

123:1-2-01

County personnel department.

- (A) A board of county commissioners may elect, by a resolution adopted by a majority of its members, to establish and designate a county personnel department of the county to exercise the powers, duties, and functions of the director of administrative services specified in sections 124.01 to 124.64 and Chapter 325, of the Revised Code. A board of county commissioners that establishes a county personnel department may contract with the department of administrative services, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services.
- (B) Upon adopting a resolution to establish a county personnel department, the board of county commissioners shall submit ~~written notification and~~ a certified copy of the resolution to the director ~~or designee~~ within ten working days after adoption. The director shall inform the board in a writing sent by certified mail of the date of receipt of the copy of the resolution. Such notification shall be provided no later than March first of an odd-numbered year. The powers, duties, and functions shall be vested in and assigned to the county personnel department on the date of receipt of the resolution by the director~~July first of that year.~~
- (C) Each county personnel department shall submit a copy of any proposed and final adopted personnel rules governing the employees covered by the county personnel department to both the director or designee and the chairperson of the state personnel board of review.
- (D) Each county office electing to utilize the services of a county personnel department shall submit written notification certified by the appointing authority, and a certified copy of the resolution, as applicable, to the director ~~or designee~~ and the county personnel department. ~~Such notification shall be provided no later than March first of an odd-numbered year. The powers, duties, and functions shall be vested in and assigned to the county personnel department on July first of that year.~~ The director shall inform the county office in a writing sent by certified mail of the date of the acceptance of the written notification.
- (E) When at least two years have passed since electing to use the services of a county personnel department, a county office may return to the department of administrative services for the administration of sections 124.01 to 124.64 and Chapter 325. of the Revised Code by sending to the director and the county personnel department a certified copy of the resolution that states its decision to return to the department of administrative services' jurisdiction, and the director shall inform the county office in a writing sent by certified mail of the date of receipt of the resolution. Upon the director's receipt of the copy of the resolution, all powers, duties, and functions previously vested in and assigned to the county personnel department with respect to the employees of the county office shall return to the director. A county office may return to the department of

~~administrative services for the administration of sections 124.01 to 124.64 of the Revised Code. Each county office returning to the department of administrative services shall submit written notification certified by the appointing authority of such decision, and a certified copy of the resolution, as applicable, to the director or designee and the county personnel department. Such notification shall be provided no later than March first of an odd-numbered year. All powers, duties, and functions shall return to the director on July first of that year.~~

- (F) A county office created or combined with another agency utilizing the services of a county personnel department will continue to utilize the services of the county personnel department. A county office created or combined with another agency utilizing the services of the department of administrative services shall continue utilizing the services of the department of administrative services. The ~~agency~~ county office may request to report to the director of administrative services, in accordance with paragraph ~~(D)~~ (E) of this rule.
- (G) When at least two years have passed since the creation of a county personnel department, a A board of county commissioners electing to disband the county personnel department may do so by adopting a resolution by a majority of its members, and return to the department of administrative services for the administration of sections 124.01 to 124.64 and Chapter 325. of the Revised Code. The board shall ~~notify~~ deliver a certified copy of the resolution to the director or designee and each appointing authority utilizing the services of the county personnel department within ten working days after adoption of the resolution. ~~of their decision no later than March first of an odd-numbered year. Notification shall be made in writing and include a certified copy of the resolution disbanding the county personnel department. The department of administrative services shall commence providing services for all affected appointing authorities on July first of that year~~ The director shall inform the board in a writing sent by certified mail of the date of the receipt of the copy of the resolution. Upon the director's receipt of the copy of the resolution, all powers, duties, and functions previously vested in and assigned to the county personnel department shall return to the director.

123:1-3-01

Position audits.

- (A) General. The director may initiate and make continuing audits, inspections, and investigations of the positions, offices, and employments subject to sections 124.14, 124.15, and 124.152 of the Revised Code. In accordance with sections 124.14 and 124.20 of the Revised Code and Chapters 123:1-7 and 123:1-8 of the Administrative Code, the director may initiate and make continuing audits, inspections and investigations of positions, offices and employment in the classified service of the counties, where employees are paid under provisions other than section 124.15 or 124.152 of the Revised Code. Any employee or any appointing authority, desiring to submit facts for consideration of the director shall be afforded reasonable opportunity to do so. When the director finds that improper classifications of positions exist, the director may reallocate any position to the appropriate classification as is necessary.
- (B) Audits requested by employees. A classified employee of a state agency, including a board or a commission, or county office, or the employee's authorized representative, may request a review of the classification of his or her position, unless otherwise prohibited by law or a collective bargaining agreement.
- (1) The employee's request must include the employee's name, the name of employing agency, the office address, the name of the employee's immediate supervisor, and the address where audit forms are to be mailed.
 - (2) Upon receipt of an employee's request for a position audit, the director shall date and time stamp the request and forward the necessary audit forms to the employee for completion and, at the same time, notify the affected appointing authority of the audit request. The notice shall include a request to the appointing authority to submit the current position description and any comments concerning the duties of the position.
 - (3) The employee shall return the audit report forms to the director within thirty days of receipt. The appointing authority shall forward the requested position description, comments, and other forms to the director within thirty days of receipt of the request.
 - (4) Employee requests for position audits shall generally be processed by the director without an on-site audit unless a substantial conflict in submitted documentation is found. The director may resolve the conflict by requiring additional documentation or clarification. If the conflict is not resolved, an on-site audit may be conducted.
- (C) Audits requested by appointing authorities. An appointing authority may request the director to review any encumbered classified position within the appointing

authority's agency for the purpose of determining whether the position is properly classified, unless otherwise prohibited by a collective bargaining agreement.

- (1) The appointing authority's request shall include the name of the employee whose position is to be audited, the position control number, the name of the employee's immediate supervisor, the names of other individuals to be interviewed, the name of the person to contact to arrange the on-site audit, and a current position description reflecting the duties currently being performed by the employee. A request from an agency must be signed by the appointing authority or a designee if the appointing authority has provided the department of administrative services with a letter designating the names of individuals authorized to sign on the appointing authority's behalf.
 - (2) Agency requests for position audits shall normally be scheduled for on-site audits.
- (D) Audit findings. The audit findings will be premised upon the information and statements provided. The information and statements submitted will be compared to the existing classification specifications. The classification which most accurately describes the duties performed shall be assigned to the position.
- The duties must satisfy the class concept or function statement at least twenty percent of the time unless another percentage has been stated in the class concept or function statement. Other factors, including the table of organization of an agency, may be used to determine the classification of a position and to distinguish among classifications.
- (E) On-site audits. At the time of an on-site audit, the employee, the employee's immediate supervisor, and other persons as deemed necessary by the director shall be interviewed. It shall be the responsibility of the agency to ensure that the requested parties are available for an on-site audit. If any party refuses to attend on-site audit interviews the director shall render a decision based on the information and documentation submitted.
- (F) Examination of current duties. Position audits shall examine the duties currently performed. The audit report reflects duties at the time of the audit and shall reflect any change in duties if such has occurred since the date of the audit request. Duties performed while assigned in a temporary work level shall not be considered for the purposes of a position audit.
- (G) Cancellation of audit requests. Requests for audits will be deemed cancelled if:
- (1) The party requesting the audit submits a written withdrawal of the request.

Audit requests may be withdrawn any time until the final notice of classification is mailed;

- (2) The employee requesting an audit fails to timely return the audit report form;
- (3) An on-site audit, that is made at the request of an appointing authority, is scheduled and all the parties to an on-site audit fail to appear or the appointing authority which requested the audit fails to schedule the interviews on two occasions; unless the appointing authority shows good reason why all parties were not available; or
- (4) The appointing authority fails to submit a position description reflecting the employee's current duties if the appointing authority requested the position audit.

Implementation of audit findings. A position audit shall be deemed completed when the director sends written notification of the results to the employee and the employee's appointing authority.

- (H) Effective date. Whenever a position is reclassified by the director, the employee's classification shall be changed in accordance with division (D) of section 124.14 of the Revised Code. The director shall give to the affected employee and to his or her appointing authority a written notice setting forth the proposed new classification. The effective date of such change shall be the first day of the pay period following DAS' receipt of the audit request.
- (I) Submission of documents to implement classification change. The documents necessary to implement a classification change shall be submitted by the appointing authority within thirty days after the notification of the determination, unless the agency or the employee appeals the determination to the state personnel board of review.
- (J) Appeal. The decision rendered by the director on positions in the classified service may be appealed to the state personnel board of review by the appointing authority or the employee. The appeal to the board shall be made according to the rules of the state personnel board of review.
- (K) Effective date after appeal. The state personnel board of review shall determine the effective date of the classification change upon their completion or review of an appeal of an audit decision.
- (L) Audit findings of a lower classification. Subject to the provisions of rule 123:1-24-04 of the Administrative Code, if the results of a position audit indicate that a position

would be properly allocated to a classification with a lower pay range assignment than the classification currently assigned, the director shall notify the appointing authority and the employee that the position will be reclassified pursuant to section 124.14 of the Revised Code.

- (M) When position audits will not be performed. Position audits will not be performed on positions that are vacant or while the incumbent is assigned in a temporary work level, on a leave of absence, serving a probationary period, or is receiving disability leave benefits.
- (N) Audits of positions of incumbents who are subject to layoff or displacement. Requests for audits of positions will not be processed if the position is classified in a classification that is designated for calculation of retention points for purposes of a layoff or position abolishment under the provisions of Chapter 123:1-41 of the Administrative Code. The date the lists of classifications are submitted to the director for verification of retention points shall be the date the requests for position audits are suspended.
- (O) Effective date of amended audit. If for any reason, the results of a position audit are amended, a corrective notice for a reclassification of a position shall be made and the effective date of the reclassification shall be the date indicated in the original letter of notification.
- (P) Positions to be audited no more than once a year. Requests for audits of a position, from either the incumbent or the appointing authority, may not be submitted more often than once a year. An employee may request only one audit of his or her position per year unless the employee provides, at the time of the request, documentation showing that the duties of his position have been substantially changed since the date of the completion of the previous audit. The "one-year period" will be defined as one calendar year from the date of the original request for the most recent position audit.
- (Q) Audits of positions in state-supported colleges and universities. The department of administrative services shall not conduct audits of positions at state-supported colleges or universities. Employees of state-supported colleges or universities shall submit requests for position audits in accordance with the policies and procedures of their respective institutions.
- (R) Probationary period. An employee who has received a classification change pursuant to a position audit is not required to serve a new probationary period. The employee will continue to be a permanent employee in the classified service.

123:1-5-02

Unskilled labor class.

(A) The unskilled labor class, which is referred to in division (B)(2) of section 124.11 of the Revised Code, shall include any classifications for which there are minimal or no experience or education requirements and which are designated by the director. Registration for these classifications in the service of the state shall ~~may~~ be conducted by the director ~~or by special examiner or boards of examiners established in accordance with section 124.04 of the Revised Code.~~ Registration for all other positions in the unskilled labor class shall be conducted by a commission established in accordance with section 124.04 of the Revised Code.

(1) Certified appointments to positions in the unskilled labor class shall be from lists of applicants registered by the director or an authorized commission, as applicable, ~~special examiner or examining board.~~ These lists shall be established by the director or the examining board commission in accordance with the registration process provided in division (B)(2) of section 124.11 of the Revised Code. Certification of eligibles for appointments in the unskilled labor class shall consist of double the number to be employed, from which the appointing officer shall appoint the number actually needed for the particular work.

(2) For purposes of this rule, "register" shall be defined as the process by which all applicants deemed acceptable as meeting the minimum qualifications for a job classification in the unskilled labor class, and/or deemed acceptable as determined by the director or the commission, as applicable, shall be placed on an eligible list, ranked chronologically by the date and time the application was received. All eligible applicants shall be given the minimum score of seventy points, prior to application of credit for military service as provided in section 124.26 of the Revised Code.

(B) Resident unskilled labor positions. Those unskilled labor positions, referred to in division (A)(12) of section 124.11 of the Revised Code, include positions that are filled by residents in the state service institutions. These residents, being employed for pay for part-time or limited service, shall be excluded from the classified civil service and shall be exempt from all civil service examinations. Compensation rates for these positions shall be approved by the director of administrative services.

(C) Subsidized employment positions. Those unskilled labor positions within a subsidized employment program, established pursuant to Chapter 5107. of the Revised Code, shall be excluded from the classified civil service and shall be exempt from all civil service examinations. Compensation for these positions shall be at the same rate as other employees doing similar work for the appointing authority. Pursuant to section 5107.52 of the Revised Code, an appointing authority may hire individuals from a subsidized employment program for an unclassified position or a classified civil service position upon expiration of the subsidy. Any

appointment to a position within the classified civil service shall be made in accordance with the requirements of Chapter 124. of the Revised Code.

123:1-7-16

Holding classifications for state exempt positions.

- (A) The director of administrative services may assign exempt positions within state agencies, boards and commissions, paid by warrant of the director of budget and management, into the appropriate classification in the holding division of the classification plan. Allocations of positions to classifications within this division represent those positions that are currently overclassified.
- (B) As the positions allocated to the classifications in this division become vacant, due to promotion, demotion, reassignment, separation, displacement, including layoff, or any other reason, the positions must be deleted, unless subordinate positions within the same holding class series are still encumbered.
- (C) In the event of layoff or job abolishment, an employee reassigned into a holding classification shall have the right to displace in accordance with the provision of sections 124.321 to 124.328 of the Revised Code and Chapter 123:1-41 of the Administrative Code and into the classification series from which he or she was originally reassigned, provided the former classification has an equivalent or lower pay range. An employee who is in a holding classification at the time of layoff or job abolishment, and who cannot displace a position in his or her former classification because that former classification no longer exists, may displace another position which is in a classification deemed by the Department of Administrative Services to have replaced the former classification, provided that the position to be displaced is in a pay range which is equal to or lower than the pay range of the position in the holding classification. An employee who displaces another employee under this section must possess the minimum qualifications and, if applicable, any position specific minimum qualifications for the position to be displaced.
- (D) An employee who is in a holding classification at the time of layoff or job abolishment may displace another employee in a holding classification, provided that the employee to be displaced has fewer retention points than the displacing employee, and provided that the employee to be displaced is in a position which is assigned to a holding classification have the same class number and same classification title as the displacing employee.
- (E) In addition, an employee in a position which is not in a holding classification at the time of layoff or job abolishment may displace an employee in a holding classification, provided that: the displacing employee meets the minimum qualifications for the position; the position to be displaced is in a pay range equivalent to or lower than the pay range of the displacing employee; the position to be displaced is in the same classification grouping held by the displacing employee prior to the 1989-1990 classification modernization study; and the employee to be displaced has fewer retention points than the displacing employee.

(F) Once all positions of a given classification become vacant, the classification will be deleted from this rule. No new positions or future reclassifications of positions may be allocated to a classification within this division. The classifications assigned to this division of the classification plan appear herein:

PAY -RANGE	CLASSIFICATION NUMBER	DESCRIPTION
	30000	EXEMPT HOLDING DIVISION
13	30233	Environmental Specialist 3
07	30607	Holding Class For Exempt Pay Range Seven
08	30608	Holding Class For Exempt Pay Range Eight
09	30609	Holding Class For Exempt Pay Range Nine
10	30610	Holding Class For Exempt Pay Range Ten
12	30612	Holding Class For Exempt Pay Range Twelve
13	30613	Holding Class For Exempt Pay Range Thirteen
14	30614	Holding Class For Exempt Pay Range Fourteen
15	30615	Holding Class For Exempt Pay Range Fifteen

123:1-9-01

Examination guidelines.

- (A) Notice requirements for open competitive and/or promotional examinations. Notice of open competitive and/or promotional examinations shall be sent to each department, district, county, and/or city in which employees would be eligible to compete. Notice shall also be sent to employees where feasible.
- (B) Admitting applicants to examinations. No applicant shall be admitted to any written examination more than thirty minutes after the advertised time for beginning such examination. Applicants who are late arriving for skills or interview examinations will be scheduled for the next available session.
- (C) Extension of time in examinations. No applicant in any examination shall be given a longer time on any subject than prescribed by the director. The director may establish separate time limits for the individual accommodation of disabled applicants.
- (D) Visitors at examinations. No visitor shall be admitted to the examination room during any examination except by special permission of the examiner in charge.
- (E) Inspection of papers. Any competitor shall have the right at any time within the period of ten days after receiving notice of examination grade to request, in writing, a review of his or her own papers to learn the markings given on each subject or question and to submit in writing for the director's consideration, any objection or protest he or she may wish to make concerning the grades given. No objection or protest concerning an examination, not submitted in writing, shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by a competitor, or such other circumstances in connection with an examination as would call for an investigation on the part of the director, and which would require that the information submitted be given in confidence. An applicant who exercises the right to inspect his or her examination papers shall not be permitted to again take an examination for the same classification within a four-month period following the inspection, unless an alternate form of examination is given. Inspection shall not be permitted of standardized tests prepared by experts outside the state service, where such inspection would tend to reduce the validity of test results.
- (F) Changing of grades. No grades given in any examination shall be changed after the posting of an eligible list, except after the consideration of reasons submitted in writing by the competitor objecting and report thereon by the director's properly authorized examiners; provided that the director may correct clerical errors of examiners or employees at any time before the cancellation of such lists.
- (G) Postponement or cancellation of examinations. Examinations, unless canceled or

postponed, must be held upon dates fixed by the director. A scheduled examination may be canceled or postponed by order of the director, for adequate reason. Reasonable efforts shall be made to notify each approved applicant of cancellation or postponement.

- (H) Credit for military service. When proper proof of military service, as defined in section 124.23 of the Revised Code, is presented to the director and the applicant, being a resident of Ohio and otherwise eligible, has received a passing grade in any examination for original appointment, he or she shall be granted additional credit of twenty per cent of such grade, thereby receiving a final grade of twenty per cent higher in view of the above-mentioned service. The applicant must submit proof of honorable discharge or honorable separation from active military service prior to participation in the examination.
- (I) Repeating examinations. An applicant who has competed in a civil service examination may not repeat that examination or take an examination for the same classification within four months from the date of original examination, unless an alternative form of examination is given, or unless other standards are specified in the examination announcement, provided that the director may waive in writing this rule upon written request from an applicant stating substantial reasons for granting such waiver.
- (J) Release time for examinations. State or county employees shall be allowed necessary time off without loss of pay to compete in any civil service examination conducted by the director of administrative services for the classification in which the employee is serving ~~as a provisional~~ a probationary period. The appointing authority may grant time off without loss of pay for up to two additional examinations during any one calendar year. If the employee wishes to take additional examinations, the appointing authority may require that the employee take vacation leave, compensatory time, or leave without pay.

123:1-9-03

Medical or psychological examination as a requirement for appointment to the classified service.

- (A) Medical examination defined. For purposes of this rule, a "medical examination" is an evaluation by a licensed practitioner of an applicant's physiological or psychological condition as it relates to employment in the classification being considered.
- (B) Licensed practitioner defined. For purposes of this rule, a "licensed practitioner" is a physician, psychiatrist, psychologist, or other appropriately licensed mental health professional such as a licensed professional clinical counselor or a licensed independent social worker who is licensed to perform the appropriate examination.
- (C) Examinations for an entire classification. When the director of administrative services determines that medical or psychological qualifications are of special importance to a classification, candidates for that classification shall be required to pass a medical or psychological examination and be certified as qualified in such respect.
- (1) Notice of requirement. When a medical or psychological examination is required by the director such requirement shall be published in the examination or vacancy announcement.
- (2) Certificate required. When a medical or psychological examination is required by the director an applicant must furnish a certificate from a licensed practitioner who has personal knowledge, from either medical treatment or examination, as to the medical or psychological condition of the applicant as it relates to performance in the classification.
- (D) Examinations required by appointing authority. When an appointing authority, with the approval of the director determines that medical or psychological qualifications, not otherwise required for the classification, are of special importance for positions in classifications used by an appointing authority, applicants certified for appointment to or being considered for ~~provisional employment hiring~~ by the appointing authority shall be required to pass a medical or psychological examination. Such examination shall be given by a licensed practitioner to be designated by the appointing authority. The cost of the examination shall be paid by the appointing authority.
- (E) Justification. Requirements for medical or psychological examinations shall be justified with appropriate documentation. Each appointing authority shall be responsible for such justification which shall be made to the department of administrative services.
- (F) Use of examination results. Results of a medical or psychological examination shall

be supplied to the appointing authority and may be considered only after a conditional decision has been made to hire the individual. The examination results shall be the last factor evaluated by the appointing authority before reaching a final decision to make an offer of employment.

- (G) Disclosure to employee. Disclosure of any reports prepared by the examining practitioner is subject to Chapter 1347. of the Revised Code.

123:1-10-01

Eligibility for permanent classified service.

(A) When an employee is appointed under section 124.30 of the Revised Code, and successfully completes the probationary period or remains in the position for a period of six months of continuous service, whichever is longer, the employee shall become permanent in the classified service with all the rights and privileges of a certified employee.

(B) An employee who is certified in the classified service has permanent status, except that an employee appointed from an eligible list does not obtain permanent status until the employee has successfully completed their initial probationary period or remains in the position for a period of six months continuous service, whichever is longer.

123:1-15-03

Joint employment and certification.

- (A) In positions where the appointing authority with approval of the director of administrative services determines that the nature of the work situation requires the joint employment of persons related by heredity or by marriage, such as husband and wife, father and daughter, mother and son, or brother and sister, appointment shall be made by one of the following methods:
- (1) Joint certification may be made from an eligible list. Standing on the eligible list shall be determined by the average of the grades of the two participants. Where two persons have been employed by joint certification, separation of either person shall operate automatically to remove the other person.
 - (2) In the absence of an eligible list, joint ~~provisional~~ appointment may be made of two properly qualified and related persons. Separation of either person shall operate automatically to remove the other person.
 - (3) Where one of the two positions involved in a situation requiring joint employment has the status of an appointing authority, the person duly appointed to that position may appoint a properly qualified and related person to the other position subject to approval of the director of administrative services, such second appointment to be in the classified service but to terminate whenever the first position is vacated.
- (B) The determination of whether a working situation requires joint employment of the nature described in this rule may be made whenever a vacancy occurs in either of the two ~~posi-~~ positions involved.

123:1-17-02

Certification eligible list.

(A) Upon receipt of request for certification to fill a vacancy, the director shall certify to the appointing authority from the eligible list, the names, addresses and grades of the ten or more persons standing highest on such list that are willing to accept consideration for that appointment type. The appointing authority shall make appointments from the certification eligible list within thirty days. The director may, upon review of adequate reasons why the appointment cannot be made within thirty days, provide the appointing authority a follow-up list for an additional thirty-day appointment period. If more than one vacancy is to be filled, the number of names to be certified shall be determined in the following manner:

- (1) For 2 to 4 vacancies, fifteen names shall be given.
- (2) For 5 to 8 vacancies, twenty names shall be given.
- (3) For 9 to 12 vacancies, twenty-five names shall be given.
- (4) For 13 to 16 vacancies, thirty names shall be given.

(B) In appointing persons from the certification eligible list, the rule of ten shall be followed; that is, every time a group of ten available applicants is considered, one of said group must be appointed. Beginning at the top of the list every person who is available but not permanently appointed must be considered four times in a group of ten before the person's name may be dropped from further consideration by that appointing authority. When the director includes additional names on a certification eligible list, the additional names may be considered for appointment only if one or more of the persons named in the original certification is unavailable or fails to reply to notice of certification. For each person in the original certification who is unavailable or fails to reply to notice of certification, one name from the additional group may be considered for appointment. In any case, the rule of ten as defined in this rule will be used in making all certified appointments.

~~(C) The director may make certification of names from appropriate eligible lists to fill positions occupied by provisional appointees.~~

123:1-17-03

Limitation on certifications.

No person shall be certified from an eligible list more than four times to the same appointing authority for a position of the same classification, except at the request of the appointing authority, and subject to the following provisions:

~~(A)~~ If any certification results in the appointment of an employee who at the time of certification held the same position as a provisional employee, no consideration shall be charged to other persons included in the certification.

~~(B)~~(A) If a certification eligible list is not used by the appointing authority, no consideration shall be charged to the persons included on the certification.

~~(C)~~(B) Certifications for seasonal appointment shall be charged separately from those for permanent appointment. The declination of any such seasonal appointment shall not affect the right of an eligible to remain on the certification eligible list for appointment to a different appointment category.

~~(D)~~(C) Whenever a certification is made to fill more than one position under rule 123:1-17-02 of the Administrative Code, those persons who are dropped after four considerations shall be considered as having been certified four times.

~~(E)~~(D) An eligible who has declined appointment because of the salary offered is subsequently not certified for positions at the same or less salary.

123:1-17-04

Notice.

When an eligible's name is included on a certification to an appointing authority, written notice shall be transmitted to the eligible by the appointing authority, informing the individual of the nature and location of the position and that he or she is being considered for appointment. This rule may be waived if the certification meets the requirements of rule 123:1-17-03(A) ~~or 123:1-17-03(B)~~ of the Administrative Code.

123:1-19-01

Nature of probationary period.

Each employee in the classified civil service shall serve an initial a probationary period following any original appointment, whether with or without competitive examination. ~~either by certification or provisionally, and~~ Each employee in the classified civil service shall serve a probationary period following each promotion, whether with or without competitive examination. If an employee's services are found unsatisfactory, the employee ~~he or she~~ may be removed, or reduced in accordance with rule 123:1-23-12 of the Administrative Code, at any time during ~~the~~ a probationary period. Whenever an employee is given a probationary removal or reduction, a written statement of the reasons for such action, signed by the appointing authority, showing the respects in which the employee's service was not satisfactory, shall be given to the employee and the director of administrative services.

123:1-19-02

Length of probation in state service.

- (A) The probationary period for all classified employees in the state agencies, boards, and commissions hired on or after July 1, 2007 shall be one hundred ~~twenty eight~~ calendar days for all positions assigned to a pay range in equal to or lower than pay range 07 in schedule E-1 of division (A) of section 124.152 of the Revised Code and shall be ~~one hundred eighty calendar days for all positions assigned to a pay range equal to or greater than pay range 08 of schedule E-1 of division (A) of section 124.152 of the Revised Code~~. Classified employees of the state agencies, boards, and commissions hired before July 1, 2007 into positions assigned to a pay range in schedule E-1 of Division (A) of section 124.152 of the Revised Code shall serve the probationary period for the position that existed at the time the employee was hired into the position.
- (B) Any positions not assigned to a classification salary base shall use the starting point for the position in lieu thereof for probationary period determination.
- (C) Longer probationary periods, not in excess of one year, may be authorized by the director for specific job classifications, upon request of the appointing authorities concerned, and upon the submission of proper documentation as required by the director.
- (D) Time spent in no-pay status shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent in no-pay status.
- (E) An appointing authority may, with the consent of the employee and approval of the director, extend an employee's probationary period for up to sixty days to allow additional time to review the employee's performance. A probationary period extension shall only be granted if an employee consents to the extension prior to the end of the employee's normal probationary period.

123:1-19-03

Length of probation in county service.

- (A) The probationary period for all classified employees in the service of the county appointing authorities is fixed at one hundred and ~~twenty~~ eighty calendar days. A longer period, not in excess of one year, may be established for specific job classifications upon agreement by the director of administrative services and the appointing authorities concerned, and upon the submission of proper documentation as required by the director.
- (B) Time spent on leave of absence without pay shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent in no-pay status.
- (C) An appointing authority may, with the consent of the employee and approval of the director, extend an employee's probationary period for up to sixty days to allow additional time to review the employee's performance. A probationary period extension shall only be granted if an employee consents to the extension prior to the end of the employee's normal probationary period and the total probationary time does not exceed one year.

123:1-19-04

Probationary period for part-time or intermittent workers.

Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as full-time employees. Employees who work an irregular schedule or who work less than the normal number of working days per week shall have their probationary period determined on the basis of time actually worked as described below:

~~(A) 700 hours are equivalent to a 120-day probationary period.~~

~~(B)~~(A) 1,000 hours are equivalent to a 180-day probationary period.

~~(C)~~(B) 1,400 hours are equivalent to a 252-day probationary period.

~~(D)~~(C) 1,500 hours are equivalent to a 270-day probationary period.

~~(E)~~(D) 1,700 hours are equivalent to a 300-day probationary period.

~~(F)~~(E) 2,000 hours are equivalent to a 365-day probationary period.

123:1-21-01

Appointment when no eligible list exists.

Upon receipt of requisition for certification to a position for which no appropriate eligible list is available, the ~~Director of Administrative Services~~ director of administrative services shall notify the appointing authority that an nomination for provisional appointment may be made to fill such position until an eligible list can be created, provided the appointment is made within thirty days of the appointing authority receiving such approval from the director of administrative services.

Selection of persons to be appointed in the absence of a complete eligible list shall be made by an appointing authority, subject to the approval of the director of administrative services. Such approval shall be based on an examination of the qualifications of the proposed appointee to determine that qualifications for the position are met. Appointments shall be subject to the probationary period required by chapter 123:1-19 of the Administrative Code.

123:1-21-02**Temporary Appointment.**

(A) A temporary appointment may be made without regard to the rules of sections 124.01 to 124.64 of the Revised Code. Except as otherwise provided in this rule, a temporary appointment may not continue longer than one hundred twenty days, and in no case shall successive temporary appointments be made.

(B) If a temporary appointment is necessitated by reason of sickness, disability, or other approved leave of absence of a regular officer or employee, the temporary appointment may be for longer than one hundred twenty days and shall continue only for the duration of the sickness, disability, or other approved leave of absence of the regular officer or employee.

123:1-23-02

Promotion without competition.

If a vacancy exists of the type described in rule 123:1-23-01 of the Administrative Code, but it is found not necessary or practicable to conduct a competitive examination, the director may authorize the appointing authority to nominate an eligible employee for promotion without competition, but in all cases of promotion without competition, the appointing authority shall submit a written statement or provide documentation showing:

- (A) That the duties performed by the employee nominated are in actual preparation for the higher position;
- (B) That such employee is entitled to promotion by reason of conduct and effective performance in his or her current position;
- (C) That such employee possesses the appropriate qualifications to be promoted to the higher position; and
- (D) That such employee:
 - (1) Is certified in his or her current position and ~~would carry certification to the higher position; or~~
 - (2) ~~Has successfully completed his or her~~ Is not currently serving a probationary period and no eligibility ~~certification~~ list exists for the classification of the vacant position.

123:1-23-12

Time limit for filling position; probationary period; removal or demotion.

- (A) Definitions. For purposes of this rule, "inter-agency promotion" means the act of promoting an employee from one department to another department with a different over-all appointing authority. "Intra-agency promotion" means the act of promoting an employee from one position to another within the same department or over-all appointing authority.
- (B) Time Limit for Filling Position. When an examination for promotion has been completed and the result certified to the appointing authority, one of the three persons certified as standing highest shall be appointed within thirty days, and after that time, ~~any provisional appointee or~~ any acting incumbent of said position for which a promotional examination has been held shall vacate the position. If only one or two names can be certified, the appointing authority shall not be required to make an appointment, but the position shall not be filled except by appointment from an eligible list and, if occupied by ~~a provisional appointee~~ an acting incumbent, it shall be vacated.
- (C) Probationary Period. All promotions shall be for a probationary period established in Chapter 123:1-19 of the Administrative Code.
- (D) Inter-agency Promotion. If an employee accepts an inter-agency promotion and is found to be unsatisfactory in the advanced position, the receiving agency may remove the employee or may demote the employee to a position within the receiving agency that is the same or similar to the position the employee held at the releasing agency prior to promotion. The employee has no right to resume a position with the releasing agency.
- (E) Intra-agency Promotion. If an employee accepts an intra-agency promotion and is found to be unsatisfactory in the advanced position, the employee shall be demoted to the position from which the employee was promoted or to a similar position. Upon such demotion, the employee's salary shall be the same that the employee was receiving prior to promotion, except for changes in pay range that may have occurred or any step increase to which the employee would have been entitled in the lower classification.

If a certified employee takes an open-competitive examination for a classification having a higher base pay range than the employee holds at the time of the examination and is appointed from the resulting eligible list to a position in the same agency, this action shall be considered a promotion so far as the probationary period is concerned, and the employee shall be demoted in accordance with this rule if the employee's services are found unsatisfactory.

- (F) Right to appeal. Pursuant to section 124.27 of the Revised Code, a probationary

employee duly removed for unsatisfactory service does not have a right to appeal the removal or reduction under section 124.34 of the Revised Code.

123:1-24-06

Same or similar state classifications.

The following list contains the complete listing of classification(s) with the same or similar duties ~~in which an employee, for employees who is are employed~~ in the classified service and ~~is are~~ paid by warrant of the director of budget and management, ~~may carry certification and which an employee may displace. For purposes of carrying certification, an employee classified in a classification listed in the left hand column may retain certification if he receives a classification change to the classification(s) listed as similar in the right hand column. For purposes of displacement, an employee classified in a classification listed in the right hand column may displace into the classification(s) listed as similar in the left hand column provided the employee holds the minimum qualifications.~~

12115	Clerical Supervisor	similar to	16821	Office Manager
12345	Data Librarian Supervisor	similar to	12375	Computer Operations Supervisor 1
12355	Data Control Technician Supervisor	similar to	12366	Data Technician Supervisor
			12367	Data Technician Manager
			12375	Computer Operations Supervisor 1
16748	Unemployment Compensation Manager 1	similar to	64285	Customer Service Supervisor
			64275	ODJFS Program Delivery Supervisor
16749	Unemployment Compensation Manager 2	similar to	64271	Local Office Manager 1
			64275	ODJFS Program Delivery Supervisor
			64288	Customer Service Program Delivery Specialist
12555	Supervisory Secretary	similar to	12115	Clerical Supervisor
			12615	Word Processing Supervisor 1
			16821	Office Manager

			16832	Executive Secretary 1
			16833	Executive Secretary 2
16115	Cashier Supervisor	similar to	12115	Clerical Supervisor
			16821	Office Manager
16821	Office Manager	similar to	16832	Executive Secretary 1
			16833	Executive Secretary 2
			63122	Administrative Assistant 2
			63275	Records Management Supervisor
16832	Executive Secretary 1	similar to	63122	Administrative Assistant 2
			63123	Administrative Assistant 3
16833	Executive Secretary 2	similar to	63122	Administrative Assistant 2
			63123	Administrative Assistant 3

21165	Gypsy Moth Program Manager	similar to	21166	Plant Pest Inspection Supervisor
22226	Fish Management Supervisor	similar to	22265	Wildlife District Manager
			22275	Aquatic Biology Supervisor
			61721	Wildlife Program Manager
22235	Fish Hatchery Superintendent	similar to	22226	Fish Management Supervisor
			22285	Wildlife Management Supervisor
			61721	Wildlife Program Manager
22265	Wildlife District Manager	similar to	61721	Wildlife Program Manager
22325	Forestry Administrator	similar to	22336	District Forest Manager

22336	District Forest Manager	similar to	22325	Forestry Administrator
22516	Parks Maintenance Supervisor 1	similar to	22574	Park Manager 1
			22575	Park Manager 2
			22576	Park Manager 3
			22571	Assistant Park Manager 1
22517	Parks Maintenance Supervisor 2	similar to	22572	Assistant Park Manager 2
			22573	Assistant Park Manager 3
			22577	Park Manager 4
			22578	Park Manager 5
			22579	Park Manager 6
22526	Park Officer Manager	similar to	22531	Parks Law Enforcement Staff Officer
22531	Parks Law Enforcement Staff Officer	similar to	22526	Park Officer Manager
22570	Assistant Park Manager 1	similar to	22574	Park Manager 1
			22575	Park Manager 2
			22576	Park Manager 3
			22577	Park Manager 4
			22578	Park Manager 5
			22579	Park Manager 6
22571	Assistant Park Manager 2	similar to	22575	Park Manager 2
			22576	Park Manager 3
			22577	Park Manager 4

			22578	Park Manager 5
			22579	Park Manager 6
22572	Assistant Park Manager 3	similar to	22576	Park Manager 3
			22577	Park Manager 4
			22578	Park Manager 5
			22579	Park Manager 6
22573	Assistant Park Manager 4	similar to	22577	Park Manager 4
			22578	Park Manager 5
			22579	Park Manager 6
22574	Park Manager 1	similar to	22570	Assistant Park Manager 1
			22574	Parks Maintenance Supervisor 2
22575	Park Manager 2	similar to	22571	Assistant Park Manager 2
			22574	Parks Maintenance Supervisor 2
22576	Park Manager 3	similar to	22572	Assistant Park Manager 3
			22574	Parks Maintenance Supervisor 2
22577	Park Manager 4	similar to	22573	Assistant Park Manager 4
			22574	Parks Maintenance Supervisor 2

22856	Wildlife Management Supervisor	similar to	22265	Wildlife District Manager
			22285	Wildlife Biology Supervisor
			61721	Wildlife Program Manager

23142	Public Utilities Investigator Supervisor 2	similar to	23151	Public Utilities Administrator 1
			23152	Public Utilities Administrator 2
23515	Enforcement Assistant Agent-in-Charge	similar to	23531	Liquor Control Assistant Permit Administrator
23516	Enforcement Agent-in-Charge	similar to	23532	Liquor Control Permit Administrator
23525	Liquor Control Compliance Supervisor 1	similar to	23515	Enforcement Assistant Agent-in-Charge
			23531	Liquor Control Assistant Permit Administrator
			23532	Liquor Control Permit Administrator
23526	Liquor Control Compliance Supervisor 2	similar to	23532	Liquor Control Permit Administrator
24416	Industrial Safety Inspection Supervisor	similar to	24453	Industrial Safety Administrator
24485	Industrial Safety Consultant Supervisor	similar to	24477	Industrial Safety Hygienist Administrator
24495	Industrial Safety Consultant/Hygienist District Manager	similar to	24477	Industrial Safety Hygienist Administrator

26525	Fire Safety Inspector Supervisor	similar to	26535	Arson Investigation Supervisor
26545	Fire Safety Educator Supervisor	similar to	26525	Fire Safety Inspector Supervisor
			26535	Arson Investigation Supervisor

26549	Fire Prevention Bureau Chief	similar to	26529	Inspection Bureau Chief
			26539	Arson Bureau Chief
26914	Watercraft District Administrative Assistant	similar to	26971	Watercraft Law Enforcement Administrator
26916	Watercraft District Supervisor	similar to	26971	Watercraft Law Enforcement Administrator
26971	Watercraft Law Enforcement Administrator	similar to	26916	Watercraft District Supervisor
42415	Food Service Supervisor	similar to	42445	Food Distribution Supervisor
			42455	Correctional Food Service Manager 1
42416	Food Service Manager 1	similar to	42445	Food Distribution Supervisor
			42447	Food Systems Manager
			42456	Correctional Food Service Manager 2
42417	Food Service Manager 2	similar to	42445	Food Distribution Supervisor
			42447	Food Systems Manager
			42456	Correctional Food Service Manager 2
44116	Residential Care Supervisor 1	similar to	44145	Psychiatric Attendant Supervisor 1
44117	Hospital Aide Supervisor	similar to	44145	Psychiatric Attendant Supervisor 1
			44146	Psychiatric Attendant Supervisor 2
44118	Residential Care	similar to	44146	Psychiatric Attendant

	Supervisor 2			Supervisor 2
44735	Community Adjustment Trainer Supervisor	similar to	44116	Residential Care Supervisor 1
			44117	Hospital Aide Supervisor
			44145	Psychiatric Attendant Supervisor 1
52416	Telecommunications Technician Supervisor	similar to	52485	Telecommunications Network Supervisor
			52495	Telecommunications Analyst Supervisor
52417	Telecommunications Technician Manager	similar to	52495	Telecommunications Network Assistant Manager
52475	Highway Patrol Electronic Technician Manager	similar to	52426	Radio Technician Manager
52485	Telecommunications Network Supervisor	similar to	52495	Telecommunications Analyst Supervisor
52735	Printing Machine Supervisor	similar to	52745	State Printing and Standards Supervisor
52755	Correctional Printing Machine Supervisor	similar to	52735	Printing Machine Supervisor
53134	Building Maintenance Superintendent 2	similar to	53141	Building Construction Superintendent
54535	Stationary Engineer Supervisor	similar to	54552	Plant Maintenance Engineer 2
61526	Health Care Facilities Surveyor Supervisor 2 (Complaints)	similar to	61536	Health Care Facilities Surveyor Supervisor 2 (Long Term Care)
			61556	Health Care Facilities Surveyor Supervisor 2 (Non-Long Term Care)

			61566	Health Surveyor Facilities Surveyor Supervisor 2 (Regulatory Compliance)
			61586	Health Care Facilities Surveyor Supervisor 2 (Adult Care & Maternity)
61535	Health Care Facilities Survey Supervisor 1 (Long Term Care)	similar to	61526	Health Care Facilities Surveyor Supervisor 2 (Complaints)
			61555	Health Care Facilities Surveyor Supervisor 1 (Non-Long Term Care)
			61556	Health Care Facilities Surveyor Supervisor 2 (Non-Long Term Care)
			61566	Health Care Facilities Surveyor Supervisor 2 (Regulatory Compliance)
			61585	Health Care Facilities Surveyor Supervisor 1 (Adult Care & Maternity)
			61586	Health Care Facilities Surveyor Supervisor 2 (Adult Care & Maternity)
61536	Health Care Facilities Surveyor Supervisor 2 (Long Term Care)	similar to	61526	Health Care Facilities Surveyor Supervisor 2 (Complaints)
			61556	Health Care Facilities Surveyor Supervisor 2 (Non-Long Term Care)
			61566	Health Care Facilities Surveyor Supervisor 2 (Regulatory Compliance)
			61586	Health Care Facilities Surveyor Supervisor 2 (Adult Care & Maternity)

61555	Health Care Facilities Surveyor Supervisor 1 (Non-Long Term Care)	similar to	61526	Health Care Facilities Surveyor Supervisor 2 (Complaints)
			61535	Health Care Facilities Surveyor Supervisor 1 (Long Term Care)
			61536	Health Care Facilities Surveyor Supervisor 2 (Long Term Care)
			61566	Health Care Facilities Surveyor Supervisor 2 (Regulatory Compliance)
			61585	Health Care Facilities Surveyor Supervisor 1 (Adult Care & Maternity)
			61586	Health Care Facilities Surveyor Supervisor 2 (Adult Care & Maternity)
61556	Health Care Facilities Surveyor Supervisor 2 (Non-Long Term Care)	similar to	61526	Health Care Facilities Surveyor Supervisor 2 (Complaints)
			61536	Health Care Facilities Surveyor Supervisor 2 (Long Term Care)
			61566	Health Care Facilities Surveyor Supervisor 2 (Regulatory Compliance)
			61586	Health Care Facilities Surveyor Supervisor 2 (Adult Care & Maternity)
61566	Health Care Facilities Surveyor Supervisor 2 (Regulatory Compliance)	similar to	61526	Health Care Facilities Surveyor Supervisor 2 (Complaints)
			61536	Health Care Facilities Surveyor Supervisor 2 (Long Term Care)
			61556	Health Care Facilities Surveyor

				Supervisor 2 (Non-Long Term Care)
			61586	Health Care Facilities Surveyor Supervisor 2 (Adult Care & Maternity)
61585	Health Care Facilities Surveyor Supervisor 1 (Adult Care & Maternity)	similar to	61526	Health Care Facilities Surveyor Supervisor 2 (Complaints)
			61535	Health Care Facilities Surveyor Supervisor 1 (Long Term Care)
			61536	Health Care Facilities Surveyor Supervisor 2 (Long Term Care)
			61555	Health Care Facilities Surveyor Supervisor 1 (Non-Long Term Care)
			61556	Health Care Facilities Surveyor Supervisor 2 (Non-Long Term Care)
			61566	Health Care Facilities Surveyor Supervisor 2 (Regulatory Compliance)
61586	Health Care Facilities Surveyor Supervisor 2 (Adult Care & Maternity)	similar to	61526	Health Care Facilities Surveyor Supervisor 2 (Complaints)
			61536	Health Care Facilities Surveyor Supervisor 2 (Long Term Care)
			61556	Health Care Facilities Surveyor Supervisor 2 (Non-Long Term Care)
			61566	Health Care Facilities Surveyor Supervisor 2 (Regulatory Compliance)
61721	Wildlife Program	similar to	22265	Wildlife District Manager

	Manager			
61921	Transportation Manager 1	similar to	61911	Transportation Administrator
61922	Transportation Manager 2	similar to	61911	Transportation Administrator
61923	Transportation Manager 3	similar to	61911	Transportation Administrator
63122	Administrative Assistant 2	similar to	16832	Executive Secretary 1
			16833	Executive Secretary 2
63123	Administrative Assistant 3	similar to	63131	Administrative Officer 1
			63215	Management Analyst Supervisor 1
63124	Administrative Assistant 4	similar to	63132	Administrative Officer 2
			63216	Management Analyst Supervisor 2
63215	Management Analyst Supervisor 1	similar to	63123	Administrative Assistant 3
			63131	Administrative Officer 1
63216	Management Analyst Supervisor 2	similar to	63124	Administrative Assistant 4
			63132	Administrative Officer 2
63275	Records Management Supervisor	similar to	63235	Correctional Records Management Supervisor 1
			63236	Correctional Records Management Supervisor 2
			63295	State Records Scheduling Manager
63315	Business Administrator 1	similar to	66535	Fiscal Officer 1

63316	Business Administrator 2	similar to	66536	Fiscal Officer 2
63317	Business Administrator 3	similar to	66536	Fiscal Officer 2
63318	Business Administrator 4	similar to	66537	Fiscal Officer 3
63319	Business Administrator 5	similar to	66538	Fiscal Officer 4

63471	Labor Relations Officer 1	similar to	64622	Personnel Officer 2
			64661	Human Resources Specialist 1
63472	Labor Relations Officer 2	similar to	64623	Personnel Officer 3
			64662	Human Resources Specialist 2
63473	Labor Relations Officer 3	similar to	64665	Human Resources Administrator 1
64117	Information Technology Supervisor 1	similar to	64156	Data Base Administrator 1
			64175	Computer Acquisition Analyst Supervisor
			64176	Computer Acquisition Manager
			64195	Systems Programmer Supervisor 1
			64196	Systems Programmer Supervisor 2
64118	Information Technology Supervisor 2	similar to	64156	Data Base Administrator 1
			64175	Computer Acquisition Analyst Supervisor
			64176	Computer Acquisition Manager

			64195	Systems Programmer Supervisor 1
			64196	Systems Programmer Supervisor 2
64119	Information Technology Supervisor 3	similar to	64132	Information Technology Manager 1
			64133	Information Technology Manager 2
			64131	Data Systems Manager
			64134	Data Systems Assistant Administrator
			64156	Data Base Administrator 1
			64175	Computer Acquisition Analyst Supervisor
			64176	Computer Acquisition Manager
			64195	Systems Programmer Supervisor 1
			64196	Systems Programmer Supervisor 2
64132	Information Technology Manager 1	similar to	64117	Information Technology Supervisor 1
			64118	Information Technology Supervisor 2
			64119	Information Technology Supervisor 3
			64156	Data Base Administrator 1
			64175	Computer Acquisition Analyst Supervisor
			64176	Computer Acquisition Manager
			64195	Systems Programmer

				Supervisor 1
			64196	Systems Programmer Supervisor 2
64133	Information Technology Manager 2	similar to	64117	Information Technology Supervisor 1
			64118	Information Technology Supervisor 2
			64119	Information Technology Supervisor 3
			64156	Data Base Administrator 2
			64175	Computer Acquisition Analyst Supervisor
			64176	Computer Acquisition Manager

			64195	Systems Programmer Supervisor 1
			64196	Systems Programmer Supervisor 2
64156	Data Base Administrator 1	similar to	64117	Information Technology Supervisor 1
			64118	Information Technology Supervisor 2
			64119	Information Technology Supervisor 3
			64132	Information Technology Manager 1
			64133	Information Technology Manager 2
			64131	Data Systems Manager
			64134	Data Systems Assistant Administrator

			64135	Data Systems Administrator
			64175	Computer Acquisition Analyst Supervisor
			64176	Computer Acquisition Manager
			64195	Systems Programmer Supervisor 1
			64196	Systems Programmer Supervisor 2
64157	Data Base Administrator 2	similar to	64117	Information Technology Supervisor 1
			64118	Information Technology Supervisor 2
			64119	Information Technology Supervisor 3
			64132	Information Technology Manager 1
			64133	Information Technology Manager 2
			64131	Data Systems Manager
			64134	Data Systems Assistant Administrator
			64135	Data Systems Administrator
			64175	Computer Acquisition Analyst Supervisor
			64176	Computer Acquisition Manager
			64195	Systems Programmer Supervisor 1
			64196	Systems Programmer Supervisor 2
64158	Data Base Administrator 3	similar to	64117	Information Technology Supervisor 1

			64118	Information Technology Supervisor 2
			64119	Information Technology Supervisor 3
			64132	Information Technology Manager 1
			64133	Information Technology Manager 2

			64131	Data Systems Manager
			64134	Data Systems Assistant Administrator
			64135	Data Systems Administrator
			64176	Computer Acquisition Manager
			64195	Systems Programmer Supervisor 1
			64196	Systems Programmer Supervisor 2
64195	Systems Programmer Supervisor 1	similar to	64117	Information Technology Supervisor 1
			64118	Information Technology Supervisor 2
			64119	Information Technology Supervisor 3
			64132	Information Technology Manager 1
			64133	Information Technology Manager 2
			64156	Data Base Administrator 1
			64157	Data Base Administrator 2
			64158	Data Base Administrator 3

			64175	Computer Acquisition Analyst Supervisor
			64176	Computer Acquisition Manager
64196	Systems Programmer Supervisor 2	similar to	64117	Information Technology Supervisor 1
			64118	Information Technology Supervisor 2
			64119	Information Technology Supervisor 3
			64132	Information Technology Manager 1
			64133	Information Technology Manager 2
			64156	Data Base Administrator 1
			64157	Data Base Administrator 2
			64158	Data Base Administrator 3
			64175	Computer Acquisition Analyst Supervisor
			64176	Computer Acquisition Manager
64246	Unemployment Compensation Administrator 1	similar to	16749	Unemployment Compensation Manager 2
			66127	Unemployment Contribution Supervisor
64271	Local Office Manager 1	similar to	64228	Customer Service Program Delivery Specialist
64275	ODJFS Program Delivery Supervisor	similar to	64288	Customer Service Program Delivery Specialist
64285	Customer Service Supervisor	similar to	64271	Local Office Manager 1
			64272	Local Office Manager 2

64288	Customer Service Program Delivery Specialist	similar to	64271	Local Office Manager 1
			64275	ODJFS Program Delivery Supervisor
64318	Librarian Supervisor	similar to	64320	Library Administrator 1
			64321	Library Administrator 2
64319	Library Operations Supervisor	similar to	64320	Library Administrator 1
			64321	Library Administrator 2
64435	Public Inquiries Supervisor	similar to	64421	Public Information Officer 1
			64422	Public Information Officer 2
64436	Public Inquiries Officer	similar to	64421	Public Information Officer 1
			64422	Public Information Officer 2

64611	Human Resources Analyst 1	similar to	64621	Personnel Officer 1
			64622	Personnel Officer 2
64612	Human Resources Analyst 2	similar to	64622	Personnel Officer 2
			64623	Personnel Officer 3
			64631	Human Resources Manager 1
64613	Human Resources Analyst 3	similar to	64623	Personnel Officer 3
			64631	Human Resources Manager 1
			64632	Human Resources Manager 2
			64633	Human Resources Manager 3
			64634	Human Resources Manager 4

64615	Human Resources Analyst Supervisor	similar to	64631	Human Resources Manager 1
			64632	Human Resources Manager 2
			64633	Human Resources Manager 3
			64634	Human Resources Manager 4
64621	Personnel Officer 1	similar to	63471	Labor Relations Officer 1
			64611	Human Resources Analyst 1
			64612	Human Resources Analyst 2
			64661	Human Resources Specialist 1
64622	Personnel Officer 2	similar to	63471	Labor Relations Officer 1
			63472	Labor Relations Officer 2
			63473	Labor Relations Officer 3
			64612	Human Resources Analyst 2
			64613	Human Resources Analyst 3
			64661	Human Resources Specialist 1
			64662	Human Resources Specialist 2
64623	Personnel Officer 3	similar to	63472	Labor Relations Officer 2
			63473	Labor Relations Officer 3
			64613	Human Resources Analyst 3
			64615	Human Resources Analyst Supervisor
			64631	Human Resources Manager 1
			64662	Human Resources Specialist 2
			64665	Human Resources Administrator 1
64631	Human Resources Manager 1	similar to	64615	Human Resources Analyst Supervisor

64665	Human Resources Administrator 1	similar to	63473	Labor Relations Officer 3
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65516	Nurse Supervisor	similar to	65525	Psychiatric/MR Nurse Supervisor
			65526	Psychiatric/MR Nurse Manager
66115	Accountant/Examiner Supervisor 1	similar to	66415	Internal Audit Supervisor 1
66116	Accountant/Examiner Supervisor 2	similar to	66416	Internal Audit Supervisor 2
66535	Fiscal Officer 1	similar to	63315	Business Administrator 1
66536	Fiscal Officer 2	similar to	63316	Business Administrator 2
			63317	Business Administrator 3
65537	Fiscal Officer 3	similar to	63318	Business Administrator 4
65538	Fiscal Officer 4	similar to	63319	Business Administrator 5
66816	Tax Commissioner Agent Supervisor 1	similar to	66821	Tax Program Administrator 1
			66822	Tax Program Administrator 2
66817	Tax Commissioner Agent Supervisor 2	similar to	66821	Tax Program Administrator 1
			66822	Tax Program Administrator 2
66818	Tax Commissioner Agent Supervisor 3	similar to	66821	Tax Program Administrator 1
			66822	Tax Program Administrator 2
69661	Education Administrator 1	similar to	69636	Principal
69817	Parole Services Regional Supervisor	similar to	69826	Parole Program Administrator 1
82315	Cartographer Supervisor	similar to	82326	Photogrammetric Supervisor

83465	Assistant Emergency Response Administrator	similar to	85865	Environmental Supervisor
			85866	Environmental Manager
83466	Emergency Response Administrator	similar to	85866	Environmental Manager
			85867	Assistant Environmental Administrator
83217	Microbiology Supervisor 2	similar to	83845	Consumer Analytical Laboratory Administrator
83227	Chemical Laboratory Supervisor 2	similar to	83845	Consumer Analytical Laboratory Administrator
84515	Appraisal Supervisor	similar to	84526	Review Appraiser Supervisor
84526	Review Appraiser Supervisor	similar to	84515	Appraisal Supervisor
84615	Environmental Technician Supervisor	similar to	85865	Environmental Supervisor
85412	Planning Engineer 2	similar to	85751	Environmental Engineering Administrator
85423	Design Engineer 3	similar to	85514	Project Engineer 4
85513	Project Engineer 3	similar to	85423	Design Engineer 3
			85713	Environmental Engineer 3
			85714	Environmental Engineer 4
			85722	Air Quality Engineer 2
			85732	Water Quality Engineer 2
85514	Project Engineer 4	similar to	85423	Design Engineer 3
			85714	Environmental Engineer 4
			85722	Air Quality Engineer 2
			85732	Water Quality Engineer

85515	Project Engineer 5	similar to	85715	Environmental Engineer 5
			85751	Environmental Engineering Administrator
85714	Environmental Engineer 4	similar to	85722	Air Quality Engineer 2
			85732	Water Quality Engineer
85722	Air Quality Engineer 2	similar to	85714	Environmental Engineer 4
			85732	Water Quality Engineer
85732	Water Quality Engineer	similar to	85714	Environmental Engineer 4
			85722	Air Quality Engineer 2
85751	Environmental Engineering Administrator	similar to	85412	Planning Engineer 2

123:1-24-08

Same or similar classifications for county offices and state-supported colleges and universities.

The following list contains the complete listing of classification(s) with the same or similar duties ~~in which an employee, who is~~ for employees who are employed in the classified service by a county office, other than a county department of job and family services, or state-supported colleges and universities may carry certification. ~~For purposes of carrying certification, an employee classified in a classification listed in the left hand column may retain certification if he receives a classification change to the classification(s) listed as similar in the right hand column.~~

12112C Clerk 2	similar to	12321C Data Processor 1
		12371C Mail Clerk/Messenger
		16111C Cashier 1
		17211C Income Maintenance Aide 1
12115C Clerical Supervisor	similar to	16821C Office Manager 1
12321C Data Processor 1	similar to	12112C Clerk 2
		16111C Cashier 1
12513 Technical Typist	similar to	12551C Secretary 1
		12611C Word Processing Specialist 1
12532C Stenographer 2	similar to	12551C Secretary 1
12552C Secretary 2	similar to	16831C Administrative Secretary 1
12611C Word Processing Specialist 1	similar to	12513C Technical Typist
12731C Mail Clerk/Messenger	similar to	12112 Clerk 2
14112C Sales Clerk 2	similar to	14121C Assistant Sales Manager 1

16111C Cashier 1	similar to	12112C Clerk 2
		12321C Data Processor 1
16513C Account Clerk 2	similar to	66111C Accountant 1
17211C Income Maintenance Aide 1	similar to	12112C Clerk 2
42113C Custodial Work Supervisor	similar to	42131C Housekeeping Manager 1
42351C Cook 1	similar to	42331C Baker 1

42352C Cook 2	similar to	42332C Baker 2
44111C Hospital Aide	similar to	44112C Therapeutic Program Worker
		44131C Hospital Aide Trainer
44213C General Activities Therapist 1	similar to	44221C Activity Therapy Specialist 1
44214C General Activities Therapist 2	similar to	44222C Activity Therapy Specialist 2
44221C Activity Therapy Specialist 1	similar to	44213C General Activities Therapist 1
44222C Activity Therapy Specialist 2	similar to	44214C General Activities Therapist 2
52312C Machinist 2	similar to	52341C Laboratory Machinist 1
52314C Machinist Supervisor	similar to	52342C Laboratory Machinist 2
52341C Laboratory Machinist 1	similar to	52312C Machinist 2

52342C Laboratory Machinist 2	similar to	52314C Machinist Supervisor
52413C Communication Technician 3	similar to	52423C Radio Technician 3
52423C Radio Technician 3	similar to	52413C Communication Technician 3
52431C Radio Operator 1	similar to	52441C Radio Dispatcher
53113C Maintenance Repair Worker 3	similar to	53131C Building Maintenance Supervisor
53131C Building Maintenance Supervisor	similar to	53113C Maintenance Repair Worker 3
53821C Delivery Worker 1	similar to	53831C Mover 1
53831C Mover 1	similar to	53821C Delivery Worker 1

54532C Stationary Engineer 2	similar to	54551C Plant Maintenance Engineer 1
54551C Plant Maintenance Engineer 1	similar to	54532C Stationary Engineer 2
64122C Systems Analyst 2	similar to	64134C Data Systems Manager 1
64134C Data Systems Manger 1	similar to	64122C Systems Analyst 2
64210C Employment Services Interviewer	similar to	64222C Employment Services Counselor
64211C Employment Services Representative	similar to	64222C Employment Services Counselor
		64271C Employment Contract Specialist

64213C Veteran Employment Representative	similar to	64222C Employment Services Counselor
		64271C Employment Contract Specialist
64222C Employment Services Counselor	similar to	64211C Employment Services Representative
		64213C Veteran Employment Representative
64234C Employment Manpower Representative	similar to	64240C Employment Services Coordinator
64240C Employment Services Coordinator	similar to	64234C Employment Manpower Representative
64271C Employment Contract Specialist	similar to	64211C Employment Services Representative
		64213C Veteran Employment Representative

64411C Information Writer 1	similar to	64430C Public Inquiries Assistant 1
64430C Public Inquiries Assistant 1	similar to	64411C Information Writer 1
64610C Personnel Aide	similar to	64621C Personnel Officer 1
64611C Personnel Technician 1	similar to	64621C Personnel Officer 1
64612C Personnel Technician 2	similar to	64622C Personnel Officer 2
64613C Personnel Technician 3	similar to	64623C Personnel Officer 3
64623C Personnel Officer 3	similar to	64631C Personnel Administrator 1

66111C Accountant 1	similar to	16513C Account Clerk 3
66511C Budget Officer 1	similar to	66531C Fiscal Officer 1
66512C Budget Officer 2	similar to	66532C Fiscal Officer 2
66513C Budget Officer 3	similar to	66533C Fiscal Officer 3
66533C Fiscal Officer 3	similar to	66513C Budget Officer 3
69315C Social Services Supervisor 1	similar to	69415C Social Program Administrator 1
69415C Social Program Administrator 1	similar to	69315C Social Services Supervisor 1
69636C Principal	similar to	69661C Education Administrator 1
82111C Graphic Artist	similar to	82121C Layout Design Artist
85411C Planning Engineer 1	similar to	85423C Design Engineer 3
		85514C Project Engineer 4
		85531C Maintenance Engineer 1
		85541C Bridge Engineer 1
		85651C Traffic Engineer 1
85412C Planning Engineer 2	similar to	85424C Design Engineer 4
		85542C Bridge Engineer 2
		85652C Traffic Engineer 2
85420C Design Engineer Intern	similar to	85510C Project Engineer Intern

85421C Design Engineer 1	similar to	85511C Project Engineer 1
85422C Design Engineer 2	similar to	85513C Project Engineer 3
85423C Design Engineer 3	similar to	85411C Planning Engineer 1
		85514C Project Engineer 4
		85531C Maintenance Engineer 1
		85541C Bridge Engineer 1
		85651C Traffic Engineer 1
85424C Design Engineer 4	similar to	85412C Planning Engineer 2
		85541C Bridge Engineer 2
		85652C Traffic Engineer 2
85510C Project Engineer Intern	similar to	85420C Design Engineer Intern
85511C Project Engineer 1	similar to	85421C Design Engineer 1
85513C Project Engineer 3	similar to	85422C Design Engineer 2
85514C Project Engineer 4	similar to	85411C Planning Engineer 1
		85423C Design Engineer 3
		85531C Maintenance Engineer 1
		85541C Bridge Engineer 1
		85651C Traffic Engineer 1
85531C Maintenance Engineer 1	similar to	85411C Planning Engineer 1
		85423C Design Engineer 3
		85514C Project Engineer 4
		85541C Bridge Engineer 1

		85651C Traffic Engineer 1
85541C Bridge Engineer 1	similar to	85411C Planning Engineer 1
		85423C Design Engineer 3
		85514C Project Engineer 4
		85541C Maintenance Engineer 1
		85651C Traffic Engineer 1
85542C Bridge Engineer 2	similar to	85412C Planning Engineer 2
		85424C Design Engineer 4
		85652C Traffic Engineer 2

85651C Traffic Engineer 1	similar to	85411C Planning Engineer 1
		85423C Design Engineer 3
		85514C Project Engineer 4
		85531C Maintenance Engineer 1
		85541C Bridge Engineer 1
		85651C Traffic Engineer 1
85652C Traffic Engineer 2	similar to	85412C Planning Engineer 2
		85424C Design Engineer 4
		85542C Bridge Engineer 2

123:1-25-01

Transfers and intra-transfers in classified service.

- (A) Employees in the classified service of an agency of the state government who have satisfactorily completed their probationary period, or in the case of a new appointee who has completed their probationary period or six months of service in that position, whichever is longer, may be transferred to a position having the same rate of pay and similar duties in another agency of the state government, upon request of the two appointing authorities concerned, with consent of the employee and approval of the director of administrative services. Where the good of the service requires, such transfer may be made without the approval of the appointing authority of the agency from which the transfer is made.
- (B) Employees in the classified service of an agency in the state government who have satisfactorily completed their probationary period, or in the case of a newly appointed employee who has completed their probationary period or six months of service, whichever is longer, may be transferred to positions of a similar classification and having similar qualifications with a county agency, and employees in the classified service of a county agency may be transferred to positions of a similar classification and having similar qualifications in another agency of the county or in another county or in an agency of the state government, upon approval of the appointing authorities involved, with consent of the employee and approval of the director of administrative services and the commission, if applicable.
- (C) Employees in the classified service of an Ohio city who have satisfactorily completed their probationary period, may be transferred to a county or state agency, and employees in the classified service of a state or county agency may be transferred to an Ohio city, where the positions involved are similar in duties and qualifications, with the consent of the employee subject to approval by the appointing authorities involved, the municipal civil service commission, and the director of administrative services.
- (D) Within an agency of the state or county government, an employee in the classified service may be intra-transferred where the positions involved have the same classification title.
- (E) Any of the types of transfer defined above may be permanent or temporary. Temporary transfers of thirty days or less may be made without the consent of the employee. The employee shall have no right to appeal such temporary transfer unless the employee receives another temporary transfer within a six-month period.
- (F) Temporary transfers for periods of more than thirty days and less than ninety-one days may be made only with written consent of the employee.

- (G) A "permanent transfer" is any transfer in excess of thirty days unless the employee has consented to a longer period not exceeding ninety days.
- (H) Written notice of any transfer and the reasons ~~therefor~~ therefore in writing shall be given to the employee concerned. This notice shall be given at least fourteen calendar days prior to the effective date of the change except where an emergency renders it impractical. Requests for approval of all transfers shall be submitted to and approved by the director of administrative services or his designee, and/or the commission, as applicable. Each transfer action shall state the circumstances which make the transfer necessary for the efficient operation of the agency. No permanent transfer is to take effect until approval is secured by the initiating appointing authority from the director of administrative services. The word "transfer" as used in this rule shall not include any job reassignment within the same classification, within the same appointing authority which takes place in and involves a move to a different job location in the same county.
- (I) The following classes have been designated as those where changes in the location of the employee's work assignment are necessary:

Classification Number	Classification Title
23511	Liquor Control Investigator 1
23512	Liquor Control Investigator 2
23515	Liquor Control Investigation Supervisor 1
23516	Liquor Control Investigation Supervisor 2
23521	Liquor Control Compliance Officer
23525	Liquor Control Compliance Supervisor 1
23526	Liquor Control Compliance Supervisor 2
26121	Criminal Investigator 1
26122	Criminal Investigator 2
26125	Criminal Investigation Supervisor 1
26126	Criminal Investigation Supervisor 2
26210	Investigator Assistant
26211	Investigator

26216	Investigation Supervisor 1
26217	Investigation Supervisor 2
26711	Highway Patrol Trooper
30271	Pharmacy Administrative Assistant
30862	Examiner 2
30863	Examiner 3
30864	Examiner 4
30865	Examiner 5
63123	Administrative Assistant 3
63124	Administrative Assistant 4
63131	Administrative Officer 1
63132	Administrative Officer 2
63133	Administrative Officer 3
63471	Labor Relations Officer 1
63472	Labor Relations Officer 2
63473	Labor Relations Officer 3
64622	Personnel Officer 2
64623	Personnel Officer 3
64661	Human Resources Specialist 1
64662	Human Resources Specialist 2
66111	Accountant/Examiner 1
66112	Accountant/Examiner 2
66113	Accountant/Examiner 3
66114	Accountant/Examiner 4
66115	Accountant/Examiner Supervisor 1
66116	Accountant/Examiner Supervisor 2

66121	Unemployment Contributions Examiner 1
66122	Unemployment Contributions Examiner 2
66123	Unemployment Contributions Examiner 3
66124	Unemployment Contributions Examiner 4
66125	Unemployment Contributions Examiner 5
66126	Unemployment Contribution Assistant Supervisor
66127	Unemployment Contribution Supervisor
66131	Unemployment Compensation Compliance Auditor
66136	Unemployment Compensation Compliance Audit Supervisor 1
66137	Unemployment Compensation Compliance Audit Supervisor 2
66140	Financial Institution Examiner Trainee
66141	Financial Institution Examiner 1
66142	Financial Institution Examiner 2
66143	Financial Institution Examiner 3
66144	Financial Institution Examiner 4
66145	Financial Institution Examiner 5
66146	Financial Institution Specialist 1
66147	Financial Institution Specialist 2
66148	Financial Institution Administrator
66149	Financial Institution Deputy Superintendent
66151	Assistant Auditor 1
66152	Assistant Auditor 2
66153	Assistant Auditor 3
66155	Assistant Auditor Supervisor 1
66156	Assistant Auditor Supervisor 2
66157	Assistant Auditor Manager 1

66158	Assistant Auditor Manager 2
66181	Assistant EDP Auditor 1
66182	Assistant EDP Auditor 2
66183	Assistant EDP Auditor 3
66184	Assistant EDP Auditor Coordinator
66185	Assistant EDP Auditor Supervisor
66411	Internal Auditor 1
66412	Internal Auditor 2
66413	Internal Auditor 3
66415	Internal Audit Supervisor 1
66416	Internal Audit Supervisor 2
66417	Internal Accounting/Audit Program Manager
66418	State Internal Accounting and Audit Administrator
66421	Internal EDP Auditor 1
66422	Internal EDP Auditor 2
66425	Internal EDP Audit Supervisor
66431	Workers' Compensation External Auditor
66435	Workers' Compensation External Auditor/Employee Services Supervisor
66535	Fiscal Officer 1
66536	Fiscal Officer 2
66537	Fiscal Officer 3
66538	Fiscal Officer 4
84511	Appraiser 1
84512	Appraiser 2
84513	Appraiser 3
84514	Appraisal Specialist

84515	Appraisal Supervisor
84521	Realty Specialist 1
84522	Realty Specialist 2
84523	Realty Specialist 3
84525	Realty Specialist Supervisor
84526	Realty Specialist Manager
84531	Property Management Specialist
84561	Property Agent
84563	Property Agent Coordinator
84565	Property Agent Supervisor
84571	Permit Technician 1
84572	Permit Technician 2
84575	Permit Technician Supervisor
84581	Utilities Relocation Technician 1
84582	Utilities Relocation Technician 2
84583	Utilities Relocation Technician 3
84591	Real Estate Disposition Coordinator
84592	Real Estate Specialist
84595	Real Estate Specialist Supervisor
84596	Real Estate Administrator 1
84597	Real Estate Administrator 2
84598	Real Estate Administrator 3

A person considered for appointment to a position in such classes shall be informed of this policy in writing at the time of appointment or at the time of an examination. Those persons serving in such positions at the time of the adoption of this rule shall be informed of this policy in writing. The director shall approve such transfers without the submission of additional evidence. An employee serving in any of these classes shall have no right of appeal under paragraph (M) of this rule, but shall be

given written notice of the transfer as provided in paragraph (H) of this rule. Transfers made under this paragraph shall be considered temporary transfers as defined in paragraphs (E) and (F) of this rule and be subject to the same restrictions placed on other temporary transfers. In no case shall transfers initiated under this paragraph be regarded as permanent.

- (J) In the case of a request to transfer an employee permanently, the director shall approve the transfer only if it is determined to be necessary for the efficient operation of the work unit to which the employee would be transferred.
- (K) In the case of permanent transfer, where the director determines that there is a need for a permanent change of residence, the employee shall be paid the actual and necessary expenses of moving to his or her new location. In addition, the employee shall be paid the regular per diem rate for in-state travel as established by the office of budget and management until his or her residence can be moved to his new location, but for not more than thirty days. The employee shall notify his or her appointing authority and the director of administrative services of his or her intent to move or not to move his or her place of residence within thirty days of receiving notification from the director of administrative services that a change of residence is necessary, unless an appeal is pending, and such move must be completed within six months. If the employee chooses not to move his or her residence but commutes to the new job location from his or her former residence, no payment of moving expenses and no per diem payment shall be made. If the employee appeals the transfer, payment of moving expenses shall be delayed until a decision is rendered by the state personnel board of review. The appointing authority shall have the option of selecting or rejecting from among three or more moving estimates to relocate the employee, and may ask the employee to obtain additional estimates.
- (L) During the period of a temporary transfer or during the first thirty days of a permanent transfer pending the relocation of the employee's residence, the appointing authority shall pay the employee's travel expenses in accordance with the office of budget and management travel expense regulations in effect at the time of transfer.
- (M) An employee who has been notified in writing that he or she is to be transferred may, within ten days of receipt of such notice, file an appeal with the personnel board of review. In any event, while the appeal of an employee is pending before the personnel board of review, the employee shall have the obligation to comply with the transfer. In any case where the employee has relocated his or her residence pursuant to a permanent transfer and the rule of the board is that such transfer is not justified, the employee shall be fully reimbursed for the cost of relocating, as well as the cost of returning his or her residence to the original location.

(N) Upon transfer between a county agency and a state agency, an employee shall be paid by the releasing agency for his or her accrued and unused vacation leave at the employee's current rate of pay.

123:1-25-04

Seasonal positions.

All positions in the competitive class, where the nature of the work is such that the service is not continuous throughout the year, but recurs in each successive calendar year, shall be designated as "seasonal" positions. Any person appointed to such seasonal position under the provisions of the civil service law, and who has been temporarily separated from the service during the inactive season, shall be entitled to employment in the same position in each ensuing year, provided ~~he is~~ the person is not in the meantime disqualified for any cause; and provided, ~~further,~~ that any person appointed to a seasonal position, who is not assigned to work for a period of one year; due to lack of work or the person's ~~to~~ refusal of available work ~~same on his part~~, shall be deemed ineligible for further assignment as a classified employee.

123:1-30-01

Involuntary disability separation.

- (A) An employee who is unable to perform the essential job duties of the position due to a disabling illness, injury or condition may be involuntarily disability separated. An involuntary disability separation occurs when an appointing authority has received substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the essential job duties of the employee's assigned position due to the disabling illness, injury or condition.
- (B) An appointing authority shall request that an employee submit to a medical or psychological examination, conducted in accordance with rule 123:1-30-03 of the Administrative Code, prior to the involuntary disability separating the employee unless:
- (1) The employee is hospitalized at the time such action is taken,
 - (2) The employee has exhausted his or her disability leave benefits, or
 - (3) Substantial credible medical evidence already exists that documents the employee's inability to perform the essential job duties.
- (C) Pre-separation hearing. An appointing authority shall institute a hearing prior to involuntarily disability separating an employee. The employee shall be provided written notice at least seventy-two hours in advance of the hearing. If the employee does not waive the right to the hearing, then at the hearing the employee has the right to examine the appointing authority's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.
- (D) If the appointing authority determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is capable of performing his or her essential job duties, then the involuntary disability process shall cease and the employee shall be considered fit to perform his or her essential job duties. If the appointing authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform his or her essential job duties, then the appointing authority shall issue an involuntary disability separation order.
- (E) Right to reinstatement. At the time the appointing authority provides the involuntary separation order to the employee, the appointing authority shall notify the employee of the required procedures to apply for reinstatement. The effective date of separation, for purposes of reinstatement, shall be based on the date in which the employee was no longer performing in active work status due to the disabling illness, injury or condition. An employee who has been involuntarily disability separated is not prohibited from applying for disability leave benefits. The total

time of absence due to the disabling illness, injury or condition shall not exceed two ~~three~~ years from the date of separation for purposes of reinstatement rights under this chapter. If an employee attempts to return to work but fails to perform the essential job duties for six consecutive months, the employee's effective date of separation does not change except as provided in paragraph (F) of rule 123:1-33-08 of the Administrative Code.

- (F) An employee so separated shall have the right to appeal in writing to the personnel board of review within ten days following the date the order is served.

- (G) For purposes of this rule only, "active work status" does not include those hours worked during a transitional work program authorized by paragraph (B) of rule 123:1-33-07 of the Administrative Code on in a temporary part-time position authorized by paragraph (A) of rule 123:1-33-07 of the Administrative Code.

123:1-30-02

Voluntary disability separation.

- (A) An employee who is unable to perform the essential job duties of the position due to a disabling illness, injury or condition may request a voluntary disability separation. A voluntary disability separation occurs when an employee does not dispute his or her inability to perform the essential job duties of the position due to a disabling illness, injury or condition.
- (B) Appointing authorities may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination pursuant to rule 123:1-30-03 of the Administrative Code. If the examination supports the employee's request, the appointing authority shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the appointing authority shall not approve the employee's request for voluntary disability separation.
- (C) Pre-separation hearing. An employee who is granted a voluntary disability separation waives the right to a pre-separation hearing and to an appeal of the decision to approve the employee's request.
- (D) Right to reinstatement. An employee that is granted a voluntary disability separation shall retain the right to be reinstated to his or her position for two ~~three~~ years from the date that the employee is no longer in active work status due to a disabling illness, injury or condition. An employee may submit a written request for reinstatement from a voluntary disability separation in accordance with the procedure established in rule 123:1-30-04 of the Administrative Code.
- (E) For purposes of this rule only, "active work status" does not include those hours worked during a transitional work program authorized by paragraph (B) of rule 123:1-33-07 of the Administrative Code or in a temporary part-time position authorized by paragraph (A) of rule 123:1-33-07 of the Administrative Code.

123:1-30-04

Right to reinstatement; rights of appeal.

- (A) Timeline for reinstatement. An employee may make a written request to the appointing authority for reinstatement from a disability separation. An employee may not make a first request for reinstatement until three months from the date the employee was no longer in active work status. The appointing authority shall notify the employee of its decision to approve or deny the reinstatement request no later than sixty days after it receives the employee's written request. The employee shall not make subsequent requests for reinstatement more than once every three months from the date the employee is notified of a reinstatement denial. An employee is not eligible for reinstatement if the request occurs later than two ~~three~~ years from the date that the employee was no longer in active work status due to the disabling illness, injury, or condition.
- (B) Requirements for reinstatement. The employee's request for reinstatement shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the employee's essential job duties. Upon receiving this evidence, the appointing authority shall either reinstate the employee or require the employee to submit to a medical or psychological examination in accordance with rule 123:1-30-03 of the Administrative Code.
- (C) Initial determination. The appointing authority will review the substantial credible medical evidence submitted by the employee or the results of a medical or psychological examination conducted in accordance with rule 123:1-30-03 of the Administrative Code and make an initial determination of whether or not the employee is capable of performing the essential duties of the employee's position. If the appointing authority initially determines that the employee is once again capable of performing the essential job duties, the appointing authority shall reinstate the employee. If the appointing authority initially determines that the employee remains incapable of performing the essential job duties, the appointing authority shall institute a pre-reinstatement hearing.
- (D) Pre-reinstatement hearing. An employee shall be provided written notice at least seventy-two hours in advance of the pre-reinstatement hearing. If the employee does not waive the right to a hearing, then at the hearing the employee has a right to examine the appointing authority's evidence of continuing disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.
- (E) Determination. The appointing authority will weigh the testimony presented and evidence admitted at the pre-reinstatement hearing to determine whether the employee is able to perform the essential job duties of the employee's assigned position. If the appointing authority finds the employee capable of performing essential duties, then the appointing authority shall reinstate the employee. If the appointing authority finds the employee incapable of performing essential duties, then the appointing authority shall not reinstate the employee.

- (F) If the appointing authority determines that an employee, who has been disability separated, has committed an act that is inconsistent with the employee's disabling illness, injury or condition, then that act may be considered by the appointing authority when determining an employee's eligibility for reinstatement.
- (G) Once an appointing authority determines that the employee is to be reinstated, then the employee has a right to be assigned to a position in the classification the employee held at the time of disability separation. If the classification the employee held at the time of disability separation no longer exists or is no longer utilized by the appointing authority, then the employee shall be placed in a similar classification. If no similar classification exists, or the employee no longer meets the minimum qualifications, the employee may be laid off in accordance with Chapter 123:1-41 of the Administrative Code and sections 124.321 to 124.327 of the Revised Code or in accordance with an applicable collective bargaining agreement executed in accordance with Chapter 4117. of the Revised Code.
- (H) If the employee has been granted disability benefits by a state retirement system, the requirements of this rule shall apply for up to five years, except that a licensed practitioner shall be appointed by the public employees retirement board and application for reinstatement shall not be filed after the date of service eligibility retirement. Employers shall restore an employee found to be physically and mentally capable of resuming service under section 145.362 of the Revised Code, but may request the employee to submit to a medical or psychological examination, conducted in accordance with rule 123:1-30-03 of the Administrative Code, prior to such restoration.
- (I) An employee refused reinstatement as provided in paragraph (E) of this rule shall be notified in writing of the refusal to reinstate and of the right to appeal in writing to the personnel board of review within thirty days of receiving notice of that refusal to reinstate.
- (J) An employee who fails to apply for reinstatement within two ~~three~~ years from the date that the employee was no longer in active work status due to the disabling illness, injury, or condition shall be deemed permanently separated from service.
- (K) For purposes of this rule only, "active work status" does not include those hours worked during a transitional work program authorized by paragraph (B) of rule 123:1-33-07 of the Administrative Code or in a temporary part-time position authorized by paragraph (A) of rule 123:1-33-07 of the Administrative Code.

123:1-31-01

General procedure for removals, reductions, suspensions, or fines~~fines in excess of three days' pay, or suspensions of more than three working days.~~

A removal, reduction in pay or position, suspension of forty or more work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of twenty-four or more work hours in the case of an employee required to be paid overtime compensation, a fine of forty or more hours' pay in the case of an employee exempt from the payment of overtime compensation, a fine of twenty-four or more hours' pay in the case of an employee required to be paid overtime compensation, or the reduction or elimination of longevity, fine in excess of three days' pay, or suspension of more than three working days, except as otherwise provided in division-level 123:1 of the Administrative Code, shall be made for one or more of the statutory reasons enumerated in section 124.34 of the Revised Code. The employee shall be notified in writing, on a form provided by the director or the state personnel board of review, or equivalent form, of the statutory reasons for the action and the effective date thereof. This form shall advise the employee of ~~his or her~~ the right to appeal. Any such appeal shall be made in accordance with the rules of the state personnel board of review. The denial of a one-time pay supplement or a bonus to officer or employee is not a reduction in pay for purposes of this rule.

123:1-32-10 **Transfer of sick leave, personal leave and vacation leave credits, restoration of sick leave, personal leave and vacation leave credit.**

(A) Transfer of leave.

(1) Transfer of sick leave credit. An employee who transfers from one public agency to another, shall be credited with the unused balance of the accumulated sick leave credit up to the maximum sick leave accumulation permitted in the public agency to which the employee transfers. An employee who is paid directly by warrant of the director of the office of budget and management ~~auditor of state~~ that transfers to a public agency in which employees are paid directly by warrant of the director of budget and management ~~auditor of state~~ shall be credited with the entire unused sick leave balance.

(2) Transfer of personal leave credit. An employee who transfers from one public agency to another shall be credited with the unused balance of his or her entire personal leave credit, provided that if the employee is no longer eligible to receive personal leave credit in accordance with section 124.386 of the Revised Code, the employee will receive personal leave cash conversion benefits as provided in division (E) of section 124.386 of the Revised Code.

(3) Transfer of vacation leave credit.

(a) An employee who transfers from one public agency to another shall be credited with the unused balance of the accumulated vacation leave credit up to the maximum vacation leave accumulation permitted by the public agency to which the employee transfers.

(b) When an employee transfers from a position that has been authorized for an annual leave accrual maximum greater than the maximum allowed in paragraph (B) of section 124.134 of the Revised Code, the employee forfeits the right to be credited with the vacation leave that is in excess of the maximum allowed by paragraph (B) of section 124.134 of the Revised Code, and instead shall receive payment for the excess leave at a rate equal to the employee's base rate of pay for the position authorizing the greater annual leave accrual maximum.

(B) Restoration of leave credit upon reemployment.

An employee shall be responsible for notifying the employee's current appointing authority of the amount of unconverted leave and that employee shall provide reasonable documentation in support of any claim. Upon request by that employee

or the employee's current appointing authority, the employee's previous appointing authority shall provide the employee or the employee's appointing authority with adequate documentation regarding the previously accumulated leave of which the former appointing authority is aware.

- (1) Restoration of sick leave credit. An employee who is rehired within ten years of the employee's separation from state service shall be credited with any sick leave that has not been converted to cash and shall be prohibited from further conversion until separation from state service unless the conversion is pursuant to section 124.383 of the Revised Code.
 - (a) An employee who had previously accumulated sick leave credit under the provisions of section 124.382 of the Revised Code and rule 123:1-32-01 of the Administrative Code, shall, upon reemployment in the public service, have restored all unused sick leave credit which was not converted to a cash benefit under the provisions of section 124.384 of the Revised Code or any other conversion provisions provided the employee is reemployed within ten years.
 - (b) An employee who had previously accumulated sick leave credit under the provisions of section 124.38 of the Revised Code shall upon reemployment in the public service have restored all unused sick leave credit which was not converted to a cash benefit under any policies or provisions established by the employee's employing agency or political subdivision provided the employee is reemployed within ten years.
- (2) Restoration of personal leave credit. An employee who had previously accumulated personal leave credit under the provisions of section 124.386 of the Revised Code shall, upon reemployment in the public service, have restored all accrued and unused personal leave credit which was not converted to a cash benefit, provided the employee is reemployed within thirty days of the date on which the employee was last separated from public service.
- (3) Restoration of vacation leave credit. An employee who had previously accumulated vacation leave credit under the provisions of section 124.134 of the Revised Code shall, upon reemployment in the public service, have restored all accrued and unused vacation leave credit which was not converted to a cash benefit, up to a maximum allowable for the employee's new position, provided the employee is reemployed within thirty days of the date on which the employee was last separated from public service. If the employee has more vacation leave credit than allowable under the new position, the employee shall receive payment for the excess leave at a rate

equal to the employee's base rate of pay for the position authorizing the greater annual accrual maximum.

- (4) Failure to notify. If an employee fails to notify the appointing authority of the employee's desire to restore leave and the leave is then converted to cash, the employee waives the ability to restore the accrued and unused leave credit.

123:1-33-01

Eligibility for disability leave benefits.

- (A) Eligibility. Any full-time permanent employee with a disabling illness, injury, or condition that will last more than fourteen consecutive calendar days who has completed one year of continuous state service immediately prior to the date of the disability and whose salary or wage is paid directly by warrant of the director of the office of budget and management ~~auditor of state~~ is eligible for disability leave benefits granted under the provisions of section 124.385 of the Revised Code and Chapter 123:1-33 of the Administrative Code. To be eligible for disability leave benefits, an employee must be disability separated pursuant to rule 123:1-30-02 of the Administrative Code or rule 123:1-30-03 of the Administrative Code; or in active pay status or approved sick leave; or on approved disability leave; or approved leave of absence pursuant to rule 123:1-34-01 of the Administrative Code or the appropriate collective bargaining agreement for the employee's personal medical reasons.
- (B) Recovery period. An employee eligible for disability leave benefits under Chapter 123:1-33 of the Administrative Code may, with the approval of the director of administrative services, receive disability leave benefits up to the standard recovery period as defined in the department of administrative services' recovery period guidelines. If it is determined that the employee is incapable of performing the duties of the employee's position.

The director of administrative services may delegate to any agency the authority to approve benefits for up to a standard recovery period for a select list of disabilities from the department of administrative services' recovery period guidelines. Only the department of administrative services shall have the authority to deny an application for disability benefits.

If the employee does not return to work following a standard recovery period, and submits additional information, the employee's claim will be reviewed to determine if the employee is capable of:

- (1) Performing the duties of the employee's position; or
 - (2) Performing duties of a similar position or work activities under a transitional work program.
- (C) Return to work. If it is determined that the employee is capable of performing the duties of a similar position or other duties within a transitional work program, then the appointing authority may provide such work for the employee. An employee will continue to receive disability leave benefits for the hours the employee is unable to return to work while the employee participates in an authorized transitional work program in accordance with paragraph (B) of rule 123:1-33-07 of the Administrative Code. If the appointing authority is unable to provide the

employee with a transitional work program, the employee may receive disability leave benefits until he or she is capable of performing the duties of the employee's position or until the appointing authority is able to provide the employee with a transitional work program, whichever is earlier.

- (D) **Obligation to consult a licensed practitioner.** An employee is obligated to consult a state licensed practitioner to receive necessary medical care prior to receiving disability benefits. In the case of an alcohol or drug addiction diagnoses, an employee shall consult the state's alcohol or other drug addiction program, the state of Ohio employee assistance program, or another certified alcohol and other drug addiction treatment professional to confirm that the employee's condition prevents the employee from performing the duties of the employee's position, a similar position, or other duties within a transitional work program. In the case of a mental health diagnoses, an employee shall consult with a licensed mental health provider to confirm that the employee's condition prevents the employee from performing the duties of the employee's position, a similar position, or other duties within a transitional work program. In all cases, an employee is obligated to follow prescribed treatment for the disabling condition to receive disability benefits.

123:1-34-01 **Leave of absence without pay.**

Nothing in this rule shall be construed as limiting, superseding, or requiring any leave granted under The Family and Medical Leave Act of 1993 (FMLA). Given proper notice and under appropriate circumstances, a leave of absence for a FMLA qualifying purpose may be credited against an employee's FMLA leave entitlement.

(A) Classified service. An appointing authority may, with the approval of the director grant a leave of absence without pay to an employee in the classified service. An employee must request, in writing, all leaves of absence without pay. The request shall state reasons for taking leave of absence without pay and the dates for which such leave is being requested.

(1) Length of leave. Upon written request, a leave of absence without pay may be granted for any personal reason. Renewal or extension beyond the maximum allowed shall not be granted except as provided in this rule.

(a) Leaves of absence without pay for personal reasons may be granted for a maximum duration of six months.

(b) Employees of any agency which has a work year equivalent to an academic year may be granted leaves of absence without pay for personal reasons of six months, and such leave may be extended for instructional and instructional support staff with the approval of the director through the beginning of the next academic year.

(c) Leave of absence without pay may be granted for a maximum period of two years for purposes of education or training which would be of benefit to the service; or for voluntary service in any governmentally sponsored program of public betterment. Renewal or extension beyond the two-year period shall not be allowed.

(2) Abuse of leave. If it is found that a leave is not actually being used for the purpose for which it was granted, the appointing authority may cancel the leave and direct the employee to report for work by giving written notice to the employee and the director of administrative services.

(3) Failure to return. An employee who fails to return to duty within three working days of the completion or a valid cancellation of a leave of absence without pay without explanation to the appointing authority or his representative, may be removed from the service in accordance with section 124.34 of the Revised Code. An employee who fails to return to service from a leave of absence without pay and is subsequently removed or voluntarily resigns from the service is deemed to have a termination date corresponding to the starting

date of the leave of absence without pay.

- (4) Return to service. Upon completion of a leave of absence without pay, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists the employee shall, with approval of the director, be assigned to a position in a classification similar to that formerly occupied. The employee may be returned to active pay status prior to the originally scheduled expiration of the leave if such earlier return is agreed to by both the employee and the appointing authority.
 - ~~(5) Civil service examinations. A provisional employee who is on leave of absence without pay is responsible for obtaining information about and participation in any tests given for the employee's classification during such leave and may be replaced from an eligible list.~~
 - ~~(6)~~(5) Service credit. Authorized leaves of absence without pay will count as service credit for annual step increases, layoff purposes, and for computing the amount of vacation leave, provided the employee is properly returned to service and is not serving a probationary period. Employees that do not return to service from a leave of absence without pay shall not receive service credit for the time spent on such leave.
 - ~~(7)~~(6) Reporting leaves. The appointing authority shall report to the director any leave of absence without pay which extends for one pay period or longer, and the subsequent return from such a leave. Any leave of absence without pay shall be reported for an employee serving a probationary period.
 - ~~(8)~~(7) Probationary period of an employee on a leave of absence without pay. The period during which an employee is on a leave of absence without pay shall not be counted towards an employee's original or promotional probationary period.
- (B) Unclassified service. Leave of absence without pay may be granted to an employee in the unclassified service in the same manner as it is granted to a classified employee. Such leave shall be reported to the director but is not subject to the director's approval. Return of an employee in the unclassified service to active pay status shall be at the discretion of the appointing authority.
- (C) Disabling illness, injury or condition. Subject to the provisions contained in Chapter 123:1-33 of the Administrative Code, upon written request to the appropriate appointing authority, employees with a disabling illness, injury or condition who are not eligible to receive disability benefits may be granted a leave of absence

without pay, subject to the provisions of this rule. The employee must demonstrate that the probable length of disability will not exceed six months.

- (1) Length of leave. Leaves of absence without pay shall be limited to the period of time that the employee is unable to perform the essential job duties of the employee's position. This period may include reasonable rehabilitation and recovery time, as certified by a licensed practitioner, not to exceed six months. If the employee is unable to return to active work status within six months, the employee may be given a disability separation in accordance with Chapter 123:1-33 of the Administrative Code.
- (2) Licensed practitioner's certificate. An employee requesting a leave of absence without pay due to a disabling illness, injury or condition must present, at the time the request is made, a licensed practitioner's certificate stating the probable period for which the employee will be unable to perform the essential job duties of the employee's position.
- (3) Sick leave usage. Upon request, and in accordance with the rules of the director on sick leave and disability leave benefits, an employee not eligible to receive disability leave benefits under a program offered by an appointing authority shall be permitted to use any or all of the employee's accumulated sick leave credit only for the period of time, as certified by the licensed practitioner's certificate, that the employee is unable to work as a result of a disabling illness, injury or condition. An employee using sick leave credit shall not be prevented from receiving a leave of absence without pay for the remainder of the period as defined in paragraph (C)(1) of this rule.
- (4) Vacation leave usage. Subject to the provisions contained in Chapter 123:1-33 of the Administrative Code, an employee not eligible to receive disability leave benefits under a program offered by an appointing authority shall, upon request, be permitted to use any or all of the employee's accumulated vacation leave at any reasonable time prior to, during, or following the period as defined in paragraph (C)(1) of this rule.
- (5) Request for leave. Requests for leave of absence without pay, sick leave, personal leave or vacation leave made pursuant to this rule are subject to the internal management procedures of the employee's appointing authority.
- (6) Return to work. The appointing authority of an employee on a leave of absence without pay for a disabling illness, injury or condition may require the employee, prior to the employee's return to work, to provide a physician's certificate that confirms the employee is able to perform the essential job duties of the employee's position.

- (D) Child care. Any employee may, at the discretion of the appointing authority, be granted a leave of absence without pay for purposes of child care. All requests for leave of absence without pay for purposes of child care shall be considered on a nondiscriminatory basis without regard to the sex of the employee.

An adoptive or foster parent's request for leave of absence for purposes of child care shall be considered on the same basis as that of a biological parent under similar circumstances.

123:1-34-10

Voluntary cost saving program.

- (A) Pursuant to section 124.392 of the Revised Code, the voluntary cost savings (VCS) program has been created as a tool for an appointing authority to reduce costs. A VCS program provides employees who are exempt from collective bargaining and paid by a warrant of the director of the office of budget and management ~~auditor of state~~ with the opportunity to reduce their schedule or be in a no pay status for a period of time without reducing certain benefits or requiring them to exhaust paid leave.
- (B) Approval. An appointing authority shall notify the director of administrative services of its intent to establish and implement a VCS program and receive the director's approval before the program can become effective. The notice shall include:
- (1) A description of the proposed VCS program indicating whether the appointing authority will offer one or both of the options outlined in paragraph (D) of this rule;
 - (2) A description of the proposed VCS program's compliance with paragraphs (C) to (J) of this rule;
 - (3) The approximate number of employees eligible to participate in the proposed VCS program;
 - (4) A copy of the proposed VCS program agreement to be used by the appointing authority in compliance with paragraph (I) of this rule; and
 - (5) The anticipated duration and availability of the proposed VCS program.
- (C) Eligibility. Full-time or part-time permanent employees who are paid by warrant of the director of budget and management ~~auditor of state~~ and have successfully completed an initial or promotional probationary period shall be eligible to participate in the VCS program. The VCS program shall be administered on a strictly voluntary basis.
- (D) An appointing authority may propose a VCS program that includes either or both of the options listed in this paragraph. If an appointing authority proposes both options, it must also state whether an employee may utilize both options during the same fiscal year.
- (1) Reduction of hours. Full-time permanent employees may reduce their hours worked by no less than eight hours and no more than forty hours per pay period. The maximum amount of time an employee may use this option is for

five hundred twenty hours in a fiscal year or for a total of six months, whichever comes first.

- (2) Unpaid leave of absence. Full-time or part-time permanent employees may take unpaid leaves of absence for two to thirteen week periods within a fiscal year.
- (E) Leave accrual. Employees who reduce their hours worked pursuant to paragraph (D)(1) of this rule shall accrue vacation and sick leave on a pro-rated basis based on the number of hours spent in active pay status. Employees who take an unpaid leave of absence pursuant to paragraph (D)(2) of this rule shall not accrue any vacation or sick leave while in inactive pay status. The utilization of either option shall have no impact on an employee's accrual of personal leave.
- (F) Service credit. Employees who reduce their hours worked pursuant to paragraph (D)(1) of this rule shall not incur a break in service and will be treated as full-time employees for purposes of calculating retention points. Employees who take an unpaid leave of absence pursuant to paragraph (D)(2) of this rule shall not incur a break in service and will be treated as their regular appointment type for purposes of calculating retention points as long as the employee returns to employment.
- (G) Health insurance. Employees who reduce their hours worked pursuant to paragraph (D)(1) of this rule shall maintain full-time status for purposes of health care coverage, benefits, and premiums. Employees who take an unpaid leave of absence pursuant to paragraph (D)(2) of this rule are responsible for their share of insurance premiums for all insurance programs in which the employee is enrolled at the time of the leave. It is the employee's responsibility to make payment arrangements with their payroll officer prior to the leave commencing. The state shall maintain the employer's share of the premiums during utilization of this option.
- (H) Unemployment benefits. Employees participating in this program shall not be eligible for unemployment benefits.
- (I) VCS program agreement approval process.
- (1) Employees seeking to participate in the VCS program must complete and submit a signed VCS program agreement to their appointing authority at least thirty days prior to commencement of the leave of absence or implementation of a reduced schedule. An appointing authority may waive the thirty day notice requirement and authorize a minimum of fewer than thirty days advanced notice.
 - (2) The appointing authority must sign the VCS program agreement for it to

become effective.

- (3) Even after the VCS program agreement is effective, the appointing authority retains the sole discretion to approve or deny an employee's leave request. The appointing authority must ensure that any impact on operations as a result of such work arrangements is minimal and additional costs do not result.
 - (4) The appointing authority shall notify an employee of the status of the request no later than seven days before the effective day of the leave of absence or the implementation of the reduced schedule.
- (J) Termination. An appointing authority may terminate a VCS program agreement by providing ten working days notice in writing to the employee. An employee may terminate a VCS program agreement upon ten working days notice in writing to the appointing authority unless mutually agreed to otherwise by the employee and the appointing authority.

123:1-41-02

Determination of lack of funds and lack of work for agencies whose employees are paid by warrant of the director of budget and management~~auditor of state~~.

- (A) Determination of lack of funds. The director of the office of budget and management shall be responsible for determining whether a lack of funds exists for appointing authorities whose employees are paid by warrant of the director of budget and management~~auditor of state~~. The determination of lack of funds shall be made in accordance with the rules promulgated by the director of ~~the office of~~ budget and management.
- (B) Determination of lack of work. The director of administrative services shall determine whether a lack of work exists for appointing authorities whose employees are paid by warrant of the director of budget and management~~auditor of state~~. The appointing authority shall file along with a request for determination of lack of work, adequate information to establish that a lack of work exists. Such information may consist of a comparison between current or projected work levels and work levels when a lack of work did not exist, which may include statistical data and additional supporting materials.
- (C) Verification of retention points. Verification of retention points shall not be completed prior to a determination that a lack of work or lack of funds exists.

123:1-41-04

Abolishment of positions in the classified service.

- (A) Reasons for abolishment. An appointing authority may abolish positions in the classified civil service for any of the following reasons: as a result of a reorganization for the efficient operation of the appointing authority; for reasons of economy; or for lack of work ~~which is expected to be permanent. A lack of work shall be deemed permanent if it is expected to last more than one year.~~
- (B) Determination and filing a statement of rationale and supporting information. The determination to abolish positions shall be made by the appointing authority.

~~State agencies and county offices.~~ The appointing authorities of state agencies whose employees are paid by warrant of the director of budget and management and of county offices shall file with the director of administrative services a statement of rationale and supporting information for the determination to abolish positions. The statement of rationale and supporting information shall contain information as is available prior to the time the layoff notices are mailed or delivered to the employees to be laid off as a result of the abolishments.

123:1-41-07

Order of layoff of employees.

(A) Appointment categories established. For purposes of this chapter the appointment categories and order of layoff of employees are as follows: ~~part-time seasonal probationary~~, part-time permanent, full-time ~~seasonal probationary~~, ~~part-time permanent~~ and full-time permanent.

(B) Progression of layoff. Layoffs shall be based upon retention point order beginning with the employee having the fewest retention points and continuing to the employee with the most retention points. Retention point lists shall be ~~compiled~~ compiled in descending retention point order. In cases where two or more employees have identical retention points the tie shall be broken in accordance with rule 123:1-41-09 of the Administrative Code.

~~(C) Determination of certified status of employees. An employee will be deemed as certified if appointed from a certified eligible list, certified in his or her position pursuant to an examination or the operation of section 124.271 of the Revised Code and Chapter 123:1-10 of the Administrative Code, or if the employee retained certification pursuant to the operation of section 124.311 of the Revised Code and Chapter 123:1-24 of the Administrative Code.~~

~~(D)~~(C) Order of layoff. In the classification(s) selected for layoff the appointing authority shall layoff employees and employees shall displace employees using the following "order of layoff":

(1) ~~Part-time, seasonal, provisional~~ probationary employees in the same classification who have not completed their probationary period or six months of continuous service in the position, whichever is longer.

(2) ~~Part-time, seasonal, provisional~~ permanent employees in the same classification who have completed their probationary period or six months of continuous service in the position, whichever is longer.

~~(3) Part-time, seasonal, certified employees in the same classification who have not completed their probationary period.~~

~~(4) Part-time, seasonal, certified employees in the same classification who have completed their probationary periods.~~

~~(5)~~(3) Full-time, ~~seasonal, provisional~~ probationary employees in the same classification who have not completed their probationary period or six months of continuous service in the position, whichever is longer.

~~(6)~~(4) Full-time, ~~seasonal, provisional~~ permanent employees in the same

classification who have completed their probationary period or six months of continuous service in the position, whichever is longer.

- ~~(7) Full time, seasonal, certified employees in the same classification who have not completed their probationary period.~~
- ~~(8) Full time, seasonal, certified employees in the same classification who have completed their probationary periods.~~
- ~~(9) Part time, permanent, provisional employees in the same classification who have not completed their probationary period.~~
- ~~(10) Part time, permanent, provisional employees in the same classification who have completed their probationary period.~~
- ~~(11) Part time, permanent, certified employees in the same classification who have not completed their probationary period.~~
- ~~(12) Part time, permanent, certified employees in the same classification who have completed their probationary periods.~~
- ~~(13) Full time, permanent, provisional employees in the same classification who have not completed their probationary period.~~
- ~~(14) Full time, permanent, provisional employees in the same classification who have completed their probationary period.~~
- ~~(15) Full time, permanent, certified employees in the same classification who have not completed their probationary period.~~
- ~~(16) Full time, permanent, certified employees in the same classification who have completed their probationary period.~~

123:1-41-11

Displacement and appeal rights of employees.

~~(A) General. Each employee laid off, or displaced as a result of a layoff, shall have the right to displace another employee with the fewest retention points in the manner provided in this rule. Displacement rights of an employee may only be exercised within the employee's appointing authority and within the layoff jurisdiction as established in this chapter.~~

~~For purposes of this chapter and division (A) of section 124.324 of the Revised Code, a "same or similar classification" is a classification that has the same or similar duties as the classification from which an employee is laid off and is listed as a same or similar classification in accordance with division (B)(2) of section 124.311 of the Revised Code and listed in rules 123:1-24-06 to 123:1-24-08 of the Administrative Code and lists legally adopted by county commissioners resolution for county departments of job and family services.~~

~~An "equivalent or lower classification" shall be, for purposes of displacement rights, a classification with an equivalent or the same pay range assignment or a classification with a lower pay range assignment.~~

~~Any displacement of an employee paid by warrant of the director of budget and management to another headquarter county within the same layoff jurisdiction due to the abolishment of positions and the operation of this chapter shall not be construed to be a transfer.~~

~~(B)~~(A) Exercising of option to displace. An employee who is to be laid off, or displaced as a result of a layoff, may exercise displacement rights under the provisions of this chapter or be laid off. Displacement occurs on the date an employee is notified that another employee has exercised his or her right of displacement and that the employee with fewer retention points is to be displaced. A displaced employee may exercise his or her the right to displace another employee if such right to displace exists. Displacement rights of an employee may only be exercised within the employees appointing authority and within the layoff jurisdiction as established in this chapter. If the displaced employee does not have the right to displace another employee, then the displaced employee shall be laid off.

(B) Displacement related to the abolishment of a position. Any displace of an employee paid by warrant of the director of budget and management to another headquarter county within the same layoff jurisdiction due to the abolishment of positions and the operation of this chapter shall not be construed to be a transfer.

(C) Time to exercise displacement rights. Employees shall notify their appointing authorities, in writing, of their intention to exercise their displacement rights within five calendar days after receipt of notice of layoff or displacement.

(D) Displacement of employee with fewest retention points. Within the order of

displacement set forth in ~~this rule~~ 123:1-41-12 of the Administrative Code a laid-off employee exercising displacement rights shall displace the employee with the fewest retention points. Employees shall only have the right to displace employees with fewer retention points in the order established in rule 123:1-41-07 of the Administrative Code.

~~(E) Displacement of certified employees. In no event shall a laid-off provisional employee have the right to displace a certified employee except as provided in paragraph (D) of rule 123:1-41-12 of the Administrative Code.~~

~~(F)~~(E) Classifications with parenthetical subtitles. For purposes of displacement, the parenthetical subtitles of a classification are deemed separate, but equivalent, classifications. Employees in positions with a parenthetical subtitle may displace into the classification(s) in the classification series with the equivalent or lower pay range(s). Employees in positions in a classification series that contains parenthetical subtitles may displace employees in positions with parenthetical subtitles.

Any displacement rights into or from positions with parenthetical subtitles are subject to the displacement provisions of this chapter.

~~(G)~~(F) Displacement into positions with special qualifications. No employee shall displace an employee for whose position or classification requires special minimum qualifications unless the employee desiring to displace another employee possesses the requisite minimum qualifications or bona fide occupational qualifications for the position or the classification. The special qualifications must be established by a position description for the position, by classification specification minimum qualifications statement, or by bona fide occupational qualifications for the position(s) or classification. The appointing authority shall be responsible for establishing the necessity of special qualifications for a position.

~~(H)~~(G) Rate of pay for an employee following displacement. An employee exercising displacement rights to a position, or an employee displaced as a result of a layoff or abolishment, shall be paid according to the pay range assigned to the classification into which the employee displaced or was displaced. The employee shall be assigned to a rate in the pay range assigned to the new classification which is equivalent or nearest to, but not exceeding, the rate the employee was paid in his or her prior classification. If the rate the employee was assigned in his or her prior classification exceeds the highest rate in the pay range assigned to the new classification the employee will be assigned the highest rate assigned to the new classification.

~~(I)~~(H) Appeal rights. A classified employee may appeal a layoff, or a displacement which is the result of a layoff, to the state personnel board of review. Such appeal must be filed or postmarked no later than ten calendar days after the employee receives

notice of the layoff or the date the employee is displaced. An employee shall be considered displaced the date the employee is notified that another employee has exercised his or her right to displace the employee from the employee's position. An appeal shall be made in accordance with the rules promulgated by the state personnel board of review.

123:1-41-12

Order of displacement.

Laid-off employees and employees displaced as a result of a layoff who have the right to displace shall exercise their displacement rights in the following order:

- (A) Displacement within the classification. An employee who is to be laid off or displaced may fill an available vacancy, or if no vacancy exists, displace within his or her classification. If the employee exercises the right to displace within his or her classification, he or she shall displace the employee with the fewest retention points in that classification.
- (B) Displacement within the classification series. An employee who is to be laid off or displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in the next lower and then successively lower classifications in the classification series. This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series has been reached and, if necessary, laid off.
- ~~(C) Displacement to a classification with same or similar duties. An employee who is to be laid off or who is displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in a classification that has the same or similar duties and a lower or the equivalent pay range. Displacement rights are limited to those classifications that are designated as a similar classification or classifications in the list published by the director in rules 123:1-24-06 through 123:1-24-08 of the Administrative Code. The displacement rights of employees to the same or similar classification shall not apply to employees of the county appointing authorities except county departments of job and family services.~~

~~An employee exercising his or her right of displacement shall exercise his or her displacement rights first into the group of same or similar classifications with the highest pay range assignment. In no event shall an employee have the right to displace into a classification with a higher pay range assignment than the laid off or displaced employee's classification.~~

~~Where more than one classification in the list of same or similar classifications, as listed in rules 123:1-24-06 to 123:1-24-08 of the Administrative Code, have the same pay range assignment, the employee exercising his or her right of displacement shall displace the person with the fewest retention points in the group of the same or similar classifications.~~

- ~~(D)~~(C) Displacement to a classification previously held. An employee who is to be laid-off or who is displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in the classification the laid-off or displaced employee held immediately prior to his or her current classification, provided the classification is lower or equivalent classification to the

employee's current classification. The displacement rights of employees to classifications previously held shall not apply to employees of the county appointing authorities except county departments of job and family services.

A laid-off or displaced employee may displace into a classification previously held if:

~~(1)~~ ~~The laid-off or displaced employee was certified in the previous classification;~~
~~and~~

~~(2)~~(1) The laid-off or displaced employee held a position in the previous classification within the ~~five~~ three years preceding the date an employee was laid off or displaced; and

~~(3)~~(2) The laid-off or displaced employee still meets the minimum qualifications of the previous classification; and

~~(4)~~(3) The laid-off or displaced employee shall have successfully completed his or her original probationary period.

~~If a position does not exist in that classification held by the employee immediately prior to his or her current classification, or if a laid-off or displaced employee is prevented from displacing in a previously held classification because he or she does not meet the minimum qualifications of the previously held classification, the employee may displace in the classification next previously held, and in successive previously held classifications, subject to the provisions above.~~

~~(E)~~(D) Displacement to another appointment type. Notwithstanding the provisions of this rule, an employee shall not be required to accept a position with a lesser appointment type until the employee has had the opportunity to exercise displacement rights as provided in rule 123:1-41-11 of the Administrative Code.

~~(F)~~(E) Displacement rights of employees of county appointing authorities. Employees of county appointing authorities, except county human services departments, shall only have displacement rights in the same classification and in their classification series. Employees of county departments of job and family services may also displace in classifications that are the same or similar and displace in classifications previously held.

~~(G)~~(F) Displacement rights of an employee previously displaced. If, after an employee has exercised his or her displacement rights, the employee is to be laid off or displaced due to a subsequent layoff, the employee's displacement rights shall be in accordance with the classification from which he or she was first displaced,

provided however, the employee has rights to reinstatement or reemployment in his or her previous classification. The employee's displacement rights from a previously held classification shall exist for a one-year period beginning with the date of the original layoff or displacement or until such time as the employee is removed from a layoff list.

123:1-46-02

Political activity of employees in the classified service.

(A) The purpose of this rule is to provide appointing authorities, personnel officers, and others with guidelines concerning political activity. Employees in the classified service are prohibited by section 124.57 of the Revised Code from engaging in political activity.

(1) "Classified service" means all persons in active pay status serving in the competitive classified civil service of the state, the counties, or the general health districts, ~~whether in certified or provisional status~~. Unless specifically exempted from the classified service in accordance with the Revised Code and these rules, an employee shall be considered to be in the classified service for purposes of this rule.

(2) "Political activity" and "politics" refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.

(B) The following are examples of permissible activities for employees in the classified service:

(1) Registration and voting;

(2) Expression of opinions, either oral or written;

(3) Voluntary financial contributions to political candidates or organizations;

(4) Circulation of nonpartisan petitions or petitions stating views on legislation;

(5) Attendance at political rallies;

(6) Signing nominating petitions in support of individuals;

(7) Display of political materials in the employee's home or on the employee's property;

(8) Wearing political badges or buttons, or the display of political stickers on private vehicles; and

(9) Serving as a precinct election official under section 3501.22 of the Revised Code.

(C) The following activities are prohibited to employees in the classified service:

- (1) Candidacy for public office in a partisan election;
 - (2) Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
 - (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
 - (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
 - (5) Service in an elected or appointed office in any partisan political organization;
 - (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
 - (7) Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
 - (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
 - (9) Solicitation of the sale, or actual sale, of political party tickets;
 - (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
 - (11) Service as witness or challenger for any party or partisan committee;
 - (12) Participation in political caucuses of a partisan nature; and
 - (13) Participation in a political action committee which supports partisan activity.
- (D) An employee in the classified service who engages in any of the activities listed in paragraphs (C)(1) to (C)(13) of this rule is subject to removal from his or her position in the classified service. The appointing authority may initiate such removal action in accordance with the procedures in section 124.34 of the Revised

Code. The director may also institute an investigation or action in case of a violation.

- (E) Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.
- (F) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.
- (G) If any person holding public office or employment is convicted of violating the Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.

123:1-47-01

Definition of terms.

(A) For purposes of Chapters 123:1-1 to 123:1-47 of the Administrative Code:

- (1) "Abolishment" - Means the permanent deletion or removal of an encumbered position or positions from the organization or structure of an appointing authority due to a lack of continued need for a position, as a result of a reorganization for the efficient operation of the appointing authority, for reasons of economy, or due to a lack of work, ~~which is expected to be permanent. A lack of work is expected to be permanent if the lack of work is expected to last more than one year.~~
- (2) "Active pay status" - Means conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave.
- (3) "Active work status" - Means the conditions under which an employee is actually in a work status and is eligible to receive pay but does not include vacation pay, sick leave, bereavement leave, compensatory time, holidays, personal leave, and disability leave.
- (4) "Adverse effect" - Means, for the purpose of reclassification; for an employee, a reduction in pay or reduction in duties; and for an agency, an increase in an employee's pay.
- (5) "Agency" - Means any unit of government, including a board or commission, headed by an officer or group having the power to appoint employees.
- (6) "Allocation" - Means the assigning of a position or job to a classification within a classification plan.
- (7) "Appointing authority" - Means the officer, commission, board or body having the power of appointment to, or removal from, positions in any office, department, commission, board or institution.
- (8) "Assistant" - Means an employee who aids and assists an appointing authority in the discharge and performance of duties which are of a confidential and fiduciary character and which involve the responsibility of the principal, or an employee who holds a fiduciary or administrative relationship to the agency.
- (9) "Appointment categories" - Means the appointment designation of a position such as ~~part-time interim, full-time interim,~~ part-time temporary, full-time

temporary, intermittent, part-time seasonal, full-time seasonal, part-time permanent, and full-time permanent.

- (10) "Available vacancy" - Means an existing funded position, not currently filled by an incumbent which the appointing authority desires to fill. The existence of vacant positions on an appointing authority's table of organization or roster of positions shall not mean that a position is an available vacancy.
- (11) "Base rate of compensation" - Means the pay range and step rate paid an employee.
- (12) "Base rate of pay" - Means the rate of pay established under schedule B or C of section 124.15 or schedule E-1 or E-2 of section 124.152 of the Revised Code, plus the supplement provided under division (E) of section 124.181 of the Revised Code, plus any supplements enacted into law which are added to schedule B or C of section 124.15 or schedule E-1 or E-2 of section 124.152 of the Revised Code. The base rate of pay for those persons paid by warrant of the director of budget and management, but not paid under schedule B or C of section 124.15 or schedule E-1 or E-2 of section 124.152 of the Revised Code, shall be the employee's actual rate of pay.
- (13) "Break in service" - Means an employee has had a separation from service of thirty-one days or more. An authorized leave of absence, granted pursuant to rule 123:1-34-01 of the Administrative Code, or any separation from service which carries with it the right to reinstatement, or reemployment as a result of a layoff, shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. The time the employee was separated shall not be counted towards the calculation of retention points for continuous service.
- (14) "Certification" - Means the process of providing to an appointing authority the names on an eligible list, jurisdictional layoff list, or an agency layoff list.
- (15) "Certification eligible list" - Means a list of individuals available for employment from an eligible list, a jurisdictional layoff list, an agency layoff list, or of provisionals who qualify for certified status.
- ~~(16) "Certified against" - Means the act of replacing a provisional employee with an individual selected from a certification eligible list.~~
- ~~(17)~~(16) "Certified appointment" - Means an appointment from an eligible list.
- ~~(18)~~(17) "Certified employee" - Means ~~an~~ a classified employee who has been

appointed to ~~his or her~~ a position from a certification eligible list, ~~is certified in their position pursuant to an examination~~ or the operation of section 124.26, 124.27, or 124.271 of the Revised Code and Chapter 123:1-10 of the Administrative Code, ~~or if the employee retained certified status pursuant to the operation of section 124.311 of the Revised Code and Chapter 123:1-24 of the Administrative Code.~~

~~(19)~~(18) "Classification" - Means a group of positions sufficiently similar in respect to duties, responsibilities, authority, and qualifications so that the same descriptive title may be used for each, the same pay range assigned, and the same examinations conducted.

~~(20)~~(19) "Classification change" - Means a change in an employee's classification title which results in a promotion, demotion, lateral move to a different classification with the same pay range, or reassignment to another classification.

~~(21)~~(20) "Classification plan" - Means a system of classifications which may include pay range assignment for each classification.

~~(22)~~(21) "Classification salary base" - Means the minimum hourly rate of the pay range for the classification to which the employee is assigned.

~~(23)~~(22) "Completed service" - Means hours actually worked, including overtime, and hours of sick leave, vacation leave, compensatory time, or personal leave used, but does not include time on disability separation, leave of absence without pay, the period an employee is receiving disability leave benefits, or layoff. In the case of an employee who works on a seasonal or academic year basis but is paid on an annual basis, completed service shall not include the period of time during which the employee is paid but is not working.

~~(24)~~(23) "Continuous service" - Means the uninterrupted service of an employee with a state agency, a county office, or a state-supported college or university where no break in service occurs. For purposes of state paid life insurance, dental insurance, vision insurance, and disability leave benefits, continuous service means the uninterrupted service in which an employee is paid directly by warrant of the director of budget and management where no break in service occurs.

~~(25)~~(24) "County offices" - Means those agencies, boards, commissions, departments, and elected offices of the county which are appointing authorities and are subject to the provisions of Chapter 124. of the Revised Code, and which includes, but is not limited to the following: alcohol, drug

addiction and mental health services board; auditor; child support enforcement agency; children services board; clerk of courts; commissioners; common pleas court; coroner; engineer; health department; general health district; hospital; mental health board; mental retardation and developmental disabilities board; prosecutor; recorder; sheriff; treasurer; and veterans' service commission.

~~(26)~~(25) "Days" - Means calendar days unless specified otherwise.

~~(27)~~(26) "Demotion" - Means the movement of an employee at the request of the appointing authority or the employee, from one position to a vacant position which is assigned to a different classification and a lower pay range, or lower salary where pay ranges do not exist. For the purposes of this definition, a lower pay range is determined by comparing the step one rates of the relevant pay ranges.

~~(28)~~(27) "Deputy" - Means an employee authorized by law to act generally for or in place of his or her principal and holding a fiduciary relationship to such principal, or an employee holding a fiduciary or administrative relationship to the agency.

~~(29)~~(28) "Director" - Means the director of administrative services.

~~(30)~~(29) "Disability leave" - Means the leave granted pursuant to section 124.385 of the Revised Code.

~~(31)~~(30) "Disability retirement" - Means a separation granted by a state retirement system retaining reinstatement rights per appropriate section of the Revised Code.

~~(32)~~(31) "Disability separation" - Means a voluntary or involuntary separation granted by the appointing authority and the director when an employee becomes unable to perform the essential job duties of the employee's position.

~~(33)~~(32) "Displacement" - Means for purpose of layoffs and job abolishments the process by which an employee with more retention points exercises his or her right to take the position of another employee with fewer retention points pursuant to the provisions of Chapter 123:1-41 of the Administrative Code. Displacement occurs the date an employee is notified that another employee has exercised his or her right of displacement and that the employee with fewer retention points is to be displaced.

- ~~(34)~~(33) "Educational institution" - Means an institution that is approved by nationally recognized accrediting agencies.
- ~~(35)~~(34) "Eligible" - Means an applicant for appointment to a classification who has passed an examination, met other requirements for the classification, and who is willing to accept employment.
- ~~(36)~~(35) "Eligible list" - Means a list of names and scores of individuals who have taken an examination for a specific classification.
- ~~(37)~~ "Emergency appointment" - ~~Means an appointment to a position to meet an emergency situation, not subject to civil service law, and limited to a maximum of thirty days.~~
- ~~(38)~~(36) "Exempt appointment" - Means an appointment to a position which is not subject to examination or civil service tenure. Such a position is included in the classification plan unless specifically excluded.
- ~~(39)~~(37) "Full-time employee" - Means an employee whose regular hours of duty total eighty hours in a pay period in a state agency or county department of human services, or any standard accepted as full time in any other county office.
- ~~(40)~~(38) "Headquarters county" - Means the county which the appointing authority has determined and indicated, on the position description for each position or by other appropriate means, to be the headquarters county. The determination shall be based on the status of the position as the primary location where the employee assigned to the position receives direction, performs the substantial duties of his position or where the employee's work flow is centered.
- ~~(41)~~(39) "Immediate family" - Means an employee's spouse, parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).
- ~~(42)~~ "Interim appointment" - ~~Means an appointment for an indefinite period of time, fixed by the length of absence of an employee due to sickness, disability, or approved leave of absence. Such appointment shall continue only during such period of sickness, disability, or approved leave of absence.~~
- ~~(43)~~(40) "Intermittent appointment" - Means an appointment where an employee

works on an irregular schedule which is determined by the fluctuating demands of the work and is not predictable and is generally characterized as requiring less than one thousand hours per fiscal year.

(44)(41) "Inter-transfer" - Means the act of changing an employee from one position to another, from one department to another department with a different over-all appointing authority which may be accompanied by promotion, demotion, or lateral classification change.

(45)(42) "Intra-transfer" - Means the act of changing an employee from one position to another within the same department or over-all appointing authority, requiring a change in headquarters county which may be accompanied by promotion, demotion, or lateral classification change.

(46)(43) "Laid-off employee" - Means an employee terminated by the appointing authority from a position as a result of the application of the "order of layoff." "Laid-off employee" also means an employee not working as a result of layoff or displacement.

(47)(44) "Lack of funds" - Means an appointing authority has a current or projected deficiency of funding required to maintain current, or sustain projected levels of staffing and operation.

(48)(45) "Lack of work" - Means an appointing authority has a current or projected ~~temporary~~ decrease in the workload or work requirements which requires or will require a reduction in current or projected staffing levels in its organization or structure. ~~A lack of work will be deemed temporary if the decrease in workload or work requirements is expected to last less than one year.~~

(49)(46) "Lateral classification change" - Means the movement of an employee, with the employee's consent, from one classification to another classification that is assigned to the same pay range or to a pay range in which the step one rate is the same as the step one rate as the classification from which the employee moves.

(50)(47) "Leave of absence without pay" - Means temporary separation from active pay status, authorized by the appointing authority, with an employee generally retaining status and seniority rights.

(51)(48) "Level" - Means the term used to designate the degree of relationship which one classification bears to other classifications in a series; e.g., a

first-level clerk (clerk 1) holds the lowest rank in the clerk series.

~~(52)~~(49) "New position" - Means a budgeted position established and properly allocated which did not previously exist and is not merely the expansion or change in a previously existing position.

~~(53)~~(50) "No-pay status" - Means the conditions under which an employee is ineligible to receive pay, and includes, but is not limited to, leave without pay, the period an employee is receiving disability leave benefits, and disability separation.

~~(54)~~(51) "Open-competitive examination" - Means an examination open to anyone, whether already employed in the state service or not, who meets qualifications established for a given classification or position.

~~(55)~~(52) "Parenthetical subtitle" - Means a group of positions logically falling within a general classification, but distinguished from other positions within that classification by the performance of specific functions or duties requiring specialized skill, knowledge or training.

~~(56)~~(53) "Part-time employee" - Means an employee whose regular hours of duty are less than eighty hours in a pay period in a state agency or county department of human services, or less than any accepted full-time standard in any other county office.

~~(57)~~(54) "Pay period" - Means, for state agencies, the fourteen-day period of time during which the payroll is accumulated, as determined by the director.

~~(58)~~(55) "Pay range" - Means a division of a salary schedule to which classifications of positions are assigned.

~~(59)~~(56) "Permanent employee" - Means any person holding a position that requires working a regular schedule of twenty-six consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. It does not include student help, intermittent, temporary, seasonal, external interim, or individuals covered by personal service contracts.

~~(60)~~(57) "Personal leave" - Means the leave granted by the provisions of section 124.386 of the Revised Code.

~~(61)~~(58) "Position" - Means the group of job duties intended to be performed by an

individual employee as assigned by the appointing authority.

~~(62)~~(59) "Position audit" - Means the evaluation of the current duties and responsibilities assigned to an encumbered position to determine proper classification.

~~(63)~~(60) "Position control number" - Means a unique number assigned to each employment position within an agency by the appointing authority used to identify each position.

~~(64)~~(61) "Position control number change" - Means the movement of an employee from one specific employment position to another within the same agency. A position control number change may be accompanied by a promotion, demotion, lateral class change, or intra-transfer.

~~(65)~~(62) "Pregnancy-related condition" - Means pregnancy, childbirth, or related medical conditions.

~~(66)~~(63) "Probationary period" - Means a either the period of time at the beginning of an original appointment or the period of time immediately following a promotion, which constitutes a trial or testing period for the employee, during which the employee may be terminated. ~~Applies to certified and provisional appointments.~~ For purposes of step increases only, for unclassified employees paid in accordance with schedule E-1 pursuant to section 124.152 of the Revised Code, "probationary period" means the completion of the appropriate period as prescribed in paragraph (A) of rule 123:1-19-02 of the Administrative Code.

~~(67)~~(64) "Probationary removal" - Means the termination of an employee's employment for unsatisfactory performance during the employee's initial probationary period.

~~(68)~~(65) "Promotion" - Means the movement of an employee from one position to a vacant position which is assigned to a different classification and a higher pay range, or higher salary where pay ranges do not exist. For the purposes of this definition, a higher pay range is determined by comparing the step one rates of the relevant pay ranges.

~~(69)~~(66) "Promotional examination" - Means an examination open only to persons already employed in state service, in specified classifications and meeting specific qualifications, given for the purpose of determining eligibility for promotion to a higher class.

~~(70)~~ "Provisional appointment" - Means an appointment made without competition, in the classified service, in the absence of an appropriate eligible list, and continuing only until appointment from an eligible list can be made or until certification is made pursuant to section 124.271 of the Revised Code or division (B) of section 124.26 of the Revised Code.

~~(71)~~(67) "Reassignment" - Means the act of changing the classification assigned to an employee. This may be the result of change in or addition of classifications to the classification plan, or by action of the department of administrative services, in assigning a different classification title as a result of a position audit or classification change.

~~(72)~~(68) "Reclassification" - Means the act of changing the classification of an existing position. The employee, if left in the position, shall be reassigned to the new classification.

~~(73)~~(69) "Reduction" - Means a change of the classification held by an employee to one having a lower base pay range, a change to lower step within a salary range, or any decrease in compensation for an employee. For purposes of layoff, a "reduced employee" is one serving in a classification lower than the one from which the employee was laid off or displaced.

~~(74)~~(70) "Reemployment" - Means, for purposes of layoff, an appointment to a new appointing authority from a jurisdictional layoff list with retention of seniority, status, step indicator, and time toward step advancement.

~~(75)~~(71) "Reinstatement" - Means the act of returning a person to the same appointing authority within the allowable time, following a period of separation or a leave of absence, retaining seniority and status. For purposes of layoff, "reinstatement" means the act of selecting from the appointing authority's layoff list individuals to return to active service with the same appointing authority in the same classification series of layoff.

~~(76)~~(72) "Removal" - Means the termination of an employee's employment for the reasons outlined in section 124.34 of the Revised Code.

~~(77)~~(73) "Resignation" - Means a voluntary separation from state service by the employee.

~~(78)~~(74) "Retirement" - Means a separation from state service in which the employee receives retirement benefits from a state retirement system.

- (79)(75) "Seasonal appointment" - Means an appointment where an employee works a certain regular season or period of each year performing some work or activity limited to that season or period of the year.
- (80)(76) "Specification" - Means a general description of a job classification specifying or giving examples of the kinds of tasks expected to be performed by employees holding positions allocated to that classification, which may include classification title and number, a statement of job function, a grouping of task statements by job duties (ranked by importance), approximate percentages of total job time required for performance of each duty, and may include worker characteristics or behaviors required for successful completion of all tasks within each duty, and minimum qualifications for competition for employment in the classification.
- (81)(77) "Status" - Means a type of appointment, such as ~~provisional, certified~~ probationary, certified, permanent, temporary, or unclassified.
- (82)(78) "Suspension" - Means a disciplinary action resulting in temporary deprivation of employment without pay as a punitive or disciplinary measure.
- (83)(79) "Table of organization" - Means a listing, arranged by structural or functional units, of the number and classification of positions in a department or other agency.
- (84)(80) "Temporary appointment" - Means an appointment for a limited period of time, fixed by the appointing authority and approved by the director for a period not to exceed ~~six months~~ 120 days, except as allowed in section 124.30 of the Revised Code.
- (85)(81) "Total rate of pay" - Means the base rate of compensation plus all pay supplements.
- (86)(82) "Unclassified service" - Means all offices and positions which are exempt from all examinations and which provide no tenure under the law are unclassified. Appointment to a position in the unclassified service may be made at the discretion of the appointing authority and the incumbent may be removed, suspended or reduced from the position at the pleasure of the appointing authority.
- (87)(83) "Working suspension" - Means a disciplinary action in which an employee is required to report to work and receive compensation, but such period shall be recorded as a suspension.

- (B) The director of administrative services may issue directives, memoranda, or internal management rules in accordance with section 111.15 of the Revised Code, setting forth procedures not inconsistent with Chapter 124. of the Revised Code and Chapters 123:1-1 to 123:1-47 of the Administrative Code relating to the conduct of the business of the human resources division.

**RULES TO BE
RESCINDED**

TO BE RESCINDED

123:1-10-01

Eligibility for automatic certification.

- (A) After an employee serves in provisional status in the same classification series for a period of two continuous years (fifty-two pay periods), such employee may be eligible for automatic certification. Employment with a state agency, county office, or a general health district during which there is no break in service qualifies as continuous service.
- (B) For purposes of automatic certification, any separation from state service, other than a layoff or the approved leaves provided in paragraphs (C) and (D) of this rule, lasting longer than thirty consecutive calendar days constitutes a break in service.
- (1) If reinstatement or reappointment to provisional status in the same classification series occurs within thirty calendar days from the date of separation, the eligibility date for automatic certification will be extended by the length of the separation.
- (2) If reinstatement or reappointment occurs after thirty days, the eligibility period will begin from the date of the new appointment or reinstatement.
- (C) An employee who is laid off and then is properly reinstated to state service within one year from the date of the layoff is credited with continuous service time for the period spent in layoff status. Likewise, up to a maximum of six months will be credited for time spent on an approved leave of absence. All time spent on military leave applies to the employee's accumulation of continuous service. Such employees may receive automatic certification upon return from leave.
- (D) Interruptions in state service beyond the six-month maximum established in paragraph (C) of this rule postpones the date for automatic certification, provided the employee is properly reinstated, yet does not constitute a break in service.

TO BE RESCINDED

123:1-10-02

Failure to comply with examination requirement.

If an open competitive examination is available during the two-year eligibility period and the employee does not participate in the examination or is not certified for any other reason, the employee is not eligible for automatic certification. A new eligibility period will begin with the date that the director posts the results of the examination. Employees on leave of absence or on layoff are also subject to the examination requirement. Employees on military leave will not be subject to the examination requirement.

TO BE RESCINDED

123:1-17-14

Provisional appointment time limit.

A provisional appointment shall not be permitted to continue beyond the period granted an appointing authority for the purpose of filling such position from a certification of a complete eligible list. The Director may terminate the provisional appointment of any employee thirty days after certification is made to fill the position.

TO BE RESCINDED

123:1-17-15

Replacement and re-entry of provisional employee.

- (A) An employee serving in a position under provisional appointment shall continue to occupy such position until the employee is replaced by an appointee from an eligible list, unless the employee is otherwise removed under the provisions of sections 124.01 to 124.64 of the Ohio Revised Code.
- (B) A replaced employee who failed to qualify on the examination for the position may re-enter the state service as a new employee, but shall not be entitled to salary step increases accumulated while serving under such provisional appointment.

TO BE RESCINDED

123:1-19-05

Failure on examination during probationary period.

If an employee receives a failing grade on a civil service examination for his position at any time during his probationary period, this shall be considered adequate grounds for probationary removal. This removal shall be accomplished during the time period established in 123:1-19-01.

TO BE RESCINDED

123:1-21-02

Provisional appointments.

Selection of persons to be appointed on a provisional basis in the absence of a complete eligible list shall be made by the appointing authority, subject to approval by the Director. Such approval shall be based on an examination of the qualifications of the proposed appointee to determine that qualifications for the position are met. Provisional appointments shall be limited in time, as provided by Rule 123:1-17-14, and shall be subject to the probationary period required by 123:1-19. Where a position is vacant for a temporary period by reason of sickness or disability of a regular employee, and the Director is unable to certify from an eligible list for such temporary period, interim provisional appointments may be authorized for the period of sickness or disability.

TO BE RESCINDED

123:1-21-03

Suspension of competition requirements.

Requests for suspension of the provisions of the statute requiring competition, as provided under paragraph (B) of Section 143.23, Ohio Revised Code, shall be accompanied by a specific statement from the proper appointing authority, showing the peculiar and exceptional qualifications of a scientific, managerial, professional or education character required, together with the reasons why competition in such special case is impracticable, and a full statement of the qualifications and attainments of the persons designed to fill such positions under such suspension. Employees appointed under this Rule shall have certified status, subject to satisfactory completion of the required probationary period.

TO BE RESCINDED

123:1-21-04 **Emergency appointments.**

An "emergency appointment" is an unclassified temporary appointment to a position to meet an emergency situation, not subject to civil service law, and limited to a maximum of thirty calendar days.

- (A) Documenting appointments. When reporting emergency appointments to the director, the appointing authority must include supportive documentation or descriptive information establishing that an emergency exists.
- (B) Compensation. The rate of pay of the emergency appointee shall be set within the pay range assigned to that classification.
- (C) Budget limitations. State agencies, boards, and commissions shall not make emergency appointments that exceed the appointing authority's budget without approval from the office of budget and management.
- (D) Successive appointments. Consecutive emergency appointments shall not be made to a same or similar classification.
- (E) Subsequent appointments. An appointing authority may cancel an emergency appointment at any time within the emergency appointment period. Upon expiration of an emergency appointment, the position shall be filled, if at all, by a permanent or temporary appointment. If the employee serving in the emergency appointment is selected for permanent appointment, a new appointment date shall be assigned based on the date of the permanent appointment. The permanent appointment shall be subject to an eligible list check, as applicable.
- (F) Probationary periods. Emergency service shall not be counted as a part of the probationary period.
- (G) Standing on eligible list. The acceptance or refusal by an eligible individual of an emergency appointment shall not affect the individual's standing on the eligible list for permanent employment.
- (H) License or certificate requirements. All emergency appointees must meet license or certificate requirements for the classification or position to which they are appointed.
- (I) Time spent on an emergency appointment shall be counted for service credit.

TO BE RESCINDED

123:1-24-01 **Retention of certification.**

Following any classification change, certified employees shall either retain certified status or be changed to provisional status under the provisions set forth in rules 123:1-24-02 and 123:1-24-03 of the Administrative Code. A provisional employee who receives a classification change shall retain provisional status unless selected from an eligible list.

TO BE RESCINDED

123:1-24-02

Criteria for retention of certification.

- (A) A certified employee shall retain certified status if promoted without taking an examination for the new classification or receives a classification change due to a reassignment if one of the following conditions exist:
- (1) The promotion or change is to a classification within the same classification series;
 - (2) The promotion or change is to a classification outside the classification series which is determined by the director to be similar as listed in rules 123:1-24-06 to 123:1-24-08 of the Administrative Code or listed as a same, similar or related classification in a collective bargaining agreement or an appendix thereto; or
 - (3) The promotion or change is to a classification outside the classification series and the following conditions are met:
 - (a) The duties of the position have not been changed by more than fifty per cent from those previously reported for at least six months as indicated by the position description(s) on file with the director; and
 - (b) The change is a result of normal evolution or growth, development, and expansion of duties of the employee's position, or the result of technological development.
- (B) Restoration of certified status following probationary reduction or voluntary demotion. If a provisional employee who did not retain certified status following a promotion or classification change receives a probationary reduction or is voluntarily demoted to a classification in which he or she served and was certified within the two-year period preceding the date of such reduction or demotion, the employee's certified status in the previous classification shall be restored.
- (C) Changes to the classification plan. Whenever the director or the general assembly changes the state classification plan, the reassigned certified employees shall retain certified status in the same or similar classification held immediately prior to the change in the classification plan, provided the employees were certified at the time of the change.

TO BE RESCINDED

123:1-24-03 **Loss of certified status.**

- (A) Loss of certification. A certified employee who receives a promotion or classification change shall not retain certified status except under the conditions set forth in this rule and rule 123:1-24-02 of the Administrative Code. Employees who are not eligible to retain certified status shall be changed to provisional status and shall retain such status until such time as they become eligible for certification.
- (B) No right to return to previous classification as certified, exception. An employee who is in a provisional status due to the operation of this rule and section 124.311 of the Revised Code and is displaced under the provisions of sections 124.32 and 124.321 to 124.327 of the Revised Code or section 124.62 of the Revised Code shall not have the right to return to the classification held prior to the classification change except as provided in this rule.
- (C) Return to previous classification following being certified against by certification eligible list. Whenever an employee is in a provisional status following a promotion or classification change from a classification in which he or she was certified, and is certified against by a certification eligible list, the employee shall be returned to the classification he or she formerly held subject to the provisions of this rule. Any right to be returned to a formerly held certified position shall be:
- (1) Limited to the two-year period following the effective date the employee lost certified status; and
 - (2) Effective for the two-year period so long as the employee has not received a subsequent promotion or classification change.
- (D) Return to a classification with comparable duties and same pay range. If an employee is certified against by a certification eligible list and the former classification to which the employee has rights to return under paragraph (C) of this rule is not used, or cannot be used by the appointing authority, the director shall designate a classification with comparable duties and the same pay range as that classification formerly held by the employee. The employee shall then be placed in the newly designated classification as a certified employee in the agency in which the action to certify against the employee by certification eligible list occurred.

If a similar classification in the same pay range cannot be designated, the employee will be placed in the employee's former classification and be subject to the layoff provisions of sections 124.321 to 124.327 of the Revised Code and Chapter 123:1-41 of the Administrative Code.

TO BE RESCINDED

123:1-24-04 **Retention of certification following a position audit.**

- (A) Retention of certified status following position audit. If a position is reclassified as a result of a position audit, rules 123:1-24-02 and 123:1-24-03 of the Administrative Code shall be applied to determine the employee's certification status.
- (B) Probationary period. An employee who has received a classification change pursuant to a position audit shall not be required to serve a new probationary period.
- (C) Refusal to accept classification change pursuant to a position audit. An employee who receives a classification change outside the employee's series as a result of a position audit may choose not to accept the new classification. If the employee refuses to accept the reclassified position, the employee shall retain his or her current status and classification, and the appointing authority shall assign the employee to a position with duties that are commensurate with the employee's classification. If the appointing authority cannot use the former position, he or she shall abolish the position and follow the layoff rules of Chapter 123:1-41 of the Administrative Code.
- (D) Time period for rejection of classification. An employee who chooses not to accept a classification change under the provisions of this rule must notify the director of the decision to reject the classification change within ten days of receipt of notice of the classification change.
- (E) Notification. The director shall establish procedures for notifying employees of a classification change and of the provisions of this rule.

TO BE RESCINDED

123:1-24-05 **Determination and list of classifications with same or similar duties.**

(A) Determination of same or similar classifications. The determination that classifications are the same or similar shall be based on a comparison of the following factors of each of the classifications:

(1) The classification specifications of the classification in question including:

(a) The function statement;

(b) Rank duties;

(c) Minimum qualifications;

(2) The state-wide implementation, utilization, and application of each of the classifications; and

(3) For employees paid by warrant of the director of budget and management, the pay range assigned to each of the classifications.

The comparative analysis shall take into consideration each of the above-listed factors in determining if two or more classifications are the same or similar for purposes of carrying certification and displacement rights.

(B) List of classifications. Rules 123:1-24-06 to 123:1-24-08 of the Administrative Code constitute lists of classifications determined to have same or similar duties for the purpose of carrying certification under the provisions of section 124.311 of the Revised Code, and for displacement rights of employees under the provisions of section 124.324 of the Revised Code.

TO BE RESCINDED

123:1-33-10 Civil service rights of an employee receiving disability leave benefits.

- (A) Probationary period. The period during which an employee receives disability leave benefits shall not be counted towards the employee's original or promotional probationary period.
- (B) Civil service examinations. A provisional employee who is on a disability leave of absence for his or her classification shall not be certified against an eligible list prepared from any civil service examination for his or her classification which the employee was unable to take as a result of his or her disability. Such employees shall continue to serve, provisionally, until they have returned to active work status and have had an opportunity to take the appropriate civil service examination.
- (C) Automatic certification. The period of time a provisional employee is receiving disability leave benefits shall not be counted towards the two-year period for automatic certification under the provisions of section 124.271 of the Revised Code and Chapter 123:1-10 of the Administrative Code.

TO BE RESCINDED

123:1-47-02

OAKS definitional bridge rule for certain Administrative Code rules not yet amended.

On or after December 1, 2006, references to "warrant of the auditor of state" in rules 123:1-7-15, 123:1-7-16, 123:1-24-06, 123:1-32-10, 123:1-33-01, and 123:1-34-10 of the Administrative Code to shall be interpreted and applied as if they read "warrant of the director of budget and management".