

**As Re-Referred by the House Rules and Reference Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 583**

**Representative Becker**

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

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 Such authorization may be withdrawn in 34  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

Upon receipt of evidence of such request by the 41  
appropriate fiscal officer, or upon receipt of a written 42  
deduction authorization under division (B) (2) ~~or (C)~~ of section 43  
4117.09 of the Revised Code, such fiscal officer shall make such 44  
deduction and shall, at periodic intervals to the extent of the 45  
amount collected, pay the designated charitable agencies which 46  
are corporations not for profit, community chests, united funds, 47  
or other similar united community fund organizations, or the 48  
exclusive representative designated under section 4117.05 of the 49

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 <del>either</del> <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 290  
appeal. 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  
1544  
1545  
1546  
1547

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 1607  
possible, electronic data processing equipment for storage of 1608  
information to facilitate authorizations of compensation 1609  
payments for medical, hospital, drug, and nursing services; 1610

(e) Perform other duties assigned to it by the 1611  
administrator. 1612

(16) Appoint, as the administrator determines necessary, 1613  
panels to review and advise the administrator on disputes 1614  
arising over a determination that a health care service or 1615  
supply provided to a claimant is not covered under this chapter 1616  
or Chapter 4123., 4127., or 4131. of the Revised Code or is 1617  
medically unnecessary. If an individual health care provider is 1618  
involved in the dispute, the panel shall consist of individuals 1619  
licensed pursuant to the same section of the Revised Code as 1620  
such health care provider. 1621

(17) Pursuant to section 4123.65 of the Revised Code, 1622  
approve applications for the final settlement of claims for 1623  
compensation or benefits under this chapter and Chapters 4123., 1624  
4127., and 4131. of the Revised Code as the administrator 1625  
determines appropriate, except in regard to the applications of 1626  
self-insuring employers and their employees. 1627

(18) Comply with section 3517.13 of the Revised Code, and 1628  
except in regard to contracts entered into pursuant to the 1629  
authority contained in section 4121.44 of the Revised Code, 1630  
comply with the competitive bidding procedures set forth in the 1631  
Revised Code for all contracts into which the administrator 1632  
enters provided that those contracts fall within the type of 1633  
contracts and dollar amounts specified in the Revised Code for 1634  
competitive bidding and further provided that those contracts 1635  
are not otherwise specifically exempt from the competitive 1636

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
<b>Section 2.</b> 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
<b>Section 3.</b> 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
<b>Section 4.</b> 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