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Sub. H. B. No. 44

Representatives Miller, J., Miller, K.

Cosponsors: Representatives Abrams, Willis, Barhorst, Brennan, Brownlee, Creech, Deeter, Fischer, Ghanbari, Glassburn, Grim, Hall, D., Holmes, Jarrells, Johnson, Jones, Lampton, LaRe, Lett, Lorenz, Mathews, A., Mathews, T., Mohamed, Mullins, Newman, Plummer, Richardson, Robb Blasdel, Roemer, Russo, Salvo, Schmidt, Sigrist, Synenberg, Thomas, C., Upchurch, Williams, Young

Senators Johnson, Antonio, Blackshear, Chavez, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Ingram, Lang, Manning, O'Brien, Patton, Reineke, Roegner, Schaffer, Timken, Weinstein, Wilson

To amend sections 109.804, 124.11, and 124.30 and	1
to enact sections 109.791 and 737.061 of the	2
Revised Code regarding training schools for	3
prospective law enforcement officers, filling a	4
vacant police department position without a	5
competitive examination, requirements for chief	6
of police training, and advanced training for	7
officers at or above the rank of sergeant.	8

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

Section 1. That sections 109.804, 124.11, and 124.30 be	9
amended and sections 109.791 and 737.061 of the Revised Code be	10
enacted to read as follows:	11

<u>Sec. 109.791. The Ohio peace officer training commission</u>	12
<u>may establish and conduct police officer training courses in</u>	13
<u>addition to those specified in section 109.79 of the Revised</u>	14

Code to be offered to a law enforcement officer at or above the 15
rank of sergeant. 16

Sec. 109.804. (A) (1) The Ohio peace officer training 17
commission shall develop and ~~conduct~~ provide a chief of police 18
training course lasting forty hours for newly appointed chiefs 19
of police appointed on or after January 1, 2018. The commission 20
shall determine the course topics, which shall include diversity 21
training with an emphasis on historical perspectives and 22
community-police relations, and shall establish criteria for 23
what constitutes successful completion of the course. The 24
commission shall conduct the course at ~~the Ohio peace officer~~ 25
~~training academy~~ locations determined by the commission and in a 26
manner prescribed by the commission. The commission shall offer 27
the course at least semiannually. 28

(2) The executive director of the commission shall issue a 29
certificate of completion of a training program required under 30
this section in accordance with Chapter 4796. of the Revised 31
Code to a newly appointed chief of police if either of the 32
following applies: 33

(a) The person holds a certificate of completion of such a 34
program in another state. 35

(b) The person has satisfactory work experience, a 36
government certification, or a private certification as 37
described in that chapter as a chief of police in a state that 38
does not require completion of such a training program. 39

(B) A newly appointed chief of police may request an 40
equivalency exemption from ~~a portion~~ eight hours of the forty 41
hours of the chief of police training course, on topics approved 42
by the executive director, by submitting to the Ohio peace 43

officer training commission, ~~not more than ten calendar days~~ 44
~~following the person's appointment as a chief of police,~~ 45
evidence of training or qualification in the subject area of the 46
exempted ~~portion~~ topics. 47

A request for equivalency exemption by the newly appointed 48
chief of police shall be provided to the commission not later 49
than fourteen calendar days before the beginning of the course. 50

(C) Upon presentation of evidence by a newly appointed 51
chief of police that because of a medical disability or other 52
good cause the newly appointed chief of police is unable to 53
complete the chief of police training course, the Ohio peace 54
officer training commission may defer the requirement for the 55
newly appointed chief of police to complete the chief of police 56
training course until the disability or cause terminates. 57

(D) A newly appointed chief of police appointed on or 58
after January 1, 2018, shall attend a chief of police training 59
course conducted by the Ohio peace officer training commission 60
pursuant to division (A) of this section not later than six 61
months after the person's appointment as a chief of police. 62
While attending the chief of police training course, a newly 63
appointed chief of police shall receive compensation in the same 64
manner and amounts as if carrying out the powers and duties of 65
the office of chief of police. The costs of conducting the chief 66
of police training course shall be paid from state funds 67
appropriated to the attorney general. The cost of meals, 68
lodging, and travel of a newly appointed chief of police 69
attending the chief of police training course shall be paid from 70
the budget of the entity for which the newly appointed chief of 71
police was appointed. 72

(E) As used in this section: 73

"Newly appointed chief of police" means a person appointed 74
chief of police under section 505.49, 737.05, or 737.15 of the 75
Revised Code or any administrative official that is responsible 76
for the daily administration and supervision of peace officers 77
in a law enforcement agency who ~~did not hold the office~~ has 78
never held the full-time position of chief of police ~~on the date~~ 79
before the person was appointed chief of police. 80

"Law enforcement agency" means a municipal or township 81
police department, or any other entity authorized by statute to 82
appoint peace officers to enforce criminal laws and who have the 83
statutory power of arrest. "Law enforcement agency" does not 84
include a county sheriff's office, the state highway patrol, or 85
the bureau of criminal identification and investigation. 86

Sec. 124.11. The civil service of the state and the 87
several counties, cities, civil service townships, city health 88
districts, general health districts, and city school districts 89
of the state shall be divided into the unclassified service and 90
the classified service. 91

(A) The unclassified service shall comprise the following 92
positions, which shall not be included in the classified 93
service, and which shall be exempt from all examinations 94
required by this chapter: 95

(1) All officers elected by popular vote or persons 96
appointed to fill vacancies in those offices; 97

(2) All election officers as defined in section 3501.01 of 98
the Revised Code; 99

(3) (a) The members of all boards and commissions, and 100
heads of principal departments, boards, and commissions 101
appointed by the governor or by and with the governor's consent; 102

(b) The heads of all departments appointed by a board of	103
county commissioners;	104
(c) The members of all boards and commissions and all	105
heads of departments appointed by the mayor, or, if there is no	106
mayor, such other similar chief appointing authority of any city	107
or city school district;	108
Except as otherwise provided in division (A) (17) or (C) of	109
this section, this chapter does not exempt the chiefs of police	110
departments and chiefs of fire departments of cities or civil	111
service townships from the competitive classified service.	112
(4) The members of county or district licensing boards or	113
commissions and boards of revision, and not more than five	114
deputy county auditors;	115
(5) All officers and employees elected or appointed by	116
either or both branches of the general assembly, and employees	117
of the city legislative authority engaged in legislative duties;	118
(6) All commissioned, warrant, and noncommissioned	119
officers and enlisted persons in the Ohio organized militia,	120
including military appointees in the adjutant general's	121
department;	122
(7) (a) All presidents, business managers, administrative	123
officers, superintendents, assistant superintendents,	124
principals, deans, assistant deans, instructors, teachers, and	125
such employees as are engaged in educational or research duties	126
connected with the public school system, colleges, and	127
universities, as determined by the governing body of the public	128
school system, colleges, and universities;	129
(b) The library staff of any library in the state	130
supported wholly or in part at public expense.	131

(8) Four clerical and administrative support employees for 132
each of the elective state officers, four clerical and 133
administrative support employees for each board of county 134
commissioners and one such employee for each county 135
commissioner, and four clerical and administrative support 136
employees for other elective officers and each of the principal 137
appointive executive officers, boards, or commissions, except 138
for civil service commissions, that are authorized to appoint 139
such clerical and administrative support employees; 140

(9) The deputies and assistants of state agencies 141
authorized to act for and on behalf of the agency, or holding a 142
fiduciary or administrative relation to that agency and those 143
persons employed by and directly responsible to elected county 144
officials or a county administrator and holding a fiduciary or 145
administrative relationship to such elected county officials or 146
county administrator, and the employees of such county officials 147
whose fitness would be impracticable to determine by competitive 148
examination, provided that division (A) (9) of this section shall 149
not affect those persons in county employment in the classified 150
service as of September 19, 1961. Nothing in division (A) (9) of 151
this section applies to any position in a county department of 152
job and family services created pursuant to Chapter 329. of the 153
Revised Code. 154

(10) Bailiffs, constables, official stenographers, and 155
commissioners of courts of record, deputies of clerks of the 156
courts of common pleas who supervise or who handle public moneys 157
or secured documents, and such officers and employees of courts 158
of record and such deputies of clerks of the courts of common 159
pleas as the appointing authority finds it impracticable to 160
determine their fitness by competitive examination; 161

(11) Assistants to the attorney general, special counsel 162
appointed or employed by the attorney general, assistants to 163
county prosecuting attorneys, and assistants to city directors 164
of law; 165

(12) Such teachers and employees in the agricultural 166
experiment stations; such students in normal schools, colleges, 167
and universities of the state who are employed by the state or a 168
political subdivision of the state in student or intern 169
classifications; and such unskilled labor positions as the 170
director of administrative services, with respect to positions 171
in the service of the state, or any municipal civil service 172
commission may find it impracticable to include in the 173
competitive classified service; provided such exemptions shall 174
be by order of the commission or the director, duly entered on 175
the record of the commission or the director with the reasons 176
for each such exemption; 177

(13) Any physician or dentist who is a full-time employee 178
of the department of mental health and addiction services, the 179
department of developmental disabilities, or an institution 180
under the jurisdiction of either department; and physicians who 181
are in residency programs at the institutions; 182

(14) Up to twenty positions at each institution under the 183
jurisdiction of the department of mental health and addiction 184
services or the department of developmental disabilities that 185
the department director determines to be primarily 186
administrative or managerial; and up to fifteen positions in any 187
division of either department, excluding administrative 188
assistants to the director and division chiefs, which are within 189
the immediate staff of a division chief and which the director 190
determines to be primarily and distinctively administrative and 191

managerial;	192
(15) Noncitizens of the United States employed by the	193
state, or its counties or cities, as physicians or nurses who	194
are duly licensed to practice their respective professions under	195
the laws of this state, or medical assistants, in mental or	196
chronic disease hospitals, or institutions;	197
(16) Employees of the governor's office;	198
(17) Fire chiefs and chiefs of police in civil service	199
townships appointed by boards of township trustees under section	200
505.38 or 505.49 of the Revised Code;	201
(18) Executive directors, deputy directors, and program	202
directors employed by boards of alcohol, drug addiction, and	203
mental health services under Chapter 340. of the Revised Code,	204
and secretaries of the executive directors, deputy directors,	205
and program directors;	206
(19) Superintendents, and management employees as defined	207
in section 5126.20 of the Revised Code, of county boards of	208
developmental disabilities;	209
(20) Physicians, nurses, and other employees of a county	210
hospital who are appointed pursuant to sections 339.03 and	211
339.06 of the Revised Code;	212
(21) The executive director of the state medical board,	213
who is appointed pursuant to division (B) of section 4731.05 of	214
the Revised Code;	215
(22) County directors of job and family services as	216
provided in section 329.02 of the Revised Code and	217
administrators appointed under section 329.021 of the Revised	218
Code;	219

(23) A director of economic development who is hired	220
pursuant to division (A) of section 307.07 of the Revised Code;	221
(24) Chiefs of construction and compliance, of operations	222
and maintenance, of worker protection, and of licensing and	223
certification in the division of industrial compliance in the	224
department of commerce;	225
(25) The executive director of a county transit system	226
appointed under division (A) of section 306.04 of the Revised	227
Code;	228
(26) Up to five positions at each of the administrative	229
departments listed in section 121.02 of the Revised Code and at	230
the department of taxation, department of the adjutant general,	231
department of education, Ohio board of regents, bureau of	232
workers' compensation, industrial commission, state lottery	233
commission, opportunities for Ohioans with disabilities agency,	234
and public utilities commission of Ohio that the head of that	235
administrative department or of that other state agency	236
determines to be involved in policy development and	237
implementation. The head of the administrative department or	238
other state agency shall set the compensation for employees in	239
these positions at a rate that is not less than the minimum	240
compensation specified in pay range 41 but not more than the	241
maximum compensation specified in pay range 47 of salary	242
schedule E-2 in section 124.152 of the Revised Code. The	243
authority to establish positions in the unclassified service	244
under division (A) (26) of this section is in addition to and	245
does not limit any other authority that an administrative	246
department or state agency has under the Revised Code to	247
establish positions, appoint employees, or set compensation.	248
(27) Employees of the department of agriculture employed	249

under section 901.09 of the Revised Code; 250

(28) For cities, counties, civil service townships, city 251
health districts, general health districts, and city school 252
districts, the deputies and assistants of elective or principal 253
executive officers authorized to act for and in the place of 254
their principals or holding a fiduciary relation to their 255
principals; 256

(29) Employees who receive intermittent or temporary 257
appointments under division ~~(B)~~ (C) of section 124.30 of the 258
Revised Code; 259

(30) Employees appointed to administrative staff positions 260
for which an appointing authority is given specific statutory 261
authority to set compensation; 262

(31) Employees appointed to highway patrol cadet or 263
highway patrol cadet candidate classifications; 264

(32) Employees appointed to participate in a prospective 265
law enforcement training school under section 737.061 of the 266
Revised Code; 267

(33) Employees placed in the unclassified service by 268
another section of the Revised Code. 269

(B) The classified service shall comprise all persons in 270
the employ of the state and the several counties, cities, city 271
health districts, general health districts, and city school 272
districts of the state, not specifically included in the 273
unclassified service. Upon the creation by the board of trustees 274
of a civil service township civil service commission, the 275
classified service shall also comprise, except as otherwise 276
provided in division (A) (17) or (C) of this section, all persons 277
in the employ of a civil service township police or fire 278

department having ten or more full-time paid employees. The 279
classified service consists of two classes, which shall be 280
designated as the competitive class and the unskilled labor 281
class. 282

(1) The competitive class shall include all positions and 283
employments in the state and the counties, cities, city health 284
districts, general health districts, and city school districts 285
of the state, and, upon the creation by the board of trustees of 286
a civil service township of a township civil service commission, 287
all positions in a civil service township police or fire 288
department having ten or more full-time paid employees, for 289
which it is practicable to determine the merit and fitness of 290
applicants by competitive examinations. Appointments shall be 291
made to, or employment shall be given in, all positions in the 292
competitive class that are not filled by promotion, 293
reinstatement, transfer, or reduction, as provided in this 294
chapter, and the rules of the director of administrative 295
services, by appointment from those certified to the appointing 296
officer in accordance with this chapter. 297

(2) The unskilled labor class shall include ordinary 298
unskilled laborers. Vacancies in the labor class for positions 299
in service of the state shall be filled by appointment from 300
lists of applicants registered by the director or the director's 301
designee. Vacancies in the labor class for all other positions 302
shall be filled by appointment from lists of applicants 303
registered by a commission. The director or the commission, as 304
applicable, by rule, shall require an applicant for registration 305
in the labor class to furnish evidence or take tests as the 306
director or commission considers proper with respect to age, 307
residence, physical condition, ability to labor, honesty, 308
sobriety, industry, capacity, and experience in the work or 309

employment for which application is made. Laborers who fulfill 310
the requirements shall be placed on the eligible list for the 311
kind of labor or employment sought, and preference shall be 312
given in employment in accordance with the rating received from 313
that evidence or in those tests. Upon the request of an 314
appointing officer, stating the kind of labor needed, the pay 315
and probable length of employment, and the number to be 316
employed, the director or commission, as applicable, shall 317
certify from the highest on the list double the number to be 318
employed; from this number, the appointing officer shall appoint 319
the number actually needed for the particular work. If more than 320
one applicant receives the same rating, priority in time of 321
application shall determine the order in which their names shall 322
be certified for appointment. 323

(C) A municipal or civil service township civil service 324
commission may place volunteer firefighters who are paid on a 325
fee-for-service basis in either the classified or the 326
unclassified civil service. 327

(D) (1) This division does not apply to persons in the 328
unclassified service who have the right to resume positions in 329
the classified service under sections 4121.121, 5119.18, 330
5120.38, 5120.381, 5120.382, 5123.08, and 5139.02 of the Revised 331
Code or to cities, counties, or political subdivisions of the 332
state. 333

(2) A person who holds a position in the classified 334
service of the state and who is appointed to a position in the 335
unclassified service shall retain the right to resume the 336
position and status held by the person in the classified service 337
immediately prior to the person's appointment to the position in 338
the unclassified service, regardless of the number of positions 339

the person held in the unclassified service. An employee's right 340
to resume a position in the classified service may only be 341
exercised when an appointing authority demotes the employee to a 342
pay range lower than the employee's current pay range or revokes 343
the employee's appointment to the unclassified service and any 344
of the following apply: 345

(a) That person held a certified position prior to July 1, 346
2007, in the classified service within the appointing 347
authority's agency; 348

(b) That person held a permanent position on or after July 349
1, 2007, in the classified service within the appointing 350
authority's agency, and was appointed to the position in the 351
unclassified service prior to January 1, 2016; 352

(c) That person held a permanent position on or after 353
January 1, 2016, in the classified service within the appointing 354
authority's agency, and is within five years from the effective 355
date of the person's appointment in the unclassified service. 356

(3) An employee forfeits the right to resume a position in 357
the classified service when: 358

(a) The employee is removed from the position in the 359
unclassified service due to incompetence, inefficiency, 360
dishonesty, drunkenness, immoral conduct, insubordination, 361
discourteous treatment of the public, neglect of duty, violation 362
of this chapter or the rules of the director of administrative 363
services, any other failure of good behavior, any other acts of 364
misfeasance, malfeasance, or nonfeasance in office, or 365
conviction of a felony while employed in the civil service; or 366

(b) Upon transfer to a different agency. 367

(4) Reinstatement to a position in the classified service 368

shall be to a position substantially equal to that position in 369
the classified service held previously, as certified by the 370
director of administrative services. If the position the person 371
previously held in the classified service has been placed in the 372
unclassified service or is otherwise unavailable, the person 373
shall be appointed to a position in the classified service 374
within the appointing authority's agency that the director of 375
administrative services certifies is comparable in compensation 376
to the position the person previously held in the classified 377
service. Service in the position in the unclassified service 378
shall be counted as service in the position in the classified 379
service held by the person immediately prior to the person's 380
appointment to the position in the unclassified service. When a 381
person is reinstated to a position in the classified service as 382
provided in this division, the person is entitled to all rights, 383
status, and benefits accruing to the position in the classified 384
service during the person's time of service in the position in 385
the unclassified service. 386

Sec. 124.30. (A) Classified positions in the civil service 387
may be filled without competition as follows: 388

(1) Whenever there are urgent reasons for filling a 389
vacancy in any position in the classified civil service and the 390
director of administrative services is unable to certify to the 391
appointing authority, upon its request, a list of persons 392
eligible for appointment to the position after a competitive 393
examination, the appointing authority may fill the position by 394
noncompetitive examination. 395

A temporary appointment may be made without regard to the 396
rules of sections 124.01 to 124.64 of the Revised Code. Except 397
as otherwise provided in this division, the temporary 398

appointment may not continue longer than one hundred twenty 399
days, and in no case shall successive temporary appointments be 400
made. A temporary appointment longer than one hundred twenty 401
days may be made if necessary by reason of sickness, disability, 402
or other approved leave of absence of regular officers or 403
employees, in which case it may continue during the period of 404
sickness, disability, or other approved leave of absence, 405
subject to the rules of the director. 406

(2) In case of a vacancy in a position in the classified 407
civil service where peculiar and exceptional qualifications of a 408
scientific, managerial, professional, or educational character 409
are required, and upon satisfactory evidence that for specified 410
reasons competition in this special case is impracticable and 411
that the position can best be filled by a selection of some 412
designated person of high and recognized attainments in those 413
qualities, the director may suspend the provisions of sections 414
124.01 to 124.64 of the Revised Code that require competition in 415
this special case, but no suspension shall be general in its 416
application. All such cases of suspension shall be reported in 417
the annual report of the director with the reasons for each 418
suspension. The director shall suspend the provisions when 419
either of the following applies: 420

(a) The director of job and family services provides the 421
certification under section 5101.051 of the Revised Code that a 422
position with the department of job and family services can best 423
be filled if the provisions are suspended; 424

(b) The medicaid director provides the certification under 425
section 5160.051 of the Revised Code that a position with the 426
department of medicaid can best be filled if the provisions are 427
suspended. 428

(3) Except as provided in division (D) of this section, in 429
case of a vacancy in a position in the classified civil service 430
in a police department, on satisfactory evidence that for 431
specified reasons competition in this special case is 432
impracticable and that the position can best be filled by a 433
selection of some designated person holding a specialized 434
certification, possessing peculiar and exceptional 435
qualifications, or having completed a police cadet training 436
program through the police department, the director of 437
administrative services may suspend the provisions of sections 438
124.01 to 124.64 of the Revised Code that require competition in 439
this special case, but no suspension shall be general in its 440
application. 441

(B) The acceptance or refusal by an eligible person of a 442
temporary appointment under division (A) (1) of this section 443
shall not affect the person's standing on the eligible list for 444
permanent appointment, nor shall the period of temporary service 445
be counted as a part of the probationary service in case of 446
subsequent appointment to a permanent position. 447

~~(B)~~ (C) Persons who receive temporary or intermittent 448
appointments under division (A) (1) of this section are in the 449
unclassified civil service and serve at the pleasure of their 450
appointing authority. 451

(D) Division (A) (3) of this section does not apply to a 452
vacancy in a position in the classified civil service in a 453
police department that must be filled by promotion as prescribed 454
in section 124.44 of the Revised Code. 455

Sec. 737.061. (A) The chief of police of a municipal 456
corporation may conduct training schools for prospective law 457
enforcement officers. The training school programs shall align 458

with Ohio peace officer training academy standards and cadet 459
qualifications. The prospective officers, during the period of 460
training and as members of the training school, may be paid a 461
reasonable salary. The chief of police may furnish the necessary 462
supplies and equipment for the use of the prospective officers 463
during the training period. 464

(B) The chief of police may establish rules governing the 465
qualifications for admission to training schools for prospective 466
officers and provide for competitive examinations to determine 467
the fitness of the students and prospective officers, not 468
inconsistent with the rules of the director of administrative 469
services. 470

(C) Upon completion of a training school program 471
established under this section, a program graduate may be hired 472
directly by the relevant department, provided the graduate also 473
satisfies the requirements for original appointment under 474
section 109.77 of the Revised Code. 475

Section 2. That existing sections 109.804, 124.11, and 476
124.30 of the Revised Code are hereby repealed. 477