



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 317

129th General Assembly  
(As Introduced)

**Reps.** Young and Thompson, Martin, Roegner, J. Adams, Newbold, Buchy

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## BILL SUMMARY

- Imposes a temporary hiring freeze in state government until the state workforce is reduced by 10%.

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## CONTENT AND OPERATION

### Reduction in state workforce

On and after the bill's effective date, until a 10% reduction in the workforce of all state agencies combined is attained, and notwithstanding other contrary Ohio law, all vacancies and newly created positions within a state agency must be filled in the following manner:

(1) Existing employees from within the state agency must first be considered to fill newly created positions or positions created by retirement, death, removal, or other discontinuation of employment.

(2) Existing employees from other state agencies can be considered after those employees specified in (1) have been considered and no satisfactory filler or replacement was found within the state agency.

(3) If a position cannot be filled by employees specified in (1) or (2), and the appointing authority concludes it is necessary to fill the position from outside the existing state workforce, the appointing authority must seek written authorization from the Governor. The Governor must file any such written authorization with the state agency and the Department of Administrative Services before the agency hires such a person.

(4) If the state agency appointing authority concludes it is necessary to create a new position in order to fulfill the agency's work demands, the appointing authority must seek written authorization from the Governor. The Governor must file any such written authorization with the state agency and the Department of Administrative Services before the agency creates such a new position.

The Director of Administrative Services must issue a quarterly report to the Speaker of the House of Representatives, the President of the Senate, and the Governor indicating the progress of state agencies toward reaching a 10% reduction in the state workforce. When a 10% reduction in the state workforce is attained, as indicated by the figures maintained and reported by the Department of Administrative Services, the bill's requirements cease to apply.

Under the bill, "state agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government. "State agency" does not include JobsOhio.<sup>1</sup> In addition to executive agencies, the definition of state agency includes legislative and judicial agencies and elective official offices. Therefore, under the bill, a legislative and judicial agency and elective official would need the Governor's approval before being able to fill a position outside the agency or to create a new position. This may lead to a separation of powers issue. To the extent that the bill excludes out of state employees, the bill may raise a privileges and immunities question.<sup>2</sup>

The Ohio Constitution provides: "Appointments and promotions in the civil service of the state, the several counties, and cities, shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations."<sup>3</sup> Under current law, generally, classified civil service employees are appointed under a merit system whereby selections are made on the basis of demonstrated relative fitness, without regard to political considerations, and appointees are safeguarded against unjust charges of misconduct and inefficiency and from being discriminated against for religious or political reasons or affiliations.<sup>4</sup> Additionally, current law provides for certain employees to participate in collective bargaining agreements.<sup>5</sup> As stated above, the bill "notwithstands" contrary current law.

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<sup>1</sup> R.C. 124.395.

<sup>2</sup> U.S. Const., Art. IV, sec. 2.

<sup>3</sup> OH Const., Art. XV, sec. 10.

<sup>4</sup> *State ex rel. Buckman v. Munson*, 141 Ohio St. 319, 325 (1943); see R.C. Chapter 124.

<sup>5</sup> R.C. Chapter 4117.

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## HISTORY

ACTION

DATE

Introduced

09-07-11

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