

Hamilton County Personnel Department

Administrative Regulations

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PERSONNEL DEPARTMENT
ADMINISTRATIVE REGULATIONS

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Chapter 1

Powers and Duties

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1-01 Procedure for adoption, amendment, or rescission of the regulations

The County Personnel Department shall adopt, amend, or rescind regulations to carry out the purposes of Chapter 124 of the Ohio Revised Code governing civil service and such other laws as are applicable to the responsibilities of the County Personnel Department by virtue of its authority vested in Section 124.14(G) and related provisions.

When adopting, amending, or rescinding any such regulation(s), the County Personnel Department shall follow procedures established herein at Regulation 2-07.

1-02 Records of the County Personnel Department

(A) Records of the County Personnel Department are considered to be public records unless exempted by specific statute or Section 149.43 of the Ohio Revised Code. Records are available for public inspection at all reasonable hours. Copies of records are available at reasonable cost.

(B) Personnel records are maintained in the employee records centers and are available for public inspection with the exception of medical records, records pertaining to adoption, probation and parole proceedings, trial preparation records, confidential law enforcement investigatory records, and records the release of which is prohibited by state or federal law. Telephone requests for information shall be limited to employing agency, dates of County employment, and job classification. No personnel records shall be removed from the official records unless so ordered by a court of law, the State Personnel Board of Review, or the County Personnel Department.

1-04 Special examiners outside official service of the County

The County Personnel Department may designate special examiners for positions requiring peculiar and exceptional qualifications of a scientific, managerial, educational or professional nature. Where persons qualified to prepare such examinations are not available in the official service of the County or cannot, as a matter of policy, be used, the County Personnel Department may designate persons outside the official service of the County to prepare and/or conduct and/or grade such examinations and shall fix the compensation, if any, to be paid such special examiners.

1-05 Examiners or board of examiners for county institutions

The County Personnel Department may appoint an examiner or board of examiners for the purpose of conducting examinations in accordance with Chapter 9 of these regulations, including the registration of applicants for unskilled positions in accordance with Regulation 5-07. The examinations administered by such examiner or board of examiners shall be prescribed by the County Personnel Department and administered in accordance with its instructions. The records of such examinations shall be subject to audit by the County Personnel Department. The examiner or board of examiners appointed under this regulation may be granted authority by the County Personnel Department, subject to review and audit, to maintain eligible lists and make certifications for appointment therefrom in accordance with the provisions of civil service law and these regulations. The authority of such examiner or board of examiners may be revoked in writing at any time by the County Personnel Department.

1-07 County appointing authorities

The Board of County Commissioners and those elected officials, boards, agencies, or appointing authorities of a county agency participating under Section 124.14(G) shall be covered by these regulations governing personnel practices.

CROSS REFERENCES

ORC 124.09, Powers and duties of director

ORC 124.14, Job classification plan; duties of director of administrative services; pay range assignments; exceptions; classification series; plan for county agencies; county personnel departments

OAC Chapter 123:1-1, Powers and Duties

and audit, to maintain eligible lists and make certifications for appointment therefrom in accordance with the provisions of civil service law and these regulations. The authority of such examiner or board of examiners may be revoked in writing at any time by the County Personnel Department.

Chapter 2

County Personnel Department

2-01	Establishment and designation of the County Personnel Department
2-02	Return to utilization of Ohio Department of Administrative Services and facilities
2-03	Disbandment of the County Personnel Department
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2-05	Merit selection compliance
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2-01 Establishment and designation of the County Personnel Department

The Board of County Commissioners has elected, by a resolution adopted by a majority of its members, to establish and designate the County Personnel Department of the County to exercise the powers, duties, and functions of the Ohio Department of Administrative Services (ODAS) and the Director of Administrative Services specified in Sections 124.01 to 124.64 and Chapter 325 of the Ohio Revised Code. Any board of county commissioners that has established a county personnel department in accordance with Section 124.14 of the Ohio Revised Code may contract with ODAS, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services. Any elected official, board, agency, or other appointing authority of Hamilton County may elect to use the services and facilities of the County Personnel Department of the County in accordance with Section 124.14(G) of the Ohio Revised Code. [RC 124.14(G)(2)(d)]

2-02 Return to utilization of Ohio Department of Administrative Services and facilities

Any elected official, board, agency, or appointing authority of the county who has elected to use the services and facilities of the County Personnel Department may return to ODAS for the administration of Sections 124.01 to 124.64 and Chapter 325 of the Ohio Revised Code, in accordance with Section 124.14(G) of the Ohio Revised Code.

2-03 Disbandment of the County Personnel Department

The Board of County Commissioners may, by a resolution adopted by a majority of its members, disband the County Personnel Department and return to ODAS for the administration of Sections 124.01 to 124.64 and Chapter 325 of the Ohio Revised Code in accordance with Section 124.14(G) of the Ohio Revised Code.

2-04 Notification to director

(A) Upon the establishment and designation of the County Personnel Department, the Board of County Commissioners shall submit to ODAS or its designee a written notification and a certified copy of the resolution establishing the County Personnel Department. All powers, duties, and functions referred to in division (G)(2)(a) of Section 124.14 of the Ohio Revised Code shall be vested in and assigned to the County Personnel Department on the date specified in Section 124.14(G) of the Ohio Revised Code. [RC 124.14(G)(2)(b)]

(B) Each appointing authority utilizing the County Personnel Department which has been established in accordance with Section 124.14 of the Ohio Revised Code shall submit to ODAS a written notification and certified copies of resolutions formalizing their participation in accordance with Section 124.14(G) of the Ohio Revised Code.

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(C) Each appointing authority who has elected to use the services and facilities of the County Personnel Department may return to the ODAS when at least two years have passed since the appointing authority elected to use the services and facilities of the County Personnel Department. Each appointing authority returning to the Department of Administrative Services for the administration of Sections 124.01 to 124.64 and Chapter 325 of the Ohio Revised Code shall submit to ODAS a written notification, and if a board, include a certified copy of the resolution stating its decision to return to the ODAS's jurisdiction. Notification to the Director or his designee shall be provided not less than ten days after the decision is made or the resolution is adopted. On the date specified in division (G)(5) of Section 124.14 of the Ohio Revised Code, all powers, duties, and functions shall return to the Director. [ORC 124.14(G)(5)] [OAC123:1-2-01(E)]

(D) The County Personnel Department shall submit a copy of any proposed and final adopted personnel regulations governing the employees covered by the County Personnel Department to both the Director of ODAS and the Chairperson of the State Personnel Board of Review.

2-05 Merit selection compliance

The County Personnel Department shall adhere to merit selection principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies, in accordance with the rules promulgated by the Ohio Department of Administrative Services pursuant to 124.14(G)(6)(b).

2-06 Audits of the County Personnel Department

(A) The Director of the Ohio Department of Administrative Services may conduct periodic audits and reviews of the County Personnel Department to guarantee the uniform application of the granting of powers, duties, and functions in accordance with Section 124.14 of the Ohio Revised Code.

(B) Audit results by ODAS shall be disseminated to the County Personnel Department upon completion of the audit. If adverse findings are noted, the County Personnel Department shall submit within thirty calendar days of receipt of the audit results an action plan correcting the adverse audit findings with a reasonable implementation schedule. ODAS shall issue a final audit determination within thirty calendar days of receipt of the corrective action plan. The County Personnel Department may appeal any adverse audit findings of the final audit determination within ten calendar days of receipt of notification from ODAS by submitting a written appeal with appropriate supporting documentation. The Director or his designee shall review the County Personnel Department's appeal and render a final decision within thirty calendar days of receipt of the appeal. [OAC123:1-2-02(D)]

(C) The Director shall notify the County Personnel Department of the specific procedures to follow when audit findings require that the powers, duties and functions revert to the authority of ODAS.

2-07 Adoption of Regulations

A county personnel department established in accordance with section 124.14 of the Ohio Revised Code may adopt, amend or rescind regulations in accordance with sections 124.01 to 124.64 and Chapter 325 of the Ohio Revised Code, which shall apply to those agencies participating and utilizing the services and facilities of the County Personnel Department. The procedure to be followed in the adoption of regulations by the County Personnel Department shall be as set out in this regulation.

(A) No less than thirty calendar days prior to adopting, amending, or rescinding any such regulation, the county personnel department shall cause public notice of the affected regulation to be printed at least one time in a newspaper of general circulation in Hamilton County.

- (1) Public notice shall include:
 - (a) a statement of intention to consider the adoption, amendment or rescission of such regulation;
 - (b) a synopsis of the regulation or proposed change, or a general statement of the subject matter to which the proposed regulation or change relates;
 - (c) a statement of the reason or purpose for adopting, amending, or rescinding such regulation;
 - (d) the date, time and place of the public hearing, which shall not be earlier than thirty calendar days after the publishing of the immediate notice.
- (2) A copy of the full text of any proposed regulation, amendment or rescission of a regulation, and public notice shall be provided, at least thirty calendar days prior to a public hearing to each county agency, board, commission, elected official, or appointing authority affected by the proposed action.
 - (B) A copy of the full text of any proposed regulation, amendment, or rescission of a regulation, shall be submitted to the director of the Ohio Department of Administrative Services and to the chairperson of the State Personnel Board of Review at least thirty calendar days prior to the public hearing required by paragraph (A).
 - (C) A copy of the full text of the proposed regulation, amendment, or rescission of a regulation and public notice shall be posted in the office of the County Personnel Department at least thirty calendar days prior to the public hearing required by paragraph (A).
 - (D) The County Administrator or designee shall conduct a public hearing not less than thirty calendar days after the public notice is published in accordance with paragraph (A). Any person shall be permitted to appear at the public hearing and present testimony and supporting documents. Any person, whether present at the hearing or not, shall be permitted to present testimony in written form. A record of the public hearing shall be made. The cost of said record shall be borne by the County Personnel Department. The record of the public hearing shall be left open for seven calendar days following the date of said hearing, during which time the County Administrator or designee shall accept written comments regarding the proposed regulation or change. Said written comments shall become a part of the record of the public hearing.
 - (E) Upon the close of the record of the public hearing, as described in paragraph (D), the County Personnel Department shall send a copy of the final regulation, with the effective date designated thereon, to the director of ODAS and to the chairperson of the State Personnel Board of Review. The County Personnel Department shall also send a copy of the final regulation to each county agency, board, commission, elected official, or appointing authority affected by the regulation. The regulation shall become effective not less than ten calendar days after the regulation is distributed as described in this paragraph, subject to the approval of the State Personnel Board of Review as to any change made as a result of comments made before close of the record of the public hearing.
 - (F) Where the County Administrator determines that an emergency requires the immediate adoption, amendment, or rescission of a regulation, the administrator shall issue a written order that shall suspend the procedure prescribed by this regulation. The County Personnel Department shall then adopt the emergency regulation, amendment, or rescission and such action shall become effective immediately. The County Personnel Department shall send a copy of the written order and the emergency regulation or change to the director and to the chairperson as well as all affected county agencies, boards, commissions, elected officials, or appointing authorities, within one day of adopting the emergency regulation or change. The emergency regulation, amendment, or rescission shall become invalid at the expiration of the 90th day it is in effect, unless it is formally adopted consistent with paragraphs (A) through (E) of this regulation.

Chapter 2

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CROSS REFERENCES

ORC 124.09, Powers and duties of director

ORC 124.14, Job classification plan; duties of director of administrative services; pay range assignments; exceptions; classification series; plan for county agencies; county personnel departments

OAC Chapter 123:1-2, County Personnel Departments

Chapter 3

Position Audits and Classification Assignment

- 3-01 Position audits
- 3-02 Notification of employees and appointing authorities

3-01 Position audits

(A) General. In accordance with division (D) of Section 124.14 of the Ohio Revised Code and Section 124.20 of the Ohio Revised Code and Regulation 8-02 of these regulations, the County Personnel Department may initiate and make continuing audits, inspections and investigations of positions, offices and employment in the classified service of the County that fall under the jurisdiction of the County Personnel Department. Any employee or any appointing authority desiring to submit facts for consideration of the County Personnel Department shall be afforded reasonable opportunity to do so. When the County Personnel Department finds that improper classifications of positions exist, the Department may reallocate any position to the appropriate classification as necessary.

A classification specification may or may not be revised as a result of knowledge obtained during a position audit. However, the revision of a classification specification is not a remedy in a position audit, and is a function separate and distinct from the position audit procedure.

(B) Requests for position audits generally. Any classified employee or an authorized representative, may request a review of the classification of his/her position. Any appointing authority may request the County Personnel Department to review any encumbered position within his/her agency for the purpose of determining whether the position is properly classified.

The employee's request for a position audit must include the employee's name, the name of employing agency, the employee's current classification, the office address, the name of his/her immediate supervisor, and the address where audit forms are to be mailed. [It must also include the classification that the employee feels better describes his/her duties (the County Personnel Department will consider all the classifications in the Class Plan when making a determination) and a list of the employee's current job duties.]

The agency 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 position description reflecting the duties currently being performed by the employee. A request from an agency must be signed by the appointing authority unless the appointing authority has provided the County Personnel Department with a letter designating the names of individuals authorized to sign on behalf of the agency.

(C) Audit report forms. Upon receipt of an employee request for a position audit, the County Personnel Department shall forward the necessary audit forms for completion and, at the same time, notify the affected agency of the audit request. The notice shall include a request to the agency for a position description reflecting the current duties and any comments concerning the duties of the position.

(D) Submission of forms. The employee's audit report forms must be returned to the County Personnel Department within thirty calendar days of receipt. The requested position description, comments, and other forms must be forwarded to the County Personnel Department by the agency within thirty calendar days of receipt of the request.

If the audit forms have not been returned by the agency within thirty calendar days, a second notice granting a fourteen-day extension shall be sent to the agency. If the second response is not answered, an on-site audit may be scheduled.

(E) Audits requested by employees. Employee requests for position audits may be processed by the County Personnel Department without an on-site audit unless a substantial conflict in submitted documentation is found. The County Personnel Department may resolve the conflict by requiring additional documentation or clarification. If the conflict is not clarified an on-site audit may be conducted.

(F) Audits requested by agencies. Agency requests for position audits shall normally be scheduled for on-site audits.

(G) Determinations. 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 that most accurately describes the duties performed shall be assigned to the position.

The duties must substantially satisfy the function statement and the job duty ranks of the classification specification. Other factors, including the table of organization of an agency or comparable positions in an agency, may be used to determine the classification of a position and to distinguish among classifications.

(H) On-site audits. At the time of an on-site audit requested by the employee, the employee, his/her immediate supervisor, and other persons as deemed necessary by the County Personnel Department 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 County Personnel Department shall render its decision based on the information in its possession.

(I) Examination of current duties. Position audits requested by an employee shall examine the duties currently performed. The audit report reflects duties at time of audit and shall reflect any change in duties if such has occurred since date of audit request.

(J) 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; or

(2) The employee requesting an audit fails to timely return the audit report form; or

(3) An on-site audit, that is made at the request of an agency, is scheduled and all the parties to an on-site audit fail to appear or the agency that 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 agency fails to submit a position description reflecting current duties if the agency requested the position audit.

(K) Implementation of audit findings. A position audit shall be deemed completed when the County Personnel Department sends written notification of the results to the employee and his/her appointing authority.

(L) Effective date. Whenever a position is reclassified by the County Personnel Department, the employee's classification shall be changed effective the first day of the first pay period following the job audit request in accordance with division (D) of Section 124.14 of the Ohio Revised Code. The County Personnel Department shall notify the affected employee and his/her appointing authority in writing setting forth the proposed new classification.

(M) Submission of documents to implement classification change. The documents necessary to implement a classification change shall be submitted by the appointing authority within thirty calendar days after the notification of the determination.

(N) Appeal. A decision rendered pursuant to this regulation may be appealed to the State Personnel Board of Review by the appointing authority or by the employee. The appeal to the board shall be made according to the rules of the State Personnel Board of Review.

(O) Effective date after appeal. If it is determined after review on appeal to the State Personnel Board that a classification change is required, then the classification shall be effective the first day of the first pay period following the job audit request or such other date ordered by the State Personnel Board of Review.

(P) Audit findings of a lower classification. Subject to the provisions of these regulations, if the results of a position audit indicate that an employee's current position would be properly allotted to a classification with a lower pay range assignment than the classification to which the employee is currently assigned, the County Personnel Department shall notify the appointing authority and the employee that the position will be reclassified pursuant to Section 124.14 of the Revised Code.

An employee who receives a change to a lower classification 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 former position and follow the layoff rules of Chapter 41 of these regulations.

(Q) When position audits will not be performed. Position audits will not be performed on the positions that are vacant, or while the incumbent is on a leave of absence.

(R) Audits of positions of incumbents who are subject to layoff or displacement. No requests for audits of positions will be accepted or 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 41 of these regulations. The date the lists of classifications are submitted to the County Personnel Department for verification of retention points shall be the date all requests for position audits are suspended.

(S) 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.

(T) 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/her position per year unless the employee provides, at the time of the request, documentation showing that the duties of his/her 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 that appears on the original notification letter of the most recent position audit.

3-02 Notification of employees and appointing authorities

(A) Proposed changes to classification plan. If the County Personnel Department proposes a modification of a classification in the classification plan or the assignment of classifications to a different pay range which would affect employees currently in the classification, the County Personnel Department shall notify each affected employee and his/her appointing authority of the proposed change.

(B) Notification. The County Personnel Department shall determine the method of notification of affected employees which may include notification on the affected employee's earnings statement or other appropriate means of notification as determined by the County Personnel Department. The affected employees shall also be informed of the change within ten calendar days of the adoption of the change.

(C) Appeal. An affected employee or appointing authority may appeal the decision of the County Personnel Department in classifying a position. Appeals shall be made in accordance with the rules of the State Personnel Board of Review within thirty days of a final determination of the County Personnel Department.

CROSS REFERENCES

ORC 124.09, Powers and duties of director

ORC 124.14, Job classification plan; duties of director of administrative services; exceptions; biennial report; classification series; plan for county agencies

OAC Chapter 123:1-3, Position Audits and Classification Assignment

Chapter 5

Classified and Unclassified Service

5-02	Designation of exemptions
5-03	Deputies and assistants
5-04	Requests for exemption of employees from classified service
5-05	Notice of appointments of exempted employees
5-07	Unskilled labor class
5-08	Change from classified to unclassified service

5-02 Designation of exemptions

Within sixty calendar days after taking office, each elective officer and each principal appointive officer, board, commission, or body having the power of appointment to, or removal from, positions in any office, department, commission, board or institution, shall designate each position for which exemption from the competitive classified service is claimed under the provisions of paragraph (A)(8), of Section 124.11, Ohio Revised Code, and thereafter no change in the designation of exemptions claimed under this provision that would result in the separation of a classified employee from the service shall be made during the incumbency of such officer, board, or commission, except after the filing of a statement of reasons for such proposed change satisfactory to the County Personnel Department and thirty calendar days notice thereof in order that a proper eligible list, if none is available, may be created by competitive examination from which to fill any position classified as a result of such change. If, at the expiration of sixty calendar days after taking office, (A)(8) exemptions have not been designated by the appointing officer, board, or commission as herein provided, the exemptions theretofore designated and in effect under this provision of the law shall be considered the exemptions claimed by such appointing authority and will be continued in effect. At any time the appointing officer, board, or commission determines to change a designation of a position as unclassified under paragraph (A)(8) or has not used all of the allowable (A)(8) exemptions, the officer, board, or commission may designate one or more additional positions as exempt under (A)(8), as long as the total number do not exceed the maximum number allowed under (A)(8). The selection of exempted positions may be reconsidered by an appointing authority if a reorganization of his/her agency occurs during his/her term of office as a result of legislative action.

5-03 Deputies and assistants

Notices from appointing authorities of the appointment of deputies and assistants exempt from the classified service under the provisions of paragraph (A)(9), (28), and (30) of Section 124.11, Ohio Revised Code, shall be accompanied by a statement of the provisions of the law under which such deputies and assistants are appointed; and at the request of the County Personnel Department, the appointing authority shall also provide a statement of the duties to be assigned to such appointees and an explanation as to how such duties meet the requirements of R.C. 124.11(A)(9), (28) and/or (30) for placing such appointees in the unclassified civil service.

5-04 Requests for exemption of employees from classified service

Requests for exemption from the classified service under paragraphs (A)(9), (10) and (12) of Section 124.11, Ohio Revised Code, shall be accompanied by a written statement from the appointing authority setting forth the reasons why, in his/her opinion, it is impracticable to include such employees or positions in the competitive classified service.

5-05 Notice of appointments of exempted employees

Notice of all appointments to positions in the unclassified service specifically designated as exempt from competitive examination in paragraphs (A)(1) to (11), both inclusive, of Section 124.11 Ohio Revised Code or any other provision of law, shall be given to the County Personnel Department for verification and certification to the proper disbursing officer. The mere failure of an employee's appointing authority to file a statement with the County Personnel Department indicating that the employee is in the unclassified civil service, or the mere late filing of such a statement, does not prevent the employee from being in the unclassified service. [RC 124.03]

The County Personnel Department shall develop and provide each appointing authority with a general written description of the nature of employment in the unclassified civil service that will be provided to employees by the appointing officer, board, or commission in accordance with Regulation 17-16. [RC 124.12]

5-07 Unskilled labor class

(A) The unskilled labor class, which is referred to in division (B)(2) of Section 124.11 of the Ohio Revised Code, shall include any classifications for which there are minimal or no experience or education requirements and which are designated by the County Personnel Department and filed in the County Personnel Department's journal. Registration for these classes may be conducted by the County Personnel Department or by special examiner or boards of examiners established in accordance with Regulation 1-05 of these regulations.

(B) Certified appointments to positions in the unskilled labor class shall be from lists of applicants registered by the County Personnel Department or an authorized, special examiner or examining board. These lists shall be established by the County Personnel Department or the examining board in accordance with the registration process provided in division (B)(2) of Section 124.11 of the Ohio 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.

(C) For purposes of this regulation, "register" shall be defined as the process by which all applicants deemed acceptable as meeting minimum qualifications for a job classification in the unskilled labor class, and/or deemed acceptable as determined by the County Personnel Department, 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 and other credits as provided in Section 124.26 of the Ohio Revised Code and determined by the County Personnel Department and noted on the examination notice.

5-08 Change from classified to unclassified service

Whenever a position is changed for any reason from the classified to the unclassified service, if the position is occupied by a classified employee, the employee will retain his/her classified status while in that position. If the employee is displaced, such employee shall be treated as if his/her position were abolished, and the layoff rules and regulations shall be followed as directed in Chapter 41 of these regulations.

CROSS REFERENCES

ORC 124.03, Powers and duties
ORC 124.11, Unclassified and classified service
OAC Chapter 123:1-5, Classified and Unclassified Service

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Chapter 7

Classification

7-01	Classification of positions
7-02	Parenthetical subtitles
7-03	Classification plan criteria
7-04	Specifications
7-19	Classifications for county departments of job and family services

7-01 Classification of positions

All positions in the county service shall be classified in accordance with Section 124.14 of the Ohio Revised Code, unless specifically exempted by law.

7-02 Parenthetical subtitles

Where the County Personnel Department determines that the positions that have been classified under any one title according to the provisions of Section 124.14 of the Ohio Revised Code include a greater variety of knowledge, skills and abilities than can practicably be examined under principles of merit selection, the department shall establish parenthetical subtitles to indicate the specialized nature of positions within the general classification. Parenthetical subtitles shall be deemed changes to the classification plan, and shall be adopted according to the provisions of Regulation 3-02. Parenthetical subtitles shall be descriptive of the duties performed. Parenthetical subtitles shall not operate to alter the pay range assignment of any employee. A certified employee or an employee who has achieved permanent status shall not be required to submit to additional merit examination because of the assignment of a parenthetical subtitle to a position that he/she occupies. Parenthetical subtitles shall be deemed part of the classification series of which the parent title belongs. [RC 124.271 and 124.30(A)]

7-03 Classification plan criteria

(A) Job classification plan and criteria. The County Personnel Department shall establish, and may modify or rescind, a job classification plan for all positions, offices and employments of Appointing Authorities using the services of the County Personnel Department. The County Personnel Department shall consider in establishing classifications, including classifications with parenthetical titles, and assigning pay ranges, such factors as duties performed only on one shift, special skills in short supply in the labor market, recruitment problems, separation rates, comparative salary rates, the amount of training required, and other conditions affecting employment. [RC 124.14(A)(1)]

(B) Classification title assigned. The County Personnel Department shall assign a classification title to each classification within the classification plan.

(C) Classification number assigned. The County Personnel Department shall assign each classification in the classification plan a five-digit number, the first four digits of which shall denote the classification series to which the classification is assigned.

(D) Classification established. The County Personnel Department shall group jobs within a classification so that positions are similar enough in duties and responsibilities to be described by the same classification title.

(E) Classification specifications. The County Personnel Department shall describe the duties and responsibilities of each classification and establish the qualifications for being employed in each position in the classification. [RC 124.14(A)(1)]

7-04 Specifications

The County Personnel Department shall prepare specifications according to division (A) of Section 124.14 of the Ohio Revised Code. Such specification shall include statements of the essential character of the work of the classification, essential knowledge, abilities, and skills, and the qualifications for persons who are to fill positions so classified. Qualifications shall be stated in terms of specific course work or academic, technical or vocational degree at recognized institutions, experience, training, or in such other terms as to meet the requirements of the classification. Specifications shall also include a listing of any parenthetical subtitles that are established for the classification. The qualifications listed in the specifications shall be followed for merit selection purposes and shall be entered on an employee's civil service record.

7-19 Classification for county departments of job and family services

The County Personnel Department may assign positions within the county Department of Job and Family Services into the appropriate classification in the classification plan as set forth in Rule 123:1-7-19 or 123:1-7-27 of the Ohio Administrative Code until such time the positions of the Department of Job and Family Services are individually or collectively incorporated in the County-wide Class Plan. [123:1-7-19 and 123:1-7-27]

CROSS REFERENCES

ORC 124.09, Powers and duties of director
ORC 124.11, Unclassified and classified service
ORC 124.14, Job classification plan; duties of director of administrative services; pay range assignments; exceptions; classification series; plan for county agencies
ORC 124.32, Transfers; reinstatements
OAC Chapter 123:1-7, Classification

Chapter 8

County Classifications and Classification Plan

- 8-01 Classification of positions
- 8-02 Classifications for county offices
- 8-06 Maintenance and modifications of county classification plan

8-01 Classification of positions

Positions in the service of all participating offices shall be classified in accordance with titles established by the County Personnel Department. The County Personnel Department may create or amend classification specifications for classifications specified in this Regulation.
[RC 124.14(D)(5) and 124.20]

8-02 Classifications for county offices

In accordance with Regulation 8-01 of these regulations, the County Personnel Department may assign titles of county offices to the classifications established in Rule 123:1-8-02 of the Ohio Administrative Code.

8-06 Maintenance and modifications of county classification plan

The county shall develop a system for review and maintenance of the county classification plan that will ensure that the duties listed reflect possible future changes in duties.
[RC 124.14(D)(5) and 124.20]

CROSS REFERENCES

ORC 124.09, Powers and duties of director
ORC 124.14, Job classification plan; duties of director of administrative services; pay range assignments; exceptions; classification series; plan for county agencies; county personnel departments
ORC 124.20, Rules and classifications
OAC Chapter 123:1-8, County Classifications and Classification Plan

Chapter 9

Examinations

9-01	Examination sites and notices
9-02	Subjects, weights, and educational requirements
9-03	Post-offer medical or psychological examination as a requirement for appointment to the classified service
9-04	Admitting applicants to examinations
9-05	Extension of time in examinations
9-06	Visitors at examinations
9-07	Objections to examination
9-08	Changing of grades
9-09	Postponement or cancellation of examination
9-10	Credit for military service
9-12	Repeating examinations

9-01 Examination sites and notices

(A) When the Director of the County Personnel Department deems it practicable to utilize a competitive examination, such examination will be held at the place(s) and time(s) that the County Personnel Department deems advisable and shall be administered under its direction.

(B) An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the positions for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods.

(C) Public notice of each examination for original appointment in the county classified service shall be posted on the County Personnel Department's bulletin board for at least two (2) weeks preceding the examination. [RC 124.23]

(D) Notice of promotional examination shall be sent to each department in which employees would be eligible to compete and posted there for at least two (2) weeks preceding the examination. [RC 124.23].

(E) All notices of examination shall include an explanation of the procedure by which disabled persons may request accommodation at the examination. Reasonable accommodation shall be made for the testing of any individual with a disability as defined by the Ohio Revised Code or applicable federal law or regulation.

9-02 Subjects, weights, and educational requirements

Where an examination will be used pursuant to Regulation 9-01, the County Personnel Department shall prescribe the subjects of each examination and the relative weights to be attached thereto, provided that any such determination must have been adopted prior to the date of publication of the examination announcement.

Educational requirements for taking an examination shall only apply to positions for which educational requirements are expressly imposed by the Ohio Revised Code or federal requirements or to positions for which the County Personnel Department determines that the educational requirements are job-related. [RC 124.22]

9-03 Post-offer medical or psychological examination as a requirement for appointment to the classified service

(A) Medical examination defined. For purposes of this regulation, a "medical examination" is an evaluation by a licensed physician of an applicant's physiological or psychiatric condition as it relates to employment in the classification being considered.

(B) Licensed practitioner defined. For purposes of this regulation, a "licensed practitioner" is a physician, psychiatrist, or psychologist who is licensed to perform the appropriate examination.

(C) Examinations for an entire classification. When the County Personnel Department determines that physiological or psychological qualifications are of special importance to a classification, all candidates for that classification who have been conditionally offered employment, shall be required to pass a medical or psychological examination and be certified as qualified in such respect.

(1) No candidate with an offer of employment conditioned upon passing a medical examination or medical inquiries may be refused employment based upon the results of said examination or inquiry, unless the reason for rejection is job-related and justified by business necessity or unless the candidate's condition would pose a current specific and significant risk to the health and safety of the candidate or others, and no reasonable accommodation can be made to alleviate the risk.

(2) When a post-offer medical or psychological examination is required by the County Personnel Department such requirement shall be published in the examination announcement.

(3) When a post-offer medical or psychological examination is required by the County Personnel Department an applicant with a conditional offer of employment 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.

(4) For all medical or psychological examinations, the County Personnel Department reserves the right to designate or approve the examining licensed practitioner, whose report shall be final.

(5) No applicant will be requested to submit to a medical examination before the appointing authority makes a conditional offer of employment to the applicant.

(D) Examinations required by appointing authority. When an appointing authority, with the concurrence of the County Personnel Department, determines that medical or psychological qualifications, not otherwise required for the classification, are of special importance for positions in classifications of an appointing authority, all candidates with conditional offers of employment for said positions shall be required to pass a medical and/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.

(1) Requirements for medical and/or psychological examinations shall be justified by the appointing authority and supported by showing that the exam requirement and procedure are consistent with regulations of state and federal law. Such rationale shall be provided to the County Personnel Department in writing before any such examination.

(2) Results of a medical or psychological examination shall be supplied to the appointing authority and shall be the last factor evaluated by the appointing authority before reaching a final decision to make an appointment.

(E) All information obtained from post-offer medical examinations and inquiries is subject to Chapter 1347 of the Ohio Revised Code, and will be collected and maintained in separate, and individual confidential files apart from personnel files.

9-04 Admitting applicants to examinations

No applicant shall be admitted to any assembled examination more than thirty minutes after the advertised time for beginning such examination.

9-05 Extension of time in examinations

No applicant in any examination shall be given a longer period of time on any subject. The County Personnel Department may establish separate time limits for individual accommodations of an applicant with a disability.

9-06 Visitors at examinations

No visitor shall be admitted to the examination room during any examination except by special permission of the examiner in charge.

9-07 Objections to examination

Any competitor shall have the right within the period of fifteen calendar days after receiving his/her notice of examination grade to review his/her own papers and to submit in writing, for the County Personnel Department's consideration, any objection or protest concerning his/her grade.

Objections or protests relating to other circumstances that would warrant an investigation by the County Personnel Department shall be submitted in writing to the director of the County Personnel Department within five calendar days after the examination.

An applicant who exercises the right to inspect his/her examination papers shall not be permitted to take the same examination. Inspection shall not be permitted of standardized tests prepared by experts outside the county service, where such inspection would tend to reduce the validity of test results.

9-08 Changing of grades

Grades given for any examination shall not be changed after the posting of an eligible list, except after the consideration of objections submitted by a competitor and a report thereon by the County Personnel Department. The County Personnel Department may correct clerical errors of examiners or employees at any time before the cancellation of such lists.

9-09 Postponement or cancellation of examination

Examinations, unless cancelled or postponed, must be held upon dates fixed by the County Personnel Department. Reasonable efforts shall be made to notify each approved applicant of cancellation or postponement.

9-10 Credit for Military Service

Credit for military service will be granted as provided by Section 124.23 of the Ohio Revised Code.

9-12**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 180 calendar days 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 County Personnel Department may waive in writing this regulation upon written request from an applicant stating substantial reasons for granting such waiver.

CROSS REFERENCES

ORC 124.09, 09, Powers and duties of director [124.09(B)]
ORC 124.22, Civil service examinations: educational and citizenship requirements
ORC 124.23, Examinations; preferences; seniority
ADA, 42 U.S.C. 12101; 29 CFR Part 1630.
OAC Chapter 123:1-9, Examinations
Senate Bill 99

Chapter 10

Eligibility for Permanent Classified Status

10-01 Eligibility for permanent classified status

(A) Any employee in the classified service of a county agency, board, or commission or a general health district who is appointed to a position under Section 124.30 of the Ohio Revised Code, and either demonstrates merit and fitness for the position by successfully completing the probationary period for the position or remains in the position for a period of six months of continuous service, whichever is longer, shall obtain permanent status in the classified service at the conclusion of that period.
[RC 124.271]

(B) For purposes of achieving permanent status, any separation from county service, other than leave as described in paragraphs (C), (D) and (E) of this regulation, that lasts longer than thirty consecutive calendar days constitutes a break in service.

(1) If reinstatement or reappointment to the appointment referenced in paragraph (A) occurs within thirty calendar days from the date of separation, the eligibility date will be extended by the length of the separation.

(2) If reinstatement or reappointment occurs after thirty calendar days, the eligibility period cited in paragraph (A) will begin from the date of the new appointment or reinstatement.

(C) An employee who is laid off and then is properly reinstated to county service within one year from the date of the layoff is credited with continuous service time for the period spent in layoff status.

(D) A maximum of six (6) months will be credited for time spent on authorized leave of absence pursuant to Chapter 33. All time spent on military leave applies to the employee's accumulation of continuous service.

(E) Interruptions in county service beyond the six (6) month maximum set out in paragraph (D), excluding military leave, postpone the date for achieving permanent status, but do not constitute a break in service.

CROSS REFERENCES

ORC 124.271, Provisional employees
ORC 5903.04, Rights of restored public employee

Chapter 11

Applications

11-01	Form and certificate
11-02	Residency requirements
11-04	Character and fitness of applicant
11-05	False statements
11-06	Changing applications for examinations
11-07	Release of applicants names
11-08	Applications for examinations

11-01 Form and certificate

All applications for appointment must be made on the form prescribed by the County Personnel Department and accompanied by such certificates as may be required.

11-02 Residency requirements

Every applicant for a classified civil service position must be a citizen of the United States or must legally declare and signify in writing his or her intention to become upon appointment, a citizen of the United States. Under these regulations, for all employees of the Hamilton County Board of Commissioners and its departments, there are no additional residency restrictions. For employees of any other appointing authority or elected official who has elected to join the County Personnel Department, the County Personnel Department will apply that individual appointing authority or elected official's requirement instead, if different from the foregoing. The County Personnel Department respectfully requests that appointing authorities or elected officials file their residency requirements with the County Personnel Department (or advise the County Personnel Department that they are following the Board of County Commissioners) to assist in the application of residency requirements under these regulations.

11-04 Character and fitness of applicant

Evidence that an applicant has a pattern of poor work habits and performance with previous employers or has committed acts that demonstrate character traits that would be detrimental to successful performance of the employment sought, including but not limited to evidence that the applicant was dismissed for good cause from any branch of public service, or was convicted of or pleaded guilty to a felony, or was convicted of or pleaded guilty to a job related misdemeanor, shall be sufficient to exclude such applicant from examination, or to remove applicant's name from any eligible list. All documentation submitted by applicants or appointing authorities as to character and fitness shall be subject to investigation by the County Personnel Department.

11-05 False statements

Fraudulent conduct or false statements by the applicant or by others in connivance, in any application or examination, shall be deemed cause for exclusion of said applicant from any examination, or for removal of applicant's name from the eligible register.

11-06 Changing applications for examinations

An applicant who has filed an application for an examination under Regulation 9-01 may be permitted to change said application to apply for another examination if the applicant possesses the proper qualifications for which applications are being received, provided such change is requested prior to the filing deadline for the examination. The date of such change shall be deemed the date of filing.

Chapter 11

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11-07 Release of applicants names

Where an appointing authority receives a request for names of applicants for a position, and where time will reasonably allow, the appointing authority should contact the County Personnel Department immediately to help ensure that the information is released accurately and timely.

11-08 Applications for examinations

(A) The completed application will be the sole criteria in determining an applicant's eligibility for any examination. Information showing that an applicant meets all of the minimum qualifications as stated on an examination announcement must appear on the application itself. No additional information will be accepted after the filing deadline. See also Regulation 9-02 regarding educational requirements as a condition for admission to examination.

(B) Failure of an applicant to indicate on the application qualifications as to experience or any other requirements described in the bulletin announcing the examination will be considered sufficient cause to exclude such applicant from the examination. A defective or incomplete application may be corrected by the applicant and re-submitted by the filing deadline.

CROSS REFERENCES

ORC 124.22 Civil service examinations: educational and citizenship requirements
ORC 124.23, Examination; preferences; seniority
ORC 124.25, Application, examination fee
ORC 124.27, Appointments from eligibility lists - probation
OAC Chapter 123:1-11, Applications
Senate Bill 99

Chapter 13

Recruitment

13-01 Recruiting services

The County Personnel Department shall coordinate, develop and conduct recruiting services for classified positions in the county service. This regulation shall not contravene any sections of the Ohio Revised Code that give appointing authorities the right to hire their employees. This regulation shall not be construed to prohibit any appointing authority's request for recruiting assistance from the Ohio Bureau of Employment Services.

CROSS REFERENCES

ORC 124.01, Definitions
OAC Chapter 123:1-13, Recruitment

Chapter 15

Eligible Lists

15-01	Term of list; period of eligibility
15-02	Grades
15-05	Placement on additional lists
15-06	Re-examinations; revocation of lists

15-01 Term of list; period of eligibility

(A) An eligibility list shall be created following any examination under Regulation 9-01, and said list shall be consistent with the results of said examination. The period of eligibility for an applicant on an eligible list shall be one year from the date the name was placed on the list, but the County Personnel Department may, in its discretion, prior to the date of expiration of eligibility, extend the period of eligibility for the list, provided the total period of eligibility shall not exceed two years.

(B) The County Personnel Department may consolidate two or more eligible lists of the same classification by rearranging the eligibles named in the lists, according to their grades.

(C) When a promotional and an open-competitive list are combined, the promotional list shall be placed ahead of the open-competitive list.

15-02 Grades

The County Personnel Department shall determine a passing score for each examination under Regulation 9-01 based on the difficulty of that examination, number of applicants, number of vacancies, and other relevant data. When a passing score is determined, it shall be made a matter of permanent record. The County Personnel Department shall require a qualifying grade for any or all parts of an examination provided that notice of such requirement is given in the general instructions accompanying the examination.

15-05 Placement on additional lists

At the discretion of the County Personnel Department, persons qualifying on an examination under Regulation 9-01 for a given classification may also be placed on eligible lists for one or more lower classifications in the same class series. The adoption of such additional placement shall be extended to all eligibles on the list. Persons may be placed on an eligible list for a higher classification in the same class series, subject to qualifications and standards listed in the examination announcement. Appointment from any list shall remove the eligible's name from all lists on which he/she was placed under this regulation.

15-06 Re-examinations; revocation of lists

(A) Whenever, in the judgment of the County Personnel Department, action is deemed advisable on account of errors or fraud in connection with any examination, a re-examination of applicants shall be ordered and the eligible list shall be amended in accordance with results of such re-examination. After an eligible list is prepared and posted it shall not be revoked except upon written notice to all the eligibles.

(B) An appointment made from an eligible list shall be considered valid even if fraud or error is discovered after the appointment has been made provided the person appointed was not involved in such fraud or error.

CROSS REFERENCES

ORC 124.26, Eligible lists; veteran's preference; existing employees who pass examination
OAC Chapter 123:1-15, Eligible Lists

Chapter 17

Appointments

17-01	Requisitions
17-02	Number of names to be certified
17-03	Limitation on certifications
17-04	Notice
17-05	Reply by eligible
17-06	Declining appointment because of salary
17-07	List with fewer than six names
17-09	Removal from list following certification
17-12	Time limit for selection
17-13	Selection of smaller number
17-15	Replacement and re-entry of employee appointed without competitive examination
17-16	Appropriateness of duties
17-17	Restoration after probationary removal

17-01 Requisitions

Whenever a vacancy in the classified service is to be filled by appointment rather than by promotion, transfer, reinstatement or reduction where certified status will carry, the appointing authority shall make request for certification of names to the County Personnel Department, by identifying the position to be filled and stating the class title, location, and number of positions to be filled, and also whether the position is to be filled permanently or for a temporary period or on a full or part-time basis. If an eligibility list was created for the vacancy, under Regulation 15-01, the County Personnel Department shall certify names to the appointing authority from said list. When certifying names to fill positions in the unskilled labor class, the County Personnel Department shall certify twice the number to be employed from which the appointing authority shall appoint the number actually needed.

Where no eligibility list exists for the vacancy in question, the County Personnel Department shall so inform the appointing authority pursuant to Regulation 21-01. The appointing authority shall adhere to merit selection principles as required by Regulation 2-05, and may fill the vacancy pursuant to Chapters 10, 11, 17 and 21 of these Regulations.

17-02 Number of names to be certified

(A) Upon receipt of request for certification to fill a vacancy, the County Personnel Department shall certify to the appointing authority from the appropriate eligible list, the names, addresses and grades of the ten candidates standing highest on such list; provided that the Director may certify fewer than ten names if ten names are not available. 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, add 2 names to the list.
- (2) For 5 to 8 vacancies, add 4 names to the list.
- (3) For 9 to 12 vacancies, add 6 names to the list.
- (4) For 13 to 16 vacancies, add 8 names to the list.

(B) In appointing persons from the certification 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 his/her name may be dropped from further consideration by that appointing authority. To expedite the process of certification, the County Personnel Department may,

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at its discretion, include additional names on a certification, provided that these names may be considered for appointment only if one or more of the persons named in the original certification declares himself/herself unavailable or fails to reply to notice of certification. For each person in the original certification who declares himself/herself 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 the regulation will be used in making all original appointments.

17-03 Limitation on certifications

No person shall be certified from an eligible list more than three 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 in a different type of appointment, no consideration shall be charged to other persons included in the certification.

(B) If a certification containing less than six names is not used by the appointing authority, no consideration shall be charged to the persons included on the certification.

(C) Certifications for temporary appointment shall be charged separately from those for permanent appointment.

(D) Whenever a certification is made to fill more than one position under Regulation 17-02, those persons who are dropped after four considerations shall be considered as having been certified four times.

17-04 Notice

When an eligible candidate is certified to an appointing authority, notice shall be sent to the eligible candidate by the appointing authority, informing him/her of the nature and location of the position and giving him/her instructions for reporting for an interview. This regulation may be waived if the certification meets the requirements of Regulation 17-03(A) or 17-03(B).

17-05 Reply by eligible

(A) All eligibles certified to a position shall communicate with the County Personnel Department and/or with the appointing authority in accordance with the written instructions given to each eligible, within six (6) calendar days from the time when notice is mailed or otherwise transmitted to the eligible.

(B) Failure on the part of an eligible to comply with his/her specific instructions to so communicate with the appointing authority and/or the County Personnel Department shall be considered a waiver of certification, and upon request of the appointing authority, the County Personnel Department shall certify an additional name for each eligible failing to communicate. Eligibles who fail to respond to notice of certification shall be dropped from the eligible list and shall be notified of such action within a reasonable time. No person whose name has thus been stricken from the eligible list shall be restored except upon his written request giving satisfactory reasons for not responding to notice of certification.

17-06 Declining appointment because of salary

An eligible who has declined an appointment because of the salary offered shall not thereafter be certified for a position at the same or less salary except upon a written request received by the County Personnel Department.

17-07 List with fewer than six names

When fewer than ten (10) names are certified to an appointing authority, appointment from that list shall not be mandatory, and the appointing authority instead may adhere to merit selection principles and these regulations to fill the position. [RC 124.27; SB 144, 1998]

17-09 Removal from list following certification

When an eligible whose name has been included on a certification indicates that he/she is not interested in being considered for the position, or declines an offer of appointment if one is made, his/her name shall be removed from the eligible list, subject to the following conditions:

(A) The report of the eligible's decision shall be subject to review or investigation by the County Personnel Department, and the eligible's name may be retained on, or restored to, the list following such review or investigation.

(B) If the eligible's decision is based on illness, military service, or conflict with schooling, his/her name shall be restored to the list when he/she indicates he/she is available for consideration.

(C) Any eligible whose name has been removed from a list under this regulation may be restored to the list upon presentation to the County Personnel Department reasons or evidence that would justify restoration to the list.

17-12 Time limit for selection

Within thirty days from the date of issue of any certification, the appointing authority shall make selection to fill the vacancies for which the requisition was made. Upon request of the appointing authority giving adequate and detailed reasons why selection to fill the vacancies for which the requisition was made cannot be completed within thirty days, the County Personnel Department may grant a reasonable extension.

17-13 Selection of smaller number

Whenever the appointing authority, having made requisition to fill a certain number of vacancies, determines that he/she will not fill all those vacancies, he/she shall not make selection from the whole number certified but only from that number of names standing highest upon the list that would have been certified had the requisition stated the actual number of vacancies to be filled. If no selection is made from a certification containing ten names of applicants willing to accept appointment, the appointing authority shall submit to the County Personnel Department a statement of the reasons for not making an appointment.

17-15 Replacement and re-entry of employee appointed without competitive examination

An employee serving in a position following an appointment without competitive examination shall continue to occupy such position until such time as he/she is removed under the provisions of Section 124.02 to 124.64, of the Ohio Revised Code, or achieves permanent status under Chapter 10 of these regulations.

17-16 Appropriateness of duties

No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall be assigned to perform duties other than those properly belonging to the position to which he/she has been appointed, except as may be required because of temporary characteristics of the work situation. The assignment of duties is the responsibility of the appointing authority. It is also the appointing authority's responsibility to see that accurate descriptions of the duties performed are reported to the County Personnel Department so that proper classification of the positions may be maintained. No employee shall be appointed or assigned to any classification title or level that is either higher or lower than that classification to which the position is assigned.

On the date the appointing officer, board, or commission appoints an employee to an unclassified position, the appointing officer, board, or commission shall provide the employee with written information describing the nature of employment in the unclassified civil service. Within thirty days after the date of the appointment, the appointing authority shall provide the employee with written information describing the duties of that position. Failure of the appointing authority to provide the written information does not confer any additional rights upon the employee in any appellate body with jurisdiction over an appeal of the employee.

The County Personnel Department shall develop and provide each appointing authority with a general written description of the nature of employment in the unclassified civil service that shall be provided to employees in accordance with the preceding paragraph.

17-17 Restoration after probationary removal

Any person removed from employment during a probationary period may be restored to the eligible list for future certification with the approval of the County Personnel Department.

CROSS REFERENCES

ORC 124.12(B), Unclassified position appointments
ORC 124.27, Appointments from eligibility lists - probation
ORC 124.30, Temporary and exceptional appointments
OAC Reg. 123:1-21-04 Emergency appointments
OAC Chapter 123:1-17, Appointments
Senate Bill 99

Chapter 19

Probationary Periods

19-01	Nature of probationary period
19-03	Length of probationary period
19-05	Failure on examination during probationary period

19-01 Nature of probationary period

Each employee in the classified civil service shall serve a probationary period following any original appointment, either by certification or under Section 124.30, and following any promotion. If the services of a probationary employee are found to be unsatisfactory, he/she may be removed or reduced at any time during the probationary period, in accordance with Regulation 23-12. When an employee is given a probationary removal or reduction, a written statement of the reasons for such removal or reduction shall be given to the employee and the County Personnel Department. When removing or reducing a probationary employee, an appointing authority need not file a formal order of the type used to remove or reduce non-probationary classified employees in accordance with Regulation 31-01.

19-03 Length of probationary period

The probationary period for all classified employees of those appointing authorities subject to these regulations is fixed at 180 calendar days. However, appointing authorities may establish a longer period for specific job classifications by submitting a request in writing to the County Personnel Department. Time spent on leave of absence shall not be counted as part of the probationary period. For purposes of this regulation, leave of absence is defined as approved leave, with or without pay, that extends beyond one pay period.

19-05 Failure on examination during probationary period

If an employee receives a failing grade, prior to the application of any military or other credits, on a competitive examination for his/her current position at any time during his/her probationary period, this shall be considered adequate grounds for probationary removal. This removal shall be accomplished pursuant to Regulation 19-01.

CROSS REFERENCES

ORC 124.27, Appointments from eligibility lists - probation
OAC Chapter 123:1-19, Probationary Periods

Chapter 21

Exceptional Appointments

21-01	Appointments without competitive examination
21-02	Suspension of competition requirements
21-03	Temporary appointments
21-05	Intermittent appointments

21-01 Appointments without Competitive Examination

Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the County Personnel Department is unable to certify to the appointing authority, upon its request, a list of persons eligible for appointment to the position after a competitive examination, the appointing authority may fill the position by noncompetitive examination, provided that the appointee meets the qualifications of the position. Selection of persons to be appointed in this manner shall be made by the appointing authority, based on an examination of the qualifications of the proposed appointee in accordance with merit selection principles as required by Regulation 2-05. The appointee shall not obtain permanent status in the classified service until he/she has successfully completed the required probationary period or served continuously in the position for six months, whichever is longer. [RC 124.30(A)(1), 1st paragraph, 124.271]

21-02 Suspension of competition requirements

An appointing authority may request the County Personnel Department to suspend the provisions of the statute requiring competition, as provided under paragraph (B) of Section 124.30, Ohio Revised Code, for a position where peculiar and exceptional qualifications of a scientific, managerial, professional or educational character are required. The appointing authority must provide the County Personnel Department with a statement setting forth the reasons why competitive examination in such special case is impracticable, and why the position can be filled by a selection of some designated person of high and recognized attainments in the above enumerated qualities. Employees appointed under this Regulation shall obtain permanent status in the classified service upon satisfactory completion of the required probationary period or completion of six months of continuous service in the position, whichever is longer. [RC 124.30(B), 124.271]

21-03 Temporary appointments

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 division (A) of Section 124.30 of the Ohio Revised Code, the temporary appointment may not continue longer than one hundred and twenty days. Where a position is vacant for a temporary period by reason of sickness, disability or other approved leave of absence of a regular employee, a temporary appointment may be made for a period longer than one hundred and twenty days and may continue during the period of sickness, disability, or other approved leave of absence. When making a temporary appointment, the appointing authority shall inform the County Personnel Department, stating the duration and conditions of such temporary employment. Successive temporary appointments to the same position shall not be made. Neither the acceptance or declination of any such temporary employment shall affect the right of an eligible to certification for permanent appointment, nor shall acceptance confer any of the rights of promotion, transfer or reinstatement. If an employee serving in temporary employment from an eligible list is to be given a permanent appointment, a new certification shall be made and the employee shall serve the probationary period of the new position.

A person who receives a temporary appointment is in the unclassified service and serves at the pleasure of the appointing authority.

Chapter 21

Effective: 01/30/95

Revised: 07/26/96, 08/11/03, 08/09/06, 09/21/07

21-05 Intermittent appointments

An employee hired as an intermittent appointment works on an irregular schedule that is determined by the fluctuating demands of the work and is not predictable. An intermittent appointment is generally characterized as working less than one thousand hours per year.

A person who receives an intermittent appointment is in the unclassified service and shall serve at the pleasure of the appointing authority.

CROSS REFERENCES

ORC 124.27, Appointments from eligibility lists - probation
ORC 124.30, Temporary and exceptional appointments
OAC Chapter 123:1-21, Temporary and Exceptional Appointments
Senate Bill 99

Chapter 23

Promotions

23-01	Filling vacancy from eligible list
23-03	Finality of promotions
23-06	Preliminary requirements
23-07	Contents of examinations
23-08	Credit for seniority
23-10	Determination of grade
23-12	Time limit for filling position; probationary period; demotion

23-01 Filling vacancy from eligible list

Whenever there is a vacancy in a position having a classification above the lowest grade in a series, the County Personnel Department shall determine whether the position is to be filled by open competitive examination, written promotional examination or by other merit selection procedures. Vacancies in the classified service shall be filled, insofar as practicable, by promotion. The cooperation of the appointing authorities may be sought in making this decision. If the vacancy is to be filled by written promotional examination, the County Personnel Department shall determine which classes of employees shall be eligible to compete.

23-03 Finality of Promotions

No promotion shall be final until the employee has successfully completed the probationary period; or in the case of an employee promoted without competitive examination to a classified position under Section 124.30 of the Ohio Revised Code, until employee successfully completes the probationary period or six months of continuous service in the position, whichever is longer.

23-06 Preliminary requirements

No person shall be eligible for promotion who lacks the qualifications prescribed in the specification for the class involved, unless evidence is presented either that persons fully meeting the qualifications are not available or the person possesses other special qualifications that would make it desirable that he/she be considered for promotion.

23-07 Contents of examinations

Examination for promotion may consist of written tests or other means of determining relative merit and fitness.

23-08 Credit for seniority

(A) The credit for seniority, as provided in Section 124.23, Ohio Revised Code, shall be determined as follows:

- (1) Each full year of the first four years of service--one percentage point.
- (2) Each full year of the next ten years of service--six tenths of one percentage point.

(B) The type of service to be counted for seniority purposes shall be determined by the County Personnel Department for each promotional examination and shall be announced in the examination bulletin.

Chapter 23

Effective: 01/30/95

Revised: 07/26/96, 07/25/02, 08/09/06, 09/21/07

23-10 Determination of grade

The final grade of an applicant in a promotional examination shall be determined by adding to the passing score obtained on the written examination additional points for years of service as defined in Regulation 23-08. In no case shall the addition of seniority points be used to achieve a passing score on an examination for promotion.

23-12 Time limit for filling position; probationary period; demotion

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 calendar days, and after that time, any temporary appointee or any acting incumbent of said position for which a promotional examination has been held shall vacate the position. If less than three names are certified, the appointing authority shall not be required to make an appointment from that list. The appointing authority may fill the position in accordance with merit selection principles. All promotions shall be for a probationary period established in Chapter 19 of these regulations. If in accordance with that Chapter, the promoted employee is found to be unsatisfactory in the advanced position, he/she may be removed or reduced. If the employee is demoted, his/her salary shall revert to that which he/she would have been entitled if not promoted.

CROSS REFERENCES

ORC 124.23, Examinations; preferences; seniority
ORC 124.27, Appointments from eligibility lists - probation
ORC 124.31, Promotions
OAC Chapter 123:1-23, Promotions
Senate Bill 99

Chapter 25

Transfers, Reinstatements and Seasonal Positions

25-01	Transfers
25-02	Reinstatement after resignation
25-04	Seasonal positions

25-01 Transfers

An employee may be transferred, upon written notification, to a position in the employ of another appointing authority with the approval of both appointing authorities and the County Personnel Department, and in accordance with RC 124.03, 124.32, and 124.33. An employee who has been notified in writing of a transfer may, within ten days of receipt of such notification, file an appeal with the State Personnel Board of Review.

25-02 Reinstatement after resignation

An employee in the classified service who resigns, having served the required probationary period, may be reinstated upon request of the appointing authority to the same or a similar position in that agency, at any time within one year from the date of such resignation.

25-04 Seasonal positions

All positions in the County service, 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, who has been temporarily separated from the seasonal position during the inactive season, may be entitled to reemployment in the position in each ensuing year, provided he/she is not in the meantime disqualified for any cause; and provided that any person appointed to a seasonal position, not assigned to work for a period of one year due to lack of work or due to refusal of available work on his/her part, shall be deemed ineligible for reemployment in the seasonal position as a classified employee.

CROSS REFERENCES

ORC 124.31, Promotions
ORC 124.32, Transfers, reinstatements
ORC 124.33, Temporary transfer of employee; permanent transfer, transfer of residence;
OAC Chapter 123:1-25, Transfers, Reinstatement and Leave of Absence

Chapter 29

Efficiency in Performance

- 29-01 Performance evaluation
- 29-02 Agency review of performance evaluation

29-01 Performance evaluation

(A) Classified county employees and General Health District employees shall be rated or evaluated with respect to performance efficiency twice during the employee's probationary period and at least once annually thereafter. Special evaluations may be conducted intermittently at the appointing authority's discretion.

(B) The first performance evaluation shall be completed within thirty calendar days after conclusion of the first half of the probationary period. The second evaluation shall be completed not later than ten calendar days prior to completion of the probationary period. The final probationary evaluation shall state whether the employee is to be retained or removed.

(C) All employees specified in paragraph (A) of this regulation who have completed their probationary periods shall be evaluated at least once a year. The annual evaluation shall measure the employee's performance for the twelve months immediately preceding the evaluation date or for that portion of the year after the completion of the probationary period. Employees shall be evaluated within the sixty-day period beginning thirty calendar days prior to and ending thirty calendar days after their anniversary date. With the concurrence of the County Personnel Department, an appointing authority may evaluate employees on an annual schedule different than that prescribed by these regulations.

(D) At a minimum, each employee shall be evaluated by his/her immediate supervisor, who may consult with the previous supervisor in completing the evaluation.

(E) Forms for performance evaluation shall be prepared by the County Personnel Department and made available to all county agencies participating in the County Personnel Department. With the approval of the County Personnel Department, an agency may use an alternate form that utilizes an equivalent method of calculating total efficiency points. Each performance evaluation shall contain the following statement: "In the event of a layoff, performance evaluations will determine your efficiency points which are a part of your total retention points." [RC124.31(A)]

(F) Performance evaluations shall be used to determine efficiency points in the computation of retention points for layoffs. Computation of retention points is governed by Regulation 41-09 of these regulations except for those employees otherwise subject to collective bargaining agreements.

29-02 Agency review of performance evaluation

(A) Upon completion of the performance evaluation form by the rater, the rater will forward the evaluation form to his/her supervisor for review. The reviewer will add appropriate comments to the form and return it to the rater. The rater shall then discuss the evaluation with the employee. The employee shall sign the evaluation to indicate that he/she has received a copy of the completed form. The employee's signature merely indicates an acknowledgment that the employee has received a copy of the evaluation; it does not indicate agreement with its contents. Performance evaluations shall be retained in the personnel file of the respective employee.

(B) Each agency shall establish procedures providing for the review or modification of a rating.

CROSS REFERENCES

ORC 124.31, Promotions
OAC Chapter 123:1-29, Efficiency in Performance

Chapter 31

Removals, Suspensions and Reductions

31-01	General procedure
31-03	Absence without leave
31-04	Reduction or demotion
31-05	Unpaid administrative leave

31-01 General procedure

The removal, reduction, or suspension of a classified employee, except as otherwise provided in these regulations, shall be made for one or more of the statutory reasons enumerated in Section 124.34, Ohio Revised Code. The employee shall be notified in writing of the statutory reason(s) for the action, and the effective date of the action. The form used in the notification process shall advise the employee of his/her right of appeal in accordance with Ohio Revised Code Chapter 124 and Ohio Administrative Code Chapters 123 and 124. Removals of both classified and unclassified employees are subject to Section 124.341, Ohio Revised Code (Whistle Blower Statute).

31-03 Absence without leave

(A) Any employee in the classified service who is absent from duty habitually or for three or more successive duty days, without leave and without notice to his/her supervisor of the reasons for such absence, may be subject to removal under the provisions of Section 124.34, Ohio Revised Code.

(B) This regulation does not require an appointing authority to initiate removal action if he/she determines it unwarranted, nor does it preclude a lesser form of corrective action or a removal action for a shorter period of absence if the absence is of sufficient seriousness, based on evidence received from supervising subordinates or personal observations or knowledge.

31-04 Reduction or demotion

Reduction or demotion shall be made only for one or more of the reasons given in Section 124.34, Ohio Revised Code (or may be due to the failure of a promoted employee to complete probation or achieve permanent status), except that voluntary written agreement by an employee to a demotion or reduction shall be considered a satisfactory basis for such action in the absence of evidence to the contrary. The salary of an employee following demotion shall be fixed by the appointing authority at the equitable rate, not to exceed the rate of pay prior to the demotion.

31-05 Unpaid Administrative Leave

The Appointing Authority may, in its discretion, place an employee on administrative leave without pay for a period not to exceed two months, if the employee has been charged with a violation of law that is punishable as a felony. If the employee subsequently does not plead guilty to or is not found guilty of a felony with which the employee is charged or any other felony, the appointing authority shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on unpaid administrative leave.

CROSS REFERENCES

ORC 124.34, Tenure of office; reduction, suspension, and removal; appeal
ORC 124.27, Appointments from eligibility lists - probation
OAC Chapter 123:1-31, Removals, Suspensions, and Reduction
ORC 124.388, Unpaid Administrative Leave

Chapter 32

Sick Leave

32-03	Sick leave credit and charge of sick leave for employees of county offices
32-04	Notification for use of sick leave by employees of county offices
32-05	Sick leave uses, evidence of use, and abuse
32-06	Inadequate sick leave credit
32-10	Transfer of sick leave credits, restoration of sick leave credit

32-03 Sick leave credit and charge of sick leave for employees of county offices

(A) All employees in the participating agencies of the County Personnel Department, including part-time, seasonal, and intermittent, shall earn sick leave credit at the rate of four and six-tenths hours for each eighty hours of completed service unless the appointing authority has adopted policies for accumulation of sick leave in accordance with the provisions of Section 124.38 of the Ohio Revised Code. Sick leave credit shall be prorated to the hours of completed service in each pay period.

(B) Sick leave used by an employee in the various offices of the county shall be charged in minimum units established by such offices. Employees shall be charged sick leave only for the days and hours for which they would have otherwise been regularly scheduled to work. Sick leave shall not exceed the amount of time an employee would have been regularly scheduled to work in any pay period.

(C) Sick leave shall not accumulate while an employee is in non-paid status such as, but not limited to, when an employee is on unpaid leave of absence or disciplinary suspension.

32-04 Notification for use of sick leave by employees of county offices

(A) An employee who is unable to report for work, and who is not on a previously approved day of vacation, sick leave, or leave of absence, shall be responsible for notifying the employee's immediate supervisor or other individual designated by the appointing authority that he/she will be unable to report for work. The notification must be made as early as practicable but no later than one-half hour after the time the employee is scheduled to report for work, unless emergency conditions prevent such notification. If operational needs of an appointing authority require a different notification time, the appointing authority, upon notification to the County Personnel Department, may establish a reasonable notification time requirement. The appointing authority shall be responsible for informing all employees of the applicable notification policy.

(B) Notification for extended sick leave. In the case of a condition exceeding seven consecutive calendar days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery shall be required and the following shall apply:

(1) Institutionalization or hospitalization. When institutionalization or hospitalization is required, the employee shall be responsible for notifying his/her immediate supervisor or other designated individual upon admission to and discharge from such institution or hospital, unless emergency conditions prevent such notification.

(2) Convalescence. When convalescence at home is required, the employee shall be responsible for notifying his/her immediate supervisor or other designated individual at the start and termination of such period of convalescence.

32-05 Sick leave uses, evidence of use, and abuse

(A) With the approval of an employee's appointing authority, or responsible administrative officer of the employing unit, sick leave may be used by the employee only for the following reasons:

- (1) Illness, injury, or pregnancy-related condition of the employee.
- (2) Exposure of an employee to a contagious disease that could be communicated to other employees.
- (3) Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate practitioner.
- (4) Death of a member of the employee's immediate family. Such usage shall be limited to a reasonably necessary time, not to exceed five days.
- (5) Illness, injury, or pregnancy-related condition of a member of the employee's immediate family.
- (6) Examination, including medical, psychological, dental or optical examination, of a member of the employee's immediate family by an appropriate practitioner where the employee's presence is reasonably necessary.

(B) Each appointing authority shall require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If professional medical attention is required by the employee or member of the employee's immediate family, a certificate from a licensed physician stating the nature of the condition shall be required by the appointing authority to justify the use of sick leave. Falsification of either the signed statement or a physician's certificate shall be grounds for disciplinary action which may include dismissal.

(C) An employee who fails to comply with this chapter and Section 124.38 of the Ohio Revised Code shall not be allowed to use sick leave for time absent from work under such non-compliance. Application for use of sick leave with the intent to defraud shall be grounds for disciplinary action which may include dismissal.

32-06 Inadequate sick leave credit

If any disabling illness or injury continues past the time for which an employee has accumulated sick leave, the appointing authority may authorize a leave of absence without pay in accordance with Chapter 33 of these regulations, use of vacation leave upon the employee's request, or a disability separation in accordance with Chapter 34 of these regulations.

32-10 Transfer of sick leave credits, restoration of sick leave credit

(A) An employee who transfers from one public agency to another shall be credited with the unused balance of the accumulated sick leave credit in accordance with code requirements.

(B) Sick leave credit shall be restored upon reemployment and presentation of appropriate documentation to the appointing authority, provided that the employee is reemployed within ten years of the date on which the employee was last separated from public service. This ten-year period shall be tolled for any period during which the employee holds elective public office, whether by election or by appointment. The employee shall be responsible for notifying the appointing authority of the amount of unconverted creditable sick leave and the employee shall provide reasonable documentation in support of any such claim.

(C) An employee who had previously accumulated sick leave credit under the provisions of Section 124.38 of the Ohio Revised Code shall, upon reemployment in the public service, have restored all unused sick leave credit that 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. All unused accumulated sick leave credit shall be eliminated at the time of sick leave conversion payment and shall not be re-credited to the employee for any reason.

CROSS REFERENCES

ORC 124.38, Sick leave, other than state employees
ORC 124.39, Payment for unused sick leave upon retirement or death
OAC Chapter 123:1-32, Sick Leave and Personal Leave

Chapter 33

Leave of Absence

33-01	Definitions
33-02	Family, medical and education leave
33-03	Court leave
33-04	Military leave with pay
33-05	Military leave without pay
33-08	Olympic competition leave
33-09	Disclosure of medical reports

33-01 Definitions

For purposes of this Chapter:

- (A) "Eligible employee" - For purposes of Regulation 33-02, means an employee who has been employed for at least 12 months by a given employer, and who has provided at least 1,250 hours of service during the 12 months before leave is requested.
- (B) "Son or daughter" - Means a biological, adopted, or foster child, a stepchild, legal ward, or a child of a person standing in loco parentis who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.
- (C) "Parent" - Means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or a daughter.
- (D) "Reduced leave" - Means one that reduces an employee's usual number of work hours per week or day.
- (E) "Intermittent leave" - Means leave that is not taken on consecutive days or weeks.
- (F) "Spouse" - Means partner by marriage under state law, including common law marriage. Does not include domestic partners, roommates, or life partner.
- (G) "Serious health condition" - Means any illness, injury, impairment, or physical or mental condition that involves: inpatient care; absence from work for more than three calendar days and involving continuing treatment or supervision by a health care provider; or continuing treatment or supervision by a health care provider for a chronic or long-term health condition that if not treated would result in a period of incapacity of more than three calendar days.

33-02 Family, medical and educational leave

(A) In accordance with applicable state and federal laws, each appointing authority shall institute a policy and procedure by which the appointing authority may grant any eligible employee, at the employee's request, a leave of absence without pay for the following reasons:

- (1) the birth and first year care of an employee's child;
- (2) the placement of a child with the employee for adoption or foster care;
- (3) a serious health condition of an employee's spouse, child or parent;

- (4) a serious health condition that makes the employee unable to perform the essential functions of the employee's position;
- (5) for purposes of education, training or specialized experience that would benefit county service or for purposes otherwise acceptable to the appointing authority.

An appointing authority has the discretion to grant leave under this regulation to any employee, regardless of eligibility as defined in Regulation 33-01.

(B) An appointing authority has the discretion to establish a maximum for the duration of a leave of absence without pay for any of the reasons delineated in subparagraphs (A)(1) through (A)(4), but in no case shall the appointing authority establish a maximum of less than 12 weeks.

In cases where the leave of absence is due to an employee's serious health condition, the employee must demonstrate that the probable length of the illness, injury, or condition will not exceed the maximum period of leave established by an appointing authority. Where an employee is unable to demonstrate that the illness, injury, or condition is likely to improve within the maximum period of leave established by an appointing authority, said employee may be separated due to disability under Chapter 34 of these regulations.

(C) Each appointing authority shall establish a maximum duration of leave of absence without pay for the purposes delineated in subparagraph (A)(5).

(D) The employee shall bear the burden of establishing one of the enumerated reasons in subparagraph (A) of this regulation to the satisfaction of the appointing authority.

(1) Where an employee has established a basis for leave under subparagraphs (A)(1) through (4), the appointing authority shall grant the leave of absence without pay for a minimum of up to 12 weeks; however, an appointing authority may grant a leave of absence without pay in excess of the minimum of 12 weeks.

(2) The appointing authority may require medical certification before or at the time the leave is granted for a reason set out in subparagraph (A)(3) or (A)(4), but not after such time unless an appointing authority has reason to doubt the validity of the basis for the employee's request for leave. The information required of the medical certification shall be narrowly tailored to secure only the information necessary to verify the leave request.

(a) If medical certification is required for leave requested for the reason set out in subparagraph (A)(3), the information required shall consist only of:

- (1) the need for leave;
- (2) the length of leave;
- (3) the schedule of the leave; and
- (4) the name and relationship of the person with a serious health condition

(b) If medical certification is required for leave requested for the reason set out in subparagraph (A)(4), the information required shall consist only of:

(1) the necessity of the leave (i.e., the employee's inability to perform the essential functions of the job); and

- (2) the schedule of the leave

No detailed information regarding the medical or psychological condition that triggers the need for the leave, or any long-term prognosis shall be required.

Chapter 33

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(c) In any case where the appointing authority has reason to doubt the validity of the certification, the appointing authority may require, at its own expense, a second medical opinion. The second opinion may not be provided by a health care provider employed on a regular basis by the appointing authority. Should the first and second opinions differ, the appointing authority may require, at its own expense, the opinion of a third jointly approved health care provider, whose opinion shall be binding. The appointing authority may require recertification on a reasonable basis during the leave.

(3) If an employee is unable to return to active work status within the maximum time allowed by an appointing authority for a leave of absence without pay, because of the same illness, injury or condition, the employee will be given a disability separation in accordance with Chapter 34 of these regulations.

(E) Intermittent and reduced leave

(1) If leave is for the birth or adoption of a child, an employee may take leave on an "intermittent" or "reduced leave" schedule with the approval of the appointing authority.

(2) If leave is because of a "serious health condition", intermittent or reduced leave may be taken when medically necessary.

(F) An appointing authority may, pursuant to a written policy, require an employee to substitute paid leave for unpaid leave, as follows: accrued vacation or personal leave may be substituted for any unpaid leave; and/or accrued sick leave may be substituted for unpaid leave where the leave is for one of the reasons set out in Regulation 32-05.

(1) An employee may elect to substitute paid leave for unpaid leave where not required to do so by the appointing authority, but may only substitute sick leave in accordance with Chapter 32 of these regulations.

(2) When an appointing authority has required, or an employee has elected, to substitute for unpaid leave appropriate paid leave of less than 12 weeks duration, the appointing authority need only provide a minimum additional period of unpaid leave so that the total of paid and unpaid leave provided equals 12 weeks.

(G) In accordance with applicable state and federal laws, each appointing authority shall develop procedures by which an employee shall provide reasonable prior notice of the need for leave where the need for leave is foreseeable.

(1) Employees shall make a reasonable effort to schedule foreseeable leave so as not to unduly disrupt the appointing authority's operations. Employees shall, where possible, provide thirty calendar days' advance notice, or, if the treatment is in less than thirty calendar days, such notice as is practicable.

(2) In the case of leave for birth or placement of a child, an employee must provide thirty calendar days' advance notice before the date on which the leave would begin. If the employee is unable to provide thirty calendar days' notice, he or she must provide such notice as is practicable.

(3) If an employee's need for intermittent leave is foreseeable based on planned medical treatment, the employer may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits, that better accommodates recurring periods of leave than the employee's regular position.

(4) If the need for leave is foreseeable and the employee fails to give proper notice, an appointing authority, in compliance with applicable state and federal laws, may deny leave until thirty calendar days after notice is provided.

Chapter 33

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(H) When a husband and wife employed by the same appointing authority are entitled to leave because of the birth or placement of a child or to care for a sick child or parent, the aggregate period of family leave may be limited to twelve (12) weeks.

(I) An employee who takes an unpaid leave of absence may not be subjected to the loss of benefits accrued prior to leave. It is the responsibility of the employee to continue his/her contributions to the group health benefits plan for the duration of the leave of absence.

(J) Any employee who desires to take leave without pay for one of the reasons enumerated in subparagraphs (A)(1) through (4) of this regulation, must notify the County Personnel Department, as soon as practicable, of the employee's preference regarding the continuation of group health care and other benefits.

(K) Miscellaneous provisions

(1) Abuse of leave. If it is found that a leave is not 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 County Personnel Department, and the appointing authority may take appropriate disciplinary action.

(2) Failure to return. An employee who fails to return to duty within three working days of the completion or a cancellation of a leave of absence without pay, without explanation to the appointing authority, may be disciplined up to and including removal.

(3) 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 County Personnel Department, be assigned to a position in a classification similar to that which he/she 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.

(4) Service credit. For purposes of this regulation, authorized leaves of absence without pay count toward the computation of service credit provided the employee is properly returned to service and is not serving a probationary period.

(5) Reporting leaves. The appointing authority shall, upon granting a leave of absence without pay, report to the County Personnel Department any leave that extends for one pay period or longer, and the subsequent return from such a leave.

(6) Probationary period. The period during which an employee is on a leave of absence pursuant to this regulation shall not be counted towards an employee's original or promotional probationary period.

(L) Leave of absence pursuant to this regulation shall be granted to an employee in the unclassified service in the manner as it is granted to a classified employee, where applicable. Such leave shall be reported to the County Personnel Department but is not subject to the County Personnel Department's approval. Return of an employee in the unclassified service to active pay status shall be at the discretion of the appointing authority, and consistent with all applicable federal and state laws and regulations.

33-03 Court leave

(A) An appointing authority shall grant court leave with full pay to any employee who is summoned to appear before any court, commission, board or other legally constituted body authorized by law to compel the attendance of witnesses, where the employee is not a party to the action.

(B) Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena, when such duty is performed during an employee's normal working hours, shall be remitted by a county employee to the appointing authority for transmittal to the treasurer of the county.

(C) Any employee who is to appear before a court or other legally constituted body in a matter in which he/she is a party may be granted vacation time or leave of absence without pay. Such instances would include, but not be limited to, criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian of juveniles.

(D) An employee who is the appellant in any action before the State Personnel Board of Review and is in active pay status at the time of a scheduled hearing before the board shall be granted leave with full pay for purposes of attending the hearing.

(E) When an employee is released from jury or witness duty prior to the end of his/her scheduled work day, he/she shall report to work for the remainder of his/her work day.

33-04 Military leave with pay

Permanent county employees, as defined in Section 5903.01 of the Revised Code, who are members of the Ohio Organized Militia, or members of the other reserve components of the armed forces of the United States, including the Ohio National Guard, are entitled to a military leave of absence from their respective positions without loss of pay, for the time they are performing service in the Uniformed Services, as defined in Section 5903.01 of the Revised Code for periods of up to one month for each calendar year in which they are performing service in the Uniformed Services. The maximum number of hours for which payment can be made in any one calendar year is one hundred seventy-six hours. Health care benefits and related benefits continue with regular payroll deductions during this period.

(A) Such county employees shall receive compensation they would have received for up to thirty-one calendar days in a calendar year even though they served for more than thirty-one calendar days of such year in the Uniformed Services. There is no requirement that the service be for one continuous period of time.

(B) Such employees are required to submit to their appointing authority an order or statement from the appropriate military commander as evidence of military duty before military leave with pay will be granted.

(C) Such county employees ordered to perform in the Uniformed Services for longer than one month because of an order of the Governor authorized by 32 USCA 101 to 716 or an executive order issued by the President of the United States or an Act of Congress, and whose county pay is more than his/her military pay, shall be compensated with a pay supplement equal to the difference between the employee's regular pay and his/her military pay. Health care benefits continue during this period with regular payroll deductions. In cases where military pay exceeds county pay resulting in no pay supplement, such employees must remit their regular employee health care contribution to continue benefits.

Upon returning from the period of duty with the Uniformed Services, employees described in this paragraph will follow all requirements and rights listed in Section 33-05 (B)(C)(D)(E) and (F) of these regulations.

33-05 Military leave without pay

(A) A county employee shall be granted, upon giving notice to his or her appointing authority, a leave of absence without pay to serve in the Uniformed Service, as defined in Section 5903.01 of the Revised Code. This leave shall be considered as a leave of absence from service with reinstatement rights. No single leave of absence or combination of Uniformed Service leaves of absence may exceed five years or a single, longer period required to complete an initial period of obligated service.

Regarding health insurance and related benefits, employees on Uniformed Service leave without pay for up to thirty days will be given the option of making direct payments of the employee's share of the health insurance premium. Employees with longer periods of Uniformed Service leave must be given the option of continuing health-care coverage and related benefits for up to twenty-four months. That period of coverage may be shortened to the day after the date an employee fails to apply for or return to his position in a timely manner under this regulation. Such continuation shall be at the employee's expense, and the employee may be required to pay up to one hundred and two percent of the entire health insurance and related benefits premium costs.

(B) Application for Reinstatement.

An employee returning from Uniformed Service leave without pay must apply for reinstatement. Within the period set forth below, the application must be made to the employee's appointing authority or to the County Personnel Department, if the employee's agency is no longer in existence.

(1) Leave of less than thirty-one days: by the beginning of the first regularly scheduled work day that follows the completion of service, but appointing authorities must allow for travel time and eight hours of rest;

(2) Leave of thirty-one to one hundred and eighty days: within fourteen days of completing Uniformed Service requirement; or

(3) Leave of more than one hundred and eighty days: within ninety days of completing Uniformed Service requirement.

If the leave of absence was for more than ninety days, the appointing authority may require, with the application, 1) evidence showing that the application is timely, 2) the duration of all such leaves of absence does not exceed five years or the time to complete the initial period of obligated service, and 3) the employee's entitlement to reemployment has not terminated according to the circumstances described in the Uniformed Services Employment and Reemployment Rights Act of 1994, 108 STAT. 3149 (1994), 38 U.S.C.A. 4301 and 4304, as amended.

(C) Reinstatement

(1) Upon return from a period of duty in the Uniformed Service lasting ninety calendar days or less, the employee shall be promptly reemployed in the following order of priority.

(a) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

(b) in the position of employment in which the person was employed on the date of the commencement of the service in the Uniformed Services, only if the person is not qualified to perform the duties of the position referred to in subparagraph (a) after reasonable efforts by the employer to qualify the person.

(2) In the case of a person whose period of service in the Uniformed Service was for more than ninety calendar days, the employee shall be promptly reemployed in the following order of priority:

(a) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or

(b) in the position of employment in which the person was employed on the date of the commencement of the service in the Uniformed Services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of the position referred to in subparagraph (a) after reasonable efforts by the employer to qualify the person.

(3) In the case of a person who has a disability incurred in, or aggravated during Uniformed Service:

(a) The appointing authority must make reasonable efforts to accommodate a person's disability so that the person can perform the position that person would have held if the person had remained continuously employed.

(b) If, despite reasonable accommodation efforts, the person is not qualified for the position in (a) due to his or her disability, the person must be employed in a position of equivalent seniority, status, and pay, so long as the employee is qualified to perform the duties of the position or could become qualified to perform them with reasonable efforts by the employer.

(c) If the person does not become qualified for the position in either (a) or (b), the person must be employed in a position that, consistent with the circumstances of that person's case, most nearly approximates the position in (b) in terms of seniority, status and pay.

(4) If the employee who is entitled to reinstatement under this rule is unable to report for or perform the essential functions of his/her position, with or without accommodation, at the date of his/her application for reinstatement because of an injury or illness incurred or aggravated during Uniformed Service, he/she shall have up to two years to recover from that illness or injury before being required to report or reapply.

(5) To the extent required by the Uniformed Services Employment and Reemployment Act of 1994, a reinstated employee shall receive all rights and benefits generally available to employees on a comparable leave of absence without pay, including the following:

(a) That amount of sick leave, vacation leave, and if applicable, personal leave, that had been accumulated at the time of entering service. Sick leave, vacation leave, and personal leave will not accrue during the time spent on military leave.

(b) That amount of seniority that would have accrued had the employee been on the job. Seniority for these purposes means longevity in employment together with any benefits of employment that accrue with, or are determined by, longevity in employment.

(c) Automatic salary adjustments associated with the position and that would be due to the employee had the employee been on the job.

(d) Any change in classification or pay range that would be due to the employee had the employee been on the job.

(e) Reinstated health insurance and related insurance benefits with no waiting periods or pre-existing condition exclusions.

(D) Employees reinstated after Uniformed Service leave without pay under this regulation shall not be terminated from their position without cause within one year of reinstatement if the employee's period of service before reinstatement was more than one hundred and eighty days; nor shall an employee so reinstated be terminated from their position without cause within one hundred and eighty days of reinstatement if the employee's period of service before reinstatement was more than thirty days but less than one hundred and eighty days.

(E) An appointing authority is not required to reinstate a person under this regulation if:

(1) the appointing authority's circumstances have so changed as to make such reinstatement impossible or unreasonable;

(2) in the case of a person entitled to reinstatement under 38 U.S.C. § 4313 (a)(3), (a)(4) or (b)(2)(B), such reinstatement would impose an undue hardship on the appointing authority; or

(3) the employment from which the person leaves to serve in the Uniformed Services is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

(F) The provisions of this regulation do not apply to an employee who accrues more than five years of cumulative Uniformed Service, except as provided in 38 USCA 4312 as amended.

33-08 Olympic competition leave

Any employee of the county shall be granted Olympic competition leave from employment without loss of pay to participate in Olympic competition sanctioned by the United States Olympic committee. The events covered by this regulation are the winter Olympic games, the summer Olympic games and the Pan-Am games. Participation in Olympic competition shall include duties as a coach, judge, official, or athlete.

(A) Olympic competition leave shall not exceed the aggregate time required for reasonable pre-competition training at the competition site, actual participation in the competition, and reasonable travel time to and from the competition site.

(B) Pay for each week of Olympic competition leave shall not exceed the amount the employee would receive for the employee's standard work week as defined by the appointing authority. The employee shall not be paid for any day spent in Olympic competition for which the employee would not ordinarily receive pay as part of the employee's regular employment.

(C) An employee, having been granted Olympic competition leave, shall be granted personal leave of absence without pay or, if entitled to vacation leave and if such leave is requested, shall be granted vacation leave in order that the employee may remain at the competition site until the close of competition. If the employee does not indicate that accrued vacation leave is to be used, or if the employee has not accrued any vacation leave, the employee shall receive leave of absence without pay for this time.

(D) To request Olympic competition leave, the employee must submit a request in writing to the appointing authority. This request must be submitted thirty calendar days prior to the effective date of the requested leave. If selected less than thirty calendar days prior to the effective date of the requested leave, the employee shall make the request for Olympic competition leave within one week of such selection. The request shall include:

(1) Proof of selection signed by an official of the United States Olympic committee.

(2) Dates of official pre-competition training at the competition site.

(3) A list of the employee's competition events together with dates of actual competition. If the event is one in which contestants compete until elimination, making it impossible to precisely indicate all days of actual competition prior to taking the leave, the employee shall submit a list of the days on which he/she actually competed upon return from the competition.

(4) Dates of travel time to and from the competition.

(5) If entitled to vacation leave, a statement that such leave is to be used as indicated in paragraph (C) of this regulation.

33-09 Disclosure of medical reports

Disclosure of any reports prepared by an examining physician or related documents is subject to Chapter 1347 of the Ohio Revised Code, and all other applicable State and Federal laws.

Chapter 33

Effective: 01/30/95

Revised: 07/25/02, 08/11/03, 08/09/06, 09/21/07

CROSS REFERENCES

ORC 124.04, Powers and duties of director of administrative services
ORC 124.09, Powers and duties of director
ORC 124.29, Restoration of employment after military service
ORC 124.32, Transfers; Reinstatements
ORC 124.38, Sick leave; other than state employees
ORC 5903.02, Leave of absence; reinstatement if rejected for military duty; refusal to employ or discharge
ORC 5903.03, Restoration of public employee
ORC 5903.04, Rights of restored public employee
ORC 5903.05, Noncompliance by public employers; compensation
ORC 5923.05, Public officers and employees in military service entitled to leave of absence
ORC 9.46, Paid leave for Olympic competition
Family and Medical Leave Act of 1993, P.L. 103-3
OAC Chapter 123:1-33, Sick Leave

Chapter 34

Disability Separation

34-02	Disability separation generally
34-04	Procedures for disability separation
34-05	Disclosure of medical reports
34-07	Right to pre-separation hearing; right of appeal
34-09	Reinstatement generally
34-11	Reinstatement procedures

34-02 Disability separation generally

(A) If an employee becomes permanently unable to perform the essential functions of his/her position, with or without a reasonable accommodation, the employee may be given a disability separation after the expiration of the maximum duration of a leave of absence without pay as granted by the appointing authority pursuant to Regulation 33-02(B).

(B) If an employee on disability leave under Chapter 33 of these regulations is unable to return to work at the time his/her disability leave or any extensions of leave are exhausted, then the employee may be given a disability separation.

(C) An Order as required by Section 124.34 of the Ohio Revised Code will be filed with the County Personnel Department and the State Personnel Board of Review to effectuate a disability separation.

(D) The rights and procedures in this regulation apply only to employees in the classified civil service.

34-04 Procedures for disability separation

(A) Voluntary Disability Separation

If a classified employee becomes unable to perform the essential functions of his/her position, subject to the Americans with Disabilities Act, hereinafter "ADA", the employee may request, in writing, a voluntary disability separation. The employee shall provide the appointing authority and the County Personnel Department with substantial, credible medical evidence signed by a licensed practitioner substantiating the disabling illness, injury or condition. The appointing authority or the County Personnel Department may require the employee to submit to a medical examination by a physician.

(B) Involuntary Disability Separation

(1) If a classified employee becomes unable to perform the essential functions of his/her position, subject to the ADA, the appointing authority, with the approval of the County Personnel Department, may "involuntarily" disability separate the employee.

(2) An appointing authority, with the approval of the County Personnel Department, may require an employee to submit to a medical examination for the following reasons: to determine the employee's capability to perform the essential functions of the employee's position; to determine what accommodation might be necessary for an employee with a disability; or to determine an employee's capability to perform the duties of a position for which the employee has applied and is reasonably suited, based on the employee's education, training, or experience; or as otherwise permitted or required by state or federal laws or regulations.

(3) An examination pursuant to subparagraph (2) shall be conducted by a physician designated by the County Personnel Department. The examination shall focus on two concerns: 1) whether the employee currently is able to perform the essential functions of a specific job, with or without accommodation; and 2) whether the employee can perform the job without posing a direct threat to the health or safety of the employee or others. The appointing authority must provide the examining physician with the following information: a specific explanation of the physical and mental requirements of the employee's position; detailed duty statements; job classification specifications; and a detailed position description. The cost of the medical examination shall be paid by the appointing authority.

(4) The refusal of an employee to submit to an examination, or the unexcused failure to appear for an examination, or the refusal to release the results of an examination, amounts to insubordination that may warrant discipline up to and including removal.

34-05 Disclosure of medical reports

Disclosure of any reports prepared by an examining physician or related documents created pursuant to this Chapter is subject to Chapter 1347 of the Ohio Revised Code and all other applicable state and federal laws.

34-07 Right to pre-separation hearing; right of appeal

(A) An appointing authority may institute pre-separation proceedings when it has received the results of a medical or psychological examination conducted as provided by Regulation 34-04. An appointing authority shall institute pre-separation proceedings if said examination indicates an employee is incapable of performing the essential functions of the employee's assigned position, with or without a reasonable accommodation, and the appointing authority determines that the employee is not eligible for or has exhausted leave of absence without pay. Under those proceedings, a hearing shall be scheduled in advance. Written notice shall be provided to the employee. If the employee does not waive the right to the hearing, then at that 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.

(B) 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 the essential functions of his/her position, then the pre-separation proceedings shall cease and the employee shall be considered to be fit to perform his/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 the essential functions of his/her position, then the appointing authority shall issue to the employee a Section 124.34 Order of involuntary disability separation.

(C) An employee so separated shall have the right to appeal to the State Personnel Board of Review within ten calendar days following the date on which the Order is served on the employee, as defined in R.C. 124.34.

(D) The appointing authority shall notify the employee, at the time of the disability separation, of the required procedures to apply for reinstatement.

34-09 Reinstatement generally

(A) An employee in the classified civil service given a disability separation shall have the right to reinstatement to the same or similar position the employee held at the time of separation within two years after having been given a disability separation.

(B) Any request for reinstatement following a disability separation must be filed with the County Personnel Department and the appointing authority within two years from the date of separation provided that such application shall not be filed after the date of service eligibility retirement. The request must be in writing, and shall be made not more than once every three months. The date of separation shall be the date the 124.34 Order is served on the employee.

(C) The employee requesting reinstatement from a disability separation shall be eligible for reinstatement after a medical examination, conducted by a physician, to be designated by the appointing authority, or upon the submission of other appropriate and satisfactory medical documentation establishing that the employee has recovered sufficiently from the disabling illness, injury or condition so as to be able to perform the essential functions of the position to which reinstatement is sought, with or without reasonable accommodation. The costs of such examination shall be paid by the employee.
[RC 124.32(B); SB 144, 1998; and S 245, 2000]

(D) An employee who fails to timely apply for reinstatement shall be deemed as permanently separated from service two years from the date the employee was given a disability separation.

34-11 Reinstatement procedures

(A) The appointing authority shall reinstate the employee after receiving the results of a physical or psychiatric examination described in Regulation 34-09(C) indicating that the employee is once again capable of performing the essential functions of the employee's assigned position with or without a reasonable accommodation.

(B) 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 the disability separation. If the classification that the employee held at the time of the disability separation no longer exists or no longer is utilized by the appointing authority, then the employee shall be placed in a similar classification. If no similar classification exists, the employee may be laid off in accordance with Chapter 124 of the Ohio Revised Code or in accordance with an applicable collective bargaining agreement executed in accordance with Chapter 4117 of the Revised Code.

CROSS REFERENCES

ORC 124.32, Transfers; reinstatements
ADA, 29 CFR Part 1630
ORC Chapter 1347, Personal Information Systems
OAC Chapter 123:1-34, Leave

Chapter 39

Training

39-01 Training program

The County Personnel Department shall establish a planned program of in-service and on-the-job training geared to the career merit system where the Department determines a need for such a program exists.

CROSS REFERENCES

ORC 124.04, Powers and duties of director of administrative services

ORC 124.11, Unclassified and classified service

OAC Chapter 123:1-39, Training

Chapter 41

Layoffs

41-01	Layoffs
41-03	Determination of lack of funds or lack of work for county offices and the filing of a statement of rationale and supporting information
41-04	Abolishment of positions in the classified service
41-05	Displacement of employees due to abolishment of positions
41-06	Determination by appointing authority of classifications for layoff
41-07	Order of layoff of employees
41-08	Verification of retention points
41-09	Computation of retention points
41-10	Notification of layoff or displacement
41-11	Displacement rights of employees
41-12	Order of displacement
41-14	Layoff jurisdictions for county offices
41-16	Reinstatement rights
41-18	Notification of reinstatement
41-19	Removal from recall lists
41-20	Inspection of layoff lists
41-21	Layoff of employees on sick leave, leave without pay, or receiving disability leave benefits
41-22	Cash conversion of accrued leave at layoff, and restoration of leave credit
41-23	Appeal of layoff or displacement

41-01 Layoffs

(A) Employees in the classified civil service of county offices may be laid-off whenever a reduction in force is necessary due to a lack of funds, lack of work, or the abolishment of positions.

(B) If it becomes necessary for an appointing authority to reduce its work force, the appointing authority shall lay off employees in accordance with Sections 124.321 to 124.327 of the Ohio Revised Code and the regulations of this Chapter.

(C) If an appointing authority abolishes positions in the civil service, the abolishment of positions and any resulting displacement of employees shall be made in accordance with Sections 124.321 to 124.327 of the Ohio Revised Code and the regulations of this Chapter.

41-03 Determination of lack of funds or lack of work for county offices, and the filing of a statement of rationale and supporting information

(A) The determination of the existence of a lack of funds or a lack of work for county offices shall be made by the appointing authority of the county office. The layoff provisions of these Regulations adopted pursuant to Ohio Revised Code Section 124.321 do not require any transfer of money between funds in order to offset a deficiency or projected deficiency of funding for programs funded by the federal government, special revenue accounts, or proprietary accounts. Whenever a program receives funding through a grant or similar mechanism, a lack of funds shall be presumed for the positions assigned to and the employees who work under the grant or similar mechanism, if for any reason, the funding is reduced or withdrawn. Also, any determination of lack of work shall indicate the current or projected decrease in workload and whether the current or projected staffing levels of the appointing authority will be excessive.

(B) The appointing authority of a county office shall file with the County Personnel Department a statement of rationale and supporting information for the determination of the lack of funds or lack of work as is available prior to the time the layoff notices are mailed or delivered to the affected employees.

Chapter 41

Effective: 01/30/95

Revised: 07/26/96, 07/25/02, 08/09/06, 09/21/07

41-04 Abolishment of positions in the classified service

(A) An appointing authority may abolish positions in the classified civil service for any of the following reasons:

- (1) As a result of a reorganization for the efficient operation of the appointing authority.
- (2) Lack of work. The appointing authority has a current or projected decrease in the workload that requires a reduction of current or projected staffing levels in its organization or structure.
- (3) For reasons of economy. Reasons of economy must be determined at the time the appointing authority proposes to abolish positions. The reasons of economy are based on the appointing authority's estimated amount of savings with respect to salary, benefits, and other matters associated with the position's abolishment. However, if the following conditions apply, the reasons of economy can be based on estimated amount of savings with respect to salary and benefits only:

(a) The appointing authority's operating budget appropriation has been reduced by resolution, or the appointing authority has a current or projected deficiency in funding to maintain current or projected levels of staffing and operations; and

(b) The appointing authority files a notice of the position's abolishment with the County Personnel Director within one year of the occurrence of the applicable circumstance described in section (A)(3)(a) of this Regulation.

If an appointing authority is authorized to abolish a position and lay off an employee based on the appointing authority's estimated amount of savings with respect to salary and benefits only, as outlined above, each of the following applies:

(1) The position's abolishment must be done in good faith and not as a subterfuge for discipline.

(2) If a circumstance affects a specific program only, the appointing authority may only abolish positions within that program.

(3) If a circumstance does not affect a specific program only, the appointing authority may identify a position that is considered appropriate for abolishment based on the reasons of economy.

(B) The determination to abolish positions shall be made by the appointing authority.

The appointing authorities of county offices shall file with the County Personnel Department, a statement of rationale and supporting information for the determination to abolish positions prior to sending the notice of abolishment to the affected employee.

41-05 Displacement of employees due to abolishment of positions

(A) If an abolishment of positions results in the reduction of the work force, the appointing authority shall follow the procedures for laying off employees as contained in this Chapter, subject to the following modifications:

(1) The employee whose position is abolished shall have the right to fill an available vacancy within the employee's classification;

(2) If a vacancy is not available in the employee's classification or the employee does not wish to exercise his/her option to fill an available vacancy and if the employee whose position has been abolished has more retention points than another employee in the classification, then the employee with the fewest retention points shall be displaced. The employee displaced as a result of the operation of this

paragraph may be offered an available vacancy within the classification or a lower classification in the classification series. If an employee is displaced as a result of the operation of this paragraph, he/she shall be subject to the layoff procedures of this Chapter.

(3) If the employee whose position has been abolished has the fewest retention points of employees in that classification, the employee shall have the right to fill an available vacancy in his/her classification or in the next or successively lower classifications in the classification series.

(4) If a vacancy is not available in the next or successively lower classification within the classification series or the employee whose position has been abolished does not wish to exercise his/her option to fill an available vacancy in the next or successively lower classification in the classification series and the employee has fewer retention points than any other employee in his/her current classification, but more retention points than other employees in the next or successively lower classification, then the employee whose position was abolished shall displace the employee with the fewest retention points in the next or successively lower classification in the classification series. The employee displaced as a result of the operation of this paragraph may be offered an available vacancy in his/her classification and shall be subject to the layoff procedures of this Chapter.

(B) In order to exercise the displacement rights provided in this regulation, the order of layoff shall be applied prior to an employee exercising his/her displacement rights.

(C) At the time the retention points list is submitted to the County Personnel Department, the appointing authority shall notify the County Personnel Department of all available vacancies within the layoff jurisdiction.

(D) Notwithstanding any contrary provision of the displacement procedure described in Section 124.324 of the Ohio Revised Code for employees to displace other employees during a layoff (or the Regulations here adopted pursuant to that Section), the County Personnel Department or the County appointing authority may establish a paper lay-off process under which employees who are to be laid off or displaced may be required, before the date of their paper layoff, to preselect their options for displacing other employees.

41-06 Determination by appointing authority of classifications for layoff

Whenever a reduction in the work force is necessary, the appointing authority shall determine the classification or classifications in which the layoff or layoffs will occur and the number of employees to be laid-off within each classification.

41-07 Order of layoff of employees

(A) Appointment categories established. For purposes of this Chapter the appointment categories for order of layoff of employees are as follows: part-time probationary, part-time permanent, full-time probationary, and full-time permanent. For purposes of order of layoff and displacement, an employee who was appointed without a competitive examination under Section 124.30 of the Ohio Revised Code and who has not completed six months of continuous service in the position will be treated the same as a probationary employee in the classification held at the time of layoff.

(B) Progression of layoff. Layoffs shall be based upon ascending retention points order beginning with the employee having the fewest retention points. In cases where two or more employees have identical retention points the tie shall be broken in accordance with Regulation 41-09 of this chapter.

(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 employees in the same classification who have not completed their probationary period.
- (2) Part-time employees in the same classification who have completed their probationary period.
- (3) Full-time employees in the same classification who have not completed their probationary period.
- (4) Full-time employees in the same classification who have completed their probationary period.

41-08 Verification of retention points

(A) General. Employees shall be laid-off using the following system for systematic consideration of continuous service and relative efficiency in service. Employees shall be assigned retention points in accordance with the period of continuous service of the employee and for relative efficiency. An employee's total retention points shall be the sum of the base retention points plus the retention points assigned for continuous service and for relative efficiency in service.

(B) Computation of retention points. The appointing authority shall compute the total retention points for each employee in the classifications affected by a layoff or position abolishment, including the classifications in which displacement may occur.

(C) Date for calculation of retention points. Retention points shall be calculated as of the day lists of retention points are received by the County Personnel Department for verification.

(D) Submission of information to the County Personnel Department. The appointing authority shall submit the list of employees' retention points with the request for verification, at least thirty calendar days prior to the effective date of an abolishment or layoff. The list submitted for verification of retention points must identify those persons being considered for layoff and/or the positions being considered for abolishment.

If an appointing authority indicated a different date of original hire for computation of retention points than the date of hire indicated by the County Personnel Department, then the change must be supported by documentation which shall be submitted with the list.

(E) Verification by the County Personnel Department. The County Personnel Department shall verify the calculation of retention points of the employees of appointing authorities before an abolishment or layoff can be effective.

(F) Movement into and out of affected classifications. Once an appointing authority has submitted the list of retention points and employees to the County Personnel Department, the appointing authority may not move employees into or out of affected classifications by means of promotions, intra-office transfers, voluntary demotions, lateral or classification changes, or reassignments, except that transfers out of an agency or implementation of the findings of a position audit completed prior to the date of the submission of the list for verification of retention points shall be implemented.

(G) Personnel actions and recall lists. Personnel action forms and recall lists resulting from a layoff or displacement must be received by the County Personnel Department at least seven calendar days prior to the effective date of a layoff or displacement.

(H) Notice of layoff, displacement, and sick leave conversion forms. A copy of the notice of layoff or displacement to employees shall be forwarded to the County Personnel Department with the personnel actions resulting from a layoff. If an employee had displacement rights in a layoff the appointing authority must indicate to the County Personnel Department whether or not the employee exercised

his/her displacement rights. If the employee did not exercise his/her displacement rights or the employee did not notify the appointing authority of his/her desire to exercise his/her displacement rights, the personnel action forms, or other appropriate forms, must indicate that fact.

41-09 Computation of retention points

(A) Assignment of retention points for continuous service. Employees shall be assigned a base of one hundred retention points. Computation of retention points for continuous service shall be made by crediting each full-time employee with one retention point for each completed thirteen weeks of continuous service.

Retention points for continuous service for other than full-time employees shall be calculated on the basis of one point for each completed five hundred twenty hours of service. If an appointing authority utilizes an established work week that is less than forty hours per week, the computation of retention points for continuous service shall be based on the number of hours normally worked in a thirteen-week period.

Overtime shall not be considered for purposes of computation of retention points for continuous service.

(B) Assignment of retention points for relative efficiency.

(1) Performance evaluations used. Computation of retention points for efficiency in service (relative efficiency) shall be made by using the performance evaluations of employees. Only the performance evaluations on file with the County Personnel Department at the time retention points lists are submitted for verification shall be used for the calculation of retention points for relative efficiency.

Performance evaluations to be used in calculating retention points of employees who have completed the required probationary period following appointment shall be used as follows:

(a) Averaging the latest two annual performance evaluations for employees with more than two (2) years of continuous service; or

(b) Using the latest annual performance if the employee has less than two years but more than one year of continuous service. If the employee had a one-year probationary period then the final probationary period evaluation shall be used; or

(c) Using the final probationary performance evaluation, if the employee has less than one year of continuous service and has completed his/her probationary period.

No retention points for relative efficiency shall be given to employees who have not completed their probationary period.

(2) Formula for assigning retention points. Assignment of retention points for efficiency in service shall be made according to the following formula:

<u>Total Score on Performance Evaluation</u>	<u>Points</u>
20 and below	0
21 through 28	1
29 through 36	2
37 through 44	3
45 through 52	4
53 through 60	5
61 through 68	6
69 through 76	7

77 through 84	8
85 through 92	9
93 through 100	10

(3) Assignment of retention points if no performance evaluation exists. An employee who has completed his/her probationary period and who has not been evaluated in accordance with Chapter 29 of these regulations or whose performance evaluations are not on file in the County Personnel Department shall be assigned the maximum number of retention points for efficiency.

(4) Use of special performance evaluations. In no event shall special performance evaluations be used for computing retention points for relative efficiency of an employee.

(C) Tie breaker. In the event two or more employees have identical retention points, as calculated by this regulation, the tie shall be broken by utilizing, in the following order, the following methods:

(1) First, employees having the most recent date of continuous service from which no break in service has occurred shall be laid-off or displaced first; and

(2) Second, the appointing authority shall determine the employee to be laid-off or displaced first.

(D) Continuous service of employees. In the event an employee is transferred the employee's length of continuous service will be deemed unbroken so long as no break in service occurs from one layoff jurisdiction to another. In the event an employee is transferred from one appointing authority to another or receives an appointment with another appointing authority, e.g., from one agency to another, etc., the employee's length of continuous service will be deemed unbroken so long as no break in service occurs from one appointing authority to another.

(E) Consistent with ORC 124.322, the County Personnel Department may effect an alternative policy and methodology for computation of retention points on behalf of Appointing Authorities participating in the CPD.

41-10 Notification of layoff or displacement

(A) Notification of layoff or displacement. Each employee to be laid-off shall be given advance written notice by the appointing authority. Such written notice shall be hand-delivered to the employee at work or mailed by certified mail to the employee's last known address on file with the appointing authority. If hand-delivered such notice shall be given at least fourteen calendar days before the effective date of layoff or layoff due to displacement and the day of hand-delivery shall be the first day of the fourteen-day period. If mailed, such notice shall be mailed at least seventeen calendar days before the effective date of the layoff or layoff due to displacement. The day the letter is mailed shall be the first day of the seventeen-day period.

(B) Content of layoff or displacement notice. Each notice of layoff or displacement shall contain the following information:

(1) The reason for layoff or displacement;

(2) The effective date of the layoff or displacement;

(3) The employee's accumulated retention points;

(4) The right of the employee to appeal a layoff or displacement to the State Personnel Board of Review and that the appeal must be made within ten calendar days after the employee is notified that he/she is to be laid-off or the employee is displaced;

(5) A statement advising the employee that he/she may have the right to displace another employee and that the employee must exercise his/her displacement rights within five calendar days of the date he/she is notified that he/she is displaced or is notified of layoff;

(6) A statement advising the employee of the right to reinstatement

(7) A statement that, upon request by the employee, the appointing authority will make available a copy of Chapter 41 of these regulations;

(8) A statement that the employee is responsible for maintaining a current address with his/her appointing authority; and

(9) A statement that the employee may have the option to convert accrued unused leave, if such opportunity to convert leave exists.

41-11 Displacement 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 regulation. Displacement rights of an employee may only be exercised within the layoff jurisdiction as established in this Chapter.

(B) Exercising of option to displace. An employee who is to be laid-off may exercise his/her displacement rights under the provisions of this Chapter or be laid-off. Displacement occurs the date an employee is notified that another employee has exercised his/her right of displacement and that the employee with fewer retention points is to be displaced. A displaced employee may exercise his/her right to displace another employee if such right to displace exists. If the displaced employee does not have the right to displace another employee, then the displaced employee shall be laid-off.

(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 regulation a laid-off employee exercising his/her 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 Regulation 41-07 of this chapter.

(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.

(F) Displacement into positions with special qualifications. No employee shall displace an employee for whose position or classification there are certain position-specific minimum qualifications unless the employee desiring to displace another employee possesses the requisite position-specific minimum qualifications or bona fide occupational qualifications for the position or the classification. The special qualifications must be established by (1) the appointing authority and reviewed for validity by the County Personnel Department or (2) 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.

(G) Rate of pay for an employee following displacement. An employee exercising his/her 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 that is equivalent or nearest to, but not exceeding, the rate the employee was paid in his/her prior classification. If the rate the employee was assigned in his/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.

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 whose position is abolished and who is to be laid-off may displace within his/her classification. If the employee exercises his/her right to displace within his/her classification, he/she shall displace the employee with the fewest retention points in that classification. The further rights of an employee whose position is abolished are established in Regulation 41-05 of this chapter.

(B) Displacement within the classification series. An employee who is to be laid-off or who is displaced as a result of a layoff may displace the employee with the fewest retention points in the next lower, and then successively lower classifications in the classification series, and then within a classification previously held by the employee within the previous three years, as provided in Regulation 41-12(C), in that order. 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 previously held. An employee who is to be laid-off or who is displaced as a result of a layoff shall have the right to displace the employee with the fewest retention points in the classification the laid-off or displaced employee held immediately prior to his/her current classification, provided the classification is a lower or equivalent classification to the employee's current classification.

Such a laid-off or displaced employee may displace into a classification he/she previously held if:

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

(2) The laid-off or displaced employee still meets the minimum position-specific qualifications of the previous position or classification as provided in Regulation 41-11(F); and

(3) The laid-off or displaced employee shall have successfully completed his/her original probationary period. An employee shall be deemed to have successfully completed the original probationary period if he/she had not been probationary removed.

(D) Displacement to another appointment type. Notwithstanding the provisions of this regulation, an employee shall not be required to accept a position with a lesser appointment type until the employee has had the opportunity to exercise his/her displacement rights as provided in Regulation 41-11 of this chapter.

(E) Displacement rights of an employee previously displaced. If after an employee has exercised his/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/she was first displaced provided, however, he/she has rights to reinstatement in his/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.

41-14 Layoff jurisdictions for county offices

(A) General. Each county office is a layoff jurisdiction. Layoff, displacement, and reinstatement rights and procedures shall apply only within each county office affected by the layoff. The order of layoff as provided in Regulation 41-07 of this chapter applies within each of the layoff jurisdictions.

(B) County layoff jurisdictions. Layoff jurisdictions for layoff, displacement, and reinstatement of employees of county offices shall be the employee's appointing authority. The order of layoff and reinstatement shall be followed within each county appointing authority.

41-16 Reinstatement rights

(A) Creation of layoff lists for reinstatement. Each appointing authority that has laid-off employees shall prepare recall lists of the names of the employees laid-off. The recall lists shall be compiled by the classifications in which the employees were laid-off. The names shall be listed in descending retention points order in each appointment category. These lists shall be arranged by layoff jurisdiction and shall be in reverse order of the order of layoff as established in this Chapter.

The recall lists shall contain the employee's name, type of appointment, retention points, and date of commencement of continuous service. In cases of identical retention points ratings, the order of recall shall be the reverse order of the layoff. Any ties of retention points shall be broken in accordance with the procedure established in Regulation 41-09 (C) of this chapter.

(B) Period of eligibility on layoff lists. An employee's name shall remain on the appropriate list for a period of one year from the date the employee was first laid-off or displaced from his/her original classification. These recall lists shall be thereafter administered by the County Personnel Department. Recall lists shall be utilized by the appointing authority only within a layoff jurisdiction.

(C) Administration of recall lists for reinstatement. The administration of the recall lists for reinstatement shall comply with the following requirements:

(1) Vacancies that occur in a classification series for which a recall list exists must be accepted or declined in writing by the first person on the recall list for that classification series before the next person on the recall list may be offered a vacancy.

(2) In no event shall any employee on the recall list be offered a position in a classification with a higher pay range assignment or appointment category than that of the classification or appointment category from which the employee was laid-off or displaced.

(D) Failure to exercise displacement rights. A laid-off or displaced employee who chooses not to exercise his/her option to displace shall only be entitled to reinstatement to the classification from which the employee was laid-off or displaced.

(E) Prohibition of movement into classifications for which recall lists exist. In any layoff jurisdiction in which an appointing authority has any employee on a recall list, the appointing authority shall not hire or promote into the classification series subject to the recall list except as provided in paragraph (C)(1) of this regulation. An appointing authority may reassign or transfer employees within a classification and within the layoff jurisdiction districts for which a recall list exists unless the purpose of the reassignment or transfer is to circumvent a recall list. Transfers of employees may not be made into a layoff jurisdiction district if a recall list exists for that district.

(F) Probationary period. Any employee reinstated under this regulation shall not serve a new probationary period when reinstated; except, any employee laid-off or displaced while serving an original or promotional probationary period shall begin a new probationary period upon reinstatement.

41-18 Notification of reinstatement

(A) Notification of recall. Each employee recalled from layoff shall be notified of the offer of reinstatement by certified letter. The notice of reinstatement shall contain a statement that refusal of reinstatement to the same classification and same appointment type shall result in removal of such employee's name from the appointing authority's recall list. The notice of reinstatement shall be in accordance with format prescribed by the County Personnel Department.

(B) Period for response. Each recalled employee shall be allowed ten calendar days from the date of receipt of the letter to return to work, and such time limit shall be explained to the employee in the notification of recall letter. In the event of extenuating circumstances (e.g., illness, injury, or other good cause as determined by the County Personnel Department) preventing the employee from returning within the above time limit, the employer shall grant a reasonable extension, not to exceed sixty calendar days.

In the absence of extenuating circumstances, an employee not accepting reinstatement within ten calendar days shall be deemed to have declined reinstatement and the employee's name shall be removed from consideration for reinstatement.

(C) Current address for purposes of reinstatement. The employee shall be responsible for keeping a current address on file with his/her appointing authority. The appointing authority shall notify the County Personnel Department of any changes in address of employees on recall lists.

41-19 Removal from recall lists

(A) Any employee accepting or declining reinstatement to the same classification and appointment type from which the layoff or displacement initially occurred shall be removed from the reinstatement recall lists; except that any employee declining reinstatement to a different appointment category than that from which he/she was laid-off or displaced or declining reinstatement for reasons of hardship, as approved by the County Personnel Department, shall not be removed from the recall lists.

(B) Any employee accepting reinstatement to a classification with a pay range lower than the classification from which the employee was laid-off or displaced shall remain on the appointing authority's recall list for classifications in the classification series with pay ranges higher than the classification to which the employee was reinstated, up to and including the classification from which the employee was laid-off.

(C) Any employee declining reinstatement to a classification in the classification series with a pay range lower than the classification from which the layoff or displacement initially occurred shall not be removed from the appointing authority's recall list. Such employee shall thereafter only be offered reinstatement to a classification with a pay range higher than the classification declined, up to and including the classification from which the employee was laid-off or displaced, unless the employee was full-time at the time of layoff or displacement, and the reinstatement he or she declined was in a part-time position.

(D) If not removed under paragraphs (A) to (C) of this regulation, the name of any laid-off or displaced employee shall be removed from the appointing authority's recall list one calendar year after the employee was first laid-off or displaced from his/her original classification. In the event any displaced employee is subsequently laid-off or displaced, such employee's name shall be removed from the recall lists one calendar year after the subsequent layoff.

41-20 Inspection of layoff lists

(A) Posting of layoff lists. At least fourteen calendar days prior to any layoff the appointing authority shall prepare and post for inspection in a conspicuous and public place accessible to affected employees a list containing the names, dates of appointment, types of appointment, status, classification, and retention points of all employees in that classification series and shall indicate thereon which employees will be laid-off.

(B) Availability of lists and regulations. The appointing authority's layoff list and copies of the administrative regulations regarding layoffs shall, upon request, be made available for inspection and copying to anyone during normal working hours. A reasonable charge for reproduction may be made.

41-21 Layoff of employees on sick leave, leave without pay, or receiving disability leave benefits

(A) Employees receiving sick leave at time of layoff. Employees who are on sick leave at the time a layoff is effective shall be subject to layoff, under the provisions of this Chapter. The effective date of layoff or displacement of an employee may not be extended on the basis that an employee is on sick leave.

(B) Employees on leave of absence without pay at time of layoff. An employee who is on a leave of absence without pay under the provisions of Regulation 33-01 at the time a layoff is effective, shall be subject to layoff under the provisions of this Chapter. The effective date of a layoff or of displacement for an employee may not be extended on the basis that an employee is on a leave of absence without pay.

41-22 Cash conversion of accrued leave at layoff, and restoration of leave credit

(A) General. Any employee who is eligible for a cash conversion of their accumulated leave and who is laid-off shall have his/her accumulated balance of vacation converted to a cash benefit according to the following:

(1) Any accumulated unused balance of vacation shall be converted to a cash payment at the time an employee is laid-off.

(B) Reinstatement of leaves. Employee's leave balances may only be reinstated if the employee's layoff is disaffirmed by the State Personnel Board of Review and the employee submits a reimbursement for the entire amount of the leave balance previously converted.

41-23 Appeal of layoff or displacement

An employee may appeal a layoff, or a displacement that 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 the layoff notice 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/her right to displace the employee from his/her position. An appeal shall be made in accordance with the rules promulgated by the State Personnel Board of Review. The decision of the State Personnel Board of Review may be appealed by the affected employee or the appointing authority to the Court of Common Pleas in accordance with section 119.12 of the Revised Code.

CROSS REFERENCES

ORC 124.321, Layoff procedures; lack of funds for work; abolishment of position
ORC 124.322, Classification affected; length and efficiency of service
ORC 124.323, Appointment categories; priorities
ORC 124.324, Displacement of other employees; procedures
ORC 124.325, Retention points; mergers of city and county offices or functions
ORC 124.326, Order of layoff and displacement; jurisdiction
ORC 124.327, Layoff lists; reinstatement rights
ORC 124.328, Appeals
ORC 124.39, Payment for unused sick leave upon retirement or death
ORC 325.19, Vacation leave; holiday pay
OAC Chapter 123:1-41, Layoffs

Chapter 45

Implementation and Separability

45-01 Implementation
45-02 Separability

45-01 Implementation

The County Personnel Department may issue guidelines to implement the provisions of these regulations and to establish the necessary forms of procedures to carry out Chapter 124 of the Ohio Revised Code and the regulations adopted thereunder. Any such guidelines shall be distributed to all affected agencies.

45-02 Separability

Each regulation of the County Personnel Department, and each section of each regulation is an independent regulation. The holding of any regulation or section to be void, invalid, or ineffective, for any reason does not affect the validity of any other regulation or section.

CROSS REFERENCES

ORC 124.20, Rules and classifications
OAC Chapter 123:1-45, Implementation and Separability

Chapter 47

Definitions

47-01 Definitions

For purposes of Chapters 1 to 47 of these regulations:

(1) "Abolishment" - Means the deletion or removal of a position or positions from the organization or structure of an appointing authority as a result of a re-organization for the efficient operation of the appointing authority, for reasons of economy, or due to a lack of work.

(2) "Active pay status" - Means the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, administrative leave, compensatory time, holidays and personal leave.

(3) "Active work status" - Means conditions under which an employee is actually in a work status and is eligible to receive pay but does not include vacation leave, sick leave, administrative leave, compensatory time, holidays and personal leave.

(4) "Agency" - Means any unit of government headed by an officer or group having the power to appoint employees.

(5) "Allocation" - Means the assigning of a position or job to a classification within a classification plan.

(6) "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.

(7) "Anniversary date" - Means the date of commencement of continuous service, that is, the most recent date of hire with no interruption in service.

(8) "Assistant" - Means the employee who aids and assists an appointing authority in the discharge and performance of duties that are of a confidential and fiduciary character and that involve the responsibility of his/her principal.

(9) "Appointment categories" - Means the following (other than for layoff, for which "appointment category" has a more specific meaning): 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 that 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) "Break in service" - Means an employee has had a separation from service of thirty-one calendar days or more. An authorized leave of absence, granted pursuant to Chapter 33 of these regulations, or any separation from service that carries with it the right to reinstatement, shall not constitute a break in service, provided the employee is reinstated within the allowable time. The time the employee was separated shall not be counted towards the calculation of retention points for continuous service. This definition does not apply to eligibility for permanent classified status, for which "break in service" has a more specific meaning.

(13) "Certification" - Means the process of providing to an appointing authority the names on an eligible list, jurisdictional layoff list, or an agency layoff list.

(14) "Certification eligible list" - Means a list, issued to an agency, of individuals available for employment from an eligible list, a jurisdictional layoff list, or an agency layoff list

(15) "Certified appointment" - Means an appointment from an eligible list.

(16) "Certified employee" - means a classified employee who has been appointed to a position from a certification eligible list.

(17) "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. "Classification" as used in these regulations also means the position, office or employment identified in the administrative regulations by classification number and classification title with the same assigned pay range.

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

(19) "Classification plan" - Means a system of classifications and pay range assignment for each classification.

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

(21) "Completed service" - Means hours actually worked, including overtime, and hours of sick leave, vacation leave, 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, military leave without pay 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.

(22) "Continuous service" - Means the uninterrupted service of an employee with a county office or board, where no break in service occurs.

(23) "County offices" - Means those agencies, departments, bureaus, commissions, boards, and elected offices of the county that are appointing authorities and are subject to the provisions of Chapter 124 of the Ohio Revised Code, which includes, but is not limited to the following: auditor, clerk of courts, coroner, engineer, prosecutor, recorder, sheriff, treasurer, commissioners, sanitary engineering department, disaster service agency, children's home, county home, adult probation, bureau of support, juvenile detention center, mental health board, mental retardation board, children services board, county hospital, county tuberculosis hospital, soldier's relief committee, data processing board, county microfilming, and general health district.

(24) "Days" - Means calendar days unless specified otherwise.

(25) "Demotion" - Means the act of placing, at the request of the appointing authority or the employee, an individual in a position, the classification for which carries a lower salary range than that previously held.

(26) "Department" - Means the County Personnel Department.

(27) "Deputy" - Means an employee authorized by law to act generally for or in place of his/her principal and holding a fiduciary relationship to such principal, or as otherwise provided by the Ohio Revised Code.

(28) "Displacement" - Means for purpose of layoffs the process by which an employee with more retention points exercises his/her right to take the position of another employee with fewer retention points pursuant to the provisions of Chapter 41 of these regulations. Displacement occurs the date an employee is notified that another employee has exercised his/her right of displacement and that the employee with fewer retention points is to be displaced.

(29) "Educational institution" - Means an institution that is approved by nationally recognized accrediting agencies.

(30) "Eligible" - Means an applicant for appointment to a classification who has passed an examination, or met other requirements of merit selection and who is willing to accept employment.

(31) "Eligible list" - Means a list of names and scores of individuals who have taken an examination for a specific classification.

(32) "Exempt appointment" - Means an appointment to a position that is not subject to examination or civil service tenure. Such a position is included in the classification plan unless specifically excluded.

(33) "Full-time employee" - Means an employee whose regular hours equal any standard number of hours accepted as full time in a county office.

(34) "Immediate family" - Means an employee's spouse, mother, father, brother, sister, child, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-mother, step-father, step-brother, step-sister, step-son, step-daughter, or a legal guardian or other person who stands in the place of a parent (in loco parentis), except as otherwise provided by law or these regulations.

(35) "Intermittent appointment" - Means an appointment where an employee works on an irregular schedule that 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 year. Such appointments are in the unclassified civil service status.

(36) "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.

(37) "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.

(38) "Lack of work" - Means an appointing authority has a current or projected temporary decrease in the workload or work requirements that requires or will require a reduction in current or projected staffing levels.

(39) "Leave of absence" - Means approved leave of absence, with or without pay, that extends beyond one pay period.

(40) "Level" - Means the term used to designate the degree of relationship that one classification bears to other classifications in a sub-series; e.g., a first-level clerk (clerk 1) holds the lowest rank in the clerk sub-series.

(41) "Merit Selection" - Means selection designed to identify the best candidate for a position, based on merit and fitness, by applying uniform and consistent job-related criteria to achieve an objective hiring decision.

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

(43) "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 and disability separation.

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

(45) "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.

(46) "Part-time employee" - Means an employee whose regular hours of duty are less than any standard number of hours accepted as full-time in a county office.

(47) "Pay period" - Means, for county agencies, the fourteen-day period of time during which the payroll is accumulated, as determined by the appointing authority.

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

(49) "Permanent employee (permanent appointment)" - 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, that is not limited to a specific season or duration. It does not include student help, intermittent, temporary, seasonal, or individuals covered by personal service contracts.

(50) "Permanent status" – Means a classified employee has successfully completed his/her initial probationary period or served continuously in the position for six months, whichever is longer. Applies to employees appointed from a certified eligible list as well as those appointed under Section 124.30, Ohio Revised Code.

(51) "Position" - Means the group of job duties intended to be performed by an individual employee as assigned by the appointing authority.

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

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

(54) "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, intra-departmental transfer, or reorganization.

(55) "Probationary period" - Means a period of time at the beginning of an original appointment or immediately following a promotion that constitutes a trial or testing period for the employee, and following which he/she may be terminated or reduced. Applies to certified and other classified appointments, not to unclassified.

(56) "Promotion" - Means the act of placing an employee in a position, the classification for which carries a higher salary range than that previously held.

(57) "Promotional examination" - Means an examination open only to persons already employed in the County service.

(58) "Reassignment" - Means the act of changing the classification assigned to an individual. This may be the result of change in or addition of classifications to the classification plan, or by action of the County Personnel Department, in assigning a different classification title as a result of a position audit or position update than that previously held.

(59) "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.

(60) "Reduction" - Means a change of the classification held by an employee to one having lower base pay range or rate, 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.

(61) "Reinstatement" - Means the act of returning a person to County service, 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.

(62) "Removal" - Means the termination of a classified employee's employment for the reasons outlined in Section 124.34 of the Ohio Revised Code, for failure to successfully complete a probationary period, or for failure to achieve permanent classified status; or with respect to an unclassified employee, for any reason.

(63) "Resignation" - Means a voluntary separation from County service by the employee.

(64) "Seasonal appointment" - Means an appointment where an employee works a certain regular season or period of the year performing some work or activity limited to that season or period of the year.

(65) "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, worker characteristics or behaviors required for successful completion of all tasks within each duty, and minimum qualifications for competition for employment in the classification.

(66) "Status" - Means a type of appointment, such as classified, unclassified, or certified.

(67) "Suspension" - Means temporary deprivation of employment, without pay, as a punitive or disciplinary measure.

(68) "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.

(69) "Temporary appointment" - Means an appointment for a limited period of time, fixed by the appointing authority and approved by the County Personnel Department, for a period not to exceed one hundred twenty calendar days, except as allowed in Section 124.30 of the Ohio Revised Code. A temporary appointment longer than 120 days may be made to fill a vacancy created by the sickness, disability, or other approved leave of absence of a regular employee for the period of the sickness, disability, or leave of absence. Such appointments are in the unclassified civil service status.

(70) "Unclassified service" - Means all offices and positions that are exempt in accordance with Section 124.11(A) of the Ohio Revised Code or any other provision of law from all examinations and that provide no tenure under the law. 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 same authority.

CROSS REFERENCES

ORC 1.59, Definitions of specific terms
ORC 121.07, Supervision and control of officers
ORC 124.09, Powers and duties of director
OAC Chapter 123:1-47, Nomenclature
Senate Bill 99