

As Passed by the Senate

**129th General Assembly
Regular Session
2011-2012**

Am. Sub. S. B. No. 5

Senator Jones

—

A B I L L

To amend sections 9.90, 103.74, 122.64, 122.72, 1
124.134, 124.14, 124.15, 124.152, 124.181, 2
124.322, 124.325, 124.34, 124.38, 124.388, 124.39, 3
124.81, 124.82, 145.47, 306.04, 307.054, 339.06, 4
339.07, 340.04, 505.38, 505.49, 505.60, 709.012, 5
742.31, 749.082, 749.083, 927.69, 1545.071, 6
3306.01, 3307.27, 3307.77, 3309.47, 3311.19, 7
3313.12, 3313.202, 3313.23, 3313.24, 3313.33, 8
3313.42, 3314.10, 3316.07, 3317.01, 3317.018, 9
3317.11, 3317.13, 3319.01, 3319.011, 3319.02, 10
3319.06, 3319.08, 3319.084, 3319.085, 3319.088, 11
3319.09, 3319.10, 3319.11, 3319.13, 3319.14, 12
3319.141, 3319.17, 3319.172, 3319.18, 3319.63, 13
3326.18, 3332.03, 4117.01, 4117.02, 4117.03, 14
4117.05, 4117.06, 4117.07, 4117.08, 4117.09, 15
4117.10, 4117.11, 4117.12, 4117.13, 4117.14, 16
4117.15, 4117.18, 4117.20, 4117.21, 4725.46, 17
4906.02, 5107.26, 5123.51, 5126.24, 5139.02, 18
5503.03, and 5505.15, to enact sections 4113.80, 19
4117.081, 4117.104, 4117.105, 4117.106, 4117.107, 20
4117.108, 4117.109, 4117.26, and 4117.27, and to 21
repeal sections 3317.12, 3317.14, 3319.131, 22
3319.142, 3319.143, 4117.16, 4117.22, and 4117.23 23
of the Revised Code to make various changes to 24

laws concerning public employees, including 25
collective bargaining, salary schedules and 26
compensation, layoff procedures, and leave. 27

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

Section 1. That sections 9.90, 103.74, 122.64, 122.72, 28
124.134, 124.14, 124.15, 124.152, 124.181, 124.322, 124.325, 29
124.34, 124.38, 124.388, 124.39, 124.81, 124.82, 145.47, 306.04, 30
307.054, 339.06, 339.07, 340.04, 505.38, 505.49, 505.60, 709.012, 31
742.31, 749.082, 749.083, 927.69, 1545.071, 3306.01, 3307.27, 32
3307.77, 3309.47, 3311.19, 3313.12, 3313.202, 3313.23, 3313.24, 33
3313.33, 3313.42, 3314.10, 3316.07, 3317.01, 3317.018, 3317.11, 34
3317.13, 3319.01, 3319.011, 3319.02, 3319.06, 3319.08, 3319.084, 35
3319.085, 3319.088, 3319.09, 3319.10, 3319.11, 3319.13, 3319.14, 36
3319.141, 3319.17, 3319.172, 3319.18, 3319.63, 3326.18, 3332.03, 37
4117.01, 4117.02, 4117.03, 4117.05, 4117.06, 4117.07, 4117.08, 38
4117.09, 4117.10, 4117.11, 4117.12, 4117.13, 4117.14, 4117.15, 39
4117.18, 4117.20, 4117.21, 4725.46, 4906.02, 5107.26, 5123.51, 40
5126.24, 5139.02, 5503.03, and 5505.15 be amended and sections 41
4113.80, 4117.081, 4117.104, 4117.105, 4117.106, 4117.107, 42
4117.108, 4117.109, 4117.26, and 4117.27 of the Revised Code be 43
enacted to read as follows: 44

Sec. 9.90. (A) The governing board of any public institution 45
of higher education, including without limitation state 46
universities and colleges, community college districts, university 47
branch districts, technical college districts, and municipal 48
universities, may, in addition to all other powers provided in the 49
Revised Code: 50

(1) Contract for, purchase, or otherwise procure from an 51
insurer or insurers licensed to do business by the state of Ohio 52
for or on behalf of such of its employees as it may determine, 53

life insurance, or sickness, accident, annuity, endowment, health, 54
medical, hospital, dental, or surgical coverage and benefits, or 55
any combination thereof, by means of insurance plans or other 56
types of coverage, family, group or otherwise, and may pay from 57
funds under its control and available for such purpose all or any 58
portion of the cost, premium, or charge for such insurance, 59
coverage, or benefits. However, the governing board, in addition 60
to or as an alternative to the authority otherwise granted by 61
division (A)(1) of this section, may elect to procure coverage for 62
health care services, for or on behalf of such of its employees as 63
it may determine, by means of policies, contracts, certificates, 64
or agreements issued by at least two health insuring corporations 65
holding a certificate of authority under Chapter 1751. of the 66
Revised Code and may pay from funds under the governing board's 67
control and available for such purpose all or any portion of the 68
cost of such coverage. 69

(2) Make payments to a custodial account for investment in 70
regulated investment company stock for the purpose of providing 71
retirement benefits as described in section 403(b)(7) of the 72
Internal Revenue Code of 1954, as amended. Such stock shall be 73
purchased only from persons authorized to sell such stock in this 74
state. 75

Any income of an employee deferred under divisions (A)(1) and 76
(2) of this section in a deferred compensation program eligible 77
for favorable tax treatment under the Internal Revenue Code of 78
1954, as amended, shall continue to be included as regular 79
compensation for the purpose of computing the contributions to and 80
benefits from the retirement system of such employee. Any sum so 81
deferred shall not be included in the computation of any federal 82
and state income taxes withheld on behalf of any such employee. 83

(B) All or any portion of the cost, premium, or charge 84
therefor may be paid in such other manner or combination of 85

manners as the governing board may determine, including direct 86
payment by the employee in cases under division (A)(1) of this 87
section, and, if authorized in writing by the employee in cases 88
under division (A)(1) or (2) of this section, by such governing 89
board with moneys made available by deduction from or reduction in 90
salary or wages or by the foregoing of a salary or wage increase. 91
Nothing in section 3917.01 or section 3917.06 of the Revised Code 92
shall prohibit the issuance or purchase of group life insurance 93
authorized by this section by reason of payment of premiums 94
therefor by the governing board from its funds, and such group 95
life insurance may be so issued and purchased if otherwise 96
consistent with the provisions of sections 3917.01 to 3917.07 of 97
the Revised Code. 98

(C) The board of education of any school district may 99
exercise any of the powers granted to the governing boards of 100
public institutions of higher education under divisions (A) and 101
(B) of this section, except in relation to the provision of health 102
care benefits to employees. All health care benefits provided to 103
persons employed by the public schools of this state shall be 104
health care plans that contain best practices established by the 105
school employees health care board pursuant to section 9.901 of 106
the Revised Code. Nothing in this division shall be construed to 107
allow a board of education to bargain collectively regarding the 108
provision of health care benefits as that term is defined in 109
section 124.81 of the Revised Code. 110

Sec. 103.74. The correctional institution inspection 111
committee may employ a director and any other nonlegal staff, who 112
shall be in the unclassified service of the state, that are 113
necessary for the committee to carry out its duties and may 114
contract for the services of whatever nonlegal technical advisors 115
are necessary for the committee to carry out its duties. The 116
attorney general shall act as legal counsel to the committee. 117

The chairperson and vice-chairperson of the legislative 118
service commission shall fix the compensation of the director. The 119
director, with the approval of the director of the legislative 120
service commission, shall fix the compensation of other staff of 121
the committee in accordance with a salary schedule established by 122
the director of the legislative service commission. The director 123
of the legislative service commission, when establishing the 124
salary schedule, shall require merit to be the only basis, and the 125
director of the correctional institution inspection committee 126
shall use merit as the only basis for an employee's progression 127
through the schedule. Contracts for the services of necessary 128
technical advisors shall be approved by the director of the 129
legislative service commission. 130

The general assembly shall biennially appropriate to the 131
correctional institution inspection committee an amount sufficient 132
to enable the committee to perform its duties. Salaries and 133
expenses incurred by the committee shall be paid from that 134
appropriation upon vouchers approved by the chairperson of the 135
committee. 136

Sec. 122.64. (A) There is hereby established in the 137
department of development a division of economic development. The 138
division shall be supervised by a deputy director appointed by the 139
director of development. 140

The division is responsible for the administration of the 141
state economic development financing programs established pursuant 142
to sections 122.17 and 122.18, sections 122.39 to 122.62, and 143
Chapter 166. of the Revised Code and for coordinating the 144
activities of the development financing advisory council so as to 145
ensure the efficient administration of the programs. 146

(B) The director of development shall: 147

(1) Appoint an individual to serve as director of the 148

development financing advisory council; 149

(2) Receive applications for assistance pursuant to sections 150
122.39 to 122.62 and Chapter 166. of the Revised Code. The 151
director shall process the applications and, except as provided in 152
division (C)(2) of section 166.05 of the Revised Code, forward 153
them to the development financing advisory council. As 154
appropriate, the director shall receive the recommendations of the 155
council as to applications for assistance. 156

(3) With the approval of the director of administrative 157
services, establish salary schedules for employees of the various 158
positions of employment with the division and assign the various 159
positions to those salary schedules; 160

(4) Furnish and pay for, out of funds appropriated to the 161
department of development for that purpose, office space and 162
associated utilities service, for the development financing 163
advisory council; 164

(5) Employ and fix the compensation of financial consultants, 165
appraisers, consulting engineers, superintendents, managers, 166
construction and accounting experts, attorneys, and other agents 167
for the assistance programs authorized pursuant to sections 122.17 168
and 122.18, sections 122.39 to 122.62, and Chapter 166. of the 169
Revised Code as are necessary; 170

(6) Supervise the administrative operations of the division; 171

(7) On or before the first day of October in each year, make 172
an annual report of the activities and operations under assistance 173
programs authorized pursuant to sections 122.39 to 122.62 and 174
Chapter 166. of the Revised Code for the preceding fiscal year to 175
the governor and the general assembly. Each such report shall set 176
forth a complete operating and financial statement covering such 177
activities and operations during the year in accordance with 178
generally accepted accounting principles and shall be audited by a 179

certified public accountant. The director of development shall 180
transmit a copy of the audited financial report to the office of 181
budget and management. 182

(C) The director of development, when establishing the salary 183
schedules required under division (B)(3) of this section, shall 184
use merit as the only basis for an employee's progression through 185
the schedule. 186

Sec. 122.72. (A) There is hereby created the minority 187
development financing advisory board to assist in carrying out the 188
programs created pursuant to sections 122.71 to 122.89 of the 189
Revised Code. 190

(B) The board shall consist of ten members. The director of 191
development or the director's designee shall be a voting member on 192
the board. Seven members shall be appointed by the governor with 193
the advice and consent of the senate and selected because of their 194
knowledge of and experience in industrial, business, and 195
commercial financing, suretyship, construction, and their 196
understanding of the problems of minority business enterprises; 197
one member also shall be a member of the senate and appointed by 198
the president of the senate, and one member also shall be a member 199
of the house of representatives and appointed by the speaker of 200
the house of representatives. With respect to the board, all of 201
the following apply: 202

(1) Not more than four of the members of the board appointed 203
by the governor shall be of the same political party. 204

(2) Each member shall hold office from the date of the 205
member's appointment until the end of the term for which the 206
member was appointed. 207

(3) The terms of office for the seven members appointed by 208
the governor shall be for seven years, commencing on the first day 209

of October and ending on the thirtieth day of September of the 210
seventh year, except that of the original seven members, three 211
shall be appointed for three years and two shall be appointed for 212
five years. 213

(4) Any member of the board is eligible for reappointment. 214

(5) Any member appointed to fill a vacancy occurring prior to 215
the expiration of the term for which the member's predecessor was 216
appointed shall hold office for the remainder of the predecessor's 217
term. 218

(6) Any member shall continue in office subsequent to the 219
expiration date of the member's term until the member's successor 220
takes office, or until a period of sixty days has elapsed, 221
whichever occurs first. 222

(7) Before entering upon official duties as a member of the 223
board, each member shall take an oath as provided by Section 7 of 224
Article XV, Ohio Constitution. 225

(8) The governor may, at any time, remove any member 226
appointed by the governor pursuant to section 3.04 of the Revised 227
Code. 228

(9) Notwithstanding section 101.26 of the Revised Code, 229
members shall receive their necessary and actual expenses while 230
engaged in the business of the board and shall be paid at ~~the~~ a 231
per diem rate ~~of step 1 of~~ within pay range 31 of section 124.15 232
of the Revised Code. 233

(10) Six members of the board constitute a quorum and the 234
affirmative vote of six members is necessary for any action taken 235
by the board. 236

(11) In the event of the absence of a member appointed by the 237
president of the senate or by the speaker of the house of 238
representatives, either of the following persons may serve in the 239

member's absence: 240

(a) The president of the senate or the speaker of the house 241
of representatives, whoever appointed the absent member; 242

(b) A member of the senate or of the house of representatives 243
of the same political party as the absent member, as designated by 244
the president of the senate or the speaker of the house of 245
representatives, whoever appointed the absent member. 246

(12) The board shall annually elect one of its members as 247
chairperson and another as vice-chairperson. 248

Sec. 124.134. (A) Each full-time permanent state employee 249
paid in accordance with section 124.152 of the Revised Code and 250
those employees listed in divisions (B)(2) and (4) of section 251
124.14 of the Revised Code shall be credited with vacation leave 252
with full pay according to length of service and accruing at a 253
corresponding rate per biweekly pay period, as follows: 254

Length of Service	Accrual Rate Per Pay Period	
Less than 4 years	3.1 hours	256
4 but less than 9 years	4.6 hours	257
9 but less than 14 years	6.2 hours	258
14 but less than 19 years	6.9 hours	259
19 but less than 24 years <u>or more</u>	7.7 hours	260
24 years or more	9.2 hours	261

Fifty-two weeks equal one year of service. 262

The amount of an employee's service shall be determined in 263
accordance with the standard specified in section 9.44 of the 264
Revised Code. Credit for prior service, including an increased 265
vacation accrual rate and longevity supplement, shall take effect 266
during the first pay period that begins immediately following the 267
date the director of administrative services approves granting 268
credit for that prior service. No employee, other than an employee 269

who submits proof of prior service within ninety days after the 270
date of the employee's hiring, shall receive any amount of 271
vacation leave for the period prior to the date of the director's 272
approval of the grant of credit for prior service. 273

Part-time permanent employees who are paid in accordance with 274
section 124.152 of the Revised Code and full-time permanent 275
employees subject to this section who are in active pay status for 276
less than eighty hours in a pay period shall earn vacation leave 277
on a prorated basis. The ratio between the hours worked and the 278
vacation hours earned by these classes of employees shall be the 279
same as the ratio between the hours worked and the vacation hours 280
earned by a full-time permanent employee with the same amount of 281
service as provided for in this section. 282

Vacation leave is not available for use until it appears on 283
the employee's earning statement and the compensation described in 284
the earning statement is available to the employee. An employee 285
may begin using accrued vacation leave upon completion of the 286
employee's initial probation period. A probationary period that 287
follows a separation from service that is less than thirty-one 288
days is not considered an initial probation period for purposes of 289
this section. 290

(B) Employees granted leave under this section shall forfeit 291
their right to take or to be paid for any vacation leave to their 292
credit which is in excess of the accrual for three years. Any 293
excess leave shall be eliminated from the employees' leave 294
balance. 295

(C) Except as provided in division (D) of this section, 296
beginning in fiscal year 2012, an employee may be paid for up to 297
eighty hours of vacation leave each fiscal year if the employee 298
requested and was denied the use of vacation leave during that 299
fiscal year. No employee shall receive payment for more than 300
eighty hours of denied vacation leave in a single fiscal year. An 301

employee is only eligible to receive payment for vacation leave 302
when the employee's vacation leave credit is at, or will reach in 303
the immediately following pay period, the maximum of the accrual 304
for three years and the employee has been denied the use of 305
vacation leave. An employee is not entitled to receive payment for 306
vacation leave denied in any pay period in which the employee's 307
vacation leave credit is not at, or will not reach in the 308
immediately following pay period, the maximum of accrual for three 309
years. Any vacation leave for which an employee receives payment 310
shall be deducted from the employee's vacation leave balance. No 311
employee is eligible to receive payment for denied vacation leave 312
in either fiscal year 2010 or fiscal year 2011. 313

(D) The supreme court, general assembly, secretary of state, 314
auditor of state, treasurer of state, and attorney general may 315
establish by policy an alternate payment structure for employees 316
whose vacation leave credit is at, or will reach in the 317
immediately following pay period, the maximum of accrual for three 318
years and the employee has been denied the use of vacation leave. 319
An employee is not entitled to receive payment for vacation leave 320
denied in any pay period in which the employee's vacation leave 321
credit is not at, or will not reach in the immediately following 322
pay period, the maximum of accrual for three years. Any vacation 323
leave for which the employee receives payment shall be deducted 324
from the employee's vacation leave balance. 325

(E) Upon separation from state service, an employee granted 326
leave under this section is entitled to compensation at the 327
employee's current rate of pay for all unused vacation leave 328
accrued under this section or section 124.13 of the Revised Code 329
to the employee's credit. In case of transfer of an employee from 330
one state agency to another, the employee shall retain the accrued 331
and unused vacation leave. In case of the death of an employee, 332
the unused vacation leave shall be paid in accordance with section 333

2113.04 of the Revised Code, or to the employee's estate. An 334
employee serving in a temporary work level who is eligible to 335
receive compensation under this division shall be compensated at 336
the base rate of pay of the employee's normal classification. 337

(F) Notwithstanding any provision of Chapter 4117. of the 338
Revised Code to the contrary, no collective bargaining agreement 339
that is modified, renewed, extended, or entered into on or after 340
the effective date of this amendment shall provide vacation leave 341
in an amount greater than the vacation leave provided by this 342
section. 343

Sec. 124.14. (A)(1) The director of administrative services 344
shall establish, and may modify or rescind, by rule, a job 345
classification plan for all positions, offices, and employments 346
the salaries of which are paid in whole or in part by the state. 347
The director shall group jobs within a classification so that the 348
positions are similar enough in duties and responsibilities to be 349
described by the same title, to have the same pay assigned with 350
equity, and to have the same qualifications for selection applied. 351
The director shall, by rule, assign a classification title to each 352
classification within the classification plan. However, the 353
director shall consider in establishing classifications, including 354
classifications with parenthetical titles, and assigning pay 355
ranges such factors as duties performed only on one shift, special 356
skills in short supply in the labor market, recruitment problems, 357
separation rates, comparative salary rates, the amount of training 358
required, and other conditions affecting employment. The director 359
shall describe the duties and responsibilities of the class, 360
establish the qualifications for being employed in each position 361
in the class, and file with the secretary of state a copy of 362
specifications for all of the classifications. The director shall 363
file new, additional, or revised specifications with the secretary 364
of state before they are used. 365

The director shall, by rule, assign each classification, 366
either on a statewide basis or in particular counties or state 367
institutions, to a pay range established under section 124.15 or 368
section 124.152 of the Revised Code. The director may assign a 369
classification to a pay range on a temporary basis for a period of 370
six months. The director may establish, by rule adopted under 371
Chapter 119. of the Revised Code, experimental classification 372
plans for some or all employees paid directly by warrant of the 373
director of budget and management. The rule shall include 374
specifications for each classification within the plan and shall 375
specifically address compensation ranges, and methods for 376
advancing within the ranges, for the classifications, which may be 377
assigned to pay ranges other than the pay ranges established under 378
section 124.15 or 124.152 of the Revised Code. 379

(2) The director of administrative services may reassign to a 380
proper classification those positions that have been assigned to 381
an improper classification. ~~If the compensation of an employee in 382
such a reassigned position exceeds the maximum rate of pay for the 383
employee's new classification, the employee shall be placed in pay 384
step X and shall not receive an increase in compensation until the 385
maximum rate of pay for that classification exceeds the employee's 386
compensation.~~ 387

(3) The director may reassign an exempt employee, as defined 388
in section 124.152 of the Revised Code, to a bargaining unit 389
classification if the director determines that the bargaining unit 390
classification is the proper classification for that employee. 391
Notwithstanding Chapter 4117. of the Revised Code or instruments 392
and contracts negotiated under it, these placements are at the 393
director's discretion. 394

(4) The director shall, by rule, assign related 395
classifications, which form a career progression, to a 396
classification series. The director shall, by rule, assign each 397

classification in the classification plan a five-digit number, the 398
first four digits of which shall denote the classification series 399
to which the classification is assigned. When a career progression 400
encompasses more than ten classifications, the director shall, by 401
rule, identify the additional classifications belonging to a 402
classification series. The additional classifications shall be 403
part of the classification series, notwithstanding the fact that 404
the first four digits of the number assigned to the additional 405
classifications do not correspond to the first four digits of the 406
numbers assigned to other classifications in the classification 407
series. 408

(5) The director may establish, modify, or rescind a 409
classification plan for county agencies that elect not to use the 410
services and facilities of a county personnel department. The 411
director shall establish any such classification plan by means of 412
rules adopted under Chapter 119. of the Revised Code. The rules 413
shall include a methodology for the establishment of titles unique 414
to county agencies, the use of state classification titles and 415
classification specifications for common positions, the criteria 416
for a county to meet in establishing its own classification plan, 417
and the establishment of what constitutes a classification series 418
for county agencies. The director may assess a county agency that 419
chooses to use the classification plan a usage fee the director 420
determines. All usage fees the department of administrative 421
services receives shall be paid into the state treasury to the 422
credit of the human resources fund created in section 124.07 of 423
the Revised Code. 424

(B) Division (A) of this section and sections 124.15 and 425
124.152 of the Revised Code do not apply to the following persons, 426
positions, offices, and employments: 427

(1) Elected officials; 428

(2) Legislative employees, employees of the legislative 429

service commission, employees in the office of the governor, 430
employees who are in the unclassified civil service and exempt 431
from collective bargaining coverage in the office of the secretary 432
of state, auditor of state, treasurer of state, and attorney 433
general, and employees of the supreme court; 434

(3) Employees of a county children services board that 435
establishes compensation rates under section 5153.12 of the 436
Revised Code; 437

(4) Any position for which the authority to determine 438
compensation is given by law to another individual or entity; 439

(5) Employees of the bureau of workers' compensation whose 440
compensation the administrator of workers' compensation 441
establishes under division (B) of section 4121.121 of the Revised 442
Code. 443

(C) The director may employ a consulting agency to aid and 444
assist the director in carrying out this section. 445

(D)(1) When the director proposes to modify a classification 446
or the assignment of classes to appropriate pay ranges, the 447
director shall send written notice of the proposed rule to the 448
appointing authorities of the affected employees thirty days 449
before a hearing on the proposed rule. The appointing authorities 450
shall notify the affected employees regarding the proposed rule. 451
The director also shall send those appointing authorities notice 452
of any final rule that is adopted within ten days after adoption. 453

(2) When the director proposes to reclassify any employee so 454
that the employee is adversely affected, the director shall give 455
to the employee affected and to the employee's appointing 456
authority a written notice setting forth the proposed new 457
classification, pay range, and salary. Upon the request of any 458
classified employee who is not serving in a probationary period, 459
the director shall perform a job audit to review the 460

classification of the employee's position to determine whether the 461
position is properly classified. The director shall give to the 462
employee affected and to the employee's appointing authority a 463
written notice of the director's determination whether or not to 464
reclassify the position or to reassign the employee to another 465
classification. An employee or appointing authority desiring a 466
hearing shall file a written request for the hearing with the 467
state personnel board of review within thirty days after receiving 468
the notice. The board shall set the matter for a hearing and 469
notify the employee and appointing authority of the time and place 470
of the hearing. The employee, the appointing authority, or any 471
authorized representative of the employee who wishes to submit 472
facts for the consideration of the board shall be afforded 473
reasonable opportunity to do so. After the hearing, the board 474
shall consider anew the reclassification and may order the 475
reclassification of the employee and require the director to 476
assign the employee to such appropriate classification as the 477
facts and evidence warrant. As provided in division (A)(1) of 478
section 124.03 of the Revised Code, the board may determine the 479
most appropriate classification for the position of any employee 480
coming before the board, with or without a job audit. The board 481
shall disallow any reclassification or reassignment classification 482
of any employee when it finds that changes have been made in the 483
duties and responsibilities of any particular employee for 484
political, religious, or other unjust reasons. 485

(E)(1) Employees of each county department of job and family 486
services shall be paid a salary or wage established by the board 487
of county commissioners. The provisions of section 124.18 of the 488
Revised Code concerning the standard work week apply to employees 489
of county departments of job and family services. A board of 490
county commissioners may do either of the following: 491

(a) Notwithstanding any other section of the Revised Code, 492

supplement the sick leave, vacation leave, personal leave, and 493
other benefits of any employee of the county department of job and 494
family services of that county, if the employee is eligible for 495
the supplement under a written policy providing for the 496
supplement; 497

(b) Notwithstanding any other section of the Revised Code, 498
establish alternative schedules of sick leave, vacation leave, 499
personal leave, or other benefits for employees not inconsistent 500
with the provisions of a collective bargaining agreement covering 501
the affected employees. 502

(2) Division (E)(1) of this section does not apply to 503
employees for whom the state employment relations board 504
establishes appropriate bargaining units pursuant to section 505
4117.06 of the Revised Code, except in either of the following 506
situations: 507

(a) The employees for whom the state employment relations 508
board establishes appropriate bargaining units elect no 509
representative in a board-conducted representation election. 510

(b) After the state employment relations board establishes 511
appropriate bargaining units for such employees, all employee 512
organizations withdraw from a representation election. 513

(F)(1) Notwithstanding any contrary provision of sections 514
124.01 to 124.64 of the Revised Code, the board of trustees of 515
each state university or college, as defined in section 3345.12 of 516
the Revised Code, shall carry out all matters of governance 517
involving the officers and employees of the university or college, 518
including, but not limited to, the powers, duties, and functions 519
of the department of administrative services and the director of 520
administrative services specified in this chapter. Officers and 521
employees of a state university or college shall have the right of 522
appeal to the state personnel board of review as provided in this 523

chapter. 524

(2) Each board of trustees shall adopt rules under section 525
111.15 of the Revised Code to carry out the matters of governance 526
described in division (F)(1) of this section. Until the board of 527
trustees adopts those rules, a state university or college shall 528
continue to operate pursuant to the applicable rules adopted by 529
the director of administrative services under this chapter. 530

(G)(1) Each board of county commissioners may, by a 531
resolution adopted by a majority of its members, establish a 532
county personnel department to exercise the powers, duties, and 533
functions specified in division (G) of this section. As used in 534
division (G) of this section, "county personnel department" means 535
a county personnel department established by a board of county 536
commissioners under division (G)(1) of this section. 537

(2)(a) Each board of county commissioners, by a resolution 538
adopted by a majority of its members, may designate the county 539
personnel department of the county to exercise the powers, duties, 540
and functions specified in sections 124.01 to 124.64 and Chapter 541
325. of the Revised Code with regard to employees in the service 542
of the county, except for the powers and duties of the state 543
personnel board of review, which powers and duties shall not be 544
construed as having been modified or diminished in any manner by 545
division (G)(2) of this section, with respect to the employees for 546
whom the board of county commissioners is the appointing authority 547
or co-appointing authority. 548

(b) Nothing in division (G)(2) of this section shall be 549
construed to limit the right of any employee who possesses the 550
right of appeal to the state personnel board of review to continue 551
to possess that right of appeal. 552

(c) Any board of county commissioners that has established a 553
county personnel department may contract with the department of 554

administrative services, another political subdivision, or an 555
appropriate public or private entity to provide competitive 556
testing services or other appropriate services. 557

(3) After the county personnel department of a county has 558
been established as described in division (G)(2) of this section, 559
any elected official, board, agency, or other appointing authority 560
of that county, upon written notification to the county personnel 561
department, may elect to use the services and facilities of the 562
county personnel department. Upon receipt of the notification by 563
the county personnel department, the county personnel department 564
shall exercise the powers, duties, and functions as described in 565
division (G)(2) of this section with respect to the employees of 566
that elected official, board, agency, or other appointing 567
authority. 568

(4) Each board of county commissioners, by a resolution 569
adopted by a majority of its members, may disband the county 570
personnel department. 571

(5) Any elected official, board, agency, or appointing 572
authority of a county may end its involvement with a county 573
personnel department upon actual receipt by the department of a 574
certified copy of the notification that contains the decision to 575
no longer participate. 576

(6) The director of administrative services may, by rule 577
adopted in accordance with Chapter 119. of the Revised Code, 578
prescribe criteria and procedures for the following: 579

(a) A requirement that each county personnel department, in 580
carrying out its duties, adhere to merit system principles with 581
regard to employees of county departments of job and family 582
services, child support enforcement agencies, and public child 583
welfare agencies so that there is no threatened loss of federal 584
funding for these agencies, and a requirement that the county be 585

financially liable to the state for any loss of federal funds due 586
to the action or inaction of the county personnel department. The 587
costs associated with audits conducted to monitor compliance with 588
division (G)(6)(a) of this section shall be reimbursed to the 589
department of administrative services as determined by the 590
director. All money the department receives for these audits shall 591
be paid into the state treasury to the credit of the human 592
resources fund created in section 124.07 of the Revised Code. 593

(b) Authorization for the director of administrative services 594
to conduct periodic audits and reviews of county personnel 595
departments to guarantee the uniform application of the powers, 596
duties, and functions exercised pursuant to division (G)(2)(a) of 597
this section. The costs of the audits and reviews shall be 598
reimbursed to the department of administrative services as 599
determined by the director by the county for which the services 600
are performed. All money the department receives shall be paid 601
into the state treasury to the credit of the human resources fund 602
created in section 124.07 of the Revised Code. 603

(H) The director of administrative services shall establish 604
the rate and method of compensation, based upon merit, for all 605
employees who are paid directly by warrant of the director of 606
budget and management and who are serving in positions that the 607
director of administrative services has determined impracticable 608
to include in the state job classification plan. This division 609
does not apply to elected officials, legislative employees, 610
employees of the legislative service commission, employees who are 611
in the unclassified civil service and exempt from collective 612
bargaining coverage in the office of the secretary of state, 613
auditor of state, treasurer of state, and attorney general, 614
employees of the courts, employees of the bureau of workers' 615
compensation whose compensation the administrator of workers' 616
compensation establishes under division (B) of section 4121.121 of 617

the Revised Code, or employees of an appointing authority 618
authorized by law to fix the compensation of those employees. 619

(I) The director shall set the rate of compensation for all 620
intermittent, seasonal, temporary, emergency, and casual employees 621
in the service of the state who are not considered public 622
employees under section 4117.01 of the Revised Code. Those 623
employees are not entitled to receive employee benefits. This rate 624
of compensation shall be equitable in terms of the rate of 625
employees serving in the same or similar classifications and shall 626
be based upon merit. This division does not apply to elected 627
officials, legislative employees, employees of the legislative 628
service commission, employees who are in the unclassified civil 629
service and exempt from collective bargaining coverage in the 630
office of the secretary of state, auditor of state, treasurer of 631
state, and attorney general, employees of the courts, employees of 632
the bureau of workers' compensation whose compensation the 633
administrator establishes under division (B) of section 4121.121 634
of the Revised Code, or employees of an appointing authority 635
authorized by law to fix the compensation of those employees. 636

Sec. 124.15. (A) Board and commission members ~~appointed prior~~ 637
~~to July 1, 1991,~~ shall be paid a salary or wage ~~in accordance with~~ 638
based upon merit within the following ~~schedules of rates ranges:~~ 639

Schedule B 641

Pay Ranges ~~and Step Values~~ 642

Range	Step 1	Step 2	Step 3	Step 4	
	<u>Minimum</u>	<u>Maximum</u>			
23 Hourly	5.72	5.91	6.10	6.31	644
Annually	11897.60	12292.80	12688.00	13124.80	645
	Step 5	Step 6			646
Hourly	6.52	6.75			647

	Annually	13561.60	14040.00			648
		Step 1	Step 2	Step 3	Step 4	649
24	Hourly	6.00	6.20	6.41	6.63	650
	Annually	12480.00	12896.00	13332.80	13790.40	651
		Step 5	Step 6			652
	Hourly	6.87	7.10			653
	Annually	14289.60	14768.00			654
		Step 1	Step 2	Step 3	Step 4	655
25	Hourly	6.31	6.52	6.75	6.99	656
	Annually	13124.80	13561.60	14040.00	14539.20	657
		Step 5	Step 6			658
	Hourly	7.23	7.41			659
	Annually	15038.40	15412.80			660
		Step 1	Step 2	Step 3	Step 4	661
26	Hourly	6.63	6.87	7.10	7.32	662
	Annually	13790.40	14289.60	14768.00	15225.60	663
		Step 5	Step 6			664
	Hourly	7.53	7.77			665
	Annually	15662.40	16161.60			666
		Step 1	Step 2	Step 3	Step 4	667
27	Hourly	6.99	7.23	7.41	7.64	668
	Annually	14534.20	15038.40	15412.80	15891.20	669
		Step 5	Step 6	Step 7		670
	Hourly	7.88	8.15	8.46		671
	Annually	16390.40	16952.00	17596.80		672
		Step 1	Step 2	Step 3	Step 4	673
28	Hourly	7.41	7.64	7.88	8.15	674
	Annually	15412.80	15891.20	16390.40	16952.00	675
		Step 5	Step 6	Step 7		676
	Hourly	8.46	8.79	9.15		677
	Annually	17596.80	18283.20	19032.00		678
		Step 1	Step 2	Step 3	Step 4	679
29	Hourly	7.88	8.15	8.46	8.79	680

	Annually	16390.40	16952.00	17596.80	18283.20	681
		Step 5	Step 6	Step 7		682
	Hourly	9.15	9.58	10.01		683
	Annually	19032.00	19926.40	20820.80		684
		Step 1	Step 2	Step 3	Step 4	685
30	Hourly	8.46	8.79	9.15	9.58	686
	Annually	17596.80	18283.20	19032.00	19926.40	687
		Step 5	Step 6	Step 7		688
	Hourly	10.01	10.46	10.99		689
	Annually	20820.80	21756.80	22859.20		690
		Step 1	Step 2	Step 3	Step 4	691
31	Hourly	9.15	9.58	10.01	10.46	692
	Annually	19032.00	19962.40	20820.80	21756.80	693
		Step 5	Step 6	Step 7		694
	Hourly	10.99	11.52	12.09		695
	Annually	22859.20	23961.60	25147.20		696
		Step 1	Step 2	Step 3	Step 4	697
32	Hourly	10.01	10.46	10.99	11.52	698
	Annually	20820.80	21756.80	22859.20	23961.60	699
		Step 5	Step 6	Step 7	Step 8	700
	Hourly	12.09	12.68	13.29	13.94	701
	Annually	25147.20	26374.40	27643.20	28995.20	702
		Step 1	Step 2	Step 3	Step 4	703
33	Hourly	10.99	11.52	12.09	12.68	704
	Annually	22859.20	23961.60	25147.20	26374.40	705
		Step 5	Step 6	Step 7	Step 8	706
	Hourly	13.29	13.94	14.63	15.35	707
	Annually	27643.20	28995.20	30430.40	31928.00	708
		Step 1	Step 2	Step 3	Step 4	709
34	Hourly	12.09	12.68	13.29	13.94	710
	Annually	25147.20	26374.40	27643.20	28995.20	711
		Step 5	Step 6	Step 7	Step 8	712
	Hourly	14.63	15.35	16.11	16.91	713

	Annually	30430.40	31928.00	33508.80	35172.80	714
		Step 1	Step 2	Step 3	Step 4	715
35	Hourly	13.29	13.94	14.63	15.35	716
	Annually	27643.20	28995.20	30430.40	31928.00	717
		Step 5	Step 6	Step 7	Step 8	718
	Hourly	16.11	16.91	17.73	18.62	719
	Annually	33508.80	35172.80	36878.40	38729.60	720
		Step 1	Step 2	Step 3	Step 4	721
36	Hourly	14.63	15.35	16.11	16.91	722
	Annually	30430.40	31928.00	33508.80	35172.80	723
		Step 5	Step 6	Step 7	Step 8	724
	Hourly	17.73	18.62	19.54	20.51	725
	Annually	36878.40	38729.60	40643.20	42660.80	726

Schedule C 727

Pay Range and Values 728

Range	Minimum	Maximum	
41 Hourly	10.44	15.72	729
Annually	21715.20	32697.60	731
42 Hourly	11.51	17.35	732
Annually	23940.80	36088.00	733
43 Hourly	12.68	19.12	734
Annually	26374.40	39769.60	735
44 Hourly	13.99	20.87	736
Annually	29099.20	43409.60	737
45 Hourly	15.44	22.80	738
Annually	32115.20	47424.00	739
46 Hourly	17.01	24.90	740
Annually	35380.80	51792.00	741
47 Hourly	18.75	27.18	742
Annually	39000.00	56534.40	743
48 Hourly	20.67	29.69	744
Annually	42993.60	61755.20	745
49 Hourly	22.80	32.06	746

Annually 47424.00 66684.80 747

(B) The pay schedule of all employees shall be on a biweekly 748
basis, with amounts computed on an hourly basis. 749

(C) Part-time employees shall be compensated on an hourly 750
basis for time worked, ~~at the rates shown in~~ as required by 751
division (A) of this section or ~~in~~ by section 124.152 of the 752
Revised Code. 753

(D) The salary and wage rates ~~in~~ determined under division 754
(A) of this section or ~~in~~ under section 124.152 of the Revised 755
Code represent base rates of compensation and may be augmented by 756
the provisions of section 124.181 of the Revised Code. In those 757
cases where lodging, meals, laundry, or other personal services 758
are furnished an employee in the service of the state, the actual 759
costs or fair market value of the personal services shall be paid 760
by the employee in such amounts and manner as determined by the 761
director of administrative services and approved by the director 762
of budget and management, and those personal services shall not be 763
considered as a part of the employee's compensation. An appointing 764
authority that appoints employees in the service of the state, 765
with the approval of the director of administrative services and 766
the director of budget and management, may establish payments to 767
employees for uniforms, tools, equipment, and other requirements 768
of the department and payments for the maintenance of them. 769

The director of administrative services may review collective 770
bargaining agreements entered into under Chapter 4117. of the 771
Revised Code that cover employees in the service of the state and 772
determine whether certain benefits or payments provided to the 773
employees covered by those agreements should also be provided to 774
employees in the service of the state who are exempt from 775
collective bargaining coverage and are paid in accordance with 776
section 124.152 of the Revised Code or are listed in division 777
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 778

the review, the director of administrative services, with the 779
approval of the director of budget and management, may provide to 780
some or all of these employees any payment or benefit, except for 781
salary, contained in such a collective bargaining agreement even 782
if it is similar to a payment or benefit already provided by law 783
to some or all of these employees. Any payment or benefit so 784
provided shall not exceed the highest level for that payment or 785
benefit specified in such a collective bargaining agreement. The 786
director of administrative services shall not provide, and the 787
director of budget and management shall not approve, any payment 788
or benefit to such an employee under this division unless the 789
payment or benefit is provided pursuant to a collective bargaining 790
agreement to a state employee who is in a position with similar 791
duties as, is supervised by, or is employed by the same appointing 792
authority as, the employee to whom the benefit or payment is to be 793
provided. 794

As used in this division, "payment or benefit already 795
provided by law" includes, but is not limited to, bereavement, 796
personal, vacation, administrative, and sick leave, disability 797
benefits, holiday pay, and pay supplements provided under the 798
Revised Code, but does not include wages or salary. 799

(E) New employees paid in accordance with schedule B of 800
division (A) of this section or schedule E-1 of section 124.152 of 801
the Revised Code shall be employed at the minimum rate established 802
for the range unless otherwise provided. Employees with 803
qualifications that are beyond the minimum normally required for 804
the position and that are determined by the director to be 805
exceptional may be employed in, or may be transferred or promoted 806
to, a ~~position at an advanced step of~~ higher salary or wage in the 807
range. Further, in time of a serious labor market condition when 808
it is relatively impossible to recruit employees at the minimum 809
rate for a particular classification, the entrance rate may be set 810

at an ~~advanced step~~ a higher salary or wage in the range by the 811
director of administrative services. This rate may be limited to 812
geographical regions of the state. Appointments made to an 813
~~advanced step~~ a higher salary or wage under the provision 814
regarding exceptional qualifications shall not affect the ~~step~~ 815
~~assignment~~ salary or wage of employees already serving. However, 816
anytime the hiring rate of an entire classification is advanced to 817
a higher ~~step~~ salary or wage, all incumbents of that 818
classification being paid at a ~~step~~ lower salary or wage than that 819
being used for hiring, shall be advanced beginning at the start of 820
the first pay period thereafter to the new hiring rate, ~~and any~~ 821
~~time accrued at the lower step will be used to calculate~~ 822
~~advancement to a succeeding step.~~ If the hiring rate of a 823
classification is increased for only a geographical region of the 824
state, only incumbents who work in that geographical region shall 825
be advanced to a higher ~~step~~ salary or wage. When an employee in 826
the unclassified service changes from one state position to 827
another or is appointed to a position in the classified service, 828
or if an employee in the classified service is appointed to a 829
position in the unclassified service, the employee's salary or 830
wage in the new position shall be determined in the same manner as 831
if the employee were an employee in the classified service. ~~When~~ 832
~~an employee in the unclassified service who is not eligible for~~ 833
~~step increases is appointed to a classification in the classified~~ 834
~~service under which step increases are provided, future step~~ 835
~~increases shall be based on the date on which the employee last~~ 836
~~received a pay increase. If the employee has not received an~~ 837
~~increase during the previous year, the date of the appointment to~~ 838
~~the classified service shall be used to determine the employee's~~ 839
~~annual step advancement eligibility date.~~ In reassigning any 840
employee to a classification resulting in a pay range increase or 841
to a new pay range as a result of a promotion, an increase pay 842
range adjustment, or other classification change resulting in a 843

pay range increase, the director shall assign such employee to ~~the~~ 844
~~step a salary or wage~~ in the new pay range that will provide an 845
increase of approximately four per cent if the new pay range can 846
accommodate the increase. ~~When an employee is being assigned to a~~ 847
~~classification or new pay range as the result of a class plan~~ 848
~~change, if the employee has completed a probationary period, the~~ 849
~~employee shall be placed in a step no lower than step two of the~~ 850
~~new pay range. If the employee has not completed a probationary~~ 851
~~period, the employee may be placed in step one of the new pay~~ 852
~~range.~~ Such new salary or wage shall become effective on such date 853
as the director determines. 854

(F) If employment conditions and the urgency of the work 855
require such action, the director of administrative services may, 856
upon the application of a department head, authorize payment at 857
any rate established within the range for the class of work, for 858
work of a casual or intermittent nature or on a project basis. 859
Payment at such rates shall not be made to the same individual for 860
more than three calendar months in any one calendar year. Any such 861
action shall be subject to the approval of the director of budget 862
and management as to the availability of funds. This section and 863
sections 124.14 and 124.152 of the Revised Code do not repeal any 864
authority of any department or public official to contract with or 865
fix the compensation of professional persons who may be employed 866
temporarily for work of a casual nature or for work on a project 867
basis. 868

(G)(1) Except as provided in ~~divisions~~ division (G)(2) ~~and~~ 869
~~(3)~~ of this section, each state employee paid in accordance with 870
schedule B of this section or schedule E-1 of section 124.152 of 871
the Revised Code shall be eligible for advancement to ~~succeeding~~ 872
steps higher salaries or wages in the range for the employee's 873
class or grade according to the schedule established in this 874
division. ~~Beginning on the first day of the pay period within~~ 875

~~which the employee completes the prescribed probationary period in 876
the employee's classification with the state, each employee shall 877
receive an automatic salary adjustment equivalent to the next 878
higher step within the pay range for the employee's class or 879
grade. 880~~

Except as provided in divisions (G)(2) and (3) of this 881
section, each employee paid in accordance with schedule E-1 of 882
section 124.152 of the Revised Code shall be eligible to advance 883
to ~~the next higher step~~ a higher salary or wage until the employee 884
reaches the top ~~step~~ salary or wage in the range for the 885
employee's class or grade, if the employee has maintained 886
satisfactory performance in accordance with criteria established 887
by the employee's appointing authority. Those ~~step~~ advancements 888
shall not occur more frequently than once in any twelve-month 889
period and shall be based upon merit. 890

~~When an employee is promoted, the step entry date shall be 891
set to account for a probationary period. When an employee is 892
reassigned to a higher pay range, the step entry date shall be set 893
to allow an employee who is not at the highest step of the range 894
to receive a step advancement one year from the reassignment date. 895
Step advancement shall not be affected by demotion. A promoted 896
employee shall advance to the next higher step of the pay range on 897
the first day of the pay period in which the required probationary 898
period is completed. Step advancement shall become effective at 899
the beginning of the pay period within which the employee attains 900
the necessary length of service. Time spent on authorized leave of 901
absence shall be counted for this purpose. 902~~

~~If determined to be in the best interest of the state 903
service, the director of administrative services may, either 904
statewide or in selected agencies, adjust the dates on which 905
annual step advancements are received by employees paid in 906
accordance with schedule E-1 of section 124.152 of the Revised 907~~

Code- 908

~~(2)(a) There shall be a moratorium on annual step
advancements under division (G)(1) of this section beginning June
21, 2009, through June 20, 2011. Step advancements shall resume
with the pay period beginning June 21, 2011. Upon the resumption
of step advancements, there shall be no retroactive step
advancements for the period the moratorium was in effect. The
moratorium shall not affect an employee's performance evaluation
schedule.~~ 909
910
911
912
913
914
915
916

~~An employee who begins a probationary period before June 21,
2009, shall advance to the next step in the employee's pay range
at the end of probation, and then become subject to the
moratorium. An employee who is hired, promoted, or reassigned to a
higher pay range between June 21, 2009, through June 20, 2011,
shall not advance to the next step in the employee's pay range
until the next anniversary of the employee's date of hire,
promotion, or reassignment that occurs on or after June 21, 2011.~~ 917
918
919
920
921
922
923
924

~~(b) The moratorium under division (G)(2)(a) of this section
shall apply to the employees of the secretary of state, the
auditor of state, the treasurer of state, and the attorney
general, who are subject to this section unless the secretary of
state, the auditor of state, the treasurer of state, or the
attorney general decides to exempt the office's employees from the
moratorium and so notifies the director of administrative services
in writing on or before July 1, 2009.~~ 925
926
927
928
929
930
931
932

~~(3) Employees in intermittent positions shall be employed at
the minimum rate established for the pay range for their
classification and are not eligible for step advancements.~~ 933
934
935

~~(H) Employees in appointive managerial or professional
positions paid in accordance with schedule C of this section or
schedule E-2 of section 124.152 of the Revised Code may be~~ 936
937
938

appointed at any rate within the appropriate pay range. This rate 939
of pay may be adjusted higher or lower within the respective pay 940
range at any time the appointing authority so desires as long as 941
the adjustment is based on the employee's ability to successfully 942
administer those duties assigned to the employee. Salary 943
adjustments shall not be made more frequently than once in any 944
six-month period under this provision to incumbents holding the 945
same position and classification. 946

(I) When an employee is assigned to duty outside this state, 947
the employee may be compensated, upon request of the department 948
head and with the approval of the director of administrative 949
services, at a rate not to exceed fifty per cent in excess of the 950
employee's current base rate for the period of time spent on that 951
duty. 952

(J) Unless compensation for members of a board or commission 953
is otherwise specifically provided by law, the director of 954
administrative services shall establish the rate and method of 955
payment for members of boards and commissions pursuant to the pay 956
schedules listed in section 124.152 of the Revised Code. 957

(K) Regular full-time employees in positions assigned to 958
classes within the instruction and education administration series 959
under the rules of the director of administrative services, except 960
certificated employees on the instructional staff of the state 961
school for the blind or the state school for the deaf, whose 962
positions are scheduled to work on the basis of an academic year 963
rather than a full calendar year, shall be paid according to the 964
pay range assigned by such rules but only during those pay periods 965
included in the academic year of the school where the employee is 966
located. 967

(1) Part-time or substitute teachers or those whose period of 968
employment is other than the full academic year shall be 969
compensated for the actual time worked at the rate established by 970

this section. 971

(2) Employees governed by this division are exempt from 972
sections 124.13 and 124.19 of the Revised Code. 973

~~(3) Length of service for the purpose of determining 974
eligibility for step advancements as provided by division (G) of 975
this section and for the purpose of determining eligibility for 976
longevity pay supplements as provided by division (E) of section 977
124.181 of the Revised Code shall be computed on the basis of one 978
full year of service for the completion of each academic year. 979~~

(L) The superintendent of the state school for the deaf and 980
the superintendent of the state school for the blind shall, 981
subject to the approval of the superintendent of public 982
instruction, carry out both of the following: 983

(1) Annually, between the first day of April and the last day 984
of June, establish for the ensuing fiscal year a schedule of 985
hourly ~~rates~~ rate ranges for the compensation of each certificated 986
employee on the instructional staff of that superintendent's 987
respective school ~~constructed as follows:~~ 988

~~(a) Determine for each level of training, experience, and 989
other professional qualification for which an hourly rate is set 990
forth in the current schedule, the per cent that rate is of the 991
rate set forth in such schedule for a teacher with a bachelor's 992
degree and no experience. If there is more than one such rate for 993
such a teacher, the lowest rate shall be used to make the 994
computation. 995~~

~~(b) Determine which six city, local, and exempted village 996
school districts with territory in Franklin county have in effect 997
on, or have adopted by, the first day of April for the school year 998
that begins on the ensuing first day of July, teacher salary 999
schedules with the highest minimum salaries for a teacher with a 1000
bachelor's degree and no experience; 1001~~

~~(c) Divide the sum of such six highest minimum salaries by
ten thousand five hundred sixty;~~ 1002
1003

~~(d) Multiply each per cent determined in division (L)(1)(a)
of this section by the quotient obtained in division (L)(1)(c) of
this section;~~ 1004
1005
1006

~~(e) One hundred five per cent of each product thus obtained
shall be the hourly rate for the corresponding level of training,
experience, or other professional qualification in the schedule
for the ensuing fiscal year.~~ 1007
1008
1009
1010

(2) Annually, assign each certificated employee on the 1011
instructional staff of the superintendent's respective school to 1012
an hourly rate on the schedule that is commensurate with the 1013
employee's training, experience, and other professional 1014
qualifications. 1015

If an employee is employed on the basis of an academic year, 1016
the employee's annual salary shall be calculated by multiplying 1017
the employee's assigned hourly rate times one thousand seven 1018
hundred sixty. If an employee is not employed on the basis of an 1019
academic year, the employee's annual salary shall be calculated in 1020
accordance with the following formula: 1021

(a) Multiply the number of days the employee is required to 1022
work pursuant to the employee's contract by eight; 1023

(b) Multiply the product of division (L)(2)(a) of this 1024
section by the employee's assigned hourly rate. 1025

Each employee shall be paid an annual salary in biweekly 1026
installments. The amount of each installment shall be calculated 1027
by dividing the employee's annual salary by the number of biweekly 1028
installments to be paid during the year. 1029

Sections 124.13 and 124.19 of the Revised Code do not apply 1030
to an employee who is paid under this division. 1031

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

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

Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director of administrative services shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) and (3) of this section, each exempt employee shall be paid a salary or wage in accordance with schedule E-1 or schedule E-2 of division (B) of this section.

(2) Each exempt employee who holds a position in the unclassified civil service pursuant to division (A)(26) or (30) of section 124.11 of the Revised Code may be paid a salary or wage in accordance with schedule E-1, schedule E-1 for step seven only, or schedule E-2 of division (B) or (C) of this section, as

applicable. 1063

(3)(a) Except as provided in division (A)(3)(b) of this 1064
section, each exempt employee who was paid a salary or wage at 1065
step 7 in the employee's pay range on June 28, 2003, in accordance 1066
with the applicable schedule E-1 of former section 124.152 of the 1067
Revised Code and who continued to be so paid on June 29, 2003, 1068
shall be paid a salary or wage in the corresponding pay range in 1069
schedule E-1 for step seven only of division (C) of this section 1070
for as long as the employee remains in the position the employee 1071
held as of July 1, 2003. 1072

(b) Except as provided in division (A)(3)(c) of this section, 1073
if an exempt employee who is being paid a salary or wage in 1074
accordance with schedule E-1 for step seven only of division (C) 1075
of this section moves to another position, the employee shall not 1076
receive a salary or wage for that position or any other position 1077
in the future in accordance with that schedule. 1078

(c) If an exempt employee who is being paid a salary or wage 1079
in accordance with schedule E-1 for step seven only of division 1080
(C) of this section moves to another position assigned to pay 1081
range 12 or above, the appointing authority may assign the 1082
employee to be paid a salary or wage in the appropriate pay range 1083
for that position in accordance with the schedule E-1 for step 1084
seven only of division (C) of this section, provided that the 1085
appointing authority so notifies the director of administrative 1086
services in writing at the time the employee is appointed to that 1087
position. 1088

(B) Beginning on the first day of the pay period that 1089
includes ~~July 1, 2008~~ the effective date of the amendment of this 1090
section by S.B. 5 of the 129th general assembly, each exempt 1091
employee who must be paid in accordance with schedule E-1 or 1092
schedule E-2 of this section shall be paid a salary or wage ~~in~~ 1093
~~accordance with,~~ based upon merit, within the following ~~schedule~~ 1094

of rates <u>ranges</u> :							1095	
Schedule E-1							1096	
		Pay Ranges and Step Values					1097	
		Step	Step	Step	Step	Step	Step	1098
Range		1	2	3	4	5	6	1099
		<u>Minimum Maximum</u>						
1	Hourly	10.07	10.52	10.97	11.44			1100
	Annually	20946	21882	22818	23795			1101
2	Hourly	12.21	12.73	13.28	13.86			1102
	Annually	25397	26478	27622	28829			1103
3	Hourly	12.79	13.37	13.96	14.57			1104
	Annually	26603	27810	29037	30306			1105
4	Hourly	13.43	14.03	14.70	15.36			1106
	Annually	27934	29182	30576	31949			1107
5	Hourly	14.09	14.73	15.36	16.03			1108
	Annually	29307	30638	31949	33342			1109
6	Hourly	14.85	15.46	16.15	16.81			1110
	Annually	30888	32157	33592	34965			1111
7	Hourly	15.77	16.35	17.02	17.62	18.30		1112
	Annually	32802	34008	35402	36650	38064		1113
8	Hourly	16.66	17.40	18.15	18.97	19.78		1114
	Annually	34653	36192	37752	39458	41142		1115
9	Hourly	17.78	18.70	19.62	20.60	21.65		1116
	Annually	36982	38896	40810	42848	45032		1117
10	Hourly	19.19	20.23	21.32	22.55	23.76		1118
	Annually	39915	42078	44346	46904	49421		1119
11	Hourly	20.89	22.11	23.39	24.71	26.11		1120
	Annually	43451	45989	48651	51397	54309		1121
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	1122
	Annually	47923	50627	53352	56306	59446	62670	1123
13	Hourly	25.40	26.80	28.27	29.78	31.45	33.16	1124
	Annually	52832	55744	58802	61942	65416	68973	1125

paid a salary or wage in accordance with the following schedule of rates: 1159
1160

Schedule E-1 for Step Seven Only 1161

Pay Ranges ~~and Step Values~~ 1162

Range 1163

12 Hourly 31.80 1164

Annually 66144 1165

13 Hourly 34.98 1166

Annually 72758 1167

14 Hourly 38.57 1168

Annually 80226 1169

15 Hourly 42.44 1170

Annually 88275 1171

16 Hourly 46.81 1172

Annually 97365 1173

17 Hourly 51.55 1174

Annually 107224 1175

18 Hourly 56.80 1176

Annually 118144 1177

(D) As used in this section, "exempt employee" means a 1178
permanent full-time or permanent part-time employee paid directly 1179
by warrant of the director of budget and management whose position 1180
is included in the job classification plan established under 1181
division (A) of section 124.14 of the Revised Code but who is not 1182
considered a public employee for the purposes of Chapter 4117. of 1183
the Revised Code. As used in this section, "exempt employee" also 1184
includes a permanent full-time or permanent part-time employee of 1185
the secretary of state, auditor of state, treasurer of state, or 1186
attorney general who has not been placed in an appropriate 1187
bargaining unit by the state employment relations board. 1188

Sec. 124.181. (A) Except as provided in divisions ~~(M)~~(L) and 1189

~~(P)~~(N) of this section, any employee paid in accordance with 1190
schedule B of section 124.15 or schedule E-1 or schedule E-1 for 1191
step seven only of section 124.152 of the Revised Code is eligible 1192
for the pay supplements provided in this section upon application 1193
by the appointing authority substantiating the employee's 1194
qualifications for the supplement and with the approval of the 1195
director of administrative services ~~except as provided in division~~ 1196
~~(E) of this section.~~ 1197

(B)(1) Except as provided in section 124.183 of the Revised 1198
Code, in computing any of the pay supplements provided in this 1199
section for an employee paid in accordance with schedule B of 1200
section 124.15 of the Revised Code, the classification salary base 1201
shall be the minimum hourly rate of the pay range, provided in 1202
that section, in which the employee is assigned at the time of 1203
computation. 1204

(2) Except as provided in section 124.183 of the Revised 1205
Code, in computing any of the pay supplements provided in this 1206
section for an employee paid in accordance with schedule E-1 of 1207
section 124.152 of the Revised Code, the classification salary 1208
base shall be the minimum hourly rate of the pay range, provided 1209
in that section, in which the employee is assigned at the time of 1210
computation. 1211

(3) Except as provided in section 124.183 of the Revised 1212
Code, in computing any of the pay supplements provided in this 1213
section for an employee paid in accordance with schedule E-1 for 1214
step seven only of section 124.152 of the Revised Code, the 1215
classification salary base shall be the minimum hourly rate in the 1216
corresponding pay range, provided in schedule E-1 of that section, 1217
to which the employee is assigned at the time of the computation. 1218

(C) The effective date of any pay supplement, except as 1219
provided in section 124.183 of the Revised Code or unless 1220
otherwise provided in this section, shall be determined by the 1221

director. 1222

(D) The director shall, by rule, establish standards 1223
regarding the administration of this section. 1224

~~(E)(1) Except as otherwise provided in this division, 1225
beginning on the first day of the pay period within which the 1226
employee completes five years of total service with the state 1227
government or any of its political subdivisions, each employee in 1228
positions paid in accordance with schedule B of section 124.15 of 1229
the Revised Code or in accordance with schedule E-1 or schedule 1230
E-1 for step seven only of section 124.152 of the Revised Code 1231
shall receive an automatic salary adjustment equivalent to two and 1232
one-half per cent of the classification salary base, to the 1233
nearest whole cent. Each employee shall receive thereafter an 1234
annual adjustment equivalent to one-half of one per cent of the 1235
employee's classification salary base, to the nearest whole cent, 1236
for each additional year of qualified employment until a maximum 1237
of ten per cent of the employee's classification salary base is 1238
reached. The granting of longevity adjustments shall not be 1239
affected by promotion, demotion, or other changes in 1240
classification held by the employee, nor by any change in pay 1241
range for the employee's class or grade. Longevity pay adjustments 1242
shall become effective at the beginning of the pay period within 1243
which the employee completes the necessary length of service, 1244
except that when an employee requests credit for prior service, 1245
the effective date of the prior service credit and of any 1246
longevity adjustment shall be the first day of the pay period 1247
following approval of the credit by the director of administrative 1248
services. No employee, other than an employee who submits proof of 1249
prior service within ninety days after the date of the employee's 1250
hiring, shall receive any longevity adjustment for the period 1251
prior to the director's approval of a prior service credit. Time 1252
spent on authorized leave of absence shall be counted for this 1253~~

~~purpose.~~ 1254

~~(2) An employee who has retired in accordance with the 1255
provisions of any retirement system offered by the state and who 1256
is employed by the state or any political subdivision of the state 1257
on or after June 24, 1987, shall not have prior service with the 1258
state or any political subdivision of the state counted for the 1259
purpose of determining the amount of the salary adjustment 1260
provided under this division. 1261~~

~~(3) There shall be a moratorium on employees' receipt under 1262
this division of credit for service with the state government or 1263
any of its political subdivisions during the period from July 1, 1264
2003, through June 30, 2005. In calculating the number of years of 1265
total service under this division, no credit shall be included for 1266
service during the moratorium. The moratorium shall apply to the 1267
employees of the secretary of state, the auditor of state, the 1268
treasurer of state, and the attorney general, who are subject to 1269
this section unless the secretary of state, the auditor of state, 1270
the treasurer of state, or the attorney general decides to exempt 1271
the office's employees from the moratorium and so notifies the 1272
director of administrative services in writing on or before July 1273
1, 2003. 1274~~

~~If an employee is exempt from the moratorium, receives credit 1275
for a period of service during the moratorium, and takes a 1276
position with another entity in the state government or any of its 1277
political subdivisions, either during or after the moratorium, and 1278
if that entity's employees are or were subject to the moratorium, 1279
the employee shall continue to retain the credit. However, if the 1280
moratorium is in effect upon the taking of the new position, the 1281
employee shall cease receiving additional credit as long as the 1282
employee is in the position, until the moratorium expires. 1283~~

~~(F) When an exceptional condition exists that creates a 1284
temporary or a permanent hazard for one or more positions in a 1285~~

class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code, a special hazard salary adjustment may be granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into standard conditions of: some unusual hazard not common to the class; considerable unusual hazard not common to the class; and exceptional hazard not common to the class.

(1) A hazardous salary adjustment of five per cent of the employee's classification salary base may be applied in the case of some unusual hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the unusual hazard condition.

(2) A hazardous salary adjustment of seven and one-half per cent of the employee's classification salary base may be applied in the case of some considerable hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the considerable hazard condition.

(3) A hazardous salary adjustment of ten per cent of the employee's classification salary base may be applied in the case of some exceptional hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, when the employee was subject to the exceptional hazard condition.

(4) Each claim for temporary hazard pay shall be submitted as a separate payment and shall be subject to an administrative audit by the director as to the extent and duration of the employee's exposure to the hazardous condition.

~~(G)~~(F) When a full-time employee whose salary or wage is paid 1317
directly by warrant of the director of budget and management and 1318
who also is eligible for overtime under the "Fair Labor Standards 1319
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 1320
ordered by the appointing authority to report back to work after 1321
termination of the employee's regular work schedule and the 1322
employee reports, the employee shall be paid for such time. The 1323
employee shall be entitled to four hours at the employee's total 1324
rate of pay or overtime compensation for the actual hours worked, 1325
whichever is greater. This division does not apply to work that is 1326
a continuation of or immediately preceding an employee's regular 1327
work schedule. 1328

~~(H)~~(G) When a certain position or positions paid in 1329
accordance with schedule B of section 124.15 of the Revised Code 1330
or in accordance with schedule E-1 or schedule E-1 for step seven 1331
only of section 124.152 of the Revised Code require the ability to 1332
speak or write a language other than English, a special pay 1333
supplement may be granted to attract bilingual individuals, to 1334
encourage present employees to become proficient in other 1335
languages, or to retain qualified bilingual employees. The 1336
bilingual pay supplement provided in this division may be granted 1337
in the amount of five per cent of the employee's classification 1338
salary base for each required foreign language and shall remain in 1339
effect as long as the bilingual requirement exists. 1340

~~(I)~~(H) The director of administrative services may establish 1341
a shift differential for employees. The differential shall be paid 1342
to employees in positions working in other than the regular or 1343
first shift. In those divisions or agencies where only one shift 1344
prevails, no shift differential shall be paid regardless of the 1345
hours of the day that are worked. The director and the appointing 1346
authority shall designate which positions shall be covered by this 1347
division. 1348

~~(J)~~(I) Whenever an employee is assigned to work in a higher 1349
level position for a continuous period of more than two weeks but 1350
no more than two years because of a vacancy, the employee's pay 1351
may be established at a rate that is approximately four per cent 1352
above the employee's current base rate for the period the employee 1353
occupies the position, provided that this temporary occupancy is 1354
approved by the director. Employees paid under this division shall 1355
continue to receive any of the pay supplements due them under 1356
other divisions of this section based on the ~~step one~~ 1357
classification salary base ~~rate~~ for their normal classification. 1358

~~(K)~~(J) If a certain position, or positions, within a class 1359
paid in accordance with schedule B of section 124.15 of the 1360
Revised Code or in accordance with schedule E-1 or schedule E-1 1361
for step seven only of section 124.152 of the Revised Code are 1362
mandated by state or federal law or regulation or other regulatory 1363
agency or other certification authority to have special technical 1364
certification, registration, or licensing to perform the functions 1365
which are under the mandate, a special professional achievement 1366
pay supplement may be granted. This special professional 1367
achievement pay supplement shall not be granted when all 1368
incumbents in all positions in a class require a license as 1369
provided in the classification description published by the 1370
department of administrative services; to licensees where no 1371
special or extensive training is required; when certification is 1372
granted upon completion of a stipulated term of in-service 1373
training; when an appointing authority has required certification; 1374
or any other condition prescribed by the director. 1375

(1) Before this supplement may be applied, evidence as to the 1376
requirement must be provided by the agency for each position 1377
involved, and certification must be received from the director as 1378
to the director's concurrence for each of the positions so 1379
affected. 1380

(2) The professional achievement pay supplement provided in 1381
this division shall be granted in an amount up to ten per cent of 1382
the employee's classification salary base and shall remain in 1383
effect as long as the mandate exists. 1384

~~(L)~~(K) Those employees assigned to teaching supervisory, 1385
principal, assistant principal, or superintendent positions who 1386
have attained a higher educational level than a basic bachelor's 1387
degree may receive an educational pay supplement to remain in 1388
effect as long as the employee's assignment and classification 1389
remain the same. 1390

(1) An educational pay supplement of two and one-half per 1391
cent of the employee's classification salary base may be applied 1392
upon the achievement of a bachelor's degree plus twenty quarter 1393
hours of postgraduate work. 1394

(2) An educational pay supplement of an additional five per 1395
cent of the employee's classification salary base may be applied 1396
upon achievement of a master's degree. 1397

(3) An educational pay supplement of an additional two and 1398
one-half per cent of the employee's classification salary base may 1399
be applied upon achievement of a master's degree plus thirty 1400
quarter hours of postgraduate work. 1401

(4) An educational pay supplement of five per cent of the 1402
employee's classification salary base may be applied when the 1403
employee is performing as a master teacher. 1404

(5) An educational pay supplement of five per cent of the 1405
employee's classification salary base may be applied when the 1406
employee is performing as a special education teacher. 1407

(6) Those employees in teaching supervisory, principal, 1408
assistant principal, or superintendent positions who are 1409
responsible for specific extracurricular activity programs shall 1410
receive overtime pay for those hours worked in excess of their 1411

normal schedule, at their straight time hourly rate up to a 1412
maximum of five per cent of their regular base salary in any 1413
calendar year. 1414

~~(M)~~(L)(1) A state agency, board, or commission may establish 1415
a supplementary compensation schedule based upon merit for those 1416
licensed physicians employed by the agency, board, or commission 1417
in positions requiring a licensed physician. The supplementary 1418
compensation schedule, together with the compensation otherwise 1419
authorized by this chapter, shall provide for the total 1420
compensation for these employees to range appropriately, but not 1421
necessarily uniformly, for each classification title requiring a 1422
licensed physician, in accordance with a schedule approved by the 1423
state controlling board. The individual salary levels recommended 1424
for each such physician employed shall be approved by the 1425
director. Notwithstanding section 124.11 of the Revised Code, such 1426
personnel are in the unclassified civil service. 1427

(2) The director of administrative services may approve 1428
supplementary compensation for the director of health, if the 1429
director is a licensed physician, in accordance with a 1430
supplementary compensation schedule approved under division 1431
~~(M)~~(L)(1) of this section or in accordance with another 1432
supplementary compensation schedule the director of administrative 1433
services considers appropriate. The supplementary compensation 1434
shall not exceed twenty per cent of the director of health's base 1435
rate of pay. 1436

~~(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36,~~ 1437
~~117.42, and 131.02 of the Revised Code, the state shall not~~ 1438
~~institute any civil action to recover and shall not seek~~ 1439
~~reimbursement for overpayments made in violation of division (E)~~ 1440
~~of this section or division (C) of section 9.44 of the Revised~~ 1441
~~Code for the period starting after June 24, 1987, and ending on~~ 1442
~~October 31, 1993.~~ 1443

~~(O)~~(M) Employees of the office of the treasurer of state who 1444
are exempt from collective bargaining coverage may be granted a 1445
merit pay supplement of up to one and one-half per cent of their 1446
~~step salary or wage~~ rate. The rate at which this supplement is 1447
granted shall be based on performance standards established by the 1448
treasurer of state. Any supplements granted under this division 1449
shall be administered on an annual basis. 1450

~~(P)~~(N) Intermittent employees appointed under section 124.30 1451
of the Revised Code are not eligible for the pay supplements 1452
provided by this section. 1453

~~(Q)~~(O) Employees of the office of the auditor of state who 1454
are exempt from collective bargaining and who are paid in 1455
accordance with schedule E-1 or in accordance with schedule E-1 1456
for step 7 only and are paid a salary or wage in accordance with 1457
the schedule of rates in division (B) or (C) of section 124.152 of 1458
the Revised Code shall receive a reduction of two per cent in 1459
their hourly and annual pay calculation beginning with the pay 1460
period that immediately follows July 1, 2009. 1461

Sec. 124.322. Whenever a reduction in the work force is 1462
necessary, the appointing authority of an agency shall decide in 1463
which classification or classifications the layoff or layoffs will 1464
occur and the number of employees to be laid off within each 1465
affected classification. The director of administrative services 1466
shall adopt rules, under Chapter 119. of the Revised Code, 1467
establishing a method for determining layoff procedures and an 1468
order of layoff of, and the displacement and recall of, laid-off 1469
state and county employees. 1470

The order of layoff in those rules shall be based in part on 1471
length of service ~~and may~~; however, the rules shall prohibit an 1472
agency from using an employee's length of service as the only 1473
factor to determine whether to lay off the employee. The rules 1474

~~shall include efficiency in service, appointment type, ~~or~~ and 1475
similar other factors the director considers appropriate. If the 1476
director establishes relative efficiency as a criterion to be used 1477
in determining order of layoff for state and county employees, 1478
credit for efficiency may be other than ten per cent of total 1479
retention points. 1480~~

Sec. 124.325. (A) An appointing authority shall calculate an 1481
employee's retention points based upon length of service, 1482
efficiency of service, and other similar factors the director of 1483
administrative services, in the rules the director adopts for 1484
state or county employees under section 124.322 of the Revised 1485
Code, or the appointing authority, as applicable, determines is 1486
appropriate. Retention points to reflect the length of continuous 1487
service and efficiency in service for all employees affected by a 1488
layoff shall be verified by the director of administrative 1489
services for positions in the service of the state. 1490

(B) An employee's length of continuous service will be 1491
carried from one layoff jurisdiction to another so long as no 1492
break in service occurs between transfers or appointments. 1493

~~(C) If (1) Except as otherwise provided in division (C)(2) of 1494
this section, an appointing authority shall adopt rules to 1495
determine which employee the appointing authority shall lay off 1496
first if two or more employees have an identical number of 1497
retention points, employees having the shortest period of 1498
continuous service shall be laid off first. 1499~~

(2) The director shall adopt rules in accordance with Chapter 1500
119. of the Revised Code to establish a system for the assignment 1501
of retention points for each employee in the service of the state 1502
in a classification affected by a layoff and for determining, in 1503
those instances where employees in the service of the state have 1504
identical retention points, which employee shall be laid off 1505

first. The rules shall permit an appointing authority to consider 1506
the number of management and nonmanagement employees when 1507
determining which employees to lay off. 1508

(D)(1) As used in this division, "affected employee" means a 1509
city employee who becomes a county employee, or a county employee 1510
who becomes a city employee, as the result of any of the 1511
following: 1512

(a) The merger of a city and a county office; 1513

(b) The merger of city and county functions or duties; 1514

(c) The transfer of functions or duties between a city and 1515
county. 1516

(2) For purposes of this section, the new employer of any 1517
affected employee shall treat the employee's prior service with a 1518
former employer as if it had been served with the new employer. 1519

~~(E) The director of administrative services shall adopt rules~~ 1520
~~in accordance with Chapter 119. of the Revised Code to establish a~~ 1521
~~system for the assignment of retention points for each employee in~~ 1522
~~the service of the state in a classification affected by a layoff~~ 1523
~~and for determining, in those instances where employees in the~~ 1524
~~service of the state have identical retention points, which~~ 1525
~~employee shall be laid off first.~~ 1526

Sec. 124.34. (A) The tenure of every officer or employee in 1527
the classified service of the state and the counties, civil 1528
service townships, cities, city health districts, general health 1529
districts, and city school districts of the state, holding a 1530
position under this chapter, shall be during good behavior and 1531
efficient service. No officer or employee shall be reduced in pay 1532
or position, fined, suspended, or removed, or have the officer's 1533
or employee's longevity reduced or eliminated, except as provided 1534
in section 124.32 of the Revised Code, and for incompetency, 1535

inefficiency, dishonesty, drunkenness, immoral conduct, 1536
insubordination, discourteous treatment of the public, neglect of 1537
duty, violation of any policy or work rule of the officer's or 1538
employee's appointing authority, violation of this chapter or the 1539
rules of the director of administrative services or the 1540
commission, any other failure of good behavior, any other acts of 1541
misfeasance, malfeasance, or nonfeasance in office, or conviction 1542
of a felony. The denial of a one-time pay supplement or a bonus to 1543
an officer or employee is not a reduction in pay for purposes of 1544
this section. 1545

This section does not apply to any modifications or 1546
reductions in pay authorized by division ~~(Q)~~(O) of section 124.181 1547
or section 124.392 or 124.393 of the Revised Code. 1548

An appointing authority may require an employee who is 1549
suspended to report to work to serve the suspension. An employee 1550
serving a suspension in this manner shall continue to be 1551
compensated at the employee's regular rate of pay for hours 1552
worked. The disciplinary action shall be recorded in the 1553
employee's personnel file in the same manner as other disciplinary 1554
actions and has the same effect as a suspension without pay for 1555
the purpose of recording disciplinary actions. 1556

A finding by the appropriate ethics commission, based upon a 1557
preponderance of the evidence, that the facts alleged in a 1558
complaint under section 102.06 of the Revised Code constitute a 1559
violation of Chapter 102., section 2921.42, or section 2921.43 of 1560
the Revised Code may constitute grounds for dismissal. Failure to 1561
file a statement or falsely filing a statement required by section 1562
102.02 of the Revised Code may also constitute grounds for 1563
dismissal. The tenure of an employee in the career professional 1564
service of the department of transportation is subject to section 1565
5501.20 of the Revised Code. 1566

Conviction of a felony is a separate basis for reducing in 1567

pay or position, suspending, or removing an officer or employee, 1568
even if the officer or employee has already been reduced in pay or 1569
position, suspended, or removed for the same conduct that is the 1570
basis of the felony. An officer or employee may not appeal to the 1571
state personnel board of review or the commission any disciplinary 1572
action taken by an appointing authority as a result of the 1573
officer's or employee's conviction of a felony. If an officer or 1574
employee removed under this section is reinstated as a result of 1575
an appeal of the removal, any conviction of a felony that occurs 1576
during the pendency of the appeal is a basis for further 1577
disciplinary action under this section upon the officer's or 1578
employee's reinstatement. 1579

A person convicted of a felony immediately forfeits the 1580
person's status as a classified employee in any public employment 1581
on and after the date of the conviction for the felony. If an 1582
officer or employee is removed under this section as a result of 1583
being convicted of a felony or is subsequently convicted of a 1584
felony that involves the same conduct that was the basis for the 1585
removal, the officer or employee is barred from receiving any 1586
compensation after the removal notwithstanding any modification or 1587
disaffirmance of the removal, unless the conviction for the felony 1588
is subsequently reversed or annulled. 1589

Any person removed for conviction of a felony is entitled to 1590
a cash payment for any accrued but unused sick, personal, and 1591
vacation leave as authorized by law. If subsequently reemployed in 1592
the public sector, the person shall qualify for and accrue these 1593
forms of leave in the manner specified by law for a newly 1594
appointed employee and shall not be credited with prior public 1595
service for the purpose of receiving these forms of leave. 1596

As used in this division, "felony" means any of the 1597
following: 1598

(1) A felony that is an offense of violence as defined in 1599

section 2901.01 of the Revised Code; 1600

(2) A felony that is a felony drug abuse offense as defined 1601
in section 2925.01 of the Revised Code; 1602

(3) A felony under the laws of this or any other state or the 1603
United States that is a crime of moral turpitude; 1604

(4) A felony involving dishonesty, fraud, or theft; 1605

(5) A felony that is a violation of section 2921.05, 2921.32, 1606
or 2921.42 of the Revised Code. 1607

(B) In case of a reduction, a suspension of more than forty 1608
work hours in the case of an employee exempt from the payment of 1609
overtime compensation, a suspension of more than twenty-four work 1610
hours in the case of an employee required to be paid overtime 1611
compensation, a fine of more than forty hours' pay in the case of 1612
an employee exempt from the payment of overtime compensation, a 1613
fine of more than twenty-four hours' pay in the case of an 1614
employee required to be paid overtime compensation, or removal, 1615
except for the reduction or removal of a probationary employee, 1616
the appointing authority shall serve the employee with a copy of 1617
the order of reduction, fine, suspension, or removal, which order 1618
shall state the reasons for the action. 1619

Within ten days following the date on which the order is 1620
served or, in the case of an employee in the career professional 1621
service of the department of transportation, within ten days 1622
following the filing of a removal order, the employee, except as 1623
otherwise provided in this section, may file an appeal of the 1624
order in writing with the state personnel board of review or the 1625
commission. For purposes of this section, the date on which an 1626
order is served is the date of hand delivery of the order or the 1627
date of delivery of the order by certified United States mail, 1628
whichever occurs first. If an appeal is filed, the board or 1629
commission shall forthwith notify the appointing authority and 1630

shall hear, or appoint a trial board to hear, the appeal within 1631
thirty days from and after its filing with the board or 1632
commission. The board, commission, or trial board may affirm, 1633
disaffirm, or modify the judgment of the appointing authority. 1634
However, in an appeal of a removal order based upon a violation of 1635
a last chance agreement, the board, commission, or trial board may 1636
only determine if the employee violated the agreement and thus 1637
affirm or disaffirm the judgment of the appointing authority. 1638

In cases of removal or reduction in pay for disciplinary 1639
reasons, either the appointing authority or the officer or 1640
employee may appeal from the decision of the state personnel board 1641
of review or the commission, and any such appeal shall be to the 1642
court of common pleas of the county in which the appointing 1643
authority is located, or to the court of common pleas of Franklin 1644
county, as provided by section 119.12 of the Revised Code. 1645

(C) In the case of the suspension for any period of time, or 1646
a fine, demotion, or removal, of a chief of police, a chief of a 1647
fire department, or any member of the police or fire department of 1648
a city or civil service township, who is in the classified civil 1649
service, the appointing authority shall furnish the chief or 1650
member with a copy of the order of suspension, fine, demotion, or 1651
removal, which order shall state the reasons for the action. The 1652
order shall be filed with the municipal or civil service township 1653
civil service commission. Within ten days following the filing of 1654
the order, the chief or member may file an appeal, in writing, 1655
with the commission. If an appeal is filed, the commission shall 1656
forthwith notify the appointing authority and shall hear, or 1657
appoint a trial board to hear, the appeal within thirty days from 1658
and after its filing with the commission, and it may affirm, 1659
disaffirm, or modify the judgment of the appointing authority. An 1660
appeal on questions of law and fact may be had from the decision 1661
of the commission to the court of common pleas in the county in 1662

which the city or civil service township is situated. The appeal 1663
shall be taken within thirty days from the finding of the 1664
commission. 1665

(D) A violation of division (A)(7) of section 2907.03 of the 1666
Revised Code is grounds for termination of employment of a 1667
nonteaching employee under this section. 1668

(E) As used in this section, "last chance agreement" means an 1669
agreement signed by both an appointing authority and an officer or 1670
employee of the appointing authority that describes the type of 1671
behavior or circumstances that, if it occurs, will automatically 1672
lead to removal of the officer or employee without the right of 1673
appeal to the state personnel board of review or the appropriate 1674
commission. 1675

Sec. 124.38. Each of the following shall be entitled for each 1676
completed eighty hours of service to sick leave of ~~four~~ three and 1677
~~six tenths~~ one-tenth hours with pay: 1678

(A) Employees in the various offices of the county, 1679
municipal, and civil service township service, other than 1680
superintendents and management employees, as defined in section 1681
5126.20 of the Revised Code, of county boards of developmental 1682
disabilities; 1683

(B) Employees of any state college or university; 1684

~~(C) Employees of any board of education for whom sick leave 1685
is not provided by section 3319.141 of the Revised Code. 1686~~

Employees may use sick leave, upon approval of the 1687
responsible administrative officer of the employing unit, for 1688
absence due to personal illness, pregnancy, injury, exposure to 1689
contagious disease that could be communicated to other employees, 1690
and illness, injury, or death in the employee's immediate family. 1691
Unused sick leave shall be cumulative without limit. When sick 1692

leave is used, it shall be deducted from the employee's credit on 1693
the basis of one hour for every one hour of absence from 1694
previously scheduled work. 1695

The previously accumulated sick leave of an employee who has 1696
been separated from the public service shall be placed to the 1697
employee's credit upon the employee's re-employment in the public 1698
service, provided that the re-employment takes place within ten 1699
years of the date on which the employee was last terminated from 1700
public service. This ten-year period shall be tolled for any 1701
period during which the employee holds elective public office, 1702
whether by election or by appointment. 1703

An employee who transfers from one public agency to another 1704
shall be credited with the unused balance of the employee's 1705
accumulated sick leave up to the maximum of the sick leave 1706
accumulation permitted in the public agency to which the employee 1707
transfers. 1708

The appointing authorities of the various offices of the 1709
county service may permit all or any part of a person's accrued 1710
but unused sick leave acquired during service with any regional 1711
council of government established in accordance with Chapter 167. 1712
of the Revised Code to be credited to the employee upon a transfer 1713
as if the employee were transferring from one public agency to 1714
another under this section. 1715

The appointing authority of each employing unit shall require 1716
an employee to furnish a satisfactory written, signed statement to 1717
justify the use of sick leave. If medical attention is required, a 1718
certificate stating the nature of the illness from a licensed 1719
physician shall be required to justify the use of sick leave. 1720
Falsification of either a written, signed statement or a 1721
physician's certificate shall be grounds for disciplinary action, 1722
including dismissal. 1723

This section does not interfere with existing unused sick 1724
leave credit in any agency of government where attendance records 1725
are maintained and credit has been given employees for unused sick 1726
leave. 1727

Notwithstanding this section or any other section of the 1728
Revised Code, any appointing authority of a county office, 1729
department, commission, board, or body may, upon notification to 1730
the board of county commissioners, establish alternative schedules 1731
of sick leave for employees of the appointing authority for whom 1732
the state employment relations board has not established an 1733
appropriate bargaining unit pursuant to section 4117.06 of the 1734
Revised Code, as long as the alternative schedules are not 1735
inconsistent with the provisions of at least one collective 1736
bargaining agreement covering other employees of that appointing 1737
authority, if such a collective bargaining agreement exists. If no 1738
such collective bargaining agreement exists, an appointing 1739
authority may, upon notification to the board of county 1740
commissioners, establish an alternative schedule of sick leave for 1741
its employees that does not diminish the sick leave benefits 1742
granted by this section. 1743

Any sick leave that a board of education awards shall be 1744
awarded in accordance with the leave policy the board adopts 1745
pursuant to section 3319.141 of the Revised Code. 1746

Sec. 124.388. (A) ~~An~~ Except as otherwise provided in division 1747
(C) of this section, an appointing authority may, in its 1748
discretion, place an employee on administrative leave with pay. 1749
Administrative leave with pay is to be used only in circumstances 1750
where the health or safety of an employee or of any person or 1751
property entrusted to the employee's care could be adversely 1752
affected. Compensation for administrative leave with pay shall be 1753
equal to the employee's base rate of pay. The length of 1754

administrative leave with pay is solely at the discretion of the 1755
appointing authority, but shall not exceed the length of the 1756
situation for which the leave was granted. An appointing authority 1757
may also grant administrative leave with pay of two days or less 1758
for employees who are moved in accordance with section 124.33 of 1759
the Revised Code. 1760

(B) ~~An~~ Except as otherwise provided in division (C) of this 1761
section, an appointing authority may, in its discretion, place an 1762
employee on administrative leave without pay for a period not to 1763
exceed two months, if the employee has been charged with a 1764
violation of law that is punishable as a felony. If the employee 1765
subsequently does not plead guilty to or is not found guilty of a 1766
felony with which the employee is charged or any other felony, the 1767
appointing authority shall pay the employee at the employee's base 1768
rate of pay, plus interest, for the period the employee was on the 1769
unpaid administrative leave. 1770

(C) An appointing authority that is a city school district 1771
may place an employee on administrative leave in accordance with 1772
the policy the board of education of the district adopts pursuant 1773
to section 3319.141 of the Revised Code. 1774

Sec. 124.39. As used in this section, "retirement" means 1775
disability or service retirement under any state or municipal 1776
retirement system in this state. 1777

(A)(1) Except as provided in division (A)(3) of this section, 1778
an employee of a state college or university may elect, at the 1779
time of retirement from active service and with ten or more years 1780
of service with the state or any of its political subdivisions, to 1781
be paid in cash for one-fourth of the value of the employee's 1782
accrued but unused sick leave credit. Such payment shall be based 1783
on the employee's rate of pay at the time of retirement. Payment 1784
for sick leave on this basis shall be considered to eliminate all 1785

sick leave credit accrued by the employee at that time. Such 1786
payment shall be made only once to any employee. The maximum 1787
payment which may be made under this division shall be for 1788
one-fourth of one hundred twenty days. 1789

(2) A state college or university may adopt a policy allowing 1790
an employee to receive payment for more than one-fourth the value 1791
of the employee's unused sick leave or for more than the aggregate 1792
value of thirty days of the employee's unused sick leave, or 1793
allowing the number of years of service to be less than ten. 1794

(3) Notwithstanding the provisions of division (A)(1) of this 1795
section, any employee who retired from the university of 1796
Cincinnati on or after September 25, 1978, and on or before 1797
November 15, 1981, may be paid in cash for up to one-half of the 1798
value of the employee's accrued but unused sick leave credit up to 1799
a maximum of sixty days if the employee otherwise meets the 1800
service and other requirements necessary to receive such payment 1801
and if any such payment has deducted from it any amount previously 1802
paid to the employee from the employee's accrued but unused sick 1803
leave credit at the time of the employee's retirement. 1804

(B) Except as provided in division (C) of this section, an 1805
employee of a political subdivision covered by section 124.38 or 1806
3319.141 of the Revised Code may elect, at the time of retirement 1807
from active service with the political subdivision, and with ten 1808
or more years of service with the state, any political 1809
subdivisions, or any combination thereof, to be paid in cash for 1810
one-fourth the value of the employee's accrued but unused sick 1811
leave credit. The payment shall be based on the employee's rate of 1812
pay at the time of retirement and eliminates all sick leave credit 1813
accrued but unused by the employee at the time payment is made. An 1814
employee may receive one or more payments under this division, but 1815
the aggregate value of accrued but unused sick leave credit that 1816
is paid shall not exceed, for all payments, the value of thirty 1817

days of accrued but unused sick leave. 1818

(C) A political subdivision may adopt a policy allowing an 1819
employee to receive payment for more than one-fourth the value of 1820
the employee's unused sick leave or for more than the aggregate 1821
value of thirty days of the employee's unused sick leave, or 1822
allowing the number of years of service to be less than ten. The 1823
political subdivision may also adopt a policy permitting an 1824
employee to receive payment upon a termination of employment other 1825
than retirement or permitting more than one payment to any 1826
employee. Any policy adopted under this division by a political 1827
subdivision that is a city school district shall comply with the 1828
policy the board of education of the district adopts pursuant to 1829
section 3319.141 of the Revised Code. 1830

Notwithstanding section 325.17 or any other section of the 1831
Revised Code authorizing any appointing authority of a county 1832
office, department, commission, or board to set compensation, any 1833
modification of the right provided by division (B) of this 1834
section, and any policy adopted under division (C) of this 1835
section, shall only apply to a county office, department, 1836
commission, or board if it is adopted in one of the following 1837
ways: 1838

(1) By resolution of the board of county commissioners for 1839
any office, department, commission, or board that receives at 1840
least one-half of its funding from the county general revenue 1841
fund; 1842

(2) By order of any appointing authority of a county office, 1843
department, commission, or board that receives less than one-half 1844
of its funding from the county general revenue fund. Such office, 1845
department, commission, or board shall provide written notice to 1846
the board of county commissioners of such order. 1847

(3) As part of a collective bargaining agreement. 1848

A political subdivision may adopt policies similar to the 1849
provisions contained in sections 124.382 to 124.386 of the Revised 1850
Code. 1851

Sec. 124.81. (A) Except as provided in division (F) of this 1852
section, the department of administrative services in consultation 1853
with the superintendent of insurance shall negotiate with and, in 1854
accordance with the competitive selection procedures of Chapter 1855
125. of the Revised Code, contract with one or more insurance 1856
companies authorized to do business in this state, for the 1857
issuance of one of the following: 1858

(1) A policy of group life insurance covering all state 1859
employees who are paid directly by warrant of the state auditor, 1860
including elected state officials; 1861

(2) A combined policy, or coordinated policies of one or more 1862
insurance companies or health insuring corporations in combination 1863
with one or more insurance companies providing group life and 1864
health, medical, hospital, dental, or surgical insurance, or any 1865
combination thereof, covering all such employees; 1866

(3) A policy that may include, but is not limited to, 1867
~~hospitalization, surgical, major medical, dental, vision, and~~ 1868
~~medical health care, disability, hearing aids, prescription drugs~~ 1869
benefits, group life, life, sickness, and accident insurance, 1870
group legal services, or a combination of the above benefits for 1871
some or all of the employees paid in accordance with section 1872
124.152 of the Revised Code and for some or all of the employees 1873
listed in divisions (B)(2) and (4) of section 124.14 of the 1874
Revised Code, and their immediate dependents. 1875

(B) The department of administrative services in consultation 1876
with the superintendent of insurance shall negotiate with and, in 1877
accordance with the competitive selection procedures of Chapter 1878
125. of the Revised Code, contract with one or more insurance 1879

companies authorized to do business in this state, for the 1880
issuance of a policy of group life insurance covering all 1881
municipal and county court judges. The amount of such coverage 1882
shall be an amount equal to the aggregate salary set forth for 1883
each municipal court judge in sections 141.04 and 1901.11 of the 1884
Revised Code, and set forth for each county court judge in 1885
sections 141.04 and 1907.16 of the Revised Code. 1886

(C) If a state employee uses all accumulated sick leave and 1887
then goes on an extended medical disability, the policyholder 1888
shall continue at no cost to the employee the coverage of the 1889
group life insurance for such employee for the period of such 1890
extended leave, but not beyond three years. 1891

(D) If a state employee insured under a group life insurance 1892
policy as provided in division (A) of this section is laid off 1893
pursuant to section 124.32 of the Revised Code, such employee by 1894
request to the policyholder, made no later than the effective date 1895
of the layoff, may elect to continue the employee's group life 1896
insurance for the one-year period through which the employee may 1897
be considered to be on laid-off status by paying the policyholder 1898
through payroll deduction or otherwise twelve times the monthly 1899
premium computed at the existing average rate for the group life 1900
case for the amount of the employee's insurance thereunder at the 1901
time of the employee's layoff. The policyholder shall pay the 1902
premiums to the insurance company at the time of the next regular 1903
monthly premium payment for the actively insured employees and 1904
furnish the company appropriate data as to such laid-off 1905
employees. At the time an employee receives written notice of a 1906
layoff, the policyholder shall also give such employee written 1907
notice of the opportunity to continue group life insurance in 1908
accordance with this division. When such laid-off employee is 1909
reinstated for active work before the end of the one-year period, 1910
the employee shall be reclassified as insured again as an active 1911

employee under the group and appropriate refunds for the number of 1912
full months of unearned premium payment shall be made by the 1913
policyholder. 1914

(E) This section does not affect the conversion rights of an 1915
insured employee when the employee's group insurance terminates 1916
under the policy. 1917

(F) Notwithstanding division (A) of this section, the 1918
department may provide benefits equivalent to those that may be 1919
paid under a policy issued by an insurance company, or the 1920
department may, to comply with a collectively bargained contract, 1921
enter into an agreement with a jointly administered trust fund 1922
which receives contributions pursuant to a collective bargaining 1923
agreement entered into between this state, or any of its political 1924
subdivisions, and any collective bargaining representative of the 1925
employees of this state or any political subdivision for the 1926
purpose of providing for self-insurance of all risk in the 1927
provision of fringe benefits similar to those that may be paid 1928
pursuant to division (A) of this section, and the jointly 1929
administered trust fund may provide through the self-insurance 1930
method specific fringe benefits as authorized by the rules of the 1931
board of trustees of the jointly administered trust fund. Any 1932
health care benefits provided through the fund shall be the same 1933
as those health care benefits provided under a contract entered 1934
into under division (A) of this section. The director shall make 1935
any contract entered into under division (A) of this section that 1936
provides health care benefits available to the board of trustees 1937
of the jointly administered trust fund. Amounts from the fund may 1938
be used to pay direct and indirect costs that are attributable to 1939
consultants or a third-party administrator and that are necessary 1940
to administer this section. Benefits provided under this section 1941
include, ~~but are not limited to, hospitalization, surgical care,~~ 1942
~~major medical care, disability, dental care, vision care, medical~~ 1943

~~health care, hearing aids, prescription drugs~~ benefits, group life 1944
insurance, sickness and accident insurance, group legal services, 1945
or a combination of the above benefits, for the employees and 1946
their immediate dependents. 1947

(G) Notwithstanding any other provision of the Revised Code, 1948
any public employer, including the state, and any of its political 1949
subdivisions, including, but not limited to, any county, county 1950
hospital, municipal corporation, township, park district, school 1951
district, state institution of higher education, public or special 1952
district, state agency, authority, commission, or board, or any 1953
other branch of public employment, and any collective bargaining 1954
representative of employees of the state or any political 1955
subdivision may agree in a collective bargaining agreement that 1956
any mutually agreed fringe benefit including, ~~but not limited to,~~ 1957
~~hospitalization, surgical care, major medical care, disability,~~ 1958
~~dental care, vision care, medical~~ health care, hearing aids, 1959
~~prescription drugs~~ benefits, group life insurance, sickness and 1960
accident insurance, group legal services, or a combination 1961
thereof, for employees and their dependents be provided through a 1962
mutually agreed upon contribution to a jointly administered trust 1963
fund. Amounts from the fund may be used to pay direct and indirect 1964
costs that are attributable to consultants or a third-party 1965
administrator and that are necessary to administer this section. 1966
The amount, type, and structure of fringe benefits provided under 1967
this division is subject to the determination of the board of 1968
trustees of the jointly administered trust fund, except that any 1969
health care benefits provided through the fund shall be the same 1970
as those health care benefits provided under a contract entered 1971
into between the public employer and the insurance company 1972
providing those benefits. The public employer shall make that 1973
contract available to the board of trustees of the jointly 1974
administered trust fund. Notwithstanding any other provision of 1975
the Revised Code, competitive bidding does not apply to the 1976

purchase of fringe benefits for employees under this division 1977
through a jointly administered trust fund. 1978

(H) The health care benefits provided to a management level 1979
employee, as defined in section 4117.01 of the Revised Code, under 1980
a contract entered into under this section shall be the same as 1981
any health care benefits provided to other employees of the same 1982
public employer. 1983

(I) A public employer, including the state and any of its 1984
political subdivisions, shall not pay more than eighty-five per 1985
cent of the cost of the provision of health care benefits pursuant 1986
to this section. 1987

(J) As used in this section and section 124.82 of the Revised 1988
Code, "health care benefits" includes hospitalization, surgical, 1989
major medical, dental, vision, and medical care, disability, 1990
hearing aids, prescription drugs, or a combination of these 1991
benefits. 1992

Sec. 124.82. (A) Except as provided in division (D) of this 1993
section, the department of administrative services, in 1994
consultation with the superintendent of insurance, shall, in 1995
accordance with competitive selection procedures of Chapter 125. 1996
of the Revised Code, contract with an insurance company or a 1997
health plan in combination with an insurance company, authorized 1998
to do business in this state, for the issuance of a policy or 1999
contract of health, medical, hospital, dental, or surgical 2000
benefits, or any combination of those benefits, covering state 2001
employees who are paid directly by warrant of the director of 2002
budget and management, including elected state officials. The 2003
department may fulfill its obligation under this division by 2004
exercising its authority under division (A)(2) of section 124.81 2005
of the Revised Code. 2006

(B) The department may, in addition, in consultation with the 2007

superintendent of insurance, negotiate and contract with health 2008
insuring corporations holding a certificate of authority under 2009
Chapter 1751. of the Revised Code, in their approved service areas 2010
only, for issuance of a contract or contracts of health care 2011
services, covering state employees who are paid directly by 2012
warrant of the director of budget and management, including 2013
elected state officials. The department may enter into contracts 2014
with one or more insurance carriers or health plans to provide the 2015
same plan of benefits, provided that: 2016

(1) The amount of the premium or cost for such coverage 2017
contributed by the state, for an individual or for an individual 2018
and the individual's family, does not exceed that same amount of 2019
the premium or cost contributed by the state under division (A) of 2020
this section; 2021

(2) The employee be permitted to exercise the option as to 2022
which plan the employee will select under division (A) or (B) of 2023
this section, at a time that shall be determined by the 2024
department; 2025

(3) The health insuring corporations do not refuse to accept 2026
the employee, or the employee and the employee's family, if the 2027
employee exercises the option to select care provided by the 2028
corporations; 2029

(4) The employee may choose participation in only one of the 2030
plans sponsored by the department; 2031

(5) The director of health examines and certifies to the 2032
department that the quality and adequacy of care rendered by the 2033
health insuring corporations meet at least the standards of care 2034
provided by hospitals and physicians in that employee's community, 2035
who would be providing such care as would be covered by a contract 2036
awarded under division (A) of this section. 2037

(C) ~~All~~ Except as provided in division (G) of this section, 2038

all or any portion of the cost, premium, or charge for the 2039
coverage in divisions (A) and (B) of this section may be paid in 2040
such manner or combination of manners as the department determines 2041
and may include the proration of health care costs, premiums, or 2042
charges for part-time employees. 2043

(D) Notwithstanding division (A) of this section, the 2044
department may provide benefits equivalent to those that may be 2045
paid under a policy or contract issued by an insurance company or 2046
a health plan pursuant to division (A) of this section. 2047

(E) This section does not prohibit the state office of 2048
collective bargaining from entering into an agreement with an 2049
employee representative for the purposes of providing fringe 2050
benefits, including, ~~but not limited to, hospitalization, surgical~~ 2051
~~care, major medical care, disability, dental care, vision care,~~ 2052
~~medical health care, hearing aids, prescription drugs~~ benefits, 2053
group life insurance, sickness and accident insurance, group legal 2054
services or other benefits, or any combination of those benefits, 2055
to employees paid directly by warrant of the director of budget 2056
and management through a jointly administered trust fund. The 2057
employer's contribution for the cost of the benefit care shall be 2058
mutually agreed to in the collectively bargained agreement. The 2059
amount, type, and structure of fringe benefits provided under this 2060
division is subject to the determination of the board of trustees 2061
of the jointly administered trust fund. Any health care benefits 2062
provided through the fund shall be the same as those health care 2063
benefits provided under a contract entered into under division (A) 2064
of section 124.81 of the Revised Code. The director of 2065
administrative services shall make any contract entered into under 2066
that division that provides health care benefits available to the 2067
board of trustees of the jointly administered trust fund. 2068
Notwithstanding any other provision of the Revised Code, 2069
competitive bidding does not apply to the purchase of fringe 2070

benefits for employees under this division when those benefits are 2071
provided through a jointly administered trust fund. 2072

(F) Members of state boards or commissions may be covered by 2073
any policy, contract, or plan of benefits or services described in 2074
division (A) or (B) of this section. Board or commission members 2075
who are appointed for a fixed term and who are compensated on a 2076
per meeting basis, or paid only for expenses, or receive a 2077
combination of per diem payments and expenses shall pay the entire 2078
amount of the premiums, costs, or charges for that coverage. 2079

(G) The health care benefits provided to a management level 2080
employee, as defined in section 4117.01 of the Revised Code, under 2081
a contract entered into under this section shall be the same as 2082
any health care benefits provided to other employees of the same 2083
public employer. 2084

(H) A state employee who receives insurance under this 2085
section shall pay at least fifteen per cent of the cost of the 2086
premium assessed for any insurance policy issued pursuant to this 2087
section that covers health, medical, hospital, or surgical 2088
benefits. 2089

Sec. 145.47. (A) Each public employee who is a contributor to 2090
the public employees retirement system shall contribute eight per 2091
cent of the contributor's earnable salary to the employees' 2092
savings fund, except that the public employees retirement board 2093
may raise the contribution rate to a rate not greater than ten per 2094
cent of the employee's earnable salary. 2095

The contributions required under this section shall not be 2096
paid by an employer on an employee's behalf, but may be treated as 2097
employer contributions for purposes of state and federal income 2098
tax deferred income provisions. 2099

(B) The head of each state department, institution, board, 2100

and commission, and the fiscal officer of each local authority 2101
subject to this chapter, shall deduct from the earnable salary of 2102
each contributor on every payroll of such contributor for each 2103
payroll period subsequent to the date of coverage, an amount equal 2104
to the applicable per cent of the contributor's earnable salary. 2105
The head of each state department and the fiscal officer of each 2106
local authority subject to this chapter shall transmit promptly to 2107
the system a report of contributions at such intervals and in such 2108
form as the system shall require, showing thereon all deductions 2109
for the system made from the earnable salary of each contributor 2110
employed, together with warrants, checks, or electronic payments 2111
covering the total of such deductions. A penalty shall be added 2112
when such report, together with warrants, checks, or electronic 2113
payments to cover the total amount due from the earnable salary of 2114
all amenable employees of such employer, is filed thirty or more 2115
days after the last day of such reporting period. The system, 2116
after making a record of all receipts under this division, shall 2117
deposit the receipts with the treasurer of state for use as 2118
provided by this chapter. 2119

(C) Unless the board adopts a rule under division (D) of this 2120
section, the penalty described in division (B) of this section for 2121
failing to timely transmit a report, pay the total amount due, or 2122
both is as follows: 2123

(1) At least one but not more than ten days past due, an 2124
amount equal to one per cent of the total amount due; 2125

(2) At least eleven but not more than thirty days past due, 2126
an amount equal to two and one-half per cent of the total amount 2127
due; 2128

(3) Thirty-one or more days past due, an amount equal to five 2129
per cent of the total amount due. 2130

The penalty described in this division shall be added to and 2131

collected on the next succeeding regular employer billing. 2132

Interest at a rate set by the retirement board shall be charged on 2133

the amount of the penalty in case such penalty is not paid within 2134

thirty days after it is added to the regular employer billing. 2135

(D) The board may adopt rules to establish penalties in 2136

amounts that do not exceed the amounts specified in divisions 2137

(C)(1) to (3) of this section. 2138

(E) In addition to the periodical reports of deduction 2139

required by this section, the fiscal officer of each local 2140

authority subject to this chapter shall submit to the system at 2141

least once each year a complete listing of all noncontributing 2142

appointive employees. Where an employer fails to transmit 2143

contributions to the system, the system may make a determination 2144

of the employees' liability for contributions and certify to the 2145

employer the amounts due for collection in the same manner as 2146

payments due the employers' accumulation fund. Any amounts so 2147

collected shall be held in trust pending receipt of a report of 2148

contributions for such public employees for the period involved as 2149

provided by law and, thereafter, the amount in trust shall be 2150

transferred to the employees' savings fund to the credit of the 2151

employees. Any amount remaining after the transfer to the 2152

employees' savings fund shall be transferred to the employers' 2153

accumulation fund as a credit of such employer. 2154

(F) The fiscal officer of each local authority subject to 2155

this chapter shall require each new contributor to submit to the 2156

system a detailed report of all the contributor's previous service 2157

as a public employee along with such other facts as the board 2158

requires for the proper operation of the system. 2159

(G) Any member who, because of the member's own illness, 2160

injury, or other reason which may be approved by the member's 2161

employer is prevented from making the member's contribution to the 2162

system for any payroll period, may pay such deductions as a back 2163

payment within one year. 2164

Sec. 306.04. (A) Except as otherwise provided in division (B) 2165
of this section, employees of a county transit board or a board of 2166
county commissioners operating a transit system are employees of 2167
the county. If the system is operated by the board of county 2168
commissioners, the board shall appoint an executive director, who 2169
shall be in the unclassified service. 2170

(B) Any county transit board that established its own civil 2171
service organization and procedure prior to ~~the effective date of~~ 2172
~~this amendment~~ October 25, 1995, shall continue to operate under 2173
that organization. Appointments and promotions in that system 2174
shall be made, as far as practicable, by competitive examination. 2175

A board that established its own civil service organization 2176
prior to ~~the effective date of this amendment~~ October 25, 1995, 2177
shall establish by rule the seniority provisions relating to 2178
street railway and motor bus employees in effect at the time of 2179
the acquisition of the transit system by the county. When a 2180
reduction in force is necessary, the board shall not use an 2181
employee's length of service as the only factor to determine 2182
whether to lay off the employee. The vacation, holiday, and sick 2183
leave privileges shall not be regulated by other provisions of law 2184
relating to public employees of the state or county, except that 2185
the transit board, its officers and employees, shall be subject to 2186
the public employees retirement system of the state and the 2187
transit board shall assume any pension obligations which have been 2188
assumed by any publicly owned transit system which the county may 2189
acquire. 2190

(C) A county transit board or board of county commissioners 2191
operating a transit system may: 2192

(1) Acquire in its name by gift, grant, purchase, or 2193
condemnation and hold and operate real estate and interests 2194

therein and personal property suitable for its purposes; 2195

(2) In its name purchase, acquire, construct, enlarge, 2196
improve, equip, repair, maintain, sell, exchange, lease as lessee 2197
or lessor, receive a right of use of, and manage, control, and 2198
operate, in or out of the county, a county transit system 2199
consisting of all real estate and interests therein, personal 2200
property, and a combination thereof, for or related to the 2201
movement of persons including but not limited to street railway, 2202
tramline, subways, rapid transits, monorails, and passenger bus 2203
systems but excluding therefrom trucks, the movement of property 2204
by truck, and facilities designed for use in the movement of 2205
property by truck for hire; 2206

(3) Issue, with the approval of the county commissioners when 2207
the issuance is made by the transit board, revenue bonds of the 2208
county as provided in division (B) of section 306.09 of the 2209
Revised Code, to secure funds to accomplish its purposes. The 2210
principal of and interest on such bonds, together with all other 2211
payments required to be made by the trust agreement or indenture 2212
securing such bonds, shall be paid solely from revenues or other 2213
income accruing to the board from facilities of the county transit 2214
system designated in said agreement or indenture. 2215

(4) Enter into contracts in the exercise of the rights, 2216
powers, and duties conferred upon it, and execute all instruments 2217
necessary in the conduct of its business; 2218

(5) Fix, alter, and charge rates and other charges for the 2219
use of its real estate and interests therein, personal property, 2220
and combinations thereof; 2221

(6) Employ such financial consultants, accountants, 2222
appraisers, consulting engineers, architects, construction 2223
experts, attorneys-at-law, managers and other supervisory 2224
personnel, and other officers, employees, and agents as it 2225

determines necessary to conduct its business, and fix their	2226
compensation and duties;	2227
(7) Pledge, hypothecate, or otherwise encumber its revenues	2228
and other income as security for its obligations and enter into	2229
trust agreements or indentures for the benefit of revenue	2230
bondholders;	2231
(8) Borrow money or accept or contract to accept advances,	2232
loans, gifts, grants, devises, or bequests from and enter into	2233
contracts or agreements with any federal, state, or other	2234
governmental or private source and hold and apply advances, loans,	2235
gifts, grants, devises, or bequests according to the terms thereof	2236
including provisions which are required by such federal, state, or	2237
other governmental or private source to protect the interest of	2238
employees affected by such advances, loans, gifts, grants,	2239
devises, or bequests. Such advances, loans, gifts, grants, or	2240
devises may be subject to any reasonable reservation and any gift,	2241
grant, or devise or real estate may be in fee simple or any lesser	2242
estate. Any advances or loans received from any federal, state, or	2243
other governmental or private source may be repaid in accordance	2244
with the terms of such advance or loan.	2245
(9) Conduct investigations and surveys into the needs of the	2246
public within or without the county for transportation services to	2247
provide for the movement of persons within, into, or from the area	2248
serviced or to be serviced by the county transit system;	2249
(10) Enter into lawful arrangements with the appropriate	2250
federal or state department or agency, county, township, municipal	2251
corporation, or other political subdivision or public agency for	2252
the planning and installation of any public facilities which are	2253
determined necessary in the conduct of its business;	2254
(11) Purchase fire, extended coverage, and liability	2255
insurance for the real estate and interests therein, personal	2256

property and any combination thereof, used by or in connection 2257
with the county transit system and insurance covering the board 2258
and the county transit system and its officers and employees for 2259
liability for damage or injury to persons or property; 2260

(12) Procure and pay all or any part of the cost of group 2261
hospitalization, surgical, major medical, or sickness and accident 2262
insurance, or a combination thereof, for the officers and 2263
employees of the county transit system and their immediate 2264
dependents, issued by an insurance company, duly authorized to do 2265
business in this state; 2266

(13) Sell, lease, release, or otherwise dispose of real 2267
estate or interests therein or personal property owned by it and 2268
grant such easements across its real estate and interests therein 2269
as will not interfere with its use by the county transit system; 2270

(14) Establish rules for the use and operation of the county 2271
transit system including the real estate or interests therein, 2272
personal property or a combination of the foregoing used by or in 2273
connection with such system; 2274

(15) Exercise the power of eminent domain to appropriate any 2275
real estate or interests therein, personal property, franchises, 2276
or any combination thereof, within or without the county, 2277
necessary or proper in the exercise of its powers provided in 2278
sections 306.01 to 306.13 of the Revised Code, as provided in 2279
sections 163.01 to 163.22 of the Revised Code, and subject to 2280
divisions (15)(a), (b), and (c) of this section, provided that a 2281
county transit board or a board of county commissioners operating 2282
a transit system shall not proceed to so appropriate real property 2283
outside its territorial boundaries, until it has served at the 2284
office of the county commissioners of the county in which it is 2285
proposed to appropriate real property, a notice describing the 2286
real property to be taken and the purpose for which it is proposed 2287
to be taken, and such county commissioners have entered on their 2288

journal within thirty days after such service a resolution 2289
approving such appropriation; 2290

(a) Nothing contained in this division authorizes a county 2291
transit board or a board of county commissioners to appropriate 2292
any land, rights, rights-of-way, franchises, or easements 2293
belonging to the state or to a municipal corporation without the 2294
consent of the state or of the municipal corporation, and no 2295
county transit board or board of county commissioners shall 2296
exercise the right of eminent domain to acquire any certificate of 2297
public convenience and necessity, or any part thereof, issued to a 2298
motor transportation company by the public utilities commission of 2299
Ohio or by the interstate commerce commission of the United 2300
States, or to take or disturb other real estate or interests 2301
therein, personal property, or any combination thereof belonging 2302
to any municipal corporation without the consent of the 2303
legislative authority of such municipal corporation, or take or 2304
disturb real estate or interests therein, personal property, or 2305
any combination thereof belonging to any other political 2306
subdivision, public corporation, public utility, or common 2307
carrier, which is necessary and convenient in the operation of 2308
such political subdivision, public corporation, public utility, or 2309
common carrier unless provision is made for the restoration, 2310
relocation, or duplication of that taken or upon the election of 2311
such political subdivision, public corporation, public utility, or 2312
common carrier for the payment of compensation, if any, at the 2313
sole cost of the county transit system. 2314

(b) If any restoration or duplication proposed to be made 2315
under this division involves a relocation, the new location shall 2316
have at least comparable utilitarian value and effectiveness, and 2317
such relocation shall not impair the ability of the public utility 2318
or common carrier to compete in its original area of operation. 2319

(c) If such restoration or duplication proposed to be made 2320

under this division involves a relocation, the county transit 2321
board or board of county commissioners shall acquire no interest 2322
or right in or to the appropriated property or facility until the 2323
relocated property or facility is available for use and until 2324
marketable title thereto has been transferred to the political 2325
subdivision, public corporation, public utility, or common 2326
carrier. Nothing in this division shall require any board of 2327
county commissioners or county transit board operating a county 2328
transit system to so restore, relocate, or duplicate, if all of 2329
the real estate and interests therein, personal property, and any 2330
combination of the foregoing which is owned by a public utility or 2331
common carrier and used by it or in connection with the movement 2332
of persons, is acquired by exercise of the power of eminent 2333
domain. 2334

(16) When real property is acquired that is located outside 2335
the county and is removed from the tax duplicate, the county 2336
transit board or board of county commissioners operating a transit 2337
system shall pay annually to the county treasurer of the county in 2338
which that property is located, commencing with the first tax year 2339
in which that property is removed from the tax duplicate, an 2340
amount of money in lieu of taxes equal to the smaller of the 2341
following: 2342

(a) The last annual installment of taxes due from the 2343
acquired property before removal from the tax duplicate; 2344

(b) An amount equal to the difference between the combined 2345
revenue from real estate taxes of all the taxing districts in 2346
which the property is located in the tax year immediately prior to 2347
the removal of the acquired property from the tax duplicate, and 2348
either: 2349

(i) The total revenue which would be produced by the tax rate 2350
of each such taxing district in the tax year immediately prior to 2351
the removal of the acquired property from the tax duplicate, 2352

applied to the real estate tax duplicate of each of such taxing districts in each tax year subsequent to the year of removal; or

(ii) The combined revenue from real estate taxes of all such taxing districts in each tax year subsequent to the year of removal, whichever is the greater.

The county transit board or board of county commissioners may be exempted from such payment by agreement of the affected taxing district or districts in the county in which the property is located.

The county auditor of the county in which that property is located shall apportion each such annual payment to each taxing district as if the annual payment had been levied and collected as a tax.

Those annual payments shall never again be made after they have ceased.

(17) Sue or be sued, plead or be impleaded, and be held liable in any court of proper jurisdiction for damages received by reason of negligence, in the same manner and to the same extent as if the county transit system were privately operated, provided, that no funds of a county other than those of the county transit board or, if the transit system is operated by the board of county commissioners, other than those in the account for the county transit system created under division (C) of section 306.01 of the Revised Code, shall be available for the satisfaction of judgments rendered against that system;

(18) Annually prepare and make available for public inspection a report in condensed form showing the financial results of the operation of the county transit system. For systems operated by a county transit board, copies of this report shall be furnished to the county commissioners as well as a monthly summary statement of revenues and expenses for the preceding month

sufficient to show the exact financial condition of the county transit system as of the last day of the preceding month. 2384
2385

(19) With the approval of the county commissioners when the action is taken by the transit board, and without competitive bidding, sell, lease, or grant the right of use of all or a portion of the county transit system to any other political subdivision, taxing district, or other public body or agency having the power to operate a transit system; 2386
2387
2388
2389
2390
2391

(20) Enter into and supervise franchise agreements for the operation of a county transit system; 2392
2393

(21) Accept the assignment of and then supervise an existing franchise agreement for the operation of a county transit system. 2394
2395

Sec. 307.054. (A) The board of trustees of a joint emergency medical services district shall employ an executive director, who shall be in the unclassified service, and fix ~~his~~ the executive director's compensation. In addition to that compensation, the director shall be reimbursed for actual and necessary expenses incurred in the performance of ~~his~~ the executive director's official duties. The board may enter into an employment contract with the executive director for a period not to exceed three years. In the absence of contrary contractual provisions, the board may remove the director by a majority vote of the full membership, but only after holding a hearing on the matter if the director requests such a hearing. 2396
2397
2398
2399
2400
2401
2402
2403
2404
2405
2406
2407

Except as otherwise provided in this division, the board shall prescribe the director's duties and may authorize the director to act on its behalf in the performance of its administrative duties. In addition to those duties prescribed by the board, the director shall do all the following: 2408
2409
2410
2411
2412

(1) Subject to the board's approval for each contract, 2413

execute contracts on the board's behalf;	2414
(2) Supervise all services provided or contracted for and all facilities operated or contracted for, and ensure that emergency medical services are being lawfully administered in conformity with the Revised Code and the resolution creating the district;	2415 2416 2417 2418
(3) Recommend changes to the board that may increase the effectiveness of emergency medical services within the district;	2419 2420
(4) Employ persons for all positions authorized by the board and approve all personnel actions that affect classified employees;	2421 2422 2423
(5) Approve compensation for employees within the limits set by the salary schedule and budget established by the board;	2424 2425
(6) Prepare an annual report of the services provided by the district, including a fiscal accounting, for the board to approve.	2426 2427
(B) Except as otherwise provided in this section, employees of the district shall be treated the same as county employees for the purposes of Chapter 124. of the Revised Code and any other provisions of state law applicable to county employees. Instead of or in addition to appointing employees of the district, the board of trustees may contract with one or more of the participating counties for county employees to serve the district and for the district to share in their compensation in any manner that may be agreed upon in the joint resolution creating the district.	2428 2429 2430 2431 2432 2433 2434 2435 2436
<u>(C) For purposes of division (A)(5) of this section, the board, when establishing a salary schedule, shall require merit to be the only basis, and the executive director shall use merit as the only basis, for an employee's progression through the schedule.</u>	2437 2438 2439 2440 2441
Sec. 339.06. (A) The board of county hospital trustees, upon completion of construction or leasing and equipping of a county	2442 2443

hospital, shall assume and continue the operation of the hospital. 2444

(B) The board of county hospital trustees shall have the 2445
entire management and control of the county hospital. The board 2446
shall establish such rules for the hospital's government and the 2447
admission of persons as are expedient. 2448

(C) The board of county hospital trustees has control of the 2449
property of the county hospital, including management and disposal 2450
of surplus property other than real estate or an interest in real 2451
estate. 2452

(D) With respect to the use of funds by the board of county 2453
hospital trustees and its accounting for the use of funds, all of 2454
the following apply: 2455

(1) The board of county hospital trustees has control of all 2456
funds used in the county hospital's operation, including moneys 2457
received from the operation of the hospital, moneys appropriated 2458
for its operation by the board of county commissioners, and moneys 2459
resulting from special levies submitted by the board of county 2460
commissioners as provided for in section 5705.22 of the Revised 2461
Code. 2462

(2) Of the funds used in the county hospital's operation, all 2463
or part of any amount determined not to be necessary to meet 2464
current demands on the hospital may be invested by the board of 2465
county hospital trustees or its designee in any classifications of 2466
securities and obligations eligible for deposit or investment of 2467
county moneys pursuant to section 135.35 of the Revised Code, 2468
subject to the approval of the board's written investment policy 2469
by the county investment advisory committee established pursuant 2470
to section 135.341 of the Revised Code. 2471

(3) Annually, not later than sixty days before the end of the 2472
fiscal year used by the county hospital, the board of county 2473
hospital trustees shall submit its proposed budget for the ensuing 2474

fiscal year to the board of county commissioners for that board's 2475
review. The board of county commissioners shall review and approve 2476
the proposed budget by the first day of the fiscal year to which 2477
the budget applies. If the board of county commissioners has not 2478
approved the budget by the first day of the fiscal year to which 2479
the budget applies, the budget is deemed to have been approved by 2480
the board on the first day of that fiscal year. 2481

(4) The board of county hospital trustees shall not expend 2482
funds received from taxes collected pursuant to any tax levied 2483
under section 5705.22 of the Revised Code or the amount 2484
appropriated to the county hospital by the board of county 2485
commissioners in the annual appropriation measure for the county 2486
until its budget for the applicable fiscal year is approved in 2487
accordance with division (C)(3) of this section. At any time the 2488
amount received from those sources differs from the amount shown 2489
in the approved budget, the board of county commissioners may 2490
require the board of county hospital trustees to revise the county 2491
hospital budget accordingly. 2492

(5) Funds under the control of the board of county hospital 2493
trustees may be disbursed by the board, consistent with the 2494
approved budget, for the uses and purposes of the county hospital; 2495
for the replacement of necessary equipment; for the acquisition, 2496
leasing, or construction of permanent improvements to county 2497
hospital property; or for making a donation authorized by division 2498
(E) of this section. Each disbursement of funds shall be made on a 2499
voucher signed by signatories designated and approved by the board 2500
of county hospital trustees. 2501

(6) The head of a board of county hospital trustees is not 2502
required to file an estimate of contemplated revenue and 2503
expenditures for the ensuing fiscal year under section 5705.28 of 2504
the Revised Code unless the board of county commissioners levies a 2505
tax for the county hospital, or such a tax is proposed, or the 2506

board of county hospital trustees desires that the board of county 2507
commissioners make an appropriation to the county hospital for the 2508
ensuing fiscal year. 2509

(7) All moneys appropriated by the board of county 2510
commissioners or from special levies by the board of county 2511
commissioners for the operation of the hospital, when collected 2512
shall be paid to the board of county hospital trustees on a 2513
warrant of the county auditor and approved by the board of county 2514
commissioners. 2515

(8) The board of county hospital trustees shall provide for 2516
the conduct of an annual financial audit of the county hospital. 2517
Not later than thirty days after it receives the final report of 2518
an annual financial audit, the board shall file a copy of the 2519
report with the board of county commissioners. 2520

(E) For the public purpose of improving the health, safety, 2521
and general welfare of the community, the board of county hospital 2522
trustees may donate to a nonprofit entity any of the following: 2523

(1) Moneys and other financial assets determined not to be 2524
necessary to meet current demands on the hospital; 2525

(2) Surplus hospital property, including supplies, equipment, 2526
office facilities, and other property that is not real estate or 2527
an interest in real estate; 2528

(3) Services rendered by the hospital. 2529

(F)(1) For purposes of division (F)(2) of this section: 2530

(a) "Bank" has the same meaning as in section 1101.01 of the 2531
Revised Code. 2532

(b) "Savings and loan association" has the same meaning as in 2533
section 1151.01 of the Revised Code. 2534

(c) "Savings bank" has the same meaning as in section 1161.01 2535
of the Revised Code. 2536

(2) The board of county hospital trustees may enter into a contract for a secured line of credit with a bank, savings and loan association, or savings bank if the contract meets all of the following requirements:

(a) The term of the contract does not exceed one year, except that the contract may provide for the automatic renewal of the contract for up to four additional one-year periods if, on the date of automatic renewal, the aggregate outstanding draws remaining unpaid under the secured line of credit do not exceed fifty per cent of the maximum amount that can be drawn under the secured line of credit.

(b) The contract provides that the bank, savings and loan association, or savings bank shall not commence a civil action against the board of county commissioners, any member of the board, or the county to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of county hospital trustees.

(c) The contract provides that no assets other than those of the county hospital can be used to secure the line of credit.

(d) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit.

(3) Any obligation incurred by a board of county hospital trustees under division (F)(2) of this section is an obligation of that board only and not a general obligation of the board of county commissioners or the county within the meaning of division (Q) of section 133.01 of the Revised Code.

(4) Notwithstanding anything to the contrary in the Revised Code, the board of county hospital trustees may secure the line of credit authorized under division (F)(2) of this section by the

grant of a security interest in any part or all of its tangible 2568
personal property and intangible personal property, including its 2569
deposit accounts, accounts receivable, or both. 2570

(5) No board of county hospital trustees shall at any time 2571
have more than one secured line of credit under division (F)(2) of 2572
this section. 2573

(G) The board of county hospital trustees shall establish a 2574
schedule of charges for all services and treatment rendered by the 2575
county hospital. It may provide for the free treatment in the 2576
hospital of soldiers, sailors, and marines of the county, under 2577
such conditions and rules as it prescribes. 2578

(H) The board of county hospital trustees may designate the 2579
amounts and forms of insurance protection to be provided, and the 2580
board of county commissioners shall assist in obtaining such 2581
protection. The expense of providing the protection shall be paid 2582
from hospital operating funds. 2583

(I) The board of county hospital trustees may authorize a 2584
county hospital and each of its units, hospital board members, 2585
designated hospital employees, and medical staff members to be a 2586
member of and maintain membership in any local, state, or national 2587
group or association organized and operated for the promotion of 2588
the public health and welfare or advancement of the efficiency of 2589
hospital administration and in connection therewith to use tax 2590
funds for the payment of dues and fees and related expenses but 2591
nothing in this section prohibits the board from using receipts 2592
from hospital operation, other than tax funds, for the payment of 2593
such dues and fees. 2594

(J) The following apply to the board of county hospital 2595
trustees in relation to its employees and the employees of the 2596
county hospital: 2597

(1) The board shall adopt the wage and salary schedule for 2598

employees.	2599
(2) The board may employ the hospital's administrator pursuant to section 339.07 of the Revised Code, and the administrator may employ individuals for the hospital in accordance with that section.	2600 2601 2602 2603
(3) The board may employ assistants as necessary to perform its clerical work, superintend properly the construction of the county hospital, and pay the hospital's expenses. Such employees may be paid from funds provided for the county hospital.	2604 2605 2606 2607
(4) The board may hire, by contract or as salaried employees, such management consultants, accountants, attorneys, engineers, architects, construction managers, and other professional advisors as it determines are necessary and desirable to assist in the management of the programs and operation of the county hospital. Such professional advisors may be paid from county hospital operating funds.	2608 2609 2610 2611 2612 2613 2614
(5) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees any fringe benefits the board determines to be customary and usual in the nonprofit hospital field in its community, including, but not limited to:	2615 2616 2617 2618
(a) Additional vacation leave with full pay for full-time employees, including full-time hourly rate employees, after service of one year;	2619 2620 2621
(b) Vacation leave and holiday pay for part-time employees on a pro rata basis;	2622 2623
(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave;	2624 2625 2626
(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;	2627 2628

(e) Moving expenses for new employees;	2629
(f) Discounts on hospital supplies and services.	2630
(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.	2631 2632 2633 2634
(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.	2635 2636
(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.	2637 2638 2639 2640
(9) The board may provide employee recognition awards and hold employee recognition dinners.	2641 2642
(10) The board may grant to employees the recruitment and retention benefits specified under division (K) (L) of this section.	2643 2644 2645
(K) <u>For purposes of division (J)(1) of this section, the board of county hospital trustees, when establishing a wage and salary schedule, shall require merit to be the only basis for an employee's progression through the schedule.</u>	2646 2647 2648 2649
<u>(L)</u> Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.	2650 2651 2652 2653 2654 2655 2656
The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other	2657 2658

appropriate health care practitioners. 2659

~~(L)~~(M) The board of county hospital trustees may retain 2660
counsel and institute legal action in its own name for the 2661
collection of delinquent accounts. The board may also employ any 2662
other lawful means for the collection of delinquent accounts. 2663

Sec. 339.07. (A) The board of county hospital trustees shall 2664
provide for the administration of the county hospital by directly 2665
employing a hospital administrator or by entering into a contract 2666
for the management of the hospital under which an administrator is 2667
provided. When an administrator is employed directly, the board 2668
shall adopt a job description delineating the administrator's 2669
powers and duties and the board may pay the administrator's salary 2670
and other benefits from funds provided for the hospital. 2671

(B) During the construction and equipping of the hospital, 2672
the administrator shall act in an advisory capacity to the board 2673
of county hospital trustees. After the hospital is completed, the 2674
administrator shall serve as the chief executive officer and shall 2675
carry out the administration of the county hospital according to 2676
the policies set forth by the board. 2677

The administrator shall administer the county hospital, make 2678
reports, and take any other action that the administrator 2679
determines is necessary for the operation of the hospital. 2680

At the end of each fiscal year, the administrator shall 2681
submit to the board a complete financial statement showing the 2682
receipts, revenues, and expenditures in detail for the entire 2683
fiscal year. 2684

The administrator shall ensure that the hospital has such 2685
physicians, nurses, and other employees as are necessary for the 2686
proper care, control, and management of the county hospital and 2687
its patients. The physicians, nurses, and other employees may be 2688

suspended or removed by the administrator at any time the welfare 2689
of the hospital warrants suspension or removal. The administrator 2690
may obtain physicians, nurses, and other employees by direct 2691
employment, entering into contracts, or granting authority to 2692
practice in the hospital. Persons employed directly shall be in 2693
the unclassified civil service, pursuant to section 124.11 of the 2694
Revised Code. If the board delegates to the administrator the 2695
authority to fix employee compensation in accordance with the wage 2696
and salary schedule established by the board under section 339.06 2697
of the Revised Code, the administrator shall use merit as the only 2698
basis for an employee's progression through that schedule. 2699

Sec. 340.04. (A) In addition to such other duties as may be 2700
lawfully imposed, the executive director of a board of alcohol, 2701
drug addiction, and mental health services shall: 2702

~~(A)~~(1) Serve as executive officer of the board and subject to 2703
the prior approval of the board for each contract, execute 2704
contracts on its behalf; 2705

~~(B)~~(2) Supervise services and facilities provided, operated, 2706
contracted, or supported by the board to the extent of determining 2707
that programs are being administered in conformity with this 2708
chapter and rules of the director of mental health and the 2709
department of alcohol and drug addiction services; 2710

~~(C)~~(3) Provide consultation to agencies, associations, or 2711
individuals providing services supported by the board; 2712

~~(D)~~(4) Recommend to the board the changes necessary to 2713
increase the effectiveness of mental health services and alcohol 2714
and drug addiction services and other matters necessary or 2715
desirable to carry out this chapter; 2716

~~(E)~~(5) Employ and remove from office such employees and 2717
consultants in the classified civil service and, subject to the 2718

approval of the board, employ and remove from office such other 2719
employees and consultants as may be necessary for the work of the 2720
board, and fix their compensation and reimbursement within the 2721
limits set by the salary schedule and the budget approved by the 2722
board; 2723

~~(F)~~(6) Encourage the development and expansion of preventive, 2724
treatment, rehabilitative, and consultative programs in the field 2725
of mental health with emphasis on continuity of care; 2726

~~(G)~~(7) Prepare for board approval an annual report of the 2727
programs under the jurisdiction of the board, including a fiscal 2728
accounting of all services; 2729

~~(H)~~(8) Conduct such studies as may be necessary and 2730
practicable for the promotion of mental health and the prevention 2731
of mental illness, emotional disorders, and addiction to alcohol 2732
and drugs; 2733

~~(I)~~(9) Authorize the county auditor, or in a joint-county 2734
district the county auditor designated as the auditor for the 2735
district, to issue warrants for the payment of board obligations 2736
approved by the board, provided that all payments are in 2737
accordance with the comprehensive community mental health plan, as 2738
approved by the department of mental health, or with the alcohol 2739
and drug addiction services plan as approved by the department of 2740
alcohol and drug addiction services. 2741

(B) For purposes of division (A)(5) of this section, a board 2742
of alcohol, drug addiction, and mental health services, when 2743
establishing a salary schedule, shall require merit to be the only 2744
basis, and the executive director shall use merit as the only 2745
basis, for an employee's progression through the schedule. 2746

Sec. 505.38. (A) In each township or fire district that has a 2747
fire department, the head of the department shall be a fire chief, 2748

appointed by the board of township trustees, except that, in a 2749
joint fire district, the fire chief shall be appointed by the 2750
board of fire district trustees. Neither this section nor any 2751
other section of the Revised Code requires, or shall be construed 2752
to require, that the fire chief be a resident of the township or 2753
fire district. 2754

The board shall provide for the employment of firefighters as 2755
it considers best and shall fix their compensation. No person 2756
shall be appointed as a permanent full-time paid member, whose 2757
duties include fire fighting, of the fire department of any 2758
township or fire district unless that person has received a 2759
certificate issued under former section 3303.07 or section 4765.55 2760
of the Revised Code evidencing satisfactory completion of a 2761
firefighter training program. Those appointees shall continue in 2762
office until removed from office as provided by sections 733.35 to 2763
733.39 of the Revised Code. To initiate removal proceedings, and 2764
for that purpose, the board shall designate the fire chief or a 2765
private citizen to investigate the conduct and prepare the 2766
necessary charges in conformity with those sections. 2767

In case of the removal of a fire chief or any member of the 2768
fire department of a township or fire district, an appeal may be 2769
had from the decision of the board to the court of common pleas of 2770
the county in which the township or fire district fire department 2771
is situated to determine the sufficiency of the cause of removal. 2772
The appeal from the findings of the board shall be taken within 2773
ten days. 2774

No person who is appointed as a volunteer firefighter of the 2775
fire department of any township or fire district shall remain in 2776
that position unless either of the following applies: 2777

(1) Within one year of the appointment, the person has 2778
received a certificate issued under former section 3303.07 of the 2779
Revised Code or section 4765.55 of the Revised Code evidencing 2780

satisfactory completion of a firefighter training program. 2781

(2) The person began serving as a permanent full-time paid 2782
firefighter with the fire department of a city or village prior to 2783
July 2, 1970, or as a volunteer firefighter with the fire 2784
department of a city, village, or other township or fire district 2785
prior to July 2, 1979, and receives a certificate issued under 2786
division (C)(3) of section 4765.55 of the Revised Code. 2787

No person shall receive an appointment under this section, in 2788
the case of a volunteer firefighter, unless the person has, not 2789
more than sixty days prior to receiving the appointment, passed a 2790
physical examination, given by a licensed physician, a physician 2791
assistant, a clinical nurse specialist, a certified nurse 2792
practitioner, or a certified nurse-midwife, showing that the 2793
person meets the physical requirements necessary to perform the 2794
duties of the position to which the person is appointed as 2795
established by the board of township trustees having jurisdiction 2796
over the appointment. The appointing authority, prior to making an 2797
appointment, shall file with the Ohio police and fire pension fund 2798
or the local volunteer fire fighters' dependents fund board a copy 2799
of the report or findings of that licensed physician, physician 2800
assistant, clinical nurse specialist, certified nurse 2801
practitioner, or certified nurse-midwife. The professional fee for 2802
the physical examination shall be paid for by the board of 2803
township trustees. 2804

(B) In each township not having a fire department, the board 2805
of township trustees shall appoint a fire prevention officer who 2806
shall exercise all of the duties of a fire chief except those 2807
involving the maintenance and operation of fire apparatus. The 2808
board may appoint one or more deputy fire prevention officers who 2809
shall exercise the duties assigned by the fire prevention officer. 2810

The board may fix the compensation for the fire prevention 2811
officer and the fire prevention officer's deputies as it considers 2812

best. The board shall appoint each fire prevention officer and 2813
deputy for a one-year term. An appointee may be reappointed at the 2814
end of a term to another one-year term. Any appointee may be 2815
removed from office during a term as provided by sections 733.35 2816
to 733.39 of the Revised Code. Section 505.45 of the Revised Code 2817
extends to those officers. 2818

(C)(1) Division (A) of this section does not apply to any 2819
township that has a population of ten thousand or more persons 2820
residing within the township and outside of any municipal 2821
corporation, that has its own fire department employing ten or 2822
more full-time paid employees, and that has a civil service 2823
commission established under division (B) of section 124.40 of the 2824
Revised Code. The township shall comply with the procedures for 2825
the employment, promotion, and discharge of firefighters provided 2826
by Chapter 124. of the Revised Code, except as otherwise provided 2827
in divisions (C)(2) and (3) of this section. 2828

(2) The board of township trustees of the township may 2829
appoint the fire chief, and any person so appointed shall be in 2830
the unclassified service under section 124.11 of the Revised Code 2831
and shall serve at the pleasure of the board. Neither this section 2832
nor any other section of the Revised Code requires, or shall be 2833
construed to require, that the fire chief be a resident of the 2834
township. A person who is appointed fire chief under these 2835
conditions and who is removed by the board or resigns from the 2836
position is entitled to return to the classified service in the 2837
township fire department in the position held just prior to the 2838
appointment as fire chief. 2839

(3) The appointing authority of an urban township, as defined 2840
in section 504.01 of the Revised Code, may appoint to a vacant 2841
position any one of the three highest scorers on the eligible list 2842
for a promotional examination. 2843

(4) The board of township trustees shall determine the number 2844

of personnel required and establish salary schedules and 2845
conditions of employment not in conflict with Chapter 124. of the 2846
Revised Code. The board, when establishing a salary schedule, 2847
shall require merit to be the only basis for an employee's 2848
progression through the schedule. 2849

(5) No person shall receive an original appointment as a 2850
permanent full-time paid member of the fire department of the 2851
township described in this division unless the person has received 2852
a certificate issued under former section 3303.07 or section 2853
4765.55 of the Revised Code evidencing the satisfactory completion 2854
of a firefighter training program. 2855

(6) Persons employed as firefighters in the township 2856
described in this division on the date a civil service commission 2857
is appointed pursuant to division (B) of section 124.40 of the 2858
Revised Code, without being required to pass a competitive 2859
examination or a firefighter training program, shall retain their 2860
employment and any rank previously granted them by action of the 2861
board of township trustees or otherwise, but those persons are 2862
eligible for promotion only by compliance with Chapter 124. of the 2863
Revised Code. 2864

Sec. 505.49. (A) As used in this section, "felony" has the 2865
same meaning as in section 109.511 of the Revised Code. 2866

(B)(1) The township trustees by a two-thirds vote of the 2867
board may adopt rules necessary for the operation of the township 2868
police district, including a determination of the qualifications 2869
of the chief of police, patrol officers, and others to serve as 2870
members of the district police force. 2871

(2) Except as otherwise provided in division (E) of this 2872
section and subject to division (D) of this section, the township 2873
trustees by a two-thirds vote of the board shall appoint a chief 2874
of police for the district, determine the number of patrol 2875

officers and other personnel required by the district, and 2876
establish salary schedules and other conditions of employment for 2877
the employees of the township police district. The township 2878
trustees, when establishing a salary schedule under this division, 2879
shall require merit to be the only basis for an employee's 2880
progression through the schedule. The chief of police of the 2881
district shall serve at the pleasure of the township trustees and 2882
shall appoint patrol officers and other personnel that the 2883
district may require, subject to division (D) of this section and 2884
to the rules and limits as to qualifications, salary ranges, and 2885
numbers of personnel established by the board of township 2886
trustees. The chief of police shall use merit as the only basis 2887
for a patrol officer's or other personnel's progression through 2888
the salary schedule established by the township trustees. The 2889
township trustees may include in the township police district and 2890
under the direction and control of the chief of police any 2891
constable appointed pursuant to section 509.01 of the Revised 2892
Code, or may designate the chief of police or any patrol officer 2893
appointed by the chief of police as a constable, as provided for 2894
in section 509.01 of the Revised Code, for the township police 2895
district. 2896

(3) Except as provided in division (D) of this section, a 2897
patrol officer, other police district employee, or police 2898
constable, who has been awarded a certificate attesting to the 2899
satisfactory completion of an approved state, county, or municipal 2900
police basic training program, as required by section 109.77 of 2901
the Revised Code, may be removed or suspended only under the 2902
conditions and by the procedures in sections 505.491 to 505.495 of 2903
the Revised Code. Any other patrol officer, police district 2904
employee, or police constable shall serve at the pleasure of the 2905
township trustees. In case of removal or suspension of an 2906
appointee by the board of township trustees, that appointee may 2907
appeal the decision of the board to the court of common pleas of 2908

the county in which the district is situated to determine the 2909
sufficiency of the cause of removal or suspension. The appointee 2910
shall take the appeal within ten days of written notice to the 2911
appointee of the decision of the board. 2912

(C)(1) Division (B) of this section does not apply to a 2913
township that has a population of ten thousand or more persons 2914
residing within the township and outside of any municipal 2915
corporation, that has its own police department employing ten or 2916
more full-time paid employees, and that has a civil service 2917
commission established under division (B) of section 124.40 of the 2918
Revised Code. The township shall comply with the procedures for 2919
the employment, promotion, and discharge of police personnel 2920
provided by Chapter 124. of the Revised Code, except as otherwise 2921
provided in divisions (C)(2) and (3) of this section. 2922

(2) The board of township trustees of the township may 2923
appoint the chief of police, and a person so appointed shall be in 2924
the unclassified service under section 124.11 of the Revised Code 2925
and shall serve at the pleasure of the board. A person appointed 2926
chief of police under these conditions who is removed by the board 2927
or who resigns from the position shall be entitled to return to 2928
the classified service in the township police department, in the 2929
position that person held previous to the person's appointment as 2930
chief of police. 2931

(3) The appointing authority of an urban township, as defined 2932
in section 504.01 of the Revised Code, may appoint to a vacant 2933
position any one of the three highest scorers on the eligible list 2934
for a promotional examination. 2935

(4) The board of township trustees shall determine the number 2936
of personnel required and establish salary schedules and 2937
conditions of employment not in conflict with Chapter 124. of the 2938
Revised Code. The board, when establishing a salary schedule under 2939
this division, shall require and use merit as the only basis for 2940

an employee's progression through the schedule. 2941

(5) Persons employed as police personnel in a township 2942
described in this division on the date a civil service commission 2943
is appointed pursuant to division (B) of section 124.40 of the 2944
Revised Code, without being required to pass a competitive 2945
examination or a police training program, shall retain their 2946
employment and any rank previously granted them by action of the 2947
township trustees or otherwise, but those persons are eligible for 2948
promotion only by compliance with Chapter 124. of the Revised 2949
Code. 2950

(6) This division does not apply to constables appointed 2951
pursuant to section 509.01 of the Revised Code. This division is 2952
subject to division (D) of this section. 2953

(D)(1) The board of township trustees shall not appoint or 2954
employ a person as a chief of police, and the chief of police 2955
shall not appoint or employ a person as a patrol officer or other 2956
peace officer of a township police district or a township police 2957
department, on a permanent basis, on a temporary basis, for a 2958
probationary term, or on other than a permanent basis if the 2959
person previously has been convicted of or has pleaded guilty to a 2960
felony. 2961

(2)(a) The board of township trustees shall terminate the 2962
appointment or employment of a chief of police, patrol officer, or 2963
other peace officer of a township police district or township 2964
police department who does either of the following: 2965

(i) Pleads guilty to a felony; 2966

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 2967
plea agreement as provided in division (D) of section 2929.43 of 2968
the Revised Code in which the chief of police, patrol officer, or 2969
other peace officer of a township police district or township 2970
police department agrees to surrender the certificate awarded to 2971

that chief of police, patrol officer, or other peace officer under 2972
section 109.77 of the Revised Code. 2973

(b) The board shall suspend the appointment or employment of 2974
a chief of police, patrol officer, or other peace officer of a 2975
township police district or township police department who is 2976
convicted, after trial, of a felony. If the chief of police, 2977
patrol officer, or other peace officer of a township police 2978
district or township police department files an appeal from that 2979
conviction and the conviction is upheld by the highest court to 2980
which the appeal is taken or if no timely appeal is filed, the 2981
board shall terminate the appointment or employment of that chief 2982
of police, patrol officer, or other peace officer. If the chief of 2983
police, patrol officer, or other peace officer of a township 2984
police district or township police department files an appeal that 2985
results in that chief of police's, patrol officer's, or other 2986
peace officer's acquittal of the felony or conviction of a 2987
misdemeanor, or in the dismissal of the felony charge against the 2988
chief of police, patrol officer, or other peace officer, the board 2989
shall reinstate that chief of police, patrol officer, or other 2990
peace officer. A chief of police, patrol officer, or other peace 2991
officer of a township police district or township police 2992
department who is reinstated under division (D)(2)(b) of this 2993
section shall not receive any back pay unless the conviction of 2994
that chief of police, patrol officer, or other peace officer of 2995
the felony was reversed on appeal, or the felony charge was 2996
dismissed, because the court found insufficient evidence to 2997
convict the chief of police, patrol officer, or other peace 2998
officer of the felony. 2999

(3) Division (D) of this section does not apply regarding an 3000
offense that was committed prior to January 1, 1997. 3001

(4) The suspension or termination of the appointment or 3002
employment of a chief of police, patrol officer, or other peace 3003

officer under division (D)(2) of this section shall be in 3004
accordance with Chapter 119. of the Revised Code. 3005

(E) The board of township trustees may enter into a contract 3006
under section 505.43 or 505.50 of the Revised Code to obtain all 3007
police protection for the township police district from one or 3008
more municipal corporations, county sheriffs, or other townships. 3009
If the board enters into such a contract, subject to division (D) 3010
of this section, it may, but is not required to, appoint a police 3011
chief for the district. 3012

(F) The members of the police force of a township police 3013
district of a township that adopts the limited self-government 3014
form of township government shall serve as peace officers for the 3015
township territory included in the district. 3016

(G) A chief of police or patrol officer of a township police 3017
district, or of a township police department, may participate, as 3018
the director of an organized crime task force established under 3019
section 177.02 of the Revised Code or as a member of the 3020
investigatory staff of that task force, in an investigation of 3021
organized criminal activity in any county or counties in this 3022
state under sections 177.01 to 177.03 of the Revised Code. 3023

Sec. 505.60. (A) ~~As~~ Except as provided in section 124.81 of 3024
the Revised Code, and as provided in this section and section 3025
505.601 of the Revised Code, the board of township trustees of any 3026
township may procure and pay all or any part of the cost of 3027
insurance policies that may provide benefits for hospitalization, 3028
surgical care, major medical care, disability, dental care, eye 3029
care, medical care, hearing aids, prescription drugs, or sickness 3030
and accident insurance, or a combination of any of the foregoing 3031
types of insurance for township officers and employees. The board 3032
of township trustees of any township may negotiate and contract 3033
for the purchase of a policy of long-term care insurance for 3034

township officers and employees pursuant to section 124.841 of the Revised Code. 3035
3036

If the board procures any insurance policies under this section, the board shall provide uniform coverage under these policies for township officers and full-time township employees and their immediate dependents, and may provide coverage under these policies for part-time township employees and their immediate dependents, from the funds or budgets from which the officers or employees are compensated for services, such policies to be issued by an insurance company duly authorized to do business in this state. 3037
3038
3039
3040
3041
3042
3043
3044
3045

(B) The board may also provide coverage for any or all of the benefits described in division (A) of this section by entering into a contract for group health care services with health insuring corporations holding certificates of authority under Chapter 1751. of the Revised Code for township officers and employees and their immediate dependents. If the board so contracts, it shall provide uniform coverage under any such contracts for township officers and full-time township employees and their immediate dependents, from the funds or budgets from which the officers or employees are compensated for services, and may provide coverage under such contracts for part-time township employees and their immediate dependents, from the funds or budgets from which the officers or employees are compensated for services, provided that each officer and employee so covered is permitted to: 3046
3047
3048
3049
3050
3051
3052
3053
3054
3055
3056
3057
3058
3059
3060

(1) Choose between a plan offered by an insurance company and a plan offered by a health insuring corporation, and provided further that the officer or employee pays any amount by which the cost of the plan chosen exceeds the cost of the plan offered by the board under this section; 3061
3062
3063
3064
3065

(2) Change the choice made under this division at a time each 3066

year as determined in advance by the board. 3067

An addition of a class or change of definition of coverage to 3068
the plan offered under this division by the board may be made at 3069
any time that it is determined by the board to be in the best 3070
interest of the township. If the total cost to the township of the 3071
revised plan for any trustee's coverage does not exceed that cost 3072
under the plan in effect during the prior policy year, the 3073
revision of the plan does not cause an increase in that trustee's 3074
compensation. 3075

(C) Any township officer or employee may refuse to accept any 3076
coverage authorized by this section without affecting the 3077
availability of such coverage to other township officers and 3078
employees. 3079

(D) If any township officer or employee is denied coverage 3080
under a health care plan procured under this section or if any 3081
township officer or employee elects not to participate in the 3082
township's health care plan, the township may reimburse the 3083
officer or employee for each out-of-pocket premium attributable to 3084
the coverage provided for the officer or employee for insurance 3085
benefits described in division (A) of this section that the 3086
officer or employee otherwise obtains, but not to exceed an amount 3087
equal to the average premium paid by the township for its officers 3088
and employees under any health care plan it procures under this 3089
section. 3090

(E) The board may provide the benefits authorized under this 3091
section, without competitive bidding, by contributing to a health 3092
and welfare trust fund administered through or in conjunction with 3093
a collective bargaining representative of the township employees 3094
in the same manner as described in division (G) of section 124.81 3095
of the Revised Code. 3096

The board may also provide the benefits described in this 3097

section through an individual self-insurance program or a joint 3098
self-insurance program as provided in section 9.833 of the Revised 3099
Code. 3100

(F) If a board of township trustees fails to pay one or more 3101
premiums for a policy, contract, or plan of insurance or health 3102
care services authorized under this section and the failure causes 3103
a lapse, cancellation, or other termination of coverage under the 3104
policy, contract, or plan, it may reimburse a township officer or 3105
employee for, or pay on behalf of the officer or employee, any 3106
expenses incurred that would have been covered under the policy, 3107
contract, or plan. 3108

(G) As used in this section and section 505.601 of the 3109
Revised Code: 3110

(1) "Part-time township employee" means a township employee 3111
who is hired with the expectation that the employee will work not 3112
more than one thousand five hundred hours in any year. 3113

(2) "Premium" does not include any deductible or health care 3114
costs paid directly by a township officer or employee. 3115

Sec. 709.012. When a municipal corporation annexes township 3116
territory which results in a reduction of the firefighting force 3117
of the township or joint township fire district, ~~the reduction~~ 3118
~~shall be made by dismissal of firefighters in the inverse order of~~ 3119
~~seniority, with the employee with least time of service being~~ 3120
~~dismissed first~~ shall not be the only factor used in determining 3121
dismissals. The annexing municipal corporation shall offer 3122
employment ~~in the inverse order of dismissal by the township to~~ 3123
~~such dismissed~~ firefighters if a vacancy exists in the municipal 3124
fire department and if they: 3125

(A) Were full-time paid active members of the township or 3126
joint township firefighting force for at least six months prior to 3127

dismissal and have made application to the municipal corporation 3128
within sixty days after the effective date of dismissal; 3129

(B) Have passed a physical examination as prescribed by the 3130
physician of the annexing municipal corporation and meet the 3131
requirements necessary to perform firefighting duties; 3132

(C) Meet minimum standards of the municipal corporation with 3133
respect to moral character, literacy, and ability to understand 3134
oral and written instructions as determined by an interview 3135
conducted by the fire department of the municipal corporation. The 3136
applicant shall be at least twenty-one years of age on the date of 3137
application. 3138

(D) Are able to qualify for membership in the Ohio police and 3139
fire pension fund. 3140

A physical examination required by division (B) of this 3141
section may be conducted by any individual authorized by the 3142
Revised Code to conduct physical examinations, including a 3143
physician assistant, a clinical nurse specialist, a certified 3144
nurse practitioner, or a certified nurse-midwife. Any written 3145
documentation of the physical examination shall be completed by 3146
the individual who administered the examination. 3147

If no vacancy exists in the municipal fire department at the 3148
time of the application referred to in division (A) of this 3149
section, the application shall be held until a vacancy occurs. 3150
When such a vacancy occurs, the applicant shall be entitled to 3151
employment in accordance with the requirements of divisions (A), 3152
(B), (C), and (D) of this section. So long as any application for 3153
employment has been made and is being held under this section, the 3154
municipal corporation shall not fill any vacancy in its fire 3155
department by original appointment. If there are individuals who 3156
are entitled to reinstatement in the municipal fire department and 3157
the vacancies therein are insufficient to permit both such 3158

reinstatements and employment of all those applying for employment 3159
under division (A) of this section, the persons having the 3160
greatest length of service, whether with the municipal or township 3161
fire department, shall be entitled to fill the vacancies as they 3162
occur. 3163

A person employed under this section, upon acceptance into 3164
the municipal fire department, shall be given the rank of 3165
"firefighter" and entitled to full seniority credit for prior 3166
service in the township or joint township fire district. The 3167
person shall be entitled to the same salary, future benefits, 3168
vacations, earned time, sick leave, and other rights and 3169
privileges as the municipal fire department extends to other 3170
employees with the same amount of prior service. The person may 3171
take promotional examinations only after completion of one year of 3172
service with the municipal fire department and after meeting any 3173
applicable civil service requirements for such examination. 3174

Compliance with this section is in lieu of compliance with 3175
section 124.42 of the Revised Code or any other requirements for 3176
original appointment to a municipal fire district. 3177

Sec. 742.31. Each employee shall contribute an amount equal 3178
to ten per cent of the employee's salary to the Ohio police and 3179
fire pension fund. The The contributions required under this 3180
section shall not be paid by an employer on an employee's behalf, 3181
but may be treated as employer contributions for purposes of state 3182
and federal income tax deferred income provisions. 3183

The amount shall be deducted by the employer from the 3184
employee's salary as defined in division (L) of section 742.01 of 3185
the Revised Code for each payroll period, irrespective of whether 3186
the minimum compensation provided by law for the employee is 3187
reduced thereby. Every employee shall be deemed to consent to the 3188
deductions, and payment to the employee less the deductions is a 3189

complete discharge and acquittance of all claims and demands for 3190
the services rendered by the employee during the period covered by 3191
such payment. 3192

Sec. 749.082. (A) The following apply to the board of 3193
hospital commissioners in relation to its employees and the 3194
employees of a hospital erected under sections 749.02 to 749.14 of 3195
the Revised Code, subject to the ordinances of the legislative 3196
authority of the municipal corporation: 3197

(1) The board may adopt the wage and salary schedule for 3198
employees. If the board establishes a salary schedule, the board 3199
shall require merit to be the only basis for an employee's 3200
progression through the schedule. 3201

(2) The board may employ the hospital's administrator 3202
pursuant to section 749.083 of the Revised Code, and the 3203
administrator may employ individuals for the hospital in 3204
accordance with that section. 3205

(3) The board may employ assistants as necessary to perform 3206
its clerical work, superintend properly the construction of the 3207
hospital, and pay the hospital's expenses. The employees may be 3208
paid from funds provided for the hospital. 3209

(4) The board may enter into a contract with an employer or 3210
other entity whereby the services of any employee of the board or 3211
hospital are rendered to or on behalf of the employer or other 3212
entity for a fee paid to the board or hospital. 3213

(5) The board may grant to employees any fringe benefits the 3214
board determines to be customary and usual in the nonprofit 3215
hospital field in the community, including the following: 3216

(a) Additional vacation leave with full pay for full-time 3217
employees, including hourly rate employees, after service of one 3218
year; 3219

(b) Vacation leave and holiday pay for part-time employees on a pro rata basis;	3220 3221
(c) Leave with full pay, which shall not be deducted from the employee's accumulated sick leave, due to death in the employee's immediate family;	3222 3223 3224
(d) Moving expenses for new employees;	3225
(e) Premium pay for working on holidays observed by other municipal agencies;	3226 3227
(f) Discounts on purchases from the hospital pharmacy.	3228
(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.	3229 3230 3231 3232
(7) The board may grant to employees the insurance benefits authorized by division (B) of this section.	3233 3234
(8) The board may provide employee recognition awards and may hold employee recognition dinners.	3235 3236
(9) The board may provide scholarships for education in the health care professions, tuition reimbursement, and other staff development programs for the purpose of recruiting or retaining qualified employees.	3237 3238 3239 3240
(10) The board may pay reasonable expenses for recruiting physicians into the city or for retaining them if all or part of the city has been designated as an area with a shortage of personal health services under the "Health Maintenance Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 300e, as amended.	3241 3242 3243 3244 3245 3246
(B)(1) The board of hospital commissioners may contract for, purchase, or otherwise procure on behalf of any or all of its employees, the employees of the hospital, or such employees and	3247 3248 3249

their immediate dependents the following types of fringe benefits: 3250

(a) Group or individual insurance contracts which may include 3251
life, sickness, accident, disability, annuities, endowment, 3252
health, medical expense, hospital, dental, surgical and related 3253
coverage or any combination thereof; 3254

(b) Group or individual contracts with health insuring 3255
corporations or other providers of professional services, care, or 3256
benefits duly authorized to do business in this state. 3257

(2) The board of hospital commissioners may contract for, 3258
purchase, or otherwise procure insurance contracts which provide 3259
protection for the commissioners, the board's employees, and the 3260
employees of the hospital against liability, including 3261
professional liability, provided that this section or any 3262
insurance contract issued pursuant to this section shall not be 3263
construed as a waiver of or in any manner affect the immunity of 3264
the hospital or municipal corporation. 3265

(3) All or any portion of the cost, premium, fees, or charges 3266
for the insurance benefits specified in divisions (B)(1) and (2) 3267
of this section may be paid in such manner or combination of 3268
manner as the board may determine, including direct payment by an 3269
employee, and, if authorized in writing by an employee, by the 3270
board with moneys made available by deduction from or reduction in 3271
salary or wages or by the foregoing of a salary or wage increase. 3272

Notwithstanding sections 3917.01 and 3917.06 of the Revised 3273
Code, the board may purchase group life insurance authorized by 3274
this section by reason of payment of premiums therefor by the 3275
board from its funds, and such group life insurance may be issued 3276
and purchased if otherwise consistent with sections 3917.01 to 3277
3917.06 of the Revised Code. 3278

(C) The board with the approval of the legislative authority 3279
may retain counsel to bring actions for the collection of 3280

delinquent accounts. 3281

Sec. 749.083. (A) The board of hospital commissioners shall 3282
provide for the administration of the hospital by directly 3283
employing a hospital administrator or by entering into a contract 3284
for the management of the hospital under which an administrator is 3285
provided. When an administrator is employed directly, the board 3286
shall adopt a job description delineating the administrator's 3287
powers and duties and the board may pay the administrator's salary 3288
and other benefits from funds provided for the hospital. 3289

(B) During the construction and equipping of the hospital, 3290
the administrator shall act in an advisory capacity to the board. 3291
After the hospital is completed, the administrator shall serve as 3292
the chief executive officer and shall carry out the administration 3293
of the hospital according to the policies set forth by the board. 3294

The administrator shall administer the hospital, make 3295
reports, and take any other action that the administrator 3296
determines is necessary for the operation of the hospital. 3297

At the end of each fiscal year, the administrator shall 3298
submit to the board a complete financial statement showing the 3299
receipts, revenues, and expenditures in detail for the entire 3300
fiscal year. 3301

The administrator shall ensure that the hospital has such 3302
physicians, nurses, and other employees as are necessary for the 3303
proper care, control, and management of the hospital and its 3304
patients. The physicians, nurses, and other employees may be 3305
suspended or removed by the administrator at any time the welfare 3306
of the hospital warrants suspension or removal. The administrator 3307
may obtain physicians, nurses, and other employees by direct 3308
employment, entering into contracts, or granting authority to 3309
practice in the hospital. If the board delegates to the 3310
administrator the authority to fix employee compensation in 3311

accordance with the wage and salary schedule established by the 3312
board under section 749.082 of the Revised Code, the administrator 3313
shall use merit as the only basis for an employee's progression 3314
through that schedule. 3315

Sec. 927.69. To effect the purpose of sections 927.51 to 3316
927.73 of the Revised Code, the director of agriculture or the 3317
director's authorized representative may: 3318

(A) Make reasonable inspection of any premises in this state 3319
and any property therein or thereon; 3320

(B) Stop and inspect in a reasonable manner, any means of 3321
conveyance moving within this state upon probable cause to believe 3322
it contains or carries any pest, host, commodity, or other article 3323
that is subject to sections 927.51 to 927.72 of the Revised Code; 3324

(C) Conduct inspections of agricultural products that are 3325
required by other states, the United States department of 3326
agriculture, other federal agencies, or foreign countries to 3327
determine whether the products are infested. If, upon making such 3328
an inspection, the director or the director's authorized 3329
representative determines that an agricultural product is not 3330
infested, the director or the director's authorized representative 3331
may issue a certificate, as required by other states, the United 3332
States department of agriculture, other federal agencies, or 3333
foreign countries, indicating that the product is not infested. 3334

If the director charges fees for any of the certificates, 3335
agreements, or inspections specified in this section, the fees 3336
shall be as follows: 3337

(1) Phyto sanitary certificates, twenty-five dollars for 3338
those collectors or dealers that are licensed under section 927.53 3339
of the Revised Code; 3340

(2) Phyto sanitary certificates, one hundred dollars for all 3341

others; 3342

(3) Compliance agreements, forty dollars; 3343

(4) Agricultural products and their conveyances inspections, 3344
an hourly amount set by the director equal to the highest hourly 3345
rate of pay ~~in the highest step~~ in the pay range, including fringe 3346
benefits, of a plant pest control specialist multiplied by the 3347
number of hours worked by such a specialist in conducting an 3348
inspection. 3349

The director may adopt rules under section 927.52 of the 3350
Revised Code that define the certificates, agreements, and 3351
inspections. 3352

The fees shall be credited to the plant pest program fund 3353
created in section 927.54 of the Revised Code. 3354

Sec. 1545.071. The Except as provided in section 124.81 of 3355
the Revised Code, the board of park commissioners of any park 3356
district may procure and pay all or any part of the cost of group 3357
insurance policies that may provide benefits for hospitalization, 3358
surgical care, major medical care, disability, dental care, eye 3359
care, medical care, hearing aids, or prescription drugs, or 3360
sickness and accident insurance or a combination of any of the 3361
foregoing types of insurance or coverage for park district 3362
officers and employees and their immediate dependents issued by an 3363
insurance company duly authorized to do business in this state. 3364

The board may procure and pay all or any part of the cost of 3365
group life insurance to insure the lives of park district 3366
employees. 3367

The board also may contract for group health care services 3368
with health insuring corporations holding a certificate of 3369
authority under Chapter 1751. of the Revised Code provided that 3370
each officer or employee is permitted to: 3371

(A) Choose between a plan offered by an insurance company and 3372
a plan offered by a health insuring corporation and provided 3373
further that the officer or employee pays any amount by which the 3374
cost of the plan chosen by the officer or employee exceeds the 3375
cost of the plan offered by the board under this section; 3376

(B) Change the choice made under division (A) of this section 3377
at a time each year as determined in advance by the board. 3378

Any appointed member of the board of park commissioners and 3379
the spouse and dependent children of the member may be covered, at 3380
the option and expense of the member, as a noncompensated employee 3381
of the park district under any benefit plan described in division 3382
(A) of this section. The member shall pay to the park district the 3383
amount certified to it by the benefit provider as the provider's 3384
charge for the coverage the member has chosen under division (A) 3385
of this section. Payments for coverage shall be made, in advance, 3386
in a manner prescribed by the board. The member's exercise of an 3387
option to be covered under this section shall be in writing, 3388
announced at a regular public meeting of the board, and recorded 3389
as a public record in the minutes of the board. 3390

The board may provide the benefits authorized in this section 3391
by contributing to a health and welfare trust fund administered 3392
through or in conjunction with a collective bargaining 3393
representative of the park district employees in the same manner 3394
as described in division (G) of section 124.81 of the Revised 3395
Code. 3396

The board may provide the benefits described in this section 3397
through an individual self-insurance program or a joint 3398
self-insurance program as provided in section 9.833 of the Revised 3399
Code. 3400

Sec. 3306.01. This chapter shall be administered by the state 3401
board of education. The superintendent of public instruction shall 3402

calculate the amounts payable to each school district and shall 3403
certify the amounts payable to each eligible district to the 3404
treasurer of the district as determined under this chapter. As 3405
soon as possible after such amounts are calculated, the 3406
superintendent shall certify to the treasurer of each school 3407
district the district's adjusted charge-off increase, as defined 3408
in section 5705.211 of the Revised Code. No moneys shall be 3409
distributed pursuant to this chapter without the approval of the 3410
controlling board. 3411

The state board of education shall, in accordance with 3412
appropriations made by the general assembly, meet the financial 3413
obligations of this chapter. 3414

Annually, the department of education shall calculate and 3415
report to each school district the district's adequacy amount 3416
utilizing the calculations in sections 3306.03 and 3306.13 of the 3417
Revised Code. The department shall calculate and report separately 3418
for each school district the district's total state and local 3419
funds for its students with disabilities, utilizing the 3420
calculations in sections 3306.05, 3306.11, and 3306.13 of the 3421
Revised Code. The department shall calculate and report separately 3422
for each school district the amount of funding calculated for each 3423
factor of the district's adequacy amount. 3424

Not later than the thirty-first day of August of each fiscal 3425
year, the department of education shall provide to each school 3426
district a preliminary estimate of the amount of funding that the 3427
department calculates the district will receive under section 3428
3306.13 of the Revised Code. Not later than the first day of 3429
December of each fiscal year, the department shall update that 3430
preliminary estimate. 3431

Moneys distributed pursuant to this chapter shall be 3432
calculated and paid on a fiscal year basis, beginning with the 3433

first day of July and extending through the thirtieth day of June. 3434
Unless otherwise provided, the moneys appropriated for each fiscal 3435
year shall be distributed at least monthly to each school 3436
district. The state board shall submit a yearly distribution plan 3437
to the controlling board at its first meeting in July. The state 3438
board shall submit any proposed midyear revision of the plan to 3439
the controlling board in January. Any year-end revision of the 3440
plan shall be submitted to the controlling board in June. If 3441
moneys appropriated for each fiscal year are distributed other 3442
than monthly, such distribution shall be on the same basis for 3443
each school district. 3444

The total amounts paid each month shall constitute, as nearly 3445
as possible, one-twelfth of the total amount payable for the 3446
entire year. 3447

Payments shall be calculated to reflect the reporting of 3448
formula ADM. Annualized periodic payments for each school district 3449
shall be based on the district's final student counts verified by 3450
the superintendent of public instruction based on reports under 3451
section 3317.03 of the Revised Code, as adjusted, if so ordered, 3452
under division (K) of that section. 3453

(A) Except as otherwise provided, payments under this chapter 3454
shall be made only to those school districts that comply with 3455
divisions (A)(1) to (3) of this section. 3456

(1) Each city, exempted village, and local school district 3457
shall levy for current operating expenses at least twenty mills. 3458
Levies for joint vocational or cooperative education school 3459
districts or county school financing districts, limited to or to 3460
the extent apportioned to current expenses, shall be included in 3461
this qualification requirement. School district income tax levies 3462
under Chapter 5748. of the Revised Code, limited to or to the 3463
extent apportioned to current operating expenses, shall be 3464
included in this qualification requirement to the extent 3465

determined by the tax commissioner under division (D) of section 3466
3317.021 of the Revised Code. 3467

(2) Each city, exempted village, local, and joint vocational 3468
school district, during the school year next preceding the fiscal 3469
year for which payments are calculated under this chapter, shall 3470
meet the requirement of section 3313.48 or 3313.481 of the Revised 3471
Code, with regard to the minimum number of days or hours school 3472
must be open for instruction with pupils in attendance, for 3473
individualized parent-teacher conference and reporting periods, 3474
and for professional meetings of teachers. The superintendent of 3475
public instruction shall waive a number of days in accordance with 3476
section 3317.01 of the Revised Code on which it had been necessary 3477
for a school to be closed because of disease epidemic, hazardous 3478
weather conditions, inoperability of school buses or other 3479
equipment necessary to the school's operation, damage to a school 3480
building, or other temporary circumstances due to utility failure 3481
rendering the school building unfit for school use. 3482

A school district shall not be considered to have failed to 3483
comply with this division or section 3313.481 of the Revised Code 3484
because schools were open for instruction but either twelfth grade 3485
students were excused from attendance for up to three days or only 3486
a portion of the kindergarten students were in attendance for up 3487
to three days in order to allow for the gradual orientation to 3488
school of such students. 3489

The superintendent of public instruction shall waive the 3490
requirements of this section with reference to the minimum number 3491
of days or hours a school must be open for instruction with pupils 3492
in attendance for the school year succeeding the school year in 3493
which a board of education initiates a plan of operation pursuant 3494
to section 3313.481 of the Revised Code. The minimum requirements 3495
of this section shall again be applicable to the district 3496
beginning with the school year commencing the second July 3497

succeeding the initiation of the plan, and for each school year 3498
thereafter. 3499

A school district shall not be considered to have failed to 3500
comply with this division or section 3313.48 or 3313.481 of the 3501
Revised Code because schools were open for instruction but the 3502
length of the regularly scheduled learning day, for any number of 3503
days during the school year, was reduced by not more than two 3504
hours due to hazardous weather conditions. 3505

(3) Each city, exempted village, local, and joint vocational 3506
school district ~~shall have on file, and shall pay in accordance~~ 3507
~~with, a teachers' salary schedule which complies with salaries~~ 3508
based upon performance as required under section 3317.13 of the 3509
Revised Code. 3510

(B) A school district board of education or educational 3511
service center governing board that has not conformed with other 3512
law, and the rules pursuant thereto, shall not participate in the 3513
distribution of funds authorized by this chapter, except for good 3514
and sufficient reason established to the satisfaction of the state 3515
board of education and the state controlling board. 3516

(C) All funds allocated to school districts under this 3517
chapter, except those specifically allocated for other purposes, 3518
shall be used only to pay current operating expenses or for either 3519
of the following purposes: 3520

(1) The modification or purchase of classroom space to 3521
provide all-day kindergarten as required by section 3321.05 of the 3522
Revised Code, provided the district certifies its shortage of 3523
space for providing all-day kindergarten to the department of 3524
education, in a manner specified by the department; 3525

(2) The modification or purchase of classroom space to reduce 3526
class sizes in grades kindergarten through three to attain the 3527
goal of fifteen students per core teacher, provided the district 3528

certifies its need for additional classroom space to the 3529
department, in a manner specified by the department. 3530

(D) On or before the last day of each month, the department 3531
of education shall certify to the director of budget and 3532
management for payment, for each county: 3533

(1)(a) That portion of the allocation of money under section 3534
3306.13 of the Revised Code that is required to be paid in that 3535
month to each school district located wholly within the county 3536
subsequent to the deductions described in division (D)(1)(b) of 3537
this section; 3538

(b) The amounts deducted from such allocation under sections 3539
3307.31 and 3309.51 of the Revised Code for payment directly to 3540
the school employees and state teachers retirement systems under 3541
such sections. 3542

(2) If the district is located in more than one county, an 3543
apportionment of the amounts that would otherwise be certified 3544
under division (D)(1) of this section. The amounts apportioned to 3545
the county shall equal the amounts certified under division (D)(1) 3546
of this section times the percentage of the district's resident 3547
pupils who reside both in the district and in the county, based on 3548
the average daily membership reported under division (A) of 3549
section 3317.03 of the Revised Code in October of the prior fiscal 3550
year. 3551

Sec. 3307.27. The contributions required under section 3552
3307.26 of the Revised Code shall not be made by an employer on a 3553
teacher's behalf, but may be treated as paid by the employer in 3554
accordance with division (h) of section 414 of the "Internal 3555
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 414(h), as 3556
amended. 3557

Sec. 3307.77. (A) As used in this section, "employer" means 3558

the employer employing a member of the state teachers retirement 3559
system at the time the member commences an absence, or is granted 3560
a leave described in this section. 3561

(B) Any member of the state teachers retirement system 3562
participating in the plan described in sections 3307.50 to 3307.79 3563
of the Revised Code who is, or has been, prevented from making 3564
contributions under section 3307.26 of the Revised Code because of 3565
an absence due to the member's own illness or injury, or who is, 3566
or has been, granted a leave for educational, professional, or 3567
other purposes pursuant to section 3319.13, ~~3319.131~~ 3319.141, or 3568
3345.28 of the Revised Code or for any other reason approved by 3569
the state teachers retirement board, may purchase service credit, 3570
not to exceed two years for each such period of absence or leave, 3571
either by having deductions made in accordance with division (C) 3572
of this section or by making the payment required by division (D) 3573
or (E) of this section. 3574

(C) If the absence or leave begins and ends in the same year, 3575
the member may purchase credit for the absence or leave by having 3576
the employer deduct and transmit to the system from payrolls in 3577
that year employee contributions on the amount certified by the 3578
employer as the compensation the member would have received had 3579
the member remained employed in the position held when the absence 3580
or leave commenced. The deductions may be made even though the 3581
minimum compensation provided by law for the member is reduced 3582
thereby, unless the amount to be deducted exceeds the compensation 3583
to be paid the member from the time deductions begin until the end 3584
of the year, in which case credit may not be purchased under this 3585
division. The employer shall pay the system the employer 3586
contributions on the compensation amount certified under this 3587
division. Employee and employer contributions shall be made at the 3588
rates in effect at the time the absence or leave occurred. If the 3589
employee or employer rates in effect change during the absence or 3590

leave, the contributions for each month of the absence or leave 3591
shall be made at the rate in effect for that month. 3592

(D) During or following the absence or leave, but no later 3593
than two years following the last day of the year in which the 3594
absence or leave terminates, a member may purchase credit for the 3595
absence or leave by paying to the employer, and the employer 3596
transmitting to the system, employee contributions on the amount 3597
certified by the employer as the compensation the member would 3598
have received had the member remained employed in the position 3599
held when the absence or leave commenced. The employer shall pay 3600
the system the employer contributions on the compensation amount 3601
certified under this division. Employee and employer contributions 3602
shall be made at the rates in effect at the time the absence or 3603
leave occurred. If the employee or employer rates in effect change 3604
during the absence or leave, the contributions for each month of 3605
an absence or leave shall be made at the rate in effect for that 3606
month. 3607

(E) After two years following the last day of the year in 3608
which an absence or leave terminated, a member may purchase credit 3609
for the absence or leave by paying the employer, and the employer 3610
transmitting to the system, the sum of the following for each year 3611
of credit purchased: 3612

(1) An amount determined by multiplying the employee rate of 3613
contribution in effect at the time the absence or leave commenced 3614
by the member's annual compensation for the member's last full 3615
year of service prior to the commencement of the absence or leave, 3616
or, if the member has not had a full year of service, the 3617
compensation the member would have received for the year the 3618
absence or leave commenced had the member continued in service for 3619
a full year; 3620

(2) Interest compounded annually, at a rate determined by the 3621
board, on the amount determined under division (E)(1) of this 3622

section for the period commencing two years following the last day 3623
of the year in which the absence or leave terminated and ending on 3624
the date of payment; 3625

(3) Interest compounded annually, at a rate determined by the 3626
board, on an amount equal to the employer's contribution required 3627
by this division for the period commencing two years following the 3628
last day of the year in which the absence or leave terminated and 3629
ending on the date of payment. 3630

The employer shall pay to the system for each year of credit 3631
purchased under this division an amount determined by multiplying 3632
the employer contribution rate in effect at the time the absence 3633
or leave commenced by the member's annual compensation for the 3634
member's last full year of service prior to the commencement of 3635
the absence or leave, or, if the member has not had a full year of 3636
service, the compensation the member would have received for the 3637
year the absence or leave commenced had the member continued in 3638
service for a full year. 3639

(F) A member who chooses to purchase service credit under 3640
division (D) or (E) of this section may choose to purchase only 3641
part of the credit for which the member is eligible in any one 3642
payment, but payments made more than two years following the last 3643
day of the year in which the absence or leave terminated shall be 3644
made in accordance with division (E) of this section. 3645

(G) The state teachers retirement board may adopt rules to 3646
implement this section. 3647

Sec. 3309.47. Each school employees retirement system 3648
contributor shall contribute eight per cent of the contributor's 3649
compensation to the employees' savings fund, except that the 3650
school employees retirement board may raise the contribution rate 3651
to a rate not greater than ten per cent of compensation. 3652

The contributions required under this section shall not be 3653
paid by an employer on a contributor's behalf, but may be treated 3654
as employer contributions for purposes of state and federal income 3655
tax deferred income provisions. 3656

The contributions by the direction of the school employees 3657
retirement board shall be deducted by the employer from the 3658
compensation of each contributor on each payroll of such 3659
contributor for each payroll period and shall be an amount equal 3660
to the required per cent of such contributor's compensation. On a 3661
finding by the board that an employer has failed or refused to 3662
deduct contributions for any employee during any year and to 3663
transmit such amounts to the retirement system, the retirement 3664
board may make a determination of the amount of the delinquent 3665
contributions, including interest at a rate set by the retirement 3666
board, from the end of each year, and certify to the employer the 3667
amounts for collection. If the amount is not paid by the employer, 3668
it may be certified for collection in the same manner as payments 3669
due the employers' trust fund. Any amounts so collected shall be 3670
held in trust pending receipt of a report of contributions for the 3671
employee for the period involved as provided by law and, 3672
thereafter, the amount in trust shall be transferred to the 3673
employee's savings fund to the credit of the employee. Any amount 3674
remaining after the transfer to the employees' savings fund shall 3675
be transferred to the employers' trust fund as a credit of the 3676
employer. 3677

Any contributor under contract who, because of illness, 3678
accident, or other reason approved by the employer, is prevented 3679
from making the contributor's contribution to the system for any 3680
payroll period, may, upon returning to contributing service, have 3681
such deductions made from other payrolls during the year, or may 3682
pay such amount to the employer and the employer shall transmit 3683
such deductions to the system. The deductions shall be made 3684

notwithstanding that the minimum compensation for any contributor 3685
shall be reduced thereby. Every contributor shall be deemed to 3686
consent and agree to the contributions made and provided for in 3687
this section and shall receipt in full for the contributor's 3688
salary or compensation, and payment, less the contributions, is a 3689
full and complete discharge and acquittance of all claims and 3690
demands whatsoever for the services rendered by the person during 3691
the period covered by the payment. 3692

Each contributor shall pay with the first payment to the 3693
employees' savings fund each year a sum to be determined by the 3694
board, as provided by law, which amount shall be credited to the 3695
expense fund. The payments for the expense fund shall be made to 3696
the board in the same way as payments to the employees' savings 3697
fund are made. 3698

Additional deposits may be made to a member's account. At 3699
retirement, the amount deposited with interest may be used to 3700
provide additional annuity income. The additional deposits may be 3701
refunded to the member before retirement, and shall be refunded if 3702
the member withdraws the member's refundable amount. The deposits 3703
may be refunded to the beneficiary or estate if the member dies 3704
before retirement, and the board shall determine whether regular 3705
interest shall be credited to deposits thus refunded. 3706

Sec. 3311.19. (A) The management and control of a joint 3707
vocational school district shall be vested in the joint vocational 3708
school district board of education. Where a joint vocational 3709
school district is composed only of two or more local school 3710
districts located in one county, or when all the participating 3711
districts are in one county and the boards of such participating 3712
districts so choose, the educational service center governing 3713
board of the county in which the joint vocational school district 3714
is located shall serve as the joint vocational school district 3715

board of education. Where a joint vocational school district is 3716
composed of local school districts of more than one county, or of 3717
any combination of city, local, or exempted village school 3718
districts or educational service centers, unless administration by 3719
the educational service center governing board has been chosen by 3720
all the participating districts in one county pursuant to this 3721
section, the board of education of the joint vocational school 3722
district shall be composed of one or more persons who are members 3723
of the boards of education from each of the city or exempted 3724
village school districts or members of the educational service 3725
centers' governing boards affected to be appointed by the boards 3726
of education or governing boards of such school districts and 3727
educational service centers. In such joint vocational school 3728
districts the number and terms of members of the joint vocational 3729
school district board of education and the allocation of a given 3730
number of members to each of the city and exempted village 3731
districts and educational service centers shall be determined in 3732
the plan for such district, provided that each such joint 3733
vocational school district board of education shall be composed of 3734
an odd number of members. 3735

(B) Notwithstanding division (A) of this section, a governing 3736
board of an educational service center that has members of its 3737
governing board serving on a joint vocational school district 3738
board of education may make a request to the joint vocational 3739
district board that the joint vocational school district plan be 3740
revised to provide for one or more members of boards of education 3741
of local school districts that are within the territory of the 3742
educational service district and within the joint vocational 3743
school district to serve in the place of or in addition to its 3744
educational service center governing board members. If agreement 3745
is obtained among a majority of the boards of education and 3746
governing boards that have a member serving on the joint 3747
vocational school district board of education and among a majority 3748

of the local school district boards of education included in the 3749
district and located within the territory of the educational 3750
service center whose board requests the substitution or addition, 3751
the state board of education may revise the joint vocational 3752
school district plan to conform with such agreement. 3753

(C) If the board of education of any school district or 3754
educational service center governing board included within a joint 3755
vocational district that has had its board or governing board 3756
membership revised under division (B) of this section requests the 3757
joint vocational school district board to submit to the state 3758
board of education a revised plan under which one or more joint 3759
vocational board members chosen in accordance with a plan revised 3760
under such division would again be chosen in the manner prescribed 3761
by division (A) of this section, the joint vocational board shall 3762
submit the revised plan to the state board of education, provided 3763
the plan is agreed to by a majority of the boards of education 3764
represented on the joint vocational board, a majority of the local 3765
school district boards included within the joint vocational 3766
district, and each educational service center governing board 3767
affected by such plan. The state board of education may revise the 3768
joint vocational school district plan to conform with the revised 3769
plan. 3770

(D) The vocational schools in such joint vocational school 3771
district shall be available to all youth of school age within the 3772
joint vocational school district subject to the rules adopted by 3773
the joint vocational school district board of education in regard 3774
to the standards requisite to admission. A joint vocational school 3775
district board of education shall have the same powers, duties, 3776
and authority for the management and operation of such joint 3777
vocational school district as is granted by law, except by this 3778
chapter and Chapters 124., 3306., 3317., 3323., and 3331. of the 3779
Revised Code, to a board of education of a city school district, 3780

and shall be subject to all the provisions of law that apply to a 3781
city school district, except such provisions in this chapter and 3782
Chapters 124., 3306., 3317., 3323., and 3331. of the Revised Code. 3783

(E) Where a governing board of an educational service center 3784
has been designated to serve as the joint vocational school 3785
district board of education, the educational service center 3786
superintendent shall be the executive officer for the joint 3787
vocational school district, and the governing board may provide 3788
for additional compensation to be paid to the educational service 3789
center superintendent by the joint vocational school district, but 3790
the educational service center superintendent shall have no 3791
continuing tenure other than that of educational service center 3792
superintendent. The superintendent of schools of a joint 3793
vocational school district shall exercise the duties and authority 3794
vested by law in a superintendent of schools pertaining to the 3795
operation of a school district and the employment and supervision 3796
of its personnel. The joint vocational school district board of 3797
education shall appoint a treasurer of the joint vocational school 3798
district who shall be the fiscal officer for such district and who 3799
shall have all the powers, duties, and authority vested by law in 3800
a treasurer of a board of education. Where a governing board of an 3801
educational service center has been designated to serve as the 3802
joint vocational school district board of education, such board 3803
may appoint the educational service center superintendent as the 3804
treasurer of the joint vocational school district. 3805

(F) Each member of a joint vocational school district board 3806
of education may be paid such compensation as the board provides 3807
by resolution, but it shall not exceed one hundred twenty-five 3808
dollars per member for each meeting attended plus mileage, at the 3809
rate per mile provided by resolution of the board, to and from 3810
meetings of the board. 3811

The board may provide by resolution for the deduction of 3812

amounts payable for benefits under division (C) of section 3813
3313.202 of the Revised Code. 3814

Each member of a joint vocational school district board may 3815
be paid such compensation as the board provides by resolution for 3816
attendance at an approved training program, provided that such 3817
compensation shall not exceed sixty dollars per day for attendance 3818
at a training program three hours or fewer in length and one 3819
hundred twenty-five dollars a day for attendance at a training 3820
program longer than three hours in length. However, no board 3821
member shall be compensated for the same training program under 3822
this section and section 3313.12 of the Revised Code. 3823

Sec. 3313.12. Each member of the educational service center 3824
governing board may be paid such compensation as the governing 3825
board provides by resolution, provided that any such compensation 3826
shall not exceed one hundred twenty-five dollars a day plus 3827
mileage both ways, at the rate per mile provided by resolution of 3828
the governing board, for attendance at any meeting of the board. 3829
Such compensation and the expenses of the educational service 3830
center superintendent, itemized and verified, shall be paid from 3831
the educational service center governing board fund upon vouchers 3832
signed by the president of the governing board. 3833

The board of education of any city, local, or exempted 3834
village school district may provide by resolution for compensation 3835
of its members, provided that such compensation shall not exceed 3836
one hundred twenty-five dollars per member for meetings attended. 3837
The board may provide by resolution for the deduction of amounts 3838
payable for benefits under division (C) of section 3313.202 of the 3839
Revised Code. 3840

Each member of a district board or educational service center 3841
governing board may be paid such compensation as the respective 3842
board provides by resolution for attendance at an approved 3843

training program, provided that such compensation shall not exceed 3844
sixty dollars a day for attendance at a training program three 3845
hours or fewer in length and one hundred twenty-five dollars a day 3846
for attendance at a training program longer than three hours in 3847
length. 3848

Sec. 3313.202. (A) As used in this section: 3849

(1) "Health care plan" means any of the following types of 3850
insurance or coverage, or a combination of any of the following 3851
types of insurance or coverage, whether issued by an insurance 3852
company or a health insuring corporation duly licensed by this 3853
state: 3854

(a) Hospitalization, surgical care, or major medical 3855
insurance; 3856

(b) Sickness and accident insurance; 3857

(c) Disability insurance; 3858

(d) Dental care; 3859

(e) Vision care; 3860

(f) Medical care; 3861

(g) Hearing aids; 3862

(h) Prescription drugs. 3863

(2) "Nonteaching employee" means any person employed in the 3864
public schools of the state in a position for which the person is 3865
not required to have a certificate or license issued pursuant to 3866
sections 3319.22 to 3319.31 of the Revised Code. 3867

(3) "Teaching employee" means any person employed in the 3868
public schools of this state in a position for which the person is 3869
required to have a certificate or license issued pursuant to 3870
sections 3319.22 to 3319.31 of the Revised Code. 3871

(B)(1) The board of education of a school district may 3872
procure and pay up to eighty-five per cent of the cost of a health 3873
care plan for any of the following: 3874

(a) The teaching employees of the school district; 3875

(b) The nonteaching employees of the school district; 3876

(c) The dependent children and spouses of employees for whom 3877
coverage is procured. 3878

(2) Any health care plan that a board of education procures 3879
under division (B)(1) of this section shall include best practices 3880
prescribed by the school employees health care board under section 3881
9.901 of the Revised Code. 3882

(3) The benefits provided to a management level employee, as 3883
defined in section 4117.01 of the Revised Code, under a health 3884
care plan that the board procures under this section shall be the 3885
same as any benefits provided to other employees of the board 3886
under a health care plan that the board procures under this 3887
section. 3888

(4) A board of education shall continue to carry, on payroll 3889
records, all school employees whose sick leave accumulation has 3890
expired, or who are on a disability leave of absence or an 3891
approved leave of absence, for the purpose of group term life, 3892
hospitalization, surgical, major medical, or any other insurance. 3893
A board of education may pay all or part of such coverage except 3894
when those employees are on an approved leave of absence, or on a 3895
disability leave of absence for a period exceeding two years. 3896

(C) Any elected or appointed member of the board of education 3897
of a school district and the dependent children and spouse of the 3898
member may be covered, at the option of the member, as an employee 3899
of the school district under any health care plan ~~containing best~~ 3900
practices prescribed by the school employees health care board 3901
adopted under this section 9.901 of the Revised Code. The provider 3902

of the benefits shall certify to the board the provider's charge 3903
for coverage under each option available to employees under that 3904
plan, and the member shall pay all premiums to the school district 3905
the amount certified for that coverage. Payments for such coverage 3906
shall be made, in advance, in a manner prescribed by the ~~school~~ 3907
~~employees health care~~ board. The member's exercise of an option to 3908
be covered under this section shall be in writing, announced at a 3909
regular public meeting of the board ~~of education~~, and recorded as 3910
a public record in the minutes of the board. 3911

Sec. 3313.23. If a treasurer of a board of education is 3912
absent from any meeting of the board the members present shall 3913
choose one of their number to serve in ~~his~~ the treasurer's place 3914
pro tempore. 3915

If a board of education determines the treasurer is 3916
incapacitated in such a manner that ~~he~~ the treasurer is unable to 3917
perform the duties of the office of treasurer, the board may, by a 3918
majority vote of the members of the board, appoint a person to 3919
serve in ~~his~~ the treasurer's place pro tempore. Each board of 3920
education shall adopt a written policy establishing standards for 3921
determining whether the treasurer is incapacitated, and shall 3922
provide that during any period in which the treasurer is 3923
incapacitated, ~~he~~ the treasurer may be placed on sick leave or on 3924
leave of absence and may be returned to active duty status from 3925
sick leave or leave of absence. The board shall award leave 3926
pursuant to this written policy in accordance with the general 3927
leave policy the board adopts pursuant to section 3319.141 of the 3928
Revised Code. The treasurer may request a hearing before the board 3929
on any action taken under this section, and ~~he~~ shall have the same 3930
rights in any such hearing as are afforded to a teacher in a board 3931
hearing under section 3319.16 of the Revised Code. The treasurer 3932
pro tempore shall perform all of the duties and functions of the 3933
treasurer, and shall serve until the treasurer's incapacity is 3934

removed as determined by a majority vote of the members of the 3935
board or until the expiration of the treasurer's contract or term 3936
of office, whichever is sooner. The treasurer pro tempore may be 3937
removed at any time for cause by a two-thirds vote of the members 3938
of the board. The board shall fix the compensation of the 3939
treasurer pro tempore in accordance with section 3313.24 of the 3940
Revised Code, and shall require the treasurer pro tempore to 3941
execute a bond immediately after ~~his~~ appointment in accordance 3942
with section 3313.25 of the Revised Code. If a treasurer is a 3943
member of the board, ~~he~~ the treasurer shall not vote on any matter 3944
related to ~~his~~ the treasurer's own incapacitation. 3945

Sec. 3313.24. (A) At the time of the appointment or 3946
designation of the term of office of the treasurer, subject to 3947
division (B) of this section, the board of education of each 3948
local, exempted village, or city school district shall fix the 3949
compensation of its treasurer, which shall be paid from the 3950
general fund of the district. No order for payment of the salary 3951
of the treasurer of a local, exempted village, or city school 3952
district, other than an island school district, shall be drawn 3953
until the treasurer presents to the district board evidence that 3954
the treasurer either holds a valid license issued under section 3955
3301.074 of the Revised Code or is an otherwise qualified 3956
treasurer, as defined in division (B) of section 3313.22 of the 3957
Revised Code. 3958

A governing board of an educational service center which 3959
chooses to act as the governing board of the educational service 3960
center pursuant to division (D) of section 135.01 of the Revised 3961
Code shall fix the compensation of its treasurer and pay its 3962
treasurer in the manner prescribed in the section for local, 3963
exempted village, and city school districts. 3964

(B) The compensation of the treasurer may be increased or 3965

decreased during the treasurer's term of office, provided any 3966
decrease is a part of a uniform plan affecting salaries of all 3967
employees of the district. 3968

(C) The board may establish vacation leave for its treasurer 3969
in accordance with the general leave policy the board adopts 3970
pursuant to section 3319.141 of the Revised Code. Upon the 3971
treasurer's separation from employment, the board may provide 3972
compensation at the treasurer's current rate of pay for all 3973
lawfully accrued and unused vacation leave to the treasurer's 3974
credit at the time of separation, not to exceed the amount accrued 3975
during the three years before the date of separation. In case of 3976
the death of a treasurer, unused vacation leave that the board 3977
would have paid to the treasurer upon separation shall be paid in 3978
accordance with section 2113.04 of the Revised Code or to the 3979
treasurer's estate. 3980

Sec. 3313.33. (A) Conveyances made by a board of education 3981
shall be executed by the president and treasurer thereof. 3982

(B) Except as provided in division (C) of this section, no 3983
member of the board shall have, directly or indirectly, any 3984
pecuniary interest in any contract of the board or be employed in 3985
any manner for compensation by the board of which the person is a 3986
member. No contract shall be binding upon any board unless it is 3987
made or authorized at a regular or special meeting of such board. 3988

(C) A member of the board may have a pecuniary interest in a 3989
contract of the board if all of the following apply: 3990

(1) The member's pecuniary interest in that contract is that 3991
the member is employed by a political subdivision, 3992
instrumentality, or agency of the state that is contracting with 3993
the board; 3994

(2) The member does not participate in any discussion or 3995

debate regarding the contract or vote on the contract; 3996

(3) The member files with the school district treasurer an 3997
affidavit stating the member's exact employment status with the 3998
political subdivision, instrumentality, or agency contracting with 3999
the board. 4000

(D) This section does not apply where a member of the board, 4001
being a shareholder of a corporation but not being an officer or 4002
director thereof, owns not in excess of five per cent of the stock 4003
of such corporation. If a stockholder desires to avail self of the 4004
exception, before entering upon such contract such person shall 4005
first file with the treasurer an affidavit stating the 4006
stockholder's exact status and connection with said corporation. 4007

This section does not apply where a member of the board 4008
elects to be covered by a health care plan under division (C) of 4009
section 3313.202 of the Revised Code. 4010

Sec. 3313.42. (A) When in the judgment of a board of 4011
education of any school district in this state, lying adjacent to 4012
a school district of another state, the best interests of the 4013
public schools can be promoted by purchasing school grounds, 4014
repairing or erecting a schoolhouse, and maintaining them jointly 4015
between the two adjacent school districts, the board of education 4016
of the school district of this state so situated may enter into an 4017
agreement with the school authorities of said adjacent school 4018
district for the purpose of purchasing school grounds, repairing 4019
or constructing a school building, purchasing school furniture, 4020
equipment, appliances, fuel, employing teachers, and maintaining a 4021
school. The board of education of this state may levy taxes and 4022
perform such other duties in maintaining such joint school as are 4023
otherwise provided by law for maintaining the public schools in 4024
this state. 4025

In carrying out this section the school district shall pay 4026

such proportion of the cost of purchasing school grounds, 4027
repairing or erecting a building, and in maintaining the joint 4028
school as is equitable and just in the judgment of the board of 4029
education and trustees of the two adjacent school districts. 4030

~~(B) In any school district that has entered into an agreement 4031
under division (A) of this section, the state minimum teacher 4032
salary requirements prescribed by section 3317.13 of the Revised 4033
Code do not apply if the total expenditures by the school district 4034
for teacher salaries in any school year equals or exceeds the 4035
total minimum expenditures that would have been required in that 4036
year if such minimum teacher salary requirements did apply. 4037~~

~~(C) Notwithstanding sections 3319.01, 3319.02, and 3313.22 of 4038
the Revised Code, the board of education of a local school 4039
district that has entered into an agreement with an adjacent 4040
school district in another state under division (A) of this 4041
section may contract with the educational service center within 4042
which the local school district is located for the service center 4043
to provide any administrative services specified in the agreement 4044
to the local school district and the adjacent district. If such an 4045
agreement provides for the duties of a district treasurer, 4046
superintendent, or principals to be performed by the service 4047
center, the local school district is not required to employ 4048
persons to perform such duties. 4049~~

Sec. 3314.10. (A)(1) The governing authority of any community 4050
school established under this chapter may employ teachers and 4051
nonteaching employees necessary to carry out its mission and 4052
fulfill its contract. 4053

~~(2) Except as provided under division (A)(3) of this section, 4054
employees hired under this section may organize and collectively 4055
bargain pursuant to Chapter 4117. of the Revised Code. 4056
Notwithstanding division (D)(1) of section 4117.06 of the Revised 4057~~

~~Code, a unit containing teaching and nonteaching employees 4058
employed under this section shall be considered an appropriate 4059
unit. As applicable, employment under this section is subject to 4060
either Chapter 3307. or 3309. of the Revised Code. 4061~~

~~(3) If a school is created by converting all or part of an 4062
existing public school rather than by establishment of a new 4063
start-up school, at the time of conversion, the employees of the 4064
community school shall remain part of any collective bargaining 4065
unit in which they were included immediately prior to the 4066
conversion and shall remain subject to any collective bargaining 4067
agreement for that unit in effect on the first day of July of the 4068
year in which the community school initially begins operation and 4069
shall be subject to any subsequent collective bargaining agreement 4070
for that unit, unless a petition is certified as sufficient under 4071
division (A)~~(6)~~(5) of this section with regard to those employees 4072
or the governing authority of the community school submits a 4073
statement to the state employment relations board under division 4074
(A)(3) of this section. Any new employees of the community school 4075
shall also be included in the unit to which they would have been 4076
assigned had not the conversion taken place and shall be subject 4077
to the collective bargaining agreement for that unit unless a 4078
petition is certified as sufficient under division (A)~~(6)~~(5) of 4079
this section with regard to those employees or the governing 4080
authority of the community school submits a statement to the state 4081
employment relations board under division (A)(3) of this section. 4082~~

Notwithstanding division (B) of section 4117.01 of the 4083
Revised Code, the board of education of a school district and not 4084
the governing authority of a community school shall be regarded, 4085
for purposes of Chapter 4117. of the Revised Code, as the "public 4086
employer" of the employees of a conversion community school 4087
subject to a collective bargaining agreement pursuant to division 4088
(A)~~(3)~~(2) of this section ~~unless a petition is certified under 4089~~

~~division (A)(6) of this section with regard to those employees. 4090
Only on and after the effective date of a petition certified as 4091
sufficient under division (A)(6) of this section shall division 4092
(A)(2) of this section apply to those employees of that community 4093
school and only on and after the effective date of that petition 4094
shall Chapter 4117. of the Revised Code apply to the governing 4095
authority of that community school with regard to those employees. 4096~~

~~(4)(3) Notwithstanding sections 4117.03 to 4117.18 of the 4097
Revised Code and Section 4 of Amended Substitute Senate Bill No. 4098
133 of the 115th general assembly, the employees of a conversion 4099
community school who are subject to a collective bargaining 4100
agreement pursuant to division (A)(3)(2) of this section shall 4101
cease to be subject to that agreement and all subsequent 4102
agreements pursuant to that division and shall cease to be part of 4103
the collective bargaining unit that is subject to that and all 4104
subsequent agreements, if a majority of the employees of the 4105
governing authority of that community school ~~who are subject to~~ 4106
~~that collective bargaining agreement sign and submit~~ submits to 4107
the state employment relations board a petition statement 4108
requesting all of the following: 4109~~

~~(a) That that all the employees of the community school who 4110
are subject to that agreement be removed from the bargaining unit 4111
that is subject to that agreement and be designated by the state 4112
employment relations board as a new and separate bargaining unit 4113
for purposes of Chapter 4117. of the Revised Code; 4114~~

~~(b) That the employee organization certified as the exclusive 4115
representative of the employees of the bargaining unit from which 4116
the employees are to be removed be certified as the exclusive 4117
representative of the new and separate bargaining unit for 4118
purposes of Chapter 4117. of the Revised Code; 4119~~

~~(c) That the governing authority of the community school be 4120
regarded as the "public employer" of these employees for purposes 4121~~

~~of Chapter 4117. of the Revised Code.~~ 4122

~~(5)~~(4) Notwithstanding sections 4117.03 to 4117.18 of the 4123
Revised Code and Section 4 of Amended Substitute Senate Bill No. 4124
133 of the 115th general assembly, the employees of a conversion 4125
community school who are subject to a collective bargaining 4126
agreement pursuant to division (A)~~(3)~~(2) of this section shall 4127
cease to be subject to that agreement and all subsequent 4128
agreements pursuant to that division, shall cease to be part of 4129
the collective bargaining unit that is subject to that and all 4130
subsequent agreements, and shall cease to be represented by any 4131
exclusive representative of that collective bargaining unit, if a 4132
majority of the employees of the community school who are subject 4133
to that collective bargaining agreement sign and submit to the 4134
state employment relations board a petition requesting all of the 4135
following: 4136

(a) That all the employees of the community school who are 4137
subject to that agreement be removed from the bargaining unit that 4138
is subject to that agreement; 4139

(b) That any employee organization certified as the exclusive 4140
representative of the employees of that bargaining unit be 4141
decertified as the exclusive representative of the employees of 4142
the community school who are subject to that agreement; 4143

~~(c) That the governing authority of the community school be 4144
regarded as the "public employer" of these employees for purposes 4145
of Chapter 4117. of the Revised Code.~~ 4146

~~(6)~~(5) Upon receipt of a petition under division (A)(4) ~~or~~ 4147
~~(5)~~ of this section, the state employment relations board shall 4148
check the sufficiency of the signatures on the petition. If the 4149
signatures are found sufficient, the board shall certify the 4150
sufficiency of the petition and so notify the parties involved, 4151
including the board of education, the governing authority of the 4152

community school, and any exclusive representative of the 4153
bargaining unit. The changes requested in a certified petition 4154
shall take effect on the first day of the month immediately 4155
following the date on which the sufficiency of the petition is 4156
certified under division (A)~~(6)~~(5) of this section. 4157

(B)(1) The board of education of each city, local, and 4158
exempted village school district sponsoring a community school and 4159
the governing board of each educational service center in which a 4160
community school is located shall adopt a policy that provides a 4161
leave of absence of at least three years to each teacher or 4162
nonteaching employee of the district or service center who is 4163
employed by a conversion or new start-up community school 4164
sponsored by the district or located in the district or center for 4165
the period during which the teacher or employee is continuously 4166
employed by the community school. The policy shall also provide 4167
that any teacher or nonteaching employee may return to employment 4168
by the district or service center if the teacher or employee 4169
leaves or is discharged from employment with the community school 4170
for any reason, unless, in the case of a teacher, the board of the 4171
district or service center determines that the teacher was 4172
discharged for a reason for which the board would have sought to 4173
discharge the teacher under section 3319.16 of the Revised Code, 4174
in which case the board may proceed to discharge the teacher 4175
utilizing the procedures of that section. Upon termination of such 4176
a leave of absence, any seniority that is applicable to the person 4177
shall be calculated to include all of the following: all 4178
employment by the district or service center prior to the leave of 4179
absence; all employment by the community school during the leave 4180
of absence; and all employment by the district or service center 4181
after the leave of absence. The policy shall also provide that if 4182
any teacher holding valid certification returns to employment by 4183
the district or service center upon termination of such a leave of 4184
absence, the teacher shall be restored to the previous position 4185

and salary or to a position and salary similar thereto. If, as a
result of teachers returning to employment upon termination of
such leaves of absence, a school district or educational service
center reduces the number of teachers it employs, it shall make
such reductions in accordance with section 3319.17 or, if
applicable, 3319.171 of the Revised Code.

Unless a collective bargaining agreement providing otherwise
is in effect for an employee of a conversion community school
pursuant to division (A)~~(3)~~(2) of this section, an employee on a
leave of absence pursuant to this division shall remain eligible
for any benefits that are in addition to benefits under Chapter
3307. or 3309. of the Revised Code provided by the district or
service center to its employees provided the employee pays the
entire cost associated with such benefits, except that personal
leave and vacation leave cannot be accrued for use as an employee
of a school district or service center while in the employ of a
community school unless the district or service center board
adopts a policy expressly permitting this accrual.

(2) While on a leave of absence pursuant to division (B)(1)
of this section, a conversion community school shall permit a
teacher to use sick leave accrued while in the employ of the
school district from which the leave of absence was taken and
prior to commencing such leave. If a teacher who is on such a
leave of absence uses sick leave so accrued, the cost of any
salary paid by the community school to the teacher for that time
shall be reported to the department of education. The cost of
employing a substitute teacher for that time shall be paid by the
community school. The department of education shall add amounts to
the payments made to a community school under this chapter as
necessary to cover the cost of salary reported by a community
school as paid to a teacher using sick leave so accrued pursuant
to this section. The department shall subtract the amounts of any

payments made to community schools under this division from 4218
payments made to such sponsoring school district under Chapters 4219
3306. and 3317. of the Revised Code. 4220

A school district providing a leave of absence and employee 4221
benefits to a person pursuant to this division is not liable for 4222
any action of that person while the person is on such leave and 4223
employed by a community school. 4224

Sec. 3316.07. (A) A school district financial planning and 4225
supervision commission has the following powers, duties, and 4226
functions: 4227

(1) To review or to assume responsibility for the development 4228
of all tax budgets, tax levy and bond and note resolutions, 4229
appropriation measures, and certificates of estimated resources of 4230
the school district in order to ensure that such are consistent 4231
with the financial recovery plan and a balanced appropriation 4232
budget for the current fiscal year, and to request and review any 4233
supporting information upon which the financial recovery plan and 4234
balanced appropriation budget may be developed and based, and to 4235
determine whether revenue estimates and estimates of expenditures 4236
and appropriations will result in a balanced budget; 4237

(2) To inspect and secure copies of any document, resolution, 4238
or instrument pertaining to the effective financial accounting and 4239
reporting system, debt obligations, debt limits, financial 4240
recovery plan, balanced appropriation budgets, appropriation 4241
measures, report of audit, statement or invoice, or other 4242
worksheet or record of the school district; 4243

(3) To inspect and secure copies of any document, instrument, 4244
certification, records of proceedings, or other worksheet or 4245
records of the county budget commission, county auditor, or other 4246
official or employee of the school district or of any other 4247
political subdivision or agency of government of the state; 4248

(4) To review, revise, and approve determinations and	4249
certifications affecting the school district made by the county	4250
budget commission or county auditor pursuant to Chapter 5705. of	4251
the Revised Code to ensure that such determinations and	4252
certifications are consistent with the laws of the state;	4253
(5) To bring civil actions, including mandamus, to enforce	4254
this chapter;	4255
(6) After consultation with the officials of the school	4256
district and the auditor of state, to implement or require	4257
implementation of any necessary or appropriate steps to bring the	4258
books of account, accounting systems, and financial procedures and	4259
reports of the school district into compliance with requirements	4260
prescribed by the auditor of state, and to assume responsibility	4261
for achieving such compliance and for making any desirable	4262
modifications and supplementary systems and procedures pertinent	4263
to the school district;	4264
(7) To assist or provide assistance to the school district or	4265
to assume the total responsibility for the structuring or the	4266
terms of, and the placement for sale of, debt obligations of the	4267
school district;	4268
(8) To perform all other powers, duties, and functions as	4269
provided under this chapter;	4270
(9) To make and enter into all contracts and agreements	4271
necessary or incidental to the performance of its duties and the	4272
exercise of its powers under this chapter;	4273
(10) To consult with officials of the school district and	4274
make recommendations or assume the responsibility for implementing	4275
cost reductions and revenue increases to achieve balanced budgets	4276
and carry out the financial recovery plan in accordance with this	4277
chapter;	4278
(11) To make reductions in force to bring the school	4279

district's budget into balance, notwithstanding section 3319.081 4280
and divisions (A) and (B) of section 3319.17 of the Revised Code, 4281
notwithstanding any provision of a policy adopted under section 4282
3319.171 of the Revised Code, and notwithstanding any provision to 4283
the contrary in section 4117.08 or 4117.10 of the Revised Code or 4284
in any collective bargaining agreement entered into on or after 4285
November 21, 1997. 4286

In making reductions in force, the commission shall first 4287
consider reasonable reductions among the administrative and 4288
~~non-teaching~~ nonteaching employees of the school district giving 4289
due regard to ensuring the district's ability to maintain the 4290
personnel, programs, and services essential to the provision of an 4291
adequate educational program. 4292

In making these reductions in ~~non-teaching~~ nonteaching 4293
employees in districts where Chapter 124. of the Revised Code 4294
controls such reductions, the reductions shall be made in 4295
accordance with sections 124.321 to 124.327 of the Revised Code. 4296
In making these reductions in ~~non-teaching~~ nonteaching employees 4297
in districts where Chapter 124. of the Revised Code does not 4298
control these reductions, within each category of ~~non-teaching~~ 4299
nonteaching employees, the commission shall give preference to 4300
those employees with continuing contracts or non-probationary 4301
status ~~and who have greater seniority.~~ In making these reductions 4302
in nonteaching employees, the commission shall not use seniority 4303
as the only factor in determining dismissals. 4304

If revenues and expenditures cannot be balanced by reasonable 4305
reductions in administrative and ~~non-teaching~~ nonteaching 4306
employees, the commission may also make reasonable reductions in 4307
the number of teaching contracts. If the commission finds it 4308
necessary to suspend teaching contracts, it shall suspend them in 4309
accordance with division (C) of section 3319.17 of the Revised 4310
Code but shall consider a reduction in non-classroom teachers 4311

before classroom teachers. 4312

(B) During the fiscal emergency period, the commission shall, 4313
in addition to other powers: 4314

(1) With respect to the appropriation measure in effect at 4315
the commencement of the fiscal emergency period of the school 4316
district if that period commenced more than three months prior to 4317
the end of the current fiscal year, and otherwise with respect to 4318
the appropriation measure for the next fiscal year: 4319

(a) Review and determine the adequacy of all revenues to meet 4320
all expenditures for such fiscal year; 4321

(b) Review and determine the extent of any deficiency of 4322
revenues to meet such expenditures; 4323

(c) Require the school district board or superintendent to 4324
provide justification documents to substantiate, to the extent and 4325
in the manner considered necessary, any item of revenue or 4326
appropriation; 4327

(d) Not later than sixty days after taking office or after 4328
receiving the appropriation measure for the next fiscal year, 4329
issue a public report regarding its review pursuant to division 4330
(B)(1) of this section. 4331

(2) Require the school district board, by resolution, to 4332
establish monthly levels of expenditures and encumbrances 4333
consistent with the financial recovery plan and the commission's 4334
review pursuant to divisions (B)(1)(a) and (b) of this section, or 4335
establish such levels itself. If the commission permits the 4336
district board to make expenditures, the commission shall monitor 4337
the monthly levels of expenditures and encumbrances and require 4338
justification documents to substantiate any departure from any 4339
approved level. No district board shall make any expenditure apart 4340
from the approved level without the written approval of the 4341
commission. 4342

(C) In making any determination pursuant to division (B) of 4343
this section, the commission may rely on any information 4344
considered in its judgment reliable or material and shall not be 4345
restricted by any tax budget or certificate or any other document 4346
the school district may have adopted or received from any other 4347
governmental agency. 4348

(D) County, state, and school district officers or employees 4349
shall assist the commission diligently and promptly in the 4350
prosecution of its duties, including the furnishing of any 4351
materials, including justification documents, required. 4352

(E) Annually on or before the first day of April during the 4353
fiscal emergency period, the commission shall make reports and 4354
recommendations to the speaker of the house of representatives and 4355
the president of the senate concerning progress of the school 4356
district to eliminate fiscal emergency conditions, failures of the 4357
school district to comply with this chapter, and recommendations 4358
for further actions to attain the objectives of this chapter, 4359
including any legislative action needed to make provisions of law 4360
more effective for their purposes, or to enhance revenue raising 4361
or financing capabilities of school districts. The commission may 4362
make such interim reports as it considers appropriate for such 4363
purposes and shall make such additional reports as may be 4364
requested by either house of the general assembly. 4365

Sec. 3317.01. As used in this section and section 3317.011 of 4366
the Revised Code, "school district," unless otherwise specified, 4367
means any city, local, exempted village, joint vocational, or 4368
cooperative education school district and any educational service 4369
center. 4370

This chapter shall be administered by the state board of 4371
education. The superintendent of public instruction shall 4372
calculate the amounts payable to each school district and shall 4373

certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off increase, as defined in section 5705.211 of the Revised Code. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed periodically to each school district unless otherwise provided for. The state board shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district.

Except as otherwise provided, payments under this chapter shall be made only to those school districts in which:

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in

this qualification requirement. School district income tax levies 4406
under Chapter 5748. of the Revised Code, limited to or to the 4407
extent apportioned to current operating expenses, shall be 4408
included in this qualification requirement to the extent 4409
determined by the tax commissioner under division (D) of section 4410
3317.021 of the Revised Code. 4411

(B) The school year next preceding the fiscal year for which 4412
such payments are authorized meets the requirement of section 4413
3313.48 or 3313.481 of the Revised Code, with regard to the 4414
minimum number of days or hours school must be open for 4415
instruction with pupils in attendance, for individualized 4416
parent-teacher conference and reporting periods, and for 4417
professional meetings of teachers. This requirement shall be 4418
waived by the superintendent of public instruction if it had been 4419
necessary for a school to be closed because of disease epidemic, 4420
hazardous weather conditions, inoperability of school buses or 4421
other equipment necessary to the school's operation, damage to a 4422
school building, or other temporary circumstances due to utility 4423
failure rendering the school building unfit for school use, 4424
provided that for those school districts operating pursuant to 4425
section 3313.48 of the Revised Code the number of days the school 4426
was actually open for instruction with pupils in attendance and 4427
for individualized parent-teacher conference and reporting periods 4428
is not less than one hundred seventy-five, or for those school 4429
districts operating on a trimester plan the number of days the 4430
school was actually open for instruction with pupils in attendance 4431
not less than seventy-nine days in any trimester, for those school 4432
districts operating on a quarterly plan the number of days the 4433
school was actually open for instruction with pupils in attendance 4434
not less than fifty-nine days in any quarter, or for those school 4435
districts operating on a pentamester plan the number of days the 4436
school was actually open for instruction with pupils in attendance 4437
not less than forty-four days in any pentamester. However, for 4438

fiscal year 2012, the superintendent shall waive two fewer such 4439
days for the 2010-2011 school year. 4440

A school district shall not be considered to have failed to 4441
comply with this division or section 3313.481 of the Revised Code 4442
because schools were open for instruction but either twelfth grade 4443
students were excused from attendance for up to three days or only 4444
a portion of the kindergarten students were in attendance for up 4445
to three days in order to allow for the gradual orientation to 4446
school of such students. 4447

The superintendent of public instruction shall waive the 4448
requirements of this section with reference to the minimum number 4449
of days or hours school must be in session with pupils in 4450
attendance for the school year succeeding the school year in which 4451
a board of education initiates a plan of operation pursuant to 4452
section 3313.481 of the Revised Code. The minimum requirements of 4453
this section shall again be applicable to such a district 4454
beginning with the school year commencing the second July 4455
succeeding the initiation of one such plan, and for each school 4456
year thereafter. 4457

A school district shall not be considered to have failed to 4458
comply with this division or section 3313.48 or 3313.481 of the 4459
Revised Code because schools were open for instruction but the 4460
length of the regularly scheduled school day, for any number of 4461
days during the school year, was reduced by not more than two 4462
hours due to hazardous weather conditions. 4463

(C) The school district ~~has on file, and is paying in~~ 4464
~~accordance with, a teachers' salary schedule which complies with~~ 4465
salaries based upon performance as required under section 3317.13 4466
of the Revised Code. 4467

A board of education or governing board of an educational 4468
service center which has not conformed with other law and the 4469

rules pursuant thereto, shall not participate in the distribution 4470
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 4471
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 4472
and sufficient reason established to the satisfaction of the state 4473
board of education and the state controlling board. 4474

All funds allocated to school districts under this chapter, 4475
except those specifically allocated for other purposes, shall be 4476
used to pay current operating expenses only. 4477

Sec. 3317.018. (A) The department of education shall make no 4478
calculations or payments under Chapter 3317. of the Revised Code 4479
for any fiscal year except as prescribed in this section. 4480

(B) School districts shall report student enrollment data as 4481
prescribed by section 3317.03 of the Revised Code, which data the 4482
department shall use to make payments under Chapters 3306. and 4483
3317. of the Revised Code. 4484

(C) The tax commissioner shall report data regarding tax 4485
valuation and receipts for school districts as prescribed by 4486
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 4487
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of 4488
section 3317.02 of the Revised Code, which data the department 4489
shall use to make payments under Chapters 3306. and 3317. of the 4490
Revised Code. 4491

(D) Unless otherwise specified by another provision of law, 4492
in addition to the payments prescribed by Chapter 3306. of the 4493
Revised Code, the department shall continue to make payments to or 4494
adjustments for school districts in fiscal years after fiscal year 4495
2009 under the following provisions of Chapter 3317. of the 4496
Revised Code: 4497

(1) The catastrophic cost reimbursement under division (C)(3) 4498
of section 3317.022 of the Revised Code. No other payments shall 4499

be made under that section.	4500
(2) All payments or adjustments under section 3317.023 of the Revised Code, except no payments or adjustments shall be made under divisions (B), (C), and (D) of that section.	4501 4502 4503
(3) All payments or adjustments under section 3317.024 of the Revised Code, except no payments or adjustments shall be made under divisions (F), (L), and (N) of that section.	4504 4505 4506
(4) All payments and adjustments under sections 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the Revised Code;	4507 4508 4509
(5) Payments under section 3317.04 of the Revised Code;	4510
(6) Unit payments under sections 3317.05, 3317.051, 3317.052, and 3317.053 of the Revised Code, except that no units for gifted funding are authorized after fiscal year 2009.	4511 4512 4513
(7) Payments under sections 3317.06, 3317.063, and 3317.064 of the Revised Code;	4514 4515
(8) Payments under section 3317.07 of the Revised Code;	4516
(9) Payments to educational service centers under section 3317.11 of the Revised Code;	4517 4518
(10) The catastrophic cost reimbursement under division (E) of section 3317.16 of the Revised Code and excess cost reimbursements under division (G) of that section. No other payments shall be made under that section;	4519 4520 4521 4522
(11) Payments under section 3317.17 of the Revised Code;	4523
(12) Adjustments under section 3317.18 of the Revised Code;	4524
(13) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	4525 4526
(14) Payments to county MR/DD boards under section 3317.20 of the Revised Code;	4527 4528

(15) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.	4529 4530
(E) Sections 3317.016 and 3317.017 shall not apply to fiscal years after fiscal year 2009.	4531 4532
(F) This section does not affect the provisions of sections 3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 3317.081, 3317.082, 3317.09, 3317.12 , 3317.13, 3317.14 , 3317.15, 3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised Code.	4533 4534 4535 4536 4537
Sec. 3317.11. (A) As used in this section:	4538
(1) "Client school district" means a city or exempted village school district that has entered into an agreement under section 3313.843 of the Revised Code to receive any services from an educational service center.	4539 4540 4541 4542
(2) "Service center ADM" means the sum of the total student counts of all local school districts within an educational service center's territory and all of the service center's client school districts.	4543 4544 4545 4546
(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.	4547 4548 4549
(4) "Total student count" has the same meaning as in section 3301.011 of the Revised Code.	4550 4551
(B)(1) The governing board of each educational service center shall provide supervisory services to each local school district within the service center's territory. Each city or exempted village school district that enters into an agreement under section 3313.843 of the Revised Code for a governing board to provide any services also is considered to be provided supervisory services by the governing board. Except as provided in division	4552 4553 4554 4555 4556 4557 4558

(B)(2) of this section, the supervisory services shall not exceed 4559
one supervisory teacher for the first fifty classroom teachers 4560
required to be employed in the districts, as calculated under 4561
section 3317.023 of the Revised Code, and one for each additional 4562
one hundred required classroom teachers, as so calculated. 4563

The supervisory services shall be financed annually through 4564
supervisory units. Except as provided in division (B)(2) of this 4565
section, the number of supervisory units assigned to each district 4566
shall not exceed one unit for the first fifty classroom teachers 4567
required to be employed in the district, as calculated under 4568
section 3317.023 of the Revised Code, and one for each additional 4569
one hundred required classroom teachers, as so calculated. The 4570
cost of each supervisory unit shall be the sum of: 4571

(a) The ~~minimum~~ performance-based salary prescribed by 4572
section 3317.13 of the Revised Code for the licensed supervisory 4573
employee of the governing board; 4574

(b) An amount equal to fifteen per cent of the salary 4575
prescribed by section 3317.13 of the Revised Code; 4576

(c) An allowance for necessary travel expenses, limited to 4577
the lesser of two hundred twenty-three dollars and sixteen cents 4578
per month or two thousand six hundred seventy-eight dollars per 4579
year. 4580

(2) If a majority of the boards of education, or 4581
superintendents acting on behalf of the boards, of the local and 4582
client school districts receiving services from the educational 4583
service center agree to receive additional supervisory services 4584
and to pay the cost of a corresponding number of supervisory units 4585
in excess of the services and units specified in division (B)(1) 4586
of this section, the service center shall provide the additional 4587
services as agreed to by the majority of districts to, and the 4588
department of education shall apportion the cost of the 4589

corresponding number of additional supervisory units pursuant to 4590
division (B)(3) of this section among, all of the service center's 4591
local and client school districts. 4592

(3) The department shall apportion the total cost for all 4593
supervisory units among the service center's local and client 4594
school districts based on each district's total student count. The 4595
department shall deduct each district's apportioned share pursuant 4596
to division (E) of section 3317.023 of the Revised Code and pay 4597
the apportioned share to the service center. 4598

(C) The department annually shall deduct from each local and 4599
client school district of each educational service center, 4600
pursuant to division (E) of section 3317.023 of the Revised Code, 4601
and pay to the service center an amount equal to six dollars and 4602
fifty cents times the school district's total student count. The 4603
board of education, or the superintendent acting on behalf of the 4604
board, of any local or client school district may agree to pay an 4605
amount in excess of six dollars and fifty cents per student in 4606
total student count. If a majority of the boards of education, or 4607
superintendents acting on behalf of the boards, of the local 4608
school districts within a service center's territory approve an 4609
amount in excess of six dollars and fifty cents per student in 4610
total student count, the department shall deduct the approved 4611
excess per student amount from all of the local school districts 4612
within the service center's territory and pay the excess amount to 4613
the service center. 4614

(D) The department shall pay each educational service center 4615
the amounts due to it from school districts pursuant to contracts, 4616
compacts, or agreements under which the service center furnishes 4617
services to the districts or their students. In order to receive 4618
payment under this division, an educational service center shall 4619
furnish either a copy of the contract, compact, or agreement 4620
clearly indicating the amounts of the payments, or a written 4621

statement that clearly indicates the payments owed and is signed 4622
by the superintendent or treasurer of the responsible school 4623
district. The amounts paid to service centers under this division 4624
shall be deducted from payments to school districts pursuant to 4625
division (K)(3) of section 3317.023 of the Revised Code. 4626

(E) Each school district's deduction under this section and 4627
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 4628
shall be made from the total payment computed for the district 4629
under this chapter, after making any other adjustments in that 4630
payment required by law. 4631

(F)(1) Except as provided in division (F)(2) of this section, 4632
the department annually shall pay the governing board of each 4633
educational service center state funds equal to thirty-seven 4634
dollars times its service center ADM. 4635

(2) The department annually shall pay state funds equal to 4636
forty dollars and fifty-two cents times the service center ADM to 4637
each educational service center comprising territory that was 4638
included in the territory of at least three former service centers 4639
or county school districts, which former centers or districts 4640
engaged in one or more mergers under section 3311.053 of the 4641
Revised Code to form the present center. 4642

(G) Each city, exempted village, local, joint vocational, or 4643
cooperative education school district shall pay to the governing 4644
board of an educational service center any amounts agreed to for 4645
each child enrolled in the district who receives special education 4646
and related services or career-technical education from the 4647
educational service center, unless these educational services are 4648
provided pursuant to a contract, compact, or agreement for which 4649
the department deducts and transfers payments under division (D) 4650
of this section and division (K)(3) of section 3317.023 of the 4651
Revised Code. 4652

(H) The department annually shall pay the governing board of each educational service center that has entered into a contract with a STEM school for the provision of services described in division (B) of section 3326.45 of the Revised Code state funds equal to the per-pupil amount specified in the contract for the provision of those services times the number of students enrolled in the STEM school.

(I) An educational service center:

(1) May provide special education and career-technical education to students in its local or client school districts;

(2) Is eligible for transportation funding under division (G) of section 3317.024 of the Revised Code and for state subsidies for the purchase of school buses under section 3317.07 of the Revised Code;

(3) May apply for and receive gifted education units and provide gifted education services to students in its local or client school districts;

(4) May conduct driver education for high school students in accordance with Chapter 4508. of the Revised Code.

Sec. 3317.13. (A) ~~As used in this section and section 3317.14 of the Revised Code:~~

~~(1) "Years of service" includes the following:~~

~~(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;~~

~~(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at~~

~~least one hundred twenty days under a teacher's contract;~~ 4683

~~(c) All years of teaching service in a chartered school or 4684
institution or a school or institution that subsequently became 4685
chartered or a chartered special education program or a special 4686
education program that subsequently became chartered operated by 4687
the state or by a subdivision or other local governmental unit of 4688
this state as a teacher licensed pursuant to section 3319.22 of 4689
the Revised Code, regardless of training level, with each year 4690
consisting of at least one hundred twenty days; and 4691~~

~~(d) All years of active military service in the armed forces 4692
of the United States, as defined in section 3307.75 of the Revised 4693
Code, to a maximum of five years. For purposes of this 4694
calculation, a partial year of active military service of eight 4695
continuous months or more in the armed forces shall be counted as 4696
a full year. 4697~~

~~(2) "Teacher", "teacher" means all teachers employed by the 4698
board of education of any school district, including any 4699
cooperative education or joint vocational school district and all 4700
teachers employed by any educational service center governing 4701
board. 4702~~

~~(B) No Each teacher shall be paid a salary less than that 4703
provided in the schedule set forth in division (C) of this 4704
section. In calculating the minimum salary any teacher shall be 4705
paid pursuant to this section, years of service shall include the 4706
sum of all years of the teacher's teaching service included in 4707
divisions (A)(1)(a), (b), (c), and (d) of this section; except 4708
that any school district or educational service center employing a 4709
teacher new to the district or educational service center shall 4710
grant such teacher a total of not more than ten years of service 4711
pursuant to divisions (A)(1)(b), (c), and (d) of this section. 4712~~

~~Upon written complaint to the superintendent of public 4713~~

~~instruction that the board of education of a district or the governing board of an educational service center governing board has failed or refused to annually adopt a salary schedule or to pay salaries in accordance with the salary schedule set forth in division (C) of this section, the superintendent of public instruction shall cause to be made an immediate investigation of such complaint. If the superintendent finds that the conditions complained of exist, the superintendent shall order the board to correct such conditions within ten days from the date of the finding. No moneys shall be distributed to the district or educational service center under this chapter until the superintendent has satisfactory evidence of the board of education's full compliance with such order.~~

~~Each teacher shall be fully credited with placement in the appropriate academic training level column in the district's or educational service center's salary schedule with years of service properly credited pursuant to this section or section 3317.14 of the Revised Code. No rule shall be adopted or exercised by any board of education or educational service center governing board which restricts the placement or the crediting of annual salary increments for any teacher according to the appropriate academic training level column.~~

~~(C) Minimum salaries exclusive of retirement and sick leave for teachers shall be as follows:~~

	Teachers		Teachers with		Teachers			
Years	with Less	Teachers with	Five Years of	with				
of	than	a Bachelor's	Training, but	a Master's				
Service	Bachelor's	Degree	no Master's	Degree or				
	Degree		Degree	Higher				
	Per	Dollar	Per	Dollar	Per	Dollar	Per	Dollar
	Cent*	Amount	Cent*	Amount	Cent*	Amount	Cent*	Amount
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900

1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	4746
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	4747
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	4748
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	4749
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	4750
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	4751
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	4752
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	4753
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	4754
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	4755
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	4756

~~* Percentages represent the percentage which each salary is of the base amount.~~ 4757
4758

~~For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience.~~ 4759
4760
4761
4762
4763
4764
4765
4766
4767

~~As used in this division:~~ 4768

~~(1) "Base amount" means twenty thousand dollars.~~ 4769

~~(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.~~ 4770
4771
4772

~~(D) For purposes of this section, all credited training shall be from a recognized college or university based upon performance as described in section 3317.13 of the Revised Code.~~ 4773
4774
4775

~~(C) For purposes of this section, a board shall measure a~~ 4776

teacher's performance by considering all of the following: 4777

(1) The level of license issued under section 3319.22 of the Revised Code that the teacher holds; 4778
4779

(2) Whether the teacher is a "highly qualified teacher" as defined in section 3319.074 of the Revised Code; 4780
4781

(3) The value-added measure the board uses to determine the performance of the students assigned to the teacher's classroom; 4782
4783

(4) The results of the teacher's performance evaluations conducted under section 3319.111 of the Revised Code, any peer review program created by an agreement entered into by a board of education and representatives of teachers employed by that board, or any other system of evaluation used by the board; 4784
4785
4786
4787
4788

(5) Any other criteria established by the board. 4789

Sec. 3319.01. Except in an island school district, where the 4790
superintendent of an educational service center otherwise may 4791
serve as superintendent of the district and except as otherwise 4792
provided for any cooperative education school district pursuant to 4793
division (B)(2) of section 3311.52 or division (B)(3) of section 4794
3311.521 of the Revised Code, the board of education in each 4795
school district and the governing board of each service center 4796
shall, at a regular or special meeting held not later than the 4797
first day of May of the calendar year in which the term of the 4798
superintendent expires, appoint a person possessed of the 4799
qualifications provided in this section to act as superintendent, 4800
for a term not longer than five years beginning the first day of 4801
August and ending on the thirty-first day of July. Such 4802
superintendent is, at the expiration of a current term of 4803
employment, deemed reemployed for a term of one year at the same 4804
salary plus any increments that may be authorized by the board, 4805
unless such board, on or before the first day of March of the year 4806

in which the contract of employment expires, either reemploys the 4807
superintendent for a succeeding term as provided in this section 4808
or gives to the superintendent written notice of its intention not 4809
to reemploy the superintendent. A superintendent may not be 4810
transferred to any other position during the term of the 4811
superintendent's employment or reemployment except by mutual 4812
agreement by the superintendent and the board. If a vacancy occurs 4813
in the office of superintendent, the board shall appoint a 4814
superintendent for a term not to exceed five years from the next 4815
preceding first day of August. 4816

A board may at any regular or special meeting held during the 4817
period beginning on the first day of January of the calendar year 4818
immediately preceding the year the contract of employment of a 4819
superintendent expires and ending on the first day of March of the 4820
year it expires, reemploy such superintendent for a succeeding 4821
term for not longer than five years, beginning on the first day of 4822
August immediately following the expiration of the 4823
superintendent's current term of employment and ending on the 4824
thirty-first day of July of the year in which such succeeding term 4825
expires. No person shall be appointed to the office of 4826
superintendent of a city, or exempted village school district or a 4827
service center who does not hold a license designated for being a 4828
superintendent issued under section 3319.22 of the Revised Code, 4829
unless such person had been employed as a county, city, or 4830
exempted village superintendent prior to August 1, 1939. No person 4831
shall be appointed to the office of local superintendent who does 4832
not hold a license designated for being a superintendent issued 4833
under section 3319.22 of the Revised Code, unless such person held 4834
or was qualified to hold the position of executive head of a local 4835
school district on September 16, 1957. At the time of making such 4836
appointment or designation of term, such board shall fix the 4837
compensation of the superintendent, which may be increased or 4838
decreased during such term, provided such decrease is a part of a 4839

uniform plan affecting salaries of all employees of the district, 4840
and shall execute a written contract of employment with such 4841
superintendent. 4842

Each board shall adopt procedures for the evaluation of its 4843
superintendent and shall evaluate its superintendent in accordance 4844
with those procedures. An evaluation based upon such procedures 4845
shall be considered by the board in deciding whether to renew the 4846
superintendent's contract. The establishment of an evaluation 4847
procedure shall not create an expectancy of continued employment. 4848
Nothing in this section shall prevent a board from making the 4849
final determination regarding the renewal or failure to renew of a 4850
superintendent's contract. 4851

Termination of a superintendent's contract shall be pursuant 4852
to section 3319.16 of the Revised Code. 4853

A board may establish vacation leave for its superintendent 4854
in accordance with the general leave policy the board adopts 4855
pursuant to section 3319.141 of the Revised Code. Upon the 4856
superintendent's separation from employment a board that has such 4857
leave may provide compensation at the superintendent's current 4858
rate of pay for all lawfully accrued and unused vacation leave to 4859
the superintendent's credit at the time of separation, not to 4860
exceed the amount accrued within three years before the date of 4861
separation. In case of the death of a superintendent, such unused 4862
vacation leave as the board would have paid to this superintendent 4863
upon separation shall be paid in accordance with section 2113.04 4864
of the Revised Code, or to the superintendent's estate. 4865

Notwithstanding section 9.481 of the Revised Code, the board 4866
of a city, local, exempted village, or joint vocational school 4867
district may require its superintendent, as a condition of 4868
employment, to reside within the boundaries of the district. 4869

The superintendent shall be the executive officer for the 4870

board. Subject to section 3319.40 of the Revised Code, the 4871
superintendent shall direct and assign teachers and other 4872
employees of the district or service center, except as provided in 4873
division (B) of section 3313.31 and section 3319.04 of the Revised 4874
Code. The superintendent shall assign the pupils to the proper 4875
schools and grades, provided that the assignment of a pupil to a 4876
school outside of the pupil's district of residence is approved by 4877
the board of the district of residence of such pupil. The 4878
superintendent shall perform such other duties as the board 4879
determines. 4880

The board of education of any school district may contract 4881
with the governing board of the educational service center from 4882
which it otherwise receives services to conduct searches and 4883
recruitment of candidates for the superintendent position 4884
authorized under this section. 4885

Sec. 3319.011. If a board of education determines the 4886
superintendent is incapacitated in such a manner that ~~he~~ the 4887
superintendent is unable to perform the duties of the office of 4888
superintendent, the board may, by a majority vote of the members 4889
of the board, appoint a person to serve in ~~his~~ the 4890
superintendent's place pro tempore. Each board of education shall 4891
adopt a written policy establishing standards for determining 4892
whether the superintendent is incapacitated, and shall provide 4893
that during any period in which the superintendent is 4894
incapacitated, ~~he~~ the superintendent may be placed on sick leave 4895
or on leave of absence and may be returned to active duty status 4896
from sick leave or leave of absence. The board shall award leave 4897
pursuant to this written policy in accordance with the general 4898
leave policy the board adopts pursuant to section 3319.141 of the 4899
Revised Code. The superintendent may request a hearing before the 4900
board on any action taken under this section, and ~~he~~ shall have 4901
the same rights in any such hearing as are granted to a teacher in 4902

a board hearing under section 3319.16 of the Revised Code. The 4903
superintendent pro tempore shall perform all of the duties and 4904
functions of the superintendent and shall serve until the board by 4905
majority vote determines the superintendent's incapacity is 4906
removed or until the expiration of the superintendent's contract 4907
or term of office, whichever is sooner. The superintendent pro 4908
tempore may be removed at any time for cause by a two-thirds vote 4909
of the members of the board. The board shall fix the compensation 4910
of the superintendent pro tempore in accordance with section 4911
3319.01 of the Revised Code. 4912

Sec. 3319.02. (A)(1) As used in this section, "other 4913
administrator" means any of the following: 4914

(a) Except as provided in division (A)(2) of this section, 4915
any employee in a position for which a board of education requires 4916
a license designated by rule of the department of education for 4917
being an administrator issued under section 3319.22 of the Revised 4918
Code, including a professional pupil services employee or 4919
administrative specialist or an equivalent of either one who is 4920
not employed as a school counselor and spends less than fifty per 4921
cent of the time employed teaching or working with students; 4922

(b) Any nonlicensed employee whose job duties enable such 4923
employee to be considered as either a "supervisor" or a 4924
"management level employee," as defined in section 4117.01 of the 4925
Revised Code; 4926

(c) A business manager appointed under section 3319.03 of the 4927
Revised Code. 4928

(2) As used in this section, "other administrator" does not 4929
include a superintendent, assistant superintendent, principal, or 4930
assistant principal. 4931

(B) The board of education of each school district and the 4932

governing board of an educational service center may appoint one 4933
or more assistant superintendents and such other administrators as 4934
are necessary. An assistant educational service center 4935
superintendent or service center supervisor employed on a 4936
part-time basis may also be employed by a local board as a 4937
teacher. The board of each city, exempted village, and local 4938
school district shall employ principals for all high schools and 4939
for such other schools as the board designates, and those boards 4940
may appoint assistant principals for any school that they 4941
designate. 4942

(C) In educational service centers and in city, exempted 4943
village, and local school districts, assistant superintendents, 4944
principals, assistant principals, and other administrators shall 4945
only be employed or reemployed in accordance with nominations of 4946
the superintendent, except that a board of education of a school 4947
district or the governing board of a service center, by a 4948
three-fourths vote of its full membership, may reemploy any 4949
assistant superintendent, principal, assistant principal, or other 4950
administrator whom the superintendent refuses to nominate. 4951

The board of education or governing board shall execute a 4952
written contract of employment with each assistant superintendent, 4953
principal, assistant principal, and other administrator it employs 4954
or reemploys. The term of such contract shall not exceed three 4955
years except that in the case of a person who has been employed as 4956
an assistant superintendent, principal, assistant principal, or 4957
other administrator in the district or center for three years or 4958
more, the term of the contract shall be for not more than five 4959
years and, unless the superintendent of the district recommends 4960
otherwise, not less than two years. If the superintendent so 4961
recommends, the term of the contract of a person who has been 4962
employed by the district or service center as an assistant 4963
superintendent, principal, assistant principal, or other 4964

administrator for three years or more may be one year, but all 4965
subsequent contracts granted such person shall be for a term of 4966
not less than two years and not more than five years. When a 4967
teacher with continuing service status becomes an assistant 4968
superintendent, principal, assistant principal, or other 4969
administrator with the district or service center with which the 4970
teacher holds continuing service status, the teacher retains such 4971
status in the teacher's nonadministrative position as provided in 4972
sections 3319.08 and 3319.09 of the Revised Code. 4973

A board of education or governing board may reemploy an 4974
assistant superintendent, principal, assistant principal, or other 4975
administrator at any regular or special meeting held during the 4976
period beginning on the first day of January of the calendar year 4977
immediately preceding the year of expiration of the employment 4978
contract and ending on the last day of March of the year the 4979
employment contract expires. 4980

Except by mutual agreement of the parties thereto, no 4981
assistant superintendent, principal, assistant principal, or other 4982
administrator shall be transferred during the life of a contract 4983
to a position of lesser responsibility. No contract may be 4984
terminated by a board except pursuant to section 3319.16 of the 4985
Revised Code. No contract may be suspended except pursuant to 4986
section 3319.17 or 3319.171 of the Revised Code. The salaries and 4987
compensation prescribed by such contracts shall not be reduced by 4988
a board unless such reduction is a part of a uniform plan 4989
affecting the entire district or center. The contract shall 4990
specify the employee's administrative position and duties as 4991
included in the job description adopted under division (D) of this 4992
section, the salary and other compensation to be paid for 4993
performance of duties, the number of days to be worked, the number 4994
of days of vacation leave, if any, and any paid holidays in the 4995
contractual year. 4996

An assistant superintendent, principal, assistant principal, 4997
or other administrator is, at the expiration of the current term 4998
of employment, deemed reemployed at the same salary plus any 4999
increments that may be authorized by the board, unless such 5000
employee notifies the board in writing to the contrary on or 5001
before the first day of June, or unless such board, on or before 5002
the last day of March of the year in which the contract of 5003
employment expires, either reemploys such employee for a 5004
succeeding term or gives written notice of its intention not to 5005
reemploy the employee. The term of reemployment of a person 5006
reemployed under this paragraph shall be one year, except that if 5007
such person has been employed by the school district or service 5008
center as an assistant superintendent, principal, assistant 5009
principal, or other administrator for three years or more, the 5010
term of reemployment shall be two years. 5011

(D)(1) Each board shall adopt procedures for the evaluation 5012
of all assistant superintendents, principals, assistant 5013
principals, and other administrators and shall evaluate such 5014
employees in accordance with those procedures. The evaluation 5015
based upon such procedures shall be considered by the board in 5016
deciding whether to renew the contract of employment of an 5017
assistant superintendent, principal, assistant principal, or other 5018
administrator. 5019

(2) The evaluation shall measure each assistant 5020
superintendent's, principal's, assistant principal's, and other 5021
administrator's effectiveness in performing the duties included in 5022
the job description and the evaluation procedures shall provide 5023
for, but not be limited to, the following: 5024

(a) Each assistant superintendent, principal, assistant 5025
principal, and other administrator shall be evaluated annually 5026
through a written evaluation process. 5027

(b) The evaluation shall be conducted by the superintendent 5028

or designee. 5029

(c) In order to provide time to show progress in correcting 5030
the deficiencies identified in the evaluation process, the 5031
evaluation process shall be completed as follows: 5032

(i) In any school year that the employee's contract of 5033
employment is not due to expire, at least one evaluation shall be 5034
completed in that year. A written copy of the evaluation shall be 5035
provided to the employee no later than the end of the employee's 5036
contract year as defined by the employee's annual salary notice. 5037

(ii) In any school year that the employee's contract of 5038
employment is due to expire, at least a preliminary evaluation and 5039
at least a final evaluation shall be completed in that year. A 5040
written copy of the preliminary evaluation shall be provided to 5041
the employee at least sixty days prior to any action by the board 5042
on the employee's contract of employment. The final evaluation 5043
shall indicate the superintendent's intended recommendation to the 5044
board regarding a contract of employment for the employee. A 5045
written copy of the evaluation shall be provided to the employee 5046
at least five days prior to the board's acting to renew or not 5047
renew the contract. 5048

(3) Termination of an assistant superintendent, principal, 5049
assistant principal, or other administrator's contract shall be 5050
pursuant to section 3319.16 of the Revised Code. Suspension of any 5051
such employee shall be pursuant to section 3319.17 or 3319.171 of 5052
the Revised Code. 5053

(4) Before taking action to renew or nonrenew the contract of 5054
an assistant superintendent, principal, assistant principal, or 5055
other administrator under this section and prior to the last day 5056
of March of the year in which such employee's contract expires, 5057
the board shall notify each such employee of the date that the 5058
contract expires and that the employee may request a meeting with 5059

the board. Upon request by such an employee, the board shall grant 5060
the employee a meeting in executive session. In that meeting, the 5061
board shall discuss its reasons for considering renewal or 5062
nonrenewal of the contract. The employee shall be permitted to 5063
have a representative, chosen by the employee, present at the 5064
meeting. 5065

(5) The establishment of an evaluation procedure shall not 5066
create an expectancy of continued employment. Nothing in division 5067
(D) of this section shall prevent a board from making the final 5068
determination regarding the renewal or nonrenewal of the contract 5069
of any assistant superintendent, principal, assistant principal, 5070
or other administrator. However, if a board fails to provide 5071
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 5072
section, or if the board fails to provide at the request of the 5073
employee a meeting as prescribed in division (D)(4) of this 5074
section, the employee automatically shall be reemployed at the 5075
same salary plus any increments that may be authorized by the 5076
board for a period of one year, except that if the employee has 5077
been employed by the district or service center as an assistant 5078
superintendent, principal, assistant principal, or other 5079
administrator for three years or more, the period of reemployment 5080
shall be for two years. 5081

(E) On nomination of the superintendent of a service center a 5082
governing board may employ supervisors who shall be employed under 5083
written contracts of employment for terms not to exceed five years 5084
each. Such contracts may be terminated by a governing board 5085
pursuant to section 3319.16 of the Revised Code. Any supervisor 5086
employed pursuant to this division may terminate the contract of 5087
employment at the end of any school year after giving the board at 5088
least thirty days' written notice prior to such termination. On 5089
the recommendation of the superintendent the contract or contracts 5090
of any supervisor employed pursuant to this division may be 5091

suspended for the remainder of the term of any such contract 5092
pursuant to section 3319.17 or 3319.171 of the Revised Code. 5093

(F) A board may establish vacation leave for any individuals 5094
employed under this section in accordance with the general leave 5095
policy the board adopts pursuant to section 3319.141 of the 5096
Revised Code. Upon such an individual's separation from 5097
employment, a board that has such leave may compensate such an 5098
individual at the individual's current rate of pay for all 5099
lawfully accrued and unused vacation leave credited at the time of 5100
separation, not to exceed the amount accrued within three years 5101
before the date of separation. In case of the death of an 5102
individual employed under this section, such unused vacation leave 5103
as the board would have paid to the individual upon separation 5104
under this section shall be paid in accordance with section 5105
2113.04 of the Revised Code, or to the estate. 5106

(G) The board of education of any school district may 5107
contract with the governing board of the educational service 5108
center from which it otherwise receives services to conduct 5109
searches and recruitment of candidates for assistant 5110
superintendent, principal, assistant principal, and other 5111
administrator positions authorized under this section. 5112

Sec. 3319.06. (A) The board of education of each city, 5113
exempted village, or local school district may create the position 5114
of internal auditor. Any person employed by the board as an 5115
internal auditor shall hold a valid permit issued under section 5116
4701.10 of the Revised Code to practice as a certified public 5117
accountant or a public accountant. 5118

(B) The board shall execute a written contract of employment 5119
with each internal auditor it employs. The contract shall specify 5120
the internal auditor's duties, the salary and other compensation 5121
to be paid for performance of those duties, the number of days to 5122

be worked, the number of days of vacation leave, if any, that the 5123
internal auditor receives under the general leave policy the board 5124
adopts pursuant to section 3319.141 of the Revised Code; and any 5125
paid holidays in the contractual year. The salary and other 5126
compensation prescribed by the contract may be increased by the 5127
board during the term of the contract but shall not be reduced 5128
during that term unless such reduction is part of a uniform plan 5129
affecting employees of the entire district. The term of the 5130
initial contract shall not exceed three years. Any renewal of the 5131
contract shall be for a term of not less than two years and not 5132
more than five years. 5133

The internal auditor shall be directly responsible to the 5134
board for the performance of all duties outlined in the contract. 5135
If the board does not intend to renew the contract upon its 5136
expiration, the board shall provide written notice to the internal 5137
auditor of its intention not to renew the contract not later than 5138
the last day of March of the year in which the contract expires. 5139
If the board does not provide such notice by that date, the 5140
internal auditor shall be deemed reemployed for a term of one year 5141
at the same salary plus any increments that may be authorized by 5142
the board. Termination of an internal auditor's contract shall be 5143
pursuant to section 3319.16 of the Revised Code. 5144

(C) Each board that employs an internal auditor shall adopt 5145
procedures for the evaluation of the internal auditor and shall 5146
evaluate the internal auditor in accordance with those procedures. 5147
The evaluation based upon the procedures shall be considered by 5148
the board in deciding whether to renew the internal auditor's 5149
contract of employment. The establishment of an evaluation 5150
procedure shall not create an expectancy of continued employment. 5151
Nothing in this section shall prevent the board from making the 5152
final determination regarding the renewal or nonrenewal of the 5153
contract of an internal auditor. 5154

Sec. 3319.08. (A) The board of education of each city, 5155
exempted village, local, and joint vocational school district and 5156
the governing board of each educational service center shall enter 5157
into written contracts for the employment and reemployment of all 5158
teachers. Contracts for the employment of teachers shall be of two 5159
types, limited contracts and continuing contracts. The board of 5160
each school district or service center that authorizes 5161
compensation ~~in addition to the base salary stated in the~~ 5162
~~teachers' salary schedule~~ for the performance of duties by a 5163
teacher that are in addition to the teacher's regular teaching 5164
duties, shall enter into a supplemental written contract with each 5165
teacher who is to perform additional duties. Such supplemental 5166
written contracts shall be limited contracts. Such written 5167
contracts and supplemental written contracts shall set forth the 5168
teacher's duties and shall specify the salaries and compensation 5169
to be paid for regular teaching duties and additional teaching 5170
duties, respectively, either or both of which may be increased but 5171
not diminished during the term for which the contract is made, 5172
except as provided in section 3319.12 of the Revised Code. 5173

If a board adopts a motion or resolution to employ a teacher 5174
under a limited or continuing contract and the teacher accepts 5175
such employment, the failure of such parties to execute a written 5176
contract shall not void such employment contract. 5177

(B) Teachers must be paid for all time lost when the schools 5178
in which they are employed are closed due to an epidemic or other 5179
public calamity, and for time lost due to illness or otherwise for 5180
not less than five days annually as authorized by regulations 5181
which each board shall adopt. 5182

(C) A limited contract is: 5183

(1) For a superintendent, a contract for such term as 5184
authorized by section 3319.01 of the Revised Code; 5185

(2) For an assistant superintendent, principal, assistant principal, or other administrator, a contract for such term as authorized by section 3319.02 of the Revised Code; 5186
5187
5188

(3) For a classroom teacher, in the case of a contract entered into prior to the effective date of this amendment, a term not to exceed five years; 5189
5190
5191

(4) For a classroom teacher, in the case of a contract entered into on or after the effective date of this amendment, a term as authorized in division (D) of this section. 5192
5193
5194

(5) For all other teachers, a contract for a term not to exceed five years. 5195
5196

(D) The term of an initial limited contract for a classroom teacher described in division (C)(4) of this section shall not exceed three years. Any subsequent limited contract entered into with that classroom teacher shall be for a term of not less than two years and not more than five years. 5197
5198
5199
5200
5201

(E) A continuing contract is a contract that remains in effect until the teacher resigns, elects to retire, or is retired pursuant to former section 3307.37 of the Revised Code, or until it is terminated or suspended and shall be granted only to the following: 5202
5203
5204
5205
5206

(1) Any teacher holding a professional, permanent, or life teacher's certificate; 5207
5208

(2) Any teacher who ~~meets~~ met the following conditions prior to the effective date of this amendment: 5209
5210

(a) The teacher was initially issued a teacher's certificate or educator license prior to January 1, 2011. 5211
5212

(b) The teacher ~~holds~~ held a professional educator license issued under section 3319.22 or 3319.222 or former section 3319.22 of the Revised Code or a senior professional educator license or 5213
5214
5215

lead professional educator license issued under section 3319.22 of 5216
the Revised Code. 5217

(c) The teacher ~~has~~ had completed the applicable one of the 5218
following: 5219

(i) If the teacher did not hold a master's degree at the time 5220
of initially receiving a teacher's certificate under former law or 5221
an educator license, thirty semester hours of coursework in the 5222
area of licensure or in an area related to the teaching field 5223
since the initial issuance of such certificate or license, as 5224
specified in rules which the state board of education shall adopt; 5225

(ii) If the teacher held a master's degree at the time of 5226
initially receiving a teacher's certificate under former law or an 5227
educator license, six semester hours of graduate coursework in the 5228
area of licensure or in an area related to the teaching field 5229
since the initial issuance of such certificate or license, as 5230
specified in rules which the state board shall adopt. 5231

~~(3) Any teacher who meets the following conditions:~~ 5232

~~(a) The teacher never held a teacher's certificate and was 5233
initially issued an educator license on or after January 1, 2011. 5234~~

~~(b) The teacher holds a professional educator license, senior 5235
professional educator license, or lead professional educator 5236
license issued under section 3319.22 of the Revised Code. 5237~~

~~(c) The teacher has held an educator license for at least 5238
seven years. 5239~~

~~(d) The teacher has completed the applicable one of the 5240
following: 5241~~

~~(i) If the teacher did not hold a master's degree at the time 5242
of initially receiving an educator license, thirty semester hours 5243
of coursework in the area of licensure or in an area related to 5244
the teaching field since the initial issuance of that license, as 5245~~

~~specified in rules which the state board shall adopt;~~ 5246

~~(ii) If the teacher held a master's degree at the time of 5247
initially receiving an educator license, six semester hours of 5248
graduate coursework in the area of licensure or in an area related 5249
to the teaching field since the initial issuance of that license, 5250
as specified in rules which the state board shall adopt. 5251~~

~~(E)(F) Division (D)(E) of this section applies only to 5252
continuing contracts entered into on or after the effective date 5253
of this amendment the effective date of the amendment of this 5254
section by S.B. 5 of the 129th general assembly. Nothing in that 5255
division shall be construed to void or otherwise affect a 5256
continuing contract entered into prior to that date. 5257~~

Notwithstanding any provision to the contrary in Chapter 5258
4117. of the Revised Code, ~~the:~~ 5259

(1) The requirements of division (D)(E)(3) of this section, 5260
as it existed prior to the effective date of this amendment, 5261
prevail over any conflicting provisions of a collective bargaining 5262
agreement entered into ~~on or after the effective date of this~~ 5263
~~amendment~~ between October 16, 2009, and that effective date. 5264

(2) The requirements of division (E) of this section, as it 5265
exists on and after the effective date of this amendment, prevail 5266
over any conflicting provisions of a collective bargaining 5267
agreement entered into on or after that effective date. 5268

~~(F)(G) Wherever the term "educator license" is used in this 5269
section without reference to a specific type of educator license, 5270
the term does not include an educator license for substitute 5271
teaching issued under section 3319.226 of the Revised Code. 5272~~

Sec. 3319.084. In all school districts each full-time 5273
nonteaching school employee including full-time hourly-rate and 5274
per diem employees, ~~after service of one year with a board of 5275~~

education, shall be entitled, during each year thereafter, while 5276
continuing in the employ of such board of education, to receive 5277
vacation leave with full pay for a minimum of two calendar weeks, 5278
excluding legal holidays. Employees continuing in the employ of 5279
such board of education for ten or more years of service shall be 5280
entitled to vacation leave with full pay for a minimum of three 5281
calendar weeks, excluding legal holidays. Employees continuing in 5282
the employ of such in accordance with the general leave policy the 5283
board of education for twenty or more years of service shall be 5284
entitled to vacation leave with full pay for a minimum of four 5285
calendar weeks, excluding legal holidays adopts pursuant to 5286
section 3319.141 of the Revised Code. 5287

Upon separation from employment a nonteaching school employee 5288
shall be entitled to compensation at ~~his~~ the nonteaching school 5289
employee's current rate of pay for all lawfully accrued and unused 5290
vacation leave to ~~his~~ the nonteaching school employee's credit at 5291
the time of separation, not to exceed the vacation leave accrued 5292
to ~~his~~ the nonteaching school employee's credit for the two years 5293
immediately preceding ~~his~~ separation and the prorated portion of 5294
~~his~~ the nonteaching school employee's earned but unused vacation 5295
leave for the current year. In case of the death of a non-teaching 5296
school employee such accrued and unused vacation leave and 5297
prorated portion for the current year shall be paid in accordance 5298
with section 2113.04 of the Revised Code, or to ~~his~~ the 5299
nonteaching school employee's estate. 5300

For the purposes of this section, a full-time employee is a 5301
person who is in service for not less than eleven months in each 5302
calendar year. A board of education may establish vacation leave 5303
for employees who are in service less than eleven months in each 5304
calendar year in accordance with the general leave policy the 5305
board adopts pursuant to section 3319.141 of the Revised Code. 5306

Sec. 3319.085. Any nonteaching school employee who, 5307
subsequent to September 1, 1962, has left, or leaves, the employ 5308
of a board of education for the purpose of entering on extended 5309
active duty in the armed services of the United States or the 5310
auxiliaries thereof, and within eight weeks enters such service 5311
and who has returned, or returns, from such service with an 5312
honorable discharge or certificate of service shall be re-employed 5313
by the board of education of the district in which ~~he~~ the 5314
nonteaching school employee held such school position, under the 5315
same type of contract as that which ~~he~~ the nonteaching school 5316
employee last held in such district, if such nonteaching school 5317
employee applies, within ninety days after such discharge, to such 5318
board of education for re-employment. Upon such application, such 5319
nonteaching school employee shall be re-employed at the first of 5320
the next school semester, if such application is made not less 5321
than thirty days prior to the first of such next school semester, 5322
in which case such nonteaching school employee shall be 5323
re-employed the first of the following school semester, unless the 5324
board of education waives the requirement for such thirty-day 5325
period. 5326

For the purposes of seniority ~~and placement on the salary~~ 5327
~~schedule~~, years of absence on extended active duty in the armed 5328
services of the United States or the auxiliaries thereof shall not 5329
exceed four, and shall be counted as though school service had 5330
been performed during such time. 5331

The board of education of this district in which such 5332
nonteaching school employee was employed and is re-employed under 5333
this section may suspend the contract of the nonteaching school 5334
employee whose services become unnecessary by reason of the return 5335
of a nonteaching school employee from service in the armed 5336
services or auxiliaries thereof. 5337

Sec. 3319.088. As used in this section, "educational 5338
assistant" means any nonteaching employee in a school district who 5339
directly assists a teacher as defined in section 3319.09 of the 5340
Revised Code, by performing duties for which a license issued 5341
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 5342
required. 5343

(A) The state board of education shall issue educational aide 5344
permits and educational paraprofessional licenses for educational 5345
assistants and shall adopt rules for the issuance and renewal of 5346
such permits and licenses which shall be consistent with the 5347
provisions of this section. Educational aide permits and 5348
educational paraprofessional licenses may be of several types and 5349
the rules shall prescribe the minimum qualifications of education, 5350
health, and character for the service to be authorized under each 5351
type. The prescribed minimum qualifications may require special 5352
training or educational courses designed to qualify a person to 5353
perform effectively the duties authorized under an educational 5354
aide permit or educational paraprofessional license. 5355

(B)(1) Any application for a permit or license, or a renewal 5356
or duplicate of a permit or license, under this section shall be 5357
accompanied by the payment of a fee in the amount established 5358
under division (A) of section 3319.51 of the Revised Code. Any 5359
fees received under this division shall be paid into the state 5360
treasury to the credit of the state board of education licensure 5361
fund established under division (B) of section 3319.51 of the 5362
Revised Code. 5363

(2) Any person applying for or holding a permit or license 5364
pursuant to this section is subject to sections 3123.41 to 3123.50 5365
of the Revised Code and any applicable rules adopted under section 5366
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 5367
the Revised Code. 5368

(C) Educational assistants shall at all times while in the performance of their duties be under the supervision and direction of a teacher as defined in section 3319.09 of the Revised Code. Educational assistants may assist a teacher to whom assigned in the supervision of pupils, in assisting with instructional tasks, and in the performance of duties which, in the judgment of the teacher to whom the assistant is assigned, may be performed by a person not licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code and for which a teaching license, issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required. The duties of an educational assistant shall not include the assignment of grades to pupils. The duties of an educational assistant need not be performed in the physical presence of the teacher to whom assigned, but the activity of an educational assistant shall at all times be under the direction of the teacher to whom assigned. The assignment of an educational assistant need not be limited to assisting a single teacher. In the event an educational assistant is assigned to assist more than one teacher the assignments shall be clearly delineated and so arranged that the educational assistant shall never be subject to simultaneous supervision or direction by more than one teacher.

Educational assistants assigned to supervise children shall, when the teacher to whom assigned is not physically present, maintain the degree of control and discipline that would be maintained by the teacher.

Educational assistants may not be used in place of classroom teachers or other employees and any payment of compensation by boards of education to educational assistants for such services is prohibited. The ratio between the number of licensed teachers and the pupils in a school district may not be decreased by utilization of educational assistants and no grouping, or other organization of pupils, for utilization of educational assistants

shall be established which is inconsistent with sound educational 5401
practices and procedures. A school district may employ up to one 5402
full time equivalent educational assistant for each six full time 5403
equivalent licensed employees of the district. Educational 5404
assistants shall not be counted as licensed employees for purposes 5405
of state support in the school foundation program and no grouping 5406
or regrouping of pupils with educational assistants may be counted 5407
as a class or unit for school foundation program purposes. Neither 5408
special courses required by the regulations of the state board of 5409
education, prescribing minimum qualifications of education for an 5410
educational assistant, nor years of service as an educational 5411
assistant shall be counted in any way toward qualifying for a 5412
teacher license, or for a teacher contract of any type, ~~or for~~ 5413
~~determining placement on a salary schedule in a school district as~~ 5414
~~a teacher.~~ 5415

(D) Educational assistants employed by a board of education 5416
shall have all rights, benefits, and legal protection available to 5417
other nonteaching employees in the school district, except that 5418
provisions of Chapter 124. of the Revised Code shall not apply to 5419
any person employed as an educational assistant, and shall be 5420
members of the school employees retirement system. Educational 5421
assistants shall be compensated according to a salary plan adopted 5422
annually by the board. 5423

Except as provided in this section nonteaching employees 5424
shall not serve as educational assistants without first obtaining 5425
an appropriate educational aide permit or educational 5426
paraprofessional license from the state board of education. A 5427
nonteaching employee who is the holder of a valid educational aide 5428
permit or educational paraprofessional license shall neither 5429
render nor be required to render services inconsistent with the 5430
type of services authorized by the permit or license held. No 5431
person shall receive compensation from a board of education for 5432

services rendered as an educational assistant in violation of this 5433
provision. 5434

Nonteaching employees whose functions are solely 5435
secretarial-clerical and who do not perform any other duties as 5436
educational assistants, even though they assist a teacher and work 5437
under the direction of a teacher shall not be required to hold a 5438
permit or license issued pursuant to this section. Students 5439
preparing to become licensed teachers or educational assistants 5440
shall not be required to hold an educational aide permit or 5441
paraprofessional license for such periods of time as such students 5442
are assigned, as part of their training program, to work with a 5443
teacher in a school district. Such students shall not be 5444
compensated for such services. 5445

Following the determination of the assignment and general job 5446
description of an educational assistant and subject to supervision 5447
by the teacher's immediate administrative officer, a teacher to 5448
whom an educational assistant is assigned shall make all final 5449
determinations of the duties to be assigned to such assistant. 5450
Teachers shall not be required to hold a license designated for 5451
being a supervisor or administrator in order to perform the 5452
necessary supervision of educational assistants. 5453

(E) No person who is, or who has been employed as an 5454
educational assistant shall divulge, except to the teacher to whom 5455
assigned, or the administrator of the school in the absence of the 5456
teacher to whom assigned, or when required to testify in a court 5457
or proceedings, any personal information concerning any pupil in 5458
the school district which was obtained or obtainable by the 5459
educational assistant while so employed. Violation of this 5460
provision is grounds for disciplinary action or dismissal, or 5461
both. 5462

Sec. 3319.09. As used in sections 3319.08 to 3319.18, 5463

inclusive, of the Revised Code: 5464

(A) "Teacher" means all persons licensed to teach and who are 5465
employed in the public schools of this state as instructors, 5466
principals, supervisors, superintendents, or in any other 5467
educational position for which the state board of education 5468
requires licensure under sections 3319.22 to 3319.31 of the 5469
Revised Code including persons having a license issued pursuant to 5470
sections 3319.22 to 3319.31 of the Revised Code and employed in an 5471
educational position, as determined by the state board of 5472
education, under programs provided for by federal acts or 5473
regulations and financed in whole or in part from federal funds, 5474
but for which no licensure requirements for the position can be 5475
made under the provisions of such federal acts or regulations. 5476

(B) "Year" as applied to term of service means actual service 5477
of not less than one hundred twenty days within a school year; 5478
provided that any board of education may grant a leave of absence 5479
for professional advancement with full credit for service in 5480
accordance with the general leave policy the board adopts pursuant 5481
to section 3319.141 of the Revised Code, if applicable. 5482

(C) "Continuing service status" for a teacher means 5483
employment under a continuing contract. 5484

Sec. 3319.10. Teachers may be employed as substitute teachers 5485
for terms not to exceed one year for assignment as services are 5486
needed to take the place of regular teachers absent on account of 5487
illness or on leaves of absence or to fill temporarily positions 5488
created by emergencies; such assignment to be subject to 5489
termination when such services no longer are needed. 5490

A teacher employed as a substitute with an assignment to one 5491
specific teaching position shall after sixty days of service be 5492
granted sick leave, visiting days, and other local privileges 5493
granted to regular teachers including a salary ~~not less than the~~ 5494

~~minimum salary on the current adopted salary schedule based upon~~ 5495
~~performance as described in section 3317.13 of the Revised Code~~ 5496
~~and in accordance with the general leave policy the board of~~ 5497
~~education or governing board of an educational service center that~~ 5498
~~employs the teacher adopts pursuant to section 3319.141 of the~~ 5499
~~Revised Code.~~ 5500

A teacher employed as a substitute for one hundred twenty 5501
days or more during a school year and re-employed for or assigned 5502
to a specific teaching position for the succeeding year shall 5503
receive a contract as a regular teacher if the substitute meets 5504
the local educational requirements for the employment of regular 5505
teachers. 5506

Teachers employed as substitutes on a casual or day-to-day 5507
basis shall not be entitled to the notice of nonre-employment 5508
prescribed in section 3319.11 of the Revised Code, but boards of 5509
education may grant such teachers sick leave and other local 5510
privileges in accordance with the general leave policy the board 5511
adopts pursuant to section 3319.141 of the Revised Code and 5512
cumulate such service in determining seniority. 5513

For purposes of determining in any school year the days of 5514
service of a substitute teacher under this section, any teacher's 5515
days of service in that school year while conditionally employed 5516
as a substitute teacher under section 3319.101 of the Revised Code 5517
shall count as days of service as a substitute teacher under this 5518
section. 5519

Sec. 3319.11. (A) As used in this section: 5520

(1) "Evaluation procedures" means the procedures adopted 5521
pursuant to division (B) of section 3319.111 of the Revised Code. 5522

(2) "Limited contract" means a limited contract, as described 5523
in section 3319.08 of the Revised Code, that a school district 5524

board of education or governing board of an educational service 5525
center enters into with a teacher who is not eligible for 5526
continuing service status. 5527

(3) "Extended limited contract" means a limited contract, as 5528
described in section 3319.08 of the Revised Code, that a board of 5529
education or governing board enters into with a teacher who is 5530
eligible for continuing service status. 5531

(B) Teachers eligible for continuing service status in any 5532
city, exempted village, local, or joint vocational school district 5533
or educational service center shall be those teachers qualified as 5534
described in division ~~(D)~~(E) of section 3319.08 of the Revised 5535
Code, who within the ~~last~~ five years prior to the effective date 5536
of this amendment have taught for at least three years in the 5537
district or center, and those teachers who, having attained 5538
continuing contract status elsewhere, have served two years in the 5539
district or center, but the board, upon the recommendation of the 5540
superintendent, may at the time of employment or at any time 5541
within such two-year period, declare any of the latter teachers 5542
eligible. Notwithstanding any provision to the contrary in Chapter 5543
4117. of the Revised Code, the requirements of this paragraph 5544
prevail over any conflicting provisions of a collective bargaining 5545
agreement entered into on or after the effective date of this 5546
amendment. 5547

(1) Upon the recommendation of the superintendent that a 5548
teacher eligible for continuing service status be reemployed, a 5549
continuing contract shall be entered into between the board and 5550
the teacher unless the board by a three-fourths vote of its full 5551
membership rejects the recommendation of the superintendent. If 5552
the board rejects by a three-fourths vote of its full membership 5553
the recommendation of the superintendent that a teacher eligible 5554
for continuing service status be reemployed and the superintendent 5555
makes no recommendation to the board pursuant to division (C) of 5556

this section, the board may declare its intention not to reemploy 5557
the teacher by giving the teacher written notice on or before the 5558
thirtieth day of April of its intention not to reemploy the 5559
teacher. If evaluation procedures have not been complied with 5560
pursuant to division (A) of section 3319.111 of the Revised Code 5561
or the board does not give the teacher written notice on or before 5562
the thirtieth day of April of its intention not to reemploy the 5563
teacher, the teacher is deemed reemployed under an extended 5564
limited contract for a term not to exceed one year at the same 5565
salary ~~plus any increment provided by the salary schedule~~. The 5566
teacher is presumed to have accepted employment under the extended 5567
limited contract for a term not to exceed one year unless such 5568
teacher notifies the board in writing to the contrary on or before 5569
the first day of June, and an extended limited contract for a term 5570
not to exceed one year shall be executed accordingly. Upon any 5571
subsequent reemployment of the teacher only a continuing contract 5572
may be entered into. 5573

(2) If the superintendent recommends that a teacher eligible 5574
for continuing service status not be reemployed, the board may 5575
declare its intention not to reemploy the teacher by giving the 5576
teacher written notice on or before the thirtieth day of April of 5577
its intention not to reemploy the teacher. If evaluation 5578
procedures have not been complied with pursuant to division (A) of 5579
section 3319.111 of the Revised Code or the board does not give 5580
the teacher written notice on or before the thirtieth day of April 5581
of its intention not to reemploy the teacher, the teacher is 5582
deemed reemployed under an extended limited contract for a term 5583
not to exceed one year at the same salary ~~plus any increment~~ 5584
~~provided by the salary schedule~~. The teacher is presumed to have 5585
accepted employment under the extended limited contract for a term 5586
not to exceed one year unless such teacher notifies the board in 5587
writing to the contrary on or before the first day of June, and an 5588
extended limited contract for a term not to exceed one year shall 5589

be executed accordingly. Upon any subsequent reemployment of a 5590
teacher only a continuing contract may be entered into. 5591

(3) Any teacher receiving written notice of the intention of 5592
a board not to reemploy such teacher pursuant to this division is 5593
entitled to the hearing provisions of division (G) of this 5594
section. 5595

(C)(1) If a board rejects the recommendation of the 5596
superintendent for reemployment of a teacher pursuant to division 5597
(B)(1) of this section, the superintendent may recommend 5598
reemployment of the teacher, if continuing service status has not 5599
previously been attained elsewhere, under an extended limited 5600
contract for a term not to exceed two years, provided that written 5601
notice of the superintendent's intention to make such 5602
recommendation has been given to the teacher with reasons directed 5603
at the professional improvement of the teacher on or before the 5604
thirtieth day of April. Upon subsequent reemployment of the 5605
teacher only a continuing contract may be entered into. 5606

(2) If a board of education takes affirmative action on a 5607
superintendent's recommendation, made pursuant to division (C)(1) 5608
of this section, of an extended limited contract for a term not to 5609
exceed two years but the board does not give the teacher written 5610
notice of its affirmative action on the superintendent's 5611
recommendation of an extended limited contract on or before the 5612
thirtieth day of April, the teacher is deemed reemployed under a 5613
continuing contract at the same salary ~~plus any increment provided~~ 5614
~~by the salary schedule.~~ The teacher is presumed to have accepted 5615
employment under such continuing contract unless such teacher 5616
notifies the board in writing to the contrary on or before the 5617
first day of June, and a continuing contract shall be executed 5618
accordingly. 5619

(3) A board shall not reject a superintendent's 5620
recommendation, made pursuant to division (C)(1) of this section, 5621

of an extended limited contract for a term not to exceed two years 5622
except by a three-fourths vote of its full membership. If a board 5623
rejects by a three-fourths vote of its full membership the 5624
recommendation of the superintendent of an extended limited 5625
contract for a term not to exceed two years, the board may declare 5626
its intention not to reemploy the teacher by giving the teacher 5627
written notice on or before the thirtieth day of April of its 5628
intention not to reemploy the teacher. If evaluation procedures 5629
have not been complied with pursuant to division (A) of section 5630
3319.111 of the Revised Code or if the board does not give the 5631
teacher written notice on or before the thirtieth day of April of 5632
its intention not to reemploy the teacher, the teacher is deemed 5633
reemployed under an extended limited contract for a term not to 5634
exceed one year at the same salary ~~plus any increment provided by~~ 5635
~~the salary schedule~~. The teacher is presumed to have accepted 5636
employment under the extended limited contract for a term not to 5637
exceed one year unless such teacher notifies the board in writing 5638
to the contrary on or before the first day of June, and an 5639
extended limited contract for a term not to exceed one year shall 5640
be executed accordingly. Upon any subsequent reemployment of the 5641
teacher only a continuing contract may be entered into. 5642

Any teacher receiving written notice of the intention of a 5643
board not to reemploy such teacher pursuant to this division is 5644
entitled to the hearing provisions of division (G) of this 5645
section. 5646

(D) A teacher eligible for continuing contract status 5647
employed under an extended limited contract pursuant to division 5648
(B) or (C) of this section, is, at the expiration of such extended 5649
limited contract, deemed reemployed under a continuing contract at 5650
the same salary ~~plus any increment granted by the salary schedule,~~ 5651
unless evaluation procedures have been complied with pursuant to 5652
division (A) of section 3319.111 of the Revised Code and the 5653

employing board, acting on the superintendent's recommendation 5654
that the teacher not be reemployed, gives the teacher written 5655
notice on or before the thirtieth day of April of its intention 5656
not to reemploy such teacher. A teacher who does not have 5657
evaluation procedures applied in compliance with division (A) of 5658
section 3319.111 of the Revised Code or who does not receive 5659
notice on or before the thirtieth day of April of the intention of 5660
the board not to reemploy such teacher is presumed to have 5661
accepted employment under a continuing contract unless such 5662
teacher notifies the board in writing to the contrary on or before 5663
the first day of June, and a continuing contract shall be executed 5664
accordingly. 5665

Any teacher receiving a written notice of the intention of a 5666
board not to reemploy such teacher pursuant to this division is 5667
entitled to the hearing provisions of division (G) of this 5668
section. 5669

(E) ~~A The board shall enter into a limited contract may be~~ 5670
~~entered into by each board with each teacher who has not been in~~ 5671
~~the employ of the board for at least three years and shall be~~ 5672
~~entered into, regardless of length of previous employment, with~~ 5673
each teacher employed by the board who is not eligible to be 5674
considered for a continuing contract. 5675

Any teacher employed under a limited contract, and not 5676
eligible to be considered for a continuing contract, is, at the 5677
expiration of such limited contract, considered reemployed under 5678
the provisions of this division at the same salary ~~plus any~~ 5679
~~increment provided by the salary schedule~~ unless evaluation 5680
procedures have been complied with pursuant to division (A) of 5681
section 3319.111 of the Revised Code and the employing board, 5682
acting upon the superintendent's written recommendation that the 5683
teacher not be reemployed, gives such teacher written notice of 5684
its intention not to reemploy such teacher on or before the 5685

thirtieth day of April. A teacher who does not have evaluation 5686
procedures applied in compliance with division (A) of section 5687
3319.111 of the Revised Code or who does not receive notice of the 5688
intention of the board not to reemploy such teacher on or before 5689
the thirtieth day of April is presumed to have accepted such 5690
employment unless such teacher notifies the board in writing to 5691
the contrary on or before the first day of June, and a written 5692
contract for the succeeding school year shall be executed 5693
accordingly. 5694

Any teacher receiving a written notice of the intention of a 5695
board not to reemploy such teacher pursuant to this division is 5696
entitled to the hearing provisions of division (G) of this 5697
section. 5698

(F) The failure of a superintendent to make a recommendation 5699
to the board under any of the conditions set forth in divisions 5700
(B) to (E) of this section, or the failure of the board to give 5701
such teacher a written notice pursuant to divisions (C) to (E) of 5702
this section shall not prejudice or prevent a teacher from being 5703
deemed reemployed under either a limited or continuing contract as 5704
the case may be under the provisions of this section. A failure of 5705
the parties to execute a written contract shall not void any 5706
automatic reemployment provisions of this section. 5707

(G)(1) Any teacher receiving written notice of the intention 5708
of a board of education not to reemploy such teacher pursuant to 5709
division (B), (C)(3), (D), or (E) of this section may, within ten 5710
days of the date of receipt of the notice, file with the treasurer 5711
of the board a written demand for a written statement describing 5712
the circumstances that led to the board's intention not to 5713
reemploy the teacher. 5714

(2) The treasurer of a board, on behalf of the board, shall, 5715
within ten days of the date of receipt of a written demand for a 5716
written statement pursuant to division (G)(1) of this section, 5717

provide to the teacher a written statement describing the 5718
circumstances that led to the board's intention not to reemploy 5719
the teacher. 5720

(3) Any teacher receiving a written statement describing the 5721
circumstances that led to the board's intention not to reemploy 5722
the teacher pursuant to division (G)(2) of this section may, 5723
within five days of the date of receipt of the statement, file 5724
with the treasurer of the board a written demand for a hearing 5725
before the board pursuant to divisions (G)(4) to (6) of this 5726
section. 5727

(4) The treasurer of a board, on behalf of the board, shall, 5728
within ten days of the date of receipt of a written demand for a 5729
hearing pursuant to division (G)(3) of this section, provide to 5730
the teacher a written notice setting forth the time, date, and 5731
place of the hearing. The board shall schedule and conclude the 5732
hearing within forty days of the date on which the treasurer of 5733
the board receives a written demand for a hearing pursuant to 5734
division (G)(3) of this section. 5735

(5) Any hearing conducted pursuant to this division shall be 5736
conducted by a majority of the members of the board. The hearing 5737
shall be held in executive session of the board unless the board 5738
and the teacher agree to hold the hearing in public. The 5739
superintendent, assistant superintendent, the teacher, and any 5740
person designated by either party to take a record of the hearing 5741
may be present at the hearing. The board may be represented by 5742
counsel and the teacher may be represented by counsel or a 5743
designee. A record of the hearing may be taken by either party at 5744
the expense of the party taking the record. 5745

(6) Within ten days of the conclusion of a hearing conducted 5746
pursuant to this division, the board shall issue to the teacher a 5747
written decision containing an order affirming the intention of 5748
the board not to reemploy the teacher reported in the notice given 5749

to the teacher pursuant to division (B), (C)(3), (D), or (E) of 5750
this section or an order vacating the intention not to reemploy 5751
and expunging any record of the intention, notice of the 5752
intention, and the hearing conducted pursuant to this division. 5753

(7) A teacher may appeal an order affirming the intention of 5754
the board not to reemploy the teacher to the court of common pleas 5755
of the county in which the largest portion of the territory of the 5756
school district or service center is located, within thirty days 5757
of the date on which the teacher receives the written decision, on 5758
the grounds that the board has not complied with this section or 5759
section 3319.111 of the Revised Code. 5760

Notwithstanding section 2506.04 of the Revised Code, the 5761
court in an appeal under this division is limited to the 5762
determination of procedural errors and to ordering the correction 5763
of procedural errors and shall have no jurisdiction to order a 5764
board to reemploy a teacher, except that the court may order a 5765
board to reemploy a teacher in compliance with the requirements of 5766
division (B), (C)(3), (D), or (E) of this section when the court 5767
determines that evaluation procedures have not been complied with 5768
pursuant to division (A) of section 3319.111 of the Revised Code 5769
or the board has not given the teacher written notice on or before 5770
the thirtieth day of April of its intention not to reemploy the 5771
teacher pursuant to division (B), (C)(3), (D), or (E) of this 5772
section. Otherwise, the determination whether to reemploy or not 5773
reemploy a teacher is solely a board's determination and not a 5774
proper subject of judicial review and, except as provided in this 5775
division, no decision of a board whether to reemploy or not 5776
reemploy a teacher shall be invalidated by the court on any basis, 5777
including that the decision was not warranted by the results of 5778
any evaluation or was not warranted by any statement given 5779
pursuant to division (G)(2) of this section. 5780

No appeal of an order of a board may be made except as 5781

specified in this division. 5782

(H)(1) In giving a teacher any notice required by division 5783
(B), (C), (D), or (E) of this section, the board or the 5784
superintendent shall do either of the following: 5785

(a) Deliver the notice by personal service upon the teacher; 5786

(b) Deliver the notice by certified mail, return receipt 5787
requested, addressed to the teacher at the teacher's place of 5788
employment and deliver a copy of the notice by certified mail, 5789
return receipt requested, addressed to the teacher at the 5790
teacher's place of residence. 5791

(2) In giving a board any notice required by division (B), 5792
(C), (D), or (E) of this section, the teacher shall do either of 5793
the following: 5794

(a) Deliver the notice by personal delivery to the office of 5795
the superintendent during regular business hours; 5796

(b) Deliver the notice by certified mail, return receipt 5797
requested, addressed to the office of the superintendent and 5798
deliver a copy of the notice by certified mail, return receipt 5799
requested, addressed to the president of the board at the 5800
president's place of residence. 5801

(3) When any notice and copy of the notice are mailed 5802
pursuant to division (H)(1)(b) or (2)(b) of this section, the 5803
notice or copy of the notice with the earlier date of receipt 5804
shall constitute the notice for the purposes of division (B), (C), 5805
(D), or (E) of this section. 5806

(I) The provisions of this section shall not apply to any 5807
supplemental written contracts entered into pursuant to section 5808
3319.08 of the Revised Code. 5809

Sec. 3319.13. Upon the written request of a teacher or a 5810
regular nonteaching school employee, a board of education may 5811

grant a leave of absence ~~for a period of not more than two~~ 5812
~~consecutive school years~~ in accordance with the general leave 5813
policy the board adopts pursuant to section 3319.141 of the 5814
Revised Code for educational, professional, or other purposes, and 5815
shall grant such leave in accordance with the board's general 5816
leave policy where illness or other disability is the reason for 5817
the request. Upon subsequent request, such leave may be renewed by 5818
the board in accordance with the board's general leave policy. 5819
Without request, a board may grant similar leave of absence and 5820
renewals thereof in accordance with the board's general leave 5821
policy to any teacher or regular nonteaching school employee 5822
because of physical or mental disability, but such teacher may 5823
have a hearing on such unrequested leave of absence or its 5824
renewals in accordance with section 3319.16 of the Revised Code, 5825
and such nonteaching school employee may have a hearing on such 5826
unrequested leave of absence or its renewals in accordance with 5827
division (C) of section 3319.081 of the Revised Code. Upon the 5828
return to service of a teacher or a nonteaching school employee at 5829
the expiration of a leave of absence, the teacher or nonteaching 5830
school employee shall resume the contract status that the teacher 5831
or nonteaching school employee held prior to the leave of absence. 5832
Any teacher who leaves a teaching position for service in the 5833
uniformed services and who returns from service in the uniformed 5834
services that is terminated in a manner other than as described in 5835
section 4304 of Title 38 of the United States Code, "Uniformed 5836
Services Employment and Reemployment Rights Act of 1994," 108 5837
Stat. 3149, 38 U.S.C.A. 4304, shall resume the contract status 5838
held prior to entering the uniformed services, subject to passing 5839
a physical examination by an individual authorized by the Revised 5840
Code to conduct physical examinations, including a physician 5841
assistant, a clinical nurse specialist, a certified nurse 5842
practitioner, or a certified nurse-midwife. Any written 5843
documentation of the physical examination shall be completed by 5844

the individual who conducted the examination. Such contract status 5845
shall be resumed at the first of the school semester or the 5846
beginning of the school year following return from the uniformed 5847
services. For purposes of this section and section 3319.14 of the 5848
Revised Code, "uniformed services" and "service in the uniformed 5849
services" have the same meanings as defined in section 5923.05 of 5850
the Revised Code. 5851

Upon the return of a nonteaching school employee from a leave 5852
of absence, the board may terminate the employment of a person 5853
hired exclusively for the purpose of replacing the returning 5854
employee while the returning employee was on leave. If, after the 5855
return of a nonteaching employee from leave, the person employed 5856
exclusively for the purpose of replacing an employee while the 5857
employee was on leave is continued in employment as a regular 5858
nonteaching school employee or if the person is hired by the board 5859
as a regular nonteaching school employee within a year after 5860
employment as a replacement is terminated, the person shall, for 5861
purposes of section 3319.081 of the Revised Code, receive credit 5862
for the person's length of service with the school district during 5863
such replacement period in the following manner: 5864

(A) If employed as a replacement for less than twelve months, 5865
the person shall be employed under a contract valid for a period 5866
equal to twelve months less the number of months employed as a 5867
replacement. At the end of such contract period, if the person is 5868
reemployed it shall be under a two-year contract. Subsequent 5869
reemployment shall be pursuant to division (B) of section 3319.081 5870
of the Revised Code. 5871

(B) If employed as a replacement for twelve months or more 5872
but less than twenty-four months, the person shall be employed 5873
under a contract valid for a period equal to twenty-four months 5874
less the number of months employed as a replacement. Subsequent 5875
reemployment shall be pursuant to division (B) of section 3319.081 5876

of the Revised Code. 5877

(C) If employed as a replacement for more than twenty-four 5878
months, the person shall be employed pursuant to division (B) of 5879
section 3319.081 of the Revised Code. 5880

For purposes of this section, employment during any part of a 5881
month shall count as employment during the entire month. 5882

Sec. 3319.14. Any teacher who has left, or leaves, a teaching 5883
position, by resignation or otherwise, and within forty school 5884
days thereafter entered, or enters, the uniformed services and 5885
whose service is terminated in a manner other than as described in 5886
section 4304 of Title 38 of the United States Code, "Uniformed 5887
Services Employment and Reemployment Rights Act of 1994," 108 5888
Stat. 3149, 38 U.S.C.A. 4304, shall be reemployed by the board of 5889
education of the district in which the teacher held such teaching 5890
position, under the same type of contract as that which the 5891
teacher last held in such district, if the teacher applies to the 5892
board of education for reemployment in accordance with the 5893
"Uniformed Services Employment and Reemployment Rights Act of 5894
1994," 108 Stat. 3149, 38 U.S.C.A. 4312. Upon such application, 5895
the teacher shall be reemployed at the first of the next school 5896
semester, if the application is made not less than thirty days 5897
prior to the first of the next school semester, in which case the 5898
teacher shall be reemployed the first of the following school 5899
semester, unless the board of education waives the requirement for 5900
the thirty-day period. 5901

For the ~~purposes~~ purpose of seniority ~~and placement on the~~ 5902
~~salary schedule~~, years of absence performing service in the 5903
uniformed services shall be counted as though teaching service had 5904
been performed during such time. 5905

The board of education of the district in which such teacher 5906
was employed and is reemployed under this section may suspend the 5907

contract of the teacher whose services become unnecessary by 5908
reason of the return of a teacher from service in the uniformed 5909
services in accordance with section 3319.17 or 3319.171 of the 5910
Revised Code. 5911

Sec. 3319.141. ~~Each person who is employed by any~~ (A) The 5912
~~board of education in this state of each city, exempted village,~~ 5913
local, and joint vocational school district and the governing 5914
board of each educational service center shall be entitled to 5915
~~fifteen days sick~~ adopt a policy to provide leave with pay, for 5916
~~each year under contract, which shall be credited at the rate of~~ 5917
~~one and one fourth days per month~~ the employees of the board who 5918
are not covered by a collective bargaining agreement. Teachers and 5919
nonteaching school employees, upon approval of the responsible 5920
administrative officer of the school district, may use sick leave 5921
for absence due to personal illness, pregnancy, injury, exposure 5922
to contagious disease which could be communicated to others, and 5923
for absence due to illness, injury, or death in the employee's 5924
immediate family. Unused sick leave shall be cumulative up to one 5925
hundred twenty work days, unless more than one hundred twenty days 5926
are approved by the employing board of education. The board shall 5927
include all of the following in the policy: 5928

(1) The types of leave an employee may use; 5929

(2) The reasons for which an employee may use the types of 5930
leave the board grants under the policy; 5931

(3) The amount of each type of leave an employee may receive; 5932

(4) The manner in which an employee accumulates each type of 5933
leave; 5934

(5) The maximum amount of each type of leave that an employee 5935
may accumulate; 5936

(6) The manner in which any previously accumulated sick leave 5937

of a person who has been separated from public service, ~~whether~~ 5938
~~accumulated pursuant to section 124.38 of the Revised Code or~~ 5939
~~pursuant to this section, shall~~ will be placed to ~~his~~ the 5940
employee's credit upon ~~his~~ re-employment in the public service, 5941
~~provided that such re-employment takes place within ten years of~~ 5942
~~the date of the last termination from public service. A;~~ 5943

(7) The manner in which a teacher or nonteaching school 5944
employee who transfers from one public agency to another ~~shall~~ 5945
will be credited with the unused balance of ~~his~~ the teacher's or 5946
nonteaching employee's accumulated ~~sick~~ leave up to the maximum of 5947
the ~~sick~~ leave accumulation permitted in the public agency to 5948
which the employee transfers. ~~Teachers;~~ 5949

(8) Whether, and the manner in which, teachers and 5950
nonteaching school employees who render part-time, seasonal, 5951
intermittent, per diem, or hourly service ~~shall~~ will be entitled 5952
to ~~sick~~ leave for the time actually worked ~~at the same rate as~~ 5953
~~that granted like full-time employees. Each;~~ 5954

(9) The manner in which the board provides leave under 5955
section 3319.08 of the Revised Code; 5956

(10) Any other issue relating to the use and availability of 5957
leave. 5958

(B) Each board of education may establish regulations for the 5959
entitlement, crediting and use of ~~sick~~ leave by those substitute 5960
teachers employed by such board pursuant to section 3319.10 of the 5961
Revised Code who are not otherwise entitled to sick leave pursuant 5962
to such section. ~~A~~ 5963

(C) An employee of the board may use leave in accordance with 5964
the leave policy the board adopts and upon approval of the 5965
responsible administrative officer. 5966

(D) A board of education shall, in its policy, may require a 5967
teacher or nonteaching school employee to furnish a written, 5968

signed statement on forms prescribed by such board to justify the 5969
use of any sick leave granted under the policy. ~~If medical~~ 5970
~~attention is required, the employee's statement shall list the~~ 5971
~~name and address of the attending physician and the dates when he~~ 5972
~~was consulted. Nothing in this section shall be construed to waive~~ 5973
~~the physician patient privilege provided by section 2317.02 of the~~ 5974
~~Revised Code. Falsification~~ If the board, in the policy, requires 5975
the employee to submit a statement from a physician, falsification 5976
of a statement is grounds for suspension or termination of 5977
employment under sections 3319.081 and 3319.16 of the Revised 5978
Code. ~~No~~ 5979

(E) The board, in the policy the board adopts, shall not 5980
grant or credit sick leave shall be granted or credited in excess 5981
of ten days per calendar year or to a teacher after his the 5982
teacher's retirement or termination of employment. 5983

~~Except to the extent used as sick leave, leave granted under~~ 5984
~~regulations adopted by a board of education pursuant to section~~ 5985
~~3319.08 of the Revised Code shall not be charged against sick~~ 5986
~~leave earned or earnable under this section. Nothing in this~~ 5987
~~section shall be construed to affect in any other way the granting~~ 5988
~~of leave pursuant to section 3319.08 of the Revised Code and any~~ 5989
~~granting of sick leave pursuant to such section shall be charged~~ 5990
~~against sick leave accumulated pursuant to this section.~~ 5991

(F) This section shall not be construed to interfere with any 5992
unused sick leave credit in any agency of government where 5993
attendance records are maintained and credit has been given for 5994
unused sick leave. Unused sick leave accumulated by teachers and 5995
nonteaching school employees under section 124.38 of the Revised 5996
Code, as that section existed immediately prior to the effective 5997
date of this amendment, shall continue to be credited toward the 5998
maximum accumulation permitted under a policy adopted in 5999
accordance with this section. ~~Each newly hired regular nonteaching~~ 6000

~~and each regular nonteaching employee of any board of education 6001
who has exhausted his accumulated sick leave shall be entitled to 6002
an advancement of not less than five days of sick leave each year, 6003
as authorized by rules which each board shall adopt, to be charged 6004
against the sick leave he subsequently accumulates under this 6005
section. 6006~~

(G) This section shall be uniformly administered. 6007

The board shall post the policy adopted under this section in 6008
a conspicuous location on the web site maintained by the board. 6009
The board shall review the policy on an annual basis and shall 6010
post any changes to that policy in a conspicuous location on the 6011
web site maintained by the board. 6012

Nothing in this section shall be construed as preventing a 6013
board and an exclusive representative, as defined in section 6014
4117.01 of the Revised Code, from agreeing to apply the policy 6015
adopted by the board under this section to employees covered by a 6016
collective bargaining agreement between the board and the 6017
exclusive representative. 6018

Sec. 3319.17. (A) As used in this section, "interdistrict 6019
contract" means any contract or agreement entered into by an 6020
educational service center governing board and another board or 6021
other public entity pursuant to section 3313.17, 3313.841, 6022
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 6023
Revised Code, including any such contract or agreement for the 6024
provision of services funded under division (I) of section 6025
3317.024 of the Revised Code or provided in any unit approved 6026
under section 3317.05 of the Revised Code. 6027

(B) When, for any of the following reasons that apply to any 6028
city, exempted village, local, or joint vocational school district 6029
or any educational service center, the board decides that it will 6030
be necessary to reduce the number of teachers it employs, it may 6031

make a reasonable reduction: 6032

(1) In the case of any district or service center, return to 6033
duty of regular teachers after leaves of absence including leaves 6034
provided pursuant to division (B) of section 3314.10 of the 6035
Revised Code, suspension of schools, territorial changes affecting 6036
the district or center, or financial reasons; 6037

(2) In the case of any city, exempted village, local, or 6038
joint vocational school district, decreased enrollment of pupils 6039
in the district; 6040

(3) In the case of any governing board of a service center 6041
providing any particular service directly to pupils pursuant to 6042
one or more interdistrict contracts requiring such service, 6043
reduction in the total number of pupils the governing board is 6044
required to provide with the service under all interdistrict 6045
contracts as a result of the termination or nonrenewal of one or 6046
more of these interdistrict contracts; 6047

(4) In the case of any governing board providing any 6048
particular service that it does not provide directly to pupils 6049
pursuant to one or more interdistrict contracts requiring such 6050
service, reduction in the total level of the service the governing 6051
board is required to provide under all interdistrict contracts as 6052
a result of the termination or nonrenewal of one or more of these 6053
interdistrict contracts. 6054

(C) In making any such reduction, any city, exempted village, 6055
local, or joint vocational school board shall proceed to suspend 6056
contracts in accordance with the recommendation of the 6057
superintendent of schools who shall, within each teaching field 6058
affected, give preference ~~first~~ to teachers on continuing 6059
contracts ~~and then to teachers who have greater seniority~~. In 6060
making any such reduction, any governing board of a service center 6061
shall proceed to suspend contracts in accordance with the 6062

recommendation of the superintendent who shall, within each 6063
teaching field or service area affected, give preference ~~first~~ to 6064
teachers on continuing contracts ~~and then to teachers who have~~ 6065
greater seniority. Subject first to the preference for teachers 6066
with continuing contracts prescribed in this paragraph, the board 6067
shall consider the relative quality of performance the principal 6068
factor in determining the order of reductions under this section. 6069
A board shall measure a teacher's quality of performance by 6070
considering all of the following: 6071

(1) The level of license issued under section 3319.22 of the 6072
Revised Code that the teacher holds; 6073

(2) Whether the teacher is a "highly qualified teacher" as 6074
defined in section 3319.074 of the Revised Code; 6075

(3) The value-added measure the board uses to determine the 6076
performance of the students assigned to the teacher's classroom; 6077

(4) The results of the teacher's performance evaluation 6078
conducted under section 3319.111 of the Revised Code, any peer 6079
review program created by an agreement entered into by a board of 6080
education and representatives of teachers employed by that board, 6081
or any other system of evaluation used by the board; 6082

(5) Any other criteria established by the board. 6083

On a case-by-case basis, in lieu of suspending a contract in 6084
whole, a board may suspend a contract in part, so that an 6085
individual is required to work a percentage of the time the 6086
employee otherwise is required to work under the contract and 6087
receives a commensurate percentage of the full compensation the 6088
employee otherwise would receive under the contract. 6089

The teachers whose continuing contracts are suspended by any 6090
board pursuant to this section shall have the right of restoration 6091
to continuing service status by that board in the order of 6092
seniority of service in the district or service center if and when 6093

teaching positions become vacant or are created for which any of 6094
such teachers are or become qualified. No teacher whose continuing 6095
contract has been suspended pursuant to this section shall lose 6096
that right of restoration to continuing service status by reason 6097
of having declined recall to a position that is less than 6098
full-time or, if the teacher was not employed full-time just prior 6099
to suspension of the teacher's continuing contract, to a position 6100
requiring a lesser percentage of full-time employment than the 6101
position the teacher last held while employed in the district or 6102
service center. 6103

(D) Notwithstanding any provision to the contrary in Chapter 6104
4117. of the Revised Code, the requirements of this section, as it 6105
existed prior to the effective date of this amendment, prevail 6106
over any conflicting provisions of agreements between employee 6107
organizations and public employers entered into ~~after~~ between 6108
September 29, 2005, and that effective date. 6109

Sec. 3319.172. The board of education of each school district 6110
wherein the provisions of Chapter 124. of the Revised Code do not 6111
apply and the governing board of each educational service center 6112
may adopt a resolution ordering reasonable reductions in the 6113
number of nonteaching employees for any of the reasons for which 6114
the board of education or governing board may make reductions in 6115
teaching employees, as set forth in division (B) of section 6116
3319.17 of the Revised Code. 6117

In making any reduction under this section, the board of 6118
education or governing board shall proceed to suspend contracts in 6119
accordance with the recommendation of the superintendent of the 6120
district or service center who shall, within each pay 6121
classification affected, give preference ~~first~~ to employees under 6122
continuing contracts ~~and then to employees on the basis of~~ 6123
~~seniority.~~ On Subject first to the preference for employees with 6124

continuing contracts prescribed in this paragraph, the board shall 6125
consider the relative quality of performance, as measured by the 6126
board, the principal factor in determining the order of reductions 6127
under this section. 6128

On a case-by-case basis, in lieu of suspending a contract in 6129
whole, a board may suspend a contract in part, so that an 6130
individual is required to work a percentage of the time the 6131
employee otherwise is required to work under the contract and 6132
receives a commensurate percentage of the full compensation the 6133
employee otherwise would receive under the contract. 6134

Any nonteaching employee whose continuing contract is 6135
suspended under this section shall have the right of restoration 6136
to continuing service status by the board of education or 6137
governing board that suspended that contract in order of seniority 6138
of service in the district or service center, if and when a 6139
nonteaching position for which the employee is qualified becomes 6140
vacant or is created. No nonteaching employee whose continuing 6141
contract has been suspended under this section shall lose that 6142
right of restoration to continuing service status by reason of 6143
having declined recall to a position requiring fewer regularly 6144
scheduled hours of work than required by the position the employee 6145
last held while employed in the district or service center. 6146

Notwithstanding any provision to the contrary in Chapter 6147
4117. of the Revised Code, the requirements of this section, as it 6148
existed prior to the effective date of this amendment, prevail 6149
over any conflicting provisions of agreements between employee 6150
organizations and public employers entered into ~~after the~~ 6151
~~effective date of this section~~ between September 29, 2005, and 6152
that effective date. 6153

Sec. 3319.18. If an entire school district or that part of a 6154
school district which comprises the territory in which a school is 6155

situated is transferred to any other district, or if a new school 6156
district is created, the teachers in such districts or schools 6157
employed on continuing contracts immediately prior to such 6158
transfer, or creation shall, subject to section 3319.17 or 6159
3319.171 of the Revised Code, have continuing service status in 6160
the newly created district, or in the district to which the 6161
territory is transferred. 6162

The limited contracts of the teachers employed in such 6163
districts or schools immediately prior to such transfer, or 6164
creation, shall become the legal obligations of the board of 6165
education in the newly created district, or in the district to 6166
which the territory is transferred, subject to section 3319.17 or 6167
3319.171 of the Revised Code. The teaching experience of such 6168
teachers in such prior districts or schools shall be included in 6169
the three years of service required under section 3319.11 of the 6170
Revised Code for a teacher to become eligible for continuing 6171
service status. 6172

~~Teachers~~ A teacher employed on limited or continuing 6173
contracts in an entire school district or that part of a school 6174
district ~~which that~~ which that comprises the territory in which a school is 6175
situated ~~which that~~ which that is transferred to any other district or ~~which~~ 6176
that is merged with other school territory to create a new school 6177
district, shall be ~~placed~~ paid, on the effective date of such 6178
transfer or merger, ~~on the a salary schedule of the district to~~ 6179
~~which the territory is transferred or the newly created district,~~ 6180
~~according to their training and experience. Such experience shall~~ 6181
~~be the total sum of the years taught in the district whose~~ 6182
~~territory was transferred or merged to create a new district, plus~~ 6183
~~the total number of years of teaching experience recognized by~~ 6184
~~such previous district upon its first employment of such teachers~~ 6185
based upon performance as described in section 3317.13 of the 6186
Revised Code. 6187

The ~~placement of the teachers on the salary schedule, paid to~~ 6188
~~a teacher~~ pursuant to this section, shall not result, however, in 6189
the salary of ~~any~~ that teacher being less than the teacher's 6190
current annual salary for regular duties, in existence immediately 6191
prior to the merger or transfer. 6192

In making any reduction in the number of teachers under 6193
section 3319.17 of the Revised Code by reason of the transfer or 6194
consolidation of school territory, the years of teaching service 6195
of the teachers employed in the district or schools transferred to 6196
any other district or merged with any school territory to create a 6197
new district, shall be included as a part of the seniority on 6198
which the recommendation of the superintendent of schools shall be 6199
based, under section 3319.17 of the Revised Code. Such service 6200
shall have been continuous and shall include years of service in 6201
the previous district as well as the years of continuous service 6202
in any district which had been previously transferred to or 6203
consolidated to form such district. When suspending contracts in 6204
accordance with an administrative personnel suspension policy 6205
adopted under section 3319.171 of the Revised Code, a board may 6206
consider years of teaching service in its decision if it is a part 6207
of the suspension policy, but it shall not be the only factor used 6208
in making the decision. 6209

Sec. 3319.63. The board of education of a school district 6210
that employs any person who is appointed to serve as a member of 6211
the educator standards board under division (A)(1)(a) or (c) of 6212
section 3319.60, as a member of the subcommittee on standards for 6213
superintendents under division (B) or (C) of section 3319.611, or 6214
as a member of the subcommittee on standards for school treasurers 6215
and business managers under division (B) or (C) of section 6216
3319.612 of the Revised Code shall grant that person paid 6217
professional leave for the purpose of attending meetings and 6218
conducting official business of the educator standards board and 6219

the subcommittees in accordance with the general leave policy the 6220
board adopts pursuant to section 3319.141 of the Revised Code. 6221

Sec. 3326.18. (A) Except as provided under division (B) of 6222
this section, employees of a science, technology, engineering, and 6223
mathematics school may organize and collectively bargain pursuant 6224
to Chapter 4117. of the Revised Code. Notwithstanding division 6225
~~(D)~~(C)(1) of section 4117.06 of the Revised Code, a unit 6226
containing teaching and nonteaching employees employed under this 6227
section shall be considered an appropriate unit. 6228

(B) If a science, technology, engineering, and mathematics 6229
school is created by converting all or part of an existing school 6230
operated by a school district or an existing conversion community 6231
school established under Chapter 3314. of the Revised Code, at the 6232
time of conversion, the employees assigned to the STEM school 6233
shall remain part of any collective bargaining unit in which they 6234
were included immediately prior to the conversion and shall remain 6235
subject to any collective bargaining agreement for that unit in 6236
effect on the first day of July of the year in which the STEM 6237
school initially begins operation and shall be subject to any 6238
subsequent collective bargaining agreement for that unit, unless a 6239
petition is certified as sufficient under division (E) of this 6240
section with regard to those employees. Any new employees assigned 6241
to the STEM school also shall be included in the unit to which 6242
they would have been assigned had the conversion not taken place 6243
and shall be subject to the collective bargaining agreement for 6244
that unit unless a petition is certified as sufficient under 6245
division (E) of this section with regard to those employees. 6246

Notwithstanding division (B) of section 4117.01 of the 6247
Revised Code, the board of education of the school district that 6248
operated or sponsored the STEM school prior to conversion and not 6249
the STEM school shall be regarded, for purposes of Chapter 4117. 6250

of the Revised Code, as the "public employer" of the employees 6251
assigned to a conversion STEM school subject to a collective 6252
bargaining agreement pursuant to this division unless a petition 6253
is certified under division (E) of this section with regard to 6254
those employees. Only on and after the effective date of a 6255
petition certified as sufficient under division (E) of this 6256
section shall division (A) of this section apply to those 6257
employees and only on and after the effective date of that 6258
petition shall Chapter 4117. of the Revised Code apply to the 6259
school with regard to those employees. 6260

(C) Notwithstanding sections 4117.03 to 4117.18 of the 6261
Revised Code and Section 4 of Amended Substitute Senate Bill No. 6262
133 of the 115th general assembly, the employees assigned to a 6263
conversion STEM school who are subject to a collective bargaining 6264
agreement pursuant to division (B) of this section shall cease to 6265
be subject to that agreement and all subsequent agreements 6266
pursuant to that division and shall cease to be part of the 6267
collective bargaining unit that is subject to that and all 6268
subsequent agreements, if a majority of the employees assigned to 6269
the STEM school who are subject to that collective bargaining 6270
agreement sign and submit to the state employment relations board 6271
a petition requesting all of the following: 6272

(1) That all the employees assigned to the STEM school who 6273
are subject to that agreement be removed from the bargaining unit 6274
that is subject to that agreement and be designated by the state 6275
employment relations board as a new and separate bargaining unit 6276
for purposes of Chapter 4117. of the Revised Code; 6277

(2) That the employee organization certified as the exclusive 6278
representative of the employees of the bargaining unit from which 6279
the employees are to be removed be certified as the exclusive 6280
representative of the new and separate bargaining unit for 6281
purposes of Chapter 4117. of the Revised Code; 6282

(3) That the STEM school be regarded as the "public employer" 6283
of those employees for purposes of Chapter 4117. of the Revised 6284
Code. 6285

(D) Notwithstanding sections 4117.03 to 4117.18 of the 6286
Revised Code and Section 4 of Amended Substitute Senate Bill No. 6287
133 of the 115th general assembly, the employees assigned to a 6288
conversion STEM school who are subject to a collective bargaining 6289
agreement pursuant to division (B) of this section shall cease to 6290
be subject to that agreement and all subsequent agreements 6291
pursuant to that division, shall cease to be part of the 6292
collective bargaining unit that is subject to that and all 6293
subsequent agreements, and shall cease to be represented by any 6294
exclusive representative of that collective bargaining unit, if a 6295
majority of the employees assigned to the STEM school who are 6296
subject to that collective bargaining agreement sign and submit to 6297
the state employment relations board a petition requesting all of 6298
the following: 6299

(1) That all the employees assigned to the STEM school who 6300
are subject to that agreement be removed from the bargaining unit 6301
that is subject to that agreement; 6302

(2) That any employee organization certified as the exclusive 6303
representative of the employees of that bargaining unit be 6304
decertified as the exclusive representative of the employees 6305
assigned to the STEM school who are subject to that agreement; 6306

(3) That the STEM school be regarded as the "public employer" 6307
of those employees for purposes of Chapter 4117. of the Revised 6308
Code. 6309

(E) Upon receipt of a petition under division (C) or (D) of 6310
this section, the state employment relations board shall check the 6311
sufficiency of the signatures on the petition. If the signatures 6312
are found sufficient, the board shall certify the sufficiency of 6313

the petition and so notify the parties involved, including the 6314
board of education of the school district that operated or 6315
sponsored the STEM school prior to conversion, the STEM school, 6316
and any exclusive representative of the bargaining unit. The 6317
changes requested in a certified petition shall take effect on the 6318
first day of the month immediately following the date on which the 6319
sufficiency of the petition is certified under this division. 6320

Sec. 3332.03. There is hereby created the state board of 6321
career colleges and schools to consist of the state superintendent 6322
of public instruction or an assistant superintendent designated by 6323
the superintendent, the chancellor of the Ohio board of regents or 6324
a vice chancellor designated by the chancellor, and six members 6325
appointed by the governor, with the advice and consent of the 6326
senate. Members' terms of office shall be for five years, 6327
commencing on the twenty-first day of November and ending on the 6328
twentieth day of November. Each member shall hold office from the 6329
date of appointment until the end of the term for which the member 6330
was appointed. 6331

Three of the members appointed by the governor shall have 6332
been engaged for a period of not less than five years immediately 6333
preceding appointment in an executive or managerial position in a 6334
private, trade, technical, or other school subject to this 6335
chapter. One member appointed by the governor shall be a 6336
representative of students and shall have graduated with an 6337
associate or baccalaureate degree, within five years prior to 6338
appointment, from a school subject to this chapter. Two members 6339
appointed by the governor shall be representatives of the general 6340
public and shall have had no affiliation with, or direct or 6341
indirect interest in, schools subject to this chapter for at least 6342
two years prior to appointment. In selecting the representatives 6343
of the general public, the governor shall make an effort to find 6344
individuals with background or experience in the regulation of 6345

commerce, business, or education. The two members of the board who
are representatives of the general public shall not be affiliated
in any way with or have any direct or indirect interest in any
schools subject to this chapter during their terms. Except for
enrollment in a school subject to this chapter, the member
representing students shall have had no affiliation in any way
with, or have any direct or indirect interest in any school
subject to this chapter for at least two years prior to
appointment or during the member's term.

Any vacancy shall be filled in the manner provided for
original appointment. Any member appointed to fill a vacancy
occurring prior to the expiration of the term for which the
member's predecessor was appointed shall hold office for the
remainder of such term. Any appointed member shall continue in
office subsequent to the expiration date of the member's term
until the member's successor takes office, or until a period of
sixty days has elapsed, whichever occurs first.

Members of the board have full voting rights, except for the
member representing students who shall be a nonvoting member. Each
member of the board appointed by the governor shall be compensated
at the rate established pursuant to division (J) of section 124.15
of the Revised Code, ~~but shall not receive step advancements, for
those days the member is engaged in the discharge of official
duties.~~ In addition, members appointed by the governor may be
compensated for the expenses necessarily incurred in the
attendance at meetings or in performing other services for the
board. The chairperson of the board shall annually be elected or
determined as follows:

(A) If both members of the board representing the general
public have served on the board for at least one year, the members
shall elect one of these two members as chairperson. If one of
these members declines to be elected or serve, the other member

representing the general public shall be chairperson. If both 6378
members representing the general public decline to be elected or 6379
serve, division (C) of this section shall apply. 6380

(B) If only one member of the board representing the general 6381
public has served on the board for at least one year, this member 6382
shall be chairperson. If this member declines to serve, division 6383
(C) of this section shall apply. 6384

(C) If neither member of the board representing the general 6385
public has served on the board for at least one year or if this 6386
division applies pursuant to division (A) or (B) of this section, 6387
the members of the board shall elect a chairperson from among any 6388
of the voting members of the board who have served on the board 6389
for at least one year. 6390

Sec. 4113.80. (A) As used in this section, "public employer" 6391
means the state or any agency or instrumentality of the state, and 6392
any municipal corporation, county, township, school district, or 6393
other political subdivision or any agency or instrumentality of a 6394
municipal corporation, county, township, school district, or other 6395
political subdivision. 6396

(B) "Age," "ancestry," "color," "disability," "military 6397
status," "national origin," "race," "religion," and "sex" have the 6398
same meanings and shall be construed in the same manner as in 6399
Chapter 4112. of the Revised Code. 6400

(C) When determining whether to lay off an employee as part 6401
of a reduction in force, a public employer shall not consider the 6402
race, color, religion, sex, military status, national origin, 6403
disability, age, or ancestry of the employee in violation of 6404
Chapter 4112. of the Revised Code or any applicable federal law. 6405

Sec. 4117.01. As used in this chapter: 6406

(A) "Person," in addition to those included in division (C) 6407

of section 1.59 of the Revised Code, includes employee 6408
organizations, public employees, and public employers. 6409

(B)(1) "Public employer" means the state or any political 6410
subdivision of the state located entirely within the state, 6411
including, ~~without limitation,~~ any of the following: 6412

(a) A municipal corporation with a population of at least 6413
five thousand according to the most recent federal decennial 6414
census; 6415

(b) A county; 6416

(c) A township with a population of at least five thousand in 6417
the unincorporated area of the township according to the most 6418
recent federal decennial census; 6419

(d) A school district; 6420

(e) The governing authority of a conversion community school 6421
established under Chapter 3314. of the Revised Code, unless the 6422
governing authority has submitted a statement to the state 6423
employment relations board under division (A)(4) of section 6424
3314.10 of the Revised Code; state 6425

(f) A state institution of higher learning; 6426

(g) A public or special district; ~~state~~ 6427

(h) A state agency, authority, commission, or board; or 6428

(i) Any other branch of public employment. 6429

(2) Except as provided in division (B)(1)(e) of this section, 6430
"public employer" does not mean the governing authority of a 6431
community established under Chapter 3314. of the Revised Code. 6432

(C) "Public employee" means any person holding a position by 6433
appointment or employment in the service of a public employer, 6434
~~including any person working pursuant to a contract between a~~ 6435
~~public employer and a private employer and over whom the national~~ 6436

~~labor relations board has declined jurisdiction on the basis that~~ 6437
~~the involved employees are employees of a public employer, except:~~ 6438

(1) Persons holding elective office; 6439

(2) Employees of the general assembly and employees of any 6440
other legislative body of the public employer whose principal 6441
duties are directly related to the legislative functions of the 6442
body; 6443

(3) Employees on the staff of the governor or the chief 6444
executive of the public employer whose principal duties are 6445
directly related to the performance of the executive functions of 6446
the governor or the chief executive; 6447

(4) Persons who are members of the Ohio organized militia, 6448
while training or performing duty under section 5919.29 or 5923.12 6449
of the Revised Code; 6450

(5) Employees of the state employment relations board, 6451
including those employees of the state employment relations board 6452
utilized by the state personnel board of review in the exercise of 6453
the powers and the performance of the duties and functions of the 6454
state personnel board of review; 6455

(6) Confidential employees; 6456

(7) Management level employees; 6457

(8) Employees and officers of the courts, assistants to the 6458
attorney general, assistant prosecuting attorneys, and employees 6459
of the clerks of courts who perform a judicial function; 6460

(9) ~~Employees of a public official who act in a fiduciary~~ 6461
~~capacity, appointed pursuant to~~ are in the unclassified civil 6462
service under section 124.11 of the Revised Code; 6463

(10) Supervisors, including fire supervisory officers; 6464

(11) Students whose primary purpose is educational training, 6465
including graduate assistants or associates, residents, interns, 6466

or other students working as part-time public employees less than	6467
fifty per cent of the normal year in the employee's bargaining	6468
unit;	6469
(12) Employees of county boards of election;	6470
(13) Seasonal and casual employees as determined by the state	6471
employment relations board;	6472
(14) Part-time faculty members of an institution of higher	6473
education;	6474
(15) Participants in a work activity, developmental activity,	6475
or alternative work activity under sections 5107.40 to 5107.69 of	6476
the Revised Code who perform a service for a public employer that	6477
the public employer needs but is not performed by an employee of	6478
the public employer if the participant is not engaged in paid	6479
employment or subsidized employment pursuant to the activity;	6480
(16) Employees included in the career professional service of	6481
the department of transportation under section 5501.20 of the	6482
Revised Code;	6483
(17) Employees of community-based correctional facilities and	6484
district community-based correctional facilities created under	6485
sections 2301.51 to 2301.58 of the Revised Code who are not	6486
subject to a collective bargaining agreement on June 1, 2005;	6487
<u>(18) Employees of a regional council of government created</u>	6488
<u>under Chapter 167. of the Revised Code.</u>	6489
(D) "Employee organization" means any labor or bona fide	6490
organization in which public employees participate and that exists	6491
for the purpose, in whole or in part, of dealing with public	6492
employers concerning grievances, labor disputes, wages, hours,	6493
terms, and other conditions of employment.	6494
(E) "Exclusive representative" means the employee	6495
organization certified or recognized as an exclusive	6496

representative under section 4117.05 of the Revised Code. 6497

(F) "Supervisor" means any individual who has authority, in 6498
the interest of the public employer, to hire, transfer, suspend, 6499
lay off, recall, promote, discharge, assign, reward, or discipline 6500
other public employees; to responsibly direct them; to adjust 6501
their grievances; or to effectively recommend such action, if the 6502
exercise of that authority is not of a merely routine or clerical 6503
nature, but requires the use of independent judgment, provided 6504
that: 6505

(1) Employees of school districts who are department 6506
chairpersons or consulting teachers shall not be deemed 6507
supervisors; 6508

~~(2) With respect to members of a police or fire department, 6509
no person shall be deemed a supervisor except the chief of the 6510
department or those individuals who, in the absence of the chief, 6511
are authorized to exercise the authority and perform the duties of 6512
the chief of the department. Where prior to June 1, 1982, a public 6513
employer pursuant to a judicial decision, rendered in litigation 6514
to which the public employer was a party, has declined to engage 6515
in collective bargaining with members of a police or fire 6516
department on the basis that those members are supervisors, those 6517
members of a police or fire department do not have the rights 6518
specified in this chapter for the purposes of future collective 6519
bargaining. The state employment relations board shall decide all 6520
disputes concerning the application of division (F)(2) of this 6521
section. 6522~~

~~(3) With respect to faculty members of a state institution of 6523
higher education, heads of departments or divisions are 6524
supervisors; however, no other in addition, any faculty member or 6525
group of faculty members is a supervisor solely because the 6526
faculty member or group of faculty members that participate in 6527
decisions with respect to courses, curriculum, personnel, or other 6528~~

matters of academic or institutional policy are supervisors or 6529
management level employees; 6530

~~(4)~~(3) No teacher as defined in section 3319.09 of the 6531
Revised Code shall be designated as a supervisor or a management 6532
level employee unless the teacher is employed under a contract 6533
governed by section 3319.01, 3319.011, or 3319.02 of the Revised 6534
Code and is assigned to a position for which a license deemed to 6535
be for administrators under state board rules is required pursuant 6536
to section 3319.22 of the Revised Code. 6537

(G) "To bargain collectively" means to perform the mutual 6538
obligation of the public employer, by its representatives, and the 6539
representatives of its employees to negotiate in good faith at 6540
reasonable times and places with respect to wages, hours, terms, 6541
and ~~other~~ conditions of employment ~~and the continuation,~~ 6542
~~modification, or deletion of an existing provision of a collective~~ 6543
~~bargaining agreement,~~ with the intention of reaching an agreement, 6544
or to resolve questions arising under the agreement. "To bargain 6545
collectively" includes executing a written contract incorporating 6546
the terms of any agreement reached. The obligation to bargain 6547
collectively does not mean that either party is compelled to agree 6548
to a proposal nor does it require the making of a concession. 6549

(H) "Strike" ~~means continuous concerted action in failing to~~ 6550
~~report to duty; willful absence from one's position; or stoppage~~ 6551
~~of work in whole from the full, faithful, and proper performance~~ 6552
~~of the duties of employment, for the purpose of inducing,~~ 6553
~~influencing, or coercing a change in wages, hours, terms, and~~ 6554
~~other conditions of employment. "Strike" does not include a~~ 6555
~~stoppage of work by employees in good faith because of dangerous~~ 6556
~~or unhealthful working conditions at the place of employment that~~ 6557
~~are abnormal to the place of employment.~~ 6558

~~(I) "Unauthorized strike" includes, but is not limited to,~~ 6559
~~concerted action during the term or extended term of a collective~~ 6560

~~bargaining agreement or during the pendency of the settlement~~ 6561
~~procedures set forth in section 4117.14 of the Revised Code in~~ 6562
failing to report to duty; willful absence from one's position; 6563
stoppage of work; slowdown, or abstinence in whole or in part from 6564
the full, faithful, and proper performance of the duties of 6565
employment for the purpose of inducing, influencing, or coercing a 6566
change in wages, hours, terms, and ~~other~~ conditions of employment. 6567
~~"Unauthorized strike"~~ "Strike" includes any such action, absence, 6568
stoppage, slowdown, or abstinence when done partially or 6569
intermittently, ~~whether during or after the expiration of the term~~ 6570
~~or extended term of a collective bargaining agreement or during or~~ 6571
~~after the pendency of the settlement procedures set forth in~~ 6572
~~section 4117.14 of the Revised Code.~~ 6573

~~(J)~~(I) "Professional employee" means any employee engaged in 6574
work that is predominantly intellectual, involving the consistent 6575
exercise of discretion and judgment in its performance and 6576
requiring knowledge of an advanced type in a field of science or 6577
learning customarily acquired by a prolonged course in an 6578
institution of higher learning or a hospital, as distinguished 6579
from a general academic education or from an apprenticeship; or an 6580
employee who has completed the courses of specialized intellectual 6581
instruction and is performing related work under the supervision 6582
of a professional person to become qualified as a professional 6583
employee. 6584

~~(K)~~(J) "Confidential employee" means any employee who works 6585
in the personnel offices of a public employer and deals with 6586
information to be used by the public employer in collective 6587
bargaining; or any employee who works in a close continuing 6588
relationship with public officers or representatives directly 6589
participating in collective bargaining on behalf of the employer. 6590

~~(L)~~(K) "Management level employee" means an individual who 6591
formulates policy on behalf of the public employer, who 6592

responsibly directs the implementation of policy, or who may 6593
reasonably be required on behalf of the public employer to assist 6594
in the preparation for the conduct of collective negotiations, 6595
administer collectively negotiated agreements, or have a major 6596
role in personnel administration. Assistant superintendents, 6597
principals, and assistant principals whose employment is governed 6598
by section 3319.02 of the Revised Code are management level 6599
employees. With respect to members of a faculty of a state 6600
institution of higher education, ~~no person is a management level~~ 6601
~~employee because of the person's involvement in the formulation or~~ 6602
~~implementation of academic or institution policy~~ any faculty who, 6603
individually or through a faculty senate or like organization, 6604
participate in the governance of the institution, are involved in 6605
personnel decisions, selection or review of administrators, 6606
planning and use of physical resources, budget preparation, and 6607
determination of educational policies related to admissions, 6608
curriculum, subject matter, and methods of instruction and 6609
research are management level employees. 6610

~~(M)~~(L) "Wages" means hourly rates of pay, salaries, or other 6611
forms of compensation for services rendered. 6612

~~(N)~~(M) "Member of a police department" means a person who is 6613
in the employ of a police department of a municipal corporation as 6614
a full-time regular police officer as the result of an appointment 6615
from a duly established civil service eligibility list or under 6616
section 737.15 or 737.16 of the Revised Code, a full-time deputy 6617
sheriff appointed under section 311.04 of the Revised Code, a 6618
township constable appointed under section 509.01 of the Revised 6619
Code, or a member of a township police district police department 6620
appointed under section 505.49 of the Revised Code. 6621

~~(O)~~(N) "Members of the state highway patrol" means highway 6622
patrol troopers and radio operators appointed under section 6623
5503.01 of the Revised Code. 6624

~~(P)~~(O) "Member of a fire department" means a person who is in 6625
the employ of a fire department of a municipal corporation or a 6626
township as a fire cadet, full-time regular firefighter, or 6627
promoted rank as the result of an appointment from a duly 6628
established civil service eligibility list or under section 6629
505.38, 709.012, or 737.22 of the Revised Code. 6630

~~(Q)~~(P) "Day" means calendar day. 6631

Sec. 4117.02. (A) There is hereby created the state 6632
employment relations board, consisting of three members to be 6633
appointed by the governor with the advice and consent of the 6634
senate. Members shall be knowledgeable about labor relations or 6635
personnel practices. No more than two of the three members shall 6636
belong to the same political party. A member of the state 6637
employment relations board during the member's period of service 6638
shall hold no other public office or public or private employment 6639
and shall allow no other responsibilities to interfere or conflict 6640
with the member's duties as a full-time state employment relations 6641
board member. Of the initial appointments made to the state 6642
employment relations board, one shall be for a term ending October 6643
6, 1984, one shall be for a term ending October 6, 1985, and one 6644
shall be for a term ending October 6, 1986. Thereafter, terms of 6645
office shall be for six years, each term ending on the same day of 6646
the same month of the year as did the term that it succeeds. Each 6647
member shall hold office from the date of the member's appointment 6648
until the end of the term for which the member is appointed. Any 6649
member appointed to fill a vacancy occurring prior to the 6650
expiration of the term for which the member's predecessor was 6651
appointed shall hold office for the remainder of the term. Any 6652
member shall continue in office subsequent to the expiration of 6653
the member's term until the member's successor takes office or 6654
until a period of sixty days has elapsed, whichever occurs first. 6655
The governor may remove any member of the state employment 6656

relations board, upon notice and public hearing, for neglect of 6657
duty or malfeasance in office, but for no other cause. 6658

(B)(1) The governor shall designate one member of the state 6659
employment relations board to serve as chairperson of the state 6660
employment relations board. The chairperson is the head of the 6661
state employment relations board and its chief executive officer. 6662

(2) The chairperson shall exercise all administrative powers 6663
and duties conferred upon the state employment relations board 6664
under this chapter and shall do all of the following: 6665

(a) Employ, promote, supervise, and remove all employees of 6666
the state employment relations board, and establish, change, or 6667
abolish positions and assign or reassign the duties of those 6668
employees as the chairperson determines necessary to achieve the 6669
most efficient performance of the duties of the state employment 6670
relations board under this chapter; 6671

(b) Determine the utilization by the state personnel board of 6672
review of employees of the state employment relations board as 6673
necessary for the state personnel board of review to exercise the 6674
powers and perform the duties of the state personnel board of 6675
review. 6676

(c) Maintain the office of the state employment relations 6677
board in Columbus and manage the office's daily operations, 6678
including securing offices, facilities, equipment, and supplies 6679
necessary to house the state employment relations board, employees 6680
of the state employment relations board, the state personnel board 6681
of review, and files and records under the control of the state 6682
employment relations board and under the control of the state 6683
personnel board of review; 6684

(d) Prepare and submit to the office of budget and management 6685
a budget for each biennium according to section 107.03 of the 6686
Revised Code, and include in the budget the costs of the state 6687

employment relations board and its staff and the costs of the 6688
state employment relations board in discharging any duty imposed 6689
by law upon the state employment relations board, the chairperson, 6690
or any of the employees or agents of the state employment 6691
relations board, and the costs of the state personnel board of 6692
review in discharging any duty imposed by law on the state 6693
personnel board of review or an agent of the state personnel board 6694
of review. 6695

(C) The vacancy on the state employment relations board does 6696
not impair the right of the remaining members to exercise all the 6697
powers of the state employment relations board, and two members of 6698
the state employment relations board, at all times, constitute a 6699
quorum. The state employment relations board shall have an 6700
official seal of which courts shall take judicial notice. 6701

(D) The state employment relations board shall make an annual 6702
report in writing to the governor and to the general assembly, 6703
stating in detail the work it has done. 6704

(E) Compensation of the chairperson and members shall be in 6705
accordance with division (J) of section 124.15 of the Revised 6706
Code. The chairperson and the members are eligible for 6707
reappointment. In addition to such compensation, all members shall 6708
be reimbursed for their necessary expenses incurred in the 6709
performance of their work as members. 6710

(F)(1) The chairperson, after consulting with the other state 6711
employment relations board members and receiving the consent of at 6712
least one other board member, shall appoint an executive director. 6713
The chairperson also shall appoint attorneys and shall appoint an 6714
assistant executive director who shall be an attorney admitted to 6715
practice law in this state and who shall serve as a liaison to the 6716
attorney general on legal matters before the state employment 6717
relations board. 6718

(2) The state employment relations board shall appoint 6719
~~members of fact finding panels~~ fact-finders and shall prescribe 6720
their job duties. 6721

(G)(1) The executive director shall serve at the pleasure of 6722
the chairperson. The executive director, under the direction of 6723
the chairperson, shall do all of the following: 6724

(a) Act as chief administrative officer for the state 6725
employment relations board; 6726

(b) Ensure that all employees of the state employment 6727
relations board comply with the rules of the state employment 6728
relations board; 6729

(c) Do all things necessary for the efficient and effective 6730
implementation of the duties of the state employment relations 6731
board. 6732

(2) The duties of the executive director described in 6733
division (G)(1) of this section do not relieve the chairperson 6734
from final responsibility for the proper performance of the duties 6735
described in that division. 6736

(H) The attorney general shall be the legal adviser of the 6737
state employment relations board and shall appear for and 6738
represent the state employment relations board and its agents in 6739
all legal proceedings. The state employment relations board may 6740
utilize regional, local, or other agencies, and utilize voluntary 6741
and uncompensated services as needed. The state employment 6742
relations board may contract with the federal mediation and 6743
conciliation service for the assistance of mediators, arbitrators, 6744
and other personnel the service makes available. The chairperson 6745
shall appoint all employees on the basis of training, practical 6746
experience, education, and character, notwithstanding the 6747
requirements established by section 119.09 of the Revised Code. 6748
The chairperson shall give special regard to the practical 6749

training and experience that employees have for the particular 6750
position involved. The executive director, assistant executive 6751
director, administrative law judges, employees holding a fiduciary 6752
or administrative relation to the state employment relations board 6753
as described in division (A)(9) of section 124.11 of the Revised 6754
Code, and the personal secretaries and assistants of the state 6755
employment relations board members are in the unclassified 6756
service. All other full-time employees of the state employment 6757
relations board are in the classified service. All employees of 6758
the state employment relations board shall be paid in accordance 6759
with Chapter 124. of the Revised Code. 6760

(I) The chairperson shall select and assign administrative 6761
law judges and other agents whose functions are to conduct 6762
hearings with due regard to their impartiality, judicial 6763
temperament, and knowledge. If in any proceeding under this 6764
chapter, any party prior to five days before the hearing thereto 6765
files with the state employment relations board a sworn statement 6766
charging that the administrative law judge or other agent 6767
designated to conduct the hearing is biased or partial in the 6768
proceeding, the state employment relations board may disqualify 6769
the person and designate another administrative law judge or agent 6770
to conduct the proceeding. At least ten days before any hearing, 6771
the state employment relations board shall notify all parties to a 6772
proceeding of the name of the administrative law judge or agent 6773
designated to conduct the hearing. 6774

(J) The principal office of the state employment relations 6775
board is in Columbus, but it may meet and exercise any or all of 6776
its powers at any other place within the state. The state 6777
employment relations board may, by one or more of its employees, 6778
or any agents or agencies it designates, conduct in any part of 6779
this state any proceeding, hearing, investigation, inquiry, or 6780
election necessary to the performance of its functions; provided, 6781

that no person so designated may later sit in determination of an appeal of the decision of that cause or matter.

(K) In addition to the powers and functions provided in other sections of this chapter, the state employment relations board shall do all of the following:

(1) Create a bureau of mediation within the state employment relations board, to perform the functions provided in section 4117.14 of the Revised Code. This bureau shall also establish, after consulting representatives of employee organizations and public employers, panels of qualified persons to be available to serve as ~~members of fact finding panels~~ fact-finders and arbitrators.

(2) Conduct studies of problems involved in representation and negotiation and make recommendations for legislation;

(3) Hold hearings pursuant to this chapter and, for the purpose of the hearings and inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, compel the attendance of witnesses and the production of documents by the issuance of subpoenas, and delegate these powers to any members of the state employment relations board or any administrative law judge employed by the state employment relations board for the performance of its functions;

(4) Train representatives of employee organizations and public employers in the rules and techniques of collective bargaining procedures;

(5) Make studies and analyses of, and act as a clearinghouse of information relating to, conditions of employment of public employees throughout the state and request assistance, services, and data from any public employee organization, public employer, or governmental unit. Public employee organizations, public employers, and governmental units shall provide such assistance,

services, and data as will enable the state employment relations board to carry out its functions and powers.

(6) Make available to employee organizations, public employers, mediators, ~~fact-finding panels~~ fact-finders, arbitrators, and joint study committees statistical data relating to wages, benefits, and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve issues in negotiations;

(7) Notwithstanding section 119.13 of the Revised Code, establish standards of persons who practice before it;

(8) Adopt, amend, and rescind rules and procedures and exercise other powers appropriate to carry out this chapter. Before the adoption, amendment, or rescission of rules and procedures under this section, the state employment relations board shall do all of the following:

(a) Maintain a list of interested public employers and employee organizations and mail notice to such groups of any proposed rule or procedure, amendment thereto, or rescission thereof at least thirty days before any public hearing thereon;

(b) Mail a copy of each proposed rule or procedure, amendment thereto, or rescission thereof to any person who requests a copy within five days after receipt of the request therefor;

(c) Consult with appropriate statewide organizations representing public employers or employees who would be affected by the proposed rule or procedure.

Although the state employment relations board is expected to discharge these duties diligently, failure to mail any notice or copy, or to so consult with any person, is not jurisdictional and shall not be construed to invalidate any proceeding or action of the state employment relations board.

(L) In case of neglect or refusal to obey a subpoena issued 6843
to any person, the court of common pleas of the county in which 6844
the investigation or the public hearing occurs, upon application 6845
by the state employment relations board, may issue an order 6846
requiring the person to appear before the state employment 6847
relations board and give testimony about the matter under 6848
investigation. The court may punish a failure to obey the order as 6849
contempt. 6850

(M) Any subpoena, notice of hearing, or other process or 6851
notice of the state employment relations board issued under this 6852
section may be served personally, by certified mail, or by leaving 6853
a copy at the principal office or personal residence of the 6854
respondent required to be served. A return, made and verified by 6855
the individual making the service and setting forth the manner of 6856
service, is proof of service, and a return post office receipt, 6857
when certified mail is used, is proof of service. All process in 6858
any court to which application is made under this chapter may be 6859
served in the county wherein the persons required to be served 6860
reside or are found. 6861

(N) All expenses of the state employment relations board, 6862
including all necessary traveling and subsistence expenses 6863
incurred by the members or employees of the state employment 6864
relations board under its orders, shall be paid pursuant to 6865
itemized vouchers approved by the chairperson of the state 6866
employment relations board, the executive director, or both, or 6867
such other person as the chairperson designates for that purpose. 6868

(O) Whenever the state employment relations board determines 6869
that a substantial controversy exists with respect to the 6870
application or interpretation of this chapter and the matter is of 6871
public or great general interest, the state employment relations 6872
board shall certify its final order directly to the court of 6873
appeals having jurisdiction over the area in which the principal 6874

office of the public employer directly affected by the application 6875
or interpretation is located. The chairperson shall file with the 6876
clerk of the court a certified copy of the transcript of the 6877
proceedings before the state employment relations board pertaining 6878
to the final order. If upon hearing and consideration the court 6879
decides that the final order of the state employment relations 6880
board is unlawful or is not supported by substantial evidence on 6881
the record as a whole, the court shall reverse and vacate the 6882
final order or modify it and enter final judgment in accordance 6883
with the modification; otherwise, the court shall affirm the final 6884
order. The notice of the final order of the state employment 6885
relations board to the interested parties shall contain a 6886
certification by the chairperson of the state employment relations 6887
board that the final order is of public or great general interest 6888
and that a certified transcript of the record of the proceedings 6889
before the state employment relations board had been filed with 6890
the clerk of the court as an appeal to the court. For the purposes 6891
of this division, the state employment relations board has 6892
standing to bring its final order properly before the court of 6893
appeals. 6894

(P) Except as otherwise specifically provided in this 6895
section, the state employment relations board is subject to 6896
Chapter 119. of the Revised Code, including the procedure for 6897
submission of proposed rules to the general assembly for 6898
legislative review under division (H) of section 119.03 of the 6899
Revised Code. 6900

Sec. 4117.03. (A) Public employees have the right to: 6901

(1) Form, join, assist, or participate in, or refrain from 6902
forming, joining, assisting, or participating in, except as 6903
otherwise provided in Chapter 4117. of the Revised Code, any 6904
employee organization of their own choosing; 6905

(2) Engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection;

(3) Representation by an employee organization;

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

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

(B) Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights. Employees of a community school established under Chapter 3314. of the Revised Code do not have collective bargaining rights, except as provided in section 3314.10 of the Revised Code. A community school established under Chapter 3314. of the Revised Code shall not bargain collectively with its employees, except as provided in section 3314.10 of the Revised Code.

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

(D) A public employer shall not engage in collective bargaining or other forms of collective negotiations with the

employees of county boards of elections referred to in division 6937
(C)(12) of section 4117.01 of the Revised Code. 6938

~~(E) Employees of public schools may bargain collectively for 6939
health care benefits; however, all health care benefits shall 6940
include best practices prescribed by the school employees health 6941
care board, in accordance with section 9.901 of the Revised Code. 6942~~

Sec. 4117.05. (A) An employee organization becomes the 6943
exclusive representative of all the public employees in an 6944
appropriate unit for the purposes of collective bargaining by 6945
either: 6946

(1) Being certified by the state employment relations board 6947
when a majority of the voting employees in the unit select the 6948
employee organization as their representative in a board-conducted 6949
election under section 4117.07 of the Revised Code; 6950

(2) Filing a request with a public employer with a copy to 6951
the state employment relations board for recognition as an 6952
exclusive representative. In the request for recognition, the 6953
employee organization shall describe the bargaining unit, shall 6954
allege that a majority of the employees in the bargaining unit 6955
wish to be represented by the employee organization, and shall 6956
support the request with substantial evidence based on, and in 6957
accordance with, rules prescribed by the board demonstrating that 6958
a majority of the employees in the bargaining unit wish to be 6959
represented by the employee organization. Immediately upon receipt 6960
of a request, the public employer shall either request an election 6961
under division (A)(2) of section 4117.07 of the Revised Code, or 6962
take the following action: 6963

(a) Post notice in each facility at which employees in the 6964
proposed unit are employed, setting forth the description of the 6965
bargaining unit, the name of the employee organization requesting 6966
recognition, and the date of the request for recognition, and 6967

advising employees that objections to certification must be filed 6968
with the state employment relations board not later than the 6969
~~twenty-first~~ thirtieth day following the date of the request for 6970
recognition; 6971

(b) Immediately notify the state employment relations board 6972
of the request for recognition. 6973

The state employment relations board shall ~~certify the~~ 6974
~~employee organization filing the request for recognition on the~~ 6975
~~twenty-second~~ investigate the request for recognition and proposed 6976
bargaining unit on the thirty-first day following the filing of 6977
the request for recognition, unless by the ~~twenty-first~~ thirtieth 6978
day following the filing of the request for recognition it 6979
receives: 6980

(i) A petition for an election from the public employer 6981
pursuant to division (A)(2) of section 4117.07 of the Revised 6982
Code; 6983

(ii) Substantial evidence based on, and in accordance with, 6984
rules prescribed by the board demonstrating that a majority of the 6985
employees in the described bargaining unit do not wish to be 6986
represented by the employee organization filing the request for 6987
recognition; 6988

(iii) Substantial evidence based on, and in accordance with, 6989
rules prescribed by the board from another employee organization 6990
demonstrating that at least ten per cent of the employees in the 6991
described bargaining unit wish to be represented by such other 6992
employee organization; or 6993

(iv) Substantial evidence based on, and in accordance with, 6994
rules prescribed by the board indicating that the proposed unit is 6995
not an appropriate unit pursuant to section 4117.06 of the Revised 6996
Code. 6997

(B) Nothing in this section shall be construed to permit a 6998

public employer to recognize, or the state employment relations 6999
board to certify, an employee organization as an exclusive 7000
representative under Chapter 4117. of the Revised Code if there is 7001
in effect a lawful written agreement, contract, or memorandum of 7002
understanding between the public employer and another employee 7003
organization which, on the effective date of this ~~section~~ 7004
amendment, has been recognized by a public employer as the 7005
exclusive representative of the employees in a unit or which by 7006
tradition, custom, practice, election, or negotiation has been the 7007
only employee organization representing all employees in the unit; 7008
this restriction does not apply to that period of time covered by 7009
any agreement which exceeds three years. For the purposes of this 7010
section, extensions of agreement do not affect the expiration of 7011
the original agreement. 7012

(C) Nonexclusive recognition previously granted through an 7013
agreement or memorandum of understanding shall not preclude the 7014
board from doing any of the following: 7015

(1) Determining an appropriate unit; 7016

(2) If necessary, removing classifications from a bargaining 7017
unit under an existing nonexclusive contract, agreement, or 7018
memorandum of understanding; 7019

(3) Holding an election to determine an exclusive 7020
representative for all those employees deemed a part of the 7021
appropriate unit. 7022

Sec. 4117.06. (A) The state employment relations board shall 7023
decide in each case the unit most appropriate for the purposes of 7024
collective bargaining. ~~The determination is final and conclusive 7025
and not appealable to the court. 7026~~

(B) The board shall determine the appropriateness of each 7027
bargaining unit and shall consider among other relevant factors: 7028

the desires of the employees; the community of interest; wages, 7029
hours, and other working conditions of the public employees; the 7030
effect of over-fragmentation; the efficiency of operations of the 7031
public employer; the administrative structure of the public 7032
employer; and the history of collective bargaining. 7033

~~(C) The board may determine a unit to be the appropriate unit 7034
in a particular case, even though some other unit might also be 7035
appropriate. 7036~~

~~(D)~~ In addition, in determining the appropriate unit, the 7037
board shall not: 7038

(1) Decide that any unit is appropriate if the unit includes 7039
both professional and nonprofessional employees, unless a majority 7040
of the professional employees and a majority of the 7041
nonprofessional employees first vote for inclusion in the unit; 7042

(2) Include guards or correction officers at correctional or 7043
mental institutions, special police officers appointed in 7044
accordance with sections 5119.14 and 5123.13 of the Revised Code, 7045
psychiatric attendants employed at mental health forensic 7046
facilities, youth leaders employed at juvenile correction 7047
facilities, or any public employee employed as a guard to enforce 7048
against other employees rules to protect property of the employer 7049
or to protect the safety of persons on the employer's premises in 7050
a unit with other employees; 7051

(3) Include members of a police or fire department or members 7052
of the state highway patrol in a unit with other classifications 7053
of public employees of the department; 7054

(4) Designate as appropriate a bargaining unit that contains 7055
more than one institution of higher education; nor shall it within 7056
any such institution of higher education designate as appropriate 7057
a unit where such designation would be inconsistent with the 7058
accreditation standards or interpretations of such standards, 7059

governing such institution of higher education or any department, 7060
school, or college thereof. For the purposes of this division, any 7061
branch or regional campus of a public institution of higher 7062
education is part of that institution of higher education. 7063

(5) Designate as appropriate a bargaining unit that contains 7064
employees within the jurisdiction of more than one elected county 7065
office holder, unless the county-elected office holder and the 7066
board of county commissioners agree to such other designation; 7067

(6) With respect to members of a police department, designate 7068
as appropriate a unit that includes rank and file members of the 7069
department with members who are of the rank of sergeant or above, 7070
or with respect to members of a fire department, designate as 7071
appropriate a unit that includes rank and file members of the 7072
department with members who are of the rank of lieutenant or 7073
above; 7074

(7) Except as otherwise provided by division ~~(A)(3)~~ of 7075
~~section 3314.10 or division~~ (B) of section 3326.18 of the Revised 7076
Code, designate as appropriate a bargaining unit that contains 7077
employees from multiple ~~community schools established under~~ 7078
~~Chapter 3314. or multiple~~ science, technology, engineering, and 7079
mathematics schools established under Chapter 3326. of the Revised 7080
Code. For purposes of this division, more than one unit may be 7081
designated within a single ~~community school or~~ science, 7082
technology, engineering, and mathematics school. 7083

This section shall not be deemed to prohibit multiunit 7084
bargaining. 7085

Any bargaining unit of a fire department that does not 7086
conform to division (C)(6) of this amendment on the effective date 7087
of this amendment shall cease to be an appropriate unit upon the 7088
expiration of the collective bargaining agreement covering that 7089
unit that is in effect on the effective date of this amendment or 7090

three years after the effective date of this amendment, whichever 7091
is earlier. Thereafter, the board shall designate the appropriate 7092
unit for the fire department in accordance with division (C)(6) of 7093
this section. 7094

Sec. 4117.07. (A) When a petition is filed, in accordance 7095
with rules prescribed by the state employment relations board: 7096

(1) By any employee or group of employees, or any individual 7097
or employee organization acting in their behalf, alleging that at 7098
least thirty per cent of the employees in an appropriate unit wish 7099
to be represented for collective bargaining by an exclusive 7100
representative, or asserting that the designated exclusive 7101
representative is no longer the representative of the majority of 7102
employees in the unit, the board shall investigate the petition, 7103
and if it has reasonable cause to believe that a question of 7104
representation exists, provide for an appropriate hearing upon due 7105
notice to the parties; 7106

(2) By the employer alleging that one or more employee 7107
organizations has presented to it a claim to be recognized as the 7108
exclusive representative in an appropriate unit, the board shall 7109
investigate the petition, and if it has reasonable cause to 7110
believe that a question of representation exists, provide for an 7111
appropriate hearing upon due notice to the parties. 7112

If the board finds upon the record of a hearing that a 7113
question of representation exists, it shall direct an election and 7114
certify the results thereof. No one may vote in an election by 7115
proxy. The board shall not certify any exclusive representative 7116
without an election in any case in which the public employer has 7117
filed a petition for election in accordance with division (A) of 7118
this section, except the board may ~~also~~ certify an employee 7119
organization as an exclusive representative if it determines that 7120
a free and untrammelled election cannot be conducted because of 7121

the employer's unfair labor practices and that at one time the 7122
employee organization had the support of the majority of the 7123
employees in the unit. 7124

(B) Only the names of those employee organizations designated 7125
by more than ten per cent of the employees in the unit found to be 7126
appropriate may be placed on the ballot. Nothing in this section 7127
shall be construed to prohibit the waiving of hearings by 7128
stipulation, in conformity with the rules of the board, for the 7129
purpose of a consent election. 7130

(C) The board shall conduct representation elections by 7131
secret ballot cast, at the board's discretion, by mail or 7132
electronically or in person, and at times and places selected by 7133
the board subject to the following: 7134

(1) The board shall give no less than ten days' notice of the 7135
time and place of an election; 7136

(2) The board shall establish rules concerning the conduct of 7137
any election including, but not limited to, rules to guarantee the 7138
secrecy of the ballot; 7139

(3) The board may not certify a representative unless the 7140
representative receives a majority of the valid ballots cast; 7141

(4) Except as provided in this section, the board shall 7142
include on the ballot a choice of "no representative"; 7143

(5) In an election where none of the choices on the ballot 7144
receives a majority, the board shall conduct a runoff election. In 7145
that case, the ballot shall provide for a selection between the 7146
two choices or parties receiving the highest and the second 7147
highest number of ballots cast in the election. 7148

(6) The board may not conduct an election under this section 7149
in any appropriate bargaining unit within which a board-conducted 7150
election was held in the preceding twelve-month period, nor during 7151

the term of any lawful collective bargaining agreement between a 7152
public employer and an exclusive representative that was entered 7153
into before the effective date of this section. 7154

Petitions for elections may be filed with the board no sooner 7155
than one hundred twenty days ~~or later than ninety days~~ before the 7156
expiration date of any collective bargaining agreement, or after 7157
the expiration date, ~~until the public employer and exclusive~~ 7158
~~representative enter into a new written agreement.~~ 7159

No collective bargaining agreement entered into on or after 7160
the effective date of this amendment shall bar the conduct of an 7161
election or certification pursuant to a petition that is timely 7162
filed in accordance with this section. 7163

For the purposes of this section, extensions of agreements do 7164
not affect the expiration date of the original agreement. 7165

Sec. 4117.08. (A) All matters pertaining to wages, hours, ~~or~~ 7166
~~and~~ terms and ~~other~~ conditions of employment ~~and the continuation,~~ 7167
~~modification, or deletion of an existing provision of a collective~~ 7168
~~bargaining agreement~~ are subject to collective bargaining between 7169
the public employer and the exclusive representative, except as 7170
otherwise specified in this section and ~~division (E) of section~~ 7171
~~4117.03~~ 4117.081 of the Revised Code. Any existing provision of a 7172
collective bargaining agreement that was modified, renewed, or 7173
extended from a prior collective bargaining agreement that does 7174
not concern wages, hours, and terms and conditions shall not be a 7175
mandatory subject of collective bargaining and shall not be 7176
subject to any impasse procedure without the mutual agreement of 7177
both the public employer and exclusive representative. The 7178
inclusion of a provision in a previous collective bargaining 7179
agreement shall not be used as a basis for the provision being 7180
determined to concern wages, hours, and terms and conditions. 7181

(B) The following subjects are not appropriate subjects for 7182

collective bargaining: 7183

(1) The conduct and grading of civil service examinations, 7184
the rating of candidates, the establishment of eligible lists from 7185
the examinations, and the original appointments from the eligible 7186
lists are not appropriate subjects for collective bargaining; 7187

(2) Health care benefits, except that, subject to division 7188
(E) of this section, the amount of the cost of those benefits for 7189
which a public employer and the public employees of the public 7190
employer pays is an appropriate subject of collective bargaining; 7191

(3) The payment of a contribution by a public employer to the 7192
public employees retirement system, the Ohio police and fire 7193
pension fund, the state teachers retirement system, the state 7194
highway patrol retirement system, or the school employees 7195
retirement system on behalf of an employee, contributor, or 7196
teacher, as applicable, that the employee, contributor, or teacher 7197
otherwise is required to pay; 7198

(4) The privatization of a public employer's services or 7199
contracting out of the public employer's work; 7200

(5) The number of employees required to be on duty or 7201
employed in any department, division, or facility of a public 7202
employer. 7203

(C) Unless a public employer specifically agrees otherwise in 7204
an express written provision of a collective bargaining agreement, 7205
nothing in Chapter 4117. of the Revised Code impairs the right and 7206
responsibility of each public employer to: 7207

(1) Determine matters of inherent managerial policy which 7208
include, but are not limited to areas of discretion or policy such 7209
as the functions and programs of the public employer, standards of 7210
services, its overall budget, utilization of technology, and 7211
organizational structure; 7212

(2) Direct, supervise, evaluate, or hire employees;	7213
(3) Maintain and improve the efficiency and effectiveness of governmental operations;	7214
(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;	7216
(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;	7217
(6) Determine the adequacy of the work force;	7218
(7) Determine the overall mission of the employer as a unit of government;	7219
(8) Effectively manage the work force;	7220
(9) Take actions to carry out the mission of the public employer as a governmental unit <u>Hire, discharge, transfer, suspend, or discipline employees;</u>	7221
<u>(2) Determine the number of persons required to be employed or laid off;</u>	7222
<u>(3) Determine the qualifications of employees;</u>	7223
<u>(4) Determine the starting and quitting time and the number of hours to be worked by its employees;</u>	7224
<u>(5) Make any and all reasonable rules and regulations;</u>	7225
<u>(6) Determine the work assignments of its employees;</u>	7226
<u>(7) Determine the basis for selection, retention, and promotion of employees;</u>	7227
<u>(8) Determine the type of equipment used and the sequence of work processes;</u>	7228
<u>(9) Determine the making of technological alterations by revising either process or equipment or both;</u>	7229
	7230
	7231
	7232
	7233
	7234
	7235
	7236
	7237
	7238
	7239
	7240

<u>(10) Determine work standards and the quality and quantity of work to be produced;</u>	7241
	7242
<u>(11) Select and locate buildings and other facilities;</u>	7243
<u>(12) Establish, expand, transfer, or consolidate work processes and facilities;</u>	7244
	7245
<u>(13) Transfer or subcontract work;</u>	7246
<u>(14) Consolidate, merge, or otherwise transfer any or all of its facilities, property processes, or work with or to any other municipal corporation or entity or effect or change in any respect the legal status, management, or responsibility of such property, facilities, processes, or work;</u>	7247
	7248
	7249
	7250
	7251
<u>(15) Terminate or eliminate all or any part of its work or facilities.</u>	7252
	7253
The employer is not required to bargain on subjects reserved to the management and direction of the governmental unit except as affect wages, hours, terms and conditions of employment, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. A public employee or exclusive representative may raise a legitimate complaint or file a grievance based <u>only on the violation of the express written provisions of a</u> collective bargaining agreement.	7254
	7255
	7256
	7257
	7258
	7259
	7260
	7261
<u>(D) During negotiations between a public employer and an exclusive representative, the parties shall consider, for purposes of determining the ability of the public employer to pay for any terms agreed to during collective bargaining, only the financial status of the public employer at the time period surrounding the negotiations. When determining whether the employer can pay for those terms, the parties shall consider the employer's inability to pay. The parties shall not consider either of the following when determining the ability of the public employer to pay for those terms:</u>	7262
	7263
	7264
	7265
	7266
	7267
	7268
	7269
	7270
	7271

(1) Any potential future increase in the income of the public employer that would only be possible by the employer raising revenue, including, but not limited to, passing a levy or a bond issue; 7272
7273
7274
7275

(2) The employer's ability to sell assets. 7276

(E) The provision of health care benefits for which the employer is required to pay more than eighty-five per cent of the cost is not an appropriate subject for collective bargaining. No public employer shall agree to a provision that requires the public employer to pay more than eighty-five per cent of the cost paid for health care benefits. 7277
7278
7279
7280
7281
7282

Sec. 4117.081. (A) This section applies only to school districts, educational service centers, certain conversion community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code. 7283
7284
7285
7286
7287

(B) No public employer to which this section applies shall enter into a collective bargaining agreement on or after the effective date of this section that does any of the following: 7288
7289
7290

(1) Requires the public employer to employ a minimum number of total personnel or any category of personnel; 7291
7292

(2) Restricts the authority of the public employer or a district or service center superintendent to assign personnel to school buildings or restricts the authority of a building principal to designate the responsibilities and workloads of personnel assigned to the building; 7293
7294
7295
7296
7297

(3) Establishes a maximum number of students who may be assigned to a classroom or teacher; 7298
7299

(4) Prohibits the public employer from making reductions in teachers or nonteaching employees for any applicable reason 7300
7301

specified in division (B) of section 124.321 or section 3319.17 or 7302
3319.172 of the Revised Code or in a policy adopted under section 7303
3319.171 of the Revised Code; 7304

(5) Restricts the authority of the public employer, when 7305
making personnel reductions, to determine the order of layoffs; 7306

(6) Restricts the authority of the public employer to acquire 7307
noneducational services from another public or private entity 7308
through competitive bidding; 7309

(7) Otherwise relinquishes, impairs, or restricts the 7310
managerial rights and responsibilities of the public employer 7311
described in division (C) of section 4117.08 of the Revised Code. 7312

(C)(1) Except as otherwise provided in division (C)(2) of 7313
this section, each collective bargaining agreement entered into on 7314
or after the effective date of this section between a public 7315
employer to which this section applies and its employees shall 7316
comply with all applicable state or local laws or ordinances 7317
regarding wages, hours, and terms and conditions of employment of 7318
public employees. 7319

(2) A collective bargaining agreement entered into on or 7320
after the effective date of this section may include a provision 7321
that conflicts with an applicable law or ordinance, if the 7322
provision establishes benefits that are less than the benefits 7323
conferred by the law or ordinance and division (A) of section 7324
4117.10 of the Revised Code does not require that the law or 7325
ordinance prevail over the conflicting provision. Any provision of 7326
the agreement that conflicts with an applicable law or ordinance 7327
and does not meet these requirements shall be void. 7328

(D) Notwithstanding division (A)(5) of section 4117.11 of the 7329
Revised Code, a public employer to which this section applies is 7330
not required to, and may refuse to, collectively bargain on the 7331
continuation, modification, or termination of a provision of an 7332

existing collective bargaining agreement. 7333

Sec. 4117.09. (A) The parties to any collective bargaining 7334
agreement shall reduce the agreement to writing and both execute 7335
it. 7336

(B) The agreement shall contain a provision that: 7337

(1) Provides for a grievance procedure which may culminate 7338
with final and binding arbitration of unresolved grievances, ~~and~~ 7339
that are based on the disputed interpretations of the express 7340
written provisions of the agreements, and which is valid and 7341
enforceable under its terms when entered into in accordance with 7342
this chapter. No publication thereof is required to make it 7343
effective. A party to the agreement may bring suits for violation 7344
of agreements or the enforcement of an award by an arbitrator in 7345
the court of common pleas of any county wherein a party resides or 7346
transacts business. 7347

(2) Authorizes the public employer to deduct the periodic 7348
dues, initiation fees, and assessments of members of the exclusive 7349
representative upon presentation of a written deduction 7350
authorization by the employee so long as the employee organization 7351
has filed and maintained its financial report outlining the 7352
organization's expenditures. 7353

(C) The agreement may contain a provision that requires as a 7354
condition of employment, on or after a mutually agreed upon 7355
probationary period or sixty days following the beginning of 7356
employment, whichever is less, or the effective date of a 7357
collective bargaining agreement, whichever is later, that the 7358
employees in the unit who are not members of the employee 7359
organization pay to the employee organization a fair share fee. 7360
The arrangement does not require any employee to become a member 7361
of the employee organization, nor shall fair share fees exceed 7362
dues paid by members of the employee organization who are in the 7363

same bargaining unit. Any public employee organization 7364
representing public employees pursuant to this chapter shall 7365
prescribe an internal procedure to determine a rebate, if any, for 7366
nonmembers which conforms to federal law, provided a nonmember 7367
makes a timely demand on the employee organization. Absent 7368
arbitrary and capricious action, such determination is conclusive 7369
on the parties except that a challenge to the determination may be 7370
filed with the state employment relations board within thirty days 7371
of the determination date specifying the arbitrary or capricious 7372
nature of the determination and the board shall review the rebate 7373
determination and decide whether it was arbitrary or capricious. 7374
The deduction of a fair share fee by the public employer from the 7375
payroll check of the employee and its payment to the employee 7376
organization is automatic and does not require the written 7377
authorization of the employee. 7378

The internal rebate procedure shall provide for a rebate of 7379
expenditures in support of partisan politics or ideological causes 7380
not germane to the work of employee organizations in the realm of 7381
collective bargaining. 7382

Any public employee who is a member of and adheres to 7383
established and traditional tenets or teachings of a bona fide 7384
religion or religious body which has historically held 7385
conscientious objections to joining or financially supporting an 7386
employee organization and which is exempt from taxation under the 7387
provisions of the Internal Revenue Code shall not be required to 7388
join or financially support any employee organization as a 7389
condition of employment. Upon submission of proper proof of 7390
religious conviction to the board, the board shall declare the 7391
employee exempt from becoming a member of or financially 7392
supporting an employee organization. The employee shall be 7393
required, in lieu of the fair share fee, to pay an amount of money 7394
equal to the fair share fee to a nonreligious charitable fund 7395

exempt from taxation under section 501(c)(3) of the Internal Revenue Code mutually agreed upon by the employee and the representative of the employee organization to which the employee would otherwise be required to pay the fair share fee. The employee shall furnish to the employee organization written receipts evidencing such payment, and failure to make the payment or furnish the receipts shall subject the employee to the same sanctions as would nonpayment of dues under the applicable collective bargaining agreement.

No public employer shall agree to a provision requiring that a public employee become a member of an employee organization as a condition for securing or retaining employment. Any agreement that purports to require that employees join any exclusive representative is void and unenforceable.

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

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

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

(E) No agreement shall contain an expiration date that is 7427
later than three years from the date of execution. The parties may 7428
extend any agreement, but the extensions do not affect the 7429
expiration date of the original agreement. 7430

(F) No public employer shall agree to a provision that 7431
requires the public employer, when a reduction in force is 7432
necessary, to use an employee's length of service as the only 7433
factor to determine whether to lay off the employee. 7434

Sec. 4117.10. (A) An agreement between a public employer and 7435
an exclusive representative entered into pursuant to this chapter 7436
governs the wages, hours, and terms and conditions of public 7437
employment covered by the agreement. If the agreement provides for 7438
a final and binding arbitration of grievances, public employers, 7439
employees, and employee organizations are subject solely to that 7440
grievance procedure and the state personnel board of review or 7441
civil service commissions have no jurisdiction to receive and 7442
determine any appeals relating to matters that were the subject of 7443
a final and binding grievance procedure. Where no agreement exists 7444
or where an agreement makes no specification about a matter, the 7445
public employer and public employees are subject to all applicable 7446
state or local laws or ordinances pertaining to the wages, hours, 7447
and terms and conditions of employment for public employees. ~~Laws~~ 7448
All of the following prevail over conflicting provisions of 7449
agreements between employee organizations and public employers: 7450

(1) Laws pertaining to ~~civil~~ any of the following subjects: 7451

(a) Civil rights, ~~affirmative~~; 7452

(b) Affirmative action, ~~unemployment~~; 7453

(c) Unemployment compensation, ~~workers~~; 7454

(d) Workers' compensation, ~~the~~; 7455

(e) The retirement of public employees, ~~and residency~~; 7456

<u>(f) The provision of health care benefits to public employees;</u>	7457
	7458
<u>(g) Residency requirements,</u> the;	7459
<u>(h) The</u> minimum educational requirements contained in the Revised Code pertaining to public education including the requirement of a certificate by the fiscal officer of a school district pursuant to section 5705.41 of the Revised Code, the;	7460
	7461
	7462
	7463
<u>(i) The</u> provisions of division (A) of section 124.34 of the Revised Code governing the disciplining of officers and employees who have been convicted of a felony, and the;	7464
	7465
	7466
<u>(j) The</u> minimum standards promulgated by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code prevail over conflicting provisions of agreements between employee organizations and public employers. The	7467
	7468
	7469
	7470
<u>(2) The</u> law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code prevails over any conflicting provisions of such agreements, if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and the public authority is the state or any agency, authority, commission, or board of the state or if the public authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code. The;	7471
	7472
	7473
	7474
	7475
	7476
	7477
	7478
	7479
	7480
	7481
<u>(3) The</u> law pertaining to the leave established under section 5906.02 of the Revised Code prevails over any conflicting provision of an agreement between an employee organization and public employer if the terms of the agreement contain benefits that are less than those contained in section 5906.02 of the Revised Code. Except	7482
	7483
	7484
	7485
	7486
	7487

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 7488
the Revised Code and arrangements entered into thereunder, and 7489
section 4981.21 of the Revised Code as necessary to comply with 7490
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 7491
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 7492
entered into thereunder, this chapter prevails over any and all 7493
other conflicting laws, resolutions, provisions, present or 7494
future, except as otherwise specified in this chapter or as 7495
otherwise specified by the general assembly. Nothing in this 7496
section prohibits or shall be construed to invalidate the 7497
provisions of an agreement establishing supplemental workers' 7498
compensation or unemployment compensation benefits or exceeding 7499
minimum requirements contained in the Revised Code pertaining to 7500
public education or the minimum standards promulgated by the state 7501
board of education pursuant to division (D) of section 3301.07 of 7502
the Revised Code. 7503

(B) The public employer shall submit a request for funds 7504
necessary to implement an agreement and for approval of any other 7505
matter requiring the approval of the appropriate legislative body 7506
to the legislative body within ~~fourteen~~ thirty days of the date on 7507
which the parties finalize the agreement, unless otherwise 7508
specified, but if the appropriate legislative body is not in 7509
session at the time, then within fourteen days after it convenes. 7510
The legislative body must approve or reject the submission as a 7511
whole, and the submission is deemed approved if the legislative 7512
body fails to act within thirty days after the public employer 7513
submits the agreement. The parties may specify that those 7514
provisions of the agreement not requiring action by a legislative 7515
body are effective and operative in accordance with the terms of 7516
the agreement, provided there has been compliance with division 7517
(C) of this section. If the legislative body rejects the 7518
submission of the public employer, either party may reopen all or 7519
part of the entire agreement. 7520

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

(C) The chief executive officer, or the chief executive officer's representative, of each municipal corporation, the designated representative of the board of education of each school district, college or university, or any other body that has authority to approve the budget of their public jurisdiction, the designated representative of the board of county commissioners and of each elected officeholder of the county whose employees are covered by the collective negotiations, and the designated representative of the village or the board of township trustees of each township is responsible for negotiations in the collective bargaining process; except that the legislative body may accept or reject a proposed collective bargaining agreement. When the matters about which there is agreement are reduced to writing and approved by the employee organization and the legislative body, the agreement is binding upon the legislative body, the employer, and the employee organization and employees covered by the agreement.

(D) There is hereby established an office of collective bargaining in the department of administrative services for the purpose of negotiating with and entering into written agreements between state agencies, departments, boards, and commissions and the exclusive representative on matters of wages, hours, terms and ~~other~~ conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. Nothing in any provision of law to the contrary shall be interpreted as excluding the bureau of workers' compensation

and the industrial commission from the preceding sentence. This 7553
office shall not negotiate on behalf of other statewide elected 7554
officials or boards of trustees of state institutions of higher 7555
education who shall be considered as separate public employers for 7556
the purposes of this chapter; however, the office may negotiate on 7557
behalf of these officials or trustees where authorized by the 7558
officials or trustees. The staff of the office of collective 7559
bargaining are in the unclassified service. The director of 7560
administrative services shall fix the compensation of the staff. 7561

The office of collective bargaining shall: 7562

(1) Assist the director in formulating management's 7563
philosophy for public collective bargaining as well as planning 7564
bargaining strategies; 7565

(2) Conduct negotiations with the exclusive representatives 7566
of each employee organization; 7567

(3) Coordinate the state's resources in all mediation, 7568
fact-finding, and arbitration cases as well as in all labor 7569
disputes; 7570

(4) Conduct systematic reviews of collective bargaining 7571
agreements for the purpose of contract negotiations; 7572

(5) Coordinate the systematic compilation of data by all 7573
agencies that is required for negotiating purposes; 7574

(6) Prepare and submit an annual report and other reports as 7575
requested to the governor and the general assembly on the 7576
implementation of this chapter and its impact upon state 7577
government. 7578

Sec. 4117.104. (A) Notwithstanding any provision of section 7579
4117.08 or 4117.10 of the Revised Code to the contrary, no 7580
agreement entered into under this chapter on or after the 7581
effective date of this section shall prohibit a public employer 7582

that the auditor of state has declared to be in a state of fiscal watch from serving a written notice pursuant to section 4117.14 of the Revised Code to modify a collective bargaining agreement so that salary or benefit increases, or both, are suspended. 7583
7584
7585
7586

(B) Notwithstanding any provision of section 4117.08 or 4117.10 of the Revised Code to the contrary, no agreement entered into under this chapter on or after the effective date of this section shall prohibit a public employer that the governor or auditor of state has declared to be in a state of fiscal emergency or in the case of a state university or college, that a conservator has been appointed for, from serving a written notice to terminate, modify, or negotiate a collective bargaining agreement pursuant to section 4117.14 of the Revised Code. 7587
7588
7589
7590
7591
7592
7593
7594
7595

(C) Each agreement entered into under this chapter on or after the effective date of this section shall contain a statement that the agreement may be terminated, modified, or negotiated in accordance with this section. 7596
7597
7598
7599

(D) If the public employer sends a notice as described in this section, the parties may collectively bargain and enter into a new collective bargaining agreement pursuant to section 4117.14 of the Revised Code. 7600
7601
7602
7603

Sec. 4117.105. Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, no agreement entered into or renewed under this chapter on or after the effective date of this section shall contain any provision that in any way prohibits a public employer from entering into a contract with another public or private sector entity to privatize the public employer's services or the contracting out of the public employer's work. No such agreement shall contain any provisions that cause the public employer to do any of the following: 7604
7605
7606
7607
7608
7609
7610
7611
7612

(A) Retain existing employees as employees of the public employer if their work is privatized or subcontracted to another entity; 7613
7614
7615

(B) Pay any additional payments to employees who may be laid off as the result of such privatization or subcontracting, except for payments for accumulated time or leave credits that would normally be paid by the public employer to any other employee who is laid off for reasons other than the subcontracting or privatization of their work. 7616
7617
7618
7619
7620
7621

Any provision inconsistent with this section that is contained in an agreement entered into or renewed on or after the effective date of this section is void and unenforceable. 7622
7623
7624

Sec. 4117.106. Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, no agreement entered into or renewed under this chapter on or after the effective date of this section shall contain any provision that does any of the following: 7625
7626
7627
7628

(A) Limits a public employer in determining the number of employees it employs or has working at any time, in any facility, building, classroom, on any work shift, or on any piece of equipment or vehicle; 7629
7630
7631
7632

(B) Provides for the public employer to pay any portion of a public employee's state pension contributions or payments; 7633
7634

(C) Provides for an hourly overtime payment rate that exceeds the overtime rate required by the Fair Labor Standards Act of 1938, 52 Stat. 1060, 20 U.S.C. 207; 7635
7636
7637

(D) Requires the public employer to adhere to, follow, or continue any practices or benefits not specifically set forth in the specific written provisions of the agreement. 7638
7639
7640

Any provision inconsistent with this section that is contained in an agreement entered into or renewed on or after the 7641
7642

effective date of this section is void and unenforceable. 7643

Sec. 4117.107. (A) Notwithstanding sections 4117.08 and 7644
4117.10 of the Revised Code, no agreement entered into or renewed 7645
under this chapter on or after the effective date of this section 7646
shall contain any provisions that do any of the following: 7647

(1) Provide for any supplemental wage payments based on 7648
length of employment to any employee participating in the deferred 7649
retirement option plan; 7650

(2) Provide for any annual paid vacation leave earning in 7651
excess of five weeks to any employee participating in the deferred 7652
retirement option plan; 7653

(3) Provide for the ability of any employee participating in 7654
the deferred retirement option plan to carry over vacation leave 7655
from one year to another that exceeds a total accumulation of the 7656
equivalent of three years vacation leave; 7657

(4) Provide the basis for the payment to any employee 7658
participating in the deferred retirement option plan of any 7659
accumulated paid leave, including, but not limited to, sick leave, 7660
vacation leave, and compensatory time, that is based on an 7661
employee's hourly wage rate greater than the employee's wage rate 7662
on the date the employee commenced participating in the deferred 7663
retirement option plan. 7664

(B) Notwithstanding any other provisions of the Revised Code, 7665
the police and fire pension fund shall notify the public employer 7666
of the respective employee of the date upon which the employee 7667
entered the deferred retirement option plan and shall notify the 7668
public employer of the date any employee entered the deferred 7669
retirement option plan prior to the effective date of this 7670
section. 7671

Sec. 4117.108. (A) Notwithstanding sections 4117.08 and 7672

4117.10 of the Revised Code, no agreement entered into or renewed 7673
under this chapter on or after the effective date of this section 7674
shall contain any provision that exceeds the annual earnings or 7675
accrual rate of the following leave credits: 7676

(1) For vacation leave a maximum annual accumulation of six 7677
weeks paid vacation prior to twenty years of continuous service; 7678

(2) For compensated holidays a maximum annual earning of 7679
twelve paid holidays; 7680

(3) For compensated personal days a maximum annual earning of 7681
three paid personal days. 7682

(B) For the purposes of this section, "days" means eight 7683
working hours and "week" means forty working hours for employees 7684
working a normally scheduled work week. Those employees working a 7685
work week that exceeds or is less than forty hours shall have the 7686
number of hours per day or week increased or reduced 7687
proportionately based on the difference in hours between the 7688
employee's average work week and forty hours. 7689

Sec. 4117.109. Notwithstanding sections 4117.08 and 4117.10 7690
of the Revised Code, no agreement entered into or renewed under 7691
this chapter on or after the effective date of this section shall 7692
contain any provision for the exchange or sell-back of a public 7693
employee's accumulated paid sick leave balance with the public 7694
employee's public employer at the public employee's final 7695
retirement or death that provides for a cash payment that exceeds 7696
fifty per cent of the public employee's total sick leave 7697
accumulations. No payment made pursuant to this section shall be 7698
made for accumulated sick leave in excess of one thousand hours. 7699
Such payment shall be based upon the public employee's hourly rate 7700
of pay at time of final retirement, unless the employee is a 7701
member of the police and fire pension fund and participates in the 7702

deferred retirement option plan. If the public employee is a 7703
member of the police and fire pension fund and the public employee 7704
participates in the deferred retirement option plan, the payment 7705
shall be based upon the public employee's hourly rate in effect at 7706
the time the employee entered the deferred retirement option plan. 7707
For the purposes of this section, "final retirement" means when an 7708
employee retires and is immediately eligible to receive pension 7709
benefits by satisfying the normal length of service and age 7710
qualifications or as a result of disability. 7711

Sec. 4117.11. (A) It is an unfair labor practice for a public 7712
employer, its agents, or representatives to: 7713

(1) Interfere with, restrain, or coerce employees in the 7714
exercise of the rights guaranteed in Chapter 4117. of the Revised 7715
Code or an employee organization in the selection of its 7716
representative for the purposes of collective bargaining or the 7717
adjustment of grievances; 7718

(2) Initiate, create, dominate, or interfere with the 7719
formation or administration of any employee organization, or 7720
contribute financial or other support to it; except that a public 7721
employer may permit employees to confer with it during working 7722
hours without loss of time or pay, permit the exclusive 7723
representative to use the facilities of the public employer for 7724
membership or other meetings, or permit the exclusive 7725
representative to use the internal mail system or other internal 7726
communications system; 7727

(3) Discriminate in regard to hire or tenure of employment or 7728
any term or condition of employment on the basis of the exercise 7729
of rights guaranteed by Chapter 4117. of the Revised Code. Nothing 7730
precludes any employer from making and enforcing an agreement 7731
pursuant to division (C) of section 4117.09 of the Revised Code. 7732

(4) Discharge or otherwise discriminate against an employee 7733
because ~~he~~ the employee has filed charges or given testimony under 7734
Chapter 4117. of the Revised Code; 7735

(5) Refuse to bargain collectively with the representative of 7736
~~his~~ the employer's employees recognized as the exclusive 7737
representative or certified pursuant to Chapter 4117. of the 7738
Revised Code; 7739

(6) Establish a pattern or practice of repeated failures to 7740
timely process grievances and requests for arbitration of 7741
grievances; 7742

(7) Lock out or otherwise prevent employees from performing 7743
their regularly assigned duties where ~~an~~ the object thereof is to 7744
bring pressure on the employees or an employee organization to 7745
compromise or capitulate to the employer's terms regarding a labor 7746
relations dispute; 7747

(8) Cause or attempt to cause an employee organization, its 7748
agents, or representatives to violate division (B) of this 7749
section. 7750

(B) It is an unfair labor practice for an employee 7751
organization, its agents, or representatives, or public employees 7752
to: 7753

(1) Restrain or coerce employees or public employers in the 7754
exercise of the rights guaranteed in Chapter 4117. of the Revised 7755
Code, including the public employer's selection of the public 7756
employer's representative for the purpose of collective 7757
negotiations or the adjustment of grievances. This division does 7758
not impair the right of an employee organization to prescribe its 7759
own rules with respect to the acquisition or retention of 7760
membership therein, ~~or an employer in the selection of his~~ 7761
~~representative for the purpose of collective bargaining or the~~ 7762
~~adjustment of grievances.~~ 7763

- (2) Cause or attempt to cause an employer to violate division 7764
(A) of this section; 7765
- (3) Refuse to bargain collectively with a public employer if 7766
the employee organization is recognized as the exclusive 7767
representative or certified as the exclusive representative of 7768
public employees in a bargaining unit or communicates or attempts 7769
to engage in other direct dealings during the period of 7770
negotiations with elected or appointed officials of the public 7771
employer, other than those individuals designated to represent the 7772
public employer, regarding wages, hours, and terms and conditions 7773
of employment, or with regard to matters that are or may become 7774
the subject of collective negotiations; 7775
- (4) Call, institute, maintain, or conduct a boycott against 7776
any public employer, or picket any place of business of a public 7777
employer, on account of any jurisdictional work dispute; 7778
- (5) Induce or encourage any individual employed by any person 7779
to engage in a strike in violation of Chapter 4117. of the Revised 7780
Code or refusal to handle goods or perform services; or threaten, 7781
coerce, or restrain any person where an object thereof is to force 7782
or require any public employee to cease dealing or doing business 7783
with any other person, or force or require a public employer to 7784
recognize for representation purposes an employee organization not 7785
certified by the state employment relations board, or induce or 7786
encourage any individual to engage in a secondary boycott whether 7787
under the existing agreement or as part of another employee 7788
organization's concerted activity, whether in the public or 7789
private sector; 7790
- (6) Fail to fairly represent all public employees in a 7791
bargaining unit; 7792
- (7) Induce or encourage any individual in connection with a 7793
labor relations dispute to picket the residence or any place of 7794

private employment of any public official or representative of the 7795
public employer; 7796

(8) Engage in any picketing, striking, or other concerted 7797
refusal to work ~~without giving written notice to the public~~ 7798
~~employer and to the state employment relations board not less than~~ 7799
~~ten days prior to the action. The notice shall state the date and~~ 7800
~~time that the action will commence and, once the notice is given,~~ 7801
~~the parties may extend it by the written agreement of both.~~ 7802

(C) The expressing of any views, argument, or opinion, or the 7803
dissemination thereof, whether in written, printed, graphic, or 7804
visual form, shall not constitute or be evidence of an unfair 7805
labor practice under this chapter, if that expression contains no 7806
threat of reprisal or force or promise of benefit. 7807

(D) The determination by the board or any court that a public 7808
officer or employee has committed any of the acts prohibited by 7809
divisions (A) and (B) of this section shall not be made the basis 7810
of any charge for the removal from office or recall of the public 7811
officer or the suspension from or termination of employment of or 7812
disciplinary acts against an employee, nor shall the officer or 7813
employee be found subject to any suit for damages based on such a 7814
determination; however nothing in this division prevents any party 7815
to a collective bargaining agreement from seeking enforcement or 7816
damages for a violation thereof against the other party to the 7817
agreement. 7818

~~(D)~~(E) As to jurisdictional work disputes, the board shall 7819
hear and determine the dispute unless, within ten days after 7820
notice to the board by a party to the dispute that a dispute 7821
exists, the parties to the dispute submit to the board 7822
satisfactory evidence that they have adjusted, or agreed upon the 7823
method for the voluntary adjustment of, the dispute. 7824

Sec. 4117.12. (A) Whoever violates section 4117.11 of the 7825

Revised Code is guilty of an unfair labor practice remediable by 7826
the state employment relations board as specified in this section. 7827

(B) When anyone files a charge with the board alleging that 7828
an unfair labor practice has been committed, the board or its 7829
designated agent ~~shall investigate the charge. If the board has~~ 7830
~~probable cause for believing that a violation has occurred, the~~ 7831
~~board shall issue a complaint and~~ shall conduct a hearing 7832
concerning the charge. The board shall cause the ~~complaint~~ charge 7833
to be served upon the charged party which shall contain a notice 7834
of the time at which the hearing on the ~~complaint~~ charge will be 7835
held either before the board, a board member, or an administrative 7836
law judge. The board may not issue a notice of hearing based upon 7837
any unfair labor practice occurring more than ninety days prior to 7838
the filing of the charge with the board, unless the person 7839
aggrieved thereby is prevented from filing the charge by reason of 7840
service in the armed forces, in which event the ninety-day period 7841
shall be computed from the day of the person's discharge. If the 7842
board dismisses a ~~complaint~~ charge as frivolous, it shall assess 7843
costs to the ~~complainant~~ charging party pursuant to its standards 7844
governing such matters, and for that purpose, the board shall 7845
adopt a rule defining the standards by which the board will 7846
declare a ~~complaint~~ charge to be frivolous and the costs that will 7847
be assessed accordingly. 7848

(1) The board, board member, or administrative law judge 7849
shall hold a hearing on the charge ~~within ten days after service~~ 7850
~~of the complaint. The board may amend a complaint, upon receipt of~~ 7851
~~a notice from the charging party, at any time prior to the close~~ 7852
~~of the hearing, and the charged party shall within ten days from~~ 7853
~~receipt of the complaint or amendment to the complaint, file an~~ 7854
~~answer to the complaint or amendment to the complaint as soon as~~ 7855
is practicable. The charged party may file an answer to an 7856
original or amended ~~complaint~~ charge. The failure to file or 7857

timely file an answer shall not be construed as any admission 7858
against the non-responding party and the party may present its 7859
response or challenge to the charge at any time prior to the 7860
hearing. The agents of the board and the person charged are 7861
parties and may appear or otherwise give evidence at the hearing. 7862
At the discretion of the board, board member, or administrative 7863
law judge, any interested party may intervene and present evidence 7864
at the hearing. The board, board member, or administrative law 7865
judge is not bound by the rules of evidence prevailing in the 7866
courts. 7867

(2) A board member or administrative law judge who conducts 7868
the hearing shall reduce the evidence taken to writing and file it 7869
with the board. The board member or the administrative law judge 7870
may thereafter take further evidence or hear further argument if 7871
notice is given to all interested parties. The administrative law 7872
judge or board member shall issue to the parties a proposed 7873
decision, together with a recommended order and file it with the 7874
board. ~~If the parties file no exceptions within twenty days after~~ 7875
~~service thereof, the recommended order becomes the order of the~~ 7876
~~board effective as therein prescribed.~~ If the parties file 7877
exceptions to the proposed report, the board shall determine 7878
whether substantial issues have been raised. The board may rescind 7879
or modify the proposed order of the board member or administrative 7880
law judge; the board may consider any issues raised by a party, 7881
however, if the board determines that the exceptions do not raise 7882
substantial issues of fact or law, it may refuse to grant review, 7883
and the recommended order becomes effective as therein prescribed. 7884

(3) If upon the preponderance of the evidence taken, the 7885
board believes that any person named in the ~~complaint~~ charge has 7886
engaged in any unfair labor practice, the board shall state its 7887
findings of fact and issue and cause to be served on the person an 7888
order requiring that the person cease and desist from these unfair 7889

labor practices, and take such affirmative action, including 7890
reinstatement of employees with or without back pay, as will 7891
effectuate the policies of Chapter 4117. of the Revised Code. If 7892
upon a preponderance of the evidence taken, the board believes 7893
that the person named in the complaint has not engaged in an 7894
unfair labor practice it shall state its findings of fact and 7895
issue an order dismissing the ~~complaint~~ charge. 7896

(4) The board may order the public employer to reinstate the 7897
public employee and further may order either the public employer 7898
or the employee organization, depending on who was responsible for 7899
the discrimination suffered by the public employee, to make such 7900
payment of back pay to the public employee as the board 7901
determines. In the event the board determines the employee 7902
organization has violated division (B)(4), (5), (7), or (8) of 7903
section 4117.11 of the Revised Code, the board shall order the 7904
suspension of the payment of dues or fees to the employee 7905
organization for the greater of thirty days or two times the 7906
duration of the illegal activity. No order of the board shall 7907
require the reinstatement of any individual as an employee who has 7908
been suspended or discharged, or require the payment to the 7909
employee of any back pay, if the suspension or discharge was for 7910
just cause and the predominant basis for the suspension or 7911
discharge was not related to rights provided in section 4117.03 of 7912
the Revised Code and the procedure contained in the collective 7913
bargaining agreement governing suspension or discharge was 7914
followed. The order of the board may require the party against 7915
whom the order is issued to make periodic reports showing the 7916
extent to which the party has complied with the order. 7917

(C) Whenever a ~~complaint~~ charge alleges that a person has 7918
engaged in an unfair labor practice and that the complainant will 7919
suffer substantial and irreparable injury if not granted temporary 7920
relief, the board may petition the court of common pleas for any 7921

county wherein the alleged unfair labor practice in question 7922
occurs, or wherein any person charged with the commission of any 7923
unfair labor practice resides or transacts business for 7924
appropriate injunctive relief, pending the final adjudication by 7925
the board with respect to the matter. Upon the filing of any 7926
petition, the court shall cause notice thereof to be served upon 7927
the parties, and thereupon has jurisdiction to grant the temporary 7928
relief or restraining order it considers just and proper. 7929

(D) Until the record in a case is filed in a court, as 7930
specified in Chapter 4117. of the Revised Code, the board may at 7931
any time upon reasonable notice and in a manner it considers 7932
proper, modify or set aside, in whole or in part, any finding or 7933
order made or issued by it. 7934

Sec. 4117.13. (A) The state employment relations board or the 7935
~~complain~~ing charging party may petition the court of common pleas 7936
for any county wherein an unfair labor practice occurs, or wherein 7937
any person charged with the commission of any unfair labor 7938
practice resides or transacts business, for the enforcement of the 7939
order and for appropriate temporary relief or restraining order. 7940
The board shall certify and file in the court a transcript of the 7941
entire record in the proceeding, including the pleadings and 7942
evidence upon which the order was entered and the findings and 7943
order of the board. When the board petitions the court, the 7944
~~complain~~ing charging party may intervene in the case as a matter 7945
of right. Upon the filing, the court shall cause notice thereof to 7946
be served upon the person charged with committing the unfair labor 7947
practice and thereupon has jurisdiction of the proceeding and the 7948
question determined therein. The court may grant the temporary 7949
relief or restraining order it deems just and proper, and make and 7950
enter upon the pleadings, evidence, and proceedings set forth in 7951
the transcript a decree enforcing, modifying, and enforcing as so 7952
modified, or setting aside in whole or in part the order of the 7953

board. 7954

(B) The findings of the board as to the facts, if supported 7955
by substantial evidence, on the record as a whole, are conclusive. 7956
If either party applies to the court for leave to adduce 7957
additional evidence and shows to the satisfaction of the court 7958
that the additional evidence is material and that there exist 7959
reasonable grounds for the failure to adduce the evidence in the 7960
hearing before the board, its member or agent, the court may order 7961
the board, its member, or agent to take the additional evidence, 7962
and make it a part of the transcript. The board may modify its 7963
findings as to the facts, or make new findings, by reason of 7964
additional evidence so taken and filed, and it shall file the 7965
modified or new findings, which, if supported by the evidence, are 7966
conclusive and shall file its recommendations, if any, for the 7967
modifying or setting aside of its original order. 7968

(C) The jurisdiction of the court is exclusive and its 7969
judgment and decree final, except that the same is subject to 7970
review on questions of law as in civil cases. 7971

(D) Any person aggrieved by any final order of the board 7972
granting or denying, in whole or in part, the relief sought may 7973
appeal to the court of common pleas of any county where the unfair 7974
labor practice in question was alleged to have been engaged in, or 7975
where the person resides or principally transacts business, by 7976
filing in the court a notice of appeal setting forth the order 7977
appealed from and the grounds of appeal. The court shall cause a 7978
copy of the notice to be served forthwith upon the board and all 7979
other parties. Within ten days after the court receives a notice 7980
of appeal, the board shall file in the court a transcript of the 7981
entire record in the proceeding, certified by the board, including 7982
the pleading and evidence upon which the order appealed from was 7983
entered. 7984

The court has exclusive jurisdiction to grant the temporary 7985

relief or restraining order it considers proper, and to make and 7986
enter a decree enforcing, modifying, and enforcing as so modified, 7987
or setting aside in whole or in part the order of the board. The 7988
findings of the board as to the facts, if supported by substantial 7989
evidence on the record as a whole, are conclusive. 7990

(E) The commencement of proceedings under division (A) or (D) 7991
of this section does not, unless specifically ordered by the 7992
court, operate as a stay of the board's order. 7993

(F) Courts of common pleas shall hear appeals under Chapter 7994
4117. of the Revised Code expeditiously presented and where good 7995
cause is shown give precedence to them over all other civil 7996
matters except earlier matters of the same character. 7997

Sec. 4117.14. (A) The procedures contained in this section 7998
govern the settlement of disputes between an exclusive 7999
representative and a public employer concerning the termination or 8000
modification of an existing collective bargaining agreement or 8001
negotiation of a successor agreement, or the negotiation of an 8002
initial collective bargaining agreement. 8003

(B)(1) In those cases where there exists a collective 8004
bargaining agreement, any public employer or exclusive 8005
representative desiring to terminate, modify, or negotiate a 8006
successor collective bargaining agreement shall: 8007

(a) Serve written notice upon the other party of the proposed 8008
termination, modification, or successor agreement. The party must 8009
serve the notice not less than sixty days prior to the expiration 8010
date of the existing agreement or, in the event the existing 8011
collective bargaining agreement does not contain an expiration 8012
date, not less than sixty days prior to the time it is proposed to 8013
make the termination or modifications or to make effective a 8014
successor agreement. 8015

(b) Offer to bargain collectively with the other party for 8016
the purpose of modifying or terminating any existing agreement or 8017
negotiating a successor agreement not less than sixty days prior 8018
to the expiration date of the existing agreement; 8019

(c) Notify the state employment relations board of the offer 8020
by serving upon the board a copy of the written notice to the 8021
other party and a copy of the existing collective bargaining 8022
agreement not less than sixty days prior to the expiration date of 8023
the existing agreement. 8024

(2) In the case of initial negotiations between a public 8025
employer and an exclusive representative, where a collective 8026
bargaining agreement has not been in effect between the parties, 8027
any party may serve notice upon the board and the other party 8028
setting forth the names and addresses of the parties and offering 8029
to meet, for a period of ~~ninety~~ one hundred twenty days, with the 8030
other party for the purpose of negotiating a collective bargaining 8031
agreement. 8032

If the settlement procedures specified in divisions (B) ~~and~~ 8033
(C) ~~and (D)~~ of this section govern the parties, where those 8034
procedures refer to the expiration of a collective bargaining 8035
agreement, it means the expiration of the sixty-day period to 8036
negotiate a collective bargaining agreement referred to in this 8037
subdivision, or in the case of initial negotiations, it means the 8038
ninety-day period referred to in this subdivision. 8039

(3) The parties shall continue in full force and effect all 8040
the terms and conditions of any existing collective bargaining 8041
agreement, ~~without resort to strike or lock-out,~~ for a period of 8042
~~sixty~~ ninety days after the party gives notice or until the 8043
expiration date of the collective bargaining agreement, whichever 8044
occurs later, or for a period of ~~ninety~~ one hundred twenty days 8045
where applicable. 8046

(4) ~~Upon~~ Except as otherwise provided in division (B)(4) of this section, upon receipt of the notice, the parties shall enter into collective bargaining. Notwithstanding divisions (A)(5) and (B)(3) of section 4117.11 of the Revised Code, neither a public employer nor an exclusive representative is required to, and may refuse to, collectively bargain on the continuation, modification, or termination of a provision of an existing agreement.

(C) ~~In the event the parties are unable to reach an agreement, they may submit, at any time prior to forty five days before the expiration date of the collective bargaining agreement, the issues in dispute to any mutually agreed upon dispute settlement procedure which supersedes the procedures contained in this section.~~

~~(1) The procedures may include:~~

~~(a) Conventional arbitration of all unsettled issues;~~

~~(b) Arbitration confined to a choice between the last offer of each party to the agreement as a single package;~~

~~(c) Arbitration confined to a choice of the last offer of each party to the agreement on each issue submitted;~~

~~(d) The procedures described in division (C)(1)(a), (b), or (c) of this section and including among the choices for the arbitrator, the recommendations of the fact finder, if there are recommendations, either as a single package or on each issue submitted;~~

~~(e) Settlement by a citizens' conciliation council composed of three residents within the jurisdiction of the public employer. The public employer shall select one member and the exclusive representative shall select one member. The two members selected shall select the third member who shall chair the council. If the two members cannot agree upon a third member within five days after their appointments, the board shall appoint the third~~

member. Once appointed, the council shall make a final settlement 8078
of the issues submitted to it pursuant to division (C) of this 8079
section. 8080

~~(f) Any other dispute settlement procedure mutually agreed to 8081
by the parties. 8082~~

~~(2) If, fifty days before the expiration date of the 8083
collective bargaining agreement, the parties are unable to reach 8084
an agreement, any party may request the state employment relations 8085
board to intervene. The request shall set forth the names and 8086
addresses of the parties, the issues involved, and, if applicable, 8087
the expiration date of any agreement. 8088~~

The board shall intervene and investigate the dispute to 8089
determine whether the parties have engaged in collective 8090
bargaining. 8091

~~If an impasse exists or forty five days before the expiration 8092
date of the collective bargaining agreement if one exists, the The 8093
board shall appoint a mediator to assist the parties in the 8094
collective bargaining process. 8095~~

When the board appoints a mediator pursuant to division (C) 8096
of this section, the board and the public employer promptly shall 8097
post in a conspicuous location on the web site maintained by the 8098
board or public employer, respectively, the terms of the last 8099
collective bargaining agreement offered by the public employer and 8100
the terms of the last collective bargaining agreement offered by 8101
the exclusive representative. 8102

~~(3)(1) Any time after the appointment of a mediator, either 8103
party may request the appointment of a fact-finding panel finder. 8104
Within fifteen days after receipt of a request for a fact-finding 8105
panel finder, the board shall appoint a fact-finding panel of not 8106
more than three members finder who have has been selected by the 8107
parties in accordance with rules established by the board, from a 8108~~

list of qualified persons maintained by the board. If either party 8109
requests the appointment of a fact-finder pursuant to division 8110
(C)(1) of this section, the board and the public employer promptly 8111
shall post in a conspicuous location on the web site maintained by 8112
the board or public employer, respectively, the terms of the last 8113
collective bargaining agreement offered by the public employer and 8114
the terms of the last collective bargaining agreement offered by 8115
the exclusive representative. 8116

(a) The ~~fact-finding panel~~ finder shall, in accordance with 8117
rules and procedures established by the board that include the 8118
regulation of costs and expenses of fact-finding, gather facts and 8119
make recommendations for the resolution of the matter. The board 8120
shall by its rules require each party to specify in writing the 8121
unresolved issues and its position on each issue to the 8122
~~fact-finding panel~~ finder. The ~~fact-finding panel~~ finder shall 8123
make final recommendations as to all the unresolved issues. 8124

(b) The board may continue mediation, order the parties to 8125
engage in collective bargaining until the expiration date of the 8126
agreement, or both. 8127

~~(4)~~(2) The following guidelines apply to fact-finding: 8128

(a) The ~~fact-finding panel~~ finder may establish times and 8129
place of hearings which shall be, where feasible, in the 8130
jurisdiction of the state. 8131

(b) The ~~fact-finding panel~~ finder shall conduct the hearing 8132
pursuant to rules established by the board. 8133

(c) Upon request of the ~~fact-finding panel~~ finder, the board 8134
shall issue subpoenas for hearings conducted by the panel. 8135

(d) The ~~fact-finding panel~~ finder may administer oaths. 8136

(e) The board shall prescribe guidelines for the ~~fact-finding~~ 8137
~~panel~~ finder to follow in making findings. In making its 8138

recommendations, the ~~fact-finding panel~~ finder shall take into 8139
consideration all of the following factors listed in divisions 8140
~~(C)(7)(a) to (f) of this section:~~ 8141

(i) Past collectively bargained agreements, if any, between 8142
the parties; 8143

(ii) Comparison of the issues submitted to fact-finding 8144
relative to the employees in the bargaining unit involved with 8145
those issues related to other public and private employees doing 8146
comparable work, giving consideration to factors peculiar to the 8147
area and classification involved; 8148

(iii) As the primary consideration, the interests and welfare 8149
of the public and the ability of the public employer to finance 8150
and administer the issues proposed; 8151

(iv) The lawful authority of the public employer; 8152

(v) The stipulations of the parties; 8153

(vi) The compensation paid by the public employer to the 8154
public employer's public employees who are not members of the 8155
bargaining unit represented by the exclusive representative or who 8156
are members of that bargaining unit but are not members of the 8157
exclusive representative; 8158

(vii) The effect of the recommendations on the public 8159
employer's employer-wide collective bargaining program and 8160
practices, and the potential increases in cost to the public 8161
employer; 8162

(viii) Such other factors, not confined to those listed in 8163
this section, that are normally or traditionally taken into 8164
consideration in the determination of the issues submitted to 8165
final offer settlement through voluntary collective bargaining, 8166
mediation, fact-finding, or other impasse resolution procedures in 8167
the public service or in private employment. 8168

(f) The fact-finding panel finder may attempt mediation at 8169
any time during the fact-finding process. From the time of 8170
appointment until the fact-finding panel finder makes a final 8171
recommendation, it shall not discuss the recommendations for 8172
settlement of the dispute with parties other than the direct 8173
parties to the dispute. 8174

~~(5)(3)~~ The fact-finding panel, acting by a majority of its 8175
~~members,~~ finder shall transmit its findings of fact and 8176
recommendations on the unresolved issues to the public employer 8177
and employee organization involved and to the board no later than 8178
~~fourteen~~ thirty days after the ~~appointment of the fact-finding~~ 8179
~~panel hearing,~~ unless the parties mutually agree to an extension. 8180
The fact-finder shall include with its findings of fact and 8181
recommendations a written report explaining how each of the 8182
factors listed in division (C)(2)(e) of this section factored into 8183
the finder's findings of fact and recommendations. The parties 8184
shall share the cost of the fact-finding panel finder in a manner 8185
agreed to by the parties. 8186

~~(6)(4)~~(a) Not later than ~~seven~~ fourteen days after the 8187
findings and recommendations are sent, the legislative body, by a 8188
three-fifths vote of its total membership, and in the case of the 8189
public employee organization, the membership, by a three-fifths 8190
vote of the total membership, may reject the recommendations; ~~if,~~ 8191
If neither rejects the recommendations, the recommendations shall 8192
be deemed agreed upon as the final resolution of the issues 8193
submitted and a collective bargaining agreement shall be executed 8194
between the parties, including the fact-finding panel's finder's 8195
recommendations, except as otherwise modified by the parties by 8196
mutual agreement. If either the legislative body or the public 8197
employee organization rejects the recommendations, the board shall 8198
publicize the findings of fact and recommendations of the 8199
fact-finding panel finder. The board shall adopt rules governing 8200

the procedures and methods for public employees to vote on the 8201
recommendations of the fact-finding panel finder. 8202

(b) As used in division (C)~~(6)~~(4)(a) of this section, 8203
"legislative body" means the controlling board when the state or 8204
any of its agencies, authorities, commissions, boards, or other 8205
branch of public employment is party to the fact-finding process. 8206

(D)(1) If the parties are unable to reach agreement within 8208
~~seven~~ fourteen days after the publication of findings and 8209
recommendations from the fact-finding panel finder or the 8210
collective bargaining agreement, if one exists, has expired, then 8211
the+ 8212

~~(1) Public employees, who are members of a police or fire 8213
department, members of the state highway patrol, deputy sheriffs, 8214
dispatchers employed by a police, fire or sheriff's department or 8215
the state highway patrol or civilian dispatchers employed by a 8216
public employer other than a police, fire, or sheriff's department 8217
to dispatch police, fire, sheriff's department, or emergency 8218
medical or rescue personnel and units, an exclusive nurse's unit, 8219
employees of the state school for the deaf or the state school for 8220
the blind, employees of any public employee retirement system, 8221
corrections officers, guards at penal or mental institutions, 8222
special police officers appointed in accordance with sections 8223
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 8224
employed at mental health forensic facilities, youth leaders 8225
employed at juvenile correctional facilities, or members of a law 8226
enforcement security force that is established and maintained 8227
exclusively by a board of county commissioners and whose members 8228
are employed by that board, shall submit the matter to a final 8229
offer settlement procedure pursuant to a board order issued 8230
forthwith to the parties to settle by a conciliator selected by 8231
the parties. The parties shall request from the board a list of 8232~~

~~five qualified conciliators and the parties shall select a single 8233
conciliator from the list by alternate striking of names. If the 8234
parties cannot agree upon a conciliator within five days after the 8235
board order, the board shall on the sixth day after its order 8236
appoint a conciliator from a list of qualified persons maintained 8237
by the board or shall request a list of qualified conciliators 8238
from the American arbitration association and appoint therefrom. 8239~~

~~(2) Public employees other than those listed in division 8240
(D)(1) of this section have the right to strike under Chapter 8241
4117. of the Revised Code provided that the employee organization 8242
representing the employees has given a ten day prior written 8243
notice of an intent to strike to the public employer and to the 8244
board, and further provided that the strike is for full, 8245
consecutive work days and the beginning date of the strike is at 8246
least ten work days after the ending date of the most recent prior 8247
strike involving the same bargaining unit; however, the board, at 8248
its discretion, may attempt mediation at any time. 8249~~

~~(E) Nothing in this section shall be construed to prohibit 8250
the parties, at any time, from voluntarily agreeing to submit any 8251
or all of the issues in dispute to any other alternative dispute 8252
settlement procedure. An agreement or statutory requirement to 8253
arbitrate or to settle a dispute pursuant to a final offer 8254
settlement procedure and the award issued in accordance with the 8255
agreement or statutory requirement is enforceable in the same 8256
manner as specified in division (B) of section 4117.09 of the 8257
Revised Code. 8258~~

~~(F) Nothing in this section shall be construed to prohibit a 8259
party from seeking enforcement of a collective bargaining 8260
agreement or a conciliator's award as specified in division (B) of 8261
section 4117.09 of the Revised Code. 8262~~

~~(G) The following guidelines apply to final offer settlement 8263
proceedings under division (D)(1) of this section: 8264~~

~~(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time.~~

~~(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable.~~

~~(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position.~~

~~(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing.~~

~~(5) The conciliator may administer oaths.~~

~~(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing. The board shall submit for inclusion in the record and for consideration by the conciliator the written report and recommendation of the fact finders.~~

~~(7) After hearing, the conciliator shall resolve the dispute between the parties by selecting, on an issue by issue basis, from between each of the party's final settlement offers, taking into consideration the following:~~

~~(a) Past collectively bargained agreements, if any, between the parties;~~

(b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;	8296
	8297
	8298
	8299
	8300
(c) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service;	8301
	8302
	8303
	8304
(d) The lawful authority of the public employer;	8305
(e) The stipulations of the parties;	8306
(f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact finding, or other impasse resolution procedures in the public service or in private employment.	8307
	8308
	8309
	8310
	8311
	8312
(8) Final offer settlement awards made under Chapter 4117. of the Revised Code are subject to Chapter 2711. of the Revised Code.	8313
	8314
(9) If more than one conciliator is used, the determination must be by majority vote.	8315
	8316
(10) The conciliator shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the conciliator, and upon the record made before the conciliator and shall mail or otherwise deliver a true copy thereof to the parties and the board.	8317
	8318
	8319
	8320
	8321
(11) Increases in rates of compensation and other matters with cost implications awarded by the conciliator may be effective only at the start of the fiscal year next commencing after the date of the final offer settlement award; provided that if a new	8322
	8323
	8324
	8325

~~fiscal year has commenced since the issuance of the board order to 8326
submit to a final offer settlement procedure, the awarded 8327
increases may be retroactive to the commencement of the new fiscal 8328
year. The parties may, at any time, amend or modify a 8329
conciliator's award or order by mutual agreement. 8330~~

~~(12) The parties shall bear equally the cost of the final 8331
offer settlement procedure. 8332~~

~~(13) Conciliators appointed pursuant to this section shall be 8333
residents of the state. 8334~~

~~(H) All final offer settlement awards and orders of the 8335
conciliator made pursuant to Chapter 4117. of the Revised Code are 8336
subject to review by the court of common pleas having jurisdiction 8337
over the public employer as provided in Chapter 2711. of the 8338
Revised Code. If the public employer is located in more than one 8339
court of common pleas district, the court of common pleas in which 8340
the principal office of the chief executive is located has 8341
jurisdiction. 8342~~

~~(I) The issuance of a final offer settlement award 8343
constitutes a binding mandate to the public employer and the 8344
exclusive representative to take whatever actions are necessary to 8345
implement the award. chief executive officer of the public 8346
employer involved shall, within sixty days after the rejection of 8347
the findings of fact and recommendations of the fact-finder, or 8348
within sixty days after the collective bargaining agreement 8349
expires, submit to the legislative body of the public employer a 8350
copy of the findings of fact and recommendations of the 8351
fact-finder, together with a copy of the public employer's last 8352
best offer and the exclusive representative shall submit the 8353
exclusive representative's last best offer within the same time 8354
limitations. 8355~~

(2) After receiving the submissions required under division 8356

(D)(1) of this section, the legislative body or a duly authorized committee of the legislative body shall conduct a hearing, as soon as is practicable, at which the parties shall be required to explain their positions with respect to the report of the fact-finder. The legislative body shall hold the hearing open to the public and shall not deem the hearing an executive session of the legislative body. Upon the conclusion of the hearing, the legislative body shall vote to accept either the last best offer of the exclusive representative or the last best offer of the public employer. The parties shall execute a collective bargaining agreement that represents the last best offer chosen by the legislative body and that agreement shall be effective for a term of three years.

Sec. 4117.15. ~~(A) Whenever a strike by members of a police or fire department, members of the state highway patrol, deputy sheriffs, dispatchers employed by a police, fire or sheriff's department or the state highway patrol or civilian dispatchers employed by a public employer other than a police, fire, or sheriff's department to dispatch police, fire, sheriff's department, or emergency medical or rescue personnel and units, an exclusive nurse's unit, employees of the state school for the deaf or the state school for the blind, employees of any public employee retirement system, correction officers, guards at penal or mental institutions, or special police officers appointed in accordance with sections 5119.14 and 5123.13 of the Revised Code, psychiatric attendants employed at mental health forensic facilities, youth leaders employed at juvenile correctional facilities, or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, a strike by other public employees during the pendency of the settlement procedures set forth in section 4117.14 of the Revised~~

~~Code, or a strike during the term or extended term of a collective bargaining agreement occurs, the public employer may seek an injunction against the strike in the court of common pleas of the county in which the strike is located.~~

~~(B) No public employee or employee organization shall engage in a strike, and no public employee or employee organization shall cause, instigate, encourage, or condone a strike. Whenever a strike occurs, the public employer may seek an injunction against the strike in the court of common pleas of the county in which the strike is located.~~

~~(B) Any person who violates division (A) of this section may be subject to removal or other disciplinary action provided by law for misconduct. The public employer, the state employment relations board, or any court of competent jurisdiction may not waive the penalties or fines provided in this section as part of the settlement of an illegal strike.~~

~~(C) An employee who is absent from work without permission or who abstains wholly or in part from the full performance of the employee's duties in the employee's normal manner without permission, on the date when a strike occurs, shall be presumed to have engaged in the strike on that date.~~

~~(D) No person exercising on behalf of any public employer any authority, supervision, or direction over any public employee shall have the power to authorize, approve, condone, or consent to a strike, or the engaging in a strike, by one or more public employees, and such person shall not authorize, approve, condone or consent to such strike or engagement.~~

~~(E) In the event that it appears that a violation of this section may have occurred, the chief executive officer of the public employer involved shall, on the basis of such investigation and affidavits as the chief executive officer may deem~~

appropriate, determine whether or not such violation has occurred 8420
and the dates of such violation. If the chief executive officer 8421
determines that such violation has occurred, the chief executive 8422
officer shall also determine, on the basis of such further 8423
investigation and affidavits as the chief executive officer may 8424
deem appropriate, the names of employees who committed the 8425
violation and the dates thereof. Such determination shall not be 8426
final until the completion of the procedures provided for in this 8427
section. 8428

(F) The chief executive officer shall immediately notify each 8429
employee that the chief executive officer has been found to have 8430
committed the violation, the dates of the violation, and that the 8431
employee has the right to object to the determination under 8432
division (H) of this section. The chief executive officer shall 8433
also notify the chief fiscal officer of the names of all the 8434
employees determined to have violated this section and of the 8435
total number of days, or portions thereof, on which it has been 8436
determined that the violation occurred. Notice to each employee 8437
shall be by personal service or by certified mail to the 8438
employee's last address filed by the employee with the employer. 8439

(G) Not earlier than thirty days or later than ninety days 8440
following the date of the determination made under division (E) of 8441
this section, the chief fiscal officer of the public employer 8442
involved shall deduct from the compensation of each such public 8443
employee an amount equal to twice the employee's daily rate of pay 8444
for each day or part thereof that the chief executive officer 8445
determined that the employee violated this section. The employee's 8446
daily rate of pay is the employee's rate of pay at the time of the 8447
violation. In computing the deduction, credit shall be allowed for 8448
amounts already withheld from an employee's compensation on 8449
account of the employee's absence from work or other withholding 8450
of services on the dates of the violation. In computing the 8451

thirty-day to ninety-day period of time following the 8452
determination of a violation pursuant to division (E) of this 8453
section if the employee's annual compensation is paid over a 8454
period of time which is less than fifty-two weeks, that period of 8455
time between the last day of the last payroll period of the 8456
employment term in which the violation occurred and the first day 8457
of the first payroll period of the next succeeding employment term 8458
shall be disregarded and not counted. 8459

(H) Within twenty days after the date on which notice was 8460
served or mailed to an employee pursuant to division (F) of this 8461
section, the employee determined to have violated this section may 8462
object to the determination by filing with the chief executive 8463
officer the employee's sworn affidavit, supported by available 8464
documentary proof, which shall contain a short and plain statement 8465
of the facts upon which the employee relies to show that such 8466
determination was incorrect. An employee who submits an affidavit 8467
pursuant to this division shall be subject to the penalties of 8468
perjury. 8469

(1) If the chief executive officer determines that the 8470
affidavit and supporting proof establishes that the employee did 8471
not violate this section, the chief executive officer shall 8472
sustain the objection. 8473

(2) If the chief executive officer determines that the 8474
employee did not violate this section, the chief executive officer 8475
shall dismiss the objection and so notify the employee. 8476

(3) If the chief executive officer determines that the 8477
affidavit and supporting proof raises a question of fact which, if 8478
resolved in favor of the employee, would establish that the 8479
employee did not violate this section, the chief executive officer 8480
shall appoint a hearing officer to determine whether in fact the 8481
employee did violate this section. The employee shall bear the 8482
burden of proof at the hearing. If the hearing officer determines 8483

that the employee failed to establish that the employee did not 8484
violate this section, the chief executive officer shall so notify 8485
the employee. 8486

(4) If the chief executive officer sustains an objection or 8487
the hearing officer determines on a preponderance of the evidence 8488
that the employee did not violate this section, the chief 8489
executive officer shall immediately notify the chief fiscal 8490
officer who shall cease all further deductions and refund any 8491
deductions previously made pursuant to division (G) of this 8492
section. 8493

(I) The determinations provided in this section shall be 8494
reviewable pursuant to Chapter 119. of the Revised Code. 8495

(J) An unfair labor practice by a public employer is not a 8496
defense to the injunction proceeding noted in division (A) of this 8497
section. Allegations of unfair labor practices during the 8498
settlement procedures set forth in section 4117.14 of the Revised 8499
Code shall receive priority by the state employment relations 8500
board. 8501

~~(C)~~(K) No public employee is entitled to pay or compensation 8502
from the public employer for the period engaged in any strike. 8503

(L) As used in this section and section 4117.27 of the 8504
Revised Code "public employee" has the same meaning as in section 8505
4117.01 of the Revised Code, except "public employee" also 8506
includes those persons listed in divisions (C)(1) to (18) of that 8507
section. 8508

Sec. 4117.18. (A) No person shall purposely refuse to obey an 8509
order issued by a court of competent jurisdiction under Chapter 8510
4117. of the Revised Code. 8511

(B) No person shall purposely refuse to obey a lawful order 8512
of the state employment relations board, nor shall any person 8513

prevent or attempt to prevent any member of the board or any agent 8514
of the board from performing ~~his~~ the member's or agent's lawful 8515
duties. 8516

~~(C) No public employee shall engage in any unauthorized 8517
strike. 8518~~

Sec. 4117.20. (A) No person who is a member of the same 8519
local, state, national, or international organization as the 8520
employee organization with which the public employer is bargaining 8521
or who has an interest in the outcome of the bargaining, which 8522
interest is in conflict with the interest of the public employer, 8523
shall participate on behalf of the public employer in the 8524
collective bargaining process except that the person may, where 8525
entitled, vote on the ratification of an agreement. 8526

(B) No public official or employee shall participate on 8527
behalf of a public employer in the collective bargaining process 8528
with respect to any matter in which the official or employee, or 8529
the immediate family of the official or employee, has a direct 8530
interest in the outcome of the matter. As used in this division, 8531
"immediate family" has the same meaning as in section 102.01 of 8532
the Revised Code. 8533

~~(C) The public employer shall immediately remove from ~~his~~ the 8534
person's role, if any, in the collective bargaining negotiations 8535
or in any matter in connection with negotiations any person who 8536
violates division (A) or (B) of this section. 8537~~

Sec. 4117.21. Collective bargaining meetings between public 8538
employers and employee organizations are private, and are not 8539
subject to section 121.22 of the Revised Code, except fact-finding 8540
hearings held pursuant to section 4117.14 of the Revised Code may 8541
be open to the public if either the public employer or the 8542
exclusive representative requests the hearing be open. 8543

Sec. 4117.26. (A) As used in this section, "compensation" means wages, salary, and other earnings paid to a public employee by reason of employment. "Compensation" includes all of the following that are provided by a public employer to a public employee: 8544
8545
8546
8547
8548

(1) Allowances for food or drink; 8549

(2) Allowances or stipends for clothing; 8550

(3) Compensation in addition to base salary for labor performed or services rendered by the public employee, including any additional compensation paid for attending an event that occurs outside the public employee's normal work schedule; 8551
8552
8553
8554

(4) Payments for length of service; 8555

(5) Allowances for dry cleaning services; 8556

(6) Insurance coverage, including health insurance, vision insurance, dental insurance, disability insurance, or life insurance; 8557
8558
8559

(7) Anything of value given to a public employee by a public employer for labor performed or services rendered by the public employee that is not generally offered to any of the public employer's employees that are not subject to a collective bargaining agreement, unless they are de minimis. 8560
8561
8562
8563
8564

(B) Beginning with the first collective bargaining agreement entered into on or after the effective date of this section between a public employer and an exclusive representative that represents public employees employed by the public employer, and for each collective bargaining agreement entered into thereafter, the public employer shall issue a report that lists all of the following: 8565
8566
8567
8568
8569
8570
8571

(1) Each provision in the collective bargaining agreement that affects the compensation paid by the public employer to the 8572
8573

public employer's public employees; 8574

(2) A description of the changes in compensation paid to the 8575
public employer's public employees that are not addressed in the 8576
collective bargaining agreement but will occur during the time 8577
period the collective bargaining agreement is in effect; 8578

(3) Any material terms of the agreement. 8579

(C) Not more than thirty days after a public employer and the 8580
exclusive representative enter into the collective bargaining 8581
agreement, the public employer shall submit the report required 8582
under division (B) of this section to the state employment 8583
relations board and post a copy of the report in a conspicuous 8584
manner on the web site maintained by the public employer. Upon 8585
receipt of a report from a public employer, the board shall post a 8586
copy of the report in a conspicuous manner on the web site 8587
maintained by the board. If a public employer does not maintain a 8588
web site, then the public employer shall provide copies of the 8589
report to two newspapers of general circulation, as defined in 8590
section 5721.01 of the Revised Code, in the county in which the 8591
public employer is located. If the public employer is located in 8592
more than one county, then the public employer shall provide 8593
copies of the report to newspapers of general circulation in 8594
Cincinnati, Cleveland, Columbus, and Toledo. 8595

(D)(1) If a change in compensation is to occur during the 8596
time period a collective bargaining agreement is in effect and 8597
that change was not included in the report described in division 8598
(B) of this section, or if the public employer and an exclusive 8599
representative enter into a modified collective bargaining 8600
agreement during that time period, the public employer shall do 8601
all of the following: 8602

(a) Update the report described in division (B) of this 8603
section; 8604

(b) Submit the updated report to the board not less than five days prior to the date the change or modified agreement is to take effect; 8605
8606
8607

(c) Post the updated report in a conspicuous manner on the web site maintained by the public employer not less than five days prior to the date the change or modified agreement is to take effect. 8608
8609
8610
8611

(2) Upon receipt of an updated report under division (D)(1) of this section, the board shall post a copy of the report in a conspicuous manner on the web site maintained by the board. 8612
8613
8614

Sec. 4117.27. (A) Where it appears that public employees or an employee organization threaten or are about to violate section 4117.15 of the Revised Code by engaging in a strike, the chief executive officer of the public employer involved shall immediately notify the chief legal officer of the public employer involved and provide the chief legal officer with any facilities, assistance, or data as will enable the chief legal officer to carry out the chief legal officer's duties under this section. Notwithstanding the failure or refusal of the chief executive officer to act as required, the chief legal officer of the public employer involved shall immediately apply to the court of common pleas in the county where the public employer is located for an injunction against the violation. If the public employees who are the subject of the order of the court enjoining or restraining the strike do not comply with the order, the chief legal officer shall immediately file with the court of common pleas to penalize the public employees engaging in the strike. 8615
8616
8617
8618
8619
8620
8621
8622
8623
8624
8625
8626
8627
8628
8629
8630
8631

(B) Except as provided in division (C) of this section, the penalty for engaging in a strike in violation of an order issued pursuant to division (A) of this section is a fine of not more than one thousand dollars, or any other sanction in accordance 8632
8633
8634
8635

with division (A) of section 2705.05 of the Revised Code, or both, 8636
in the discretion of the court. 8637

(C) Where an employee organization knowingly disobeys a 8638
lawful mandate of a court of record, or knowingly offers 8639
resistance to such lawful mandate, in a case involving or growing 8640
out of a strike in violation of section 4117.15 of the Revised 8641
Code the penalty for each day that such contempt persists is a 8642
fine fixed at the discretion of the court. 8643

Sec. 4725.46. (A) Each member of the Ohio optical dispensers 8644
board shall receive compensation pursuant to division ~~(J)~~(A) of 8645
section 124.15 of the Revised Code, ~~but shall not receive step~~ 8646
~~advancements,~~ for each day actually employed in the discharge of 8647
~~his~~ the member's actual and necessary 8648
expenses. 8649

(B) The executive secretary-treasurer shall receive 8650
compensation as fixed by the board and ~~his~~ the executive 8651
secretary-treasurer's actual and necessary expenses incurred in 8652
the discharge of ~~his~~ official duties. 8653

Sec. 4906.02. (A) There is hereby created within the public 8654
utilities commission the power siting board, composed of the 8655
~~chairman~~ chairperson of the public utilities commission, the 8656
director of environmental protection, the director of health, the 8657
director of development, the director of natural resources, the 8658
director of agriculture, and a representative of the public who 8659
shall be an engineer and shall be appointed by the governor, from 8660
a list of three nominees submitted to the governor by the office 8661
of the consumers' counsel, with the advice and consent of the 8662
senate and shall serve for a term of four years. The ~~chairman~~ 8663
chairperson of the public utilities commission shall be ~~chairman~~ 8664
chairperson of the board and its chief executive officer. The 8665

~~chairman~~ chairperson shall designate one of the voting members of 8666
the board to act as ~~vice-chairman~~ vice-chairperson who shall 8667
possess during the absence or disability of the ~~chairman~~ 8668
chairperson all of the powers of the ~~chairman~~ chairperson. All 8669
hearings, studies, and consideration of applications for 8670
certificates shall be conducted by the board or representatives of 8671
its members. 8672

In addition, the board shall include four legislative members 8673
who may participate fully in all the board's deliberations and 8674
activities except that they shall serve as nonvoting members. The 8675
speaker of the house of representatives shall appoint one 8676
legislative member, and the president of the senate and minority 8677
leader of each house shall each appoint one legislative member. 8678
Each such legislative leader shall designate an alternate to 8679
attend meetings of the board when the regular legislative member 8680
~~he~~ appointed by the legislative leader is unable to attend. Each 8681
legislative member and alternate shall serve for the duration of 8682
the elected term that ~~he~~ the legislative member is serving at the 8683
time of ~~his~~ appointment. A quorum of the board is a majority of 8684
its voting members. 8685

The representative of the public and, notwithstanding section 8686
101.26 of the Revised Code, legislative members of the board or 8687
their designated alternates, when engaged in their duties as 8688
members of the board, shall be paid at ~~the~~ a per diem rate ~~of step~~ 8689
~~17~~ within pay range 32, under schedule B of section 124.15 of the 8690
Revised Code and shall be reimbursed for the actual and necessary 8691
expenses they incur in the discharge of their official duties. 8692

(B) The ~~chairman~~ chairperson shall keep a complete record of 8693
all proceedings of the board, issue all necessary process, writs, 8694
warrants, and notices, keep all books, maps, documents, and papers 8695
ordered filed by the board, conduct investigations pursuant to 8696
section 4906.07 of the Revised Code, and perform such other duties 8697

as the board may prescribe. 8698

(C) The ~~chairman~~ chairperson of the public utilities 8699
commission may assign or transfer duties among the commission's 8700
staff. However, the board's authority to grant certificates under 8701
section 4906.10 of the Revised Code shall not be exercised by any 8702
officer, employee, or body other than the board itself. 8703

(D) The ~~chairman~~ chairperson may call to ~~his~~ the 8704
chairperson's assistance, temporarily, any employee of the 8705
environmental protection agency, the department of natural 8706
resources, the department of agriculture, the department of 8707
health, or the department of development, for the purpose of 8708
making studies, conducting hearings, investigating applications, 8709
or preparing any report required or authorized under this chapter. 8710
Such employees shall not receive any additional compensation over 8711
that which they receive from the agency by which they are 8712
employed, but they shall be reimbursed for their actual and 8713
necessary expenses incurred while working under the direction of 8714
the ~~chairman~~ chairperson. All contracts for special services are 8715
subject to the approval of the ~~chairman~~ chairperson. 8716

(E) The board's offices shall be located in those of the 8717
public utilities commission. 8718

Sec. 5107.26. (A) As used in this section: 8719

(1) "Transitional child care" means publicly funded child 8720
care provided under division (A)(3) of section 5104.34 of the 8721
Revised Code. 8722

(2) "Transitional medicaid" means the medical assistance 8723
provided under section 5111.0115 of the Revised Code. 8724

(B) Except as provided in division (C) of this section, each 8725
member of an assistance group participating in Ohio works first is 8726
ineligible to participate in the program for six payment months if 8727

a county department of job and family services determines that a 8728
member of the assistance group terminated the member's employment 8729
and each person who, on the day prior to the day a recipient 8730
begins to receive transitional child care or transitional 8731
medicaid, was a member of the recipient's assistance group is 8732
ineligible to participate in Ohio works first for six payment 8733
months if a county department determines that the recipient 8734
terminated the recipient's employment. 8735

(C) No assistance group member shall lose or be denied 8736
eligibility to participate in Ohio works first pursuant to 8737
division (B) of this section if the termination of employment was 8738
because an assistance group member or recipient of transitional 8739
child care or transitional medicaid secured comparable or better 8740
employment or the county department of job and family services 8741
certifies that the member or recipient terminated the employment 8742
with just cause. 8743

Just cause includes the following: 8744

(1) Discrimination by an employer based on age, race, sex, 8745
color, handicap, religious beliefs, or national origin; 8746

(2) Work demands or conditions that render continued 8747
employment unreasonable, such as working without being paid on 8748
schedule; 8749

(3) Employment that has become unsuitable due to any of the 8750
following: 8751

(a) The wage is less than the federal minimum wage; 8752

(b) The work is at a site subject to a strike or lockout, 8753
unless the strike has been enjoined under section 208 of the 8754
"Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 8755
178, as amended, or an injunction has been issued under section 10 8756
of the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, 8757
as amended, ~~or an injunction has been issued under section 4117.16~~ 8758

~~of the Revised Code;~~ 8759

(c) The documented degree of risk to the member or 8760
recipient's health and safety is unreasonable; 8761

(d) The member or recipient is physically or mentally unfit 8762
to perform the employment, as documented by medical evidence or by 8763
reliable information from other sources. 8764

(4) Documented illness of the member or recipient or of 8765
another assistance group member of the member or recipient 8766
requiring the presence of the member or recipient; 8767

(5) A documented household emergency; 8768

(6) Lack of adequate child care for children of the member or 8769
recipient who are under six years of age. 8770

Sec. 5123.51. (A) In addition to any other action required by 8771
sections 5123.61 and 5126.31 of the Revised Code, the department 8772
of developmental disabilities shall review each report the 8773
department receives of abuse or neglect of an individual with 8774
mental retardation or a developmental disability or 8775
misappropriation of an individual's property that includes an 8776
allegation that an MR/DD employee committed or was responsible for 8777
the abuse, neglect, or misappropriation. The department shall 8778
review a report it receives from a public children services agency 8779
only after the agency completes its investigation pursuant to 8780
section 2151.421 of the Revised Code. On receipt of a notice under 8781
section 2930.061 or 5123.541 of the Revised Code, the department 8782
shall review the notice. 8783

(B) The department shall do both of the following: 8784

(1) Investigate the allegation or adopt the findings of an 8785
investigation or review of the allegation conducted by another 8786
person or government entity and determine whether there is a 8787
reasonable basis for the allegation; 8788

(2) If the department determines that there is a reasonable basis for the allegation, conduct an adjudication pursuant to Chapter 119. of the Revised Code.

(C)(1) The department shall appoint an independent hearing officer to conduct any hearing conducted pursuant to division (B)(2) of this section, except that, if the hearing is regarding an employee of the department who is represented by a union, the department and a representative of the union shall jointly select the hearing officer.

(2)(a) Except as provided in division (C)(2)(b) of this section, no hearing shall be conducted under division (B)(2) of this section until any criminal proceeding ~~or collective bargaining arbitration~~ concerning the same allegation has concluded.

(b) The department may conduct a hearing pursuant to division (B)(2) of this section before a criminal proceeding concerning the same allegation is concluded if both of the following are the case:

(i) The department notifies the prosecutor responsible for the criminal proceeding that the department proposes to conduct a hearing.

(ii) The prosecutor consents to the hearing.

(3) In conducting a hearing pursuant to division (B)(2) of this section, the hearing officer shall do all of the following:

(a) Determine whether there is clear and convincing evidence that the MR/DD employee has done any of the following:

(i) Misappropriated property of one or more individuals with mental retardation or a developmental disability that has a value, either separately or taken together, of one hundred dollars or more;

(ii) Misappropriated property of an individual with mental retardation or a developmental disability that is designed to be used as a check, draft, negotiable instrument, credit card, charge card, or device for initiating an electronic fund transfer at a point of sale terminal, automated teller machine, or cash dispensing machine;	8819 8820 8821 8822 8823 8824
(iii) Knowingly abused such an individual;	8825
(iv) Recklessly abused or neglected such an individual, with resulting physical harm;	8826 8827
(v) Negligently abused or neglected such an individual, with resulting serious physical harm;	8828 8829
(vi) Recklessly neglected such an individual, creating a substantial risk of serious physical harm;	8830 8831
(vii) Engaged in sexual conduct or had sexual contact with an individual with mental retardation or another developmental disability who was not the MR/DD employee's spouse and for whom the MR/DD employee was employed or under a contract to provide care;	8832 8833 8834 8835 8836
(viii) Unreasonably failed to make a report pursuant to division (C) of section 5123.61 of the Revised Code when the employee knew or should have known that the failure would result in a substantial risk of harm to an individual with mental retardation or a developmental disability.	8837 8838 8839 8840 8841
(b) Give weight to the decision in any collective bargaining arbitration regarding the same allegation;	8842 8843
(e) Give weight to any relevant facts presented at the hearing.	8844 8845
(D)(1) Unless the director of developmental disabilities determines that there are extenuating circumstances and except as provided in division (E) of this section, if the director, after	8846 8847 8848

considering all of the factors listed in division (C)(3) of this 8849
section, finds that there is clear and convincing evidence that an 8850
MR/DD employee has done one or more of the things described in 8851
division (C)(3)(a) of this section the director shall include the 8852
name of the employee in the registry established under section 8853
5123.52 of the Revised Code. 8854

(2) Extenuating circumstances the director must consider 8855
include the use of physical force by an MR/DD employee that was 8856
necessary as self-defense. 8857

(3) If the director includes an MR/DD employee in the 8858
registry established under section 5123.52 of the Revised Code, 8859
the director shall notify the employee, the person or government 8860
entity that employs or contracts with the employee, the individual 8861
with mental retardation or a developmental disability who was the 8862
subject of the report and that individual's legal guardian, if 8863
any, the attorney general, and the prosecuting attorney or other 8864
law enforcement agency. If the MR/DD employee holds a license, 8865
certificate, registration, or other authorization to engage in a 8866
profession issued pursuant to Title XLVII of the Revised Code, the 8867
director shall notify the appropriate agency, board, department, 8868
or other entity responsible for regulating the employee's 8869
professional practice. 8870

(4) If an individual whose name appears on the registry is 8871
involved in a court proceeding or arbitration arising from the 8872
same facts as the allegation resulting in the individual's 8873
placement on the registry, the disposition of the proceeding or 8874
arbitration shall be noted in the registry next to the 8875
individual's name. 8876

(E) In the case of an allegation concerning an employee of 8877
the department, after the hearing conducted pursuant to division 8878
(B)(2) of this section, the director of health or that director's 8879
designee shall review the decision of the hearing officer to 8880

determine whether the standard described in division (C)(3) of 8881
this section has been met. If the director or designee determines 8882
that the standard has been met and that no extenuating 8883
circumstances exist, the director or designee shall notify the 8884
director of developmental disabilities that the MR/DD employee is 8885
to be included in the registry established under section 5123.52 8886
of the Revised Code. If the director of developmental disabilities 8887
receives such notification, the director shall include the MR/DD 8888
employee in the registry and shall provide the notification 8889
described in division (D)(3) of this section. 8890

(F) If the department is required by Chapter 119. of the 8891
Revised Code to give notice of an opportunity for a hearing and 8892
the MR/DD employee subject to the notice does not timely request a 8893
hearing in accordance with section 119.07 or 5123.0414 of the 8894
Revised Code, the department is not required to hold a hearing. 8895

(G) Files and records of investigations conducted pursuant to 8896
this section are not public records as defined in section 149.43 8897
of the Revised Code, but, on request, the department shall provide 8898
copies of those files and records to the attorney general, a 8899
prosecuting attorney, or a law enforcement agency. 8900

Sec. 5126.24. (A) As used in this section: 8901

(1) "License" means an educator license issued by the state 8902
board of education under section 3319.22 of the Revised Code or a 8903
certificate issued by the department of developmental 8904
disabilities. 8905

(2) "Teacher" means a person employed by a county board of 8906
developmental disabilities in a position that requires a license. 8907

(3) "Nonteaching employee" means a person employed by a 8908
county board of developmental disabilities in a position that does 8909
not require a license. 8910

~~(4) "Years of service" includes all service described in 8911
division (A) of section 3317.13 of the Revised Code. 8912~~

~~(B) Subject to rules established by the director of 8913
developmental disabilities pursuant to Chapter 119. of the Revised 8914
Code, each county board of developmental disabilities shall 8915
annually adopt separate salary schedules for pay teachers and 8916
nonteaching employees a salary based upon performance as described 8917
in section 3317.13 of the Revised Code. 8918~~

~~(C) The teachers' salary schedule shall provide for 8919
increments based on training and years of service. The board may 8920
establish its own service requirements provided no teacher 8921
receives less than the salary the teacher would be paid under 8922
section 3317.13 of the Revised Code if the teacher were employed 8923
by a school district board of education and provided full credit 8924
for a minimum of five years of actual teaching and military 8925
experience as defined in division (A) of such section is given to 8926
each teacher. 8927~~

~~Each teacher who has completed training that would qualify 8928
the teacher for a higher salary bracket pursuant to this section 8929
shall file by the fifteenth day of September with the fiscal 8930
officer of the board, satisfactory evidence of the completion of 8931
such additional training. The fiscal officer shall then 8932
immediately place the teacher, pursuant to this section, in the 8933
proper salary bracket in accordance with training and years of 8934
service. No teacher shall be paid less than the salary to which 8935
the teacher would be entitled under section 3317.13 of the Revised 8936
Code if the teacher were employed by a school district board of 8937
education. 8938~~

~~The superintendent of each county board, on or before the 8939
fifteenth day of October of each year, shall certify to the state 8940
board of education the name of each teacher employed, on an annual 8941
salary, in each special education program operated pursuant to 8942~~

section 3323.09 of the Revised Code during the first full school 8943
week of October. The superintendent further shall certify, for 8944
each teacher, the number of years of training completed at a 8945
recognized college, the degrees earned from a college recognized 8946
by the state board, the type of license held, the number of months 8947
employed by the board, the annual salary, and other information 8948
that the state board may request. 8949

(D) ~~The nonteaching employees' salary schedule established by~~ 8950
~~the board shall be based on training, experience, and~~ 8951
~~qualifications with initial salaries no less than salaries in~~ 8952
~~effect on July 1, 1985.~~ Each board shall prepare and may amend 8953
from time to time, specifications descriptive of duties, 8954
responsibilities, requirements, and desirable qualifications of 8955
the classifications of employees required to perform the duties 8956
~~specified in the salary schedule~~ required of the employees in 8957
those classifications. All nonteaching employees shall be notified 8958
of the position classification to which they are assigned ~~and the~~ 8959
~~salary for the classification. The compensation of all nonteaching~~ 8960
~~employees working for a particular board shall be uniform for like~~ 8961
~~positions except as compensation would be affected by salary~~ 8962
~~increments based upon length of service.~~ 8963

On the fifteenth day of October of each year the nonteaching 8964
employees' ~~salary schedule and~~ list of job classifications and 8965
salaries in effect on that date shall be filed by each board with 8966
the superintendent of public instruction. If such ~~salary schedule~~ 8967
~~and~~ classification plan is not filed, the superintendent of public 8968
instruction shall order the board to file such ~~schedule and~~ list 8969
forthwith. If this condition is not corrected within ten days 8970
after receipt of the order from the superintendent, no money shall 8971
be distributed to the district under Chapter 3306. or 3317. of the 8972
Revised Code until the superintendent has satisfactory evidence of 8973
the board's full compliance with such order. 8974

Sec. 5139.02. (A)(1) As used in this section, "managing 8975
officer" means a deputy director, an assistant deputy director, a 8976
superintendent, a regional administrator, a deputy superintendent, 8977
or the superintendent of schools of the department of youth 8978
services, a member of the release authority, the chief of staff to 8979
the release authority, and the victims administrator of the office 8980
of victim services. 8981

(2) Each division established by the director of youth 8982
services shall consist of managing officers and other employees, 8983
including those employed in institutions and regions as necessary 8984
to perform the functions assigned to them. The director or 8985
appropriate deputy director or managing officer of the department 8986
shall supervise the work of each division and determine general 8987
policies governing the exercise of powers vested in the department 8988
and assigned to each division. The appropriate managing officer or 8989
deputy director is responsible to the director for the 8990
organization, direction, and supervision of the work of the 8991
division or unit and for the exercise of the powers and the 8992
performance of the duties of the department assigned to it and, 8993
with the director's approval, may establish bureaus or other 8994
administrative units within the department. 8995

(B) The director shall appoint all managing officers, who 8996
shall be in the unclassified civil service. The director may 8997
appoint a person who holds a certified position in the classified 8998
service within the department to a position as a managing officer 8999
within the department. A person appointed pursuant to this 9000
division to a position as a managing officer shall retain the 9001
right to resume the position and status held by the person in the 9002
classified service immediately prior to the person's appointment 9003
as managing officer, regardless of the number of positions the 9004
person held in the unclassified service. A managing officer's 9005
right to resume a position in the classified service may only be 9006

exercised when the director demotes the managing officer to a pay 9007
~~range~~ level lower than the managing officer's current pay ~~range~~ 9008
level or revokes the managing officer's appointment to the 9009
position of managing officer. A managing officer forfeits the 9010
right to resume a position in the classified service when the 9011
managing officer is removed from the position of managing officer 9012
due to incompetence, inefficiency, dishonesty, drunkenness, 9013
immoral conduct, insubordination, discourteous treatment of the 9014
public, neglect of duty, violation of this chapter or Chapter 124. 9015
of the Revised Code, the rules of the director of youth services 9016
or the director of administrative services, any other failure of 9017
good behavior, any other acts of misfeasance, malfeasance, or 9018
nonfeasance in office, or conviction of a felony. A managing 9019
officer also forfeits the right to resume a position in the 9020
classified service upon transfer to a different agency. 9021

Reinstatement to a position in the classified service shall 9022
be to the position held in the classified service immediately 9023
prior to appointment as managing officer, or to another position 9024
certified by the director of administrative services as being 9025
substantially equal to that position. If the position the person 9026
previously held in the classified service immediately prior to 9027
appointment as a managing officer has been placed in the 9028
unclassified service or is otherwise unavailable, the person shall 9029
be appointed to a position in the classified service within the 9030
department that the director of administrative services certifies 9031
is comparable in compensation to the position the person 9032
previously held in the classified service. Service as a managing 9033
officer shall be counted as service in the position in the 9034
classified service held by the person immediately prior to the 9035
person's appointment as a managing officer. If a person is 9036
reinstated to a position in the classified service under this 9037
division, the person shall be returned to the pay ~~range and step~~ 9038
level to which the person had been assigned at the time of the 9039

appointment as managing officer. ~~Longevity, where applicable,~~ 9040
~~shall be calculated pursuant to the provisions of section 124.181~~ 9041
~~of the Revised Code.~~ 9042

(C) Each person appointed as a managing officer shall have 9043
received special training and shall have experience in the type of 9044
work that the person's division is required to perform. Each 9045
managing officer, under the supervision of the director, has 9046
entire charge of the division, institution, unit, or region for 9047
which the managing officer is appointed and, with the director's 9048
approval, shall appoint necessary employees and may remove them 9049
for cause. 9050

(D) The director may designate one or more deputy directors 9051
to sign any personnel actions on the director's behalf. The 9052
director shall make a designation in a writing signed by the 9053
director, and the designation shall remain in effect until the 9054
director revokes or supersedes it with a new designation. 9055

Sec. 5503.03. The state highway patrol and the superintendent 9056
of the state highway patrol shall be furnished by the state with 9057
such vehicles, equipment, and supplies as the director of public 9058
safety deems necessary, all of which shall remain the property of 9059
the state and be strictly accounted for by each member of the 9060
patrol. 9061

The patrol may be equipped with standardized and tested 9062
devices for weighing vehicles, and may stop and weigh any vehicle 9063
which appears to weigh in excess of the amounts permitted by 9064
sections 5577.01 to 5577.14 of the Revised Code. 9065

The superintendent, with the approval of the director, shall 9066
prescribe rules for instruction and discipline, make all 9067
administrative rules, and fix the hours of duty for patrol 9068
officers. ~~He~~ The superintendent shall divide the state into 9069
districts and assign members of the patrol to such districts in a 9070

manner that ~~he~~ the superintendent deems proper. ~~He~~ The 9071
superintendent may transfer members of the patrol from one 9072
district to another, and classify and rank members of the patrol. 9073
All promotions to a higher grade shall be made from the next lower 9074
grade. When a patrol officer is promoted by the superintendent, 9075
the officer's salary shall be increased to that of the lowest ~~step~~ 9076
salary or wage in the pay range for the new grade which shall 9077
increase the officer's salary or wage by at least nine per cent of 9078
the base pay wherever possible. 9079

Sec. 5505.15. (A)(1) A member of the state highway patrol 9080
retirement system shall contribute ten per cent of the member's 9081
annual salary to the state highway patrol retirement fund. The 9082
amount shall be deducted by the employer from the employee's 9083
salary for each payroll period. 9084

The contributions required under this section shall not be 9085
paid by an employer on an employee's behalf, but may be treated as 9086
employer contributions for purposes of state and federal income 9087
tax deferred income provisions. 9088

(2) The total contributions arising from deductions made 9089
prior to January 1, 1966, from the salaries of members in the 9090
employ of the state highway patrol and standing to the credit of 9091
their individual accounts in the retirement fund shall be 9092
transferred and credited to their respective individual accounts 9093
in the employees' savings fund. 9094

(B) The state shall annually pay into the employer 9095
accumulation fund, in monthly or less frequent installments as the 9096
state highway patrol retirement board requires, the employer 9097
contribution. The employer contribution shall be an amount equal 9098
to twenty-six and one-half per cent of the total salaries paid 9099
contributing members. If a member severs connection with the 9100
patrol or is dismissed, the employer contribution shall remain in 9101

the retirement system. 9102

The rate percentage of the employer contribution shall be 9103
certified by the board to the director of budget and management 9104
and shall not be lower than nine per cent of the total salaries 9105
paid contributing members and shall not exceed three times the 9106
rate percentage being deducted from the annual salaries of 9107
contributing members. The board shall prepare and submit to the 9108
director, on or before the first day of November of each 9109
even-numbered year, an estimate of the amounts necessary to pay 9110
the state's obligations accruing during the biennium beginning the 9111
first day of July of the following year. Such amounts shall be 9112
included in the budget and allocated as certified by the board. 9113

Section 2. That existing sections 9.90, 103.74, 122.64, 9114
122.72, 124.134, 124.14, 124.15, 124.152, 124.181, 124.322, 9115
124.325, 124.34, 124.38, 124.388, 124.39, 124.81, 124.82, 145.47, 9116
306.04, 307.054, 339.06, 339.07, 340.04, 505.38, 505.49, 505.60, 9117
709.012, 742.31, 749.082, 749.083, 927.69, 1545.071, 3306.01, 9118
3307.27, 3307.77, 3309.47, 3311.19, 3313.12, 3313.202, 3313.23, 9119
3313.24, 3313.33, 3313.42, 3314.10, 3316.07, 3317.01, 3317.018, 9120
3317.11, 3317.13, 3319.01, 3319.011, 3319.02, 3319.06, 3319.08, 9121
3319.084, 3319.085, 3319.088, 3319.09, 3319.10, 3319.11, 3319.13, 9122
3319.14, 3319.141, 3319.17, 3319.172, 3319.18, 3319.63, 3326.18, 9123
3332.03, 4117.01, 4117.02, 4117.03, 4117.05, 4117.06, 4117.07, 9124
4117.08, 4117.09, 4117.10, 4117.11, 4117.12, 4117.13, 4117.14, 9125
4117.15, 4117.18, 4117.20, 4117.21, 4725.46, 4906.02, 5107.26, 9126
5123.51, 5126.24, 5139.02, 5503.03, and 5505.15 and sections 9127
3317.12, 3317.14, 3319.131, 3319.142, 3319.143, 4117.16, 4117.22, 9128
and 4117.23 of the Revised Code are hereby repealed. 9129

Section 3. This act applies to contracts entered into under 9130
section 124.81 of the Revised Code on or after the effective date 9131
of this act. 9132

Section 4. The amendments to Chapter 4117. of the Revised Code by this act shall apply to a collective bargaining agreement entered into on or after the effective date of this section and to versions of a collective bargaining agreement in effect on the effective date of this section that result from extension, modification, or renewal of the collective bargaining agreement on or after that date.

Section 5. The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

Section 6. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 124.181 of the Revised Code as amended by both Am. Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.

Section 124.34 of the Revised Code as amended by both Am. Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.

Section 505.49 of the Revised Code as amended by both Am. Sub. H.B. 490 and Am. H.B. 515 of the 124th General Assembly.

Section 5126.24 of the Revised Code as amended by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.