

123:1-30-06

Leave ~~Disability-leave~~ benefits for an employee given a disability separation.

Any employee who is given a disability separation under the provisions of rule ~~123:1-30-01~~~~123:1-30-02~~ or rule ~~123:1-30-02~~~~123:1-30-03~~ of the Administrative Code and who is eligible to receive disability leave benefits under the provisions of Chapter 123:1-33 of the Administrative Code may apply for disability leave benefits within twenty calendar days after the date the employee is given a disability separation. The approval of a claim for disability leave benefits shall be governed by the provisions of Chapter 123:1-33 of the Administrative Code.

An employee who is given a disability separation pursuant to rule 123:1-30-01 or rule 123:1-30-02 of the Administrative Code shall cease to receive benefits pursuant to section 123.381 of the Revised Code and rule 123:1-33-17 of the Administrative Code.

123:1-32-01

Availability and charge of sick leave, vacation leave, and personal leave and compensation for sick leave of employees paid by warrant of the director of budget and management.

- (A) Availability of sick leave, vacation leave, and personal leave. Sick leave, vacation leave, and personal leave is not available for use until it appears on the employee's earnings statement and the compensation described in the earnings statement is available to the employee.
- (B) Charge of sick leave, vacation leave, and personal leave. Sick leave, vacation leave, and personal leave used by an employee whose salary or wage is paid directly by warrant of the director of budget and management shall be charged in minimum units of one-tenth of one hour. Employees shall be charged sick leave, vacation leave, and personal leave only for the days and hours for which they would have otherwise been regularly scheduled to work. Sick leave, vacation leave, and personal leave shall not exceed the amount of time the employee would have been regularly scheduled to work in any pay period.
- (C) Compensation for charged sick leave. Sick leave for an employee whose salary or wage is paid directly by warrant of the director of budget and management which is credited during or subsequent to the paycheck which includes December 1, 1981 shall be exhausted before use of sick leave accumulated prior to the paycheck which includes December 1, 1981 is allowed. Compensation for sick leave used during each twelve-month period beginning with the first paycheck the employee receives in December shall be at the rates established below.
- (1) The initial forty hours of sick leave shall be paid at a rate equal to the employee's base rate of pay.
- (2) The next forty hours of sick leave shall be paid at a rate equal to seventy per cent of the employee's base rate of pay, except as provided in paragraphs (C)(2)(a) or (C)(2)(b) of this rule. ~~Except these sick leave hours shall be paid at a rate equal to the employee's base rate of pay if the hours or portions thereof are associated with an overnight hospital stay by the employee, employee's spouse, or child residing with the employee or are used before or after the aforementioned hospital stay and are contiguous to the hospital stay.~~
- (a) Overnight hospital stay or outpatient surgery.
- (i) If the hours or portions thereof are associated with an overnight hospital stay by the employee, the employee's spouse or a child residing with the employee or are used before or after the aforementioned hospital stay and are contiguous to the hospital stay, the sick leave hours shall be paid at a rate equal to the employee's base rate of pay.

123:1-33-05

Payment of disability leave benefits.

Except as provided in paragraph (E) of rule 123:1-33-12 of the Administrative Code, the payment of claims filed before October 29, 2006 is governed by rule 123:1-33-12 of the Administrative Code.

(A) Waiting period. Disability leave benefits shall commence with the employee's first scheduled workday following a waiting period of fourteen consecutive calendar days. The waiting period shall commence the day the disabling illness, injury, or condition prevents the employee from performing the duties of the employee's position. During the waiting period, an employee may use accrued paid leave, but is not permitted to work or be placed on administrative leave, unless the employee is placed on administrative leave pursuant to paragraph (A) or rule 123:1-33-09 of the Administrative Code.

(B) Payment of disability leave benefits. ~~Disability~~ For disability claims filed on or after October 29, 2006 but before July 1, 2009, disability leave benefits will ~~shall~~ be paid at seventy per cent of the employee's base rate of pay for the first three months. ~~After an employee has exhausted three months of disability leave benefits, the employee shall be paid at and fifty per cent of the employee's base rate of pay for up to an additional~~ for the next nine months, ~~regardless of whether the employee files a new, subsequent related, or subsequent unrelated claim. After an employee has exhausted three months of disability leave benefits, the employee shall be paid at fifty per cent of the employee's base rate of pay for up to an additional nine months on the original, subsequent related, or subsequent unrelated claim.~~

For new disability claims filed on or after July 1, 2009, disability leave benefits shall be paid at sixty seven per cent of the employee's base rate of pay up to a lifetime maximum of twelve months.

In no circumstances shall the total length of benefit exceed the maximum set forth in rule 123:1-33-06 of the Administrative Code.

For purposes of determining disability leave benefits, an employee's base rate of pay shall be determined as of the date the employee becomes disabled. Disability leave benefits shall be paid at this rate throughout the disability claim. Disability leave benefits are payable based on the employee's regular payroll cycle.

(C) Accrual of service credit. An employee receiving disability leave benefits pursuant to Chapter 123:1-33 of the Administrative Code shall continue to accrue service credit for purposes of determination of vacation benefits, annual step increases, longevity and retirement benefits. Vacation leave benefits shall not accrue while an employee is receiving disability leave benefits. The period during which an employee is receiving disability benefits shall not count toward an employee's probationary period.

- (D) Payment of disability retirement benefits. If an employee is approved to receive disability retirement benefits, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than fifty per cent of the employee's base rate of pay for the remaining nine months of the disability leave benefit period. In order to receive the supplement payment the employee will be required to submit proof of the amount of the approved disability retirement benefit to the employee's appointing authority.
- (E) Payment of retirement system contributions. ~~For the first three months of disability leave, the~~ The employee shall be responsible for paying the employee's share of retirement contributions. ~~After the first three months of disability leave benefits, the state shall pay the employee's share as well as the employer's share of retirement contribution, regardless of whether the employee files a new, subsequent related, or subsequent unrelated claim.~~ These contributions shall be made in the amounts set pursuant to sections 145.296, 3307.511, 3309.471, and 5505.151 of the Revised Code for members granted disability leave benefits based on the employee's base rate of pay in effect at the time the employee becomes disabled.
- (F) Payment of insurance premiums. During the time an employee is in a no pay status while the claim for disability leave benefits is being processed by the director and during the period that the employee is receiving disability leave benefits, the employer's and employee's share of the health, life and other insurance benefits will be paid by the employer. If an employee has exhausted disability benefits, the employee is not entitled to have health, life, or any other insurance benefit paid by the employer. Only those insurance benefits paid in whole or in part by the state shall be subject to the provisions of this rule. If an employee's claim for disability leave benefits is subsequently denied by the director and the employee had been in a no pay status while the employee's claim was being processed, it is the employee's responsibility to reimburse the employer the insurance premiums paid on the employee's behalf. An employee receiving disability leave benefits may participate in an open enrollment period. Any change in the employee's health insurance benefits will be effective at the beginning of the benefit year.
- (G) Supplementation of benefits. An employee receiving disability leave benefits may indicate to the employer a desire to supplement the disability leave benefits by utilizing accumulated sick leave, personal leave, ~~and~~ vacation leave balances as well as compensatory time. Such supplementation shall have an effective date as of the date the employee requests the supplementation. The sick leave, personal leave, ~~and~~ vacation leave balances and compensatory time shall be paid at a rate equal to the employee's base rate of pay in effect at the time the employee became disabled.

The total amount received by an employee while receiving disability leave benefits

supplemented by sick leave credit, personal leave credit, ~~and~~ vacation leave balances, and compensatory time, plus any amount contributed by the state on behalf of the employee pursuant to paragraphs (F) and (G) of this rule, shall be an amount sufficient to give the employee up to one hundred per cent of pay for time on disability leave.

- (H) Payment of costs. All of the cost, premium or charges for the benefits provided by the state employee disability leave benefits program shall be paid by the state. The director may establish a premium contribution rate pursuant to rule 125-2-03 of the Administrative Code.
- (I) Recovery of improperly paid benefits. The director shall initiate all necessary steps to recover disability leave benefits or insurance premiums paid in error or paid as a result of fraud, or to make any needed adjustments to ensure that proper payment of benefits and insurance premiums has been made. When necessary, the director shall request the attorney general to take appropriate action to recover improperly paid benefits or insurance premiums.

123:1-33-08

Subsequent disability.

- (A) A subsequent disability unrelated to a previous illness, injury, or condition shall be considered the same claim if it occurs while an employee is on an approved disability leave.
- (B) A subsequent unrelated disability that occurs following a previously requested disability leave benefit period shall be considered a new claim. A new waiting period must be served before the employee will be eligible to receive disability leave benefits.
- (C) Except as provided in paragraph (F) of this rule, a related disability that occurs beyond six months of the employee's return to active work status will be considered a new disability claim. A new waiting period must be served before the employee will be eligible to receive disability leave benefits.
- (D) Except as provided in paragraph (F) of this rule, a related disability that occurs before six months have passed since the employee's return to active work status will be considered the same disability claim. A new waiting period will not be served before the employee will be eligible to receive disability leave benefits. The rate of payment will be based on the rate of the original disability claim as stated in rule 123:1-33-05 of the Administrative Code.
- ~~(C)~~(E) Except as provide in paragraph (F) of this rule, a subsequent related disability that occurs within six months of an employee's return to active work status and following a previously requested disability leave benefit that was filed before October 29, 2006 shall be considered a new claim. A new waiting period must be served before the employee will be eligible to receive disability leave benefits.
- ~~(D) Except as provided in paragraph (F) of this rule, a subsequent related disability that occurs within six months of an employee's return to active work status and following a previously requested disability leave benefit that was filed on or after October 29, 2006 will be considered the same disability claim. Benefits may be payable from the first day of the subsequent disability if the employee remains disabled and of work for at least fourteen consecutive calendar days.~~
- ~~(E) A related disability that occurs beyond six months of the employee's return to active work status will be considered a new disability claim. A new waiting period must be served before the employee will be eligible to receive disability leave benefits.~~
- (F) A subsequent related disability that occurs while the employee is participating in an authorized work program will be considered the same disability. Benefits may be payable from the first day of the subsequent disability if the employee remains disabled and off work for at least fourteen consecutive calendar days. The rate of payment for a related disability will be based on the rate of the original disability claim as stated in rule 123:1-33-05 of the Administrative Code.

123:1-34-10

Voluntary cost saving program.

- (A) Pursuant to section 124.392(B) 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 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. A full-time ~~Full-time~~ or part-time permanent employee who is ~~employees who are~~ paid by warrant of the director of budget and management and has ~~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. A full-time ~~Full-time~~ permanent employee ~~employees~~ may reduce the ~~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. ~~A full-time~~ Full-time or part-time permanent ~~employee~~ employees may take ~~an unpaid leave~~ leaves of absence for two to thirteen week periods within a fiscal year.
- (E) Leave accrual. ~~An employee's accruals of vacation, sick, or personal leave shall not be impacted by the employee's participation in a VCS program. 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. ~~An employee who reduces~~ 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.~~ ~~An employee who takes~~ 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) Retention points. ~~An employee who reduces hours worked pursuant to paragraph (D)(1) of this rule will be treated as a full-time employee for purposes of calculating retention points. An employee who takes an unpaid leave of absence pursuant to paragraph (D)(2) of this rule shall have the employee's retention points calculated in accordance with the employee's regular appointment type as long as the employee returns to employment.~~
- (G)(H) Health insurance. ~~An employee who reduces~~ Employees who reduce their hours worked pursuant to paragraph (D)(1) of this rule shall maintain full-time status for purposes of health ~~insurance~~ ~~care coverage, benefits, and premiums.~~ ~~An employee who takes~~ Employees who take an unpaid leave of absence pursuant to paragraph (D)(2) of this rule ~~is~~ ~~are~~ responsible for ~~the employee's share of 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 ~~the appropriate~~ ~~their~~ payroll officer prior to the leave commencing. The state shall maintain the employer's share of any applicable insurance ~~the~~ premiums during utilization of this option.
- (H)(I) Unemployment benefits. ~~An employee~~ Employees participating in this program shall not be eligible for unemployment benefits.

(J) Holiday pay. An employee participating in a VCS program on a day contiguous to a holiday is eligible to receive holiday pay pursuant to section 124.18 of the Revised Code.

~~(H)~~(K) VCS program agreement approval process.

- (1) ~~An employee~~ Employees seeking to participate in the VCS program must complete and submit a signed VCS program agreement to ~~the~~ ~~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.

~~(H)~~(L) 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.

123:1-34-11**Mandatory cost savings program.**

(A) Pursuant to section 124.392(C) of the Revised Code, the mandatory cost savings program has been created as a tool to reduce costs. The program is a non-permanent reduction in wages for employees who are exempt from collective bargaining and paid by warrant of the director of budget and management. The program consists of either time off or loss of holiday pay as described in this rule.

(B) Except as provided in paragraph (H) of this rule, full-time permanent employees shall use ten cost savings days (CSDs) each fiscal year beginning July 1, 2009 and July 1, 2010 for a total of eighty hours each fiscal year. Full-time permanent employees who are hired after the effective date of this rule, but prior to the end of fiscal year 2010 or fiscal year 2011, shall use a prorated amount of CSDs equal to 3.076 hours for each pay period remaining in the fiscal year that they were hired.

(C) The employee's gross pay will be reduced by an amount equal to 3.076 hours of the employee's total rate of pay each pay period, this provision shall also apply to full-time employees who are receiving a paid leave benefit, including but not limited to, occupational injury leave, salary continuation, or disability benefits.

If the secretary of state, auditor of state, treasurer of state, or attorney general has confirmed participation in the CSDS program prior to the effective date of this rule, the gross pay of the impacted employees will be reduced by an amount equal to 3.076 hours of the employee's total rate of pay each pay period.

If the secretary of state, auditor of state, treasurer of state, or attorney general has not opted out of the CSDs program prior to the effective date of this rule, the statutory assumption of participation shall apply. The gross pay of the impacted employees will be reduced by an amount calculated by the department of administrative services based on the number of pay periods left in the fiscal year. The calculated amount will apply to employees of the impacted office wherever 3.076 appears in this rule instead of 3.076.

If the secretary of state, auditor of state, treasurer of state, or attorney general has modified the cost savings day amount for their respective employees pursuant to statutory authority, the gross pay of the impacted employees will be reduced by an amount calculated by the department of administrative services based on the number of pay periods left in the fiscal year. The calculated amount will apply to employees of the impacted office wherever 3.076 appears in this rule instead of 3.076.

(D) Scheduling CSDs. Leave for CSDs shall be scheduled in full-day increments as determined by the employee's regular work schedule.

(1) In consultation with the department of administrative services, appointing authorities may indicate dates that employees may not schedule CSDs ("black out" days). Black out days may be work unit specific.

- (2) Appointing authorities may not require their employees to utilize their CSDs on a specific work day without prior review and approval by the department of administrative services.
- (3) Employees will schedule leave for CSDs in a manner determined by their appointing authority. Appointing authorities may set agency-specific criteria to determine whether or not to grant leave for CSDs for the dates the employee requests. If an appointing authority declines to grant a requested CSD, the employee shall request a different date. Appointing authorities must allow employees to schedule and take all of their CSDs by the end of each fiscal year.
- (4) Employees who have planned retirement dates must schedule a prorated amount of CSDs equal to 3.076 hours each pay period they are scheduled to in state service prior to retirement.
- (5) Beginning with leave taken on October 1, 2009, employees must utilize CSDs prior to requesting any other prescheduled full-day of leave. If an employee requests a prescheduled full-day of leave prior to utilizing all CSDs and the appointing authority permits the employee to be out of the work place, the appointing authority shall count the leave as a cost savings day (CSD) instead of the type of leave requested. The employee may then designate which future-dated CSD request to cancel.
- (6) Employees may use available CSDs to cover any waiting period that is required as part of a state-paid leave or benefits program for employees, such as childbirth adoption leave or disability leave. For purposes of this rule, a CSD is only "available" for use during a waiting period if the employee's gross pay has been reduced by an amount sufficient to cover the use of the CSD.
- (7) In consultation with the department of administrative services, the secretary of state, auditor of state, treasurer of state, or attorney general may adopt alternative policies regarding the scheduling of CSDs for their employees.
- (E) Overtime. CSDs shall not be included in the definition of active pay status for the purpose of earning overtime or compensatory time for any employee.
- (F) Equalization.
- (1) Except as provided in paragraph (F)(2) of this rule, employees who are prevented by their appointing authority from taking CSDs shall have the appropriate corrections made to their paycheck an the end of each fiscal year.
- (2) Employees shall not be entitled to receive compensation for unused CSDs if they are exempt from overtime compensation and are:

- (a) In pay range 15 or above on the E-1 scale;
 - (b) Annually paid \$63,814 or above on the E-2 scale;
 - (c) Annually paid \$63,814 or above through their appointing authority's ability to set compensation; or
 - (d) working in the governor's office.
- (3) Employees who leave state service prior to the equalization of CSDs used and deductions made, or prior to the equalization of holiday pay lost and deductions made, shall have appropriate corrections made to the employee's final paycheck or deducted from the employee's leave balances.
- (G) Unpaid leave of absence. Employees who have prescheduled unpaid leave of absences shall use available CSDs prior to going out on the unpaid leave of absence. Employees who are not receiving compensation as a result of an unpaid leave of absence shall not be required to have their gross pay reduced during the pay periods they are out on unpaid leave. Upon their return to work, employees shall use a prorated amount of CSDs equal to 3.076 hours for each pay period remaining in the fiscal year.
- (H) Individuals in the directors classification series will not be permitted out of the workplace for CSDs. The appointing authority may designate other individuals who are not permitted out of the workplace for CSDs only with the prior approval of the director of the department of administrative services.
- (I) Instead of CSDs, the employees listed in paragraph (H) of this rule will not receive holiday pay for any holiday during each fiscal year beginning on July 1, 2009 and July 1, 2010 for a total of 80 hours each year. The employee's gross pay will be reduced by an amount equivalent to 3.076 hours of the employee's total rate of pay each pay period. This provision shall apply to full-time employees listed in paragraph (H) of this rule who are receiving a paid leave benefit, including but not limited to, occupational injury leave, salary continuation, or disability benefits.
- (J) Part-time permanent employees will not receive holiday pay for any holiday during each fiscal year beginning on July 1, 2009 and July 1, 2010 for a total of ten days per year. Part-time permanent employees will lose their entire amount of holiday pay each pay period that contains a holiday. Part-time permanent employees will be given credit equivalent to four hours only for the purpose of computing leave accrual and calculating the benefits tier.
- (K) Leave accruals and health insurance shall not be impacted for full-time employees who participate in the mandatory cost savings program.
- (L) Participation in the mandatory cost savings program will not impact service credit or

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the calculation of retention points.

123:1-43-01

Overtime.

- (A) An employee paid by warrant of the director of budget and management or an employee of a county department of human services who is eligible to receive overtime compensation and who is required by an administrative superior to be in an active pay status for more than forty hours in any calendar week shall be entitled to overtime compensation or compensatory time as provided in rule 123:1-43-02 of the Administrative Code. Sick leave and any leave used in lieu of sick leave shall not be included in the definition of active pay status for the purpose of earning overtime or compensatory time for employees who are eligible for overtime compensation and whose wages are paid directly by the director of budget and management. Where employees are not paid directly by warrant of the director of budget and management, the political subdivision shall determine if sick leave shall be included in the definition of active pay status for the purpose of earning overtime or compensatory time.
- (B) Compensation. An employee who is eligible for overtime compensation shall be entitled to compensation for such time over forty hours at one and one-half times the employee's regular rate of pay as defined in division (F) of section 124.18 of the Revised Code. An ~~The~~ employee who is eligible to accrue leave pursuant to sections 124.134, 124.382, and 124.386 of the Revised Code may elect to take compensatory time off in lieu of overtime pay on a time and one-half basis. An employee who is not eligible to accrue leave pursuant to sections 124.134, 124.382, and 124.386 of the Revised Code may not elect to take compensatory time of in lieu of overtime pay.
- (C) Overtime exemptions. The appointing authority of each state agency, board, commission, or county department of human services may designate positions, for which the duties are professional, administrative or executive in nature, as overtime-exempt.
- (D) Holidays. When an employee who is eligible for overtime compensation is required to work on a day designated as a holiday by section 124.19 of the Revised Code, he or she shall be entitled to pay for such time worked at one and one-half times the employee's regular rate of pay as defined in division (F) of section 124.18 of the Revised Code in addition to holiday pay.

When calculating overtime for a calendar week which includes a holiday, the automatic eight hours of holiday pay is considered as time in active pay status regardless of whether or not the employee worked on such holiday. Time actually worked on a holiday is not considered time in active pay status for overtime calculations because separate compensation is already paid.

123:1-43-02

Compensatory time.

- (A) An employee may use compensatory time earned in accordance with rule 123:1-43-01 of the Administrative Code at a time mutually convenient to the employee and the appointing authority ~~his or her administrative superior~~ within the usage period set forth in section 124.18 of the Revised Code ~~one hundred eighty days after earning such compensatory time~~.
- (B) Compensatory time is not available for use until it appears on the employee's earnings statement and the compensation described in the earnings statement is available to the employee.
- (C) An employee, not designated as overtime-exempt, shall be paid for compensatory time earned in accordance with rule 123:1-43-01 of the Administrative Code which has not been used within the usage period set forth in section 124.18 of the Revised Code ~~one hundred eighty days~~ or upon separation.
- (D) When payment is to be made for compensatory time not used, it shall be converted back to overtime hours by applying a factor of two-thirds and making payment at the overtime rate which was effective for the employee at the time the compensatory time was earned.
- (E) All compensatory time must be used before an employee is granted a leave of absence without pay, except as otherwise permitted under state or federal law.

123:1-44-01

Holidays.

- (A) An employee who that is not in active pay status for the entire scheduled work day immediately preceding the holiday shall not receive holiday compensation, except as provided in paragraph (B) of this rule.
- (B) An employee need not be in active pay status on the scheduled work day immediately preceding a holiday in order to be paid for the holiday if the employee is participating in a mandatory cost savings day or a voluntary cost savings day pursuant to section 124.392 of the Revised Code.
- ~~(B)~~(C) Section 124.19 of the Revised Code does not provide for shifting the day on which a holiday is observed to any other day, with the exception of designated holidays at universities.
- ~~(C)~~(D) An appointment into the classified or unclassified service of the state should not be made effective on a holiday unless the employee is scheduled to work on that day.

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.
- (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. For the purpose of determining overtime or compensatory time for an employee who is eligible for overtime compensation, active pay status does not include sick leave or leave used in lieu of sick 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 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.
- (16) "Certified appointment" - Means an appointment from an eligible list.
- (17) "Certified employee" - Means a classified employee who has been appointed to a position from a certification eligible list 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.

- (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.
- (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.
- (20) "Classification plan" - Means a system of classifications which may include pay range assignment for each classification.
- (21) "Classification salary base" - Means the minimum hourly rate of the pay range for the classification to which the employee is assigned.
- (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.
- (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.
- (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.

- (25) "Days" - Means calendar days unless specified otherwise.
- (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.
- (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.
- (28) "Director" - Means the director of administrative services.
- (29) "Disability leave" - Means the leave granted pursuant to section 124.385 of the Revised Code.
- (30) "Disability retirement" - Means a separation granted by a state retirement system retaining reinstatement rights per appropriate section of the Revised Code.
- (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.
- (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.
- (33) "Educational institution" - Means an institution that is approved by nationally recognized accrediting agencies.
- (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.

- (35) "Eligible list" - Means a list of names and scores of individuals who have taken an examination for a specific classification.
- (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.
- (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.
- (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.
- (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).
- (40) "Intermittent appointment" - Means an appointment where an employee is required to work ~~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.
- (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.
- (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.
- (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.

- (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.
- (45) "Lack of work" - Means an appointing authority has a current or projected decrease in workload or work requirements which requires or will require a reduction in current or projected staffing levels in its organization or structure.
- (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.
- (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.
- (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.
- (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.
- (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 or workers' compensation benefits, and the employee has been disability separated..
- (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.
- (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.

- (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.
- (54) "Pay period" - Means, for state agencies, the fourteen-day period of time during which the payroll is accumulated, as determined by the director.
- (55) "Pay range" - Means a division of a salary schedule to which classifications of positions are assigned.
- (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.
- (57) "Personal leave" - Means the leave granted by the provisions of section 124.386 of the Revised Code.
- (58) "Position" - Means the group of job duties intended to be performed by an individual employee as assigned by the appointing authority.
- (59) "Position audit" - Means the evaluation of the current duties and responsibilities assigned to an encumbered position to determine proper classification.
- (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.
- (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.
- (62) "Pregnancy-related condition" - Means pregnancy, childbirth, or related medical conditions.
- (63) "Probationary period" - Means 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. 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.

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

- (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.
- (72) "Removal" - Means the termination of an employee's employment for the reasons outlined in section 124.34 of the Revised Code.
- (73) "Resignation" - Means a voluntary separation from state service by the employee.
- (74) "Retirement" - Means a separation from state service in which the employee receives retirement benefits from a state retirement system.
- (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.
- (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.
- (77) "Status" - Means a type of appointment, such as probationary, certified, permanent, temporary, or unclassified.
- (78) "Suspension" - Means a disciplinary action resulting in temporary deprivation of employment without pay as a punitive or disciplinary measure.
- (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.
- (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 one hundred twenty days, except as allowed in section 124.30 of the Revised Code.

- (81) "Total rate of pay" - Means the base rate of compensation plus all pay supplements.
 - (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.
 - (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.