 9850
buildings specified in section 3781.06 of the Revised Code; one 9851
shall be a person with recognized ability and experience in the 9852
manufacture and construction of industrialized units as defined in 9853
section 3781.06 of the Revised Code; one shall be a member of the 9854
fire service with recognized ability and broad training in the 9855
field of fire protection and suppression; one shall be a person 9856
with at least ten years of experience and recognized expertise in 9857
building codes and standards and the manufacture of construction 9858
materials; one shall be a general contractor with experience in 9859
residential and commercial construction; two, chosen from a list 9860
of ten names the Ohio home builders association submits to the 9861
governor, shall be general contractors who have recognized ability 9862
in the construction of residential buildings; one shall be a 9863
person with recognized ability and experience in the use of 9864
advanced and renewable energy in the construction of commercial 9865
and residential buildings; one shall be a person with recognized 9866

ability and experience in the use of energy conservation in the 9867
construction of commercial and residential buildings; and one, 9868
chosen from a list of three names the Ohio municipal league 9869
submits to the governor, shall be the mayor of a municipal 9870
corporation in which the Ohio residential and nonresidential 9871
building codes are being enforced in the municipal corporation by 9872
a certified building department. Each member of the board, not 9873
otherwise required to take an oath of office, shall take the oath 9874
prescribed by the constitution. Each member shall receive as 9875
compensation an amount fixed pursuant to division ~~(J)~~(A) of 9876
section 124.15 of the Revised Code, and shall receive actual and 9877
necessary expenses in the performance of official duties. The 9878
amount of such expenses shall be certified by the secretary of the 9879
board and paid in the same manner as the expenses of employees of 9880
the department of commerce are paid. 9881

Sec. 3901.07. (A) As used in this section, "insurer" means 9882
any person doing or authorized to do any insurance business in 9883
this state. 9884

(B)(1) Before issuing any license to do the business of 9885
insurance in this state, the superintendent of insurance, or a 9886
person appointed by ~~him~~ the superintendent, may examine the 9887
financial affairs of any insurer. 9888

(2) The superintendent, or any person appointed by ~~him~~ the 9889
superintendent, may examine, as often as ~~he~~ the superintendent or 9890
appointee considers it desirable, the affairs of any insurer and 9891
of any person as to any matter relevant to the financial affairs 9892
of the insurer or to the examination. 9893

(3) The superintendent, or any person appointed by ~~him~~ the 9894
superintendent, shall examine each domestic insurer at least once 9895
every three years as to its condition, fulfillment of its 9896
contractual obligations, and compliance with applicable laws, 9897

provided that ~~he~~ the superintendent or appointee may defer making 9898
the examination for a longer period not to exceed five years. 9899

(C) In scheduling and determining the nature, scope, and 9900
frequency of any examination authorized or required by division 9901
(B) of this section, the superintendent shall consider such 9902
matters as the results of financial statement analyses and ratios, 9903
changes in management or ownership, actuarial opinions, reports of 9904
independent certified public accountants, and any other criteria 9905
~~he~~ the superintendent considers appropriate. 9906

(D) The superintendent, in lieu of making any examination 9907
authorized or required by division (B) of this section, may accept 9908
the report of an examination of a foreign or alien insurer made 9909
and certified by the superintendent of insurance or other 9910
insurance supervisory official of the state or government of 9911
domicile or state of entry. The examination of an alien insurer 9912
shall be limited to its United States business except as otherwise 9913
required by the superintendent. 9914

(E) Whenever the superintendent determines to examine the 9915
affairs of any insurer pursuant to any examination authorized or 9916
required by division (B) of this section, ~~he~~ the superintendent 9917
shall appoint as examiners one or more competent persons not 9918
employed by or interested in any insurer except as a policyholder. 9919
The superintendent shall instruct the examiners as to the scope of 9920
the examination. 9921

Each examiner appointed under this division shall have 9922
convenient access at all reasonable hours to the books, records, 9923
files, securities, and other documents of the insurer, its 9924
managers, agents, or other persons that are relevant to the 9925
examination. The examiner may administer oaths and examine any 9926
person under oath as to any matter relevant to the affairs of the 9927
insurer or the examination. 9928

(F) If the superintendent finds the accounts of an insurer 9929
being examined pursuant to any examination authorized or required 9930
by division (B) of this section to be inadequate or improperly 9931
kept or posted and if the insurer has been afforded a reasonable 9932
opportunity to correct the accounts, the superintendent may employ 9933
or require the insurer to employ experts to rewrite, post, or 9934
balance the accounts. The employment of experts under this 9935
division shall be at the expense of the insurer. 9936

(G) In connection with any examination authorized or required 9937
by division (B) of this section, the superintendent may appoint 9938
one or more competent persons to appraise the real property of the 9939
insurer or any real property on which the insurer holds security. 9940

(H) The examiner in charge of any examination authorized or 9941
required by division (B) of this section shall make a true report 9942
of the examination, verified under oath, that shall comprise only 9943
facts appearing upon the books, records, or other documents of the 9944
insurer or its agents or other persons examined, or as ascertained 9945
from the sworn testimony of its officers or agents or other 9946
persons examined concerning its affairs, and such conclusions and 9947
recommendations as may be reasonably warranted from those facts. 9948
The reports so verified shall be prima-facie evidence in any 9949
action or proceeding for the rehabilitation or liquidation of the 9950
insurer brought in the name of the state against the insurer or 9951
its officers or agents. 9952

(I) The examined insurer, within thirty days after the 9953
postmark on the envelope in which the report was mailed, may file 9954
with the superintendent written objections to the report. The 9955
objections shall be attached to and made a part of the report, 9956
which then shall be placed in the files of the department of 9957
insurance as a public record. 9958

(J)(1) The officers, directors, managers, employees, and 9959
agents of an insurer shall facilitate in every way any examination 9960

authorized or required by division (B) of this section and, to the extent of their authority, aid the examiners and persons appointed or employed pursuant to divisions (E), (F), and (G) of this section in conducting the examination.

(2) No officer, director, manager, employee, or agent of an insurer shall do any of the following:

(a) Fail to comply with division (J)(1) of this section;

(b) Refuse, without just cause, to be examined under oath;

(c) Knowingly obstruct or interfere with an examiner or any person appointed or employed pursuant to division (E), (F), or (G) of this section in the exercise of ~~his~~ the examiner's, appointee's, or employee's authority under this section.

(3) No insurer shall refuse to submit to an examination authorized or required by division (B) of this section. The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke or refuse to issue or renew the license of any insurer that violates division (J)(3) of this section.

(K) Personnel conducting an examination shall be compensated for each day or portion thereof worked at the rates provided in the examiners' handbook published by the national association of insurance commissioners or the rates that would have been applicable to such personnel under the salary schedule prescribed in the version of section 124.15 or 124.152 of the Revised Code in effect immediately prior to the effective date of this amendment, whichever are higher. Such personnel shall also be reimbursed for their travel and living expenses at rates not to exceed the rates provided in the examiners' handbook published by the association. Personnel who are appointed by the superintendent, but are not employees of the department of insurance, shall be compensated for their work and travel and living expenses at reasonable and

customary rates.	9992
(L) If an examination is made of any insurer, the expenses thereof shall be paid by the insurer.	9993 9994
The superintendent shall provide each insurer with an itemized statement of the expenses incurred in the performance of the examination functions authorized or required by this section. Upon receipt of the superintendent's statement, the insurer shall remit the amount thereof to the superintendent who shall remit to the treasurer of state pursuant to section 3901.071 of the Revised Code for deposit in the superintendent's examination fund.	9995 9996 9997 9998 9999 10000 10001
(M) As used in this section, "expenses" means:	10002
(1) The entire compensation for each day or portion thereof worked by all personnel, including those who are not employees of the department of insurance, in:	10003 10004 10005
(a) The conduct of such examination calculated at the rates provided in the examiners' handbook published by the national association of insurance commissioners;	10006 10007 10008
(b) The review and analysis of the annual and any interim financial statements of insurers licensed in this state;	10009 10010
(c) The ongoing evaluation and monitoring of the financial affairs of licensed insurers;	10011 10012
(d) The preparation of the premium or franchise tax liability of licensed insurers;	10013 10014
(e) The review and evaluation of foreign and alien insurers seeking a license in this state;	10015 10016
(f) A portion of the training and continuing education costs of examiners.	10017 10018
(2) Travel and living expenses of all personnel, including those who are not employees of the department, directly engaged in the conduct of such examination calculated at rates not to exceed	10019 10020 10021

the rates provided in the examiners' handbook published by the 10022
association; 10023

(3) All other incidental expenses incurred by or on behalf of 10024
such personnel in the conduct of such examination; 10025

(4) An allocated share of all expenses not paid as described 10026
in division (M)(1), (2), or (3) of this section that are 10027
necessarily incurred in carrying out the duties of the 10028
superintendent under this section, including the expenses of 10029
direct overhead and support staff for the examiners and persons 10030
appointed or employed pursuant to divisions (E), (F), and (G) of 10031
this section. 10032

Sec. 4112.03. There is hereby created the Ohio civil rights 10033
commission to consist of five members, not more than three of whom 10034
shall be of the same political party, to be appointed by the 10035
governor, with the advice and consent of the senate, one of whom 10036
shall be designated by the governor as ~~chairman~~ chairperson. At 10037
least one member shall be at least sixty years of age. 10038

Terms of office shall be for five years, commencing on the 10039
twenty-ninth day of July and ending on the twenty-eighth day of 10040
July. Each member shall hold office from the date of ~~his~~ 10041
appointment until the end of the term for which ~~he~~ the member was 10042
appointed. Any member appointed to fill a vacancy occurring prior 10043
to the expiration of the term for which ~~his~~ the member's 10044
predecessor was appointed shall hold office for the remainder of 10045
such term. Any member shall continue in office subsequent to the 10046
expiration date of ~~his~~ the member's term until ~~his~~ the member's 10047
successor takes office, or until a period of sixty days has 10048
elapsed, whichever occurs first. 10049

Three members of the commission shall constitute a quorum for 10050
the purpose of conducting the business thereof. A vacancy in the 10051
commission shall not impair the right of the remaining members to 10052

exercise all the powers of the commission. 10053

Each member of the commission shall be paid a salary 10054
established pursuant to division ~~(J)~~(A) of section 124.15 of the 10055
Revised Code plus necessary and actual expenses while traveling on 10056
business of the commission. 10057

Any member of the commission may be removed by the governor 10058
for inefficiency, neglect of duty, misconduct, or malfeasance in 10059
office, after being given a written statement of the charges 10060
against ~~him~~ the member and an opportunity to be heard publicly 10061
thereon. 10062

Sec. 4117.01. As used in this chapter: 10063

(A) "Person," in addition to those included in division (C) 10064
of section 1.59 of the Revised Code, includes employee 10065
organizations, public employees, and public employers. 10066

(B)(1) "Public employer" means ~~the state or~~ any political 10067
subdivision of the state located entirely within the state, 10068
including, ~~without limitation,~~ any of the following: 10069

(a) A municipal corporation with a population of at least 10070
five thousand according to the most recent federal decennial 10071
census; 10072

(b) A county; 10073

(c) A township with a population of at least five thousand in 10074
the unincorporated area of the township according to the most 10075
recent federal decennial census; 10076

(d) A school district; 10077

(e) The governing authority of a community school established 10078
under Chapter 3314. of the Revised Code; ~~state institution of~~ 10079
~~higher learning;~~ 10080

(f) A public or special district; ~~state agency, authority,~~ 10081

commission, or board; or	10082
<u>(g) Any other branch of local public employment.</u>	10083
<u>(2) "Public employer" does not mean the state, any agency,</u>	10084
<u>authority, commission, or board of the state, or any state</u>	10085
<u>institution of higher education.</u>	10086
(C) "Public employee" means any person holding a position by	10087
appointment or employment in the service of a public employer,	10088
including any person working pursuant to a contract between a	10089
public employer and a private employer and over whom the national	10090
labor relations board has declined jurisdiction on the basis that	10091
the involved employees are employees of a public employer, except:	10092
(1) Persons holding elective office;	10093
(2) Employees of the general assembly and employees of any	10094
other legislative body of the a public employer whose principal	10095
duties are directly related to the legislative functions of the	10096
body;	10097
(3) Employees on the staff of the governor or the chief	10098
executive of the public employer whose principal duties are	10099
directly related to the performance of the executive functions of	10100
the governor or the chief executive;	10101
(4) Persons who are members of the Ohio organized militia,	10102
while training or performing duty under section 5919.29 or 5923.12	10103
of the Revised Code;	10104
(5) Employees of the state employment relations board,	10105
including those employees of the state employment relations board	10106
utilized by the state personnel board of review in the exercise of	10107
the powers and the performance of the duties and functions of the	10108
state personnel board of review;	10109
(6) Confidential employees;	10110
(7) <u>(5)</u> Management level employees;	10111

(8) (6) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;	10112 10113 10114
(9) (7) Employees of a public official who act in a fiduciary capacity, appointed pursuant to <u>are in the unclassified civil service under</u> section 124.11 of the Revised Code;	10115 10116 10117
(10) (8) Supervisors;	10118
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	10119 10120 10121 10122 10123
(12) Employees of county boards of election;	10124
(13) (9) Seasonal and casual employees as determined by the state employment relations board;	10125 10126
(14) Part time faculty members of an institution of higher education;	10127 10128
(15) (10) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	10129 10130 10131 10132 10133 10134 10135
(16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	10136 10137 10138
(17) (11) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not	10139 10140 10141

subject to a collective bargaining agreement on June 1, 2005; 10142

(12) Employees of a regional council of government created 10143
under Chapter 167. of the Revised Code. 10144

(D) "Employee organization" means any labor or bona fide 10145
organization in which public employees participate and that exists 10146
for the purpose, in whole or in part, of dealing with public 10147
employers concerning grievances, labor disputes, wages, hours, 10148
terms, and other conditions of employment. 10149

(E) "Exclusive representative" means the employee 10150
organization certified or recognized as an exclusive 10151
representative under section 4117.05 of the Revised Code. 10152

(F) "Supervisor" means any individual who has authority, in 10153
the interest of the public employer, to hire, transfer, suspend, 10154
lay off, recall, promote, discharge, assign, reward, or discipline 10155
other public employees; to responsibly direct them; to adjust 10156
their grievances; or to effectively recommend such action, if the 10157
exercise of that authority is not of a merely routine or clerical 10158
nature, but requires the use of independent judgment, provided 10159
that: 10160

(1) Employees of school districts who are department 10161
chairpersons or consulting teachers shall not be deemed 10162
supervisors; 10163

~~(2) With respect to members of a police or fire department,~~ 10164
~~no person shall be deemed a supervisor except the chief of the~~ 10165
~~department or those individuals who, in the absence of the chief,~~ 10166
~~are authorized to exercise the authority and perform the duties of~~ 10167
~~the chief of the department. Where prior to June 1, 1982, a public~~ 10168
~~employer pursuant to a judicial decision, rendered in litigation~~ 10169
~~to which the public employer was a party, has declined to engage~~ 10170
~~in collective bargaining with members of a police or fire~~ 10171
~~department on the basis that those members are supervisors, those~~ 10172

~~members of a police or fire department do not have the rights 10173
specified in this chapter for the purposes of future collective 10174
bargaining. The state employment relations board shall decide all 10175
disputes concerning the application of division (F)(2) of this 10176
section. 10177~~

~~(3) With respect to faculty members of a state institution of 10178
higher education, heads of departments or divisions are 10179
supervisors; however, no other faculty member or group of faculty 10180
members is a supervisor solely because the faculty member or group 10181
of faculty members participate in decisions with respect to 10182
courses, curriculum, personnel, or other matters of academic 10183
policy; 10184~~

~~(4) No teacher as defined in section 3319.09 of the Revised 10185
Code shall be designated as a supervisor or a management level 10186
employee unless the teacher is employed under a contract governed 10187
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 10188
is assigned to a position for which a license deemed to be for 10189
administrators under state board rules is required pursuant to 10190
section 3319.22 of the Revised Code. 10191~~

~~(G) "To bargain collectively" means to perform the mutual 10192
obligation of the public employer, by its representatives, and the 10193
representatives of its employees to negotiate in good faith at 10194
reasonable times and places with respect to wages, hours, terms, 10195
and other conditions of employment ~~and the continuation,~~ 10196
~~modification, or deletion of an existing provision of a collective~~ 10197
~~bargaining agreement,~~ with the intention of reaching an agreement, 10198
or to resolve questions arising under the agreement. "To bargain 10199
collectively" includes executing a written contract incorporating 10200
the terms of any agreement reached. The obligation to bargain 10201
collectively does not mean that either party is compelled to agree 10202
to a proposal nor does it require the making of a concession. 10203~~

~~(H) "Strike" means continuous concerted action in failing to 10204~~

report to duty; willful absence from one's position; or stoppage 10205
of work in whole from the full, faithful, and proper performance 10206
of the duties of employment, for the purpose of inducing, 10207
influencing, or coercing a change in wages, hours, terms, and 10208
other conditions of employment. "Strike" does not include a 10209
stoppage of work by employees in good faith because of dangerous 10210
or unhealthful working conditions at the place of employment that 10211
are abnormal to the place of employment. 10212

(I) "Unauthorized strike" includes, but is not limited to, 10213
concerted action during the term or extended term of a collective 10214
bargaining agreement or during the pendency of the settlement 10215
procedures set forth in section 4117.14 of the Revised Code in 10216
failing to report to duty; willful absence from one's position; 10217
stoppage of work; slowdown, or abstinence in whole or in part from 10218
the full, faithful, and proper performance of the duties of 10219
employment for the purpose of inducing, influencing, or coercing a 10220
change in wages, hours, terms, and other conditions of employment. 10221
"Unauthorized strike" includes any such action, absence, stoppage, 10222
slowdown, or abstinence when done partially or intermittently, 10223
whether during or after the expiration of the term or extended 10224
term of a collective bargaining agreement or during or after the 10225
pendency of the settlement procedures set forth in section 4117.14 10226
of the Revised Code. 10227

(J) "Professional employee" means any employee engaged in 10228
work that is predominantly intellectual, involving the consistent 10229
exercise of discretion and judgment in its performance and 10230
requiring knowledge of an advanced type in a field of science or 10231
learning customarily acquired by a prolonged course in an 10232
institution of higher learning or a hospital, as distinguished 10233
from a general academic education or from an apprenticeship; or an 10234
employee who has completed the courses of specialized intellectual 10235
instruction and is performing related work under the supervision 10236

of a professional person to become qualified as a professional 10237
employee. 10238

(K) "Confidential employee" means any employee who works in 10239
the personnel offices of a public employer and deals with 10240
information to be used by the public employer in collective 10241
bargaining; or any employee who works in a close continuing 10242
relationship with public officers or representatives directly 10243
participating in collective bargaining on behalf of the employer. 10244

(L) "Management level employee" means an individual who 10245
formulates policy on behalf of the public employer, who 10246
responsibly directs the implementation of policy, or who may 10247
reasonably be required on behalf of the public employer to assist 10248
in the preparation for the conduct of collective negotiations, 10249
administer collectively negotiated agreements, or have a major 10250
role in personnel administration. Assistant superintendents, 10251
principals, and assistant principals whose employment is governed 10252
by section 3319.02 of the Revised Code are management level 10253
employees. ~~With respect to members of a faculty of a state 10254~~
~~institution of higher education, no person is a management level 10255~~
~~employee because of the person's involvement in the formulation or 10256~~
~~implementation of academic or institution policy. 10257~~

(M) "Wages" means hourly rates of pay, salaries, or other 10258
forms of compensation for services rendered. 10259

(N) "Member of a police department" means a person who is in 10260
the employ of a police department of a municipal corporation as a 10261
full-time regular police officer as the result of an appointment 10262
from a duly established civil service eligibility list or under 10263
section 737.15 or 737.16 of the Revised Code, a full-time deputy 10264
sheriff appointed under section 311.04 of the Revised Code, a 10265
township constable appointed under section 509.01 of the Revised 10266
Code, or a member of a township police district police department 10267
appointed under section 505.49 of the Revised Code. 10268

~~(O) "Members of the state highway patrol" means highway patrol troopers and radio operators appointed under section 5503.01 of the Revised Code.~~ 10269
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~~(P)~~ "Member of a fire department" means a person who is in the employ of a fire department of a municipal corporation or a township as a fire cadet, full-time regular firefighter, or promoted rank as the result of an appointment from a duly established civil service eligibility list or under section 505.38, 709.012, or 737.22 of the Revised Code. 10272
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~~(Q)~~(P) "Day" means calendar day. 10278

(O) "State" means the state of Ohio, including the general assembly, the supreme court, and the offices of all elected state officers. 10279
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(R) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 10282
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Sec. 4117.02. (A) There is hereby created the state employment relations board, consisting of three members to be appointed by the governor with the advice and consent of the senate. Members shall be knowledgeable about labor relations or personnel practices. No more than two of the three members shall belong to the same political party. A member of the state employment relations board during the member's period of service shall hold no other public office or public or private employment and shall allow no other responsibilities to interfere or conflict with the member's duties as a full-time state employment relations board member. Of the initial appointments made to the state employment relations board, one shall be for a term ending October 6, 1984, one shall be for a term ending October 6, 1985, and one shall be for a term ending October 6, 1986. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each 10284
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member shall hold office from the date of the member's appointment 10300
until the end of the term for which the member is appointed. Any 10301
member appointed to fill a vacancy occurring prior to the 10302
expiration of the term for which the member's predecessor was 10303
appointed shall hold office for the remainder of the term. Any 10304
member shall continue in office subsequent to the expiration of 10305
the member's term until the member's successor takes office or 10306
until a period of sixty days has elapsed, whichever occurs first. 10307
The governor may remove any member of the state employment 10308
relations board, upon notice and public hearing, for neglect of 10309
duty or malfeasance in office, but for no other cause. 10310

(B)(1) The governor shall designate one member of the state 10311
employment relations board to serve as chairperson of the state 10312
employment relations board. The chairperson is the head of the 10313
state employment relations board and its chief executive officer. 10314

(2) The chairperson shall exercise all administrative powers 10315
and duties conferred upon the state employment relations board 10316
under this chapter and shall do all of the following: 10317

(a) Employ, promote, supervise, and remove all employees of 10318
the state employment relations board, and establish, change, or 10319
abolish positions and assign or reassign the duties of those 10320
employees as the chairperson determines necessary to achieve the 10321
most efficient performance of the duties of the state employment 10322
relations board under this chapter; 10323

(b) Determine the utilization by the state personnel board of 10324
review of employees of the state employment relations board as 10325
necessary for the state personnel board of review to exercise the 10326
powers and perform the duties of the state personnel board of 10327
review. 10328

(c) Maintain the office of the state employment relations 10329
board in Columbus and manage the office's daily operations, 10330

including securing offices, facilities, equipment, and supplies 10331
necessary to house the state employment relations board, employees 10332
of the state employment relations board, the state personnel board 10333
of review, and files and records under the control of the state 10334
employment relations board and under the control of the state 10335
personnel board of review; 10336

(d) Prepare and submit to the office of budget and management 10337
a budget for each biennium according to section 107.03 of the 10338
Revised Code, and include in the budget the costs of the state 10339
employment relations board and its staff and the costs of the 10340
state employment relations board in discharging any duty imposed 10341
by law upon the state employment relations board, the chairperson, 10342
or any of the employees or agents of the state employment 10343
relations board, and the costs of the state personnel board of 10344
review in discharging any duty imposed by law on the state 10345
personnel board of review or an agent of the state personnel board 10346
of review. 10347

(C) The vacancy on the state employment relations board does 10348
not impair the right of the remaining members to exercise all the 10349
powers of the state employment relations board, and two members of 10350
the state employment relations board, at all times, constitute a 10351
quorum. The state employment relations board shall have an 10352
official seal of which courts shall take judicial notice. 10353

(D) The state employment relations board shall make an annual 10354
report in writing to the governor and to the general assembly, 10355
stating in detail the work it has done. 10356

(E) Compensation of the chairperson and members shall be in 10357
accordance with division ~~(J)~~(A) of section 124.15 of the Revised 10358
Code. The chairperson and the members are eligible for 10359
reappointment. In addition to such compensation, all members shall 10360
be reimbursed for their necessary expenses incurred in the 10361
performance of their work as members. 10362

(F)(1) The chairperson, after consulting with the other state 10363
employment relations board members and receiving the consent of at 10364
least one other board member, shall appoint an executive director. 10365
The chairperson also shall appoint attorneys and shall appoint an 10366
assistant executive director who shall be an attorney admitted to 10367
practice law in this state and who shall serve as a liaison to the 10368
attorney general on legal matters before the state employment 10369
relations board. 10370

(2) The state employment relations board shall appoint 10371
members of fact-finding panels and shall prescribe their job 10372
duties. 10373

(G)(1) The executive director shall serve at the pleasure of 10374
the chairperson. The executive director, under the direction of 10375
the chairperson, shall do all of the following: 10376

(a) Act as chief administrative officer for the state 10377
employment relations board; 10378

(b) Ensure that all employees of the state employment 10379
relations board comply with the rules of the state employment 10380
relations board; 10381

(c) Do all things necessary for the efficient and effective 10382
implementation of the duties of the state employment relations 10383
board. 10384

(2) The duties of the executive director described in 10385
division (G)(1) of this section do not relieve the chairperson 10386
from final responsibility for the proper performance of the duties 10387
described in that division. 10388

(H) The attorney general shall be the legal adviser of the 10389
state employment relations board and shall appear for and 10390
represent the state employment relations board and its agents in 10391
all legal proceedings. The state employment relations board may 10392
utilize regional, local, or other agencies, and utilize voluntary 10393

and uncompensated services as needed. The state employment 10394
relations board may contract with the federal mediation and 10395
conciliation service for the assistance of mediators, arbitrators, 10396
and other personnel the service makes available. The chairperson 10397
shall appoint all employees on the basis of training, practical 10398
experience, education, and character, notwithstanding the 10399
requirements established by section 119.09 of the Revised Code. 10400
The chairperson shall give special regard to the practical 10401
training and experience that employees have for the particular 10402
position involved. The executive director, assistant executive 10403
director, administrative law judges, employees holding a fiduciary 10404
or administrative relation to the state employment relations board 10405
as described in division (A)(9) of section 124.11 of the Revised 10406
Code, and the personal secretaries and assistants of the state 10407
employment relations board members are in the unclassified 10408
service. All other full-time employees of the state employment 10409
relations board are in the classified service. All employees of 10410
the state employment relations board shall be paid in accordance 10411
with Chapter 124. of the Revised Code. 10412

(I) The chairperson shall select and assign administrative 10413
law judges and other agents whose functions are to conduct 10414
hearings with due regard to their impartiality, judicial 10415
temperament, and knowledge. If in any proceeding under this 10416
chapter, any party prior to five days before the hearing thereto 10417
files with the state employment relations board a sworn statement 10418
charging that the administrative law judge or other agent 10419
designated to conduct the hearing is biased or partial in the 10420
proceeding, the state employment relations board may disqualify 10421
the person and designate another administrative law judge or agent 10422
to conduct the proceeding. At least ten days before any hearing, 10423
the state employment relations board shall notify all parties to a 10424
proceeding of the name of the administrative law judge or agent 10425
designated to conduct the hearing. 10426

(J) The principal office of the state employment relations board is in Columbus, but it may meet and exercise any or all of its powers at any other place within the state. The state employment relations board may, by one or more of its employees, or any agents or agencies it designates, conduct in any part of this state any proceeding, hearing, investigation, inquiry, or election necessary to the performance of its functions; provided, that no person so designated may later sit in determination of an appeal of the decision of that cause or matter.

(K) In addition to the powers and functions provided in other sections of this chapter, the state employment relations board shall do all of the following:

(1) Create a bureau of mediation within the state employment relations board, to perform the functions provided in section 4117.14 of the Revised Code. This bureau shall also establish, after consulting representatives of employee organizations and public employers, panels of qualified persons to be available to serve as members of fact-finding panels and arbitrators.

(2) Conduct studies of problems involved in representation and negotiation and make recommendations for legislation;

(3) Hold hearings pursuant to this chapter and, for the purpose of the hearings and inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, compel the attendance of witnesses and the production of documents by the issuance of subpoenas, and delegate these powers to any members of the state employment relations board or any administrative law judge employed by the state employment relations board for the performance of its functions;

(4) Train representatives of employee organizations and public employers in the rules and techniques of collective bargaining procedures;

(5) Make studies and analyses of, and act as a clearinghouse 10458
of information relating to, conditions of employment of public 10459
employees throughout the state and request assistance, services, 10460
and data from any public employee organization, public employer, 10461
or governmental unit. Public employee organizations, public 10462
employers, and governmental units shall provide such assistance, 10463
services, and data as will enable the state employment relations 10464
board to carry out its functions and powers. 10465

(6) Make available to employee organizations, public 10466
employers, mediators, fact-finding panels, arbitrators, and joint 10467
study committees statistical data relating to wages, benefits, and 10468
employment practices in public and private employment applicable 10469
to various localities and occupations to assist them to resolve 10470
issues in negotiations; 10471

(7) Notwithstanding section 119.13 of the Revised Code, 10472
establish standards of persons who practice before it; 10473

(8) Adopt, amend, and rescind rules and procedures and 10474
exercise other powers appropriate to carry out this chapter. 10475
Before the adoption, amendment, or rescission of rules and 10476
procedures under this section, the state employment relations 10477
board shall do all of the following: 10478

(a) Maintain a list of interested public employers and 10479
employee organizations and mail notice to such groups of any 10480
proposed rule or procedure, amendment thereto, or rescission 10481
thereof at least thirty days before any public hearing thereon; 10482

(b) Mail a copy of each proposed rule or procedure, amendment 10483
thereto, or rescission thereof to any person who requests a copy 10484
within five days after receipt of the request therefor; 10485

(c) Consult with appropriate statewide organizations 10486
representing public employers or employees who would be affected 10487
by the proposed rule or procedure. 10488

Although the state employment relations board is expected to 10489
discharge these duties diligently, failure to mail any notice or 10490
copy, or to so consult with any person, is not jurisdictional and 10491
shall not be construed to invalidate any proceeding or action of 10492
the state employment relations board. 10493

(L) In case of neglect or refusal to obey a subpoena issued 10494
to any person, the court of common pleas of the county in which 10495
the investigation or the public hearing occurs, upon application 10496
by the state employment relations board, may issue an order 10497
requiring the person to appear before the state employment 10498
relations board and give testimony about the matter under 10499
investigation. The court may punish a failure to obey the order as 10500
contempt. 10501

(M) Any subpoena, notice of hearing, or other process or 10502
notice of the state employment relations board issued under this 10503
section may be served personally, by certified mail, or by leaving 10504
a copy at the principal office or personal residence of the 10505
respondent required to be served. A return, made and verified by 10506
the individual making the service and setting forth the manner of 10507
service, is proof of service, and a return post office receipt, 10508
when certified mail is used, is proof of service. All process in 10509
any court to which application is made under this chapter may be 10510
served in the county wherein the persons required to be served 10511
reside or are found. 10512

(N) All expenses of the state employment relations board, 10513
including all necessary traveling and subsistence expenses 10514
incurred by the members or employees of the state employment 10515
relations board under its orders, shall be paid pursuant to 10516
itemized vouchers approved by the chairperson of the state 10517
employment relations board, the executive director, or both, or 10518
such other person as the chairperson designates for that purpose. 10519

(O) Whenever the state employment relations board determines 10520

that a substantial controversy exists with respect to the 10521
application or interpretation of this chapter and the matter is of 10522
public or great general interest, the state employment relations 10523
board shall certify its final order directly to the court of 10524
appeals having jurisdiction over the area in which the principal 10525
office of the public employer directly affected by the application 10526
or interpretation is located. The chairperson shall file with the 10527
clerk of the court a certified copy of the transcript of the 10528
proceedings before the state employment relations board pertaining 10529
to the final order. If upon hearing and consideration the court 10530
decides that the final order of the state employment relations 10531
board is unlawful or is not supported by substantial evidence on 10532
the record as a whole, the court shall reverse and vacate the 10533
final order or modify it and enter final judgment in accordance 10534
with the modification; otherwise, the court shall affirm the final 10535
order. The notice of the final order of the state employment 10536
relations board to the interested parties shall contain a 10537
certification by the chairperson of the state employment relations 10538
board that the final order is of public or great general interest 10539
and that a certified transcript of the record of the proceedings 10540
before the state employment relations board had been filed with 10541
the clerk of the court as an appeal to the court. For the purposes 10542
of this division, the state employment relations board has 10543
standing to bring its final order properly before the court of 10544
appeals. 10545

(P) Except as otherwise specifically provided in this 10546
section, the state employment relations board is subject to 10547
Chapter 119. of the Revised Code, including the procedure for 10548
submission of proposed rules to the general assembly for 10549
legislative review under division (H) of section 119.03 of the 10550
Revised Code. 10551

Sec. 4117.03. (A) Public employees have the right to: 10552

(1) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in Chapter 4117. of the Revised Code, any employee organization of their own choosing;

(2) Engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection;

(3) Representation by an employee organization;

(4) Bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment ~~and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement,~~ and enter into collective bargaining agreements;

(5) Present grievances and have them adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.

(B) Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights. Employees of the state, of any agency, authority, commission, or board of the state, or of any state institution of higher education do not have collective bargaining rights. The state, any agency, authority, commission, or board of the state, or a state institution of higher education shall not bargain collectively with its employees.

(C) Except as provided in division (D) of this section, nothing in Chapter 4117. of the Revised Code prohibits public employers from electing to engage in collective bargaining, to meet and confer, to hold discussions, or to engage in any other form of collective negotiations with public employees who are not

subject to Chapter 4117. of the Revised Code pursuant to division 10584
(C) of section 4117.01 of the Revised Code. 10585

(D) A public employer shall not engage in collective 10586
bargaining or other forms of collective negotiations with the 10587
employees of county boards of elections ~~referred to in division~~ 10588
~~(C)(12) of section 4117.01 of the Revised Code.~~ 10589

~~(E) Employees of public schools may bargain collectively for 10590
health care benefits; however, all health care benefits shall 10591
include best practices prescribed by the school employees health 10592
care board, in accordance with section 9.901 of the Revised Code. 10593~~

Sec. 4117.06. (A) The state employment relations board shall 10594
decide in each case the unit appropriate for the purposes of 10595
collective bargaining. The determination is final and conclusive 10596
and not appealable to the court. 10597

(B) The board shall determine the appropriateness of each 10598
bargaining unit and shall consider among other relevant factors: 10599
the desires of the employees; the community of interest; wages, 10600
hours, and other working conditions of the public employees; the 10601
effect of over-fragmentation; the efficiency of operations of the 10602
public employer; the administrative structure of the public 10603
employer; and the history of collective bargaining. 10604

(C) The board may determine a unit to be the appropriate unit 10605
in a particular case, even though some other unit might also be 10606
appropriate. 10607

(D) In addition, in determining the appropriate unit, the 10608
board shall not: 10609

(1) Decide that any unit is appropriate if the unit includes 10610
both professional and nonprofessional employees, unless a majority 10611
of the professional employees and a majority of the 10612
nonprofessional employees first vote for inclusion in the unit; 10613

(2) Include guards or correction officers at correctional or 10614
mental institutions, ~~special police officers appointed in~~ 10615
~~accordance with sections 5119.14 and 5123.13 of the Revised Code,~~ 10616
psychiatric attendants employed at mental health forensic 10617
facilities, youth leaders employed at juvenile correction 10618
facilities, or any public employee employed as a guard to enforce 10619
against other employees rules to protect property of the employer 10620
or to protect the safety of persons on the employer's premises in 10621
a unit with other employees; 10622

(3) Include members of a police or fire department ~~or members~~ 10623
~~of the state highway patrol~~ in a unit with other classifications 10624
of public employees of the department; 10625

(4) ~~Designate as appropriate a bargaining unit that contains~~ 10626
~~more than one institution of higher education; nor shall it within~~ 10627
~~any such institution of higher education designate as appropriate~~ 10628
~~a unit where such designation would be inconsistent with the~~ 10629
~~accreditation standards or interpretations of such standards,~~ 10630
~~governing such institution of higher education or any department,~~ 10631
~~school, or college thereof. For the purposes of this division, any~~ 10632
~~branch or regional campus of a public institution of higher~~ 10633
~~education is part of that institution of higher education.~~ 10634

~~(5)~~ Designate as appropriate a bargaining unit that contains 10635
employees within the jurisdiction of more than one elected county 10636
office holder, unless the county-elected office holder and the 10637
board of county commissioners agree to such other designation; 10638

~~(6)~~(5) With respect to members of a police department, 10639
designate as appropriate a unit that includes rank and file 10640
members of the department with members who are of the rank of 10641
sergeant or above; 10642

~~(7)~~(6) Except as otherwise provided by division (A)(3) of 10643
section 3314.10 or division (B) of section 3326.18 of the Revised 10644

Code, designate as appropriate a bargaining unit that contains 10645
employees from multiple community schools established under 10646
Chapter 3314. or multiple science, technology, engineering, and 10647
mathematics schools established under Chapter 3326. of the Revised 10648
Code. For purposes of this division, more than one unit may be 10649
designated within a single community school or science, 10650
technology, engineering, and mathematics school. 10651

This section shall not be deemed to prohibit multiunit 10652
bargaining. 10653

Sec. 4117.08. (A) All matters pertaining to wages, hours, or 10654
terms and other conditions of employment ~~and the continuation,~~ 10655
~~modification, or deletion of an existing provision of a collective~~ 10656
~~bargaining agreement~~ are subject to collective bargaining between 10657
the public employer and the exclusive representative, except as 10658
otherwise specified in this section and ~~division (E) of~~ section 10659
~~4117.03~~ 4117.081 of the Revised Code. 10660

(B) The following subjects are not appropriate subjects for 10661
collective bargaining: 10662

(1) The conduct and grading of civil service examinations, 10663
the rating of candidates, the establishment of eligible lists from 10664
the examinations, and the original appointments from the eligible 10665
lists are not appropriate subjects for collective bargaining; 10666

(2) Health care benefits, except that, subject to division 10667
(E) of this section, the amount of the premium for which a public 10668
employer and the public employees of the public employer pays is 10669
an appropriate subject of collective bargaining; 10670

(3) The payment of a contribution by a public employer to the 10671
public employees retirement system, the Ohio police and fire 10672
pension fund, the state teachers retirement system, or the school 10673
employees retirement system on behalf of an employee, contributor, 10674

or teacher, as applicable, that the employee, contributor, or 10675
teacher otherwise is required to pay. 10676

(C) Unless a public employer agrees otherwise in a collective 10677
bargaining agreement, nothing in Chapter 4117. of the Revised Code 10678
impairs the right and responsibility of each public employer to: 10679

(1) Determine matters of inherent managerial policy which 10680
include, but are not limited to, areas of discretion or policy 10681
such as the functions and programs of the public employer, 10682
standards of services, its overall budget, utilization of 10683
technology, and organizational structure; 10684

(2) Direct, supervise, evaluate, or hire employees; 10685

(3) Maintain and improve the efficiency and effectiveness of 10686
governmental operations; 10687

(4) Determine the overall methods, process, means, or 10688
personnel by which governmental operations are to be conducted; 10689

(5) Suspend, discipline, demote, or discharge for just cause, 10690
or lay off, transfer, assign, schedule, promote, or retain 10691
employees; 10692

(6) Determine the adequacy of the work force; 10693

(7) Determine the overall mission of the employer as a unit 10694
of government; 10695

(8) Effectively manage the work force; 10696

(9) Take actions to carry out the mission of the public 10697
employer as a governmental unit. 10698

The employer is not required to bargain on subjects reserved 10699
to the management and direction of the governmental unit ~~except as~~ 10700
~~affect wages, hours, terms and conditions of employment, and the~~ 10701
~~continuation, modification, or deletion of an existing provision~~ 10702
~~of a collective bargaining agreement.~~ A public employee or 10703
exclusive representative may raise a legitimate complaint or file 10704

a grievance based on the collective bargaining agreement. 10705

(D) During negotiations between a public employer and an 10706
exclusive representative, the parties shall consider, for purposes 10707
of determining the ability of the public employer to pay for any 10708
terms agreed to during collective bargaining, only the financial 10709
status of the public employer at the time period surrounding the 10710
negotiations. The parties shall not base the ability of the public 10711
employer to pay for those terms on any potential future increase 10712
in the income of the public employer that would only be possible 10713
by the employer obtaining funding from an outside source, 10714
including, but not limited to, the passage of a levy or a bond 10715
issue. 10716

(E) The provision of health care benefits for which the 10717
employer is required to pay more than eighty per cent of the cost 10718
is not an appropriate subject for collective bargaining. No public 10719
employer shall agree to a provision that requires the public 10720
employer to pay more than eighty per cent of the cost paid for 10721
health care benefits. 10722

Sec. 4117.081. (A) This section applies only to school 10723
districts, educational service centers, community schools 10724
established under Chapter 3314. of the Revised Code, and STEM 10725
schools established under Chapter 3326. of the Revised Code. 10726

(B) No public employer to which this section applies shall 10727
enter into a collective bargaining agreement on or after the 10728
effective date of this section that does any of the following: 10729

(1) Requires the public employer to employ a minimum number 10730
of total personnel or any category of personnel; 10731

(2) Restricts the authority of the public employer or a 10732
district or service center superintendent to assign personnel to 10733
school buildings or restricts the authority of a building 10734

<u>principal to designate the responsibilities and workloads of</u>	10735
<u>personnel assigned to the building;</u>	10736
<u>(3) Establishes a maximum number of students who may be</u>	10737
<u>assigned to a classroom or teacher;</u>	10738
<u>(4) Prohibits the public employer from making reductions in</u>	10739
<u>teachers or nonteaching employees for any applicable reason</u>	10740
<u>specified in division (B) of section 124.321 or section 3319.17 or</u>	10741
<u>3319.172 of the Revised Code or in a policy adopted under section</u>	10742
<u>3319.171 of the Revised Code;</u>	10743
<u>(5) Restricts the authority of the public employer, when</u>	10744
<u>making personnel reductions, to determine the order of layoffs;</u>	10745
<u>(6) Restricts the authority of the public employer to acquire</u>	10746
<u>noneducational services from another public or private entity</u>	10747
<u>through competitive bidding;</u>	10748
<u>(7) Otherwise relinquishes, impairs, or restricts the</u>	10749
<u>managerial rights and responsibilities of the public employer</u>	10750
<u>described in division (C) of section 4117.08 of the Revised Code.</u>	10751
<u>(C) A public employer to which this section applies shall not</u>	10752
<u>engage in collective bargaining with its employees regarding</u>	10753
<u>health insurance benefits or teacher salaries.</u>	10754
<u>(D)(1) Except as otherwise provided in division (D)(2) of</u>	10755
<u>this section, each collective bargaining agreement entered into on</u>	10756
<u>or after the effective date of this section between a public</u>	10757
<u>employer to which this section applies and its employees shall</u>	10758
<u>comply with all applicable state or local laws or ordinances</u>	10759
<u>regarding wages, hours, and terms and conditions of employment of</u>	10760
<u>public employees.</u>	10761
<u>(2) A collective bargaining agreement entered into on or</u>	10762
<u>after the effective date of this section may include a provision</u>	10763
<u>that conflicts with an applicable law or ordinance, if the</u>	10764

provision establishes benefits that are less than the benefits 10765
conferred by the law or ordinance and division (A) of section 10766
4117.10 of the Revised Code does not require that the law or 10767
ordinance prevail over the conflicting provision. Any provision of 10768
the agreement that conflicts with an applicable law or ordinance 10769
and does not meet these requirements shall be void. 10770

(E) Notwithstanding division (A)(5) of section 4117.11 of the 10771
Revised Code, a public employer to which this section applies is 10772
not required to, and may refuse to, collectively bargain on the 10773
continuation, modification, or termination of a provision of an 10774
existing collective bargaining agreement, except when the 10775
continuation, modification, or termination of the provision is 10776
being addressed during negotiations for a successor agreement. 10777

Sec. 4117.09. (A) The parties to any collective bargaining 10778
agreement shall reduce the agreement to writing and both execute 10779
it. 10780

(B) The agreement shall contain a provision that: 10781

(1) Provides for a grievance procedure which may culminate 10782
with final and binding arbitration of unresolved grievances, and 10783
disputed interpretations of agreements, and which is valid and 10784
enforceable under its terms when entered into in accordance with 10785
this chapter. No publication thereof is required to make it 10786
effective. A party to the agreement may bring suits for violation 10787
of agreements or the enforcement of an award by an arbitrator in 10788
the court of common pleas of any county wherein a party resides or 10789
transacts business. 10790

(2) Authorizes the public employer to deduct the periodic 10791
dues, initiation fees, and assessments of members of the exclusive 10792
representative upon presentation of a written deduction 10793
authorization by the employee. 10794

(C) The agreement may contain a provision that requires as a condition of employment, on or after a mutually agreed upon probationary period or sixty days following the beginning of employment, whichever is less, or the effective date of a collective bargaining agreement, whichever is later, that the employees in the unit who are not members of the employee organization pay to the employee organization a fair share fee. The arrangement does not require any employee to become a member of the employee organization, nor shall fair share fees exceed dues paid by members of the employee organization who are in the same bargaining unit. Any public employee organization representing public employees pursuant to this chapter shall prescribe an internal procedure to determine a rebate, if any, for nonmembers which conforms to federal law, provided a nonmember makes a timely demand on the employee organization. Absent arbitrary and capricious action, such determination is conclusive on the parties except that a challenge to the determination may be filed with the state employment relations board within thirty days of the determination date specifying the arbitrary or capricious nature of the determination and the board shall review the rebate determination and decide whether it was arbitrary or capricious. The deduction of a fair share fee by the public employer from the payroll check of the employee and its payment to the employee organization is automatic and does not require the written authorization of the employee.

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

Any public employee who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion or religious body which has historically held

conscientious objections to joining or financially supporting an 10827
employee organization and which is exempt from taxation under the 10828
provisions of the Internal Revenue Code shall not be required to 10829
join or financially support any employee organization as a 10830
condition of employment. Upon submission of proper proof of 10831
religious conviction to the board, the board shall declare the 10832
employee exempt from becoming a member of or financially 10833
supporting an employee organization. The employee shall be 10834
required, in lieu of the fair share fee, to pay an amount of money 10835
equal to the fair share fee to a nonreligious charitable fund 10836
exempt from taxation under section 501(c)(3) of the Internal 10837
Revenue Code mutually agreed upon by the employee and the 10838
representative of the employee organization to which the employee 10839
would otherwise be required to pay the fair share fee. The 10840
employee shall furnish to the employee organization written 10841
receipts evidencing such payment, and failure to make the payment 10842
or furnish the receipts shall subject the employee to the same 10843
sanctions as would nonpayment of dues under the applicable 10844
collective bargaining agreement. 10845

No public employer shall agree to a provision requiring that 10846
a public employee become a member of an employee organization as a 10847
condition for securing or retaining employment. Any agreement that 10848
purports to require that employees join any exclusive 10849
representative is void and unenforceable. 10850

(D) As used in this division, "teacher" means any employee of 10851
a school district certified to teach in the public schools of this 10852
state. 10853

The agreement may contain a provision that provides for a 10854
peer review plan under which teachers in a bargaining unit or 10855
representatives of an employee organization representing teachers 10856
may, for other teachers of the same bargaining unit or teachers 10857
whom the employee organization represents, participate in 10858

assisting, instructing, reviewing, evaluating, or appraising and 10859
make recommendations or participate in decisions with respect to 10860
the retention, discharge, renewal, or nonrenewal of, the teachers 10861
covered by a peer review plan. 10862

The participation of teachers or their employee organization 10863
representative in a peer review plan permitted under this division 10864
shall not be construed as an unfair labor practice under this 10865
chapter or as a violation of any other provision of law or rule 10866
adopted pursuant thereto. 10867

(E) No agreement shall contain an expiration date that is 10868
later than three years from the date of execution. The parties may 10869
extend any agreement, but the extensions do not affect the 10870
expiration date of the original agreement. 10871

(F) No public employer shall agree to a provision that 10872
requires the public employer, when a reduction in force is 10873
necessary, to use an employee's length of service as the only 10874
factor to determine whether to lay off the employee. 10875

Sec. 4117.10. (A) An agreement between a public employer and 10876
an exclusive representative entered into pursuant to this chapter 10877
governs the wages, hours, and terms and conditions of public 10878
employment covered by the agreement. If the agreement provides for 10879
a final and binding arbitration of grievances, public employers, 10880
employees, and employee organizations are subject solely to that 10881
grievance procedure and the state personnel board of review or 10882
civil service commissions have no jurisdiction to receive and 10883
determine any appeals relating to matters that were the subject of 10884
a final and binding grievance procedure. Where no agreement exists 10885
or where an agreement makes no specification about a matter, the 10886
public employer and public employees are subject to all applicable 10887
state or local laws or ordinances pertaining to the wages, hours, 10888
and terms and conditions of employment for public employees. ~~Laws~~ 10889

<u>All of the following prevail over conflicting provisions of</u>	10890
<u>agreements between employee organizations and public employers:</u>	10891
<u>(1) Laws pertaining to civil any of the following subjects:</u>	10892
<u>(a) Civil rights, affirmative;</u>	10893
<u>(b) Affirmative action, unemployment;</u>	10894
<u>(c) Unemployment compensation, workers';</u>	10895
<u>(d) Workers' compensation, the;</u>	10896
<u>(e) The retirement of public employees, and residency;</u>	10897
<u>(f) The provision of health care benefits to public</u>	10898
<u>employees;</u>	10899
<u>(g) Residency requirements, the;</u>	10900
<u>(h) The minimum educational requirements contained in the</u>	10901
Revised Code pertaining to public education including the	10902
requirement of a certificate by the fiscal officer of a school	10903
district pursuant to section 5705.41 of the Revised Code, the ;	10904
<u>(i) The provisions of division (A) of section 124.34 of the</u>	10905
Revised Code governing the disciplining of officers and employees	10906
who have been convicted of a felony, and the ;	10907
<u>(j) The minimum standards promulgated by the state board of</u>	10908
education pursuant to division (D) of section 3301.07 of the	10909
Revised Code prevail over conflicting provisions of agreements	10910
between employee organizations and public employers. The	10911
<u>(2) The law pertaining to the leave of absence and</u>	10912
compensation provided under section 5923.05 of the Revised Code	10913
prevails over any conflicting provisions of such agreements if the	10914
terms of the agreement contain benefits which are less than those	10915
contained in that section or the agreement contains no such terms	10916
and the public authority is the state or any agency, authority,	10917
commission, or board of the state or, if the public authority is	10918

~~another entity listed in division (B) of section 4117.01 of the Revised Code that employer elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code-~~
~~The~~

(3) The law pertaining to the leave established under section 5906.02 of the Revised Code ~~prevails over any conflicting provision of an agreement between an employee organization and public employer~~ if the terms of the agreement contain benefits that are less than those contained in section 5906.02 of the Revised Code. ~~Except~~

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

(B) The public employer shall submit a request for funds necessary to implement an agreement and for approval of any other matter requiring the approval of the appropriate legislative body to the legislative body within fourteen days of the date on which the parties finalize the agreement, unless otherwise specified, but if the appropriate legislative body is not in session at the

time, then within fourteen days after it convenes. The legislative 10951
body must approve or reject the submission as a whole, and the 10952
submission is deemed approved if the legislative body fails to act 10953
within thirty days after the public employer submits the 10954
agreement. The parties may specify that those provisions of the 10955
agreement not requiring action by a legislative body are effective 10956
and operative in accordance with the terms of the agreement, 10957
provided there has been compliance with division (C) of this 10958
section. If the legislative body rejects the submission of the 10959
public employer, either party may reopen all or part of the entire 10960
agreement. 10961

As used in this section, "legislative body" includes the 10962
governing board of a municipal corporation, school district, 10963
college or university, village, township, or board of county 10964
commissioners or any other body that has authority to approve the 10965
budget of their public jurisdiction ~~and, with regard to the state,~~ 10966
~~"legislative body" means the controlling board.~~ 10967

(C) The chief executive officer, or the chief executive 10968
officer's representative, of each municipal corporation, the 10969
designated representative of the board of education of each school 10970
district, ~~college or university,~~ or any other body that has 10971
authority to approve the budget of their public jurisdiction, the 10972
designated representative of the board of county commissioners and 10973
of each elected officeholder of the county whose employees are 10974
covered by the collective negotiations, and the designated 10975
representative of the village or the board of township trustees of 10976
each township is responsible for negotiations in the collective 10977
bargaining process; except that the legislative body may accept or 10978
reject a proposed collective bargaining agreement. When the 10979
matters about which there is agreement are reduced to writing and 10980
approved by the employee organization and the legislative body, 10981
the agreement is binding upon the legislative body, the employer, 10982

and the employee organization and employees covered by the 10983
agreement. 10984

~~(D) There is hereby established an office of collective 10985
bargaining in the department of administrative services for the 10986
purpose of negotiating with and entering into written agreements 10987
between state agencies, departments, boards, and commissions and 10988
the exclusive representative on matters of wages, hours, terms and 10989
other conditions of employment and the continuation, modification, 10990
or deletion of an existing provision of a collective bargaining 10991
agreement. Nothing in any provision of law to the contrary shall 10992
be interpreted as excluding the bureau of workers' compensation 10993
and the industrial commission from the preceding sentence. This 10994
office shall not negotiate on behalf of other statewide elected 10995
officials or boards of trustees of state institutions of higher 10996
education who shall be considered as separate public employers for 10997
the purposes of this chapter; however, the office may negotiate on 10998
behalf of these officials or trustees where authorized by the 10999
officials or trustees. The staff of the office of collective 11000
bargaining are in the unclassified service. The director of 11001
administrative services shall fix the compensation of the staff. 11002~~

~~The office of collective bargaining shall: 11003~~

~~(1) Assist the director in formulating management's 11004
philosophy for public collective bargaining as well as planning 11005
bargaining strategies; 11006~~

~~(2) Conduct negotiations with the exclusive representatives 11007
of each employee organization; 11008~~

~~(3) Coordinate the state's resources in all mediation, 11009
fact finding, and arbitration cases as well as in all labor 11010
disputes; 11011~~

~~(4) Conduct systematic reviews of collective bargaining 11012
agreements for the purpose of contract negotiations; 11013~~

~~(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;~~ 11014
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~~(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.~~ 11016
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Sec. 4117.104. Notwithstanding any provision of section 4117.08 or 4117.10 of the Revised Code to the contrary, no agreement entered into under this chapter on or after the effective date of this section shall prohibit a public employer that the auditor of state has declared to be in a state of fiscal emergency from serving a written notice to terminate, modify, or negotiate a collective bargaining agreement pursuant to section 4117.14 of the Revised Code. If the public employer sends such a notice, the parties may collectively bargain and enter into a new collective bargaining agreement pursuant to section 4117.14 of the Revised Code. 11020
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Sec. 4117.11. (A) It is an unfair labor practice for a public employer, its agents, or representatives to: 11031
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(1) Interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Chapter 4117. of the Revised Code or an employee organization in the selection of its representative for the purposes of collective bargaining or the adjustment of grievances; 11033
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(2) Initiate, create, dominate, or interfere with the formation or administration of any employee organization, or contribute financial or other support to it; except that a public employer may permit employees to confer with it during working hours without loss of time or pay, permit the exclusive representative to use the facilities of the public employer for 11038
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membership or other meetings, or permit the exclusive 11044
representative to use the internal mail system or other internal 11045
communications system; 11046

(3) Discriminate in regard to hire or tenure of employment or 11047
any term or condition of employment on the basis of the exercise 11048
of rights guaranteed by Chapter 4117. of the Revised Code. Nothing 11049
precludes any employer from making and enforcing an agreement 11050
pursuant to division (C) of section 4117.09 of the Revised Code. 11051

(4) Discharge or otherwise discriminate against an employee 11052
because ~~he~~ the employee has filed charges or given testimony under 11053
Chapter 4117. of the Revised Code; 11054

(5) Refuse to bargain collectively with the representative of 11055
~~his~~ the employer's employees recognized as the exclusive 11056
representative or certified pursuant to Chapter 4117. of the 11057
Revised Code; 11058

(6) Establish a pattern or practice of repeated failures to 11059
timely process grievances and requests for arbitration of 11060
grievances; 11061

(7) Lock out or otherwise prevent employees from performing 11062
their regularly assigned duties where an object thereof is to 11063
bring pressure on the employees or an employee organization to 11064
compromise or capitulate to the employer's terms regarding a labor 11065
relations dispute; 11066

(8) Cause or attempt to cause an employee organization, its 11067
agents, or representatives to violate division (B) of this 11068
section. 11069

(B) It is an unfair labor practice for an employee 11070
organization, its agents, or representatives, or public employees 11071
to: 11072

(1) Restrain or coerce employees in the exercise of the 11073

rights guaranteed in Chapter 4117. of the Revised Code. This 11074
division does not impair the right of an employee organization to 11075
prescribe its own rules with respect to the acquisition or 11076
retention of membership therein, or an employer in the selection 11077
of ~~his~~ the employer's representative for the purpose of collective 11078
~~bargaining~~ bargaining or the adjustment of grievances. 11079

(2) Cause or attempt to cause an employer to violate division 11080
(A) of this section; 11081

(3) Refuse to bargain collectively with a public employer if 11082
the employee organization is recognized as the exclusive 11083
representative or certified as the exclusive representative of 11084
public employees in a bargaining unit; 11085

(4) Call, institute, maintain, or conduct a boycott against 11086
any public employer, or picket any place of business of a public 11087
employer, on account of any jurisdictional work dispute; 11088

(5) Induce or encourage any individual employed by any person 11089
to engage in a strike in violation of Chapter 4117. of the Revised 11090
Code or refusal to handle goods or perform services; or threaten, 11091
coerce, or restrain any person where an object thereof is to force 11092
or require any public employee to cease dealing or doing business 11093
with any other person, or force or require a public employer to 11094
recognize for representation purposes an employee organization not 11095
certified by the state employment relations board; 11096

(6) Fail to fairly represent all public employees in a 11097
bargaining unit; 11098

(7) Induce or encourage any individual in connection with a 11099
labor relations dispute to picket the residence or any place of 11100
private employment of any public official or representative of the 11101
public employer; 11102

(8) Engage in any picketing, striking, or other concerted 11103
refusal to work without giving written notice to the public 11104

employer and to the state employment relations board not less than 11105
ten days prior to the action. The notice shall state the date and 11106
time that the action will commence and, once the notice is given, 11107
the parties may extend it by the written agreement of both. 11108

(C) The expressing of any views, argument, or opinion, or the 11109
dissemination thereof, whether in written, printed, graphic, or 11110
visual form, shall not constitute or be evidence of an unfair 11111
labor practice under this chapter, if that expression contains no 11112
threat of reprisal or force or promise of benefit. 11113

(D) The determination by the board or any court that a public 11114
officer or employee has committed any of the acts prohibited by 11115
divisions (A) and (B) of this section shall not be made the basis 11116
of any charge for the removal from office or recall of the public 11117
officer or the suspension from or termination of employment of or 11118
disciplinary acts against an employee, nor shall the officer or 11119
employee be found subject to any suit for damages based on such a 11120
determination; however nothing in this division prevents any party 11121
to a collective bargaining agreement from seeking enforcement or 11122
damages for a violation thereof against the other party to the 11123
agreement. 11124

~~(D)~~(E) As to jurisdictional work disputes, the board shall 11125
hear and determine the dispute unless, within ten days after 11126
notice to the board by a party to the dispute that a dispute 11127
exists, the parties to the dispute submit to the board 11128
satisfactory evidence that they have adjusted, or agreed upon the 11129
method for the voluntary adjustment of, the dispute. 11130

Sec. 4117.14. (A) The procedures contained in this section 11131
govern the settlement of disputes between an exclusive 11132
representative and a public employer concerning the termination or 11133
modification of an existing collective bargaining agreement or 11134
negotiation of a successor agreement, or the negotiation of an 11135

initial collective bargaining agreement. 11136

(B)(1) In those cases where there exists a collective 11137
bargaining agreement, any public employer or exclusive 11138
representative desiring to terminate, modify, or negotiate a 11139
successor collective bargaining agreement shall: 11140

(a) Serve written notice upon the other party of the proposed 11141
termination, modification, or successor agreement. The party must 11142
serve the notice not less than sixty days prior to the expiration 11143
date of the existing agreement or, in the event the existing 11144
collective bargaining agreement does not contain an expiration 11145
date, not less than sixty days prior to the time it is proposed to 11146
make the termination or modifications or to make effective a 11147
successor agreement. 11148

(b) Offer to bargain collectively with the other party for 11149
the purpose of modifying or terminating any existing agreement or 11150
negotiating a successor agreement; 11151

(c) Notify the state employment relations board of the offer 11152
by serving upon the board a copy of the written notice to the 11153
other party and a copy of the existing collective bargaining 11154
agreement. 11155

(2) In the case of initial negotiations between a public 11156
employer and an exclusive representative, where a collective 11157
bargaining agreement has not been in effect between the parties, 11158
any party may serve notice upon the board and the other party 11159
setting forth the names and addresses of the parties and offering 11160
to meet, for a period of ninety days, with the other party for the 11161
purpose of negotiating a collective bargaining agreement. 11162

If the settlement procedures specified in divisions (B) ~~7~~ and 11163
(C) ~~7~~ and (D) of this section govern the parties, where those 11164
procedures refer to the expiration of a collective bargaining 11165
agreement, it means the expiration of the sixty-day period to 11166

negotiate a collective bargaining agreement referred to in this 11167
subdivision, or in the case of initial negotiations, it means the 11168
ninety_day period referred to in this subdivision. 11169

(3) The parties shall continue in full force and effect all 11170
the terms and conditions of any existing collective bargaining 11171
agreement, without resort to strike or lock-out, for a period of 11172
sixty days after the party gives notice or until the expiration 11173
date of the collective bargaining agreement, whichever occurs 11174
later, or for a period of ninety days where applicable. 11175

(4) ~~Upon~~ Except as otherwise provided in division (B)(4) of 11176
this section, upon receipt of the notice, the parties shall enter 11177
into collective bargaining. Notwithstanding divisions (A)(5) and 11178
(B)(3) of section 4117.11 of the Revised Code, neither a public 11179
employer nor an exclusive representative is required to, and may 11180
refuse to, collectively bargain on the continuation, modification, 11181
or termination of a provision of an existing agreement, unless the 11182
parties are addressing the continuation, modification, or 11183
termination of the provision during negotiations for a successor 11184
agreement. 11185

(C) In the event the parties are unable to reach an 11186
agreement, they may submit, ~~at any time prior to forty five days~~ 11187
~~before the expiration date of the collective bargaining agreement,~~ 11188
the issues in dispute to any mutually agreed upon dispute 11189
settlement procedure which supersedes the procedures contained in 11190
this section. If the parties submit the issues in dispute to a 11191
settlement procedure pursuant to division (C)(1) of this section, 11192
the public employer promptly shall post in a conspicuous location 11193
on the web site maintained by the public employer the terms of the 11194
last collective bargaining agreement offered by the public 11195
employer and the terms of the last collective bargaining agreement 11196
offered by the exclusive representative. 11197

(1) The procedures may include: 11198

(a) Conventional arbitration of all unsettled issues;	11199
(b) Arbitration confined to a choice between the last offer of each party to the agreement as a single package;	11200 11201
(c) Arbitration confined to a choice of the last offer of each party to the agreement on each issue submitted;	11202 11203
(d) The procedures described in division (C)(1)(a), (b), or (c) of this section and including among the choices for the arbitrator, the recommendations of the fact finder, if there are recommendations, either as a single package or on each issue submitted;	11204 11205 11206 11207 11208
(e) Settlement by a citizens' conciliation council composed of three residents within the jurisdiction of the public employer. The public employer shall select one member and the exclusive representative shall select one member. The two members selected shall select the third member who shall chair the council. If the two members cannot agree upon a third member within five days after their appointments, the board shall appoint the third member. Once appointed, the council shall make a final settlement of the issues submitted to it pursuant to division (G) of this section.	11209 11210 11211 11212 11213 11214 11215 11216 11217 11218
(f) Any other dispute settlement procedure mutually agreed to by the parties.	11219 11220
(2) If, fifty days before the expiration date of the collective bargaining agreement, the parties are unable to reach an agreement, any party may request the state employment relations board to intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.	11221 11222 11223 11224 11225 11226
The board shall intervene and investigate the dispute to determine whether the parties have engaged in collective bargaining.	11227 11228 11229

If an impasse exists or forty-five days before the expiration 11230
date of the collective bargaining agreement if one exists, the 11231
board shall appoint a mediator to assist the parties in the 11232
collective bargaining process. As used in division (C)(2) of this 11233
section, "impasse" means the failure of the public employer and 11234
exclusive representative to achieve agreement in the course of 11235
good faith bargaining for ninety days. 11236

If the board appoints a mediator pursuant to division (C)(2) 11237
of this section, the board and the public employer promptly shall 11238
post in a conspicuous location on the web site maintained by the 11239
board or public employer, respectively, the terms of the last 11240
collective bargaining agreement offered by the public employer and 11241
the terms of the last collective bargaining agreement offered by 11242
the exclusive representative. 11243

(3) Any time after the appointment of a mediator, either 11244
party may request the appointment of a fact-finding panel. Within 11245
fifteen days after receipt of a request for a fact-finding panel, 11246
the board shall appoint a fact-finding panel of not more than 11247
three members who have been selected by the parties in accordance 11248
with rules established by the board, from a list of qualified 11249
persons maintained by the board. If either party requests the 11250
appointment of a fact-finding panel pursuant to division (C)(3) of 11251
this section, the board and the public employer promptly shall 11252
post in a conspicuous location on the web site maintained by the 11253
board or public employer, respectively, the terms of the last 11254
collective bargaining agreement offered by the public employer and 11255
the terms of the last collective bargaining agreement offered by 11256
the exclusive representative. 11257

(a) The fact-finding panel shall, in accordance with rules 11258
and procedures established by the board that include the 11259
regulation of costs and expenses of fact-finding, gather facts and 11260
make recommendations for the resolution of the matter. The board 11261

shall by its rules require each party to specify in writing the 11262
unresolved issues and its position on each issue to the 11263
fact-finding panel. The fact-finding panel shall make final 11264
recommendations as to all the unresolved issues. 11265

(b) The board may continue mediation, order the parties to 11266
engage in collective bargaining until the expiration date of the 11267
agreement, or both. 11268

(4) The following guidelines apply to fact-finding: 11269

(a) The fact-finding panel may establish times and place of 11270
hearings which shall be, where feasible, in the jurisdiction of 11271
the state. 11272

(b) The fact-finding panel shall conduct the hearing pursuant 11273
to rules established by the board. 11274

(c) Upon request of the fact-finding panel, the board shall 11275
issue subpoenas for hearings conducted by the panel. 11276

(d) The fact-finding panel may administer oaths. 11277

(e) The board shall prescribe guidelines for the fact-finding 11278
panel to follow in making findings. In making its recommendations, 11279
the fact-finding panel shall take into consideration the factors 11280
listed in ~~divisions~~ division (G)(7)(a) to (f) of this section. 11281

(f) The fact-finding panel may attempt mediation at any time 11282
during the fact-finding process. From the time of appointment 11283
until the fact-finding panel makes a final recommendation, it 11284
shall not discuss the recommendations for settlement of the 11285
dispute with parties other than the direct parties to the dispute. 11286

(5) The fact-finding panel, acting by a majority of its 11287
members, shall transmit its findings of fact and recommendations 11288
on the unresolved issues to the public employer and employee 11289
organization involved and to the board no later than ~~fourteen~~ 11290
thirty days after the appointment of the fact-finding panel, 11291

unless the parties mutually agree to an extension. The 11292
fact-finding panel shall include with its findings of fact and 11293
recommendations a written report explaining how each of the 11294
factors listed in division (G)(7) of this section factored into 11295
the panel's findings of fact and recommendations. The parties 11296
shall share the cost of the fact-finding panel in a manner agreed 11297
to by the parties. 11298

(6)(a) ~~Not~~ Except with respect to the public employees listed 11299
in division (D)(2) of this section, not later than seven days 11300
after the findings and recommendations are sent, the legislative 11301
body, by a three-fifths vote of its total membership, and in the 11302
case of the public employee organization, the membership, by a 11303
three-fifths vote of the total membership, may reject the 11304
recommendations; ~~if.~~ If neither rejects the recommendations, the 11305
recommendations shall be deemed agreed upon as the final 11306
resolution of the issues submitted and a collective bargaining 11307
agreement shall be executed between the parties, including the 11308
fact-finding panel's recommendations, except as otherwise modified 11309
by the parties by mutual agreement. If either the legislative body 11310
or the public employee organization rejects the recommendations, 11311
the board shall publicize the findings of fact and recommendations 11312
of the fact-finding panel, and the public employer may implement, 11313
in whole or in part, any recommendation of the fact-finding panel 11314
approved by the legislative body. The board shall adopt rules 11315
governing the procedures and methods for public employees to vote 11316
on the recommendations of the fact-finding panel. 11317

(b) With respect to the public employees listed in division 11318
(D)(2) of this section, not later than seven days after the 11319
findings and recommendations are sent, the legislative body, by a 11320
three-fifths vote of its total membership, and in the case of the 11321
public employee organization, the membership, by a three-fifths 11322
vote of the total membership, may accept the recommendations. If 11323

either party does not accept the recommendations, the board shall 11324
publicize the findings of fact and recommendations of the 11325
fact-finding panel and the terms of the last collective bargaining 11326
agreements offered by the public employer and the public employee 11327
organization. A collective bargaining agreement shall be executed 11328
between the parties that contains the same terms as the collective 11329
bargaining agreement that was in effect prior to the appointment 11330
of the fact-finding panel and shall continue in effect for one 11331
year, or the public employer may implement, in whole or in part, 11332
any recommendation of the fact-finding panel approved by the 11333
legislative body while bargaining continues. In the case of 11334
initial negotiations between a public employer and an exclusive 11335
representative, after the board publicizes the findings of fact 11336
and recommendations of the fact-finding panel, no collective 11337
bargaining agreement shall be executed between the parties and the 11338
parties shall not attempt to negotiate a collective bargaining 11339
agreement again for not less than one year, or the public employer 11340
may implement in whole or in part any recommendation of the 11341
fact-finding panel approved by the legislative body while 11342
bargaining continues. 11343

~~As used in division (C)(6)(a) of this section, "legislative~~ 11344
~~body" means the controlling board when the state or any of its~~ 11345
~~agencies, authorities, commissions, boards, or other branch of~~ 11346
~~public employment is party to the fact finding process.~~ 11347

(D)(1) If the parties are unable to reach agreement within 11348
seven days after the publication of findings and recommendations 11349
from the fact-finding panel or the collective bargaining 11350
agreement, if one exists, has expired, then the+ 11351

~~(1) Public employees, who are members of a police or fire~~ 11352
~~department, members of the state highway patrol, deputy sheriffs,~~ 11353
~~dispatchers employed by a police, fire or sheriff's department or~~ 11354
~~the state highway patrol or civilian dispatchers employed by a~~ 11355

~~public employer other than a police, fire, or sheriff's department 11356
to dispatch police, fire, sheriff's department, or emergency 11357
medical or rescue personnel and units, an exclusive nurse's unit, 11358
employees of the state school for the deaf or the state school for 11359
the blind, employees of any public employee retirement system, 11360
corrections officers, guards at penal or mental institutions, 11361
special police officers appointed in accordance with sections 11362
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 11363
employed at mental health forensic facilities, youth leaders 11364
employed at juvenile correctional facilities, or members of a law 11365
enforcement security force that is established and maintained 11366
exclusively by a board of county commissioners and whose members 11367
are employed by that board, shall submit the matter to a final 11368
offer settlement procedure pursuant to a board order issued 11369
forthwith to the parties to settle by a conciliator selected by 11370
the parties. The parties shall request from the board a list of 11371
five qualified conciliators and the parties shall select a single 11372
conciliator from the list by alternate striking of names. If the 11373
parties cannot agree upon a conciliator within five days after the 11374
board order, the board shall on the sixth day after its order 11375
appoint a conciliator from a list of qualified persons maintained 11376
by the board or shall request a list of qualified conciliators 11377
from the American arbitration association and appoint therefrom. 11378~~

~~(2) Public public employees other than those listed in 11379
division (D)~~(1)~~(2) of this section have the right to strike under 11380
Chapter 4117. of the Revised Code provided that the employee 11381
organization representing the employees has given a ten-day prior 11382
written notice of an intent to strike to the public employer and 11383
to the board, and further provided that the strike is for full, 11384
consecutive work days and the beginning date of the strike is at 11385
least ten work days after the ending date of the most recent prior 11386
strike involving the same bargaining unit; however, the board, at 11387
its discretion, may attempt mediation at any time. 11388~~

<u>(2) Division (D)(1) of this section does not apply to any of</u>	11389
<u>the following public employees:</u>	11390
<u>(a) Members of a police or fire department;</u>	11391
<u>(b) Deputy sheriffs;</u>	11392
<u>(c) Dispatchers employed by a police, fire, or sheriff's</u>	11393
<u>department or civilian dispatchers employed by a public employer</u>	11394
<u>other than a police, fire, or sheriff's department to dispatch</u>	11395
<u>police, fire, sheriff's department, or emergency medical or rescue</u>	11396
<u>personnel and units;</u>	11397
<u>(d) An exclusive nurse's unit;</u>	11398
<u>(e) Corrections officers;</u>	11399
<u>(f) Guards at penal or mental institutions;</u>	11400
<u>(g) Psychiatric attendants employed at mental health forensic</u>	11401
<u>facilities;</u>	11402
<u>(h) Youth leaders employed at juvenile correctional</u>	11403
<u>facilities;</u>	11404
<u>(i) Members of a law enforcement security force that is</u>	11405
<u>established and maintained exclusively by a board of county</u>	11406
<u>commissioners and whose members are employed by that board.</u>	11407
(E) Nothing in this section shall be construed to prohibit	11408
the parties, at any time, from voluntarily agreeing to submit any	11409
or all of the issues in dispute to any other alternative dispute	11410
settlement procedure. An agreement or statutory requirement to	11411
arbitrate or to settle a dispute pursuant to a final offer	11412
settlement procedure and the award issued in accordance with the	11413
agreement or statutory requirement is enforceable in the same	11414
manner as specified in division (B) of section 4117.09 of the	11415
Revised Code.	11416
<u>Notwithstanding division (C) of this section, if an issue in</u>	11417
<u>dispute involves the compensation of the public employees employed</u>	11418

by a public employer, and if an alternative dispute resolution 11419
procedure is used to resolve that issue, the mediator, arbitrator, 11420
or other individual administering the alternative dispute 11421
procedure shall take into account the compensation paid by the 11422
public employer to the public employer's public employees who are 11423
not members of the bargaining unit represented by the exclusive 11424
representative or who are members of that bargaining unit but who 11425
are not members of the exclusive representative. 11426

(F) Nothing in this section shall be construed to prohibit a 11427
party from seeking enforcement of a collective bargaining 11428
agreement or a ~~conciliator's~~ citizens' conciliation council final 11429
offer settlement award as specified in division (B) of section 11430
4117.09 of the Revised Code. 11431

(G) The following guidelines apply to final offer settlement 11432
proceedings under division ~~(D)~~(C)(1)(e) of this section: 11433

(1) The parties shall submit to final offer settlement those 11434
issues that are subject to collective bargaining as provided by 11435
section 4117.08 of the Revised Code and upon which the parties 11436
have not reached agreement and other matters mutually agreed to by 11437
the public employer and the exclusive representative; except that 11438
the ~~conciliator~~ council may attempt mediation at any time. 11439

(2) The ~~conciliator~~ council shall hold a hearing within 11440
thirty days of the ~~board's order to submit to a final offer~~ 11441
~~settlement procedure~~ appointment of the council, or as soon 11442
thereafter as is practicable. 11443

(3) The ~~conciliator~~ council shall conduct the hearing 11444
pursuant to rules developed by the board. The ~~conciliator~~ council 11445
shall establish the hearing time and place, but it shall be, where 11446
feasible, within the jurisdiction of the state. Not later than 11447
five calendar days before the hearing, each of the parties shall 11448
submit to the ~~conciliator~~ council, to the opposing party, and to 11449

the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position.

(4) Upon the request by the ~~conciliator~~ council, the board shall issue subpoenas for the hearing.

(5) The ~~conciliator~~ council may administer oaths.

(6) The ~~conciliator~~ council shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing. The board shall submit for inclusion in the record and for consideration by the ~~conciliator~~ council the written report and recommendation of the fact-finders if such a report has been made.

(7) After hearing, the ~~conciliator~~ council shall resolve the dispute between the parties by selecting, on an issue-by-issue basis, from between each of the party's final settlement offers, taking into consideration the following factors:

(a) Past collectively bargained agreements, if any, between the parties;

(b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;

(c) The interests and welfare of the public, and the ability of the public employer to finance and administer the issues proposed, ~~and the effect of the adjustments on the normal standard of public service;~~

(d) The lawful authority of the public employer;

(e) The stipulations of the parties;

(f) The compensation paid by the public employer to the

public employer's public employees who are not members of the bargaining unit represented by the exclusive representative or who are members of that bargaining unit but are not members of the exclusive representative; 11480
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(g) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment. 11484
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(8) Final offer settlement awards made under Chapter 4117. of the Revised Code are subject to Chapter 2711. of the Revised Code. 11490
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(9) ~~If more than one conciliator is used, the~~ The determination must be by majority vote. 11492
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(10) The ~~conciliator~~ council shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the ~~conciliator~~ council, and upon the record made before the ~~conciliator~~ council and shall mail or otherwise deliver a true copy thereof to the parties and the board. 11494
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(11) Increases in rates of compensation and other matters with cost implications awarded by the ~~conciliator~~ council may be effective only at the start of the fiscal year next commencing after the date of the final offer settlement award; provided that if a new fiscal year has commenced since the ~~issuance of the board order to submit to a final offer settlement procedure~~ appointment of the council, the awarded increases may be retroactive to the commencement of the new fiscal year. The parties may, at any time, amend or modify a ~~conciliator's~~ council's award or order by mutual agreement. 11499
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(12) The parties shall bear equally the cost of the final offer settlement procedure. 11509
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~~(13) Conciliators appointed pursuant to this section shall be residents of the state.~~ 11511
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(H) All final offer settlement awards and orders of the ~~conciliator council~~ made pursuant to ~~Chapter 4117. of the Revised Code~~ divisions (C)(1)(e) and (G) of this section are subject to review by the court of common pleas having jurisdiction over the public employer as provided in Chapter 2711. of the Revised Code. If the public employer is located in more than one court of common pleas district, the court of common pleas in which the principal office of the chief executive is located has jurisdiction. 11513
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(I) The issuance of a final offer settlement award constitutes a binding mandate to the public employer and the exclusive representative to take whatever actions are necessary to implement the award. 11521
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(J) Except as provided in division (C)(6)(b) of this section, seven days after the expiration date of a collective bargaining agreement or after the expiration of the time period described in division (B)(2) of this section, if the public employer and exclusive representative have not entered a new collective bargaining agreement, the board and the public employer promptly shall post in a conspicuous location on the web site maintained by the board or public employer, respectively, both the terms of the last collective bargaining agreement offered by the public employer and the terms of the last collective bargaining agreement offered by the exclusive representative. 11525
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Sec. 4117.15. (A) Whenever a strike by ~~members of a police or fire department, members of the state highway patrol, deputy sheriffs, dispatchers employed by a police, fire or sheriff's department or the state highway patrol or civilian dispatchers employed by a public employer other than a police, fire, or sheriff's department to dispatch police, fire, sheriff's~~ 11536
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~~department, or emergency medical or rescue personnel and units, an~~ 11542
~~exclusive nurse's unit, employees of the state school for the deaf~~ 11543
~~or the state school for the blind, employees of any public~~ 11544
~~employee retirement system, correction officers, guards at penal~~ 11545
~~or mental institutions, or special police officers appointed in~~ 11546
~~accordance with sections 5119.14 and 5123.13 of the Revised Code,~~ 11547
~~psychiatric attendants employed at mental health forensic~~ 11548
~~facilities, youth leaders employed at juvenile correctional~~ 11549
~~facilities, or members of a law enforcement security force that is~~ 11550
~~established and maintained exclusively by a board of county~~ 11551
~~commissioners and whose members are employed by that board~~ public 11552
employees listed in division (D)(2) of section 4117.14 of the 11553
Revised Code, a strike by other public employees during the 11554
pendency of the settlement procedures set forth in section 4117.14 11555
of the Revised Code, or a strike during the term or extended term 11556
of a collective bargaining agreement occurs, the public employer 11557
may seek an injunction against the strike in the court of common 11558
pleas of the county in which the strike is located. 11559

(B) An unfair labor practice by a public employer is not a 11560
defense to the injunction proceeding noted in division (A) of this 11561
section. Allegations of unfair labor practices during the 11562
settlement procedures set forth in section 4117.14 of the Revised 11563
Code shall receive priority by the state employment relations 11564
board. 11565

(C) No public employee is entitled to pay or compensation 11566
from the public employer for the period engaged in any strike. 11567

(D) During a strike by public employees, the public employer 11568
may hire any of the following people to replace the employees who 11569
participate in the strike: 11570

(1) Temporary replacement workers; 11571

(2) Permanent replacement workers; 11572

(3) Employees who are not represented by an employee organization; 11573
11574

(4) Contract employees; 11575

(5) Employees who are members of the bargaining unit who choose to work instead of participating in the strike. 11576
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Sec. 4117.20. (A) No person who is a member of the same 11578
local, state, national, or international organization as the 11579
employee organization with which the public employer is bargaining 11580
or who has an interest in the outcome of the bargaining, which 11581
interest is in conflict with the interest of the public employer, 11582
shall participate on behalf of the public employer in the 11583
collective bargaining process except that the person may, where 11584
entitled, vote on the ratification of an agreement. 11585

(B) No public official or employee shall participate on behalf of a public employer in the collective bargaining process with respect to any matter in which the official or employee, or the immediate family of the official or employee, has a direct interest in the outcome of the matter. As used in this division, "immediate family" has the same meaning as in section 102.01 of the Revised Code. 11586
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(C) The public employer shall immediately remove from ~~his~~ the person's role, if any, in the collective bargaining negotiations 11593
or in any matter in connection with negotiations any person who 11594
violates division (A) or (B) of this section. 11595
11596

Sec. 4117.26. (A) As used in this section, "compensation" means wages, salary, and other earnings paid to a public employee by reason of employment. "Compensation" includes all of the following that are provided by a public employer to a public employee: 11597
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(1) Allowances for food or drink; 11602

<u>(2) Allowances or stipends for clothing;</u>	11603
<u>(3) Compensation in addition to base salary for labor performed or services rendered by the public employee, including any additional compensation paid for attending an event that occurs outside the public employee's normal work schedule;</u>	11604 11605 11606 11607
<u>(4) Payments for length of service;</u>	11608
<u>(5) Allowances for dry cleaning services;</u>	11609
<u>(6) Insurance coverage, including health insurance, vision insurance, dental insurance, disability insurance, or life insurance;</u>	11610 11611 11612
<u>(7) Anything of value given to a public employee by a public employer for labor performed or services rendered by the public employee.</u>	11613 11614 11615
<u>(B) Beginning with the first collective bargaining agreement entered into on or after the effective date of this section between a public employer and an exclusive representative that represents public employees employed by the public employer, and for each collective bargaining agreement entered into thereafter, the public employer shall issue a report that lists all of the following:</u>	11616 11617 11618 11619 11620 11621 11622
<u>(1) Each provision in the collective bargaining agreement that affects the compensation paid by the public employer to the public employer's public employees;</u>	11623 11624 11625
<u>(2) A description of the changes in compensation paid to the public employer's public employees that are not addressed in the collective bargaining agreement but will occur during the time period the collective bargaining agreement is in effect;</u>	11626 11627 11628 11629
<u>(3) Any material terms of the agreement.</u>	11630
<u>(C) Not more than thirty days after a public employer and the exclusive representative enter into the collective bargaining</u>	11631 11632

agreement, the public employer shall submit the report required 11633
under division (B) of this section to the state employment 11634
relations board and post a copy of the report in a conspicuous 11635
manner on the web site maintained by the public employer. Upon 11636
receipt of a report from a public employer, the board shall post a 11637
copy of the report in a conspicuous manner on the web site 11638
maintained by the board. 11639

(D)(1) If a change in compensation is to occur during the 11640
time period a collective bargaining agreement is in effect and 11641
that change was not included in the report described in division 11642
(B) of this section, or if the public employer and an exclusive 11643
representative enter into a modified collective bargaining 11644
agreement during that time period, the public employer shall do 11645
all of the following: 11646

(a) Update the report described in division (B) of this 11647
section; 11648

(b) Submit the updated report to the board not less than five 11649
days prior to the date the change or modified agreement is to take 11650
effect; 11651

(c) Post the updated report in a conspicuous manner on the 11652
web site maintained by the public employer not less than five days 11653
prior to the date the change or modified agreement is to take 11654
effect. 11655

(2) Upon receipt of an updated report under division (D)(1) 11656
of this section, the board shall post a copy of the report in a 11657
conspicuous manner on the web site maintained by the board. 11658

Sec. 4121.03. (A) The governor shall appoint from among the 11659
members of the industrial commission the chairperson of the 11660
industrial commission. The chairperson shall serve as chairperson 11661
at the pleasure of the governor. The chairperson is the head of 11662

the commission and its chief executive officer. 11663

(B) The chairperson shall appoint, after consultation with 11664
other commission members and obtaining the approval of at least 11665
one other commission member, an executive director of the 11666
commission. The executive director shall serve at the pleasure of 11667
the chairperson. The executive director, under the direction of 11668
the chairperson, shall perform all of the following duties: 11669

(1) Act as chief administrative officer for the commission; 11670

(2) Ensure that all commission personnel follow the rules of 11671
the commission; 11672

(3) Ensure that all orders, awards, and determinations are 11673
properly heard and signed, prior to attesting to the documents; 11674

(4) Coordinate, to the fullest extent possible, commission 11675
activities with the bureau of workers' compensation activities; 11676

(5) Do all things necessary for the efficient and effective 11677
implementation of the duties of the commission. 11678

The responsibilities assigned to the executive director of 11679
the commission do not relieve the chairperson from final 11680
responsibility for the proper performance of the acts specified in 11681
this division. 11682

(C) The chairperson shall do all of the following: 11683

(1) Except as otherwise provided in this division, employ, 11684
promote, supervise, remove, and establish the compensation of all 11685
employees as needed in connection with the performance of the 11686
commission's duties under this chapter and Chapters 4123., 4127., 11687
and 4131. of the Revised Code and may assign to them their duties 11688
to the extent necessary to achieve the most efficient performance 11689
of its functions, and to that end may establish, change, or 11690
abolish positions, and assign and reassign duties and 11691
responsibilities of every employee of the commission. The civil 11692

service status of any person employed by the commission prior to 11693
November 3, 1989, is not affected by this section. Personnel 11694
~~employed by the bureau or the commission who are subject to~~ 11695
~~Chapter 4117. of the Revised Code shall retain all of their rights~~ 11696
~~and benefits conferred pursuant to that chapter as it presently~~ 11697
~~exists or is hereafter amended and nothing in this chapter or~~ 11698
~~Chapter 4123. of the Revised Code shall be construed as~~ 11699
~~eliminating or interfering with Chapter 4117. of the Revised Code~~ 11700
~~or the rights and benefits conferred under that chapter to public~~ 11701
~~employees or to any bargaining unit.~~ 11702

(2) Hire district and staff hearing officers after 11703
consultation with other commission members and obtaining the 11704
approval of at least one other commission member; 11705

(3) Fire staff and district hearing officers when the 11706
chairperson finds appropriate after obtaining the approval of at 11707
least one other commission member; 11708

(4) Maintain the office for the commission in Columbus; 11709

(5) To the maximum extent possible, use electronic data 11710
processing equipment for the issuance of orders immediately 11711
following a hearing, scheduling of hearings and medical 11712
examinations, tracking of claims, retrieval of information, and 11713
any other matter within the commission's jurisdiction, and shall 11714
provide and input information into the electronic data processing 11715
equipment as necessary to effect the success of the claims 11716
tracking system established pursuant to division (B)(15) of 11717
section 4121.121 of the Revised Code; 11718

(6) Exercise all administrative and nonadjudicatory powers 11719
and duties conferred upon the commission by Chapters 4121., 4123., 11720
4127., and 4131. of the Revised Code; 11721

(7) Approve all contracts for special services. 11722

(D) The chairperson is responsible for all administrative 11723

matters and may secure for the commission facilities, equipment, 11724
and supplies necessary to house the commission, any employees, and 11725
files and records under the commission's control and to discharge 11726
any duty imposed upon the commission by law, the expense thereof 11727
to be audited and paid in the same manner as other state expenses. 11728
For that purpose, the chairperson, separately from the budget 11729
prepared by the administrator of workers' compensation and the 11730
budget prepared by the director of the workers' compensation 11731
council, shall prepare and submit to the office of budget and 11732
management a budget for each biennium according to sections 11733
101.532 and 107.03 of the Revised Code. The budget submitted shall 11734
cover the costs of the commission and staff and district hearing 11735
officers in the discharge of any duty imposed upon the 11736
chairperson, the commission, and hearing officers by law. 11737

(E) A majority of the commission constitutes a quorum to 11738
transact business. No vacancy impairs the rights of the remaining 11739
members to exercise all of the powers of the commission, so long 11740
as a majority remains. Any investigation, inquiry, or hearing that 11741
the commission may hold or undertake may be held or undertaken by 11742
or before any one member of the commission, or before one of the 11743
deputies of the commission, except as otherwise provided in this 11744
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 11745
Every order made by a member, or by a deputy, when approved and 11746
confirmed by a majority of the members, and so shown on its record 11747
of proceedings, is the order of the commission. The commission may 11748
hold sessions at any place within the state. The commission is 11749
responsible for all of the following: 11750

(1) Establishing the overall adjudicatory policy and 11751
management of the commission under this chapter and Chapters 11752
4123., 4127., and 4131. of the Revised Code, except for those 11753
administrative matters within the jurisdiction of the chairperson, 11754
bureau of workers' compensation, and the administrator of workers' 11755

compensation under those chapters; 11756

(2) Hearing appeals and reconsiderations under this chapter 11757
and Chapters 4123., 4127., and 4131. of the Revised Code; 11758

(3) Engaging in rulemaking where required by this chapter or 11759
Chapter 4123., 4127., or 4131. of the Revised Code. 11760

Sec. 4121.121. (A) There is hereby created the bureau of 11761
workers' compensation, which shall be administered by the 11762
administrator of workers' compensation. A person appointed to the 11763
position of administrator shall possess significant management 11764
experience in effectively managing an organization or 11765
organizations of substantial size and complexity. A person 11766
appointed to the position of administrator also shall possess a 11767
minimum of five years of experience in the field of workers' 11768
compensation insurance or in another insurance industry, except as 11769
otherwise provided when the conditions specified in division (C) 11770
of this section are satisfied. The governor shall appoint the 11771
administrator as provided in section 121.03 of the Revised Code, 11772
and the administrator shall serve at the pleasure of the governor. 11773
The governor shall fix the administrator's salary on the basis of 11774
the administrator's experience and the administrator's 11775
responsibilities and duties under this chapter and Chapters 4123., 11776
4125., 4127., 4131., and 4167. of the Revised Code. The governor 11777
shall not appoint to the position of administrator any person who 11778
has, or whose spouse has, given a contribution to the campaign 11779
committee of the governor in an amount greater than one thousand 11780
dollars during the two-year period immediately preceding the date 11781
of the appointment of the administrator. 11782

The administrator shall hold no other public office and shall 11783
devote full time to the duties of administrator. Before entering 11784
upon the duties of the office, the administrator shall take an 11785
oath of office as required by sections 3.22 and 3.23 of the 11786

Revised Code, and shall file in the office of the secretary of 11787
state, a bond signed by the administrator and by surety approved 11788
by the governor, for the sum of fifty thousand dollars payable to 11789
the state, conditioned upon the faithful performance of the 11790
administrator's duties. 11791

(B) The administrator is responsible for the management of 11792
the bureau and for the discharge of all administrative duties 11793
imposed upon the administrator in this chapter and Chapters 4123., 11794
4125., 4127., 4131., and 4167. of the Revised Code, and in the 11795
discharge thereof shall do all of the following: 11796

(1) Perform all acts and exercise all authorities and powers, 11797
discretionary and otherwise that are required of or vested in the 11798
bureau or any of its employees in this chapter and Chapters 4123., 11799
4125., 4127., 4131., and 4167. of the Revised Code, except the 11800
acts and the exercise of authority and power that is required of 11801
and vested in the bureau of workers' compensation board of 11802
directors or the industrial commission pursuant to those chapters. 11803
The treasurer of state shall honor all warrants signed by the 11804
administrator, or by one or more of the administrator's employees, 11805
authorized by the administrator in writing, or bearing the 11806
facsimile signature of the administrator or such employee under 11807
sections 4123.42 and 4123.44 of the Revised Code. 11808

(2) Employ, direct, and supervise all employees required in 11809
connection with the performance of the duties assigned to the 11810
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 11811
and 4167. of the Revised Code, including an actuary, and may 11812
establish job classification plans and compensation for all 11813
employees of the bureau ~~provided that this grant of authority~~ 11814
~~shall not be construed as affecting any employee for whom the~~ 11815
~~state employment relations board has established an appropriate~~ 11816
~~bargaining unit under section 4117.06 of the Revised Code. All~~ 11817
positions of employment in the bureau are in the classified civil 11818

service except those employees the administrator may appoint to 11819
serve at the administrator's pleasure in the unclassified civil 11820
service pursuant to section 124.11 of the Revised Code. The 11821
administrator shall fix the salaries of employees the 11822
administrator appoints to serve at the administrator's pleasure, 11823
including the chief operating officer, staff physicians, and other 11824
senior management personnel of the bureau and shall establish the 11825
compensation of staff attorneys of the bureau's legal section and 11826
their immediate supervisors, and take whatever steps are necessary 11827
to provide adequate compensation for other staff attorneys. 11828

The administrator may appoint a person who holds a certified 11829
position in the classified service within the bureau to a position 11830
in the unclassified service within the bureau. A person appointed 11831
pursuant to this division to a position in the unclassified 11832
service shall retain the right to resume the position and status 11833
held by the person in the classified service immediately prior to 11834
the person's appointment in the unclassified service, regardless 11835
of the number of positions the person held in the unclassified 11836
service. An employee's right to resume a position in the 11837
classified service may only be exercised when the administrator 11838
demotes the employee to a ~~pay range~~ salary or wage lower than the 11839
employee's current ~~pay range~~ salary or wage or revokes the 11840
employee's appointment to the unclassified service. An employee 11841
forfeits the right to resume a position in the classified service 11842
when the employee is removed from the position in the unclassified 11843
service due to incompetence, inefficiency, dishonesty, 11844
drunkenness, immoral conduct, insubordination, discourteous 11845
treatment of the public, neglect of duty, violation of this 11846
chapter or Chapter 124., 4123., 4125., 4127., 4131., or 4167. of 11847
the Revised Code, violation of the rules of the director of 11848
administrative services or the administrator, any other failure of 11849
good behavior, any other acts of misfeasance, malfeasance, or 11850
nonfeasance in office, or conviction of a felony. An employee also 11851

forfeits the right to resume a position in the classified service 11852
upon transfer to a different agency. 11853

Reinstatement to a position in the classified service shall 11854
be to a position substantially equal to that position in the 11855
classified service held previously, as certified by the department 11856
of administrative services. If the position the person previously 11857
held in the classified service has been placed in the unclassified 11858
service or is otherwise unavailable, the person shall be appointed 11859
to a position in the classified service within the bureau that the 11860
director of administrative services certifies is comparable in 11861
compensation to the position the person previously held in the 11862
classified service. Service in the position in the unclassified 11863
service shall be counted as service in the position in the 11864
classified service held by the person immediately prior to the 11865
person's appointment in the unclassified service. When a person is 11866
reinstated to a position in the classified service as provided in 11867
this division, the person is entitled to all rights, status, and 11868
benefits accruing to the position during the person's time of 11869
service in the position in the unclassified service. 11870

(3) Reorganize the work of the bureau, its sections, 11871
departments, and offices to the extent necessary to achieve the 11872
most efficient performance of its functions and to that end may 11873
establish, change, or abolish positions and assign and reassign 11874
duties and responsibilities of every employee of the bureau. All 11875
persons employed by the commission in positions that, after 11876
November 3, 1989, are supervised and directed by the administrator 11877
under this section are transferred to the bureau in their 11878
respective classifications but subject to reassignment and 11879
reclassification of position and compensation as the administrator 11880
determines to be in the interest of efficient administration. The 11881
civil service status of any person employed by the commission is 11882
not affected by this section. ~~Personnel employed by the bureau or~~ 11883

~~the commission who are subject to Chapter 4117. of the Revised 11884
Code shall retain all of their rights and benefits conferred 11885
pursuant to that chapter as it presently exists or is hereafter 11886
amended and nothing in this chapter or Chapter 4123. of the 11887
Revised Code shall be construed as eliminating or interfering with 11888
Chapter 4117. of the Revised Code or the rights and benefits 11889
conferred under that chapter to public employees or to any 11890
bargaining unit. 11891~~

(4) Provide offices, equipment, supplies, and other 11892
facilities for the bureau. 11893

(5) Prepare and submit to the board information the 11894
administrator considers pertinent or the board requires, together 11895
with the administrator's recommendations, in the form of 11896
administrative rules, for the advice and consent of the board, for 11897
classifications of occupations or industries, for premium rates 11898
and contributions, for the amount to be credited to the surplus 11899
fund, for rules and systems of rating, rate revisions, and merit 11900
rating. The administrator shall obtain, prepare, and submit any 11901
other information the board requires for the prompt and efficient 11902
discharge of its duties. 11903

(6) Keep the accounts required by division (A) of section 11904
4123.34 of the Revised Code and all other accounts and records 11905
necessary to the collection, administration, and distribution of 11906
the workers' compensation funds and shall obtain the statistical 11907
and other information required by section 4123.19 of the Revised 11908
Code. 11909

(7) Exercise the investment powers vested in the 11910
administrator by section 4123.44 of the Revised Code in accordance 11911
with the investment policy approved by the board pursuant to 11912
section 4121.12 of the Revised Code and in consultation with the 11913
chief investment officer of the bureau of workers' compensation. 11914
The administrator shall not engage in any prohibited investment 11915

activity specified by the board pursuant to division (F)(9) of 11916
section 4121.12 of the Revised Code and shall not invest in any 11917
type of investment specified in divisions (B)(1) to (10) of 11918
section 4123.442 of the Revised Code. All business shall be 11919
transacted, all funds invested, all warrants for money drawn and 11920
payments made, and all cash and securities and other property 11921
held, in the name of the bureau, or in the name of its nominee, 11922
provided that nominees are authorized by the administrator solely 11923
for the purpose of facilitating the transfer of securities, and 11924
restricted to the administrator and designated employees. 11925

(8) Make contracts for and supervise the construction of any 11926
project or improvement or the construction or repair of buildings 11927
under the control of the bureau. 11928

(9) Purchase supplies, materials, equipment, and services; 11929
make contracts for, operate, and superintend the telephone, other 11930
telecommunication, and computer services for the use of the 11931
bureau; and make contracts in connection with office reproduction, 11932
forms management, printing, and other services. Notwithstanding 11933
sections 125.12 to 125.14 of the Revised Code, the administrator 11934
may transfer surplus computers and computer equipment directly to 11935
an accredited public school within the state. The computers and 11936
computer equipment may be repaired or refurbished prior to the 11937
transfer. 11938

(10) Prepare and submit to the board an annual budget for 11939
internal operating purposes for the board's approval. The 11940
administrator also shall, separately from the budget the 11941
industrial commission submits and from the budget the director of 11942
the workers' compensation council submits, prepare and submit to 11943
the director of budget and management a budget for each biennium. 11944
The budgets submitted to the board and the director shall include 11945
estimates of the costs and necessary expenditures of the bureau in 11946
the discharge of any duty imposed by law. 11947

(11) 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 the location of the file pertaining to the claimant's claim. The administrator shall ensure that all service office employees report directly to the director for their service office.

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

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

(14) Ensure that all employees of the bureau follow the orders and rules of the commission as such orders and rules relate to the commission's overall adjudicatory policy-making and

management duties under this chapter and Chapters 4123., 4127., 11980
and 4131. of the Revised Code. 11981

(15) Manage and operate a data processing system with a 11982
common data base for the use of both the bureau and the commission 11983
and, in consultation with the commission, using electronic data 11984
processing equipment, shall develop a claims tracking system that 11985
is sufficient to monitor the status of a claim at any time and 11986
that lists appeals that have been filed and orders or 11987
determinations that have been issued pursuant to section 4123.511 11988
or 4123.512 of the Revised Code, including the dates of such 11989
filings and issuances. 11990

(16) Establish and maintain a medical section within the 11991
bureau. The medical section shall do all of the following: 11992

(a) Assist the administrator in establishing standard medical 11993
fees, approving medical procedures, and determining eligibility 11994
and reasonableness of the compensation payments for medical, 11995
hospital, and nursing services, and in establishing guidelines for 11996
payment policies which recognize usual, customary, and reasonable 11997
methods of payment for covered services; 11998

(b) Provide a resource to respond to questions from claims 11999
examiners for employees of the bureau; 12000

(c) Audit fee bill payments; 12001

(d) Implement a program to utilize, to the maximum extent 12002
possible, electronic data processing equipment for storage of 12003
information to facilitate authorizations of compensation payments 12004
for medical, hospital, drug, and nursing services; 12005

(e) Perform other duties assigned to it by the administrator. 12006

(17) Appoint, as the administrator determines necessary, 12007
panels to review and advise the administrator on disputes arising 12008
over a determination that a health care service or supply provided 12009

to a claimant is not covered under this chapter or Chapter 4123., 12010
4127., or 4131. of the Revised Code or is medically unnecessary. 12011
If an individual health care provider is involved in the dispute, 12012
the panel shall consist of individuals licensed pursuant to the 12013
same section of the Revised Code as such health care provider. 12014

(18) Pursuant to section 4123.65 of the Revised Code, approve 12015
applications for the final settlement of claims for compensation 12016
or benefits under this chapter and Chapters 4123., 4127., and 12017
4131. of the Revised Code as the administrator determines 12018
appropriate, except in regard to the applications of self-insuring 12019
employers and their employees. 12020

(19) Comply with section 3517.13 of the Revised Code, and 12021
except in regard to contracts entered into pursuant to the 12022
authority contained in section 4121.44 of the Revised Code, comply 12023
with the competitive bidding procedures set forth in the Revised 12024
Code for all contracts into which the administrator enters 12025
provided that those contracts fall within the type of contracts 12026
and dollar amounts specified in the Revised Code for competitive 12027
bidding and further provided that those contracts are not 12028
otherwise specifically exempt from the competitive bidding 12029
procedures contained in the Revised Code. 12030

(20) Adopt, with the advice and consent of the board, rules 12031
for the operation of the bureau. 12032

(21) Prepare and submit to the board information the 12033
administrator considers pertinent or the board requires, together 12034
with the administrator's recommendations, in the form of 12035
administrative rules, for the advice and consent of the board, for 12036
the health partnership program and the qualified health plan 12037
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 12038
the Revised Code. 12039

(C) The administrator, with the advice and consent of the 12040

senate, shall appoint a chief operating officer who has a minimum 12041
of five years of experience in the field of workers' compensation 12042
insurance or in another similar insurance industry if the 12043
administrator does not possess such experience. The chief 12044
operating officer shall not commence the chief operating officer's 12045
duties until after the senate consents to the chief operating 12046
officer's appointment. The chief operating officer shall serve in 12047
the unclassified civil service of the state. 12048

Sec. 4121.351. (A)(1) For purposes of this section, a hearing 12049
spike occurs when the number of claims ready for hearing on the 12050
last day of any calendar month exceeds by fifteen per cent the 12051
largest number of claims heard by full-time district and staff 12052
hearing officers in any of the preceding twelve calendar months. A 12053
hearing spike cannot occur for more than a total of six calendar 12054
months in any one calendar year. 12055

(2) This section does not apply when the number of claims 12056
ready for hearing on the last day of any calendar month does not 12057
exceed or no longer exceeds by fifteen per cent the largest number 12058
of claims heard by full-time district and staff hearing officers 12059
in any of the preceding twelve calendar months. 12060

(B)(1) When a hearing spike occurs, the industrial commission 12061
may enter into personal service contracts with attorneys engaged 12062
in the practice of law in this state to serve on a temporary basis 12063
as district or staff hearing officers under Chapters 4121., 4123., 12064
4127., and 4131. of the Revised Code. 12065

(2) Before entering into personal service contracts as 12066
provided in division (B)(1) of this section, the commission first 12067
shall attempt to resolve the hearing spike by utilizing all 12068
current full-time employees and resources of the commission ~~under~~ 12069
~~the constraints of any current collective bargaining agreement,~~ 12070
including the offer of overtime to current district and staff 12071

hearing officers. 12072

(C) During the time when a hearing spike is in effect, the 12073
commission shall prepare monthly, written reports and shall submit 12074
those reports to the governor, the president of the senate, and 12075
the speaker of the house of representatives certifying all of the 12076
following: 12077

(1) All attempts to utilize full-time employees of the 12078
commission, including the offer of overtime to current full-time 12079
district and staff hearing officers, have failed to resolve the 12080
hearing spike; 12081

(2) The number of personal service contract attorneys used by 12082
the commission, their names, and the actual number of hearings in 12083
each hearing category conducted by each personal service contract 12084
attorney in that calendar month; 12085

(3) The amount of money paid by the commission to each 12086
personal service contract attorney for that month; 12087

(4) Personal service contract attorneys have not been used 12088
for more than a total of six calendar months of the preceding 12089
calendar year. 12090

(D) The commission's authority to enter into additional 12091
personal service contracts pursuant to division (B) of this 12092
section shall cease until the beginning of the next calendar year 12093
if the commission reaches its allotment of six calendar months 12094
during any calendar year for the use of personal service contract 12095
attorneys. 12096

(E) If any party to hearing before a personal service 12097
contract attorney hired pursuant to division (B) of this section 12098
objects to a hearing before that attorney, the commission 12099
immediately shall transfer that hearing to the available docket of 12100
an appropriate full-time district or staff hearing officer. 12101

(F) The commission may adopt rules pursuant to chapter 119. 12102
of the Revised Code to administer this section. 12103

Sec. 4121.38. (A) The industrial commission shall: 12104

(1) Implement a program of impairment evaluation training for 12105
its staff physicians; 12106

(2) Issue a manual of commission policy as to impairment 12107
evaluation so as to increase consistency of medical reports. This 12108
manual shall be available to the public at cost but shall be 12109
provided free to all physicians who treat claimants or to whom 12110
claimants are referred for evaluation. The commission shall take 12111
steps to ensure that the manual receives the widest possible 12112
distribution to physicians. 12113

(3) Develop a method of peer review of medical reports 12114
prepared by the commission referral doctors; 12115

(4) Issue a policy manual as to the basis upon which 12116
referrals to other than commission specialists will be made; 12117

(5) Designate two hearing examiners and two medical staff 12118
members who shall be specially trained in medical-legal analysis. 12119
The specialists shall write evaluations of medical-legal problems 12120
upon assignment by other hearing examiners or the commission. The 12121
director of administrative services upon commission advice shall 12122
assign such employees ~~to a salary schedule~~ salaries commensurate 12123
with expertise required of them. 12124

(6) Require that prior to any examination, a physician to 12125
whom a claimant is referred for examination receives all necessary 12126
medical information in the claim file about the claimant and a 12127
complete statement as to the purpose of the examination. 12128

(B) The commission may establish a medical section within the 12129
commission to perform the duties assigned to the commission under 12130
this section. 12131

Sec. 4121.69. (A) The administrator of workers' compensation 12132
may establish compensation plans, including schedules of hourly 12133
rates, for the compensation of professional, administrative, and 12134
managerial employees who are employed to fulfill the duties placed 12135
upon the bureau of workers' compensation pursuant to sections 12136
4121.61 to 4121.69 of the Revised Code. The administrator may 12137
establish rules or policies for the administration of the 12138
respective compensation plans. 12139

~~This division does not apply to employees for whom the state 12140
employment relations board establishes appropriate bargaining 12141
units pursuant to section 4117.06 of the Revised Code. 12142~~

(B) The administrator may employ the services and resources 12143
of any public entity or private person, business, or association 12144
in fulfilling the duties placed upon the bureau of workers' 12145
compensation by sections 4121.61 to 4121.69 of the Revised Code. 12146
The rehabilitation services commission, the director of job and 12147
family services, and any other public officer, employee, or agency 12148
shall give to the bureau of workers' compensation full cooperation 12149
and, at the request of the administrator, enter into a written 12150
agreement stating the procedures and criteria for referring, 12151
accepting, and providing services to claimants in the job 12152
placement and rehabilitation efforts of the bureau of workers' 12153
compensation on behalf of a claimant when referred by the bureau 12154
of workers' compensation. 12155

(C) In appropriate cases, the bureau may refer a candidate to 12156
the rehabilitation services commission for participation in a 12157
program of the commission. For that purpose, the bureau of 12158
workers' compensation shall compensate the commission for the 12159
nonfederal portion of its services. 12160

Sec. 4121.77. The workers' compensation council shall appoint 12161

a director to manage and direct the duties of the staff of the 12162
council. The director shall serve at the pleasure of the council. 12163
The director shall be a person who has had training and experience 12164
in areas related to the duties of the council. 12165

The council may authorize the director to employ 12166
professional, technical, and clerical staff as necessary, and 12167
employ or hire on a consulting basis persons to provide actuarial, 12168
legal, investment, or other technical services required for the 12169
performance of the council's duties. All employees of the council 12170
are in the unclassified civil service as described in section 12171
124.11 of the Revised Code and the staff serve at the pleasure of 12172
the director. For purposes of ~~sections~~ section 718.04 and ~~4117.01~~ 12173
of the Revised Code, employees of the council shall be considered 12174
employees of the general assembly. 12175

The council shall fix the compensation of the director. The 12176
director shall fix the compensation of all other employees of the 12177
council and, notwithstanding section 124.18 of the Revised Code, 12178
shall adopt policies relating to payment for overtime, granting of 12179
compensatory time off, utilizing flexible hours, and working on 12180
holidays and compensation for holiday work. 12181

The council may do any of the following: 12182

(A) Require the members of the industrial commission, bureau 12183
of workers' compensation board of directors, workers' compensation 12184
audit committee, workers' compensation actuarial committee, and 12185
workers' compensation investment committee, the administrator of 12186
workers' compensation, and employees of the industrial commission 12187
and the bureau of workers' compensation, and any agency or 12188
official of this state or its political subdivisions to provide 12189
the council with any information necessary to carry out its 12190
duties; 12191

(B) Administer oaths and hold public hearings at times and 12192

places within the state as necessary to accomplish the purposes of 12193
sections 4121.75 to 4121.79 of the Revised Code; 12194

(C) Establish regular reporting requirements for any report 12195
that the chairperson of the industrial commission, chairperson of 12196
the board, members of the committees specified in division (A) of 12197
this section, and the administrator are required to submit to the 12198
council; 12199

(D) Request that the auditor of state perform or contract for 12200
the performance of a financial or special audit of the bureau; 12201

(E) Request that the auditor of state perform or contract for 12202
the performance of a special or fiduciary audit of the workers' 12203
compensation system. 12204

Sec. 4123.352. (A) There is hereby created the self-insuring 12205
employers evaluation board consisting of three members. The member 12206
of the industrial commission representing the public shall be a 12207
member of the self-insuring employers evaluation board and shall 12208
serve, ex officio, as ~~chairman~~ chairperson. The governor shall 12209
appoint the remaining two members with the advice and consent of 12210
the senate. One member shall be a member of the Ohio 12211
self-insurance association and one member shall be a 12212
representative of labor. Not more than two of the three members of 12213
the board may be of the same political party. 12214

Of the two members originally appointed by the governor 12215
pursuant to this section, one shall serve an initial term of two 12216
years and one an initial term of four years. Thereafter, terms of 12217
office of the two members are for four years, each term ending on 12218
the same date as the original date of appointment. Any member 12219
appointed to fill a vacancy occurring prior to the expiration of 12220
the term for which ~~his~~ the member's predecessor was appointed 12221
shall hold office for the remainder of such term. Any member shall 12222
continue in office subsequent to the expiration date of ~~his~~ the 12223

member's term until ~~his~~ the member's successor takes office, or 12224
until a period of sixty days has elapsed, whichever occurs first. 12225
A vacancy in an unexpired term shall be filled in the same manner 12226
as the original appointment. The governor may remove any member 12227
pursuant to section 3.05 of the Revised Code. 12228

The board member who also is a member of the commission shall 12229
receive no additional compensation but shall be reimbursed for 12230
actual and necessary expenses in the performance of ~~his~~ the board 12231
member's duties. The two remaining members of the board shall 12232
receive per diem compensation fixed pursuant to division ~~(J)~~(A) of 12233
section 124.15 of the Revised Code and actual and necessary 12234
expenses incurred in the performance of their duties. 12235

For administrative purposes, the board is a part of the 12236
bureau of workers' compensation, and the bureau shall furnish the 12237
board with necessary office space, staff, and supplies. The board 12238
shall meet as required by the administrator of workers' 12239
compensation. 12240

(B) In addition to the grounds listed in section 4123.35 of 12241
the Revised Code pertaining to criteria for being granted the 12242
status as a self-insuring employer, the grounds upon which the 12243
administrator may revoke or refuse to renew the status includes 12244
failure to comply with any rules or orders of the administrator or 12245
to pay contributions to the self-insuring employers' guaranty fund 12246
established by section 4123.351 of the Revised Code, continued 12247
failure to file medical reports bearing upon the injury of the 12248
claimant, and failure to pay compensation or benefits in 12249
accordance with law in a timely manner. A deficiency in any of the 12250
grounds listed in this division is sufficient to justify the 12251
administrator's revocation or refusal to renew the employer's 12252
status as a self-insuring employer. The administrator need not 12253
revoke or refuse to renew an employer's status as a self-insuring 12254
employer if adequate corrective action is taken by the employer 12255

pursuant to division (C) of this section. 12256

(C) The administrator shall refer to the board all complaints 12257
or allegations of misconduct against a self-insuring employer or 12258
questions as to whether a self-insuring employer continues to meet 12259
minimum standards. The board shall investigate and may order the 12260
employer to take corrective action in accordance with the schedule 12261
the board fixes. The board's determination in this regard need not 12262
be made by formal hearing but shall be issued in written form and 12263
contain the signature of at least two board members. If the board 12264
determines, after a hearing conducted pursuant to Chapter 119. of 12265
the Revised Code and the rules of the bureau, that the employer 12266
has failed to correct the deficiencies within the time fixed by 12267
the board or is otherwise in violation of this chapter, the board 12268
shall recommend to the administrator revocation of an employer's 12269
status as a self-insuring employer or such other penalty which may 12270
include, but is not limited to, probation, or a civil penalty not 12271
to exceed ten thousand dollars for each failure. A board 12272
recommendation to revoke an employer's status as a self-insuring 12273
employer shall be by unanimous vote. A recommendation for any 12274
other penalty shall be by majority vote. Where the board makes 12275
recommendations to the administrator for disciplining a 12276
self-insuring employer, the administrator promptly and fully shall 12277
implement the recommendations. 12278

Sec. 4301.07. Each member of the liquor control commission 12279
shall devote the member's entire time to the duties of office and 12280
shall hold no other public position of trust or profit. No member 12281
of the commission, nor the superintendent of liquor control, nor 12282
any of the employees of the commission or of the division of 12283
liquor control, shall have any direct financial interest in, or 12284
any interest otherwise prohibited by Chapter 102. or section 12285
2921.42 or 2921.43 of the Revised Code in, the manufacture, 12286
distribution, or sale of beer or intoxicating liquor. 12287

Each member of the commission and the chairperson shall 12288
receive a salary fixed pursuant to division ~~(J)~~(A) of section 12289
124.15 of the Revised Code. In addition to that salary, each 12290
member shall receive actual and necessary travel expenses in 12291
connection with commission hearings and business. The chairperson 12292
shall be an attorney at law who has had five years of active law 12293
practice. 12294

Sec. 4517.30. The motor vehicle dealers board shall consist 12295
of eleven members. The registrar of motor vehicles or the 12296
registrar's designee shall be a member of the board, and the other 12297
ten members shall be appointed by the governor with the advice and 12298
consent of the senate. Not more than five of the ten members other 12299
than the registrar shall be of any one political party, and of the 12300
ten: 12301

(A) Three shall represent the public and shall not have 12302
engaged in the business of selling motor vehicles at retail in 12303
this state; 12304

(B) Five shall have been engaged in the business of selling 12305
motor vehicles at retail in this state for at least five years and 12306
have been engaged in such business within two years prior to the 12307
date of their appointment. Of these five: 12308

(1) Three shall have been engaged in the sale of new motor 12309
vehicles; 12310

(2) One shall have been engaged in the business of selling 12311
recreational vehicles at retail; 12312

(3) One shall have been engaged in the sale of used motor 12313
vehicles. 12314

(C) Two shall have been engaged in the leasing of motor 12315
vehicles. 12316

Terms of office of the ten members appointed by the governor 12317

shall be for three years, commencing on the fifth day of October 12318
and ending on the fourth day of October. Each member shall hold 12319
office from the date of the member's appointment until the end of 12320
the term for which the member was appointed. Any member appointed 12321
to fill a vacancy occurring prior to the expiration of the term 12322
for which the member's predecessor was appointed shall hold office 12323
for the remainder of such term. Any appointed member shall 12324
continue in office subsequent to the expiration date of the 12325
member's term until a successor takes office, or until a period of 12326
sixty days has elapsed, whichever occurs first. Annually the board 12327
shall organize by selecting from its members a president. Each 12328
appointed member of the board shall receive an amount fixed in 12329
accordance with division ~~(J)~~(A) of section 124.15 of the Revised 12330
Code, and shall be reimbursed for the actual and necessary 12331
expenses incurred in the discharge of the member's official 12332
duties. 12333

Sec. 4701.03. (A) The accountancy board annually shall elect 12334
a president, secretary, and treasurer from its members. The board 12335
may adopt and amend rules for the orderly conduct of its affairs 12336
and for the administration of this chapter. The board may adopt 12337
and amend rules defining the practice of public accounting, rules 12338
of professional conduct appropriate to establish and maintain a 12339
high standard of integrity and dignity in registrants and 12340
certificate holders under this chapter, and rules regulating the 12341
sole proprietorship, partnership, limited liability company, 12342
professional association, corporation-for-profit, or other legal 12343
entity practice of public accounting. A majority of the board 12344
shall constitute a quorum for the transaction of business. 12345

(B) The board shall keep and hold open for public inspection 12346
all records of its proceedings. 12347

(C) The board may employ any clerks that are necessary to 12348

assist it in the performance of its duties and the keeping of its 12349
records. If the board employs an executive director, the board 12350
shall pay the executive director ~~shall be paid~~ in accordance with 12351
~~pay range 18 of schedule E 1 of section 124.152 of the Revised~~ 12352
~~Code, or, if the director was employed and being paid on June 28,~~ 12353
~~2003, in accordance with step 7 in pay range 18 of schedule E 1 of~~ 12354
~~former section 124.152 of the Revised Code and continued to be so~~ 12355
~~paid on June 29, 2003, the executive director shall be paid in~~ 12356
~~accordance with pay range 18 of salary schedule E 1 for step seven~~ 12357
~~only of section 124.152 of the Revised Code.~~ 12358

Sec. 4701.05. Each member of the accountancy board shall be 12359
paid an amount fixed pursuant to division ~~(J)~~(A) of section 124.15 12360
of the Revised Code for each day or portion ~~thereof~~ of a day spent 12361
in the discharge of ~~his~~ official duties and shall be reimbursed 12362
for ~~his~~ the actual and necessary expenses incurred by the member 12363
in the discharge of ~~such~~ those duties. 12364

Sec. 4703.03. (A) The architects board shall enforce sections 12365
4703.01 to 4703.19 of the Revised Code, may subpoena witnesses and 12366
records in connection with its investigations, and may incur such 12367
expenses as are necessary. 12368

(B) Each member of the board shall be entitled to receive, as 12369
a part of the expense of the board, an amount fixed pursuant to 12370
division ~~(J)~~(A) of section 124.15 of the Revised Code while 12371
actually engaged in attendance at meetings, in conducting 12372
examinations, or in the performance of official duties. 12373

(C) The members shall receive also, as a part of the expense 12374
of the board, the amount of actual traveling, hotel, and other 12375
necessary expenses incurred in the performance of their duties. 12376

(D) The secretary, executive secretary, and clerical 12377
assistants of the board shall give bond to the state in such sum 12378

as the board determines, but not less than three thousand dollars, 12379
conditioned upon the faithful discharge of their duties. Premiums 12380
for such bonds shall be paid by the board. Such bonds with 12381
approval of the board endorsed on them shall be deposited with the 12382
secretary of state and kept in the secretary of state's office. 12383

Sec. 4703.31. (A) There is hereby created the state board of 12384
landscape architect examiners. The board shall consist of five 12385
members appointed by the governor. All appointments made to the 12386
board shall be for a five-year term commencing on the eleventh day 12387
of November and ending on the tenth day of November. Each member 12388
shall hold office from the date of appointment until the end of 12389
the term to which the member was appointed. Any member shall 12390
continue in office subsequent to the expiration date of the 12391
member's term until the member's successor is appointed, or until 12392
a period of sixty days has elapsed, whichever occurs first. Three 12393
of the members shall be landscape architects registered under 12394
sections 4703.33 to 4703.37 of the Revised Code for not less than 12395
five years prior to appointment to the board. One member shall be 12396
appointed from a licensed design profession and one member shall 12397
represent the public. Any member of the board may be removed by 12398
the governor at any time for cause. 12399

(B) In the event of a vacancy in the office of a member of 12400
the board other than by reason of the expiration of a term, the 12401
governor, not later than ninety days after the occurrence of the 12402
vacancy, shall appoint a person to hold office for the remainder 12403
of the unexpired term. 12404

(C) The board shall elect from its members a president and a 12405
secretary who shall hold those offices for one year. 12406

(D) Each member of the board shall receive as a part of the 12407
expense of the board an amount fixed pursuant to division ~~(J)~~(A) 12408
of section 124.15 of the Revised Code for each day actually 12409

employed in the discharge of official duties, along with other 12410
necessary expenses. 12411

(E) The board shall meet at least twice each calendar year 12412
for purposes of transacting regular business and may hold other 12413
meetings upon the call of the president or a majority of the 12414
members of the board after reasonable notice to the other board 12415
members of the time and place of the meeting. Three members of the 12416
board constitute a quorum for the transaction of business. 12417

(F) The board shall utilize the physical facilities and 12418
administrative staff of the ~~state board of examiners of~~ architects 12419
board for the discharge of all the board's administrative duties 12420
in connection with the administration and enforcement of sections 12421
4703.30 to 4703.52 of the Revised Code. The state board of 12422
landscape architect examiners shall bear a proportionate share of 12423
the cost of those administrative services, which shall not exceed 12424
its revenue. 12425

Sec. 4709.04. (A) There is hereby created a barber board 12426
consisting of three members to be appointed by the governor with 12427
the advice and consent of the senate as follows: two barbers, one 12428
of whom is an employer barber and one of whom is employed as a 12429
barber, both of whom have been licensed in this state for at least 12430
five years immediately preceding their appointment; and one person 12431
who represents the general public and who has no connection to the 12432
practice of barbering except as a consumer of barbering services. 12433
Each member of the board shall have received a high school diploma 12434
or a certificate of high school equivalence issued by the state 12435
board of education. No more than two members of the board shall be 12436
of the same political party. No member of the board shall be 12437
financially interested in, or have any financial connection with, 12438
any barber school or wholesale cosmetic, barber supply, or 12439
equipment business, nor shall any member teach barbering for 12440

monetary consideration. Terms of office are for three years, 12441
commencing on the twenty-seventh day of September and ending on 12442
the twenty-sixth day of September. Each member shall serve on the 12443
board from the date of ~~his~~ appointment until the end of the term 12444
for which ~~he was~~ appointed except that if a successor member has 12445
not been appointed by the end of the term, the member shall 12446
continue until the appointment or until a period of sixty days has 12447
elapsed, whichever occurs first. In the case of vacancies 12448
occurring on the board, the governor shall, in the same manner 12449
prescribed for regular appointment to the board, fill the position 12450
by appointing a member to serve for the remainder of the term. 12451

(B) A majority of the members of the board constitutes a 12452
quorum to transact and vote on the business of the board. Each 12453
member shall receive an amount fixed pursuant to division ~~(J)~~(A) 12454
of section 124.15 of the Revised Code for each day actually 12455
employed in the discharge of ~~his~~ official duties. In addition, 12456
each member shall receive ~~his~~ the actual and ~~his~~ necessary 12457
expenses incurred in the performance of ~~his~~ official duties. 12458

(C) The governor may remove any member for cause prior to the 12459
expiration of the member's term of office. 12460

Sec. 4715.06. Each member of the state dental board shall 12461
receive an amount fixed pursuant to division ~~(J)~~(A) of section 12462
124.15 of the Revised Code for each day actually employed in the 12463
discharge of the official duties of the member, and the necessary 12464
expenses of the member. The secretary and vice-secretary shall be 12465
reimbursed for necessary expenses incurred in the discharge of the 12466
official duties of the secretary and vice-secretary, respectively. 12467
All vouchers of the board shall be approved by the board president 12468
or executive secretary, or both, as authorized by the board. 12469

Sec. 4717.02. (A) There is hereby created the board of 12470

embalmers and funeral directors consisting of seven members to be 12471
appointed by the governor with the advice and consent of the 12472
senate. Five members shall be licensed embalmers and practicing 12473
funeral directors, each with at least ten consecutive years of 12474
experience in this state immediately preceding the date of the 12475
person's appointment; one of these members shall be knowledgeable 12476
and experienced in operating a crematory. Two members shall 12477
represent the public; at least one of these members shall be at 12478
least sixty years of age. 12479

(B) Terms of office are for five years, commencing on the 12480
first day of July and ending on the last day of June. Each member 12481
shall hold office from the date of the member's appointment until 12482
the end of the term for which the member was appointed. Before 12483
entering upon the duties of the office, each member shall take and 12484
file with the secretary of state an oath of office as required by 12485
Section 7 of Article XV, Ohio Constitution. 12486

(C) The governor may remove a member of the board for neglect 12487
of duty, incompetency, or immoral conduct. Vacancies shall be 12488
filled in the manner provided for original appointments. Any 12489
member appointed to fill a vacancy occurring prior to the 12490
expiration date of the term for which the member's predecessor was 12491
appointed shall hold office as a member for the remainder of that 12492
term. A member shall continue in office subsequent to the 12493
expiration date of the member's term until the member's successor 12494
takes office, or until a period of sixty days has elapsed, 12495
whichever occurs first. 12496

(D) Each member of the board shall receive an amount fixed 12497
under division ~~(J)~~(A) of section 124.15 of the Revised Code for 12498
each day, not to exceed sixty days per year, employed in the 12499
discharge of the member's duties as a board member, together with 12500
any necessary expenses incurred in the performance of those 12501
duties. 12502

Sec. 4723.02. The board of nursing shall assume and exercise 12503
all the powers and perform all the duties conferred and imposed on 12504
it by this chapter. 12505

The board shall consist of thirteen members who shall be 12506
citizens of the United States and residents of Ohio. Eight members 12507
shall be registered nurses, each of whom shall be a graduate of an 12508
approved program of nursing education that prepares persons for 12509
licensure as a registered nurse, shall hold a currently active 12510
license issued under this chapter to practice nursing as a 12511
registered nurse, and shall have been actively engaged in the 12512
practice of nursing as a registered nurse for the five years 12513
immediately preceding the member's initial appointment to the 12514
board. Of the eight members who are registered nurses, at least 12515
one shall hold a valid certificate of authority issued under this 12516
chapter that authorizes the practice of nursing as a certified 12517
registered nurse anesthetist, clinical nurse specialist, certified 12518
nurse-midwife, or certified nurse practitioner. Four members shall 12519
be licensed practical nurses, each of whom shall be a graduate of 12520
an approved program of nursing education that prepares persons for 12521
licensure as a practical nurse, shall hold a currently active 12522
license issued under this chapter to practice nursing as a 12523
licensed practical nurse, and shall have been actively engaged in 12524
the practice of nursing as a licensed practical nurse for the five 12525
years immediately preceding the member's initial appointment to 12526
the board. One member shall represent the interests of consumers 12527
of health care. Neither this member nor any person in the member's 12528
immediate family shall be a member of or associated with a health 12529
care provider or profession or shall have a financial interest in 12530
the delivery or financing of health care. Representation of 12531
nursing service and nursing education and of the various 12532
geographical areas of the state shall be considered in making 12533
appointments. 12534

As the term of any member of the board expires, a successor shall be appointed who has the qualifications the vacancy requires. Terms of office shall be for four years, commencing on the first day of January and ending on the thirty-first day of December.

A current or former board member who has served not more than one full term or one full term and not more than thirty months of another term may be reappointed for one additional term.

Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. The term of a member shall expire if the member ceases to meet any requirement of this section for the member's position on the board. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

Nursing organizations of this state may each submit to the governor the names of not more than five nominees for each position to be filled on the board. From the names so submitted or from others, at the governor's discretion, the governor with the advice and consent of the senate shall make such appointments.

Any member of the board may be removed by the governor for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct, after a hearing as provided in Chapter 119. of the Revised Code.

Seven members of the board including at least four registered nurses and at least one licensed practical nurse shall at all times constitute a quorum.

Each member of the board shall receive an amount fixed

pursuant to division ~~(J)~~(A) of section 124.15 of the Revised Code 12566
for each day in attendance at board meetings and in discharge of 12567
official duties, and in addition thereto, necessary expense 12568
incurred in the performance of such duties. 12569

The board shall elect one of its nurse members as president 12570
and one as vice-president. The board shall elect one of its 12571
registered nurse members to serve as the supervising member for 12572
disciplinary matters. 12573

The board may establish advisory groups to serve in 12574
consultation with the board or the executive director. Each 12575
advisory group shall be given a specific charge in writing and 12576
shall report to the board. Members of advisory groups shall serve 12577
without compensation but shall receive their actual and necessary 12578
expenses incurred in the performance of their official duties. 12579

Sec. 4725.06. Each member of the state board of optometry 12580
shall receive an amount fixed pursuant to division ~~(J)~~(A) of 12581
section 124.15 of the Revised Code for each day actually employed 12582
in the discharge of the official duties of the member, and the 12583
necessary expenses of the member. 12584

The executive director of the board shall receive 12585
reimbursement for necessary expenses incurred in the discharge of 12586
the executive director's official duties. 12587

All vouchers of the board shall be approved by the board 12588
president or executive director, or both, as authorized by the 12589
board. 12590

Sec. 4725.46. (A) Each member of the Ohio optical dispensers 12591
board shall receive compensation pursuant to division ~~(J)~~(A) of 12592
section 124.15 of the Revised Code, ~~but shall not receive step~~ 12593
~~advancements,~~ for each day actually employed in the discharge of 12594
~~his~~ official duties, and ~~his~~ the member's actual and necessary 12595

expenses. 12596

(B) The executive secretary-treasurer shall receive 12597
compensation as fixed by the board and ~~his~~ the executive 12598
secretary-treasurer's actual and necessary expenses incurred in 12599
the discharge of ~~his~~ official duties. 12600

Sec. 4729.03. The state board of pharmacy shall organize by 12601
electing a president and a vice-president who are members of the 12602
board. The president shall preside over the meetings of the board, 12603
but shall not vote upon matters determined by the board, except in 12604
the event of a tie vote, in which case the president shall vote. 12605
The board shall also employ an executive director who is a 12606
licensed pharmacist in good standing in the practice of pharmacy 12607
in this state. The person employed shall not be a member of the 12608
board. Each of the officers elected shall serve for a term of one 12609
year. The members of the board shall receive an amount fixed 12610
pursuant to division ~~(J)~~(A) of section 124.15 of the Revised Code 12611
for each day employed in the discharge of their official duties 12612
and their necessary expenses while engaged therein. 12613

Sec. 4730.05. (A) There is hereby created the physician 12614
assistant policy committee of the state medical board. The 12615
president of the board shall appoint the members of the committee. 12616
The committee shall consist of the seven members specified in 12617
divisions (A)(1) to (3) of this section. When the committee is 12618
developing or revising policy and procedures for 12619
physician-delegated prescriptive authority for physician 12620
assistants, the committee shall include the two additional members 12621
specified in division (A)(4) of this section. 12622

(1) Three members of the committee shall be physicians. Of 12623
the physician members, one shall be a member of the state medical 12624
board, one shall be appointed from a list of five physicians 12625

recommended by the Ohio state medical association, and one shall 12626
be appointed from a list of five physicians recommended by the 12627
Ohio osteopathic association. At all times, the physician 12628
membership of the committee shall include at least one physician 12629
who is a supervising physician of a physician assistant, 12630
preferably with at least two years' experience as a supervising 12631
physician. 12632

(2) Three members shall be physician assistants appointed 12633
from a list of five individuals recommended by the Ohio 12634
association of physician assistants. 12635

(3) One member, who is not affiliated with any health care 12636
profession, shall be appointed to represent the interests of 12637
consumers. 12638

(4) The two additional members, appointed to serve only when 12639
the committee is developing or revising policy and procedures for 12640
physician-delegated prescriptive authority for physician 12641
assistants, shall be pharmacists. Of these members, one shall be 12642
appointed from a list of five clinical pharmacists recommended by 12643
the Ohio pharmacists association and one shall be appointed from 12644
the pharmacist members of the state board of pharmacy, preferably 12645
from among the members who are clinical pharmacists. 12646

The pharmacist members shall have voting privileges only for 12647
purposes of developing or revising policy and procedures for 12648
physician-delegated prescriptive authority for physician 12649
assistants. Presence of the pharmacist members shall not be 12650
required for the transaction of any other business. 12651

(B) Terms of office shall be for two years, with each term 12652
ending on the same day of the same month as did the term that it 12653
succeeds. Each member shall hold office from the date of being 12654
appointed until the end of the term for which the member was 12655
appointed. Members may be reappointed, except that a member may 12656

not be appointed to serve more than three consecutive terms. As 12657
vacancies occur, a successor shall be appointed who has the 12658
qualifications the vacancy requires. A member appointed to fill a 12659
vacancy occurring prior to the expiration of the term for which a 12660
predecessor was appointed shall hold office as a member for the 12661
remainder of that term. A member shall continue in office 12662
subsequent to the expiration date of the member's term until a 12663
successor takes office or until a period of sixty days has 12664
elapsed, whichever occurs first. 12665

(C) Each member of the committee shall receive an amount 12666
fixed pursuant to division ~~(J)~~(A) of section 124.15 of the Revised 12667
Code for each day employed in the discharge of official duties as 12668
a member, and shall also receive necessary and actual expenses 12669
incurred in the performance of official duties as a member. 12670

(D) The committee members specified in divisions (A)(1) to 12671
(3) of this section by a majority vote shall elect a chairperson 12672
from among those members. The members may elect a new chairperson 12673
at any time. 12674

(E) The state medical board may appoint assistants, clerical 12675
staff, or other employees as necessary for the committee to 12676
perform its duties adequately. 12677

(F) The committee shall meet at least four times a year and 12678
at such other times as may be necessary to carry out its 12679
responsibilities. 12680

Sec. 4731.03. Each member of the state medical board shall 12681
receive an amount fixed pursuant to division ~~(J)~~(A) of section 12682
124.15 of the Revised Code for each day employed in the discharge 12683
of ~~his~~ official duties and ~~his~~ the member's necessary expenses. 12684

Sec. 4732.05. The members of the state board of psychology 12685
and the members of the school psychology examination committee 12686

shall receive an amount fixed under division ~~(J)~~(A) of section 12687
124.15 of the Revised Code for each day employed in the discharge 12688
of their official duties, and their necessary expenses while 12689
engaged therein. 12690

Sec. 4733.05. Each member of the state board of registration 12691
for professional engineers and surveyors shall receive an amount 12692
fixed pursuant to division ~~(J)~~(A) of section 124.15 of the Revised 12693
Code per diem when actually attending to the work of the board or 12694
of any of its committees and for the time spent in necessary 12695
travel; ~~and in.~~ In addition thereto, each board member shall be 12696
reimbursed for all actual traveling, hotel, and other expenses 12697
necessarily incurred in carrying out sections 4733.01 to 4733.23 12698
of the Revised Code. 12699

Sec. 4734.03. Each member of the state chiropractic board 12700
shall be paid at the appropriate rate for those days on which the 12701
member's services or duties are required. Each member of the board 12702
shall be paid at the rate established pursuant to division ~~(J)~~(A) 12703
of section 124.15 of the Revised Code ~~and shall not receive step~~ 12704
~~advancements.~~ In addition, each board member shall receive the 12705
member's necessary expenses. 12706

Sec. 4738.09. The motor vehicle salvage dealer's licensing 12707
board shall consist of five members. The registrar of motor 12708
vehicles or ~~his~~ the registrar's designee shall be a member of the 12709
board, and the other four members shall be appointed by the 12710
governor with the advice and consent of the senate. Two appointed 12711
members shall have operated as a motor vehicle salvage dealer, 12712
salvage motor vehicle auction, or salvage motor vehicle pool in 12713
this state for at least five years and have been engaged in the 12714
business within two years previous to the date of their 12715
appointment. Two appointed members shall represent the public and 12716

shall not have been engaged in any such business or operation. Not 12717
more than two members other than the registrar shall be of any one 12718
political party. Terms of office of the four members appointed by 12719
the governor shall commence on the first day of August and end on 12720
the last day of July, and be for three years, except that one 12721
initial term shall be for one year, and one initial term shall be 12722
for two years. Each member shall hold office from the date of ~~his~~ 12723
the member's appointment until the end of the term for which ~~he~~ 12724
the member was appointed. Any member appointed to fill a vacancy 12725
occurring prior to the expiration of the term for which ~~his~~ the 12726
member's predecessor was appointed shall hold office for the 12727
remainder of such term. Any appointed member shall continue in 12728
office subsequent to the expiration date of ~~his~~ the member's term 12729
until ~~his~~ the member's successor takes office, or until a period 12730
of sixty days has elapsed, whichever occurs first. Annually the 12731
board shall organize by selecting from its members a president. 12732
Each appointed member of the board shall receive an amount fixed 12733
in accordance with division ~~(J)~~ (A) of section 124.15 of the 12734
Revised Code for each day of actual service during the meetings of 12735
the board, and shall be reimbursed for the actual and necessary 12736
expenses incurred in the discharge of ~~his~~ official duties. 12737

Sec. 4741.02. There shall be a state veterinary medical 12738
licensing board consisting of seven members, who have been legal 12739
residents of this state for not less than five years, appointed by 12740
the governor with the advice and consent of the senate, as 12741
follows: five members who have been licensed to practice 12742
veterinary medicine in this state for not less than five 12743
consecutive years prior to their appointment; one member who is a 12744
registered veterinary technician registered pursuant to this 12745
chapter for not less than five consecutive years prior to 12746
appointment; and one member who is a representative of the public. 12747
Terms of office are for three years, commencing on the first day 12748

of January and ending on the thirty-first day of December. Each 12749
member shall hold office from the date of the member's appointment 12750
until the end of the term for which the member was appointed. Any 12751
member appointed to fill a vacancy occurring prior to the 12752
expiration of the term for which the predecessor was appointed 12753
shall hold office for the remainder of such term. Any member shall 12754
continue in office subsequent to the expiration date of the 12755
member's term until a successor takes office, or until a period of 12756
sixty days has elapsed, whichever occurs first. No person who has 12757
been appointed a member of the board shall be appointed to serve 12758
more than three, three-year terms unless a period of three years 12759
has elapsed since the termination of the member's third term, 12760
provided that a person appointed to fill an unexpired term may be 12761
appointed for three full terms of three years each immediately 12762
following such term and that the total length of the member's 12763
service does not exceed ten years. 12764

No member of the board shall be the owner of any interest in, 12765
or be employed by any wholesale or jobbing house dealing in 12766
supplies, equipment, or instruments used or useful in the practice 12767
of veterinary medicine. Neither the public member nor the 12768
registered veterinary technician member shall have any vested 12769
financial interest in the practice of veterinary medicine. For 12770
purposes of this section employment as a veterinary technician for 12771
a veterinarian does not constitute a vested financial interest in 12772
the practice of veterinary medicine. 12773

The governor may remove any member of the board for 12774
malfeasance, misfeasance, or nonfeasance after a hearing as 12775
provided in Chapter 119. of the Revised Code or if the license of 12776
a veterinary member is not renewed or has been revoked or 12777
suspended on any ground set forth in section 3123.47 or 4741.22 of 12778
the Revised Code or if the registration of the registered 12779
veterinary technician member is revoked or suspended or is not 12780

renewed under section 3123.47 or 4741.19 of the Revised Code. 12781

Each member of the board shall receive an amount fixed 12782
pursuant to division ~~(J)~~(A) of section 124.15 of the Revised Code 12783
for each day, or portion thereof, the member is actually engaged 12784
in the discharge of official duties, in addition to the member's 12785
necessary expenses. 12786

Sec. 4747.03. There is hereby created a hearing aid dealers 12787
and fitters licensing board consisting of seven members. The 12788
governor shall appoint each member to the board with the advice 12789
and consent of the senate. Three members of the board shall be 12790
persons currently engaged in the practice of dealing in and 12791
fitting of hearing aids in the state, one member shall be an 12792
otolaryngologist, one member shall be a clinical audiologist, and 12793
two shall be public members. At least one of the public members 12794
shall be at least sixty years of age. No more than one dealer 12795
serving on the board at any time shall be franchised by or sell 12796
the products of the same hearing aid manufacturer. Each member 12797
shall be a resident of the state and, except for the public 12798
members, shall have been actively engaged in the member's 12799
respective practice or profession for at least five years 12800
immediately preceding appointment. The director of health or the 12801
director's designated representative shall be an ex officio 12802
member. 12803

Terms of office shall be for four years, commencing on the 12804
twenty-sixth day of January and ending on the twenty-fifth day of 12805
January, except that of the members first appointed, one member 12806
shall be appointed for two years and two members for three years. 12807
Each member shall hold office from the date of the member's 12808
appointment until the end of the term for which the member was 12809
appointed. All appointments to fill vacancies shall be made in the 12810
manner prescribed for regular appointments. Any member appointed 12811

to fill a vacancy occurring prior to the expiration of the term 12812
for which the member's predecessor was appointed shall hold office 12813
for the remainder of such term. Any member shall continue in 12814
office subsequent to the expiration date of the member's term 12815
until the member's successor takes office, or until a period of 12816
sixty days has elapsed, whichever occurs first. No member shall be 12817
reappointed to the board sooner than one year after the expiration 12818
of the member's second full term of office. 12819

Each member of the board shall receive, as part of the 12820
expenses of the board, an amount fixed pursuant to division ~~(J)~~(A) 12821
of section 124.15 of the Revised Code per diem while attending 12822
meetings or otherwise engaged in the actual performance of the 12823
member's duties with the board. Each member shall also receive, as 12824
part of the expenses of the board, an amount for the actual 12825
traveling, hotel, and other necessary expenses incurred in the 12826
performance of the member's duties. All vouchers of the board 12827
shall be approved by the chairperson of the board. The board shall 12828
appoint a secretary and may employ, compensate, and prescribe such 12829
powers and duties of such officers, employees, and consultants, in 12830
accordance with the laws of this state, as are necessary to carry 12831
out this chapter. Technical, administrative, or other services 12832
shall be performed, insofar as practicable, by personnel of the 12833
department of health, and by other state agencies. 12834

Sec. 4753.04. The board of speech-language pathology and 12835
audiology shall hold at least one regular meeting a year, at which 12836
it shall elect a chairperson and vice-chairperson from among its 12837
members. Additional meetings may be held upon call of the 12838
chairperson or at the written request of two or more members of 12839
the board. Five members of the board constitute a quorum to 12840
conduct business, if one member who is a speech-language 12841
pathologist and one member who is an audiologist are present. 12842

The board may employ an executive director, who shall serve 12843
at the board's pleasure, and shall designate the duties and fix 12844
the executive director's compensation. The board may hire such 12845
other employees and consultants as it finds necessary. Members of 12846
the board shall receive compensation pursuant to division ~~(J)~~(A) 12847
of section 124.15 of the Revised Code for each day employed in the 12848
discharge of their official duties. The members shall be 12849
reimbursed for actual and necessary expenses incurred in the 12850
performance of their official duties. All vouchers of the board 12851
shall be approved by the chairperson or the executive director of 12852
the board. 12853

Sec. 4755.01. (A) There is hereby created the Ohio 12854
occupational therapy, physical therapy, and athletic trainers 12855
board consisting of sixteen residents of this state, who shall be 12856
appointed by the governor with the advice and consent of the 12857
senate. The board shall be composed of a physical therapy section, 12858
an occupational therapy section, and an athletic trainers section. 12859

(1) Five members of the board shall be physical therapists 12860
who are licensed to practice physical therapy and who have been 12861
engaged in or actively associated with the practice of physical 12862
therapy in this state for at least five years immediately 12863
preceding appointment. Such members of the board shall sit on the 12864
physical therapy section. The physical therapy section also shall 12865
consist of four additional members, appointed by the governor with 12866
the advice and consent of the senate, who satisfy the same 12867
qualifications as the members of the board sitting on the physical 12868
therapy section, but who are not members of the board. Of the 12869
additional physical therapy section members whose terms commence 12870
on August 28, 2007, one shall be for a term of one year, one for a 12871
term of two years, one for a term of three years, and one for a 12872
term of four years. Such additional members of the physical 12873
therapy section are vested with only such powers and shall perform 12874

only such duties as relate to the affairs of that section. 12875

(2) Four members of the board shall be occupational 12876
therapists and one member shall be a licensed occupational therapy 12877
assistant, all of whom have been engaged in or actively associated 12878
with the practice of occupational therapy or practice as an 12879
occupational therapy assistant in this state for at least five 12880
years immediately preceding appointment. Such members of the board 12881
shall sit on the occupational therapy section. 12882

(3) Four members of the board shall be athletic trainers who 12883
have been engaged in the practice of athletic training in Ohio for 12884
at least five years immediately preceding appointment. One member 12885
of the board shall be a physician licensed to practice medicine 12886
and surgery in this state. Such members of the board shall sit on 12887
the athletic trainers section. 12888

(4) One member of the board shall represent the public. This 12889
member shall sit on the board and shall attend each year at least 12890
three meetings of the physical therapy section, three meetings of 12891
the occupational therapy section, and three meetings of the 12892
athletic trainers section. 12893

(B) Except for the terms of office specified in division 12894
(A)(1) of this section for the additional members of the physical 12895
therapy section commencing on August 28, 2007, terms for the 12896
members of the board and the additional members of the physical 12897
therapy section are for three years. Each member's term shall 12898
commence on the twenty-eighth day of August and end on the 12899
twenty-seventh day of August. Each member shall serve subsequent 12900
to the expiration of the member's term until the member's 12901
successor is appointed and qualifies, or until a period of sixty 12902
days has elapsed, whichever occurs first. A member shall not serve 12903
for more than three consecutive terms. All vacancies shall be 12904
filled in the manner prescribed for the regular appointments and 12905
are limited to the unexpired terms. 12906

(C) Each member of the board and each additional member of the physical therapy section, before entering upon the official duties of office, shall do both of the following:

(1) Subscribe to and file with the secretary of state the constitutional oath of office;

(2) Sign and file with the executive director of the board a notarized statement that the member has read and understands sections 121.22 and 149.43 of the Revised Code and the provisions of Chapter 119. of the Revised Code that are applicable to the duties of the board.

(D) Annually, upon the qualification of the member or members appointed in that year, the board shall organize by selecting from its members a president and secretary. Each section of the board shall independently organize by selecting from its members a chairperson and secretary.

(E) A majority of the members of the board constitutes a quorum to transact and vote on the business of the board. A majority of the members of each section constitutes a quorum to transact and vote on the affairs of that section.

(F) Each member of the board and each additional member of the physical therapy section shall receive an amount fixed pursuant to division ~~(J)~~(A) of section 124.15 of the Revised Code for each day employed in the discharge of official duties. In addition, each member of the board and each additional member of the physical therapy section shall receive the member's actual and necessary expenses incurred in the performance of official duties.

(G) The board of trustees of the Ohio occupational therapy association may recommend, after any term expires or vacancy occurs in an occupational therapy position, at least three persons to fill each such position or vacancy on the board, and the governor may make the appointment from the persons so recommended.

The executive board of the Ohio chapter of the American physical 12938
therapy association may recommend, after any term expires or 12939
vacancy occurs in a physical therapy position, at least three 12940
persons to fill each such vacancy on the board, and the governor 12941
may make appointments from the persons so recommended. The Ohio 12942
athletic trainers association shall recommend to the governor at 12943
least three persons when any term expires or any vacancy occurs in 12944
an athletic trainer position. The governor may select one of the 12945
association's recommendations in making such an appointment. 12946

(H) The board shall meet as a whole to determine all 12947
administrative, personnel, and budgetary matters. The executive 12948
director of the board appointed by the board shall not be a 12949
physical therapist, an occupational therapist, or an athletic 12950
trainer who has been licensed to practice physical therapy, 12951
occupational therapy, or as an athletic trainer in this state 12952
within three years immediately preceding appointment. The 12953
executive director shall execute, under the direction of the 12954
board, the policies, orders, directives, and administrative 12955
functions of the board and shall direct, under rules adopted by 12956
the board, the work of all persons employed by the board. Upon the 12957
request of the board, the executive director shall report to the 12958
board on any matter. The executive director shall serve at the 12959
pleasure of the board. 12960

(I) The occupational therapy section of the board shall have 12961
the authority to act on behalf of the board on matters concerning 12962
the practice of occupational therapy and, in particular, the 12963
examination of applicants, the issuance of licenses and limited 12964
permits, and the suspension or revocation of licenses and limited 12965
permits to practice as an occupational therapist or occupational 12966
therapy assistant. The physical therapy section of the board shall 12967
have the authority to act on behalf of the board on matters 12968
concerning the practice of physical therapy and, in particular, 12969

the examination, licensure, and suspension or revocation of 12970
licensure of applicants, physical therapists, and physical 12971
therapist assistants. The athletic trainers section of the board 12972
shall have the authority to act on behalf of the board on matters 12973
concerning the practice of athletic training and, in particular, 12974
the examination, licensure, and suspension or revocation of 12975
licensure of applicants and athletic trainers. All actions taken 12976
by any section of the board under this division shall be in 12977
accordance with Chapter 119. of the Revised Code. 12978

Sec. 4757.05. (A) The counselor, social worker, and marriage 12979
and family therapist board shall meet as a whole to discuss and 12980
review issues regarding personnel, budgetary matters, 12981
administration, and any other matter pertaining to the operation 12982
of the entire board. The board shall hold at least one regular 12983
meeting every three months. Additional meetings may be held at 12984
such times as the board determines, upon call of the chairperson, 12985
or upon the written request of four or more members of the board 12986
to the executive director. If four or more members so request a 12987
meeting, the executive director shall call a meeting to commence 12988
in not more than seven days. Eight members of the board constitute 12989
a quorum to conduct business. Except as provided in section 12990
4757.39 of the Revised Code, no action shall be taken without the 12991
concurrence of at least a quorum. 12992

The counselors professional standards committee, the social 12993
workers professional standards committee, and the marriage and 12994
family therapist professional standards committee shall meet as 12995
necessary to fulfill their duties established by this chapter and 12996
the rules adopted under it. Three members of a committee 12997
constitute a quorum for that committee to conduct business. No 12998
action shall be taken without the concurrence of at least a 12999
quorum. 13000

(B) At its first meeting each year, the board shall elect a chairperson from among its members. At the first meeting held each year by the board's professional standards committees, each committee shall elect from among its members a chairperson. The chairpersons of the committees shall serve as co-vice-chairpersons of the board. Neither the board nor its committees shall elect a member to serve more than two consecutive terms in the same office.

(C) The board shall employ an executive director. The board may employ and prescribe the powers and duties of such employees and consultants as are necessary for it and its professional standards committees to carry out this chapter and rules adopted under it.

(D) The members of the board shall receive an amount fixed under division ~~(J)~~(A) of section 124.15 of the Revised Code for each day employed in the discharge of their official duties as board or committee members and shall be reimbursed for their necessary and actual expenses incurred in the performance of their official duties.

(E) The board and each of its professional standards committees shall keep any records and minutes necessary to fulfill the duties established by this chapter and the rules adopted under it.

Sec. 4758.12. The voting members of the chemical dependency professionals board shall receive an amount fixed under division ~~(J)~~(A) of section 124.15 of the Revised Code for each day employed in the discharge of their official duties as board members and shall be reimbursed for their necessary and actual expenses incurred in the performance of their official duties.

Sec. 4759.03. There is hereby created the Ohio board of

dietetics consisting of five members appointed by the governor 13031
with the advice and consent of the senate. The Ohio dietetic 13032
association may submit a list of five names for each position or 13033
vacancy on the board to be filled by a dietitian, and the governor 13034
may make ~~his appointment~~ appointments from the persons so 13035
recommended or from other persons. Within thirty days of ~~the~~ 13036
~~effective date of this section~~ July 1, 1987, the governor shall 13037
make initial appointments to the board. Of the initial 13038
appointments, one shall be for a term ending one year after ~~the~~ 13039
~~effective date of this section~~ July 1, 1987, one shall be for a 13040
term ending two years after ~~the effective date of this section~~ 13041
July 1, 1987, one shall be for a term ending three years after ~~the~~ 13042
~~effective date of this section~~ July 1, 1987, one shall be for a 13043
term ending four years after ~~the effective date of this section~~ 13044
July 1, 1987, and one shall be for a term ending five years after 13045
~~the effective date of this section~~ July 1, 1987. Thereafter, terms 13046
of office shall be for five years, each term ending on the same 13047
day of the same month as did the term which it succeeds. Each 13048
member shall hold office from the date of ~~his~~ appointment until 13049
the end of the term for which ~~he~~ the member was appointed. The 13050
governor shall appoint a member to fill a vacancy in the manner 13051
prescribed for filling the position in which the vacancy occurs. 13052
Any member appointed to fill a vacancy occurring prior to the 13053
expiration of the term for which ~~his~~ the member's predecessor was 13054
appointed shall hold office for the remainder of the term. Any 13055
member shall continue in office subsequent to the expiration date 13056
of ~~his~~ the member's term until ~~his~~ a successor takes office, or 13057
until a period of sixty days has elapsed, whichever occurs first. 13058

Members of the board may be removed by the governor for 13059
malfeasance, misfeasance, or nonfeasance after an adjudication 13060
hearing pursuant to Chapter 119. of the Revised Code. Members may 13061
not be appointed to a second term unless a period of five years 13062
has passed since the expiration of the first term, except that 13063

members appointed for less than a five-year term or appointed to 13064
fill an unexpired term may be appointed for one full term of five 13065
years immediately following the end of the term for which ~~he~~ the 13066
member was first appointed. 13067

Three members of the board shall be dietitians who have been 13068
actively engaged in the practice of dietetics in the state for at 13069
least five years immediately preceding their appointment; one 13070
member shall be an educator with a doctoral degree who holds a 13071
regular faculty appointment in a program that prepares students to 13072
meet the requirements of division (A)(5) of section 4759.06 of the 13073
Revised Code; and one member shall be a member of the general 13074
public who is not and never has been a dietitian, is not a member 13075
of the immediate family of a dietitian, does not have a financial 13076
interest in the provision of goods or services to dietitians, and 13077
is not engaged in any activity related to the practice of 13078
dietetics. 13079

Each member of the board shall receive an amount fixed 13080
pursuant to division ~~(J)~~(A) of section 124.15 of the Revised Code 13081
for each day, or portion thereof, ~~he is~~ actually engaged in the 13082
discharge of ~~his~~ official duties, and shall be reimbursed for 13083
actual and necessary expenses incurred in the performance of those 13084
duties. 13085

Sec. 4761.02. The governor, with the advice and consent of 13086
the senate, shall appoint the Ohio respiratory care board, 13087
consisting of nine residents of this state. Five members of the 13088
board shall be respiratory care professionals who were engaged in 13089
or actively associated with the practice of respiratory care in 13090
this state for at least five years immediately preceding 13091
appointment. Two members shall be home medical equipment services 13092
providers with not less than five years of management experience 13093
in home medical equipment services prior to appointment. One 13094

member shall be a physician who has clinical training and 13095
experience in the management of pulmonary disease. One member 13096
shall represent the public. 13097

After the term of a member of the board expires or becomes 13098
vacant, the Ohio state medical association may submit to the 13099
governor the names of nominees for the board position to be filled 13100
by a physician. The board of directors of the Ohio society for 13101
respiratory care, inc., may recommend to the governor at least 13102
three persons for each board position to be filled by a 13103
respiratory care professional. The American lung association of 13104
Ohio may submit to the governor the names of nominees for the 13105
board position to be filled by a person representing the public. 13106
The Ohio association of medical equipment services may submit to 13107
the governor the names of nominees for the two board positions to 13108
be filled by home medical equipment services providers. The 13109
governor shall consider these nominees in making the appointments. 13110

Of the two additional members of the board to be appointed 13111
who are respiratory care professionals who were engaged in or 13112
actively associated with the practice of respiratory care in this 13113
state for at least five years immediately preceding appointment, 13114
one shall be appointed for a term ending the fourteenth day of 13115
March immediately following the date that is one year after ~~the~~ 13116
~~effective date of this amendment~~ September 16, 2004, and one for a 13117
term ending on the fourteenth day of March immediately following 13118
the date that is two years after ~~the effective date of this~~ 13119
~~amendment~~ September 16, 2004. Of the initial two home medical 13120
equipment services providers appointed to the board, one shall be 13121
appointed for a term ending the fourteenth day of March 13122
immediately following the date that is one year after ~~the~~ 13123
~~effective date of this amendment~~ September 16, 2004, and one for a 13124
term ending the fourteenth day of March immediately following the 13125
date that is two years after ~~the effective date of this amendment~~ 13126

September 16, 2004. Thereafter, terms of office shall be for three 13127
years, each term ending on the same day of the same month of the 13128
year as did the term which it succeeds. A member shall serve 13129
subsequent to the expiration of the member's term until the 13130
member's successor is appointed and qualifies, or until a period 13131
of sixty days has elapsed, whichever occurs first. Each member, 13132
before entering upon the duties of office, shall subscribe to and 13133
file with the secretary of state the oath of office required under 13134
Section 7 of Article XV, Ohio Constitution. Vacancies shall be 13135
filled in the manner prescribed for the regular appointments to 13136
the board and shall be limited to the unexpired terms. Members of 13137
the board may be reappointed. 13138

Annually, upon the qualification of the member or members 13139
appointed in that year, the Ohio respiratory care board shall 13140
organize and shall select from its members a president and 13141
secretary. A majority of the members of the board shall constitute 13142
a quorum to transact and vote on the business of the board. 13143

Each member of the board shall receive an amount fixed 13144
pursuant to division ~~(J)~~(A) of section 124.15 of the Revised Code 13145
for each day actually employed in the discharge of the member's 13146
duties. In addition, each member shall receive actual and 13147
necessary expenses incurred in the performance of the member's 13148
official duties. 13149

The board shall employ an executive director who shall be in 13150
the unclassified service of the state. The executive director 13151
shall assist the board in the administration and enforcement of 13152
this chapter and shall employ individuals as the board considers 13153
necessary to provide that assistance. 13154

Sec. 4763.02. (A) There is hereby created the real estate 13155
appraiser board, consisting of five members appointed by the 13156
governor, with the advice and consent of the senate. Four members 13157

shall be persons certified or licensed under this chapter, at 13158
least two of whom shall hold a state-certified general real estate 13159
appraiser certificate, and one member shall represent the public 13160
and shall not be engaged in the practice of issuing real estate 13161
appraisals, real estate brokerage or sales, or have any financial 13162
interest in such practices. At least one of the certificate 13163
holders or licensees members shall be a real estate broker 13164
licensed pursuant to Chapter 4735. of the Revised Code whose 13165
license is in good standing. For the purpose of appointment to an 13166
eligibility for appointment to the board, the license of a real 13167
estate broker may be on deposit with the division of real estate 13168
of the department of commerce. No more than three members shall be 13169
members of the same political party and no member of the board 13170
concurrently may be a member of the board and the Ohio real estate 13171
commission created pursuant to section 4735.03 of the Revised 13172
Code. Of the initial appointments to the board, one is for a term 13173
ending June 30, 1990, two are for terms ending June 30, 1991, and 13174
two are for terms ending June 30, 1992. Thereafter, terms of 13175
office are for three years, commencing on the first day of July 13176
and ending on the thirtieth day of June. Each member shall hold 13177
office from the date of ~~his~~ appointment until the end of the term 13178
for which ~~he is~~ appointed. Prior to entering upon ~~the~~ official 13179
~~duties of his office~~, each member shall subscribe to, and file 13180
with the secretary of state, the constitutional oath of office. 13181
Vacancies that occur on the board shall be filled in the manner 13182
prescribed for regular appointments to the board. A member 13183
appointed to fill a vacancy occurring prior to the expiration of 13184
the term for which ~~his~~ the member's predecessor was appointed 13185
shall hold office for the remainder of that term. A member shall 13186
continue in office subsequent to the expiration date of ~~his~~ the 13187
member's term until ~~his~~ the member's successor takes office or 13188
until sixty days have elapsed, whichever occurs first. No person 13189
shall serve as a member of the board for more than two consecutive 13190

terms. The governor may remove a member pursuant to section 3.04 13191
of the Revised Code. 13192

(B) Annually, upon the qualification of the members appointed 13193
in that year, the board shall organize by selecting from its 13194
members a ~~chairman~~ chairperson. The board shall meet at least once 13195
each calendar quarter to conduct its business with the place of 13196
future meetings to be decided by a vote of its members. Each 13197
member shall be provided with written notice of the time and place 13198
of each board meeting at least ten days prior to the scheduled 13199
date of the meeting. A majority of the members of the board 13200
constitutes a quorum to transact and vote on all business coming 13201
before the board. 13202

(C) Each member of the board shall receive an amount fixed 13203
pursuant to division ~~(J)~~(A) of section 124.15 of the Revised Code 13204
for each day employed in the discharge of ~~his~~ official duties, and 13205
~~his~~ the member's actual and necessary expenses incurred in the 13206
discharge of those duties. 13207

(D) The board is part of the department of commerce for 13208
administrative purposes. 13209

Sec. 4775.05. (A) The board of motor vehicle collision repair 13210
registration shall appoint an individual who is not a member of 13211
the board as a full-time employee of the board to serve as the 13212
executive director of the board. The executive director shall 13213
serve at the pleasure and direction of the board. The director of 13214
administrative services shall establish the executive director's 13215
salary ~~in a pay range~~ as provided in division ~~(J)~~(A) of section 13216
124.15 of the Revised Code. The executive director, subject to the 13217
approval of the board, shall determine the office space, supplies, 13218
and professional and clerical assistance necessary to effectively 13219
perform the executive director's duties. 13220

(B) The executive director shall perform all the following 13221

duties:	13222
(1) Review and submit to the board, for its approval,	13223
applications for registration pursuant to section 4775.07 of the	13224
Revised Code;	13225
(2) Issue registration certificates, as approved by the	13226
board, to persons who meet the qualifications for registration	13227
under division (A) of section 4775.07 of the Revised Code;	13228
(3) Maintain a written record of all persons registered	13229
pursuant to section 4775.07 of the Revised Code. The record shall	13230
include the name, address, and motor vehicle collision repair	13231
registration certificate number of each registered motor vehicle	13232
collision repair operator. The executive director shall make this	13233
record available to any person upon request and payment of a fee	13234
sufficient to cover the cost of copying the record.	13235
(4) Collect all fees pursuant to section 4775.08 of the	13236
Revised Code;	13237
(5) Appoint enforcement officers as needed to assist the	13238
executive director in carrying out this chapter, who shall serve	13239
at the pleasure of the director;	13240
(6) Gather evidence of violations of this chapter by any	13241
person or motor vehicle collision repair operator, or any partner	13242
or officer of any motor vehicle collision repair operator, and,	13243
upon reasonable belief that a violation has occurred, present the	13244
evidence to the board for its consideration. Nothing in division	13245
(B)(6) of this section shall be construed as authorizing the	13246
executive director or the board to enforce any provision of law	13247
other than this chapter. If, however, the executive director or	13248
board, in conducting investigations under those sections,	13249
determines or suspects that a person has violated any other	13250
provision of law, the executive director or board shall notify the	13251
governmental entity that is responsible for enforcement of that	13252

provision of law.	13253
(7) Serve as secretary of the board and maintain a written record of all of the proceedings of the board;	13254 13255
(8) Notify all motor vehicle collision repair operators of changes in the motor vehicle collision repair law and rules adopted pursuant to that law;	13256 13257 13258
(9) Do all other things requested by the board for the administration and enforcement of this chapter.	13259 13260
(C) The executive director may provide information relevant to motor vehicle collision repair to motor vehicle collision repair operators or other persons, and may communicate with any person, or respond to communications from any person, in matters pertaining to motor vehicle collision repair.	13261 13262 13263 13264 13265
Sec. 4905.10. (A) For the sole purpose of maintaining and administering the public utilities commission and exercising its supervision and jurisdiction over the railroads and public utilities of this state, an amount equivalent to the appropriation from the public utilities fund created under division (B) of this section to the public utilities commission for railroad and public utilities regulation in each fiscal year shall be apportioned among and assessed against each railroad and public utility within this state by the commission by first computing an assessment as though it were to be made in proportion to the intrastate gross earnings or receipts, excluding earnings or receipts from sales to other public utilities for resale, of the railroad or public utility for the calendar year next preceding that in which the assessment is made. The commission may include in that first computation any amount of a railroad's or public utility's intrastate gross earnings or receipts that were underreported in a prior year. In addition to whatever penalties apply under the Revised Code to such underreporting, the commission shall assess	13266 13267 13268 13269 13270 13271 13272 13273 13274 13275 13276 13277 13278 13279 13280 13281 13282 13283

the railroad or public utility interest at the rate stated in 13284
division (A) of section 1343.01 of the Revised Code. The 13285
commission shall deposit any interest so collected into the public 13286
utilities fund. The commission may exclude from that first 13287
computation any such amounts that were overreported in a prior 13288
year. 13289

The final computation of the assessment shall consist of 13290
imposing upon each railroad and public utility whose assessment 13291
under the first computation would have been one hundred dollars or 13292
less an assessment of one hundred dollars and recomputing the 13293
assessments of the remaining railroads and public utilities by 13294
apportioning an amount equal to the appropriation to the public 13295
utilities commission for administration of the utilities division 13296
in each fiscal year less the total amount to be recovered from 13297
those paying the minimum assessment, in proportion to the 13298
intrastate gross earnings or receipts of the remaining railroads 13299
and public utilities for the calendar year next preceding that in 13300
which the assessments are made. 13301

In the case of an assessment based on intrastate gross 13302
receipts under this section against a public utility that is an 13303
electric utility as defined in section 4928.01 of the Revised 13304
Code, or an electric services company, electric cooperative, or 13305
governmental aggregator subject to certification under section 13306
4928.08 of the Revised Code, such receipts shall be those 13307
specified in the utility's, company's, cooperative's, or 13308
aggregator's most recent report of intrastate gross receipts and 13309
sales of kilowatt hours of electricity, filed with the commission 13310
pursuant to division (F) of section 4928.06 of the Revised Code, 13311
and verified by the commission. 13312

In the case of an assessment based on intrastate gross 13313
receipts under this section against a retail natural gas supplier 13314
or governmental aggregator subject to certification under section 13315

4929.20 of the Revised Code, such receipts shall be those 13316
specified in the supplier's or aggregator's most recent report of 13317
intrastate gross receipts and sales of hundred cubic feet of 13318
natural gas, filed with the commission pursuant to division (B) of 13319
section 4929.23 of the Revised Code, and verified by the 13320
commission. However, no such retail natural gas supplier or such 13321
governmental aggregator serving or proposing to serve customers of 13322
a particular natural gas company, as defined in section 4929.01 of 13323
the Revised Code, shall be assessed under this section until after 13324
the commission, pursuant to section 4905.26 or 4909.18 of the 13325
Revised Code, has removed from the base rates of the natural gas 13326
company the amount of assessment under this section that is 13327
attributable to the value of commodity sales service, as defined 13328
in section 4929.01 of the Revised Code, in the base rates paid by 13329
those customers of the company that do not purchase that service 13330
from the natural gas company. 13331

(B) Through calendar year 2005, on or before the first day of 13332
October in each year, the commission shall notify each such 13333
railroad and public utility of the sum assessed against it, 13334
whereupon payment shall be made to the commission, which shall 13335
deposit it into the state treasury to the credit of the public 13336
utilities fund, which is hereby created. Beginning in calendar 13337
year 2006, on or before the fifteenth day of May in each year, the 13338
commission shall notify each railroad and public utility that had 13339
a sum assessed against it for the current fiscal year of more than 13340
one thousand dollars that fifty per cent of that amount shall be 13341
paid to the commission by the twentieth day of June of that year 13342
as an initial payment of the assessment against the company for 13343
the next fiscal year. On or before the first day of October in 13344
each year, the commission shall make a final determination of the 13345
sum of the assessment against each railroad and public utility and 13346
shall notify each railroad and public utility of the sum assessed 13347
against it. The commission shall deduct from the assessment for 13348

each railroad or public utility any initial payment received. 13349
Payment of the assessment shall be made to the commission by the 13350
first day of November of that year. The commission shall deposit 13351
the payments received into the state treasury to the credit of the 13352
public utilities fund. Any such amounts paid into the fund but not 13353
expended by the commission shall be credited ratably, after first 13354
deducting any deficits accumulated from prior years, by the 13355
commission to railroads and public utilities that pay more than 13356
the minimum assessment, according to the respective portions of 13357
such sum assessable against them for the ensuing fiscal year. The 13358
assessments for such fiscal year shall be reduced correspondingly. 13359

(C) Within five days after the beginning of each fiscal year 13360
through fiscal year 2006, the director of budget and management 13361
shall transfer from the general revenue fund to the public 13362
utilities fund an amount sufficient for maintaining and 13363
administering the public utilities commission and exercising its 13364
supervision and jurisdiction over the railroads and public 13365
utilities of the state during the first four months of the fiscal 13366
year. The director shall transfer the same amount back to the 13367
general revenue fund from the public utilities fund at such time 13368
as the director determines that the balance of the public 13369
utilities fund is sufficient to support the appropriations from 13370
the fund for the fiscal year. The director may transfer less than 13371
that amount if the director determines that the revenues of the 13372
public utilities fund during the fiscal year will be insufficient 13373
to support the appropriations from the fund for the fiscal year, 13374
in which case the amount not paid back to the general revenue fund 13375
shall be payable to the general revenue fund in future fiscal 13376
years. 13377

(D) For the purpose of this section only, "public utility" 13378
includes: 13379

(1) In addition to an electric utility as defined in section 13380

4928.01 of the Revised Code, an electric services company, an 13381
electric cooperative, or a governmental aggregator subject to 13382
certification under section 4928.08 of the Revised Code, to the 13383
extent of the company's, cooperative's, or aggregator's engagement 13384
in the business of supplying or arranging for the supply in this 13385
state of any retail electric service for which it must be so 13386
certified; 13387

(2) In addition to a natural gas company as defined in 13388
section 4929.01 of the Revised Code, a retail natural gas supplier 13389
or governmental aggregator subject to certification under section 13390
4929.20 of the Revised Code, to the extent of the supplier's or 13391
aggregator's engagement in the business of supplying or arranging 13392
for the supply in this state of any competitive retail natural gas 13393
service for which it must be certified. 13394

(E) Each public utilities commissioner shall receive a salary 13395
~~fixed at the level set by pay range 49~~ by the director of 13396
administrative services under ~~schedule E-2 of~~ section 124.152 of 13397
the Revised Code. 13398

Sec. 4906.02. (A) There is hereby created within the public 13399
utilities commission the power siting board, composed of the 13400
~~chairman~~ chairperson of the public utilities commission, the 13401
director of environmental protection, the director of health, the 13402
director of development, the director of natural resources, the 13403
director of agriculture, and a representative of the public who 13404
shall be an engineer and shall be appointed by the governor, from 13405
a list of three nominees submitted to the governor by the office 13406
of the consumers' counsel, with the advice and consent of the 13407
senate and shall serve for a term of four years. The ~~chairman~~ 13408
chairperson of the public utilities commission shall be ~~chairman~~ 13409
chairperson of the board and its chief executive officer. The 13410
~~chairman~~ chairperson shall designate one of the voting members of 13411

the board to act as ~~vice-chairman~~ vice-chairperson who shall 13412
possess during the absence or disability of the ~~chairman~~ 13413
chairperson all of the powers of the ~~chairman~~ chairperson. All 13414
hearings, studies, and consideration of applications for 13415
certificates shall be conducted by the board or representatives of 13416
its members. 13417

In addition, the board shall include four legislative members 13418
who may participate fully in all the board's deliberations and 13419
activities except that they shall serve as nonvoting members. The 13420
speaker of the house of representatives shall appoint one 13421
legislative member, and the president of the senate and minority 13422
leader of each house shall each appoint one legislative member. 13423
Each such legislative leader shall designate an alternate to 13424
attend meetings of the board when the regular legislative member 13425
~~he~~ appointed by the legislative leader is unable to attend. Each 13426
legislative member and alternate shall serve for the duration of 13427
the elected term that ~~he~~ the legislative member is serving at the 13428
time of ~~his~~ appointment. A quorum of the board is a majority of 13429
its voting members. 13430

The representative of the public and, notwithstanding section 13431
101.26 of the Revised Code, legislative members of the board or 13432
their designated alternates, when engaged in their duties as 13433
members of the board, shall be paid at ~~the a~~ per diem rate of ~~step~~ 13434
~~1, pay range 32,~~ fixed under ~~schedule B of~~ division (A) of section 13435
124.15 of the Revised Code and shall be reimbursed for the actual 13436
and necessary expenses they incur in the discharge of their 13437
official duties. 13438

(B) The ~~chairman~~ chairperson shall keep a complete record of 13439
all proceedings of the board, issue all necessary process, writs, 13440
warrants, and notices, keep all books, maps, documents, and papers 13441
ordered filed by the board, conduct investigations pursuant to 13442
section 4906.07 of the Revised Code, and perform such other duties 13443

as the board may prescribe. 13444

(C) The ~~chairman~~ chairperson of the public utilities 13445
commission may assign or transfer duties among the commission's 13446
staff. However, the board's authority to grant certificates under 13447
section 4906.10 of the Revised Code shall not be exercised by any 13448
officer, employee, or body other than the board itself. 13449

(D) The ~~chairman~~ chairperson may call to ~~his~~ the 13450
chairperson's assistance, temporarily, any employee of the 13451
environmental protection agency, the department of natural 13452
resources, the department of agriculture, the department of 13453
health, or the department of development, for the purpose of 13454
making studies, conducting hearings, investigating applications, 13455
or preparing any report required or authorized under this chapter. 13456
Such employees shall not receive any additional compensation over 13457
that which they receive from the agency by which they are 13458
employed, but they shall be reimbursed for their actual and 13459
necessary expenses incurred while working under the direction of 13460
the ~~chairman~~ chairperson. All contracts for special services are 13461
subject to the approval of the ~~chairman~~ chairperson. 13462

(E) The board's offices shall be located in those of the 13463
public utilities commission. 13464

Sec. 4911.07. The salary of the consumers' counsel shall be 13465
determined by the consumers' counsel governing board ~~but~~ and shall 13466
be ~~in pay range 49 as set forth in section 124.152 of the Revised~~ 13467
~~Code~~ based upon merit. 13468

Sec. 4911.12. (A) ~~Notwithstanding Chapter 4117. of the~~ 13469
~~Revised Code, the~~ The consumers' counsel may employ and fix the 13470
compensation of such officers, experts, lawyers, engineers, 13471
economists, statisticians, accountants, investigators, and 13472
employees in fiduciary, supervisory, or policy-making positions as 13473

are necessary to carry out Chapters 4909. and 4911. of the Revised Code or to perform the powers and duties conferred or imposed upon ~~him~~ the counsel by law. These employees shall be in the unclassified civil service, ~~shall not be considered public employees for purposes of Chapter 4117. of the Revised Code,~~ and shall serve at the pleasure of the counsel. The counsel may also employ such clerical employees, including clerks and stenographers, as are necessary to carry out Chapters 4909. and 4911. of the Revised Code or to perform ~~his~~ the duties and exercise the powers conferred by law upon ~~him~~ the counsel. These clerical employees shall be in the classified civil service. All officers, lawyers, engineers, economists, statisticians, accountants, investigators, stenographers, clerks, and other employees of the counsel and the expenses of the office of the counsel, the expenses of the counsel, and the expenses of the employees of such office shall be paid from funds appropriated for the use of the consumers' counsel after being approved by the consumers' counsel.

(B) The consumers' counsel may contract for the services of technically qualified persons in the area of public utility matters to assist ~~him~~ in carrying out the duties of ~~his~~ the counsel's office. Such persons shall be paid from funds appropriated for the use of the consumers' counsel after being approved by the consumers' counsel.

Sec. 5119.071. An appointing authority may appoint a person who holds a certified position in the classified service within the department of mental health to a position in the unclassified service within the department. A person appointed pursuant to this section to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment to the position in the unclassified service, regardless of the

number of positions the person held in the unclassified service. 13506

An employee's right to resume a position in the classified service 13507
may only be exercised when an appointing authority demotes the 13508
employee to a ~~pay range~~ salary or wage lower than the employee's 13509
current ~~pay range~~ salary or wage or revokes the employee's 13510
appointment to the unclassified service. An employee forfeits the 13511
right to resume a position in the classified service when the 13512
employee is removed from the position in the unclassified service 13513
due to incompetence, inefficiency, dishonesty, drunkenness, 13514
immoral conduct, insubordination, discourteous treatment of the 13515
public, neglect of duty, violation of this chapter or Chapter 124. 13516
of the Revised Code, violation of the rules of the director of 13517
administrative services or the director of mental health, any 13518
other failure of good behavior, any other acts of misfeasance, 13519
malfeasance, or nonfeasance in office, or conviction of a felony. 13520
An employee also forfeits the right to resume a position in the 13521
classified service upon transfer to a different agency. 13522

Reinstatement to a position in the classified service shall 13523
be to a position substantially equal to that position in the 13524
classified service held previously, as certified by the director 13525
of administrative services. If the position the person previously 13526
held in the classified service has been placed in the unclassified 13527
service or is otherwise unavailable, the person shall be appointed 13528
to a position in the classified service within the department that 13529
the director of administrative services certifies is comparable in 13530
compensation to the position the person previously held in the 13531
classified service. Service in the position in the unclassified 13532
service shall be counted as service in the position in the 13533
classified service held by the person immediately prior to the 13534
person's appointment to the position in the unclassified service. 13535
When a person is reinstated to a position in the classified 13536
service as provided in this section, the person is entitled to all 13537
rights, status, and benefits accruing to the position in the 13538

classified service during the person's time of service in the 13539
position in the unclassified service. 13540

Sec. 5119.09. The director of mental health shall prepare, 13541
and may amend from time to time, specifications descriptive of the 13542
duties, responsibilities, requirements, and desirable 13543
qualifications of physician specialists in the department of 13544
mental health. The director shall prepare, and may amend from time 13545
to time, classifications for those physician specialists, and they 13546
shall receive a salary fixed by the director pursuant to section 13547
124.15 or 124.152 of the Revised Code. 13548

The director may employ and classify physicians in the 13549
department as physician specialists, ~~within the classifications~~ 13550
~~and pay ranges fixed pursuant to section 124.15 or 124.152 of the~~ 13551
~~Revised Code.~~ Any physician employed in the department, ~~whether~~ 13552
~~previously classified pursuant to section 124.15 or 124.152 of the~~ 13553
~~Revised Code or otherwise employed in the department,~~ may be 13554
classified or reclassified as a physician specialist, pursuant to 13555
this section, upon order of the director; provided that, each such 13556
physician shall be qualified as required by this section and meet 13557
the specifications for the classification to which the physician 13558
is assigned. Any physician classified and designated a physician 13559
specialist under authority of this section may be assigned to a 13560
different physician specialist classification upon order of the 13561
director; the director shall certify each such reclassification, 13562
and the department of administrative services shall be governed by 13563
the certification; provided that, nothing in this section shall 13564
alter the powers and duties of the state personnel board of review 13565
under division (A)(1) of section 124.03 of the Revised Code. 13566

Each physician classified and designated as a physician 13567
specialist in the department, under authority of this section, 13568
shall be a reputable physician and a graduate of an accredited 13569

medical college, who has had special training and experience in 13570
the treatment of mental illness or other condition found in 13571
patients in the department. 13572

Sec. 5123.08. An appointing officer may appoint a person who 13573
holds a certified position in the classified service within the 13574
department of developmental disabilities to a position in the 13575
unclassified service within the department. A person appointed 13576
pursuant to this section to a position in the unclassified service 13577
shall retain the right to resume the position and status held by 13578
the person in the classified service immediately prior to the 13579
person's appointment to the position in the unclassified service, 13580
regardless of the number of positions the person held in the 13581
unclassified service. An employee's right to resume a position in 13582
the classified service may only be exercised when an appointing 13583
authority demotes the employee to a ~~pay range~~ salary or wage lower 13584
than the employee's current ~~pay range~~ salary or wage or revokes 13585
the employee's appointment to the unclassified service. An 13586
employee forfeits the right to resume a position in the classified 13587
service when the employee is removed from the position in the 13588
unclassified service due to incompetence, inefficiency, 13589
dishonesty, drunkenness, immoral conduct, insubordination, 13590
discourteous treatment of the public, neglect of duty, violation 13591
of this chapter or Chapter 124. of the Revised Code, the rules of 13592
the director of developmental disabilities or the director of 13593
administrative services, any other failure of good behavior, any 13594
other acts of misfeasance, malfeasance, or nonfeasance in office, 13595
or conviction of a felony. An employee also forfeits the right to 13596
resume a position in the classified service upon transfer to a 13597
different agency. 13598

Reinstatement to a position in the classified service shall 13599
be to a position substantially equal to that position in the 13600
classified service held previously, as certified by the director 13601

of administrative services. If the position the person previously held in the classified service has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the department that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service. Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment to the position in the unclassified service. When a person is reinstated to a position in the classified service as provided in this section, the person is entitled to all rights, status, and benefits accruing to the position in the classified service during the time of the person's service in the position in the unclassified service.

Sec. 5123.51. (A) In addition to any other action required by sections 5123.61 and 5126.31 of the Revised Code, the department of developmental disabilities shall review each report the department receives of abuse or neglect of an individual with mental retardation or a developmental disability or misappropriation of an individual's property that includes an allegation that an MR/DD employee committed or was responsible for the abuse, neglect, or misappropriation. The department shall review a report it receives from a public children services agency only after the agency completes its investigation pursuant to section 2151.421 of the Revised Code. On receipt of a notice under section 2930.061 or 5123.541 of the Revised Code, the department shall review the notice.

(B) The department shall do both of the following:

(1) Investigate the allegation or adopt the findings of an investigation or review of the allegation conducted by another

person or government entity and determine whether there is a 13633
reasonable basis for the allegation; 13634

(2) If the department determines that there is a reasonable 13635
basis for the allegation, conduct an adjudication pursuant to 13636
Chapter 119. of the Revised Code. 13637

(C)(1) The department shall appoint an independent hearing 13638
officer to conduct any hearing conducted pursuant to division 13639
(B)(2) of this section, ~~except that, if the hearing is regarding~~ 13640
~~an employee of the department who is represented by a union, the~~ 13641
~~department and a representative of the union shall jointly select~~ 13642
~~the hearing officer.~~ 13643

(2)(a) Except as provided in division (C)(2)(b) of this 13644
section, no hearing shall be conducted under division (B)(2) of 13645
this section until any criminal proceeding ~~or collective~~ 13646
~~bargaining arbitration~~ concerning the same allegation has 13647
concluded. 13648

(b) The department may conduct a hearing pursuant to division 13649
(B)(2) of this section before a criminal proceeding concerning the 13650
same allegation is concluded if both of the following are the 13651
case: 13652

(i) The department notifies the prosecutor responsible for 13653
the criminal proceeding that the department proposes to conduct a 13654
hearing. 13655

(ii) The prosecutor consents to the hearing. 13656

(3) In conducting a hearing pursuant to division (B)(2) of 13657
this section, the hearing officer shall do all of the following: 13658

(a) Determine whether there is clear and convincing evidence 13659
that the MR/DD employee has done any of the following: 13660

(i) Misappropriated property of one or more individuals with 13661
mental retardation or a developmental disability that has a value, 13662

either separately or taken together, of one hundred dollars or more;	13663 13664
(ii) Misappropriated property of an individual with mental retardation or a developmental disability that is designed to be used as a check, draft, negotiable instrument, credit card, charge card, or device for initiating an electronic fund transfer at a point of sale terminal, automated teller machine, or cash dispensing machine;	13665 13666 13667 13668 13669 13670
(iii) Knowingly abused such an individual;	13671
(iv) Recklessly abused or neglected such an individual, with resulting physical harm;	13672 13673
(v) Negligently abused or neglected such an individual, with resulting serious physical harm;	13674 13675
(vi) Recklessly neglected such an individual, creating a substantial risk of serious physical harm;	13676 13677
(vii) Engaged in sexual conduct or had sexual contact with an individual with mental retardation or another developmental disability who was not the MR/DD employee's spouse and for whom the MR/DD employee was employed or under a contract to provide care;	13678 13679 13680 13681 13682
(viii) Unreasonably failed to make a report pursuant to division (C) of section 5123.61 of the Revised Code when the employee knew or should have known that the failure would result in a substantial risk of harm to an individual with mental retardation or a developmental disability.	13683 13684 13685 13686 13687
(b) Give weight to the decision in any collective bargaining arbitration regarding the same allegation;	13688 13689
(c) Give weight to any relevant facts presented at the hearing.	13690 13691
(D)(1) Unless the director of developmental disabilities	13692

determines that there are extenuating circumstances and except as 13693
provided in division (E) of this section, if the director, after 13694
considering all of the factors listed in division (C)(3) of this 13695
section, finds that there is clear and convincing evidence that an 13696
MR/DD employee has done one or more of the things described in 13697
division (C)(3)(a) of this section the director shall include the 13698
name of the employee in the registry established under section 13699
5123.52 of the Revised Code. 13700

(2) Extenuating circumstances the director must consider 13701
include the use of physical force by an MR/DD employee that was 13702
necessary as self-defense. 13703

(3) If the director includes an MR/DD employee in the 13704
registry established under section 5123.52 of the Revised Code, 13705
the director shall notify the employee, the person or government 13706
entity that employs or contracts with the employee, the individual 13707
with mental retardation or a developmental disability who was the 13708
subject of the report and that individual's legal guardian, if 13709
any, the attorney general, and the prosecuting attorney or other 13710
law enforcement agency. If the MR/DD employee holds a license, 13711
certificate, registration, or other authorization to engage in a 13712
profession issued pursuant to Title XLVII of the Revised Code, the 13713
director shall notify the appropriate agency, board, department, 13714
or other entity responsible for regulating the employee's 13715
professional practice. 13716

(4) If an individual whose name appears on the registry is 13717
involved in a court proceeding or arbitration arising from the 13718
same facts as the allegation resulting in the individual's 13719
placement on the registry, the disposition of the proceeding or 13720
arbitration shall be noted in the registry next to the 13721
individual's name. 13722

(E) In the case of an allegation concerning an employee of 13723
the department, after the hearing conducted pursuant to division 13724

(B)(2) of this section, the director of health or that director's designee shall review the decision of the hearing officer to determine whether the standard described in division (C)(3) of this section has been met. If the director or designee determines that the standard has been met and that no extenuating circumstances exist, the director or designee shall notify the director of developmental disabilities that the MR/DD employee is to be included in the registry established under section 5123.52 of the Revised Code. If the director of developmental disabilities receives such notification, the director shall include the MR/DD employee in the registry and shall provide the notification described in division (D)(3) of this section.

(F) If the department is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the MR/DD employee subject to the notice does not timely request a hearing in accordance with section 119.07 or 5123.0414 of the Revised Code, the department is not required to hold a hearing.

(G) Files and records of investigations conducted pursuant to this section are not public records as defined in section 149.43 of the Revised Code, but, on request, the department shall provide copies of those files and records to the attorney general, a prosecuting attorney, or a law enforcement agency.

Sec. 5126.0220. The superintendent of the county board of developmental disabilities shall:

(A) Administer the work of the board, subject to the board's rules;

(B) Recommend to the board the changes necessary to increase the effectiveness of the programs and services offered pursuant to Chapters 3323. and 5126. of the Revised Code;

(C) Employ persons for all positions authorized by the board,

approve contracts of employment for management employees that are 13755
for a term of one year or less, and approve personnel actions that 13756
involve employees in the classified civil service as may be 13757
necessary for the work of the board; 13758

(D) Approve compensation for employees within the limits set 13759
by the ~~salary schedule and~~ budget set by the board and in 13760
accordance with section 5126.26 of the Revised Code, and ensure 13761
that all employees and consultants are properly reimbursed for 13762
actual and necessary expenses incurred in the performance of 13763
official duties; 13764

(E) Provide consultation to public agencies as defined in 13765
division (C) of section 102.01 of the Revised Code, including 13766
other county boards of developmental disabilities, and to 13767
individuals, agencies, or organizations providing services 13768
supported by the board. 13769

The superintendent may authorize the payment of board 13770
obligations by the county auditor. 13771

Sec. 5126.05. (A) Subject to the rules established by the 13772
director of developmental disabilities pursuant to Chapter 119. of 13773
the Revised Code for programs and services offered pursuant to 13774
this chapter, and subject to the rules established by the state 13775
board of education pursuant to Chapter 119. of the Revised Code 13776
for programs and services offered pursuant to Chapter 3323. of the 13777
Revised Code, the county board of developmental disabilities 13778
shall: 13779

(1) Administer and operate facilities, programs, and services 13780
as provided by this chapter and Chapter 3323. of the Revised Code 13781
and establish policies for their administration and operation; 13782

(2) Coordinate, monitor, and evaluate existing services and 13783
facilities available to individuals with mental retardation and 13784

developmental disabilities;	13785
(3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;	13786 13787 13788
(4) Provide or contract for special education services pursuant to Chapters 3306., 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;	13789 13790 13791 13792 13793
(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;	13794 13795 13796 13797 13798 13799
(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;	13800 13801 13802 13803 13804
(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits;	13805 13806 13807 13808 13809 13810
(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;	13811 13812
(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities.	13813 13814 13815

(B) To the extent that rules adopted under this section apply 13816
to the identification and placement of children with disabilities 13817
under Chapter 3323. of the Revised Code, they shall be consistent 13818
with the standards and procedures established under sections 13819
3323.03 to 3323.05 of the Revised Code. 13820

(C) Any county board may enter into contracts with other such 13821
boards and with public or private, nonprofit, or profit-making 13822
agencies or organizations of the same or another county, to 13823
provide the facilities, programs, and services authorized or 13824
required, upon such terms as may be agreeable, and in accordance 13825
with this chapter and Chapter 3323. of the Revised Code and rules 13826
adopted thereunder and in accordance with sections 307.86 and 13827
5126.071 of the Revised Code. 13828

(D) A county board may combine transportation for children 13829
and adults enrolled in programs and services offered under section 13830
5126.12 with transportation for children enrolled in classes 13831
funded under section 3317.20 or units approved under section 13832
3317.05 of the Revised Code. 13833

(E) A county board may purchase all necessary insurance 13834
policies, may purchase equipment and supplies through the 13835
department of administrative services or from other sources, and 13836
may enter into agreements with public agencies or nonprofit 13837
organizations for cooperative purchasing arrangements. 13838

(F) A county board may receive by gift, grant, devise, or 13839
bequest any moneys, lands, or property for the benefit of the 13840
purposes for which the board is established and hold, apply, and 13841
dispose of the moneys, lands, and property according to the terms 13842
of the gift, grant, devise, or bequest. All money received by 13843
gift, grant, bequest, or disposition of lands or property received 13844
by gift, grant, devise, or bequest shall be deposited in the 13845
county treasury to the credit of such board and shall be available 13846
for use by the board for purposes determined or stated by the 13847

donor or grantor, but may not be used for personal expenses of the 13848
board members. Any interest or earnings accruing from such gift, 13849
grant, devise, or bequest shall be treated in the same manner and 13850
subject to the same provisions as such gift, grant, devise, or 13851
bequest. 13852

(G) The board of county commissioners shall levy taxes and 13853
make appropriations sufficient to enable the county board of 13854
developmental disabilities to perform its functions and duties, 13855
and may utilize any available local, state, and federal funds for 13856
such purpose. 13857

Sec. 5126.24. (A) As used in this section: 13858

(1) "License" means an educator license issued by the state 13859
board of education under section 3319.22 of the Revised Code or a 13860
certificate issued by the department of developmental 13861
disabilities. 13862

(2) "Teacher" means a person employed by a county board of 13863
developmental disabilities in a position that requires a license. 13864

(3) "Nonteaching employee" means a person employed by a 13865
county board of developmental disabilities in a position that does 13866
not require a license. 13867

~~(4) "Years of service" includes all service described in 13868
division (A) of section 3317.13 of the Revised Code. 13869~~

(B) Subject to rules established by the director of 13870
developmental disabilities pursuant to Chapter 119. of the Revised 13871
Code, each county board of developmental disabilities shall 13872
~~annually adopt separate salary schedules for pay~~ teachers and 13873
nonteaching employees a salary based upon merit. 13874

~~(C) The teachers' salary schedule shall provide for 13875
increments based on training and years of service. The board may 13876
establish its own service requirements provided no teacher 13877~~

~~receives less than the salary the teacher would be paid under 13878
section 3317.13 of the Revised Code if the teacher were employed 13879
by a school district board of education and provided full credit 13880
for a minimum of five years of actual teaching and military 13881
experience as defined in division (A) of such section is given to 13882
each teacher. 13883~~

~~Each teacher who has completed training that would qualify 13884
the teacher for a higher salary bracket pursuant to this section 13885
shall file by the fifteenth day of September with the fiscal 13886
officer of the board, satisfactory evidence of the completion of 13887
such additional training. The fiscal officer shall then 13888
immediately place the teacher, pursuant to this section, in the 13889
proper salary bracket in accordance with training and years of 13890
service. No teacher shall be paid less than the salary to which 13891
the teacher would be entitled under section 3317.13 of the Revised 13892
Code if the teacher were employed by a school district board of 13893
education. 13894~~

The superintendent of each county board, on or before the 13895
fifteenth day of October of each year, shall certify to the state 13896
board of education the name of each teacher employed, on an annual 13897
salary, in each special education program operated pursuant to 13898
section 3323.09 of the Revised Code during the first full school 13899
week of October. The superintendent further shall certify, for 13900
each teacher, the number of years of training completed at a 13901
recognized college, the degrees earned from a college recognized 13902
by the state board, the type of license held, the number of months 13903
employed by the board, the annual salary, and other information 13904
that the state board may request. 13905

~~(D) The nonteaching employees' salary schedule established by 13906
the board shall be based on training, experience, and 13907
qualifications with initial salaries no less than salaries in 13908
effect on July 1, 1985. Each board shall prepare and may amend 13909~~

from time to time, specifications descriptive of duties, 13910
responsibilities, requirements, and desirable qualifications of 13911
the classifications of employees required to perform the duties 13912
~~specified in the salary schedule required of the employees in~~ 13913
~~those classifications.~~ All nonteaching employees shall be notified 13914
of the position classification to which they are assigned ~~and the~~ 13915
~~salary for the classification. The compensation of all nonteaching~~ 13916
~~employees working for a particular board shall be uniform for like~~ 13917
~~positions except as compensation would be affected by salary~~ 13918
~~increments based upon length of service.~~ 13919

On the fifteenth day of October of each year the nonteaching 13920
employees' ~~salary schedule and~~ list of job classifications and 13921
salaries in effect on that date shall be filed by each board with 13922
the superintendent of public instruction. If such ~~salary schedule~~ 13923
~~and~~ classification plan is not filed, the superintendent of public 13924
instruction shall order the board to file such ~~schedule and~~ list 13925
forthwith. If this condition is not corrected within ten days 13926
after receipt of the order from the superintendent, no money shall 13927
be distributed to the district under Chapter 3306. or 3317. of the 13928
Revised Code until the superintendent has satisfactory evidence of 13929
the board's full compliance with such order. 13930

Sec. 5139.02. (A)(1) As used in this section, "managing 13931
officer" means a deputy director, an assistant deputy director, a 13932
superintendent, a regional administrator, a deputy superintendent, 13933
or the superintendent of schools of the department of youth 13934
services, a member of the release authority, the chief of staff to 13935
the release authority, and the victims administrator of the office 13936
of victim services. 13937

(2) Each division established by the director of youth 13938
services shall consist of managing officers and other employees, 13939
including those employed in institutions and regions as necessary 13940

to perform the functions assigned to them. The director or 13941
appropriate deputy director or managing officer of the department 13942
shall supervise the work of each division and determine general 13943
policies governing the exercise of powers vested in the department 13944
and assigned to each division. The appropriate managing officer or 13945
deputy director is responsible to the director for the 13946
organization, direction, and supervision of the work of the 13947
division or unit and for the exercise of the powers and the 13948
performance of the duties of the department assigned to it and, 13949
with the director's approval, may establish bureaus or other 13950
administrative units within the department. 13951

(B) The director shall appoint all managing officers, who 13952
shall be in the unclassified civil service. The director may 13953
appoint a person who holds a certified position in the classified 13954
service within the department to a position as a managing officer 13955
within the department. A person appointed pursuant to this 13956
division to a position as a managing officer shall retain the 13957
right to resume the position and status held by the person in the 13958
classified service immediately prior to the person's appointment 13959
as managing officer, regardless of the number of positions the 13960
person held in the unclassified service. A managing officer's 13961
right to resume a position in the classified service may only be 13962
exercised when the director demotes the managing officer to a pay 13963
~~range~~ level lower than the managing officer's current pay ~~range~~ 13964
level or revokes the managing officer's appointment to the 13965
position of managing officer. A managing officer forfeits the 13966
right to resume a position in the classified service when the 13967
managing officer is removed from the position of managing officer 13968
due to incompetence, inefficiency, dishonesty, drunkenness, 13969
immoral conduct, insubordination, discourteous treatment of the 13970
public, neglect of duty, violation of this chapter or Chapter 124. 13971
of the Revised Code, the rules of the director of youth services 13972
or the director of administrative services, any other failure of 13973

good behavior, any other acts of misfeasance, malfeasance, or 13974
nonfeasance in office, or conviction of a felony. A managing 13975
officer also forfeits the right to resume a position in the 13976
classified service upon transfer to a different agency. 13977

Reinstatement to a position in the classified service shall 13978
be to the position held in the classified service immediately 13979
prior to appointment as managing officer, or to another position 13980
certified by the director of administrative services as being 13981
substantially equal to that position. If the position the person 13982
previously held in the classified service immediately prior to 13983
appointment as a managing officer has been placed in the 13984
unclassified service or is otherwise unavailable, the person shall 13985
be appointed to a position in the classified service within the 13986
department that the director of administrative services certifies 13987
is comparable in compensation to the position the person 13988
previously held in the classified service. Service as a managing 13989
officer shall be counted as service in the position in the 13990
classified service held by the person immediately prior to the 13991
person's appointment as a managing officer. If a person is 13992
reinstated to a position in the classified service under this 13993
division, the person shall be returned to the pay ~~range and step~~ 13994
level to which the person had been assigned at the time of the 13995
appointment as managing officer. ~~Longevity, where applicable,~~ 13996
~~shall be calculated pursuant to the provisions of section 124.181~~ 13997
~~of the Revised Code.~~ 13998

(C) Each person appointed as a managing officer shall have 13999
received special training and shall have experience in the type of 14000
work that the person's division is required to perform. Each 14001
managing officer, under the supervision of the director, has 14002
entire charge of the division, institution, unit, or region for 14003
which the managing officer is appointed and, with the director's 14004
approval, shall appoint necessary employees and may remove them 14005

for cause. 14006

(D) The director may designate one or more deputy directors 14007
to sign any personnel actions on the director's behalf. The 14008
director shall make a designation in a writing signed by the 14009
director, and the designation shall remain in effect until the 14010
director revokes or supersedes it with a new designation. 14011

Sec. 5501.20. (A) As used in this section: 14012

(1) "Career professional service" means that part of the 14013
competitive classified service that consists of employees of the 14014
department of transportation who, regardless of job 14015
classification, meet both of the following qualifications: 14016

(a) They are supervisors, professional employees ~~who are not~~ 14017
~~in a collective bargaining unit~~, confidential employees, or 14018
management level employees, all as defined in section 4117.01 of 14019
the Revised Code. 14020

(b) They exercise authority that is not merely routine or 14021
clerical in nature and report only to a higher level unclassified 14022
employee or employee in the career professional service. 14023

(2) "Demoted" means that an employee is placed in a position 14024
where the employee's wage rate equals, or is not more than twenty 14025
per cent less than, the employee's wage rate immediately prior to 14026
demotion or where the employee's job responsibilities are reduced, 14027
or both. 14028

(3) "Employee in the career professional service with 14029
restoration rights" means an employee in the career professional 14030
service who has been in the classified civil service for at least 14031
two years and who has a cumulative total of at least ten years of 14032
continuous service with the department of transportation. 14033

(B) Not later than the first day of July of each odd-numbered 14034
year, the director of transportation shall adopt a rule in 14035

accordance with section 111.15 of the Revised Code that 14036
establishes a business plan for the department of transportation 14037
that states the department's mission, business objectives, and 14038
strategies and that establishes a procedure by which employees in 14039
the career professional service will be held accountable for their 14040
performance. The director shall adopt a rule that establishes a 14041
business plan for the department only once in each two years. 14042
Within sixty days after the effective date of a rule that 14043
establishes a business plan for the department, the director shall 14044
adopt a rule in accordance with section 111.15 of the Revised Code 14045
that identifies specific positions within the department of 14046
transportation that are included in the career professional 14047
service. The director may amend the rule that identifies the 14048
specific positions included in the career professional service 14049
whenever the director determines necessary. Any rule adopted under 14050
this division is subject to review and invalidation by the joint 14051
committee on agency rule review as provided in division (D) of 14052
section 111.15 of the Revised Code. The director shall provide a 14053
copy of any rule adopted under this division to the director of 14054
budget and management. 14055

Except as otherwise provided in this section, an employee in 14056
the career professional service is subject to the provisions of 14057
Chapter 124. of the Revised Code that govern employees in the 14058
classified civil service. 14059

(C) After an employee is appointed to a position in the 14060
career professional service, the employee's direct supervisor 14061
shall provide the employee appointed to that position with a 14062
written performance action plan that describes the department's 14063
expectations for that employee in fulfilling the mission, business 14064
objectives, and strategies stated in the department's business 14065
plan. No sooner than four months after being appointed to a 14066
position in the career professional service, an employee appointed 14067

to that position shall receive a written performance review based 14068
on the employee's fulfillment of the mission, business objectives, 14069
and strategies stated in the department's business plan. After the 14070
initial performance review, the employee shall receive a written 14071
performance review at least once each year or as often as the 14072
director considers necessary. The department shall give an 14073
employee whose performance is unsatisfactory an opportunity to 14074
improve performance for a period of at least six months, by means 14075
of a written corrective action plan, before the department takes 14076
any disciplinary action under this section or section 124.34 of 14077
the Revised Code. The department shall base its performance review 14078
forms on its business plan. 14079

(D) An employee in the career professional service may be 14080
suspended, demoted, or removed because of performance that hinders 14081
or restricts the fulfillment of the department's business plan or 14082
for disciplinary reasons under section 124.34 or 124.57 of the 14083
Revised Code. An employee in the career professional service may 14084
appeal only the employee's removal to the state personnel board of 14085
review. An employee in the career professional service may appeal 14086
a demotion or a suspension of more than three days pursuant to 14087
rules the director adopts in accordance with section 111.15 of the 14088
Revised Code. 14089

(E) An employee in the career professional service with 14090
restoration rights has restoration rights if demoted because of 14091
performance that hinders or restricts fulfillment of the mission, 14092
business objectives, or strategies stated in the department's 14093
business plan, but not if involuntarily demoted or removed for any 14094
of the reasons described in section 124.34 or for a violation of 14095
section 124.57 of the Revised Code. The director shall demote an 14096
employee who has restoration rights of that nature to a position 14097
in the classified service that in the director's judgment is 14098
similar in nature to the position the employee held immediately 14099

prior to being appointed to the position in the career 14100
professional service. The director shall assign to an employee who 14101
is demoted to a position in the classified service as provided in 14102
this division a wage rate that equals, or that is not more than 14103
twenty per cent less than, the wage rate assigned to the employee 14104
in the career professional service immediately prior to the 14105
employee's demotion. 14106

Sec. 5502.01. (A) The department of public safety shall 14107
administer and enforce the laws relating to the registration, 14108
licensing, sale, and operation of motor vehicles and the laws 14109
pertaining to the licensing of drivers of motor vehicles. 14110

The department shall compile, analyze, and publish statistics 14111
relative to motor vehicle accidents and the causes of them, 14112
prepare and conduct educational programs for the purpose of 14113
promoting safety in the operation of motor vehicles on the 14114
highways, and conduct research and studies for the purpose of 14115
promoting safety on the highways of this state. 14116

(B) The department shall administer the laws and rules 14117
relative to trauma and emergency medical services specified in 14118
Chapter 4765. of the Revised Code. 14119

(C) The department shall administer and enforce the laws 14120
contained in Chapters 4301. and 4303. of the Revised Code and 14121
enforce the rules and orders of the liquor control commission 14122
pertaining to retail liquor permit holders. 14123

(D) The department shall administer the laws governing the 14124
state emergency management agency and shall enforce all additional 14125
duties and responsibilities as prescribed in the Revised Code 14126
related to emergency management services. 14127

(E) The department shall conduct investigations pursuant to 14128
Chapter 5101. of the Revised Code in support of the duty of the 14129

department of job and family services to administer the 14130
supplemental nutrition assistance program throughout this state. 14131
The department of public safety shall conduct investigations 14132
necessary to protect the state's property rights and interests in 14133
the supplemental nutrition assistance program. 14134

(F) The department of public safety shall enforce compliance 14135
with orders and rules of the public utilities commission and 14136
applicable laws in accordance with Chapters 4919., 4921., and 14137
4923. of the Revised Code regarding commercial motor vehicle 14138
transportation safety, economic, and hazardous materials 14139
requirements. 14140

(G) ~~Notwithstanding Chapter 4117. of the Revised Code, the~~ 14141
The department of public safety may establish requirements for its 14142
enforcement personnel, including its enforcement agents described 14143
in section 5502.14 of the Revised Code, that include standards of 14144
conduct, work rules and procedures, and criteria for eligibility 14145
as law enforcement personnel. 14146

(H) The department shall administer, maintain, and operate 14147
the Ohio criminal justice network. The Ohio criminal justice 14148
network shall be a computer network that supports state and local 14149
criminal justice activities. The network shall be an electronic 14150
repository for various data, which may include arrest warrants, 14151
notices of persons wanted by law enforcement agencies, criminal 14152
records, prison inmate records, stolen vehicle records, vehicle 14153
operator's licenses, and vehicle registrations and titles. 14154

(I) The department shall coordinate all homeland security 14155
activities of all state agencies and shall be a liaison between 14156
state agencies and local entities for those activities and related 14157
purposes. 14158

(J) Beginning July 1, 2004, the department shall administer 14159
and enforce the laws relative to private investigators and 14160

security service providers specified in Chapter 4749. of the 14161
Revised Code. 14162

(K) The department shall administer criminal justice services 14163
in accordance with sections 5502.61 to 5502.66 of the Revised 14164
Code. 14165

Sec. 5502.62. (A) There is hereby created in the department 14166
of public safety a division of criminal justice services. The 14167
director of public safety, with the concurrence of the governor, 14168
shall appoint an executive director of the division of criminal 14169
justice services. The executive director shall be the head of the 14170
division. The executive director shall serve at the pleasure of 14171
the director of public safety. To carry out the duties assigned 14172
under this section and to comply with sections 5502.63 to 5502.66 14173
of the Revised Code, the executive director, subject to the 14174
direction and control of the director of public safety, may 14175
appoint and maintain any necessary staff and may enter into any 14176
necessary contracts and other agreements. The executive director 14177
of the division, and all professional and technical personnel 14178
employed within the division who ~~are~~ would not have been 14179
considered public employees as defined in former section 4117.01 14180
of the Revised Code as that section existed immediately prior to 14181
the effective date of this amendment, shall be in the unclassified 14182
civil service, and all other persons employed within the division 14183
shall be in the classified civil service. 14184

(B) Subject to division (F) of this section and subject to 14185
divisions (D) to (F) of section 5120.09 of the Revised Code 14186
insofar as those divisions relate to federal criminal justice acts 14187
that the governor requires the department of rehabilitation and 14188
correction to administer, the division of criminal justice 14189
services shall do all of the following: 14190

(1) Serve as the state criminal justice services agency and 14191

perform criminal justice system planning in the state, including	14192
any planning that is required by any federal law;	14193
(2) Collect, analyze, and correlate information and data	14194
concerning the criminal justice system in the state;	14195
(3) Cooperate with and provide technical assistance to state	14196
departments, administrative planning districts, metropolitan	14197
county criminal justice services agencies, criminal justice	14198
coordinating councils, agencies, offices, and departments of the	14199
criminal justice system in the state, and other appropriate	14200
organizations and persons;	14201
(4) Encourage and assist agencies, offices, and departments	14202
of the criminal justice system in the state and other appropriate	14203
organizations and persons to solve problems that relate to the	14204
duties of the division;	14205
(5) Administer within the state any federal criminal justice	14206
acts that the governor requires it to administer;	14207
(6) Administer funds received under the "Family Violence	14208
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A.	14209
10401, as amended, with all powers necessary for the adequate	14210
administration of those funds, including the authority to	14211
establish a family violence prevention and services program;	14212
(7) Implement the state comprehensive plans;	14213
(8) Audit grant activities of agencies, offices,	14214
organizations, and persons that are financed in whole or in part	14215
by funds granted through the division;	14216
(9) Monitor or evaluate the performance of criminal justice	14217
system projects and programs in the state that are financed in	14218
whole or in part by funds granted through the division;	14219
(10) Apply for, allocate, disburse, and account for grants	14220
that are made available pursuant to federal criminal justice acts,	14221

or made available from other federal, state, or private sources, 14222
to improve the criminal justice system in the state. All money 14223
from such federal grants that require that the money be deposited 14224
into an interest-bearing fund or account, that are intended to 14225
provide funding to local criminal justice programs, and that 14226
require that investment earnings be distributed for program 14227
purposes shall be deposited in the state treasury to the credit of 14228
the federal justice programs funds, which are hereby created. A 14229
separate fund shall be established each federal fiscal year. All 14230
investment earnings of a federal justice programs fund shall be 14231
credited to that fund and distributed in accordance with the terms 14232
of the grant under which the money is received. If the terms under 14233
which the money is received do not require the money to be 14234
deposited into an interest-bearing fund or account, all money from 14235
such federal grants shall be deposited into the state treasury to 14236
the credit of the federal justice grants fund, which is hereby 14237
created. Money credited to the fund shall be used or distributed 14238
pursuant to the federal grant programs under which the money is 14239
received. 14240

(11) Contract with federal, state, and local agencies, 14241
foundations, corporations, businesses, and persons when necessary 14242
to carry out the duties of the division; 14243

(12) Oversee the activities of metropolitan county criminal 14244
justice services agencies, administrative planning districts, and 14245
criminal justice coordinating councils in the state; 14246

(13) Advise the director of public safety, general assembly, 14247
and governor on legislation and other significant matters that 14248
pertain to the improvement and reform of criminal and juvenile 14249
justice systems in the state; 14250

(14) Prepare and recommend legislation to the director of 14251
public safety, general assembly, and governor for the improvement 14252
of the criminal and juvenile justice systems in the state; 14253

(15) Assist, advise, and make any reports that are requested	14254
or required by the governor, director of public safety, attorney	14255
general, or general assembly;	14256
(16) Develop and maintain the Ohio incident-based reporting	14257
system in accordance with division (C) of this section;	14258
(17) Subject to the approval of the director of public	14259
safety, adopt rules pursuant to Chapter 119. of the Revised Code;	14260
(18)(a) Not later than June 1, 2007, and subject to the	14261
approval of the director of public safety, adopt rules for the	14262
establishment and maintenance of a mcgruff house program by any	14263
sponsoring agency. The rules shall include the following:	14264
(i) The adoption of the mcgruff house symbol to be used	14265
exclusively in all mcgruff house programs in this state;	14266
(ii) The requirements for any sponsoring agency to establish	14267
and maintain a mcgruff house program;	14268
(iii) The criteria for the selection of volunteers to	14269
participate in a mcgruff house program that shall include, but not	14270
be limited to, criminal background checks of those volunteers;	14271
(iv) Any other matters that the division of criminal justice	14272
services considers necessary for the establishment and maintenance	14273
of mcgruff house programs by sponsoring agencies and the	14274
participation of volunteers in those programs.	14275
(b) The division of criminal justice services shall	14276
distribute materials and provide technical assistance to any	14277
sponsoring agency that establishes and maintains a mcgruff house	14278
program, any volunteer group or organization that provides	14279
assistance to that sponsoring agency, or any volunteer who	14280
participates in a mcgruff house program.	14281
(C) The division of criminal justice services shall develop	14282
and maintain the Ohio incident-based reporting system to	14283

facilitate the sharing of information with the federal bureau of 14284
investigation and participating law enforcement agencies in Ohio. 14285
The Ohio incident-based reporting system shall be known as OIBRS. 14286
In connection with OIBRS, the division shall do all of the 14287
following: 14288

(1) Collect and organize statistical data for reporting to 14289
the national incident-based reporting system operated by the 14290
federal bureau of investigation for the purpose of securing 14291
federal criminal justice grants; 14292

(2) Analyze and highlight mapping data for participating law 14293
enforcement agencies; 14294

(3) Distribute data and analyses to participating law 14295
enforcement agencies; 14296

(4) Encourage nonparticipating law enforcement agencies to 14297
participate in OIBRS by offering demonstrations, training, and 14298
technical assistance; 14299

(5) Provide assistance, advice, and reports requested by the 14300
governor, the general assembly, or the federal bureau of 14301
investigation; 14302

(6) Require every law enforcement agency that receives 14303
federal criminal justice grants or state criminal justice 14304
information system general revenue funds through the division to 14305
participate in OIBRS or in the uniform crime reporting program of 14306
the federal bureau of investigation. An agency that submits OIBRS 14307
data to the Ohio local law enforcement information sharing network 14308
shall be considered to be in compliance with division (C)(6) of 14309
this section if both of the following apply: 14310

(a) The Ohio local law enforcement information sharing 14311
network is capable of collecting OIBRS data. 14312

(b) The division of criminal justice services has the ability 14313

to extract the OIBRS data for reporting to the national 14314
incident-based reporting system in the manner required by the 14315
federal bureau of investigation. 14316

(D) Upon the request of the director of public safety or 14317
governor, the division of criminal justice services may do any of 14318
the following: 14319

(1) Collect, analyze, or correlate information and data 14320
concerning the juvenile justice system in the state; 14321

(2) Cooperate with and provide technical assistance to state 14322
departments, administrative planning districts, metropolitan 14323
county criminal justice service agencies, criminal justice 14324
coordinating councils, agency offices, and the departments of the 14325
juvenile justice system in the state and other appropriate 14326
organizations and persons; 14327

(3) Encourage and assist agencies, offices, and departments 14328
of the juvenile justice system in the state and other appropriate 14329
organizations and persons to solve problems that relate to the 14330
duties of the division. 14331

(E) Divisions (B), (C), and (D) of this section do not limit 14332
the discretion or authority of the attorney general with respect 14333
to crime victim assistance and criminal justice programs. 14334

(F) Nothing in this section is intended to diminish or alter 14335
the status of the office of the attorney general as a criminal 14336
justice services agency or to diminish or alter the status or 14337
discourage the development and use of other law enforcement 14338
information systems in Ohio. 14339

Sec. 5503.03. The state highway patrol and the superintendent 14340
of the state highway patrol shall be furnished by the state with 14341
such vehicles, equipment, and supplies as the director of public 14342
safety deems necessary, all of which shall remain the property of 14343

the state and be strictly accounted for by each member of the 14344
patrol. 14345

The patrol may be equipped with standardized and tested 14346
devices for weighing vehicles, and may stop and weigh any vehicle 14347
which appears to weigh in excess of the amounts permitted by 14348
sections 5577.01 to 5577.14 of the Revised Code. 14349

The superintendent, with the approval of the director, shall 14350
prescribe rules for instruction and discipline, make all 14351
administrative rules, and fix the hours of duty for patrol 14352
officers. ~~He~~ The superintendent shall divide the state into 14353
districts and assign members of the patrol to such districts in a 14354
manner that ~~he~~ the superintendent deems proper. ~~He~~ The 14355
superintendent may transfer members of the patrol from one 14356
district to another, and classify and rank members of the patrol. 14357
All promotions to a higher grade shall be made from the next lower 14358
grade. When a patrol officer is promoted by the superintendent, 14359
the officer's salary shall be increased ~~to that of the lowest step~~ 14360
~~in the pay range for the new grade which shall increase the~~ 14361
~~officer's salary or wage~~ by at least nine per cent of the base pay 14362
wherever possible. 14363

Sec. 5505.15. (A)(1) A member of the state highway patrol 14364
retirement system shall contribute ten per cent of the member's 14365
annual salary to the state highway patrol retirement fund. The 14366
amount shall be deducted by the employer from the employee's 14367
salary for each payroll period. 14368

The contributions required under this section shall not be 14369
paid by an employer on an employee's behalf, but may be treated as 14370
employer contributions for purposes of state and federal income 14371
tax deferred income provisions. 14372

(2) The total contributions arising from deductions made 14373
prior to January 1, 1966, from the salaries of members in the 14374

employ of the state highway patrol and standing to the credit of 14375
their individual accounts in the retirement fund shall be 14376
transferred and credited to their respective individual accounts 14377
in the employees' savings fund. 14378

(B) The state shall annually pay into the employer 14379
accumulation fund, in monthly or less frequent installments as the 14380
state highway patrol retirement board requires, the employer 14381
contribution. The employer contribution shall be an amount equal 14382
to twenty-six and one-half per cent of the total salaries paid 14383
contributing members. If a member severs connection with the 14384
patrol or is dismissed, the employer contribution shall remain in 14385
the retirement system. 14386

The rate percentage of the employer contribution shall be 14387
certified by the board to the director of budget and management 14388
and shall not be lower than nine per cent of the total salaries 14389
paid contributing members and shall not exceed three times the 14390
rate percentage being deducted from the annual salaries of 14391
contributing members. The board shall prepare and submit to the 14392
director, on or before the first day of November of each 14393
even-numbered year, an estimate of the amounts necessary to pay 14394
the state's obligations accruing during the biennium beginning the 14395
first day of July of the following year. Such amounts shall be 14396
included in the budget and allocated as certified by the board. 14397

Sec. 5703.09. Each member of the board of tax appeals shall 14398
receive a salary fixed pursuant to division ~~(J)~~(A) of section 14399
124.15 of the Revised Code for each day spent in the discharge of 14400
~~his~~ official duties and shall be reimbursed for ~~his~~ actual and 14401
necessary expenses incurred in the discharge of such duties. 14402

Sec. 5705.412. (A) As used in this section, "qualifying 14403
contract" means any agreement for the expenditure of money under 14404

which aggregate payments from the funds included in the school 14405
district's five-year forecast under section 5705.391 of the 14406
Revised Code will exceed the lesser of the following amounts: 14407

(1) Five hundred thousand dollars; 14408

(2) One per cent of the total revenue to be credited in the 14409
current fiscal year to the district's general fund, as specified 14410
in the district's most recent certificate of estimated resources 14411
certified under section 5705.36 of the Revised Code. 14412

(B) Notwithstanding section 5705.41 of the Revised Code, no 14413
school district shall adopt any appropriation measure, make any 14414
qualifying contract, or increase during any school year any wage 14415
or salary ~~schedule~~ unless there is attached thereto a certificate, 14416
signed as required by this section, that the school district has 14417
in effect the authorization to levy taxes including the renewal or 14418
replacement of existing levies which, when combined with the 14419
estimated revenue from all other sources available to the district 14420
at the time of certification, are sufficient to provide the 14421
operating revenues necessary to enable the district to maintain 14422
all personnel and programs for all the days set forth in its 14423
adopted school calendars for the current fiscal year and for a 14424
number of days in succeeding fiscal years equal to the number of 14425
days instruction was held or is scheduled for the current fiscal 14426
year, as follows: 14427

(1) A certificate attached to an appropriation measure under 14428
this section shall cover only the fiscal year in which the 14429
appropriation measure is effective and shall not consider the 14430
renewal or replacement of an existing levy as the authority to 14431
levy taxes that are subject to appropriation in the current fiscal 14432
year unless the renewal or replacement levy has been approved by 14433
the electors and is subject to appropriation in the current fiscal 14434
year. 14435

(2) A certificate attached, in accordance with this section, 14436
to any qualifying contract shall cover the term of the contract. 14437

(3) A certificate attached under this section to a wage or 14438
salary ~~schedule~~ increase shall cover the term of the ~~schedule~~ 14439
increase. 14440

If the board of education has not adopted a school calendar 14441
for the school year beginning on the first day of the fiscal year 14442
in which a certificate is required, the certificate attached to an 14443
appropriation measure shall include the number of days on which 14444
instruction was held in the preceding fiscal year and other 14445
certificates required under this section shall include that number 14446
of days for the fiscal year in which the certificate is required 14447
and any succeeding fiscal years that the certificate must cover. 14448

The certificate shall be signed by the treasurer and 14449
president of the board of education and the superintendent of the 14450
school district, unless the district is in a state of fiscal 14451
emergency declared under Chapter 3316. of the Revised Code. In 14452
that case, the certificate shall be signed by a member of the 14453
district's financial planning and supervision commission who is 14454
designated by the commission for this purpose. 14455

(C) Every qualifying contract made or wage or salary ~~schedule~~ 14456
~~adopted or~~ increase put into effect without such a certificate 14457
shall be void, and no payment of any amount due thereon shall be 14458
made. 14459

(D) The department of education and the auditor of state 14460
jointly shall adopt rules governing the methods by which 14461
treasurers, presidents of boards of education, superintendents, 14462
and members of financial planning and supervision commissions 14463
shall estimate revenue and determine whether such revenue is 14464
sufficient to provide necessary operating revenue for the purpose 14465
of making certifications required by this section. 14466

(E) The auditor of state shall be responsible for determining whether school districts are in compliance with this section. At the time a school district is audited pursuant to section 117.11 of the Revised Code, the auditor of state shall review each certificate issued under this section since the district's last audit, and the appropriation measure, contract, or wage ~~and~~ or salary ~~schedule~~ increase to which such certificate was attached. If the auditor of state determines that a school district has not complied with this section with respect to any qualifying contract or wage or salary ~~schedule~~ increase, the auditor of state shall notify the prosecuting attorney for the county, the city director of law, or other chief law officer of the school district. That officer may file a civil action in any court of appropriate jurisdiction to seek a declaration that the contract or wage or salary ~~schedule~~ increase is void, to recover for the school district from the payee the amount of payments already made under it, or both, except that the officer shall not seek to recover payments made under any collective bargaining agreement entered into under Chapter 4117. of the Revised Code. If the officer does not file such an action within one hundred twenty days after receiving notice of noncompliance from the auditor of state, any taxpayer may institute the action in the taxpayer's own name on behalf of the school district.

(F) This section does not apply to any contract or increase in any wage or salary ~~schedule~~ that is necessary in order to enable a board of education to comply with division (B) of section 3317.13 of the Revised Code, provided the contract or increase does not exceed the amount required to be paid to be in compliance with such division.

(G) Any officer, employee, or other person who expends or authorizes the expenditure of any public funds or authorizes or executes any contract or ~~schedule~~ increase contrary to this

section, expends or authorizes the expenditure of any public funds 14499
on the void contract or ~~schedule~~ increase, or issues a certificate 14500
under this section which contains any false statements is liable 14501
to the school district for the full amount paid from the 14502
district's funds on the contract or ~~schedule~~ increase. The 14503
officer, employee, or other person is jointly and severally liable 14504
in person and upon any official bond that the officer, employee, 14505
or other person has given to the school district to the extent of 14506
any payments on the void claim, not to exceed ten thousand 14507
dollars. However, no officer, employee, or other person shall be 14508
liable for a mistaken estimate of available resources made in good 14509
faith and based upon reasonable grounds. If an officer, employee, 14510
or other person is found to have complied with rules jointly 14511
adopted by the department of education and the auditor of state 14512
under this section governing methods by which revenue shall be 14513
estimated and determined sufficient to provide necessary operating 14514
revenue for the purpose of making certifications required by this 14515
section, the officer, employee, or other person shall not be 14516
liable under this section if the estimates and determinations made 14517
according to those rules do not, in fact, conform with actual 14518
revenue. The prosecuting attorney of the county, the city director 14519
of law, or other chief law officer of the district shall enforce 14520
this liability by civil action brought in any court of appropriate 14521
jurisdiction in the name of and on behalf of the school district. 14522
If the prosecuting attorney, city director of law, or other chief 14523
law officer of the district fails, upon the written request of any 14524
taxpayer, to institute action for the enforcement of the 14525
liability, the attorney general, or the taxpayer in the taxpayer's 14526
own name, may institute the action on behalf of the subdivision. 14527

(H) This section does not require the attachment of an 14528
additional certificate beyond that required by section 5705.41 of 14529
the Revised Code for current payrolls of, or contracts of 14530
employment with, any employees or officers of the school district. 14531

This section does not require the attachment of a certificate 14532
to a temporary appropriation measure if all of the following 14533
apply: 14534

(1) The amount appropriated does not exceed twenty-five per 14535
cent of the total amount from all sources available for 14536
expenditure from any fund during the preceding fiscal year; 14537

(2) The measure will not be in effect on or after the 14538
thirtieth day following the earliest date on which the district 14539
may pass an annual appropriation measure; 14540

(3) An amended official certificate of estimated resources 14541
for the current year, if required, has not been certified to the 14542
board of education under division (B) of section 5705.36 of the 14543
Revised Code. 14544

Sec. 5907.02. The director of veterans services shall govern 14545
the Ohio veterans' homes and have charge and custody of the homes' 14546
facilities. The director shall govern, conduct, and care for 14547
veterans' homes, the property of the homes, and the veterans 14548
residing in the homes. 14549

All supplies for the veterans' homes shall be purchased as 14550
provided in sections 125.04 to 125.15 of the Revised Code. 14551

The director shall appoint a superintendent of the Ohio 14552
veterans' homes upon any terms that are proper, and the 14553
superintendent, with the advice and consent of the director, shall 14554
employ aides, assistants, and employees, and perform other duties 14555
that may be assigned to the superintendent by the director or 14556
become necessary in the carrying out of the superintendent's 14557
duties. The superintendent shall be responsible directly to the 14558
director. 14559

Subject to section 5907.021 of the Revised Code, the 14560
superintendent may appoint one or more employees at each veterans' 14561

home as veterans' home police officers authorized to act on the 14562
grounds of that home. The superintendent shall provide to those 14563
employees a copy of the rules that apply to their appointment. The 14564
rules shall specify whether or not the police officers may carry a 14565
firearm. 14566

Subject to section 5907.021 of the Revised Code, the 14567
superintendent shall appoint a chief of police, determine the 14568
number of officers and other personnel required by each veterans' 14569
home, and establish ~~salary schedules~~ salaries and other conditions 14570
of employment for veterans' homes police officers. The chief of 14571
police shall serve at the pleasure of the superintendent and shall 14572
recommend appointment of officers as the veterans' homes may 14573
require, subject to the rules and limits that the superintendent 14574
establishes regarding qualifications, salary ranges, and the 14575
number of personnel. The superintendent, with the approval of the 14576
director, may purchase or otherwise acquire any police apparatus, 14577
equipment, or materials, including a police communication system 14578
and vehicles, that the veterans' homes police officers may 14579
require. The superintendent may send one or more of the officers 14580
or employees nominated by the police chief to a school of 14581
instruction designed to provide additional training or skills 14582
related to their work assignment at their veterans' home. The 14583
superintendent may send those officers or employees to the Ohio 14584
peace officer training academy that the superintendent considers 14585
appropriate. 14586

Section 2. That existing sections 9.06, 9.90, 102.02, 103.74, 14587
109.33, 120.40, 121.40, 122.40, 122.64, 122.72, 124.03, 124.11, 14588
124.14, 124.15, 124.151, 124.152, 124.181, 124.182, 124.322, 14589
124.325, 124.327, 124.34, 124.38, 124.382, 124.388, 124.39, 14590
124.81, 124.82, 124.823, 125.211, 126.32, 141.01, 141.02, 145.012, 14591
145.47, 175.05, 306.04, 307.054, 339.06, 339.07, 340.04, 505.38, 14592
505.49, 505.60, 709.012, 742.31, 749.082, 749.083, 917.03, 927.69, 14593

991.02, 1347.15, 1347.99, 1349.71, 1509.35, 1513.182, 1513.29, 14594
1545.071, 1551.35, 1707.36, 1707.46, 3101.01, 3301.03, 3304.12, 14595
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3319.06, 3319.08, 3319.084, 3319.085, 3319.088, 3319.09, 3319.10, 14599
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4301.07, 4517.30, 4701.03, 4701.05, 4703.03, 4703.31, 4709.04, 14606
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4753.04, 4755.01, 4757.05, 4758.12, 4759.03, 4761.02, 4763.02, 14609
4775.05, 4905.10, 4906.02, 4911.07, 4911.12, 5119.071, 5119.09, 14610
5123.08, 5123.51, 5126.0220, 5126.05, 5126.24, 5139.02, 5501.20, 14611
5502.01, 5502.62, 5503.03, 5505.15, 5703.09, 5705.412, and 5907.02 14612
and sections 9.901, 3317.12, 3317.14, 3319.131, 3319.142, 14613
3319.143, and 4117.22 of the Revised Code are hereby repealed. 14614
14615

Section 3. (A) As used in this section: 14616

(1) "Public employer" means the state, a state university or 14617
college, school district, or public entity subject to Chapter 118. 14618
of the Revised Code. 14619

(2) "State" means the state of Ohio and any agency, board, or 14620
commission of the state. 14621

(3) "State retirement system" means the Public Employees 14622
Retirement System, Ohio Police and Fire Pension Fund, State 14623
Teachers Retirement System, School Employees Retirement System, or 14624

State Highway Patrol Retirement System. 14625

(4) "State university or college" has the same meaning as in 14626
section 3345.71 of the Revised Code. 14627

(B) Notwithstanding any provision of section 4117.08 or 14628
4117.10 of the Revised Code or of a collective bargaining 14629
agreement to the contrary, if the Governor declares the state to 14630
be in a state of fiscal emergency under section 126.05 of the 14631
Revised Code, the Auditor of State declares a public entity to be 14632
in a state of fiscal emergency pursuant to Chapter 118. of the 14633
Revised Code or a school district to be in a state of emergency 14634
under section 3316.03 of the Revised Code, or a conservator is 14635
appointed for a state university or college under section 3345.74 14636
of the Revised Code, the applicable public employer may set aside 14637
any provision of a collective bargaining agreement in existence 14638
immediately prior to the effective date of this act to which the 14639
public employer is a party. 14640

(C) The General Assembly hereby declares that the public 14641
purpose regarding allowing a public employer to set aside 14642
provisions of a collective bargaining agreement in existence on 14643
the effective date of this act as described in division (B) of 14644
this section is that given the current difficult economic climate 14645
a public employer who is in a state of fiscal emergency needs the 14646
flexibility to adjust payroll and staffing levels to ensure that 14647
core services are provided to the people of Ohio. Additionally, a 14648
public employer should not be hampered by provisions in a 14649
collective bargaining agreement to which the public employer did 14650
not necessarily fully agree. 14651

Section 4. Any collective bargaining agreements covering 14652
employees of the state, any agency, authority, commission, or 14653
board of the state, or state institution of higher education that 14654
exist on the effective date of this act shall expire in accordance 14655

with the terms of the agreement. However, no such collective 14656
bargaining agreement shall be modified, renewed, or extended on or 14657
after the effective date of this act. Any such collective 14658
bargaining agreement in existence on the effective date of this 14659
act shall be governed by Chapter 4117. of the Revised Code and any 14660
other provision of law applicable to the agreement as that chapter 14661
or those laws existed immediately prior to the effective date of 14662
this act. Notwithstanding the amendments to the sections in 14663
Section 1 of this act, those amendments to those sections have no 14664
effect on an individual subject to an agreement that exists on the 14665
effective date of this act until that agreement expires. As used 14666
in this section, "state" and "state institution of higher 14667
education" have the same meanings as in section 4117.01 of the 14668
Revised Code, as amended by this act. 14669

Section 5. (A) Upon the date the last collective bargaining 14670
agreement expires as described in Section 4 of this act, the 14671
Office of Collective Bargaining is abolished. The assets and 14672
liabilities of the Office are transferred to the Department of 14673
Administrative Services. 14674

(B) The Office shall continue performing the duties of the 14675
Board or the Office as those duties are specified in Chapter 4117. 14676
of the Revised Code as that chapter existed immediately prior to 14677
the effective date of this act. 14678

(C) The Department is thereupon and thereafter successor to, 14679
and assumes the obligations of, the Office. 14680

Any business commenced but not completed by the Office on the 14681
date specified in division (A) of this section shall be completed 14682
by the Department or the Director of Administrative Services, as 14683
applicable, in the same manner, and with the same effect, as if 14684
completed by the Office. 14685

(D) All employees of the Office cease to hold their positions 14686

of employment on the date specified in division (A) of this 14687
section. 14688

(E) The Director of Budget and Management shall determine the 14689
amount of the unexpended balances in the appropriation accounts 14690
that pertain to the Office and shall recommend to the Controlling 14691
Board their transfer to the appropriation accounts that pertain to 14692
the Department. The Office shall provide full and timely 14693
information to the Controlling Board to facilitate this transfer. 14694

(F) No action or proceeding pending on the date specified in 14695
division (A) of this section is affected by the transfer, and 14696
shall be prosecuted or defended in the name of the Department of 14697
Administrative Services or the Director of Administrative 14698
Services, as applicable. In all such actions and proceedings, the 14699
Department or the Director, as applicable, upon application to the 14700
court shall be substituted as a party. 14701

Section 6. Upon the taking effect of this section, the School 14702
Employees Health Care Board and the Public Schools Health Care 14703
Advisory Committee are abolished and all of the assets and 14704
liabilities of the Board and the Committee, respectively, are 14705
transferred to the Department of Administrative Services. The 14706
Department is thereupon and thereafter successor to, assumes the 14707
obligations of, and otherwise constitutes the continuation of the 14708
Board and Committee. 14709

Any business commenced but not completed by the Board or the 14710
Committee on the effective date of this section shall be completed 14711
by the Department or the Director of Administrative Services in 14712
the same manner, and with the same effect, as if completed by the 14713
Board or the Committee. No validation, cure, right, privilege, 14714
remedy, obligation, or liability is lost or impaired by reason of 14715
the transfer required by this section and shall be administered by 14716
the Department. 14717

All employees of the Board or the Committee, as applicable, 14718
cease to hold their positions of employment on the effective date 14719
of this section. 14720

The Director of Budget and Management shall determine the 14721
amount of the unexpended balances in the appropriation accounts 14722
that pertain to the Board and the Committee and shall recommend to 14723
the Controlling Board their transfer to the appropriation accounts 14724
that pertain to the Department. The Board and the Committee, 14725
respectively, shall provide full and timely information to the 14726
Controlling Board to facilitate this transfer. 14727

Wherever the Board or the Committee is referred to in any 14728
law, contract, or other document, the reference shall be deemed to 14729
refer to the Department or the Director of Administrative 14730
Services, whichever is appropriate. 14731

No action or proceeding pending on the effective date of this 14732
section is affected by the transfer, and shall be prosecuted or 14733
defended in the name of the Board or the Committee, as 14734
appropriate. In all such actions and proceedings, the Department 14735
or the Director of Administrative Services upon application to the 14736
court shall be substituted as a party. 14737

Section 7. This act applies to contracts entered into under 14738
section 9.06 or 124.81 of the Revised Code on or after the 14739
effective date of this act. 14740

Section 8. Section 4117.081 of the Revised Code as enacted by 14741
this act shall apply to a collective bargaining agreement entered 14742
into on or after the effective date of this section and to 14743
versions of a collective bargaining agreement in effect on the 14744
effective date of this section that result from extension, 14745
modification, or renewal of the collective bargaining agreement on 14746
or after that date. 14747

Section 9. The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

Section 10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 9.06 of the Revised Code, as amended by Am. Sub. H.B. 130 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly.

Section 124.11 of the Revised Code as amended by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.

Section 124.181 of the Revised Code as amended by both Am. Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.

Section 124.34 of the Revised Code as amended by both Am. Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.

Section 145.012 of the Revised Code as amended by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.

Section 505.49 of the Revised Code as amended by both Am. Sub. H.B. 490 and Am. H.B. 515 of the 124th General Assembly.

Section 5126.05 of the Revised Code as amended by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.

Section 5126.24 of the Revised Code as amended by both Am.

Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.

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