

As Introduced

131st General Assembly

Regular Session

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H. B. No. 583

Representative Becker

**Cosponsors: Representatives Antani, Hood, Thompson, Vitale, Brinkman,
Roegner, Dean, Buchy, Zeltwanger**

A BILL

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

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

Section 1. That sections 9.81, 124.14, 124.15, 3345.31, 14
4117.03, 4117.04, 4117.05, 4117.09, 4117.10, 4117.11, 4121.03, 15
4121.121, 4121.69, and 5501.20 of the Revised Code be amended to 16
read as follows: 17

Sec. 9.81. After an authorization adopted under section 18

9.80 of the Revised Code, any public officer or employee of any department or division of the state, any political subdivision or school district thereof, or of any institution supported in whole or in part by the state, a county, or municipal corporation, who desires to make a contribution by the payroll deduction plan to one or more of the specified charitable agencies which are corporations not for profit, community chests, united funds, or other similar united community fund organizations, may be permitted to have such contribution payments deducted from the salary or wages due such public officer or employee by filing a written request and authorization signed by such public officer or employee and specifying the amount of the deduction in each payroll period with the fiscal officer of the state, political subdivision, or school district, or institution by which such public officer or employee is employed. Such authorization may be withdrawn in writing by such public officer or employee at any time. No funds may be withheld from the salary or wages of any such public officer or employee for the purposes permitted by sections 9.80 and 9.81 of the Revised Code unless the withholding is specifically, freely, and voluntarily authorized by that public officer or employee in writing.

Upon receipt of evidence of such request by the appropriate fiscal officer, or upon receipt of a written deduction authorization under division (B) (2) ~~or (C)~~ of section 4117.09 of the Revised Code, such fiscal officer shall make such deduction and shall, at periodic intervals to the extent of the amount collected, pay the designated charitable agencies which are corporations not for profit, community chests, united funds, or other similar united community fund organizations, or the exclusive representative designated under section 4117.05 of the

Revised Code. 50

Sec. 124.14. (A) (1) The director of administrative 51
services shall establish, and may modify or rescind, a job 52
classification plan for all positions, offices, and employments 53
in the service of the state. The director shall group jobs 54
within a classification so that the positions are similar enough 55
in duties and responsibilities to be described by the same 56
title, to have the same pay assigned with equity, and to have 57
the same qualifications for selection applied. The director 58
shall assign a classification title to each classification 59
within the classification plan. However, the director shall 60
consider in establishing classifications, including 61
classifications with parenthetical titles, and assigning pay 62
ranges such factors as duties performed only on one shift, 63
special skills in short supply in the labor market, recruitment 64
problems, separation rates, comparative salary rates, the amount 65
of training required, and other conditions affecting employment. 66
The director shall describe the duties and responsibilities of 67
the class, establish the qualifications for being employed in 68
each position in the class, and file with the secretary of state 69
a copy of specifications for all of the classifications. The 70
director shall file new, additional, or revised specifications 71
with the secretary of state before they are used. 72

The director shall assign each classification, either on a 73
statewide basis or in particular counties or state institutions, 74
to a pay range established under section 124.15 or section 75
124.152 of the Revised Code. The director may assign a 76
classification to a pay range on a temporary basis for a period 77
of six months. The director may establish experimental 78
classification plans for some or all employees paid directly by 79
warrant of the director of budget and management. Any such 80

experimental classification plan shall include specifications 81
for each classification within the plan and shall specifically 82
address compensation ranges, and methods for advancing within 83
the ranges, for the classifications, which may be assigned to 84
pay ranges other than the pay ranges established under section 85
124.15 or 124.152 of the Revised Code. 86

(2) The director of administrative services may reassign 87
to a proper classification those positions that have been 88
assigned to an improper classification. If the compensation of 89
an employee in such a reassigned position exceeds the maximum 90
rate of pay for the employee's new classification, the employee 91
shall be placed in pay step X and shall not receive an increase 92
in compensation until the maximum rate of pay for that 93
classification exceeds the employee's compensation. 94

(3) The director may reassign an exempt employee, as 95
defined in section 124.152 of the Revised Code, to a bargaining 96
unit classification if the director determines that the 97
bargaining unit classification is the proper classification for 98
that employee. Notwithstanding Chapter 4117. of the Revised Code 99
or instruments and contracts negotiated under it, these 100
placements are at the director's discretion. 101

(4) The director shall assign related classifications, 102
which form a career progression, to a classification series. The 103
director shall assign each classification in the classification 104
plan a five-digit number, the first four digits of which shall 105
denote the classification series to which the classification is 106
assigned. When a career progression encompasses more than ten 107
classifications, the director shall identify the additional 108
classifications belonging to a classification series. The 109
additional classifications shall be part of the classification 110

series, notwithstanding the fact that the first four digits of 111
the number assigned to the additional classifications do not 112
correspond to the first four digits of the numbers assigned to 113
other classifications in the classification series. 114

(B) Division (A) of this section and sections 124.15 and 115
124.152 of the Revised Code do not apply to the following 116
persons, positions, offices, and employments: 117

(1) Elected officials; 118

(2) Legislative employees, employees of the legislative 119
service commission, employees in the office of the governor, 120
employees who are in the unclassified civil service and exempt 121
from collective bargaining coverage in the office of the 122
secretary of state, auditor of state, treasurer of state, and 123
attorney general, and employees of the supreme court; 124

(3) Any position for which the authority to determine 125
compensation is given by law to another individual or entity; 126

(4) Employees of the bureau of workers' compensation whose 127
compensation the administrator of workers' compensation 128
establishes under division (B) of section 4121.121 of the 129
Revised Code. 130

(C) The director may employ a consulting agency to aid and 131
assist the director in carrying out this section. 132

(D) (1) When the director proposes to modify a 133
classification or the assignment of classes to appropriate pay 134
ranges, the director shall notify the appointing authorities of 135
the affected employees before implementing the modification. The 136
director's notice shall include the effective date of the 137
modification. The appointing authorities shall notify the 138
affected employees regarding the modification. 139

(2) When the director proposes to reclassify any employee 140
in the service of the state so that the employee is adversely 141
affected, the director shall give to the employee affected and 142
to the employee's appointing authority a written notice setting 143
forth the proposed new classification, pay range, and salary. 144
Upon the request of any classified employee in the service of 145
the state who is not serving in a probationary period, the 146
director shall perform a job audit to review the classification 147
of the employee's position to determine whether the position is 148
properly classified. The director shall give to the employee 149
affected and to the employee's appointing authority a written 150
notice of the director's determination whether or not to 151
reclassify the position or to reassign the employee to another 152
classification. An employee or appointing authority desiring a 153
hearing shall file a written request for the hearing with the 154
state personnel board of review within thirty days after 155
receiving the notice. The board shall set the matter for a 156
hearing and notify the employee and appointing authority of the 157
time and place of the hearing. The employee, the appointing 158
authority, or any authorized representative of the employee who 159
wishes to submit facts for the consideration of the board shall 160
be afforded reasonable opportunity to do so. After the hearing, 161
the board shall consider anew the reclassification and may order 162
the reclassification of the employee and require the director to 163
assign the employee to such appropriate classification as the 164
facts and evidence warrant. As provided in division (A) (1) of 165
section 124.03 of the Revised Code, the board may determine the 166
most appropriate classification for the position of any employee 167
coming before the board, with or without a job audit. The board 168
shall disallow any reclassification or reassignment 169
classification of any employee when it finds that changes have 170
been made in the duties and responsibilities of any particular 171

employee for political, religious, or other unjust reasons.	172
(E) (1) Employees of each county department of job and family services shall be paid a salary or wage established by the board of county commissioners. The provisions of section 124.18 of the Revised Code concerning the standard work week apply to employees of county departments of job and family services. A board of county commissioners may do either of the following:	173 174 175 176 177 178 179
(a) Notwithstanding any other section of the Revised Code, supplement the sick leave, vacation leave, personal leave, and other benefits of any employee of the county department of job and family services of that county, if the employee is eligible for the supplement under a written policy providing for the supplement;	180 181 182 183 184 185
(b) Notwithstanding any other section of the Revised Code, establish alternative schedules of sick leave, vacation leave, personal leave, or other benefits for employees not inconsistent with the provisions of a collective bargaining agreement covering the affected employees.	186 187 188 189 190
(2) Division (E) (1) of this section does not apply to employees for whom the state employment relations board establishes appropriate bargaining units pursuant to section 4117.06 of the Revised Code, except in either <u>any</u> of the following situations:	191 192 193 194 195
(a) The employees for whom the state employment relations board establishes appropriate bargaining units elect no representative in a board-conducted representation election.	196 197 198
(b) After the state employment relations board establishes appropriate bargaining units for such employees, all employee	199 200

organizations withdraw from a representation election.	201
<u>(c) An employee who is a member of the bargaining unit</u>	202
<u>elects not to be a member of the exclusive representative</u>	203
<u>selected by the employees within the bargaining unit.</u>	204
(F) (1) Notwithstanding any contrary provision of sections	205
124.01 to 124.64 of the Revised Code, the board of trustees of	206
each state university or college, as defined in section 3345.12	207
of the Revised Code, shall carry out all matters of governance	208
involving the officers and employees of the university or	209
college, including, but not limited to, the powers, duties, and	210
functions of the department of administrative services and the	211
director of administrative services specified in this chapter.	212
Officers and employees of a state university or college shall	213
have the right of appeal to the state personnel board of review	214
as provided in this chapter.	215
(2) Each board of trustees shall adopt rules under section	216
111.15 of the Revised Code to carry out the matters of	217
governance described in division (F) (1) of this section. Until	218
the board of trustees adopts those rules, a state university or	219
college shall continue to operate pursuant to the applicable	220
rules adopted by the director of administrative services under	221
this chapter.	222
(G) (1) Each board of county commissioners may, by a	223
resolution adopted by a majority of its members, establish a	224
county personnel department to exercise the powers, duties, and	225
functions specified in division (G) of this section. As used in	226
division (G) of this section, "county personnel department"	227
means a county personnel department established by a board of	228
county commissioners under division (G) (1) of this section.	229

(2) (a) Each board of county commissioners, by a resolution 230
adopted by a majority of its members, may designate the county 231
personnel department of the county to exercise the powers, 232
duties, and functions specified in sections 124.01 to 124.64 and 233
Chapter 325. of the Revised Code with regard to employees in the 234
service of the county, except for the powers and duties of the 235
state personnel board of review, which powers and duties shall 236
not be construed as having been modified or diminished in any 237
manner by division (G) (2) of this section, with respect to the 238
employees for whom the board of county commissioners is the 239
appointing authority or co-appointing authority. 240

(b) Nothing in division (G) (2) of this section shall be 241
construed to limit the right of any employee who possesses the 242
right of appeal to the state personnel board of review to 243
continue to possess that right of appeal. 244

(c) Any board of county commissioners that has established 245
a county personnel department may contract with the department 246
of administrative services, in accordance with division (H) of 247
this section, another political subdivision, or an appropriate 248
public or private entity to provide competitive testing services 249
or other appropriate services. 250

(3) After the county personnel department of a county has 251
been established as described in division (G) (2) of this 252
section, any elected official, board, agency, or other 253
appointing authority of that county, upon written notification 254
to the county personnel department, may elect to use the 255
services and facilities of the county personnel department. Upon 256
receipt of the notification by the county personnel department, 257
the county personnel department shall exercise the powers, 258
duties, and functions as described in division (G) (2) of this 259

section with respect to the employees of that elected official, 260
board, agency, or other appointing authority. 261

(4) Each board of county commissioners, by a resolution 262
adopted by a majority of its members, may disband the county 263
personnel department. 264

(5) Any elected official, board, agency, or appointing 265
authority of a county may end its involvement with a county 266
personnel department upon actual receipt by the department of a 267
certified copy of the notification that contains the decision to 268
no longer participate. 269

(6) A county personnel department, in carrying out its 270
duties, shall adhere to merit system principles with regard to 271
employees of county departments of job and family services, 272
child support enforcement agencies, and public child welfare 273
agencies so that there is no threatened loss of federal funding 274
for these agencies, and the county is financially liable to the 275
state for any loss of federal funds due to the action or 276
inaction of the county personnel department. 277

(H) County agencies may contract with the department of 278
administrative services for any human resources services, 279
including, but not limited to, establishment and modification of 280
job classification plans, competitive testing services, and 281
periodic audits and reviews of the county's uniform application 282
of the powers, duties, and functions specified in sections 283
124.01 to 124.64 and Chapter 325. of the Revised Code with 284
regard to employees in the service of the county. Nothing in 285
this division modifies the powers and duties of the state 286
personnel board of review with respect to employees in the 287
service of the county. Nothing in this division limits the right 288
of any employee who possesses the right of appeal to the state 289

personnel board of review to continue to possess that right of appeal. 290
291

(I) The director of administrative services shall 292
establish the rate and method of compensation for all employees 293
who are paid directly by warrant of the director of budget and 294
management and who are serving in positions that the director of 295
administrative services has determined impracticable to include 296
in the state job classification plan. This division does not 297
apply to elected officials, legislative employees, employees of 298
the legislative service commission, employees who are in the 299
unclassified civil service and exempt from collective bargaining 300
coverage in the office of the secretary of state, auditor of 301
state, treasurer of state, and attorney general, employees of 302
the courts, employees of the bureau of workers' compensation 303
whose compensation the administrator of workers' compensation 304
establishes under division (B) of section 4121.121 of the 305
Revised Code, or employees of an appointing authority authorized 306
by law to fix the compensation of those employees. 307

(J) The director of administrative services shall set the 308
rate of compensation for all intermittent, seasonal, temporary, 309
emergency, and casual employees in the service of the state who 310
are not considered public employees under section 4117.01 of the 311
Revised Code. Those employees are not entitled to receive 312
employee benefits, unless otherwise required by law. This rate 313
of compensation shall be equitable in terms of the rate of 314
employees serving in the same or similar classifications. This 315
division does not apply to elected officials, legislative 316
employees, employees of the legislative service commission, 317
employees who are in the unclassified civil service and exempt 318
from collective bargaining coverage in the office of the 319
secretary of state, auditor of state, treasurer of state, and 320

attorney general, employees of the courts, employees of the 321
bureau of workers' compensation whose compensation the 322
administrator establishes under division (B) of section 4121.121 323
of the Revised Code, or employees of an appointing authority 324
authorized by law to fix the compensation of those employees. 325

Sec. 124.15. (A) Board and commission members appointed 326
prior to July 1, 1991, shall be paid a salary or wage in 327
accordance with the following schedules of rates: 328

Schedule B 329

Pay Ranges and Step Values 330

Range		Step 1	Step 2	Step 3	Step 4	
23	Hourly	5.72	5.91	6.10	6.31	332
	Annually	11897.60	12292.80	12688.00	13124.80	333
		Step 5	Step 6			334
	Hourly	6.52	6.75			335
	Annually	13561.60	14040.00			336
		Step 1	Step 2	Step 3	Step 4	337
24	Hourly	6.00	6.20	6.41	6.63	338
	Annually	12480.00	12896.00	13332.80	13790.40	339
		Step 5	Step 6			340
	Hourly	6.87	7.10			341
	Annually	14289.60	14768.00			342
		Step 1	Step 2	Step 3	Step 4	343
25	Hourly	6.31	6.52	6.75	6.99	344
	Annually	13124.80	13561.60	14040.00	14539.20	345
		Step 5	Step 6			346
	Hourly	7.23	7.41			347
	Annually	15038.40	15412.80			348
		Step 1	Step 2	Step 3	Step 4	349
26	Hourly	6.63	6.87	7.10	7.32	350

	Annually	13790.40	14289.60	14768.00	15225.60	351
	Step 5		Step 6			352
	Hourly	7.53	7.77			353
	Annually	15662.40	16161.60			354
	Step 1		Step 2	Step 3	Step 4	355
27	Hourly	6.99	7.23	7.41	7.64	356
	Annually	14534.20	15038.40	15412.80	15891.20	357
	Step 5		Step 6	Step 7		358
	Hourly	7.88	8.15	8.46		359
	Annually	16390.40	16952.00	17596.80		360
	Step 1		Step 2	Step 3	Step 4	361
28	Hourly	7.41	7.64	7.88	8.15	362
	Annually	15412.80	15891.20	16390.40	16952.00	363
	Step 5		Step 6	Step 7		364
	Hourly	8.46	8.79	9.15		365
	Annually	17596.80	18283.20	19032.00		366
	Step 1		Step 2	Step 3	Step 4	367
29	Hourly	7.88	8.15	8.46	8.79	368
	Annually	16390.40	16952.00	17596.80	18283.20	369
	Step 5		Step 6	Step 7		370
	Hourly	9.15	9.58	10.01		371
	Annually	19032.00	19926.40	20820.80		372
	Step 1		Step 2	Step 3	Step 4	373
30	Hourly	8.46	8.79	9.15	9.58	374
	Annually	17596.80	18283.20	19032.00	19926.40	375
	Step 5		Step 6	Step 7		376
	Hourly	10.01	10.46	10.99		377
	Annually	20820.80	21756.80	22859.20		378
	Step 1		Step 2	Step 3	Step 4	379
31	Hourly	9.15	9.58	10.01	10.46	380
	Annually	19032.00	19962.40	20820.80	21756.80	381
	Step 5		Step 6	Step 7		382

	Hourly	10.99	11.52	12.09		383
	Annually	22859.20	23961.60	25147.20		384
		Step 1	Step 2	Step 3	Step 4	385
32	Hourly	10.01	10.46	10.99	11.52	386
	Annually	20820.80	21756.80	22859.20	23961.60	387
		Step 5	Step 6	Step 7	Step 8	388
	Hourly	12.09	12.68	13.29	13.94	389
	Annually	25147.20	26374.40	27643.20	28995.20	390
		Step 1	Step 2	Step 3	Step 4	391
33	Hourly	10.99	11.52	12.09	12.68	392
	Annually	22859.20	23961.60	25147.20	26374.40	393
		Step 5	Step 6	Step 7	Step 8	394
	Hourly	13.29	13.94	14.63	15.35	395
	Annually	27643.20	28995.20	30430.40	31928.00	396
		Step 1	Step 2	Step 3	Step 4	397
34	Hourly	12.09	12.68	13.29	13.94	398
	Annually	25147.20	26374.40	27643.20	28995.20	399
		Step 5	Step 6	Step 7	Step 8	400
	Hourly	14.63	15.35	16.11	16.91	401
	Annually	30430.40	31928.00	33508.80	35172.80	402
		Step 1	Step 2	Step 3	Step 4	403
35	Hourly	13.29	13.94	14.63	15.35	404
	Annually	27643.20	28995.20	30430.40	31928.00	405
		Step 5	Step 6	Step 7	Step 8	406
	Hourly	16.11	16.91	17.73	18.62	407
	Annually	33508.80	35172.80	36878.40	38729.60	408
		Step 1	Step 2	Step 3	Step 4	409
36	Hourly	14.63	15.35	16.11	16.91	410
	Annually	30430.40	31928.00	33508.80	35172.80	411
		Step 5	Step 6	Step 7	Step 8	412
	Hourly	17.73	18.62	19.54	20.51	413
	Annually	36878.40	38729.60	40643.20	42660.80	414

Schedule C			415
	Pay Range and Values		416
Range	Minimum	Maximum	417
41 Hourly	10.44	15.72	418
Annually	21715.20	32697.60	419
42 Hourly	11.51	17.35	420
Annually	23940.80	36088.00	421
43 Hourly	12.68	19.12	422
Annually	26374.40	39769.60	423
44 Hourly	13.99	20.87	424
Annually	29099.20	43409.60	425
45 Hourly	15.44	22.80	426
Annually	32115.20	47424.00	427
46 Hourly	17.01	24.90	428
Annually	35380.80	51792.00	429
47 Hourly	18.75	27.18	430
Annually	39000.00	56534.40	431
48 Hourly	20.67	29.69	432
Annually	42993.60	61755.20	433
49 Hourly	22.80	32.06	434
Annually	47424.00	66684.80	435
	(B) The pay schedule of all employees shall be on a		436
	biweekly basis, with amounts computed on an hourly basis.		437
	(C) Part-time employees shall be compensated on an hourly		438
	basis for time worked, at the rates shown in division (A) of		439
	this section or in section 124.152 of the Revised Code.		440
	(D) The salary and wage rates in division (A) of this		441
	section or in section 124.152 of the Revised Code represent base		442
	rates of compensation and may be augmented by the provisions of		443
	section 124.181 of the Revised Code. In those cases where		444

lodging, meals, laundry, or other personal services are 445
furnished an employee in the service of the state, the actual 446
costs or fair market value of the personal services shall be 447
paid by the employee in such amounts and manner as determined by 448
the director of administrative services and approved by the 449
director of budget and management, and those personal services 450
shall not be considered as a part of the employee's 451
compensation. An appointing authority that appoints employees in 452
the service of the state, with the approval of the director of 453
administrative services and the director of budget and 454
management, may establish payments to employees for uniforms, 455
tools, equipment, and other requirements of the department and 456
payments for the maintenance of them. 457

The director of administrative services may review 458
collective bargaining agreements entered into under Chapter 459
4117. of the Revised Code that cover employees in the service of 460
the state and determine whether certain benefits or payments 461
provided to the employees covered by those agreements should 462
also be provided to employees in the service of the state who 463
are exempt from collective bargaining coverage and are paid in 464
accordance with section 124.152 of the Revised Code or are 465
listed in division (B) (2) or (4) of section 124.14 of the 466
Revised Code. On completing the review, the director of 467
administrative services, with the approval of the director of 468
budget and management, may provide to some or all of these 469
employees any payment or benefit, except for salary, contained 470
in such a collective bargaining agreement even if it is similar 471
to a payment or benefit already provided by law to some or all 472
of these employees. Any payment or benefit so provided shall not 473
exceed the highest level for that payment or benefit specified 474
in such a collective bargaining agreement. The director of 475

administrative services shall not provide, and the director of 476
budget and management shall not approve, any payment or benefit 477
to such an employee under this division unless the payment or 478
benefit is provided pursuant to a collective bargaining 479
agreement to a state employee who is in a position with similar 480
duties as, is supervised by, or is employed by the same 481
appointing authority as, the employee to whom the benefit or 482
payment is to be provided. 483

As used in this division, "payment or benefit already 484
provided by law" includes, but is not limited to, bereavement, 485
personal, vacation, administrative, and sick leave, disability 486
benefits, holiday pay, and pay supplements provided under the 487
Revised Code, but does not include wages or salary. 488

(E) New employees paid in accordance with schedule B of 489
division (A) of this section or schedule E-1 of section 124.152 490
of the Revised Code shall be employed at the minimum rate 491
established for the range unless otherwise provided. Employees 492
with qualifications that are beyond the minimum normally 493
required for the position and that are determined by the 494
director to be exceptional may be employed in, or may be 495
transferred or promoted to, a position at an advanced step of 496
the range. Further, in time of a serious labor market condition 497
when it is relatively impossible to recruit employees at the 498
minimum rate for a particular classification, the entrance rate 499
may be set at an advanced step in the range by the director of 500
administrative services. This rate may be limited to 501
geographical regions of the state. Appointments made to an 502
advanced step under the provision regarding exceptional 503
qualifications shall not affect the step assignment of employees 504
already serving. However, anytime the hiring rate of an entire 505
classification is advanced to a higher step, all incumbents of 506

that classification being paid at a step lower than that being 507
used for hiring, shall be advanced beginning at the start of the 508
first pay period thereafter to the new hiring rate, and any time 509
accrued at the lower step will be used to calculate advancement 510
to a succeeding step. If the hiring rate of a classification is 511
increased for only a geographical region of the state, only 512
incumbents who work in that geographical region shall be 513
advanced to a higher step. When an employee in the unclassified 514
service changes from one state position to another or is 515
appointed to a position in the classified service, or if an 516
employee in the classified service is appointed to a position in 517
the unclassified service, the employee's salary or wage in the 518
new position shall be determined in the same manner as if the 519
employee were an employee in the classified service. When an 520
employee in the unclassified service who is not eligible for 521
step increases is appointed to a classification in the 522
classified service under which step increases are provided, 523
future step increases shall be based on the date on which the 524
employee last received a pay increase. If the employee has not 525
received an increase during the previous year, the date of the 526
appointment to the classified service shall be used to determine 527
the employee's annual step advancement eligibility date. In 528
reassigning any employee to a classification resulting in a pay 529
range increase or to a new pay range as a result of a promotion, 530
an increase pay range adjustment, or other classification change 531
resulting in a pay range increase, the director shall assign 532
such employee to the step in the new pay range that will provide 533
an increase of approximately four per cent if the new pay range 534
can accommodate the increase. When an employee is being assigned 535
to a classification or new pay range as the result of a class 536
plan change, if the employee has completed a probationary 537
period, the employee shall be placed in a step no lower than 538

step two of the new pay range. If the employee has not completed 539
a probationary period, the employee may be placed in step one of 540
the new pay range. Such new salary or wage shall become 541
effective on such date as the director determines. 542

(F) If employment conditions and the urgency of the work 543
require such action, the director of administrative services 544
may, upon the application of a department head, authorize 545
payment at any rate established within the range for the class 546
of work, for work of a casual or intermittent nature or on a 547
project basis. Payment at such rates shall not be made to the 548
same individual for more than three calendar months in any one 549
calendar year. Any such action shall be subject to the approval 550
of the director of budget and management as to the availability 551
of funds. This section and sections 124.14 and 124.152 of the 552
Revised Code do not repeal any authority of any department or 553
public official to contract with or fix the compensation of 554
professional persons who may be employed temporarily for work of 555
a casual nature or for work on a project basis. 556

(G) (1) Except as provided in ~~divisions~~division (G) (2) ~~and~~ 557
~~(3)~~ of this section, each state employee paid in accordance with 558
schedule B of this section or schedule E-1 of section 124.152 of 559
the Revised Code shall be eligible for advancement to succeeding 560
steps in the range for the employee's class or grade according 561
to the schedule established in this division. Beginning on the 562
first day of the pay period within which the employee completes 563
the prescribed probationary period in the employee's 564
classification with the state, each employee shall receive an 565
automatic salary adjustment equivalent to the next higher step 566
within the pay range for the employee's class or grade. 567

Except as provided in ~~divisions~~division (G) (2) ~~and~~ (3) of 568

this section, each employee paid in accordance with schedule E-1 569
of section 124.152 of the Revised Code shall be eligible to 570
advance to the next higher step until the employee reaches the 571
top step in the range for the employee's class or grade, if the 572
employee has maintained satisfactory performance in accordance 573
with criteria established by the employee's appointing 574
authority. Those step advancements shall not occur more 575
frequently than once in any twelve-month period. 576

When an employee is promoted, the step entry date shall be 577
set to account for a probationary period. When an employee is 578
reassigned to a higher pay range, the step entry date shall be 579
set to allow an employee who is not at the highest step of the 580
range to receive a step advancement one year from the 581
reassignment date. Step advancement shall not be affected by 582
demotion. A promoted employee shall advance to the next higher 583
step of the pay range on the first day of the pay period in 584
which the required probationary period is completed. Step 585
advancement shall become effective at the beginning of the pay 586
period within which the employee attains the necessary length of 587
service. Time spent on authorized leave of absence shall be 588
counted for this purpose. 589

If determined to be in the best interest of the state 590
service, the director of administrative services may, either 591
statewide or in selected agencies, adjust the dates on which 592
annual step advancements are received by employees paid in 593
accordance with schedule E-1 of section 124.152 of the Revised 594
Code. 595

~~(2) (a) There shall be a moratorium on annual step 596
advancements under division (G) (1) of this section beginning 597
June 21, 2009, through June 20, 2011. Step advancements shall 598~~

~~resume with the pay period beginning June 21, 2011. Upon the~~ 599
~~resumption of step advancements, there shall be no retroactive~~ 600
~~step advancements for the period the moratorium was in effect.~~ 601
~~The moratorium shall not affect an employee's performance~~ 602
~~evaluation schedule.~~ 603

~~An employee who begins a probationary period before June~~ 604
~~21, 2009, shall advance to the next step in the employee's pay~~ 605
~~range at the end of probation, and then become subject to the~~ 606
~~moratorium. An employee who is hired, promoted, or reassigned to~~ 607
~~a higher pay range between June 21, 2009, through June 20, 2011,~~ 608
~~shall not advance to the next step in the employee's pay range~~ 609
~~until the next anniversary of the employee's date of hire,~~ 610
~~promotion, or reassignment that occurs on or after June 21,~~ 611
~~2011.~~ 612

~~(b) The moratorium under division (G) (2) (a) of this~~ 613
~~section shall apply to the employees of the secretary of state,~~ 614
~~the auditor of state, the treasurer of state, and the attorney~~ 615
~~general, who are subject to this section unless the secretary of~~ 616
~~state, the auditor of state, the treasurer of state, or the~~ 617
~~attorney general decides to exempt the office's employees from~~ 618
~~the moratorium and so notifies the director of administrative~~ 619
~~services in writing on or before July 1, 2009.~~ 620

~~(3) Employees in intermittent positions shall be employed~~ 621
~~at the minimum rate established for the pay range for their~~ 622
~~classification and are not eligible for step advancements.~~ 623

~~(H) Employees in appointive managerial or professional~~ 624
~~positions paid in accordance with schedule C of this section or~~ 625
~~schedule E-2 of section 124.152 of the Revised Code may be~~ 626
~~appointed at any rate within the appropriate pay range. This~~ 627
~~rate of pay may be adjusted higher or lower within the~~ 628

respective pay range at any time the appointing authority so 629
desires as long as the adjustment is based on the employee's 630
ability to successfully administer those duties assigned to the 631
employee. Salary adjustments shall not be made more frequently 632
than once in any six-month period under this provision to 633
incumbents holding the same position and classification. 634

(I) When an employee is assigned to duty outside this 635
state, the employee may be compensated, upon request of the 636
department head and with the approval of the director of 637
administrative services, at a rate not to exceed fifty per cent 638
in excess of the employee's current base rate for the period of 639
time spent on that duty. 640

(J) Unless compensation for members of a board or 641
commission is otherwise specifically provided by law, the 642
director of administrative services shall establish the rate and 643
method of payment for members of boards and commissions pursuant 644
to the pay schedules listed in section 124.152 of the Revised 645
Code. 646

(K) Regular full-time employees in positions assigned to 647
classes within the instruction and education administration 648
series under the job classification plans of the director of 649
administrative services, except certificated employees on the 650
instructional staff of the state school for the blind or the 651
state school for the deaf, whose positions are scheduled to work 652
on the basis of an academic year rather than a full calendar 653
year, shall be paid according to the pay range assigned by the 654
applicable job classification plan, but only during those pay 655
periods included in the academic year of the school where the 656
employee is located. 657

(1) Part-time or substitute teachers or those whose period 658

of employment is other than the full academic year shall be 659
compensated for the actual time worked at the rate established 660
by this section. 661

(2) Employees governed by this division are exempt from 662
sections 124.13 and 124.19 of the Revised Code. 663

(3) Length of service for the purpose of determining 664
eligibility for step advancements as provided by division (G) of 665
this section and for the purpose of determining eligibility for 666
longevity pay supplements as provided by division (E) of section 667
124.181 of the Revised Code shall be computed on the basis of 668
one full year of service for the completion of each academic 669
year. 670

(L) The superintendent of the state school for the deaf 671
and the superintendent of the state school for the blind shall, 672
subject to the approval of the superintendent of public 673
instruction, carry out both of the following: 674

(1) Annually, between the first day of April and the last 675
day of June, establish for the ensuing fiscal year a schedule of 676
hourly rates for the compensation of each certificated employee 677
on the instructional staff of that superintendent's respective 678
school constructed as follows: 679

(a) Determine for each level of training, experience, and 680
other professional qualification for which an hourly rate is set 681
forth in the current schedule, the per cent that rate is of the 682
rate set forth in such schedule for a teacher with a bachelor's 683
degree and no experience. If there is more than one such rate 684
for such a teacher, the lowest rate shall be used to make the 685
computation. 686

(b) Determine which six city, local, and exempted village 687

school districts with territory in Franklin county have in 688
effect on, or have adopted by, the first day of April for the 689
school year that begins on the ensuing first day of July, 690
teacher salary schedules with the highest minimum salaries for a 691
teacher with a bachelor's degree and no experience; 692

(c) Divide the sum of such six highest minimum salaries by 693
ten thousand five hundred sixty; 694

(d) Multiply each per cent determined in division (L) (1) 695
(a) of this section by the quotient obtained in division (L) (1) 696
(c) of this section; 697

(e) One hundred five per cent of each product thus 698
obtained shall be the hourly rate for the corresponding level of 699
training, experience, or other professional qualification in the 700
schedule for the ensuing fiscal year. 701

(2) Annually, assign each certificated employee on the 702
instructional staff of the superintendent's respective school to 703
an hourly rate on the schedule that is commensurate with the 704
employee's training, experience, and other professional 705
qualifications. 706

If an employee is employed on the basis of an academic 707
year, the employee's annual salary shall be calculated by 708
multiplying the employee's assigned hourly rate times one 709
thousand seven hundred sixty. If an employee is not employed on 710
the basis of an academic year, the employee's annual salary 711
shall be calculated in accordance with the following formula: 712

(a) Multiply the number of days the employee is required 713
to work pursuant to the employee's contract by eight; 714

(b) Multiply the product of division (L) (2) (a) of this 715
section by the employee's assigned hourly rate. 716

Each employee shall be paid an annual salary in biweekly 717
installments. The amount of each installment shall be calculated 718
by dividing the employee's annual salary by the number of 719
biweekly installments to be paid during the year. 720

Sections 124.13 and 124.19 of the Revised Code do not 721
apply to an employee who is paid under this division. 722

As used in this division, "academic year" means the number 723
of days in each school year that the schools are required to be 724
open for instruction with pupils in attendance. Upon completing 725
an academic year, an employee paid under this division shall be 726
deemed to have completed one year of service. An employee paid 727
under this division is eligible to receive a pay supplement 728
under division (L) (1), (2), or (3) of section 124.181 of the 729
Revised Code for which the employee qualifies, but is not 730
eligible to receive a pay supplement under division (L) (4) or 731
(5) of that section. An employee paid under this division is 732
eligible to receive a pay supplement under division (L) (6) of 733
section 124.181 of the Revised Code for which the employee 734
qualifies, except that the supplement is not limited to a 735
maximum of five per cent of the employee's regular base salary 736
in a calendar year. 737

(M) Division (A) of this section does not apply to "exempt 738
employees," as defined in section 124.152 of the Revised Code, 739
who are paid under that section. 740

Notwithstanding any other provisions of this chapter, when 741
an employee who is a member of an employee organization as 742
defined in section 4117.01 of the Revised Code transfers between 743
bargaining units or transfers out of or into a bargaining unit, 744
the director of administrative services shall establish the 745
employee's compensation and adjust the maximum leave accrual 746

schedule as the director deems equitable. 747

Sec. 3345.31. The boards of trustees of a state 748
university, the board of trustees of the northeast Ohio medical 749
university, the board of trustees of a technical college or 750
community college district, and the board of control of the Ohio 751
agricultural research and development center may establish 752
compensation plans, including schedules of hourly rates, for the 753
compensation of all employees and may establish rules or 754
policies for the administration of their respective compensation 755
plans. 756

The provisions of this section do not apply to employees 757
for whom the state employment relations board establishes 758
appropriate bargaining units pursuant to section 4117.06 of the 759
Revised Code and who are members of the exclusive 760
representative, as defined in section 4117.01 of the Revised 761
Code, selected by the members of such a bargaining unit. 762

Sec. 4117.03. (A) Public employees have the right to: 763

(1) Form, join, assist, or participate in, or refrain from 764
forming, joining, assisting, or participating in, except as 765
otherwise provided in ~~Chapter 4117. of the Revised Code~~ this 766
chapter, any employee organization of their own choosing; 767

(2) Engage in or refrain from engaging in other concerted 768
activities for the purpose of collective bargaining or other 769
mutual aid and protection; 770

(3) Representation by an employee organization; 771

(4) Bargain collectively with their public employers to 772
determine wages, hours, terms and other conditions of employment 773
and the continuation, modification, or deletion of an existing 774
provision of a collective bargaining agreement, and enter into 775

collective bargaining agreements; 776

(5) Present grievances and have them adjusted, without the 777
intervention of the bargaining representative, as long as the 778
adjustment is not inconsistent with the terms of the collective 779
bargaining agreement then in effect and as long as the 780
bargaining representatives have the opportunity to be present at 781
the adjustment. 782

(B) Persons on active duty or acting in any capacity as 783
members of the organized militia do not have collective 784
bargaining rights. 785

(C) Except as provided in division (D) of this section, 786
nothing in ~~Chapter 4117. of the Revised Code~~ this chapter 787
prohibits public employers from electing to engage in collective 788
bargaining, to meet and confer, to hold discussions, or to 789
engage in any other form of collective negotiations with public 790
employees who are not subject to ~~Chapter 4117. of the Revised~~ 791
~~Code~~ this chapter pursuant to division (C) of section 4117.01 of 792
the Revised Code. 793

(D) A public employer shall not engage in collective 794
bargaining or other forms of collective negotiations with the 795
employees of county boards of elections referred to in division 796
(C) (12) of section 4117.01 of the Revised Code. 797

(E) Employees of public schools may bargain collectively 798
for health care benefits. 799

Sec. 4117.04. (A) Public employers shall extend to an 800
exclusive representative designated under section 4117.05 of the 801
Revised Code, the right to represent exclusively the employees 802
in the appropriate bargaining unit and the right to unchallenged 803
and exclusive representation for a period of not less than 804

twelve months following the date of certification and 805
thereafter, if the public employer and the employee organization 806
enter into an agreement, for a period of not more than three 807
years from the date of signing the agreement. For ~~the~~ purposes 808
of this section, extensions of agreements shall not be construed 809
to affect the expiration date of the original agreement. Nothing 810
in this section shall be construed to require or permit an 811
exclusive representative to represent a public employee who is 812
not a member of the exclusive representative. 813

(B) A public employer shall bargain collectively with an 814
exclusive representative designated under section 4117.05 of the 815
Revised Code for purposes of Chapter 4117. of the Revised Code. 816

When the state employment relations board notifies a 817
public employer that it has certified an employee organization 818
as exclusive representative for a unit of its employees, the 819
public employer shall designate an employer representative and 820
promptly notify the board and the employee organization of ~~his~~ 821
the employer representative's identity and address. On 822
certification, the employee organization shall designate an 823
employee representative and promptly notify the board and the 824
public employer of ~~his~~ the employee representative's identity 825
and address. The board or any party shall address to the 826
appropriate designated representative all communications 827
concerned with collective relationships under Chapter 4117. of 828
the Revised Code. In the case of municipal corporations, 829
counties, school districts, educational service centers, 830
villages, and townships, the designation of the employer 831
representative is as provided in division (C) of section 4117.10 832
of the Revised Code. The designated representative of a party 833
may sign agreements resulting from collective bargaining on 834
behalf of ~~his~~ the representative's designator; but the 835

agreements are subject to the procedures set forth in Chapter 836
4117. of the Revised Code. 837

Sec. 4117.05. (A) ~~An~~ For the purpose of collective 838
bargaining, an employee organization becomes the exclusive 839
representative of all the public employees in an appropriate 840
unit ~~for the purposes of collective bargaining who are members~~ 841
of the employee organization by either: 842

(1) Being certified by the state employment relations 843
board when a majority of the voting employees in the unit select 844
the employee organization as their representative in a board- 845
conducted election under section 4117.07 of the Revised Code; 846

(2) Filing a request with a public employer with a copy to 847
the state employment relations board for recognition as an 848
exclusive representative. In the request for recognition, the 849
employee organization shall describe the bargaining unit, shall 850
allege that a majority of the employees in the bargaining unit 851
wish to be represented by the employee organization, and shall 852
support the request with substantial evidence based on, and in 853
accordance with, rules prescribed by the board demonstrating 854
that a majority of the employees in the bargaining unit wish to 855
be represented by the employee organization. Immediately upon 856
receipt of a request, the public employer shall either request 857
an election under division (A) (2) of section 4117.07 of the 858
Revised Code, or take the following action: 859

(a) Post notice in each facility at which employees in the 860
proposed unit are employed, setting forth the description of the 861
bargaining unit, the name of the employee organization 862
requesting recognition, and the date of the request for 863
recognition, and advising employees that objections to 864
certification must be filed with the state employment relations 865

board not later than the twenty-first day following the date of 866
the request for recognition; 867

(b) Immediately notify the state employment relations 868
board of the request for recognition. 869

The state employment relations board shall certify the 870
employee organization filing the request for recognition on the 871
twenty-second day following the filing of the request for 872
recognition, unless by the twenty-first day following the filing 873
of the request for recognition it receives: 874

(i) A petition for an election from the public employer 875
pursuant to division (A) (2) of section 4117.07 of the Revised 876
Code; 877

(ii) Substantial evidence based on, and in accordance 878
with, rules prescribed by the board demonstrating that a 879
majority of the employees in the described bargaining unit do 880
not wish to be represented by the employee organization filing 881
the request for recognition; 882

(iii) Substantial evidence based on, and in accordance 883
with, rules prescribed by the board from another employee 884
organization demonstrating that at least ten per cent of the 885
employees in the described bargaining unit wish to be 886
represented by such other employee organization; or 887

(iv) Substantial evidence based on, and in accordance 888
with, rules prescribed by the board indicating that the proposed 889
unit is not an appropriate unit pursuant to section 4117.06 of 890
the Revised Code. 891

(B) Nothing in this section shall be construed to permit a 892
public employer to recognize, or the state employment relations 893
board to certify, an employee organization as an exclusive 894

representative under Chapter 4117. of the Revised Code if there 895
is in effect a lawful written agreement, contract, or memorandum 896
of understanding between the public employer and another 897
employee organization which, ~~on the effective date of this~~ 898
~~section~~ April 1, 1984, has been recognized by a public employer 899
as the exclusive representative of the employees in a unit or 900
which by tradition, custom, practice, election, or negotiation 901
has been the only employee organization representing all 902
employees in the unit; this restriction does not apply to that 903
period of time covered by any agreement which exceeds three 904
years. For the purposes of this section, extensions of agreement 905
do not affect the expiration of the original agreement. 906

Sec. 4117.09. (A) The parties to any collective bargaining 907
agreement shall reduce the agreement to writing and both execute 908
it. 909

(B) The agreement shall contain a provision that: 910

(1) Provides for a grievance procedure which may culminate 911
with final and binding arbitration of unresolved grievances, and 912
disputed interpretations of agreements, and which is valid and 913
enforceable under its terms when entered into in accordance with 914
this chapter. No publication thereof is required to make it 915
effective. A party to the agreement may bring suits for 916
violation of agreements or the enforcement of an award by an 917
arbitrator in the court of common pleas of any county wherein a 918
party resides or transacts business. 919

(2) Authorizes the public employer to deduct the periodic 920
dues, initiation fees, and assessments of members of the 921
exclusive representative upon presentation of a written 922
deduction authorization by the employee. 923

~~(C) The agreement may contain a provision that requires as a condition of employment, on or after a mutually agreed upon probationary period or sixty days following the beginning of employment, whichever is less, or the effective date of a collective bargaining agreement, whichever is later, that the employees in the unit who are not members of the employee organization pay to the employee organization a fair share fee. The arrangement does not require any employee to become a member of the employee organization, nor shall fair share fees exceed dues paid by members of the employee organization who are in the same bargaining unit. Any public employee organization representing public employees pursuant to this chapter shall prescribe an internal procedure to determine a rebate, if any, for nonmembers which conforms to federal law, provided a nonmember makes a timely demand on the employee organization. Absent arbitrary and capricious action, such determination is conclusive on the parties except that a challenge to the determination may be filed with the state employment relations board within thirty days of the determination date specifying the arbitrary or capricious nature of the determination and the board shall review the rebate determination and decide whether it was arbitrary or capricious. The deduction of a fair share fee by the public employer from the payroll check of the employee and its payment to the employee organization is automatic and does not require the written authorization of the employee.~~

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

~~Any public employee who is a member of and adheres to~~

~~established and traditional tenets or teachings of a bona fide- 955
religion or religious body which has historically held- 956
conscientious objections to joining or financially supporting an- 957
employee organization and which is exempt from taxation under- 958
the provisions of the Internal Revenue Code shall not be- 959
required to join or financially support any employee- 960
organization as a condition of employment. Upon submission of- 961
proper proof of religious conviction to the board, the board- 962
shall declare the employee exempt from becoming a member of or- 963
financially supporting an employee organization. The employee- 964
shall be required, in lieu of the fair share fee, to pay an- 965
amount of money equal to the fair share fee to a nonreligious- 966
charitable fund exempt from taxation under section 501(c)(3) of- 967
the Internal Revenue Code mutually agreed upon by the employee- 968
and the representative of the employee organization to which the- 969
employee would otherwise be required to pay the fair share fee.- 970
The employee shall furnish to the employee organization written- 971
receipts evidencing such payment, and failure to make the- 972
payment or furnish the receipts shall subject the employee to- 973
the same sanctions as would nonpayment of dues under the- 974
applicable collective bargaining agreement.- 975~~

No public employer shall agree to a provision requiring 976
that a public employee become a member of, or pay dues or fees 977
to, an employee organization as a condition for securing or 978
retaining employment. 979

Nothing in this section prohibits a public employee who is 980
not a member of an employee organization from making a voluntary 981
contribution to the employee organization. 982

(D) As used in this division, "teacher" means any employee 983
of a school district certified to teach in the public schools of 984

this state. 985

The agreement may contain a provision that provides for a 986
peer review plan under which teachers in a bargaining unit or 987
representatives of an employee organization representing 988
teachers may, for other teachers of the same bargaining unit 989
covered by the agreement or teachers whom the employee 990
organization represents, participate in assisting, instructing, 991
reviewing, evaluating, or appraising and make recommendations or 992
participate in decisions with respect to the retention, 993
discharge, renewal, or nonrenewal of, the teachers covered by a 994
peer review plan. 995

The participation of teachers or their employee 996
organization representative in a peer review plan permitted 997
under this division shall not be construed as an unfair labor 998
practice under this chapter or as a violation of any other 999
provision of law or rule adopted pursuant thereto. 1000

(E) No agreement shall contain an expiration date that is 1001
later than three years from the date of execution. The parties 1002
may extend any agreement, but the extensions do not affect the 1003
expiration date of the original agreement. 1004

Sec. 4117.10. (A) An agreement between a public employer 1005
and an exclusive representative entered into pursuant to this 1006
chapter governs the wages, hours, and terms and conditions of 1007
public employment for public employees covered by the agreement. 1008
If the agreement provides for a final and binding arbitration of 1009
grievances, public employers, employees covered by the 1010
agreement, and employee organizations are subject solely to that 1011
grievance procedure and the state personnel board of review or 1012
civil service commissions have no jurisdiction to receive and 1013
determine any appeals relating to matters that were the subject 1014

of a final and binding grievance procedure. Where no agreement 1015
exists or where an agreement makes no specification about a 1016
matter, the public employer and public employees are subject to 1017
all applicable state or local laws or ordinances pertaining to 1018
the wages, hours, and terms and conditions of employment for 1019
public employees. All of the following prevail over conflicting 1020
provisions of agreements between employee organizations and 1021
public employers: 1022

(1) Laws pertaining to any of the following subjects: 1023

(a) Civil rights; 1024

(b) Affirmative action; 1025

(c) Unemployment compensation; 1026

(d) Workers' compensation; 1027

(e) The retirement of public employees; 1028

(f) Residency requirements; 1029

(g) The minimum educational requirements contained in the 1030
Revised Code pertaining to public education including the 1031
requirement of a certificate by the fiscal officer of a school 1032
district pursuant to section 5705.41 of the Revised Code; 1033

(h) The provisions of division (A) of section 124.34 of 1034
the Revised Code governing the disciplining of officers and 1035
employees who have been convicted of a felony; 1036

(i) The minimum standards promulgated by the state board 1037
of education pursuant to division (D) of section 3301.07 of the 1038
Revised Code. 1039

(2) The law pertaining to the leave of absence and 1040
compensation provided under section 5923.05 of the Revised Code, 1041

if the terms of the agreement contain benefits which are less 1042
than those contained in that section or the agreement contains 1043
no such terms and the public authority is the state or any 1044
agency, authority, commission, or board of the state or if the 1045
public authority is another entity listed in division (B) of 1046
section 4117.01 of the Revised Code that elects to provide leave 1047
of absence and compensation as provided in section 5923.05 of 1048
the Revised Code; 1049

(3) The law pertaining to the leave established under 1050
section 5906.02 of the Revised Code, if the terms of the 1051
agreement contain benefits that are less than those contained in 1052
section 5906.02 of the Revised Code; 1053

(4) The law pertaining to excess benefits prohibited under 1054
section 3345.311 of the Revised Code with respect to an 1055
agreement between an employee organization and a public employer 1056
entered into on or after ~~the effective date of this amendment~~ 1057
September 29, 2015. 1058

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 1059
the Revised Code and arrangements entered into thereunder, and 1060
section 4981.21 of the Revised Code as necessary to comply with 1061
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 1062
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 1063
entered into thereunder, this chapter prevails over any and all 1064
other conflicting laws, resolutions, provisions, present or 1065
future, except as otherwise specified in this chapter or as 1066
otherwise specified by the general assembly. Nothing in this 1067
section prohibits or shall be construed to invalidate the 1068
provisions of an agreement establishing supplemental workers' 1069
compensation or unemployment compensation benefits or exceeding 1070
minimum requirements contained in the Revised Code pertaining to 1071

public education or the minimum standards promulgated by the 1072
state board of education pursuant to division (D) of section 1073
3301.07 of the Revised Code. 1074

(B) The public employer shall submit a request for funds 1075
necessary to implement an agreement and for approval of any 1076
other matter requiring the approval of the appropriate 1077
legislative body to the legislative body within fourteen days of 1078
the date on which the parties finalize the agreement, unless 1079
otherwise specified, but if the appropriate legislative body is 1080
not in session at the time, then within fourteen days after it 1081
convenes. The legislative body must approve or reject the 1082
submission as a whole, and the submission is deemed approved if 1083
the legislative body fails to act within thirty days after the 1084
public employer submits the agreement. The parties may specify 1085
that those provisions of the agreement not requiring action by a 1086
legislative body are effective and operative in accordance with 1087
the terms of the agreement, provided there has been compliance 1088
with division (C) of this section. If the legislative body 1089
rejects the submission of the public employer, either party may 1090
reopen all or part of the entire agreement. 1091

As used in this section, "legislative body" includes the 1092
governing board of a municipal corporation, school district, 1093
college or university, village, township, or board of county 1094
commissioners or any other body that has authority to approve 1095
the budget of their public jurisdiction and, with regard to the 1096
state, "legislative body" means the controlling board. 1097

(C) The chief executive officer, or the chief executive 1098
officer's representative, of each municipal corporation, the 1099
designated representative of the board of education of each 1100
school district, college or university, or any other body that 1101

has authority to approve the budget of their public 1102
jurisdiction, the designated representative of the board of 1103
county commissioners and of each elected officeholder of the 1104
county whose employees are covered by the collective 1105
negotiations, and the designated representative of the village 1106
or the board of township trustees of each township is 1107
responsible for negotiations in the collective bargaining 1108
process; except that the legislative body may accept or reject a 1109
proposed collective bargaining agreement. When the matters about 1110
which there is agreement are reduced to writing and approved by 1111
the employee organization and the legislative body, the 1112
agreement is binding upon the legislative body, the employer, 1113
and the employee organization and employees covered by the 1114
agreement. 1115

(D) There is hereby established an office of collective 1116
bargaining in the department of administrative services for the 1117
purpose of negotiating with and entering into written agreements 1118
between state agencies, departments, boards, and commissions and 1119
the exclusive representative on matters of wages, hours, terms 1120
and other conditions of employment and the continuation, 1121
modification, or deletion of an existing provision of a 1122
collective bargaining agreement. Nothing in any provision of law 1123
to the contrary shall be interpreted as excluding the bureau of 1124
workers' compensation and the industrial commission from the 1125
preceding sentence. This office shall not negotiate on behalf of 1126
other statewide elected officials or boards of trustees of state 1127
institutions of higher education who shall be considered as 1128
separate public employers for the purposes of this chapter; 1129
however, the office may negotiate on behalf of these officials 1130
or trustees where authorized by the officials or trustees. The 1131
staff of the office of collective bargaining are in the 1132

unclassified service. The director of administrative services 1133
shall fix the compensation of the staff. 1134

The office of collective bargaining shall: 1135

(1) Assist the director in formulating management's 1136
philosophy for public collective bargaining as well as planning 1137
bargaining strategies; 1138

(2) Conduct negotiations with the exclusive 1139
representatives of each employee organization; 1140

(3) Coordinate the state's resources in all mediation, 1141
fact-finding, and arbitration cases as well as in all labor 1142
disputes; 1143

(4) Conduct systematic reviews of collective bargaining 1144
agreements for the purpose of contract negotiations; 1145

(5) Coordinate the systematic compilation of data by all 1146
agencies that is required for negotiating purposes; 1147

(6) Prepare and submit an annual report and other reports 1148
as requested to the governor and the general assembly on the 1149
implementation of this chapter and its impact upon state 1150
government. 1151

Sec. 4117.11. (A) It is an unfair labor practice for a 1152
public employer, its agents, or representatives to: 1153

(1) Interfere with, restrain, or coerce employees in the 1154
exercise of the rights guaranteed in ~~Chapter 4117. of the~~ 1155
~~Revised Code~~ this chapter or an employee organization in the 1156
selection of its representative for the purposes of collective 1157
bargaining or the adjustment of grievances; 1158

(2) Initiate, create, dominate, or interfere with the 1159

formation or administration of any employee organization, or 1160
contribute financial or other support to it; except that a 1161
public employer may permit employees to confer with it during 1162
working hours without loss of time or pay, permit the exclusive 1163
representative to use the facilities of the public employer for 1164
membership or other meetings, or permit the exclusive 1165
representative to use the internal mail system or other internal 1166
communications system; 1167

(3) Discriminate in regard to hire or tenure of employment 1168
or any term or condition of employment on the basis of the 1169
exercise of rights guaranteed by ~~Chapter 4117. of the Revised~~ 1170
~~Code this chapter. Nothing precludes any employer from making~~ 1171
~~and enforcing an agreement pursuant to division (C) of section~~ 1172
~~4117.09 of the Revised Code.~~ 1173

(4) Discharge or otherwise discriminate against an 1174
employee because ~~he~~ the employee has filed charges or given 1175
testimony under ~~Chapter 4117. of the Revised Code~~ this chapter; 1176

(5) Refuse to bargain collectively with the representative 1177
of ~~his~~ the employer's employees recognized as the exclusive 1178
representative or certified pursuant to ~~Chapter 4117. of the~~ 1179
~~Revised Code~~ this chapter; 1180

(6) Establish a pattern or practice of repeated failures 1181
to timely process grievances and requests for arbitration of 1182
grievances; 1183

(7) Lock out or otherwise prevent employees from 1184
performing their regularly assigned duties where an object 1185
thereof is to bring pressure on the employees or an employee 1186
organization to compromise or capitulate to the employer's terms 1187
regarding a labor relations dispute; 1188

(8) Cause or attempt to cause an employee organization, 1189
its agents, or representatives to violate division (B) of this 1190
section. 1191

(B) It is an unfair labor practice for an employee 1192
organization, its agents, or representatives, or public 1193
employees to: 1194

(1) Restrain or coerce employees in the exercise of the 1195
rights guaranteed in ~~Chapter 4117. of the Revised Code~~ this 1196
chapter. This division does not impair the right of an employee 1197
organization to prescribe its own rules with respect to the 1198
acquisition or retention of membership therein, or an employer 1199
in the selection of ~~his~~ the employer's representative for the 1200
purpose of collective ~~bargaining~~ bargaining or the adjustment of 1201
grievances. 1202

(2) Cause or attempt to cause an employer to violate 1203
division (A) of this section; 1204

(3) Refuse to bargain collectively with a public employer 1205
if the employee organization is recognized as the exclusive 1206
representative or certified as the exclusive representative of 1207
public employees in a bargaining unit; 1208

(4) Call, institute, maintain, or conduct a boycott 1209
against any public employer, or picket any place of business of 1210
a public employer, on account of any jurisdictional work 1211
dispute; 1212

(5) Induce or encourage any individual employed by any 1213
person to engage in a strike in violation of ~~Chapter 4117. of~~ 1214
~~the Revised Code~~ this chapter or refusal to handle goods or 1215
perform services; or threaten, coerce, or restrain any person 1216
where an object thereof is to force or require any public 1217

employee to cease dealing or doing business with any other 1218
person, or force or require a public employer to recognize for 1219
representation purposes an employee organization not certified 1220
by the state employment relations board; 1221

(6) Fail to fairly represent all public employees in a 1222
bargaining unit who are members of the employee organization; 1223

(7) Induce or encourage any individual in connection with 1224
a labor relations dispute to picket the residence or any place 1225
of private employment of any public official or representative 1226
of the public employer; 1227

(8) Engage in any picketing, striking, or other concerted 1228
refusal to work without giving written notice to the public 1229
employer and to the state employment relations board not less 1230
than ten days prior to the action. The notice shall state the 1231
date and time that the action will commence and, once the notice 1232
is given, the parties may extend it by the written agreement of 1233
both. 1234

(C) The determination by the board or any court that a 1235
public officer or employee has committed any of the acts 1236
prohibited by divisions (A) and (B) of this section shall not be 1237
made the basis of any charge for the removal from office or 1238
recall of the public officer or the suspension from or 1239
termination of employment of or disciplinary acts against an 1240
employee, nor shall the officer or employee be found subject to 1241
any suit for damages based on such a determination; however 1242
nothing in this division prevents any party to a collective 1243
bargaining agreement from seeking enforcement or damages for a 1244
violation thereof against the other party to the agreement. 1245

(D) As to jurisdictional work disputes, the board shall 1246

hear and determine the dispute unless, within ten days after 1247
notice to the board by a party to the dispute that a dispute 1248
exists, the parties to the dispute submit to the board 1249
satisfactory evidence that they have adjusted, or agreed upon 1250
the method for the voluntary adjustment of, the dispute. 1251

Sec. 4121.03. (A) The governor shall appoint from among 1252
the members of the industrial commission the chairperson of the 1253
industrial commission. The chairperson shall serve as 1254
chairperson at the pleasure of the governor. The chairperson is 1255
the head of the commission and its chief executive officer. 1256

(B) The chairperson shall appoint, after consultation with 1257
other commission members and obtaining the approval of at least 1258
one other commission member, an executive director of the 1259
commission. The executive director shall serve at the pleasure 1260
of the chairperson. The executive director, under the direction 1261
of the chairperson, shall perform all of the following duties: 1262

(1) Act as chief administrative officer for the 1263
commission; 1264

(2) Ensure that all commission personnel follow the rules 1265
of the commission; 1266

(3) Ensure that all orders, awards, and determinations are 1267
properly heard and signed, prior to attesting to the documents; 1268

(4) Coordinate, to the fullest extent possible, commission 1269
activities with the bureau of workers' compensation activities; 1270

(5) Do all things necessary for the efficient and 1271
effective implementation of the duties of the commission. 1272

The responsibilities assigned to the executive director of 1273
the commission do not relieve the chairperson from final 1274

responsibility for the proper performance of the acts specified 1275
in this division. 1276

(C) The chairperson shall do all of the following: 1277

(1) Except as otherwise provided in this division, employ, 1278
promote, supervise, remove, and establish the compensation of 1279
all employees as needed in connection with the performance of 1280
the commission's duties under this chapter and Chapters 4123., 1281
4127., and 4131. of the Revised Code and may assign to them 1282
their duties to the extent necessary to achieve the most 1283
efficient performance of its functions, and to that end may 1284
establish, change, or abolish positions, and assign and reassign 1285
duties and responsibilities of every employee of the commission. 1286
The civil service status of any person employed by the 1287
commission prior to November 3, 1989, is not affected by this 1288
section. Personnel employed by the bureau or the commission who 1289
are subject to Chapter 4117. of the Revised Code and who are 1290
members of an exclusive representative as defined in section 1291
4117.01 of the Revised Code shall retain all of their rights and 1292
benefits conferred pursuant to that chapter as it presently 1293
exists or is hereafter amended and nothing in this chapter or 1294
Chapter 4123. of the Revised Code shall be construed as 1295
eliminating or interfering with Chapter 4117. of the Revised 1296
Code or the rights and benefits conferred under that chapter to 1297
public employees or to any bargaining unit. 1298

(2) Hire district and staff hearing officers after 1299
consultation with other commission members and obtaining the 1300
approval of at least one other commission member; 1301

(3) Hire staff and district hearing officers when the 1302
chairperson finds appropriate after obtaining the approval of at 1303
least one other commission member; 1304

(4) Maintain the office for the commission in Columbus;	1305
(5) To the maximum extent possible, use electronic data	1306
processing equipment for the issuance of orders immediately	1307
following a hearing, scheduling of hearings and medical	1308
examinations, tracking of claims, retrieval of information, and	1309
any other matter within the commission's jurisdiction, and shall	1310
provide and input information into the electronic data	1311
processing equipment as necessary to effect the success of the	1312
claims tracking system established pursuant to division (B) (14)	1313
of section 4121.121 of the Revised Code;	1314
(6) Exercise all administrative and nonadjudicatory powers	1315
and duties conferred upon the commission by Chapters 4121.,	1316
4123., 4127., and 4131. of the Revised Code;	1317
(7) Approve all contracts for special services.	1318
(D) The chairperson is responsible for all administrative	1319
matters and may secure for the commission facilities, equipment,	1320
and supplies necessary to house the commission, any employees,	1321
and files and records under the commission's control and to	1322
discharge any duty imposed upon the commission by law, the	1323
expense thereof to be audited and paid in the same manner as	1324
other state expenses. For that purpose, the chairperson,	1325
separately from the budget prepared by the administrator of	1326
workers' compensation, shall prepare and submit to the office of	1327
budget and management a budget for each biennium according to	1328
sections 101.532 and 107.03 of the Revised Code. The budget	1329
submitted shall cover the costs of the commission and staff and	1330
district hearing officers in the discharge of any duty imposed	1331
upon the chairperson, the commission, and hearing officers by	1332
law.	1333

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

(1) Establishing the overall adjudicatory policy and management of the commission under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code, except for those administrative matters within the jurisdiction of the chairperson, bureau of workers' compensation, and the administrator of workers' compensation under those chapters;

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

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

Sec. 4121.121. (A) There is hereby created the bureau of workers' compensation, which shall be administered by the administrator of workers' compensation. A person appointed to the position of administrator shall possess significant management experience in effectively managing an organization or

organizations of substantial size and complexity. A person 1364
appointed to the position of administrator also shall possess a 1365
minimum of five years of experience in the field of workers' 1366
compensation insurance or in another insurance industry, except 1367
as otherwise provided when the conditions specified in division 1368
(C) of this section are satisfied. The governor shall appoint 1369
the administrator as provided in section 121.03 of the Revised 1370
Code, and the administrator shall serve at the pleasure of the 1371
governor. The governor shall fix the administrator's salary on 1372
the basis of the administrator's experience and the 1373
administrator's responsibilities and duties under this chapter 1374
and Chapters 4123., 4125., 4127., 4131., and 4167. of the 1375
Revised Code. The governor shall not appoint to the position of 1376
administrator any person who has, or whose spouse has, given a 1377
contribution to the campaign committee of the governor in an 1378
amount greater than one thousand dollars during the two-year 1379
period immediately preceding the date of the appointment of the 1380
administrator. 1381

The administrator shall hold no other public office and 1382
shall devote full time to the duties of administrator. Before 1383
entering upon the duties of the office, the administrator shall 1384
take an oath of office as required by sections 3.22 and 3.23 of 1385
the Revised Code, and shall file in the office of the secretary 1386
of state, a bond signed by the administrator and by surety 1387
approved by the governor, for the sum of fifty thousand dollars 1388
payable to the state, conditioned upon the faithful performance 1389
of the administrator's duties. 1390

(B) The administrator is responsible for the management of 1391
the bureau and for the discharge of all administrative duties 1392
imposed upon the administrator in this chapter and Chapters 1393
4123., 4125., 4127., 4131., and 4167. of the Revised Code, and 1394

in the discharge thereof shall do all of the following: 1395

(1) Perform all acts and exercise all authorities and 1396
powers, discretionary and otherwise that are required of or 1397
vested in the bureau or any of its employees in this chapter and 1398
Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised 1399
Code, except the acts and the exercise of authority and power 1400
that is required of and vested in the bureau of workers' 1401
compensation board of directors or the industrial commission 1402
pursuant to those chapters. The treasurer of state shall honor 1403
all warrants signed by the administrator, or by one or more of 1404
the administrator's employees, authorized by the administrator 1405
in writing, or bearing the facsimile signature of the 1406
administrator or such employee under sections 4123.42 and 1407
4123.44 of the Revised Code. 1408

(2) Employ, direct, and supervise all employees required 1409
in connection with the performance of the duties assigned to the 1410
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 1411
and 4167. of the Revised Code, including an actuary, and may 1412
establish job classification plans and compensation for all 1413
employees of the bureau provided that this grant of authority 1414
shall not be construed as affecting any employee for whom the 1415
state employment relations board has established an appropriate 1416
bargaining unit under section 4117.06 of the Revised Code and 1417
who is a member of the exclusive representative, as defined in 1418
section 4117.01 of the Revised Code, selected by the members of 1419
such a bargaining unit. All positions of employment in the 1420
bureau are in the classified civil service except those 1421
employees the administrator may appoint to serve at the 1422
administrator's pleasure in the unclassified civil service 1423
pursuant to section 124.11 of the Revised Code. The 1424
administrator shall fix the salaries of employees the 1425

administrator appoints to serve at the administrator's pleasure, 1426
including the chief operating officer, staff physicians, and 1427
other senior management personnel of the bureau and shall 1428
establish the compensation of staff attorneys of the bureau's 1429
legal section and their immediate supervisors, and take whatever 1430
steps are necessary to provide adequate compensation for other 1431
staff attorneys. 1432

The administrator may appoint a person who holds a 1433
certified position in the classified service within the bureau 1434
to a position in the unclassified service within the bureau. A 1435
person appointed pursuant to this division to a position in the 1436
unclassified service shall retain the right to resume the 1437
position and status held by the person in the classified service 1438
immediately prior to the person's appointment in the 1439
unclassified service, regardless of the number of positions the 1440
person held in the unclassified service. An employee's right to 1441
resume a position in the classified service may only be 1442
exercised when the administrator demotes the employee to a pay 1443
range lower than the employee's current pay range or revokes the 1444
employee's appointment to the unclassified service. An employee 1445
who holds a position in the classified service and who is 1446
appointed to a position in the unclassified service on or after 1447
January 1, 2016, shall have the right to resume a position in 1448
the classified service under this division only within five 1449
years after the effective date of the employee's appointment in 1450
the unclassified service. An employee forfeits the right to 1451
resume a position in the classified service when the employee is 1452
removed from the position in the unclassified service due to 1453
incompetence, inefficiency, dishonesty, drunkenness, immoral 1454
conduct, insubordination, discourteous treatment of the public, 1455
neglect of duty, violation of this chapter or Chapter 124., 1456

4123., 4125., 4127., 4131., or 4167. of the Revised Code, 1457
violation of the rules of the director of administrative 1458
services or the administrator, any other failure of good 1459
behavior, any other acts of misfeasance, malfeasance, or 1460
nonfeasance in office, or conviction of a felony while employed 1461
in the civil service. An employee also forfeits the right to 1462
resume a position in the classified service upon transfer to a 1463
different agency. 1464

Reinstatement to a position in the classified service 1465
shall be to a position substantially equal to that position in 1466
the classified service held previously, as certified by the 1467
department of administrative services. If the position the 1468
person previously held in the classified service has been placed 1469
in the unclassified service or is otherwise unavailable, the 1470
person shall be appointed to a position in the classified 1471
service within the bureau that the director of administrative 1472
services certifies is comparable in compensation to the position 1473
the person previously held in the classified service. Service in 1474
the position in the unclassified service shall be counted as 1475
service in the position in the classified service held by the 1476
person immediately prior to the person's appointment in the 1477
unclassified service. When a person is reinstated to a position 1478
in the classified service as provided in this division, the 1479
person is entitled to all rights, status, and benefits accruing 1480
to the position during the person's time of service in the 1481
position in the unclassified service. 1482

(3) Reorganize the work of the bureau, its sections, 1483
departments, and offices to the extent necessary to achieve the 1484
most efficient performance of its functions and to that end may 1485
establish, change, or abolish positions and assign and reassign 1486
duties and responsibilities of every employee of the bureau. All 1487

persons employed by the commission in positions that, after 1488
November 3, 1989, are supervised and directed by the 1489
administrator under this section are transferred to the bureau 1490
in their respective classifications but subject to reassignment 1491
and reclassification of position and compensation as the 1492
administrator determines to be in the interest of efficient 1493
administration. The civil service status of any person employed 1494
by the commission is not affected by this section. Personnel 1495
employed by the bureau or the commission who are subject to 1496
Chapter 4117. of the Revised Code and who are members of an 1497
exclusive representative as defined in section 4117.01 of the 1498
Revised Code shall retain all of their rights and benefits 1499
conferred pursuant to that chapter as it presently exists or is 1500
hereafter amended and nothing in this chapter or Chapter 4123. 1501
of the Revised Code shall be construed as eliminating or 1502
interfering with Chapter 4117. of the Revised Code or the rights 1503
and benefits conferred under that chapter to public employees or 1504
to any bargaining unit. 1505

(4) Provide offices, equipment, supplies, and other 1506
facilities for the bureau. 1507

(5) Prepare and submit to the board information the 1508
administrator considers pertinent or the board requires, 1509
together with the administrator's recommendations, in the form 1510
of administrative rules, for the advice and consent of the 1511
board, for classifications of occupations or industries, for 1512
premium rates and contributions, for the amount to be credited 1513
to the surplus fund, for rules and systems of rating, rate 1514
revisions, and merit rating. The administrator shall obtain, 1515
prepare, and submit any other information the board requires for 1516
the prompt and efficient discharge of its duties. 1517

(6) Keep the accounts required by division (A) of section 4123.34 of the Revised Code and all other accounts and records necessary to the collection, administration, and distribution of the workers' compensation funds and shall obtain the statistical and other information required by section 4123.19 of the Revised Code. 1518
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(7) Exercise the investment powers vested in the administrator by section 4123.44 of the Revised Code in accordance with the investment policy approved by the board pursuant to section 4121.12 of the Revised Code and in consultation with the chief investment officer of the bureau of workers' compensation. The administrator shall not engage in any prohibited investment activity specified by the board pursuant to division (F)(9) of section 4121.12 of the Revised Code and shall not invest in any type of investment specified in divisions (B)(1) to (10) of section 4123.442 of the Revised Code. All business shall be transacted, all funds invested, all warrants for money drawn and payments made, and all cash and securities and other property held, in the name of the bureau, or in the name of its nominee, provided that nominees are authorized by the administrator solely for the purpose of facilitating the transfer of securities, and restricted to the administrator and designated employees. 1524
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(8) In accordance with Chapter 125. of the Revised Code, purchase supplies, materials, equipment, and services. 1541
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(9) Prepare and submit to the board an annual budget for internal operating purposes for the board's approval. The administrator also shall, separately from the budget the industrial commission submits, prepare and submit to the director of budget and management a budget for each biennium. 1543
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The budgets submitted to the board and the director shall 1548
include estimates of the costs and necessary expenditures of the 1549
bureau in the discharge of any duty imposed by law. 1550

(10) As promptly as possible in the course of efficient 1551
administration, decentralize and relocate such of the personnel 1552
and activities of the bureau as is appropriate to the end that 1553
the receipt, investigation, determination, and payment of claims 1554
may be undertaken at or near the place of injury or the 1555
residence of the claimant and for that purpose establish 1556
regional offices, in such places as the administrator considers 1557
proper, capable of discharging as many of the functions of the 1558
bureau as is practicable so as to promote prompt and efficient 1559
administration in the processing of claims. All active and 1560
inactive lost-time claims files shall be held at the service 1561
office responsible for the claim. A claimant, at the claimant's 1562
request, shall be provided with information by telephone as to 1563
the location of the file pertaining to the claimant's claim. The 1564
administrator shall ensure that all service office employees 1565
report directly to the director for their service office. 1566

(11) Provide a written binder on new coverage where the 1567
administrator considers it to be in the best interest of the 1568
risk. The administrator, or any other person authorized by the 1569
administrator, shall grant the binder upon submission of a 1570
request for coverage by the employer. A binder is effective for 1571
a period of thirty days from date of issuance and is 1572
nonrenewable. Payroll reports and premium charges shall coincide 1573
with the effective date of the binder. 1574

(12) Set standards for the reasonable and maximum handling 1575
time of claims payment functions, ensure, by rules, the 1576
impartial and prompt treatment of all claims and employer risk 1577

accounts, and establish a secure, accurate method of time stamping all incoming mail and documents hand delivered to bureau employees.

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

(14) Manage and operate a data processing system with a common data base for the use of both the bureau and the commission and, in consultation with the commission, using electronic data processing equipment, shall develop a claims tracking system that is sufficient to monitor the status of a claim at any time and that lists appeals that have been filed and orders or determinations that have been issued pursuant to section 4123.511 or 4123.512 of the Revised Code, including the dates of such filings and issuances.

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

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

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

(c) Audit fee bill payments;

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

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

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

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

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

bidding procedures contained in the Revised Code. 1637

(19) Adopt, with the advice and consent of the board, 1638
rules for the operation of the bureau. 1639

(20) Prepare and submit to the board information the 1640
administrator considers pertinent or the board requires, 1641
together with the administrator's recommendations, in the form 1642
of administrative rules, for the advice and consent of the 1643
board, for the health partnership program and the qualified 1644
health plan system, as provided in sections 4121.44, 4121.441, 1645
and 4121.442 of the Revised Code. 1646

(C) The administrator, with the advice and consent of the 1647
senate, shall appoint a chief operating officer who has a 1648
minimum of five years of experience in the field of workers' 1649
compensation insurance or in another similar insurance industry 1650
if the administrator does not possess such experience. The chief 1651
operating officer shall not commence the chief operating 1652
officer's duties until after the senate consents to the chief 1653
operating officer's appointment. The chief operating officer 1654
shall serve in the unclassified civil service of the state. 1655

Sec. 4121.69. (A) The administrator of workers' 1656
compensation may establish compensation plans, including 1657
schedules of hourly rates, for the compensation of professional, 1658
administrative, and managerial employees who are employed to 1659
fulfill the duties placed upon the bureau of workers' 1660
compensation pursuant to sections 4121.61 to 4121.69 of the 1661
Revised Code. The administrator may establish rules or policies 1662
for the administration of the respective compensation plans. 1663

This division does not apply to employees for whom the 1664
state employment relations board establishes appropriate 1665

bargaining units pursuant to section 4117.06 of the Revised Code 1666
and who are members of the exclusive representative, as defined 1667
in section 4117.01 of the Revised Code, selected by the members 1668
of such a bargaining unit. 1669

(B) The administrator may employ the services and 1670
resources of any public entity or private person, business, or 1671
association in fulfilling the duties placed upon the bureau of 1672
workers' compensation by sections 4121.61 to 4121.69 of the 1673
Revised Code. The opportunities for Ohioans with disabilities 1674
agency, the director of job and family services, and any other 1675
public officer, employee, or agency shall give to the bureau of 1676
workers' compensation full cooperation and, at the request of 1677
the administrator, enter into a written agreement stating the 1678
procedures and criteria for referring, accepting, and providing 1679
services to claimants in the job placement and rehabilitation 1680
efforts of the bureau of workers' compensation on behalf of a 1681
claimant when referred by the bureau of workers' compensation. 1682

(C) In appropriate cases, the bureau may refer a candidate 1683
to the opportunities for Ohioans with disabilities agency for 1684
participation in a program of the agency. For that purpose, the 1685
bureau of workers' compensation shall compensate the agency for 1686
the nonfederal portion of its services. 1687

Sec. 5501.20. (A) As used in this section: 1688

(1) "Career professional service" means that part of the 1689
competitive classified service that consists of employees of the 1690
department of transportation who, regardless of job 1691
classification, meet both of the following qualifications: 1692

(a) They are supervisors, professional employees who are 1693
not in a collective bargaining unit or who are in a collective 1694

bargaining unit but who are not members of the exclusive 1695
representative of that unit, confidential employees, or 1696
management level employees, all as defined in section 4117.01 of 1697
the Revised Code. 1698

(b) They exercise authority that is not merely routine or 1699
clerical in nature and report only to a higher level 1700
unclassified employee or employee in the career professional 1701
service. 1702

(2) "Demoted" means that an employee is placed in a 1703
position where the employee's wage rate equals, or is not more 1704
than twenty per cent less than, the employee's wage rate 1705
immediately prior to demotion or where the employee's job 1706
responsibilities are reduced, or both. 1707

(3) "Employee in the career professional service with 1708
restoration rights" means an employee in the career professional 1709
service who has been in the classified civil service for at 1710
least two years and who has a cumulative total of at least ten 1711
years of continuous service with the department of 1712
transportation. 1713

(B) Not later than the first day of July of each odd- 1714
numbered year, the director of transportation shall adopt a rule 1715
in accordance with section 111.15 of the Revised Code that 1716
establishes a business plan for the department of transportation 1717
that states the department's mission, business objectives, and 1718
strategies and that establishes a procedure by which employees 1719
in the career professional service will be held accountable for 1720
their performance. The director shall adopt a rule that 1721
establishes a business plan for the department only once in each 1722
two years. Within sixty days after the effective date of a rule 1723
that establishes a business plan for the department, the 1724

director shall adopt a rule in accordance with section 111.15 of 1725
the Revised Code that identifies specific positions within the 1726
department of transportation that are included in the career 1727
professional service. The director may amend the rule that 1728
identifies the specific positions included in the career 1729
professional service whenever the director determines necessary. 1730
Any rule adopted under this division is subject to review and 1731
invalidation by the joint committee on agency rule review as 1732
provided in division (D) of section 111.15 of the Revised Code. 1733
The director shall provide a copy of any rule adopted under this 1734
division to the director of budget and management. 1735

Except as otherwise provided in this section, an employee 1736
in the career professional service is subject to the provisions 1737
of Chapter 124. of the Revised Code that govern employees in the 1738
classified civil service. 1739

(C) After an employee is appointed to a position in the 1740
career professional service, the employee's direct supervisor 1741
shall provide the employee appointed to that position with a 1742
written performance action plan that describes the department's 1743
expectations for that employee in fulfilling the mission, 1744
business objectives, and strategies stated in the department's 1745
business plan. No sooner than four months after being appointed 1746
to a position in the career professional service, an employee 1747
appointed to that position shall receive a written performance 1748
review based on the employee's fulfillment of the mission, 1749
business objectives, and strategies stated in the department's 1750
business plan. After the initial performance review, the 1751
employee shall receive a written performance review at least 1752
once each year or as often as the director considers necessary. 1753
The department shall give an employee whose performance is 1754
unsatisfactory an opportunity to improve performance for a 1755

period of at least six months, by means of a written corrective 1756
action plan, before the department takes any disciplinary action 1757
under this section or section 124.34 of the Revised Code. The 1758
department shall base its performance review forms on its 1759
business plan. 1760

(D) An employee in the career professional service may be 1761
suspended, demoted, or removed because of performance that 1762
hinders or restricts the fulfillment of the department's 1763
business plan or for disciplinary reasons under section 124.34 1764
or 124.57 of the Revised Code. An employee in the career 1765
professional service may appeal only the employee's removal to 1766
the state personnel board of review. An employee in the career 1767
professional service may appeal a demotion or a suspension of 1768
more than three days pursuant to rules the director adopts in 1769
accordance with section 111.15 of the Revised Code. 1770

(E) An employee in the career professional service with 1771
restoration rights has restoration rights if demoted because of 1772
performance that hinders or restricts fulfillment of the 1773
mission, business objectives, or strategies stated in the 1774
department's business plan, but not if involuntarily demoted or 1775
removed for any of the reasons described in section 124.34 or 1776
for a violation of section 124.57 of the Revised Code. The 1777
director shall demote an employee who has restoration rights of 1778
that nature to a position in the classified service that in the 1779
director's judgment is similar in nature to the position the 1780
employee held immediately prior to being appointed to the 1781
position in the career professional service. The director shall 1782
assign to an employee who is demoted to a position in the 1783
classified service as provided in this division a wage rate that 1784
equals, or that is not more than twenty per cent less than, the 1785
wage rate assigned to the employee in the career professional 1786

service immediately prior to the employee's demotion.	1787
Section 2. That existing sections 9.81, 124.14, 124.15,	1788
3345.31, 4117.03, 4117.04, 4117.05, 4117.09, 4117.10, 4117.11,	1789
4121.03, 4121.121, 4121.69, and 5501.20 of the Revised Code are	1790
hereby repealed.	1791
Section 3. This act applies to all collective bargaining	1792
agreements entered into pursuant to Chapter 4117. of the Revised	1793
Code on or after the effective date of this act.	1794
Section 4. All items in this section are hereby	1795
appropriated as designated out of any moneys in the state	1796
treasury to the credit of the designated fund. For all	1797
appropriations made in this act, those in the first column are	1798
for fiscal year 2016 and those in the second column are for	1799
fiscal year 2017. The appropriations made in this act are in	1800
addition to any other appropriations made for the FY 2016-FY	1801
2017 biennium.	1802
ERB State Employment Relations Board	1803
General Revenue Fund	1804
GRF 125401 Pamphlets and Brochures \$0 \$30,000	1805
TOTAL GRF General Revenue Fund \$0 \$30,000	1806
TOTAL ALL BUDGET FUND GROUPS \$0 \$30,000	1807
PAMPHLETS AND BROCHURES	1808
The foregoing appropriation item 125401, Pamphlets and	1809
Brochures, shall be used by the State Employment Relations Board	1810
to pay the costs of developing, producing, and distributing	1811
pamphlets, brochures, electronic mail, or other literature	1812
explaining a public employee's rights and options under Chapter	1813

4117. of the Revised Code. The Board shall provide these items, 1814
at no cost, to public employees and public employers upon 1815
request. 1816

Section 5. Within the limits set forth in this act, the 1817
Director of Budget and Management shall establish accounts 1818
indicating the source and amount of funds for each appropriation 1819
made in this act, and shall determine the form and manner in 1820
which appropriation accounts shall be maintained. Expenditures 1821
from appropriations contained in this act shall be accounted for 1822
as though made in the main operating appropriations act of the 1823
131st General Assembly. 1824

The appropriations made in this act are subject to all 1825
provisions of the main operating appropriations act of the 131st 1826
General Assembly that are generally applicable to such 1827
appropriations. 1828