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Am. H. B. No. 241

Representatives Miller, J., Miller, K.

Cosponsors: Representatives Gross, Johnson, Williams, Dell'Aquila, Abrams, Barhorst, Brennan, Brown, Carruthers, Click, Creech, Cross, Dobos, Forhan, Galonski, Grim, Hall, Holmes, Isaacsohn, Jarrells, Jones, LaRe, Mathews, Miller, M., Miranda, Mohamed, Patton, Pavliga, Richardson, Robb Blasdel, Russo, Santucci, Schmidt, Seitz, Thomas, C., White, Willis

A BILL

To amend sections 124.11 and 124.30 and to enact
section 737.061 of the Revised Code regarding
training schools for prospective law enforcement
officers and filling a vacant police department
position without a competitive examination.

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

Section 1. That sections 124.11 and 124.30 be amended and
section 737.061 of the Revised Code be enacted to read as
follows:

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

(A) The unclassified service shall comprise the following
positions, which shall not be included in the classified

service, and which shall be exempt from all examinations 16
required by this chapter: 17

(1) All officers elected by popular vote or persons 18
appointed to fill vacancies in those offices; 19

(2) All election officers as defined in section 3501.01 of 20
the Revised Code; 21

(3) (a) The members of all boards and commissions, and 22
heads of principal departments, boards, and commissions 23
appointed by the governor or by and with the governor's consent; 24

(b) The heads of all departments appointed by a board of 25
county commissioners; 26

(c) The members of all boards and commissions and all 27
heads of departments appointed by the mayor, or, if there is no 28
mayor, such other similar chief appointing authority of any city 29
or city school district; 30

Except as otherwise provided in division (A)(17) or (C) of 31
this section, this chapter does not exempt the chiefs of police 32
departments and chiefs of fire departments of cities or civil 33
service townships from the competitive classified service. 34

(4) The members of county or district licensing boards or 35
commissions and boards of revision, and not more than five 36
deputy county auditors; 37

(5) All officers and employees elected or appointed by 38
either or both branches of the general assembly, and employees 39
of the city legislative authority engaged in legislative duties; 40

(6) All commissioned, warrant, and noncommissioned 41
officers and enlisted persons in the Ohio organized militia, 42
including military appointees in the adjutant general's 43

department;	44
(7) (a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	45 46 47 48 49 50 51
(b) The library staff of any library in the state supported wholly or in part at public expense.	52 53
(8) Four clerical and administrative support employees for each of the elective state officers, four clerical and administrative support employees for each board of county commissioners and one such employee for each county commissioner, and four clerical and administrative support employees for other elective officers and each of the principal appointive executive officers, boards, or commissions, except for civil service commissions, that are authorized to appoint such clerical and administrative support employees;	54 55 56 57 58 59 60 61 62
(9) The deputies and assistants of state agencies authorized to act for and on behalf of the agency, or holding a fiduciary or administrative relation to that agency and those persons employed by and directly responsible to elected county officials or a county administrator and holding a fiduciary or administrative relationship to such elected county officials or county administrator, and the employees of such county officials whose fitness would be impracticable to determine by competitive examination, provided that division (A) (9) of this section shall not affect those persons in county employment in the classified service as of September 19, 1961. Nothing in division (A) (9) of	63 64 65 66 67 68 69 70 71 72 73

this section applies to any position in a county department of 74
job and family services created pursuant to Chapter 329. of the 75
Revised Code. 76

(10) Bailiffs, constables, official stenographers, and 77
commissioners of courts of record, deputies of clerks of the 78
courts of common pleas who supervise or who handle public moneys 79
or secured documents, and such officers and employees of courts 80
of record and such deputies of clerks of the courts of common 81
pleas as the appointing authority finds it impracticable to 82
determine their fitness by competitive examination; 83

(11) Assistants to the attorney general, special counsel 84
appointed or employed by the attorney general, assistants to 85
county prosecuting attorneys, and assistants to city directors 86
of law; 87

(12) Such teachers and employees in the agricultural 88
experiment stations; such students in normal schools, colleges, 89
and universities of the state who are employed by the state or a 90
political subdivision of the state in student or intern 91
classifications; and such unskilled labor positions as the 92
director of administrative services, with respect to positions 93
in the service of the state, or any municipal civil service 94
commission may find it impracticable to include in the 95
competitive classified service; provided such exemptions shall 96
be by order of the commission or the director, duly entered on 97
the record of the commission or the director with the reasons 98
for each such exemption; 99

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

are in residency programs at the institutions;	104
(14) Up to twenty positions at each institution under the jurisdiction of the department of mental health and addiction services or the department of developmental disabilities that the department director determines to be primarily administrative or managerial; and up to fifteen positions in any division of either department, excluding administrative assistants to the director and division chiefs, which are within the immediate staff of a division chief and which the director determines to be primarily and distinctively administrative and managerial;	105 106 107 108 109 110 111 112 113 114
(15) Noncitizens of the United States employed by the state, or its counties or cities, as physicians or nurses who are duly licensed to practice their respective professions under the laws of this state, or medical assistants, in mental or chronic disease hospitals, or institutions;	115 116 117 118 119
(16) Employees of the governor's office;	120
(17) Fire chiefs and chiefs of police in civil service townships appointed by boards of township trustees under section 505.38 or 505.49 of the Revised Code;	121 122 123
(18) Executive directors, deputy directors, and program directors employed by boards of alcohol, drug addiction, and mental health services under Chapter 340. of the Revised Code, and secretaries of the executive directors, deputy directors, and program directors;	124 125 126 127 128
(19) Superintendents, and management employees as defined in section 5126.20 of the Revised Code, of county boards of developmental disabilities;	129 130 131
(20) Physicians, nurses, and other employees of a county	132

hospital who are appointed pursuant to sections 339.03 and	133
339.06 of the Revised Code;	134
(21) The executive director of the state medical board,	135
who is appointed pursuant to division (B) of section 4731.05 of	136
the Revised Code;	137
(22) County directors of job and family services as	138
provided in section 329.02 of the Revised Code and	139
administrators appointed under section 329.021 of the Revised	140
Code;	141
(23) A director of economic development who is hired	142
pursuant to division (A) of section 307.07 of the Revised Code;	143
(24) Chiefs of construction and compliance, of operations	144
and maintenance, of worker protection, and of licensing and	145
certification in the division of industrial compliance in the	146
department of commerce;	147
(25) The executive director of a county transit system	148
appointed under division (A) of section 306.04 of the Revised	149
Code;	150
(26) Up to five positions at each of the administrative	151
departments listed in section 121.02 of the Revised Code and at	152
the department of taxation, department of the adjutant general,	153
department of education, Ohio board of regents, bureau of	154
workers' compensation, industrial commission, state lottery	155
commission, opportunities for Ohioans with disabilities agency,	156
and public utilities commission of Ohio that the head of that	157
administrative department or of that other state agency	158
determines to be involved in policy development and	159
implementation. The head of the administrative department or	160
other state agency shall set the compensation for employees in	161

these positions at a rate that is not less than the minimum 162
compensation specified in pay range 41 but not more than the 163
maximum compensation specified in pay range 47 of salary 164
schedule E-2 in section 124.152 of the Revised Code. The 165
authority to establish positions in the unclassified service 166
under division (A) (26) of this section is in addition to and 167
does not limit any other authority that an administrative 168
department or state agency has under the Revised Code to 169
establish positions, appoint employees, or set compensation. 170

(27) Employees of the department of agriculture employed 171
under section 901.09 of the Revised Code; 172

(28) For cities, counties, civil service townships, city 173
health districts, general health districts, and city school 174
districts, the deputies and assistants of elective or principal 175
executive officers authorized to act for and in the place of 176
their principals or holding a fiduciary relation to their 177
principals; 178

(29) Employees who receive intermittent or temporary 179
appointments under division ~~(B)~~ (C) of section 124.30 of the 180
Revised Code; 181

(30) Employees appointed to administrative staff positions 182
for which an appointing authority is given specific statutory 183
authority to set compensation; 184

(31) Employees appointed to highway patrol cadet or 185
highway patrol cadet candidate classifications; 186

(32) Employees appointed to participate in a prospective 187
law enforcement training school under section 737.061 of the 188
Revised Code; 189

(33) Employees placed in the unclassified service by 190

another section of the Revised Code. 191

(B) The classified service shall comprise all persons in 192
the employ of the state and the several counties, cities, city 193
health districts, general health districts, and city school 194
districts of the state, not specifically included in the 195
unclassified service. Upon the creation by the board of trustees 196
of a civil service township civil service commission, the 197
classified service shall also comprise, except as otherwise 198
provided in division (A) (17) or (C) of this section, all persons 199
in the employ of a civil service township police or fire 200
department having ten or more full-time paid employees. The 201
classified service consists of two classes, which shall be 202
designated as the competitive class and the unskilled labor 203
class. 204

(1) The competitive class shall include all positions and 205
employments in the state and the counties, cities, city health 206
districts, general health districts, and city school districts 207
of the state, and, upon the creation by the board of trustees of 208
a civil service township of a township civil service commission, 209
all positions in a civil service township police or fire 210
department having ten or more full-time paid employees, for 211
which it is practicable to determine the merit and fitness of 212
applicants by competitive examinations. Appointments shall be 213
made to, or employment shall be given in, all positions in the 214
competitive class that are not filled by promotion, 215
reinstatement, transfer, or reduction, as provided in this 216
chapter, and the rules of the director of administrative 217
services, by appointment from those certified to the appointing 218
officer in accordance with this chapter. 219

(2) The unskilled labor class shall include ordinary 220

unskilled laborers. Vacancies in the labor class for positions 221
in service of the state shall be filled by appointment from 222
lists of applicants registered by the director or the director's 223
designee. Vacancies in the labor class for all other positions 224
shall be filled by appointment from lists of applicants 225
registered by a commission. The director or the commission, as 226
applicable, by rule, shall require an applicant for registration 227
in the labor class to furnish evidence or take tests as the 228
director or commission considers proper with respect to age, 229
residence, physical condition, ability to labor, honesty, 230
sobriety, industry, capacity, and experience in the work or 231
employment for which application is made. Laborers who fulfill 232
the requirements shall be placed on the eligible list for the 233
kind of labor or employment sought, and preference shall be 234
given in employment in accordance with the rating received from 235
that evidence or in those tests. Upon the request of an 236
appointing officer, stating the kind of labor needed, the pay 237
and probable length of employment, and the number to be 238
employed, the director or commission, as applicable, shall 239
certify from the highest on the list double the number to be 240
employed; from this number, the appointing officer shall appoint 241
the number actually needed for the particular work. If more than 242
one applicant receives the same rating, priority in time of 243
application shall determine the order in which their names shall 244
be certified for appointment. 245

(C) A municipal or civil service township civil service 246
commission may place volunteer firefighters who are paid on a 247
fee-for-service basis in either the classified or the 248
unclassified civil service. 249

(D) (1) This division does not apply to persons in the 250
unclassified service who have the right to resume positions in 251

the classified service under sections 4121.121, 5119.18, 252
5120.38, 5120.381, 5120.382, 5123.08, and 5139.02 of the Revised 253
Code or to cities, counties, or political subdivisions of the 254
state. 255

(2) A person who holds a position in the classified 256
service of the state and who is appointed to a position in the 257
unclassified service shall retain the right to resume the 258
position and status held by the person in the classified service 259
immediately prior to the person's appointment to the position in 260
the unclassified service, regardless of the number of positions 261
the person held in the unclassified service. An employee's right 262
to resume a position in the classified service may only be 263
exercised when an appointing authority demotes the employee to a 264
pay range lower than the employee's current pay range or revokes 265
the employee's appointment to the unclassified service and any 266
of the following apply: 267

(a) That person held a certified position prior to July 1, 268
2007, in the classified service within the appointing 269
authority's agency; 270

(b) That person held a permanent position on or after July 271
1, 2007, in the classified service within the appointing 272
authority's agency, and was appointed to the position in the 273
unclassified service prior to January 1, 2016; 274

(c) That person held a permanent position on or after 275
January 1, 2016, in the classified service within the appointing 276
authority's agency, and is within five years from the effective 277
date of the person's appointment in the unclassified service. 278

(3) An employee forfeits the right to resume a position in 279
the classified service when: 280

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

(b) Upon transfer to a different agency.

(4) Reinstatement to a position in the classified service shall be to a position substantially equal to that position in the classified service held previously, as certified by the director of administrative services. If the position the person previously held in the classified service has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the appointing authority's agency that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service. Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment to the position in the unclassified service. When a person is reinstated to a position in the classified service as provided in this division, the person is entitled to all rights, status, and benefits accruing to the position in the classified service during the person's time of service in the position in the unclassified service.

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

(1) Whenever there are urgent reasons for filling a 311
vacancy in any position in the classified civil service and the 312
director of administrative services is unable to certify to the 313
appointing authority, upon its request, a list of persons 314
eligible for appointment to the position after a competitive 315
examination, the appointing authority may fill the position by 316
noncompetitive examination. 317

A temporary appointment may be made without regard to the 318
rules of sections 124.01 to 124.64 of the Revised Code. Except 319
as otherwise provided in this division, the temporary 320
appointment may not continue longer than one hundred twenty 321
days, and in no case shall successive temporary appointments be 322
made. A temporary appointment longer than one hundred twenty 323
days may be made if necessary by reason of sickness, disability, 324
or other approved leave of absence of regular officers or 325
employees, in which case it may continue during the period of 326
sickness, disability, or other approved leave of absence, 327
subject to the rules of the director. 328

(2) In case of a vacancy in a position in the classified 329
civil service where peculiar and exceptional qualifications of a 330
scientific, managerial, professional, or educational character 331
are required, and upon satisfactory evidence that for specified 332
reasons competition in this special case is impracticable and 333
that the position can best be filled by a selection of some 334
designated person of high and recognized attainments in those 335
qualities, the director may suspend the provisions of sections 336
124.01 to 124.64 of the Revised Code that require competition in 337
this special case, but no suspension shall be general in its 338
application. All such cases of suspension shall be reported in 339
the annual report of the director with the reasons for each 340
suspension. The director shall suspend the provisions when 341

either of the following applies: 342

(a) The director of job and family services provides the 343
certification under section 5101.051 of the Revised Code that a 344
position with the department of job and family services can best 345
be filled if the provisions are suspended; 346

(b) The medicaid director provides the certification under 347
section 5160.051 of the Revised Code that a position with the 348
department of medicaid can best be filled if the provisions are 349
suspended. 350

(3) Except as provided in division (D) of this section, in 351
case of a vacancy in a position in the classified civil service 352
in a police department, on satisfactory evidence that for 353
specified reasons competition in this special case is 354
impracticable and that the position can best be filled by a 355
selection of some designated person holding a specialized 356
certification, possessing peculiar and exceptional 357
qualifications, or having completed a police cadet training 358
program through the police department, the director of 359
administrative services may suspend the provisions of sections 360
124.01 to 124.64 of the Revised Code that require competition in 361
this special case, but no suspension shall be general in its 362
application. 363

(B) The acceptance or refusal by an eligible person of a 364
temporary appointment under division (A)(1) of this section 365
shall not affect the person's standing on the eligible list for 366
permanent appointment, nor shall the period of temporary service 367
be counted as a part of the probationary service in case of 368
subsequent appointment to a permanent position. 369

~~(B)~~ (C) Persons who receive temporary or intermittent 370

appointments under division (A) (1) of this section are in the 371
unclassified civil service and serve at the pleasure of their 372
appointing authority. 373

(D) Division (A) (3) of this section does not apply to a 374
vacancy in a position in the classified civil service in a 375
police department that must be filled by promotion as prescribed 376
in section 124.44 of the Revised Code. 377

Sec. 737.061. (A) The chief of police of a municipal 378
corporation may conduct training schools for prospective law 379
enforcement officers. The training school programs shall align 380
with Ohio peace officer training academy standards and offer 381
equivalent qualification. The prospective officers, during the 382
period of training and as members of the training school, may be 383
paid a reasonable salary. The chief of police may furnish the 384
necessary supplies and equipment for the use of the prospective 385
officers during the training period. 386

(B) The chief of police may establish rules governing the 387
qualifications for admission to training schools for prospective 388
officers and provide for competitive examinations to determine 389
the fitness of the students and prospective officers, not 390
inconsistent with the rules of the director of administrative 391
services. 392

(C) Upon completion of a training school program 393
established under this section, a program graduate may be hired 394
directly by the relevant department. 395

Section 2. That existing sections 124.11 and 124.30 of the 396
Revised Code are hereby repealed. 397