



H.B. 94

125th General Assembly
(As Introduced)

Reps. Buehrer, Calvert, Seitz, Faber, Gilb

BILL SUMMARY

- Implements the recommendations of the Ohio Civil Service Review Commission and makes related changes to the Civil Service Law, specifically, the provisions concerning workforce reductions and discipline, employee classification and compensation, hiring and promotions, and appeals and due process.

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CONTENT AND OPERATION

Background

Am. S.B. 210 of the 123rd General Assembly created the Civil Service Review Commission. In that act, the General Assembly required the Commission to conduct comprehensive public hearings throughout the state concerning the current civil service laws and to make recommendations about possible changes to those laws. On December 31, 2001, the Commission presented its report to the General Assembly.

Overview of the bill

The bill implements recommendations made by the Commission in its report. Additionally, it makes other changes to civil service laws. Changes are made to provisions concerning workforce reduction; employee discipline; employee categories and classification; employee compensation and benefits; appointment, testing, hiring and promotion; appeals and due process; and other civil service employment related matters. This analysis focuses on the changes made to each of those categories of civil service law provisions, discussing the changes in a comprehensive "dot point" manner.

Workforce reduction

Layoffs

(R.C. 124.321 and 124.323)

- Revises the order of layoff so that employees are laid off in the following order: (1) part-time probationary, (2) part-time permanent, (3) full-time probationary, and (4) full-time permanent (R.C. 124.323).
- Allows the Director of the Department of Administrative Services (DAS) to establish a paper layoff process, similar to that contained in collective bargaining agreements applicable to state employees, under which employees who are to be laid-off or displaced may be required, before the date of their paper layoff, to preselect their options for displacing other employees (R.C. 124.321(E)).

Displacement privileges

(R.C. 124.324)

- Eliminates a laid-off employee's ability to displace another employee with the fewest retention points within a classification that has the same or similar duties as the classification from which the employee was laid off or within the classification the employee held immediately prior to holding the classification from which the employee was laid off. Thus, the bill allows a laid-off employee to only displace the employee with the fewest retention points within the same classification or classification series from which the employee was laid off. (R.C. 124.324(A).)
- Prevents an employee generally from displacing another employee for whose position or classification there are certain "position-specific minimum qualifications" established (1) by the appointing authority and reviewed for validity by DAS or (2) by a bona fide occupational qualification (R.C. 124.324(D)).

Backup rights

(R.C. 124.11)

- Allows a person who held a certified position in the classified service and who was appointed on or after March 30, 1999, but before the bill's effective date, to a position in the unclassified service to retain the right,

for a period of one year after the bill's effective date to resume the position and status in the classified service, subject to certain restrictions (R.C. 124.11(D)).

- Allows a person who holds a certified position in the classified service and who is appointed after the bill's effective date to a position in the unclassified service to retain the right to resume the position and status in the classified service for a period of 60 calendar days from the date of the appointment to the position in the unclassified service, subject to certain restrictions (R.C. 124.11(D)).

Recall pursuant to reinstatement or reemployment

(R.C. 124.327)

- Eliminates jurisdictional layoff lists, and gives laid-off employees, in addition to their reinstatement rights with their appointing authority, the right to reemployment with any state agency, board, commission, or independent institution if the employee meets all applicable "position-specific minimum qualifications" established by the employing entity and reviewed for validity by DAS, but only in the same classification from which the employee was initially laid off (R.C. 124.327(C) and (E)).
- Makes the recall jurisdiction for a non-bargaining unit employee ("exempt employee") who has reinstatement rights into a bargaining unit classification the same as the employee's original layoff jurisdiction for the counties in which the employee indicates willingness to accept reinstatement (R.C. 124.327(B)).
- Provides that the rule that "an employee who declines reinstatement to a classification lower in the classification series than the classification from which the employee was laid off or displaced forfeits the right to reinstatement to that lower classification" does not apply if the employee was a full-time employee at the time of the layoff or displacement and the reinstatement to the lower classification that the employee declined was for a part-time position (R.C. 124.327(G)).

Furloughs and reductions in workweek

(R.C. 124.321)

- Allows an appointing authority to furlough employees of that agency for up to 70 days in a fiscal year due to conditions requiring the appointing authority to curtail its operations. The 70 days may be nonconsecutive. (R.C. 124.321(F)(1).)
- Prohibits a furloughed employee from using or to being paid for any accrued leave, and provides that any paid leave approved for use by an employee during a furlough is canceled. The furloughed employee is eligible for unemployment compensation (R.C. 124.321(F)(2) and (3)).
- Allows an employee to volunteer to take a furlough, but his or her appointing authority must approve the taking (R.C. 124.321(F)(4)).
- Requires employees who are subject to a furlough be given as much advance notice as possible (R.C. 124.321(F)(5)).
- Declares that, if a temporary or permanent layoff is necessary following a furlough, the period of the furlough must be counted as part of the layoff for purposes of reinstatement (R.C. 124.321(F)(6)).
- Allows an appointing authority to designate full-time permanent employees as part-time permanent employees for up to 70 days in a fiscal year due to conditions that require the appointing authority to curtail its operations. However, an employee's hours may not be reduced below the level that allows for the retention of employee benefits. (R.C. 124.321(G).)
- Allows an employee to volunteer to accept designation as a part-time permanent employee, but the employee's appointing authority must approve the designation and resulting reduction in the employee's work hours in a workweek (R.C. 124.321(G)).
- During a fiscal year, an employee may be both furloughed and designated as a part-time permanent employee as described above. If a reduction of an appointing authority's workforce, by furlough or designation as described above, results in an employee not being in active pay status, the bill requires the appointing authority to continue the health, medical, hospital, dental, vision, and surgical benefits coverage of the employee.

However, the employee is liable for payment of the same costs for the coverage as if the employee was in active pay status. (R.C. 124.321(H) and (I).)

Other provisions

(R.C. 124.321)

- In the context of layoffs as a result of "a lack of funds," prevents the Office of Budget and Management (OBM) from mandating the transfer of money between funds in order to offset a deficiency or projected deficiency in funding for programs funded by the federal government, special revenue accounts, or proprietary accounts (R.C. 124.321(B)(2)).
- States that, whenever a program receives funding through a grant or similar mechanism, a lack of funds will be presumed for the positions assigned to and the employees who work under the grant or similar mechanism if, for any reason, the funding is reduced or withdrawn (R.C. 124.321(B)(2)).

Employee discipline

Last chance agreements

(R.C. 124.34)

- Defines "last chance agreement" as an agreement signed by both an appointing authority and an officer or employee of the appointing authority that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal of the officer or employee without the right of appeal to the State Personnel Board of Review (SPBR) or the appropriate civil service commission (R.C. 124.34(E)).
- Limits the SPBR, a civil service commission, or a trial board appointed by the SPBR or a civil service commission, when hearing an appeal of an appointing authority's removal order based upon a violation of a last chance agreement, to determining only if the employee violated the agreement and to affirming or disaffirming the judgment of the appointing authority (R.C. 124.34(B)).

Unpaid administrative leave during investigations

(R.C. 124.388)

- Allows an appointing authority, in its discretion, to place an employee on unpaid administrative leave for a period not to exceed two months if the employee has been charged with or is being investigated for a violation of law that is punishable as a felony. If the employee is not charged with a felony, or does not plead guilty to or is not found guilty of a felony, the appointing authority must pay the employee for the period the employee was on that leave at the employee's base rate of pay, plus interest. (R.C. 124.388(B).)

Service of order of reduction, fine, suspension, or removal

(R.C. 124.34)

- Amends the list of orders with respect to which an appointing authority must serve a copy upon the affected employee to include the following in addition to orders of reduction or removal: orders imposing (1) a suspension of 40 or more work hours in the case of an employee exempt from payment of overtime compensation, (2) a suspension of 24 or more work hours in the case of an employee required to be paid overtime compensation, (3) a fine of 40 or more hours' pay in the case of an employee exempt from payment of overtime compensation, or (4) a fine of 24 or more hours' pay in the case of an employee required to be paid overtime compensation (R.C. 124.34(B)).
- Eliminates the requirement that such orders must be filed with the Director of DAS and the SPBR or a civil service commission, as appropriate (R.C. 124.34(B)).

Whistleblower protection

(R.C. 124.341)

- Clarifies that the Whistleblower Law applies to all employees, state and local, in the classified and unclassified civil service (R.C. 124.341(B)).

Employee categories and classification

Provisional employees

(Misc. R.C. provisions)

- Eliminates the categories of provisional, intermittent, and interim employees. Under current law, a provisional employee is an employee appointed to a vacancy in a position in the classified service, for which no eligible list is available, after the employee passes a noncompetitive examination; a provisional employee who remains in the same job classification or job classification series for two years of continuous service during which no competitive examination is held becomes a permanent employee in the classified service at the conclusion of the two-year period. (R.C. 124.11(A)(29), 124.134(C), 124.14(I), 124.26(B), 124.27(C), 124.30(A) and (B), 124.324(B), 124.383(A)(2), 124.384(A), 124.386(D)(3), 302.202(I), 329.02, 1513.03, 1513.34, and 5107.52(C).)

Job classification plans

(R.C. 124.09, 124.14, and 124.20)

- Continues to require the Director of DAS to establish a job classification plan for all state positions, offices, and employments, but eliminates the current requirements that the Director establish the plan and take various other actions concerning it "by rule" adopted by the Director. The bill instead requires the Director to perform these functions pursuant to a policy or after conducting a public hearing. The Director is expressly prohibited by the bill from establishing, modifying, repealing, or taking any other action relating to, the job classification plan by rule. (R.C. 124.09(A), 124.14(A)(1) and (4) and (D)(1), and 124.20(A).)
- Enacts provisions similar to those described in the immediately preceding paragraph relative to the Director's actions with respect to the classification plan for county agencies that elect not to use the services and facilities of a county personnel department (R.C. 124.14(A)(5)).
- Requires each appointing authority to establish the minimum educational and other qualifications for persons it employs in each classification of the state job classification plan (R.C. 124.14(A)(1)).

Unclassified service

(R.C. 124.03, 124.11, 329.02, and 5155.03)

- Modifies the list in current law of the individuals within the unclassified service to include: (1) the heads of all departments appointed by a board of county commissioners, (2) "not more than five" deputy county auditors (no limit in current law), (3) four clerical and administrative support employees for each board of county commissioners, (4) one clerical or administrative support employee for each county commissioner, (5) four (instead of three as under current law) clerical and administrative support employees for elective officers other than elective state officers, and for each of the principal appointive executive officers, boards, or commissions, (6) not more than five specified administrative positions within a county department of job and family services, (7) the superintendent or administrator of a county home, and (8) any other employees placed in the unclassified service by statute (R.C. 124.11(A)(3)(b), (4), (8), and (32), 329.02, and 5155.03).
- States that, in an appeal of a decision about whether an employee is in the unclassified civil service, the mere failure of an employee's appointing authority to file a statement with DAS indicating that the employee is in the unclassified civil service, or the mere late filing of the statement, does not prevent the SPBR from determining that the employee is in the unclassified civil service (R.C. 124.03(A)(1)).
- Requires the SPBR, in determining an appeal of a decision about whether an employee is in the unclassified civil service, to consider the inherent nature of the duties of the employee's classification during the two-year period immediately preceding the appointing authority's appealable action relating to the employee (R.C. 124.03(A)(1)).

Appointment to an unclassified position

(R.C. 124.12)

- Requires an appointing authority that appoints an employee to an unclassified position in the state service to notify DAS of the appointment within 90 days of the appointment (R.C. 124.12(A)).
- Requires an appointing authority that appoints an employee to an unclassified position in the state service to provide to the employee, on

the date of the appointment, written information describing the nature of the employment in the unclassified civil service. DAS is required to develop and provide each appointing authority in the state service with a general written description of the nature of employment in the unclassified civil service for this purpose. Finally, within 30 days after the date of the appointment, the appointing authority must provide the employee with written information describing the duties of the unclassified position. An appointing authority's failure to provide either of the types of information mentioned above does not confer any additional rights upon the employee. (R.C. 124.12(B) and (C).)

Appointment evaluation system

- Requires each municipal civil service commission, in adopting rules concerning the classification of positions in the civil service of the city, city school district, and city health district, to authorize each appointing authority of the city, city school district, or city health district to develop and administer in a manner it devises an evaluation system for the employees it appoints (R.C. 124.40(A)).

Employee compensation and benefits

Active pay status and county employees

(R.C. 4111.03)

- Eliminates, for purposes of the law governing overtime pay or compensatory time off in lieu of overtime pay, the rule that the number of hours worked by a county employee in any one workweek is deemed to include, in addition to hours actually worked, all periods in an active pay status (R.C. 4111.03(B)).

Temporary pay range

(R.C. 124.14)

- Allows the Director of DAS to assign a job classification to a pay range on a temporary basis for a period of six months, instead of (as under current Law) for a time period designated in rules adopted by the Director (R.C. 124.14(A)(1)).

Reduction in benefits or pay

(R.C. 124.34)

- Includes a reduction or elimination of an officer's or employee's *longevity* in the list of actions that may not be taken against an officer or *employee* in the classified service except generally for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, *violation of any policy or work rule of the officer's or employee's appointing authority* (added by the bill), violation of the Civil Service Law or the rules of the Director of DAS or a civil service commission, any other failure of good behavior, other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony (R.C. 124.34(A)).
- States that a denial of a one-time pay supplement or a bonus to an officer or employee is not considered, for purposes of the law governing permissible actions against officers and employees, a reduction in pay (R.C. 124.34(A)).

Disability leave, meaning of disability, and separation/reinstatement

(R.C. 124.32, 124.385, and 4112.01)

- Allows the Director of DAS to delegate to any appointing authority the authority to approve disability benefits for a standard recovery period (R.C. 124.385(E)).
- When a request for disability leave is denied based on a medical determination, requires the third party from whom the Director of DAS must obtain a medical opinion "to be appointed jointly by the employee's physician and a representative of the employee's appointing authority"; current law simply requires the Director to obtain a third party's medical opinion (R.C. 124.385(F)).
- Excludes from the definition of a "physical or mental impairment" for the law governing the Ohio Civil Rights Commission (OCRC) and the unlawful discriminatory practices within its jurisdiction, psychoactive substance use disorders resulting from "the current use of alcoholic beverages." The defined term is used in the definition of a "disability" for purposes of the OCRC Law, and, therefore, disorders excluded from

it, in turn, cannot be a "disability" under the OCRC Law. (R.C. 4112.01(A)(16)(b)(iv).)

- Gives a person holding an office or position under the classified service who has been separated from the service without delinquency or misconduct and due to *psychiatric disability* (added by the bill), or due to an injury or physical disability (current law), *two years*, instead of three years as under current law, from the date of separation to file an application for reinstatement to the same office held or a position similar to that held at the time of separation (R.C. 124.32(B)).

Alternative sick leave and holiday schedules

(R.C. 124.38 and 325.19)

- Allows an appointing authority of a county office, department, commission, board, or body, upon notification to the board of county commissioners, to establish alternative schedules of sick, vacation, or holiday leave for non-bargaining unit employees, as long as those schedules are not inconsistent with the provisions of *at least one* collective bargaining agreement covering other employees of the appointing authority, rather than, as under current law, *a* collective bargaining agreement so covering. If no collective bargaining agreement exists, an appointing authority, upon notification to the board of county commissioners, may establish an alternative schedule of sick, vacation, or holiday leave for its employees that does not diminish the sick, vacation, or holiday leave benefits granted under statutory law. (R.C. 124.38 and 325.19(F).)

Alternative compensation

(R.C. 124.141)

- Allows an appointing authority to pay (1) employees appointed to administrative staff positions for which the appointing authority has statutory authority to set compensation, (2) legislative employees, (3) employees of the Legislative Service Commission, (4) employees of the office of the Governor, (5) employees in the office of the Secretary of State, Auditor of State, Treasurer of State, and Attorney General who are in the unclassified civil service and exempt from collective bargaining coverage, (6) employees of the Ohio Supreme Court, and (7) certain other employees and officers in the unclassified civil service, a salary and

benefits package that differs from the salary and benefits otherwise provided by law for that officer or employee (R.C. 124.141).

Appointment, testing, hiring, and promotion

Appointments

(R.C. 124.30, 124.44, and 124.45)

- In the case of an emergency, when an appointing authority is permitted to make an appointment to fill a vacancy in a position in the classified service without competition, allows the appointment to continue no longer than 120 days, instead of 30 days as under current law (R.C. 124.30(A)(1)).
- Allows an appointing authority to fill a vacancy in a position in the classified service by noncompetitive examination when there is an urgent need to fill the vacancy and the Director of DAS is unable to certify to the appointing authority a list of persons eligible for appointment to the position after a competitive examination (R.C. 124.30(A)(1)).
- Requires temporary appointments, made necessary in order to complete a task or project funded under a discrete grant or similar funding mechanism, to continue only during the period the applicable position, project, or program is funded (R.C. 124.30(A)(1)).
- Allows the legislative authority of a city, by ordinance or resolution, to provide procedures for the appointment of the chief of the police department and the chief of the fire department that differ from the procedures provided in the Civil Service Law.
- Current law requires that the applicant employed in the department who receives the highest rating on the promotional examination for chief be appointed chief. (R.C. 124.44(A) and 124.45(A).)

Testing

(R.C. 124.21, 124.22, 124.23, 124.31, 124.45, and 124.48)

- Requires notices of examinations that are to be conducted in the state classified service, sent by the Director of DAS to specified agencies and clerks, to be posted promptly and for not less than five calendar days,

- excluding Saturdays, Sundays, and state holidays in conspicuous public places (R.C. 124.23(E)).
- Requires the Director of DAS to conduct examinations at one or more appropriate locations within each civil service district of the state (R.C. 124.21(B)).
 - Allows the tests that constitute an examination for a position or place in the classified service to include (1) structured interviews, (2) assessment centers, (3) work simulations, (4) examinations of knowledge, skills, and abilities, and (5) any other acceptable testing method. The bill continues existing provisions otherwise governing the form of examinations and tests. (R.C. 124.23(C).)
 - Allows rules establishing educational requirements as a condition of taking a civil service examination to be adopted only with respect to positions for which educational requirements are expressly imposed by an Ohio statute or federal law or for which the Director of DAS determines that the educational requirements are job-related (R.C. 124.22).
 - Requires a person to generally have served 48 months, rather than 24 months as under current law, in order to be eligible to take a competitive promotional examination for the promoted rank immediately above the rank of regular fire fighter (R.C. 124.45(B)).
 - Allows promotional examinations for positions within a fire department to be written or oral by removing current law's requirement that they be written (with only a practical demonstration tests exception relative to machine or equipment operation) (R.C. 124.45(B)).
 - Eliminates the right of a participant in a fire fighter promotional examination, for a period of five days after the examination, to inspect the examination's questions, rating keys, or answers and to file a protest. However, the bill continues a participant's right to appeal on the basis that the participant's examination papers were erroneously graded. (R.C. 124.45(B) and 124.48.)
 - Allows the SPBR to issue a cease and desist order against an appointing authority that fails to conduct competitive promotional examinations as required by the Civil Service Law (R.C. 124.31(C)).

Eligible lists

(R.C. 124.26, 124.27, 124.43, 124.44, 124.46, and 124.48)

- Requires the Director of DAS to remove an applicant's name from an eligible list six months immediately following the date of the applicant's examination unless the applicant notifies the Director of the applicant's intent to remain on the list. The Director also must notify the applicant, either at the time of the examination or at the time the applicant's name is removed from the list, that the applicant's name must be so removed from the eligible list. (R.C. 124.26.)
- Eliminates the requirement that the person having the highest position on an eligible list related to fire fighters must be appointed in the case of a vacancy (R.C. 124.46).
- Requires that eligible lists for original appointments to fire and police departments in cities and civil service townships consist of all applicants who have passed the examination, and that the list not be ranked by examination grade. The appointing authority may appoint any applicant on the applicable eligible list who the appointing authority determines to be qualified for a position. (R.C. 124.27(A), 124.43(B), and 124.46.)
- For vacancies in a position above the rank of patrol officer, requires the municipal or civil service township civil service commission to certify to the appointing officer the names of the three persons on the eligible list receiving the highest rating, rather than, as under current law, the one individual receiving the highest rating, and allows the appointment of any of those certified persons, rather than the appointment of the individual with the highest rating (R.C. 124.44(B)).
- For vacancies in a promoted rank in a fire department, requires a civil service commission to certify to the appointing authority the names of the three persons on the eligible list receiving the highest grades, rather than, as under current law, the one individual receiving the highest grade, and allows the appointment of any of those certified persons, rather than the individual with the highest grade (R.C. 124.48).

Promotions

(R.C. 124.15, 124.31, and 124.44)

- For employees paid under schedule E-1 of R.C. 124.152, eliminates (1) the limitation that the employee is only eligible to advance to the next higher step until the employee reaches step six, (2) the limitation that the employee may only advance to step seven upon performing at an exemplary level as determined in the employee's performance evaluation, (3) the requirement that an employee's advancement to step seven is in the discretion of the employee's appointing authority, and (4) the prohibition against an employee appealing the denial of advancement to step seven to the SPBR (R.C. 124.15(G)).
- Allows a municipal civil service commission to require a period of service of longer than 12 months for promotion to the rank immediately above the rank of patrol officer in a police department (R.C. 124.44(B)).
- Requires the Director of DAS, in the rules adopted by the Director must adopt concerning the keeping of records of efficiency for employees in the classified service and the making of promotions based on merit, to authorize each appointing authority of a county to develop and administer in a manner it devises an evaluation system for the employees it appoints (R.C. 124.31(A)).

Veteran's preference

(R.C. 124.23 and 124.27)

- Revises the veteran's preference relative to additional credit on a classified civil service examination or to preference in original appointments to competitive positions in the civil service, to apply to any "person who has completed service in the uniformed services, who has been honorably discharged from the uniformed services or transferred to the reserve with evidence of satisfactory service, and [who] is a resident of Ohio" (R.C. 124.23(B)(1) and 124.27(B)).
- Defines "service in the uniformed services" and "uniform services" to have the same meanings as under the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (R.C. 124.23(B)(1)).

- Allows each city, city school district, city health district, county, or general health district to establish provisions governing the award of a veteran's preference that differ from those established by statute (R.C. 124.23(B)(2)).

Appeals and due process

Right to counsel at a hearing

(R.C. 9.84)

- Eliminates the right of an appointing authority's employee to be accompanied, represented, or advised by an attorney when appearing solely as a witness in an employment interview, investigation, or proceeding conducted by or for the appointing authority (R.C. 9.84).

Jurisdiction of appeals

(R.C. 119.12)

- Requires appeals under the Administrative Procedure Act from a decision of the SPBR or of a municipal or civil service township civil service commission concerning (1) a reduction, (2) a suspension of 40 or more work hours in the case of an employee exempt from the payment of overtime compensation, (3) a suspension of 24 or more work hours in the case of an employee required to be paid overtime compensation, (4) a fine of 40 or more hours' pay in the case of an employee exempt from the payment of overtime compensation, (5) a fine of 24 or more hours' pay in the case of an employee required to be paid overtime compensation, or (6) a removal, to be taken to the court of common pleas of the county in which the appointing authority is located or, in the case of an appeal by the Department of Rehabilitation and Correction, to the court of common pleas of Franklin County (R.C. 119.12 and 124.34(B)).

Further recommendations of the Civil Service Review Commission

Study of compensation and classification system

(Section 3 of the bill)

- Recommends that DAS, in conjunction with all appropriate interested parties, study the compensation and classification system that applies to employees paid by warrant of the Auditor of State and county employees

in order to determine how the system could be simplified. DAS must report to the General Assembly the results of its study no later than six months after the bill's effective date and at appropriate intervals thereafter. (Section 3(A) of the bill.)

Alternative dispute resolution

(Section 3 of the bill)

- Recommends that an ad hoc committee be formed to review, study, and encourage greater awareness of the use of mediation and other alternative dispute resolution procedures in appeals to the SPBR and to municipal and civil service township civil service commissions. The committee must consist of representatives of labor organizations, counties, cities, the SPBR, the State Employment Relations Board, the Office of Collective Bargaining of DAS, the Ohio Commission on Dispute Resolution and Conflict Management, the American Arbitration Association, and the Federal Mediation and Conciliation Service. Additionally, professors on the faculty of Ohio law schools, a professional arbitrator with experience in public sector disputes, and a plaintiff's lawyer with experience in civil service disputes also should be members of the committee. The committee should report its findings and recommendations to the General Assembly within six months after the bill's effective. (Section 3(B) of the bill.)

Miscellaneous

Use of DAS services and facilities

(R.C. 124.07)

- Allows a state-supported college or university or municipal corporation to use services and facilities furnished by DAS that are necessary to provide and maintain payroll services and state merit standards, and requires that they pay the cost of the services and facilities that DAS furnishes. Current law apparently requires a state-supported college or university, as well as each state agency, to use those DAS services and facilities, and provides the option to use them only to municipal corporations. (R.C. 124.07.)

Duties of the Director of Administrative Services

(R.C. 124.04)

- Expands the duties of the Director of DAS to include developing and conducting supervisory training programs and best practices plans, developing merit hiring processes, and assisting appointing authorities in recruiting qualified applicants (R.C. 124.04(H) and (J)).

State colleges and universities

(R.C. 124.14; Section 4 of the bill)

- Beginning January 1, 2004, requires the board of trustees of each state college or university to carry out all matters of governance involving the officers and employees of the college or university, including, but not limited to, the powers, duties, and functions of DAS and the Director of DAS, as specified in the Civil Service Law. However, under the bill, officers and employees of colleges and universities continue to have the right to appeal to SPBR as provided by the Civil Service Law. To this end, each board must adopt rules pursuant to R.C. 111.15 to carry out these matters of governance. Until a board adopts these rules, its college or university must continue to operate under the applicable rules adopted by the Director of DAS under the Civil Service Law. The bill repeals provisions of existing law that give somewhat similar authority to boards of trustees, but subject to periodic audits and the Director of DAS' review and potential superseding of direction authority. (R.C. 124.14(F)(1) and (2) and Section 4(A) of the bill.)
- Requires the Executive Director of the Inter-University Council to coordinate the organization of a committee consisting of the president, or the president's representative, of each state-supported college or university. By no later than October 1, 2003, the committee, in consultation with DAS, must develop guidelines and standards that are to be used by the boards of trustees of these colleges and universities in adopting the previously mentioned rules concerning the matters of governance of the officers and employees of their college or university. The guidelines must address, at a minimum, classification plans, compensation plans, recruitment, selection, and appointment processes, performance, discipline, and termination processes, layoff and reduction-in-workforce processes, paid leave, holiday leave, and benefit programs,

and appeals processes. The guidelines also must require the colleges and universities to adopt changes in a controlled and incremental manner. (Section 4(B) of the bill.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-27-03	p. 184

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