

**As Reported by the Senate Insurance, Commerce and Labor  
Committee**

**129th General Assembly  
Regular Session  
2011-2012**

**Sub. S. B. No. 5**

**Senator Jones**

**—**

**A B I L L**

To amend sections 9.90, 103.74, 122.64, 122.72,	1
124.134, 124.14, 124.15, 124.152, 124.181,	2
124.322, 124.325, 124.34, 124.38, 124.388, 124.39,	3
124.81, 124.82, 145.47, 306.04, 307.054, 339.06,	4
339.07, 340.04, 505.38, 505.49, 505.60, 709.012,	5
742.31, 749.082, 749.083, 927.69, 1545.071,	6
3306.01, 3307.27, 3307.77, 3309.47, 3311.19,	7
3313.12, 3313.202, 3313.23, 3313.24, 3313.33,	8
3313.42, 3314.10, 3316.07, 3317.01, 3317.018,	9
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3319.06, 3319.08, 3319.084, 3319.085, 3319.088,	11
3319.09, 3319.10, 3319.11, 3319.13, 3319.14,	12
3319.141, 3319.17, 3319.172, 3319.18, 3319.63,	13
3326.18, 3332.03, 4117.01, 4117.02, 4117.03,	14
4117.05, 4117.06, 4117.07, 4117.08, 4117.09,	15
4117.10, 4117.11, 4117.12, 4117.13, 4117.14,	16
4117.15, 4117.18, 4117.20, 4117.21, 4725.46,	17
4906.02, 5107.26, 5123.51, 5126.24, 5139.02,	18
5503.03, and 5505.15, to enact sections 4113.80,	19
4117.081, 4117.104, 4117.105, 4117.106, 4117.107,	20
4117.108, 4117.109, 4117.26, and 4117.27, and to	21
repeal sections 3317.12, 3317.14, 3319.131,	22
3319.142, 3319.143, 4117.16, 4117.22, and 4117.23	23

of the Revised Code to make various changes to 24  
laws concerning public employees, including 25  
collective bargaining, salary schedules and 26  
compensation, layoff procedures, and leave. 27

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

**Section 1.** That sections 9.90, 103.74, 122.64, 122.72, 28  
124.134, 124.14, 124.15, 124.152, 124.181, 124.322, 124.325, 29  
124.34, 124.38, 124.388, 124.39, 124.81, 124.82, 145.47, 306.04, 30  
307.054, 339.06, 339.07, 340.04, 505.38, 505.49, 505.60, 709.012, 31  
742.31, 749.082, 749.083, 927.69, 1545.071, 3306.01, 3307.27, 32  
3307.77, 3309.47, 3311.19, 3313.12, 3313.202, 3313.23, 3313.24, 33  
3313.33, 3313.42, 3314.10, 3316.07, 3317.01, 3317.018, 3317.11, 34  
3317.13, 3319.01, 3319.011, 3319.02, 3319.06, 3319.08, 3319.084, 35  
3319.085, 3319.088, 3319.09, 3319.10, 3319.11, 3319.13, 3319.14, 36  
3319.141, 3319.17, 3319.172, 3319.18, 3319.63, 3326.18, 3332.03, 37  
4117.01, 4117.02, 4117.03, 4117.05, 4117.06, 4117.07, 4117.08, 38  
4117.09, 4117.10, 4117.11, 4117.12, 4117.13, 4117.14, 4117.15, 39  
4117.18, 4117.20, 4117.21, 4725.46, 4906.02, 5107.26, 5123.51, 40  
5126.24, 5139.02, 5503.03, and 5505.15 be amended and sections 41  
4113.80, 4117.081, 4117.104, 4117.105, 4117.106, 4117.107, 42  
4117.108, 4117.109, 4117.26, and 4117.27 of the Revised Code be 43  
enacted to read as follows: 44

**Sec. 9.90.** (A) The governing board of any public institution 45  
of higher education, including without limitation state 46  
universities and colleges, community college districts, university 47  
branch districts, technical college districts, and municipal 48  
universities, may, in addition to all other powers provided in the 49  
Revised Code: 50

(1) Contract for, purchase, or otherwise procure from an 51  
insurer or insurers licensed to do business by the state of Ohio 52

for or on behalf of such of its employees as it may determine, 53  
life insurance, or sickness, accident, annuity, endowment, health, 54  
medical, hospital, dental, or surgical coverage and benefits, or 55  
any combination thereof, by means of insurance plans or other 56  
types of coverage, family, group or otherwise, and may pay from 57  
funds under its control and available for such purpose all or any 58  
portion of the cost, premium, or charge for such insurance, 59  
coverage, or benefits. However, the governing board, in addition 60  
to or as an alternative to the authority otherwise granted by 61  
division (A)(1) of this section, may elect to procure coverage for 62  
health care services, for or on behalf of such of its employees as 63  
it may determine, by means of policies, contracts, certificates, 64  
or agreements issued by at least two health insuring corporations 65  
holding a certificate of authority under Chapter 1751. of the 66  
Revised Code and may pay from funds under the governing board's 67  
control and available for such purpose all or any portion of the 68  
cost of such coverage. 69

(2) Make payments to a custodial account for investment in 70  
regulated investment company stock for the purpose of providing 71  
retirement benefits as described in section 403(b)(7) of the 72  
Internal Revenue Code of 1954, as amended. Such stock shall be 73  
purchased only from persons authorized to sell such stock in this 74  
state. 75

Any income of an employee deferred under divisions (A)(1) and 76  
(2) of this section in a deferred compensation program eligible 77  
for favorable tax treatment under the Internal Revenue Code of 78  
1954, as amended, shall continue to be included as regular 79  
compensation for the purpose of computing the contributions to and 80  
benefits from the retirement system of such employee. Any sum so 81  
deferred shall not be included in the computation of any federal 82  
and state income taxes withheld on behalf of any such employee. 83

(B) All or any portion of the cost, premium, or charge 84

therefor may be paid in such other manner or combination of 85  
manners as the governing board may determine, including direct 86  
payment by the employee in cases under division (A)(1) of this 87  
section, and, if authorized in writing by the employee in cases 88  
under division (A)(1) or (2) of this section, by such governing 89  
board with moneys made available by deduction from or reduction in 90  
salary or wages or by the foregoing of a salary or wage increase. 91  
Nothing in section 3917.01 or section 3917.06 of the Revised Code 92  
shall prohibit the issuance or purchase of group life insurance 93  
authorized by this section by reason of payment of premiums 94  
therefor by the governing board from its funds, and such group 95  
life insurance may be so issued and purchased if otherwise 96  
consistent with the provisions of sections 3917.01 to 3917.07 of 97  
the Revised Code. 98

(C) The board of education of any school district may 99  
exercise any of the powers granted to the governing boards of 100  
public institutions of higher education under divisions (A) and 101  
(B) of this section, except in relation to the provision of health 102  
care benefits to employees. All health care benefits provided to 103  
persons employed by the public schools of this state shall be 104  
health care plans that contain best practices established by the 105  
school employees health care board pursuant to section 9.901 of 106  
the Revised Code. Nothing in this division shall be construed to 107  
allow a board of education to bargain collectively regarding the 108  
provision of health care benefits as that term is defined in 109  
section 124.81 of the Revised Code. 110

**Sec. 103.74.** The correctional institution inspection 111  
committee may employ a director and any other nonlegal staff, who 112  
shall be in the unclassified service of the state, that are 113  
necessary for the committee to carry out its duties and may 114  
contract for the services of whatever nonlegal technical advisors 115  
are necessary for the committee to carry out its duties. The 116

attorney general shall act as legal counsel to the committee. 117

The chairperson and vice-chairperson of the legislative 118  
service commission shall fix the compensation of the director. The 119  
director, with the approval of the director of the legislative 120  
service commission, shall fix the compensation of other staff of 121  
the committee in accordance with a salary schedule established by 122  
the director of the legislative service commission. The director 123  
of the legislative service commission, when establishing the 124  
salary schedule, shall require merit to be the only basis, and the 125  
director of the correctional institution inspection committee 126  
shall use merit as the only basis for an employee's progression 127  
through the schedule. Contracts for the services of necessary 128  
technical advisors shall be approved by the director of the 129  
legislative service commission. 130

The general assembly shall biennially appropriate to the 131  
correctional institution inspection committee an amount sufficient 132  
to enable the committee to perform its duties. Salaries and 133  
expenses incurred by the committee shall be paid from that 134  
appropriation upon vouchers approved by the chairperson of the 135  
committee. 136

**Sec. 122.64.** (A) There is hereby established in the 137  
department of development a division of economic development. The 138  
division shall be supervised by a deputy director appointed by the 139  
director of development. 140

The division is responsible for the administration of the 141  
state economic development financing programs established pursuant 142  
to sections 122.17 and 122.18, sections 122.39 to 122.62, and 143  
Chapter 166. of the Revised Code and for coordinating the 144  
activities of the development financing advisory council so as to 145  
ensure the efficient administration of the programs. 146

(B) The director of development shall: 147

(1) Appoint an individual to serve as director of the	148
development financing advisory council;	149
(2) Receive applications for assistance pursuant to sections	150
122.39 to 122.62 and Chapter 166. of the Revised Code. The	151
director shall process the applications and, except as provided in	152
division (C)(2) of section 166.05 of the Revised Code, forward	153
them to the development financing advisory council. As	154
appropriate, the director shall receive the recommendations of the	155
council as to applications for assistance.	156
(3) With the approval of the director of administrative	157
services, establish salary schedules for employees of the various	158
positions of employment with the division and assign the various	159
positions to those salary schedules;	160
(4) Furnish and pay for, out of funds appropriated to the	161
department of development for that purpose, office space and	162
associated utilities service, for the development financing	163
advisory council;	164
(5) Employ and fix the compensation of financial consultants,	165
appraisers, consulting engineers, superintendents, managers,	166
construction and accounting experts, attorneys, and other agents	167
for the assistance programs authorized pursuant to sections 122.17	168
and 122.18, sections 122.39 to 122.62, and Chapter 166. of the	169
Revised Code as are necessary;	170
(6) Supervise the administrative operations of the division;	171
(7) On or before the first day of October in each year, make	172
an annual report of the activities and operations under assistance	173
programs authorized pursuant to sections 122.39 to 122.62 and	174
Chapter 166. of the Revised Code for the preceding fiscal year to	175
the governor and the general assembly. Each such report shall set	176
forth a complete operating and financial statement covering such	177
activities and operations during the year in accordance with	178

generally accepted accounting principles and shall be audited by a 179  
certified public accountant. The director of development shall 180  
transmit a copy of the audited financial report to the office of 181  
budget and management. 182

(C) The director of development, when establishing the salary 183  
schedules required under division (B)(3) of this section, shall 184  
use merit as the only basis for an employee's progression through 185  
the schedule. 186

**Sec. 122.72.** (A) There is hereby created the minority 187  
development financing advisory board to assist in carrying out the 188  
programs created pursuant to sections 122.71 to 122.89 of the 189  
Revised Code. 190

(B) The board shall consist of ten members. The director of 191  
development or the director's designee shall be a voting member on 192  
the board. Seven members shall be appointed by the governor with 193  
the advice and consent of the senate and selected because of their 194  
knowledge of and experience in industrial, business, and 195  
commercial financing, suretyship, construction, and their 196  
understanding of the problems of minority business enterprises; 197  
one member also shall be a member of the senate and appointed by 198  
the president of the senate, and one member also shall be a member 199  
of the house of representatives and appointed by the speaker of 200  
the house of representatives. With respect to the board, all of 201  
the following apply: 202

(1) Not more than four of the members of the board appointed 203  
by the governor shall be of the same political party. 204

(2) Each member shall hold office from the date of the 205  
member's appointment until the end of the term for which the 206  
member was appointed. 207

(3) The terms of office for the seven members appointed by 208

the governor shall be for seven years, commencing on the first day 209  
of October and ending on the thirtieth day of September of the 210  
seventh year, except that of the original seven members, three 211  
shall be appointed for three years and two shall be appointed for 212  
five years. 213

(4) Any member of the board is eligible for reappointment. 214

(5) Any member appointed to fill a vacancy occurring prior to 215  
the expiration of the term for which the member's predecessor was 216  
appointed shall hold office for the remainder of the predecessor's 217  
term. 218

(6) Any member shall continue in office subsequent to the 219  
expiration date of the member's term until the member's successor 220  
takes office, or until a period of sixty days has elapsed, 221  
whichever occurs first. 222

(7) Before entering upon official duties as a member of the 223  
board, each member shall take an oath as provided by Section 7 of 224  
Article XV, Ohio Constitution. 225

(8) The governor may, at any time, remove any member 226  
appointed by the governor pursuant to section 3.04 of the Revised 227  
Code. 228

(9) Notwithstanding section 101.26 of the Revised Code, 229  
members shall receive their necessary and actual expenses while 230  
engaged in the business of the board and shall be paid at ~~the a~~ a 231  
per diem rate ~~of step 1 of~~ within pay range 31 of section 124.15 232  
of the Revised Code. 233

(10) Six members of the board constitute a quorum and the 234  
affirmative vote of six members is necessary for any action taken 235  
by the board. 236

(11) In the event of the absence of a member appointed by the 237  
president of the senate or by the speaker of the house of 238



representatives, either of the following persons may serve in the 239  
member's absence: 240

(a) The president of the senate or the speaker of the house 241  
of representatives, whoever appointed the absent member; 242

(b) A member of the senate or of the house of representatives 243  
of the same political party as the absent member, as designated by 244  
the president of the senate or the speaker of the house of 245  
representatives, whoever appointed the absent member. 246

(12) The board shall annually elect one of its members as 247  
chairperson and another as vice-chairperson. 248

**Sec. 124.134.** (A) Each full-time permanent state employee 249  
paid in accordance with section 124.152 of the Revised Code and 250  
those employees listed in divisions (B)(2) and (4) of section 251  
124.14 of the Revised Code shall be credited with vacation leave 252  
with full pay according to length of service and accruing at a 253  
corresponding rate per biweekly pay period, as follows: 254

Length of Service	Accrual Rate Per Pay Period	255
Less than 4 years	3.1 hours	256
4 but less than 9 years	4.6 hours	257
9 but less than 14 years	6.2 hours	258
14 but less than 19 years	6.9 hours	259
19 <del>but less than 24 years</del> <u>or more</u>	7.7 hours	260
<del>24 years or more</del>	<del>9.2 hours</del>	261

Fifty-two weeks equal one year of service. 262

The amount of an employee's service shall be determined in 263  
accordance with the standard specified in section 9.44 of the 264  
Revised Code. Credit for prior service, including an increased 265  
vacation accrual rate and longevity supplement, shall take effect 266  
during the first pay period that begins immediately following the 267  
date the director of administrative services approves granting 268

credit for that prior service. No employee, other than an employee 269  
who submits proof of prior service within ninety days after the 270  
date of the employee's hiring, shall receive any amount of 271  
vacation leave for the period prior to the date of the director's 272  
approval of the grant of credit for prior service. 273

Part-time permanent employees who are paid in accordance with 274  
section 124.152 of the Revised Code and full-time permanent 275  
employees subject to this section who are in active pay status for 276  
less than eighty hours in a pay period shall earn vacation leave 277  
on a prorated basis. The ratio between the hours worked and the 278  
vacation hours earned by these classes of employees shall be the 279  
same as the ratio between the hours worked and the vacation hours 280  
earned by a full-time permanent employee with the same amount of 281  
service as provided for in this section. 282

Vacation leave is not available for use until it appears on 283  
the employee's earning statement and the compensation described in 284  
the earning statement is available to the employee. An employee 285  
may begin using accrued vacation leave upon completion of the 286  
employee's initial probation period. A probationary period that 287  
follows a separation from service that is less than thirty-one 288  
days is not considered an initial probation period for purposes of 289  
this section. 290

(B) Employees granted leave under this section shall forfeit 291  
their right to take or to be paid for any vacation leave to their 292  
credit which is in excess of the accrual for three years. Any 293  
excess leave shall be eliminated from the employees' leave 294  
balance. 295

(C) Except as provided in division (D) of this section, 296  
beginning in fiscal year 2012, an employee may be paid for up to 297  
eighty hours of vacation leave each fiscal year if the employee 298  
requested and was denied the use of vacation leave during that 299  
fiscal year. No employee shall receive payment for more than 300

eighty hours of denied vacation leave in a single fiscal year. An 301  
employee is only eligible to receive payment for vacation leave 302  
when the employee's vacation leave credit is at, or will reach in 303  
the immediately following pay period, the maximum of the accrual 304  
for three years and the employee has been denied the use of 305  
vacation leave. An employee is not entitled to receive payment for 306  
vacation leave denied in any pay period in which the employee's 307  
vacation leave credit is not at, or will not reach in the 308  
immediately following pay period, the maximum of accrual for three 309  
years. Any vacation leave for which an employee receives payment 310  
shall be deducted from the employee's vacation leave balance. No 311  
employee is eligible to receive payment for denied vacation leave 312  
in either fiscal year 2010 or fiscal year 2011. 313

(D) The supreme court, general assembly, secretary of state, 314  
auditor of state, treasurer of state, and attorney general may 315  
establish by policy an alternate payment structure for employees 316  
whose vacation leave credit is at, or will reach in the 317  
immediately following pay period, the maximum of accrual for three 318  
years and the employee has been denied the use of vacation leave. 319  
An employee is not entitled to receive payment for vacation leave 320  
denied in any pay period in which the employee's vacation leave 321  
credit is not at, or will not reach in the immediately following 322  
pay period, the maximum of accrual for three years. Any vacation 323  
leave for which the employee receives payment shall be deducted 324  
from the employee's vacation leave balance. 325

(E) Upon separation from state service, an employee granted 326  
leave under this section is entitled to compensation at the 327  
employee's current rate of pay for all unused vacation leave 328  
accrued under this section or section 124.13 of the Revised Code 329  
to the employee's credit. In case of transfer of an employee from 330  
one state agency to another, the employee shall retain the accrued 331  
and unused vacation leave. In case of the death of an employee, 332

the unused vacation leave shall be paid in accordance with section 333  
2113.04 of the Revised Code, or to the employee's estate. An 334  
employee serving in a temporary work level who is eligible to 335  
receive compensation under this division shall be compensated at 336  
the base rate of pay of the employee's normal classification. 337

(F) Notwithstanding any provision of Chapter 4117. of the 338  
Revised Code to the contrary, no collective bargaining agreement 339  
that is modified, renewed, extended, or entered into on or after 340  
the effective date of this amendment shall provide vacation leave 341  
in an amount greater than the vacation leave provided by this 342  
section. 343

**Sec. 124.14.** (A)(1) The director of administrative services 344  
shall establish, and may modify or rescind, by rule, a job 345  
classification plan for all positions, offices, and employments 346  
the salaries of which are paid in whole or in part by the state. 347  
The director shall group jobs within a classification so that the 348  
positions are similar enough in duties and responsibilities to be 349  
described by the same title, to have the same pay assigned with 350  
equity, and to have the same qualifications for selection applied. 351  
The director shall, by rule, assign a classification title to each 352  
classification within the classification plan. However, the 353  
director shall consider in establishing classifications, including 354  
classifications with parenthetical titles, and assigning pay 355  
ranges such factors as duties performed only on one shift, special 356  
skills in short supply in the labor market, recruitment problems, 357  
separation rates, comparative salary rates, the amount of training 358  
required, and other conditions affecting employment. The director 359  
shall describe the duties and responsibilities of the class, 360  
establish the qualifications for being employed in each position 361  
in the class, and file with the secretary of state a copy of 362  
specifications for all of the classifications. The director shall 363  
file new, additional, or revised specifications with the secretary 364

of state before they are used. 365

The director shall, by rule, assign each classification, 366  
either on a statewide basis or in particular counties or state 367  
institutions, to a pay range established under section 124.15 or 368  
section 124.152 of the Revised Code. The director may assign a 369  
classification to a pay range on a temporary basis for a period of 370  
six months. The director may establish, by rule adopted under 371  
Chapter 119. of the Revised Code, experimental classification 372  
plans for some or all employees paid directly by warrant of the 373  
director of budget and management. The rule shall include 374  
specifications for each classification within the plan and shall 375  
specifically address compensation ranges, and methods for 376  
advancing within the ranges, for the classifications, which may be 377  
assigned to pay ranges other than the pay ranges established under 378  
section 124.15 or 124.152 of the Revised Code. 379

(2) The director of administrative services may reassign to a 380  
proper classification those positions that have been assigned to 381  
an improper classification. ~~If the compensation of an employee in~~ 382  
~~such a reassigned position exceeds the maximum rate of pay for the~~ 383  
~~employee's new classification, the employee shall be placed in pay~~ 384  
~~step X and shall not receive an increase in compensation until the~~ 385  
~~maximum rate of pay for that classification exceeds the employee's~~ 386  
~~compensation.~~ 387

(3) The director may reassign an exempt employee, as defined 388  
in section 124.152 of the Revised Code, to a bargaining unit 389  
classification if the director determines that the bargaining unit 390  
classification is the proper classification for that employee. 391  
Notwithstanding Chapter 4117. of the Revised Code or instruments 392  
and contracts negotiated under it, these placements are at the 393  
director's discretion. 394

(4) The director shall, by rule, assign related 395  
classifications, which form a career progression, to a 396

classification series. The director shall, by rule, assign each 397  
classification in the classification plan a five-digit number, the 398  
first four digits of which shall denote the classification series 399  
to which the classification is assigned. When a career progression 400  
encompasses more than ten classifications, the director shall, by 401  
rule, identify the additional classifications belonging to a 402  
classification series. The additional classifications shall be 403  
part of the classification series, notwithstanding the fact that 404  
the first four digits of the number assigned to the additional 405  
classifications do not correspond to the first four digits of the 406  
numbers assigned to other classifications in the classification 407  
series. 408

(5) The director may establish, modify, or rescind a 409  
classification plan for county agencies that elect not to use the 410  
services and facilities of a county personnel department. The 411  
director shall establish any such classification plan by means of 412  
rules adopted under Chapter 119. of the Revised Code. The rules 413  
shall include a methodology for the establishment of titles unique 414  
to county agencies, the use of state classification titles and 415  
classification specifications for common positions, the criteria 416  
for a county to meet in establishing its own classification plan, 417  
and the establishment of what constitutes a classification series 418  
for county agencies. The director may assess a county agency that 419  
chooses to use the classification plan a usage fee the director 420  
determines. All usage fees the department of administrative 421  
services receives shall be paid into the state treasury to the 422  
credit of the human resources fund created in section 124.07 of 423  
the Revised Code. 424

(B) Division (A) of this section and sections 124.15 and 425  
124.152 of the Revised Code do not apply to the following persons, 426  
positions, offices, and employments: 427

(1) Elected officials; 428

(2) Legislative employees, employees of the legislative 429  
service commission, employees in the office of the governor, 430  
employees who are in the unclassified civil service and exempt 431  
from collective bargaining coverage in the office of the secretary 432  
of state, auditor of state, treasurer of state, and attorney 433  
general, and employees of the supreme court; 434

(3) Employees of a county children services board that 435  
establishes compensation rates under section 5153.12 of the 436  
Revised Code; 437

(4) Any position for which the authority to determine 438  
compensation is given by law to another individual or entity; 439

(5) Employees of the bureau of workers' compensation whose 440  
compensation the administrator of workers' compensation 441  
establishes under division (B) of section 4121.121 of the Revised 442  
Code. 443

(C) The director may employ a consulting agency to aid and 444  
assist the director in carrying out this section. 445

(D)(1) When the director proposes to modify a classification 446  
or the assignment of classes to appropriate pay ranges, the 447  
director shall send written notice of the proposed rule to the 448  
appointing authorities of the affected employees thirty days 449  
before a hearing on the proposed rule. The appointing authorities 450  
shall notify the affected employees regarding the proposed rule. 451  
The director also shall send those appointing authorities notice 452  
of any final rule that is adopted within ten days after adoption. 453

(2) When the director proposes to reclassify any employee so 454  
that the employee is adversely affected, the director shall give 455  
to the employee affected and to the employee's appointing 456  
authority a written notice setting forth the proposed new 457  
classification, pay range, and salary. Upon the request of any 458  
classified employee who is not serving in a probationary period, 459

the director shall perform a job audit to review the 460  
classification of the employee's position to determine whether the 461  
position is properly classified. The director shall give to the 462  
employee affected and to the employee's appointing authority a 463  
written notice of the director's determination whether or not to 464  
reclassify the position or to reassign the employee to another 465  
classification. An employee or appointing authority desiring a 466  
hearing shall file a written request for the hearing with the 467  
state personnel board of review within thirty days after receiving 468  
the notice. The board shall set the matter for a hearing and 469  
notify the employee and appointing authority of the time and place 470  
of the hearing. The employee, the appointing authority, or any 471  
authorized representative of the employee who wishes to submit 472  
facts for the consideration of the board shall be afforded 473  
reasonable opportunity to do so. After the hearing, the board 474  
shall consider anew the reclassification and may order the 475  
reclassification of the employee and require the director to 476  
assign the employee to such appropriate classification as the 477  
facts and evidence warrant. As provided in division (A)(1) of 478  
section 124.03 of the Revised Code, the board may determine the 479  
most appropriate classification for the position of any employee 480  
coming before the board, with or without a job audit. The board 481  
shall disallow any reclassification or reassignment classification 482  
of any employee when it finds that changes have been made in the 483  
duties and responsibilities of any particular employee for 484  
political, religious, or other unjust reasons. 485

(E)(1) Employees of each county department of job and family 486  
services shall be paid a salary or wage established by the board 487  
of county commissioners. The provisions of section 124.18 of the 488  
Revised Code concerning the standard work week apply to employees 489  
of county departments of job and family services. A board of 490  
county commissioners may do either of the following: 491



(a) Notwithstanding any other section of the Revised Code, 492  
supplement the sick leave, vacation leave, personal leave, and 493  
other benefits of any employee of the county department of job and 494  
family services of that county, if the employee is eligible for 495  
the supplement under a written policy providing for the 496  
supplement; 497

(b) Notwithstanding any other section of the Revised Code, 498  
establish alternative schedules of sick leave, vacation leave, 499  
personal leave, or other benefits for employees not inconsistent 500  
with the provisions of a collective bargaining agreement covering 501  
the affected employees. 502

(2) Division (E)(1) of this section does not apply to 503  
employees for whom the state employment relations board 504  
establishes appropriate bargaining units pursuant to section 505  
4117.06 of the Revised Code, except in either of the following 506  
situations: 507

(a) The employees for whom the state employment relations 508  
board establishes appropriate bargaining units elect no 509  
representative in a board-conducted representation election. 510

(b) After the state employment relations board establishes 511  
appropriate bargaining units for such employees, all employee 512  
organizations withdraw from a representation election. 513

(F)(1) Notwithstanding any contrary provision of sections 514  
124.01 to 124.64 of the Revised Code, the board of trustees of 515  
each state university or college, as defined in section 3345.12 of 516  
the Revised Code, shall carry out all matters of governance 517  
involving the officers and employees of the university or college, 518  
including, but not limited to, the powers, duties, and functions 519  
of the department of administrative services and the director of 520  
administrative services specified in this chapter. Officers and 521  
employees of a state university or college shall have the right of 522

appeal to the state personnel board of review as provided in this 523  
chapter. 524

(2) Each board of trustees shall adopt rules under section 525  
111.15 of the Revised Code to carry out the matters of governance 526  
described in division (F)(1) of this section. Until the board of 527  
trustees adopts those rules, a state university or college shall 528  
continue to operate pursuant to the applicable rules adopted by 529  
the director of administrative services under this chapter. 530

(G)(1) Each board of county commissioners may, by a 531  
resolution adopted by a majority of its members, establish a 532  
county personnel department to exercise the powers, duties, and 533  
functions specified in division (G) of this section. As used in 534  
division (G) of this section, "county personnel department" means 535  
a county personnel department established by a board of county 536  
commissioners under division (G)(1) of this section. 537

(2)(a) Each board of county commissioners, by a resolution 538  
adopted by a majority of its members, may designate the county 539  
personnel department of the county to exercise the powers, duties, 540  
and functions specified in sections 124.01 to 124.64 and Chapter 541  
325. of the Revised Code with regard to employees in the service 542  
of the county, except for the powers and duties of the state 543  
personnel board of review, which powers and duties shall not be 544  
construed as having been modified or diminished in any manner by 545  
division (G)(2) of this section, with respect to the employees for 546  
whom the board of county commissioners is the appointing authority 547  
or co-appointing authority. 548

(b) Nothing in division (G)(2) of this section shall be 549  
construed to limit the right of any employee who possesses the 550  
right of appeal to the state personnel board of review to continue 551  
to possess that right of appeal. 552

(c) Any board of county commissioners that has established a 553

county personnel department may contract with the department of 554  
administrative services, another political subdivision, or an 555  
appropriate public or private entity to provide competitive 556  
testing services or other appropriate services. 557

(3) After the county personnel department of a county has 558  
been established as described in division (G)(2) of this section, 559  
any elected official, board, agency, or other appointing authority 560  
of that county, upon written notification to the county personnel 561  
department, may elect to use the services and facilities of the 562  
county personnel department. Upon receipt of the notification by 563  
the county personnel department, the county personnel department 564  
shall exercise the powers, duties, and functions as described in 565  
division (G)(2) of this section with respect to the employees of 566  
that elected official, board, agency, or other appointing 567  
authority. 568

(4) Each board of county commissioners, by a resolution 569  
adopted by a majority of its members, may disband the county 570  
personnel department. 571

(5) Any elected official, board, agency, or appointing 572  
authority of a county may end its involvement with a county 573  
personnel department upon actual receipt by the department of a 574  
certified copy of the notification that contains the decision to 575  
no longer participate. 576

(6) The director of administrative services may, by rule 577  
adopted in accordance with Chapter 119. of the Revised Code, 578  
prescribe criteria and procedures for the following: 579

(a) A requirement that each county personnel department, in 580  
carrying out its duties, adhere to merit system principles with 581  
regard to employees of county departments of job and family 582  
services, child support enforcement agencies, and public child 583  
welfare agencies so that there is no threatened loss of federal 584

funding for these agencies, and a requirement that the county be 585  
financially liable to the state for any loss of federal funds due 586  
to the action or inaction of the county personnel department. The 587  
costs associated with audits conducted to monitor compliance with 588  
division (G)(6)(a) of this section shall be reimbursed to the 589  
department of administrative services as determined by the 590  
director. All money the department receives for these audits shall 591  
be paid into the state treasury to the credit of the human 592  
resources fund created in section 124.07 of the Revised Code. 593

(b) Authorization for the director of administrative services 594  
to conduct periodic audits and reviews of county personnel 595  
departments to guarantee the uniform application of the powers, 596  
duties, and functions exercised pursuant to division (G)(2)(a) of 597  
this section. The costs of the audits and reviews shall be 598  
reimbursed to the department of administrative services as 599  
determined by the director by the county for which the services 600  
are performed. All money the department receives shall be paid 601  
into the state treasury to the credit of the human resources fund 602  
created in section 124.07 of the Revised Code. 603

(H) The director of administrative services shall establish 604  
the rate and method of compensation, based upon merit, for all 605  
employees who are paid directly by warrant of the director of 606  
budget and management and who are serving in positions that the 607  
director of administrative services has determined impracticable 608  
to include in the state job classification plan. This division 609  
does not apply to elected officials, legislative employees, 610  
employees of the legislative service commission, employees who are 611  
in the unclassified civil service and exempt from collective 612  
bargaining coverage in the office of the secretary of state, 613  
auditor of state, treasurer of state, and attorney general, 614  
employees of the courts, employees of the bureau of workers' 615  
compensation whose compensation the administrator of workers' 616

compensation establishes under division (B) of section 4121.121 of 617  
the Revised Code, or employees of an appointing authority 618  
authorized by law to fix the compensation of those employees. 619

(I) The director shall set the rate of compensation for all 620  
intermittent, seasonal, temporary, emergency, and casual employees 621  
in the service of the state who are not considered public 622  
employees under section 4117.01 of the Revised Code. Those 623  
employees are not entitled to receive employee benefits. This rate 624  
of compensation shall be equitable in terms of the rate of 625  
employees serving in the same or similar classifications and shall 626  
be based upon merit. This division does not apply to elected 627  
officials, legislative employees, employees of the legislative 628  
service commission, employees who are in the unclassified civil 629  
service and exempt from collective bargaining coverage in the 630  
office of the secretary of state, auditor of state, treasurer of 631  
state, and attorney general, employees of the courts, employees of 632  
the bureau of workers' compensation whose compensation the 633  
administrator establishes under division (B) of section 4121.121 634  
of the Revised Code, or employees of an appointing authority 635  
authorized by law to fix the compensation of those employees. 636

**Sec. 124.15.** (A) Board and commission members ~~appointed prior~~ 637  
~~to July 1, 1991,~~ shall be paid a salary or wage ~~in accordance with~~ 638  
based upon merit within the following ~~schedules of rates ranges:~~ 639

Schedule B 641

Pay Ranges ~~and Step Values~~ 642

Range		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	
		<u>Minimum</u>	<u>Maximum</u>			
23	Hourly	5.72	<del>5.91</del>	<del>6.10</del>	<del>6.31</del>	644
	Annually	11897.60	<del>12292.80</del>	<del>12688.00</del>	<del>13124.80</del>	645
		<del>Step 5</del>	<del>Step 6</del>			646

	Hourly	<del>6.52</del>	6.75			647
	Annually	<del>13561.60</del>	14040.00			648
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	649
24	Hourly	6.00	<del>6.20</del>	<del>6.41</del>	<del>6.63</del>	650
	Annually	12480.00	<del>12896.00</del>	<del>13332.80</del>	<del>13790.40</del>	651
		<del>Step 5</del>	<del>Step 6</del>			652
	Hourly	<del>6.87</del>	7.10			653
	Annually	<del>14289.60</del>	14768.00			654
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	655
25	Hourly	6.31	<del>6.52</del>	<del>6.75</del>	<del>6.99</del>	656
	Annually	13124.80	<del>13561.60</del>	<del>14040.00</del>	<del>14539.20</del>	657
		<del>Step 5</del>	<del>Step 6</del>			658
	Hourly	<del>7.23</del>	7.41			659
	Annually	<del>15038.40</del>	15412.80			660
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	661
26	Hourly	6.63	<del>6.87</del>	<del>7.10</del>	<del>7.32</del>	662
	Annually	13790.40	<del>14289.60</del>	<del>14768.00</del>	<del>15225.60</del>	663
		<del>Step 5</del>	<del>Step 6</del>			664
	Hourly	<del>7.53</del>	7.77			665
	Annually	<del>15662.40</del>	16161.60			666
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	667
27	Hourly	6.99	<del>7.23</del>	<del>7.41</del>	<del>7.64</del>	668
	Annually	14534.20	<del>15038.40</del>	<del>15412.80</del>	<del>15891.20</del>	669
		<del>Step 5</del>	<del>Step 6</del>	<del>Step 7</del>		670
	Hourly	<del>7.88</del>	<del>8.15</del>	8.46		671
	Annually	<del>16390.40</del>	<del>16952.00</del>	17596.80		672
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	673
28	Hourly	7.41	<del>7.64</del>	<del>7.88</del>	<del>8.15</del>	674
	Annually	15412.80	<del>15891.20</del>	<del>16390.40</del>	<del>16952.00</del>	675
		<del>Step 5</del>	<del>Step 6</del>	<del>Step 7</del>		676
	Hourly	<del>8.46</del>	<del>8.79</del>	9.15		677
	Annually	<del>17596.80</del>	<del>18283.20</del>	19032.00		678
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	679

29	Hourly	7.88	<del>8.15</del>	<del>8.46</del>	<del>8.79</del>	680
	Annually	16390.40	<del>16952.00</del>	<del>17596.80</del>	<del>18283.20</del>	681
		<del>Step 5</del>	<del>Step 6</del>	<del>Step 7</del>		682
	Hourly	<del>9.15</del>	<del>9.58</del>	10.01		683
	Annually	<del>19032.00</del>	<del>19926.40</del>	20820.80		684
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	685
30	Hourly	8.46	<del>8.79</del>	<del>9.15</del>	<del>9.58</del>	686
	Annually	17596.80	<del>18283.20</del>	<del>19032.00</del>	<del>19926.40</del>	687
		<del>Step 5</del>	<del>Step 6</del>	<del>Step 7</del>		688
	Hourly	<del>10.01</del>	<del>10.46</del>	10.99		689
	Annually	<del>20820.80</del>	<del>21756.80</del>	22859.20		690
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	691
31	Hourly	9.15	<del>9.58</del>	<del>10.01</del>	<del>10.46</del>	692
	Annually	19032.00	<del>19962.40</del>	<del>20820.80</del>	<del>21756.80</del>	693
		<del>Step 5</del>	<del>Step 6</del>	<del>Step 7</del>		694
	Hourly	<del>10.99</del>	<del>11.52</del>	12.09		695
	Annually	<del>22859.20</del>	<del>23961.60</del>	25147.20		696
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	697
32	Hourly	10.01	<del>10.46</del>	<del>10.99</del>	<del>11.52</del>	698
	Annually	20820.80	<del>21756.80</del>	<del>22859.20</del>	<del>23961.60</del>	699
		<del>Step 5</del>	<del>Step 6</del>	<del>Step 7</del>	<del>Step 8</del>	700
	Hourly	<del>12.09</del>	<del>12.68</del>	<del>13.29</del>	13.94	701
	Annually	<del>25147.20</del>	<del>26374.40</del>	<del>27643.20</del>	28995.20	702
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	703
33	Hourly	10.99	<del>11.52</del>	<del>12.09</del>	<del>12.68</del>	704
	Annually	22859.20	<del>23961.60</del>	<del>25147.20</del>	<del>26374.40</del>	705
		<del>Step 5</del>	<del>Step 6</del>	<del>Step 7</del>	<del>Step 8</del>	706
	Hourly	<del>13.29</del>	<del>13.94</del>	<del>14.63</del>	15.35	707
	Annually	<del>27643.20</del>	<del>28995.20</del>	<del>30430.40</del>	31928.00	708
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	709
34	Hourly	12.09	<del>12.68</del>	<del>13.29</del>	<del>13.94</del>	710
	Annually	25147.20	<del>26374.40</del>	<del>27643.20</del>	<del>28995.20</del>	711
		<del>Step 5</del>	<del>Step 6</del>	<del>Step 7</del>	<del>Step 8</del>	712

	Hourly	<del>14.63</del>	<del>15.35</del>	<del>16.11</del>	16.91	713
	Annually	<del>30430.40</del>	<del>31928.00</del>	<del>33508.80</del>	35172.80	714
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	Step 4	715
35	Hourly	13.29	<del>13.94</del>	<del>14.63</del>	<del>15.35</del>	716
	Annually	27643.20	<del>28995.20</del>	<del>30430.40</del>	<del>31928.00</del>	717
		<del>Step 5</del>	<del>Step 6</del>	<del>Step 7</del>	<del>Step 8</del>	718
	Hourly	<del>16.11</del>	<del>16.91</del>	<del>17.73</del>	18.62	719
	Annually	<del>33508.80</del>	<del>35172.80</del>	<del>36878.40</del>	38729.60	720
		<del>Step 1</del>	<del>Step 2</del>	<del>Step 3</del>	<del>Step 4</del>	721
36	Hourly	14.63	<del>15.35</del>	<del>16.11</del>	<del>16.91</del>	722
	Annually	30430.40	<del>31928.00</del>	<del>33508.80</del>	<del>35172.80</del>	723
		<del>Step 5</del>	<del>Step 6</del>	<del>Step 7</del>	<del>Step 8</del>	724
	Hourly	<del>17.73</del>	<del>18.62</del>	<del>19.54</del>	20.51	725
	Annually	<del>36878.40</del>	<del>38729.60</del>	<del>40643.20</del>	42660.80	726
Schedule C						727
Pay Range and Values						728
Range		Minimum		Maximum		729
41	Hourly	10.44		15.72		730
	Annually	21715.20		32697.60		731
42	Hourly	11.51		17.35		732
	Annually	23940.80		36088.00		733
43	Hourly	12.68		19.12		734
	Annually	26374.40		39769.60		735
44	Hourly	13.99		20.87		736
	Annually	29099.20		43409.60		737
45	Hourly	15.44		22.80		738
	Annually	32115.20		47424.00		739
46	Hourly	17.01		24.90		740
	Annually	35380.80		51792.00		741
47	Hourly	18.75		27.18		742
	Annually	39000.00		56534.40		743
48	Hourly	20.67		29.69		744
	Annually	42993.60		61755.20		745



49 Hourly	22.80	32.06	746
Annually	47424.00	66684.80	747

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 748  
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(C) Part-time employees shall be compensated on an hourly basis for time worked, ~~at the rates shown in~~ as required by division (A) of this section or ~~in~~ by section 124.152 of the Revised Code. 750  
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(D) The salary and wage rates ~~in~~ determined under division (A) of this section or ~~in~~ under section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them. 754  
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The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and determine whether certain benefits or payments provided to the employees covered by those agreements should also be provided to employees in the service of the state who are exempt from collective bargaining coverage and are paid in accordance with section 124.152 of the Revised Code or are listed in division 770  
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(B)(2) or (4) of section 124.14 of the Revised Code. On completing 778  
the review, the director of administrative services, with the 779  
approval of the director of budget and management, may provide to 780  
some or all of these employees any payment or benefit, except for 781  
salary, contained in such a collective bargaining agreement even 782  
if it is similar to a payment or benefit already provided by law 783  
to some or all of these employees. Any payment or benefit so 784  
provided shall not exceed the highest level for that payment or 785  
benefit specified in such a collective bargaining agreement. The 786  
director of administrative services shall not provide, and the 787  
director of budget and management shall not approve, any payment 788  
or benefit to such an employee under this division unless the 789  
payment or benefit is provided pursuant to a collective bargaining 790  
agreement to a state employee who is in a position with similar 791  
duties as, is supervised by, or is employed by the same appointing 792  
authority as, the employee to whom the benefit or payment is to be 793  
provided. 794

As used in this division, "payment or benefit already 795  
provided by law" includes, but is not limited to, bereavement, 796  
personal, vacation, administrative, and sick leave, disability 797  
benefits, holiday pay, and pay supplements provided under the 798  
Revised Code, but does not include wages or salary. 799

(E) New employees paid in accordance with schedule B of 800  
division (A) of this section or schedule E-1 of section 124.152 of 801  
the Revised Code shall be employed at the minimum rate established 802  
for the range unless otherwise provided. Employees with 803  
qualifications that are beyond the minimum normally required for 804  
the position and that are determined by the director to be 805  
exceptional may be employed in, or may be transferred or promoted 806  
to, a ~~position at an advanced step of~~ higher salary or wage in the 807  
range. Further, in time of a serious labor market condition when 808  
it is relatively impossible to recruit employees at the minimum 809

rate for a particular classification, the entrance rate may be set 810  
at ~~an advanced step~~ a higher salary or wage in the range by the 811  
director of administrative services. This rate may be limited to 812  
geographical regions of the state. Appointments made to ~~an~~ 813  
~~advanced step~~ a higher salary or wage under the provision 814  
regarding exceptional qualifications shall not affect the ~~step~~ 815  
~~assignment~~ salary or wage of employees already serving. However, 816  
anytime the hiring rate of an entire classification is advanced to 817  
a higher ~~step~~ salary or wage, all incumbents of that 818  
classification being paid at a ~~step~~ lower salary or wage than that 819  
being used for hiring, shall be advanced beginning at the start of 820  
the first pay period thereafter to the new hiring rate, ~~and any~~ 821  
~~time accrued at the lower step will be used to calculate~~ 822  
~~advancement to a succeeding step~~. If the hiring rate of a 823  
classification is increased for only a geographical region of the 824  
state, only incumbents who work in that geographical region shall 825  
be advanced to a higher ~~step~~ salary or wage. When an employee in 826  
the unclassified service changes from one state position to 827  
another or is appointed to a position in the classified service, 828  
or if an employee in the classified service is appointed to a 829  
position in the unclassified service, the employee's salary or 830  
wage in the new position shall be determined in the same manner as 831  
if the employee were an employee in the classified service. ~~When~~ 832  
~~an employee in the unclassified service who is not eligible for~~ 833  
~~step increases is appointed to a classification in the classified~~ 834  
~~service under which step increases are provided, future step~~ 835  
~~increases shall be based on the date on which the employee last~~ 836  
~~received a pay increase. If the employee has not received an~~ 837  
~~increase during the previous year, the date of the appointment to~~ 838  
~~the classified service shall be used to determine the employee's~~ 839  
~~annual step advancement eligibility date.~~ In reassigning any 840  
employee to a classification resulting in a pay range increase or 841  
to a new pay range as a result of a promotion, an increase pay 842

range adjustment, or other classification change resulting in a 843  
pay range increase, the director shall assign such employee to ~~the~~ 844  
~~step~~ a salary or wage in the new pay range that will provide an 845  
increase of approximately four per cent if the new pay range can 846  
accommodate the increase. ~~When an employee is being assigned to a~~ 847  
~~classification or new pay range as the result of a class plan~~ 848  
~~change, if the employee has completed a probationary period, the~~ 849  
~~employee shall be placed in a step no lower than step two of the~~ 850  
~~new pay range. If the employee has not completed a probationary~~ 851  
~~period, the employee may be placed in step one of the new pay~~ 852  
~~range.~~ Such new salary or wage shall become effective on such date 853  
as the director determines. 854

(F) If employment conditions and the urgency of the work 855  
require such action, the director of administrative services may, 856  
upon the application of a department head, authorize payment at 857  
any rate established within the range for the class of work, for 858  
work of a casual or intermittent nature or on a project basis. 859  
Payment at such rates shall not be made to the same individual for 860  
more than three calendar months in any one calendar year. Any such 861  
action shall be subject to the approval of the director of budget 862  
and management as to the availability of funds. This section and 863  
sections 124.14 and 124.152 of the Revised Code do not repeal any 864  
authority of any department or public official to contract with or 865  
fix the compensation of professional persons who may be employed 866  
temporarily for work of a casual nature or for work on a project 867  
basis. 868

(G)(1) Except as provided in ~~divisions~~ division (G)(2) ~~and~~ 869  
~~(3)~~ of this section, each state employee paid in accordance with 870  
schedule B of this section or schedule E-1 of section 124.152 of 871  
the Revised Code shall be eligible for advancement to ~~succeeding~~ 872  
~~steps~~ higher salaries or wages in the range for the employee's 873  
class or grade according to the schedule established in this 874

division. Beginning on the first day of the pay period within 875  
which the employee completes the prescribed probationary period in 876  
the employee's classification with the state, each employee shall 877  
receive an automatic salary adjustment equivalent to the next 878  
higher step within the pay range for the employee's class or 879  
grade. 880

Except as provided in divisions (G)(2) and (3) of this 881  
section, each employee paid in accordance with schedule E-1 of 882  
section 124.152 of the Revised Code shall be eligible to advance 883  
to the next higher step a higher salary or wage until the employee 884  
reaches the top ~~step~~ salary or wage in the range for the 885  
employee's class or grade, if the employee has maintained 886  
satisfactory performance in accordance with criteria established 887  
by the employee's appointing authority. Those ~~step~~ advancements 888  
shall not occur more frequently than once in any twelve-month 889  
period and shall be based upon merit. 890

~~When an employee is promoted, the step entry date shall be~~ 891  
~~set to account for a probationary period. When an employee is~~ 892  
~~reassigned to a higher pay range, the step entry date shall be set~~ 893  
~~to allow an employee who is not at the highest step of the range~~ 894  
~~to receive a step advancement one year from the reassignment date.~~ 895  
~~Step advancement shall not be affected by demotion. A promoted~~ 896  
~~employee shall advance to the next higher step of the pay range on~~ 897  
~~the first day of the pay period in which the required probationary~~ 898  
~~period is completed. Step advancement shall become effective at~~ 899  
~~the beginning of the pay period within which the employee attains~~ 900  
~~the necessary length of service. Time spent on authorized leave of~~ 901  
~~absence shall be counted for this purpose.~~ 902

~~If determined to be in the best interest of the state~~ 903  
~~service, the director of administrative services may, either~~ 904  
~~statewide or in selected agencies, adjust the dates on which~~ 905  
~~annual step advancements are received by employees paid in~~ 906

~~accordance with schedule E-1 of section 124.152 of the Revised Code.~~ 907  
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~~(2)(a) There shall be a moratorium on annual step advancements under division (G)(1) of this section beginning June 21, 2009, through June 20, 2011. Step advancements shall resume with the pay period beginning June 21, 2011. Upon the resumption of step advancements, there shall be no retroactive step advancements for the period the moratorium was in effect. The moratorium shall not affect an employee's performance evaluation schedule.~~ 909  
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~~An employee who begins a probationary period before June 21, 2009, shall advance to the next step in the employee's pay range at the end of probation, and then become subject to the moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011.~~ 917  
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~~(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the 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.~~ 925  
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~~(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.~~ 933  
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~~(H) Employees in appointive managerial or professional positions paid in accordance with schedule C of this section or~~ 936  
937

schedule E-2 of section 124.152 of the Revised Code may be 938  
appointed at any rate within the appropriate pay range. This rate 939  
of pay may be adjusted higher or lower within the respective pay 940  
range at any time the appointing authority so desires as long as 941  
the adjustment is based on the employee's ability to successfully 942  
administer those duties assigned to the employee. Salary 943  
adjustments shall not be made more frequently than once in any 944  
six-month period under this provision to incumbents holding the 945  
same position and classification. 946

(I) When an employee is assigned to duty outside this state, 947  
the employee may be compensated, upon request of the department 948  
head and with the approval of the director of administrative 949  
services, at a rate not to exceed fifty per cent in excess of the 950  
employee's current base rate for the period of time spent on that 951  
duty. 952

(J) Unless compensation for members of a board or commission 953  
is otherwise specifically provided by law, the director of 954  
administrative services shall establish the rate and method of 955  
payment for members of boards and commissions pursuant to the pay 956  
schedules listed in section 124.152 of the Revised Code. 957

(K) Regular full-time employees in positions assigned to 958  
classes within the instruction and education administration series 959  
under the rules of the director of administrative services, except 960  
certificated employees on the instructional staff of the state 961  
school for the blind or the state school for the deaf, whose 962  
positions are scheduled to work on the basis of an academic year 963  
rather than a full calendar year, shall be paid according to the 964  
pay range assigned by such rules but only during those pay periods 965  
included in the academic year of the school where the employee is 966  
located. 967

(1) Part-time or substitute teachers or those whose period of 968  
employment is other than the full academic year shall be 969

compensated for the actual time worked at the rate established by 970  
this section. 971

(2) Employees governed by this division are exempt from 972  
sections 124.13 and 124.19 of the Revised Code. 973

~~(3) Length of service for the purpose of determining 974  
eligibility for step advancements as provided by division (G) of 975  
this section and for the purpose of determining eligibility for 976  
longevity pay supplements as provided by division (E) of section 977  
124.181 of the Revised Code shall be computed on the basis of one 978  
full year of service for the completion of each academic year. 979~~

(L) The superintendent of the state school for the deaf and 980  
the superintendent of the state school for the blind shall, 981  
subject to the approval of the superintendent of public 982  
instruction, carry out both of the following: 983

(1) Annually, between the first day of April and the last day 984  
of June, establish for the ensuing fiscal year a schedule of 985  
hourly ~~rates~~ rate ranges for the compensation of each certificated 986  
employee on the instructional staff of that superintendent's 987  
respective school ~~constructed as follows:~~ 988

~~(a) Determine for each level of training, experience, and 989  
other professional qualification for which an hourly rate is set 990  
forth in the current schedule, the per cent that rate is of the 991  
rate set forth in such schedule for a teacher with a bachelor's 992  
degree and no experience. If there is more than one such rate for 993  
such a teacher, the lowest rate shall be used to make the 994  
computation. 995~~

~~(b) Determine which six city, local, and exempted village 996  
school districts with territory in Franklin county have in effect 997  
on, or have adopted by, the first day of April for the school year 998  
that begins on the ensuing first day of July, teacher salary 999  
schedules with the highest minimum salaries for a teacher with a 1000~~



~~bachelor's degree and no experience;~~ 1001

~~(c) Divide the sum of such six highest minimum salaries by~~ 1002  
~~ten thousand five hundred sixty;~~ 1003

~~(d) Multiply each per cent determined in division (L)(1)(a)~~ 1004  
~~of this section by the quotient obtained in division (L)(1)(c) of~~ 1005  
~~this section;~~ 1006

~~(e) One hundred five per cent of each product thus obtained~~ 1007  
~~shall be the hourly rate for the corresponding level of training,~~ 1008  
~~experience, or other professional qualification in the schedule~~ 1009  
~~for the ensuing fiscal year.~~ 1010

(2) Annually, assign each certificated employee on the 1011  
instructional staff of the superintendent's respective school to 1012  
an hourly rate on the schedule that is commensurate with the 1013  
employee's training, experience, and other professional 1014  
qualifications. 1015

If an employee is employed on the basis of an academic year, 1016  
the employee's annual salary shall be calculated by multiplying 1017  
the employee's assigned hourly rate times one thousand seven 1018  
hundred sixty. If an employee is not employed on the basis of an 1019  
academic year, the employee's annual salary shall be calculated in 1020  
accordance with the following formula: 1021

(a) Multiply the number of days the employee is required to 1022  
work pursuant to the employee's contract by eight; 1023

(b) Multiply the product of division (L)(2)(a) of this 1024  
section by the employee's assigned hourly rate. 1025

Each employee shall be paid an annual salary in biweekly 1026  
installments. The amount of each installment shall be calculated 1027  
by dividing the employee's annual salary by the number of biweekly 1028  
installments to be paid during the year. 1029

Sections 124.13 and 124.19 of the Revised Code do not apply 1030

to an employee who is paid under this division. 1031

As used in this division, "academic year" means the number of 1032  
days in each school year that the schools are required to be open 1033  
for instruction with pupils in attendance. Upon completing an 1034  
academic year, an employee paid under this division shall be 1035  
deemed to have completed one year of service. An employee paid 1036  
under this division is eligible to receive a pay supplement under 1037  
division ~~(L)~~(K)(1), (2), or (3) of section 124.181 of the Revised 1038  
Code for which the employee qualifies, but is not eligible to 1039  
receive a pay supplement under division ~~(L)~~(K)(4) or (5) of that 1040  
section. An employee paid under this division is eligible to 1041  
receive a pay supplement under division ~~(L)~~(K)(6) of section 1042  
124.181 of the Revised Code for which the employee qualifies, 1043  
except that the supplement is not limited to a maximum of five per 1044  
cent of the employee's regular base salary in a calendar year. 1045

(M) Division (A) of this section does not apply to "exempt 1046  
employees," as defined in section 124.152 of the Revised Code, who 1047  
are paid under that section. 1048

Notwithstanding any other provisions of this chapter, when an 1049  
employee transfers between bargaining units or transfers out of or 1050  
into a bargaining unit, the director of administrative services 1051  
shall establish the employee's compensation and adjust the maximum 1052  
leave accrual schedule as the director deems equitable. 1053

**Sec. 124.152.** (A)(1) Except as provided in divisions (A)(2) 1054  
and (3) of this section, each exempt employee shall be paid a 1055  
salary or wage in accordance with schedule E-1 or schedule E-2 of 1056  
division (B) of this section. 1057

(2) Each exempt employee who holds a position in the 1058  
unclassified civil service pursuant to division (A)(26) or (30) of 1059  
section 124.11 of the Revised Code may be paid a salary or wage in 1060  
accordance with schedule E-1, schedule E-1 for step seven only, or 1061

schedule E-2 of division (B) or (C) of this section, as 1062  
applicable. 1063

(3)(a) Except as provided in division (A)(3)(b) of this 1064  
section, each exempt employee who was paid a salary or wage at 1065  
step 7 in the employee's pay range on June 28, 2003, in accordance 1066  
with the applicable schedule E-1 of former section 124.152 of the 1067  
Revised Code and who continued to be so paid on June 29, 2003, 1068  
shall be paid a salary or wage in the corresponding pay range in 1069  
schedule E-1 for step seven only of division (C) of this section 1070  
for as long as the employee remains in the position the employee 1071  
held as of July 1, 2003. 1072

(b) Except as provided in division (A)(3)(c) of this section, 1073  
if an exempt employee who is being paid a salary or wage in 1074  
accordance with schedule E-1 for step seven only of division (C) 1075  
of this section moves to another position, the employee shall not 1076  
receive a salary or wage for that position or any other position 1077  
in the future in accordance with that schedule. 1078

(c) If an exempt employee who is being paid a salary or wage 1079  
in accordance with schedule E-1 for step seven only of division 1080  
(C) of this section moves to another position assigned to pay 1081  
range 12 or above, the appointing authority may assign the 1082  
employee to be paid a salary or wage in the appropriate pay range 1083  
for that position in accordance with the schedule E-1 for step 1084  
seven only of division (C) of this section, provided that the 1085  
appointing authority so notifies the director of administrative 1086  
services in writing at the time the employee is appointed to that 1087  
position. 1088

(B) Beginning on the first day of the pay period that 1089  
includes ~~July 1, 2008~~ the effective date of the amendment of this 1090  
section by S.B. 5 of the 129th general assembly, each exempt 1091  
employee who must be paid in accordance with schedule E-1 or 1092  
schedule E-2 of this section shall be paid a salary or wage ~~in~~ 1093

~~accordance with, based upon merit, within the following schedule~~ 1094  
~~of rates ranges:~~ 1095

Schedule E-1 1096

Pay Ranges ~~and Step Values~~ 1097

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
		<u>Minimum Maximum</u>						
1	Hourly	10.07	<del>10.52</del>	<del>10.97</del>	11.44			1100
	Annually	20946	<del>21882</del>	<del>22818</del>	23795			1101
2	Hourly	12.21	<del>12.73</del>	<del>13.28</del>	13.86			1102
	Annually	25397	<del>26478</del>	<del>27622</del>	28829			1103
3	Hourly	12.79	<del>13.37</del>	<del>13.96</del>	14.57			1104
	Annually	26603	<del>27810</del>	<del>29037</del>	30306			1105
4	Hourly	13.43	<del>14.03</del>	<del>14.70</del>	15.36			1106
	Annually	27934	<del>29182</del>	<del>30576</del>	31949			1107
5	Hourly	14.09	<del>14.73</del>	<del>15.36</del>	16.03			1108
	Annually	29307	<del>30638</del>	<del>31949</del>	33342			1109
6	Hourly	14.85	<del>15.46</del>	<del>16.15</del>	16.81			1110
	Annually	30888	<del>32157</del>	<del>33592</del>	34965			1111
7	Hourly	15.77	<del>16.35</del>	<del>17.02</del>	<del>17.62</del>	18.30		1112
	Annually	32802	<del>34008</del>	<del>35402</del>	<del>36650</del>	38064		1113
8	Hourly	16.66	<del>17.40</del>	<del>18.15</del>	<del>18.97</del>	19.78		1114
	Annually	34653	<del>36192</del>	<del>37752</del>	<del>39458</del>	41142		1115
9	Hourly	17.78	<del>18.70</del>	<del>19.62</del>	<del>20.60</del>	21.65		1116
	Annually	36982	<del>38896</del>	<del>40810</del>	<del>42848</del>	45032		1117
10	Hourly	19.19	<del>20.23</del>	<del>21.32</del>	<del>22.55</del>	23.76		1118
	Annually	39915	<del>42078</del>	<del>44346</del>	<del>46904</del>	49421		1119
11	Hourly	20.89	<del>22.11</del>	<del>23.39</del>	<del>24.71</del>	26.11		1120
	Annually	43451	<del>45989</del>	<del>48651</del>	<del>51397</del>	54309		1121
12	Hourly	23.04	<del>24.34</del>	<del>25.65</del>	<del>27.07</del>	<del>28.58</del>	30.13	1122
	Annually	47923	<del>50627</del>	<del>53352</del>	<del>56306</del>	<del>59446</del>	62670	1123
13	Hourly	25.40	<del>26.80</del>	<del>28.27</del>	<del>29.78</del>	<del>31.45</del>	33.16	1124

	Annually	52832	<del>55744</del>	<del>58802</del>	<del>61942</del>	<del>65416</del>	68973	1125
14	Hourly	27.93	<del>29.51</del>	<del>31.10</del>	<del>32.80</del>	<del>34.65</del>	36.59	1126
	Annually	58094	<del>61381</del>	<del>64688</del>	<del>68224</del>	<del>72072</del>	76107	1127
15	Hourly	30.68	<del>32.41</del>	<del>34.24</del>	<del>36.12</del>	<del>38.13</del>	40.22	1128
	Annually	63814	<del>67413</del>	<del>71219</del>	<del>75130</del>	<del>79310</del>	83658	1129
16	Hourly	33.83	<del>35.71</del>	<del>37.67</del>	<del>39.79</del>	<del>41.98</del>	44.38	1130
	Annually	70366	<del>74277</del>	<del>78354</del>	<del>82763</del>	<del>87318</del>	92310	1131
17	Hourly	37.28	<del>39.34</del>	<del>41.54</del>	<del>43.83</del>	<del>46.27</del>	48.86	1132
	Annually	77542	<del>81827</del>	<del>86403</del>	<del>91166</del>	<del>96242</del>	101629	1133
18	Hourly	41.08	<del>43.36</del>	<del>45.80</del>	<del>48.31</del>	<del>50.99</del>	53.84	1134
	Annually	85446	<del>90189</del>	<del>95264</del>	<del>100485</del>	<del>106059</del>	111987	1135

Schedule E-2 1136

	Range	Minimum	Maximum	1137
41	Hourly	16.23	37.25	1138
	Annually	33758	77480	1139
42	Hourly	17.89	41.14	1140
	Annually	37211	85571	1141
43	Hourly	19.70	45.31	1142
	Annually	40976	94245	1143
44	Hourly	21.73	49.50	1144
	Annually	45198	102960	1145
45	Hourly	24.01	54.04	1146
	Annually	49941	112403	1147
46	Hourly	26.43	59.06	1148
	Annually	54974	122845	1149
47	Hourly	29.14	64.45	1150
	Annually	60611	134056	1151
48	Hourly	32.14	70.33	1152
	Annually	66851	146286	1153
49	Hourly	35.44	75.94	1154
	Annually	73715	157955	1155

(C) Beginning on the first day of the pay period that 1156

includes July 1, 2008, each exempt employee who must be paid in 1157

accordance with salary schedule E-1 for step seven only shall be 1158  
paid a salary or wage in accordance with the following schedule of 1159  
rates: 1160

Schedule E-1 for Step Seven Only 1161

Pay Ranges ~~and Step Values~~ 1162

Range 1163

12 Hourly 31.80 1164

Annually 66144 1165

13 Hourly 34.98 1166

Annually 72758 1167

14 Hourly 38.57 1168

Annually 80226 1169

15 Hourly 42.44 1170

Annually 88275 1171

16 Hourly 46.81 1172

Annually 97365 1173

17 Hourly 51.55 1174

Annually 107224 1175

18 Hourly 56.80 1176

Annually 118144 1177

(D) As used in this section, "exempt employee" means a 1178  
permanent full-time or permanent part-time employee paid directly 1179  
by warrant of the director of budget and management whose position 1180  
is included in the job classification plan established under 1181  
division (A) of section 124.14 of the Revised Code but who is not 1182  
considered a public employee for the purposes of Chapter 4117. of 1183  
the Revised Code. As used in this section, "exempt employee" also 1184  
includes a permanent full-time or permanent part-time employee of 1185  
the secretary of state, auditor of state, treasurer of state, or 1186  
attorney general who has not been placed in an appropriate 1187  
bargaining unit by the state employment relations board. 1188

**Sec. 124.181.** (A) Except as provided in divisions ~~(M)~~(L) and 1189  
~~(P)~~(N) of this section, any employee paid in accordance with 1190  
schedule B of section 124.15 or schedule E-1 or schedule E-1 for 1191  
step seven only of section 124.152 of the Revised Code is eligible 1192  
for the pay supplements provided in this section upon application 1193  
by the appointing authority substantiating the employee's 1194  
qualifications for the supplement and with the approval of the 1195  
director of administrative services ~~except as provided in division~~ 1196  
~~(E) of this section.~~ 1197

(B)(1) Except as provided in section 124.183 of the Revised 1198  
Code, in computing any of the pay supplements provided in this 1199  
section for an employee paid in accordance with schedule B of 1200  
section 124.15 of the Revised Code, the classification salary base 1201  
shall be the minimum hourly rate of the pay range, provided in 1202  
that section, in which the employee is assigned at the time of 1203  
computation. 1204

(2) Except as provided in section 124.183 of the Revised 1205  
Code, in computing any of the pay supplements provided in this 1206  
section for an employee paid in accordance with schedule E-1 of 1207  
section 124.152 of the Revised Code, the classification salary 1208  
base shall be the minimum hourly rate of the pay range, provided 1209  
in that section, in which the employee is assigned at the time of 1210  
computation. 1211

(3) Except as provided in section 124.183 of the Revised 1212  
Code, in computing any of the pay supplements provided in this 1213  
section for an employee paid in accordance with schedule E-1 for 1214  
step seven only of section 124.152 of the Revised Code, the 1215  
classification salary base shall be the minimum hourly rate in the 1216  
corresponding pay range, provided in schedule E-1 of that section, 1217  
to which the employee is assigned at the time of the computation. 1218

(C) The effective date of any pay supplement, except as 1219

provided in section 124.183 of the Revised Code or unless 1220  
otherwise provided in this section, shall be determined by the 1221  
director. 1222

(D) The director shall, by rule, establish standards 1223  
regarding the administration of this section. 1224

~~(E)(1) Except as otherwise provided in this division, 1225  
beginning on the first day of the pay period within which the 1226  
employee completes five years of total service with the state 1227  
government or any of its political subdivisions, each employee in 1228  
positions paid in accordance with schedule B of section 124.15 of 1229  
the Revised Code or in accordance with schedule E-1 or schedule 1230  
E-1 for step seven only of section 124.152 of the Revised Code 1231  
shall receive an automatic salary adjustment equivalent to two and 1232  
one-half per cent of the classification salary base, to the 1233  
nearest whole cent. Each employee shall receive thereafter an 1234  
annual adjustment equivalent to one-half of one per cent of the 1235  
employee's classification salary base, to the nearest whole cent, 1236  
for each additional year of qualified employment until a maximum 1237  
of ten per cent of the employee's classification salary base is 1238  
reached. The granting of longevity adjustments shall not be 1239  
affected by promotion, demotion, or other changes in 1240  
classification held by the employee, nor by any change in pay 1241  
range for the employee's class or grade. Longevity pay adjustments 1242  
shall become effective at the beginning of the pay period within 1243  
which the employee completes the necessary length of service, 1244  
except that when an employee requests credit for prior service, 1245  
the effective date of the prior service credit and of any 1246  
longevity adjustment shall be the first day of the pay period 1247  
following approval of the credit by the director of administrative 1248  
services. No employee, other than an employee who submits proof of 1249  
prior service within ninety days after the date of the employee's 1250  
hiring, shall receive any longevity adjustment for the period 1251~~



~~prior to the director's approval of a prior service credit. Time~~ 1252  
~~spent on authorized leave of absence shall be counted for this~~ 1253  
~~purpose.~~ 1254

~~(2) An employee who has retired in accordance with the~~ 1255  
~~provisions of any retirement system offered by the state and who~~ 1256  
~~is employed by the state or any political subdivision of the state~~ 1257  
~~on or after June 24, 1987, shall not have prior service with the~~ 1258  
~~state or any political subdivision of the state counted for the~~ 1259  
~~purpose of determining the amount of the salary adjustment~~ 1260  
~~provided under this division.~~ 1261

~~(3) There shall be a moratorium on employees' receipt under~~ 1262  
~~this division of credit for service with the state government or~~ 1263  
~~any of its political subdivisions during the period from July 1,~~ 1264  
~~2003, through June 30, 2005. In calculating the number of years of~~ 1265  
~~total service under this division, no credit shall be included for~~ 1266  
~~service during the moratorium. The moratorium shall apply to the~~ 1267  
~~employees of the secretary of state, the auditor of state, the~~ 1268  
~~treasurer of state, and the attorney general, who are subject to~~ 1269  
~~this section unless the secretary of state, the auditor of state,~~ 1270  
~~the treasurer of state, or the attorney general decides to exempt~~ 1271  
~~the office's employees from the moratorium and so notifies the~~ 1272  
~~director of administrative services in writing on or before July~~ 1273  
~~1, 2003.~~ 1274

~~If an employee is exempt from the moratorium, receives credit~~ 1275  
~~for a period of service during the moratorium, and takes a~~ 1276  
~~position with another entity in the state government or any of its~~ 1277  
~~political subdivisions, either during or after the moratorium, and~~ 1278  
~~if that entity's employees are or were subject to the moratorium,~~ 1279  
~~the employee shall continue to retain the credit. However, if the~~ 1280  
~~moratorium is in effect upon the taking of the new position, the~~ 1281  
~~employee shall cease receiving additional credit as long as the~~ 1282  
~~employee is in the position, until the moratorium expires.~~ 1283

~~(F)~~ When an exceptional condition exists that creates a 1284  
temporary or a permanent hazard for one or more positions in a 1285  
class paid in accordance with schedule B of section 124.15 of the 1286  
Revised Code or in accordance with schedule E-1 or schedule E-1 1287  
for step seven only of section 124.152 of the Revised Code, a 1288  
special hazard salary adjustment may be granted for the time the 1289  
employee is subjected to the hazardous condition. All special 1290  
hazard conditions shall be identified for each position and 1291  
incidence from information submitted to the director on an 1292  
appropriate form provided by the director and categorized into 1293  
standard conditions of: some unusual hazard not common to the 1294  
class; considerable unusual hazard not common to the class; and 1295  
exceptional hazard not common to the class. 1296

(1) A hazardous salary adjustment of five per cent of the 1297  
employee's classification salary base may be applied in the case 1298  
of some unusual hazardous condition not common to the class for 1299  
those hours worked, or a fraction of those hours worked, while the 1300  
employee was subject to the unusual hazard condition. 1301

(2) A hazardous salary adjustment of seven and one-half per 1302  
cent of the employee's classification salary base may be applied 1303  
in the case of some considerable hazardous condition not common to 1304  
the class for those hours worked, or a fraction of those hours 1305  
worked, while the employee was subject to the considerable hazard 1306  
condition. 1307

(3) A hazardous salary adjustment of ten per cent of the 1308  
employee's classification salary base may be applied in the case 1309  
of some exceptional hazardous condition not common to the class 1310  
for those hours worked, or a fraction of those hours worked, when 1311  
the employee was subject to the exceptional hazard condition. 1312

(4) Each claim for temporary hazard pay shall be submitted as 1313  
a separate payment and shall be subject to an administrative audit 1314  
by the director as to the extent and duration of the employee's 1315

exposure to the hazardous condition. 1316

~~(G)~~(F) When a full-time employee whose salary or wage is paid 1317  
directly by warrant of the director of budget and management and 1318  
who also is eligible for overtime under the "Fair Labor Standards 1319  
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 1320  
ordered by the appointing authority to report back to work after 1321  
termination of the employee's regular work schedule and the 1322  
employee reports, the employee shall be paid for such time. The 1323  
employee shall be entitled to four hours at the employee's total 1324  
rate of pay or overtime compensation for the actual hours worked, 1325  
whichever is greater. This division does not apply to work that is 1326  
a continuation of or immediately preceding an employee's regular 1327  
work schedule. 1328

~~(H)~~(G) When a certain position or positions paid in 1329  
accordance with schedule B of section 124.15 of the Revised Code 1330  
or in accordance with schedule E-1 or schedule E-1 for step seven 1331  
only of section 124.152 of the Revised Code require the ability to 1332  
speak or write a language other than English, a special pay 1333  
supplement may be granted to attract bilingual individuals, to 1334  
encourage present employees to become proficient in other 1335  
languages, or to retain qualified bilingual employees. The 1336  
bilingual pay supplement provided in this division may be granted 1337  
in the amount of five per cent of the employee's classification 1338  
salary base for each required foreign language and shall remain in 1339  
effect as long as the bilingual requirement exists. 1340

~~(I)~~(H) The director of administrative services may establish 1341  
a shift differential for employees. The differential shall be paid 1342  
to employees in positions working in other than the regular or 1343  
first shift. In those divisions or agencies where only one shift 1344  
prevails, no shift differential shall be paid regardless of the 1345  
hours of the day that are worked. The director and the appointing 1346  
authority shall designate which positions shall be covered by this 1347

division. 1348

~~(J)~~(I) Whenever an employee is assigned to work in a higher 1349  
level position for a continuous period of more than two weeks but 1350  
no more than two years because of a vacancy, the employee's pay 1351  
may be established at a rate that is approximately four per cent 1352  
above the employee's current base rate for the period the employee 1353  
occupies the position, provided that this temporary occupancy is 1354  
approved by the director. Employees paid under this division shall 1355  
continue to receive any of the pay supplements due them under 1356  
other divisions of this section based on the ~~step one~~ 1357  
classification salary base ~~rate~~ for their normal classification. 1358

~~(K)~~(J) If a certain position, or positions, within a class 1359  
paid in accordance with schedule B of section 124.15 of the 1360  
Revised Code or in accordance with schedule E-1 or schedule E-1 1361  
for step seven only of section 124.152 of the Revised Code are 1362  
mandated by state or federal law or regulation or other regulatory 1363  
agency or other certification authority to have special technical 1364  
certification, registration, or licensing to perform the functions 1365  
which are under the mandate, a special professional achievement 1366  
pay supplement may be granted. This special professional 1367  
achievement pay supplement shall not be granted when all 1368  
incumbents in all positions in a class require a license as 1369  
provided in the classification description published by the 1370  
department of administrative services; to licensees where no 1371  
special or extensive training is required; when certification is 1372  
granted upon completion of a stipulated term of in-service 1373  
training; when an appointing authority has required certification; 1374  
or any other condition prescribed by the director. 1375

(1) Before this supplement may be applied, evidence as to the 1376  
requirement must be provided by the agency for each position 1377  
involved, and certification must be received from the director as 1378  
to the director's concurrence for each of the positions so 1379

affected. 1380

(2) The professional achievement pay supplement provided in 1381  
this division shall be granted in an amount up to ten per cent of 1382  
the employee's classification salary base and shall remain in 1383  
effect as long as the mandate exists. 1384

~~(L)~~(K) Those employees assigned to teaching supervisory, 1385  
principal, assistant principal, or superintendent positions who 1386  
have attained a higher educational level than a basic bachelor's 1387  
degree may receive an educational pay supplement to remain in 1388  
effect as long as the employee's assignment and classification 1389  
remain the same. 1390

(1) An educational pay supplement of two and one-half per 1391  
cent of the employee's classification salary base may be applied 1392  
upon the achievement of a bachelor's degree plus twenty quarter 1393  
hours of postgraduate work. 1394

(2) An educational pay supplement of an additional five per 1395  
cent of the employee's classification salary base may be applied 1396  
upon achievement of a master's degree. 1397

(3) An educational pay supplement of an additional two and 1398  
one-half per cent of the employee's classification salary base may 1399  
be applied upon achievement of a master's degree plus thirty 1400  
quarter hours of postgraduate work. 1401

(4) An educational pay supplement of five per cent of the 1402  
employee's classification salary base may be applied when the 1403  
employee is performing as a master teacher. 1404

(5) An educational pay supplement of five per cent of the 1405  
employee's classification salary base may be applied when the 1406  
employee is performing as a special education teacher. 1407

(6) Those employees in teaching supervisory, principal, 1408  
assistant principal, or superintendent positions who are 1409

responsible for specific extracurricular activity programs shall 1410  
receive overtime pay for those hours worked in excess of their 1411  
normal schedule, at their straight time hourly rate up to a 1412  
maximum of five per cent of their regular base salary in any 1413  
calendar year. 1414

~~(M)~~(L)(1) A state agency, board, or commission may establish 1415  
a supplementary compensation schedule based upon merit for those 1416  
licensed physicians employed by the agency, board, or commission 1417  
in positions requiring a licensed physician. The supplementary 1418  
compensation schedule, together with the compensation otherwise 1419  
authorized by this chapter, shall provide for the total 1420  
compensation for these employees to range appropriately, but not 1421  
necessarily uniformly, for each classification title requiring a 1422  
licensed physician, in accordance with a schedule approved by the 1423  
state controlling board. The individual salary levels recommended 1424  
for each such physician employed shall be approved by the 1425  
director. Notwithstanding section 124.11 of the Revised Code, such 1426  
personnel are in the unclassified civil service. 1427

(2) The director of administrative services may approve 1428  
supplementary compensation for the director of health, if the 1429  
director is a licensed physician, in accordance with a 1430  
supplementary compensation schedule approved under division 1431  
~~(M)~~(L)(1) of this section or in accordance with another 1432  
supplementary compensation schedule the director of administrative 1433  
services considers appropriate. The supplementary compensation 1434  
shall not exceed twenty per cent of the director of health's base 1435  
rate of pay. 1436

~~(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36,~~ 1437  
~~117.42, and 131.02 of the Revised Code, the state shall not~~ 1438  
~~institute any civil action to recover and shall not seek~~ 1439  
~~reimbursement for overpayments made in violation of division (E)~~ 1440  
~~of this section or division (C) of section 9.44 of the Revised~~ 1441

~~Code for the period starting after June 24, 1987, and ending on~~ 1442  
~~October 31, 1993.~~ 1443

~~(O)~~(M) Employees of the office of the treasurer of state who 1444  
are exempt from collective bargaining coverage may be granted a 1445  
merit pay supplement of up to one and one-half per cent of their 1446  
~~step salary or wage~~ rate. The rate at which this supplement is 1447  
granted shall be based on performance standards established by the 1448  
treasurer of state. Any supplements granted under this division 1449  
shall be administered on an annual basis. 1450

~~(P)~~(N) Intermittent employees appointed under section 124.30 1451  
of the Revised Code are not eligible for the pay supplements 1452  
provided by this section. 1453

~~(Q)~~(O) Employees of the office of the auditor of state who 1454  
are exempt from collective bargaining and who are paid in 1455  
accordance with schedule E-1 or in accordance with schedule E-1 1456  
for step 7 only and are paid a salary or wage in accordance with 1457  
the schedule of rates in division (B) or (C) of section 124.152 of 1458  
the Revised Code shall receive a reduction of two per cent in 1459  
their hourly and annual pay calculation beginning with the pay 1460  
period that immediately follows July 1, 2009. 1461

**Sec. 124.322.** Whenever a reduction in the work force is 1462  
necessary, the appointing authority of an agency shall decide in 1463  
which classification or classifications the layoff or layoffs will 1464  
occur and the number of employees to be laid off within each 1465  
affected classification. The director of administrative services 1466  
shall adopt rules, under Chapter 119. of the Revised Code, 1467  
establishing a method for determining layoff procedures and an 1468  
order of layoff of, and the displacement and recall of, laid-off 1469  
state and county employees. 1470

The order of layoff in those rules shall be based in part on 1471  
length of service ~~and may~~; however, the rules shall prohibit an 1472

agency from using an employee's length of service as the only 1473  
factor to determine whether to lay off the employee. The rules 1474  
shall include efficiency in service, appointment type, ~~or~~ and 1475  
similar other factors the director considers appropriate. ~~If the~~ 1476  
~~director establishes relative efficiency as a criterion to be used~~ 1477  
~~in determining order of layoff for state and county employees,~~ 1478  
~~credit for efficiency may be other than ten per cent of total~~ 1479  
~~retention points.~~ 1480

**Sec. 124.325.** (A) An appointing authority shall calculate an 1481  
employee's retention points based upon length of service, 1482  
efficiency of service, and other similar factors the director of 1483  
administrative services, in the rules the director adopts for 1484  
state or county employees under section 124.322 of the Revised 1485  
Code, or the appointing authority, as applicable, determines is 1486  
appropriate. Retention points ~~to reflect the length of continuous~~ 1487  
~~service and efficiency in service~~ for all employees affected by a 1488  
layoff shall be verified by the director of administrative 1489  
services for positions in the service of the state. 1490

(B) An employee's length of continuous service will be 1491  
carried from one layoff jurisdiction to another so long as no 1492  
break in service occurs between transfers or appointments. 1493

(C) ~~If~~ (1) Except as otherwise provided in division (C)(2) of 1494  
this section, an appointing authority shall adopt rules to 1495  
determine which employee the appointing authority shall lay off 1496  
first if two or more employees have an identical number of 1497  
retention points, ~~employees having the shortest period of~~ 1498  
~~continuous service shall be laid off first.~~ 1499

(2) The director shall adopt rules in accordance with Chapter 1500  
119. of the Revised Code to establish a system for the assignment 1501  
of retention points for each employee in the service of the state 1502  
in a classification affected by a layoff and for determining, in 1503



those instances where employees in the service of the state have 1504  
identical retention points, which employee shall be laid off 1505  
first. The rules shall permit an appointing authority to consider 1506  
the number of management and nonmanagement employees when 1507  
determining which employees to lay off. 1508

(D)(1) As used in this division, "affected employee" means a 1509  
city employee who becomes a county employee, or a county employee 1510  
who becomes a city employee, as the result of any of the 1511  
following: 1512

(a) The merger of a city and a county office; 1513

(b) The merger of city and county functions or duties; 1514

(c) The transfer of functions or duties between a city and 1515  
county. 1516

(2) For purposes of this section, the new employer of any 1517  
affected employee shall treat the employee's prior service with a 1518  
former employer as if it had been served with the new employer. 1519

~~(E) The director of administrative services shall adopt rules~~ 1520  
~~in accordance with Chapter 119. of the Revised Code to establish a~~ 1521  
~~system for the assignment of retention points for each employee in~~ 1522  
~~the service of the state in a classification affected by a layoff~~ 1523  
~~and for determining, in those instances where employees in the~~ 1524  
~~service of the state have identical retention points, which~~ 1525  
~~employee shall be laid off first.~~ 1526

**Sec. 124.34.** (A) The tenure of every officer or employee in 1527  
the classified service of the state and the counties, civil 1528  
service townships, cities, city health districts, general health 1529  
districts, and city school districts of the state, holding a 1530  
position under this chapter, shall be during good behavior and 1531  
efficient service. No officer or employee shall be reduced in pay 1532  
or position, fined, suspended, or removed, or have the officer's 1533

or employee's longevity reduced or eliminated, except as provided 1534  
in section 124.32 of the Revised Code, and for incompetency, 1535  
inefficiency, dishonesty, drunkenness, immoral conduct, 1536  
insubordination, discourteous treatment of the public, neglect of 1537  
duty, violation of any policy or work rule of the officer's or 1538  
employee's appointing authority, violation of this chapter or the 1539  
rules of the director of administrative services or the 1540  
commission, any other failure of good behavior, any other acts of 1541  
misfeasance, malfeasance, or nonfeasance in office, or conviction 1542  
of a felony. The denial of a one-time pay supplement or a bonus to 1543  
an officer or employee is not a reduction in pay for purposes of 1544  
this section. 1545

This section does not apply to any modifications or 1546  
reductions in pay authorized by division ~~(9)~~(10) of section 124.181 1547  
or section 124.392 or 124.393 of the Revised Code. 1548

An appointing authority may require an employee who is 1549  
suspended to report to work to serve the suspension. An employee 1550  
serving a suspension in this manner shall continue to be 1551  
compensated at the employee's regular rate of pay for hours 1552  
worked. The disciplinary action shall be recorded in the 1553  
employee's personnel file in the same manner as other disciplinary 1554  
actions and has the same effect as a suspension without pay for 1555  
the purpose of recording disciplinary actions. 1556

A finding by the appropriate ethics commission, based upon a 1557  
preponderance of the evidence, that the facts alleged in a 1558  
complaint under section 102.06 of the Revised Code constitute a 1559  
violation of Chapter 102., section 2921.42, or section 2921.43 of 1560  
the Revised Code may constitute grounds for dismissal. Failure to 1561  
file a statement or falsely filing a statement required by section 1562  
102.02 of the Revised Code may also constitute grounds for 1563  
dismissal. The tenure of an employee in the career professional 1564  
service of the department of transportation is subject to section 1565

5501.20 of the Revised Code. 1566

Conviction of a felony is a separate basis for reducing in 1567  
pay or position, suspending, or removing an officer or employee, 1568  
even if the officer or employee has already been reduced in pay or 1569  
position, suspended, or removed for the same conduct that is the 1570  
basis of the felony. An officer or employee may not appeal to the 1571  
state personnel board of review or the commission any disciplinary 1572  
action taken by an appointing authority as a result of the 1573  
officer's or employee's conviction of a felony. If an officer or 1574  
employee removed under this section is reinstated as a result of 1575  
an appeal of the removal, any conviction of a felony that occurs 1576  
during the pendency of the appeal is a basis for further 1577  
disciplinary action under this section upon the officer's or 1578  
employee's reinstatement. 1579

A person convicted of a felony immediately forfeits the 1580  
person's status as a classified employee in any public employment 1581  
on and after the date of the conviction for the felony. If an 1582  
officer or employee is removed under this section as a result of 1583  
being convicted of a felony or is subsequently convicted of a 1584  
felony that involves the same conduct that was the basis for the 1585  
removal, the officer or employee is barred from receiving any 1586  
compensation after the removal notwithstanding any modification or 1587  
disaffirmance of the removal, unless the conviction for the felony 1588  
is subsequently reversed or annulled. 1589

Any person removed for conviction of a felony is entitled to 1590  
a cash payment for any accrued but unused sick, personal, and 1591  
vacation leave as authorized by law. If subsequently reemployed in 1592  
the public sector, the person shall qualify for and accrue these 1593  
forms of leave in the manner specified by law for a newly 1594  
appointed employee and shall not be credited with prior public 1595  
service for the purpose of receiving these forms of leave. 1596

As used in this division, "felony" means any of the 1597

following: 1598

(1) A felony that is an offense of violence as defined in 1599  
section 2901.01 of the Revised Code; 1600

(2) A felony that is a felony drug abuse offense as defined 1601  
in section 2925.01 of the Revised Code; 1602

(3) A felony under the laws of this or any other state or the 1603  
United States that is a crime of moral turpitude; 1604

(4) A felony involving dishonesty, fraud, or theft; 1605

(5) A felony that is a violation of section 2921.05, 2921.32, 1606  
or 2921.42 of the Revised Code. 1607

(B) In case of a reduction, a suspension of more than forty 1608  
work hours in the case of an employee exempt from the payment of 1609  
overtime compensation, a suspension of more than twenty-four work 1610  
hours in the case of an employee required to be paid overtime 1611  
compensation, a fine of more than forty hours' pay in the case of 1612  
an employee exempt from the payment of overtime compensation, a 1613  
fine of more than twenty-four hours' pay in the case of an 1614  
employee required to be paid overtime compensation, or removal, 1615  
except for the reduction or removal of a probationary employee, 1616  
the appointing authority shall serve the employee with a copy of 1617  
the order of reduction, fine, suspension, or removal, which order 1618  
shall state the reasons for the action. 1619

Within ten days following the date on which the order is 1620  
served or, in the case of an employee in the career professional 1621  
service of the department of transportation, within ten days 1622  
following the filing of a removal order, the employee, except as 1623  
otherwise provided in this section, may file an appeal of the 1624  
order in writing with the state personnel board of review or the 1625  
commission. For purposes of this section, the date on which an 1626  
order is served is the date of hand delivery of the order or the 1627  
date of delivery of the order by certified United States mail, 1628

whichever occurs first. If an appeal is filed, the board or 1629  
commission shall forthwith notify the appointing authority and 1630  
shall hear, or appoint a trial board to hear, the appeal within 1631  
thirty days from and after its filing with the board or 1632  
commission. The board, commission, or trial board may affirm, 1633  
disaffirm, or modify the judgment of the appointing authority. 1634  
However, in an appeal of a removal order based upon a violation of 1635  
a last chance agreement, the board, commission, or trial board may 1636  
only determine if the employee violated the agreement and thus 1637  
affirm or disaffirm the judgment of the appointing authority. 1638

In cases of removal or reduction in pay for disciplinary 1639  
reasons, either the appointing authority or the officer or 1640  
employee may appeal from the decision of the state personnel board 1641  
of review or the commission, and any such appeal shall be to the 1642  
court of common pleas of the county in which the appointing 1643  
authority is located, or to the court of common pleas of Franklin 1644  
county, as provided by section 119.12 of the Revised Code. 1645

(C) In the case of the suspension for any period of time, or 1646  
a fine, demotion, or removal, of a chief of police, a chief of a 1647  
fire department, or any member of the police or fire department of 1648  
a city or civil service township, who is in the classified civil 1649  
service, the appointing authority shall furnish the chief or 1650  
member with a copy of the order of suspension, fine, demotion, or 1651  
removal, which order shall state the reasons for the action. The 1652  
order shall be filed with the municipal or civil service township 1653  
civil service commission. Within ten days following the filing of 1654  
the order, the chief or member may file an appeal, in writing, 1655  
with the commission. If an appeal is filed, the commission shall 1656  
forthwith notify the appointing authority and shall hear, or 1657  
appoint a trial board to hear, the appeal within thirty days from 1658  
and after its filing with the commission, and it may affirm, 1659  
disaffirm, or modify the judgment of the appointing authority. An 1660

appeal on questions of law and fact may be had from the decision 1661  
of the commission to the court of common pleas in the county in 1662  
which the city or civil service township is situated. The appeal 1663  
shall be taken within thirty days from the finding of the 1664  
commission. 1665

(D) A violation of division (A)(7) of section 2907.03 of the 1666  
Revised Code is grounds for termination of employment of a 1667  
nonteaching employee under this section. 1668

(E) As used in this section, "last chance agreement" means an 1669  
agreement signed by both an appointing authority and an officer or 1670  
employee of the appointing authority that describes the type of 1671  
behavior or circumstances that, if it occurs, will automatically 1672  
lead to removal of the officer or employee without the right of 1673  
appeal to the state personnel board of review or the appropriate 1674  
commission. 1675

**Sec. 124.38.** Each of the following shall be entitled for each 1676  
completed eighty hours of service to sick leave of ~~four~~ three and 1677  
~~six-tenths~~ one-tenth hours with pay: 1678

(A) Employees in the various offices of the county, 1679  
municipal, and civil service township service, other than 1680  
superintendents and management employees, as defined in section 1681  
5126.20 of the Revised Code, of county boards of developmental 1682  
disabilities; 1683

(B) Employees of any state college or university; 1684

~~(C) Employees of any board of education for whom sick leave~~ 1685  
~~is not provided by section 3319.141 of the Revised Code.~~ 1686

Employees may use sick leave, upon approval of the 1687  
responsible administrative officer of the employing unit, for 1688  
absence due to personal illness, pregnancy, injury, exposure to 1689  
contagious disease that could be communicated to other employees, 1690

and illness, injury, or death in the employee's immediate family. 1691  
Unused sick leave shall be cumulative without limit. When sick 1692  
leave is used, it shall be deducted from the employee's credit on 1693  
the basis of one hour for every one hour of absence from 1694  
previously scheduled work. 1695

The previously accumulated sick leave of an employee who has 1696  
been separated from the public service shall be placed to the 1697  
employee's credit upon the employee's re-employment in the public 1698  
service, provided that the re-employment takes place within ten 1699  
years of the date on which the employee was last terminated from 1700  
public service. This ten-year period shall be tolled for any 1701  
period during which the employee holds elective public office, 1702  
whether by election or by appointment. 1703

An employee who transfers from one public agency to another 1704  
shall be credited with the unused balance of the employee's 1705  
accumulated sick leave up to the maximum of the sick leave 1706  
accumulation permitted in the public agency to which the employee 1707  
transfers. 1708

The appointing authorities of the various offices of the 1709  
county service may permit all or any part of a person's accrued 1710  
but unused sick leave acquired during service with any regional 1711  
council of government established in accordance with Chapter 167. 1712  
of the Revised Code to be credited to the employee upon a transfer 1713  
as if the employee were transferring from one public agency to 1714  
another under this section. 1715

The appointing authority of each employing unit shall require 1716  
an employee to furnish a satisfactory written, signed statement to 1717  
justify the use of sick leave. If medical attention is required, a 1718  
certificate stating the nature of the illness from a licensed 1719  
physician shall be required to justify the use of sick leave. 1720  
Falsification of either a written, signed statement or a 1721  
physician's certificate shall be grounds for disciplinary action, 1722

including dismissal. 1723

This section does not interfere with existing unused sick 1724  
leave credit in any agency of government where attendance records 1725  
are maintained and credit has been given employees for unused sick 1726  
leave. 1727

Notwithstanding this section or any other section of the 1728  
Revised Code, any appointing authority of a county office, 1729  
department, commission, board, or body may, upon notification to 1730  
the board of county commissioners, establish alternative schedules 1731  
of sick leave for employees of the appointing authority for whom 1732  
the state employment relations board has not established an 1733  
appropriate bargaining unit pursuant to section 4117.06 of the 1734  
Revised Code, as long as the alternative schedules are not 1735  
inconsistent with the provisions of at least one collective 1736  
bargaining agreement covering other employees of that appointing 1737  
authority, if such a collective bargaining agreement exists. If no 1738  
such collective bargaining agreement exists, an appointing 1739  
authority may, upon notification to the board of county 1740  
commissioners, establish an alternative schedule of sick leave for 1741  
its employees that does not diminish the sick leave benefits 1742  
granted by this section. 1743

Any sick leave that a board of education awards shall be 1744  
awarded in accordance with the leave policy the board adopts 1745  
pursuant to section 3319.141 of the Revised Code. 1746

**Sec. 124.388.** (A) Except as otherwise provided in division 1747  
(C) of this section, an appointing authority may, in its 1748  
discretion, place an employee on administrative leave with pay. 1749  
Administrative leave with pay is to be used only in circumstances 1750  
where the health or safety of an employee or of any person or 1751  
property entrusted to the employee's care could be adversely 1752  
affected. Compensation for administrative leave with pay shall be 1753



equal to the employee's base rate of pay. The length of 1754  
administrative leave with pay is solely at the discretion of the 1755  
appointing authority, but shall not exceed the length of the 1756  
situation for which the leave was granted. An appointing authority 1757  
may also grant administrative leave with pay of two days or less 1758  
for employees who are moved in accordance with section 124.33 of 1759  
the Revised Code. 1760

(B) An Except as otherwise provided in division (C) of this 1761  
section, an appointing authority may, in its discretion, place an 1762  
employee on administrative leave without pay for a period not to 1763  
exceed two months, if the employee has been charged with a 1764  
violation of law that is punishable as a felony. If the employee 1765  
subsequently does not plead guilty to or is not found guilty of a 1766  
felony with which the employee is charged or any other felony, the 1767  
appointing authority shall pay the employee at the employee's base 1768  
rate of pay, plus interest, for the period the employee was on the 1769  
unpaid administrative leave. 1770

(C) An appointing authority that is a city school district 1771  
may place an employee on administrative leave in accordance with 1772  
the policy the board of education of the district adopts pursuant 1773  
to section 3319.141 of the Revised Code. 1774

**Sec. 124.39.** As used in this section, "retirement" means 1775  
disability or service retirement under any state or municipal 1776  
retirement system in this state. 1777

(A)(1) Except as provided in division (A)(3) of this section, 1778  
an employee of a state college or university may elect, at the 1779  
time of retirement from active service and with ten or more years 1780  
of service with the state or any of its political subdivisions, to 1781  
be paid in cash for one-fourth of the value of the employee's 1782  
accrued but unused sick leave credit. Such payment shall be based 1783  
on the employee's rate of pay at the time of retirement. Payment 1784

for sick leave on this basis shall be considered to eliminate all 1785  
sick leave credit accrued by the employee at that time. Such 1786  
payment shall be made only once to any employee. The maximum 1787  
payment which may be made under this division shall be for 1788  
one-fourth of one hundred twenty days. 1789

(2) A state college or university may adopt a policy allowing 1790  
an employee to receive payment for more than one-fourth the value 1791  
of the employee's unused sick leave or for more than the aggregate 1792  
value of thirty days of the employee's unused sick leave, or 1793  
allowing the number of years of service to be less than ten. 1794

(3) Notwithstanding the provisions of division (A)(1) of this 1795  
section, any employee who retired from the university of 1796  
Cincinnati on or after September 25, 1978, and on or before 1797  
November 15, 1981, may be paid in cash for up to one-half of the 1798  
value of the employee's accrued but unused sick leave credit up to 1799  
a maximum of sixty days if the employee otherwise meets the 1800  
service and other requirements necessary to receive such payment 1801  
and if any such payment has deducted from it any amount previously 1802  
paid to the employee from the employee's accrued but unused sick 1803  
leave credit at the time of the employee's retirement. 1804

(B) Except as provided in division (C) of this section, an 1805  
employee of a political subdivision covered by section 124.38 or 1806  
3319.141 of the Revised Code may elect, at the time of retirement 1807  
from active service with the political subdivision, and with ten 1808  
or more years of service with the state, any political 1809  
subdivisions, or any combination thereof, to be paid in cash for 1810  
one-fourth the value of the employee's accrued but unused sick 1811  
leave credit. The payment shall be based on the employee's rate of 1812  
pay at the time of retirement and eliminates all sick leave credit 1813  
accrued but unused by the employee at the time payment is made. An 1814  
employee may receive one or more payments under this division, but 1815  
the aggregate value of accrued but unused sick leave credit that 1816

is paid shall not exceed, for all payments, the value of thirty 1817  
days of accrued but unused sick leave. 1818

(C) A political subdivision may adopt a policy allowing an 1819  
employee to receive payment for more than one-fourth the value of 1820  
the employee's unused sick leave or for more than the aggregate 1821  
value of thirty days of the employee's unused sick leave, or 1822  
allowing the number of years of service to be less than ten. The 1823  
political subdivision may also adopt a policy permitting an 1824  
employee to receive payment upon a termination of employment other 1825  
than retirement or permitting more than one payment to any 1826  
employee. Any policy adopted under this division by a political 1827  
subdivision that is a city school district shall comply with the 1828  
policy the board of education of the district adopts pursuant to 1829  
section 3319.141 of the Revised Code. 1830

Notwithstanding section 325.17 or any other section of the 1831  
Revised Code authorizing any appointing authority of a county 1832  
office, department, commission, or board to set compensation, any 1833  
modification of the right provided by division (B) of this 1834  
section, and any policy adopted under division (C) of this 1835  
section, shall only apply to a county office, department, 1836  
commission, or board if it is adopted in one of the following 1837  
ways: 1838

(1) By resolution of the board of county commissioners for 1839  
any office, department, commission, or board that receives at 1840  
least one-half of its funding from the county general revenue 1841  
fund; 1842

(2) By order of any appointing authority of a county office, 1843  
department, commission, or board that receives less than one-half 1844  
of its funding from the county general revenue fund. Such office, 1845  
department, commission, or board shall provide written notice to 1846  
the board of county commissioners of such order. 1847

(3) As part of a collective bargaining agreement. 1848

A political subdivision may adopt policies similar to the 1849  
provisions contained in sections 124.382 to 124.386 of the Revised 1850  
Code. 1851

**Sec. 124.81.** (A) Except as provided in division (F) of this 1852  
section, the department of administrative services in consultation 1853  
with the superintendent of insurance shall negotiate with and, in 1854  
accordance with the competitive selection procedures of Chapter 1855  
125. of the Revised Code, contract with one or more insurance 1856  
companies authorized to do business in this state, for the 1857  
issuance of one of the following: 1858

(1) A policy of group life insurance covering all state 1859  
employees who are paid directly by warrant of the state auditor, 1860  
including elected state officials; 1861

(2) A combined policy, or coordinated policies of one or more 1862  
insurance companies or health insuring corporations in combination 1863  
with one or more insurance companies providing group life and 1864  
health, medical, hospital, dental, or surgical insurance, or any 1865  
combination thereof, covering all such employees; 1866

(3) A policy that may include, but is not limited to, 1867  
~~hospitalization, surgical, major medical, dental, vision, and~~ 1868  
~~medical health care, disability, hearing aids, prescription drugs~~ 1869  
benefits, group life, life, sickness, and accident insurance, 1870  
group legal services, or a combination of the above benefits for 1871  
some or all of the employees paid in accordance with section 1872  
124.152 of the Revised Code and for some or all of the employees 1873  
listed in divisions (B)(2) and (4) of section 124.14 of the 1874  
Revised Code, and their immediate dependents. 1875

(B) The department of administrative services in consultation 1876  
with the superintendent of insurance shall negotiate with and, in 1877

accordance with the competitive selection procedures of Chapter 1878  
125. of the Revised Code, contract with one or more insurance 1879  
companies authorized to do business in this state, for the 1880  
issuance of a policy of group life insurance covering all 1881  
municipal and county court judges. The amount of such coverage 1882  
shall be an amount equal to the aggregate salary set forth for 1883  
each municipal court judge in sections 141.04 and 1901.11 of the 1884  
Revised Code, and set forth for each county court judge in 1885  
sections 141.04 and 1907.16 of the Revised Code. 1886

(C) If a state employee uses all accumulated sick leave and 1887  
then goes on an extended medical disability, the policyholder 1888  
shall continue at no cost to the employee the coverage of the 1889  
group life insurance for such employee for the period of such 1890  
extended leave, but not beyond three years. 1891

(D) If a state employee insured under a group life insurance 1892  
policy as provided in division (A) of this section is laid off 1893  
pursuant to section 124.32 of the Revised Code, such employee by 1894  
request to the policyholder, made no later than the effective date 1895  
of the layoff, may elect to continue the employee's group life 1896  
insurance for the one-year period through which the employee may 1897  
be considered to be on laid-off status by paying the policyholder 1898  
through payroll deduction or otherwise twelve times the monthly 1899  
premium computed at the existing average rate for the group life 1900  
case for the amount of the employee's insurance thereunder at the 1901  
time of the employee's layoff. The policyholder shall pay the 1902  
premiums to the insurance company at the time of the next regular 1903  
monthly premium payment for the actively insured employees and 1904  
furnish the company appropriate data as to such laid-off 1905  
employees. At the time an employee receives written notice of a 1906  
layoff, the policyholder shall also give such employee written 1907  
notice of the opportunity to continue group life insurance in 1908  
accordance with this division. When such laid-off employee is 1909

reinstated for active work before the end of the one-year period, 1910  
the employee shall be reclassified as insured again as an active 1911  
employee under the group and appropriate refunds for the number of 1912  
full months of unearned premium payment shall be made by the 1913  
policyholder. 1914

(E) This section does not affect the conversion rights of an 1915  
insured employee when the employee's group insurance terminates 1916  
under the policy. 1917

(F) Notwithstanding division (A) of this section, the 1918  
department may provide benefits equivalent to those that may be 1919  
paid under a policy issued by an insurance company, or the 1920  
department may, to comply with a collectively bargained contract, 1921  
enter into an agreement with a jointly administered trust fund 1922  
which receives contributions pursuant to a collective bargaining 1923  
agreement entered into between this state, or any of its political 1924  
subdivisions, and any collective bargaining representative of the 1925  
employees of this state or any political subdivision for the 1926  
purpose of providing for self-insurance of all risk in the 1927  
provision of fringe benefits similar to those that may be paid 1928  
pursuant to division (A) of this section, and the jointly 1929  
administered trust fund may provide through the self-insurance 1930  
method specific fringe benefits as authorized by the rules of the 1931  
board of trustees of the jointly administered trust fund. Any 1932  
health care benefits provided through the fund shall be the same 1933  
as those health care benefits provided under a contract entered 1934  
into under division (A) of this section. The director shall make 1935  
any contract entered into under division (A) of this section that 1936  
provides health care benefits available to the board of trustees 1937  
of the jointly administered trust fund. Amounts from the fund may 1938  
be used to pay direct and indirect costs that are attributable to 1939  
consultants or a third-party administrator and that are necessary 1940  
to administer this section. Benefits provided under this section 1941

~~include, but are not limited to, hospitalization, surgical care,~~ 1942  
~~major medical care, disability, dental care, vision care, medical~~ 1943  
~~health care, hearing aids, prescription drugs benefits,~~ group life 1944  
insurance, sickness and accident insurance, group legal services, 1945  
or a combination of the above benefits, for the employees and 1946  
their immediate dependents. 1947

(G) Notwithstanding any other provision of the Revised Code, 1948  
any public employer, including the state, and any of its political 1949  
subdivisions, including, but not limited to, any county, county 1950  
hospital, municipal corporation, township, park district, school 1951  
district, state institution of higher education, public or special 1952  
district, state agency, authority, commission, or board, or any 1953  
other branch of public employment, and any collective bargaining 1954  
representative of employees of the state or any political 1955  
subdivision may agree in a collective bargaining agreement that 1956  
any mutually agreed fringe benefit including, ~~but not limited to,~~ 1957  
~~hospitalization, surgical care, major medical care, disability,~~ 1958  
~~dental care, vision care, medical health care, hearing aids,~~ 1959  
~~prescription drugs benefits,~~ group life insurance, sickness and 1960  
accident insurance, group legal services, or a combination 1961  
thereof, for employees and their dependents be provided through a 1962  
mutually agreed upon contribution to a jointly administered trust 1963  
fund. Amounts from the fund may be used to pay direct and indirect 1964  
costs that are attributable to consultants or a third-party 1965  
administrator and that are necessary to administer this section. 1966  
The amount, type, and structure of fringe benefits provided under 1967  
this division is subject to the determination of the board of 1968  
trustees of the jointly administered trust fund, except that any 1969  
health care benefits provided through the fund shall be the same 1970  
as those health care benefits provided under a contract entered 1971  
into between the public employer and the insurance company 1972  
providing those benefits. The public employer shall make that 1973  
contract available to the board of trustees of the jointly 1974

administered trust fund. Notwithstanding any other provision of 1975  
the Revised Code, competitive bidding does not apply to the 1976  
purchase of fringe benefits for employees under this division 1977  
through a jointly administered trust fund. 1978

(H) The health care benefits provided to a management level 1979  
employee, as defined in section 4117.01 of the Revised Code, under 1980  
a contract entered into under this section shall be the same as 1981  
any health care benefits provided to other employees of the same 1982  
public employer. 1983

(I) A public employer, including the state and any of its 1984  
political subdivisions, shall not pay more than eighty-five per 1985  
cent of the cost of the provision of health care benefits pursuant 1986  
to this section. 1987

(J) As used in this section and section 124.82 of the Revised 1988  
Code, "health care benefits" includes hospitalization, surgical, 1989  
major medical, dental, vision, and medical care, disability, 1990  
hearing aids, prescription drugs, or a combination of these 1991  
benefits. 1992

**Sec. 124.82.** (A) Except as provided in division (D) of this 1993  
section, the department of administrative services, in 1994  
consultation with the superintendent of insurance, shall, in 1995  
accordance with competitive selection procedures of Chapter 125. 1996  
of the Revised Code, contract with an insurance company or a 1997  
health plan in combination with an insurance company, authorized 1998  
to do business in this state, for the issuance of a policy or 1999  
contract of health, medical, hospital, dental, or surgical 2000  
benefits, or any combination of those benefits, covering state 2001  
employees who are paid directly by warrant of the director of 2002  
budget and management, including elected state officials. The 2003  
department may fulfill its obligation under this division by 2004  
exercising its authority under division (A)(2) of section 124.81 2005



of the Revised Code. 2006

(B) The department may, in addition, in consultation with the 2007  
superintendent of insurance, negotiate and contract with health 2008  
insuring corporations holding a certificate of authority under 2009  
Chapter 1751. of the Revised Code, in their approved service areas 2010  
only, for issuance of a contract or contracts of health care 2011  
services, covering state employees who are paid directly by 2012  
warrant of the director of budget and management, including 2013  
elected state officials. The department may enter into contracts 2014  
with one or more insurance carriers or health plans to provide the 2015  
same plan of benefits, provided that: 2016

(1) The amount of the premium or cost for such coverage 2017  
contributed by the state, for an individual or for an individual 2018  
and the individual's family, does not exceed that same amount of 2019  
the premium or cost contributed by the state under division (A) of 2020  
this section; 2021

(2) The employee be permitted to exercise the option as to 2022  
which plan the employee will select under division (A) or (B) of 2023  
this section, at a time that shall be determined by the 2024  
department; 2025

(3) The health insuring corporations do not refuse to accept 2026  
the employee, or the employee and the employee's family, if the 2027  
employee exercises the option to select care provided by the 2028  
corporations; 2029

(4) The employee may choose participation in only one of the 2030  
plans sponsored by the department; 2031

(5) The director of health examines and certifies to the 2032  
department that the quality and adequacy of care rendered by the 2033  
health insuring corporations meet at least the standards of care 2034  
provided by hospitals and physicians in that employee's community, 2035  
who would be providing such care as would be covered by a contract 2036

awarded under division (A) of this section. 2037

(C) ~~All~~ Except as provided in division (G) of this section, 2038  
all or any portion of the cost, premium, or charge for the 2039  
coverage in divisions (A) and (B) of this section may be paid in 2040  
such manner or combination of manners as the department determines 2041  
and may include the proration of health care costs, premiums, or 2042  
charges for part-time employees. 2043

(D) Notwithstanding division (A) of this section, the 2044  
department may provide benefits equivalent to those that may be 2045  
paid under a policy or contract issued by an insurance company or 2046  
a health plan pursuant to division (A) of this section. 2047

(E) This section does not prohibit the state office of 2048  
collective bargaining from entering into an agreement with an 2049  
employee representative for the purposes of providing fringe 2050  
benefits, including, ~~but not limited to, hospitalization, surgical~~ 2051  
~~care, major medical care, disability, dental care, vision care,~~ 2052  
~~medical health care, hearing aids, prescription drugs~~ benefits, 2053  
group life insurance, sickness and accident insurance, group legal 2054  
services or other benefits, or any combination of those benefits, 2055  
to employees paid directly by warrant of the director of budget 2056  
and management through a jointly administered trust fund. The 2057  
employer's contribution for the cost of the benefit care shall be 2058  
mutually agreed to in the collectively bargained agreement. The 2059  
amount, type, and structure of fringe benefits provided under this 2060  
division is subject to the determination of the board of trustees 2061  
of the jointly administered trust fund. Any health care benefits 2062  
provided through the fund shall be the same as those health care 2063  
benefits provided under a contract entered into under division (A) 2064  
of section 124.81 of the Revised Code. The director of 2065  
administrative services shall make any contract entered into under 2066  
that division that provides health care benefits available to the 2067  
board of trustees of the jointly administered trust fund. 2068

Notwithstanding any other provision of the Revised Code, 2069  
competitive bidding does not apply to the purchase of fringe 2070  
benefits for employees under this division when those benefits are 2071  
provided through a jointly administered trust fund. 2072

(F) Members of state boards or commissions may be covered by 2073  
any policy, contract, or plan of benefits or services described in 2074  
division (A) or (B) of this section. Board or commission members 2075  
who are appointed for a fixed term and who are compensated on a 2076  
per meeting basis, or paid only for expenses, or receive a 2077  
combination of per diem payments and expenses shall pay the entire 2078  
amount of the premiums, costs, or charges for that coverage. 2079

(G) The health care benefits provided to a management level 2080  
employee, as defined in section 4117.01 of the Revised Code, under 2081  
a contract entered into under this section shall be the same as 2082  
any health care benefits provided to other employees of the same 2083  
public employer. 2084

(H) A state employee who receives insurance under this 2085  
section shall pay at least fifteen per cent of the cost of the 2086  
premium assessed for any insurance policy issued pursuant to this 2087  
section that covers health, medical, hospital, or surgical 2088  
benefits. 2089

**Sec. 145.47.** (A) Each public employee who is a contributor to 2090  
the public employees retirement system shall contribute eight per 2091  
cent of the contributor's earnable salary to the employees' 2092  
savings fund, except that the public employees retirement board 2093  
may raise the contribution rate to a rate not greater than ten per 2094  
cent of the employee's earnable salary. 2095

The contributions required under this section shall not be 2096  
paid by an employer on an employee's behalf, but may be treated as 2097  
employer contributions for purposes of state and federal income 2098  
tax deferred income provisions. 2099

(B) The head of each state department, institution, board, 2100  
and commission, and the fiscal officer of each local authority 2101  
subject to this chapter, shall deduct from the earnable salary of 2102  
each contributor on every payroll of such contributor for each 2103  
payroll period subsequent to the date of coverage, an amount equal 2104  
to the applicable per cent of the contributor's earnable salary. 2105  
The head of each state department and the fiscal officer of each 2106  
local authority subject to this chapter shall transmit promptly to 2107  
the system a report of contributions at such intervals and in such 2108  
form as the system shall require, showing thereon all deductions 2109  
for the system made from the earnable salary of each contributor 2110  
employed, together with warrants, checks, or electronic payments 2111  
covering the total of such deductions. A penalty shall be added 2112  
when such report, together with warrants, checks, or electronic 2113  
payments to cover the total amount due from the earnable salary of 2114  
all amenable employees of such employer, is filed thirty or more 2115  
days after the last day of such reporting period. The system, 2116  
after making a record of all receipts under this division, shall 2117  
deposit the receipts with the treasurer of state for use as 2118  
provided by this chapter. 2119

(C) Unless the board adopts a rule under division (D) of this 2120  
section, the penalty described in division (B) of this section for 2121  
failing to timely transmit a report, pay the total amount due, or 2122  
both is as follows: 2123

(1) At least one but not more than ten days past due, an 2124  
amount equal to one per cent of the total amount due; 2125

(2) At least eleven but not more than thirty days past due, 2126  
an amount equal to two and one-half per cent of the total amount 2127  
due; 2128

(3) Thirty-one or more days past due, an amount equal to five 2129  
per cent of the total amount due. 2130

The penalty described in this division shall be added to and 2131  
collected on the next succeeding regular employer billing. 2132  
Interest at a rate set by the retirement board shall be charged on 2133  
the amount of the penalty in case such penalty is not paid within 2134  
thirty days after it is added to the regular employer billing. 2135

(D) The board may adopt rules to establish penalties in 2136  
amounts that do not exceed the amounts specified in divisions 2137  
(C)(1) to (3) of this section. 2138

(E) In addition to the periodical reports of deduction 2139  
required by this section, the fiscal officer of each local 2140  
authority subject to this chapter shall submit to the system at 2141  
least once each year a complete listing of all noncontributing 2142  
appointive employees. Where an employer fails to transmit 2143  
contributions to the system, the system may make a determination 2144  
of the employees' liability for contributions and certify to the 2145  
employer the amounts due for collection in the same manner as 2146  
payments due the employers' accumulation fund. Any amounts so 2147  
collected shall be held in trust pending receipt of a report of 2148  
contributions for such public employees for the period involved as 2149  
provided by law and, thereafter, the amount in trust shall be 2150  
transferred to the employees' savings fund to the credit of the 2151  
employees. Any amount remaining after the transfer to the 2152  
employees' savings fund shall be transferred to the employers' 2153  
accumulation fund as a credit of such employer. 2154

(F) The fiscal officer of each local authority subject to 2155  
this chapter shall require each new contributor to submit to the 2156  
system a detailed report of all the contributor's previous service 2157  
as a public employee along with such other facts as the board 2158  
requires for the proper operation of the system. 2159

(G) Any member who, because of the member's own illness, 2160  
injury, or other reason which may be approved by the member's 2161  
employer is prevented from making the member's contribution to the 2162

system for any payroll period, may pay such deductions as a back 2163  
payment within one year. 2164

**Sec. 306.04.** (A) Except as otherwise provided in division (B) 2165  
of this section, employees of a county transit board or a board of 2166  
county commissioners operating a transit system are employees of 2167  
the county. If the system is operated by the board of county 2168  
commissioners, the board shall appoint an executive director, who 2169  
shall be in the unclassified service. 2170

(B) Any county transit board that established its own civil 2171  
service organization and procedure prior to ~~the effective date of~~ 2172  
~~this amendment~~ October 25, 1995, shall continue to operate under 2173  
that organization. Appointments and promotions in that system 2174  
shall be made, as far as practicable, by competitive examination. 2175

A board that established its own civil service organization 2176  
prior to ~~the effective date of this amendment~~ October 25, 1995, 2177  
shall establish by rule the seniority provisions relating to 2178  
street railway and motor bus employees in effect at the time of 2179  
the acquisition of the transit system by the county. When a 2180  
reduction in force is necessary, the board shall not use an 2181  
employee's length of service as the only factor to determine 2182  
whether to lay off the employee. The vacation, holiday, and sick 2183  
leave privileges shall not be regulated by other provisions of law 2184  
relating to public employees of the state or county, except that 2185  
the transit board, its officers and employees, shall be subject to 2186  
the public employees retirement system of the state and the 2187  
transit board shall assume any pension obligations which have been 2188  
assumed by any publicly owned transit system which the county may 2189  
acquire. 2190

(C) A county transit board or board of county commissioners 2191  
operating a transit system may: 2192

(1) Acquire in its name by gift, grant, purchase, or 2193

condemnation and hold and operate real estate and interests 2194  
therein and personal property suitable for its purposes; 2195

(2) In its name purchase, acquire, construct, enlarge, 2196  
improve, equip, repair, maintain, sell, exchange, lease as lessee 2197  
or lessor, receive a right of use of, and manage, control, and 2198  
operate, in or out of the county, a county transit system 2199  
consisting of all real estate and interests therein, personal 2200  
property, and a combination thereof, for or related to the 2201  
movement of persons including but not limited to street railway, 2202  
tramline, subways, rapid transits, monorails, and passenger bus 2203  
systems but excluding therefrom trucks, the movement of property 2204  
by truck, and facilities designed for use in the movement of 2205  
property by truck for hire; 2206

(3) Issue, with the approval of the county commissioners when 2207  
the issuance is made by the transit board, revenue bonds of the 2208  
county as provided in division (B) of section 306.09 of the 2209  
Revised Code, to secure funds to accomplish its purposes. The 2210  
principal of and interest on such bonds, together with all other 2211  
payments required to be made by the trust agreement or indenture 2212  
securing such bonds, shall be paid solely from revenues or other 2213  
income accruing to the board from facilities of the county transit 2214  
system designated in said agreement or indenture. 2215

(4) Enter into contracts in the exercise of the rights, 2216  
powers, and duties conferred upon it, and execute all instruments 2217  
necessary in the conduct of its business; 2218

(5) Fix, alter, and charge rates and other charges for the 2219  
use of its real estate and interests therein, personal property, 2220  
and combinations thereof; 2221

(6) Employ such financial consultants, accountants, 2222  
appraisers, consulting engineers, architects, construction 2223  
experts, attorneys-at-law, managers and other supervisory 2224

personnel, and other officers, employees, and agents as it 2225  
determines necessary to conduct its business, and fix their 2226  
compensation and duties; 2227

(7) Pledge, hypothecate, or otherwise encumber its revenues 2228  
and other income as security for its obligations and enter into 2229  
trust agreements or indentures for the benefit of revenue 2230  
bondholders; 2231

(8) Borrow money or accept or contract to accept advances, 2232  
loans, gifts, grants, devises, or bequests from and enter into 2233  
contracts or agreements with any federal, state, or other 2234  
governmental or private source and hold and apply advances, loans, 2235  
gifts, grants, devises, or bequests according to the terms thereof 2236  
including provisions which are required by such federal, state, or 2237  
other governmental or private source to protect the interest of 2238  
employees affected by such advances, loans, gifts, grants, 2239  
devises, or bequests. Such advances, loans, gifts, grants, or 2240  
devises may be subject to any reasonable reservation and any gift, 2241  
grant, or devise or real estate may be in fee simple or any lesser 2242  
estate. Any advances or loans received from any federal, state, or 2243  
other governmental or private source may be repaid in accordance 2244  
with the terms of such advance or loan. 2245

(9) Conduct investigations and surveys into the needs of the 2246  
public within or without the county for transportation services to 2247  
provide for the movement of persons within, into, or from the area 2248  
serviced or to be serviced by the county transit system; 2249

(10) Enter into lawful arrangements with the appropriate 2250  
federal or state department or agency, county, township, municipal 2251  
corporation, or other political subdivision or public agency for 2252  
the planning and installation of any public facilities which are 2253  
determined necessary in the conduct of its business; 2254

(11) Purchase fire, extended coverage, and liability 2255



insurance for the real estate and interests therein, personal 2256  
property and any combination thereof, used by or in connection 2257  
with the county transit system and insurance covering the board 2258  
and the county transit system and its officers and employees for 2259  
liability for damage or injury to persons or property; 2260

(12) Procure and pay all or any part of the cost of group 2261  
hospitalization, surgical, major medical, or sickness and accident 2262  
insurance, or a combination thereof, for the officers and 2263  
employees of the county transit system and their immediate 2264  
dependents, issued by an insurance company, duly authorized to do 2265  
business in this state; 2266

(13) Sell, lease, release, or otherwise dispose of real 2267  
estate or interests therein or personal property owned by it and 2268  
grant such easements across its real estate and interests therein 2269  
as will not interfere with its use by the county transit system; 2270

(14) Establish rules for the use and operation of the county 2271  
transit system including the real estate or interests therein, 2272  
personal property or a combination of the foregoing used by or in 2273  
connection with such system; 2274

(15) Exercise the power of eminent domain to appropriate any 2275  
real estate or interests therein, personal property, franchises, 2276  
or any combination thereof, within or without the county, 2277  
necessary or proper in the exercise of its powers provided in 2278  
sections 306.01 to 306.13 of the Revised Code, as provided in 2279  
sections 163.01 to 163.22 of the Revised Code, and subject to 2280  
divisions (15)(a), (b), and (c) of this section, provided that a 2281  
county transit board or a board of county commissioners operating 2282  
a transit system shall not proceed to so appropriate real property 2283  
outside its territorial boundaries, until it has served at the 2284  
office of the county commissioners of the county in which it is 2285  
proposed to appropriate real property, a notice describing the 2286  
real property to be taken and the purpose for which it is proposed 2287

to be taken, and such county commissioners have entered on their 2288  
journal within thirty days after such service a resolution 2289  
approving such appropriation; 2290

(a) Nothing contained in this division authorizes a county 2291  
transit board or a board of county commissioners to appropriate 2292  
any land, rights, rights-of-way, franchises, or easements 2293  
belonging to the state or to a municipal corporation without the 2294  
consent of the state or of the municipal corporation, and no 2295  
county transit board or board of county commissioners shall 2296  
exercise the right of eminent domain to acquire any certificate of 2297  
public convenience and necessity, or any part thereof, issued to a 2298  
motor transportation company by the public utilities commission of 2299  
Ohio or by the interstate commerce commission of the United 2300  
States, or to take or disturb other real estate or interests 2301  
therein, personal property, or any combination thereof belonging 2302  
to any municipal corporation without the consent of the 2303  
legislative authority of such municipal corporation, or take or 2304  
disturb real estate or interests therein, personal property, or 2305  
any combination thereof belonging to any other political 2306  
subdivision, public corporation, public utility, or common 2307  
carrier, which is necessary and convenient in the operation of 2308  
such political subdivision, public corporation, public utility, or 2309  
common carrier unless provision is made for the restoration, 2310  
relocation, or duplication of that taken or upon the election of 2311  
such political subdivision, public corporation, public utility, or 2312  
common carrier for the payment of compensation, if any, at the 2313  
sole cost of the county transit system. 2314

(b) If any restoration or duplication proposed to be made 2315  
under this division involves a relocation, the new location shall 2316  
have at least comparable utilitarian value and effectiveness, and 2317  
such relocation shall not impair the ability of the public utility 2318  
or common carrier to compete in its original area of operation. 2319

(c) If such restoration or duplication proposed to be made 2320  
under this division involves a relocation, the county transit 2321  
board or board of county commissioners shall acquire no interest 2322  
or right in or to the appropriated property or facility until the 2323  
relocated property or facility is available for use and until 2324  
marketable title thereto has been transferred to the political 2325  
subdivision, public corporation, public utility, or common 2326  
carrier. Nothing in this division shall require any board of 2327  
county commissioners or county transit board operating a county 2328  
transit system to so restore, relocate, or duplicate, if all of 2329  
the real estate and interests therein, personal property, and any 2330  
combination of the foregoing which is owned by a public utility or 2331  
common carrier and used by it or in connection with the movement 2332  
of persons, is acquired by exercise of the power of eminent 2333  
domain. 2334

(16) When real property is acquired that is located outside 2335  
the county and is removed from the tax duplicate, the county 2336  
transit board or board of county commissioners operating a transit 2337  
system shall pay annually to the county treasurer of the county in 2338  
which that property is located, commencing with the first tax year 2339  
in which that property is removed from the tax duplicate, an 2340  
amount of money in lieu of taxes equal to the smaller of the 2341  
following: 2342

(a) The last annual installment of taxes due from the 2343  
acquired property before removal from the tax duplicate; 2344

(b) An amount equal to the difference between the combined 2345  
revenue from real estate taxes of all the taxing districts in 2346  
which the property is located in the tax year immediately prior to 2347  
the removal of the acquired property from the tax duplicate, and 2348  
either: 2349

(i) The total revenue which would be produced by the tax rate 2350  
of each such taxing district in the tax year immediately prior to 2351

the removal of the acquired property from the tax duplicate, 2352  
applied to the real estate tax duplicate of each of such taxing 2353  
districts in each tax year subsequent to the year of removal; or 2354

(ii) The combined revenue from real estate taxes of all such 2355  
taxing districts in each tax year subsequent to the year of 2356  
removal, whichever is the greater. 2357

The county transit board or board of county commissioners may 2358  
be exempted from such payment by agreement of the affected taxing 2359  
district or districts in the county in which the property is 2360  
located. 2361

The county auditor of the county in which that property is 2362  
located shall apportion each such annual payment to each taxing 2363  
district as if the annual payment had been levied and collected as 2364  
a tax. 2365

Those annual payments shall never again be made after they 2366  
have ceased. 2367

(17) Sue or be sued, plead or be impleaded, and be held 2368  
liable in any court of proper jurisdiction for damages received by 2369  
reason of negligence, in the same manner and to the same extent as 2370  
if the county transit system were privately operated, provided, 2371  
that no funds of a county other than those of the county transit 2372  
board or, if the transit system is operated by the board of county 2373  
commissioners, other than those in the account for the county 2374  
transit system created under division (C) of section 306.01 of the 2375  
Revised Code, shall be available for the satisfaction of judgments 2376  
rendered against that system; 2377

(18) Annually prepare and make available for public 2378  
inspection a report in condensed form showing the financial 2379  
results of the operation of the county transit system. For systems 2380  
operated by a county transit board, copies of this report shall be 2381  
furnished to the county commissioners as well as a monthly summary 2382

statement of revenues and expenses for the preceding month 2383  
sufficient to show the exact financial condition of the county 2384  
transit system as of the last day of the preceding month. 2385

(19) With the approval of the county commissioners when the 2386  
action is taken by the transit board, and without competitive 2387  
bidding, sell, lease, or grant the right of use of all or a 2388  
portion of the county transit system to any other political 2389  
subdivision, taxing district, or other public body or agency 2390  
having the power to operate a transit system; 2391

(20) Enter into and supervise franchise agreements for the 2392  
operation of a county transit system; 2393

(21) Accept the assignment of and then supervise an existing 2394  
franchise agreement for the operation of a county transit system. 2395

**Sec. 307.054.** (A) The board of trustees of a joint emergency 2396  
medical services district shall employ an executive director, who 2397  
shall be in the unclassified service, and fix ~~his~~ the executive 2398  
director's compensation. In addition to that compensation, the 2399  
director shall be reimbursed for actual and necessary expenses 2400  
incurred in the performance of ~~his~~ the executive director's 2401  
official duties. The board may enter into an employment contract 2402  
with the executive director for a period not to exceed three 2403  
years. In the absence of contrary contractual provisions, the 2404  
board may remove the director by a majority vote of the full 2405  
membership, but only after holding a hearing on the matter if the 2406  
director requests such a hearing. 2407

Except as otherwise provided in this division, the board 2408  
shall prescribe the director's duties and may authorize the 2409  
director to act on its behalf in the performance of its 2410  
administrative duties. In addition to those duties prescribed by 2411  
the board, the director shall do all the following: 2412

(1) Subject to the board's approval for each contract, 2413  
execute contracts on the board's behalf; 2414

(2) Supervise all services provided or contracted for and all 2415  
facilities operated or contracted for, and ensure that emergency 2416  
medical services are being lawfully administered in conformity 2417  
with the Revised Code and the resolution creating the district; 2418

(3) Recommend changes to the board that may increase the 2419  
effectiveness of emergency medical services within the district; 2420

(4) Employ persons for all positions authorized by the board 2421  
and approve all personnel actions that affect classified 2422  
employees; 2423

(5) Approve compensation for employees within the limits set 2424  
by the salary schedule and budget established by the board; 2425

(6) Prepare an annual report of the services provided by the 2426  
district, including a fiscal accounting, for the board to approve. 2427

(B) Except as otherwise provided in this section, employees 2428  
of the district shall be treated the same as county employees for 2429  
the purposes of Chapter 124. of the Revised Code and any other 2430  
provisions of state law applicable to county employees. Instead of 2431  
or in addition to appointing employees of the district, the board 2432  
of trustees may contract with one or more of the participating 2433  
counties for county employees to serve the district and for the 2434  
district to share in their compensation in any manner that may be 2435  
agreed upon in the joint resolution creating the district. 2436

(C) For purposes of division (A)(5) of this section, the 2437  
board, when establishing a salary schedule, shall require merit to 2438  
be the only basis, and the executive director shall use merit as 2439  
the only basis, for an employee's progression through the 2440  
schedule. 2441

**Sec. 339.06.** (A) The board of county hospital trustees, upon 2442

completion of construction or leasing and equipping of a county 2443  
hospital, shall assume and continue the operation of the hospital. 2444

(B) The board of county hospital trustees shall have the 2445  
entire management and control of the county hospital. The board 2446  
shall establish such rules for the hospital's government and the 2447  
admission of persons as are expedient. 2448

(C) The board of county hospital trustees has control of the 2449  
property of the county hospital, including management and disposal 2450  
of surplus property other than real estate or an interest in real 2451  
estate. 2452

(D) With respect to the use of funds by the board of county 2453  
hospital trustees and its accounting for the use of funds, all of 2454  
the following apply: 2455

(1) The board of county hospital trustees has control of all 2456  
funds used in the county hospital's operation, including moneys 2457  
received from the operation of the hospital, moneys appropriated 2458  
for its operation by the board of county commissioners, and moneys 2459  
resulting from special levies submitted by the board of county 2460  
commissioners as provided for in section 5705.22 of the Revised 2461  
Code. 2462

(2) Of the funds used in the county hospital's operation, all 2463  
or part of any amount determined not to be necessary to meet 2464  
current demands on the hospital may be invested by the board of 2465  
county hospital trustees or its designee in any classifications of 2466  
securities and obligations eligible for deposit or investment of 2467  
county moneys pursuant to section 135.35 of the Revised Code, 2468  
subject to the approval of the board's written investment policy 2469  
by the county investment advisory committee established pursuant 2470  
to section 135.341 of the Revised Code. 2471

(3) Annually, not later than sixty days before the end of the 2472  
fiscal year used by the county hospital, the board of county 2473

hospital trustees shall submit its proposed budget for the ensuing 2474  
fiscal year to the board of county commissioners for that board's 2475  
review. The board of county commissioners shall review and approve 2476  
the proposed budget by the first day of the fiscal year to which 2477  
the budget applies. If the board of county commissioners has not 2478  
approved the budget by the first day of the fiscal year to which 2479  
the budget applies, the budget is deemed to have been approved by 2480  
the board on the first day of that fiscal year. 2481

(4) The board of county hospital trustees shall not expend 2482  
funds received from taxes collected pursuant to any tax levied 2483  
under section 5705.22 of the Revised Code or the amount 2484  
appropriated to the county hospital by the board of county 2485  
commissioners in the annual appropriation measure for the county 2486  
until its budget for the applicable fiscal year is approved in 2487  
accordance with division (C)(3) of this section. At any time the 2488  
amount received from those sources differs from the amount shown 2489  
in the approved budget, the board of county commissioners may 2490  
require the board of county hospital trustees to revise the county 2491  
hospital budget accordingly. 2492

(5) Funds under the control of the board of county hospital 2493  
trustees may be disbursed by the board, consistent with the 2494  
approved budget, for the uses and purposes of the county hospital; 2495  
for the replacement of necessary equipment; for the acquisition, 2496  
leasing, or construction of permanent improvements to county 2497  
hospital property; or for making a donation authorized by division 2498  
(E) of this section. Each disbursement of funds shall be made on a 2499  
voucher signed by signatories designated and approved by the board 2500  
of county hospital trustees. 2501

(6) The head of a board of county hospital trustees is not 2502  
required to file an estimate of contemplated revenue and 2503  
expenditures for the ensuing fiscal year under section 5705.28 of 2504  
the Revised Code unless the board of county commissioners levies a 2505



tax for the county hospital, or such a tax is proposed, or the 2506  
board of county hospital trustees desires that the board of county 2507  
commissioners make an appropriation to the county hospital for the 2508  
ensuing fiscal year. 2509

(7) All moneys appropriated by the board of county 2510  
commissioners or from special levies by the board of county 2511  
commissioners for the operation of the hospital, when collected 2512  
shall be paid to the board of county hospital trustees on a 2513  
warrant of the county auditor and approved by the board of county 2514  
commissioners. 2515

(8) The board of county hospital trustees shall provide for 2516  
the conduct of an annual financial audit of the county hospital. 2517  
Not later than thirty days after it receives the final report of 2518  
an annual financial audit, the board shall file a copy of the 2519  
report with the board of county commissioners. 2520

(E) For the public purpose of improving the health, safety, 2521  
and general welfare of the community, the board of county hospital 2522  
trustees may donate to a nonprofit entity any of the following: 2523

(1) Moneys and other financial assets determined not to be 2524  
necessary to meet current demands on the hospital; 2525

(2) Surplus hospital property, including supplies, equipment, 2526  
office facilities, and other property that is not real estate or 2527  
an interest in real estate; 2528

(3) Services rendered by the hospital. 2529

(F)(1) For purposes of division (F)(2) of this section: 2530

(a) "Bank" has the same meaning as in section 1101.01 of the 2531  
Revised Code. 2532

(b) "Savings and loan association" has the same meaning as in 2533  
section 1151.01 of the Revised Code. 2534

(c) "Savings bank" has the same meaning as in section 1161.01 2535

of the Revised Code. 2536

(2) The board of county hospital trustees may enter into a 2537  
contract for a secured line of credit with a bank, savings and 2538  
loan association, or savings bank if the contract meets all of the 2539  
following requirements: 2540

(a) The term of the contract does not exceed one year, except 2541  
that the contract may provide for the automatic renewal of the 2542  
contract for up to four additional one-year periods if, on the 2543  
date of automatic renewal, the aggregate outstanding draws 2544  
remaining unpaid under the secured line of credit do not exceed 2545  
fifty per cent of the maximum amount that can be drawn under the 2546  
secured line of credit. 2547

(b) The contract provides that the bank, savings and loan 2548  
association, or savings bank shall not commence a civil action 2549  
against the board of county commissioners, any member of the 2550  
board, or the county to recover the principal, interest, or any 2551  
charges or other amounts that remain outstanding on the secured 2552  
line of credit at the time of any default by the board of county 2553  
hospital trustees. 2554

(c) The contract provides that no assets other than those of 2555  
the county hospital can be used to secure the line of credit. 2556

(d) The terms and conditions of the contract comply with all 2557  
state and federal statutes and rules governing the extension of a 2558  
secured line of credit. 2559

(3) Any obligation incurred by a board of county hospital 2560  
trustees under division (F)(2) of this section is an obligation of 2561  
that board only and not a general obligation of the board of 2562  
county commissioners or the county within the meaning of division 2563  
(Q) of section 133.01 of the Revised Code. 2564

(4) Notwithstanding anything to the contrary in the Revised 2565  
Code, the board of county hospital trustees may secure the line of 2566

credit authorized under division (F)(2) of this section by the 2567  
grant of a security interest in any part or all of its tangible 2568  
personal property and intangible personal property, including its 2569  
deposit accounts, accounts receivable, or both. 2570

(5) No board of county hospital trustees shall at any time 2571  
have more than one secured line of credit under division (F)(2) of 2572  
this section. 2573

(G) The board of county hospital trustees shall establish a 2574  
schedule of charges for all services and treatment rendered by the 2575  
county hospital. It may provide for the free treatment in the 2576  
hospital of soldiers, sailors, and marines of the county, under 2577  
such conditions and rules as it prescribes. 2578

(H) The board of county hospital trustees may designate the 2579  
amounts and forms of insurance protection to be provided, and the 2580  
board of county commissioners shall assist in obtaining such 2581  
protection. The expense of providing the protection shall be paid 2582  
from hospital operating funds. 2583

(I) The board of county hospital trustees may authorize a 2584  
county hospital and each of its units, hospital board members, 2585  
designated hospital employees, and medical staff members to be a 2586  
member of and maintain membership in any local, state, or national 2587  
group or association organized and operated for the promotion of 2588  
the public health and welfare or advancement of the efficiency of 2589  
hospital administration and in connection therewith to use tax 2590  
funds for the payment of dues and fees and related expenses but 2591  
nothing in this section prohibits the board from using receipts 2592  
from hospital operation, other than tax funds, for the payment of 2593  
such dues and fees. 2594

(J) The following apply to the board of county hospital 2595  
trustees in relation to its employees and the employees of the 2596  
county hospital: 2597

(1) The board shall adopt the wage and salary schedule for employees. 2598  
2599

(2) The board may employ the hospital's administrator pursuant to section 339.07 of the Revised Code, and the administrator may employ individuals for the hospital in accordance with that section. 2600  
2601  
2602  
2603

(3) The board may employ assistants as necessary to perform its clerical work, superintend properly the construction of the county hospital, and pay the hospital's expenses. Such employees may be paid from funds provided for the county hospital. 2604  
2605  
2606  
2607

(4) The board may hire, by contract or as salaried employees, such management consultants, accountants, attorneys, engineers, architects, construction managers, and other professional advisors as it determines are necessary and desirable to assist in the management of the programs and operation of the county hospital. Such professional advisors may be paid from county hospital operating funds. 2608  
2609  
2610  
2611  
2612  
2613  
2614

(5) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees any fringe benefits the board determines to be customary and usual in the nonprofit hospital field in its community, including, but not limited to: 2615  
2616  
2617  
2618

(a) Additional vacation leave with full pay for full-time employees, including full-time hourly rate employees, after service of one year; 2619  
2620  
2621

(b) Vacation leave and holiday pay for part-time employees on a pro rata basis; 2622  
2623

(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; 2624  
2625  
2626

(d) Premium pay for working on holidays listed in section 2627

325.19 of the Revised Code; 2628

(e) Moving expenses for new employees; 2629

(f) Discounts on hospital supplies and services. 2630

(6) The board may provide holiday leave by observing Martin 2631  
Luther King day, Washington-Lincoln day, Columbus day, and 2632  
Veterans' day on days other than those specified in section 1.14 2633  
of the Revised Code. 2634

(7) The board may grant to employees the insurance benefits 2635  
authorized by section 339.16 of the Revised Code. 2636

(8) Notwithstanding section 325.19 of the Revised Code, the 2637  
board may grant to employees, including hourly rate employees, 2638  
such personal holidays as the board determines to be customary and 2639  
usual in the hospital field in its community. 2640

(9) The board may provide employee recognition awards and 2641  
hold employee recognition dinners. 2642

(10) The board may grant to employees the recruitment and 2643  
retention benefits specified under division ~~(K)~~(L) of this 2644  
section. 2645

(K) For purposes of division (J)(1) of this section, the 2646  
board of county hospital trustees, when establishing a wage and 2647  
salary schedule, shall require merit to be the only basis for an 2648  
employee's progression through the schedule. 2649

(L) Notwithstanding sections 325.191 and 325.20 of the 2650  
Revised Code, the board of county hospital trustees may provide, 2651  
without the prior authorization of the board of county 2652  
commissioners, scholarships for education in the health care 2653  
professions, tuition reimbursement, and other staff development 2654  
programs to enhance the skills of health care professionals for 2655  
the purpose of recruiting or retaining qualified employees. 2656

The board of county hospital trustees may pay reasonable 2657

expenses for recruiting or retaining physicians and other 2658  
appropriate health care practitioners. 2659

~~(L)~~(M) The board of county hospital trustees may retain 2660  
counsel and institute legal action in its own name for the 2661  
collection of delinquent accounts. The board may also employ any 2662  
other lawful means for the collection of delinquent accounts. 2663

**Sec. 339.07.** (A) The board of county hospital trustees shall 2664  
provide for the administration of the county hospital by directly 2665  
employing a hospital administrator or by entering into a contract 2666  
for the management of the hospital under which an administrator is 2667  
provided. When an administrator is employed directly, the board 2668  
shall adopt a job description delineating the administrator's 2669  
powers and duties and the board may pay the administrator's salary 2670  
and other benefits from funds provided for the hospital. 2671

(B) During the construction and equipping of the hospital, 2672  
the administrator shall act in an advisory capacity to the board 2673  
of county hospital trustees. After the hospital is completed, the 2674  
administrator shall serve as the chief executive officer and shall 2675  
carry out the administration of the county hospital according to 2676  
the policies set forth by the board. 2677

The administrator shall administer the county hospital, make 2678  
reports, and take any other action that the administrator 2679  
determines is necessary for the operation of the hospital. 2680

At the end of each fiscal year, the administrator shall 2681  
submit to the board a complete financial statement showing the 2682  
receipts, revenues, and expenditures in detail for the entire 2683  
fiscal year. 2684

The administrator shall ensure that the hospital has such 2685  
physicians, nurses, and other employees as are necessary for the 2686  
proper care, control, and management of the county hospital and 2687

its patients. The physicians, nurses, and other employees may be 2688  
suspended or removed by the administrator at any time the welfare 2689  
of the hospital warrants suspension or removal. The administrator 2690  
may obtain physicians, nurses, and other employees by direct 2691  
employment, entering into contracts, or granting authority to 2692  
practice in the hospital. Persons employed directly shall be in 2693  
the unclassified civil service, pursuant to section 124.11 of the 2694  
Revised Code. If the board delegates to the administrator the 2695  
authority to fix employee compensation in accordance with the wage 2696  
and salary schedule established by the board under section 339.06 2697  
of the Revised Code, the administrator shall use merit as the only 2698  
basis for an employee's progression through that schedule. 2699

**Sec. 340.04.** (A) In addition to such other duties as may be 2700  
lawfully imposed, the executive director of a board of alcohol, 2701  
drug addiction, and mental health services shall: 2702

~~(A)~~(1) Serve as executive officer of the board and subject to 2703  
the prior approval of the board for each contract, execute 2704  
contracts on its behalf; 2705

~~(B)~~(2) Supervise services and facilities provided, operated, 2706  
contracted, or supported by the board to the extent of determining 2707  
that programs are being administered in conformity with this 2708  
chapter and rules of the director of mental health and the 2709  
department of alcohol and drug addiction services; 2710

~~(C)~~(3) Provide consultation to agencies, associations, or 2711  
individuals providing services supported by the board; 2712

~~(D)~~(4) Recommend to the board the changes necessary to 2713  
increase the effectiveness of mental health services and alcohol 2714  
and drug addiction services and other matters necessary or 2715  
desirable to carry out this chapter; 2716

~~(E)~~(5) Employ and remove from office such employees and 2717

consultants in the classified civil service and, subject to the 2718  
approval of the board, employ and remove from office such other 2719  
employees and consultants as may be necessary for the work of the 2720  
board, and fix their compensation and reimbursement within the 2721  
limits set by the salary schedule and the budget approved by the 2722  
board; 2723

~~(F)~~(6) Encourage the development and expansion of preventive, 2724  
treatment, rehabilitative, and consultative programs in the field 2725  
of mental health with emphasis on continuity of care; 2726

~~(G)~~(7) Prepare for board approval an annual report of the 2727  
programs under the jurisdiction of the board, including a fiscal 2728  
accounting of all services; 2729

~~(H)~~(8) Conduct such studies as may be necessary and 2730  
practicable for the promotion of mental health and the prevention 2731  
of mental illness, emotional disorders, and addiction to alcohol 2732  
and drugs; 2733

~~(I)~~(9) Authorize the county auditor, or in a joint-county 2734  
district the county auditor designated as the auditor for the 2735  
district, to issue warrants for the payment of board obligations 2736  
approved by the board, provided that all payments are in 2737  
accordance with the comprehensive community mental health plan, as 2738  
approved by the department of mental health, or with the alcohol 2739  
and drug addiction services plan as approved by the department of 2740  
alcohol and drug addiction services. 2741

(B) For purposes of division (A)(5) of this section, a board 2742  
of alcohol, drug addiction, and mental health services, when 2743  
establishing a salary schedule, shall require merit to be the only 2744  
basis, and the executive director shall use merit as the only 2745  
basis, for an employee's progression through the schedule. 2746

**Sec. 505.38.** (A) In each township or fire district that has a 2747



fire department, the head of the department shall be a fire chief, 2748  
appointed by the board of township trustees, except that, in a 2749  
joint fire district, the fire chief shall be appointed by the 2750  
board of fire district trustees. Neither this section nor any 2751  
other section of the Revised Code requires, or shall be construed 2752  
to require, that the fire chief be a resident of the township or 2753  
fire district. 2754

The board shall provide for the employment of firefighters as 2755  
it considers best and shall fix their compensation. No person 2756  
shall be appointed as a permanent full-time paid member, whose 2757  
duties include fire fighting, of the fire department of any 2758  
township or fire district unless that person has received a 2759  
certificate issued under former section 3303.07 or section 4765.55 2760  
of the Revised Code evidencing satisfactory completion of a 2761  
firefighter training program. Those appointees shall continue in 2762  
office until removed from office as provided by sections 733.35 to 2763  
733.39 of the Revised Code. To initiate removal proceedings, and 2764  
for that purpose, the board shall designate the fire chief or a 2765  
private citizen to investigate the conduct and prepare the 2766  
necessary charges in conformity with those sections. 2767

In case of the removal of a fire chief or any member of the 2768  
fire department of a township or fire district, an appeal may be 2769  
had from the decision of the board to the court of common pleas of 2770  
the county in which the township or fire district fire department 2771  
is situated to determine the sufficiency of the cause of removal. 2772  
The appeal from the findings of the board shall be taken within 2773  
ten days. 2774

No person who is appointed as a volunteer firefighter of the 2775  
fire department of any township or fire district shall remain in 2776  
that position unless either of the following applies: 2777

(1) Within one year of the appointment, the person has 2778  
received a certificate issued under former section 3303.07 of the 2779

Revised Code or section 4765.55 of the Revised Code evidencing 2780  
satisfactory completion of a firefighter training program. 2781

(2) The person began serving as a permanent full-time paid 2782  
firefighter with the fire department of a city or village prior to 2783  
July 2, 1970, or as a volunteer firefighter with the fire 2784  
department of a city, village, or other township or fire district 2785  
prior to July 2, 1979, and receives a certificate issued under 2786  
division (C)(3) of section 4765.55 of the Revised Code. 2787

No person shall receive an appointment under this section, in 2788  
the case of a volunteer firefighter, unless the person has, not 2789  
more than sixty days prior to receiving the appointment, passed a 2790  
physical examination, given by a licensed physician, a physician 2791  
assistant, a clinical nurse specialist, a certified nurse 2792  
practitioner, or a certified nurse-midwife, showing that the 2793  
person meets the physical requirements necessary to perform the 2794  
duties of the position to which the person is appointed as 2795  
established by the board of township trustees having jurisdiction 2796  
over the appointment. The appointing authority, prior to making an 2797  
appointment, shall file with the Ohio police and fire pension fund 2798  
or the local volunteer fire fighters' dependents fund board a copy 2799  
of the report or findings of that licensed physician, physician 2800  
assistant, clinical nurse specialist, certified nurse 2801  
practitioner, or certified nurse-midwife. The professional fee for 2802  
the physical examination shall be paid for by the board of 2803  
township trustees. 2804

(B) In each township not having a fire department, the board 2805  
of township trustees shall appoint a fire prevention officer who 2806  
shall exercise all of the duties of a fire chief except those 2807  
involving the maintenance and operation of fire apparatus. The 2808  
board may appoint one or more deputy fire prevention officers who 2809  
shall exercise the duties assigned by the fire prevention officer. 2810

The board may fix the compensation for the fire prevention 2811

officer and the fire prevention officer's deputies as it considers 2812  
best. The board shall appoint each fire prevention officer and 2813  
deputy for a one-year term. An appointee may be reappointed at the 2814  
end of a term to another one-year term. Any appointee may be 2815  
removed from office during a term as provided by sections 733.35 2816  
to 733.39 of the Revised Code. Section 505.45 of the Revised Code 2817  
extends to those officers. 2818

(C)(1) Division (A) of this section does not apply to any 2819  
township that has a population of ten thousand or more persons 2820  
residing within the township and outside of any municipal 2821  
corporation, that has its own fire department employing ten or 2822  
more full-time paid employees, and that has a civil service 2823  
commission established under division (B) of section 124.40 of the 2824  
Revised Code. The township shall comply with the procedures for 2825  
the employment, promotion, and discharge of firefighters provided 2826  
by Chapter 124. of the Revised Code, except as otherwise provided 2827  
in divisions (C)(2) and (3) of this section. 2828

(2) The board of township trustees of the township may 2829  
appoint the fire chief, and any person so appointed shall be in 2830  
the unclassified service under section 124.11 of the Revised Code 2831  
and shall serve at the pleasure of the board. Neither this section 2832  
nor any other section of the Revised Code requires, or shall be 2833  
construed to require, that the fire chief be a resident of the 2834  
township. A person who is appointed fire chief under these 2835  
conditions and who is removed by the board or resigns from the 2836  
position is entitled to return to the classified service in the 2837  
township fire department in the position held just prior to the 2838  
appointment as fire chief. 2839

(3) The appointing authority of an urban township, as defined 2840  
in section 504.01 of the Revised Code, may appoint to a vacant 2841  
position any one of the three highest scorers on the eligible list 2842  
for a promotional examination. 2843

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

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

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

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

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

(2) Except as otherwise provided in division (E) of this  
section and subject to division (D) of this section, the township  
trustees by a two-thirds vote of the board shall appoint a chief

of police for the district, determine the number of patrol 2875  
officers and other personnel required by the district, and 2876  
establish salary schedules and other conditions of employment for 2877  
the employees of the township police district. The township 2878  
trustees, when establishing a salary schedule under this division, 2879  
shall require merit to be the only basis for an employee's 2880  
progression through the schedule. The chief of police of the 2881  
district shall serve at the pleasure of the township trustees and 2882  
shall appoint patrol officers and other personnel that the 2883  
district may require, subject to division (D) of this section and 2884  
to the rules and limits as to qualifications, salary ranges, and 2885  
numbers of personnel established by the board of township 2886  
trustees. The chief of police shall use merit as the only basis 2887  
for a patrol officer's or other personnel's progression through 2888  
the salary schedule established by the township trustees. The 2889  
township trustees may include in the township police district and 2890  
under the direction and control of the chief of police any 2891  
constable appointed pursuant to section 509.01 of the Revised 2892  
Code, or may designate the chief of police or any patrol officer 2893  
appointed by the chief of police as a constable, as provided for 2894  
in section 509.01 of the Revised Code, for the township police 2895  
district. 2896

(3) Except as provided in division (D) of this section, a 2897  
patrol officer, other police district employee, or police 2898  
constable, who has been awarded a certificate attesting to the 2899  
satisfactory completion of an approved state, county, or municipal 2900  
police basic training program, as required by section 109.77 of 2901  
the Revised Code, may be removed or suspended only under the 2902  
conditions and by the procedures in sections 505.491 to 505.495 of 2903  
the Revised Code. Any other patrol officer, police district 2904  
employee, or police constable shall serve at the pleasure of the 2905  
township trustees. In case of removal or suspension of an 2906  
appointee by the board of township trustees, that appointee may 2907

appeal the decision of the board to the court of common pleas of 2908  
the county in which the district is situated to determine the 2909  
sufficiency of the cause of removal or suspension. The appointee 2910  
shall take the appeal within ten days of written notice to the 2911  
appointee of the decision of the board. 2912

(C)(1) Division (B) of this section does not apply to a 2913  
township that has a population of ten thousand or more persons 2914  
residing within the township and outside of any municipal 2915  
corporation, that has its own police department employing ten or 2916  
more full-time paid employees, and that has a civil service 2917  
commission established under division (B) of section 124.40 of the 2918  
Revised Code. The township shall comply with the procedures for 2919  
the employment, promotion, and discharge of police personnel 2920  
provided by Chapter 124. of the Revised Code, except as otherwise 2921  
provided in divisions (C)(2) and (3) of this section. 2922

(2) The board of township trustees of the township may 2923  
appoint the chief of police, and a person so appointed shall be in 2924  
the unclassified service under section 124.11 of the Revised Code 2925  
and shall serve at the pleasure of the board. A person appointed 2926  
chief of police under these conditions who is removed by the board 2927  
or who resigns from the position shall be entitled to return to 2928  
the classified service in the township police department, in the 2929  
position that person held previous to the person's appointment as 2930  
chief of police. 2931

(3) The appointing authority of an urban township, as defined 2932  
in section 504.01 of the Revised Code, may appoint to a vacant 2933  
position any one of the three highest scorers on the eligible list 2934  
for a promotional examination. 2935

(4) The board of township trustees shall determine the number 2936  
of personnel required and establish salary schedules and 2937  
conditions of employment not in conflict with Chapter 124. of the 2938  
Revised Code. The board, when establishing a salary schedule under 2939

this division, shall require and use merit as the only basis for 2940  
an employee's progression through the schedule. 2941

(5) Persons employed as police personnel in a township 2942  
described in this division on the date a civil service commission 2943  
is appointed pursuant to division (B) of section 124.40 of the 2944  
Revised Code, without being required to pass a competitive 2945  
examination or a police training program, shall retain their 2946  
employment and any rank previously granted them by action of the 2947  
township trustees or otherwise, but those persons are eligible for 2948  
promotion only by compliance with Chapter 124. of the Revised 2949  
Code. 2950

(6) This division does not apply to constables appointed 2951  
pursuant to section 509.01 of the Revised Code. This division is 2952  
subject to division (D) of this section. 2953

(D)(1) The board of township trustees shall not appoint or 2954  
employ a person as a chief of police, and the chief of police 2955  
shall not appoint or employ a person as a patrol officer or other 2956  
peace officer of a township police district or a township police 2957  
department, on a permanent basis, on a temporary basis, for a 2958  
probationary term, or on other than a permanent basis if the 2959  
person previously has been convicted of or has pleaded guilty to a 2960  
felony. 2961

(2)(a) The board of township trustees shall terminate the 2962  
appointment or employment of a chief of police, patrol officer, or 2963  
other peace officer of a township police district or township 2964  
police department who does either of the following: 2965

(i) Pleads guilty to a felony; 2966

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2967  
plea agreement as provided in division (D) of section 2929.43 of 2968  
the Revised Code in which the chief of police, patrol officer, or 2969  
other peace officer of a township police district or township 2970

police department agrees to surrender the certificate awarded to 2971  
that chief of police, patrol officer, or other peace officer under 2972  
section 109.77 of the Revised Code. 2973

(b) The board shall suspend the appointment or employment of 2974  
a chief of police, patrol officer, or other peace officer of a 2975  
township police district or township police department who is 2976  
convicted, after trial, of a felony. If the chief of police, 2977  
patrol officer, or other peace officer of a township police 2978  
district or township police department files an appeal from that 2979  
conviction and the conviction is upheld by the highest court to 2980  
which the appeal is taken or if no timely appeal is filed, the 2981  
board shall terminate the appointment or employment of that chief 2982  
of police, patrol officer, or other peace officer. If the chief of 2983  
police, patrol officer, or other peace officer of a township 2984  
police district or township police department files an appeal that 2985  
results in that chief of police's, patrol officer's, or other 2986  
peace officer's acquittal of the felony or conviction of a 2987  
misdemeanor, or in the dismissal of the felony charge against the 2988  
chief of police, patrol officer, or other peace officer, the board 2989  
shall reinstate that chief of police, patrol officer, or other 2990  
peace officer. A chief of police, patrol officer, or other peace 2991  
officer of a township police district or township police 2992  
department who is reinstated under division (D)(2)(b) of this 2993  
section shall not receive any back pay unless the conviction of 2994  
that chief of police, patrol officer, or other peace officer of 2995  
the felony was reversed on appeal, or the felony charge was 2996  
dismissed, because the court found insufficient evidence to 2997  
convict the chief of police, patrol officer, or other peace 2998  
officer of the felony. 2999

(3) Division (D) of this section does not apply regarding an 3000  
offense that was committed prior to January 1, 1997. 3001

(4) The suspension or termination of the appointment or 3002



employment of a chief of police, patrol officer, or other peace 3003  
officer under division (D)(2) of this section shall be in 3004  
accordance with Chapter 119. of the Revised Code. 3005

(E) The board of township trustees may enter into a contract 3006  
under section 505.43 or 505.50 of the Revised Code to obtain all 3007  
police protection for the township police district from one or 3008  
more municipal corporations, county sheriffs, or other townships. 3009  
If the board enters into such a contract, subject to division (D) 3010  
of this section, it may, but is not required to, appoint a police 3011  
chief for the district. 3012

(F) The members of the police force of a township police 3013  
district of a township that adopts the limited self-government 3014  
form of township government shall serve as peace officers for the 3015  
township territory included in the district. 3016

(G) A chief of police or patrol officer of a township police 3017  
district, or of a township police department, may participate, as 3018  
the director of an organized crime task force established under 3019  
section 177.02 of the Revised Code or as a member of the 3020  
investigatory staff of that task force, in an investigation of 3021  
organized criminal activity in any county or counties in this 3022  
state under sections 177.01 to 177.03 of the Revised Code. 3023

**Sec. 505.60.** (A) ~~As~~ Except as provided in section 124.81 of 3024  
the Revised Code, and as provided in this section and section 3025  
505.601 of the Revised Code, the board of township trustees of any 3026  
township may procure and pay all or any part of the cost of 3027  
insurance policies that may provide benefits for hospitalization, 3028  
surgical care, major medical care, disability, dental care, eye 3029  
care, medical care, hearing aids, prescription drugs, or sickness 3030  
and accident insurance, or a combination of any of the foregoing 3031  
types of insurance for township officers and employees. The board 3032  
of township trustees of any township may negotiate and contract 3033

for the purchase of a policy of long-term care insurance for 3034  
township officers and employees pursuant to section 124.841 of the 3035  
Revised Code. 3036

If the board procures any insurance policies under this 3037  
section, the board shall provide uniform coverage under these 3038  
policies for township officers and full-time township employees 3039  
and their immediate dependents, and may provide coverage under 3040  
these policies for part-time township employees and their 3041  
immediate dependents, from the funds or budgets from which the 3042  
officers or employees are compensated for services, such policies 3043  
to be issued by an insurance company duly authorized to do 3044  
business in this state. 3045

(B) The board may also provide coverage for any or all of the 3046  
benefits described in division (A) of this section by entering 3047  
into a contract for group health care services with health 3048  
insuring corporations holding certificates of authority under 3049  
Chapter 1751. of the Revised Code for township officers and 3050  
employees and their immediate dependents. If the board so 3051  
contracts, it shall provide uniform coverage under any such 3052  
contracts for township officers and full-time township employees 3053  
and their immediate dependents, from the funds or budgets from 3054  
which the officers or employees are compensated for services, and 3055  
may provide coverage under such contracts for part-time township 3056  
employees and their immediate dependents, from the funds or 3057  
budgets from which the officers or employees are compensated for 3058  
services, provided that each officer and employee so covered is 3059  
permitted to: 3060

(1) Choose between a plan offered by an insurance company and 3061  
a plan offered by a health insuring corporation, and provided 3062  
further that the officer or employee pays any amount by which the 3063  
cost of the plan chosen exceeds the cost of the plan offered by 3064  
the board under this section; 3065

(2) Change the choice made under this division at a time each 3066  
year as determined in advance by the board. 3067

An addition of a class or change of definition of coverage to 3068  
the plan offered under this division by the board may be made at 3069  
any time that it is determined by the board to be in the best 3070  
interest of the township. If the total cost to the township of the 3071  
revised plan for any trustee's coverage does not exceed that cost 3072  
under the plan in effect during the prior policy year, the 3073  
revision of the plan does not cause an increase in that trustee's 3074  
compensation. 3075

(C) Any township officer or employee may refuse to accept any 3076  
coverage authorized by this section without affecting the 3077  
availability of such coverage to other township officers and 3078  
employees. 3079

(D) If any township officer or employee is denied coverage 3080  
under a health care plan procured under this section or if any 3081  
township officer or employee elects not to participate in the 3082  
township's health care plan, the township may reimburse the 3083  
officer or employee for each out-of-pocket premium attributable to 3084  
the coverage provided for the officer or employee for insurance 3085  
benefits described in division (A) of this section that the 3086  
officer or employee otherwise obtains, but not to exceed an amount 3087  
equal to the average premium paid by the township for its officers 3088  
and employees under any health care plan it procures under this 3089  
section. 3090

(E) The board may provide the benefits authorized under this 3091  
section, without competitive bidding, by contributing to a health 3092  
and welfare trust fund administered through or in conjunction with 3093  
a collective bargaining representative of the township employees 3094  
in the same manner as described in division (G) of section 124.81 3095  
of the Revised Code. 3096

The board may also provide the benefits described in this 3097  
section through an individual self-insurance program or a joint 3098  
self-insurance program as provided in section 9.833 of the Revised 3099  
Code. 3100

(F) If a board of township trustees fails to pay one or more 3101  
premiums for a policy, contract, or plan of insurance or health 3102  
care services authorized under this section and the failure causes 3103  
a lapse, cancellation, or other termination of coverage under the 3104  
policy, contract, or plan, it may reimburse a township officer or 3105  
employee for, or pay on behalf of the officer or employee, any 3106  
expenses incurred that would have been covered under the policy, 3107  
contract, or plan. 3108

(G) As used in this section and section 505.601 of the 3109  
Revised Code: 3110

(1) "Part-time township employee" means a township employee 3111  
who is hired with the expectation that the employee will work not 3112  
more than one thousand five hundred hours in any year. 3113

(2) "Premium" does not include any deductible or health care 3114  
costs paid directly by a township officer or employee. 3115

**Sec. 709.012.** When a municipal corporation annexes township 3116  
territory which results in a reduction of the firefighting force 3117  
of the township or joint township fire district, ~~the reduction~~ 3118  
~~shall be made by dismissal of firefighters in the inverse order of~~ 3119  
~~seniority, with the employee with least time of service being~~ 3120  
~~dismissed first~~ shall not be the only factor used in determining 3121  
dismissals. The annexing municipal corporation shall offer 3122  
employment ~~in the inverse order of dismissal by the township to~~ 3123  
~~such dismissed~~ firefighters if a vacancy exists in the municipal 3124  
fire department and if they: 3125

(A) Were full-time paid active members of the township or 3126

joint township firefighting force for at least six months prior to 3127  
dismissal and have made application to the municipal corporation 3128  
within sixty days after the effective date of dismissal; 3129

(B) Have passed a physical examination as prescribed by the 3130  
physician of the annexing municipal corporation and meet the 3131  
requirements necessary to perform firefighting duties; 3132

(C) Meet minimum standards of the municipal corporation with 3133  
respect to moral character, literacy, and ability to understand 3134  
oral and written instructions as determined by an interview 3135  
conducted by the fire department of the municipal corporation. The 3136  
applicant shall be at least twenty-one years of age on the date of 3137  
application. 3138

(D) Are able to qualify for membership in the Ohio police and 3139  
fire pension fund. 3140

A physical examination required by division (B) of this 3141  
section may be conducted by any individual authorized by the 3142  
Revised Code to conduct physical examinations, including a 3143  
physician assistant, a clinical nurse specialist, a certified 3144  
nurse practitioner, or a certified nurse-midwife. Any written 3145  
documentation of the physical examination shall be completed by 3146  
the individual who administered the examination. 3147

If no vacancy exists in the municipal fire department at the 3148  
time of the application referred to in division (A) of this 3149  
section, the application shall be held until a vacancy occurs. 3150  
When such a vacancy occurs, the applicant shall be entitled to 3151  
employment in accordance with the requirements of divisions (A), 3152  
(B), (C), and (D) of this section. So long as any application for 3153  
employment has been made and is being held under this section, the 3154  
municipal corporation shall not fill any vacancy in its fire 3155  
department by original appointment. If there are individuals who 3156  
are entitled to reinstatement in the municipal fire department and 3157

the vacancies therein are insufficient to permit both such 3158  
reinstatements and employment of all those applying for employment 3159  
under division (A) of this section, the persons having the 3160  
greatest length of service, whether with the municipal or township 3161  
fire department, shall be entitled to fill the vacancies as they 3162  
occur. 3163

A person employed under this section, upon acceptance into 3164  
the municipal fire department, shall be given the rank of 3165  
"firefighter" and entitled to full seniority credit for prior 3166  
service in the township or joint township fire district. The 3167  
person shall be entitled to the same salary, future benefits, 3168  
vacations, earned time, sick leave, and other rights and 3169  
privileges as the municipal fire department extends to other 3170  
employees with the same amount of prior service. The person may 3171  
take promotional examinations only after completion of one year of 3172  
service with the municipal fire department and after meeting any 3173  
applicable civil service requirements for such examination. 3174

Compliance with this section is in lieu of compliance with 3175  
section 124.42 of the Revised Code or any other requirements for 3176  
original appointment to a municipal fire district. 3177

**Sec. 742.31.** Each employee shall contribute an amount equal 3178  
to ten per cent of the employee's salary to the Ohio police and 3179  
fire pension fund. The The contributions required under this 3180  
section shall not be paid by an employer on an employee's behalf, 3181  
but may be treated as employer contributions for purposes of state 3182  
and federal income tax deferred income provisions. 3183

The amount shall be deducted by the employer from the 3184  
employee's salary as defined in division (L) of section 742.01 of 3185  
the Revised Code for each payroll period, irrespective of whether 3186  
the minimum compensation provided by law for the employee is 3187  
reduced thereby. Every employee shall be deemed to consent to the 3188

deductions, and payment to the employee less the deductions is a 3189  
complete discharge and acquittance of all claims and demands for 3190  
the services rendered by the employee during the period covered by 3191  
such payment. 3192

**Sec. 749.082.** (A) The following apply to the board of 3193  
hospital commissioners in relation to its employees and the 3194  
employees of a hospital erected under sections 749.02 to 749.14 of 3195  
the Revised Code, subject to the ordinances of the legislative 3196  
authority of the municipal corporation: 3197

(1) The board may adopt the wage and salary schedule for 3198  
employees. If the board establishes a salary schedule, the board 3199  
shall require merit to be the only basis for an employee's 3200  
progression through the schedule. 3201

(2) The board may employ the hospital's administrator 3202  
pursuant to section 749.083 of the Revised Code, and the 3203  
administrator may employ individuals for the hospital in 3204  
accordance with that section. 3205

(3) The board may employ assistants as necessary to perform 3206  
its clerical work, superintend properly the construction of the 3207  
hospital, and pay the hospital's expenses. The employees may be 3208  
paid from funds provided for the hospital. 3209

(4) The board may enter into a contract with an employer or 3210  
other entity whereby the services of any employee of the board or 3211  
hospital are rendered to or on behalf of the employer or other 3212  
entity for a fee paid to the board or hospital. 3213

(5) The board may grant to employees any fringe benefits the 3214  
board determines to be customary and usual in the nonprofit 3215  
hospital field in the community, including the following: 3216

(a) Additional vacation leave with full pay for full-time 3217  
employees, including hourly rate employees, after service of one 3218

year; 3219

(b) Vacation leave and holiday pay for part-time employees on 3220  
a pro rata basis; 3221

(c) Leave with full pay, which shall not be deducted from the 3222  
employee's accumulated sick leave, due to death in the employee's 3223  
immediate family; 3224

(d) Moving expenses for new employees; 3225

(e) Premium pay for working on holidays observed by other 3226  
municipal agencies; 3227

(f) Discounts on purchases from the hospital pharmacy. 3228

(6) The board may provide holiday leave by observing Martin 3229  
Luther King day, Washington-Lincoln day, Columbus day, and 3230  
Veterans' day on days other than those specified in section 1.14 3231  
of the Revised Code. 3232

(7) The board may grant to employees the insurance benefits 3233  
authorized by division (B) of this section. 3234

(8) The board may provide employee recognition awards and may 3235  
hold employee recognition dinners. 3236

(9) The board may provide scholarships for education in the 3237  
health care professions, tuition reimbursement, and other staff 3238  
development programs for the purpose of recruiting or retaining 3239  
qualified employees. 3240

(10) The board may pay reasonable expenses for recruiting 3241  
physicians into the city or for retaining them if all or part of 3242  
the city has been designated as an area with a shortage of 3243  
personal health services under the "Health Maintenance 3244  
Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 300e, as 3245  
amended. 3246

(B)(1) The board of hospital commissioners may contract for, 3247  
purchase, or otherwise procure on behalf of any or all of its 3248



employees, the employees of the hospital, or such employees and 3249  
their immediate dependents the following types of fringe benefits: 3250

(a) Group or individual insurance contracts which may include 3251  
life, sickness, accident, disability, annuities, endowment, 3252  
health, medical expense, hospital, dental, surgical and related 3253  
coverage or any combination thereof; 3254

(b) Group or individual contracts with health insuring 3255  
corporations or other providers of professional services, care, or 3256  
benefits duly authorized to do business in this state. 3257

(2) The board of hospital commissioners may contract for, 3258  
purchase, or otherwise procure insurance contracts which provide 3259  
protection for the commissioners, the board's employees, and the 3260  
employees of the hospital against liability, including 3261  
professional liability, provided that this section or any 3262  
insurance contract issued pursuant to this section shall not be 3263  
construed as a waiver of or in any manner affect the immunity of 3264  
the hospital or municipal corporation. 3265

(3) All or any portion of the cost, premium, fees, or charges 3266  
for the insurance benefits specified in divisions (B)(1) and (2) 3267  
of this section may be paid in such manner or combination of 3268  
manners as the board may determine, including direct payment by an 3269  
employee, and, if authorized in writing by an employee, by the 3270  
board with moneys made available by deduction from or reduction in 3271  
salary or wages or by the foregoing of a salary or wage increase. 3272

Notwithstanding sections 3917.01 and 3917.06 of the Revised 3273  
Code, the board may purchase group life insurance authorized by 3274  
this section by reason of payment of premiums therefor by the 3275  
board from its funds, and such group life insurance may be issued 3276  
and purchased if otherwise consistent with sections 3917.01 to 3277  
3917.06 of the Revised Code. 3278

(C) The board with the approval of the legislative authority 3279

may retain counsel to bring actions for the collection of 3280  
delinquent accounts. 3281

**Sec. 749.083.** (A) The board of hospital commissioners shall 3282  
provide for the administration of the hospital by directly 3283  
employing a hospital administrator or by entering into a contract 3284  
for the management of the hospital under which an administrator is 3285  
provided. When an administrator is employed directly, the board 3286  
shall adopt a job description delineating the administrator's 3287  
powers and duties and the board may pay the administrator's salary 3288  
and other benefits from funds provided for the hospital. 3289

(B) During the construction and equipping of the hospital, 3290  
the administrator shall act in an advisory capacity to the board. 3291  
After the hospital is completed, the administrator shall serve as 3292  
the chief executive officer and shall carry out the administration 3293  
of the hospital according to the policies set forth by the board. 3294

The administrator shall administer the hospital, make 3295  
reports, and take any other action that the administrator 3296  
determines is necessary for the operation of the hospital. 3297

At the end of each fiscal year, the administrator shall 3298  
submit to the board a complete financial statement showing the 3299  
receipts, revenues, and expenditures in detail for the entire 3300  
fiscal year. 3301

The administrator shall ensure that the hospital has such 3302  
physicians, nurses, and other employees as are necessary for the 3303  
proper care, control, and management of the hospital and its 3304  
patients. The physicians, nurses, and other employees may be 3305  
suspended or removed by the administrator at any time the welfare 3306  
of the hospital warrants suspension or removal. The administrator 3307  
may obtain physicians, nurses, and other employees by direct 3308  
employment, entering into contracts, or granting authority to 3309  
practice in the hospital. If the board delegates to the 3310

administrator the authority to fix employee compensation in 3311  
accordance with the wage and salary schedule established by the 3312  
board under section 749.082 of the Revised Code, the administrator 3313  
shall use merit as the only basis for an employee's progression 3314  
through that schedule. 3315

**Sec. 927.69.** To effect the purpose of sections 927.51 to 3316  
927.73 of the Revised Code, the director of agriculture or the 3317  
director's authorized representative may: 3318

(A) Make reasonable inspection of any premises in this state 3319  
and any property therein or thereon; 3320

(B) Stop and inspect in a reasonable manner, any means of 3321  
conveyance moving within this state upon probable cause to believe 3322  
it contains or carries any pest, host, commodity, or other article 3323  
that is subject to sections 927.51 to 927.72 of the Revised Code; 3324

(C) Conduct inspections of agricultural products that are 3325  
required by other states, the United States department of 3326  
agriculture, other federal agencies, or foreign countries to 3327  
determine whether the products are infested. If, upon making such 3328  
an inspection, the director or the director's authorized 3329  
representative determines that an agricultural product is not 3330  
infested, the director or the director's authorized representative 3331  
may issue a certificate, as required by other states, the United 3332  
States department of agriculture, other federal agencies, or 3333  
foreign countries, indicating that the product is not infested. 3334

If the director charges fees for any of the certificates, 3335  
agreements, or inspections specified in this section, the fees 3336  
shall be as follows: 3337

(1) Phyto sanitary certificates, twenty-five dollars for 3338  
those collectors or dealers that are licensed under section 927.53 3339  
of the Revised Code; 3340

(2) Phyto sanitary certificates, one hundred dollars for all 3341  
others; 3342

(3) Compliance agreements, forty dollars; 3343

(4) Agricultural products and their conveyances inspections, 3344  
an hourly amount set by the director equal to the highest hourly 3345  
rate of pay ~~in the highest step~~ in the pay range, including fringe 3346  
benefits, of a plant pest control specialist multiplied by the 3347  
number of hours worked by such a specialist in conducting an 3348  
inspection. 3349

The director may adopt rules under section 927.52 of the 3350  
Revised Code that define the certificates, agreements, and 3351  
inspections. 3352

The fees shall be credited to the plant pest program fund 3353  
created in section 927.54 of the Revised Code. 3354

**Sec. 1545.071.** ~~The~~ Except as provided in section 124.81 of 3355  
the Revised Code, the board of park commissioners of any park 3356  
district may procure and pay all or any part of the cost of group 3357  
insurance policies that may provide benefits for hospitalization, 3358  
surgical care, major medical care, disability, dental care, eye 3359  
care, medical care, hearing aids, or prescription drugs, or 3360  
sickness and accident insurance or a combination of any of the 3361  
foregoing types of insurance or coverage for park district 3362  
officers and employees and their immediate dependents issued by an 3363  
insurance company duly authorized to do business in this state. 3364

The board may procure and pay all or any part of the cost of 3365  
group life insurance to insure the lives of park district 3366  
employees. 3367

The board also may contract for group health care services 3368  
with health insuring corporations holding a certificate of 3369  
authority under Chapter 1751. of the Revised Code provided that 3370

each officer or employee is permitted to: 3371

(A) Choose between a plan offered by an insurance company and 3372  
a plan offered by a health insuring corporation and provided 3373  
further that the officer or employee pays any amount by which the 3374  
cost of the plan chosen by the officer or employee exceeds the 3375  
cost of the plan offered by the board under this section; 3376

(B) Change the choice made under division (A) of this section 3377  
at a time each year as determined in advance by the board. 3378

Any appointed member of the board of park commissioners and 3379  
the spouse and dependent children of the member may be covered, at 3380  
the option and expense of the member, as a noncompensated employee 3381  
of the park district under any benefit plan described in division 3382  
(A) of this section. The member shall pay to the park district the 3383  
amount certified to it by the benefit provider as the provider's 3384  
charge for the coverage the member has chosen under division (A) 3385  
of this section. Payments for coverage shall be made, in advance, 3386  
in a manner prescribed by the board. The member's exercise of an 3387  
option to be covered under this section shall be in writing, 3388  
announced at a regular public meeting of the board, and recorded 3389  
as a public record in the minutes of the board. 3390

The board may provide the benefits authorized in this section 3391  
by contributing to a health and welfare trust fund administered 3392  
through or in conjunction with a collective bargaining 3393  
representative of the park district employees in the same manner 3394  
as described in division (G) of section 124.81 of the Revised 3395  
Code. 3396

The board may provide the benefits described in this section 3397  
through an individual self-insurance program or a joint 3398  
self-insurance program as provided in section 9.833 of the Revised 3399  
Code. 3400

**Sec. 3306.01.** This chapter shall be administered by the state 3401  
board of education. The superintendent of public instruction shall 3402  
calculate the amounts payable to each school district and shall 3403  
certify the amounts payable to each eligible district to the 3404  
treasurer of the district as determined under this chapter. As 3405  
soon as possible after such amounts are calculated, the 3406  
superintendent shall certify to the treasurer of each school 3407  
district the district's adjusted charge-off increase, as defined 3408  
in section 5705.211 of the Revised Code. No moneys shall be 3409  
distributed pursuant to this chapter without the approval of the 3410  
controlling board. 3411

The state board of education shall, in accordance with 3412  
appropriations made by the general assembly, meet the financial 3413  
obligations of this chapter. 3414

Annually, the department of education shall calculate and 3415  
report to each school district the district's adequacy amount 3416  
utilizing the calculations in sections 3306.03 and 3306.13 of the 3417  
Revised Code. The department shall calculate and report separately 3418  
for each school district the district's total state and local 3419  
funds for its students with disabilities, utilizing the 3420  
calculations in sections 3306.05, 3306.11, and 3306.13 of the 3421  
Revised Code. The department shall calculate and report separately 3422  
for each school district the amount of funding calculated for each 3423  
factor of the district's adequacy amount. 3424

Not later than the thirty-first day of August of each fiscal 3425  
year, the department of education shall provide to each school 3426  
district a preliminary estimate of the amount of funding that the 3427  
department calculates the district will receive under section 3428  
3306.13 of the Revised Code. Not later than the first day of 3429  
December of each fiscal year, the department shall update that 3430  
preliminary estimate. 3431

Moneys distributed pursuant to this chapter shall be 3432  
calculated and paid on a fiscal year basis, beginning with the 3433  
first day of July and extending through the thirtieth day of June. 3434  
Unless otherwise provided, the moneys appropriated for each fiscal 3435  
year shall be distributed at least monthly to each school 3436  
district. The state board shall submit a yearly distribution plan 3437  
to the controlling board at its first meeting in July. The state 3438  
board shall submit any proposed midyear revision of the plan to 3439  
the controlling board in January. Any year-end revision of the 3440  
plan shall be submitted to the controlling board in June. If 3441  
moneys appropriated for each fiscal year are distributed other 3442  
than monthly, such distribution shall be on the same basis for 3443  
each school district. 3444

The total amounts paid each month shall constitute, as nearly 3445  
as possible, one-twelfth of the total amount payable for the 3446  
entire year. 3447

Payments shall be calculated to reflect the reporting of 3448  
formula ADM. Annualized periodic payments for each school district 3449  
shall be based on the district's final student counts verified by 3450  
the superintendent of public instruction based on reports under 3451  
section 3317.03 of the Revised Code, as adjusted, if so ordered, 3452  
under division (K) of that section. 3453

(A) Except as otherwise provided, payments under this chapter 3454  
shall be made only to those school districts that comply with 3455  
divisions (A)(1) to (3) of this section. 3456

(1) Each city, exempted village, and local school district 3457  
shall levy for current operating expenses at least twenty mills. 3458  
Levies for joint vocational or cooperative education school 3459  
districts or county school financing districts, limited to or to 3460  
the extent apportioned to current expenses, shall be included in 3461  
this qualification requirement. School district income tax levies 3462  
under Chapter 5748. of the Revised Code, limited to or to the 3463

extent apportioned to current operating expenses, shall be 3464  
included in this qualification requirement to the extent 3465  
determined by the tax commissioner under division (D) of section 3466  
3317.021 of the Revised Code. 3467

(2) Each city, exempted village, local, and joint vocational 3468  
school district, during the school year next preceding the fiscal 3469  
year for which payments are calculated under this chapter, shall 3470  
meet the requirement of section 3313.48 or 3313.481 of the Revised 3471  
Code, with regard to the minimum number of days or hours school 3472  
must be open for instruction with pupils in attendance, for 3473  
individualized parent-teacher conference and reporting periods, 3474  
and for professional meetings of teachers. The superintendent of 3475  
public instruction shall waive a number of days in accordance with 3476  
section 3317.01 of the Revised Code on which it had been necessary 3477  
for a school to be closed because of disease epidemic, hazardous 3478  
weather conditions, inoperability of school buses or other 3479  
equipment necessary to the school's operation, damage to a school 3480  
building, or other temporary circumstances due to utility failure 3481  
rendering the school building unfit for school use. 3482

A school district shall not be considered to have failed to 3483  
comply with this division or section 3313.481 of the Revised Code 3484  
because schools were open for instruction but either twelfth grade 3485  
students were excused from attendance for up to three days or only 3486  
a portion of the kindergarten students were in attendance for up 3487  
to three days in order to allow for the gradual orientation to 3488  
school of such students. 3489

The superintendent of public instruction shall waive the 3490  
requirements of this section with reference to the minimum number 3491  
of days or hours a school must be open for instruction with pupils 3492  
in attendance for the school year succeeding the school year in 3493  
which a board of education initiates a plan of operation pursuant 3494  
to section 3313.481 of the Revised Code. The minimum requirements 3495



of this section shall again be applicable to the district 3496  
beginning with the school year commencing the second July 3497  
succeeding the initiation of the plan, and for each school year 3498  
thereafter. 3499

A school district shall not be considered to have failed to 3500  
comply with this division or section 3313.48 or 3313.481 of the 3501  
Revised Code because schools were open for instruction but the 3502  
length of the regularly scheduled learning day, for any number of 3503  
days during the school year, was reduced by not more than two 3504  
hours due to hazardous weather conditions. 3505

(3) Each city, exempted village, local, and joint vocational 3506  
school district ~~shall have on file, and shall pay in accordance~~ 3507  
~~with, a teachers' salary schedule which complies with~~ salaries 3508  
based upon performance as required under section 3317.13 of the 3509  
Revised Code. 3510

(B) A school district board of education or educational 3511  
service center governing board that has not conformed with other 3512  
law, and the rules pursuant thereto, shall not participate in the 3513  
distribution of funds authorized by this chapter, except for good 3514  
and sufficient reason established to the satisfaction of the state 3515  
board of education and the state controlling board. 3516

(C) All funds allocated to school districts under this 3517  
chapter, except those specifically allocated for other purposes, 3518  
shall be used only to pay current operating expenses or for either 3519  
of the following purposes: 3520

(1) The modification or purchase of classroom space to 3521  
provide all-day kindergarten as required by section 3321.05 of the 3522  
Revised Code, provided the district certifies its shortage of 3523  
space for providing all-day kindergarten to the department of 3524  
education, in a manner specified by the department; 3525

(2) The modification or purchase of classroom space to reduce 3526

class sizes in grades kindergarten through three to attain the 3527  
goal of fifteen students per core teacher, provided the district 3528  
certifies its need for additional classroom space to the 3529  
department, in a manner specified by the department. 3530

(D) On or before the last day of each month, the department 3531  
of education shall certify to the director of budget and 3532  
management for payment, for each county: 3533

(1)(a) That portion of the allocation of money under section 3534  
3306.13 of the Revised Code that is required to be paid in that 3535  
month to each school district located wholly within the county 3536  
subsequent to the deductions described in division (D)(1)(b) of 3537  
this section; 3538

(b) The amounts deducted from such allocation under sections 3539  
3307.31 and 3309.51 of the Revised Code for payment directly to 3540  
the school employees and state teachers retirement systems under 3541  
such sections. 3542

(2) If the district is located in more than one county, an 3543  
apportionment of the amounts that would otherwise be certified 3544  
under division (D)(1) of this section. The amounts apportioned to 3545  
the county shall equal the amounts certified under division (D)(1) 3546  
of this section times the percentage of the district's resident 3547  
pupils who reside both in the district and in the county, based on 3548  
the average daily membership reported under division (A) of 3549  
section 3317.03 of the Revised Code in October of the prior fiscal 3550  
year. 3551

**Sec. 3307.27.** The contributions required under section 3552  
3307.26 of the Revised Code shall not be made by an employer on a 3553  
teacher's behalf, but may be treated as paid by the employer in 3554  
accordance with division (h) of section 414 of the "Internal 3555  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 414(h), as 3556  
amended. 3557

**Sec. 3307.77.** (A) As used in this section, "employer" means 3558  
the employer employing a member of the state teachers retirement 3559  
system at the time the member commences an absence, or is granted 3560  
a leave described in this section. 3561

(B) Any member of the state teachers retirement system 3562  
participating in the plan described in sections 3307.50 to 3307.79 3563  
of the Revised Code who is, or has been, prevented from making 3564  
contributions under section 3307.26 of the Revised Code because of 3565  
an absence due to the member's own illness or injury, or who is, 3566  
or has been, granted a leave for educational, professional, or 3567  
other purposes pursuant to section 3319.13, ~~3319.131~~ 3319.141, or 3568  
3345.28 of the Revised Code or for any other reason approved by 3569  
the state teachers retirement board, may purchase service credit, 3570  
not to exceed two years for each such period of absence or leave, 3571  
either by having deductions made in accordance with division (C) 3572  
of this section or by making the payment required by division (D) 3573  
or (E) of this section. 3574

(C) If the absence or leave begins and ends in the same year, 3575  
the member may purchase credit for the absence or leave by having 3576  
the employer deduct and transmit to the system from payrolls in 3577  
that year employee contributions on the amount certified by the 3578  
employer as the compensation the member would have received had 3579  
the member remained employed in the position held when the absence 3580  
or leave commenced. The deductions may be made even though the 3581  
minimum compensation provided by law for the member is reduced 3582  
thereby, unless the amount to be deducted exceeds the compensation 3583  
to be paid the member from the time deductions begin until the end 3584  
of the year, in which case credit may not be purchased under this 3585  
division. The employer shall pay the system the employer 3586  
contributions on the compensation amount certified under this 3587  
division. Employee and employer contributions shall be made at the 3588  
rates in effect at the time the absence or leave occurred. If the 3589

employee or employer rates in effect change during the absence or 3590  
leave, the contributions for each month of the absence or leave 3591  
shall be made at the rate in effect for that month. 3592

(D) During or following the absence or leave, but no later 3593  
than two years following the last day of the year in which the 3594  
absence or leave terminates, a member may purchase credit for the 3595  
absence or leave by paying to the employer, and the employer 3596  
transmitting to the system, employee contributions on the amount 3597  
certified by the employer as the compensation the member would 3598  
have received had the member remained employed in the position 3599  
held when the absence or leave commenced. The employer shall pay 3600  
the system the employer contributions on the compensation amount 3601  
certified under this division. Employee and employer contributions 3602  
shall be made at the rates in effect at the time the absence or 3603  
leave occurred. If the employee or employer rates in effect change 3604  
during the absence or leave, the contributions for each month of 3605  
an absence or leave shall be made at the rate in effect for that 3606  
month. 3607

(E) After two years following the last day of the year in 3608  
which an absence or leave terminated, a member may purchase credit 3609  
for the absence or leave by paying the employer, and the employer 3610  
transmitting to the system, the sum of the following for each year 3611  
of credit purchased: 3612

(1) An amount determined by multiplying the employee rate of 3613  
contribution in effect at the time the absence or leave commenced 3614  
by the member's annual compensation for the member's last full 3615  
year of service prior to the commencement of the absence or leave, 3616  
or, if the member has not had a full year of service, the 3617  
compensation the member would have received for the year the 3618  
absence or leave commenced had the member continued in service for 3619  
a full year; 3620

(2) Interest compounded annually, at a rate determined by the 3621

board, on the amount determined under division (E)(1) of this 3622  
section for the period commencing two years following the last day 3623  
of the year in which the absence or leave terminated and ending on 3624  
the date of payment; 3625

(3) Interest compounded annually, at a rate determined by the 3626  
board, on an amount equal to the employer's contribution required 3627  
by this division for the period commencing two years following the 3628  
last day of the year in which the absence or leave terminated and 3629  
ending on the date of payment. 3630

The employer shall pay to the system for each year of credit 3631  
purchased under this division an amount determined by multiplying 3632  
the employer contribution rate in effect at the time the absence 3633  
or leave commenced by the member's annual compensation for the 3634  
member's last full year of service prior to the commencement of 3635  
the absence or leave, or, if the member has not had a full year of 3636  
service, the compensation the member would have received for the 3637  
year the absence or leave commenced had the member continued in 3638  
service for a full year. 3639

(F) A member who chooses to purchase service credit under 3640  
division (D) or (E) of this section may choose to purchase only 3641  
part of the credit for which the member is eligible in any one 3642  
payment, but payments made more than two years following the last 3643  
day of the year in which the absence or leave terminated shall be 3644  
made in accordance with division (E) of this section. 3645

(G) The state teachers retirement board may adopt rules to 3646  
implement this section. 3647

**Sec. 3309.47.** Each school employees retirement system 3648  
contributor shall contribute eight per cent of the contributor's 3649  
compensation to the employees' savings fund, except that the 3650  
school employees retirement board may raise the contribution rate 3651  
to a rate not greater than ten per cent of compensation. 3652

The contributions required under this section shall not be 3653  
paid by an employer on a contributor's behalf, but may be treated 3654  
as employer contributions for purposes of state and federal income 3655  
tax deferred income provisions. 3656

The contributions by the direction of the school employees 3657  
retirement board shall be deducted by the employer from the 3658  
compensation of each contributor on each payroll of such 3659  
contributor for each payroll period and shall be an amount equal 3660  
to the required per cent of such contributor's compensation. On a 3661  
finding by the board that an employer has failed or refused to 3662  
deduct contributions for any employee during any year and to 3663  
transmit such amounts to the retirement system, the retirement 3664  
board may make a determination of the amount of the delinquent 3665  
contributions, including interest at a rate set by the retirement 3666  
board, from the end of each year, and certify to the employer the 3667  
amounts for collection. If the amount is not paid by the employer, 3668  
it may be certified for collection in the same manner as payments 3669  
due the employers' trust fund. Any amounts so collected shall be 3670  
held in trust pending receipt of a report of contributions for the 3671  
employee for the period involved as provided by law and, 3672  
thereafter, the amount in trust shall be transferred to the 3673  
employee's savings fund to the credit of the employee. Any amount 3674  
remaining after the transfer to the employees' savings fund shall 3675  
be transferred to the employers' trust fund as a credit of the 3676  
employer. 3677

Any contributor under contract who, because of illness, 3678  
accident, or other reason approved by the employer, is prevented 3679  
from making the contributor's contribution to the system for any 3680  
payroll period, may, upon returning to contributing service, have 3681  
such deductions made from other payrolls during the year, or may 3682  
pay such amount to the employer and the employer shall transmit 3683  
such deductions to the system. The deductions shall be made 3684

notwithstanding that the minimum compensation for any contributor 3685  
shall be reduced thereby. Every contributor shall be deemed to 3686  
consent and agree to the contributions made and provided for in 3687  
this section and shall receipt in full for the contributor's 3688  
salary or compensation, and payment, less the contributions, is a 3689  
full and complete discharge and acquittance of all claims and 3690  
demands whatsoever for the services rendered by the person during 3691  
the period covered by the payment. 3692

Each contributor shall pay with the first payment to the 3693  
employees' savings fund each year a sum to be determined by the 3694  
board, as provided by law, which amount shall be credited to the 3695  
expense fund. The payments for the expense fund shall be made to 3696  
the board in the same way as payments to the employees' savings 3697  
fund are made. 3698

Additional deposits may be made to a member's account. At 3699  
retirement, the amount deposited with interest may be used to 3700  
provide additional annuity income. The additional deposits may be 3701  
refunded to the member before retirement, and shall be refunded if 3702  
the member withdraws the member's refundable amount. The deposits 3703  
may be refunded to the beneficiary or estate if the member dies 3704  
before retirement, and the board shall determine whether regular 3705  
interest shall be credited to deposits thus refunded. 3706

**Sec. 3311.19.** (A) The management and control of a joint 3707  
vocational school district shall be vested in the joint vocational 3708  
school district board of education. Where a joint vocational 3709  
school district is composed only of two or more local school 3710  
districts located in one county, or when all the participating 3711  
districts are in one county and the boards of such participating 3712  
districts so choose, the educational service center governing 3713  
board of the county in which the joint vocational school district 3714  
is located shall serve as the joint vocational school district 3715

board of education. Where a joint vocational school district is 3716  
composed of local school districts of more than one county, or of 3717  
any combination of city, local, or exempted village school 3718  
districts or educational service centers, unless administration by 3719  
the educational service center governing board has been chosen by 3720  
all the participating districts in one county pursuant to this 3721  
section, the board of education of the joint vocational school 3722  
district shall be composed of one or more persons who are members 3723  
of the boards of education from each of the city or exempted 3724  
village school districts or members of the educational service 3725  
centers' governing boards affected to be appointed by the boards 3726  
of education or governing boards of such school districts and 3727  
educational service centers. In such joint vocational school 3728  
districts the number and terms of members of the joint vocational 3729  
school district board of education and the allocation of a given 3730  
number of members to each of the city and exempted village 3731  
districts and educational service centers shall be determined in 3732  
the plan for such district, provided that each such joint 3733  
vocational school district board of education shall be composed of 3734  
an odd number of members. 3735

(B) Notwithstanding division (A) of this section, a governing 3736  
board of an educational service center that has members of its 3737  
governing board serving on a joint vocational school district 3738  
board of education may make a request to the joint vocational 3739  
district board that the joint vocational school district plan be 3740  
revised to provide for one or more members of boards of education 3741  
of local school districts that are within the territory of the 3742  
educational service district and within the joint vocational 3743  
school district to serve in the place of or in addition to its 3744  
educational service center governing board members. If agreement 3745  
is obtained among a majority of the boards of education and 3746  
governing boards that have a member serving on the joint 3747  
vocational school district board of education and among a majority 3748



of the local school district boards of education included in the 3749  
district and located within the territory of the educational 3750  
service center whose board requests the substitution or addition, 3751  
the state board of education may revise the joint vocational 3752  
school district plan to conform with such agreement. 3753

(C) If the board of education of any school district or 3754  
educational service center governing board included within a joint 3755  
vocational district that has had its board or governing board 3756  
membership revised under division (B) of this section requests the 3757  
joint vocational school district board to submit to the state 3758  
board of education a revised plan under which one or more joint 3759  
vocational board members chosen in accordance with a plan revised 3760  
under such division would again be chosen in the manner prescribed 3761  
by division (A) of this section, the joint vocational board shall 3762  
submit the revised plan to the state board of education, provided 3763  
the plan is agreed to by a majority of the boards of education 3764  
represented on the joint vocational board, a majority of the local 3765  
school district boards included within the joint vocational 3766  
district, and each educational service center governing board 3767  
affected by such plan. The state board of education may revise the 3768  
joint vocational school district plan to conform with the revised 3769  
plan. 3770

(D) The vocational schools in such joint vocational school 3771  
district shall be available to all youth of school age within the 3772  
joint vocational school district subject to the rules adopted by 3773  
the joint vocational school district board of education in regard 3774  
to the standards requisite to admission. A joint vocational school 3775  
district board of education shall have the same powers, duties, 3776  
and authority for the management and operation of such joint 3777  
vocational school district as is granted by law, except by this 3778  
chapter and Chapters 124., 3306., 3317., 3323., and 3331. of the 3779  
Revised Code, to a board of education of a city school district, 3780

and shall be subject to all the provisions of law that apply to a 3781  
city school district, except such provisions in this chapter and 3782  
Chapters 124., 3306., 3317., 3323., and 3331. of the Revised Code. 3783

(E) Where a governing board of an educational service center 3784  
has been designated to serve as the joint vocational school 3785  
district board of education, the educational service center 3786  
superintendent shall be the executive officer for the joint 3787  
vocational school district, and the governing board may provide 3788  
for additional compensation to be paid to the educational service 3789  
center superintendent by the joint vocational school district, but 3790  
the educational service center superintendent shall have no 3791  
continuing tenure other than that of educational service center 3792  
superintendent. The superintendent of schools of a joint 3793  
vocational school district shall exercise the duties and authority 3794  
vested by law in a superintendent of schools pertaining to the 3795  
operation of a school district and the employment and supervision 3796  
of its personnel. The joint vocational school district board of 3797  
education shall appoint a treasurer of the joint vocational school 3798  
district who shall be the fiscal officer for such district and who 3799  
shall have all the powers, duties, and authority vested by law in 3800  
a treasurer of a board of education. Where a governing board of an 3801  
educational service center has been designated to serve as the 3802  
joint vocational school district board of education, such board 3803  
may appoint the educational service center superintendent as the 3804  
treasurer of the joint vocational school district. 3805

(F) Each member of a joint vocational school district board 3806  
of education may be paid such compensation as the board provides 3807  
by resolution, but it shall not exceed one hundred twenty-five 3808  
dollars per member for each meeting attended plus mileage, at the 3809  
rate per mile provided by resolution of the board, to and from 3810  
meetings of the board. 3811

The board may provide by resolution for the deduction of 3812

amounts payable for benefits under division (C) of section 3813  
3313.202 of the Revised Code. 3814

Each member of a joint vocational school district board may 3815  
be paid such compensation as the board provides by resolution for 3816  
attendance at an approved training program, provided that such 3817  
compensation shall not exceed sixty dollars per day for attendance 3818  
at a training program three hours or fewer in length and one 3819  
hundred twenty-five dollars a day for attendance at a training 3820  
program longer than three hours in length. However, no board 3821  
member shall be compensated for the same training program under 3822  
this section and section 3313.12 of the Revised Code. 3823

**Sec. 3313.12.** Each member of the educational service center 3824  
governing board may be paid such compensation as the governing 3825  
board provides by resolution, provided that any such compensation 3826  
shall not exceed one hundred twenty-five dollars a day plus 3827  
mileage both ways, at the rate per mile provided by resolution of 3828  
the governing board, for attendance at any meeting of the board. 3829  
Such compensation and the expenses of the educational service 3830  
center superintendent, itemized and verified, shall be paid from 3831  
the educational service center governing board fund upon vouchers 3832  
signed by the president of the governing board. 3833

The board of education of any city, local, or exempted 3834  
village school district may provide by resolution for compensation 3835  
of its members, provided that such compensation shall not exceed 3836  
one hundred twenty-five dollars per member for meetings attended. 3837  
The board may provide by resolution for the deduction of amounts 3838  
payable for benefits under division (C) of section 3313.202 of the 3839  
Revised Code. 3840

Each member of a district board or educational service center 3841  
governing board may be paid such compensation as the respective 3842  
board provides by resolution for attendance at an approved 3843

training program, provided that such compensation shall not exceed 3844  
sixty dollars a day for attendance at a training program three 3845  
hours or fewer in length and one hundred twenty-five dollars a day 3846  
for attendance at a training program longer than three hours in 3847  
length. 3848

**Sec. 3313.202. (A) As used in this section:** 3849

(1) "Health care plan" means any of the following types of 3850  
insurance or coverage, or a combination of any of the following 3851  
types of insurance or coverage, whether issued by an insurance 3852  
company or a health insuring corporation duly licensed by this 3853  
state: 3854

(a) Hospitalization, surgical care, or major medical 3855  
insurance; 3856

(b) Sickness and accident insurance; 3857

(c) Disability insurance; 3858

(d) Dental care; 3859

(e) Vision care; 3860

(f) Medical care; 3861

(g) Hearing aids; 3862

(h) Prescription drugs. 3863

(2) "Nonteaching employee" means any person employed in the 3864  
public schools of the state in a position for which the person is 3865  
not required to have a certificate or license issued pursuant to 3866  
sections 3319.22 to 3319.31 of the Revised Code. 3867

(3) "Teaching employee" means any person employed in the 3868  
public schools of this state in a position for which the person is 3869  
required to have a certificate or license issued pursuant to 3870  
sections 3319.22 to 3319.31 of the Revised Code. 3871

(B)(1) The board of education of a school district may 3872  
procure and pay up to eighty-five per cent of the cost of a health 3873  
care plan for any of the following: 3874

(a) The teaching employees of the school district; 3875

(b) The nonteaching employees of the school district; 3876

(c) The dependent children and spouses of employees for whom 3877  
coverage is procured. 3878

(2) Any health care plan that a board of education procures 3879  
under division (B)(1) of this section shall include best practices 3880  
prescribed by the school employees health care board under section 3881  
9.901 of the Revised Code. 3882

(3) The benefits provided to a management level employee, as 3883  
defined in section 4117.01 of the Revised Code, under a health 3884  
care plan that the board procures under this section shall be the 3885  
same as any benefits provided to other employees of the board 3886  
under a health care plan that the board procures under this 3887  
section. 3888

(4) A board of education shall continue to carry, on payroll 3889  
records, all school employees whose sick leave accumulation has 3890  
expired, or who are on a disability leave of absence or an 3891  
approved leave of absence, for the purpose of group term life, 3892  
hospitalization, surgical, major medical, or any other insurance. 3893  
A board of education may pay all or part of such coverage except 3894  
when those employees are on an approved leave of absence, or on a 3895  
disability leave of absence for a period exceeding two years. 3896

(C) Any elected or appointed member of the board of education 3897  
of a school district and the dependent children and spouse of the 3898  
member may be covered, at the option of the member, as an employee 3899  
of the school district under any health care plan ~~containing best~~ 3900  
~~practices prescribed by the school employees health care board~~ 3901  
~~adopted~~ under ~~this~~ section 9.901 of the Revised Code. The provider 3902

of the benefits shall certify to the board the provider's charge 3903  
for coverage under each option available to employees under that 3904  
plan, and the member shall pay all premiums to the school district 3905  
the amount certified for that coverage. Payments for such coverage 3906  
shall be made, in advance, in a manner prescribed by the ~~school~~ 3907  
~~employees health care~~ board. The member's exercise of an option to 3908  
be covered under this section shall be in writing, announced at a 3909  
regular public meeting of the board ~~of education~~, and recorded as 3910  
a public record in the minutes of the board. 3911

**Sec. 3313.23.** If a treasurer of a board of education is 3912  
absent from any meeting of the board the members present shall 3913  
choose one of their number to serve in ~~his~~ the treasurer's place 3914  
pro tempore. 3915

If a board of education determines the treasurer is 3916  
incapacitated in such a manner that ~~he~~ the treasurer is unable to 3917  
perform the duties of the office of treasurer, the board may, by a 3918  
majority vote of the members of the board, appoint a person to 3919  
serve in ~~his~~ the treasurer's place pro tempore. Each board of 3920  
education shall adopt a written policy establishing standards for 3921  
determining whether the treasurer is incapacitated, and shall 3922  
provide that during any period in which the treasurer is 3923  
incapacitated, ~~he~~ the treasurer may be placed on sick leave or on 3924  
leave of absence and may be returned to active duty status from 3925  
sick leave or leave of absence. The board shall award leave 3926  
pursuant to this written policy in accordance with the general 3927  
leave policy the board adopts pursuant to section 3319.141 of the 3928  
Revised Code. The treasurer may request a hearing before the board 3929  
on any action taken under this section, and ~~he~~ shall have the same 3930  
rights in any such hearing as are afforded to a teacher in a board 3931  
hearing under section 3319.16 of the Revised Code. The treasurer 3932  
pro tempore shall perform all of the duties and functions of the 3933  
treasurer, and shall serve until the treasurer's incapacity is 3934

removed as determined by a majority vote of the members of the 3935  
board or until the expiration of the treasurer's contract or term 3936  
of office, whichever is sooner. The treasurer pro tempore may be 3937  
removed at any time for cause by a two-thirds vote of the members 3938  
of the board. The board shall fix the compensation of the 3939  
treasurer pro tempore in accordance with section 3313.24 of the 3940  
Revised Code, and shall require the treasurer pro tempore to 3941  
execute a bond immediately after ~~his~~ appointment in accordance 3942  
with section 3313.25 of the Revised Code. If a treasurer is a 3943  
member of the board, ~~he~~ the treasurer shall not vote on any matter 3944  
related to ~~his~~ the treasurer's own incapacitation. 3945

**Sec. 3313.24.** (A) At the time of the appointment or 3946  
designation of the term of office of the treasurer, subject to 3947  
division (B) of this section, the board of education of each 3948  
local, exempted village, or city school district shall fix the 3949  
compensation of its treasurer, which shall be paid from the 3950  
general fund of the district. No order for payment of the salary 3951  
of the treasurer of a local, exempted village, or city school 3952  
district, other than an island school district, shall be drawn 3953  
until the treasurer presents to the district board evidence that 3954  
the treasurer either holds a valid license issued under section 3955  
3301.074 of the Revised Code or is an otherwise qualified 3956  
treasurer, as defined in division (B) of section 3313.22 of the 3957  
Revised Code. 3958

A governing board of an educational service center which 3959  
chooses to act as the governing board of the educational service 3960  
center pursuant to division (D) of section 135.01 of the Revised 3961  
Code shall fix the compensation of its treasurer and pay its 3962  
treasurer in the manner prescribed in the section for local, 3963  
exempted village, and city school districts. 3964

(B) The compensation of the treasurer may be increased or 3965

decreased during the treasurer's term of office, provided any 3966  
decrease is a part of a uniform plan affecting salaries of all 3967  
employees of the district. 3968

(C) The board may establish vacation leave for its treasurer 3969  
in accordance with the general leave policy the board adopts 3970  
pursuant to section 3319.141 of the Revised Code. Upon the 3971  
treasurer's separation from employment, the board may provide 3972  
compensation at the treasurer's current rate of pay for all 3973  
lawfully accrued and unused vacation leave to the treasurer's 3974  
credit at the time of separation, not to exceed the amount accrued 3975  
during the three years before the date of separation. In case of 3976  
the death of a treasurer, unused vacation leave that the board 3977  
would have paid to the treasurer upon separation shall be paid in 3978  
accordance with section 2113.04 of the Revised Code or to the 3979  
treasurer's estate. 3980

**Sec. 3313.33.** (A) Conveyances made by a board of education 3981  
shall be executed by the president and treasurer thereof. 3982

(B) Except as provided in division (C) of this section, no 3983  
member of the board shall have, directly or indirectly, any 3984  
pecuniary interest in any contract of the board or be employed in 3985  
any manner for compensation by the board of which the person is a 3986  
member. No contract shall be binding upon any board unless it is 3987  
made or authorized at a regular or special meeting of such board. 3988

(C) A member of the board may have a pecuniary interest in a 3989  
contract of the board if all of the following apply: 3990

(1) The member's pecuniary interest in that contract is that 3991  
the member is employed by a political subdivision, 3992  
instrumentality, or agency of the state that is contracting with 3993  
the board; 3994

(2) The member does not participate in any discussion or 3995



debate regarding the contract or vote on the contract; 3996

(3) The member files with the school district treasurer an 3997  
affidavit stating the member's exact employment status with the 3998  
political subdivision, instrumentality, or agency contracting with 3999  
the board. 4000

(D) This section does not apply where a member of the board, 4001  
being a shareholder of a corporation but not being an officer or 4002  
director thereof, owns not in excess of five per cent of the stock 4003  
of such corporation. If a stockholder desires to avail self of the 4004  
exception, before entering upon such contract such person shall 4005  
first file with the treasurer an affidavit stating the 4006  
stockholder's exact status and connection with said corporation. 4007

This section does not apply where a member of the board 4008  
elects to be covered by a health care plan under division (C) of 4009  
section 3313.202 of the Revised Code. 4010

**Sec. 3313.42.** (A) When in the judgment of a board of 4011  
education of any school district in this state, lying adjacent to 4012  
a school district of another state, the best interests of the 4013  
public schools can be promoted by purchasing school grounds, 4014  
repairing or erecting a schoolhouse, and maintaining them jointly 4015  
between the two adjacent school districts, the board of education 4016  
of the school district of this state so situated may enter into an 4017  
agreement with the school authorities of said adjacent school 4018  
district for the purpose of purchasing school grounds, repairing 4019  
or constructing a school building, purchasing school furniture, 4020  
equipment, appliances, fuel, employing teachers, and maintaining a 4021  
school. The board of education of this state may levy taxes and 4022  
perform such other duties in maintaining such joint school as are 4023  
otherwise provided by law for maintaining the public schools in 4024  
this state. 4025

In carrying out this section the school district shall pay 4026

such proportion of the cost of purchasing school grounds, 4027  
repairing or erecting a building, and in maintaining the joint 4028  
school as is equitable and just in the judgment of the board of 4029  
education and trustees of the two adjacent school districts. 4030

~~(B) In any school district that has entered into an agreement 4031  
under division (A) of this section, the state minimum teacher 4032  
salary requirements prescribed by section 3317.13 of the Revised 4033  
Code do not apply if the total expenditures by the school district 4034  
for teacher salaries in any school year equals or exceeds the 4035  
total minimum expenditures that would have been required in that 4036  
year if such minimum teacher salary requirements did apply. 4037~~

~~(C)~~ Notwithstanding sections 3319.01, 3319.02, and 3313.22 of 4038  
the Revised Code, the board of education of a local school 4039  
district that has entered into an agreement with an adjacent 4040  
school district in another state under division (A) of this 4041  
section may contract with the educational service center within 4042  
which the local school district is located for the service center 4043  
to provide any administrative services specified in the agreement 4044  
to the local school district and the adjacent district. If such an 4045  
agreement provides for the duties of a district treasurer, 4046  
superintendent, or principals to be performed by the service 4047  
center, the local school district is not required to employ 4048  
persons to perform such duties. 4049

**Sec. 3314.10.** (A)(1) The governing authority of any community 4050  
school established under this chapter may employ teachers and 4051  
nonteaching employees necessary to carry out its mission and 4052  
fulfill its contract. 4053

~~(2) Except as provided under division (A)(3) of this section, 4054  
employees hired under this section may organize and collectively 4055  
bargain pursuant to Chapter 4117. of the Revised Code. 4056  
Notwithstanding division (D)(1) of section 4117.06 of the Revised 4057~~

~~Code, a unit containing teaching and nonteaching employees 4058~~  
~~employed under this section shall be considered an appropriate 4059~~  
~~unit. As applicable, employment under this section is subject to 4060~~  
~~either Chapter 3307. or 3309. of the Revised Code. 4061~~

~~(3)~~ If a school is created by converting all or part of an 4062  
existing public school rather than by establishment of a new 4063  
start-up school, at the time of conversion, the employees of the 4064  
community school shall remain part of any collective bargaining 4065  
unit in which they were included immediately prior to the 4066  
conversion and shall remain subject to any collective bargaining 4067  
agreement for that unit in effect on the first day of July of the 4068  
year in which the community school initially begins operation and 4069  
shall be subject to any subsequent collective bargaining agreement 4070  
for that unit, unless a petition is certified as sufficient under 4071  
division (A)~~(6)~~(5) of this section with regard to those employees 4072  
or the governing authority of the community school submits a 4073  
statement to the state employment relations board under division 4074  
(A)(3) of this section. Any new employees of the community school 4075  
shall also be included in the unit to which they would have been 4076  
assigned had not the conversion taken place and shall be subject 4077  
to the collective bargaining agreement for that unit unless a 4078  
petition is certified as sufficient under division (A)~~(6)~~(5) of 4079  
this section with regard to those employees or the governing 4080  
authority of the community school submits a statement to the state 4081  
employment relations board under division (A)(3) of this section. 4082

Notwithstanding division (B) of section 4117.01 of the 4083  
Revised Code, the board of education of a school district and not 4084  
the governing authority of a community school shall be regarded, 4085  
for purposes of Chapter 4117. of the Revised Code, as the "public 4086  
employer" of the employees of a conversion community school 4087  
subject to a collective bargaining agreement pursuant to division 4088  
(A)~~(3)~~(2) of this section ~~unless a petition is certified under 4089~~

~~division (A)(6) of this section with regard to those employees. 4090~~  
~~Only on and after the effective date of a petition certified as 4091~~  
~~sufficient under division (A)(6) of this section shall division 4092~~  
~~(A)(2) of this section apply to those employees of that community 4093~~  
~~school and only on and after the effective date of that petition 4094~~  
~~shall Chapter 4117. of the Revised Code apply to the governing 4095~~  
~~authority of that community school with regard to those employees. 4096~~

~~(4)(3) Notwithstanding sections 4117.03 to 4117.18 of the 4097~~  
~~Revised Code and Section 4 of Amended Substitute Senate Bill No. 4098~~  
~~133 of the 115th general assembly, the employees of a conversion 4099~~  
~~community school who are subject to a collective bargaining 4100~~  
~~agreement pursuant to division (A)(3)(2) of this section shall 4101~~  
~~cease to be subject to that agreement and all subsequent 4102~~  
~~agreements pursuant to that division and shall cease to be part of 4103~~  
~~the collective bargaining unit that is subject to that and all 4104~~  
~~subsequent agreements, if a majority of the employees of the 4105~~  
~~governing authority of that community school who are subject to 4106~~  
~~that collective bargaining agreement sign and submit submits to 4107~~  
~~the state employment relations board a petition statement 4108~~  
~~requesting all of the following: 4109~~

~~(a) That that all the employees of the community school who 4110~~  
~~are subject to that agreement be removed from the bargaining unit 4111~~  
~~that is subject to that agreement and be designated by the state 4112~~  
~~employment relations board as a new and separate bargaining unit 4113~~  
~~for purposes of Chapter 4117. of the Revised Code; 4114~~

~~(b) That the employee organization certified as the exclusive 4115~~  
~~representative of the employees of the bargaining unit from which 4116~~  
~~the employees are to be removed be certified as the exclusive 4117~~  
~~representative of the new and separate bargaining unit for 4118~~  
~~purposes of Chapter 4117. of the Revised Code; 4119~~

~~(c) That the governing authority of the community school be 4120~~  
~~regarded as the "public employer" of these employees for purposes 4121~~

~~of Chapter 4117. of the Revised Code.~~ 4122

~~(5)~~(4) Notwithstanding sections 4117.03 to 4117.18 of the 4123  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 4124  
133 of the 115th general assembly, the employees of a conversion 4125  
community school who are subject to a collective bargaining 4126  
agreement pursuant to division (A)~~(3)~~(2) of this section shall 4127  
cease to be subject to that agreement and all subsequent 4128  
agreements pursuant to that division, shall cease to be part of 4129  
the collective bargaining unit that is subject to that and all 4130  
subsequent agreements, and shall cease to be represented by any 4131  
exclusive representative of that collective bargaining unit, if a 4132  
majority of the employees of the community school who are subject 4133  
to that collective bargaining agreement sign and submit to the 4134  
state employment relations board a petition requesting all of the 4135  
following: 4136

(a) That all the employees of the community school who are 4137  
subject to that agreement be removed from the bargaining unit that 4138  
is subject to that agreement; 4139

(b) That any employee organization certified as the exclusive 4140  
representative of the employees of that bargaining unit be 4141  
decertified as the exclusive representative of the employees of 4142  
the community school who are subject to that agreement; 4143

~~(c) That the governing authority of the community school be~~ 4144  
~~regarded as the "public employer" of these employees for purposes~~ 4145  
~~of Chapter 4117. of the Revised Code.~~ 4146

~~(6)~~(5) Upon receipt of a petition under division (A)~~(4)~~ ~~or~~ 4147  
~~(5)~~ of this section, the state employment relations board shall 4148  
check the sufficiency of the signatures on the petition. If the 4149  
signatures are found sufficient, the board shall certify the 4150  
sufficiency of the petition and so notify the parties involved, 4151  
including the board of education, the governing authority of the 4152

community school, and any exclusive representative of the 4153  
bargaining unit. The changes requested in a certified petition 4154  
shall take effect on the first day of the month immediately 4155  
following the date on which the sufficiency of the petition is 4156  
certified under division (A)~~(6)~~(5) of this section. 4157

(B)(1) The board of education of each city, local, and 4158  
exempted village school district sponsoring a community school and 4159  
the governing board of each educational service center in which a 4160  
community school is located shall adopt a policy that provides a 4161  
leave of absence of at least three years to each teacher or 4162  
nonteaching employee of the district or service center who is 4163  
employed by a conversion or new start-up community school 4164  
sponsored by the district or located in the district or center for 4165  
the period during which the teacher or employee is continuously 4166  
employed by the community school. The policy shall also provide 4167  
that any teacher or nonteaching employee may return to employment 4168  
by the district or service center if the teacher or employee 4169  
leaves or is discharged from employment with the community school 4170  
for any reason, unless, in the case of a teacher, the board of the 4171  
district or service center determines that the teacher was 4172  
discharged for a reason for which the board would have sought to 4173  
discharge the teacher under section 3319.16 of the Revised Code, 4174  
in which case the board may proceed to discharge the teacher 4175  
utilizing the procedures of that section. Upon termination of such 4176  
a leave of absence, any seniority that is applicable to the person 4177  
shall be calculated to include all of the following: all 4178  
employment by the district or service center prior to the leave of 4179  
absence; all employment by the community school during the leave 4180  
of absence; and all employment by the district or service center 4181  
after the leave of absence. The policy shall also provide that if 4182  
any teacher holding valid certification returns to employment by 4183  
the district or service center upon termination of such a leave of 4184  
absence, the teacher shall be restored to the previous position 4185

and salary or to a position and salary similar thereto. If, as a  
result of teachers returning to employment upon termination of  
such leaves of absence, a school district or educational service  
center reduces the number of teachers it employs, it shall make  
such reductions in accordance with section 3319.17 or, if  
applicable, 3319.171 of the Revised Code.

Unless a collective bargaining agreement providing otherwise  
is in effect for an employee of a conversion community school  
pursuant to division (A)~~(3)~~(2) of this section, an employee on a  
leave of absence pursuant to this division shall remain eligible  
for any benefits that are in addition to benefits under Chapter  
3307. or 3309. of the Revised Code provided by the district or  
service center to its employees provided the employee pays the  
entire cost associated with such benefits, except that personal  
leave and vacation leave cannot be accrued for use as an employee  
of a school district or service center while in the employ of a  
community school unless the district or service center board  
adopts a policy expressly permitting this accrual.

(2) While on a leave of absence pursuant to division (B)(1)  
of this section, a conversion community school shall permit a  
teacher to use sick leave accrued while in the employ of the  
school district from which the leave of absence was taken and  
prior to commencing such leave. If a teacher who is on such a  
leave of absence uses sick leave so accrued, the cost of any  
salary paid by the community school to the teacher for that time  
shall be reported to the department of education. The cost of  
employing a substitute teacher for that time shall be paid by the  
community school. The department of education shall add amounts to  
the payments made to a community school under this chapter as  
necessary to cover the cost of salary reported by a community  
school as paid to a teacher using sick leave so accrued pursuant  
to this section. The department shall subtract the amounts of any

payments made to community schools under this division from 4218  
payments made to such sponsoring school district under Chapters 4219  
3306. and 3317. of the Revised Code. 4220

A school district providing a leave of absence and employee 4221  
benefits to a person pursuant to this division is not liable for 4222  
any action of that person while the person is on such leave and 4223  
employed by a community school. 4224

**Sec. 3316.07.** (A) A school district financial planning and 4225  
supervision commission has the following powers, duties, and 4226  
functions: 4227

(1) To review or to assume responsibility for the development 4228  
of all tax budgets, tax levy and bond and note resolutions, 4229  
appropriation measures, and certificates of estimated resources of 4230  
the school district in order to ensure that such are consistent 4231  
with the financial recovery plan and a balanced appropriation 4232  
budget for the current fiscal year, and to request and review any 4233  
supporting information upon which the financial recovery plan and 4234  
balanced appropriation budget may be developed and based, and to 4235  
determine whether revenue estimates and estimates of expenditures 4236  
and appropriations will result in a balanced budget; 4237

(2) To inspect and secure copies of any document, resolution, 4238  
or instrument pertaining to the effective financial accounting and 4239  
reporting system, debt obligations, debt limits, financial 4240  
recovery plan, balanced appropriation budgets, appropriation 4241  
measures, report of audit, statement or invoice, or other 4242  
worksheet or record of the school district; 4243

(3) To inspect and secure copies of any document, instrument, 4244  
certification, records of proceedings, or other worksheet or 4245  
records of the county budget commission, county auditor, or other 4246  
official or employee of the school district or of any other 4247  
political subdivision or agency of government of the state; 4248



(4) To review, revise, and approve determinations and	4249
certifications affecting the school district made by the county	4250
budget commission or county auditor pursuant to Chapter 5705. of	4251
the Revised Code to ensure that such determinations and	4252
certifications are consistent with the laws of the state;	4253
(5) To bring civil actions, including mandamus, to enforce	4254
this chapter;	4255
(6) After consultation with the officials of the school	4256
district and the auditor of state, to implement or require	4257
implementation of any necessary or appropriate steps to bring the	4258
books of account, accounting systems, and financial procedures and	4259
reports of the school district into compliance with requirements	4260
prescribed by the auditor of state, and to assume responsibility	4261
for achieving such compliance and for making any desirable	4262
modifications and supplementary systems and procedures pertinent	4263
to the school district;	4264
(7) To assist or provide assistance to the school district or	4265
to assume the total responsibility for the structuring or the	4266
terms of, and the placement for sale of, debt obligations of the	4267
school district;	4268
(8) To perform all other powers, duties, and functions as	4269
provided under this chapter;	4270
(9) To make and enter into all contracts and agreements	4271
necessary or incidental to the performance of its duties and the	4272
exercise of its powers under this chapter;	4273
(10) To consult with officials of the school district and	4274
make recommendations or assume the responsibility for implementing	4275
cost reductions and revenue increases to achieve balanced budgets	4276
and carry out the financial recovery plan in accordance with this	4277
chapter;	4278
(11) To make reductions in force to bring the school	4279

district's budget into balance, notwithstanding section 3319.081 4280  
and divisions (A) and (B) of section 3319.17 of the Revised Code, 4281  
notwithstanding any provision of a policy adopted under section 4282  
3319.171 of the Revised Code, and notwithstanding any provision to 4283  
the contrary in section 4117.08 or 4117.10 of the Revised Code or 4284  
in any collective bargaining agreement entered into on or after 4285  
November 21, 1997. 4286

In making reductions in force, the commission shall first 4287  
consider reasonable reductions among the administrative and 4288  
~~non-teaching~~ nonteaching employees of the school district giving 4289  
due regard to ensuring the district's ability to maintain the 4290  
personnel, programs, and services essential to the provision of an 4291  
adequate educational program. 4292

In making these reductions in ~~non-teaching~~ nonteaching 4293  
employees in districts where Chapter 124. of the Revised Code 4294  
controls such reductions, the reductions shall be made in 4295  
accordance with sections 124.321 to 124.327 of the Revised Code. 4296  
In making these reductions in ~~non-teaching~~ nonteaching employees 4297  
in districts where Chapter 124. of the Revised Code does not 4298  
control these reductions, within each category of ~~non-teaching~~ 4299  
nonteaching employees, the commission shall give preference to 4300  
those employees with continuing contracts or non-probationary 4301  
status ~~and who have greater seniority.~~ In making these reductions 4302  
in nonteaching employees, the commission shall not use seniority 4303  
as the only factor in determining dismissals. 4304

If revenues and expenditures cannot be balanced by reasonable 4305  
reductions in administrative and ~~non-teaching~~ nonteaching 4306  
employees, the commission may also make reasonable reductions in 4307  
the number of teaching contracts. If the commission finds it 4308  
necessary to suspend teaching contracts, it shall suspend them in 4309  
accordance with division (C) of section 3319.17 of the Revised 4310  
Code but shall consider a reduction in non-classroom teachers 4311

before classroom teachers. 4312

(B) During the fiscal emergency period, the commission shall, 4313  
in addition to other powers: 4314

(1) With respect to the appropriation measure in effect at 4315  
the commencement of the fiscal emergency period of the school 4316  
district if that period commenced more than three months prior to 4317  
the end of the current fiscal year, and otherwise with respect to 4318  
the appropriation measure for the next fiscal year: 4319

(a) Review and determine the adequacy of all revenues to meet 4320  
all expenditures for such fiscal year; 4321

(b) Review and determine the extent of any deficiency of 4322  
revenues to meet such expenditures; 4323

(c) Require the school district board or superintendent to 4324  
provide justification documents to substantiate, to the extent and 4325  
in the manner considered necessary, any item of revenue or 4326  
appropriation; 4327

(d) Not later than sixty days after taking office or after 4328  
receiving the appropriation measure for the next fiscal year, 4329  
issue a public report regarding its review pursuant to division 4330  
(B)(1) of this section. 4331

(2) Require the school district board, by resolution, to 4332  
establish monthly levels of expenditures and encumbrances 4333  
consistent with the financial recovery plan and the commission's 4334  
review pursuant to divisions (B)(1)(a) and (b) of this section, or 4335  
establish such levels itself. If the commission permits the 4336  
district board to make expenditures, the commission shall monitor 4337  
the monthly levels of expenditures and encumbrances and require 4338  
justification documents to substantiate any departure from any 4339  
approved level. No district board shall make any expenditure apart 4340  
from the approved level without the written approval of the 4341  
commission. 4342

(C) In making any determination pursuant to division (B) of 4343  
this section, the commission may rely on any information 4344  
considered in its judgment reliable or material and shall not be 4345  
restricted by any tax budget or certificate or any other document 4346  
the school district may have adopted or received from any other 4347  
governmental agency. 4348

(D) County, state, and school district officers or employees 4349  
shall assist the commission diligently and promptly in the 4350  
prosecution of its duties, including the furnishing of any 4351  
materials, including justification documents, required. 4352

(E) Annually on or before the first day of April during the 4353  
fiscal emergency period, the commission shall make reports and 4354  
recommendations to the speaker of the house of representatives and 4355  
the president of the senate concerning progress of the school 4356  
district to eliminate fiscal emergency conditions, failures of the 4357  
school district to comply with this chapter, and recommendations 4358  
for further actions to attain the objectives of this chapter, 4359  
including any legislative action needed to make provisions of law 4360  
more effective for their purposes, or to enhance revenue raising 4361  
or financing capabilities of school districts. The commission may 4362  
make such interim reports as it considers appropriate for such 4363  
purposes and shall make such additional reports as may be 4364  
requested by either house of the general assembly. 4365

**Sec. 3317.01.** As used in this section and section 3317.011 of 4366  
the Revised Code, "school district," unless otherwise specified, 4367  
means any city, local, exempted village, joint vocational, or 4368  
cooperative education school district and any educational service 4369  
center. 4370

This chapter shall be administered by the state board of 4371  
education. The superintendent of public instruction shall 4372  
calculate the amounts payable to each school district and shall 4373

certify the amounts payable to each eligible district to the 4374  
treasurer of the district as provided by this chapter. As soon as 4375  
possible after such amounts are calculated, the superintendent 4376  
shall certify to the treasurer of each school district the 4377  
district's adjusted charge-off increase, as defined in section 4378  
5705.211 of the Revised Code. No moneys shall be distributed 4379  
pursuant to this chapter without the approval of the controlling 4380  
board. 4381

The state board of education shall, in accordance with 4382  
appropriations made by the general assembly, meet the financial 4383  
obligations of this chapter. 4384

Moneys distributed pursuant to this chapter shall be 4385  
calculated and paid on a fiscal year basis, beginning with the 4386  
first day of July and extending through the thirtieth day of June. 4387  
The moneys appropriated for each fiscal year shall be distributed 4388  
periodically to each school district unless otherwise provided 4389  
for. The state board shall submit a yearly distribution plan to 4390  
the controlling board at its first meeting in July. The state 4391  
board shall submit any proposed midyear revision of the plan to 4392  
the controlling board in January. Any year-end revision of the 4393  
plan shall be submitted to the controlling board in June. If 4394  
moneys appropriated for each fiscal year are distributed other 4395  
than monthly, such distribution shall be on the same basis for 4396  
each school district. 4397

Except as otherwise provided, payments under this chapter 4398  
shall be made only to those school districts in which: 4399

(A) The school district, except for any educational service 4400  
center and any joint vocational or cooperative education school 4401  
district, levies for current operating expenses at least twenty 4402  
mills. Levies for joint vocational or cooperative education school 4403  
districts or county school financing districts, limited to or to 4404  
the extent apportioned to current expenses, shall be included in 4405

this qualification requirement. School district income tax levies 4406  
under Chapter 5748. of the Revised Code, limited to or to the 4407  
extent apportioned to current operating expenses, shall be 4408  
included in this qualification requirement to the extent 4409  
determined by the tax commissioner under division (D) of section 4410  
3317.021 of the Revised Code. 4411

(B) The school year next preceding the fiscal year for which 4412  
such payments are authorized meets the requirement of section 4413  
3313.48 or 3313.481 of the Revised Code, with regard to the 4414  
minimum number of days or hours school must be open for 4415  
instruction with pupils in attendance, for individualized 4416  
parent-teacher conference and reporting periods, and for 4417  
professional meetings of teachers. This requirement shall be 4418  
waived by the superintendent of public instruction if it had been 4419  
necessary for a school to be closed because of disease epidemic, 4420  
hazardous weather conditions, inoperability of school buses or 4421  
other equipment necessary to the school's operation, damage to a 4422  
school building, or other temporary circumstances due to utility 4423  
failure rendering the school building unfit for school use, 4424  
provided that for those school districts operating pursuant to 4425  
section 3313.48 of the Revised Code the number of days the school 4426  
was actually open for instruction with pupils in attendance and 4427  
for individualized parent-teacher conference and reporting periods 4428  
is not less than one hundred seventy-five, or for those school 4429  
districts operating on a trimester plan the number of days the 4430  
school was actually open for instruction with pupils in attendance 4431  
not less than seventy-nine days in any trimester, for those school 4432  
districts operating on a quarterly plan the number of days the 4433  
school was actually open for instruction with pupils in attendance 4434  
not less than fifty-nine days in any quarter, or for those school 4435  
districts operating on a pentamester plan the number of days the 4436  
school was actually open for instruction with pupils in attendance 4437  
not less than forty-four days in any pentamester. However, for 4438

fiscal year 2012, the superintendent shall waive two fewer such 4439  
days for the 2010-2011 school year. 4440

A school district shall not be considered to have failed to 4441  
comply with this division or section 3313.481 of the Revised Code 4442  
because schools were open for instruction but either twelfth grade 4443  
students were excused from attendance for up to three days or only 4444  
a portion of the kindergarten students were in attendance for up 4445  
to three days in order to allow for the gradual orientation to 4446  
school of such students. 4447

The superintendent of public instruction shall waive the 4448  
requirements of this section with reference to the minimum number 4449  
of days or hours school must be in session with pupils in 4450  
attendance for the school year succeeding the school year in which 4451  
a board of education initiates a plan of operation pursuant to 4452  
section 3313.481 of the Revised Code. The minimum requirements of 4453  
this section shall again be applicable to such a district 4454  
beginning with the school year commencing the second July 4455  
succeeding the initiation of one such plan, and for each school 4456  
year thereafter. 4457

A school district shall not be considered to have failed to 4458  
comply with this division or section 3313.48 or 3313.481 of the 4459  
Revised Code because schools were open for instruction but the 4460  
length of the regularly scheduled school day, for any number of 4461  
days during the school year, was reduced by not more than two 4462  
hours due to hazardous weather conditions. 4463

(C) The school district ~~has on file, and is paying in~~ 4464  
~~accordance with, a teachers' salary schedule which complies with~~ 4465  
salaries based upon performance as required under section 3317.13 4466  
of the Revised Code. 4467

A board of education or governing board of an educational 4468  
service center which has not conformed with other law and the 4469

rules pursuant thereto, shall not participate in the distribution 4470  
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 4471  
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 4472  
and sufficient reason established to the satisfaction of the state 4473  
board of education and the state controlling board. 4474

All funds allocated to school districts under this chapter, 4475  
except those specifically allocated for other purposes, shall be 4476  
used to pay current operating expenses only. 4477

**Sec. 3317.018.** (A) The department of education shall make no 4478  
calculations or payments under Chapter 3317. of the Revised Code 4479  
for any fiscal year except as prescribed in this section. 4480

(B) School districts shall report student enrollment data as 4481  
prescribed by section 3317.03 of the Revised Code, which data the 4482  
department shall use to make payments under Chapters 3306. and 4483  
3317. of the Revised Code. 4484

(C) The tax commissioner shall report data regarding tax 4485  
valuation and receipts for school districts as prescribed by 4486  
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 4487  
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of 4488  
section 3317.02 of the Revised Code, which data the department 4489  
shall use to make payments under Chapters 3306. and 3317. of the 4490  
Revised Code. 4491

(D) Unless otherwise specified by another provision of law, 4492  
in addition to the payments prescribed by Chapter 3306. of the 4493  
Revised Code, the department shall continue to make payments to or 4494  
adjustments for school districts in fiscal years after fiscal year 4495  
2009 under the following provisions of Chapter 3317. of the 4496  
Revised Code: 4497

(1) The catastrophic cost reimbursement under division (C)(3) 4498  
of section 3317.022 of the Revised Code. No other payments shall 4499



be made under that section. 4500

(2) All payments or adjustments under section 3317.023 of the 4501  
Revised Code, except no payments or adjustments shall be made 4502  
under divisions (B), (C), and (D) of that section. 4503

(3) All payments or adjustments under section 3317.024 of the 4504  
Revised Code, except no payments or adjustments shall be made 4505  
under divisions (F), (L), and (N) of that section. 4506

(4) All payments and adjustments under sections 3317.025, 4507  
3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the 4508  
Revised Code; 4509

(5) Payments under section 3317.04 of the Revised Code; 4510

(6) Unit payments under sections 3317.05, 3317.051, 3317.052, 4511  
and 3317.053 of the Revised Code, except that no units for gifted 4512  
funding are authorized after fiscal year 2009. 4513

(7) Payments under sections 3317.06, 3317.063, and 3317.064 4514  
of the Revised Code; 4515

(8) Payments under section 3317.07 of the Revised Code; 4516

(9) Payments to educational service centers under section 4517  
3317.11 of the Revised Code; 4518

(10) The catastrophic cost reimbursement under division (E) 4519  
of section 3317.16 of the Revised Code and excess cost 4520  
reimbursements under division (G) of that section. No other 4521  
payments shall be made under that section; 4522

(11) Payments under section 3317.17 of the Revised Code; 4523

(12) Adjustments under section 3317.18 of the Revised Code; 4524

(13) Payments to cooperative education school districts under 4525  
section 3317.19 of the Revised Code; 4526

(14) Payments to county MR/DD boards under section 3317.20 of 4527  
the Revised Code; 4528

(15) Payments to state institutions for weighted special 4529  
education funding under section 3317.201 of the Revised Code. 4530

(E) Sections 3317.016 and 3317.017 shall not apply to fiscal 4531  
years after fiscal year 2009. 4532

(F) This section does not affect the provisions of sections 4533  
3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 4534  
3317.081, 3317.082, 3317.09, ~~3317.12~~, 3317.13, ~~3317.14~~, 3317.15, 4535  
3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised 4536  
Code. 4537

**Sec. 3317.11.** (A) As used in this section: 4538

(1) "Client school district" means a city or exempted village 4539  
school district that has entered into an agreement under section 4540  
3313.843 of the Revised Code to receive any services from an 4541  
educational service center. 4542

(2) "Service center ADM" means the sum of the total student 4543  
counts of all local school districts within an educational service 4544  
center's territory and all of the service center's client school 4545  
districts. 4546

(3) "STEM school" means a science, technology, engineering, 4547  
and mathematics school established under Chapter 3326. of the 4548  
Revised Code. 4549

(4) "Total student count" has the same meaning as in section 4550  
3301.011 of the Revised Code. 4551

(B)(1) The governing board of each educational service center 4552  
shall provide supervisory services to each local school district 4553  
within the service center's territory. Each city or exempted 4554  
village school district that enters into an agreement under 4555  
section 3313.843 of the Revised Code for a governing board to 4556  
provide any services also is considered to be provided supervisory 4557  
services by the governing board. Except as provided in division 4558

(B)(2) of this section, the supervisory services shall not exceed 4559  
one supervisory teacher for the first fifty classroom teachers 4560  
required to be employed in the districts, as calculated under 4561  
section 3317.023 of the Revised Code, and one for each additional 4562  
one hundred required classroom teachers, as so calculated. 4563

The supervisory services shall be financed annually through 4564  
supervisory units. Except as provided in division (B)(2) of this 4565  
section, the number of supervisory units assigned to each district 4566  
shall not exceed one unit for the first fifty classroom teachers 4567  
required to be employed in the district, as calculated under 4568  
section 3317.023 of the Revised Code, and one for each additional 4569  
one hundred required classroom teachers, as so calculated. The 4570  
cost of each supervisory unit shall be the sum of: 4571

(a) The ~~minimum~~ performance-based salary prescribed by 4572  
section 3317.13 of the Revised Code for the licensed supervisory 4573  
employee of the governing board; 4574

(b) An amount equal to fifteen per cent of the salary 4575  
prescribed by section 3317.13 of the Revised Code; 4576

(c) An allowance for necessary travel expenses, limited to 4577  
the lesser of two hundred twenty-three dollars and sixteen cents 4578  
per month or two thousand six hundred seventy-eight dollars per 4579  
year. 4580

(2) If a majority of the boards of education, or 4581  
superintendents acting on behalf of the boards, of the local and 4582  
client school districts receiving services from the educational 4583  
service center agree to receive additional supervisory services 4584  
and to pay the cost of a corresponding number of supervisory units 4585  
in excess of the services and units specified in division (B)(1) 4586  
of this section, the service center shall provide the additional 4587  
services as agreed to by the majority of districts to, and the 4588  
department of education shall apportion the cost of the 4589

corresponding number of additional supervisory units pursuant to 4590  
division (B)(3) of this section among, all of the service center's 4591  
local and client school districts. 4592

(3) The department shall apportion the total cost for all 4593  
supervisory units among the service center's local and client 4594  
school districts based on each district's total student count. The 4595  
department shall deduct each district's apportioned share pursuant 4596  
to division (E) of section 3317.023 of the Revised Code and pay 4597  
the apportioned share to the service center. 4598

(C) The department annually shall deduct from each local and 4599  
client school district of each educational service center, 4600  
pursuant to division (E) of section 3317.023 of the Revised Code, 4601  
and pay to the service center an amount equal to six dollars and 4602  
fifty cents times the school district's total student count. The 4603  
board of education, or the superintendent acting on behalf of the 4604  
board, of any local or client school district may agree to pay an 4605  
amount in excess of six dollars and fifty cents per student in 4606  
total student count. If a majority of the boards of education, or 4607  
superintendents acting on behalf of the boards, of the local 4608  
school districts within a service center's territory approve an 4609  
amount in excess of six dollars and fifty cents per student in 4610  
total student count, the department shall deduct the approved 4611  
excess per student amount from all of the local school districts 4612  
within the service center's territory and pay the excess amount to 4613  
the service center. 4614

(D) The department shall pay each educational service center 4615  
the amounts due to it from school districts pursuant to contracts, 4616  
compacts, or agreements under which the service center furnishes 4617  
services to the districts or their students. In order to receive 4618  
payment under this division, an educational service center shall 4619  
furnish either a copy of the contract, compact, or agreement 4620  
clearly indicating the amounts of the payments, or a written 4621

statement that clearly indicates the payments owed and is signed 4622  
by the superintendent or treasurer of the responsible school 4623  
district. The amounts paid to service centers under this division 4624  
shall be deducted from payments to school districts pursuant to 4625  
division (K)(3) of section 3317.023 of the Revised Code. 4626

(E) Each school district's deduction under this section and 4627  
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 4628  
shall be made from the total payment computed for the district 4629  
under this chapter, after making any other adjustments in that 4630  
payment required by law. 4631

(F)(1) Except as provided in division (F)(2) of this section, 4632  
the department annually shall pay the governing board of each 4633  
educational service center state funds equal to thirty-seven 4634  
dollars times its service center ADM. 4635

(2) The department annually shall pay state funds equal to 4636  
forty dollars and fifty-two cents times the service center ADM to 4637  
each educational service center comprising territory that was 4638  
included in the territory of at least three former service centers 4639  
or county school districts, which former centers or districts 4640  
engaged in one or more mergers under section 3311.053 of the 4641  
Revised Code to form the present center. 4642

(G) Each city, exempted village, local, joint vocational, or 4643  
cooperative education school district shall pay to the governing 4644  
board of an educational service center any amounts agreed to for 4645  
each child enrolled in the district who receives special education 4646  
and related services or career-technical education from the 4647  
educational service center, unless these educational services are 4648  
provided pursuant to a contract, compact, or agreement for which 4649  
the department deducts and transfers payments under division (D) 4650  
of this section and division (K)(3) of section 3317.023 of the 4651  
Revised Code. 4652

(H) The department annually shall pay the governing board of 4653  
each educational service center that has entered into a contract 4654  
with a STEM school for the provision of services described in 4655  
division (B) of section 3326.45 of the Revised Code state funds 4656  
equal to the per-pupil amount specified in the contract for the 4657  
provision of those services times the number of students enrolled 4658  
in the STEM school. 4659

(I) An educational service center: 4660

(1) May provide special education and career-technical 4661  
education to students in its local or client school districts; 4662

(2) Is eligible for transportation funding under division (G) 4663  
of section 3317.024 of the Revised Code and for state subsidies 4664  
for the purchase of school buses under section 3317.07 of the 4665  
Revised Code; 4666

(3) May apply for and receive gifted education units and 4667  
provide gifted education services to students in its local or 4668  
client school districts; 4669

(4) May conduct driver education for high school students in 4670  
accordance with Chapter 4508. of the Revised Code. 4671

**Sec. 3317.13.** (A) As used in this section ~~and section 3317.14~~ 4672  
~~of the Revised Code:~~ 4673

~~(1) "Years of service" includes the following:~~ 4674

~~(a) All years of teaching service in the same school district~~ 4675  
~~or educational service center, regardless of training level, with~~ 4676  
~~each year consisting of at least one hundred twenty days under a~~ 4677  
~~teacher's contract;~~ 4678

~~(b) All years of teaching service in a chartered, nonpublic~~ 4679  
~~school located in Ohio as a teacher licensed pursuant to section~~ 4680  
~~3319.22 of the Revised Code or in another public school,~~ 4681  
~~regardless of training level, with each year consisting of at~~ 4682

~~least one hundred twenty days under a teacher's contract;~~ 4683

~~(c) All years of teaching service in a chartered school or 4684  
institution or a school or institution that subsequently became 4685  
chartered or a chartered special education program or a special 4686  
education program that subsequently became chartered operated by 4687  
the state or by a subdivision or other local governmental unit of 4688  
this state as a teacher licensed pursuant to section 3319.22 of 4689  
the Revised Code, regardless of training level, with each year 4690  
consisting of at least one hundred twenty days; and 4691~~

~~(d) All years of active military service in the armed forces 4692  
of the United States, as defined in section 3307.75 of the Revised 4693  
Code, to a maximum of five years. For purposes of this 4694  
calculation, a partial year of active military service of eight 4695  
continuous months or more in the armed forces shall be counted as 4696  
a full year. 4697~~

~~(2) "Teacher", "teacher" means all teachers employed by the 4698  
board of education of any school district, including any 4699  
cooperative education or joint vocational school district and all 4700  
teachers employed by any educational service center governing 4701  
board. 4702~~

~~(B) No Each teacher shall be paid a salary less than that 4703  
provided in the schedule set forth in division (C) of this 4704  
section. In calculating the minimum salary any teacher shall be 4705  
paid pursuant to this section, years of service shall include the 4706  
sum of all years of the teacher's teaching service included in 4707  
divisions (A)(1)(a), (b), (c), and (d) of this section; except 4708  
that any school district or educational service center employing a 4709  
teacher new to the district or educational service center shall 4710  
grant such teacher a total of not more than ten years of service 4711  
pursuant to divisions (A)(1)(b), (c), and (d) of this section. 4712~~

~~Upon written complaint to the superintendent of public 4713~~

~~instruction that the board of education of a district or the governing board of an educational service center governing board has failed or refused to annually adopt a salary schedule or to pay salaries in accordance with the salary schedule set forth in division (C) of this section, the superintendent of public instruction shall cause to be made an immediate investigation of such complaint. If the superintendent finds that the conditions complained of exist, the superintendent shall order the board to correct such conditions within ten days from the date of the finding. No moneys shall be distributed to the district or educational service center under this chapter until the superintendent has satisfactory evidence of the board of education's full compliance with such order.~~

~~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:~~

	Teachers				Teachers with		Teachers		4738
Years	with Less		Teachers with		Five Years of		with		4739
of	than		a Bachelor's		Training, but		a Master's		4740
Service	Bachelor's		Degree		no Master's		Degree or		4741
	Degree				Degree		Higher		4742
	Per	Dollar	Per	Dollar	Per	Dollar	Per	Dollar	4743
	Cent*	Amount	Cent*	Amount	Cent*	Amount	Cent*	Amount	4744
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	4745



1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	4746
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	4747
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	4748
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	4749
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	4750
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	4751
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	4752
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	4753
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	4754
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	4755
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	4756

~~\* Percentages represent the percentage which each salary is~~ 4757  
~~of the base amount.~~ 4758

~~For purposes of determining the minimum salary at any level~~ 4759  
~~of training and service, the base of one hundred per cent shall be~~ 4760  
~~the base amount. The percentages used in this section show the~~ 4761  
~~relationships between the minimum salaries required by this~~ 4762  
~~section and the base amount and shall not be construed as~~ 4763  
~~requiring any school district or educational service center to~~ 4764  
~~adopt a schedule containing salaries in excess of the amounts set~~ 4765  
~~forth in this section for corresponding levels of training and~~ 4766  
~~experience.~~ 4767

~~As used in this division:~~ 4768

~~(1) "Base amount" means twenty thousand dollars.~~ 4769

~~(2) "Five years of training" means at least one hundred fifty~~ 4770  
~~semester hours, or the equivalent, and a bachelor's degree from a~~ 4771  
~~recognized college or university.~~ 4772

~~(D) For purposes of this section, all credited training shall~~ 4773  
~~be from a recognized college or university based upon performance~~ 4774  
~~as described in section 3317.13 of the Revised Code.~~ 4775

~~(C) For purposes of this section, a board shall measure a~~ 4776

teacher's performance by considering all of the following: 4777

(1) The level of license issued under section 3319.22 of the 4778  
Revised Code that the teacher holds; 4779

(2) Whether the teacher is a "highly qualified teacher" as 4780  
defined in section 3319.074 of the Revised Code; 4781

(3) The value-added measure the board uses to determine the 4782  
performance of the students assigned to the teacher's classroom; 4783

(4) The results of the teacher's performance evaluations 4784  
conducted under section 3319.111 of the Revised Code, any peer 4785  
review program created by an agreement entered into by a board of 4786  
education and representatives of teachers employed by that board, 4787  
or any other system of evaluation used by the board; 4788

(5) Any other criteria established by the board. 4789

**Sec. 3319.01.** Except in an island school district, where the 4790  
superintendent of an educational service center otherwise may 4791  
serve as superintendent of the district and except as otherwise 4792  
provided for any cooperative education school district pursuant to 4793  
division (B)(2) of section 3311.52 or division (B)(3) of section 4794  
3311.521 of the Revised Code, the board of education in each 4795  
school district and the governing board of each service center 4796  
shall, at a regular or special meeting held not later than the 4797  
first day of May of the calendar year in which the term of the 4798  
superintendent expires, appoint a person possessed of the 4799  
qualifications provided in this section to act as superintendent, 4800  
for a term not longer than five years beginning the first day of 4801  
August and ending on the thirty-first day of July. Such 4802  
superintendent is, at the expiration of a current term of 4803  
employment, deemed reemployed for a term of one year at the same 4804  
salary plus any increments that may be authorized by the board, 4805  
unless such board, on or before the first day of March of the year 4806

in which the contract of employment expires, either reemploys the 4807  
superintendent for a succeeding term as provided in this section 4808  
or gives to the superintendent written notice of its intention not 4809  
to reemploy the superintendent. A superintendent may not be 4810  
transferred to any other position during the term of the 4811  
superintendent's employment or reemployment except by mutual 4812  
agreement by the superintendent and the board. If a vacancy occurs 4813  
in the office of superintendent, the board shall appoint a 4814  
superintendent for a term not to exceed five years from the next 4815  
preceding first day of August. 4816

A board may at any regular or special meeting held during the 4817  
period beginning on the first day of January of the calendar year 4818  
immediately preceding the year the contract of employment of a 4819  
superintendent expires and ending on the first day of March of the 4820  
year it expires, reemploy such superintendent for a succeeding 4821  
term for not longer than five years, beginning on the first day of 4822  
August immediately following the expiration of the 4823  
superintendent's current term of employment and ending on the 4824  
thirty-first day of July of the year in which such succeeding term 4825  
expires. No person shall be appointed to the office of 4826  
superintendent of a city, or exempted village school district or a 4827  
service center who does not hold a license designated for being a 4828  
superintendent issued under section 3319.22 of the Revised Code, 4829  
unless such person had been employed as a county, city, or 4830  
exempted village superintendent prior to August 1, 1939. No person 4831  
shall be appointed to the office of local superintendent who does 4832  
not hold a license designated for being a superintendent issued 4833  
under section 3319.22 of the Revised Code, unless such person held 4834  
or was qualified to hold the position of executive head of a local 4835  
school district on September 16, 1957. At the time of making such 4836  
appointment or designation of term, such board shall fix the 4837  
compensation of the superintendent, which may be increased or 4838  
decreased during such term, provided such decrease is a part of a 4839

uniform plan affecting salaries of all employees of the district, 4840  
and shall execute a written contract of employment with such 4841  
superintendent. 4842

Each board shall adopt procedures for the evaluation of its 4843  
superintendent and shall evaluate its superintendent in accordance 4844  
with those procedures. An evaluation based upon such procedures 4845  
shall be considered by the board in deciding whether to renew the 4846  
superintendent's contract. The establishment of an evaluation 4847  
procedure shall not create an expectancy of continued employment. 4848  
Nothing in this section shall prevent a board from making the 4849  
final determination regarding the renewal or failure to renew of a 4850  
superintendent's contract. 4851

Termination of a superintendent's contract shall be pursuant 4852  
to section 3319.16 of the Revised Code. 4853

A board may establish vacation leave for its superintendent 4854  
in accordance with the general leave policy the board adopts 4855  
pursuant to section 3319.141 of the Revised Code. Upon the 4856  
superintendent's separation from employment a board that has such 4857  
leave may provide compensation at the superintendent's current 4858  
rate of pay for all lawfully accrued and unused vacation leave to 4859  
the superintendent's credit at the time of separation, not to 4860  
exceed the amount accrued within three years before the date of 4861  
separation. In case of the death of a superintendent, such unused 4862  
vacation leave as the board would have paid to this superintendent 4863  
upon separation shall be paid in accordance with section 2113.04 4864  
of the Revised Code, or to the superintendent's estate. 4865

Notwithstanding section 9.481 of the Revised Code, the board 4866  
of a city, local, exempted village, or joint vocational school 4867  
district may require its superintendent, as a condition of 4868  
employment, to reside within the boundaries of the district. 4869

The superintendent shall be the executive officer for the 4870

board. Subject to section 3319.40 of the Revised Code, the 4871  
superintendent shall direct and assign teachers and other 4872  
employees of the district or service center, except as provided in 4873  
division (B) of section 3313.31 and section 3319.04 of the Revised 4874  
Code. The superintendent shall assign the pupils to the proper 4875  
schools and grades, provided that the assignment of a pupil to a 4876  
school outside of the pupil's district of residence is approved by 4877  
the board of the district of residence of such pupil. The 4878  
superintendent shall perform such other duties as the board 4879  
determines. 4880

The board of education of any school district may contract 4881  
with the governing board of the educational service center from 4882  
which it otherwise receives services to conduct searches and 4883  
recruitment of candidates for the superintendent position 4884  
authorized under this section. 4885

**Sec. 3319.011.** If a board of education determines the 4886  
superintendent is incapacitated in such a manner that ~~he~~ the 4887  
superintendent is unable to perform the duties of the office of 4888  
superintendent, the board may, by a majority vote of the members 4889  
of the board, appoint a person to serve in ~~his~~ the 4890  
superintendent's place pro tempore. Each board of education shall 4891  
adopt a written policy establishing standards for determining 4892  
whether the superintendent is incapacitated, and shall provide 4893  
that during any period in which the superintendent is 4894  
incapacitated, ~~he~~ the superintendent may be placed on sick leave 4895  
or on leave of absence and may be returned to active duty status 4896  
from sick leave or leave of absence. The board shall award leave 4897  
pursuant to this written policy in accordance with the general 4898  
leave policy the board adopts pursuant to section 3319.141 of the 4899  
Revised Code. The superintendent may request a hearing before the 4900  
board on any action taken under this section, and ~~he~~ shall have 4901  
the same rights in any such hearing as are granted to a teacher in 4902

a board hearing under section 3319.16 of the Revised Code. The 4903  
superintendent pro tempore shall perform all of the duties and 4904  
functions of the superintendent and shall serve until the board by 4905  
majority vote determines the superintendent's incapacity is 4906  
removed or until the expiration of the superintendent's contract 4907  
or term of office, whichever is sooner. The superintendent pro 4908  
tempore may be removed at any time for cause by a two-thirds vote 4909  
of the members of the board. The board shall fix the compensation 4910  
of the superintendent pro tempore in accordance with section 4911  
3319.01 of the Revised Code. 4912

**Sec. 3319.02.** (A)(1) As used in this section, "other 4913  
administrator" means any of the following: 4914

(a) Except as provided in division (A)(2) of this section, 4915  
any employee in a position for which a board of education requires 4916  
a license designated by rule of the department of education for 4917  
being an administrator issued under section 3319.22 of the Revised 4918  
Code, including a professional pupil services employee or 4919  
administrative specialist or an equivalent of either one who is 4920  
not employed as a school counselor and spends less than fifty per 4921  
cent of the time employed teaching or working with students; 4922

(b) Any nonlicensed employee whose job duties enable such 4923  
employee to be considered as either a "supervisor" or a 4924  
"management level employee," as defined in section 4117.01 of the 4925  
Revised Code; 4926

(c) A business manager appointed under section 3319.03 of the 4927  
Revised Code. 4928

(2) As used in this section, "other administrator" does not 4929  
include a superintendent, assistant superintendent, principal, or 4930  
assistant principal. 4931

(B) The board of education of each school district and the 4932

governing board of an educational service center may appoint one 4933  
or more assistant superintendents and such other administrators as 4934  
are necessary. An assistant educational service center 4935  
superintendent or service center supervisor employed on a 4936  
part-time basis may also be employed by a local board as a 4937  
teacher. The board of each city, exempted village, and local 4938  
school district shall employ principals for all high schools and 4939  
for such other schools as the board designates, and those boards 4940  
may appoint assistant principals for any school that they 4941  
designate. 4942

(C) In educational service centers and in city, exempted 4943  
village, and local school districts, assistant superintendents, 4944  
principals, assistant principals, and other administrators shall 4945  
only be employed or reemployed in accordance with nominations of 4946  
the superintendent, except that a board of education of a school 4947  
district or the governing board of a service center, by a 4948  
three-fourths vote of its full membership, may reemploy any 4949  
assistant superintendent, principal, assistant principal, or other 4950  
administrator whom the superintendent refuses to nominate. 4951

The board of education or governing board shall execute a 4952  
written contract of employment with each assistant superintendent, 4953  
principal, assistant principal, and other administrator it employs 4954  
or reemploys. The term of such contract shall not exceed three 4955  
years except that in the case of a person who has been employed as 4956  
an assistant superintendent, principal, assistant principal, or 4957  
other administrator in the district or center for three years or 4958  
more, the term of the contract shall be for not more than five 4959  
years and, unless the superintendent of the district recommends 4960  
otherwise, not less than two years. If the superintendent so 4961  
recommends, the term of the contract of a person who has been 4962  
employed by the district or service center as an assistant 4963  
superintendent, principal, assistant principal, or other 4964

administrator for three years or more may be one year, but all 4965  
subsequent contracts granted such person shall be for a term of 4966  
not less than two years and not more than five years. When a 4967  
teacher with continuing service status becomes an assistant 4968  
superintendent, principal, assistant principal, or other 4969  
administrator with the district or service center with which the 4970  
teacher holds continuing service status, the teacher retains such 4971  
status in the teacher's nonadministrative position as provided in 4972  
sections 3319.08 and 3319.09 of the Revised Code. 4973

A board of education or governing board may reemploy an 4974  
assistant superintendent, principal, assistant principal, or other 4975  
administrator at any regular or special meeting held during the 4976  
period beginning on the first day of January of the calendar year 4977  
immediately preceding the year of expiration of the employment 4978  
contract and ending on the last day of March of the year the 4979  
employment contract expires. 4980

Except by mutual agreement of the parties thereto, no 4981  
assistant superintendent, principal, assistant principal, or other 4982  
administrator shall be transferred during the life of a contract 4983  
to a position of lesser responsibility. No contract may be 4984  
terminated by a board except pursuant to section 3319.16 of the 4985  
Revised Code. No contract may be suspended except pursuant to 4986  
section 3319.17 or 3319.171 of the Revised Code. The salaries and 4987  
compensation prescribed by such contracts shall not be reduced by 4988  
a board unless such reduction is a part of a uniform plan 4989  
affecting the entire district or center. The contract shall 4990  
specify the employee's administrative position and duties as 4991  
included in the job description adopted under division (D) of this 4992  
section, the salary and other compensation to be paid for 4993  
performance of duties, the number of days to be worked, the number 4994  
of days of vacation leave, if any, and any paid holidays in the 4995  
contractual year. 4996



An assistant superintendent, principal, assistant principal, 4997  
or other administrator is, at the expiration of the current term 4998  
of employment, deemed reemployed at the same salary plus any 4999  
increments that may be authorized by the board, unless such 5000  
employee notifies the board in writing to the contrary on or 5001  
before the first day of June, or unless such board, on or before 5002  
the last day of March of the year in which the contract of 5003  
employment expires, either reemploys such employee for a 5004  
succeeding term or gives written notice of its intention not to 5005  
reemploy the employee. The term of reemployment of a person 5006  
reemployed under this paragraph shall be one year, except that if 5007  
such person has been employed by the school district or service 5008  
center as an assistant superintendent, principal, assistant 5009  
principal, or other administrator for three years or more, the 5010  
term of reemployment shall be two years. 5011

(D)(1) Each board shall adopt procedures for the evaluation 5012  
of all assistant superintendents, principals, assistant 5013  
principals, and other administrators and shall evaluate such 5014  
employees in accordance with those procedures. The evaluation 5015  
based upon such procedures shall be considered by the board in 5016  
deciding whether to renew the contract of employment of an 5017  
assistant superintendent, principal, assistant principal, or other 5018  
administrator. 5019

(2) The evaluation shall measure each assistant 5020  
superintendent's, principal's, assistant principal's, and other 5021  
administrator's effectiveness in performing the duties included in 5022  
the job description and the evaluation procedures shall provide 5023  
for, but not be limited to, the following: 5024

(a) Each assistant superintendent, principal, assistant 5025  
principal, and other administrator shall be evaluated annually 5026  
through a written evaluation process. 5027

(b) The evaluation shall be conducted by the superintendent 5028

or designee. 5029

(c) In order to provide time to show progress in correcting 5030  
the deficiencies identified in the evaluation process, the 5031  
evaluation process shall be completed as follows: 5032

(i) In any school year that the employee's contract of 5033  
employment is not due to expire, at least one evaluation shall be 5034  
completed in that year. A written copy of the evaluation shall be 5035  
provided to the employee no later than the end of the employee's 5036  
contract year as defined by the employee's annual salary notice. 5037

(ii) In any school year that the employee's contract of 5038  
employment is due to expire, at least a preliminary evaluation and 5039  
at least a final evaluation shall be completed in that year. A 5040  
written copy of the preliminary evaluation shall be provided to 5041  
the employee at least sixty days prior to any action by the board 5042  
on the employee's contract of employment. The final evaluation 5043  
shall indicate the superintendent's intended recommendation to the 5044  
board regarding a contract of employment for the employee. A 5045  
written copy of the evaluation shall be provided to the employee 5046  
at least five days prior to the board's acting to renew or not 5047  
renew the contract. 5048

(3) Termination of an assistant superintendent, principal, 5049  
assistant principal, or other administrator's contract shall be 5050  
pursuant to section 3319.16 of the Revised Code. Suspension of any 5051  
such employee shall be pursuant to section 3319.17 or 3319.171 of 5052  
the Revised Code. 5053

(4) Before taking action to renew or nonrenew the contract of 5054  
an assistant superintendent, principal, assistant principal, or 5055  
other administrator under this section and prior to the last day 5056  
of March of the year in which such employee's contract expires, 5057  
the board shall notify each such employee of the date that the 5058  
contract expires and that the employee may request a meeting with 5059

the board. Upon request by such an employee, the board shall grant 5060  
the employee a meeting in executive session. In that meeting, the 5061  
board shall discuss its reasons for considering renewal or 5062  
nonrenewal of the contract. The employee shall be permitted to 5063  
have a representative, chosen by the employee, present at the 5064  
meeting. 5065

(5) The establishment of an evaluation procedure shall not 5066  
create an expectancy of continued employment. Nothing in division 5067  
(D) of this section shall prevent a board from making the final 5068  
determination regarding the renewal or nonrenewal of the contract 5069  
of any assistant superintendent, principal, assistant principal, 5070  
or other administrator. However, if a board fails to provide 5071  
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 5072  
section, or if the board fails to provide at the request of the 5073  
employee a meeting as prescribed in division (D)(4) of this 5074  
section, the employee automatically shall be reemployed at the 5075  
same salary plus any increments that may be authorized by the 5076  
board for a period of one year, except that if the employee has 5077  
been employed by the district or service center as an assistant 5078  
superintendent, principal, assistant principal, or other 5079  
administrator for three years or more, the period of reemployment 5080  
shall be for two years. 5081

(E) On nomination of the superintendent of a service center a 5082  
governing board may employ supervisors who shall be employed under 5083  
written contracts of employment for terms not to exceed five years 5084  
each. Such contracts may be terminated by a governing board 5085  
pursuant to section 3319.16 of the Revised Code. Any supervisor 5086  
employed pursuant to this division may terminate the contract of 5087  
employment at the end of any school year after giving the board at 5088  
least thirty days' written notice prior to such termination. On 5089  
the recommendation of the superintendent the contract or contracts 5090  
of any supervisor employed pursuant to this division may be 5091

suspended for the remainder of the term of any such contract 5092  
pursuant to section 3319.17 or 3319.171 of the Revised Code. 5093

(F) A board may establish vacation leave for any individuals 5094  
employed under this section in accordance with the general leave 5095  
policy the board adopts pursuant to section 3319.141 of the 5096  
Revised Code. Upon such an individual's separation from 5097  
employment, a board that has such leave may compensate such an 5098  
individual at the individual's current rate of pay for all 5099  
lawfully accrued and unused vacation leave credited at the time of 5100  
separation, not to exceed the amount accrued within three years 5101  
before the date of separation. In case of the death of an 5102  
individual employed under this section, such unused vacation leave 5103  
as the board would have paid to the individual upon separation 5104  
under this section shall be paid in accordance with section 5105  
2113.04 of the Revised Code, or to the estate. 5106

(G) The board of education of any school district may 5107  
contract with the governing board of the educational service 5108  
center from which it otherwise receives services to conduct 5109  
searches and recruitment of candidates for assistant 5110  
superintendent, principal, assistant principal, and other 5111  
administrator positions authorized under this section. 5112

**Sec. 3319.06.** (A) The board of education of each city, 5113  
exempted village, or local school district may create the position 5114  
of internal auditor. Any person employed by the board as an 5115  
internal auditor shall hold a valid permit issued under section 5116  
4701.10 of the Revised Code to practice as a certified public 5117  
accountant or a public accountant. 5118

(B) The board shall execute a written contract of employment 5119  
with each internal auditor it employs. The contract shall specify 5120  
the internal auditor's duties, i the salary and other compensation 5121  
to be paid for performance of those duties, i the number of days to 5122

be worked, the number of days of vacation leave, if any, that the 5123  
internal auditor receives under the general leave policy the board 5124  
adopts pursuant to section 3319.141 of the Revised Code; and any 5125  
paid holidays in the contractual year. The salary and other 5126  
compensation prescribed by the contract may be increased by the 5127  
board during the term of the contract but shall not be reduced 5128  
during that term unless such reduction is part of a uniform plan 5129  
affecting employees of the entire district. The term of the 5130  
initial contract shall not exceed three years. Any renewal of the 5131  
contract shall be for a term of not less than two years and not 5132  
more than five years. 5133

The internal auditor shall be directly responsible to the 5134  
board for the performance of all duties outlined in the contract. 5135  
If the board does not intend to renew the contract upon its 5136  
expiration, the board shall provide written notice to the internal 5137  
auditor of its intention not to renew the contract not later than 5138  
the last day of March of the year in which the contract expires. 5139  
If the board does not provide such notice by that date, the 5140  
internal auditor shall be deemed reemployed for a term of one year 5141  
at the same salary plus any increments that may be authorized by 5142  
the board. Termination of an internal auditor's contract shall be 5143  
pursuant to section 3319.16 of the Revised Code. 5144

(C) Each board that employs an internal auditor shall adopt 5145  
procedures for the evaluation of the internal auditor and shall 5146  
evaluate the internal auditor in accordance with those procedures. 5147  
The evaluation based upon the procedures shall be considered by 5148  
the board in deciding whether to renew the internal auditor's 5149  
contract of employment. The establishment of an evaluation 5150  
procedure shall not create an expectancy of continued employment. 5151  
Nothing in this section shall prevent the board from making the 5152  
final determination regarding the renewal or nonrenewal of the 5153  
contract of an internal auditor. 5154

Sec. 3319.08. (A) The board of education of each city, 5155  
exempted village, local, and joint vocational school district and 5156  
the governing board of each educational service center shall enter 5157  
into written contracts for the employment and reemployment of all 5158  
teachers. Contracts for the employment of teachers shall be of two 5159  
types, limited contracts and continuing contracts. The board of 5160  
each school district or service center that authorizes 5161  
compensation ~~in addition to the base salary stated in the~~ 5162  
~~teachers' salary schedule~~ for the performance of duties by a 5163  
teacher that are in addition to the teacher's regular teaching 5164  
duties, shall enter into a supplemental written contract with each 5165  
teacher who is to perform additional duties. Such supplemental 5166  
written contracts shall be limited contracts. Such written 5167  
contracts and supplemental written contracts shall set forth the 5168  
teacher's duties and shall specify the salaries and compensation 5169  
to be paid for regular teaching duties and additional teaching 5170  
duties, respectively, either or both of which may be increased but 5171  
not diminished during the term for which the contract is made, 5172  
except as provided in section 3319.12 of the Revised Code. 5173

If a board adopts a motion or resolution to employ a teacher 5174  
under a limited or continuing contract and the teacher accepts 5175  
such employment, the failure of such parties to execute a written 5176  
contract shall not void such employment contract. 5177

(B) Teachers must be paid for all time lost when the schools 5178  
in which they are employed are closed due to an epidemic or other 5179  
public calamity, and for time lost due to illness or otherwise for 5180  
not less than five days annually as authorized by regulations 5181  
which each board shall adopt. 5182

(C) A limited contract is: 5183

(1) For a superintendent, a contract for such term as 5184  
authorized by section 3319.01 of the Revised Code; 5185

(2) For an assistant superintendent, principal, assistant principal, or other administrator, a contract for such term as authorized by section 3319.02 of the Revised Code; 5186  
5187  
5188

(3) For a classroom teacher, in the case of a contract entered into prior to the effective date of this amendment, a term not to exceed five years; 5189  
5190  
5191

(4) For a classroom teacher, in the case of a contract entered into on or after the effective date of this amendment, a term as authorized in division (D) of this section. 5192  
5193  
5194

(5) For all other teachers, a contract for a term not to exceed five years. 5195  
5196

(D) The term of an initial limited contract for a classroom teacher described in division (C)(4) of this section shall not exceed three years. Any subsequent limited contract entered into with that classroom teacher shall be for a term of not less than two years and not more than five years. 5197  
5198  
5199  
5200  
5201

(E) A continuing contract is a contract that remains in effect until the teacher resigns, elects to retire, or is retired pursuant to former section 3307.37 of the Revised Code, or until it is terminated or suspended and shall be granted only to the following: 5202  
5203  
5204  
5205  
5206

(1) Any teacher holding a professional, permanent, or life teacher's certificate; 5207  
5208

(2) Any teacher who ~~meets~~ met the following conditions prior to the effective date of this amendment: 5209  
5210

(a) The teacher was initially issued a teacher's certificate or educator license prior to January 1, 2011. 5211  
5212

(b) The teacher ~~holds~~ held a professional educator license issued under section 3319.22 or 3319.222 or former section 3319.22 of the Revised Code or a senior professional educator license or 5213  
5214  
5215

lead professional educator license issued under section 3319.22 of 5216  
the Revised Code. 5217

(c) The teacher ~~has~~ had completed the applicable one of the 5218  
following: 5219

(i) If the teacher did not hold a master's degree at the time 5220  
of initially receiving a teacher's certificate under former law or 5221  
an educator license, thirty semester hours of coursework in the 5222  
area of licensure or in an area related to the teaching field 5223  
since the initial issuance of such certificate or license, as 5224  
specified in rules which the state board of education shall adopt; 5225

(ii) If the teacher held a master's degree at the time of 5226  
initially receiving a teacher's certificate under former law or an 5227  
educator license, six semester hours of graduate coursework in the 5228  
area of licensure or in an area related to the teaching field 5229  
since the initial issuance of such certificate or license, as 5230  
specified in rules which the state board shall adopt. 5231

~~(3) Any teacher who meets the following conditions:~~ 5232

~~(a) The teacher never held a teacher's certificate and was 5233  
initially issued an educator license on or after January 1, 2011. 5234~~

~~(b) The teacher holds a professional educator license, senior 5235  
professional educator license, or lead professional educator 5236  
license issued under section 3319.22 of the Revised Code. 5237~~

~~(c) The teacher has held an educator license for at least 5238  
seven years. 5239~~

~~(d) The teacher has completed the applicable one of the 5240  
following: 5241~~

~~(i) If the teacher did not hold a master's degree at the time 5242  
of initially receiving an educator license, thirty semester hours 5243  
of coursework in the area of licensure or in an area related to 5244  
the teaching field since the initial issuance of that license, as 5245~~



~~specified in rules which the state board shall adopt;~~ 5246

~~(ii) If the teacher held a master's degree at the time of 5247  
initially receiving an educator license, six semester hours of 5248  
graduate coursework in the area of licensure or in an area related 5249  
to the teaching field since the initial issuance of that license, 5250  
as specified in rules which the state board shall adopt. 5251~~

~~(E)(F)~~ Division ~~(D)~~(E) of this section applies only to 5252  
continuing contracts entered into on or after ~~the effective date~~ 5253  
~~of this amendment~~ the effective date of the amendment of this 5254  
section by S.B. 5 of the 129th general assembly. Nothing in that 5255  
division shall be construed to void or otherwise affect a 5256  
continuing contract entered into prior to that date. 5257

Notwithstanding any provision to the contrary in Chapter 5258  
4117. of the Revised Code, ~~the:~~ 5259

(1) The requirements of division ~~(D)~~(E)(3) of this section, 5260  
as it existed prior to the effective date of this amendment, 5261  
prevail over any conflicting provisions of a collective bargaining 5262  
agreement entered into ~~on or after the effective date of this~~ 5263  
~~amendment~~ between October 16, 2009, and that effective date. 5264

(2) The requirements of division (E) of this section, as it 5265  
exists on and after the effective date of this amendment, prevail 5266  
over any conflicting provisions of a collective bargaining 5267  
agreement entered into on or after that effective date. 5268

~~(F)(G)~~ Wherever the term "educator license" is used in this 5269  
section without reference to a specific type of educator license, 5270  
the term does not include an educator license for substitute 5271  
teaching issued under section 3319.226 of the Revised Code. 5272

**Sec. 3319.084.** In all school districts each full-time 5273  
nonteaching school employee including full-time hourly-rate and 5274  
per diem employees, ~~after service of one year with a board of~~ 5275

education, shall be entitled, during each year thereafter, while 5276  
continuing in the employ of such board of education, to receive 5277  
vacation leave with full pay for a minimum of two calendar weeks, 5278  
~~excluding legal holidays. Employees continuing in the employ of~~ 5279  
~~such board of education for ten or more years of service shall be~~ 5280  
~~entitled to vacation leave with full pay for a minimum of three~~ 5281  
~~calendar weeks, excluding legal holidays. Employees continuing in~~ 5282  
~~the employ of such~~ in accordance with the general leave policy the 5283  
board of education for twenty or more years of service shall be 5284  
entitled to vacation leave with full pay for a minimum of four 5285  
calendar weeks, excluding legal holidays adopts pursuant to 5286  
section 3319.141 of the Revised Code. 5287

Upon separation from employment a nonteaching school employee 5288  
shall be entitled to compensation at ~~his~~ the nonteaching school 5289  
employee's current rate of pay for all lawfully accrued and unused 5290  
vacation leave to ~~his~~ the nonteaching school employee's credit at 5291  
the time of separation, not to exceed the vacation leave accrued 5292  
to ~~his~~ the nonteaching school employee's credit for the two years 5293  
immediately preceding ~~his~~ separation and the prorated portion of 5294  
~~his~~ the nonteaching school employee's earned but unused vacation 5295  
leave for the current year. In case of the death of a non-teaching 5296  
school employee such accrued and unused vacation leave and 5297  
prorated portion for the current year shall be paid in accordance 5298  
with section 2113.04 of the Revised Code, or to ~~his~~ the 5299  
nonteaching school employee's estate. 5300

For the purposes of this section, a full-time employee is a 5301  
person who is in service for not less than eleven months in each 5302  
calendar year. A board of education may establish vacation leave 5303  
for employees who are in service less than eleven months in each 5304  
calendar year in accordance with the general leave policy the 5305  
board adopts pursuant to section 3319.141 of the Revised Code. 5306

Sec. 3319.085. Any nonteaching school employee who, 5307  
subsequent to September 1, 1962, has left, or leaves, the employ 5308  
of a board of education for the purpose of entering on extended 5309  
active duty in the armed services of the United States or the 5310  
auxiliaries thereof, and within eight weeks enters such service 5311  
and who has returned, or returns, from such service with an 5312  
honorable discharge or certificate of service shall be re-employed 5313  
by the board of education of the district in which ~~he~~ the 5314  
nonteaching school employee held such school position, under the 5315  
same type of contract as that which ~~he~~ the nonteaching school 5316  
employee last held in such district, if such nonteaching school 5317  
employee applies, within ninety days after such discharge, to such 5318  
board of education for re-employment. Upon such application, such 5319  
nonteaching school employee shall be re-employed at the first of 5320  
the next school semester, if such application is made not less 5321  
than thirty days prior to the first of such next school semester, 5322  
in which case such nonteaching school employee shall be 5323  
re-employed the first of the following school semester, unless the 5324  
board of education waives the requirement for such thirty-day 5325  
period. 5326

For the purposes of seniority ~~and placement on the salary~~ 5327  
~~schedule~~, years of absence on extended active duty in the armed 5328  
services of the United States or the auxiliaries thereof shall not 5329  
exceed four, and shall be counted as though school service had 5330  
been performed during such time. 5331

The board of education of this district in which such 5332  
nonteaching school employee was employed and is re-employed under 5333  
this section may suspend the contract of the nonteaching school 5334  
employee whose services become unnecessary by reason of the return 5335  
of a nonteaching school employee from service in the armed 5336  
services or auxiliaries thereof. 5337

**Sec. 3319.088.** As used in this section, "educational 5338  
assistant" means any nonteaching employee in a school district who 5339  
directly assists a teacher as defined in section 3319.09 of the 5340  
Revised Code, by performing duties for which a license issued 5341  
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 5342  
required. 5343

(A) The state board of education shall issue educational aide 5344  
permits and educational paraprofessional licenses for educational 5345  
assistants and shall adopt rules for the issuance and renewal of 5346  
such permits and licenses which shall be consistent with the 5347  
provisions of this section. Educational aide permits and 5348  
educational paraprofessional licenses may be of several types and 5349  
the rules shall prescribe the minimum qualifications of education, 5350  
health, and character for the service to be authorized under each 5351  
type. The prescribed minimum qualifications may require special 5352  
training or educational courses designed to qualify a person to 5353  
perform effectively the duties authorized under an educational 5354  
aide permit or educational paraprofessional license. 5355

(B)(1) Any application for a permit or license, or a renewal 5356  
or duplicate of a permit or license, under this section shall be 5357  
accompanied by the payment of a fee in the amount established 5358  
under division (A) of section 3319.51 of the Revised Code. Any 5359  
fees received under this division shall be paid into the state 5360  
treasury to the credit of the state board of education licensure 5361  
fund established under division (B) of section 3319.51 of the 5362  
Revised Code. 5363

(2) Any person applying for or holding a permit or license 5364  
pursuant to this section is subject to sections 3123.41 to 3123.50 5365  
of the Revised Code and any applicable rules adopted under section 5366  
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 5367  
the Revised Code. 5368

(C) Educational assistants shall at all times while in the 5369  
performance of their duties be under the supervision and direction 5370  
of a teacher as defined in section 3319.09 of the Revised Code. 5371  
Educational assistants may assist a teacher to whom assigned in 5372  
the supervision of pupils, in assisting with instructional tasks, 5373  
and in the performance of duties which, in the judgment of the 5374  
teacher to whom the assistant is assigned, may be performed by a 5375  
person not licensed pursuant to sections 3319.22 to 3319.30 of the 5376  
Revised Code and for which a teaching license, issued pursuant to 5377  
sections 3319.22 to 3319.30 of the Revised Code is not required. 5378  
The duties of an educational assistant shall not include the 5379  
assignment of grades to pupils. The duties of an educational 5380  
assistant need not be performed in the physical presence of the 5381  
teacher to whom assigned, but the activity of an educational 5382  
assistant shall at all times be under the direction of the teacher 5383  
to whom assigned. The assignment of an educational assistant need 5384  
not be limited to assisting a single teacher. In the event an 5385  
educational assistant is assigned to assist more than one teacher 5386  
the assignments shall be clearly delineated and so arranged that 5387  
the educational assistant shall never be subject to simultaneous 5388  
supervision or direction by more than one teacher. 5389

Educational assistants assigned to supervise children shall, 5390  
when the teacher to whom assigned is not physically present, 5391  
maintain the degree of control and discipline that would be 5392  
maintained by the teacher. 5393

Educational assistants may not be used in place of classroom 5394  
teachers or other employees and any payment of compensation by 5395  
boards of education to educational assistants for such services is 5396  
prohibited. The ratio between the number of licensed teachers and 5397  
the pupils in a school district may not be decreased by 5398  
utilization of educational assistants and no grouping, or other 5399  
organization of pupils, for utilization of educational assistants 5400

shall be established which is inconsistent with sound educational 5401  
practices and procedures. A school district may employ up to one 5402  
full time equivalent educational assistant for each six full time 5403  
equivalent licensed employees of the district. Educational 5404  
assistants shall not be counted as licensed employees for purposes 5405  
of state support in the school foundation program and no grouping 5406  
or regrouping of pupils with educational assistants may be counted 5407  
as a class or unit for school foundation program purposes. Neither 5408  
special courses required by the regulations of the state board of 5409  
education, prescribing minimum qualifications of education for an 5410  
educational assistant, nor years of service as an educational 5411  
assistant shall be counted in any way toward qualifying for a 5412  
teacher license, or for a teacher contract of any type, ~~or for~~ 5413  
~~determining placement on a salary schedule in a school district as~~ 5414  
~~a teacher.~~ 5415

(D) Educational assistants employed by a board of education 5416  
shall have all rights, benefits, and legal protection available to 5417  
other nonteaching employees in the school district, except that 5418  
provisions of Chapter 124. of the Revised Code shall not apply to 5419  
any person employed as an educational assistant, and shall be 5420  
members of the school employees retirement system. Educational 5421  
assistants shall be compensated according to a salary plan adopted 5422  
annually by the board. 5423

Except as provided in this section nonteaching employees 5424  
shall not serve as educational assistants without first obtaining 5425  
an appropriate educational aide permit or educational 5426  
paraprofessional license from the state board of education. A 5427  
nonteaching employee who is the holder of a valid educational aide 5428  
permit or educational paraprofessional license shall neither 5429  
render nor be required to render services inconsistent with the 5430  
type of services authorized by the permit or license held. No 5431  
person shall receive compensation from a board of education for 5432

services rendered as an educational assistant in violation of this 5433  
provision. 5434

Nonteaching employees whose functions are solely 5435  
secretarial-clerical and who do not perform any other duties as 5436  
educational assistants, even though they assist a teacher and work 5437  
under the direction of a teacher shall not be required to hold a 5438  
permit or license issued pursuant to this section. Students 5439  
preparing to become licensed teachers or educational assistants 5440  
shall not be required to hold an educational aide permit or 5441  
paraprofessional license for such periods of time as such students 5442  
are assigned, as part of their training program, to work with a 5443  
teacher in a school district. Such students shall not be 5444  
compensated for such services. 5445

Following the determination of the assignment and general job 5446  
description of an educational assistant and subject to supervision 5447  
by the teacher's immediate administrative officer, a teacher to 5448  
whom an educational assistant is assigned shall make all final 5449  
determinations of the duties to be assigned to such assistant. 5450  
Teachers shall not be required to hold a license designated for 5451  
being a supervisor or administrator in order to perform the 5452  
necessary supervision of educational assistants. 5453

(E) No person who is, or who has been employed as an 5454  
educational assistant shall divulge, except to the teacher to whom 5455  
assigned, or the administrator of the school in the absence of the 5456  
teacher to whom assigned, or when required to testify in a court 5457  
or proceedings, any personal information concerning any pupil in 5458  
the school district which was obtained or obtainable by the 5459  
educational assistant while so employed. Violation of this 5460  
provision is grounds for disciplinary action or dismissal, or 5461  
both. 5462

**Sec. 3319.09.** As used in sections 3319.08 to 3319.18, 5463

inclusive, of the Revised Code: 5464

(A) "Teacher" means all persons licensed to teach and who are 5465  
employed in the public schools of this state as instructors, 5466  
principals, supervisors, superintendents, or in any other 5467  
educational position for which the state board of education 5468  
requires licensure under sections 3319.22 to 3319.31 of the 5469  
Revised Code including persons having a license issued pursuant to 5470  
sections 3319.22 to 3319.31 of the Revised Code and employed in an 5471  
educational position, as determined by the state board of 5472  
education, under programs provided for by federal acts or 5473  
regulations and financed in whole or in part from federal funds, 5474  
but for which no licensure requirements for the position can be 5475  
made under the provisions of such federal acts or regulations. 5476

(B) "Year" as applied to term of service means actual service 5477  
of not less than one hundred twenty days within a school year; 5478  
provided that any board of education may grant a leave of absence 5479  
for professional advancement with full credit for service in 5480  
accordance with the general leave policy the board adopts pursuant 5481  
to section 3319.141 of the Revised Code, if applicable. 5482

(C) "Continuing service status" for a teacher means 5483  
employment under a continuing contract. 5484

**Sec. 3319.10.** Teachers may be employed as substitute teachers 5485  
for terms not to exceed one year for assignment as services are 5486  
needed to take the place of regular teachers absent on account of 5487  
illness or on leaves of absence or to fill temporarily positions 5488  
created by emergencies; such assignment to be subject to 5489  
termination when such services no longer are needed. 5490

A teacher employed as a substitute with an assignment to one 5491  
specific teaching position shall after sixty days of service be 5492  
granted sick leave, visiting days, and other local privileges 5493  
granted to regular teachers including a salary ~~not less than the~~ 5494



~~minimum salary on the current adopted salary schedule based upon~~ 5495  
~~performance as described in section 3317.13 of the Revised Code~~ 5496  
~~and in accordance with the general leave policy the board of~~ 5497  
~~education or governing board of an educational service center that~~ 5498  
~~employs the teacher adopts pursuant to section 3319.141 of the~~ 5499  
~~Revised Code.~~ 5500

A teacher employed as a substitute for one hundred twenty 5501  
days or more during a school year and re-employed for or assigned 5502  
to a specific teaching position for the succeeding year shall 5503  
receive a contract as a regular teacher if the substitute meets 5504  
the local educational requirements for the employment of regular 5505  
teachers. 5506

Teachers employed as substitutes on a casual or day-to-day 5507  
basis shall not be entitled to the notice of nonre-employment 5508  
prescribed in section 3319.11 of the Revised Code, but boards of 5509  
education may grant such teachers sick leave and other local 5510  
privileges in accordance with the general leave policy the board 5511  
adopts pursuant to section 3319.141 of the Revised Code and 5512  
cumulate such service in determining seniority. 5513

For purposes of determining in any school year the days of 5514  
service of a substitute teacher under this section, any teacher's 5515  
days of service in that school year while conditionally employed 5516  
as a substitute teacher under section 3319.101 of the Revised Code 5517  
shall count as days of service as a substitute teacher under this 5518  
section. 5519

**Sec. 3319.11.** (A) As used in this section: 5520

(1) "Evaluation procedures" means the procedures adopted 5521  
pursuant to division (B) of section 3319.111 of the Revised Code. 5522

(2) "Limited contract" means a limited contract, as described 5523  
in section 3319.08 of the Revised Code, that a school district 5524

board of education or governing board of an educational service 5525  
center enters into with a teacher who is not eligible for 5526  
continuing service status. 5527

(3) "Extended limited contract" means a limited contract, as 5528  
described in section 3319.08 of the Revised Code, that a board of 5529  
education or governing board enters into with a teacher who is 5530  
eligible for continuing service status. 5531

(B) Teachers eligible for continuing service status in any 5532  
city, exempted village, local, or joint vocational school district 5533  
or educational service center shall be those teachers qualified as 5534  
described in division ~~(D)~~(E) of section 3319.08 of the Revised 5535  
Code, who within the ~~last~~ five years prior to the effective date 5536  
of this amendment have taught for at least three years in the 5537  
district or center, and those teachers who, having attained 5538  
continuing contract status elsewhere, have served two years in the 5539  
district or center, but the board, upon the recommendation of the 5540  
superintendent, may at the time of employment or at any time 5541  
within such two-year period, declare any of the latter teachers 5542  
eligible. Notwithstanding any provision to the contrary in Chapter 5543  
4117. of the Revised Code, the requirements of this paragraph 5544  
prevail over any conflicting provisions of a collective bargaining 5545  
agreement entered into on or after the effective date of this 5546  
amendment. 5547

(1) Upon the recommendation of the superintendent that a 5548  
teacher eligible for continuing service status be reemployed, a 5549  
continuing contract shall be entered into between the board and 5550  
the teacher unless the board by a three-fourths vote of its full 5551  
membership rejects the recommendation of the superintendent. If 5552  
the board rejects by a three-fourths vote of its full membership 5553  
the recommendation of the superintendent that a teacher eligible 5554  
for continuing service status be reemployed and the superintendent 5555  
makes no recommendation to the board pursuant to division (C) of 5556

this section, the board may declare its intention not to reemploy 5557  
the teacher by giving the teacher written notice on or before the 5558  
thirtieth day of April of its intention not to reemploy the 5559  
teacher. If evaluation procedures have not been complied with 5560  
pursuant to division (A) of section 3319.111 of the Revised Code 5561  
or the board does not give the teacher written notice on or before 5562  
the thirtieth day of April of its intention not to reemploy the 5563  
teacher, the teacher is deemed reemployed under an extended 5564  
limited contract for a term not to exceed one year at the same 5565  
salary ~~plus any increment provided by the salary schedule~~. The 5566  
teacher is presumed to have accepted employment under the extended 5567  
limited contract for a term not to exceed one year unless such 5568  
teacher notifies the board in writing to the contrary on or before 5569  
the first day of June, and an extended limited contract for a term 5570  
not to exceed one year shall be executed accordingly. Upon any 5571  
subsequent reemployment of the teacher only a continuing contract 5572  
may be entered into. 5573

(2) If the superintendent recommends that a teacher eligible 5574  
for continuing service status not be reemployed, the board may 5575  
declare its intention not to reemploy the teacher by giving the 5576  
teacher written notice on or before the thirtieth day of April of 5577  
its intention not to reemploy the teacher. If evaluation 5578  
procedures have not been complied with pursuant to division (A) of 5579  
section 3319.111 of the Revised Code or the board does not give 5580  
the teacher written notice on or before the thirtieth day of April 5581  
of its intention not to reemploy the teacher, the teacher is 5582  
deemed reemployed under an extended limited contract for a term 5583  
not to exceed one year at the same salary ~~plus any increment~~ 5584  
~~provided by the salary schedule~~. The teacher is presumed to have 5585  
accepted employment under the extended limited contract for a term 5586  
not to exceed one year unless such teacher notifies the board in 5587  
writing to the contrary on or before the first day of June, and an 5588  
extended limited contract for a term not to exceed one year shall 5589

be executed accordingly. Upon any subsequent reemployment of a 5590  
teacher only a continuing contract may be entered into. 5591

(3) Any teacher receiving written notice of the intention of 5592  
a board not to reemploy such teacher pursuant to this division is 5593  
entitled to the hearing provisions of division (G) of this 5594  
section. 5595

(C)(1) If a board rejects the recommendation of the 5596  
superintendent for reemployment of a teacher pursuant to division 5597  
(B)(1) of this section, the superintendent may recommend 5598  
reemployment of the teacher, if continuing service status has not 5599  
previously been attained elsewhere, under an extended limited 5600  
contract for a term not to exceed two years, provided that written 5601  
notice of the superintendent's intention to make such 5602  
recommendation has been given to the teacher with reasons directed 5603  
at the professional improvement of the teacher on or before the 5604  
thirtieth day of April. Upon subsequent reemployment of the 5605  
teacher only a continuing contract may be entered into. 5606

(2) If a board of education takes affirmative action on a 5607  
superintendent's recommendation, made pursuant to division (C)(1) 5608  
of this section, of an extended limited contract for a term not to 5609  
exceed two years but the board does not give the teacher written 5610  
notice of its affirmative action on the superintendent's 5611  
recommendation of an extended limited contract on or before the 5612  
thirtieth day of April, the teacher is deemed reemployed under a 5613  
continuing contract at the same salary ~~plus any increment provided~~ 5614  
~~by the salary schedule.~~ The teacher is presumed to have accepted 5615  
employment under such continuing contract unless such teacher 5616  
notifies the board in writing to the contrary on or before the 5617  
first day of June, and a continuing contract shall be executed 5618  
accordingly. 5619

(3) A board shall not reject a superintendent's 5620  
recommendation, made pursuant to division (C)(1) of this section, 5621

of an extended limited contract for a term not to exceed two years 5622  
except by a three-fourths vote of its full membership. If a board 5623  
rejects by a three-fourths vote of its full membership the 5624  
recommendation of the superintendent of an extended limited 5625  
contract for a term not to exceed two years, the board may declare 5626  
its intention not to reemploy the teacher by giving the teacher 5627  
written notice on or before the thirtieth day of April of its 5628  
intention not to reemploy the teacher. If evaluation procedures 5629  
have not been complied with pursuant to division (A) of section 5630  
3319.111 of the Revised Code or if the board does not give the 5631  
teacher written notice on or before the thirtieth day of April of 5632  
its intention not to reemploy the teacher, the teacher is deemed 5633  
reemployed under an extended limited contract for a term not to 5634  
exceed one year at the same salary ~~plus any increment provided by~~ 5635  
~~the salary schedule~~. The teacher is presumed to have accepted 5636  
employment under the extended limited contract for a term not to 5637  
exceed one year unless such teacher notifies the board in writing 5638  
to the contrary on or before the first day of June, and an 5639  
extended limited contract for a term not to exceed one year shall 5640  
be executed accordingly. Upon any subsequent reemployment of the 5641  
teacher only a continuing contract may be entered into. 5642

Any teacher receiving written notice of the intention of a 5643  
board not to reemploy such teacher pursuant to this division is 5644  
entitled to the hearing provisions of division (G) of this 5645  
section. 5646

(D) A teacher eligible for continuing contract status 5647  
employed under an extended limited contract pursuant to division 5648  
(B) or (C) of this section, is, at the expiration of such extended 5649  
limited contract, deemed reemployed under a continuing contract at 5650  
the same salary ~~plus any increment granted by the salary schedule~~, 5651  
unless evaluation procedures have been complied with pursuant to 5652  
division (A) of section 3319.111 of the Revised Code and the 5653

employing board, acting on the superintendent's recommendation 5654  
that the teacher not be reemployed, gives the teacher written 5655  
notice on or before the thirtieth day of April of its intention 5656  
not to reemploy such teacher. A teacher who does not have 5657  
evaluation procedures applied in compliance with division (A) of 5658  
section 3319.111 of the Revised Code or who does not receive 5659  
notice on or before the thirtieth day of April of the intention of 5660  
the board not to reemploy such teacher is presumed to have 5661  
accepted employment under a continuing contract unless such 5662  
teacher notifies the board in writing to the contrary on or before 5663  
the first day of June, and a continuing contract shall be executed 5664  
accordingly. 5665

Any teacher receiving a written notice of the intention of a 5666  
board not to reemploy such teacher pursuant to this division is 5667  
entitled to the hearing provisions of division (G) of this 5668  
section. 5669

(E) ~~A The board shall enter into a limited contract may be~~ 5670  
~~entered into by each board with each teacher who has not been in~~ 5671  
~~the employ of the board for at least three years and shall be~~ 5672  
~~entered into, regardless of length of previous employment, with~~ 5673  
each teacher employed by the board who is not eligible to be 5674  
considered for a continuing contract. 5675

Any teacher employed under a limited contract, and not 5676  
eligible to be considered for a continuing contract, is, at the 5677  
expiration of such limited contract, considered reemployed under 5678  
the provisions of this division at the same salary ~~plus any~~ 5679  
~~increment provided by the salary schedule~~ unless evaluation 5680  
procedures have been complied with pursuant to division (A) of 5681  
section 3319.111 of the Revised Code and the employing board, 5682  
acting upon the superintendent's written recommendation that the 5683  
teacher not be reemployed, gives such teacher written notice of 5684  
its intention not to reemploy such teacher on or before the 5685

thirtieth day of April. A teacher who does not have evaluation 5686  
procedures applied in compliance with division (A) of section 5687  
3319.111 of the Revised Code or who does not receive notice of the 5688  
intention of the board not to reemploy such teacher on or before 5689  
the thirtieth day of April is presumed to have accepted such 5690  
employment unless such teacher notifies the board in writing to 5691  
the contrary on or before the first day of June, and a written 5692  
contract for the succeeding school year shall be executed 5693  
accordingly. 5694

Any teacher receiving a written notice of the intention of a 5695  
board not to reemploy such teacher pursuant to this division is 5696  
entitled to the hearing provisions of division (G) of this 5697  
section. 5698

(F) The failure of a superintendent to make a recommendation 5699  
to the board under any of the conditions set forth in divisions 5700  
(B) to (E) of this section, or the failure of the board to give 5701  
such teacher a written notice pursuant to divisions (C) to (E) of 5702  
this section shall not prejudice or prevent a teacher from being 5703  
deemed reemployed under either a limited or continuing contract as 5704  
the case may be under the provisions of this section. A failure of 5705  
the parties to execute a written contract shall not void any 5706  
automatic reemployment provisions of this section. 5707

(G)(1) Any teacher receiving written notice of the intention 5708  
of a board of education not to reemploy such teacher pursuant to 5709  
division (B), (C)(3), (D), or (E) of this section may, within ten 5710  
days of the date of receipt of the notice, file with the treasurer 5711  
of the board a written demand for a written statement describing 5712  
the circumstances that led to the board's intention not to 5713  
reemploy the teacher. 5714

(2) The treasurer of a board, on behalf of the board, shall, 5715  
within ten days of the date of receipt of a written demand for a 5716  
written statement pursuant to division (G)(1) of this section, 5717

provide to the teacher a written statement describing the 5718  
circumstances that led to the board's intention not to reemploy 5719  
the teacher. 5720

(3) Any teacher receiving a written statement describing the 5721  
circumstances that led to the board's intention not to reemploy 5722  
the teacher pursuant to division (G)(2) of this section may, 5723  
within five days of the date of receipt of the statement, file 5724  
with the treasurer of the board a written demand for a hearing 5725  
before the board pursuant to divisions (G)(4) to (6) of this 5726  
section. 5727

(4) The treasurer of a board, on behalf of the board, shall, 5728  
within ten days of the date of receipt of a written demand for a 5729  
hearing pursuant to division (G)(3) of this section, provide to 5730  
the teacher a written notice setting forth the time, date, and 5731  
place of the hearing. The board shall schedule and conclude the 5732  
hearing within forty days of the date on which the treasurer of 5733  
the board receives a written demand for a hearing pursuant to 5734  
division (G)(3) of this section. 5735

(5) Any hearing conducted pursuant to this division shall be 5736  
conducted by a majority of the members of the board. The hearing 5737  
shall be held in executive session of the board unless the board 5738  
and the teacher agree to hold the hearing in public. The 5739  
superintendent, assistant superintendent, the teacher, and any 5740  
person designated by either party to take a record of the hearing 5741  
may be present at the hearing. The board may be represented by 5742  
counsel and the teacher may be represented by counsel or a 5743  
designee. A record of the hearing may be taken by either party at 5744  
the expense of the party taking the record. 5745

(6) Within ten days of the conclusion of a hearing conducted 5746  
pursuant to this division, the board shall issue to the teacher a 5747  
written decision containing an order affirming the intention of 5748  
the board not to reemploy the teacher reported in the notice given 5749



to the teacher pursuant to division (B), (C)(3), (D), or (E) of 5750  
this section or an order vacating the intention not to reemploy 5751  
and expunging any record of the intention, notice of the 5752  
intention, and the hearing conducted pursuant to this division. 5753

(7) A teacher may appeal an order affirming the intention of 5754  
the board not to reemploy the teacher to the court of common pleas 5755  
of the county in which the largest portion of the territory of the 5756  
school district or service center is located, within thirty days 5757  
of the date on which the teacher receives the written decision, on 5758  
the grounds that the board has not complied with this section or 5759  
section 3319.111 of the Revised Code. 5760

Notwithstanding section 2506.04 of the Revised Code, the 5761  
court in an appeal under this division is limited to the 5762  
determination of procedural errors and to ordering the correction 5763  
of procedural errors and shall have no jurisdiction to order a 5764  
board to reemploy a teacher, except that the court may order a 5765  
board to reemploy a teacher in compliance with the requirements of 5766  
division (B), (C)(3), (D), or (E) of this section when the court 5767  
determines that evaluation procedures have not been complied with 5768  
pursuant to division (A) of section 3319.111 of the Revised Code 5769  
or the board has not given the teacher written notice on or before 5770  
the thirtieth day of April of its intention not to reemploy the 5771  
teacher pursuant to division (B), (C)(3), (D), or (E) of this 5772  
section. Otherwise, the determination whether to reemploy or not 5773  
reemploy a teacher is solely a board's determination and not a 5774  
proper subject of judicial review and, except as provided in this 5775  
division, no decision of a board whether to reemploy or not 5776  
reemploy a teacher shall be invalidated by the court on any basis, 5777  
including that the decision was not warranted by the results of 5778  
any evaluation or was not warranted by any statement given 5779  
pursuant to division (G)(2) of this section. 5780

No appeal of an order of a board may be made except as 5781

specified in this division. 5782

(H)(1) In giving a teacher any notice required by division 5783  
(B), (C), (D), or (E) of this section, the board or the 5784  
superintendent shall do either of the following: 5785

(a) Deliver the notice by personal service upon the teacher; 5786

(b) Deliver the notice by certified mail, return receipt 5787  
requested, addressed to the teacher at the teacher's place of 5788  
employment and deliver a copy of the notice by certified mail, 5789  
return receipt requested, addressed to the teacher at the 5790  
teacher's place of residence. 5791

(2) In giving a board any notice required by division (B), 5792  
(C), (D), or (E) of this section, the teacher shall do either of 5793  
the following: 5794

(a) Deliver the notice by personal delivery to the office of 5795  
the superintendent during regular business hours; 5796

(b) Deliver the notice by certified mail, return receipt 5797  
requested, addressed to the office of the superintendent and 5798  
deliver a copy of the notice by certified mail, return receipt 5799  
requested, addressed to the president of the board at the 5800  
president's place of residence. 5801

(3) When any notice and copy of the notice are mailed 5802  
pursuant to division (H)(1)(b) or (2)(b) of this section, the 5803  
notice or copy of the notice with the earlier date of receipt 5804  
shall constitute the notice for the purposes of division (B), (C), 5805  
(D), or (E) of this section. 5806

(I) The provisions of this section shall not apply to any 5807  
supplemental written contracts entered into pursuant to section 5808  
3319.08 of the Revised Code. 5809

**Sec. 3319.13.** Upon the written request of a teacher or a 5810  
regular nonteaching school employee, a board of education may 5811

grant a leave of absence ~~for a period of not more than two~~ 5812  
~~consecutive school years~~ in accordance with the general leave 5813  
policy the board adopts pursuant to section 3319.141 of the 5814  
Revised Code for educational, professional, or other purposes, and 5815  
shall grant such leave in accordance with the board's general 5816  
leave policy where illness or other disability is the reason for 5817  
the request. Upon subsequent request, such leave may be renewed by 5818  
the board in accordance with the board's general leave policy. 5819  
Without request, a board may grant similar leave of absence and 5820  
renewals thereof in accordance with the board's general leave 5821  
policy to any teacher or regular nonteaching school employee 5822  
because of physical or mental disability, but such teacher may 5823  
have a hearing on such unrequested leave of absence or its 5824  
renewals in accordance with section 3319.16 of the Revised Code, 5825  
and such nonteaching school employee may have a hearing on such 5826  
unrequested leave of absence or its renewals in accordance with 5827  
division (C) of section 3319.081 of the Revised Code. Upon the 5828  
return to service of a teacher or a nonteaching school employee at 5829  
the expiration of a leave of absence, the teacher or nonteaching 5830  
school employee shall resume the contract status that the teacher 5831  
or nonteaching school employee held prior to the leave of absence. 5832  
Any teacher who leaves a teaching position for service in the 5833  
uniformed services and who returns from service in the uniformed 5834  
services that is terminated in a manner other than as described in 5835  
section 4304 of Title 38 of the United States Code, "Uniformed 5836  
Services Employment and Reemployment Rights Act of 1994," 108 5837  
Stat. 3149, 38 U.S.C.A. 4304, shall resume the contract status 5838  
held prior to entering the uniformed services, subject to passing 5839  
a physical examination by an individual authorized by the Revised 5840  
Code to conduct physical examinations, including a physician 5841  
assistant, a clinical nurse specialist, a certified nurse 5842  
practitioner, or a certified nurse-midwife. Any written 5843  
documentation of the physical examination shall be completed by 5844

the individual who conducted the examination. Such contract status 5845  
shall be resumed at the first of the school semester or the 5846  
beginning of the school year following return from the uniformed 5847  
services. For purposes of this section and section 3319.14 of the 5848  
Revised Code, "uniformed services" and "service in the uniformed 5849  
services" have the same meanings as defined in section 5923.05 of 5850  
the Revised Code. 5851

Upon the return of a nonteaching school employee from a leave 5852  
of absence, the board may terminate the employment of a person 5853  
hired exclusively for the purpose of replacing the returning 5854  
employee while the returning employee was on leave. If, after the 5855  
return of a nonteaching employee from leave, the person employed 5856  
exclusively for the purpose of replacing an employee while the 5857  
employee was on leave is continued in employment as a regular 5858  
nonteaching school employee or if the person is hired by the board 5859  
as a regular nonteaching school employee within a year after 5860  
employment as a replacement is terminated, the person shall, for 5861  
purposes of section 3319.081 of the Revised Code, receive credit 5862  
for the person's length of service with the school district during 5863  
such replacement period in the following manner: 5864

(A) If employed as a replacement for less than twelve months, 5865  
the person shall be employed under a contract valid for a period 5866  
equal to twelve months less the number of months employed as a 5867  
replacement. At the end of such contract period, if the person is 5868  
reemployed it shall be under a two-year contract. Subsequent 5869  
reemployment shall be pursuant to division (B) of section 3319.081 5870  
of the Revised Code. 5871

(B) If employed as a replacement for twelve months or more 5872  
but less than twenty-four months, the person shall be employed 5873  
under a contract valid for a period equal to twenty-four months 5874  
less the number of months employed as a replacement. Subsequent 5875  
reemployment shall be pursuant to division (B) of section 3319.081 5876

of the Revised Code. 5877

(C) If employed as a replacement for more than twenty-four 5878  
months, the person shall be employed pursuant to division (B) of 5879  
section 3319.081 of the Revised Code. 5880

For purposes of this section, employment during any part of a 5881  
month shall count as employment during the entire month. 5882

**Sec. 3319.14.** Any teacher who has left, or leaves, a teaching 5883  
position, by resignation or otherwise, and within forty school 5884  
days thereafter entered, or enters, the uniformed services and 5885  
whose service is terminated in a manner other than as described in 5886  
section 4304 of Title 38 of the United States Code, "Uniformed 5887  
Services Employment and Reemployment Rights Act of 1994," 108 5888  
Stat. 3149, 38 U.S.C.A. 4304, shall be reemployed by the board of 5889  
education of the district in which the teacher held such teaching 5890  
position, under the same type of contract as that which the 5891  
teacher last held in such district, if the teacher applies to the 5892  
board of education for reemployment in accordance with the 5893  
"Uniformed Services Employment and Reemployment Rights Act of 5894  
1994," 108 Stat. 3149, 38 U.S.C.A. 4312. Upon such application, 5895  
the teacher shall be reemployed at the first of the next school 5896  
semester, if the application is made not less than thirty days 5897  
prior to the first of the next school semester, in which case the 5898  
teacher shall be reemployed the first of the following school 5899  
semester, unless the board of education waives the requirement for 5900  
the thirty-day period. 5901

For the ~~purposes~~ purpose of seniority ~~and placement on the~~ 5902  
~~salary schedule~~, years of absence performing service in the 5903  
uniformed services shall be counted as though teaching service had 5904  
been performed during such time. 5905

The board of education of the district in which such teacher 5906  
was employed and is reemployed under this section may suspend the 5907

contract of the teacher whose services become unnecessary by 5908  
reason of the return of a teacher from service in the uniformed 5909  
services in accordance with section 3319.17 or 3319.171 of the 5910  
Revised Code. 5911

**Sec. 3319.141.** ~~Each person who is employed by any~~ (A) The 5912  
~~board of education in this state of each city, exempted village,~~ 5913  
~~local, and joint vocational school district and the governing~~ 5914  
~~board of each educational service center shall be entitled to~~ 5915  
~~fifteen days sick~~ adopt a policy to provide leave with pay, for 5916  
~~each year under contract, which shall be credited at the rate of~~ 5917  
~~one and one fourth days per month~~ the employees of the board who 5918  
~~are not covered by a collective bargaining agreement. Teachers and~~ 5919  
~~nonteaching school employees, upon approval of the responsible~~ 5920  
~~administrative officer of the school district, may use sick leave~~ 5921  
~~for absence due to personal illness, pregnancy, injury, exposure~~ 5922  
~~to contagious disease which could be communicated to others, and~~ 5923  
~~for absence due to illness, injury, or death in the employee's~~ 5924  
~~immediate family. Unused sick leave shall be cumulative up to one~~ 5925  
~~hundred twenty work days, unless more than one hundred twenty days~~ 5926  
~~are approved by the employing board of education. The board shall~~ 5927  
include all of the following in the policy: 5928

(1) The types of leave an employee may use; 5929

(2) The reasons for which an employee may use the types of 5930  
leave the board grants under the policy; 5931

(3) The amount of each type of leave an employee may receive; 5932

(4) The manner in which an employee accumulates each type of 5933  
leave; 5934

(5) The maximum amount of each type of leave that an employee 5935  
may accumulate; 5936

(6) The manner in which any previously accumulated ~~sick~~ leave 5937

of a person who has been separated from public service, ~~whether~~ 5938  
~~accumulated pursuant to section 124.38 of the Revised Code or~~ 5939  
~~pursuant to this section, shall~~ will be placed to ~~his~~ the 5940  
employee's credit upon ~~his~~ re-employment in the public service, 5941  
~~provided that such re-employment takes place within ten years of~~ 5942  
~~the date of the last termination from public service. A;~~ 5943

(7) The manner in which a teacher or nonteaching school 5944  
employee who transfers from one public agency to another ~~shall~~ 5945  
will be credited with the unused balance of ~~his~~ the teacher's or 5946  
nonteaching employee's accumulated ~~sick~~ leave up to the maximum of 5947  
the ~~sick~~ leave accumulation permitted in the public agency to 5948  
which the employee transfers. ~~Teachers;~~ 5949

(8) Whether, and the manner in which, teachers and 5950  
nonteaching school employees who render part-time, seasonal, 5951  
intermittent, per diem, or hourly service ~~shall~~ will be entitled 5952  
to ~~sick~~ leave for the time actually worked ~~at the same rate as~~ 5953  
~~that granted like full-time employees. Each;~~ 5954

(9) The manner in which the board provides leave under 5955  
section 3319.08 of the Revised Code; 5956

(10) Any other issue relating to the use and availability of 5957  
leave. 5958

(B) Each board of education may establish regulations for the 5959  
entitlement, crediting and use of ~~sick~~ leave by those substitute 5960  
teachers employed by such board pursuant to section 3319.10 of the 5961  
Revised Code who are not otherwise entitled to sick leave pursuant 5962  
to such section. ~~A~~ 5963

(C) An employee of the board may use leave in accordance with 5964  
the leave policy the board adopts and upon approval of the 5965  
responsible administrative officer. 5966

(D) A board of education shall, in its policy, may require a 5967  
teacher or nonteaching school employee to furnish a written, 5968

signed statement on forms prescribed by such board to justify the 5969  
use of any sick leave granted under the policy. ~~If medical~~ 5970  
~~attention is required, the employee's statement shall list the~~ 5971  
~~name and address of the attending physician and the dates when he~~ 5972  
~~was consulted. Nothing in this section shall be construed to waive~~ 5973  
~~the physician patient privilege provided by section 2317.02 of the~~ 5974  
~~Revised Code. Falsification~~ If the board, in the policy, requires 5975  
the employee to submit a statement from a physician, falsification 5976  
of a statement is grounds for suspension or termination of 5977  
employment under sections 3319.081 and 3319.16 of the Revised 5978  
Code. ~~No~~ 5979

(E) The board, in the policy the board adopts, shall not 5980  
grant or credit sick leave shall be granted or credited in excess 5981  
of ten days per calendar year or to a teacher after his the 5982  
teacher's retirement or termination of employment. 5983

~~Except to the extent used as sick leave, leave granted under~~ 5984  
~~regulations adopted by a board of education pursuant to section~~ 5985  
~~3319.08 of the Revised Code shall not be charged against sick~~ 5986  
~~leave earned or earnable under this section. Nothing in this~~ 5987  
~~section shall be construed to affect in any other way the granting~~ 5988  
~~of leave pursuant to section 3319.08 of the Revised Code and any~~ 5989  
~~granting of sick leave pursuant to such section shall be charged~~ 5990  
~~against sick leave accumulated pursuant to this section.~~ 5991

(F) This section shall not be construed to interfere with any 5992  
unused sick leave credit in any agency of government where 5993  
attendance records are maintained and credit has been given for 5994  
unused sick leave. Unused sick leave accumulated by teachers and 5995  
nonteaching school employees under section 124.38 of the Revised 5996  
Code, as that section existed immediately prior to the effective 5997  
date of this amendment, shall continue to be credited toward the 5998  
maximum accumulation permitted under a policy adopted in 5999  
accordance with this section. ~~Each newly hired regular nonteaching~~ 6000



~~and each regular nonteaching employee of any board of education~~ 6001  
~~who has exhausted his accumulated sick leave shall be entitled to~~ 6002  
~~an advancement of not less than five days of sick leave each year,~~ 6003  
~~as authorized by rules which each board shall adopt, to be charged~~ 6004  
~~against the sick leave he subsequently accumulates under this~~ 6005  
~~section.~~ 6006

(G) This section shall be uniformly administered. 6007

The board shall post the policy adopted under this section in 6008  
a conspicuous location on the web site maintained by the board. 6009  
The board shall review the policy on an annual basis and shall 6010  
post any changes to that policy in a conspicuous location on the 6011  
web site maintained by the board. 6012

Nothing in this section shall be construed as preventing a 6013  
board and an exclusive representative, as defined in section 6014  
4117.01 of the Revised Code, from agreeing to apply the policy 6015  
adopted by the board under this section to employees covered by a 6016  
collective bargaining agreement between the board and the 6017  
exclusive representative. 6018

**Sec. 3319.17.** (A) As used in this section, "interdistrict 6019  
contract" means any contract or agreement entered into by an 6020  
educational service center governing board and another board or 6021  
other public entity pursuant to section 3313.17, 3313.841, 6022  
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 6023  
Revised Code, including any such contract or agreement for the 6024  
provision of services funded under division (I) of section 6025  
3317.024 of the Revised Code or provided in any unit approved 6026  
under section 3317.05 of the Revised Code. 6027

(B) When, for any of the following reasons that apply to any 6028  
city, exempted village, local, or joint vocational school district 6029  
or any educational service center, the board decides that it will 6030  
be necessary to reduce the number of teachers it employs, it may 6031

make a reasonable reduction: 6032

(1) In the case of any district or service center, return to 6033  
duty of regular teachers after leaves of absence including leaves 6034  
provided pursuant to division (B) of section 3314.10 of the 6035  
Revised Code, suspension of schools, territorial changes affecting 6036  
the district or center, or financial reasons; 6037

(2) In the case of any city, exempted village, local, or 6038  
joint vocational school district, decreased enrollment of pupils 6039  
in the district; 6040

(3) In the case of any governing board of a service center 6041  
providing any particular service directly to pupils pursuant to 6042  
one or more interdistrict contracts requiring such service, 6043  
reduction in the total number of pupils the governing board is 6044  
required to provide with the service under all interdistrict 6045  
contracts as a result of the termination or nonrenewal of one or 6046  
more of these interdistrict contracts; 6047

(4) In the case of any governing board providing any 6048  
particular service that it does not provide directly to pupils 6049  
pursuant to one or more interdistrict contracts requiring such 6050  
service, reduction in the total level of the service the governing 6051  
board is required to provide under all interdistrict contracts as 6052  
a result of the termination or nonrenewal of one or more of these 6053  
interdistrict contracts. 6054

(C) In making any such reduction, any city, exempted village, 6055  
local, or joint vocational school board shall proceed to suspend 6056  
contracts in accordance with the recommendation of the 6057  
superintendent of schools who shall, within each teaching field 6058  
affected, give preference ~~first~~ to teachers on continuing 6059  
contracts ~~and then to teachers who have greater seniority~~. In 6060  
making any such reduction, any governing board of a service center 6061  
shall proceed to suspend contracts in accordance with the 6062

recommendation of the superintendent who shall, within each 6063  
teaching field or service area affected, give preference ~~first~~ to 6064  
teachers on continuing contracts ~~and then to teachers who have~~ 6065  
~~greater seniority.~~ Subject first to the preference for teachers 6066  
with continuing contracts prescribed in this paragraph, the board 6067  
shall consider the relative quality of performance the principal 6068  
factor in determining the order of reductions under this section. 6069  
A board shall measure a teacher's quality of performance by 6070  
considering all of the following: 6071

(1) The level of license issued under section 3319.22 of the 6072  
Revised Code that the teacher holds; 6073

(2) Whether the teacher is a "highly qualified teacher" as 6074  
defined in section 3319.074 of the Revised Code; 6075

(3) The value-added measure the board uses to determine the 6076  
performance of the students assigned to the teacher's classroom; 6077

(4) The results of the teacher's performance evaluation 6078  
conducted under section 3319.111 of the Revised Code, any peer 6079  
review program created by an agreement entered into by a board of 6080  
education and representatives of teachers employed by that board, 6081  
or any other system of evaluation used by the board; 6082

(5) Any other criteria established by the board. 6083

On a case-by-case basis, in lieu of suspending a contract in 6084  
whole, a board may suspend a contract in part, so that an 6085  
individual is required to work a percentage of the time the 6086  
employee otherwise is required to work under the contract and 6087  
receives a commensurate percentage of the full compensation the 6088  
employee otherwise would receive under the contract. 6089

The teachers whose continuing contracts are suspended by any 6090  
board pursuant to this section shall have the right of restoration 6091  
to continuing service status by that board in the order of 6092  
seniority of service in the district or service center if and when 6093

teaching positions become vacant or are created for which any of 6094  
such teachers are or become qualified. No teacher whose continuing 6095  
contract has been suspended pursuant to this section shall lose 6096  
that right of restoration to continuing service status by reason 6097  
of having declined recall to a position that is less than 6098  
full-time or, if the teacher was not employed full-time just prior 6099  
to suspension of the teacher's continuing contract, to a position 6100  
requiring a lesser percentage of full-time employment than the 6101  
position the teacher last held while employed in the district or 6102  
service center. 6103

(D) Notwithstanding any provision to the contrary in Chapter 6104  
4117. of the Revised Code, the requirements of this section, as it 6105  
existed prior to the effective date of this amendment, prevail 6106  
over any conflicting provisions of agreements between employee 6107  
organizations and public employers entered into ~~after~~ between 6108  
September 29, 2005, and that effective date. 6109

**Sec. 3319.172.** The board of education of each school district 6110  
wherein the provisions of Chapter 124. of the Revised Code do not 6111  
apply and the governing board of each educational service center 6112  
may adopt a resolution ordering reasonable reductions in the 6113  
number of nonteaching employees for any of the reasons for which 6114  
the board of education or governing board may make reductions in 6115  
teaching employees, as set forth in division (B) of section 6116  
3319.17 of the Revised Code. 6117

In making any reduction under this section, the board of 6118  
education or governing board shall proceed to suspend contracts in 6119  
accordance with the recommendation of the superintendent of the 6120  
district or service center who shall, within each pay 6121  
classification affected, give preference ~~first~~ to employees under 6122  
continuing contracts ~~and then to employees on the basis of~~ 6123  
~~seniority.~~ On Subject first to the preference for employees with 6124

continuing contracts prescribed in this paragraph, the board shall 6125  
consider the relative quality of performance, as measured by the 6126  
board, the principal factor in determining the order of reductions 6127  
under this section. 6128

On a case-by-case basis, in lieu of suspending a contract in 6129  
whole, a board may suspend a contract in part, so that an 6130  
individual is required to work a percentage of the time the 6131  
employee otherwise is required to work under the contract and 6132  
receives a commensurate percentage of the full compensation the 6133  
employee otherwise would receive under the contract. 6134

Any nonteaching employee whose continuing contract is 6135  
suspended under this section shall have the right of restoration 6136  
to continuing service status by the board of education or 6137  
governing board that suspended that contract in order of seniority 6138  
of service in the district or service center, if and when a 6139  
nonteaching position for which the employee is qualified becomes 6140  
vacant or is created. No nonteaching employee whose continuing 6141  
contract has been suspended under this section shall lose that 6142  
right of restoration to continuing service status by reason of 6143  
having declined recall to a position requiring fewer regularly 6144  
scheduled hours of work than required by the position the employee 6145  
last held while employed in the district or service center. 6146

Notwithstanding any provision to the contrary in Chapter 6147  
4117. of the Revised Code, the requirements of this section, as it 6148  
existed prior to the effective date of this amendment, prevail 6149  
over any conflicting provisions of agreements between employee 6150  
organizations and public employers entered into ~~after the~~ 6151  
~~effective date of this section~~ between September 29, 2005, and 6152  
that effective date. 6153

**Sec. 3319.18.** If an entire school district or that part of a 6154  
school district which comprises the territory in which a school is 6155

situated is transferred to any other district, or if a new school 6156  
district is created, the teachers in such districts or schools 6157  
employed on continuing contracts immediately prior to such 6158  
transfer, or creation shall, subject to section 3319.17 or 6159  
3319.171 of the Revised Code, have continuing service status in 6160  
the newly created district, or in the district to which the 6161  
territory is transferred. 6162

The limited contracts of the teachers employed in such 6163  
districts or schools immediately prior to such transfer, or 6164  
creation, shall become the legal obligations of the board of 6165  
education in the newly created district, or in the district to 6166  
which the territory is transferred, subject to section 3319.17 or 6167  
3319.171 of the Revised Code. The teaching experience of such 6168  
teachers in such prior districts or schools shall be included in 6169  
the three years of service required under section 3319.11 of the 6170  
Revised Code for a teacher to become eligible for continuing 6171  
service status. 6172

~~Teachers~~ A teacher employed on limited or continuing 6173  
contracts in an entire school district or that part of a school 6174  
district ~~which that~~ comprises the territory in which a school is 6175  
situated ~~which that~~ is transferred to any other district or ~~which~~ 6176  
that is merged with other school territory to create a new school 6177  
district, shall be ~~placed~~ paid, on the effective date of such 6178  
transfer or merger, ~~on the a salary schedule of the district to~~ 6179  
~~which the territory is transferred or the newly created district,~~ 6180  
~~according to their training and experience. Such experience shall~~ 6181  
~~be the total sum of the years taught in the district whose~~ 6182  
~~territory was transferred or merged to create a new district, plus~~ 6183  
~~the total number of years of teaching experience recognized by~~ 6184  
~~such previous district upon its first employment of such teachers~~ 6185  
based upon performance as described in section 3317.13 of the 6186  
Revised Code. 6187

The ~~placement of the teachers on the salary schedule, paid to~~ 6188  
~~a teacher~~ pursuant to this section, shall not result, however, in 6189  
the salary of ~~any~~ that teacher being less than the teacher's 6190  
current annual salary for regular duties, in existence immediately 6191  
prior to the merger or transfer. 6192

In making any reduction in the number of teachers under 6193  
section 3319.17 of the Revised Code by reason of the transfer or 6194  
consolidation of school territory, the years of teaching service 6195  
of the teachers employed in the district or schools transferred to 6196  
any other district or merged with any school territory to create a 6197  
new district, shall be included as a part of the seniority on 6198  
which the recommendation of the superintendent of schools shall be 6199  
based, under section 3319.17 of the Revised Code. Such service 6200  
shall have been continuous and shall include years of service in 6201  
the previous district as well as the years of continuous service 6202  
in any district which had been previously transferred to or 6203  
consolidated to form such district. When suspending contracts in 6204  
accordance with an administrative personnel suspension policy 6205  
adopted under section 3319.171 of the Revised Code, a board may 6206  
consider years of teaching service in its decision if it is a part 6207  
of the suspension policy, but it shall not be the only factor used 6208  
in making the decision. 6209

**Sec. 3319.63.** The board of education of a school district 6210  
that employs any person who is appointed to serve as a member of 6211  
the educator standards board under division (A)(1)(a) or (c) of 6212  
section 3319.60, as a member of the subcommittee on standards for 6213  
superintendents under division (B) or (C) of section 3319.611, or 6214  
as a member of the subcommittee on standards for school treasurers 6215  
and business managers under division (B) or (C) of section 6216  
3319.612 of the Revised Code shall grant that person paid 6217  
professional leave for the purpose of attending meetings and 6218  
conducting official business of the educator standards board and 6219

the subcommittees in accordance with the general leave policy the 6220  
board adopts pursuant to section 3319.141 of the Revised Code. 6221

**Sec. 3326.18.** (A) Except as provided under division (B) of 6222  
this section, employees of a science, technology, engineering, and 6223  
mathematics school may organize and collectively bargain pursuant 6224  
to Chapter 4117. of the Revised Code. Notwithstanding division 6225  
~~(D)~~(C)(1) of section 4117.06 of the Revised Code, a unit 6226  
containing teaching and nonteaching employees employed under this 6227  
section shall be considered an appropriate unit. 6228

(B) If a science, technology, engineering, and mathematics 6229  
school is created by converting all or part of an existing school 6230  
operated by a school district or an existing conversion community 6231  
school established under Chapter 3314. of the Revised Code, at the 6232  
time of conversion, the employees assigned to the STEM school 6233  
shall remain part of any collective bargaining unit in which they 6234  
were included immediately prior to the conversion and shall remain 6235  
subject to any collective bargaining agreement for that unit in 6236  
effect on the first day of July of the year in which the STEM 6237  
school initially begins operation and shall be subject to any 6238  
subsequent collective bargaining agreement for that unit, unless a 6239  
petition is certified as sufficient under division (E) of this 6240  
section with regard to those employees. Any new employees assigned 6241  
to the STEM school also shall be included in the unit to which 6242  
they would have been assigned had the conversion not taken place 6243  
and shall be subject to the collective bargaining agreement for 6244  
that unit unless a petition is certified as sufficient under 6245  
division (E) of this section with regard to those employees. 6246

Notwithstanding division (B) of section 4117.01 of the 6247  
Revised Code, the board of education of the school district that 6248  
operated or sponsored the STEM school prior to conversion and not 6249  
the STEM school shall be regarded, for purposes of Chapter 4117. 6250



of the Revised Code, as the "public employer" of the employees 6251  
assigned to a conversion STEM school subject to a collective 6252  
bargaining agreement pursuant to this division unless a petition 6253  
is certified under division (E) of this section with regard to 6254  
those employees. Only on and after the effective date of a 6255  
petition certified as sufficient under division (E) of this 6256  
section shall division (A) of this section apply to those 6257  
employees and only on and after the effective date of that 6258  
petition shall Chapter 4117. of the Revised Code apply to the 6259  
school with regard to those employees. 6260

(C) Notwithstanding sections 4117.03 to 4117.18 of the 6261  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 6262  
133 of the 115th general assembly, the employees assigned to a 6263  
conversion STEM school who are subject to a collective bargaining 6264  
agreement pursuant to division (B) of this section shall cease to 6265  
be subject to that agreement and all subsequent agreements 6266  
pursuant to that division and shall cease to be part of the 6267  
collective bargaining unit that is subject to that and all 6268  
subsequent agreements, if a majority of the employees assigned to 6269  
the STEM school who are subject to that collective bargaining 6270  
agreement sign and submit to the state employment relations board 6271  
a petition requesting all of the following: 6272

(1) That all the employees assigned to the STEM school who 6273  
are subject to that agreement be removed from the bargaining unit 6274  
that is subject to that agreement and be designated by the state 6275  
employment relations board as a new and separate bargaining unit 6276  
for purposes of Chapter 4117. of the Revised Code; 6277

(2) That the employee organization certified as the exclusive 6278  
representative of the employees of the bargaining unit from which 6279  
the employees are to be removed be certified as the exclusive 6280  
representative of the new and separate bargaining unit for 6281  
purposes of Chapter 4117. of the Revised Code; 6282

(3) That the STEM school be regarded as the "public employer" 6283  
of those employees for purposes of Chapter 4117. of the Revised 6284  
Code. 6285

(D) Notwithstanding sections 4117.03 to 4117.18 of the 6286  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 6287  
133 of the 115th general assembly, the employees assigned to a 6288  
conversion STEM school who are subject to a collective bargaining 6289  
agreement pursuant to division (B) of this section shall cease to 6290  
be subject to that agreement and all subsequent agreements 6291  
pursuant to that division, shall cease to be part of the 6292  
collective bargaining unit that is subject to that and all 6293  
subsequent agreements, and shall cease to be represented by any 6294  
exclusive representative of that collective bargaining unit, if a 6295  
majority of the employees assigned to the STEM school who are 6296  
subject to that collective bargaining agreement sign and submit to 6297  
the state employment relations board a petition requesting all of 6298  
the following: 6299

(1) That all the employees assigned to the STEM school who 6300  
are subject to that agreement be removed from the bargaining unit 6301  
that is subject to that agreement; 6302

(2) That any employee organization certified as the exclusive 6303  
representative of the employees of that bargaining unit be 6304  
decertified as the exclusive representative of the employees 6305  
assigned to the STEM school who are subject to that agreement; 6306

(3) That the STEM school be regarded as the "public employer" 6307  
of those employees for purposes of Chapter 4117. of the Revised 6308  
Code. 6309

(E) Upon receipt of a petition under division (C) or (D) of 6310  
this section, the state employment relations board shall check the 6311  
sufficiency of the signatures on the petition. If the signatures 6312  
are found sufficient, the board shall certify the sufficiency of 6313

the petition and so notify the parties involved, including the 6314  
board of education of the school district that operated or 6315  
sponsored the STEM school prior to conversion, the STEM school, 6316  
and any exclusive representative of the bargaining unit. The 6317  
changes requested in a certified petition shall take effect on the 6318  
first day of the month immediately following the date on which the 6319  
sufficiency of the petition is certified under this division. 6320

**Sec. 3332.03.** There is hereby created the state board of 6321  
career colleges and schools to consist of the state superintendent 6322  
of public instruction or an assistant superintendent designated by 6323  
the superintendent, the chancellor of the Ohio board of regents or 6324  
a vice chancellor designated by the chancellor, and six members 6325  
appointed by the governor, with the advice and consent of the 6326  
senate. Members' terms of office shall be for five years, 6327  
commencing on the twenty-first day of November and ending on the 6328  
twentieth day of November. Each member shall hold office from the 6329  
date of appointment until the end of the term for which the member 6330  
was appointed. 6331

Three of the members appointed by the governor shall have 6332  
been engaged for a period of not less than five years immediately 6333  
preceding appointment in an executive or managerial position in a 6334  
private, trade, technical, or other school subject to this 6335  
chapter. One member appointed by the governor shall be a 6336  
representative of students and shall have graduated with an 6337  
associate or baccalaureate degree, within five years prior to 6338  
appointment, from a school subject to this chapter. Two members 6339  
appointed by the governor shall be representatives of the general 6340  
public and shall have had no affiliation with, or direct or 6341  
indirect interest in, schools subject to this chapter for at least 6342  
two years prior to appointment. In selecting the representatives 6343  
of the general public, the governor shall make an effort to find 6344  
individuals with background or experience in the regulation of 6345

commerce, business, or education. The two members of the board who  
are representatives of the general public shall not be affiliated  
in any way with or have any direct or indirect interest in any  
schools subject to this chapter during their terms. Except for  
enrollment in a school subject to this chapter, the member  
representing students shall have had no affiliation in any way  
with, or have any direct or indirect interest in any school  
subject to this chapter for at least two years prior to  
appointment or during the member's term.

Any vacancy shall be filled in the manner provided for  
original appointment. 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 appointed 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.

Members of the board have full voting rights, except for the  
member representing students who shall be a nonvoting member. Each  
member of the board appointed by the governor shall be compensated  
at the rate established pursuant to division (J) of section 124.15  
of the Revised Code, ~~but shall not receive step advancements, for  
those days the member is engaged in the discharge of official  
duties.~~ In addition, members appointed by the governor may be  
compensated for the expenses necessarily incurred in the  
attendance at meetings or in performing other services for the  
board. The chairperson of the board shall annually be elected or  
determined as follows:

(A) If both members of the board representing the general  
public have served on the board for at least one year, the members  
shall elect one of these two members as chairperson. If one of  
these members declines to be elected or serve, the other member

representing the general public shall be chairperson. If both 6378  
members representing the general public decline to be elected or 6379  
serve, division (C) of this section shall apply. 6380

(B) If only one member of the board representing the general 6381  
public has served on the board for at least one year, this member 6382  
shall be chairperson. If this member declines to serve, division 6383  
(C) of this section shall apply. 6384

(C) If neither member of the board representing the general 6385  
public has served on the board for at least one year or if this 6386  
division applies pursuant to division (A) or (B) of this section, 6387  
the members of the board shall elect a chairperson from among any 6388  
of the voting members of the board who have served on the board 6389  
for at least one year. 6390

Sec. 4113.80. (A) As used in this section, "public employer" 6391  
means the state or any agency or instrumentality of the state, and 6392  
any municipal corporation, county, township, school district, or 6393  
other political subdivision or any agency or instrumentality of a 6394  
municipal corporation, county, township, school district, or other 6395  
political subdivision. 6396

(B) "Age," "ancestry," "color," "disability," "military 6397  
status," "national origin," "race," "religion," and "sex" have the 6398  
same meanings and shall be construed in the same manner as in 6399  
Chapter 4112. of the Revised Code. 6400

(C) When determining whether to lay off an employee as part 6401  
of a reduction in force, a public employer shall not consider the 6402  
race, color, religion, sex, military status, national origin, 6403  
disability, age, or ancestry of the employee in violation of 6404  
Chapter 4112. of the Revised Code or any applicable federal law. 6405

**Sec. 4117.01.** As used in this chapter: 6406

(A) "Person," in addition to those included in division (C) 6407

of section 1.59 of the Revised Code, includes employee 6408  
organizations, public employees, and public employers. 6409

(B)(1) "Public employer" means the state or any political 6410  
subdivision of the state located entirely within the state, 6411  
including, ~~without limitation,~~ any of the following: 6412

(a) A municipal corporation with a population of at least 6413  
five thousand according to the most recent federal decennial 6414  
census; 6415

(b) A county; 6416

(c) A township with a population of at least five thousand in 6417  
the unincorporated area of the township according to the most 6418  
recent federal decennial census; 6419

(d) A school district; 6420

(e) The governing authority of a conversion community school 6421  
established under Chapter 3314. of the Revised Code, unless the 6422  
governing authority has submitted a statement to the state 6423  
employment relations board under division (A)(4) of section 6424  
3314.10 of the Revised Code; state 6425

(f) A state institution of higher learning; 6426

(g) A public or special district; ~~state~~ 6427

(h) A state agency, authority, commission, or board; or 6428

(i) Any other branch of public employment. 6429

(2) Except as provided in division (B)(1)(e) of this section, 6430  
"public employer" does not mean the governing authority of a 6431  
community established under Chapter 3314. of the Revised Code. 6432

(C) "Public employee" means any person holding a position by 6433  
appointment or employment in the service of a public employer, 6434  
~~including any person working pursuant to a contract between a~~ 6435  
~~public employer and a private employer and over whom the national~~ 6436

~~labor relations board has declined jurisdiction on the basis that~~ 6437  
~~the involved employees are employees of a public employer, except:~~ 6438

(1) Persons holding elective office; 6439

(2) Employees of the general assembly and employees of any 6440  
other legislative body of the public employer whose principal 6441  
duties are directly related to the legislative functions of the 6442  
body; 6443

(3) Employees on the staff of the governor or the chief 6444  
executive of the public employer whose principal duties are 6445  
directly related to the performance of the executive functions of 6446  
the governor or the chief executive; 6447

(4) Persons who are members of the Ohio organized militia, 6448  
while training or performing duty under section 5919.29 or 5923.12 6449  
of the Revised Code; 6450

(5) Employees of the state employment relations board, 6451  
including those employees of the state employment relations board 6452  
utilized by the state personnel board of review in the exercise of 6453  
the powers and the performance of the duties and functions of the 6454  
state personnel board of review; 6455

(6) Confidential employees; 6456

(7) Management level employees; 6457

(8) Employees and officers of the courts, assistants to the 6458  
attorney general, assistant prosecuting attorneys, and employees 6459  
of the clerks of courts who perform a judicial function; 6460

(9) ~~Employees of a public official who act in a fiduciary~~ 6461  
~~capacity, appointed pursuant to~~ are in the unclassified civil 6462  
service under section 124.11 of the Revised Code; 6463

(10) Supervisors, including fire supervisory officers; 6464

(11) Students whose primary purpose is educational training, 6465  
including graduate assistants or associates, residents, interns, 6466

or other students working as part-time public employees less than 6467  
fifty per cent of the normal year in the employee's bargaining 6468  
unit; 6469

(12) Employees of county boards of election; 6470

(13) Seasonal and casual employees as determined by the state 6471  
employment relations board; 6472

(14) Part-time faculty members of an institution of higher 6473  
education; 6474

(15) Participants in a work activity, developmental activity, 6475  
or alternative work activity under sections 5107.40 to 5107.69 of 6476  
the Revised Code who perform a service for a public employer that 6477  
the public employer needs but is not performed by an employee of 6478  
the public employer if the participant is not engaged in paid 6479  
employment or subsidized employment pursuant to the activity; 6480

(16) Employees included in the career professional service of 6481  
the department of transportation under section 5501.20 of the 6482  
Revised Code; 6483

(17) Employees of community-based correctional facilities and 6484  
district community-based correctional facilities created under 6485  
sections 2301.51 to 2301.58 of the Revised Code who are not 6486  
subject to a collective bargaining agreement on June 1, 2005; 6487

(18) Employees of a regional council of government created 6488  
under Chapter 167. of the Revised Code. 6489

(D) "Employee organization" means any labor or bona fide 6490  
organization in which public employees participate and that exists 6491  
for the purpose, in whole or in part, of dealing with public 6492  
employers concerning grievances, labor disputes, wages, hours, 6493  
terms, and ~~other~~ conditions of employment. 6494

(E) "Exclusive representative" means the employee 6495  
organization certified or recognized as an exclusive 6496



representative under section 4117.05 of the Revised Code. 6497

(F) "Supervisor" means any individual who has authority, in 6498  
the interest of the public employer, to hire, transfer, suspend, 6499  
lay off, recall, promote, discharge, assign, reward, or discipline 6500  
other public employees; to responsibly direct them; to adjust 6501  
their grievances; or to effectively recommend such action, if the 6502  
exercise of that authority is not of a merely routine or clerical 6503  
nature, but requires the use of independent judgment, provided 6504  
that: 6505

(1) Employees of school districts who are department 6506  
chairpersons or consulting teachers shall not be deemed 6507  
supervisors; 6508

~~(2) With respect to members of a police or fire department,~~ 6509  
~~no person shall be deemed a supervisor except the chief of the~~ 6510  
~~department or those individuals who, in the absence of the chief,~~ 6511  
~~are authorized to exercise the authority and perform the duties of~~ 6512  
~~the chief of the department. Where prior to June 1, 1982, a public~~ 6513  
~~employer pursuant to a judicial decision, rendered in litigation~~ 6514  
~~to which the public employer was a party, has declined to engage~~ 6515  
~~in collective bargaining with members of a police or fire~~ 6516  
~~department on the basis that those members are supervisors, those~~ 6517  
~~members of a police or fire department do not have the rights~~ 6518  
~~specified in this chapter for the purposes of future collective~~ 6519  
~~bargaining. The state employment relations board shall decide all~~ 6520  
~~disputes concerning the application of division (F)(2) of this~~ 6521  
~~section.~~ 6522

~~(3)~~ With respect to faculty members of a state institution of 6523  
higher education, heads of departments or divisions are 6524  
supervisors; ~~however, no other~~ in addition, any faculty member or 6525  
group of faculty members ~~is a supervisor solely because the~~ 6526  
~~faculty member or group of faculty members~~ that participate in 6527  
decisions with respect to courses, curriculum, personnel, or other 6528

matters of academic or institutional policy are supervisors or 6529  
management level employees; 6530

~~(4)~~(3) No teacher as defined in section 3319.09 of the 6531  
Revised Code shall be designated as a supervisor or a management 6532  
level employee unless the teacher is employed under a contract 6533  
governed by section 3319.01, 3319.011, or 3319.02 of the Revised 6534  
Code and is assigned to a position for which a license deemed to 6535  
be for administrators under state board rules is required pursuant 6536  
to section 3319.22 of the Revised Code. 6537

(G) "To bargain collectively" means to perform the mutual 6538  
obligation of the public employer, by its representatives, and the 6539  
representatives of its employees to negotiate in good faith at 6540  
reasonable times and places with respect to wages, hours, terms, 6541  
and ~~other~~ conditions of employment ~~and the continuation,~~ 6542  
~~modification, or deletion of an existing provision of a collective~~ 6543  
~~bargaining agreement,~~ with the intention of reaching an agreement, 6544  
or to resolve questions arising under the agreement. "To bargain 6545  
collectively" includes executing a written contract incorporating 6546  
the terms of any agreement reached. The obligation to bargain 6547  
collectively does not mean that either party is compelled to agree 6548  
to a proposal nor does it require the making of a concession. 6549

(H) ~~"Strike" means continuous concerted action in failing to~~ 6550  
~~report to duty; willful absence from one's position; or stoppage~~ 6551  
~~of work in whole from the full, faithful, and proper performance~~ 6552  
~~of the duties of employment, for the purpose of inducing,~~ 6553  
~~influencing, or coercing a change in wages, hours, terms, and~~ 6554  
~~other conditions of employment. "Strike" does not include a~~ 6555  
~~stoppage of work by employees in good faith because of dangerous~~ 6556  
~~or unhealthful working conditions at the place of employment that~~ 6557  
~~are abnormal to the place of employment.~~ 6558

~~(I) "Unauthorized strike" includes, but is not limited to,~~ 6559  
~~concerted action during the term or extended term of a collective~~ 6560

~~bargaining agreement or during the pendency of the settlement~~ 6561  
~~procedures set forth in section 4117.14 of the Revised Code in~~ 6562  
failing to report to duty; willful absence from one's position; 6563  
stoppage of work; slowdown, or abstinence in whole or in part from 6564  
the full, faithful, and proper performance of the duties of 6565  
employment for the purpose of inducing, influencing, or coercing a 6566  
change in wages, hours, terms, and ~~other~~ conditions of employment. 6567  
~~"Unauthorized strike"~~ "Strike" includes any such action, absence, 6568  
stoppage, slowdown, or abstinence when done partially or 6569  
intermittently, ~~whether during or after the expiration of the term~~ 6570  
~~or extended term of a collective bargaining agreement or during or~~ 6571  
~~after the pendency of the settlement procedures set forth in~~ 6572  
~~section 4117.14 of the Revised Code.~~ 6573

~~(J)~~(I) "Professional employee" means any employee engaged in 6574  
work that is predominantly intellectual, involving the consistent 6575  
exercise of discretion and judgment in its performance and 6576  
requiring knowledge of an advanced type in a field of science or 6577  
learning customarily acquired by a prolonged course in an 6578  
institution of higher learning or a hospital, as distinguished 6579  
from a general academic education or from an apprenticeship; or an 6580  
employee who has completed the courses of specialized intellectual 6581  
instruction and is performing related work under the supervision 6582  
of a professional person to become qualified as a professional 6583  
employee. 6584

~~(K)~~(J) "Confidential employee" means any employee who works 6585  
in the personnel offices of a public employer and deals with 6586  
information to be used by the public employer in collective 6587  
bargaining; or any employee who works in a close continuing 6588  
relationship with public officers or representatives directly 6589  
participating in collective bargaining on behalf of the employer. 6590

~~(L)~~(K) "Management level employee" means an individual who 6591  
formulates policy on behalf of the public employer, who 6592

responsibly directs the implementation of policy, or who may 6593  
reasonably be required on behalf of the public employer to assist 6594  
in the preparation for the conduct of collective negotiations, 6595  
administer collectively negotiated agreements, or have a major 6596  
role in personnel administration. Assistant superintendents, 6597  
principals, and assistant principals whose employment is governed 6598  
by section 3319.02 of the Revised Code are management level 6599  
employees. With respect to members of a faculty of a state 6600  
institution of higher education, ~~no person is a management level~~ 6601  
~~employee because of the person's involvement in the formulation or~~ 6602  
~~implementation of academic or institution policy~~ any faculty who, 6603  
individually or through a faculty senate or like organization, 6604  
participate in the governance of the institution, are involved in 6605  
personnel decisions, selection or review of administrators, 6606  
planning and use of physical resources, budget preparation, and 6607  
determination of educational policies related to admissions, 6608  
curriculum, subject matter, and methods of instruction and 6609  
research are management level employees. 6610

~~(M)~~(L) "Wages" means hourly rates of pay, salaries, or other 6611  
forms of compensation for services rendered. 6612

~~(N)~~(M) "Member of a police department" means a person who is 6613  
in the employ of a police department of a municipal corporation as 6614  
a full-time regular police officer as the result of an appointment 6615  
from a duly established civil service eligibility list or under 6616  
section 737.15 or 737.16 of the Revised Code, a full-time deputy 6617  
sheriff appointed under section 311.04 of the Revised Code, a 6618  
township constable appointed under section 509.01 of the Revised 6619  
Code, or a member of a township police district police department 6620  
appointed under section 505.49 of the Revised Code. 6621

~~(O)~~(N) "Members of the state highway patrol" means highway 6622  
patrol troopers and radio operators appointed under section 6623  
5503.01 of the Revised Code. 6624

~~(P)~~(O) "Member of a fire department" means a person who is in 6625  
the employ of a fire department of a municipal corporation or a 6626  
township as a fire cadet, full-time regular firefighter, or 6627  
promoted rank as the result of an appointment from a duly 6628  
established civil service eligibility list or under section 6629  
505.38, 709.012, or 737.22 of the Revised Code. 6630

~~(Q)~~(P) "Day" means calendar day. 6631

**Sec. 4117.02.** (A) There is hereby created the state 6632  
employment relations board, consisting of three members to be 6633  
appointed by the governor with the advice and consent of the 6634  
senate. Members shall be knowledgeable about labor relations or 6635  
personnel practices. No more than two of the three members shall 6636  
belong to the same political party. A member of the state 6637  
employment relations board during the member's period of service 6638  
shall hold no other public office or public or private employment 6639  
and shall allow no other responsibilities to interfere or conflict 6640  
with the member's duties as a full-time state employment relations 6641  
board member. Of the initial appointments made to the state 6642  
employment relations board, one shall be for a term ending October 6643  
6, 1984, one shall be for a term ending October 6, 1985, and one 6644  
shall be for a term ending October 6, 1986. Thereafter, terms of 6645  
office shall be for six years, each term ending on the same day of 6646  
the same month of the year as did the term that it succeeds. Each 6647  
member shall hold office from the date of the member's appointment 6648  
until the end of the term for which the member is appointed. Any 6649  
member appointed to fill a vacancy occurring prior to the 6650  
expiration of the term for which the member's predecessor was 6651  
appointed shall hold office for the remainder of the term. Any 6652  
member shall continue in office subsequent to the expiration of 6653  
the member's term until the member's successor takes office or 6654  
until a period of sixty days has elapsed, whichever occurs first. 6655  
The governor may remove any member of the state employment 6656

relations board, upon notice and public hearing, for neglect of 6657  
duty or malfeasance in office, but for no other cause. 6658

(B)(1) The governor shall designate one member of the state 6659  
employment relations board to serve as chairperson of the state 6660  
employment relations board. The chairperson is the head of the 6661  
state employment relations board and its chief executive officer. 6662

(2) The chairperson shall exercise all administrative powers 6663  
and duties conferred upon the state employment relations board 6664  
under this chapter and shall do all of the following: 6665

(a) Employ, promote, supervise, and remove all employees of 6666  
the state employment relations board, and establish, change, or 6667  
abolish positions and assign or reassign the duties of those 6668  
employees as the chairperson determines necessary to achieve the 6669  
most efficient performance of the duties of the state employment 6670  
relations board under this chapter; 6671

(b) Determine the utilization by the state personnel board of 6672  
review of employees of the state employment relations board as 6673  
necessary for the state personnel board of review to exercise the 6674  
powers and perform the duties of the state personnel board of 6675  
review. 6676

(c) Maintain the office of the state employment relations 6677  
board in Columbus and manage the office's daily operations, 6678  
including securing offices, facilities, equipment, and supplies 6679  
necessary to house the state employment relations board, employees 6680  
of the state employment relations board, the state personnel board 6681  
of review, and files and records under the control of the state 6682  
employment relations board and under the control of the state 6683  
personnel board of review; 6684

(d) Prepare and submit to the office of budget and management 6685  
a budget for each biennium according to section 107.03 of the 6686  
Revised Code, and include in the budget the costs of the state 6687

employment relations board and its staff and the costs of the 6688  
state employment relations board in discharging any duty imposed 6689  
by law upon the state employment relations board, the chairperson, 6690  
or any of the employees or agents of the state employment 6691  
relations board, and the costs of the state personnel board of 6692  
review in discharging any duty imposed by law on the state 6693  
personnel board of review or an agent of the state personnel board 6694  
of review. 6695

(C) The vacancy on the state employment relations board does 6696  
not impair the right of the remaining members to exercise all the 6697  
powers of the state employment relations board, and two members of 6698  
the state employment relations board, at all times, constitute a 6699  
quorum. The state employment relations board shall have an 6700  
official seal of which courts shall take judicial notice. 6701

(D) The state employment relations board shall make an annual 6702  
report in writing to the governor and to the general assembly, 6703  
stating in detail the work it has done. 6704

(E) Compensation of the chairperson and members shall be in 6705  
accordance with division (J) of section 124.15 of the Revised 6706  
Code. The chairperson and the members are eligible for 6707  
reappointment. In addition to such compensation, all members shall 6708  
be reimbursed for their necessary expenses incurred in the 6709  
performance of their work as members. 6710

(F)(1) The chairperson, after consulting with the other state 6711  
employment relations board members and receiving the consent of at 6712  
least one other board member, shall appoint an executive director. 6713  
The chairperson also shall appoint attorneys and shall appoint an 6714  
assistant executive director who shall be an attorney admitted to 6715  
practice law in this state and who shall serve as a liaison to the 6716  
attorney general on legal matters before the state employment 6717  
relations board. 6718

(2) The state employment relations board shall appoint 6719  
~~members of fact finding panels~~ fact-finders and shall prescribe 6720  
their job duties. 6721

(G)(1) The executive director shall serve at the pleasure of 6722  
the chairperson. The executive director, under the direction of 6723  
the chairperson, shall do all of the following: 6724

(a) Act as chief administrative officer for the state 6725  
employment relations board; 6726

(b) Ensure that all employees of the state employment 6727  
relations board comply with the rules of the state employment 6728  
relations board; 6729

(c) Do all things necessary for the efficient and effective 6730  
implementation of the duties of the state employment relations 6731  
board. 6732

(2) The duties of the executive director described in 6733  
division (G)(1) of this section do not relieve the chairperson 6734  
from final responsibility for the proper performance of the duties 6735  
described in that division. 6736

(H) The attorney general shall be the legal adviser of the 6737  
state employment relations board and shall appear for and 6738  
represent the state employment relations board and its agents in 6739  
all legal proceedings. The state employment relations board may 6740  
utilize regional, local, or other agencies, and utilize voluntary 6741  
and uncompensated services as needed. The state employment 6742  
relations board may contract with the federal mediation and 6743  
conciliation service for the assistance of mediators, arbitrators, 6744  
and other personnel the service makes available. The chairperson 6745  
shall appoint all employees on the basis of training, practical 6746  
experience, education, and character, notwithstanding the 6747  
requirements established by section 119.09 of the Revised Code. 6748  
The chairperson shall give special regard to the practical 6749



training and experience that employees have for the particular 6750  
position involved. The executive director, assistant executive 6751  
director, administrative law judges, employees holding a fiduciary 6752  
or administrative relation to the state employment relations board 6753  
as described in division (A)(9) of section 124.11 of the Revised 6754  
Code, and the personal secretaries and assistants of the state 6755  
employment relations board members are in the unclassified 6756  
service. All other full-time employees of the state employment 6757  
relations board are in the classified service. All employees of 6758  
the state employment relations board shall be paid in accordance 6759  
with Chapter 124. of the Revised Code. 6760

(I) The chairperson shall select and assign administrative 6761  
law judges and other agents whose functions are to conduct 6762  
hearings with due regard to their impartiality, judicial 6763  
temperament, and knowledge. If in any proceeding under this 6764  
chapter, any party prior to five days before the hearing thereto 6765  
files with the state employment relations board a sworn statement 6766  
charging that the administrative law judge or other agent 6767  
designated to conduct the hearing is biased or partial in the 6768  
proceeding, the state employment relations board may disqualify 6769  
the person and designate another administrative law judge or agent 6770  
to conduct the proceeding. At least ten days before any hearing, 6771  
the state employment relations board shall notify all parties to a 6772  
proceeding of the name of the administrative law judge or agent 6773  
designated to conduct the hearing. 6774

(J) The principal office of the state employment relations 6775  
board is in Columbus, but it may meet and exercise any or all of 6776  
its powers at any other place within the state. The state 6777  
employment relations board may, by one or more of its employees, 6778  
or any agents or agencies it designates, conduct in any part of 6779  
this state any proceeding, hearing, investigation, inquiry, or 6780  
election necessary to the performance of its functions; provided, 6781

that no person so designated may later sit in determination of an 6782  
appeal of the decision of that cause or matter. 6783

(K) In addition to the powers and functions provided in other 6784  
sections of this chapter, the state employment relations board 6785  
shall do all of the following: 6786

(1) Create a bureau of mediation within the state employment 6787  
relations board, to perform the functions provided in section 6788  
4117.14 of the Revised Code. This bureau shall also establish, 6789  
after consulting representatives of employee organizations and 6790  
public employers, panels of qualified persons to be available to 6791  
serve as ~~members of fact-finding panels~~ fact-finders and 6792  
arbitrators. 6793

(2) Conduct studies of problems involved in representation 6794  
and negotiation and make recommendations for legislation; 6795

(3) Hold hearings pursuant to this chapter and, for the 6796  
purpose of the hearings and inquiries, administer oaths and 6797  
affirmations, examine witnesses and documents, take testimony and 6798  
receive evidence, compel the attendance of witnesses and the 6799  
production of documents by the issuance of subpoenas, and delegate 6800  
these powers to any members of the state employment relations 6801  
board or any administrative law judge employed by the state 6802  
employment relations board for the performance of its functions; 6803

(4) Train representatives of employee organizations and 6804  
public employers in the rules and techniques of collective 6805  
bargaining procedures; 6806

(5) Make studies and analyses of, and act as a clearinghouse 6807  
of information relating to, conditions of employment of public 6808  
employees throughout the state and request assistance, services, 6809  
and data from any public employee organization, public employer, 6810  
or governmental unit. Public employee organizations, public 6811  
employers, and governmental units shall provide such assistance, 6812

services, and data as will enable the state employment relations 6813  
board to carry out its functions and powers. 6814

(6) Make available to employee organizations, public 6815  
employers, mediators, ~~fact-finding panels~~ fact-finders, 6816  
arbitrators, and joint study committees statistical data relating 6817  
to wages, benefits, and employment practices in public and private 6818  
employment applicable to various localities and occupations to 6819  
assist them to resolve issues in negotiations; 6820

(7) Notwithstanding section 119.13 of the Revised Code, 6821  
establish standards of persons who practice before it; 6822

(8) Adopt, amend, and rescind rules and procedures and 6823  
exercise other powers appropriate to carry out this chapter. 6824  
Before the adoption, amendment, or rescission of rules and 6825  
procedures under this section, the state employment relations 6826  
board shall do all of the following: 6827

(a) Maintain a list of interested public employers and 6828  
employee organizations and mail notice to such groups of any 6829  
proposed rule or procedure, amendment thereto, or rescission 6830  
thereof at least thirty days before any public hearing thereon; 6831

(b) Mail a copy of each proposed rule or procedure, amendment 6832  
thereto, or rescission thereof to any person who requests a copy 6833  
within five days after receipt of the request therefor; 6834

(c) Consult with appropriate statewide organizations 6835  
representing public employers or employees who would be affected 6836  
by the proposed rule or procedure. 6837

Although the state employment relations board is expected to 6838  
discharge these duties diligently, failure to mail any notice or 6839  
copy, or to so consult with any person, is not jurisdictional and 6840  
shall not be construed to invalidate any proceeding or action of 6841  
the state employment relations board. 6842

(L) In case of neglect or refusal to obey a subpoena issued 6843  
to any person, the court of common pleas of the county in which 6844  
the investigation or the public hearing occurs, upon application 6845  
by the state employment relations board, may issue an order 6846  
requiring the person to appear before the state employment 6847  
relations board and give testimony about the matter under 6848  
investigation. The court may punish a failure to obey the order as 6849  
contempt. 6850

(M) Any subpoena, notice of hearing, or other process or 6851  
notice of the state employment relations board issued under this 6852  
section may be served personally, by certified mail, or by leaving 6853  
a copy at the principal office or personal residence of the 6854  
respondent required to be served. A return, made and verified by 6855  
the individual making the service and setting forth the manner of 6856  
service, is proof of service, and a return post office receipt, 6857  
when certified mail is used, is proof of service. All process in 6858  
any court to which application is made under this chapter may be 6859  
served in the county wherein the persons required to be served 6860  
reside or are found. 6861

(N) All expenses of the state employment relations board, 6862  
including all necessary traveling and subsistence expenses 6863  
incurred by the members or employees of the state employment 6864  
relations board under its orders, shall be paid pursuant to 6865  
itemized vouchers approved by the chairperson of the state 6866  
employment relations board, the executive director, or both, or 6867  
such other person as the chairperson designates for that purpose. 6868

(O) Whenever the state employment relations board determines 6869  
that a substantial controversy exists with respect to the 6870  
application or interpretation of this chapter and the matter is of 6871  
public or great general interest, the state employment relations 6872  
board shall certify its final order directly to the court of 6873  
appeals having jurisdiction over the area in which the principal 6874

office of the public employer directly affected by the application 6875  
or interpretation is located. The chairperson shall file with the 6876  
clerk of the court a certified copy of the transcript of the 6877  
proceedings before the state employment relations board pertaining 6878  
to the final order. If upon hearing and consideration the court 6879  
decides that the final order of the state employment relations 6880  
board is unlawful or is not supported by substantial evidence on 6881  
the record as a whole, the court shall reverse and vacate the 6882  
final order or modify it and enter final judgment in accordance 6883  
with the modification; otherwise, the court shall affirm the final 6884  
order. The notice of the final order of the state employment 6885  
relations board to the interested parties shall contain a 6886  
certification by the chairperson of the state employment relations 6887  
board that the final order is of public or great general interest 6888  
and that a certified transcript of the record of the proceedings 6889  
before the state employment relations board had been filed with 6890  
the clerk of the court as an appeal to the court. For the purposes 6891  
of this division, the state employment relations board has 6892  
standing to bring its final order properly before the court of 6893  
appeals. 6894

(P) Except as otherwise specifically provided in this 6895  
section, the state employment relations board is subject to 6896  
Chapter 119. of the Revised Code, including the procedure for 6897  
submission of proposed rules to the general assembly for 6898  
legislative review under division (H) of section 119.03 of the 6899  
Revised Code. 6900

**Sec. 4117.03.** (A) Public employees have the right to: 6901

(1) Form, join, assist, or participate in, or refrain from 6902  
forming, joining, assisting, or participating in, except as 6903  
otherwise provided in Chapter 4117. of the Revised Code, any 6904  
employee organization of their own choosing; 6905

(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 a community school established under Chapter 3314. of the Revised Code do not have collective bargaining rights, except as provided in section 3314.10 of the Revised Code. A community school established under Chapter 3314. of the Revised Code shall not bargain collectively with its employees, except as provided in section 3314.10 of the Revised Code.

(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 (C) of section 4117.01 of the Revised Code.

(D) A public employer shall not engage in collective bargaining or other forms of collective negotiations with the

employees of county boards of elections referred to in division 6937  
(C)(12) of section 4117.01 of the Revised Code. 6938

~~(E) Employees of public schools may bargain collectively for 6939  
health care benefits; however, all health care benefits shall 6940  
include best practices prescribed by the school employees health 6941  
care board, in accordance with section 9.901 of the Revised Code. 6942~~

**Sec. 4117.05.** (A) An employee organization becomes the 6943  
exclusive representative of all the public employees in an 6944  
appropriate unit for the purposes of collective bargaining by 6945  
either: 6946

(1) Being certified by the state employment relations board 6947  
when a majority of the voting employees in the unit select the 6948  
employee organization as their representative in a board-conducted 6949  
election under section 4117.07 of the Revised Code; 6950

(2) Filing a request with a public employer with a copy to 6951  
the state employment relations board for recognition as an 6952  
exclusive representative. In the request for recognition, the 6953  
employee organization shall describe the bargaining unit, shall 6954  
allege that a majority of the employees in the bargaining unit 6955  
wish to be represented by the employee organization, and shall 6956  
support the request with substantial evidence based on, and in 6957  
accordance with, rules prescribed by the board demonstrating that 6958  
a majority of the employees in the bargaining unit wish to be 6959  
represented by the employee organization. Immediately upon receipt 6960  
of a request, the public employer shall either request an election 6961  
under division (A)(2) of section 4117.07 of the Revised Code, or 6962  
take the following action: 6963

(a) Post notice in each facility at which employees in the 6964  
proposed unit are employed, setting forth the description of the 6965  
bargaining unit, the name of the employee organization requesting 6966  
recognition, and the date of the request for recognition, and 6967

advising employees that objections to certification must be filed 6968  
with the state employment relations board not later than the 6969  
~~twenty-first~~ thirtieth day following the date of the request for 6970  
recognition; 6971

(b) Immediately notify the state employment relations board 6972  
of the request for recognition. 6973

The state employment relations board shall ~~certify the~~ 6974  
~~employee organization filing the request for recognition on the~~ 6975  
~~twenty-second~~ investigate the request for recognition and proposed 6976  
bargaining unit on the thirty-first day following the filing of 6977  
the request for recognition, unless by the ~~twenty-first~~ thirtieth 6978  
day following the filing of the request for recognition it 6979  
receives: 6980

(i) A petition for an election from the public employer 6981  
pursuant to division (A)(2) of section 4117.07 of the Revised 6982  
Code; 6983

(ii) Substantial evidence based on, and in accordance with, 6984  
rules prescribed by the board demonstrating that a majority of the 6985  
employees in the described bargaining unit do not wish to be 6986  
represented by the employee organization filing the request for 6987  
recognition; 6988

(iii) Substantial evidence based on, and in accordance with, 6989  
rules prescribed by the board from another employee organization 6990  
demonstrating that at least ten per cent of the employees in the 6991  
described bargaining unit wish to be represented by such other 6992  
employee organization; or 6993

(iv) Substantial evidence based on, and in accordance with, 6994  
rules prescribed by the board indicating that the proposed unit is 6995  
not an appropriate unit pursuant to section 4117.06 of the Revised 6996  
Code. 6997

(B) Nothing in this section shall be construed to permit a 6998



public employer to recognize, or the state employment relations 6999  
board to certify, an employee organization as an exclusive 7000  
representative under Chapter 4117. of the Revised Code if there is 7001  
in effect a lawful written agreement, contract, or memorandum of 7002  
understanding between the public employer and another employee 7003  
organization which, on the effective date of this ~~section~~ 7004  
amendment, has been recognized by a public employer as the 7005  
exclusive representative of the employees in a unit or which by 7006  
tradition, custom, practice, election, or negotiation has been the 7007  
only employee organization representing all employees in the unit; 7008  
this restriction does not apply to that period of time covered by 7009  
any agreement which exceeds three years. For the purposes of this 7010  
section, extensions of agreement do not affect the expiration of 7011  
the original agreement. 7012

(C) Nonexclusive recognition previously granted through an 7013  
agreement or memorandum of understanding shall not preclude the 7014  
board from doing any of the following: 7015

(1) Determining an appropriate unit; 7016

(2) If necessary, removing classifications from a bargaining 7017  
unit under an existing nonexclusive contract, agreement, or 7018  
memorandum of understanding; 7019

(3) Holding an election to determine an exclusive 7020  
representative for all those employees deemed a part of the 7021  
appropriate unit. 7022

**Sec. 4117.06.** (A) The state employment relations board shall 7023  
decide in each case the unit most appropriate for the purposes of 7024  
collective bargaining. ~~The determination is final and conclusive~~ 7025  
~~and not appealable to the court.~~ 7026

(B) The board shall determine the appropriateness of each 7027  
bargaining unit and shall consider among other relevant factors: 7028

the desires of the employees; the community of interest; wages, 7029  
hours, and other working conditions of the public employees; the 7030  
effect of over-fragmentation; the efficiency of operations of the 7031  
public employer; the administrative structure of the public 7032  
employer; and the history of collective bargaining. 7033

~~(C) The board may determine a unit to be the appropriate unit 7034~~  
~~in a particular case, even though some other unit might also be 7035~~  
~~appropriate. 7036~~

~~(D)~~ In addition, in determining the appropriate unit, the 7037  
board shall not: 7038

(1) Decide that any unit is appropriate if the unit includes 7039  
both professional and nonprofessional employees, unless a majority 7040  
of the professional employees and a majority of the 7041  
nonprofessional employees first vote for inclusion in the unit; 7042

(2) Include guards or correction officers at correctional or 7043  
mental institutions, special police officers appointed in 7044  
accordance with sections 5119.14 and 5123.13 of the Revised Code, 7045  
psychiatric attendants employed at mental health forensic 7046  
facilities, youth leaders employed at juvenile correction 7047  
facilities, or any public employee employed as a guard to enforce 7048  
against other employees rules to protect property of the employer 7049  
or to protect the safety of persons on the employer's premises in 7050  
a unit with other employees; 7051

(3) Include members of a police or fire department or members 7052  
of the state highway patrol in a unit with other classifications 7053  
of public employees of the department; 7054

(4) Designate as appropriate a bargaining unit that contains 7055  
more than one institution of higher education; nor shall it within 7056  
any such institution of higher education designate as appropriate 7057  
a unit where such designation would be inconsistent with the 7058  
accreditation standards or interpretations of such standards, 7059

governing such institution of higher education or any department, 7060  
school, or college thereof. For the purposes of this division, any 7061  
branch or regional campus of a public institution of higher 7062  
education is part of that institution of higher education. 7063

(5) Designate as appropriate a bargaining unit that contains 7064  
employees within the jurisdiction of more than one elected county 7065  
office holder, unless the county-elected office holder and the 7066  
board of county commissioners agree to such other designation; 7067

(6) With respect to members of a police department, designate 7068  
as appropriate a unit that includes rank and file members of the 7069  
department with members who are of the rank of sergeant or above, 7070  
or with respect to members of a fire department, designate as 7071  
appropriate a unit that includes rank and file members of the 7072  
department with members who are of the rank of lieutenant or 7073  
above; 7074

(7) Except as otherwise provided by division ~~(A)(3) of~~ 7075  
~~section 3314.10 or division~~ (B) of section 3326.18 of the Revised 7076  
Code, designate as appropriate a bargaining unit that contains 7077  
employees from multiple ~~community schools established under~~ 7078  
~~Chapter 3314. or multiple~~ science, technology, engineering, and 7079  
mathematics schools established under Chapter 3326. of the Revised 7080  
Code. For purposes of this division, more than one unit may be 7081  
designated within a single ~~community school or~~ science, 7082  
technology, engineering, and mathematics school. 7083

This section shall not be deemed to prohibit multiunit 7084  
bargaining. 7085

Any bargaining unit of a fire department that does not 7086  
conform to division (C)(6) of this amendment on the effective date 7087  
of this amendment shall cease to be an appropriate unit upon the 7088  
expiration of the collective bargaining agreement covering that 7089  
unit that is in effect on the effective date of this amendment or 7090

three years after the effective date of this amendment, whichever 7091  
is earlier. Thereafter, the board shall designate the appropriate 7092  
unit for the fire department in accordance with division (C)(6) of 7093  
this section. 7094

**Sec. 4117.07.** (A) When a petition is filed, in accordance 7095  
with rules prescribed by the state employment relations board: 7096

(1) By any employee or group of employees, or any individual 7097  
or employee organization acting in their behalf, alleging that at 7098  
least thirty per cent of the employees in an appropriate unit wish 7099  
to be represented for collective bargaining by an exclusive 7100  
representative, or asserting that the designated exclusive 7101  
representative is no longer the representative of the majority of 7102  
employees in the unit, the board shall investigate the petition, 7103  
and if it has reasonable cause to believe that a question of 7104  
representation exists, provide for an appropriate hearing upon due 7105  
notice to the parties; 7106

(2) By the employer alleging that one or more employee 7107  
organizations has presented to it a claim to be recognized as the 7108  
exclusive representative in an appropriate unit, the board shall 7109  
investigate the petition, and if it has reasonable cause to 7110  
believe that a question of representation exists, provide for an 7111  
appropriate hearing upon due notice to the parties. 7112

If the board finds upon the record of a hearing that a 7113  
question of representation exists, it shall direct an election and 7114  
certify the results thereof. No one may vote in an election by 7115  
proxy. The board shall not certify any exclusive representative 7116  
without an election in any case in which the public employer has 7117  
filed a petition for election in accordance with division (A) of 7118  
this section, except the board may ~~also~~ certify an employee 7119  
organization as an exclusive representative if it determines that 7120  
a free and untrammelled election cannot be conducted because of 7121

the employer's unfair labor practices and that at one time the 7122  
employee organization had the support of the majority of the 7123  
employees in the unit. 7124

(B) Only the names of those employee organizations designated 7125  
by more than ten per cent of the employees in the unit found to be 7126  
appropriate may be placed on the ballot. Nothing in this section 7127  
shall be construed to prohibit the waiving of hearings by 7128  
stipulation, in conformity with the rules of the board, for the 7129  
purpose of a consent election. 7130

(C) The board shall conduct representation elections by 7131  
secret ballot cast, at the board's discretion, by mail or 7132  
electronically or in person, and at times and places selected by 7133  
the board subject to the following: 7134

(1) The board shall give no less than ten days' notice of the 7135  
time and place of an election; 7136

(2) The board shall establish rules concerning the conduct of 7137  
any election including, but not limited to, rules to guarantee the 7138  
secrecy of the ballot; 7139

(3) The board may not certify a representative unless the 7140  
representative receives a majority of the valid ballots cast; 7141

(4) Except as provided in this section, the board shall 7142  
include on the ballot a choice of "no representative"; 7143

(5) In an election where none of the choices on the ballot 7144  
receives a majority, the board shall conduct a runoff election. In 7145  
that case, the ballot shall provide for a selection between the 7146  
two choices or parties receiving the highest and the second 7147  
highest number of ballots cast in the election. 7148

(6) The board may not conduct an election under this section 7149  
in any appropriate bargaining unit within which a board-conducted 7150  
election was held in the preceding twelve-month period, nor during 7151

the term of any lawful collective bargaining agreement between a 7152  
public employer and an exclusive representative that was entered 7153  
into before the effective date of this section. 7154

Petitions for elections may be filed with the board no sooner 7155  
than one hundred twenty days ~~or later than ninety days~~ before the 7156  
expiration date of any collective bargaining agreement, or after 7157  
the expiration date, ~~until the public employer and exclusive~~ 7158  
~~representative enter into a new written agreement.~~ 7159

No collective bargaining agreement entered into on or after 7160  
the effective date of this amendment shall bar the conduct of an 7161  
election or certification pursuant to a petition that is timely 7162  
filed in accordance with this section. 7163

For the purposes of this section, extensions of agreements do 7164  
not affect the expiration date of the original agreement. 7165

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, ~~or~~ 7166  
~~and~~ terms and ~~other~~ conditions of employment ~~and the continuation,~~ 7167  
~~modification, or deletion of an existing provision of a collective~~ 7168  
~~bargaining agreement~~ are subject to collective bargaining between 7169  
the public employer and the exclusive representative, except as 7170  
otherwise specified in this section and ~~division (E) of section~~ 7171  
~~4117.03~~ 4117.081 of the Revised Code. Any existing provision of a 7172  
collective bargaining agreement that was modified, renewed, or 7173  
extended from a prior collective bargaining agreement that does 7174  
not concern wages, hours, and terms and conditions shall not be a 7175  
mandatory subject of collective bargaining and shall not be 7176  
subject to any impasse procedure without the mutual agreement of 7177  
both the public employer and exclusive representative. The 7178  
inclusion of a provision in a previous collective bargaining 7179  
agreement shall not be used as a basis for the provision being 7180  
determined to concern wages, hours, and terms and conditions. 7181

(B) The following subjects are not appropriate subjects for 7182

<u>collective bargaining:</u>	7183
<u>(1) The conduct and grading of civil service examinations,</u>	7184
the rating of candidates, the establishment of eligible lists from	7185
the examinations, and the original appointments from the eligible	7186
lists <del>are not appropriate subjects for collective bargaining;</del>	7187
<u>(2) Health care benefits, except that, subject to division</u>	7188
<u>(E) of this section, the amount of the cost of those benefits for</u>	7189
<u>which a public employer and the public employees of the public</u>	7190
<u>employer pays is an appropriate subject of collective bargaining;</u>	7191
<u>(3) The payment of a contribution by a public employer to the</u>	7192
<u>public employees retirement system, the Ohio police and fire</u>	7193
<u>pension fund, the state teachers retirement system, the state</u>	7194
<u>highway patrol retirement system, or the school employees</u>	7195
<u>retirement system on behalf of an employee, contributor, or</u>	7196
<u>teacher, as applicable, that the employee, contributor, or teacher</u>	7197
<u>otherwise is required to pay;</u>	7198
<u>(4) The privatization of a public employer's services or</u>	7199
<u>contracting out of the public employer's work;</u>	7200
<u>(5) The number of employees required to be on duty or</u>	7201
<u>employed in any department, division, or facility of a public</u>	7202
<u>employer.</u>	7203
(C) Unless a public employer <u>specifically</u> agrees otherwise in	7204
<u>an express written provision of</u> a collective bargaining agreement,	7205
nothing in Chapter 4117. of the Revised Code impairs the right and	7206
responsibility of each public employer to:	7207
(1) <del>Determine matters of inherent managerial policy which</del>	7208
<del>include, but are not limited to areas of discretion or policy such</del>	7209
<del>as the functions and programs of the public employer, standards of</del>	7210
<del>services, its overall budget, utilization of technology, and</del>	7211
<del>organizational structure;</del>	7212

<del>(2) Direct, supervise, evaluate, or hire employees;</del>	7213
<del>(3) Maintain and improve the efficiency and effectiveness of governmental operations;</del>	7214
	7215
<del>(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;</del>	7216
	7217
<del>(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;</del>	7218
	7219
	7220
<del>(6) Determine the adequacy of the work force;</del>	7221
<del>(7) Determine the overall mission of the employer as a unit of government;</del>	7222
	7223
<del>(8) Effectively manage the work force;</del>	7224
<del>(9) Take actions to carry out the mission of the public employer as a governmental unit</del>	7225
<u>Hire, discharge, transfer,</u>	7226
<u>suspend, or discipline employees;</u>	7227
<u>(2) Determine the number of persons required to be employed or laid off;</u>	7228
	7229
<u>(3) Determine the qualifications of employees;</u>	7230
<u>(4) Determine the starting and quitting time and the number of hours to be worked by its employees;</u>	7231
	7232
<u>(5) Make any and all reasonable rules and regulations;</u>	7233
<u>(6) Determine the work assignments of its employees;</u>	7234
<u>(7) Determine the basis for selection, retention, and promotion of employees;</u>	7235
	7236
<u>(8) Determine the type of equipment used and the sequence of work processes;</u>	7237
	7238
<u>(9) Determine the making of technological alterations by revising either process or equipment or both;</u>	7239
	7240



(10) Determine work standards and the quality and quantity of 7241  
work to be produced; 7242

(11) Select and locate buildings and other facilities; 7243

(12) Establish, expand, transfer, or consolidate work 7244  
processes and facilities; 7245

(13) Transfer or subcontract work; 7246

(14) Consolidate, merge, or otherwise transfer any or all of 7247  
its facilities, property processes, or work with or to any other 7248  
municipal corporation or entity or effect or change in any respect 7249  
the legal status, management, or responsibility of such property, 7250  
facilities, processes, or work; 7251

(15) Terminate or eliminate all or any part of its work or 7252  
facilities. 7253

The employer is not required to bargain on subjects reserved 7254  
to the management and direction of the governmental unit ~~except as~~ 7255  
~~affect wages, hours, terms and conditions of employment, and the~~ 7256  
~~continuation, modification, or deletion of an existing provision~~ 7257  
~~of a collective bargaining agreement.~~ A public employee or 7258  
exclusive representative may raise a legitimate complaint or file 7259  
a grievance based only on the violation of the express written 7260  
provisions of a collective bargaining agreement. 7261

(D) During negotiations between a public employer and an 7262  
exclusive representative, the parties shall consider, for purposes 7263  
of determining the ability of the public employer to pay for any 7264  
terms agreed to during collective bargaining, only the financial 7265  
status of the public employer at the time period surrounding the 7266  
negotiations. When determining whether the employer can pay for 7267  
those terms, the parties shall consider the employer's inability 7268  
to pay. The parties shall not consider either of the following 7269  
when determining the ability of the public employer to pay for 7270  
those terms: 7271

<u>(1) Any potential future increase in the income of the public</u>	7272
<u>employer that would only be possible by the employer raising</u>	7273
<u>revenue, including, but not limited to, passing a levy or a bond</u>	7274
<u>issue;</u>	7275
<u>(2) The employer's ability to sell assets.</u>	7276
<u>(E) The provision of health care benefits for which the</u>	7277
<u>employer is required to pay more than eighty-five per cent of the</u>	7278
<u>cost is not an appropriate subject for collective bargaining. No</u>	7279
<u>public employer shall agree to a provision that requires the</u>	7280
<u>public employer to pay more than eighty-five per cent of the cost</u>	7281
<u>paid for health care benefits.</u>	7282
<u>Sec. 4117.081. (A) This section applies only to school</u>	7283
<u>districts, educational service centers, certain conversion</u>	7284
<u>community schools established under Chapter 3314. of the Revised</u>	7285
<u>Code, and STEM schools established under Chapter 3326. of the</u>	7286
<u>Revised Code.</u>	7287
<u>(B) No public employer to which this section applies shall</u>	7288
<u>enter into a collective bargaining agreement on or after the</u>	7289
<u>effective date of this section that does any of the following:</u>	7290
<u>(1) Requires the public employer to employ a minimum number</u>	7291
<u>of total personnel or any category of personnel;</u>	7292
<u>(2) Restricts the authority of the public employer or a</u>	7293
<u>district or service center superintendent to assign personnel to</u>	7294
<u>school buildings or restricts the authority of a building</u>	7295
<u>principal to designate the responsibilities and workloads of</u>	7296
<u>personnel assigned to the building;</u>	7297
<u>(3) Establishes a maximum number of students who may be</u>	7298
<u>assigned to a classroom or teacher;</u>	7299
<u>(4) Prohibits the public employer from making reductions in</u>	7300
<u>teachers or nonteaching employees for any applicable reason</u>	7301

specified in division (B) of section 124.321 or section 3319.17 or 7302  
3319.172 of the Revised Code or in a policy adopted under section 7303  
3319.171 of the Revised Code; 7304

(5) Restricts the authority of the public employer, when 7305  
making personnel reductions, to determine the order of layoffs; 7306

(6) Restricts the authority of the public employer to acquire 7307  
noneducational services from another public or private entity 7308  
through competitive bidding; 7309

(7) Otherwise relinquishes, impairs, or restricts the 7310  
managerial rights and responsibilities of the public employer 7311  
described in division (C) of section 4117.08 of the Revised Code. 7312

(C)(1) Except as otherwise provided in division (C)(2) of 7313  
this section, each collective bargaining agreement entered into on 7314  
or after the effective date of this section between a public 7315  
employer to which this section applies and its employees shall 7316  
comply with all applicable state or local laws or ordinances 7317  
regarding wages, hours, and terms and conditions of employment of 7318  
public employees. 7319

(2) A collective bargaining agreement entered into on or 7320  
after the effective date of this section may include a provision 7321  
that conflicts with an applicable law or ordinance, if the 7322  
provision establishes benefits that are less than the benefits 7323  
conferred by the law or ordinance and division (A) of section 7324  
4117.10 of the Revised Code does not require that the law or 7325  
ordinance prevail over the conflicting provision. Any provision of 7326  
the agreement that conflicts with an applicable law or ordinance 7327  
and does not meet these requirements shall be void. 7328

(D) Notwithstanding division (A)(5) of section 4117.11 of the 7329  
Revised Code, a public employer to which this section applies is 7330  
not required to, and may refuse to, collectively bargain on the 7331  
continuation, modification, or termination of a provision of an 7332

existing collective bargaining agreement. 7333

**Sec. 4117.09.** (A) The parties to any collective bargaining 7334  
agreement shall reduce the agreement to writing and both execute 7335  
it. 7336

(B) The agreement shall contain a provision that: 7337

(1) Provides for a grievance procedure which may culminate 7338  
with final and binding arbitration of unresolved grievances, ~~and~~ 7339  
that are based on the disputed interpretations of the express 7340  
written provisions of the agreements, and which is valid and 7341  
enforceable under its terms when entered into in accordance with 7342  
this chapter. No publication thereof is required to make it 7343  
effective. A party to the agreement may bring suits for violation 7344  
of agreements or the enforcement of an award by an arbitrator in 7345  
the court of common pleas of any county wherein a party resides or 7346  
transacts business. 7347

(2) Authorizes the public employer to deduct the periodic 7348  
dues, initiation fees, and assessments of members of the exclusive 7349  
representative upon presentation of a written deduction 7350  
authorization by the employee so long as the employee organization 7351  
has filed and maintained its financial report outlining the 7352  
organization's expenditures. 7353

(C) The agreement may contain a provision that requires as a 7354  
condition of employment, on or after a mutually agreed upon 7355  
probationary period or sixty days following the beginning of 7356  
employment, whichever is less, or the effective date of a 7357  
collective bargaining agreement, whichever is later, that the 7358  
employees in the unit who are not members of the employee 7359  
organization pay to the employee organization a fair share fee. 7360  
The arrangement does not require any employee to become a member 7361  
of the employee organization, nor shall fair share fees exceed 7362  
dues paid by members of the employee organization who are in the 7363

same bargaining unit. Any public employee organization 7364  
representing public employees pursuant to this chapter shall 7365  
prescribe an internal procedure to determine a rebate, if any, for 7366  
nonmembers which conforms to federal law, provided a nonmember 7367  
makes a timely demand on the employee organization. Absent 7368  
arbitrary and capricious action, such determination is conclusive 7369  
on the parties except that a challenge to the determination may be 7370  
filed with the state employment relations board within thirty days 7371  
of the determination date specifying the arbitrary or capricious 7372  
nature of the determination and the board shall review the rebate 7373  
determination and decide whether it was arbitrary or capricious. 7374  
The deduction of a fair share fee by the public employer from the 7375  
payroll check of the employee and its payment to the employee 7376  
organization is automatic and does not require the written 7377  
authorization of the employee. 7378

The internal rebate procedure shall provide for a rebate of 7379  
expenditures in support of partisan politics or ideological causes 7380  
not germane to the work of employee organizations in the realm of 7381  
collective bargaining. 7382

Any public employee who is a member of and adheres to 7383  
established and traditional tenets or teachings of a bona fide 7384  
religion or religious body which has historically held 7385  
conscientious objections to joining or financially supporting an 7386  
employee organization and which is exempt from taxation under the 7387  
provisions of the Internal Revenue Code shall not be required to 7388  
join or financially support any employee organization as a 7389  
condition of employment. Upon submission of proper proof of 7390  
religious conviction to the board, the board shall declare the 7391  
employee exempt from becoming a member of or financially 7392  
supporting an employee organization. The employee shall be 7393  
required, in lieu of the fair share fee, to pay an amount of money 7394  
equal to the fair share fee to a nonreligious charitable fund 7395

exempt from taxation under section 501(c)(3) of the Internal 7396  
Revenue Code mutually agreed upon by the employee and the 7397  
representative of the employee organization to which the employee 7398  
would otherwise be required to pay the fair share fee. The 7399  
employee shall furnish to the employee organization written 7400  
receipts evidencing such payment, and failure to make the payment 7401  
or furnish the receipts shall subject the employee to the same 7402  
sanctions as would nonpayment of dues under the applicable 7403  
collective bargaining agreement. 7404

No public employer shall agree to a provision requiring that 7405  
a public employee become a member of an employee organization as a 7406  
condition for securing or retaining employment. Any agreement that 7407  
purports to require that employees join any exclusive 7408  
representative is void and unenforceable. 7409

(D) As used in this division, "teacher" means any employee of 7410  
a school district certified to teach in the public schools of this 7411  
state. 7412

The agreement may contain a provision that provides for a 7413  
peer review plan under which teachers in a bargaining unit or 7414  
representatives of an employee organization representing teachers 7415  
may, for other teachers of the same bargaining unit or teachers 7416  
whom the employee organization represents, participate in 7417  
assisting, instructing, reviewing, evaluating, or appraising and 7418  
make recommendations or participate in decisions with respect to 7419  
the retention, discharge, renewal, or nonrenewal of, the teachers 7420  
covered by a peer review plan. 7421

The participation of teachers or their employee organization 7422  
representative in a peer review plan permitted under this division 7423  
shall not be construed as an unfair labor practice under this 7424  
chapter or as a violation of any other provision of law or rule 7425  
adopted pursuant thereto. 7426

(E) No agreement shall contain an expiration date that is 7427  
later than three years from the date of execution. The parties may 7428  
extend any agreement, but the extensions do not affect the 7429  
expiration date of the original agreement. 7430

(F) No public employer shall agree to a provision that 7431  
requires the public employer, when a reduction in force is 7432  
necessary, to use an employee's length of service as the only 7433  
factor to determine whether to lay off the employee. 7434

**Sec. 4117.10.** (A) An agreement between a public employer and 7435  
an exclusive representative entered into pursuant to this chapter 7436  
governs the wages, hours, and terms and conditions of public 7437  
employment covered by the agreement. If the agreement provides for 7438  
a final and binding arbitration of grievances, public employers, 7439  
employees, and employee organizations are subject solely to that 7440  
grievance procedure and the state personnel board of review or 7441  
civil service commissions have no jurisdiction to receive and 7442  
determine any appeals relating to matters that were the subject of 7443  
a final and binding grievance procedure. Where no agreement exists 7444  
or where an agreement makes no specification about a matter, the 7445  
public employer and public employees are subject to all applicable 7446  
state or local laws or ordinances pertaining to the wages, hours, 7447  
and terms and conditions of employment for public employees. ~~Laws~~ 7448  
All of the following prevail over conflicting provisions of 7449  
agreements between employee organizations and public employers: 7450

(1) Laws pertaining to ~~civil~~ any of the following subjects: 7451

(a) Civil rights, ~~affirmative~~; 7452

(b) Affirmative action, ~~unemployment~~; 7453

(c) Unemployment compensation, ~~workers'~~; 7454

(d) Workers' compensation, ~~the~~; 7455

(e) The retirement of public employees, ~~and residency~~; 7456

(f) The provision of health care benefits to public 7457  
employees; 7458

(g) Residency requirements,~~the;~~ 7459

(h) The minimum educational requirements contained in the 7460  
Revised Code pertaining to public education including the 7461  
requirement of a certificate by the fiscal officer of a school 7462  
district pursuant to section 5705.41 of the Revised Code,~~the;~~ 7463

(i) The provisions of division (A) of section 124.34 of the 7464  
Revised Code governing the disciplining of officers and employees 7465  
who have been convicted of a felony,~~and the;~~ 7466

(j) The minimum standards promulgated by the state board of 7467  
education pursuant to division (D) of section 3301.07 of the 7468  
Revised Code ~~prevail over conflicting provisions of agreements~~ 7469  
~~between employee organizations and public employers. The~~ 7470

(2) The law pertaining to the leave of absence and 7471  
compensation provided under section 5923.05 of the Revised Code 7472  
~~prevails over any conflicting provisions of such agreements,~~ if 7473  
the terms of the agreement contain benefits which are less than 7474  
those contained in that section or the agreement contains no such 7475  
terms and the public authority is the state or any agency, 7476  
authority, commission, or board of the state or if the public 7477  
authority is another entity listed in division (B) of section 7478  
4117.01 of the Revised Code that elects to provide leave of 7479  
absence and compensation as provided in section 5923.05 of the 7480  
Revised Code.~~The;~~ 7481

(3) The law pertaining to the leave established under section 7482  
5906.02 of the Revised Code ~~prevails over any conflicting~~ 7483  
~~provision of an agreement between an employee organization and~~ 7484  
~~public employer~~ if the terms of the agreement contain benefits 7485  
that are less than those contained in section 5906.02 of the 7486  
Revised Code. ~~Except~~ 7487



Except for sections 306.08, 306.12, 306.35, and 4981.22 of 7488  
the Revised Code and arrangements entered into thereunder, and 7489  
section 4981.21 of the Revised Code as necessary to comply with 7490  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 7491  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 7492  
entered into thereunder, this chapter prevails over any and all 7493  
other conflicting laws, resolutions, provisions, present or 7494  
future, except as otherwise specified in this chapter or as 7495  
otherwise specified by the general assembly. Nothing in this 7496  
section prohibits or shall be construed to invalidate the 7497  
provisions of an agreement establishing supplemental workers' 7498  
compensation or unemployment compensation benefits or exceeding 7499  
minimum requirements contained in the Revised Code pertaining to 7500  
public education or the minimum standards promulgated by the state 7501  
board of education pursuant to division (D) of section 3301.07 of 7502  
the Revised Code. 7503

(B) The public employer shall submit a request for funds 7504  
necessary to implement an agreement and for approval of any other 7505  
matter requiring the approval of the appropriate legislative body 7506  
to the legislative body within ~~fourteen~~ thirty days of the date on 7507  
which the parties finalize the agreement, unless otherwise 7508  
specified, but if the appropriate legislative body is not in 7509  
session at the time, then within fourteen days after it convenes. 7510  
The legislative body must approve or reject the submission as a 7511  
whole, and the submission is deemed approved if the legislative 7512  
body fails to act within thirty days after the public employer 7513  
submits the agreement. The parties may specify that those 7514  
provisions of the agreement not requiring action by a legislative 7515  
body are effective and operative in accordance with the terms of 7516  
the agreement, provided there has been compliance with division 7517  
(C) of this section. If the legislative body rejects the 7518  
submission of the public employer, either party may reopen all or 7519  
part of the entire agreement. 7520

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

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

(D) There is hereby established an office of collective bargaining in the department of administrative services for the purpose of negotiating with and entering into written agreements between state agencies, departments, boards, and commissions and the exclusive representative on matters of wages, hours, terms and ~~other~~ conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. Nothing in any provision of law to the contrary shall be interpreted as excluding the bureau of workers' compensation

and the industrial commission from the preceding sentence. This 7553  
office shall not negotiate on behalf of other statewide elected 7554  
officials or boards of trustees of state institutions of higher 7555  
education who shall be considered as separate public employers for 7556  
the purposes of this chapter; however, the office may negotiate on 7557  
behalf of these officials or trustees where authorized by the 7558  
officials or trustees. The staff of the office of collective 7559  
bargaining are in the unclassified service. The director of 7560  
administrative services shall fix the compensation of the staff. 7561

The office of collective bargaining shall: 7562

(1) Assist the director in formulating management's 7563  
philosophy for public collective bargaining as well as planning 7564  
bargaining strategies; 7565

(2) Conduct negotiations with the exclusive representatives 7566  
of each employee organization; 7567

(3) Coordinate the state's resources in all mediation, 7568  
fact-finding, and arbitration cases as well as in all labor 7569  
disputes; 7570

(4) Conduct systematic reviews of collective bargaining 7571  
agreements for the purpose of contract negotiations; 7572

(5) Coordinate the systematic compilation of data by all 7573  
agencies that is required for negotiating purposes; 7574

(6) Prepare and submit an annual report and other reports as 7575  
requested to the governor and the general assembly on the 7576  
implementation of this chapter and its impact upon state 7577  
government. 7578

**Sec. 4117.104.** (A) Notwithstanding any provision of section 7579  
4117.08 or 4117.10 of the Revised Code to the contrary, no 7580  
agreement entered into under this chapter on or after the 7581  
effective date of this section shall prohibit a public employer 7582

that the auditor of state has declared to be in a state of fiscal 7583  
watch from serving a written notice pursuant to section 4117.14 of 7584  
the Revised Code to modify a collective bargaining agreement so 7585  
that salary or benefit increases, or both, are suspended. 7586

(B) Notwithstanding any provision of section 4117.08 or 7587  
4117.10 of the Revised Code to the contrary, no agreement entered 7588  
into under this chapter on or after the effective date of this 7589  
section shall prohibit a public employer that the governor or 7590  
auditor of state has declared to be in a state of fiscal emergency 7591  
or in the case of a state university or college, that a 7592  
conservator has been appointed for, from serving a written notice 7593  
to terminate, modify, or negotiate a collective bargaining 7594  
agreement pursuant to section 4117.14 of the Revised Code. 7595

(C) Each agreement entered into under this chapter on or 7596  
after the effective date of this section shall contain a statement 7597  
that the agreement may be terminated, modified, or negotiated in 7598  
accordance with this section. 7599

(D) If the public employer sends a notice as described in 7600  
this section, the parties may collectively bargain and enter into 7601  
a new collective bargaining agreement pursuant to section 4117.14 7602  
of the Revised Code. 7603

**Sec. 4117.105.** Notwithstanding sections 4117.08 and 4117.10 7604  
of the Revised Code, no agreement entered into or renewed under 7605  
this chapter on or after the effective date of this section shall 7606  
contain any provision that in any way prohibits a public employer 7607  
from entering into a contract with another public or private 7608  
sector entity to privatize the public employer's services or the 7609  
contracting out of the public employer's work. No such agreement 7610  
shall contain any provisions that cause the public employer to do 7611  
any of the following: 7612

(A) Retain existing employees as employees of the public 7613  
employer if their work is privatized or subcontracted to another 7614  
entity; 7615

(B) Pay any additional payments to employees who may be laid 7616  
off as the result of such privatization or subcontracting, except 7617  
for payments for accumulated time or leave credits that would 7618  
normally be paid by the public employer to any other employee who 7619  
is laid off for reasons other than the subcontracting or 7620  
privatization of their work. 7621

Any provision inconsistent with this section that is 7622  
contained in an agreement entered into or renewed on or after the 7623  
effective date of this section is void and unenforceable. 7624

Sec. 4117.106. Notwithstanding sections 4117.08 and 4117.10 7625  
of the Revised Code, no agreement entered into or renewed under 7626  
this chapter on or after the effective date of this section shall 7627  
contain any provision that does any of the following: 7628

(A) Limits a public employer in determining the number of 7629  
employees it employs or has working at any time, in any facility, 7630  
building, classroom, on any work shift, or on any piece of 7631  
equipment or vehicle; 7632

(B) Provides for the public employer to pay any portion of a 7633  
public employee's state pension contributions or payments; 7634

(C) Provides for an hourly overtime payment rate that exceeds 7635  
the overtime rate required by the Fair Labor Standards Act of 7636  
1938, 52 Stat. 1060, 20 U.S.C. 207; 7637

(D) Requires the public employer to adhere to, follow, or 7638  
continue any practices or benefits not specifically set forth in 7639  
the specific written provisions of the agreement. 7640

Any provision inconsistent with this section that is 7641  
contained in an agreement entered into or renewed on or after the 7642

effective date of this section is void and unenforceable. 7643

Sec. 4117.107. (A) Notwithstanding sections 4117.08 and 7644  
4117.10 of the Revised Code, no agreement entered into or renewed 7645  
under this chapter on or after the effective date of this section 7646  
shall contain any provisions that do any of the following: 7647

(1) Provide for any supplemental wage payments based on 7648  
length of employment to any employee participating in the deferred 7649  
retirement option plan; 7650

(2) Provide for any annual paid vacation leave earning in 7651  
excess of five weeks to any employee participating in the deferred 7652  
retirement option plan; 7653

(3) Provide for the ability of any employee participating in 7654  
the deferred retirement option plan to carry over vacation leave 7655  
from one year to another that exceeds a total accumulation of the 7656  
equivalent of three years vacation leave; 7657

(4) Provide the basis for the payment to any employee 7658  
participating in the deferred retirement option plan of any 7659  
accumulated paid leave, including, but not limited to, sick leave, 7660  
vacation leave, and compensatory time, that is based on an 7661  
employee's hourly wage rate greater than the employee's wage rate 7662  
on the date the employee commenced participating in the deferred 7663  
retirement option plan. 7664

(B) Notwithstanding any other provisions of the Revised Code, 7665  
the police and fire pension fund shall notify the public employer 7666  
of the respective employee of the date upon which the employee 7667  
entered the deferred retirement option plan and shall notify the 7668  
public employer of the date any employee entered the deferred 7669  
retirement option plan prior to the effective date of this 7670  
section. 7671

Sec. 4117.108. (A) Notwithstanding sections 4117.08 and 7672

4117.10 of the Revised Code, no agreement entered into or renewed 7673  
under this chapter on or after the effective date of this section 7674  
shall contain any provision that exceeds the annual earnings or 7675  
accrual rate of the following leave credits: 7676

(1) For vacation leave a maximum annual accumulation of six 7677  
weeks paid vacation prior to twenty years of continuous service; 7678

(2) For compensated holidays a maximum annual earning of 7679  
twelve paid holidays; 7680

(3) For compensated personal days a maximum annual earning of 7681  
three paid personal days. 7682

(B) For the purposes of this section, "days" means eight 7683  
working hours and "week" means forty working hours for employees 7684  
working a normally scheduled work week. Those employees working a 7685  
work week that exceeds or is less than forty hours shall have the 7686  
number of hours per day or week increased or reduced 7687  
proportionately based on the difference in hours between the 7688  
employee's average work week and forty hours. 7689

**Sec. 4117.109.** Notwithstanding sections 4117.08 and 4117.10 7690  
of the Revised Code, no agreement entered into or renewed under 7691  
this chapter on or after the effective date of this section shall 7692  
contain any provision for the exchange or sell-back of a public 7693  
employee's accumulated paid sick leave balance with the public 7694  
employee's public employer at the public employee's final 7695  
retirement or death that provides for a cash payment that exceeds 7696  
fifty per cent of the public employee's total sick leave 7697  
accumulations. No payment made pursuant to this section shall be 7698  
made for accumulated sick leave in excess of one thousand hours. 7699  
Such payment shall be based upon the public employee's hourly rate 7700  
of pay at time of final retirement, unless the employee is a 7701  
member of the police and fire pension fund and participates in the 7702

deferred retirement option plan. If the public employee is a 7703  
member of the police and fire pension fund and the public employee 7704  
participates in the deferred retirement option plan, the payment 7705  
shall be based upon the public employee's hourly rate in effect at 7706  
the time the employee entered the deferred retirement option plan. 7707  
For the purposes of this section, "final retirement" means when an 7708  
employee retires and is immediately eligible to receive pension 7709  
benefits by satisfying the normal length of service and age 7710  
qualifications or as a result of disability. 7711

**Sec. 4117.11.** (A) It is an unfair labor practice for a public 7712  
employer, its agents, or representatives to: 7713

(1) Interfere with, restrain, or coerce employees in the 7714  
exercise of the rights guaranteed in Chapter 4117. of the Revised 7715  
Code or an employee organization in the selection of its 7716  
representative for the purposes of collective bargaining or the 7717  
adjustment of grievances; 7718

(2) Initiate, create, dominate, or interfere with the 7719  
formation or administration of any employee organization, or 7720  
contribute financial or other support to it; except that a public 7721  
employer may permit employees to confer with it during working 7722  
hours without loss of time or pay, permit the exclusive 7723  
representative to use the facilities of the public employer for 7724  
membership or other meetings, or permit the exclusive 7725  
representative to use the internal mail system or other internal 7726  
communications system; 7727

(3) Discriminate in regard to hire or tenure of employment or 7728  
any term or condition of employment on the basis of the exercise 7729  
of rights guaranteed by Chapter 4117. of the Revised Code. Nothing 7730  
precludes any employer from making and enforcing an agreement 7731  
pursuant to division (C) of section 4117.09 of the Revised Code. 7732



(4) Discharge or otherwise discriminate against an employee 7733  
because ~~he~~ the employee has filed charges or given testimony under 7734  
Chapter 4117. of the Revised Code; 7735

(5) Refuse to bargain collectively with the representative of 7736  
~~his~~ the employer's employees recognized as the exclusive 7737  
representative or certified pursuant to Chapter 4117. of the 7738  
Revised Code; 7739

(6) Establish a pattern or practice of repeated failures to 7740  
timely process grievances and requests for arbitration of 7741  
grievances; 7742

(7) Lock out or otherwise prevent employees from performing 7743  
their regularly assigned duties where ~~an~~ the object thereof is to 7744  
bring pressure on the employees or an employee organization to 7745  
compromise or capitulate to the employer's terms regarding a labor 7746  
relations dispute; 7747

(8) Cause or attempt to cause an employee organization, its 7748  
agents, or representatives to violate division (B) of this 7749  
section. 7750

(B) It is an unfair labor practice for an employee 7751  
organization, its agents, or representatives, or public employees 7752  
to: 7753

(1) Restrain or coerce employees or public employers in the 7754  
exercise of the rights guaranteed in Chapter 4117. of the Revised 7755  
Code, including the public employer's selection of the public 7756  
employer's representative for the purpose of collective 7757  
negotiations or the adjustment of grievances. This division does 7758  
not impair the right of an employee organization to prescribe its 7759  
own rules with respect to the acquisition or retention of 7760  
membership therein, ~~or an employer in the selection of his~~ 7761  
~~representative for the purpose of collective bargaining or the~~ 7762  
~~adjustment of grievances.~~ 7763

(2) Cause or attempt to cause an employer to violate division 7764  
(A) of this section; 7765

(3) Refuse to bargain collectively with a public employer if 7766  
the employee organization is recognized as the exclusive 7767  
representative or certified as the exclusive representative of 7768  
public employees in a bargaining unit or communicates or attempts 7769  
to engage in other direct dealings during the period of 7770  
negotiations with elected or appointed officials of the public 7771  
employer, other than those individuals designated to represent the 7772  
public employer, regarding wages, hours, and terms and conditions 7773  
of employment, or with regard to matters that are or may become 7774  
the subject of collective negotiations; 7775

(4) Call, institute, maintain, or conduct a boycott against 7776  
any public employer, or picket any place of business of a public 7777  
employer, on account of any jurisdictional work dispute; 7778

(5) Induce or encourage any individual employed by any person 7779  
to engage in a strike in violation of Chapter 4117. of the Revised 7780  
Code or refusal to handle goods or perform services; or threaten, 7781  
coerce, or restrain any person where an object thereof is to force 7782  
or require any public employee to cease dealing or doing business 7783  
with any other person, or force or require a public employer to 7784  
recognize for representation purposes an employee organization not 7785  
certified by the state employment relations board, or induce or 7786  
encourage any individual to engage in a secondary boycott whether 7787  
under the existing agreement or as part of another employee 7788  
organization's concerted activity, whether in the public or 7789  
private sector; 7790

(6) Fail to fairly represent all public employees in a 7791  
bargaining unit; 7792

(7) Induce or encourage any individual in connection with a 7793  
labor relations dispute to picket the residence or any place of 7794

private employment of any public official or representative of the 7795  
public employer; 7796

(8) Engage in any picketing, striking, or other concerted 7797  
refusal to work ~~without giving written notice to the public~~ 7798  
~~employer and to the state employment relations board not less than~~ 7799  
~~ten days prior to the action. The notice shall state the date and~~ 7800  
~~time that the action will commence and, once the notice is given,~~ 7801  
~~the parties may extend it by the written agreement of both.~~ 7802

(C) The expressing of any views, argument, or opinion, or the 7803  
dissemination thereof, whether in written, printed, graphic, or 7804  
visual form, shall not constitute or be evidence of an unfair 7805  
labor practice under this chapter, if that expression contains no 7806  
threat of reprisal or force or promise of benefit. 7807

(D) The determination by the board or any court that a public 7808  
officer or employee has committed any of the acts prohibited by 7809  
divisions (A) and (B) of this section shall not be made the basis 7810  
of any charge for the removal from office or recall of the public 7811  
officer or the suspension from or termination of employment of or 7812  
disciplinary acts against an employee, nor shall the officer or 7813  
employee be found subject to any suit for damages based on such a 7814  
determination; however nothing in this division prevents any party 7815  
to a collective bargaining agreement from seeking enforcement or 7816  
damages for a violation thereof against the other party to the 7817  
agreement. 7818

~~(D)~~(E) As to jurisdictional work disputes, the board shall 7819  
hear and determine the dispute unless, within ten days after 7820  
notice to the board by a party to the dispute that a dispute 7821  
exists, the parties to the dispute submit to the board 7822  
satisfactory evidence that they have adjusted, or agreed upon the 7823  
method for the voluntary adjustment of, the dispute. 7824

**Sec. 4117.12.** (A) Whoever violates section 4117.11 of the 7825

Revised Code is guilty of an unfair labor practice remediable by 7826  
the state employment relations board as specified in this section. 7827

(B) When anyone files a charge with the board alleging that 7828  
an unfair labor practice has been committed, the board or its 7829  
designated agent ~~shall investigate the charge. If the board has~~ 7830  
~~probable cause for believing that a violation has occurred, the~~ 7831  
~~board shall issue a complaint and~~ shall conduct a hearing 7832  
concerning the charge. The board shall cause the ~~complaint~~ charge 7833  
to be served upon the charged party which shall contain a notice 7834  
of the time at which the hearing on the ~~complaint~~ charge will be 7835  
held either before the board, a board member, or an administrative 7836  
law judge. The board may not issue a notice of hearing based upon 7837  
any unfair labor practice occurring more than ninety days prior to 7838  
the filing of the charge with the board, unless the person 7839  
aggrieved thereby is prevented from filing the charge by reason of 7840  
service in the armed forces, in which event the ninety-day period 7841  
shall be computed from the day of the person's discharge. If the 7842  
board dismisses a ~~complaint~~ charge as frivolous, it shall assess 7843  
costs to the ~~complainant~~ charging party pursuant to its standards 7844  
governing such matters, and for that purpose, the board shall 7845  
adopt a rule defining the standards by which the board will 7846  
declare a ~~complaint~~ charge to be frivolous and the costs that will 7847  
be assessed accordingly. 7848

(1) The board, board member, or administrative law judge 7849  
shall hold a hearing on the charge ~~within ten days after service~~ 7850  
~~of the complaint. The board may amend a complaint, upon receipt of~~ 7851  
~~a notice from the charging party, at any time prior to the close~~ 7852  
~~of the hearing, and the charged party shall within ten days from~~ 7853  
~~receipt of the complaint or amendment to the complaint, file an~~ 7854  
~~answer to the complaint or amendment to the complaint~~ as soon as 7855  
is practicable. The charged party may file an answer to an 7856  
original or amended ~~complaint~~ charge. The failure to file or 7857

timely file an answer shall not be construed as any admission 7858  
against the non-responding party and the party may present its 7859  
response or challenge to the charge at any time prior to the 7860  
hearing. The agents of the board and the person charged are 7861  
parties and may appear or otherwise give evidence at the hearing. 7862  
At the discretion of the board, board member, or administrative 7863  
law judge, any interested party may intervene and present evidence 7864  
at the hearing. The board, board member, or administrative law 7865  
judge is not bound by the rules of evidence prevailing in the 7866  
courts. 7867

(2) A board member or administrative law judge who conducts 7868  
the hearing shall reduce the evidence taken to writing and file it 7869  
with the board. The board member or the administrative law judge 7870  
may thereafter take further evidence or hear further argument if 7871  
notice is given to all interested parties. The administrative law 7872  
judge or board member shall issue to the parties a proposed 7873  
decision, together with a recommended order and file it with the 7874  
board. ~~If the parties file no exceptions within twenty days after~~ 7875  
~~service thereof, the recommended order becomes the order of the~~ 7876  
~~board effective as therein prescribed.~~ If the parties file 7877  
exceptions to the proposed report, the board shall determine 7878  
whether substantial issues have been raised. The board may rescind 7879  
or modify the proposed order of the board member or administrative 7880  
law judge; the board may consider any issues raised by a party, 7881  
however, if the board determines that the exceptions do not raise 7882  
substantial issues of fact or law, it may refuse to grant review, 7883  
and the recommended order becomes effective as therein prescribed. 7884

(3) If upon the preponderance of the evidence taken, the 7885  
board believes that any person named in the ~~complaint~~ charge has 7886  
engaged in any unfair labor practice, the board shall state its 7887  
findings of fact and issue and cause to be served on the person an 7888  
order requiring that the person cease and desist from these unfair 7889

labor practices, and take such affirmative action, including 7890  
reinstatement of employees with or without back pay, as will 7891  
effectuate the policies of Chapter 4117. of the Revised Code. If 7892  
upon a preponderance of the evidence taken, the board believes 7893  
that the person named in the complaint has not engaged in an 7894  
unfair labor practice it shall state its findings of fact and 7895  
issue an order dismissing the ~~complaint~~ charge. 7896

(4) The board may order the public employer to reinstate the 7897  
public employee and further may order either the public employer 7898  
or the employee organization, depending on who was responsible for 7899  
the discrimination suffered by the public employee, to make such 7900  
payment of back pay to the public employee as the board 7901  
determines. In the event the board determines the employee 7902  
organization has violated division (B)(4), (5), (7), or (8) of 7903  
section 4117.11 of the Revised Code, the board shall order the 7904  
suspension of the payment of dues or fees to the employee 7905  
organization for the greater of thirty days or two times the 7906  
duration of the illegal activity. No order of the board shall 7907  
require the reinstatement of any individual as an employee who has 7908  
been suspended or discharged, or require the payment to the 7909  
employee of any back pay, if the suspension or discharge was for 7910  
just cause and the predominant basis for the suspension or 7911  
discharge was not related to rights provided in section 4117.03 of 7912  
the Revised Code and the procedure contained in the collective 7913  
bargaining agreement governing suspension or discharge was 7914  
followed. The order of the board may require the party against 7915  
whom the order is issued to make periodic reports showing the 7916  
extent to which the party has complied with the order. 7917

(C) Whenever a ~~complaint~~ charge alleges that a person has 7918  
engaged in an unfair labor practice and that the complainant will 7919  
suffer substantial and irreparable injury if not granted temporary 7920  
relief, the board may petition the court of common pleas for any 7921

county wherein the alleged unfair labor practice in question 7922  
occurs, or wherein any person charged with the commission of any 7923  
unfair labor practice resides or transacts business for 7924  
appropriate injunctive relief, pending the final adjudication by 7925  
the board with respect to the matter. Upon the filing of any 7926  
petition, the court shall cause notice thereof to be served upon 7927  
the parties, and thereupon has jurisdiction to grant the temporary 7928  
relief or restraining order it considers just and proper. 7929

(D) Until the record in a case is filed in a court, as 7930  
specified in Chapter 4117. of the Revised Code, the board may at 7931  
any time upon reasonable notice and in a manner it considers 7932  
proper, modify or set aside, in whole or in part, any finding or 7933  
order made or issued by it. 7934

**Sec. 4117.13.** (A) The state employment relations board or the 7935  
~~complain~~ing charging party may petition the court of common pleas 7936  
for any county wherein an unfair labor practice occurs, or wherein 7937  
any person charged with the commission of any unfair labor 7938  
practice resides or transacts business, for the enforcement of the 7939  
order and for appropriate temporary relief or restraining order. 7940  
The board shall certify and file in the court a transcript of the 7941  
entire record in the proceeding, including the pleadings and 7942  
evidence upon which the order was entered and the findings and 7943  
order of the board. When the board petitions the court, the 7944  
~~complain~~ing charging party may intervene in the case as a matter 7945  
of right. Upon the filing, the court shall cause notice thereof to 7946  
be served upon the person charged with committing the unfair labor 7947  
practice and thereupon has jurisdiction of the proceeding and the 7948  
question determined therein. The court may grant the temporary 7949  
relief or restraining order it deems just and proper, and make and 7950  
enter upon the pleadings, evidence, and proceedings set forth in 7951  
the transcript a decree enforcing, modifying, and enforcing as so 7952  
modified, or setting aside in whole or in part the order of the 7953

board. 7954

(B) The findings of the board as to the facts, if supported 7955  
by substantial evidence, on the record as a whole, are conclusive. 7956  
If either party applies to the court for leave to adduce 7957  
additional evidence and shows to the satisfaction of the court 7958  
that the additional evidence is material and that there exist 7959  
reasonable grounds for the failure to adduce the evidence in the 7960  
hearing before the board, its member or agent, the court may order 7961  
the board, its member, or agent to take the additional evidence, 7962  
and make it a part of the transcript. The board may modify its 7963  
findings as to the facts, or make new findings, by reason of 7964  
additional evidence so taken and filed, and it shall file the 7965  
modified or new findings, which, if supported by the evidence, are 7966  
conclusive and shall file its recommendations, if any, for the 7967  
modifying or setting aside of its original order. 7968

(C) The jurisdiction of the court is exclusive and its 7969  
judgment and decree final, except that the same is subject to 7970  
review on questions of law as in civil cases. 7971

(D) Any person aggrieved by any final order of the board 7972  
granting or denying, in whole or in part, the relief sought may 7973  
appeal to the court of common pleas of any county where the unfair 7974  
labor practice in question was alleged to have been engaged in, or 7975  
where the person resides or principally transacts business, by 7976  
filing in the court a notice of appeal setting forth the order 7977  
appealed from and the grounds of appeal. The court shall cause a 7978  
copy of the notice to be served forthwith upon the board and all 7979  
other parties. Within ten days after the court receives a notice 7980  
of appeal, the board shall file in the court a transcript of the 7981  
entire record in the proceeding, certified by the board, including 7982  
the pleading and evidence upon which the order appealed from was 7983  
entered. 7984

The court has exclusive jurisdiction to grant the temporary 7985



relief or restraining order it considers proper, and to make and 7986  
enter a decree enforcing, modifying, and enforcing as so modified, 7987  
or setting aside in whole or in part the order of the board. The 7988  
findings of the board as to the facts, if supported by substantial 7989  
evidence on the record as a whole, are conclusive. 7990

(E) The commencement of proceedings under division (A) or (D) 7991  
of this section does not, unless specifically ordered by the 7992  
court, operate as a stay of the board's order. 7993

(F) Courts of common pleas shall hear appeals under Chapter 7994  
4117. of the Revised Code expeditiously presented and where good 7995  
cause is shown give precedence to them over all other civil 7996  
matters except earlier matters of the same character. 7997

**Sec. 4117.14.** (A) The procedures contained in this section 7998  
govern the settlement of disputes between an exclusive 7999  
representative and a public employer concerning the termination or 8000  
modification of an existing collective bargaining agreement or 8001  
negotiation of a successor agreement, or the negotiation of an 8002  
initial collective bargaining agreement. 8003

(B)(1) In those cases where there exists a collective 8004  
bargaining agreement, any public employer or exclusive 8005  
representative desiring to terminate, modify, or negotiate a 8006  
successor collective bargaining agreement shall: 8007

(a) Serve written notice upon the other party of the proposed 8008  
termination, modification, or successor agreement. The party must 8009  
serve the notice not less than sixty days prior to the expiration 8010  
date of the existing agreement or, in the event the existing 8011  
collective bargaining agreement does not contain an expiration 8012  
date, not less than sixty days prior to the time it is proposed to 8013  
make the termination or modifications or to make effective a 8014  
successor agreement. 8015

(b) Offer to bargain collectively with the other party for 8016  
the purpose of modifying or terminating any existing agreement or 8017  
negotiating a successor agreement not less than sixty days prior 8018  
to the expiration date of the existing agreement; 8019

(c) Notify the state employment relations board of the offer 8020  
by serving upon the board a copy of the written notice to the 8021  
other party and a copy of the existing collective bargaining 8022  
agreement not less than sixty days prior to the expiration date of 8023  
the existing agreement. 8024

(2) In the case of initial negotiations between a public 8025  
employer and an exclusive representative, where a collective 8026  
bargaining agreement has not been in effect between the parties, 8027  
any party may serve notice upon the board and the other party 8028  
setting forth the names and addresses of the parties and offering 8029  
to meet, for a period of ~~ninety~~ one hundred twenty days, with the 8030  
other party for the purpose of negotiating a collective bargaining 8031  
agreement. 8032

If the settlement procedures specified in divisions (B) ~~and~~ 8033  
(C) ~~and (D)~~ of this section govern the parties, where those 8034  
procedures refer to the expiration of a collective bargaining 8035  
agreement, it means the expiration of the sixty-day period to 8036  
negotiate a collective bargaining agreement referred to in this 8037  
subdivision, or in the case of initial negotiations, it means the 8038  
ninety-day period referred to in this subdivision. 8039

(3) The parties shall continue in full force and effect all 8040  
the terms and conditions of any existing collective bargaining 8041  
agreement, ~~without resort to strike or lock-out,~~ for a period of 8042  
~~sixty~~ ninety days after the party gives notice or until the 8043  
expiration date of the collective bargaining agreement, whichever 8044  
occurs later, or for a period of ~~ninety~~ one hundred twenty days 8045  
where applicable. 8046

(4) ~~Upon~~ Except as otherwise provided in division (B)(4) of 8047  
this section, upon receipt of the notice, the parties shall enter 8048  
into collective bargaining. Notwithstanding divisions (A)(5) and 8049  
(B)(3) of section 4117.11 of the Revised Code, neither a public 8050  
employer nor an exclusive representative is required to, and may 8051  
refuse to, collectively bargain on the continuation, modification, 8052  
or termination of a provision of an existing agreement. 8053

(C) ~~In the event the parties are unable to reach an~~ 8054  
~~agreement, they may submit, at any time prior to forty five days~~ 8055  
~~before the expiration date of the collective bargaining agreement,~~ 8056  
~~the issues in dispute to any mutually agreed upon dispute~~ 8057  
~~settlement procedure which supersedes the procedures contained in~~ 8058  
~~this section.~~ 8059

~~(1) The procedures may include:~~ 8060

~~(a) Conventional arbitration of all unsettled issues;~~ 8061

~~(b) Arbitration confined to a choice between the last offer~~ 8062  
~~of each party to the agreement as a single package;~~ 8063

~~(c) Arbitration confined to a choice of the last offer of~~ 8064  
~~each party to the agreement on each issue submitted;~~ 8065

~~(d) The procedures described in division (C)(1)(a), (b), or~~ 8066  
~~(c) of this section and including among the choices for the~~ 8067  
~~arbitrator, the recommendations of the fact finder, if there are~~ 8068  
~~recommendations, either as a single package or on each issue~~ 8069  
~~submitted;~~ 8070

~~(e) Settlement by a citizens' conciliation council composed~~ 8071  
~~of three residents within the jurisdiction of the public employer.~~ 8072  
~~The public employer shall select one member and the exclusive~~ 8073  
~~representative shall select one member. The two members selected~~ 8074  
~~shall select the third member who shall chair the council. If the~~ 8075  
~~two members cannot agree upon a third member within five days~~ 8076  
~~after their appointments, the board shall appoint the third~~ 8077

member. Once appointed, the council shall make a final settlement  
of the issues submitted to it pursuant to division (C) of this  
section.

~~(f) Any other dispute settlement procedure mutually agreed to  
by the parties.~~

~~(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.

The board shall intervene and investigate the dispute to  
determine whether the parties have engaged in collective  
bargaining.

~~If an impasse exists or forty five days before the expiration  
date of the collective bargaining agreement if one exists, the~~ The  
board shall appoint a mediator to assist the parties in the  
collective bargaining process.

When the board appoints a mediator pursuant to division (C)  
of this section, 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, 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.

~~(3)~~ (1) Any time after the appointment of a mediator, either  
party may request the appointment of a fact-finding panel finder.  
Within fifteen days after receipt of a request for a fact-finding  
~~panel finder~~, the board shall appoint a fact-finding panel of not  
~~more than three members~~ finder who ~~have~~ has been selected by the  
parties in accordance with rules established by the board, from a

list of qualified persons maintained by the board. If either party 8109  
requests the appointment of a fact-finder pursuant to division 8110  
(C)(1) of this section, the board and the public employer promptly 8111  
shall post in a conspicuous location on the web site maintained by 8112  
the board or public employer, respectively, the terms of the last 8113  
collective bargaining agreement offered by the public employer and 8114  
the terms of the last collective bargaining agreement offered by 8115  
the exclusive representative. 8116

(a) The fact-~~finding panel~~ finder shall, in accordance with 8117  
rules and procedures established by the board that include the 8118  
regulation of costs and expenses of fact-finding, gather facts and 8119  
make recommendations for the resolution of the matter. The board 8120  
shall by its rules require each party to specify in writing the 8121  
unresolved issues and its position on each issue to the 8122  
fact-~~finding panel~~ finder. The fact-~~finding panel~~ finder shall 8123  
make final recommendations as to all the unresolved issues. 8124

(b) The board may continue mediation, order the parties to 8125  
engage in collective bargaining until the expiration date of the 8126  
agreement, or both. 8127

~~(4)~~(2) The following guidelines apply to fact-finding: 8128

(a) The fact-~~finding panel~~ finder may establish times and 8129  
place of hearings which shall be, where feasible, in the 8130  
jurisdiction of the state. 8131

(b) The fact-~~finding panel~~ finder shall conduct the hearing 8132  
pursuant to rules established by the board. 8133

(c) Upon request of the fact-~~finding panel~~ finder, the board 8134  
shall issue subpoenas for hearings conducted by the panel. 8135

(d) The fact-~~finding panel~~ finder may administer oaths. 8136

(e) The board shall prescribe guidelines for the fact-~~finding~~ 8137  
~~panel~~ finder to follow in making findings. In making its 8138

recommendations, the fact-finding panel finder shall take into 8139  
consideration all of the following factors listed in divisions 8140  
(G)(7)(a) to (f) of this section: 8141

(i) Past collectively bargained agreements, if any, between 8142  
the parties; 8143

(ii) Comparison of the issues submitted to fact-finding 8144  
relative to the employees in the bargaining unit involved with 8145  
those issues related to other public and private employees doing 8146  
comparable work, giving consideration to factors peculiar to the 8147  
area and classification involved; 8148

(iii) As the primary consideration, the interests and welfare 8149  
of the public and the ability of the public employer to finance 8150  
and administer the issues proposed; 8151

(iv) The lawful authority of the public employer; 8152

(v) The stipulations of the parties; 8153

(vi) The compensation paid by the public employer to the 8154  
public employer's public employees who are not members of the 8155  
bargaining unit represented by the exclusive representative or who 8156  
are members of that bargaining unit but are not members of the 8157  
exclusive representative; 8158

(vii) The effect of the recommendations on the public 8159  
employer's employer-wide collective bargaining program and 8160  
practices, and the potential increases in cost to the public 8161  
employer; 8162

(viii) Such other factors, not confined to those listed in 8163  
this section, that are normally or traditionally taken into 8164  
consideration in the determination of the issues submitted to 8165  
final offer settlement through voluntary collective bargaining, 8166  
mediation, fact-finding, or other impasse resolution procedures in 8167  
the public service or in private employment. 8168

(f) The fact-finding-panel finder may attempt mediation at 8169  
any time during the fact-finding process. From the time of 8170  
appointment until the fact-finding-panel finder makes a final 8171  
recommendation, it shall not discuss the recommendations for 8172  
settlement of the dispute with parties other than the direct 8173  
parties to the dispute. 8174

~~(5)(3)~~ The fact-finding-panel, acting by a majority of its 8175  
~~members,~~ finder shall transmit its findings of fact and 8176  
recommendations on the unresolved issues to the public employer 8177  
and employee organization involved and to the board no later than 8178  
~~fourteen~~ thirty days after the ~~appointment of the fact-finding~~ 8179  
~~panel hearing,~~ unless the parties mutually agree to an extension. 8180  
The fact-finder shall include with its findings of fact and 8181  
recommendations a written report explaining how each of the 8182  
factors listed in division (C)(2)(e) of this section factored into 8183  
the finder's findings of fact and recommendations. The parties 8184  
shall share the cost of the fact-finding-panel finder in a manner 8185  
agreed to by the parties. 8186

~~(6)(4)~~(a) Not later than ~~seven~~ fourteen days after the 8187  
findings and recommendations are sent, the legislative body, by a 8188  
three-fifths vote of its total membership, and in the case of the 8189  
public employee organization, the membership, by a three-fifths 8190  
vote of the total membership, may reject the recommendations; ~~if,~~ 8191  
If neither rejects the recommendations, the recommendations shall 8192  
be deemed agreed upon as the final resolution of the issues 8193  
submitted and a collective bargaining agreement shall be executed 8194  
between the parties, including the fact-finding-panel's finder's 8195  
recommendations, except as otherwise modified by the parties by 8196  
mutual agreement. If either the legislative body or the public 8197  
employee organization rejects the recommendations, the board shall 8198  
publicize the findings of fact and recommendations of the 8199  
fact-finding-panel finder. The board shall adopt rules governing 8200

the procedures and methods for public employees to vote on the 8201  
recommendations of the fact-finding panel finder. 8202

(b) As used in division (C)~~(6)~~(4)(a) of this section, 8203  
"legislative body" means the controlling board when the state or 8204  
any of its agencies, authorities, commissions, boards, or other 8205  
branch of public employment is party to the fact-finding process. 8206

8207

(D)(1) If the parties are unable to reach agreement within 8208  
~~seven~~ fourteen days after the publication of findings and 8209  
recommendations from the fact-finding panel finder or the 8210  
collective bargaining agreement, if one exists, has expired, then 8211  
the- 8212

~~(1) Public employees, who are members of a police or fire 8213  
department, members of the state highway patrol, deputy sheriffs, 8214  
dispatchers employed by a police, fire or sheriff's department or 8215  
the state highway patrol or civilian dispatchers employed by a 8216  
public employer other than a police, fire, or sheriff's department 8217  
to dispatch police, fire, sheriff's department, or emergency 8218  
medical or rescue personnel and units, an exclusive nurse's unit, 8219  
employees of the state school for the deaf or the state school for 8220  
the blind, employees of any public employee retirement system, 8221  
corrections officers, guards at penal or mental institutions, 8222  
special police officers appointed in accordance with sections 8223  
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 8224  
employed at mental health forensic facilities, youth leaders 8225  
employed at juvenile correctional facilities, or members of a law 8226  
enforcement security force that is established and maintained 8227  
exclusively by a board of county commissioners and whose members 8228  
are employed by that board, shall submit the matter to a final 8229  
offer settlement procedure pursuant to a board order issued 8230  
forthwith to the parties to settle by a conciliator selected by 8231  
the parties. The parties shall request from the board a list of 8232~~



~~five qualified conciliators and the parties shall select a single  
conciliator from the list by alternate striking of names. If the  
parties cannot agree upon a conciliator within five days after the  
board order, the board shall on the sixth day after its order  
appoint a conciliator from a list of qualified persons maintained  
by the board or shall request a list of qualified conciliators  
from the American arbitration association and appoint therefrom.~~

~~(2) Public employees other than those listed in division  
(D)(1) of this section have the right to strike under Chapter  
4117. of the Revised Code provided that the employee organization  
representing the employees has given a ten day prior written  
notice of an intent to strike to the public employer and to the  
board, and further provided that the strike is for full,  
consecutive work days and the beginning date of the strike is at  
least ten work days after the ending date of the most recent prior  
strike involving the same bargaining unit; however, the board, at  
its discretion, may attempt mediation at any time.~~

~~(E) Nothing in this section shall be construed to prohibit  
the parties, at any time, from voluntarily agreeing to submit any  
or all of the issues in dispute to any other alternative dispute  
settlement procedure. An agreement or statutory requirement to  
arbitrate or to settle a dispute pursuant to a final offer  
settlement procedure and the award issued in accordance with the  
agreement or statutory requirement is enforceable in the same  
manner as specified in division (B) of section 4117.09 of the  
Revised Code.~~

~~(F) Nothing in this section shall be construed to prohibit a  
party from seeking enforcement of a collective bargaining  
agreement or a conciliator's award as specified in division (B) of  
section 4117.09 of the Revised Code.~~

~~(G) The following guidelines apply to final offer settlement  
proceedings under division (D)(1) of this section:~~

~~(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time.~~

~~(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable.~~

~~(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to 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, the board shall issue subpoenas for the hearing.~~

~~(5) The conciliator may administer oaths.~~

~~(6) The conciliator 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 the written report and recommendation of the fact finders.~~

~~(7) After hearing, the conciliator 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:~~

~~(a) Past collectively bargained agreements, if any, between the parties;~~

<del>(b) Comparison of the issues submitted to final offer</del>	8296
<del>settlement relative to the employees in the bargaining unit</del>	8297
<del>involved with those issues related to other public and private</del>	8298
<del>employees doing comparable work, giving consideration to factors</del>	8299
<del>peculiar to the area and classification involved;</del>	8300
<del>(c) The interests and welfare of the public, the ability of</del>	8301
<del>the public employer to finance and administer the issues proposed,</del>	8302
<del>and the effect of the adjustments on the normal standard of public</del>	8303
<del>service;</del>	8304
<del>(d) The lawful authority of the public employer;</del>	8305
<del>(e) The stipulations of the parties;</del>	8306
<del>(f) Such other factors, not confined to those listed in this</del>	8307
<del>section, which are normally or traditionally taken into</del>	8308
<del>consideration in the determination of the issues submitted to</del>	8309
<del>final offer settlement through voluntary collective bargaining,</del>	8310
<del>mediation, fact finding, or other impasse resolution procedures in</del>	8311
<del>the public service or in private employment.</del>	8312
<del>(8) Final offer settlement awards made under Chapter 4117. of</del>	8313
<del>the Revised Code are subject to Chapter 2711. of the Revised Code.</del>	8314
<del>(9) If more than one conciliator is used, the determination</del>	8315
<del>must be by majority vote.</del>	8316
<del>(10) The conciliator shall make written findings of fact and</del>	8317
<del>promulgate a written opinion and order upon the issues presented</del>	8318
<del>to the conciliator, and upon the record made before the</del>	8319
<del>conciliator and shall mail or otherwise deliver a true copy</del>	8320
<del>thereof to the parties and the board.</del>	8321
<del>(11) Increases in rates of compensation and other matters</del>	8322
<del>with cost implications awarded by the conciliator may be effective</del>	8323
<del>only at the start of the fiscal year next commencing after the</del>	8324
<del>date of the final offer settlement award; provided that if a new</del>	8325

~~fiscal year has commenced since the issuance of the board order to~~ 8326  
~~submit to a final offer settlement procedure, the awarded~~ 8327  
~~increases may be retroactive to the commencement of the new fiscal~~ 8328  
~~year. The parties may, at any time, amend or modify a~~ 8329  
~~conciliator's award or order by mutual agreement.~~ 8330

~~(12) The parties shall bear equally the cost of the final~~ 8331  
~~offer settlement procedure.~~ 8332

~~(13) Conciliators appointed pursuant to this section shall be~~ 8333  
~~residents of the state.~~ 8334

~~(H) All final offer settlement awards and orders of the~~ 8335  
~~conciliator made pursuant to Chapter 4117. of the Revised Code are~~ 8336  
~~subject to review by the court of common pleas having jurisdiction~~ 8337  
~~over the public employer as provided in Chapter 2711. of the~~ 8338  
~~Revised Code. If the public employer is located in more than one~~ 8339  
~~court of common pleas district, the court of common pleas in which~~ 8340  
~~the principal office of the chief executive is located has~~ 8341  
~~jurisdiction.~~ 8342

~~(I) The issuance of a final offer settlement award~~ 8343  
~~constitutes a binding mandate to the public employer and the~~ 8344  
~~exclusive representative to take whatever actions are necessary to~~ 8345  
~~implement the award. chief executive officer of the public~~ 8346  
~~employer involved shall, within sixty days after the rejection of~~ 8347  
~~the findings of fact and recommendations of the fact-finder, or~~ 8348  
~~within sixty days after the collective bargaining agreement~~ 8349  
~~expires, submit to the legislative body of the public employer a~~ 8350  
~~copy of the findings of fact and recommendations of the~~ 8351  
~~fact-finder, together with a copy of the public employer's last~~ 8352  
~~best offer and the exclusive representative shall submit the~~ 8353  
~~exclusive representative's last best offer within the same time~~ 8354  
~~limitations.~~ 8355

~~(2) After receiving the submissions required under division~~ 8356

(D)(1) of this section, the legislative body or a duly authorized 8357  
committee of the legislative body shall conduct a hearing, as soon 8358  
as is practicable, at which the parties shall be required to 8359  
explain their positions with respect to the report of the 8360  
fact-finder. The legislative body shall hold the hearing open to 8361  
the public and shall not deem the hearing an executive session of 8362  
the legislative body. Upon the conclusion of the hearing, the 8363  
legislative body shall vote to accept either the last best offer 8364  
of the exclusive representative or the last best offer of the 8365  
public employer. The parties shall execute a collective bargaining 8366  
agreement that represents the last best offer chosen by the 8367  
legislative body and that agreement shall be effective for a term 8368  
of three years. 8369

**Sec. 4117.15.** (A) ~~Whenever a strike by members of a police or~~ 8370  
~~fire department, members of the state highway patrol, deputy~~ 8371  
~~sheriffs, dispatchers employed by a police, fire or sheriff's~~ 8372  
~~department or the state highway patrol or civilian dispatchers~~ 8373  
~~employed by a public employer other than a police, fire, or~~ 8374  
~~sheriff's department to dispatch police, fire, sheriff's~~ 8375  
~~department, or emergency medical or rescue personnel and units, an~~ 8376  
~~exclusive nurse's unit, employees of the state school for the deaf~~ 8377  
~~or the state school for the blind, employees of any public~~ 8378  
~~employee retirement system, correction officers, guards at penal~~ 8379  
~~or mental institutions, or special police officers appointed in~~ 8380  
~~accordance with sections 5119.14 and 5123.13 of the Revised Code,~~ 8381  
~~psychiatric attendants employed at mental health forensic~~ 8382  
~~facilities, youth leaders employed at juvenile correctional~~ 8383  
~~facilities, or members of a law enforcement security force that is~~ 8384  
~~established and maintained exclusively by a board of county~~ 8385  
~~commissioners and whose members are employed by that board, a~~ 8386  
~~strike by other public employees during the pendency of the~~ 8387  
~~settlement procedures set forth in section 4117.14 of the Revised~~ 8388

~~Code, or a strike during the term or extended term of a collective 8389~~  
~~bargaining agreement occurs, the public employer may seek an 8390~~  
~~injunction against the strike in the court of common pleas of the 8391~~  
~~county in which the strike is located. 8392~~

(B) No public employee or employee organization shall engage 8393  
in a strike, and no public employee or employee organization shall 8394  
cause, instigate, encourage, or condone a strike. Whenever a 8395  
strike occurs, the public employer may seek an injunction against 8396  
the strike in the court of common pleas of the county in which the 8397  
strike is located. 8398

(B) Any person who violates division (A) of this section may 8399  
be subject to removal or other disciplinary action provided by law 8400  
for misconduct. The public employer, the state employment 8401  
relations board, or any court of competent jurisdiction may not 8402  
waive the penalties or fines provided in this section as part of 8403  
the settlement of an illegal strike. 8404

(C) An employee who is absent from work without permission or 8405  
who abstains wholly or in part from the full performance of the 8406  
employee's duties in the employee's normal manner without 8407  
permission, on the date when a strike occurs, shall be presumed to 8408  
have engaged in the strike on that date. 8409

(D) No person exercising on behalf of any public employer any 8410  
authority, supervision, or direction over any public employee 8411  
shall have the power to authorize, approve, condone, or consent to 8412  
a strike, or the engaging in a strike, by one or more public 8413  
employees, and such person shall not authorize, approve, condone 8414  
or consent to such strike or engagement. 8415

(E) In the event that it appears that a violation of this 8416  
section may have occurred, the chief executive officer of the 8417  
public employer involved shall, on the basis of such investigation 8418  
and affidavits as the chief executive officer may deem 8419

appropriate, determine whether or not such violation has occurred 8420  
and the dates of such violation. If the chief executive officer 8421  
determines that such violation has occurred, the chief executive 8422  
officer shall also determine, on the basis of such further 8423  
investigation and affidavits as the chief executive officer may 8424  
deem appropriate, the names of employees who committed the 8425  
violation and the dates thereof. Such determination shall not be 8426  
final until the completion of the procedures provided for in this 8427  
section. 8428

(F) The chief executive officer shall immediately notify each 8429  
employee that the chief executive officer has been found to have 8430  
committed the violation, the dates of the violation, and that the 8431  
employee has the right to object to the determination under 8432  
division (H) of this section. The chief executive officer shall 8433  
also notify the chief fiscal officer of the names of all the 8434  
employees determined to have violated this section and of the 8435  
total number of days, or portions thereof, on which it has been 8436  
determined that the violation occurred. Notice to each employee 8437  
shall be by personal service or by certified mail to the 8438  
employee's last address filed by the employee with the employer. 8439

(G) Not earlier than thirty days or later than ninety days 8440  
following the date of the determination made under division (E) of 8441  
this section, the chief fiscal officer of the public employer 8442  
involved shall deduct from the compensation of each such public 8443  
employee an amount equal to twice the employee's daily rate of pay 8444  
for each day or part thereof that the chief executive officer 8445  
determined that the employee violated this section. The employee's 8446  
daily rate of pay is the employee's rate of pay at the time of the 8447  
violation. In computing the deduction, credit shall be allowed for 8448  
amounts already withheld from an employee's compensation on 8449  
account of the employee's absence from work or other withholding 8450  
of services on the dates of the violation. In computing the 8451

thirty-day to ninety-day period of time following the 8452  
determination of a violation pursuant to division (E) of this 8453  
section if the employee's annual compensation is paid over a 8454  
period of time which is less than fifty-two weeks, that period of 8455  
time between the last day of the last payroll period of the 8456  
employment term in which the violation occurred and the first day 8457  
of the first payroll period of the next succeeding employment term 8458  
shall be disregarded and not counted. 8459

(H) Within twenty days after the date on which notice was 8460  
served or mailed to an employee pursuant to division (F) of this 8461  
section, the employee determined to have violated this section may 8462  
object to the determination by filing with the chief executive 8463  
officer the employee's sworn affidavit, supported by available 8464  
documentary proof, which shall contain a short and plain statement 8465  
of the facts upon which the employee relies to show that such 8466  
determination was incorrect. An employee who submits an affidavit 8467  
pursuant to this division shall be subject to the penalties of 8468  
perjury. 8469

(1) If the chief executive officer determines that the 8470  
affidavit and supporting proof establishes that the employee did 8471  
not violate this section, the chief executive officer shall 8472  
sustain the objection. 8473

(2) If the chief executive officer determines that the 8474  
employee did not violate this section, the chief executive officer 8475  
shall dismiss the objection and so notify the employee. 8476

(3) If the chief executive officer determines that the 8477  
affidavit and supporting proof raises a question of fact which, if 8478  
resolved in favor of the employee, would establish that the 8479  
employee did not violate this section, the chief executive officer 8480  
shall appoint a hearing officer to determine whether in fact the 8481  
employee did violate this section. The employee shall bear the 8482  
burden of proof at the hearing. If the hearing officer determines 8483



that the employee failed to establish that the employee did not 8484  
violate this section, the chief executive officer shall so notify 8485  
the employee. 8486

(4) If the chief executive officer sustains an objection or 8487  
the hearing officer determines on a preponderance of the evidence 8488  
that the employee did not violate this section, the chief 8489  
executive officer shall immediately notify the chief fiscal 8490  
officer who shall cease all further deductions and refund any 8491  
deductions previously made pursuant to division (G) of this 8492  
section. 8493

(I) The determinations provided in this section shall be 8494  
reviewable pursuant to Chapter 119. of the Revised Code. 8495

(J) An unfair labor practice by a public employer is not a 8496  
defense to the injunction proceeding noted in division (A) of this 8497  
section. Allegations of unfair labor practices during the 8498  
settlement procedures set forth in section 4117.14 of the Revised 8499  
Code shall receive priority by the state employment relations 8500  
board. 8501

~~(C)~~(K) No public employee is entitled to pay or compensation 8502  
from the public employer for the period engaged in any strike. 8503

(L) As used in this section and section 4117.27 of the 8504  
Revised Code "public employee" has the same meaning as in section 8505  
4117.01 of the Revised Code, except "public employee" also 8506  
includes those persons listed in divisions (C)(1) to (18) of that 8507  
section. 8508

**Sec. 4117.18.** (A) No person shall purposely refuse to obey an 8509  
order issued by a court of competent jurisdiction under Chapter 8510  
4117. of the Revised Code. 8511

(B) No person shall purposely refuse to obey a lawful order 8512  
of the state employment relations board, nor shall any person 8513

prevent or attempt to prevent any member of the board or any agent 8514  
of the board from performing ~~his~~ the member's or agent's lawful 8515  
duties. 8516

~~(C) No public employee shall engage in any unauthorized 8517  
strike. 8518~~

**Sec. 4117.20.** (A) No person who is a member of the same 8519  
local, state, national, or international organization as the 8520  
employee organization with which the public employer is bargaining 8521  
or who has an interest in the outcome of the bargaining, which 8522  
interest is in conflict with the interest of the public employer, 8523  
shall participate on behalf of the public employer in the 8524  
collective bargaining process except that the person may, where 8525  
entitled, vote on the ratification of an agreement. 8526

(B) No public official or employee shall participate on 8527  
behalf of a public employer in the collective bargaining process 8528  
with respect to any matter in which the official or employee, or 8529  
the immediate family of the official or employee, has a direct 8530  
interest in the outcome of the matter. As used in this division, 8531  
"immediate family" has the same meaning as in section 102.01 of 8532  
the Revised Code. 8533

~~(C) The public employer shall immediately remove from his the 8534  
person's role, if any, in the collective bargaining negotiations 8535  
or in any matter in connection with negotiations any person who 8536  
violates division (A) or (B) of this section. 8537~~

**Sec. 4117.21.** Collective bargaining meetings between public 8538  
employers and employee organizations are private, and are not 8539  
subject to section 121.22 of the Revised Code, except fact-finding 8540  
hearings held pursuant to section 4117.14 of the Revised Code may 8541  
be open to the public if either the public employer or the 8542  
exclusive representative requests the hearing be open. 8543

Sec. 4117.26. (A) As used in this section, "compensation" 8544  
means wages, salary, and other earnings paid to a public employee 8545  
by reason of employment. "Compensation" includes all of the 8546  
following that are provided by a public employer to a public 8547  
employee: 8548

(1) Allowances for food or drink; 8549

(2) Allowances or stipends for clothing; 8550

(3) Compensation in addition to base salary for labor 8551  
performed or services rendered by the public employee, including 8552  
any additional compensation paid for attending an event that 8553  
occurs outside the public employee's normal work schedule; 8554

(4) Payments for length of service; 8555

(5) Allowances for dry cleaning services; 8556

(6) Insurance coverage, including health insurance, vision 8557  
insurance, dental insurance, disability insurance, or life 8558  
insurance; 8559

(7) Anything of value given to a public employee by a public 8560  
employer for labor performed or services rendered by the public 8561  
employee that is not generally offered to any of the public 2704  
employer's employees that are not subject to a collective 2705  
bargaining agreement, unless they are de minimis. 2706

8562

(B) Beginning with the first collective bargaining agreement 8563  
entered into on or after the effective date of this section 8564  
between a public employer and an exclusive representative that 8565  
represents public employees employed by the public employer, and 8566  
for each collective bargaining agreement entered into thereafter, 8567  
the public employer shall issue a report that lists all of the 8568  
following: 8569

(1) Each provision in the collective bargaining agreement 8570

that affects the compensation paid by the public employer to the 8571  
public employer's public employees; 8572

(2) A description of the changes in compensation paid to the 8573  
public employer's public employees that are not addressed in the 8574  
collective bargaining agreement but will occur during the time 8575  
period the collective bargaining agreement is in effect; 8576

(3) Any material terms of the agreement. 8577

(C) Not more than thirty days after a public employer and the 8578  
exclusive representative enter into the collective bargaining 8579  
agreement, the public employer shall submit the report required 8580  
under division (B) of this section to the state employment 8581  
relations board and post a copy of the report in a conspicuous 8582  
manner on the web site maintained by the public employer. Upon 8583  
receipt of a report from a public employer, the board shall post a 8584  
copy of the report in a conspicuous manner on the web site 8585  
maintained by the board. If a public employer does not maintain a 8586  
web site, then the public employer shall provide copies of the 8587  
report to two newspapers of general circulation, as defined in 8588  
section 5721.01 of the Revised Code, in the county in which the 8589  
public employer is located. If the public employer is located in 8590  
more than one county, then the public employer shall provide 8591  
copies of the report to newspapers of general circulation in 8592  
Cincinnati, Cleveland, Columbus, and Toledo. 8593

(D)(1) If a change in compensation is to occur during the 8594  
time period a collective bargaining agreement is in effect and 8595  
that change was not included in the report described in division 8596  
(B) of this section, or if the public employer and an exclusive 8597  
representative enter into a modified collective bargaining 8598  
agreement during that time period, the public employer shall do 8599  
all of the following: 8600

(a) Update the report described in division (B) of this 8601

section; 8602

(b) Submit the updated report to the board not less than five 8603  
days prior to the date the change or modified agreement is to take 8604  
effect; 8605

(c) Post the updated report in a conspicuous manner on the 8606  
web site maintained by the public employer not less than five days 8607  
prior to the date the change or modified agreement is to take 8608  
effect. 8609

(2) Upon receipt of an updated report under division (D)(1) 8610  
of this section, the board shall post a copy of the report in a 8611  
conspicuous manner on the web site maintained by the board. 8612

**Sec. 4117.27.** (A) Where it appears that public employees or 8613  
an employee organization threaten or are about to violate section 8614  
4117.15 of the Revised Code by engaging in a strike, the chief 8615  
executive officer of the public employer involved shall 8616  
immediately notify the chief legal officer of the public employer 8617  
involved and provide the chief legal officer with any facilities, 8618  
assistance, or data as will enable the chief legal officer to 8619  
carry out the chief legal officer's duties under this section. 8620  
Notwithstanding the failure or refusal of the chief executive 8621  
officer to act as required, the chief legal officer of the public 8622  
employer involved shall immediately apply to the court of common 8623  
pleas in the county where the public employer is located for an 8624  
injunction against the violation. If the public employees who are 8625  
the subject of the order of the court enjoining or restraining the 8626  
strike do not comply with the order, the chief legal officer shall 8627  
immediately file with the court of common pleas to penalize the 8628  
public employees engaging in the strike. 8629

(B) Except as provided in division (C) of this section, the 8630  
penalty for engaging in a strike in violation of an order issued 8631  
pursuant to division (A) of this section is a fine of not more 8632

than one thousand dollars, or imprisonment for not more than 8633  
thirty days, or both, in the discretion of the court. 8634

(C) Where an employee organization knowingly disobeys a 8635  
lawful mandate of a court of record, or knowingly offers 8636  
resistance to such lawful mandate, in a case involving or growing 8637  
out of a strike in violation of section 4117.15 of the Revised 8638  
Code the penalty for each day that such contempt persists is a 8639  
fine fixed at the discretion of the court. 8640

**Sec. 4725.46.** (A) Each member of the Ohio optical dispensers 8641  
board shall receive compensation pursuant to division ~~(J)~~(A) of 8642  
section 124.15 of the Revised Code, ~~but shall not receive step~~ 8643  
~~advancements~~, for each day actually employed in the discharge of 8644  
~~his~~ official duties, and ~~his~~ the member's actual and necessary 8645  
expenses. 8646

(B) The executive secretary-treasurer shall receive 8647  
compensation as fixed by the board and ~~his~~ the executive 8648  
secretary-treasurer's actual and necessary expenses incurred in 8649  
the discharge of ~~his~~ official duties. 8650

**Sec. 4906.02.** (A) There is hereby created within the public 8651  
utilities commission the power siting board, composed of the 8652  
~~chairman~~ chairperson of the public utilities commission, the 8653  
director of environmental protection, the director of health, the 8654  
director of development, the director of natural resources, the 8655  
director of agriculture, and a representative of the public who 8656  
shall be an engineer and shall be appointed by the governor, from 8657  
a list of three nominees submitted to the governor by the office 8658  
of the consumers' counsel, with the advice and consent of the 8659  
senate and shall serve for a term of four years. The ~~chairman~~ 8660  
chairperson of the public utilities commission shall be ~~chairman~~ 8661  
chairperson of the board and its chief executive officer. The 8662

~~chairman~~ chairperson shall designate one of the voting members of 8663  
the board to act as ~~vice-chairman~~ vice-chairperson who shall 8664  
possess during the absence or disability of the ~~chairman~~ 8665  
chairperson all of the powers of the ~~chairman~~ chairperson. All 8666  
hearings, studies, and consideration of applications for 8667  
certificates shall be conducted by the board or representatives of 8668  
its members. 8669

In addition, the board shall include four legislative members 8670  
who may participate fully in all the board's deliberations and 8671  
activities except that they shall serve as nonvoting members. The 8672  
speaker of the house of representatives shall appoint one 8673  
legislative member, and the president of the senate and minority 8674  
leader of each house shall each appoint one legislative member. 8675  
Each such legislative leader shall designate an alternate to 8676  
attend meetings of the board when the regular legislative member 8677  
~~he~~ appointed by the legislative leader is unable to attend. Each 8678  
legislative member and alternate shall serve for the duration of 8679  
the elected term that ~~he~~ the legislative member is serving at the 8680  
time of ~~his~~ appointment. A quorum of the board is a majority of 8681  
its voting members. 8682

The representative of the public and, notwithstanding section 8683  
101.26 of the Revised Code, legislative members of the board or 8684  
their designated alternates, when engaged in their duties as 8685  
members of the board, shall be paid at ~~the a~~ per diem rate ~~of step~~ 8686  
~~17~~ within pay range 32, under schedule B of section 124.15 of the 8687  
Revised Code and shall be reimbursed for the actual and necessary 8688  
expenses they incur in the discharge of their official duties. 8689

(B) The ~~chairman~~ chairperson shall keep a complete record of 8690  
all proceedings of the board, issue all necessary process, writs, 8691  
warrants, and notices, keep all books, maps, documents, and papers 8692  
ordered filed by the board, conduct investigations pursuant to 8693  
section 4906.07 of the Revised Code, and perform such other duties 8694

as the board may prescribe. 8695

(C) The ~~chairman~~ chairperson of the public utilities 8696  
commission may assign or transfer duties among the commission's 8697  
staff. However, the board's authority to grant certificates under 8698  
section 4906.10 of the Revised Code shall not be exercised by any 8699  
officer, employee, or body other than the board itself. 8700

(D) The ~~chairman~~ chairperson may call to ~~his~~ the 8701  
chairperson's assistance, temporarily, any employee of the 8702  
environmental protection agency, the department of natural 8703  
resources, the department of agriculture, the department of 8704  
health, or the department of development, for the purpose of 8705  
making studies, conducting hearings, investigating applications, 8706  
or preparing any report required or authorized under this chapter. 8707  
Such employees shall not receive any additional compensation over 8708  
that which they receive from the agency by which they are 8709  
employed, but they shall be reimbursed for their actual and 8710  
necessary expenses incurred while working under the direction of 8711  
the ~~chairman~~ chairperson. All contracts for special services are 8712  
subject to the approval of the ~~chairman~~ chairperson. 8713

(E) The board's offices shall be located in those of the 8714  
public utilities commission. 8715

**Sec. 5107.26.** (A) As used in this section: 8716

(1) "Transitional child care" means publicly funded child 8717  
care provided under division (A)(3) of section 5104.34 of the 8718  
Revised Code. 8719

(2) "Transitional medicaid" means the medical assistance 8720  
provided under section 5111.0115 of the Revised Code. 8721

(B) Except as provided in division (C) of this section, each 8722  
member of an assistance group participating in Ohio works first is 8723  
ineligible to participate in the program for six payment months if 8724



a county department of job and family services determines that a 8725  
member of the assistance group terminated the member's employment 8726  
and each person who, on the day prior to the day a recipient 8727  
begins to receive transitional child care or transitional 8728  
medicaid, was a member of the recipient's assistance group is 8729  
ineligible to participate in Ohio works first for six payment 8730  
months if a county department determines that the recipient 8731  
terminated the recipient's employment. 8732

(C) No assistance group member shall lose or be denied 8733  
eligibility to participate in Ohio works first pursuant to 8734  
division (B) of this section if the termination of employment was 8735  
because an assistance group member or recipient of transitional 8736  
child care or transitional medicaid secured comparable or better 8737  
employment or the county department of job and family services 8738  
certifies that the member or recipient terminated the employment 8739  
with just cause. 8740

Just cause includes the following: 8741

(1) Discrimination by an employer based on age, race, sex, 8742  
color, handicap, religious beliefs, or national origin; 8743

(2) Work demands or conditions that render continued 8744  
employment unreasonable, such as working without being paid on 8745  
schedule; 8746

(3) Employment that has become unsuitable due to any of the 8747  
following: 8748

(a) The wage is less than the federal minimum wage; 8749

(b) The work is at a site subject to a strike or lockout, 8750  
unless the strike has been enjoined under section 208 of the 8751  
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 8752  
178, as amended, or an injunction has been issued under section 10 8753  
of the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, 8754  
as amended, ~~or an injunction has been issued under section 4117.16~~ 8755

~~of the Revised Code;~~ 8756

(c) The documented degree of risk to the member or 8757  
recipient's health and safety is unreasonable; 8758

(d) The member or recipient is physically or mentally unfit 8759  
to perform the employment, as documented by medical evidence or by 8760  
reliable information from other sources. 8761

(4) Documented illness of the member or recipient or of 8762  
another assistance group member of the member or recipient 8763  
requiring the presence of the member or recipient; 8764

(5) A documented household emergency; 8765

(6) Lack of adequate child care for children of the member or 8766  
recipient who are under six years of age. 8767

**Sec. 5123.51.** (A) In addition to any other action required by 8768  
sections 5123.61 and 5126.31 of the Revised Code, the department 8769  
of developmental disabilities shall review each report the 8770  
department receives of abuse or neglect of an individual with 8771  
mental retardation or a developmental disability or 8772  
misappropriation of an individual's property that includes an 8773  
allegation that an MR/DD employee committed or was responsible for 8774  
the abuse, neglect, or misappropriation. The department shall 8775  
review a report it receives from a public children services agency 8776  
only after the agency completes its investigation pursuant to 8777  
section 2151.421 of the Revised Code. On receipt of a notice under 8778  
section 2930.061 or 5123.541 of the Revised Code, the department 8779  
shall review the notice. 8780

(B) The department shall do both of the following: 8781

(1) Investigate the allegation or adopt the findings of an 8782  
investigation or review of the allegation conducted by another 8783  
person or government entity and determine whether there is a 8784  
reasonable basis for the allegation; 8785

(2) If the department determines that there is a reasonable 8786  
basis for the allegation, conduct an adjudication pursuant to 8787  
Chapter 119. of the Revised Code. 8788

(C)(1) The department shall appoint an independent hearing 8789  
officer to conduct any hearing conducted pursuant to division 8790  
(B)(2) of this section, except that, if the hearing is regarding 8791  
an employee of the department who is represented by a union, the 8792  
department and a representative of the union shall jointly select 8793  
the hearing officer. 8794

(2)(a) Except as provided in division (C)(2)(b) of this 8795  
section, no hearing shall be conducted under division (B)(2) of 8796  
this section until any criminal proceeding ~~or collective~~ 8797  
~~bargaining arbitration~~ concerning the same allegation has 8798  
concluded. 8799

(b) The department may conduct a hearing pursuant to division 8800  
(B)(2) of this section before a criminal proceeding concerning the 8801  
same allegation is concluded if both of the following are the 8802  
case: 8803

(i) The department notifies the prosecutor responsible for 8804  
the criminal proceeding that the department proposes to conduct a 8805  
hearing. 8806

(ii) The prosecutor consents to the hearing. 8807

(3) In conducting a hearing pursuant to division (B)(2) of 8808  
this section, the hearing officer shall do all of the following: 8809

(a) Determine whether there is clear and convincing evidence 8810  
that the MR/DD employee has done any of the following: 8811

(i) Misappropriated property of one or more individuals with 8812  
mental retardation or a developmental disability that has a value, 8813  
either separately or taken together, of one hundred dollars or 8814  
more; 8815

(ii) Misappropriated property of an individual with mental 8816  
retardation or a developmental disability that is designed to be 8817  
used as a check, draft, negotiable instrument, credit card, charge 8818  
card, or device for initiating an electronic fund transfer at a 8819  
point of sale terminal, automated teller machine, or cash 8820  
dispensing machine; 8821

(iii) Knowingly abused such an individual; 8822

(iv) Recklessly abused or neglected such an individual, with 8823  
resulting physical harm; 8824

(v) Negligently abused or neglected such an individual, with 8825  
resulting serious physical harm; 8826

(vi) Recklessly neglected such an individual, creating a 8827  
substantial risk of serious physical harm; 8828

(vii) Engaged in sexual conduct or had sexual contact with an 8829  
individual with mental retardation or another developmental 8830  
disability who was not the MR/DD employee's spouse and for whom 8831  
the MR/DD employee was employed or under a contract to provide 8832  
care; 8833

(viii) Unreasonably failed to make a report pursuant to 8834  
division (C) of section 5123.61 of the Revised Code when the 8835  
employee knew or should have known that the failure would result 8836  
in a substantial risk of harm to an individual with mental 8837  
retardation or a developmental disability. 8838

~~(b) Give weight to the decision in any collective bargaining 8839  
arbitration regarding the same allegation; 8840~~

~~(c) Give weight to any relevant facts presented at the 8841  
hearing. 8842~~

(D)(1) Unless the director of developmental disabilities 8843  
determines that there are extenuating circumstances and except as 8844  
provided in division (E) of this section, if the director, after 8845

considering all of the factors listed in division (C)(3) of this 8846  
section, finds that there is clear and convincing evidence that an 8847  
MR/DD employee has done one or more of the things described in 8848  
division (C)(3)(a) of this section the director shall include the 8849  
name of the employee in the registry established under section 8850  
5123.52 of the Revised Code. 8851

(2) Extenuating circumstances the director must consider 8852  
include the use of physical force by an MR/DD employee that was 8853  
necessary as self-defense. 8854

(3) If the director includes an MR/DD employee in the 8855  
registry established under section 5123.52 of the Revised Code, 8856  
the director shall notify the employee, the person or government 8857  
entity that employs or contracts with the employee, the individual 8858  
with mental retardation or a developmental disability who was the 8859  
subject of the report and that individual's legal guardian, if 8860  
any, the attorney general, and the prosecuting attorney or other 8861  
law enforcement agency. If the MR/DD employee holds a license, 8862  
certificate, registration, or other authorization to engage in a 8863  
profession issued pursuant to Title XLVII of the Revised Code, the 8864  
director shall notify the appropriate agency, board, department, 8865  
or other entity responsible for regulating the employee's 8866  
professional practice. 8867

(4) If an individual whose name appears on the registry is 8868  
involved in a court proceeding or arbitration arising from the 8869  
same facts as the allegation resulting in the individual's 8870  
placement on the registry, the disposition of the proceeding or 8871  
arbitration shall be noted in the registry next to the 8872  
individual's name. 8873

(E) In the case of an allegation concerning an employee of 8874  
the department, after the hearing conducted pursuant to division 8875  
(B)(2) of this section, the director of health or that director's 8876  
designee shall review the decision of the hearing officer to 8877

determine whether the standard described in division (C)(3) of 8878  
this section has been met. If the director or designee determines 8879  
that the standard has been met and that no extenuating 8880  
circumstances exist, the director or designee shall notify the 8881  
director of developmental disabilities that the MR/DD employee is 8882  
to be included in the registry established under section 5123.52 8883  
of the Revised Code. If the director of developmental disabilities 8884  
receives such notification, the director shall include the MR/DD 8885  
employee in the registry and shall provide the notification 8886  
described in division (D)(3) of this section. 8887

(F) If the department is required by Chapter 119. of the 8888  
Revised Code to give notice of an opportunity for a hearing and 8889  
the MR/DD employee subject to the notice does not timely request a 8890  
hearing in accordance with section 119.07 or 5123.0414 of the 8891  
Revised Code, the department is not required to hold a hearing. 8892

(G) Files and records of investigations conducted pursuant to 8893  
this section are not public records as defined in section 149.43 8894  
of the Revised Code, but, on request, the department shall provide 8895  
copies of those files and records to the attorney general, a 8896  
prosecuting attorney, or a law enforcement agency. 8897

**Sec. 5126.24.** (A) As used in this section: 8898

(1) "License" means an educator license issued by the state 8899  
board of education under section 3319.22 of the Revised Code or a 8900  
certificate issued by the department of developmental 8901  
disabilities. 8902

(2) "Teacher" means a person employed by a county board of 8903  
developmental disabilities in a position that requires a license. 8904

(3) "Nonteaching employee" means a person employed by a 8905  
county board of developmental disabilities in a position that does 8906  
not require a license. 8907

~~(4) "Years of service" includes all service described in 8908  
division (A) of section 3317.13 of the Revised Code. 8909~~

(B) Subject to rules established by the director of 8910  
developmental disabilities pursuant to Chapter 119. of the Revised 8911  
Code, each county board of developmental disabilities shall 8912  
~~annually adopt separate salary schedules for pay teachers and 8913~~  
nonteaching employees a salary based upon performance as described 8914  
in section 3317.13 of the Revised Code. 8915

(C) ~~The teachers' salary schedule shall provide for 8916  
increments based on training and years of service. The board may 8917  
establish its own service requirements provided no teacher 8918  
receives less than the salary the teacher would be paid under 8919  
section 3317.13 of the Revised Code if the teacher were employed 8920  
by a school district board of education and provided full credit 8921  
for a minimum of five years of actual teaching and military 8922  
experience as defined in division (A) of such section is given to 8923  
each teacher. 8924~~

~~Each teacher who has completed training that would qualify 8925  
the teacher for a higher salary bracket pursuant to this section 8926  
shall file by the fifteenth day of September with the fiscal 8927  
officer of the board, satisfactory evidence of the completion of 8928  
such additional training. The fiscal officer shall then 8929  
immediately place the teacher, pursuant to this section, in the 8930  
proper salary bracket in accordance with training and years of 8931  
service. No teacher shall be paid less than the salary to which 8932  
the teacher would be entitled under section 3317.13 of the Revised 8933  
Code if the teacher were employed by a school district board of 8934  
education. 8935~~

The superintendent of each county board, on or before the 8936  
fifteenth day of October of each year, shall certify to the state 8937  
board of education the name of each teacher employed, on an annual 8938  
salary, in each special education program operated pursuant to 8939

section 3323.09 of the Revised Code during the first full school 8940  
week of October. The superintendent further shall certify, for 8941  
each teacher, the number of years of training completed at a 8942  
recognized college, the degrees earned from a college recognized 8943  
by the state board, the type of license held, the number of months 8944  
employed by the board, the annual salary, and other information 8945  
that the state board may request. 8946

(D) ~~The nonteaching employees' salary schedule established by~~ 8947  
~~the board shall be based on training, experience, and~~ 8948  
~~qualifications with initial salaries no less than salaries in~~ 8949  
~~effect on July 1, 1985.~~ Each board shall prepare and may amend 8950  
from time to time, specifications descriptive of duties, 8951  
responsibilities, requirements, and desirable qualifications of 8952  
the classifications of employees required to perform the duties 8953  
~~specified in the salary schedule~~ required of the employees in 8954  
those classifications. All nonteaching employees shall be notified 8955  
of the position classification to which they are assigned ~~and the~~ 8956  
~~salary for the classification. The compensation of all nonteaching~~ 8957  
~~employees working for a particular board shall be uniform for like~~ 8958  
~~positions except as compensation would be affected by salary~~ 8959  
~~increments based upon length of service.~~ 8960

On the fifteenth day of October of each year the nonteaching 8961  
employees' ~~salary schedule and~~ list of job classifications and 8962  
salaries in effect on that date shall be filed by each board with 8963  
the superintendent of public instruction. If such ~~salary schedule~~ 8964  
~~and~~ classification plan is not filed, the superintendent of public 8965  
instruction shall order the board to file such ~~schedule and~~ list 8966  
forthwith. If this condition is not corrected within ten days 8967  
after receipt of the order from the superintendent, no money shall 8968  
be distributed to the district under Chapter 3306. or 3317. of the 8969  
Revised Code until the superintendent has satisfactory evidence of 8970  
the board's full compliance with such order. 8971



**Sec. 5139.02.** (A)(1) As used in this section, "managing 8972  
officer" means a deputy director, an assistant deputy director, a 8973  
superintendent, a regional administrator, a deputy superintendent, 8974  
or the superintendent of schools of the department of youth 8975  
services, a member of the release authority, the chief of staff to 8976  
the release authority, and the victims administrator of the office 8977  
of victim services. 8978

(2) Each division established by the director of youth 8979  
services shall consist of managing officers and other employees, 8980  
including those employed in institutions and regions as necessary 8981  
to perform the functions assigned to them. The director or 8982  
appropriate deputy director or managing officer of the department 8983  
shall supervise the work of each division and determine general 8984  
policies governing the exercise of powers vested in the department 8985  
and assigned to each division. The appropriate managing officer or 8986  
deputy director is responsible to the director for the 8987  
organization, direction, and supervision of the work of the 8988  
division or unit and for the exercise of the powers and the 8989  
performance of the duties of the department assigned to it and, 8990  
with the director's approval, may establish bureaus or other 8991  
administrative units within the department. 8992

(B) The director shall appoint all managing officers, who 8993  
shall be in the unclassified civil service. The director may 8994  
appoint a person who holds a certified position in the classified 8995  
service within the department to a position as a managing officer 8996  
within the department. A person appointed pursuant to this 8997  
division to a position as a managing officer shall retain the 8998  
right to resume the position and status held by the person in the 8999  
classified service immediately prior to the person's appointment 9000  
as managing officer, regardless of the number of positions the 9001  
person held in the unclassified service. A managing officer's 9002  
right to resume a position in the classified service may only be 9003

exercised when the director demotes the managing officer to a pay 9004  
~~range~~ level lower than the managing officer's current pay ~~range~~ 9005  
level or revokes the managing officer's appointment to the 9006  
position of managing officer. A managing officer forfeits the 9007  
right to resume a position in the classified service when the 9008  
managing officer is removed from the position of managing officer 9009  
due to incompetence, inefficiency, dishonesty, drunkenness, 9010  
immoral conduct, insubordination, discourteous treatment of the 9011  
public, neglect of duty, violation of this chapter or Chapter 124. 9012  
of the Revised Code, the rules of the director of youth services 9013  
or the director of administrative services, any other failure of 9014  
good behavior, any other acts of misfeasance, malfeasance, or 9015  
nonfeasance in office, or conviction of a felony. A managing 9016  
officer also forfeits the right to resume a position in the 9017  
classified service upon transfer to a different agency. 9018

Reinstatement to a position in the classified service shall 9019  
be to the position held in the classified service immediately 9020  
prior to appointment as managing officer, or to another position 9021  
certified by the director of administrative services as being 9022  
substantially equal to that position. If the position the person 9023  
previously held in the classified service immediately prior to 9024  
appointment as a managing officer has been placed in the 9025  
unclassified service or is otherwise unavailable, the person shall 9026  
be appointed to a position in the classified service within the 9027  
department that the director of administrative services certifies 9028  
is comparable in compensation to the position the person 9029  
previously held in the classified service. Service as a managing 9030  
officer shall be counted as service in the position in the 9031  
classified service held by the person immediately prior to the 9032  
person's appointment as a managing officer. If a person is 9033  
reinstated to a position in the classified service under this 9034  
division, the person shall be returned to the pay ~~range and step~~ 9035  
level to which the person had been assigned at the time of the 9036

appointment as managing officer. ~~Longevity, where applicable,~~ 9037  
~~shall be calculated pursuant to the provisions of section 124.181~~ 9038  
~~of the Revised Code.~~ 9039

(C) Each person appointed as a managing officer shall have 9040  
received special training and shall have experience in the type of 9041  
work that the person's division is required to perform. Each 9042  
managing officer, under the supervision of the director, has 9043  
entire charge of the division, institution, unit, or region for 9044  
which the managing officer is appointed and, with the director's 9045  
approval, shall appoint necessary employees and may remove them 9046  
for cause. 9047

(D) The director may designate one or more deputy directors 9048  
to sign any personnel actions on the director's behalf. The 9049  
director shall make a designation in a writing signed by the 9050  
director, and the designation shall remain in effect until the 9051  
director revokes or supersedes it with a new designation. 9052

**Sec. 5503.03.** The state highway patrol and the superintendent 9053  
of the state highway patrol shall be furnished by the state with 9054  
such vehicles, equipment, and supplies as the director of public 9055  
safety deems necessary, all of which shall remain the property of 9056  
the state and be strictly accounted for by each member of the 9057  
patrol. 9058

The patrol may be equipped with standardized and tested 9059  
devices for weighing vehicles, and may stop and weigh any vehicle 9060  
which appears to weigh in excess of the amounts permitted by 9061  
sections 5577.01 to 5577.14 of the Revised Code. 9062

The superintendent, with the approval of the director, shall 9063  
prescribe rules for instruction and discipline, make all 9064  
administrative rules, and fix the hours of duty for patrol 9065  
officers. ~~He~~ The superintendent shall divide the state into 9066  
districts and assign members of the patrol to such districts in a 9067

manner that ~~he~~ the superintendent deems proper. ~~He~~ The 9068  
superintendent may transfer members of the patrol from one 9069  
district to another, and classify and rank members of the patrol. 9070  
All promotions to a higher grade shall be made from the next lower 9071  
grade. When a patrol officer is promoted by the superintendent, 9072  
the officer's salary shall be increased to that of the lowest ~~step~~ 9073  
salary or wage in the pay range for the new grade which shall 9074  
increase the officer's salary or wage by at least nine per cent of 9075  
the base pay wherever possible. 9076

**Sec. 5505.15.** (A)(1) A member of the state highway patrol 9077  
retirement system shall contribute ten per cent of the member's 9078  
annual salary to the state highway patrol retirement fund. The 9079  
amount shall be deducted by the employer from the employee's 9080  
salary for each payroll period. 9081

The contributions required under this section shall not be 9082  
paid by an employer on an employee's behalf, but may be treated as 9083  
employer contributions for purposes of state and federal income 9084  
tax deferred income provisions. 9085

(2) The total contributions arising from deductions made 9086  
prior to January 1, 1966, from the salaries of members in the 9087  
employ of the state highway patrol and standing to the credit of 9088  
their individual accounts in the retirement fund shall be 9089  
transferred and credited to their respective individual accounts 9090  
in the employees' savings fund. 9091

(B) The state shall annually pay into the employer 9092  
accumulation fund, in monthly or less frequent installments as the 9093  
state highway patrol retirement board requires, the employer 9094  
contribution. The employer contribution shall be an amount equal 9095  
to twenty-six and one-half per cent of the total salaries paid 9096  
contributing members. If a member severs connection with the 9097  
patrol or is dismissed, the employer contribution shall remain in 9098

the retirement system. 9099

The rate percentage of the employer contribution shall be 9100  
certified by the board to the director of budget and management 9101  
and shall not be lower than nine per cent of the total salaries 9102  
paid contributing members and shall not exceed three times the 9103  
rate percentage being deducted from the annual salaries of 9104  
contributing members. The board shall prepare and submit to the 9105  
director, on or before the first day of November of each 9106  
even-numbered year, an estimate of the amounts necessary to pay 9107  
the state's obligations accruing during the biennium beginning the 9108  
first day of July of the following year. Such amounts shall be 9109  
included in the budget and allocated as certified by the board. 9110

**Section 2.** That existing sections 9.90, 103.74, 122.64, 9111  
122.72, 124.134, 124.14, 124.15, 124.152, 124.181, 124.322, 9112  
124.325, 124.34, 124.38, 124.388, 124.39, 124.81, 124.82, 145.47, 9113  
306.04, 307.054, 339.06, 339.07, 340.04, 505.38, 505.49, 505.60, 9114  
709.012, 742.31, 749.082, 749.083, 927.69, 1545.071, 3306.01, 9115  
3307.27, 3307.77, 3309.47, 3311.19, 3313.12, 3313.202, 3313.23, 9116  
3313.24, 3313.33, 3313.42, 3314.10, 3316.07, 3317.01, 3317.018, 9117  
3317.11, 3317.13, 3319.01, 3319.011, 3319.02, 3319.06, 3319.08, 9118  
3319.084, 3319.085, 3319.088, 3319.09, 3319.10, 3319.11, 3319.13, 9119  
3319.14, 3319.141, 3319.17, 3319.172, 3319.18, 3319.63, 3326.18, 9120  
3332.03, 4117.01, 4117.02, 4117.03, 4117.05, 4117.06, 4117.07, 9121  
4117.08, 4117.09, 4117.10, 4117.11, 4117.12, 4117.13, 4117.14, 9122  
4117.15, 4117.18, 4117.20, 4117.21, 4725.46, 4906.02, 5107.26, 9123  
5123.51, 5126.24, 5139.02, 5503.03, and 5505.15 and sections 9124  
3317.12, 3317.14, 3319.131, 3319.142, 3319.143, 4117.16, 4117.22, 9125  
and 4117.23 of the Revised Code are hereby repealed. 9126

**Section 3.** This act applies to contracts entered into under 9127  
section 124.81 of the Revised Code on or after the effective date 9128  
of this act. 9129

**Section 4.** The amendments to Chapter 4117. of the Revised 9130  
Code by this act shall apply to a collective bargaining agreement 9131  
entered into on or after the effective date of this section and to 9132  
versions of a collective bargaining agreement in effect on the 9133  
effective date of this section that result from extension, 9134  
modification, or renewal of the collective bargaining agreement on 9135  
or after that date. 9136

**Section 5.** The items of law contained in this act, and their 9137  
applications, are severable. If any item of law contained in this 9138  
act, or if any application of any item of law contained in this 9139  
act, is held invalid, the invalidity does not affect other items 9140  
of law contained in this act and their applications that can be 9141  
given effect without the invalid item of law or application. 9142

**Section 6.** The General Assembly, applying the principle 9143  
stated in division (B) of section 1.52 of the Revised Code that 9144  
amendments are to be harmonized if reasonably capable of 9145  
simultaneous operation, finds that the following sections, 9146  
presented in this act as composites of the sections as amended by 9147  
the acts indicated, are the resulting versions of the sections in 9148  
effect prior to the effective date of the sections as presented in 9149  
this act: 9150

Section 124.181 of the Revised Code as amended by both Am. 9151  
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. 9152

Section 124.34 of the Revised Code as amended by both Am. 9153  
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. 9154

Section 505.49 of the Revised Code as amended by both Am. 9155  
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Section 5126.24 of the Revised Code as amended by both Am. 9157  
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