

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 717

Representatives Miller, J., Upchurch

**Cosponsors: Representatives Boyd, Crossman, Crawley, Galonski, Kelly,
Miranda, Russo, Sweeney, Strahorn, Weinstein, West**

A BILL

To amend section 124.11 and to enact section 1
737.061 of the Revised Code to allow the chief 2
of police of a municipal corporation to conduct 3
training schools for prospective law enforcement 4
officers. 5

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

Section 1. That section 124.11 be amended and section 6
737.061 of the Revised Code be enacted to read as follows: 7

Sec. 124.11. The civil service of the state and the 8
several counties, cities, civil service townships, city health 9
districts, general health districts, and city school districts 10
of the state shall be divided into the unclassified service and 11
the classified service. 12

(A) The unclassified service shall comprise the following 13
positions, which shall not be included in the classified 14
service, and which shall be exempt from all examinations 15
required by this chapter: 16

(1) All officers elected by popular vote or persons 17

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| appointed to fill vacancies in those offices; | 18 |
| (2) All election officers as defined in section 3501.01 of the Revised Code; | 19 20 |
| (3) (a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent; | 21 22 23 |
| (b) The heads of all departments appointed by a board of county commissioners; | 24 25 |
| (c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district; | 26 27 28 29 |
| Except as otherwise provided in division (A) (17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service. | 30 31 32 33 |
| (4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors; | 34 35 36 |
| (5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties; | 37 38 39 |
| (6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department; | 40 41 42 43 |
| (7) (a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, | 44 45 |

principals, deans, assistant deans, instructors, teachers, and 46
such employees as are engaged in educational or research duties 47
connected with the public school system, colleges, and 48
universities, as determined by the governing body of the public 49
school system, colleges, and universities; 50

(b) The library staff of any library in the state 51
supported wholly or in part at public expense. 52

(8) Four clerical and administrative support employees for 53
each of the elective state officers, four clerical and 54
administrative support employees for each board of county 55
commissioners and one such employee for each county 56
commissioner, and four clerical and administrative support 57
employees for other elective officers and each of the principal 58
appointive executive officers, boards, or commissions, except 59
for civil service commissions, that are authorized to appoint 60
such clerical and administrative support employees; 61

(9) The deputies and assistants of state agencies 62
authorized to act for and on behalf of the agency, or holding a 63
fiduciary or administrative relation to that agency and those 64
persons employed by and directly responsible to elected county 65
officials or a county administrator and holding a fiduciary or 66
administrative relationship to such elected county officials or 67
county administrator, and the employees of such county officials 68
whose fitness would be impracticable to determine by competitive 69
examination, provided that division (A) (9) of this section shall 70
not affect those persons in county employment in the classified 71
service as of September 19, 1961. Nothing in division (A) (9) of 72
this section applies to any position in a county department of 73
job and family services created pursuant to Chapter 329. of the 74
Revised Code. 75

(10) Bailiffs, constables, official stenographers, and 76
commissioners of courts of record, deputies of clerks of the 77
courts of common pleas who supervise or who handle public moneys 78
or secured documents, and such officers and employees of courts 79
of record and such deputies of clerks of the courts of common 80
pleas as the appointing authority finds it impracticable to 81
determine their fitness by competitive examination; 82

(11) Assistants to the attorney general, special counsel 83
appointed or employed by the attorney general, assistants to 84
county prosecuting attorneys, and assistants to city directors 85
of law; 86

(12) Such teachers and employees in the agricultural 87
experiment stations; such students in normal schools, colleges, 88
and universities of the state who are employed by the state or a 89
political subdivision of the state in student or intern 90
classifications; and such unskilled labor positions as the 91
director of administrative services, with respect to positions 92
in the service of the state, or any municipal civil service 93
commission may find it impracticable to include in the 94
competitive classified service; provided such exemptions shall 95
be by order of the commission or the director, duly entered on 96
the record of the commission or the director with the reasons 97
for each such exemption; 98

(13) Any physician or dentist who is a full-time employee 99
of the department of mental health and addiction services, the 100
department of developmental disabilities, or an institution 101
under the jurisdiction of either department; and physicians who 102
are in residency programs at the institutions; 103

(14) Up to twenty positions at each institution under the 104
jurisdiction of the department of mental health and addiction 105

services or the department of developmental disabilities that 106
the department director determines to be primarily 107
administrative or managerial; and up to fifteen positions in any 108
division of either department, excluding administrative 109
assistants to the director and division chiefs, which are within 110
the immediate staff of a division chief and which the director 111
determines to be primarily and distinctively administrative and 112
managerial; 113

(15) Noncitizens of the United States employed by the 114
state, or its counties or cities, as physicians or nurses who 115
are duly licensed to practice their respective professions under 116
the laws of this state, or medical assistants, in mental or 117
chronic disease hospitals, or institutions; 118

(16) Employees of the governor's office; 119

(17) Fire chiefs and chiefs of police in civil service 120
townships appointed by boards of township trustees under section 121
505.38 or 505.49 of the Revised Code; 122

(18) Executive directors, deputy directors, and program 123
directors employed by boards of alcohol, drug addiction, and 124
mental health services under Chapter 340. of the Revised Code, 125
and secretaries of the executive directors, deputy directors, 126
and program directors; 127

(19) Superintendents, and management employees as defined 128
in section 5126.20 of the Revised Code, of county boards of 129
developmental disabilities; 130

(20) Physicians, nurses, and other employees of a county 131
hospital who are appointed pursuant to sections 339.03 and 132
339.06 of the Revised Code; 133

(21) The executive director of the state medical board, 134

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| who is appointed pursuant to division (B) of section 4731.05 of the Revised Code; | 135 136 |
| (22) County directors of job and family services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code; | 137 138 139 140 |
| (23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code; | 141 142 |
| (24) Chiefs of construction and compliance, of operations and maintenance, of worker protection, and of licensing and certification in the division of industrial compliance in the department of commerce; | 143 144 145 146 |
| (25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code; | 147 148 149 |
| (26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery commission, opportunities for Ohioans with disabilities agency, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 47 of salary | 150 151 152 153 154 155 156 157 158 159 160 161 162 163 |

schedule E-2 in section 124.152 of the Revised Code. The 164
authority to establish positions in the unclassified service 165
under division (A) (26) of this section is in addition to and 166
does not limit any other authority that an administrative 167
department or state agency has under the Revised Code to 168
establish positions, appoint employees, or set compensation. 169

(27) Employees of the department of agriculture employed 170
under section 901.09 of the Revised Code; 171

(28) For cities, counties, civil service townships, city 172
health districts, general health districts, and city school 173
districts, the deputies and assistants of elective or principal 174
executive officers authorized to act for and in the place of 175
their principals or holding a fiduciary relation to their 176
principals; 177

(29) Employees who receive intermittent or temporary 178
appointments under division (B) of section 124.30 of the Revised 179
Code; 180

(30) Employees appointed to administrative staff positions 181
for which an appointing authority is given specific statutory 182
authority to set compensation; 183

(31) Employees appointed to highway patrol cadet or 184
highway patrol cadet candidate classifications; 185

(32) Employees appointed to participate in a prospective 186
law enforcement training school under section 737.061 of the 187
Revised Code; 188

(33) Employees placed in the unclassified service by 189
another section of the Revised Code. 190

(B) The classified service shall comprise all persons in 191

the employ of the state and the several counties, cities, city 192
health districts, general health districts, and city school 193
districts of the state, not specifically included in the 194
unclassified service. Upon the creation by the board of trustees 195
of a civil service township civil service commission, the 196
classified service shall also comprise, except as otherwise 197
provided in division (A) (17) or (C) of this section, all persons 198
in the employ of a civil service township police or fire 199
department having ten or more full-time paid employees. The 200
classified service consists of two classes, which shall be 201
designated as the competitive class and the unskilled labor 202
class. 203

(1) The competitive class shall include all positions and 204
employments in the state and the counties, cities, city health 205
districts, general health districts, and city school districts 206
of the state, and, upon the creation by the board of trustees of 207
a civil service township of a township civil service commission, 208
all positions in a civil service township police or fire 209
department having ten or more full-time paid employees, for 210
which it is practicable to determine the merit and fitness of 211
applicants by competitive examinations. Appointments shall be 212
made to, or employment shall be given in, all positions in the 213
competitive class that are not filled by promotion, 214
reinstatement, transfer, or reduction, as provided in this 215
chapter, and the rules of the director of administrative 216
services, by appointment from those certified to the appointing 217
officer in accordance with this chapter. 218

(2) The unskilled labor class shall include ordinary 219
unskilled laborers. Vacancies in the labor class for positions 220
in service of the state shall be filled by appointment from 221
lists of applicants registered by the director or the director's 222

designee. Vacancies in the labor class for all other positions 223
shall be filled by appointment from lists of applicants 224
registered by a commission. The director or the commission, as 225
applicable, by rule, shall require an applicant for registration 226
in the labor class to furnish evidence or take tests as the 227
director or commission considers proper with respect to age, 228
residence, physical condition, ability to labor, honesty, 229
sobriety, industry, capacity, and experience in the work or 230
employment for which application is made. Laborers who fulfill 231
the requirements shall be placed on the eligible list for the 232
kind of labor or employment sought, and preference shall be 233
given in employment in accordance with the rating received from 234
that evidence or in those tests. Upon the request of an 235
appointing officer, stating the kind of labor needed, the pay 236
and probable length of employment, and the number to be 237
employed, the director or commission, as applicable, shall 238
certify from the highest on the list double the number to be 239
employed; from this number, the appointing officer shall appoint 240
the number actually needed for the particular work. If more than 241
one applicant receives the same rating, priority in time of 242
application shall determine the order in which their names shall 243
be certified for appointment. 244

(C) A municipal or civil service township civil service 245
commission may place volunteer firefighters who are paid on a 246
fee-for-service basis in either the classified or the 247
unclassified civil service. 248

(D) (1) This division does not apply to persons in the 249
unclassified service who have the right to resume positions in 250
the classified service under sections 4121.121, 5119.18, 251
5120.38, 5120.381, 5120.382, 5123.08, and 5139.02 of the Revised 252
Code or to cities, counties, or political subdivisions of the 253

state. 254

(2) A person who holds a position in the classified 255
service of the state and who is appointed to a position in the 256
unclassified service shall retain the right to resume the 257
position and status held by the person in the classified service 258
immediately prior to the person's appointment to the position in 259
the unclassified service, regardless of the number of positions 260
the person held in the unclassified service. An employee's right 261
to resume a position in the classified service may only be 262
exercised when an appointing authority demotes the employee to a 263
pay range lower than the employee's current pay range or revokes 264
the employee's appointment to the unclassified service and any 265
of the following apply: 266

(a) That person held a certified position prior to July 1, 267
2007, in the classified service within the appointing 268
authority's agency; 269

(b) That person held a permanent position on or after July 270
1, 2007, in the classified service within the appointing 271
authority's agency, and was appointed to the position in the 272
unclassified service prior to January 1, 2016; 273

(c) That person held a permanent position on or after 274
January 1, 2016, in the classified service within the appointing 275
authority's agency, and is within five years from the effective 276
date of the person's appointment in the unclassified service. 277

(3) An employee forfeits the right to resume a position in 278
the classified service when: 279

(a) The employee is removed from the position in the 280
unclassified service due to incompetence, inefficiency, 281
dishonesty, drunkenness, immoral conduct, insubordination, 282

discourteous treatment of the public, neglect of duty, violation 283
of this chapter or the rules of the director of administrative 284
services, any other failure of good behavior, any other acts of 285
misfeasance, malfeasance, or nonfeasance in office, or 286
conviction of a felony while employed in the civil service; or 287

(b) Upon transfer to a different agency. 288

(4) Reinstatement to a position in the classified service 289
shall be to a position substantially equal to that position in 290
the classified service held previously, as certified by the 291
director of administrative services. If the position the person 292
previously held in the classified service has been placed in the 293
unclassified service or is otherwise unavailable, the person 294
shall be appointed to a position in the classified service 295
within the appointing authority's agency that the director of 296
administrative services certifies is comparable in compensation 297
to the position the person previously held in the classified 298
service. Service in the position in the unclassified service 299
shall be counted as service in the position in the classified 300
service held by the person immediately prior to the person's 301
appointment to the position in the unclassified service. When a 302
person is reinstated to a position in the classified service as 303
provided in this division, the person is entitled to all rights, 304
status, and benefits accruing to the position in the classified 305
service during the person's time of service in the position in 306
the unclassified service. 307

Sec. 737.061. (A) The chief of police of a municipal 308
corporation, with the approval of the director of public safety, 309
may conduct training schools for prospective law enforcement 310
officers. The prospective officers, during the period of 311
training and as members of the training school, shall be paid a 312

reasonable salary. The chief of police may furnish the necessary 313
supplies and equipment for the use of the prospective officers 314
during the training period. 315

(B) The chief of police may establish rules governing the 316
qualifications for admission to training schools for prospective 317
officers and provide for competitive examinations to determine 318
the fitness of the students and prospective officers, not 319
inconsistent with the rules of the director of administrative 320
services. 321

Section 2. That existing section 124.11 of the Revised 322
Code is hereby repealed. 323