

Department of Administrative Services

BASE INVENTORY OF REGULATORY RESTRICTIONS

Total Restrictions

1667

RULE NUMBER	REGULATORY RESTRICTION	DESCRIPTION OF REGULATORY RESTRICTION	STATUTE UNDER WHICH THE REGULATORY RESTRICTION WAS ADOPTED	IS THE REGULATORY RESTRICTION EXPRESSLY OR SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW?	IS A LAW CHANGE REQUIRED IN ORDER TO REMOVE THE RESTRICTION?
<u>Rule 123-4-02 Procedures for accessing confidential personal information.</u>	Shall	For personal information systems, whether manual or computer systems, that contain confidential personal information, the agency shall do the following:	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Require	(A) Criteria for accessing confidential personal information. Personal information systems of the agency are managed on a "need-to-know" basis whereby the information owner determines the level of access required for an employee of the agency to fulfill his/her job duties. The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system. The agency shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination. Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the agency, the agency shall do all of the following: ...	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Notice of invalid access. (1) Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the agency shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time. However, the agency shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security. ... Once the agency determines that notification would not delay or impede an investigation, the agency shall disclose the access to confidential personal information made for an invalid reason to the person. ... (2) Notification provided by the agency shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority

	Shall	(D) Appointment of a data privacy point of contact. The agency director shall designate an employee of the agency to serve as the data privacy point of contact. The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the agency with both the implementation of privacy protections for the confidential personal information that the agency maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Completion of a privacy impact assessment. The agency director shall designate an employee of the agency to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Completion of a privacy impact assessment. The agency director shall designate an employee of the agency to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Completion of a privacy impact assessment. The agency director shall designate an employee of the agency to serve as the data privacy point of contact who shall timely complete the privacy impact assessment form developed by the office of information technology.	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123-4-05 Restricting and logging access to confidential personal information in computerized personal information systems.</u>	Shall	For personal information systems that are computer systems and contain confidential personal information, the agency shall do the following:	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Access restrictions. Access to confidential personal information that is kept electronically shall require a password or other authentication measure.	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Acquisition of a new computer system. When the agency acquires a new computer system that stores, manages or contains confidential personal information, the agency shall include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Upgrading existing computer systems. When the agency modifies an existing computer system that stores, manages or contains confidential personal information, the agency shall make a determination whether the modification constitutes an upgrade. Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D)(1) The agency shall require employees of the agency who access confidential personal information within computer systems to maintain a log that records that access.	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority

	Shall	(E) Log management. The agency shall issue a policy that specifies the following: (1) Who shall maintain the log; (2) What information shall be captured in the log;	Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15 Promulgated Under:119.03 Authorized By: 1347.15 Amplifies: 1347.15	No, general rulemaking authority	No, general rulemaking authority
	Shall			No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-1-02 Records of the director.</u>	Prohibit	(A) ...Records not available for inspection include 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 .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	Yes, both state and federal law	Yes, both state and federal law
	Shall	(B) No information shall be altered, modified, or removed from an employee's personnel record unless so ordered by a court of law, the state personnel board of review, or the director of administrative services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-1-06 State colleges and universities.</u>	Shall	State colleges and universities shall be covered by these rules governing personnel practices unless the college or university adopts their own rules in accordance with applicable statutes.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-1-07 Job audit requests.</u>	Shall	(A)...Any employee or any appointing authority, desiring to submit facts for consideration of the director shall be afforded reasonable opportunity to do so.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Prohibit	(B) Audits requested by employees. A classified employee of a state agency, including a board or a commission, or county office covered by this rule, or the employee's authorized representative, may request a review of the classification of his or her position, unless otherwise prohibited by law or a collective bargaining agreement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	Yes, both state and federal law	Yes, both state and federal law
	Must	(B)(1) The employee's request must include the employee's name, the name of employing agency, the office address, the name of the employee's immediate supervisor, and the address where audit forms are to be mailed.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(2) Upon receipt of an employee's request for a position audit, the director shall date and time stamp the request and forward the job audit questionnaire packet to the employee for completion and, at the same time, notify the affected appointing authority of the audit request. The notice shall include a request to the appointing authority to submit the current position description, table of organization and any comments concerning the duties of the position.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority

Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)(4) Employee requests for position audits shall generally be processed by the director without an on-site audit unless a substantial conflict in submitted documentation is found.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Prohibit	(C) Audits requested by appointing authorities. An appointing authority may request the director to review any encumbered classified position within the appointing authority's agency for the purpose of determining whether the position is properly classified, unless otherwise prohibited by a collective bargaining agreement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)(1) The appointing authority's request shall include the name of the employee whose position is to be audited, the position 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 audit, a current table of organization and a current position description reflecting the duties currently being performed by the employee. A request from an agency must be signed by the appointing authority or a designee if the appointing authority has provided the department of administrative services with a letter designating the names of individuals authorized to sign on the appointing authority's behalf.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)...If the duties being performed are not consistent with the existing classification, the classification which most accurately describes the duties performed shall be assigned to the position. The duties being performed must satisfy the class concept or function statement at least twenty percent of the time unless another percentage has been stated in the class concept or function statement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(E)...At the time of an on-site audit, the employee, the employee's immediate supervisor, and other persons as deemed necessary by the director shall be interviewed. It shall be the responsibility of the agency to ensure that the requested parties are available for an on-site audit. If any party refuses to attend on-site audit interviews the director shall render a decision based on the information and documentation submitted.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(F) Examination of current duties. Position audits shall examine the duties currently performed. The audit report reflects duties at the time of the audit and shall reflect any change in duties if such has occurred since the date of the audit request. Duties performed while assigned in a temporary work level shall not be considered for the purposes of a position audit.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-3-01 | Position audits.

Shall	(H) Implementation of audit findings. A position audit shall be deemed completed when the director sends written notification of the results to the employee and the employee's appointing authority.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(I) Effective date. Whenever a position is reclassified by the director, the employee's classification shall be changed <i>in accordance with division (D) of section 124.14 of the Revised Code</i> . The director shall give to the affected employee and to his or her appointing authority a written notice setting forth the proposed new classification. The effective date of such change shall be the first day of the pay period following DAS' receipt of the audit request.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	Yes, state law	Yes, state law
Shall	(I) Effective date. Whenever a position is reclassified by the director, the employee's classification shall be changed <i>in accordance with division (D) of section 124.14 of the Revised Code</i> . The director shall give to the affected employee and to his or her appointing authority a written notice setting forth the proposed new classification. The effective date of such change shall be the first day of the pay period following DAS' receipt of the audit request.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(I) Effective date. Whenever a position is reclassified by the director, the employee's classification shall be changed <i>in accordance with division (D) of section 124.14 of the Revised Code</i> . The director shall give to the affected employee and to his or her appointing authority a written notice setting forth the proposed new classification. The effective date of such change shall be the first day of the pay period following DAS' receipt of the audit request.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(J) Submission of documents to implement classification change. The documents necessary to implement a classification change shall be submitted by the appointing authority within thirty days after the notification of the determination, unless the agency or the employee appeals the determination to the state personnel board of review.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(K)...The appeal to the board shall be made according to the rules of the state personnel board of review.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(L) Effective date after appeal. The state personnel board of review shall determine the effective date of the classification change upon their completion or review of an appeal of an audit decision.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(M) Audit findings of a lower classification. If the results of a position audit indicate that a position would be properly allocated to a classification with a lower pay range assignment than the classification currently assigned, the director shall notify the appointing authority and the employee that the position will be reclassified pursuant to section 124.14 of the Revised Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(O)...The date the lists of classifications are submitted to the director for verification of retention points shall be the date the requests for position audits are suspended.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(P) 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	(P) 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
May Not	(Q) 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(R)...The department of administrative services shall not conduct audits of positions at state-supported colleges or universities. Employees of state-supported colleges or universities shall submit requests for position audits in	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority

	Shall	Supported Colleges or Universities shall submit requests for position audits in accordance with the policies and procedures of their respective institutions.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-5-01 Unclassified service.	Shall	(A) Designation of exemptions. Within sixty 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 the service of the state in any office, department, commission, board or institution, shall designate to the director the positions for which exemption from the competitive classified service is claimed <i>under the provisions of division (A)(8) of section 124.11 of the Revised Code</i> . Thereafter, no change in the designation of exemptions claimed under this provision shall be made during the incumbency of such officer, board, or commission unless an agency reorganization occurs as a result of legislative action during the appointing officer's, board's or commission's term of office or the duties of the position have changed to an extent that warrants a change in the classification of the position. When a change in duties warrants a change in classification under this rule, only the classification of the position shall be changed, otherwise the actual position's status shall remain the same. The appointive officer, board, commission, or body shall file a statement of reasons for such proposed change with the director of administrative services and receive confirmation from the director of administrative services that the change is acceptable prior to the change becoming effective. If exemptions have not been designated by the appointing officer, board, or commission as herein provided within sixty days after taking office, the exemptions previously designated and in effect under this provision shall be considered the exemptions claimed by such appointing authority and will continue to be in effect.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	Yes, state law	Yes, state law
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Deputies and assistants. Notices from appointing authorities of the appointment of deputies and assistants in the service of the state who are exempt from the classified service under the provisions of division (A)(9) of section 124.11 of the Revised Code, shall be accompanied by a statement of the provisions of the law under which such deputies and assistants are appointed and a statement of the duties to be assigned to such appointees that shows they are acting for or on behalf of the agency and/or that they are performing duties that demonstrate an administrative and/or fiduciary relation with their agency, as defined below:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Must	(B)(1) Administrative relation -- generally means a relationship where an employee has substantial authority to initiate discretionary action and/or in which the agency, board, or commission must rely on the employee's personal judgment and leadership abilities.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority

	Shall	(C) Requests for exemption from the classified service under division (A)(12) of section 124.11 of the Revised Code for positions in the service of the state, shall be accompanied by a written statement from the appointing authority setting forth the reasons why it is impracticable to include such employees or positions in the competitive classified service.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) The term "military appointee" as used in division (A)(6) of section 124.11 of the Revised Code shall apply only to those persons who, after appointment, render service of a military character and are in the military service of the state, having some connection with, and some rank in the organized militia of Ohio.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-5-02 Unskilled labor class.</u>	Shall	(A) The unskilled labor class, which is referred to in division (B)(2) of section 124.11 of the Revised Code, shall include any classifications for which there are minimal or no experience or education requirements and which are designated by the director. Registration for these classifications in the service of the state shall be conducted by the director. Registration for all other positions in the unskilled labor class shall be conducted by a commission established in accordance with section 124.04 of the Revised Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(1) Certified appointments to positions in the unskilled labor class shall be from lists of applicants registered by the director or an authorized commission, as applicable. These lists shall be established by the director or the commission in accordance with the registration process provided in division (B)(2) of section 124.11 of the Revised Code . Certification of eligibles for appointments in the unskilled labor class shall consist of double the number to be employed, from which the appointing officer shall appoint the number actually needed for the particular work.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	Yes, state law	Yes, state law
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(2) For purposes of this rule, "register" shall be defined as the process by which all applicants deemed acceptable as meeting the minimum qualifications for a job classification in the unskilled labor class, and/or deemed acceptable as determined by the director or the commission, as applicable, shall be placed on an eligible list, ranked chronologically by the date and time the application was received. All eligible applicants shall be given the minimum score of seventy points, prior to application of credit for military service as provided in section 124.26 of the Revised Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)...These residents, being employed for pay for part-time or limited service,	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority

	Shall	shall be excluded from the classified civil service and shall be exempt from all civil service examinations. Compensation rates for these positions shall be approved by the director of administrative services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Subsidized employment positions. Those unskilled labor positions within a subsidized employment program, established pursuant to Chapter 5107. of the Revised Code, shall be excluded from the classified civil service and shall be exempt from all civil service examinations. Compensation for these positions shall be at the same rate as other employees doing similar work for the appointing authority. ...Any appointment to a position within the classified civil service shall be made in accordance with the requirements of Chapter 124. of the Revised Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11; 5107.52	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-5-03 Retaining rights to the classified service upon appointment to the unclassified service.</u>	Shall	A certified or permanent employee appointed to an unclassified position pursuant to division (D) of section 124.11 of the Revised Code on or after March 30, 1999, shall be subject to the following:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Upon return to the classified service, an employee shall be placed back into the same classification from which the initial appointment to the unclassified service was made, or similar classification as provided in division (D) of section 124.11 of the Revised Code . The employee's total rate of pay shall be adjusted to reflect the compensation to which the employee would be entitled had he or she remained in the former classified position.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11	Yes, state law	Yes, state law
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) An employee appointed to the unclassified service while serving a probationary period shall serve the remainder of the probationary period of the same or similar classification upon return to the classified service.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(D) Time spent in the unclassified service shall not count for the purposes of becoming permanent in the classified service in accordance with rule 123:1-10-01 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.11	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-7-01 Classification of positions for employees paid by warrant of the director of budget and management.</u>	Shall	All positions for employees paid directly by warrant of the director of budget and management shall be classified in accordance with section 124.14 of the Revised Code unless specifically exempted by law or otherwise covered by a collective bargaining agreement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.152	Yes, state law	Yes, state law
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	Yes, state law	Yes, state law
	Shall	The director shall prepare specifications according to division (A) of section 124.14 of the Revised Code . Such specifications shall include statements of the	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-7-04 | Specifications.

Shall	... Each classification title listed in this rule shall have a corresponding classification specification that sets forth the class concept and minimum qualifications. The class concept shall set forth the mandatory duties that must be satisfied at least twenty per cent of the time, unless otherwise stated in the class concept.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	... Each classification title listed in this rule shall have a corresponding classification specification that sets forth the class concept and minimum qualifications. The class concept shall set forth the mandatory duties that must be satisfied at least twenty per cent of the time, unless otherwise stated in the class concept.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall Not	Qualifications shall not be stated in terms of academic degrees, except where they are required by specific statute or regulation . Certification or registration requirements shall be stated for positions controlled by specific statutes or regulations. A copy of each specification shall be filed in the office of the secretary of state. Parenthetical sub-titles shall be included in the announcement of competitive examinations and shall be entered in an employee's civil service record.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	No, general rulemaking authority	No, general rulemaking authority
Require	Qualifications shall not be stated in terms of academic degrees, except where they are required by specific statute or regulation . Certification or registration requirements shall be stated for positions controlled by specific statutes or regulations. A copy of each specification shall be filed in the office of the secretary of state. Parenthetical sub-titles shall be included in the announcement of competitive examinations and shall be entered in an employee's civil service record.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	Yes, state law	Yes, state law
Shall	Qualifications shall not be stated in terms of academic degrees, except where they are required by specific statute or regulation . Certification or registration requirements shall be stated for positions controlled by specific statutes or regulations. A copy of each specification shall be filed in the office of the secretary of state. Parenthetical sub-titles shall be included in the announcement of competitive examinations and shall be entered in an employee's civil service record.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	Qualifications shall not be stated in terms of academic degrees, except where they are required by specific statute or regulation . Certification or registration requirements shall be stated for positions controlled by specific statutes or regulations. A copy of each specification shall be filed in the office of the secretary of state. Parenthetical sub-titles shall be included in the announcement of competitive examinations and shall be entered in an employee's civil service record.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	...An appointing authority's position-specific minimum qualifications shall be rationally related to the performance of the essential functions of the classification and validated based on the results of a thorough job analysis. The appointing authority shall also create a valid proficiency instrument to objectively measure whether individuals meet the position-specific minimum qualifications. Job analysis procedures and position-specific minimum qualifications must be approved by the director, prior to implementation. Approved position-specific minimum qualifications for positions that are exempted from collective bargaining or are not otherwise precluded from review pursuant to division (A) of section 4117.10 of the Revised Code, shall also be filed with the state personnel board of review, prior to implementation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	...An appointing authority's position-specific minimum qualifications shall be rationally related to the performance of the essential functions of the classification and validated based on the results of a thorough job analysis. The appointing authority shall also create a valid proficiency instrument to objectively measure whether individuals meet the position-specific minimum qualifications. Job analysis procedures and position-specific minimum qualifications must be approved by the director, prior to implementation. Approved position-specific minimum qualifications for positions that are exempted from collective bargaining or are not otherwise precluded from review pursuant to division (A) of section 4117.10 of the Revised Code, shall also be filed with the state personnel board of review, prior to implementation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	No, general rulemaking authority	No, general rulemaking authority
Must	...An appointing authority's position-specific minimum qualifications shall be rationally related to the performance of the essential functions of the classification and validated based on the results of a thorough job analysis. The appointing authority shall also create a valid proficiency instrument to objectively measure whether individuals meet the position-specific minimum qualifications. Job analysis procedures and position-specific minimum qualifications must be approved by the director, prior to implementation. Approved position-specific minimum qualifications for positions that are exempted from collective bargaining or are not otherwise precluded from review pursuant to division (A) of section 4117.10 of the Revised Code, shall also be filed with the state personnel board of review, prior to implementation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	...An appointing authority's position-specific minimum qualifications shall be rationally related to the performance of the essential functions of the classification and validated based on the results of a thorough job analysis. The appointing authority shall also create a valid proficiency instrument to objectively measure whether individuals meet the position-specific minimum qualifications. Job analysis procedures and position-specific minimum qualifications must be approved by the director, prior to implementation. Approved position-specific minimum qualifications for positions that are exempted from collective bargaining or are not otherwise precluded from review pursuant to division (A) of section 4117.10 of the Revised Code, shall also be filed with the state personnel board of review, prior to implementation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14, 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	...Each classification title listed in this rule shall have a corresponding classification specification that sets forth the class concept and minimum qualifications. The class concept shall set forth the mandatory duties that must be satisfied at least twenty per cent of the time, unless otherwise stated in the class concept.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Shall	...Each classification title listed in this rule shall have a corresponding classification specification that sets forth the class concept and minimum qualifications. The class concept shall set forth the mandatory duties that must be satisfied at least twenty per cent of the time, unless otherwise stated in the class concept.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Must	...The minimum qualifications must be satisfied when an applicant is to be hired and when an employee is to be promoted or reassigned.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-7-15 State managerial and supervisory classifications.	Shall	If new or revised minimum qualifications are enacted as a result of a change in an applicable state or federal statute, the legislated minimum qualifications shall supersede those listed in the classification specification on file with the secretary of state, until such time the classification specification can be revised to agree with the change in statute.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall	Until such time all classification specifications can be revised, the phrase "Or alternative equivalent evidence of the major worker characteristics noted above ", which appears in the minimum qualifications for employment portion of a classification specification, shall be interpreted as "Or equivalent of Minimum Class Qualifications For Employment noted above ".	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall	Whenever the department of human services and the Ohio bureau of employment services are referred to in a classification specification, the reference shall be deemed to refer to the department of job and family services until such time all pertinent classification specifications can be revised.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall	Whenever the department of mental retardation and developmental disabilities is referred to in a classification specification, the reference shall be deemed to refer to the department of developmental disabilities until such time all pertinent classification specifications can be revised.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-7-16 Holding classifications for state exempt positions.	Must	(B) As the positions allocated to the classifications in this division become vacant, due to promotion, demotion, reassignment, separation, displacement, including layoff, or any other reason, the positions must be deleted, unless subordinate positions within the same holding class series are still encumbered.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) In the event of layoff or job abolition, an employee reassigned into a holding classification shall have the right to displace in accordance with the provision of sections 124.321 to 124.328 of the Revised Code and Chapter 123:1-41 of the Administrative Code and into the classification series from which he or she was originally reassigned, provided the former classification has an equivalent or lower pay range.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	Yes, state law	Yes, state law
	Must	...An employee who displaces another employee under this section must possess the minimum qualifications and, if applicable, any position specific minimum qualifications for the position to be displaced.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-7-22 Reassignments resulting in placing an employee in step X.	Shall	(A) An employee whose position is determined to be overclassified shall be properly classified and may be placed in step X pursuant to section 124.14 of the Revised Code only as a result of any of the following:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall	B) An employee that is assigned into a lower classification shall be placed in the step within the new pay range that provides the employee with compensation that is equal to his or her current rate or that provides the least amount of increase, but no decrease, in pay. Appointing authorities shall consider all applicable pay supplements to ensure that an employee reassigned pursuant to this rule does not receive a decrease in pay. If the employee's base rate of pay exceeds the maximum rate of pay in the new pay range, the employee shall be placed in step X.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority

	Shall Not	(C) An employee placed in step X shall not receive an increase in compensation until the maximum rate of pay for the employee's classification exceeds the employee's base rate of pay.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.14	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-9-01 Examination guidelines.	Shall	(A) Admitting applicants to examinations. The applicant shall be notified of the necessary arrival time to sit for the examination or interview. The qualifications listed in the job posting shall be followed in determining admittance to competitive or non-competitive examinations.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Extension of time in examinations. No applicant in any examination shall be given a longer time on any subject than prescribed by the director or designee. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Visitors at examinations. No visitor shall be admitted to the examination room during any examination except by special permission of the examiner in charge.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Changing of grades. No grades given in any examination shall be changed after the posting of an eligible list, provided that the director or designee may correct errors of examiners or employees at any time before the cancellation of such lists.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Must	(E) Postponement or cancellation of examinations. Examinations, unless canceled or postponed, must be held upon dates fixed by the director or designee. ... Reasonable efforts shall be made to notify each approved applicant of cancellation or postponement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F) Credit for military service. When proper proof of military service, as defined in section 124.23 of the Revised Code, is presented to the director or designee and the applicant, being a resident of Ohio and otherwise eligible, has received a passing grade in any examination for original appointment, he or she shall be granted additional credit of twenty per cent of such grade, thereby receiving a final grade of twenty per cent higher in view of the above-mentioned service.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Must	The applicant must submit proof of honorable discharge or honorable separation from active military service prior to participation in the examination.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G) Credit for reserve component status. A member in good standing of a reserve component of the armed forces of the United States, including the Ohio national guard, who successfully completes the member's initial entry-level training shall receive a credit of fifteen per cent of the person's total grade given in the examination in which the person receives a passing grade. The applicant must submit proof that the applicant successfully completed entry-level training. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority

	May Not	(H) Repeating examinations. An applicant who has competed in a civil service examination may not repeat that examination or take an examination for the same classification within four months from the date of original examination, unless an alternative form of examination is given, or unless other standards are specified in the examination announcement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-9-02 Subjects, weights, and pass point.	Shall	The director or designee 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. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director or designee shall determine a passing point for each examination based on factors such as, but not limited to, the difficulty of that examination, number of applicants, and other relevant data. When a passing point is determined, it shall be made a matter of permanent record. The director or designee shall require a qualifying grade for any or all parts of an examination providing notice of such requirement is given in the general instructions accompanying the examination. The director or designee shall prescribe that all examinations shall be in compliance with federal selection guidelines and professional standards.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Examinations for an entire classification. When the director of administrative services determines that medical or psychological qualifications are of special importance to a classification, candidates for that classification shall be required to pass a medical or psychological examination and be certified as qualified in such respect.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Require	(C)(1) Notice of requirement. When a medical or psychological examination is required by the director or designee such requirement shall be published in the examination or vacancy announcement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
	Require	(C)(2) Certificate required . When a medical or psychological examination is	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-9-03 | Medical or psychological examination as a requirement for appointment to the classified service.

Require	required by the director or designee an applicant must furnish a certificate from a licensed practitioner who has personal knowledge, from either medical treatment or examination, as to the medical or psychological condition of the applicant as it relates to performance in the classification.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Require	(D) Examinations required by appointing authority. When an appointing authority, with the approval of the director determines that medical or psychological qualifications, not otherwise required for the classification, are of special importance for positions in classifications used by an appointing authority, applicants certified for appointment to or being considered for employment by the appointing authority shall be required to pass a medical or psychological examination. Such examination shall be given by a licensed practitioner to be designated by the appointing authority. The cost of the examination shall be paid by the appointing authority.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Shall	(E) Justification. Requirements for medical or psychological examinations shall be justified with appropriate documentation. Each appointing authority shall be responsible for such justification which shall be made to the department of administrative services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Shall	(F) Use of examination results. Results of a medical or psychological examination shall be supplied to the appointing authority and may be considered only after a conditional job offer has been made to the individual. The examination results shall be the last factor evaluated by the appointing authority before reaching a final decision to make an offer of employment. The use of medical or psychological examination results shall be in accordance with any applicable state and/or federal law.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23	Yes, both state and federal law	Yes, both state and federal law

<u>Rule 123:1-10-01 Eligibility for permanent classified service.</u>	Shall	(A) When an employee is appointed under section 124.30 of the Revised Code, and successfully completes the probationary period, the employee shall become permanent in the classified service with all the rights and privileges of a certified employee.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.271	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-11-04 Character and fitness of applicant.</u>	Shall	Satisfactory information produced at any time to the director or designee, either before or after examination, that an applicant has committed acts which demonstrate character traits which would be detrimental to successful performance of the employment sought, or of the applicant's dismissal for good cause from any branch of public service, or of his or her conviction of a job related felony or has an established pattern of poor work habits and performance with previous employers, shall be sufficient to exclude the applicant from examination, or to remove the applicant's name from any eligible list, providing such person shall be notified as to the reason and shall be given an opportunity for a review by the director or designee. All documentation submitted by applicants or appointing authorities as to character and fitness shall be subject to investigation by the director or designee.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.25	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.25	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.25	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.25	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-11-05 False statements.</u>	Shall	Fraudulent conduct or false statements by the applicant, or by others with his connivance, in any application or examination, shall be deemed cause for exclusion of said applicant from any examination, or for removal of his name from the eligible list, or for discharge from the classified service after appointment, provided that no person shall be dismissed from the permanent classified service under this section, without having an opportunity to be heard on his own behalf if he is to be discharged from classified service following appointment, the procedure established in section 124.34 of the Revised Code, shall be followed.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.25	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.25	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.25	Yes, state law	Yes, state law
<u>Rule 123:1-11-08 Applications.</u>	Must	(A) ... Information showing that an applicant meets all of the minimum qualifications as stated on a job posting must appear on the completed application	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.25	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-15-01 Eligible lists.</u>	Shall	(B)...The adoption of such additional placement shall be extended to all eligibles on the list.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.26	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Whenever in the judgment of the director or designee 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 of errors or fraud to all the eligibles. 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.26	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.26	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.26	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.26	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-17-01 Classified selections.</u>	Shall	(A) Whenever a vacancy in the classified service, which has a certification eligible list in effect is to be filled otherwise than by promotion, transfer, reinstatement, or reduction, the appointing authority shall make request for certification of the director of administrative services, 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 on a full- or part-time basis.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23, 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) An appointing authority shall notify the director that a position in the classified service of the state is to be filled by posting electronic notice of the vacancy on the director's internet site or any other means approved by the director.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23, 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) ... The appointing authority shall submit a request to the director with a statement documenting the justification for filling the classified position without a civil service examination. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23, 124.27	No, general rulemaking authority	No, general rulemaking authority
	Require	(C)(1) Positions that require professional licenses, and/or certifications, and/or highly technical skills, and/or high educational standards;	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.23, 124.27	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-17-02 Eligible list.</u>	Shall	(A) Upon the completion of a civil service examination, the director of the agency that administered the civil service examination or that director's designee shall create an eligible list to fill a vacancy. From that eligible list, the director or designee of the agency with the vacancy shall appoint an individual who ranks in the top ten names on the eligible list or the top twenty-five per cent of the eligible list, whichever is greater....	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) ... But, in no event shall an expired list be used more than one year past its expiration date.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	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 has been legally appointed, except as may be required because of temporary characteristics of the work situation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-17-16 Appropriateness of duties.</u>	Shall	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 has been legally appointed, except as may be required because of temporary characteristics of the work situation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	No employee shall be appointed or assigned to any classification title or level which is either higher or lower than that classification to which the position is assigned except as provided in Section 124.181 (J) of the Revised Code and 123:1-37-07 of these rules.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-19-01 Nature of probationary period.</u>	Shall	Each employee in the classified civil service shall serve an initial probationary period following any original appointment, whether with or without competitive examination. Each employee in the classified civil service shall serve a probationary period following each promotion, whether with or without competitive examination....Whenever an employee in the service of the state is given a probationary removal or reduction, notice of such action	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority

	Shall	The State is given a probationary removal or reduction, notice of such action shall be given to the employee and the director of administrative services by the appointing authority.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-19-02 Length of probation in state service.	Shall	(A) The initial probationary period for all classified employees in the state agencies, boards, and commissions hired on or after September 20, 2015 shall be three hundred sixty-five calendar days for all positions assigned to a pay range in schedule E-1 of division (A) of section 124.152 of the Revised Code. The probationary period for all classified employees in the state agencies, boards, and commissions promoted on or after September 20, 2015 shall be one hundred eighty calendar days for all positions assigned to a pay range in schedule E-1 of division (A) of section 124.152 of the Revised Code. Classified employees of the state agencies, boards, and commissions hired or promoted before September 20, 2015 into positions assigned to a pay range in schedule E-1 of division (A) of section 124.152 of the Revised Code shall serve the probationary period for the position that existed at the time the employee was hired or promoted into the position.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Any positions not assigned to a classification salary base shall use the starting point for the position in lieu thereof for probationary period determination.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Require	(C) Longer probationary periods for promotions, not in excess of three hundred sixty-five calendar days, may be authorized by the director for specific job classifications, upon request of the appointing authorities concerned, and upon the submission of proper documentation as required by the director.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(D) Time spent in no-pay status shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of calendar days the employee spent in no-pay status.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) ... Any probationary period extension shall only be granted if an employee consents to the extension prior to the end of the employee's normal probationary period or the end of the first extension, as applicable. In no event shall the time period covered by the probationary period and any extensions exceed a total of three hundred sixty-five calendar days in length.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as a full-time employee. Part-time employees who work less than a normal number of working days per week shall have their probationary period determined on the basis of time actually worked as described below: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as a full-time employee. Part-time employees who work less than a normal number of working days per week shall have their probationary period determined on the basis of time actually worked as described below: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as a full-time employee. Part-time employees who work less than a normal number of working days per week shall have their probationary period determined on the basis of time actually worked as described below: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as a full-time employee. Part-time employees who work less than a normal number of working days per week shall have their probationary period determined on the basis of time actually worked as described below: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority

	Shall	(B) Intermittent employees shall not serve a probationary period.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.27	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-21-01 Appointment when no eligible list exists.</u>	Shall	Upon receipt of requisition for certification to a position for which no appropriate eligible list is available, the director of administrative services shall notify the appointing authority that an appointment may be made to fill such position, provided the appointment is made within sixty days of the appointing authority receiving such approval from the director of administrative services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.30	No, general rulemaking authority	No, general rulemaking authority
	Shall	Selection of persons to be appointed in the absence of a complete eligible list shall be made by an appointing authority, subject to the approval of the director of administrative services. Such approval shall be based on an examination of the qualifications of the proposed appointee to determine that qualifications for the position are met. Appointments shall be subject to the probationary period required by Chapter 123:1-19 of the Administrative Code .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.30	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.30	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.30	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.30	Yes, state law	No, general rulemaking authority
<u>Rule 123:1-21-02 Temporary Appointment.</u>	May Not	(A)...Except as otherwise provided in this rule, a temporary appointment may not continue longer than one hundred twenty days, and in no case shall successive temporary appointments be made.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.30	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.30	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) If a temporary appointment is necessitated by reason of sickness, disability, or other approved leave of absence of a regular officer or employee, the temporary appointment may be for longer than one hundred twenty days and shall continue only for the duration of the sickness, disability, or other approved leave of absence of the regular officer or employee.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.30, 124.31	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-23-01 Eligibility for promotions.</u>	Shall	No person shall be eligible for promotion who: (A) Has not satisfactorily completed the required probationary period as defined in Chapter 123: 1-19 of the Administrative Code ; or ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.30	Yes, state law	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.30	Yes, state law	No, general rulemaking authority
<u>Rule 123:1-23-02 Promotion selection.</u>	Shall	(A)...When a civil service examination is held, the procedure defined in Chapters 123:1-15 and 123:1-17 of the Administrative Code shall be applicable.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	Yes, state law	No, general rulemaking authority
	Shall	(B) Probationary period. All promotions shall be for a probationary period established in Chapter 123:1-19 of the Administrative Code .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	Yes, state law	No, general rulemaking authority

<u>Rule 123:1-23-03 Inter-agency and intra-agency promotion; probationary period; removal or demotion.</u>	Shall	(D) Intra-agency promotion. If an employee accepts an intra-agency promotion and is found to be unsatisfactory in the advanced position, the employee shall be demoted to the position from which the employee was promoted or to a similar position. Upon such demotion, the employee's salary shall be the same that the employee was receiving prior to promotion, except for changes in pay range that may have occurred or any step increase to which the employee would have been entitled in the lower classification. If an employee takes a civil service examination for a classification having a higher base pay range than the employee holds at the time of the examination and is appointed from the resulting eligible list to a position in the same agency, this action shall be considered a promotion so far as the probationary period is concerned, and the employee shall be demoted in accordance with this rule if the employee's services are found unsatisfactory.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) ... The employee shall have no right to appeal such temporary transfer unless the employee receives another temporary transfer within a six-month period.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall	<p>(H) Written notice of any transfer and the reasons therefore in writing shall be given to the employee concerned. This notice shall be given at least fourteen calendar days prior to the effective date of the change except where an emergency renders it impractical. Requests for approval of all transfers shall be submitted to and approved by the director of administrative services or his designee, and/or the commission, as applicable. Each transfer action shall state the circumstances which make the transfer necessary for the efficient operation of the agency. ... The word "transfer" as used in this rule shall not include any job reassignment within the same classification, within the same appointing authority which takes place in and involves a move to a different job location in the same county. </p>	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-25-01 | Transfers and intra-transfers in classified service.

Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
Shall	(I)... A person considered for appointment to a position in such classes shall be informed of this policy in writing at the time of appointment or at the time of an examination. Those persons serving in such positions at the time of the adoption of this rule shall be informed of this policy in writing. The director shall approve such transfers without the submission of additional evidence. An employee serving in any of these classes shall have no right of appeal under paragraph (M) of this rule, but shall be given written notice of the transfer as provided in paragraph (H) of this rule. Transfers made under this paragraph shall be considered temporary transfers as defined in paragraphs (E) and (F) of this rule and be subject to the same restrictions placed on other temporary transfers. In no case shall transfers initiated under this paragraph be regarded as permanent.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
Shall	(J) In the case of a request to transfer an employee permanently, the director shall approve the transfer only if it is determined to be necessary for the efficient operation of the work unit to which the employee would be transferred.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
Shall	(K) In the case of permanent transfer, where the director determines that there is a need for a permanent change of residence, the employee shall be paid the actual and necessary expenses of moving to his or her new location. In addition, the employee shall be paid the regular per diem rate for in-state travel as established by the office of budget and management until his or her residence can be moved to his new location, but for not more than thirty days. The employee shall notify his or her appointing authority and the director of administrative services of his or her intent to move or not to move his or her place of residence within thirty days of receiving notification from the director of administrative services that a change of residence is necessary, unless an appeal is pending, and such move must be completed within six months. If the employee chooses not to move his or her residence but commutes to the new	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority

	Shall	Employee chooses not to move his or her residence but commutes to the new job location from his or her former residence, no payment of moving expenses and no per diem payment shall be made. If the employee appeals the transfer, payment of moving expenses shall be delayed until a decision is rendered by the state personnel board of review. The appointing authority shall have the option of selecting or rejecting from among three or more moving estimates to relocate the employee, and may ask the employee to obtain additional estimates.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall	(L) During the period of a temporary transfer or during the first thirty days of a permanent transfer pending the relocation of the employee's residence, the appointing authority shall pay the employee's travel expenses in accordance with the office of budget and management travel expense regulations in effect at the time of transfer.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall	(M) ... In any event, while the appeal of an employee is pending before the personnel board of review, the employee shall have the obligation to comply with the transfer. In any case where the employee has relocated his or her residence pursuant to a permanent transfer and the rule of the board is that such transfer is not justified, the employee shall be fully reimbursed for the cost of relocating, as well as the cost of returning his or her residence to the original location.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31, 124.32, 124.33	No, general rulemaking authority	No, general rulemaking authority
	Shall	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 director to the same or a similar position in that agency, at any time within one year from the date of such resignation. An employee that is reinstated from resignation following a break in service shall be given an appointment date based on the date of reinstatement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-25-02 Reinstatements after resignation.</u>	Shall	All positions in the competitive class, where the nature of the work is such that the service is not continuous throughout the year, but recurs in each successive calendar year, shall be designated as "seasonal" positions. Any person appointed to such seasonal position under the provisions of the civil service law, and who has been temporarily separated from the service during the inactive season, shall be entitled to employment in the same position in each ensuing year, provided the person is not in the meantime disqualified for any cause; and provided, that any person appointed to a seasonal position, who is not assigned to work for a period of one year due to lack of work or the	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Must	(A)(1) Such a reassignment must be made with the consent of the employee except in the case of a weather emergency proclaimed by the governor or when the director of the department of transportation deems that the reassignment is necessary due to an unusual situation requiring immediate action.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-25-07 Temporary reassignment of duties.</u>	Must	(A)(2) Such a reassignment must be due to the temporary characteristics of the work situation, and the duties must be for the efficient management of the department or for the maintenance of the highways in the interest of the safety of the traveling public.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Must	(A)(4) The director of transportation shall submit to the director of administrative services the classifications in which such assignments are necessary for the efficient operation of the department of transportation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Prior to a temporary assignment of work duties, the director of transportation shall certify to the director of administrative services that: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) If the number of eligible employees who consent to such temporary assignment exceeds the number of employees needed for the temporary assignment, the director of transportation shall assign the employees on the basis of seniority.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) No employer who is temporarily assigned work duties under this rule shall suffer any loss of pay, position, diminution of position, service rights or benefits as a result of such temporary assignment. Any employee who is temporarily transferred from his permanently assigned position to a temporary position shall be reimbursed for excess travel to and from work during the period of reassignment at the rate per mile set by the director of the office of budget and management.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) No employee shall be temporarily assigned duties under this rule if such duties are those of a higher classification or any classification compensated at a higher pay range than that to which the employee is legally appointed, except as specified by administrative rule	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F) The annual performance evaluation of an employee temporarily assigned duties under this rule shall be made as of the employee's usual evaluation date and shall exclude the employee's performance of the temporarily assigned duties.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-27-04 General principles of the employee recognition program.</u>	Shall	(A)...The appointing authority of any state agency, office, board or commission shall notify the director of administrative services of its intent to establish and implement a program and receive the director's approval prior to the program being made effective.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.17	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-27-05 Employee recognition award.</u>	Shall	(B) Amount of award. Each agency, office, board or commission shall determine the type or amount of award to be granted. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.17	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) As used in this rule, the following definitions shall apply: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.80	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) The director of administrative services or the director's designee shall	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.80	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-28-01 Combined charitable campaign.	Shall	monitor statewide compliance with this rule and with the policies and procedures governing the combined charitable campaign. The director shall provide administrative support for the annual campaign, and shall be the final arbiter on policy questions and appeals of campaign participation decisions.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.80	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.80	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) The state steering committee shall oversee the annual campaign. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.80	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.80	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D)(1) ...The appeal shall clearly delineate the reasons for the appeal and shall address the reasons for the original disapproval. Appropriate documentation showing that the organization meets established participation criteria shall be provided.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.80	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.80	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.80	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Classified state employees serving in a classification established pursuant to division (A) of section 124.14 of the Revised Code shall be rated or evaluated with respect to performance efficiency twice during the employee's probationary period and once each calendar year thereafter on a schedule set by the appointing authority.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	Yes, state law	No, general rulemaking authority
	Shall	(B) The first performance evaluation shall be completed within thirty days of the conclusion of the first half of the probationary period. The second evaluation shall be completed within thirty days of completion of the probationary period, unless the employee is given a probationary removal or reduction, in which case the final evaluation will be made at the time of the removal or reduction. The final probationary evaluation shall state whether the employee is to be retained or probationarily removed or reduced.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	Yes, state law	No, general rulemaking authority
	Shall	(C) All employees specified in paragraph (A) of this rule who have completed their probationary periods shall be evaluated once each calendar year on a schedule selected by the appointing authority. The annual evaluation shall measure the employee's performance for the three hundred sixty-five day period immediately preceding the evaluation date or for that portion of the three hundred sixty-five day period after the completion of the employee's probationary period. Employees shall be evaluated within the sixty-day period beginning thirty days prior to and ending thirty days subsequent to their evaluation date, provided, however, that the director may authorize an appointing authority to have a different annual evaluation schedule for some or all of the appointing authority's employees.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	Yes, state law	No, general rulemaking authority

	Shall	(D) Each employee shall be evaluated by his or her immediate supervisor. ... If an employee receives approximately equal supervision from two persons, both supervisors shall coordinate efforts to complete the evaluation. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Forms for performance evaluation ratings and a schedule of annual ratings shall be prepared and made available to all state agencies by the director. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F) All agencies shall use the performance evaluation as a tool of supervision and training.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.31	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-29-02 Review of performance evaluation within agency.</u>	Shall	(A)...The employee shall sign the evaluation to indicate that the employee has reviewed the completed evaluation. ...Refusal of the employee to sign the evaluation form shall constitute waiver of the employee's right to a review of the performance evaluation by the employing agency or the director.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Each appointing authority shall establish procedures providing for the review or modification of a rating. At a minimum, the internal review procedure shall include a review by the employee's rater and/or personnel officer.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) The director shall not alter or expunge a performance evaluation unless the employee establishes by a preponderance of the evidence: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(D) The director shall not review performance evaluations of employees of the state colleges and universities or county offices. An employee must request a review within fifteen days from the date of disposition of the internal review by the employee's appointing authority. An employee shall not be entitled to a review by the director until he or she has exhausted all available internal review procedures of the employing agency.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-29-03 Review of performance evaluation by director of administrative services.</u>	Must	(E) The director shall not alter or expunge a performance evaluation unless the employee establishes by a preponderance of the evidence: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(F) The director shall not review performance evaluations of employees of the state colleges and universities or county offices. An employee must request a review within fifteen days from the date of disposition of the internal review by the employee's appointing authority. An employee shall not be entitled to a review by the director until he or she has exhausted all available internal review procedures of the employing agency.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(G) The director shall not alter or expunge a performance evaluation unless the employee establishes by a preponderance of the evidence: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(H) An appointing authority shall request that an employee submit to a medical or psychological examination, conducted in accordance with rule 123:1-30-03 of the Administrative Code, prior to the involuntary disability separating the employee unless:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(I) Pre-separation hearing. An appointing authority shall institute a hearing prior to involuntarily disability separating an employee. The employee shall be	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-30-01 Involuntary disability separation.</u>	Shall	provided written notice at least seventy-two hours in advance of the hearing. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) If the appointing authority determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is capable of performing his or her essential job duties, then the involuntary disability process shall cease and the employee shall be considered fit to perform his or her essential job duties. If the appointing authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform his or her essential job duties, then the appointing authority shall issue an involuntary disability separation order.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Right to reinstatement. At the time the appointing authority provides the involuntary separation order to the employee, the appointing authority shall notify the employee of the required procedures to apply for reinstatement. The effective date of separation, for purposes of reinstatement, shall be based on the date in which the employee was no longer performing in active work status due to the disabling illness, injury or condition. ... The total time of absence due to the disabling illness, injury or condition shall not exceed two years from the date of separation for purposes of reinstatement rights under this chapter. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F) An employee so separated shall have the right to appeal in writing to the personnel board of review within ten days following the date the order is served.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-30-02 Voluntary disability separation.</u>	Require	(B) Appointing authorities may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination pursuant to rule 123:1-30-03 of the Administrative Code. If the examination supports the employee's request, the appointing authority shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the appointing authority shall not approve the employee's request for voluntary disability separation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Right to reinstatement. An employee that is granted a voluntary disability separation shall retain the right to be reinstated to his or her position for two years from the date that the employee is no longer in active work status due to a disabling illness, injury or condition.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32	No, general rulemaking authority	No, general rulemaking authority
	Require	(A) An appointing authority may require that an employee submit to medical or psychological examinations for purposes of disability separation or a	Promulgated Under:119.03 Authorized By: 124.09 (A) Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-30-03 | Medical and psychological examinations.

	Shall	reinstatement from disability separation. The appointing authority shall select one or more licensed practitioners to conduct the examinations.	Promulgated Under:119.03 Authorized By: 124.09 (A) Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Prior to any examination, the appointing authority shall supply the examining practitioner with facts relating to the perceived disabling illness, injury or condition. The appointing authority shall also supply physical and mental requirements of the employee's position; duty statements; job classification specifications; and position descriptions. Both the appointing authority and the employee shall receive the results of any examination and related documents subject to division (C)(1) of section 1347.08 of the Revised Code.	Promulgated Under:119.03 Authorized By: 124.09 (A) Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Except as provided in paragraph (D) of this rule, the appointing authority shall pay the cost of the examinations.	Promulgated Under:119.03 Authorized By: 124.09 (A) Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	May Not	(A) Timeline for reinstatement. An employee may not make a first request for reinstatement until three months from the date the employee was no longer in active work status. The appointing authority shall notify the employee of its decision to approve or deny the reinstatement request no later than sixty days after it receives the employee's written request. The employee shall not make subsequent requests for reinstatement more than once every three months from the date the employee is notified of a reinstatement denial.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Requirements for reinstatement. The employee's request for reinstatement shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the employee's essential job duties. Upon receiving this evidence, the appointing authority shall either reinstate the employee or require the employee to submit to a medical or psychological examination in accordance with rule 123:1-30-03 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)...If the appointing authority initially determines that the employee is once again capable of performing the essential job duties, the appointing authority shall reinstate the employee. If the appointing authority initially determines that the employee remains incapable of performing the essential job duties, the appointing authority shall institute a pre-reinstatement hearing.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Pre-reinstatement hearing. An employee shall be provided written notice at least seventy-two hours in advance of the pre-reinstatement hearing.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-30-04 | Right to reinstatement; rights of appeal.

	Shall	(E)...If the appointing authority finds the employee capable of performing essential duties, then the appointing authority shall reinstate the employee. If the appointing authority finds the employee incapable of performing essential duties, then the appointing authority shall not reinstate the employee.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G)...If the classification the employee held at the time of disability separation no longer exists or is no longer utilized by the appointing authority, then the employee shall be placed in a similar classification. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Require	(H) If the employee has been granted disability benefits by a state retirement system, the requirements of this rule shall apply for the length of time that the applicable state retirement system requires the employee to be considered for reemployment, except that a licensed practitioner shall be appointed by the public employees retirement board and application for reinstatement shall not be filed after the date of service eligibility retirement. Employers shall restore an employee found to be physically and mentally capable of resuming service pursuant to the statutes and rules of the applicable state retirement system, but may request the employee to submit to a medical or psychological examination, conducted in accordance with rule 123:1-30-03 of the Administrative Code, prior to such restoration.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(I) An employee refused reinstatement as provided in paragraph (E) of this rule shall be notified in writing of the refusal to reinstate and of the right to appeal in writing to the personnel board of review within thirty days of receiving notice of that refusal to reinstate.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(J) An employee who fails to apply for reinstatement within two years from the date that the employee was no longer in active work status due to the disabling illness, injury, or condition shall be deemed permanently separated from service.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.32, 124.385	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-30-06 Leave benefits for an employee given a disability separation.</u>	Shall	The approval of a claim for disability leave benefits shall be governed by the provisions of Chapter 123:1-33 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	Yes, state law	No, general rulemaking authority
	Shall	An employee who is given a disability separation pursuant to rule 123:1-30-01 or rule 123:1-30-02 of the Administrative Code shall cease to receive benefits pursuant to section 124.381 of the Revised Code and rule 123:1-33-17 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	Yes, state law	No, general rulemaking authority
	Require	A removal, reduction in pay or position, suspension of more than forty work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of more than twenty-four work hours in the case of an employee required to be paid overtime compensation, a fine of more	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.34	Yes, state law	No, general rulemaking authority

<u>Rule 123:1-31-01 General procedure for removals, reductions, suspensions, or fines.</u>	Require	than forty hours of pay in the case of an employee exempt from the payment of overtime compensation, a fine of more than twenty-four hours of pay in the case of an employee required to be paid overtime compensation, or the reduction or elimination of longevity, except as otherwise provided in division 123:1 of the Administrative Code, shall be made for one or more of the statutory reasons enumerated in section 124.34 of the Revised Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.34	Yes, state law	No, general rulemaking authority
	Shall	The employee shall be notified in writing, on a form provided by the director or the state personnel board of review, or equivalent form, of the statutory reasons for the action and the effective date thereof. This form shall advise the employee of the right to appeal. Any such appeal shall be made in accordance with the rules of the state personnel board of review. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.34	Yes, state law	No, general rulemaking authority
	Shall	The employee shall be notified in writing, on a form provided by the director or the state personnel board of review, or equivalent form, of the statutory reasons for the action and the effective date thereof. This form shall advise the employee of the right to appeal. Any such appeal shall be made in accordance with the rules of the state personnel board of review. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	The employee shall be notified in writing, on a form provided by the director or the state personnel board of review, or equivalent form, of the statutory reasons for the action and the effective date thereof. This form shall advise the employee of the right to appeal. Any such appeal shall be made in accordance with the rules of the state personnel board of review. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	The employee shall be notified in writing, on a form provided by the director or the state personnel board of review, or equivalent form, of the statutory reasons for the action and the effective date thereof. This form shall advise the employee of the right to appeal. Any such appeal shall be made in accordance with the rules of the state personnel board of review. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.34	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-31-02 Step Reduction.</u>	Shall	(B)...This form of discipline shall only be imposed as an alternative to termination and shall not interfere with the employee's normal step anniversary.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.34	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-31-03 Absence without leave.</u>	Shall	(B)...The determination as to what constitutes a serious situation shall be made by the appointing authority of the agency.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.34	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-31-04 Reduction or demotion.</u>	Shall	Reduction or demotion shall be made only for one or more of the reasons given in section 124.34 of the Revised Code , 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 director at the equitable rate, not to exceed the rate of pay prior to the demotion.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.34	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.34	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-32-07 Sick, vacation, and personal leave.</u>	Shall	(B) Charge of sick leave, vacation leave, and personal leave. Sick leave and vacation leave used by an employee whose salary or wage is paid directly by warrant of the director of budget and management shall be charged in minimum units of one-tenth of one hour. Personal leave used by an employee whose salary or wage is paid directly by warrant of the director of budget and management shall be charged as set forth in paragraph (D) of rule 123:1-32-07 of the Administrative Code. Employees shall be charged sick leave, vacation leave, and personal leave only for the days and hours for which they would have otherwise been regularly scheduled to work. Sick leave, vacation leave, and personal leave shall not exceed the amount of time the employee would	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.382, 124.386	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority

	Shall Not	have been regularly scheduled to work in any pay period.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-32-01 Availability and charge of sick leave, vacation leave, and personal leave and compensation for sick leave of employees paid by warrant of the director of budget and management.</u>	Shall	(C) COMPENSATION FOR CHARGED SICK LEAVE: Sick leave for an employee whose salary or wage is paid directly by warrant of the director of budget and management which is credited during or subsequent to the paycheck which includes December 1, 1981 shall be exhausted before use of sick leave accumulated prior to the paycheck which includes December 1, 1981 or sick leave transferred from an entity not paid by warrant of the director of budget and management pursuant to division (F) of section 124.382 of the Revised Code is allowed.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)...Compensation for sick leave used during each twelve-month period beginning with the first paycheck the employee receives in December shall be at the following established rates: (1) The initial forty hours of sick leave shall be paid at a rate equal to the employee's base rate of pay.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(2) The next forty hours of sick leave shall be paid at a rate equal to seventy per cent of the employee's base rate of pay, except as provided in paragraph (C)(2)(a) or (C)(2)(b) of this rule. (a) Overnight hospital stay or outpatient surgery. (i) If the hours or portions thereof are associated with an overnight hospital stay by the employee, the employee's spouse or a child residing with the employee or are used before or after the aforementioned hospital stay and are contiguous to the hospital stay, the sick leave hours shall be paid at a rate equal to the employee's base rate of pay. (ii) If the hours or portions thereof are associated with an outpatient surgery by the employee, the employee's spouse or a child residing with the employee or are used before or after the outpatient surgery and are contiguous to the outpatient surgery, the sick leave hours shall be paid at the rate equal to the employee's base rate of pay.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(3) Sick leave used in excess of eighty hours shall be paid at a rate equal to the employee's base rate of pay.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(4) Sick leave used to supplement an approved disability leave, workers' compensation, or adoption/childbirth leave benefit period shall be paid at a rate equal to the employee's base rate of pay.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-32-02 Notification for use of sick leave by employees paid by warrant of the director of budget and management.</u>	Shall	(A) Notification. An employee who is unable to report for work, and who is not on a previously approved day of vacation, sick leave, personal leave, compensatory time, leave of absence, or other approved leave shall be responsible for notifying the employee's immediate supervisor or other individual designated by the appointing authority that he or she will be unable to report for work. The notification must be made within 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 may establish a reasonable notification time requirement. The appointing authority shall be responsible for informing all employees of the applicable notification policy.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.382	No, general rulemaking authority	No, general rulemaking authority
	Must	(B) Notification for extended sick leave. In the case of a condition exceeding three consecutive calendar days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery may be required .	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.382	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.382	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.382	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.382	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-32-03 Sick leave credit and charge of sick leave for employees of state colleges or universities.</u>	Shall	(A) Sick leave credit. All employees in the various offices of state colleges or universities, 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. Sick leave credit shall be prorated to the hours of completed service in each pay period.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Charge of sick leave. Sick leave used by an employee in the various offices of state colleges or universities 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-32-04 Notification for use of sick leave by employees of state colleges or universities.</u>	Shall	(A) Notification. An employee who is unable to report for work, and who is not on a previously approved day of vacation, sick leave, compensatory time, leave of absence, or other approved leave shall be responsible for notifying the employee's immediate supervisor or other individual designated by the appointing authority that he will be unable to report for work. The notification must be made within 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 may establish a reasonable notification time requirement. The appointing authority shall be responsible for informing all employees of the applicable notification policy.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38	No, general rulemaking authority	No, general rulemaking authority

	Require	(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 .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-32-05 Sick leave uses, evidence of use, and abuse for employees paid by warrant of the director of budget and management and employees of state colleges or universities.</u>	Shall	(A)(4) Death of a member of the employee's immediate family. Such usage shall be limited to a reasonably necessary time beyond any bereavement leave benefit, not to exceed five days.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38, 124.382	No, general rulemaking authority	No, general rulemaking authority
	Require	(B) Evidence of use. Each appointing authority may 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 practitioner, stating the nature of the condition may 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38, 124.382	No, general rulemaking authority	No, general rulemaking authority
	Require	(B) Evidence of use. Each appointing authority may 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 practitioner, stating the nature of the condition may 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38, 124.382	No, general rulemaking authority	No, general rulemaking authority
	Require	(B) Evidence of use. Each appointing authority may 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 practitioner, stating the nature of the condition may 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38, 124.382	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Evidence of use. Each appointing authority may 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 practitioner, stating the nature of the condition may 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38, 124.382	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(C) Abuse. An employee who fails to comply with this chapter and sections 124.38 and 124.382 of the 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38, 124.382	Yes, state law	No, general rulemaking authority
	Shall	(C) Abuse. An employee who fails to comply with this chapter and sections 124.38 and 124.382 of the 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.38, 124.382	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-32-07 Personal leave with pay and charge of personal leave for</u>	Shall	(A) Eligibility for personal leave. Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the director of budget and management shall be eligible for personal leave with pay which may be used for any matter of a personal nature.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Credit of personal leave. Each full-time permanent employee shall be credited with thirty-two hours of personal leave each year. Each part-time permanent employee shall be credited with a prorated portion of personal leave each pay period at the rate of .015375 hours per non-overtime hour in active pay status. Such credit shall be made to each eligible employee in the first paycheck the employee receives in December. Employees who are in no pay status at the time the credit is made shall have their personal leave reduced upon their return by one and two-tenths hours for each full pay period the employee spent in no pay status.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Credit of personal leave. Each full-time permanent employee shall be credited with thirty-two hours of personal leave each year. Each part-time permanent employee shall be credited with a prorated portion of personal leave each pay period at the rate of .015375 hours per non-overtime hour in active pay status. Such credit shall be made to each eligible employee in the first paycheck the employee receives in December. Employees who are in no pay status at the time the credit is made shall have their personal leave reduced upon their return by one and two-tenths hours for each full pay period the employee spent in no pay status.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Credit of personal leave. Each full-time permanent employee shall be credited with thirty-two hours of personal leave each year. Each part-time permanent employee shall be credited with a prorated portion of personal leave each pay period at the rate of .015375 hours per non-overtime hour in active pay status. Such credit shall be made to each eligible employee in the first paycheck the employee receives in December. Employees who are in no pay status at the time the credit is made shall have their personal leave reduced upon their return by one and two-tenths hours for each full pay period the employee spent in no pay status.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Compensation. Compensation for personal leave shall be equal to an employee's base rate of pay.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Compensation. Compensation for personal leave shall be equal to an employee's base rate of pay.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority

employees paid by warrant of the director of budget and management.

	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Charge of personal leave. For each instance of personal leave use, personal leave shall be charged in an initial minimum unit of two hours; personal leave used after the initial two hour minimum unit shall be charged in units of one-tenth hour. ...Employees shall be charged personal leave only for the days and hours for which they would have otherwise been scheduled to work, but shall not include scheduled overtime.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E)...State agencies, boards, and commissions should establish procedures implementing the provisions of this paragraph and shall be responsible for informing all employees of the notification policy....	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
	May Not	(F) Personal leave may not be used to extend an employee's date of resignation or date of retirement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.386	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-32-08 Conversion or carry-forward of sick leave or personal leave credit at year's end for employees paid by warrant of the director of budget and management.</u>	Shall	(A) Conversion or carry-forward of sick leave credit or personal leave credit at year end. An employee whose wage or salary is paid by warrant of the director of budget and management shall have , pursuant to the following provisions, the option to convert to cash benefit payable on the first payday in December or carry forward the balance of any unused sick leave credit or personal leave credit at year's end.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.383, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(1) Sick leave credit conversion or carry-forward. An employee who accrues sick leave pursuant to section 124.382 of the Revised Code and rule 123:1-32-01 of the Administrative Code shall have at year's end the following options with regard to the portion of sick leave credit:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.383, 124.386	Yes, state law	No, general rulemaking authority
	Shall	(A)(1)(b)...An employee serving in a temporary work level or an interim appointment who elects to convert unused sick leave to cash shall do so based on the base rate of pay of his or her normal classification . Unused sick leave shall be converted at a rate based on the amount of sick leave remaining as of the last day of the pay period preceding the first paycheck the employee receives in December as described below:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.383, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(2) Personal leave credit conversion or carry forward. Employees who are credited with personal leave pursuant to section 124.386 of the Revised Code and rule 123:1-32-07 of the Administrative Code shall have at year-end the following options with regard to the unused portion of personal leave credit:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.383, 124.386	Yes, state law	No, general rulemaking authority
	Shall	(A)(2)(c)...The cash benefit conversion shall equal one hour of the employee's base rate of pay for every one hour unused credit that is converted. An employee serving in a temporary work level or an interim appointment who elects to convert unused personal leave to cash shall do so based on the base rate of pay of his or her normal classification .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.383, 124.386	No, general rulemaking authority	No, general rulemaking authority

Shall	shall to convert unused personal leave to cash shall do so based on the base rate of pay of his or her normal classification.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.383, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)(2) The failure of an employee to utilize one of the sick leave conversion options listed in paragraphs (A)(1)(b) and (A)(1)(c) of this rule shall result in the automatic carry-forward of any balance of sick leave credit.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.383, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(C) Applicability of retirement system deductions to sick leave credit cash conversions. Any cash benefit conversions of sick leave or personal leave made at year end under the provisions of this rule shall not be subject to contributions to any of the retirement systems either by the employee or the employer.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.383, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall	(D) Notification of option to convert sick leave credit or personal leave credit at year end. An employee eligible to receive a cash benefit conversion of sick leave credit or personal leave credit at year's end must indicate their desire to convert any sick leave or personal leave no later than the end of the pay period that includes the first day of November. Each appointing authority shall be responsible for reporting the conversion requests to the department of administrative services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.383, 124.386	No, general rulemaking authority	No, general rulemaking authority
Must	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.383, 124.386	No, general rulemaking authority	No, general rulemaking authority	
Shall	An employee whose salary or wage is paid by warrant of the director of budget and management shall be entitled, upon separation for any reason, to a cash conversion benefit for unused sick leave and personal leave credit pursuant to the provisions of this rule and sections 124.384 and 124.386 of the Revised Code. For purposes of this rule the term "separation" shall mean any voluntary or involuntary termination from service, including, resignation, disability separation, retirement, removal from service, and layoff from service, but does not include death of an employee.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority	
Shall	(A)(1) General. An employee who has accumulated sick leave under the provisions of section 124.382 of the Revised Code shall be entitled to a cash benefit conversion of the accumulated unused sick leave balance upon separation of service. Such conversion must occur within three years from the employee's date of separation from service.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority
Must	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority	
Must	(A)(2) Eligibility. In order to be eligible for the accumulated sick leave cash conversion benefit authorized by this rule an employee must have at least one year of state service prior to separation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall	(A)(3) Determination of amount of sick leave to be converted. An employee about to separate or who has separated from state service shall designate in writing the percentage or portion of his or her sick leave balance to be converted to cash. ... If an employee fails to designate the portion or percentage of the accumulated sick leave to be converted to the cash benefit, the entire amount of sick leave credit accumulation shall be converted to cash benefit.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority	
Shall	(4) Payment. Payment for that percentage or portion of sick leave an employee desires to convert to a cash benefit shall be made at the employee's base rate of pay at the time of separation at the rate of one hour of pay for every two	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-32-09 | Conversion of sick leave and personal leave credit upon separation from service for employees paid by warrant of the director of budget and management.

Shall	hours of accumulated balances. Payment for unused sick leave for an employee who retires from a state retirement system shall be at the rate of fifty-five per cent of the employee's base rate of pay at the time of the effective date of the employee's retirement. Payment for an employee serving in a temporary work level or an interim appointment shall be based on the base rate of pay of the employee's normal classification.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority	
Shall	(B)(1) An employee whose salary or wage is paid by warrant of the director of budget and management who has accumulated personal leave credit under the provisions of section 124.386 of the Revised Code and rule 123:1-32-07 of the Administrative Code shall be entitled to, upon separation of service, a cash benefit conversion for personal leave credit pursuant to division (E) of section 124.386 of the Revised Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	Yes, state law	No, general rulemaking authority	
Shall	(B)(2) Payment for accumulated unused personal leave credit shall be at a rate equal to an employee's base rate of pay. Payment for an employee serving in a temporary work level or an interim appointment shall be based on the base rate of pay of the employee's normal classification.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority	
Shall	(C) Notification of option to convert sick leave and personal leave credits. Appointing authorities shall be responsible for notifying employees in writing of their right to convert sick leave and personal leave credits upon separation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority	
	Shall	(A)(1) Transfer of sick leave credit. An employee who transfers from one public agency to another, shall be credited with the unused balance of the accumulated sick leave credit up to the maximum sick leave accumulation permitted in the public agency to which the employee transfers. An employee	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	who is paid directly by warrant of the director of the office of budget and management that transfers to a public agency in which employees are paid directly by warrant of the director of budget and management shall be credited with the entire unused sick leave balance.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(2) Transfer of personal leave credit. An employee who transfers from one public agency to another shall be credited with the unused balance of his or her entire personal leave credit, provided that if the employee is no longer eligible to receive personal leave credit in accordance with section 124.386 of the Revised Code, the employee will receive personal leave cash conversion benefits as provided in division (E) of section 124.386 of the Revised Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(3)(a) An employee who transfers from one public agency to another shall be credited with the unused balance of the accumulated vacation leave credit up to the maximum vacation leave accumulation permitted by the public agency to which the employee transfers. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority

Shall	(A)(3)(b) When an employee transfers from a position that has been authorized for an annual leave accrual maximum greater than the maximum allowed in division (B) of section 124.134 of the Revised Code, the employee forfeits the right to be credited with the vacation leave that is in excess of the maximum allowed by division (B) of section 124.134 of the Revised Code, and instead shall receive payment for the excess leave at a rate equal to the employee's base rate of pay for the position authorizing the greater annual leave accrual maximum.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall	(A)(3)(c) When an employee transfers from one public agency to another the releasing public agency shall provide the receiving public agency with documentation certifying the employee's balance to be transferred and that the releasing agency has eliminated the balance from their records upon transfer.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall	(B) Restoration of leave credit upon reemployment. An employee shall be responsible for notifying the employee's current appointing authority of the amount of unconverted leave and that employee shall provide reasonable documentation in support of any claim. Upon request by that employee or the employee's current appointing authority, the employee's previous appointing authority shall provide the employee or the employee's appointing authority with adequate documentation regarding the previously accumulated leave of which the former appointing authority is aware.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall	(B) Restoration of leave credit upon reemployment. An employee shall be responsible for notifying the employee's current appointing authority of the amount of unconverted leave and that employee shall provide reasonable documentation in support of any claim. Upon request by that employee or the employee's current appointing authority, the employee's previous appointing authority shall provide the employee or the employee's appointing authority with adequate documentation regarding the previously accumulated leave of which the former appointing authority is aware.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)(1) Restoration of sick leave credit. An employee who is rehired within ten years of the employee's separation from state service to a position that is eligible to accrue leave shall be credited with any sick leave that has not been converted to cash and shall be prohibited from further conversion until separation from state service unless the conversion is pursuant to section 124.383 of the Revised Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
Prohibit	(B)(1)(a) An employee who had previously accumulated sick leave credit under the provisions of section 124.382 of the Revised Code and rule 123:1-32-01 of the Administrative Code, shall , upon reemployment in the public service, have restored all unused sick leave credit which was not converted to a cash benefit under the provisions of section 124.384 of the Revised Code or any other conversion provisions provided the employee is reemployed within ten years.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)(1)(a) An employee who had previously accumulated sick leave credit under the provisions of section 124.382 of the Revised Code and rule 123:1-32-01 of the Administrative Code, shall , upon reemployment in the public service, have restored all unused sick leave credit which was not converted to a cash benefit under the provisions of section 124.384 of the Revised Code or any other conversion provisions provided the employee is reemployed within ten years.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority

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

	Shall	(B)(1)(b) An employee who had previously accumulated sick leave credit under the provisions of section 124.38 of the Revised Code shall upon reemployment in the public service have restored all unused sick leave credit which was not converted to a cash benefit under any policies or provisions established by the employee's employing agency or political subdivision provided the employee is reemployed within ten years.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(2) Restoration of personal leave credit. An employee who had previously accumulated personal leave credit under the provisions of section 124.386 of the Revised Code shall , upon reemployment in the public service, have restored all accrued and unused personal leave credit which was not converted to a cash benefit, provided the employee is reemployed within thirty days of the date on which the employee was last separated from public service.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(3) Restoration of vacation leave credit. An employee who had previously accumulated vacation leave credit under the provisions of section 124.134 of the Revised Code shall , upon reemployment in the public service, have restored all accrued and unused vacation leave credit which was not converted to a cash benefit, up to a maximum allowable for the employee's new position, provided the employee is reemployed within thirty days of the date on which the employee was last separated from public service. If the employee has more vacation leave credit than allowable under the new position, the employee shall receive payment for the excess leave at a rate equal to the employee's base rate of pay for the position authorizing the greater annual accrual maximum.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.134, 124.38, 124.382, 124.386	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(1)...The employee shall be compensated at the employee's base rate of pay at the rates established in division (A) of section 124.384 of the Revised Code , or; ...	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.134, 124.382, 124.384, 124.386	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-32-11 Leave retention options for employees appointed to positions governed by section 121.03 of the Revised Code or a similar position that does not accrue leave.</u>	Must	(A)...To be eligible for disability leave benefits, an employee must be disability separated pursuant to rule 123:1-30-01 of the Administrative Code or rule 123:1-30-02 of the Administrative Code...	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	Yes, state law	No, general rulemaking authority
	Shall	(B) Recovery period. An employee eligible pursuant to paragraph (A) of this rule shall only receive disability leave benefits if the employee is medically or mentally incapable of performing the duties of their position. ... Only the department of administrative services shall have the authority to deny an application for disability benefits.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D)...The licensed medical practitioner or, in the case of a mental health condition, a licensed mental health practitioner must confirm the employee's diagnosis and determine the condition prevents the employee from performing the duties of the employee's position, a similar position, or other duties within a transitional work program. In the case of an alcohol or drug addiction diagnosis, an employee shall consult the state's alcohol or other drug	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority

	Shall	addiction diagnosis, an employee shall consult the state's director of other drug addiction program, the state of Ohio employee assistance program, or another certified alcohol and other drug addiction treatment professional to confirm that the employee's condition prevents the employee from performing the duties of the employee's position, a similar position, or other duties within a transitional work program....	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Filing an application. ... The application shall be filed on a form designated by the director and shall be filed, completed in its entirety, with the appointing authority within twenty calendar days of the last day the employee worked. ... Where extenuating circumstances prevent an employee from filing an application for disability leave benefits within the required time frame, a written statement from the party responsible for the delay explaining such extenuating circumstances must be filed within fifteen calendar days after the twenty-day time period has expired. Appropriate extenuating circumstances shall be accepted as an extension of the time limit to file an application for disability benefits. The appointing authority shall , within five days of receipt of the application, forward the application and the recommendation of the appointing authority to the director or designee. The approval of a claim for disability leave benefits shall be governed by the provisions of Chapter 123:1-33 of the Administrative Code .	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	Yes, state law	No, general rulemaking authority
	Shall	(B) Documentation. In addition to the application, it shall be the employee's responsibility to provide written documentation to substantiate the cause, nature, and extent of the disabling illness, injury, or condition for which the employee is requesting disability leave benefits. A medical examination report shall be required prior to the granting of disability leave benefits and the employee shall be responsible for the cost of obtaining such report.... The specialty of the physician conducting the examination will be based upon the employee's diagnosed condition, but for an application for disability benefits based on a diagnosis of a mental disorder, including but not limited to, psychosis, mood disorders, and anxiety, must be confirmed by a licensed mental health provider. The cost of such examination shall be paid from the disability fund. ...	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-33-02 | Application for disability leave benefits.

Shall	(C) Notification of initial disability decision by the director or designee. The employee shall be notified in writing of the disability determination within forty-five days of receipt of the application by the director or designee and shall also be advised of the right of appeal pursuant to rule 123:1-33-04 of the Administrative Code . If a determination cannot be made within forty-five days of receipt of the application, then the director or designee shall notify the employee of the delay.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385 Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385 Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	Yes, state law	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
Shall	(D) Notification of requirement to file for disability retirement benefits. An employee eligible to apply for disability retirement benefits shall be notified by the director or designee in writing of the requirement to file for disability retirement benefits in order to receive continued disability leave benefits. ... Upon notification, the employee shall submit an application to a state employees' retirement system, comply with all retirement system requirements, and submit all information required by the retirement system for disability retirement benefits. ...	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385 Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385 Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
Shall	(E) Submission of additional information. ... Such information must be submitted within twenty days from the date of notification of the determination or within twenty days from the ending date of approved disability benefits, whichever is later. The appointing authority shall , within five days of receipt of such additional information, forward it to the director. Where extenuating circumstances prevent an employee from providing additional information within the required time frame, a written statement from the party responsible for the delay explaining such extenuating circumstances must be filed within fifteen calendar days after the twenty-day time period has expired. Appropriate extenuating circumstances shall be accepted as an extension of the time limit to provide additional information. ... The appeal must still be filed within thirty days of the original notification of the denial.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385 Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
Shall	(F) Address change. An employee receiving disability leave benefits shall be responsible for keeping a current address on file with the appointing authority.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
Must	(A)(1)(a)...The employee must be denied the initial claim for workers' compensation by the bureau of workers' compensation and the employee affirms that no appeal of the bureau of workers' compensation denial order will be filed by the employee.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-33-03 | Conditions precluding receipt of disability leave benefits.

<u>Rule 123:1-33-03 Conditions precluding receipt of disability leave benefits.</u>	Must	(A)(1)(b)...To be eligible for such advancement, an employee must file an application for disability leave benefits and a copy of the bureau of workers' compensation order with the appointing authority within twenty days of the notification by the bureau of workers' compensation of the denial of an initial claim for workers' compensation benefits.... All disability leave benefits received by the employee as an advancement, must be reimbursed by the employee to the disability leave benefits program if the employee has been awarded weekly wage payments by the bureau of workers' compensation for the same time period for which the advancement was made or the employee has been paid a lost time wage settlement.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Must	(B)(1) The appointing authority shall send to the department of administrative services a copy of the employee's disability leave application, all accompanying documentation, and a notice containing the following information:...	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(2) Upon receipt of the notification, the director or designee shall approve or deny the decision to hold disability payments in abeyance. If the director or designee approves the decision to hold disability payments in abeyance, the director or designee shall notify the employee by regular and certified mail, that the disability payments will not be processed until the completion of the investigation.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(3) An investigatory interview shall be scheduled to occur within thirty days after the appointing authority files notice of the investigation with the department of administrative services. ... If the investigatory interview cannot be completed as a result of the employee's absence, or failure to participate, the investigatory interview shall be cancelled and the employee's disability leave application shall be denied.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(4) Paragraph (B) of this rule shall not be applicable where the absence, and subsequent disability, is the result of hospitalization for more than five days for a serious medical condition.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(B)(5) If an application for disability benefits is pending or has been approved prior to the initiation of the investigation, paragraph (B) of this rule shall not be applicable.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a request for disability leave benefits is denied the employee shall be informed of the denial in writing. ... If an appeal is not filed within thirty days of the original notification of the denial, the director or designee shall enter the determination as a final decision.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-33-04 | Appeal or a denial.

	Shall	Where a medical question is at issue, the director or designee shall , upon receiving a written request for an appeal, obtain a medical opinion from an independent third party. The selection of a third party shall be made within fifteen days of the appeal request unless an extension is agreed to by the parties. The third party shall render a medical opinion within thirty days of the selection and the decision of the third party shall be binding....	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Waiting period. Disability leave benefits shall commence with the employee's first scheduled workday following a waiting period of fourteen consecutive calendar days. The waiting period shall commence the day the disabling illness, injury, or condition prevents the employee from performing the duties of the employee's position. ...	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)...After an employee has exhausted three months of disability leave benefits, the employee shall be paid at fifty per cent of the employee's base rate of pay for up to an additional nine months on the original, subsequent related, or subsequent unrelated claim. For new disability claims filed on or after July 1, 2009, disability leave benefits shall be paid at sixty seven per cent of the employee's base rate of pay up to a lifetime maximum of twelve months. In no circumstances shall the total length of benefit exceed the maximum set forth in rule 123:1-33-06 of the Administrative Code . For purposes of determining disability leave benefits, an employee's base rate of pay shall be determined as of the date the employee becomes disabled.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	Disability leave benefits shall be paid at this rate throughout the disability claim. ...	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(C) Accrual of service credit. An employee receiving disability leave benefits pursuant to Chapter 123:1-33 of the Administrative Code shall continue to accrue service credit for purposes of determination of vacation benefits, annual step increases, longevity and retirement benefits. Vacation leave benefits shall not accrue while an employee is receiving disability leave benefits. The period during which an employee is receiving disability benefits shall not count toward an employee's probationary period.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Payment of disability retirement benefits. If an employee is approved to receive disability retirement benefits, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, cannot be more than fifty per cent of the employee's base rate of pay for the	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-33-05 | Payment of disability leave benefits.

	Require	equals no more than fifty per cent of the employee's base rate of pay for the remaining nine months of the disability leave benefit period. In order to receive the supplement payment the employee will be required to submit proof of the amount of the approved disability retirement benefit to the employee's appointing authority.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Payment of retirement system contributions. The employee shall be responsible for paying the employee's share of retirement contributions. These contributions shall be made in the amounts set pursuant to sections 145.296, 3307.261, 3309.471, and 5505.151 of the Revised Code for members granted disability leave benefits based on the employee's base rate of pay in effect at the time the employee becomes disabled.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F)...Only those insurance benefits paid in whole or in part by the state shall be subject to the provisions of this rule. ...	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G)...Such supplementation shall have an effective date as of the date the employee requests the supplementation. The sick leave, personal leave, vacation leave balances and compensatory time shall be paid at a rate equal to the employee's base rate of pay in effect at the time the employee became disabled. The total amount received by an employee while receiving disability leave benefits supplemented by sick leave credit, personal leave credit, vacation leave balances, and compensatory time, plus any amount contributed by the state on behalf of the employee pursuant to paragraphs (F) and (G) of this rule, shall be an amount sufficient to give the employee up to one hundred per cent of pay for time on disability leave.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(H) Payment of costs. All of the cost, premium or charges for the benefits provided by the state employee disability leave benefits program shall be paid by the state.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(I) Recovery of improperly paid benefits. The director or designee shall initiate all necessary steps to recover disability leave benefits or insurance premiums paid in error or paid as a result of fraud, or to make any needed adjustments to ensure that proper payment of benefits and insurance premiums has been made. When necessary, the director or designee shall request the attorney general to take appropriate action to recover improperly paid benefits or	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-33-06 Length of eligibility.</u>	Shall	(B) The length of a disability shall be calculated and prorated on a daily basis when the employee is participating in a transitional work program pursuant to paragraph (B) of rule 123:1-33-07 of the Administrative Code or in a temporary part-time position pursuant to paragraph (A) of rule 123:1-33-07 of the Administrative Code . All hours worked during an authorized transitional work program or in a temporary part-time position shall not be counted toward the employee's lifetime maximum up to a limit of ninety days total. All disability hours paid pursuant to an authorized transitional work program of a part-time position shall count toward the employee's lifetime maximum.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	Yes, state law	No, general rulemaking authority
	Shall Not	(C) All disability leave benefits that were granted for claims filed on or after October 29, 2006 shall be counted toward the lifetime maximum limitation established in paragraph (A) of this rule.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) All disability leave benefits that were granted for claims filed on or after October 29, 2006 shall be counted toward the lifetime maximum limitation established in paragraph (A) of this rule.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) All disability leave benefits that were granted for claims filed on or after October 29, 2006 shall be counted toward the lifetime maximum limitation established in paragraph (A) of this rule.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-33-07 Transitional or partial return to work.</u>	Shall	(A)...An employee who returns to work part-time, including but not limited to a return to work program, rehabilitation work training program, or pursuant to a physician's statement during a disability leave benefit period shall receive any pay increases, for any hours in active work status, to which the employee would have otherwise been entitled if he or she were not receiving disability leave benefits. Before a return to work on a part-time basis, the employee shall provide to the appointing authority a physician's statement indicating the number of hours the employee could work and any restrictions placed on the employee's activities. ...	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)...Participation in the program shall be based upon the recommendation of the employee's attending physician. ...An employee must participate in a transitional work program unless precluded from participation by the employee's attending physician. ...The appointing authority shall reinstate the employee on a full-time basis to the employee's position, provided the director or designee has determined that the employee is no longer disabled and the employee's physician has released the employee to perform the duties of the position.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Must	(B)...Participation in the program shall be based upon the recommendation of the employee's attending physician. ...An employee must participate in a transitional work program unless precluded from participation by the employee's attending physician. ...The appointing authority shall reinstate the employee on a full-time basis to the employee's position, provided the director or designee has determined that the employee is no longer disabled and the employee's physician has released the employee to perform the duties of the position.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) A subsequent disability unrelated to a previous illness, injury, or condition shall be considered the same claim if it occurs while an employee is on an approved disability leave.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) A subsequent unrelated disability that occurs following a previously requested disability leave benefit period shall be considered a new claim. A new waiting period shall be served before the employee will be eligible to receive disability leave benefits.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-33-08 Subsequent disability.</u>	Shall	(C) Except as provided in paragraph (F) of this rule, a related disability that occurs beyond six months of the employee's return to active work status shall be considered a new disability claim. A new waiting period shall be served before the employee will be eligible to receive disability leave benefits.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Except as provided in paragraph (F) of this rule, a related disability that occurs before six months have passed since the employee's return to active work status shall be considered the same disability claim. Though a new waiting period shall not be served, benefits shall be payable from the first day of the subsequent disability provided the employee remains disabled and off work for at least fourteen consecutive calendar days. The rate of payment for a related disability shall be based on the rate of the original disability claim as stated in rule 123:1-33-05 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(D) Except as provided in paragraph (F) of this rule, a related disability that occurs before six months have passed since the employee's return to active work status shall be considered the same disability claim. Though a new waiting period shall not be served, benefits shall be payable from the first day of the subsequent disability provided the employee remains disabled and off work for at least fourteen consecutive calendar days. The rate of payment for a related disability shall be based on the rate of the original disability claim as stated in rule 123:1-33-05 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Except as provided in paragraph (F) of this rule, a related disability that occurs before six months have passed since the employee's return to active work status shall be considered the same disability claim. Though a new waiting period shall not be served, benefits shall be payable from the first day of the subsequent disability provided the employee remains disabled and off work for at least fourteen consecutive calendar days. The rate of payment for a related disability shall be based on the rate of the original disability claim as stated in rule 123:1-33-05 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Except as provided in paragraph (F) of this rule, a related disability that occurs before six months have passed since the employee's return to active work status shall be considered the same disability claim. Though a new waiting period shall not be served, benefits shall be payable from the first day of the subsequent disability provided the employee remains disabled and off work for at least fourteen consecutive calendar days. The rate of payment for a related disability shall be based on the rate of the original disability claim as stated in rule 123:1-33-05 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	Yes, state law	No, general rulemaking authority

	Shall	(E) Except as provided in paragraph (F) of this rule, a subsequent related disability that occurs within six months of an employee's return to active work status and following a previously requested disability leave benefit that was filed before October 29, 2006 shall be considered a new claim. A new waiting period shall be served before the employee will be eligible to receive disability leave benefits.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F) A subsequent related disability that occurs while the employee is participating in an authorized work program shall be considered the same disability. Though a new waiting period shall not be served, benefits shall be payable from the first day of the subsequent disability provided the employee remains disabled and off work for at least fourteen consecutive calendar days. The rate of payment for a related disability shall be based on the rate of the original disability claim as stated in rule 123:1-33-05 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.385	Yes, state law	No, general rulemaking authority
<u>Rule 123:1-33-09 Discipline of an employee receiving disability leave benefits.</u>	Require	(A) ...If the appointing authority conducts a pre-disciplinary investigatory interview that requires the participation of the employee, the employee may be granted administrative leave with pay for the duration of the interview. The employee shall not receive payment of disability leave benefits for those hours spent on administrative leave with pay, nor shall the hours count towards the employee's lifetime maximum benefit.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(B) If an employee is removed from service, disability leave benefits shall be discontinued as of the date the employee is removed from service. The appointing authority shall be responsible for notifying the director or designee of any employee removed from service who is receiving disability benefits.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-33-11 Notice of disqualification from receipt of disability leave benefits.</u>	Prohibit	(B) If any employee engages in any of the acts listed in paragraph (A) of this rule, the director or designee will notify the employee of the intention to disqualify the employee from receiving disability leave benefits as of the date the employee first engaged in any of the prohibited acts.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Payment of disability leave benefits. Disability leave benefits shall be paid at seventy per cent of the employee's base rate of pay for the first six months, and fifty per cent of the employee's base rate of pay for up to an additional eighteen months. For the purposes of determining disability leave benefits, an employee's base rate of pay shall be determined as of the date the employee becomes disabled. Disability leave benefits shall be paid at this rate throughout the disability claim.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-33-12 | Claims filed before October 29, 2006.

	Shall	(B) Payment of disability retirement benefits. If an employee is approved to receive disability retirement benefits, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than fifty per cent of the employee's base rate of pay for the remaining eighteen months of the disability leave benefit period. In order to receive the supplement payment the employee will be required to submit proof of the amount of the approved disability retirement benefit to the <u>employee's appointing authority</u> .	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Require	(C) Length of eligibility. An eligible employee shall be eligible to receive disability leave benefits until it is determined that the employee is no longer disabled, the effective date of retirement from a state employees' retirement system, or the employee has utilized a lifetime maximum as follows:	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(1) Employees with less than eight years of service shall be eligible to receive disability leave benefits for a maximum of twenty-four months.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(2) Employees with eight years of service but less than sixteen years of service shall be eligible to receive disability leave benefits for up to twenty-four months per disability not to exceed a total of thirty-six months.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(3) Employees with sixteen or more years of service shall be eligible to receive disability leave benefits for up to twenty-four months per disability not to exceed a total of forty-eight months.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(4) In no case shall an employee's disability leave benefits for a single claim exceed two years (seven hundred and thirty calendar days, seven hundred and thirty-one calendar days when a leap year is included) from the date the disability leave benefits commence.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) The utilization of disability leave before October 29, 2006 and the continuation of any disability leave on or after October 29, 2006 shall be counted toward the lifetime maximum limitation established in paragraph (C) of this rule.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Unless otherwise specifically provided for in this rule, claims for disability leave benefits that were filed before October 29, 2006 shall be governed by rules 123:1-33-01 to 123:1-33-11 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09, 124.385 Amplifies: 124.385	Yes, state law	No, general rulemaking authority
	Require	(A)(2) "Approved physician" - means a psychologist, psychiatrist, or physician from the approved physician list. In the event an injury requires emergency room treatment, the emergency room physician will be considered an approved physician for purposes of the initial diagnosis and evaluation of the allowed physical or psychological condition.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
	Shall	(1) Occupational injury leave benefits (OIL). Each permanent employee employed by an agency listed in section 124.381 of the Revised Code who sustains an allowed physical condition or an allowed psychological condition filed on or after February 1, 2010 shall , pursuant to this rule and with the approval of the director of the department of administrative services (DAS),	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-33-17 | Occupational injury leave and salary continuation benefits.

Shall Not	receive OIL. Any subsequent injury that is determined to be an aggravation of a previous injury for which OIL was approved shall not be considered an independent injury. It is the employee's responsibility to prove that the allowed physical condition or an allowed psychological condition was inflicted by a ward.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	(C) Application. In order to receive OIL or salary continuation benefits, the injured employee shall , within twenty days from the date of the injury, complete and submit the employee's portion of the claim application to the employee's appointing authority....	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(1) OIL benefits. In no case shall the payment of OIL exceed nine hundred sixty hours per independent injury. A part-time employee's OIL benefits shall be based on the average number of hours worked during the six weeks immediately preceding the related injury, up to forty hours per week.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(2) Salary continuation benefits. In no case shall the payment of salary continuation benefits exceed four hundred eighty hours per independent injury. Any leave provisionally granted under OIL shall count towards the four hundred eighty hour maximum for salary continuation benefits.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	(E) ... Employees receiving OIL or salary continuation benefits are in active pay status and shall continue to accrue sick leave and personal leave. During the time an employee is receiving OIL or salary continuation benefits under this rule, the employee shall be exempt from receiving vacation leave. OIL and salary continuation benefits shall not be charged against the employee's accumulated sick leave balance.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	(F) Employee's responsibilities. In order to receive OIL or salary continuation benefits, the injured employee must also:	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Must	(F)(2)...If the employee is unable to schedule an appointment with an approved physician within forty-eight hours of the date of the injury, the employee must contact the agency's workers' compensation coordinator. The employee must continue to seek treatment from an approved physician for the duration of the benefit;	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Must	(G)...If the employee has been paid any OIL or salary continuation benefits, the employee shall substitute sick leave, vacation leave, personal leave, compensatory time, or reimburse the employer for any benefits received.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	(H) Appointing authority's responsibilities. The employee's appointing authority or designee must promptly review the employee's claim and forward the employee's paperwork to the director or authorized designee within five days of receiving the employee's application.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority

Shall	(I) Medical treatment and return to work. It shall be the responsibility of the employee to receive necessary medical treatment and to return to active work status at the earliest time permitted by the approved physician.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	(J) Termination of benefits. OIL and salary continuation benefits shall terminate when: ...	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	(K)(1) If an agency denies an employee's application for OIL on the basis that the injury was not inflicted by a ward, OIL shall cease. The employee may appeal the decision to DAS within twenty days of the postmark on the letter of denial and the decision of DAS shall be binding. If the employee's claim is approved by DAS, the agency shall render OIL benefits to the employee back to the time of the initial agency denial. If the employee's OIL claim is denied by DAS, the employee may be eligible for salary continuation benefits.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	(K)(2) If the bureau of workers' compensation denies the claim on the basis that the injury was not an allowed physical or psychological condition, OIL or salary continuation benefits shall cease. ... If the employee's claim is approved by the industrial commission, the agency shall render OIL or salary continuation benefits on the employee back to the time of the initial denial by the bureau of workers' compensation. If the employee's claim is denied by the industrial commission, the employee shall substitute sick leave, vacation leave, personal leave, compensatory time, or reimburse the employer for any benefits received.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	(K)(2) If the bureau of workers' compensation denies the claim on the basis that the injury was not an allowed physical or psychological condition, OIL or salary continuation benefits shall cease. ... If the employee's claim is approved by the industrial commission, the agency shall render OIL or salary continuation benefits on the employee back to the time of the initial denial by the bureau of workers' compensation. If the employee's claim is denied by the industrial commission, the employee shall substitute sick leave, vacation leave, personal leave, compensatory time, or reimburse the employer for any benefits received.	Promulgated Under:119.03 Authorized By: 124.09, 124.381 Amplifies: 124.381	No, general rulemaking authority	No, general rulemaking authority
Shall	Nothing in this rule shall be construed as limiting, superseding, or requiring any leave granted under The Family and Medical Leave Act of 1993 (FMLA) .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	Yes, federal law	No, general rulemaking authority
Must	(A) ...An employee must request, in writing, all leaves of absence without pay. The request shall state reasons for taking leave of absence without pay and the dates for which such leave is being requested.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(A) ...An employee must request, in writing, all leaves of absence without pay. The request shall state reasons for taking leave of absence without pay and the dates for which such leave is being requested.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(A)(1)... Renewal or extension beyond the maximum allowed shall not be granted except as provided in this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(A)(1)(c) Leave of absence without pay may be granted for a maximum period of two years for purposes of education or training which would be of benefit to the service; or for voluntary service in any governmentally sponsored program of public betterment. Renewal or extension beyond the two-year period shall not be allowed.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(A)(4) Return to service. Upon completion of a leave of absence without pay, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists the employee shall , with approval of the director, be assigned to a position in a classification similar to that formerly occupied. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(A)(4) Return to service. Upon completion of a leave of absence without pay, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists the employee shall , with approval of the director, be assigned to a position in a classification similar to that formerly occupied. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority

Shall Not	(A)(5)...Employees that do not return to service from a leave of absence without pay shall not receive service credit for the time spent on such leave.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(6) Reporting leaves. The appointing authority shall report to the director any leave of absence without pay which extends for one pay period or longer, and the subsequent return from such a leave. Any leave of absence without pay shall be reported for an employee serving a probationary period.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(7) Probationary period of an employee on a leave of absence without pay. The period during which an employee is on a leave of absence without pay shall not be counted towards an employee's original or promotional probationary period.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall not	(8) Benefits. While on a leave of absence without pay lasting longer than one pay period, the employee is responsible for both the employer's and employee's share of health care benefit premiums, except as required by law.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Require	(B)...Such leave shall be reported to the director but is not subject to the director's approval. Return of an employee in the unclassified service to active pay status shall be at the discretion of the appointing authority.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)...The employee must demonstrate that the probable length of disability will not exceed six months.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Must	(C)(1) Length of leave. Leaves of absence without pay shall be limited to the period of time that the employee is unable to perform the essential job duties of the employee's position....	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)(2) Licensed practitioner's certificate. An employee requesting a leave of absence without pay due to a disabling illness, injury or condition must present, at the time the request is made, a licensed practitioner's certificate stating the probable period for which the employee will be unable to perform the essential job duties of the employee's position.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)(3) Sick leave usage. Upon request, and in accordance with the rules of the director on sick leave and disability leave benefits, an employee not eligible to receive disability leave benefits under a program offered by an appointing authority shall be permitted to use any or all of the employee's accumulated sick leave credit only for the period of time, as certified by the licensed practitioner's certificate, that the employee is unable to work as a result of a disabling illness, injury or condition. An employee using sick leave credit shall not be prevented from receiving a leave of absence without pay for the remainder of the period as defined in paragraph (C)(1) of this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority

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

	Shall	(C)(4) Vacation leave usage. Subject to the provisions contained in Chapter 123:1-33 of the Administrative Code , an employee not eligible to receive disability leave benefits under a program offered by an appointing authority shall , upon request, be permitted to use any or all of the employee's accumulated vacation leave at any reasonable time prior to, during, or following the period as defined in paragraph (C)(1) of this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	Yes, state law	No, general rulemaking authority
	Require	(C)(6) Return to work. The appointing authority of an employee on a leave of absence without pay for a disabling illness, injury or condition may require the employee, prior to the employee's return to work, to provide a physician's certificate that confirms the employee is able to perform the essential job duties of the employee's position.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D)...All requests for leave of absence without pay for purposes of child care shall be considered on a nondiscriminatory basis without regard to the sex of the employee. An adoptive or foster parent's request for leave of absence for purposes of child care shall be considered on the same basis as that of a biological parent under similar circumstances.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D)...All requests for leave of absence without pay for purposes of child care shall be considered on a nondiscriminatory basis without regard to the sex of the employee. An adoptive or foster parent's request for leave of absence for purposes of child care shall be considered on the same basis as that of a biological parent under similar circumstances.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-34-03 Civic duty leave.</u>	Shall	(A) An appointing authority shall grant civic duty leave with full pay to any employee in the service of the state who:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.135	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena in excess of fifteen dollars per day, when such duty is performed during an employee's normal working hours, shall be remitted by an employee who is paid directly by warrant of the director of budget and management to the payroll officer for transmittal to the treasurer of state.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.135	No, general rulemaking authority	No, general rulemaking authority
	Shall	(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 civic duty leave with full pay for purposes of attending the hearing.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.135	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-34-04 Military leave with pay.</u>	Require	(B) Evidence of military duty. Permanent employees who are in the service of the state are required to submit to their appointing authority a written order or written statement from the appropriate military commander as evidence of performing service in the uniformed services before military leave with pay will be granted.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.15, 124.152, 5923.05	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) A military leave without pay is an approved leave of absence and shall be treated as such....	Promulgated Under:119.03 Authorized By: 124.09, 5903.02(F) Amplifies: 124.134, 124.15, 124.152, 124.382, 5903.02, 5923.05,	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)...Employees that are in a bargaining unit shall accrue any form of leave in the same manner as any other bargaining unit employee under the applicable collective bargaining agreement who is on an approved leave of absence. Any	Promulgated Under:119.03 Authorized By: 124.09, 5903.02(F) Amplifies: 124.134, 124.15, 124.152, 124.382, 5903.02, 5923.05, 5923.051	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-34-05 Uniformed service leave without pay.	Shall not	such accrued leave to which a bargaining unit employee is entitled to under this rule shall not be credited to the employee until such time as the employee returns to work.	Promulgated Under:119.03 Authorized By: 124.09, 5903.02(F) Amplifies: 124.134, 124.15, 124.152, 124.382, 5903.02, 5923.05, 5923.051	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(2)(a) If the active duty call-up was thirty days or less, the request for reinstatement shall be made immediately upon the employee's release from the active duty call-up, with reinstatement taking place the first full regularly-scheduled work day following the employee's release from active duty allowing time for travel home plus eight hours for rest;	Promulgated Under:119.03 Authorized By: 124.09, 5903.02(F) Amplifies: 124.134, 124.15, 124.152, 124.382, 5903.02, 5923.05, 5923.051	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(2)(b) If the active duty call-up was thirty-one days to one hundred eighty days, the request for reinstatement shall be made within fourteen days of the employee's release from the active duty call-up; or	Promulgated Under:119.03 Authorized By: 124.09, 5903.02(F) Amplifies: 124.134, 124.15, 124.152, 124.382, 5903.02, 5923.05, 5923.051	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(2)(c) If the active duty call-up was in excess of one hundred eighty days, the request for reinstatement shall be made within ninety days of the employee's release from the active duty call-up.	Promulgated Under:119.03 Authorized By: 124.09, 5903.02(F) Amplifies: 124.134, 124.15, 124.152, 124.382, 5903.02, 5923.05, 5923.051	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-34-08 Olympic	Shall	Any employee in the service of the state shall be granted olympic competition leave from employment without loss of pay to participate in olympic competition sanctioned by the United States olympic committee. Participation in olympic competition shall include duties as a coach, judge, official, or athlete.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Length of leave. Olympic competition leave shall not exceed the aggregate time required for reasonable precompetition training at the competition site, actual participation in the competition, and reasonable travel time to and from the competition site.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
	Require	(B) Compensation. 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 in section 124.18 of the Revised Code . 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall not	(C) Additional leave. An employee, having been granted olympic competition leave, shall be granted personal leave of absence without pay or, if entitled to	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	Yes, state law	No, general rulemaking authority
	Shall not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority

competition leave.

	Shall	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 the 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
	Must	(D) Written request. 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 leave being requested. If the employee is 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:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D)(3) If the event is one in which contestants compete until eliminated, 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 actually competed upon return from the competition.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.46; 124.09	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-34-09 Bereavement leave.	Shall	Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the director of budget and management shall be granted three consecutive working days of bereavement leave with pay upon the death of a member of the employee's immediate family.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.387	No, general rulemaking authority	No, general rulemaking authority
	Shall	Bereavement leave shall not exceed twenty-four scheduled work hours.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.387	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Compensation for bereavement leave shall be equal to the employee's base rate of pay. Part-time permanent employees shall be granted bereavement leave based on the number of hours they would have normally been scheduled to work.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.387	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.387	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Approval. An appointing authority shall notify the director of administrative services of its intent to establish and implement a VCS program and receive the director's approval before the program can become effective. The notice shall include:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Eligibility. A full-time or part-time permanent employee who is paid by warrant of the director of budget and management and has successfully completed an initial or promotional probationary period shall be eligible to participate in the VCS program. The VCS program shall be administered on a strictly voluntary basis.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-34-10 | Voluntary cost saving program.

Must	(D)...If an appointing authority proposes both options, it must also state whether an employee may utilize both options during the same fiscal year.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(E) Leave accrual. An employee's accruals of vacation, sick, or personal leave shall not be impacted by the employee's participation in a VCS program.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(F) Service credit. An employee who reduces hours worked pursuant to paragraph (D)(1) of this rule shall not incur a break in service. An employee who takes an unpaid leave of absence pursuant to paragraph (D)(2) of this rule shall not incur a break in service as long as the employee returns to employment.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(G)...An employee who takes an unpaid leave of absence pursuant to paragraph (D)(2) of this rule shall have the employee's retention points calculated in accordance with the employee's regular appointment type as long as the employee returns to employment.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(H) Health insurance. An employee who reduces hours worked pursuant to paragraph (D)(1) of this rule shall maintain full-time status for purposes of health insurance premiums. ... The state shall maintain the employer's share of any applicable insurance premiums during utilization of this option.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(I) Unemployment benefits. An employee participating in this program shall not be eligible for unemployment benefits.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Must	(K)(1) An employee seeking to participate in the VCS program must complete and submit a signed VCS program agreement to the appointing authority at least thirty days prior to commencement of the leave of absence or implementation of a reduced schedule....	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Must	(K)(2) The appointing authority must sign the VCS program agreement for it to become effective.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Must	(K)(3)...The appointing authority must ensure that any impact on operations as a result of such work arrangements is minimal and additional costs do not result.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(K)(4) The appointing authority shall notify an employee of the status of the request no later than seven days before the effective day of the leave of absence or the implementation of the reduced schedule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(B) Except as provided in paragraph (H) of this rule, full-time permanent employees shall use ten cost savings days (CSDs) in the fiscal year beginning July 1, 2020 for a total of eighty hours. Full-time permanent employees who are hired after the effective date of this rule, but prior to the end of fiscal year 2021, shall use a prorated amount of CSDs equal to 3.076 hours for each pay period remaining in the fiscal year.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)...This provision shall also apply to full-time employees who are receiving a paid leave benefit, including but not limited to, occupational injury leave, salary continuation, or disability benefits.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-34-11 | Mandatory cost savings program.

Shall	(D) Scheduling CSDs. Leave for CSDs shall be scheduled as determined appropriate with respect to the employee's regular work schedule. No employee shall be permitted to use CSDs before July 1, 2020 or after June 5, 2021.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
May Not	(D)(1) In consultation with the department of administrative services, appointing authorities may indicate dates that employees may not schedule CSDs ("black out" days)....	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
May Not	(D)(2) Appointing authorities may not require their employees to utilize their CSDs on a specific work day without prior review and approval by the department of administrative services.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(3)...If an appointing authority declines to grant a requested CSD, the employee shall request a different date. Appointing authorities must allow employees to schedule and take all of their CSDs before June 5, 2021.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(4) Employees who have planned retirement dates must schedule a prorated amount of CSDs equal to 3.076 hours each pay period they are scheduled to work in state service prior to retirement.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Require	(D)(5) Employees may use available CSDs to cover any waiting period that is required as part of a state-paid leave or benefits program for employees, such as adoption/childbirth leave or disability leave....	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(E)(1) CSDs shall not be included in the definition of active pay status for the purpose of earning overtime or compensatory time for employees who are eligible to earn overtime.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(E)(2) CSDs shall be included in the definition of active pay status for the purpose of earning compensatory time for employees that are not eligible to earn overtime.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(F)(1) Except as provided in paragraph (F)(2) of this rule, employees who are prevented by their appointing authority from taking CSDs shall have the appropriate corrections made to their paycheck.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(F)(2) Employees shall not be entitled to receive compensation for unused CSDs if they are exempt from overtime compensation and are....	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(F)(3) Employees who leave state service prior to the equalization of CSDs used and deductions made, or prior to the equalization of holiday pay lost and deductions made, shall have appropriate corrections made to the employee's final paycheck or deducted from the employee's leave balances.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
Shall	(G) Unpaid leave of absence. Employees who have pre-scheduled unpaid leave	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority

	Shall Not	(J) Unpaid leave of absence. Employees who have pre-arranged unpaid leave of absences shall use available CSDs prior to going out on the unpaid leave of absence. Employees who are not receiving compensation as a result of an unpaid leave of absence shall not be required to have their gross pay reduced during the pay periods they are out on unpaid leave. Upon their return to work, employees shall use a prorated amount of CSDs equal to 3.076 hours for each pay period remaining in the fiscal year.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
	Shall	(I)...This provision shall apply to full-time employees listed in paragraph (H) of this rule who are receiving a paid leave benefit, including but not limited to, occupational injury leave, salary continuation, or disability benefits. ...	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(K) Leave accruals and health insurance shall not be impacted for full-time employees under the mandatory cost savings program.	Promulgated Under:119.03 Authorized By: 124.09, 124.392 Amplifies: 124.392	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-35-01 Director's approval.</u>	Shall	(A) All payrolls for employees in the classified service paid by warrant of the director of budget and management shall be submitted for the director's review and verification as often as issued.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.41	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Payrolls shall be reviewed and verified by the director in a manner consistent with the payroll processing technology currently in use and shall be forwarded to the proper disbursing officer for payment.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.41	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.41	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-35-02 Items not approved.</u>	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.41	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	All items not approved by the director shall be designated as such, and such items shall not be paid by the disbursing officer until approved by the director.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.41	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-35-03 Payrolls of unclassified employees.</u>	Shall	Payrolls which consist entirely of employees in the unclassified service shall be submitted to the director in order that it may be determined whether the employees have been properly exempted from the classified service, unless the director notifies an agency that all of its employees are legally and properly in the unclassified service.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.41	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-35-04 Payrolls prepared by data processing methods.</u>	Shall	... All payrolls prepared by these methods shall be subject to special audit at any time.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 9.41	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Any person who has been appointed or is appointed to a covered position shall within two weeks of such appointment to the covered position either execute the required documentation to authorize the direct deposit of the person's compensation into a financial institution of the person's choice or execute the required documentation to authorize the direct deposit of the person's compensation into a financial institution designated by the director of budget and management for the benefit of the person pursuant to paragraph (D) of this rule.	Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-35-05 | Mandatory direct deposit of compensation for certain employees.

Require	(C) A person in a covered position who has not timely complied with the requirements of paragraph (B) of this rule, who has failed to timely comply with all the requirements of the financial institution designated by the director of budget and management or the department of administrative services as required by paragraph (D) of this rule, or who has failed to timely maintain an authorization for the direct deposit of the employee's compensation as required by paragraph (E) of this rule shall be subject to progressive discipline for cause, up to and including removal. Any disciplinary actions against such a person for any violation of this rule shall be done in accordance with section 124.34 of the Revised Code or the applicable collective bargaining agreement.	Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	Yes, state law	No, general rulemaking authority
Shall	(D) The appointing authority of a person in a covered position who has failed to authorize the direct deposit of the person's compensation into a financial institution of the person's choice as set forth in paragraph (B) of this rule shall cause the person's compensation to be directly deposited into a financial institution designated by the director of budget and management for the benefit of the person. A person in a covered position shall comply with all the	Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Require	(E)(1) A person in a covered position that is required to have direct deposit pursuant to paragraph (B) of this rule may change the specific financial institution or account to which the person's compensation is directly deposited as the person chooses, however, such a person shall maintain the direct deposit of the person's compensation into a financial institution during the entire tenure of the person's appointment to a covered position.	Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Require	(E)(2) A person in a covered position that is required to have direct deposit pursuant to paragraph (B) of this rule who has authorized the direct deposit of the person's compensation into a financial institution of the person's choice that has had such direct deposit authorization cancelled for any reason, shall within two weeks of such cancellation authorize the direct deposit of the person's compensation into another financial institution of the person's choice, authorize the direct deposit of the person's compensation into another appropriate account at the same financial institution where the prior authorization was cancelled, or authorize the direct deposit of the person's compensation into a financial institution designated by the director of budget and management for the benefit of the person pursuant to paragraph (D) of this rule.	Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Require	(3) Failure of a person in a covered position that is required to have direct deposit pursuant to paragraph (B) of this rule to comply with the requirements of this paragraph will cause the person to be subject to progressive discipline pursuant to paragraph (C) of this rule.	Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Require	(F) The person appointed to a covered position that is required to have direct deposit pursuant to paragraph (B) of this rule shall be responsible for all fees incurred as a result of paragraph (D) or (E) of this rule. All such fees shall be deducted from the person's compensation by the financial institution designated by the director of budget and management as part of the	Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority

	Shall	designated by the director of budget and management as part of the administration of such account by said financial institution.	Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G) An appointing authority desiring to fill a covered position shall list on all job postings for such covered position, regardless of the format of the posting, that authorizing a financial institution for the direct deposit of all compensation of the person selected for appointment is a minimum qualification for appointment to the covered position pursuant to section 124.151 of the Revised Code and this rule.	Promulgated Under:119.03 Authorized By: 124.09, 124.151 Amplifies: 124.151	Yes, state law	No, general rulemaking authority
<u>Rule 123:1-37-01 Employees eligible for pay supplements.</u>	Shall	(B) Each request for additional pay supplements shall be submitted to the director by the appointing authority or the employee on the prescribed form.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall	The effective date for such supplements shall be set by the director, upon adequate proof of eligibility.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-37-02 Computation of pay supplements.</u>	Shall	Additional pay supplements, unless otherwise specifically provided for in these rules or division 124.15(D) of the Revised Code shall be computed for all eligible employees by using the minimum hourly rate of the pay range for the classification to which the employee is assigned. This rate shall be known as the classification salary base. The amount of each supplement shall be computed independently for each pay period, and shall be computed to the nearest whole cent.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-37-04 Hazard pay.</u>	Shall Not	(B)...Such normal hazards as are inherent in the classification shall not be compensated further by this supplement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) The hazard pay supplement shall vary in proportion to accident severity as follows...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F) The director shall categorize hazardous conditions for each classification from information received into the above-mentioned hazard levels. Hazard severity shall be established through OSHA and Bureau of Workers' Compensation statistics.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-37-06 Bilingual pay supplement.</u>	Shall	Those positions eligible for the bilingual pay supplement shall require as essential to the fulfillment of the duties, the ability to speak and/or write a language in addition to English, and this shall be reflected on the position description approved by the department of administrative services. The bilingual pay supplement shall equal five percent for each foreign language required for the position. Those positions which require the knowledge and use of braille or hand sign language shall qualify for payment of the bilingual supplement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-37-07 Temporary working level pay adjustment.</u>	Shall	(A) Each employee that is temporarily assigned to duties of a position with a higher pay range than is the employee's own, shall be eligible for a working level pay adjustment. This pay adjustment shall increase the employee's base rate of compensation to a rate of pay approximately four percent above the employee's current base rate of compensation. This pay adjustment shall in no way affect any other pay supplement, which shall be calculated using the employee's normal classification salary base.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) This working level adjustment shall be for a continuous period in excess of two weeks, but not more than two years.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-37-08 Professional achievement pay supplement.</u>	Must	(B) The particular type of professional achievement must be mandated for the position by federal or state law or regulation. A similar mandate by an appointing authority is precluded from eligibility for the professional achievement pay supplement. The professional achievement pay supplement shall not be granted to those employees assigned to classifications which include a requirement and compensation for such special certification,	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) The professional achievement pay supplement shall equal five percent of the employee's classification salary base.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-37-09 Teacher's educational attainment supplement.</u>	Shall	(A)...This pay supplement shall vary with the educational level as follows: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) This pay supplement, once granted to the employee, shall remain in effect only so long as the employee's regular job assignment and classification remains unchanged.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-37-11 Special education teacher pay supplement.</u>	Must	A pay supplement of five percent may be granted an employee assigned to an educational position, as listed in division 124.181(L) of the Revised Code, who is performing as a special education teacher. These teachers must be certified as special education teachers and must be teaching exceptional students.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
	Must			No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-37-12 Teachers extra-curricular activities pay.</u>	Shall	Each employee assigned to an educational position, as listed in division 124.181(L) of the Revised Code, who is also assigned by his or her responsible superior the responsibility for specific extra-curricular activity programs, shall receive his or her regular total rate of pay for those hours worked on such programs in excess of their normal work schedule, up to an annual maximum of five percent of their annual salary.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.181	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-39-01 Professional development fund.</u>	Shall	(B) Payments from the fund shall be used for educational assistance programs including, but not limited to, tuition reimbursement for courses taken and satisfactorily completed at approved colleges and universities. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.182	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-39-06 Educational stipends.</u>	Shall	...Such arrangements shall normally be made for periods of at least one academic term or quarter but not more than two academic years. The stipend shall not exceed regular salary plus tuition, books, and related school expenses. Under a stipendiary program, the employee shall sign an agreement to work for the employing state agency for a period of time at least equal to the length of the stipend program. If the employee fails to perform this service, the amount of the stipend payment shall be repaid. ... Use of this program shall be limited to fields of study in which the employee is working. Each appointing authority shall maintain regular reports, and make them available to the director upon request, showing the number of employees receiving training under this provision and the type, cost, and amount of training received.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.04	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.04	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.04	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.04	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.04	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.04	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-39-07 Tuition reimbursement.</u>	Must	... Approval for each such course must be obtained by the employee from the appointing authority before the beginning of the course. Payment shall be by reimbursement of tuition expenses after satisfactory completion of the course.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.04	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.04	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-41-01 Layoff</u>	Shall	(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 Revised Code and the rules of this chapter of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	Yes, state law	No, general rulemaking authority

	Shall	(C) If an appointing authority abolishes positions in the civil service, the abolition of positions and any resulting displacement of employees shall be made in accordance with sections 124.321 to 124.327 of the Revised Code and the rules of this chapter of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	Yes, state law	No, general rulemaking authority
<u>Rule 123:1-41-02 Determination of lack of funds and lack of work for agencies whose employees are paid by warrant of the director of budget and management.</u>	Shall	(A) Determination of lack of funds. The director of the office of budget and management shall be responsible for determining whether a lack of funds exists for appointing authorities whose employees are paid by warrant of the director of budget and management. The determination of lack of funds shall be made in accordance with the rules promulgated by the director of budget and management.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Determination of lack of work. The director of administrative services shall determine whether a lack of work exists for appointing authorities whose employees are paid by warrant of the director of budget and management. The appointing authority shall file along with a request for determination of lack of work, adequate information to establish that a lack of work exists. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Verification of retention points. Verification of retention points shall not be completed prior to a determination that a lack of work or lack of funds exists.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Determination and filing a statement of rationale and supporting information. The determination to abolish positions shall be made by the appointing authority. The appointing authorities of state agencies whose employees are paid by warrant of the director of budget and management shall file with the director of administrative services a statement of rationale and supporting information for the determination to abolish positions. The statement of rationale and supporting information shall contain information as is available prior to the time the layoff notices are mailed or delivered to the employees to be laid off as a result of the abolishment.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Order of layoff. In the classification(s) selected for layoff the appointing authority shall layoff employees and employees shall disclose employees using	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-41-04 Abolishment of positions in the classified service.</u>	Shall	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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.322	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Progression of layoff. Layoffs shall be based upon retention point order beginning with the employee having the fewest retention points and continuing to the employee with the most retention points. Retention point lists shall be compiled in descending retention point order. In cases where two or more employees have identical retention points the tie shall be broken in accordance with rule 123:1-41-09 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Order of layoff. In the classification(s) selected for layoff the appointing authority shall layoff employees and employees shall disclose employees using	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Order of layoff. In the classification(s) selected for layoff the appointing authority shall layoff employees and employees shall disclose employees using	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-41-07 Order of layoff of employees.</u>	Shall	(E) Order of layoff. In the classification(s) selected for layoff the appointing authority shall layoff employees and employees shall disclose employees using	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323	No, general rulemaking authority	No, general rulemaking authority

	Shall	Employees shall layoff employees and employees shall displace employees using the following "order of layoff": ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-41-08 Verification of retention points.	Shall	(A) General. This rule is only applicable to positions in the service of the state. Employees shall be laid off using the following process for systematic consideration of continuous service. An employee's total retention points shall be the sum of the base retention points plus the retention points assigned for continuous service.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall	(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. If an appointing authority indicated a different continuous service date for which retention points are calculated than the date indicated by the director, then the difference must be supported by documentation which shall be submitted with the list.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Date for calculation of retention points. Retention points shall be calculated as of the pay period ending date prior to the pay period in which retention points are received by the director for verification.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Submission of information to the director. The appointing authority shall submit the list of employees' computed retention points, The number of pay periods of continuous service for each employee, a list of available vacancies within the same layoff jurisdiction as applicable, statement of rationale, and supporting documentation with the request for verification. Appointing authorities shall also provide a breakdown of the dates and number of pay periods of continuous service for employees with a combination of full-time and other than full-time service. ...The list submitted for verification of retention points must identify those persons being considered for layoff and/or the positions being considered for abolishment.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Verification by the director. The director shall verify the calculation of retention points of the employees of appointing authorities whose employees are paid by warrant of the director of budget and management. Notification by appointing authorities to affected employees shall not occur prior to the director's verification of retention points.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority

May Not	(F) Movement into and out of affected classifications. Once an appointing authority has submitted the list of retention points and employees to the director the appointing authority may not hire into or move employees into or out of affected classifications by means of promotions, intra-transfers, voluntary demotions, position control number change, lateral or classification changes, or reassessments, except that inter-transfers out of an agency or implementation of the findings of a position audit commenced prior to the date of the submission of the list for verification of retention points shall be	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Must	(G) Personnel actions and recall lists. Personnel action forms and recall lists resulting from a layoff or displacement must be received by the director at least seven calendar days prior to the effective date of a layoff or displacement. Appointing authorities whose employees are paid directly by warrant of the director of budget and management must include all forms submitted by the employee indicating the counties the employee designated as acceptable for recall purposes for reinstatement or reemployment with the personnel action forms.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Shall	(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 director with the personnel actions resulting from a layoff. If an employee had displacement rights in a layoff the appointing authority must indicate to the director whether or not the employee exercised those displacement rights. If the employee did not exercise displacement rights or the employee did not notify the appointing authority of a desire to exercise displacement rights, the personnel action forms or other appropriate forms, must indicate that fact.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Shall	(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 full-time service shall be made by crediting each employee with one retention point for each bi-weekly pay period of continuous service. For the purposes of calculating retention points, full-time service shall include service as a full-time permanent, full-time seasonal, full-time interim, or full-time temporary employee, for full-time seasonal, full-time interim, or full-time temporary service, credit will be given only for those pay periods in which the employee was scheduled to work. ... Retention points for continuous service for other than full-time service shall be calculated on the basis of one-half (0.50) point for each bi-weekly pay period of continuous service. Retention points computed for full-time continuous service and other	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-41-09 | Computation of retention points.

	Shall	than full-time continuous service, whenever applicable, shall be combined to determine an employee's total retention points. Overtime shall not be considered for purposes of computation of retention points for continuous service.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Tie breaker. In the event two or more employees have identical retention points as calculated by this rule, the tie shall be broken by utilizing the following methods, in the following order: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(1) First, employees having most recent date of continuous service from which no break in service has occurred shall be laid off or displaced first; and	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(2) Second, the appointing authority shall determine the employee to be laid off or displaced first.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.323, 124.324, 124.325	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-41-10 Notification of layoff or displacement.</u>	Shall	(A) Notification of layoff or displacement. Each employee to be laid off shall be given advance written notice by the appointing authority after the employee's retention points have been verified by the director. Such written notice shall be hand-delivered to the employee 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 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 displacement. The day the letter is mailed shall be the first day of the seventeen-day period.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Content of layoff or displacement notice. Each notice of layoff or displacement shall contain the following information: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
	Must	(B)(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 filed or postmarked within ten calendar days after the employee is notified that he or she is to be laid off or displaced;	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority

	Must	(B)(5) A statement advising the employee of the right to displace another employee and that the employee must exercise displacement rights within five calendar days of the date the employee is notified of the displacement or layoff;	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-41-11 Displacement and appeal rights of employees.</u>	Shall	(A)...If the displaced employee does not have the right to displace another employee, then the displaced employee shall be laid off.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(B) Displacement related to the abolishment of a position. Any displace of an employee paid by warrant of the director of budget and management to another headquarter county within the same layoff jurisdiction due to the abolishment of positions and the operation of this chapter shall not be construed to be a transfer.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
	Shall	(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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Displacement of employee with fewest retention points. Within the order of displacement set forth in rule 123:1-41-12 of the Administrative Code a laid-off employee exercising displacement rights shall displace the employee with the fewest retention points. Employees shall only have the right to displace employees with fewer retention points in the order established in rule 123:1-41-07 of the Administrative Code .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	Yes, state law	No, general rulemaking authority
	Shall	(F) Displacement into positions with special qualifications. No employee shall displace an employee for whose position or classification requires special minimum qualifications unless the employee desiring to displace another employee possesses the requisite minimum qualifications or bona fide occupational qualifications for the position or the classification. The special qualifications must be established by a position description for the position, by classification specification minimum qualifications statement, or by bona fide occupational qualifications for the position(s) or classification. The appointing authority shall be responsible for establishing the necessity of special qualifications for a position.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G) Rate of pay for an employee following displacement. An employee exercising displacement rights to a position, or an employee displaced as a result of a layoff or abolishment, shall be paid according to the pay range assigned to the classification into which the employee displaced or was	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority

	Shall	assigned to the classification into which the employee displaced or was displaced. The employee shall be assigned to a rate in the pay range assigned to the new classification which is equivalent or nearest to, but not exceeding, the rate the employee was paid in his or her prior classification....	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
	Must	(H) Appeal rights. ... Such appeal must be filed or postmarked no later than ten calendar days after the employee receives notice of the layoff or the date the employee is displaced. An employee shall be considered displaced the date the employee is notified that another employee has exercised his or her right to displace the employee from the employee's position. An appeal shall be made in accordance with the rules promulgated by the state personnel board of review.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
	Shall	(H) Appeal rights. ... Such appeal must be filed or postmarked no later than ten calendar days after the employee receives notice of the layoff or the date the employee is displaced. An employee shall be considered displaced the date the employee is notified that another employee has exercised his or her right to displace the employee from the employee's position. An appeal shall be made in accordance with the rules promulgated by the state personnel board of review.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
	Shall	(H) Appeal rights. ... Such appeal must be filed or postmarked no later than ten calendar days after the employee receives notice of the layoff or the date the employee is displaced. An employee shall be considered displaced the date the employee is notified that another employee has exercised his or her right to displace the employee from the employee's position. An appeal shall be made in accordance with the rules promulgated by the state personnel board of review.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324, 124.328	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-41-12 Order of displacement for employees in the service of the state.</u>	Shall	Employees in the service of the state who are laid-off or displaced as a result of a layoff who have the right to displace shall exercise their displacement rights in the following order:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Displacement within the classification.... If the employee exercises the right to displace within his or her classification, he or she shall displace the employee with the fewest retention points in that classification.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) ...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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(3) The laid-off or displaced employee shall have successfully completed his or her original probationary period.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(D) Displacement to another appointment type. Notwithstanding the provisions of this rule, an employee shall not be required to accept a position with a lesser appointment type until the employee has had the opportunity to exercise displacement rights as provided in rule 123:1-41-11 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324	Yes, state law	No, general rulemaking authority
	Require	(D) Displacement to another appointment type. Notwithstanding the provisions of this rule, an employee shall not be required to accept a position with a lesser appointment type until the employee has had the opportunity to exercise displacement rights as provided in rule 123:1-41-11 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Displacement rights of an employee previously displaced. If, after an employee has exercised his or her displacement rights, the employee is to be laid off or displaced due to a subsequent layoff, the employee's displacement rights shall be in accordance with the classification from which he or she was first displaced, provided however, the employee has rights to reinstatement or reemployment in his or her previous classification. The employee's displacement rights from a previously held classification shall exist for a one-year period beginning with the date of the original layoff or displacement or until such time as the employee is removed from a layoff list.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Displacement rights of an employee previously displaced. If, after an employee has exercised his or her displacement rights, the employee is to be laid off or displaced due to a subsequent layoff, the employee's displacement rights shall be in accordance with the classification from which he or she was first displaced, provided however, the employee has rights to reinstatement or reemployment in his or her previous classification. The employee's displacement rights from a previously held classification shall exist for a one-year period beginning with the date of the original layoff or displacement or until such time as the employee is removed from a layoff list.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.324	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-41-13 Layoff jurisdiction districts for state agencies, boards, commissions and independent institutions with employees in the service of the state.	Shall	(A) General. Each layoff jurisdiction is autonomous and layoff, displacement, reinstatement, and reemployment rights and procedures shall apply only within the jurisdiction affected by the layoff. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.326	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-41-16 Reinstatement rights.	Shall	(A) Creation of recall lists for reinstatement. Each appointing authority which has laid-off employees shall prepare recall lists of the names and appointment types 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 point 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 point 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 rule 123:1-41-09 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-41-16 Reinstatement rights.	Must	(C)...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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) The administration of recall lists for reinstatement to vacancies with position-specific minimum qualifications, established pursuant to rule 123:1-7-04 of the Administrative Code , shall comply with the following requirements:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	Yes, state law	No, general rulemaking authority

Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Must	(D)(2) Appointing authorities shall administer a valid proficiency instrument to the first person on the recall list to determine whether the person meets the position-specific minimum qualifications. ...The appointing authority must notify each contacted individual that the individuals shall only be considered in retention point order. The person with the most retention points that meets the position-specific minimum qualifications shall be awarded the position.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Must	(D)(3) After the appointing authority identifies the person with the most retention points that meets the position-specific minimum qualifications, that person must accept or decline the vacancy in writing before the next person on the recall list may be considered for reinstatement	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(E) 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(F) Failure to exercise displacement rights. A laid-off or displaced employee who chooses not to exercise the option to displace shall only be entitled to reinstatement to the classification from which the employee was laid off or displaced.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(G) Prohibition of movement into classifications for which recall lists exists. 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 or the classification series subject to the recall list. ... Transfers of employees may not be made into a different layoff jurisdiction if a recall list exists for that layoff jurisdiction.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
May Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(H) Probationary period. Any employee reinstated under this rule 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(A) General. Each laid-off or displaced employee, in addition to the reinstatement rights set forth in this chapter, shall have the right to reemployment with other agencies within the layoff jurisdiction.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(B) Creation of recall lists for reemployment. The director shall create, by appointment type, a jurisdictional recall list for each classification by combining the recall lists of each appointing authority within a layoff jurisdiction but excluding the names of reduced employees. The name of a laid-off employee shall appear on a jurisdictional recall list for the classification and	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-41-17 | Reemployment rights.

Shall	<p>Employee shall appear on a jurisdictional recall list for the classification and appointment category from which the employee was initially laid off or displaced. In cases of identical retention point totals, those employees having the longest period of continuous state service, shall be placed on the list first, and if still unresolved, the director shall determine the order of names on the list. An employee's name shall remain on the jurisdictional recall list for a period of one calendar year from the date the employee was first laid off or displaced from his or her original classification. The director shall determine that the appointing authority's recall list for employees entitled to reinstatement to that classification has been exhausted before certifying any name from the jurisdictional recall list.</p>	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Must	(C)...A vacant position must be accepted or declined in writing by the first person on the jurisdictional recall list for that classification before the next person on the jurisdictional recall list may be considered for reemployment.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(D) The administration of recall lists for reemployment to vacancies with position-specific minimum qualifications established pursuant to rule 123:1-7-04 of the Administrative Code shall comply with the following requirements:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	Yes, state law	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Must	(2) Appointing authorities shall administer a valid proficiency instrument to the first person on the recall list to determine whether the person meets the position-specific minimum qualifications. ... The appointing authority must notify each contacted employee that individuals shall only be considered in retention point order. The person with the most retention points that meets the position-specific minimum qualifications shall be awarded the position.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Must	(3) After the appointing authority identifies the person with the most retention points that meet the positions-specific minimum qualifications, that person must accept or decline the vacancy in writing before the next person on the recall list may be considered for reemployment. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(E) Probationary period. Any employee reemployed under this rule shall not serve a probationary period when reemployed; except an employee laid off or displaced while serving an original or promotional probationary period shall begin a new probationary period.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(A) Notification of recall. Each employee recalled from layoff shall be notified of the offer of reinstatement or reemployment by certified letter. The notices of reinstatement or reemployment shall be in accordance with a format prescribed by the director.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-41-18 | Notification of reinstatement or reemployment.

Shall	(A)(1) The notice of reinstatement shall contain a statement that refusal of reinstatement shall result in removal of such employee's name from the appointing authority's recall list.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(A)(2) The notice of reemployment shall contain a statement that refusal of reemployment shall result in removal of such employee's name from the jurisdictional recall list.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(3) For vacancies with position-specific minimum qualifications, the notice of reinstatement or reemployment shall contain a statement that position-specific minimum qualifications exist and a valid proficiency instrument will be administered to determine that the person qualifies for the vacancy. The notice shall also state that failure to meet the position-specific minimum qualifications will result in disqualification for that vacancy, but his or her	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(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, absence from city or state or other good cause as determined by the director) 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 or reemployment within ten calendar days shall be deemed to have declined reinstatement or reemployment and the employee's name shall be removed from consideration for reinstatement or reemployment <i>in accordance with rule 123:1-41-19 of the Administrative Code.</i>	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(C) Current address for purposes of reinstatement and reemployment. The employee shall be responsible for keeping a current address on file with his or her appointing authority. The appointing authority of state agencies, boards, or commissions and county human services departments shall notify the director of any changes in address of employees on recall lists. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(D) ... If a laid-off or displaced employee designates no counties, the employee shall be placed on recall lists for reinstatement or reemployment in all of the counties within his or her layoff jurisdiction.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
Shall	(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 both the reinstatement and jurisdictional reemployment recall lists, <i>except that any employee declining</i>	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-41-19 Removal from recall lists.</u>	Shall Not	JURISDICTIONAL REEMPLOYMENT RECALL LISTS, EXCEPT THAT ANY EMPLOYEE DECLINING reinstatement to a different appointment category than that from which he was laid off or displaced or declining reinstatement for reasons of hardship, as approved by the director shall not be removed from either recall lists.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall	(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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(C) Any employee declining reinstatement to a classification with a pay range lower than the classification from which the layoff or displacement initially occurred shall not be removed from either the appointing authority's recall list or the jurisdictional layoff list; except 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Any employee on the jurisdictional recall list accepting or declining reemployment to the same classification and same appointment type from which the employee was laid off or displaced shall be removed from the jurisdictional layoff lists.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Any employee on the jurisdictional recall list accepting or refusing reemployment in a lesser appointment category from which the layoff or displacement occurred shall be removed from the jurisdictional recall list for that appointment category and any below.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F) If not removed under paragraphs (A) to (E) of this rule, the name of any laid-off or displaced employee shall be removed from the appointing authority's recall list and the jurisdictional recall list one calendar year after the employee was first laid off or displaced from his 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	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall	(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 name, continuous service date, type of appointment, status, classification, and retention points of all employees in that classification and lower classifications in the classification series and shall indicate thereon which employees will be	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-41-20 Inspection of layoff lists.</u>	Shall	(B) Availability of lists and rules. The appointing authority's layoff list and copies of the administrative rules 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.327	No, general rulemaking authority	No, general rulemaking authority
	Shall	(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	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.385	No, general rulemaking authority	No, general rulemaking authority

	May Not	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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.385	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-41-21 Layoff of employees on sick leave, leave without pay, or receiving disability leave benefits.</u>	Shall	(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 rule 123:1-34-01 of the Administrative Code 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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.385	Yes, state law	No, general rulemaking authority
	May Not	(C) Employees receiving disability leave benefits at time of layoff. An employee who is receiving disability leave benefits under the provisions of Chapter 123:1-33 of the Administrative Code at the time a layoff is effective shall be subject to layoff under the provisions of this chapter. An employee who is to be laid off while receiving disability leave benefits shall continue to receive disability leave benefits until the period of disability is over and the employee would otherwise be able to return to work. The receipt of disability leave benefits shall be subject to the provisions of Chapter 123:1-33 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Employees receiving disability leave benefits at time of layoff. An employee who is receiving disability leave benefits under the provisions of Chapter 123:1-33 of the Administrative Code at the time a layoff is effective shall be subject to layoff under the provisions of this chapter. An employee who is to be laid off while receiving disability leave benefits shall continue to receive disability leave benefits until the period of disability is over and the employee would otherwise be able to return to work. The receipt of disability leave benefits shall be subject to the provisions of Chapter 123:1-33 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.385	Yes, state law	No, general rulemaking authority
	Shall	(C) Employees receiving disability leave benefits at time of layoff. An employee who is receiving disability leave benefits under the provisions of Chapter 123:1-33 of the Administrative Code at the time a layoff is effective shall be subject to layoff under the provisions of this chapter. An employee who is to be laid off while receiving disability leave benefits shall continue to receive disability leave benefits until the period of disability is over and the employee would otherwise be able to return to work. The receipt of disability leave benefits shall be subject to the provisions of Chapter 123:1-33 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.321, 124.385	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)... Payment of any cash conversion made to employees paid by warrant of the director of budget and management shall be made according to the provisions of Chapter 123:1-32 of the Administrative Code and the procedures established by the director.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.13, 124.383, 124.384, 124.386	Yes, state law	No, general rulemaking authority
	Shall	(B) Impacted employees. An appointing authority shall determine which employees are impacted based on the lack of federal funding.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-41-22 Cash conversion of accrued leave at layoff, and restoration of leave credit.</u>	Shall	(C)(1) At least fourteen days prior to the implementation of any furlough, the appointing authority shall provide to the human resources division of the department of administrative services a written explanation regarding the potential furlough. The written statement shall include the number of potentially impacted employees. At any time after the written statement is provided, but before the notification to employees, the appointing authority shall provide the department of administrative services with a list of the employees subject to the furlough. The list shall include the employee's name, classification and employee identification number. The appointing authority shall update such statement and list of employees as needed.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(1) At least fourteen days prior to the implementation of any furlough, the appointing authority shall provide to the human resources division of the department of administrative services a written explanation regarding the potential furlough. The written statement shall include the number of potentially impacted employees. At any time after the written statement is provided, but before the notification to employees, the appointing authority shall provide the department of administrative services with a list of the employees subject to the furlough. The list shall include the employee's name, classification and employee identification number. The appointing authority shall update such statement and list of employees as needed.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(1) At least fourteen days prior to the implementation of any furlough, the appointing authority shall provide to the human resources division of the department of administrative services a written explanation regarding the potential furlough. The written statement shall include the number of potentially impacted employees. At any time after the written statement is provided, but before the notification to employees, the appointing authority shall provide the department of administrative services with a list of the employees subject to the furlough. The list shall include the employee's name, classification and employee identification number. The appointing authority shall update such statement and list of employees as needed.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(1) At least fourteen days prior to the implementation of any furlough, the appointing authority shall provide to the human resources division of the department of administrative services a written explanation regarding the potential furlough. The written statement shall include the number of potentially impacted employees. At any time after the written statement is provided, but before the notification to employees, the appointing authority shall provide the department of administrative services with a list of the employees subject to the furlough. The list shall include the employee's name, classification and employee identification number. The appointing authority shall update such statement and list of employees as needed.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(1) At least fourteen days prior to the implementation of any furlough, the appointing authority shall provide to the human resources division of the department of administrative services a written explanation regarding the potential furlough. The written statement shall include the number of potentially impacted employees. At any time after the written statement is provided, but before the notification to employees, the appointing authority shall provide the department of administrative services with a list of the employees subject to the furlough. The list shall include the employee's name, classification and employee identification number. The appointing authority shall update such statement and list of employees as needed.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(2) At least fourteen days before the interruption of the federal funds causing the furlough, the appointing authority shall make a general announcement to employees using its usual and customary means of agency-wide communications regarding the proposed furlough. At least two day's written notice shall be provided to any identified employee prior to the	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(2) At least fourteen days before the interruption of the federal funds causing the furlough, the appointing authority shall make a general announcement to employees using its usual and customary means of agency-wide communications regarding the proposed furlough. At least two day's written notice shall be provided to any identified employee prior to the	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-41-24 | Furloughs.

Shall	implementation of the furlough. ...The notice to the impacted employee shall indicate the date the furlough is to begin.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(C)(3) During a furlough, an impacted employee shall not report to work. Impacted employees will be notified by the appointing authority of the date the employee is expected to return to work.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)(4)...The appointing authority shall promptly notify the impacted employees in writing of any changes in the return to work date. However, a furlough shall	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
Shall Not	not exceed four weeks for any impacted employee, except as set forth in paragraph (C)(6) of this rule. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)(5) Any employee on an unpaid leave of absence at the time of a furlough, who would otherwise be impacted by the furlough, shall remain on the unpaid leave of absence until the expiration of the unpaid leave of absence. At the expiration of the unpaid leave of absence, the employee shall be immediately subject to furlough. If the unpaid leave of absence is open-ended, the employee shall remain on the unpaid leave of absence at least until the end of the furlough.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)(6) If during or at the end of a furlough period, a layoff or abolishment of positions is necessary, the appointing authority shall follow the provisions of Chapter 123:1-41 of the Administrative Code and any applicable statutes. During any required notice period for a layoff or job abolishment, the impacted employees shall remain on furlough.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	Yes, state law	No, general rulemaking authority
Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(D)(1) During the term of a furlough, an impacted employee shall not receive compensation from the appointing authority, except as provided in this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(2) During the term of a furlough, the appointing authority shall pay both the appointing authority's share and the impacted employee's share of health insurance premiums, if the impacted employee is enrolled at the time of the furlough. Upon returning to work, the impacted employee shall be placed on a payment plan. ...If such an employee does not return to work from a furlough, the impacted employee shall repay the employee's share of the health insurance premiums upon separation and such amount may be deducted from the impacted employee's final paycheck.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(3) Impacted employees shall continue to accrue leave based upon the employee's established work hours while on furlough. Impacted employees	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority

	Shall Not	EMPLOYEE'S ESTABLISHED WORK HOURS WHILE ON FURLOUGH. IMPACTED EMPLOYEES SHALL NOT BE ELIGIBLE TO USE ANY ACCRUED LEAVE DURING A FURLOUGH PERIOD.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D)(4) IMPACTED EMPLOYEES SHALL CONTINUE TO EARN SERVICE CREDIT DURING A FURLOUGH PERIOD FOR PURPOSES OF VACATION LEAVE ACCRUALS AND LONGEVITY, AS LONG AS THE EMPLOYEE RETURNS TO WORK WHEN REQUIRED .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
	Require	(D)(5) THE APPOINTING AUTHORITY SHALL PAY IMPACTED EMPLOYEES FOR THE LOSS OF FEDERALLY FUNDED WAGES WHILE ON FURLOUGH, ONLY IF FUNDING FOR SUCH LOST FEDERALLY FUNDED WAGES IS PROVIDED BY THE FEDERAL GOVERNMENT AND SUCH FUNDING IS SPECIFICALLY DESIGNATED BY THE CONGRESS OF THE UNITED STATES FOR SUCH WAGE REIMBURSEMENT. ANY SUCH REIMBURSEMENT TO AN IMPACTED EMPLOYEE SHALL BE OFFSET BY ANY UNEMPLOYMENT BENEFITS RECEIVED BY THE IMPACTED EMPLOYEE	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D)(5) THE APPOINTING AUTHORITY SHALL PAY IMPACTED EMPLOYEES FOR THE LOSS OF FEDERALLY FUNDED WAGES WHILE ON FURLOUGH, ONLY IF FUNDING FOR SUCH LOST FEDERALLY FUNDED WAGES IS PROVIDED BY THE FEDERAL GOVERNMENT AND SUCH FUNDING IS SPECIFICALLY DESIGNATED BY THE CONGRESS OF THE UNITED STATES FOR SUCH WAGE REIMBURSEMENT. ANY SUCH REIMBURSEMENT TO AN IMPACTED EMPLOYEE SHALL BE OFFSET BY ANY UNEMPLOYMENT BENEFITS RECEIVED BY THE IMPACTED EMPLOYEE	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.29	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-43-01 Overtime.</u>	Require	(A) AN EMPLOYEE PAID BY WARRANT OF THE DIRECTOR OF BUDGET AND MANAGEMENT WHO IS ELIGIBLE TO RECEIVE OVERTIME COMPENSATION AND WHO IS REQUIRED BY AN ADMINISTRATIVE SUPERIOR TO BE IN AN ACTIVE PAY STATUS FOR MORE THAN FORTY HOURS IN ANY CALENDAR WEEK SHALL BE ENTITLED TO OVERTIME COMPENSATION OR COMPENSATORY TIME AS PROVIDED IN RULE 123:1-43-02 OF THE ADMINISTRATIVE CODE . SICK LEAVE AND ANY LEAVE USED IN LIEU OF SICK LEAVE SHALL NOT BE INCLUDED IN THE DEFINITION OF ACTIVE PAY STATUS FOR THE PURPOSE OF EARNING OVERTIME OR COMPENSATORY TIME FOR EMPLOYEES WHO ARE ELIGIBLE FOR OVERTIME COMPENSATION AND WHOSE WAGES ARE PAID DIRECTLY BY THE DIRECTOR OF BUDGET AND MANAGEMENT.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) AN EMPLOYEE PAID BY WARRANT OF THE DIRECTOR OF BUDGET AND MANAGEMENT WHO IS ELIGIBLE TO RECEIVE OVERTIME COMPENSATION AND WHO IS REQUIRED BY AN ADMINISTRATIVE SUPERIOR TO BE IN AN ACTIVE PAY STATUS FOR MORE THAN FORTY HOURS IN ANY CALENDAR WEEK SHALL BE ENTITLED TO OVERTIME COMPENSATION OR COMPENSATORY TIME AS PROVIDED IN RULE 123:1-43-02 OF THE ADMINISTRATIVE CODE . SICK LEAVE AND ANY LEAVE USED IN LIEU OF SICK LEAVE SHALL NOT BE INCLUDED IN THE DEFINITION OF ACTIVE PAY STATUS FOR THE PURPOSE OF EARNING OVERTIME OR COMPENSATORY TIME FOR EMPLOYEES WHO ARE ELIGIBLE FOR OVERTIME COMPENSATION AND WHOSE WAGES ARE PAID DIRECTLY BY THE DIRECTOR OF BUDGET AND MANAGEMENT.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	Yes, state law	No, general rulemaking authority
	Shall Not	(B) COMPENSATION. AN EMPLOYEE WHO IS ELIGIBLE FOR OVERTIME COMPENSATION SHALL BE ENTITLED TO COMPENSATION FOR SUCH TIME OVER FORTY HOURS AT ONE AND ONE-HALF TIMES THE EMPLOYEE'S REGULAR RATE OF PAY AS DEFINED IN DIVISION (F) OF SECTION 124.18 OF THE REVISED CODEAN EMPLOYEE WHO IS NOT ELIGIBLE TO ACCRUE LEAVE PURSUANT TO SECTIONS 124.134, 124.382, AND 124.386 OF THE REVISED CODE MAY NOT ELECT TO TAKE COMPENSATORY TIME OF IN LIEU OF OVERTIME	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	Yes, state law	No, general rulemaking authority
	May Not	(B) COMPENSATION. AN EMPLOYEE WHO IS ELIGIBLE FOR OVERTIME COMPENSATION SHALL BE ENTITLED TO COMPENSATION FOR SUCH TIME OVER FORTY HOURS AT ONE AND ONE-HALF TIMES THE EMPLOYEE'S REGULAR RATE OF PAY AS DEFINED IN DIVISION (F) OF SECTION 124.18 OF THE REVISED CODEAN EMPLOYEE WHO IS NOT ELIGIBLE TO ACCRUE LEAVE PURSUANT TO SECTIONS 124.134, 124.382, AND 124.386 OF THE REVISED CODE MAY NOT ELECT TO TAKE COMPENSATORY TIME OF IN LIEU OF OVERTIME	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	Yes, state law	No, general rulemaking authority
	Require	(D) HOLIDAYS. WHEN AN EMPLOYEE WHO IS ELIGIBLE FOR OVERTIME COMPENSATION IS REQUIRED TO WORK ON A DAY DESIGNATED AS A HOLIDAY BY SECTION 124.19 OF THE REVISED CODE , HE OR SHE SHALL BE ENTITLED TO PAY FOR SUCH TIME WORKED AT ONE AND ONE-HALF TIMES THE EMPLOYEE'S REGULAR RATE OF PAY AS DEFINED IN DIVISION (F) OF SECTION 124.18 OF THE REVISED CODE IN ADDITION TO HOLIDAY PAY.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	Yes, state law	No, general rulemaking authority
	Shall	(D) HOLIDAYS. WHEN AN EMPLOYEE WHO IS ELIGIBLE FOR OVERTIME COMPENSATION IS REQUIRED TO WORK ON A DAY DESIGNATED AS A HOLIDAY BY SECTION 124.19 OF THE REVISED CODE , HE OR SHE SHALL BE ENTITLED TO PAY FOR SUCH TIME WORKED AT ONE AND ONE-HALF TIMES THE EMPLOYEE'S REGULAR RATE OF PAY AS DEFINED IN DIVISION (F) OF SECTION 124.18 OF THE REVISED CODE IN ADDITION TO HOLIDAY PAY.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	Yes, state law	No, general rulemaking authority
	Shall	(C) AN EMPLOYEE, NOT DESIGNATED AS OVERTIME-EXEMPT, SHALL BE PAID FOR COMPENSATORY TIME EARNED IN ACCORDANCE WITH RULE 123:1-43-01 OF THE ADMINISTRATIVE CODE WHICH HAS NOT BEEN USED WITHIN THE USAGE PERIOD SET FORTH IN SECTION 124.18 OF THE REVISED CODE OR UPON SEPARATION.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	Yes, state law	No, general rulemaking authority
	Shall	(D) WHEN PAYMENT IS TO BE MADE FOR COMPENSATORY TIME NOT USED, IT SHALL BE CONVERTED BACK TO OVERTIME HOURS BY APPLYING A FACTOR OF TWO-THIRDS AND MAKING PAYMENT AT THE OVERTIME RATE WHICH IS EFFECTIVE FOR THE EMPLOYEE AT THE TIME THE COMPENSATORY TIME IS PAID.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	No, general rulemaking authority	No, general rulemaking authority
	Must	(E) ALL COMPENSATORY TIME MUST BE USED BEFORE AN EMPLOYEE IS GRANTED A LEAVE OF ABSENCE WITHOUT PAY, EXCEPT AS OTHERWISE PERMITTED UNDER STATE OR FEDERAL LAW.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-44-01 Holidays.</u>	Shall Not	(A) An employee who is not in active pay status for the entire scheduled work day immediately preceding the holiday shall not receive holiday compensation, except as provided in paragraph (B) of this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18, 124.19	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-44-02 Religious observances.</u>	Must	Since many important religious observances occur on days not designated as legal holidays under division (A) of section 124.19 of the Revised Code, all state appointing authorities must observe liberal policies concerning requests for leaves of absence or vacation expressly for the purpose of engaging in religious observances.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	No, general rulemaking authority	No, general rulemaking authority
	Must	(A) Appointing authorities must also give great deference to employee requests for small amounts of leaves of absence or vacation time in order to attend special worship services. Employees must follow standard agency policies in requesting such leaves of absence or vacation leaves.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.18	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-45-01 Implementation.</u>	Shall	The director may issue directives, policies, or memoranda to implement the provisions of department rules and to establish the necessary forms or procedures which carry out Chapters 123., 124., 125., and 153. of the Revised Code and the rules adopted thereunder. Any such directives, policies, or memoranda shall be publicly available on the department of administrative services website.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 121.07, 124.20, 125.092, 125.18, 125.832	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-46-01 Weather emergencies.</u>	Require	(D) During weather emergencies, those agencies required to maintain twenty-four-hour or emergency service may continue to use available personnel beyond regularly scheduled hours. Eligible employees required by their appointing authority to work beyond their regular shift shall be paid overtime for such additional hours of work, in accordance with section 124.18 of the Revised Code . Time spent in non-duty status, such as sleep or recreation shall not be compensable.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.13, 124.38	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.13, 124.38	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.13, 124.38	Yes, state law	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.13, 124.38	No, general rulemaking authority	No, general rulemaking authority
	Prohibit	(A)... Employees in the classified service of the state are prohibited by section 124.57 of the Revised Code from engaging in political activity.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.57	Yes, state law	No, general rulemaking authority
	Shall	(A)(1) "Classified service" means all persons in active pay status serving in the competitive classified civil service of the state. Unless specifically exempted from the classified service in accordance with the Revised Code and these rules, an employee shall be considered to be in the classified service for purposes of this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.57	No, general rulemaking authority	No, general rulemaking authority
	Prohibit	(C) The following activities are prohibited to employees in the classified service: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.57	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-46-02 | Political activity of employees in the classified service of the state.

	Prohibit	(E) Employees in the unclassified service service of the state, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.57	No, general rulemaking authority	No, general rulemaking authority
	Prohibit	(F) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.57	No, general rulemaking authority	No, general rulemaking authority
	Prohibit		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.57	No, general rulemaking authority	No, general rulemaking authority
	Prohibit	(G) If any person holding public office or employment is convicted of violating the Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.57	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.57	Yes, state law	No, general rulemaking authority
<u>Rule 123:1-46-03 Experimental leave and benefits program.</u>	Shall	(B) An agency that desires to establish an experimental leave and benefits program shall submit a written proposal to the director for review. The proposal shall include, but not be limited to the following: ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.133	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.133	No, general rulemaking authority	No, general rulemaking authority
	Must	(B)(3)...Additionally, the agency must , if appropriate, indicate in writing that it will seek funding for the continuation of a program in a subsequent biennium;	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.133	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) The department of administrative services shall review all agency proposals to determine if these proposals meet the following criteria: (1) the program is fiscally responsible. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.133	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) No experimental program shall reduce the number of hours of vacation, sick or personal leave which an employee has accrued as of the effective date of the experimental program.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.133	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(6)...If the employee's application for any state-paid leave is approved, the employee shall not use donated leave to supplement the approved state-paid leave.	Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G)(1) Donated paid leave shall be administered on a pay period by pay period basis. Appointing authorities shall only deduct the maximum amount specified by the donating employee from the donating employee's leave balance, but under no circumstance shall an appointing authority deduct more from the donating employee's leave balance than the amount of leave that is necessary to bring the receiving employee up to the maximum number of hours the receiving employee is scheduled to work in the pay period. Banking of donated leave is not allowed. Leave accrued by an employee while using donated paid leave shall be used, if necessary, as soon as it is available before additional donated paid leave may be received and used by the employee.	Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-46-05 Leave donation program.</u>	Shall	(G)(2) If an appointing authority receives more than one offer to donate leave to a qualifying employee for any pay period, the appointing authority shall process the offers in the order they are received.	Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G)(3) An eligible employee shall receive no more than eight hundred hours of donated leave from all sources combined in any calendar year period.	Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G)(4) Appointing authorities shall ensure that no employees are forced or coerced into donating paid leave....	Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G)(5) Appointing authorities shall respect an employee's right to privacy. However, appointing authorities may, with the permission of the employee who is in need of donated paid leave, inform its employees of an employee's critical need for leave. Appointing authorities shall not directly solicit donated paid leave from its employees.	Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(G)(6) Employees using donated paid leave are in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Donated paid leave shall never be converted to a cash benefit.	Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall	(7) Donated paid leave shall not count toward the probationary period of an employee who receives donated paid leave during the employee's probationary period.	Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)...This program shall be administered on a strictly voluntary basis....	Promulgated Under:119.03 Authorized By: 124.09, 124.391 Amplifies: 124.389	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Length of assignment. Employee exchange assignments shall be for a period not to exceed two years and may be administered on an intermittent, part-time, or full-time schedule as agreed to by all parties involved.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-46-06 Employee exchange program.</u>	Shall	(D) Employee exchange agreement. An employee exchange shall be implemented by written agreement that is signed by all parties involved, including the employee, the employee's agency, and the organization to which the employee will be assigned. The specific contents of the agreement may vary, but shall contain, at a minimum, the following:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D)(4) A stipulation that significant changes in an employee's responsibilities or the nature of the assignment may occur only with the consent of all parties involved and shall not effect the employee's base rate of pay;	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Reimbursement. An employee exchange agreement shall also include a detailed reimbursement method when reimbursement is required by the employee's original agency. Reimbursements shall be made in accordance with the procedures of the office of budget and management	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority

	Shall	the procedures of the Office of Budget and Management.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.391	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-46-07 Retention of records relating to disciplinary actions.	Shall	Pursuant to the provisions of division (D) of section 124.15 of the Revised Code, the following retention schedule shall apply to all employees who are exempt from collective bargaining and paid by warrant of the director of budget and management:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.15, 124.34	Yes, state law	No, general rulemaking authority
	Shall	(A) All records relating to oral and/or written reprimands issued on or before September 20, 2015 will cease to have any force and effect and shall be removed from an employee's personnel file twelve months after the date of the oral and/or written reprimand if there has been no other discipline imposed during the past twelve months.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.15, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Records of other disciplinary actions beyond oral and/or written reprimand issued on or before September 20, 2015 shall cease to have any force and effect and shall be removed from an employee's personnel file twenty-four months after the date discipline was imposed if there has been no other discipline imposed during the past twenty-four months.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.15, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) All records relating to written reprimands issued after September 20, 2015 will cease to have any force and effect and shall be removed from an employee's personnel file twenty-four months after the date of the written reprimand if there has been no other discipline imposed in the past twenty-four months.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.15, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Records of other disciplinary actions beyond a written reprimand issued after September 20, 2015 shall cease to have any force and effect and shall be removed from an employee's personnel file thirty-six months after the date discipline was imposed if there has been no other discipline imposed during the past thirty-six months.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.15, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(10) "Available vacancy" - means an existing funded position, not currently filled by an incumbent which the appointing authority desires to fill. The existence of vacant positions on an appointing authority's table of organization or roster of positions shall not mean that a position is an available vacancy.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(A)(12) "Base rate of pay" -...The base rate of pay for those persons paid by warrant of the director of budget and management, but not paid under schedule B or C of section 124.15 of the Revised Code; schedule E-1, or E-2 of section 124.152 of the Revised Code; shall be the employee's actual rate of pay	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(A)(13) "Break in service" - means an employee has had a separation from service of thirty-one days or more. An authorized leave of absence, granted pursuant to rule 123:1-34-01 of the Administrative Code, or any separation from service which carries with it the right to reinstatement, or reemployment	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-47-01 | Definition of terms.

Shall Not	as a result of a layoff, shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. The time the employee was separated shall not be counted towards the calculation of retention points for continuous service.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(A)(22) "Completed service" - ...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.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(A)(38) "Headquarters county" - ... The determination shall be based on the status of the position as the primary location where the employee assigned to the position receives direction, performs the substantial duties of his position or where the employee's work flow is centered.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Require	(A)(40) "Intermittent appointment" - means an appointment where an employee is required to work less than one thousand hours per fiscal year, or for the duration of a specific project or grant which may exceed one thousand hours in a fiscal year.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Require	(A)(44) "Lack of funds" - means an appointing authority has a current or projected deficiency of funding required to maintain current, or sustain projected levels of staffing and operation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Require	(A)(45) "Lack of work" - means an appointing authority has a current or projected decrease in workload or work requirements which requires or will require a reduction in current or projected staffing levels in its organization or structure.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Require	(A)(56) "Permanent employee" - means any person holding a position that requires working a regular schedule of twenty-six consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(A)(68) "Reclassification" - ... The employee, if left in the position, shall be reassigned to the new classification.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Require	(A)(76) "Specification" - means a general description of a job classification specifying or giving examples of the kinds of tasks expected to be performed by employees holding positions allocated to that classification, which may include classification title and number, a statement of job function, a grouping of task statements by job duties (ranked by importance), approximate percentages of total job time required for performance of each duty, and may	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Require	(A)(83) "Working suspension" - means a disciplinary action in which an employee is required to report to work and receive compensation, but such period shall be recorded as a suspension.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-49-01 Equal employment opportunity policy.</u>	Shall	(A) No person employed by any state agency, board, or commission shall discriminate against any other state employee or candidate for state employment on the basis of race, color, religion, sex, national origin (ancestry), military status (past, present or future), disability, age (forty years of age or older), genetic information, or sexual orientation, as those terms are defined in Ohio law, federal law and any current executive order of the governor of Ohio , in making any state government employment-related decisions including, but not limited to, hiring, layoff, termination, transfer promotion, demotion, rate of compensation, or eligibility for in-service training programs.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	Yes, both state and federal law	Yes, both state and federal law
	Shall	(B) The affirmative action and equal employment opportunity unit of the department of administrative services shall promote equal opportunity in state government employment-related decisions and the full realization of equal opportunity in state service through a continuing affirmative action program in each state agency, board, or commission.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-49-02 Duties of the state employees equal opportunity coordinator.</u>	Shall	The unit shall be under the direct supervision of the deputy director of the human resources division or the deputy director's designee. The unit shall provide leadership and guidance to agencies in the conduct of affirmative action programs for the employees of and candidates for employment within the agencies.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) The affirmative action and equal employment opportunity unit shall conduct equal employment opportunity compliance reviews and evaluate agency affirmative action program operations periodically, obtain such reports as the unit deems necessary, and report to the governor and the director of the department of administrative services as appropriate on overall progress.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Require	When the unit finds that an agency program is not in conformity with this chapter, the unit may require improvement or corrective action to bring the agency's affirmative action program into compliance with this chapter.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-49-03 Responsibilities of state agencies in regard to EEO.</u>	Shall	(A) The head of each agency shall establish an agency equal opportunity program which shall include an affirmative action plan. Ultimate responsibility for the agency's equal opportunity program rests with the agency head. Each agency shall designate an agency equal employment opportunity officer who shall have sufficient knowledge and experience to handle the assignment and whose functions may include:	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(2)...The head of the agency shall include remedial or disciplinary actions for supervisors or managers who have failed to cooperate fully or who are in violation of the program.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(4)...This function shall be performed in cooperation with the affirmative action and equal employment opportunity unit of the department of administrative services.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority

Require	(A)(7) Furnishing any information required by the affirmative action and equal employment opportunity unit, including but not limited to, monthly reports on all complaints pending within the agency, including those filed with the Ohio civil rights commission and the federal equal employment opportunity commission.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall	(C) The names of the equal employment opportunity officers, their address, email address and telephone number, and any change made in their designation shall be furnished to the affirmative action and equal employment opportunity unit annually or as changes are made.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall	(A) Each agency shall establish, maintain, carry out and continually evaluate its affirmative action plan designed to promote equal opportunity in every aspect of recruitment, employment, development, advancement, and treatment of employees. The affirmative action and equal employment opportunity unit may issue guidelines which agencies shall use for establishing, implementing and judging an acceptable affirmative action plan as required by Chapter 123:1-49 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall	(B) An affirmative action plan shall consist of a set of specific, result-oriented procedures designed to promote equal employment opportunity for all state employees and candidates for state employment. Each agency must apply the procedures enumerated in its affirmative action plan in good faith. An agency's affirmative action plan must include an analysis of areas within the agency where the hiring and promotion of minorities and women are deficient. Each agency must establish goals and timetables to correct these deficiencies and increase materially the opportunities of minorities and women at all levels of state government. An agency's affirmative action plan must include an identification and analysis of difficulties the agency has experienced in curing any deficiencies in the employment of minorities and women. Additionally, such plans must set goals to eliminate all artificial barriers regarding the hiring and or promotion of minorities and women.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Must	(C) Each agency shall include in its affirmative action plan such information and analysis which the affirmative action and equal employment opportunity unit may require . This information shall include, but is not limited to, the following:	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-49-04 | Establishment of affirmative action plan.

Must	(C)(2) Goals, timetables, supporting data, and affirmative action commitments, and analysis thereof, which must be designed to correct any identifiable deficiencies. ...If the agency does not meet its goals and timetables, the agency's "good faith efforts" shall be judged by whether it is following its program and attempting to make it work toward the attainment of its goals. Support data for the analysis and program shall be compiled and maintained as part of the agency's affirmative action plan. ...	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall	(D) Each agency shall submit a written affirmative action plan to the affirmative action and equal employment opportunity unit every three years for review and approval. The affirmative action and equal employment opportunity unit shall review the agency's affirmative action plan to determine if the agency is in compliance with this rule. Where the affirmative action and equal employment opportunity unit finds that the agency has failed to comply with the requirements of this chapter and its obligations, the affirmative action and equal employment opportunity unit shall take such action as may be appropriate.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Must	(E) Agency compliance status shall be determined by reviewing the contents of its plan, the extent of its adherence to its plan, and its good faith efforts to realize the plan's goals within the timetables set for completion. An agency's compliance status shall not be solely determined on the basis of whether the agency reaches all of its goals within the established timetables. ... If an agency's affirmative action plan is disapproved, the affirmative action and equal employment opportunity unit shall either return the plan to the agency for revision and resubmission or may set the goals and timetables on behalf of the agency. Additionally, agencies shall submit information updates to the approved affirmative action plan on an annual basis and as requested by the affirmative action and equal employment opportunity unit.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall Not		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Require	(F) Each agency shall furnish any necessary information and assistance as may be required by the affirmative action and equal employment opportunity unit. Such information shall include statistical data on minority and women applicant flow, employment, promotion and any other information relevant to the administration of the this chapter. Each agency shall be required to gather such data in a format as the division may require providing an adequate statistical base for determining compliance.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority

	Require		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Rule 123:1-49-05 Characteristics of an affirmative action program.	Shall	In addition to the affirmative action plan required by rule 123:1-49-04 of the Administrative Code , an agency shall also:	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	Yes, state law	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Must	(A) In order for a complaint to be considered jurisdictional by the affirmative action and equal employment opportunity unit, the complainant must :	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) A complaint shall be deemed filed on the date it is electronically filed or on the date it is time-stamped if addressed to an appropriate official designated to receive complaints. The agency or the affirmative action and equal employment opportunity unit, whichever initially receives the complaint, shall determine whether the complaint meets the jurisdictional requirements set forth in paragraph (A) of this rule.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) When a complaint is filed with the agency, the agency shall transmit a copy of the complaint electronically to the affirmative action and equal employment opportunity unit within fifteen calendar days of the receipt thereof. If the agency determines that the complaint meets the jurisdictional requirements, the agency shall proceed to process the complaint. If the agency determines that the complaint is not jurisdictional, it shall notify the affirmative action and equal employment opportunity unit.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) The affirmative action and equal employment opportunity unit shall review all complaints whether filed with the agency or directly with the unit. If the unit disagrees with the jurisdictional determination of the agency, it may reinstate the complaint and require the agency to process the complaint as jurisdictional pursuant to these rules; or the unit may reject the complaint as non-jurisdictional and close the matter for purposes of these rules. ...	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Require	(F) A complaint shall include the name, street address, email address, and telephone number of the complainant; the name of the person or persons committing the alleged improper conduct; a description of the conduct; a statement as to any other action or proceeding instituted in any other forum based upon the facts alleged in the complaint, including the status or disposition of such other action; and any other pertinent information which will assist in the investigation and resolution of the complaint.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G) All jurisdictional complaints shall be acknowledged in writing and shall include notice of complainant's right to file a charge affidavit with the Ohio civil rights commission or the federal equal employment opportunity commission, including the time limits for filing such charges.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-49-06 | Filing of complaint.

Shall	(H)...All requests for third party investigators shall be submitted to the affirmative action and equal employment opportunity unit and the unit shall approve or disapprove of such request as deemed appropriate. If such a request is approved, the unit will select a third party investigator, who shall conduct an investigation and upon completion, submit the investigation and their recommendation and to the agency for its determination. The agency shall provide the affirmative action and equal employment opportunity unit with a copy of the investigation and the agency's determination.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O) Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O) Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O) Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Must	(I)...If the complainant is an employee of the agency, a reasonable amount of time off from work to file his or her complaint must be given by the agency. If the complainant is an employee of the agency and has designated another employee of the agency as his or her representative, the representative as well as the complainant shall be given a reasonable amount of time off from work to file the complaint.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O) Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Require	(J) If a jurisdictional complaint is still pending with the agency within sixty days from the date the complaint was filed, the affirmative action and equal employment opportunity unit may require the agency to take special measures to ensure prompt processing of the complaint....The decision to dismiss the complaint shall be transmitted by letter to the complainant and the complainant's representative, if any. The decision letter shall inform the complainant of his or her right to file a charge with the Ohio civil rights commission and with the federal equal employment opportunity commission and of the time limits for filing such charges.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O) Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O) Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall	(K) The agency shall document the actions of the agency in resolving a jurisdictional complaint and report the actions of the agency to the affirmative action and equal employment opportunity unit.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall	(L) Any investigation shall include a thorough review of the circumstances under which the alleged improper conduct occurred and may include a review of the treatment of members of the complainant's group identified by the complaint as compared with the treatment of other similarly situated employees in the agency in which the alleged improper conduct occurred. Information needed to apprise the complainant shall be recorded in the	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O) Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall	(M) The term "investigative file" shall mean the various documents and information acquired during the investigation including, but not limited to, affidavits of the complainant, of the alleged discriminating employee, and of the witnesses and copies of, or extracts from, records, policy statements, or regulations of the agency organized to show their relevance to the complaint or the general environment out of which the complaint arose.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
Shall	(N) Complainants, their representatives, and witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal at any stage in the presentation and processing of a complaint.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-49-07 Appeals to division.</u>	Must	(A) Upon completion of an investigation of a jurisdictional complaint, the agency must provide a copy of the investigation report and the determination of the agency to the complainant or the complainant's representative and the affirmative action and equal employment opportunity unit and include a cover letter informing the complainant of his or her right to appeal the determination of the agency to the deputy director of the human resources division or the deputy director's designee and of the right to file a charge affidavit with the Ohio civil rights commission and with the federal equal employment opportunity commission, and of the time limits applicable thereto.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Must	(B) The complainant must file an appeal of an agency determination with the affirmative action and equal employment opportunity unit in writing within fifteen calendar days of receipt of the agency's determination....	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) When a complainant files a timely appeal of an agency determination with the affirmative action and equal employment opportunity unit, the agency shall provide a copy of the investigative file and all relevant written information to the deputy director of the human resources division or the deputy director's designee and, upon review, the deputy director of the human resources division or the deputy director's designee may take any of the following dispositive actions:	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(2) Remand the investigative file to the agency for further investigation. Any further investigation by the agency resulting from a remand shall be conducted according to the rules for conducting the original investigation.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	When further investigation is completed, the agency shall provide a copy of any revised investigation report promptly to the deputy director of the human resources division or the deputy director's designee and the complainant or the	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) The deputy director of the human resources division or the deputy director's designee shall issue a written decision setting forth the deputy director of the human resources' or the deputy director's designees' reasons for the decision and shall send copies thereof to the complainant, the complainant's representative, and the agency. When corrective action is ordered, the agency shall report promptly to the affirmative action and equal employment opportunity unit that the corrective action has been taken.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E)...All final decisions shall be sent in writing to the agency and the complainant or the complainant's representative. The decision shall contain a notice of the right to file a charge affidavit with the Ohio civil rights commission and with the federal equal employment opportunity commission and of the time limits for filing such charges.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E)...All final decisions shall be sent in writing to the agency and the complainant or the complainant's representative. The decision shall contain a notice of the right to file a charge affidavit with the Ohio civil rights commission and with the federal equal employment opportunity commission and of the time limits for filing such charges.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Any hearing ordered by the deputy director of the human resources division or the deputy director's designee pursuant to rule 123:1-49-07 of the Administrative Code shall be held by a hearing officer who may be an employee of another agency or who may be an employee of the affirmative action and equal employment opportunity unit of the department of administrative services.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	Yes, state law	No, general rulemaking authority

<u>Rule 123:1-49-08 Hearing</u>	Shall	(B) The hearing officer shall schedule the hearing for a convenient time and place and shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. The complainant, his or her representative, and representatives of the agency at the hearing shall be given the opportunity to examine witnesses who appear and testify.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O) Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O) Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) The hearing officer shall have the power to regulate the course of the hearing; limit the number of witnesses whose testimony would be unduly repetitious; and exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) The hearing officer shall request the agency to make available as a witness at the hearing any employee requested by the complainant when he or she determines that the testimony of the employee is necessary. ...The hearing officer shall give the complainant his or her reasons for the denial of a request for the appearance of employees as witnesses and shall insert those reasons in the record of the hearing. An agency to which a request is made must make its employees available as witnesses at a hearing on a complaint when requested to do so by the hearing officer. Any agency who has not allowed the employee to testify must state the reasons in writing for the hearing officer. An employee of an agency shall be in pay status during the time he or she is made available as a witness. The agency shall be billed by the affirmative action and equal employment opportunity unit for expenditures involved in the hearing.	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
	Must	(E) The hearing officer shall issue a written report and recommendation to the agency and the deputy director of the human resources division or the deputy director's designee within a reasonable period of time but no later than thirty days from the date of the hearing....	Promulgated Under:119.03 Authorized By: 124.09(A) Amplifies: 124.04(O)	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-70-01 Determination of</u>	Shall	(A) The administrator of the office of risk management shall determine what kinds of insurance authorized by law shall be purchased and furnished on	Promulgated Under: 111.15 Authorized By: 9.821, 9.822, 9.823, 9.83 Amplifies: 9.82, 9.821, 9.822, 9.83, 125.02, 125.04	No, general rulemaking authority	No, general rulemaking authority

<u>insurance to be purchased.</u>	Shall	ITEMS OF INSURANCE AUTHORIZED BY LAW SHALL BE PURCHASED AND FURNISHED ON BEHALF OF ALL STATE AGENCIES EXCEPT THE FOLLOWING: ...	Promulgated Under: 111.15 Authorized By: 9.821, 9.822, 9.823, 9.83 Amplifies: 9.82, 9.821, 9.822, 9.83, 125.02, 125.04	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-70-02 Purchase of insurance contracts where the annual premium is more than one thousand dollars.</u>	Shall	(A)(2) The administrator shall review each price quotation and make a recommendation to an agency based on an evaluation of the cost, protection comparison and other relevant considerations.	Promulgated Under: 111.15 Authorized By: 9.821, 9.822, 9.823, 9.83 Amplifies: 9.821, 9.822, 9.83, 125.02, 125.04	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(3) If an agency determines that a particular insurance coverage or program is needed, the administrator shall notify the selected person, and provide any additional information needed to underwrite the contract of insurance.	Promulgated Under: 111.15 Authorized By: 9.821, 9.822, 9.823, 9.83 Amplifies: 9.821, 9.822, 9.83, 125.02, 125.04	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Where the amount of the annual insurance premium is fifty thousand dollars or more, the office of state purchasing, with the approval of the administrator of the office of risk management, shall , on behalf of the appropriate agency, purchase the insurance in accordance with the competitive bidding requirements of sections 125.04 to 125.15 of the Revised Code and rules 123:5-1-09 to 123:5-1-27 of the Administrative Code	Promulgated Under: 111.15 Authorized By: 9.821, 9.822, 9.823, 9.83 Amplifies: 9.821, 9.822, 9.83, 125.02, 125.04	Yes, state law	No, general rulemaking authority
<u>Rule 123:1-70-03 Permit to make purchases when impractical to contract through department.</u>	Shall	No state agency, board or commission, other than those excepted in section 125.04 of the Revised Code, shall procure or purchase any contract of insurance other than through the office of risk management. ... A release and permit for a contract of insurance shall specify the contract of insurance, the agency to which the release and permit applies, the operative time of the release and permit, and the reason for the issuance of the release and permit. ...	Promulgated Under: 111.15 Authorized By: 9.821, 9.822, 9.823, 9.83 Amplifies: 9.821, 9.822, 9.83, 125.02, 125.04, 125.05, 125.06	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 111.15 Authorized By: 9.821, 9.822, 9.823, 9.83 Amplifies: 9.821, 9.822, 9.83, 125.02, 125.04, 125.05, 125.06	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-70-04 State employee health benefit fund.</u>	Shall	(A) The director shall enter into a contract with an administrator to administer the portion of the fund set aside to provide benefits specified in division (A) of section 124.82 of the Revised Code . Determination as to the qualifications of the administrator shall be made by the director in consultation with the superintendent of insurance, and in consideration of the following factors:	Promulgated Under: 119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Require	(A)(1) Cost of providing required administrative service;	Promulgated Under: 119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized By: 124.09 Amplifies: 124.87	Yes, state law	No, general rulemaking authority
	Shall	(B) The state employee health benefit fund shall be available without fiscal year limitation for the payment of benefits, premiums, subscription charges, and administrative costs as specified in section 124.87 of the Revised Code . <small>The fund shall be under the custody and supervision of the director, who shall</small>	Promulgated Under: 119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-71-02 | Administration of the fund.

Shall	<p>THE FUND SHALL BE UNDER THE CUSTODY AND SUPERVISION OF THE DIRECTOR, WHO SHALL be responsible, under approved bonds, for all monies coming into and paid out of the fund in accordance with section 124.87 of the Revised Code, and shall ensure that the fund is actuarially sound.</p>	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	Yes, state law No, general rulemaking authority	No, general rulemaking authority
Shall				
Shall	(C) The following accounts shall be maintained within the state employee health benefit fund:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)(1) Administrative special account in the department of administrative services into which all contributions and other income shall be credited and from which administrative costs, premiums, subscription charges, amounts available for investment or claims for benefits may be paid;	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
Shall	(D) The director shall transfer monies among the various accounts and shall instruct the treasurer of state to make investments in the manner provided for in paragraph (F) of this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority No, general rulemaking authority	No, general rulemaking authority
Shall	(E) Contributions shall be credited to and constitute the state employee health benefit fund. Any amounts remaining in the state employee health benefit fund after all premiums, subscription charges, and other expenses have been paid shall be retained in the fund as a special reserve for adverse claim fluctuation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority No, general rulemaking authority	No, general rulemaking authority
Shall	(F) Any amounts held by the state employee health benefit fund that are available for investment shall be invested by the treasurer of the state. The amount in the investment trust account shall be invested for a period not to exceed one year, for credit only to the state employee health benefit fund. Investments shall be subject to the terms, conditions, limitations, and restrictions imposed under Chapter 3907. of the Revised Code upon domestic life insurance companies in the investment of their capital, surplus, and accumulations.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority No, general rulemaking authority Yes, state law	No, general rulemaking authority
Shall				
Shall	(G) All income derived from investments shall accrue to the fund. When monies are paid to the treasurer of state, the director shall submit an estimate of the date such monies are no longer available for investment. When the director wishes to withdraw monies from the trust account, the director shall submit a request for the withdrawal in writing to the treasurer of state, and such funds shall be available to the director within thirty days after the treasurer's receipt of the request.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority No, general rulemaking authority No, general rulemaking authority No, general rulemaking authority	No, general rulemaking authority
Shall				

	Shall	(H) Any necessary and reasonable cost incurred by the treasurer of state or the department of administrative services in administering these rules shall be charged against the administrative special account established under paragraph (C)(1) of this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-71-03 Eligibility, contribution and withdrawal procedures.</u>	Shall	(A)(2) The director shall determine eligibility of all employees of the state and dependents.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)...The director shall establish criteria for determining the eligibility of dependents.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(2) An open enrollment period shall be established by the director. During such period, eligible employees, elected and appointed officials, and their dependents who are not covered by the state employee health benefit fund may enroll without imposition of any limitations or waiting periods. Coverage for those persons enrolling during an open enrollment period shall be effective on the first day of the new benefit year.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(3) The director, in compliance with applicable state and federal law , shall determine qualifying events that allow an employee, elected, or appointed official to make coverage changes outside of an open enrollment period.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	Yes, both state and federal law	No, general rulemaking authority
	Shall	(C) The director shall determine the effective dates of coverage for employees, elected and appointed officials, and their dependents.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) The director shall establish employee, elected, and appointed official contribution levels for the benefits provided by the state employee health benefit fund.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F) The director shall determine the benefits, any deductibles, co-payments, co-insurance, and conditions or limitations of such benefits to be provided to employees, elected, and appointed officials covered by the state employee health benefit fund. The director may also make such changes to the benefits from time to time as may be required to reasonably provide health care for such employees, elected and appointed officials, and their dependents with	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall	Every year, the director shall have prepared, by an accredited actuary familiar with life and health insurance, a report showing a complete actuarial evaluation of the fund and the adequacy of the rates of contribution and reserves. The report shall contain such recommendations as the actuary considers advisable....	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-71-04 Actuarial evaluation of the fund.</u>	Shall	(A) The director shall file annually, by the first day of March, a complete report of the state employee health benefit fund for the preceding fiscal year with the governor, the general assembly, and the superintendent of insurance. The report shall include a detailed financial statement of the fund and the expenses incurred pursuant to section 124.87 of the Revised Code so that the cost of the fund can be determined and identified. The report shall include, but not be limited to, the following information:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-71-05 | Ensuring the integrity of the fund.

	Require	(6) The cost of developing, monitoring, and evaluating cost containment plans as required by the department of administrative services and the savings derived from those plans. The financial information required by this rule shall be certified by an independent certified public accountant or independent public accountant who, by reason of knowledge and experience, is especially qualified in insurance accounting; such accountant shall be selected by the director of administrative services;	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) The department of administrative services shall provide such personnel as is necessary to carry out the purposes of this chapter. Any new cost resulting from the enactment of this chapter shall be included as part of the information required by paragraph (A) of this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.87	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Approved claims for disability leave benefits for a particular appointing authority may be deducted by the director from the payroll contributions made by the appointing authority. The director shall establish an administrative special account into which net payroll contributions and all other income shall be credited and from which administrative costs, fees, premiums, subscription charges, amounts available for investment or claims for benefits may be paid. An investment trust account shall be maintained by the treasurer of state in the manner provided in paragraph (E) of this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	Yes, state law	No, general rulemaking authority
	Shall	(B) The state employee disability leave benefit fund shall be available without fiscal year limitation for the payment of benefits, premiums, subscription charges, and administrative costs as specified in sections 124.83 and 124.87 of the Revised Code . The fund shall be under the custody and supervision of the director, which shall be responsible, under approved bonds, for all monies coming into and paid out of the fund in accordance with sections 124.83 and 124.87 of the Revised Code , and which shall ensure that the fund is actuarially sound.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) The director shall transfer monies among the various accounts and shall instruct the treasurer of state to make investments in the manner provided for	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-72-02 | Administration of the fund.

Shall	Instruct the treasurer of state to make investments in the manner provided for in paragraph (E) of this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
Shall	(D) Contributions shall be credited to and constitute the state employee disability leave benefit fund. Any amounts remaining in the state employee disability leave benefit fund after all premiums, subscription charges, and other expenses have been paid shall be retained in the fund as a special reserve for adverse claim fluctuation.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
Shall	(E) Any amounts held by the state employee disability leave benefit fund that are available for investment shall be invested by the treasurer of the state. The amount in the investment trust account shall be invested for a period not to exceed one year, for credit only to the state employee disability leave benefit fund. Investments shall be subject to the terms, conditions, limitations, and restrictions imposed under Chapter 3907. of the Revised Code upon domestic life insurance companies in the investment of their capital, surplus, and accumulations.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
Shall	(F) All income derived from investments shall accrue to the fund. When monies are paid to the treasurer of state, the director shall submit an estimate of the date such monies are no longer available for investment. When the director wishes to withdraw monies from the trust account, the director shall submit a request for the withdrawal in writing to the treasurer of state, and such funds shall be available to the director within thirty days after the treasurer's receipt of the director's request.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
Shall	(G) Any necessary and reasonable costs incurred by the treasurer of state or the department of administrative services in administering these rules shall be charged against the administrative special account established under paragraph (A) of this rule.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
Shall	(I) Determination as to the qualifications of the administrator shall be made by the director in consultation with the superintendent of insurance, and in consideration of the following factors:	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
Require	(I)(1) Cost of providing required administrative service;	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
Shall	(A) All eligible permanent employees in active pay status whose salary or wage is paid directly by warrant of the director of budget and management shall be eligible for disability leave benefits as established in Chapter 123:1-33 of the Administrative Code.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	Yes, state law	No, general rulemaking authority

<u>Rule 123:1-72-03 Eligibility and contribution procedures.</u>	Shall	(B) All or any portion of the cost, premium or charges for the benefits provided by the state employee disability leave benefit fund shall be paid by the state....	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) The director shall determine eligibility of all employees for disability leave benefits and the termination of disability leave benefits.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-72-04 Actuarial evaluation of the fund.</u>	Shall	Every year, the director shall have prepared, by an accredited actuary familiar with disability insurance, a report showing a complete actuarial evaluation of the fund and the adequacy of the rates of contribution and reserves. The report shall contain such recommendations as the actuary considers advisable. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.83	No, general rulemaking authority	No, general rulemaking authority
	Shall	(H) "Confirmation test" means a drug test on a specimen to substantiate the results of a prior drug test on the specimen. The confirmation test must use an alternate method of equal or greater sensitivity than that used in the previous or initial drug test.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-76-01 Drug-free workplace definitions of terms.</u>	Shall	(N) "Follow-up test" means a drug and/or alcohol test for employees referred through administrative channels to a counseling or rehabilitation program such as those recommended by or associated with the employee assistance program. Such employees shall undergo follow-up testing for a time and frequency stipulated by the administrator of the drug-free workplace services program, or as stipulated by the appropriate collective bargaining agreement for the employee. ...	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require	(Q) "Laboratory" means a facility having certification, staff, equipment and personnel required by the director of the department of administrative services or applicable federal regulations to perform urine testing for drugs or breath testing for alcohol for employees of any office, department, commission, board, institution or facility in the executive branch of state government.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(W) "Reasonable suspicion testing" means ... (6) ... The personal injury situations warranting reasonable suspicion testing shall be those stipulated in the relevant collective bargaining agreements, or in the absence of any such agreement, by the director of the department of administrative services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	The administrator of the drug-free workplace services program shall plan for, implement, administer, coordinate and evaluate Ohio's drug-free workplace policy, including any testing and education programs developed for state employees, and shall administer and coordinate Ohio's compliance with provisions of the federal Drug-Free Workplace Act of 1988, the Omnibus Transportation Employee Testing Act of 1991, and any other federal or state laws or regulations requiring substance abuse testing.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-76-02 Purpose and responsibility.</u>	Shall	The administrator of the drug-free workplace services program shall plan for, implement, administer, coordinate and evaluate Ohio's drug-free workplace policy, including any testing and education programs developed for state employees, and shall administer and coordinate Ohio's compliance with provisions of the federal Drug-Free Workplace Act of 1988, the Omnibus Transportation Employee Testing Act of 1991, and any other federal or state laws or regulations requiring substance abuse testing.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, both state and federal law	Yes, both state and federal law

<u>Rule 123:1-76-03 Alcohol testing techniques and methods.</u>	Shall	(A) All procedures and protocols for collection and testing of an employee's breath for alcohol shall conform to the methods and procedures set forth in federal regulations , governing collective bargaining agreements or, in the absence of such regulations or agreements, by the director of the department of administrative services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	No, general rulemaking authority
	Shall	(B) Test results shall be reported to the agency head, or a person officially designated by the agency head to receive information for the agency, within twenty-four hours of the receipt of the result by the drug-free workplace services program.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) The agency head, or a person officially designated by the agency head to provide such information, shall provide to the department of administrative services' drug-free workplace program a monthly statistical summary of all alcohol breath testing information including the number of employees tested and the results of that testing. This information shall be forwarded no later than fourteen calendar days after the end of the month covered by the summary.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) The agency head, or a person officially designated by the agency head to provide such information, shall provide to the department of administrative services' drug-free workplace program a monthly statistical summary of all alcohol breath testing information including the number of employees tested and the results of that testing. This information shall be forwarded no later than fourteen calendar days after the end of the month covered by the summary.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-76-04 Drug testing techniques and methods.</u>	Shall	(A) The initial drug testing protocol for state employees and applicants for state employment shall use an assay technique which meets federal department of health and human services requirements . Drug classes and cutoff levels shall be those established by the federal department of health and human services .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
	Shall	(B) Initial test methodology and test levels for other drugs shall be added to the testing protocol as deemed necessary by the director of the department of administrative services or as required by federal law .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
	Shall	(C) Initial test methodology and test levels for other drugs shall be added to the testing protocol as deemed necessary by the director of the department of administrative services or as required by federal law .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require	(D) Initial test methodology and test levels for other drugs shall be added to the testing protocol as deemed necessary by the director of the department of administrative services or as required by federal law .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
<u>Rule 123:1-76-05 Collection of specimens</u>	Shall	(A) The individual to be tested shall be instructed to report to the collection site as soon as possible after the testing order is given, but no later than thirty-two hours, or as required by federal law .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require	(B) The collection site person shall request the individual to present photo identification or other confirming identification. If identity cannot be established, the collection site person shall not proceed with the collection.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
	Shall	(C) The collection site person shall request the individual to present photo identification or other confirming identification. If identity cannot be established, the collection site person shall not proceed with the collection.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(D) The collection site person shall request the individual to present photo identification or other confirming identification. If identity cannot be established, the collection site person shall not proceed with the collection.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) The individual shall be asked to remove any garments which might conceal substances/items which could be used to tamper with or adulterate the urine specimen.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F) The individual shall be instructed to wash and dry his/her hands prior to urination and shall not have access to any water or other materials which	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-76-05 | Collection and handling of specimens.

Shall Not	Urination and Shall not have access to any water or other materials which could adulterate the urine specimen.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(E) The individual shall provide the specimen in the privacy of a stall or a partitioned area that allows for individual privacy.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(F) The collection site person shall receive the specimen , measure its temperature and color and visually inspect for contaminants.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(G) The specimen shall be sealed and labeled in the presence of both the individual and the collection site person. The labels shall contain the date, the individual's specimen number and any other identifying information provided or required by the department of administrative services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Require	(H) The individual tested shall initial the I.D. label on the specimen certifying that it is the specimen collected from him/her.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(I) The collection site person shall enter into the record book all information identifying the specimen and shall sign the book.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(J) The individual tested shall sign the statement in the record book certifying that the specimen is, in fact, the specimen he/she provided.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(K) The collection site person shall complete the chain of custody form and ship the specimen to the testing laboratory in a sealed, secure container.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(L) The laboratory shall use the chain of custody procedures to maintain control and accountability of all specimens from receipt through completion of testing. The date and purpose shall be documented on an appropriate chain of custody form each time a specimen is handled and transferred.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(M) Laboratory personnel shall inspect each specimen package for evidence of tampering, etc.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(N) Specimens shall be tested by grouping them into batches, with each batch containing an appropriate number of standards for calibrating the instrumentation and a minimum of ten percent controls or as stipulated by federal department of health and human services regulations and guidelines.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law

<u>Rule 123:1-76-06 Confirmatory testing.</u>	Shall	(A) All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques or any other procedure(s) required by federal law . The cutoff levels shall be those established by the federal department of health and human services .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
	Shall	(B) Confirmatory test methods and testing levels for other drugs meeting certification criteria of the federal department of health and human services shall be added to the testing protocol as deemed necessary by the director of the department of administrative services or as required by federal law .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
<u>Rule 123:1-76-07 Reporting of test results.</u>	Shall	(A) The laboratory shall report test results to the agency head or the person designated by the agency head to receive test results. All test results shall be certified as accurate by the responsible person at the laboratory. Results may not be transmitted by telephone, but transmission by other electronic means (computer, teleprinter or facsimile) shall be permissible. All specimens which test negative on the initial test or negative on the confirmatory test shall be reported as negative. Only specimens confirmed positive shall be reported positive for a specific drug or drugs.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	May Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Each agency shall provide to the administrator of the drug-free workplace services program a statistical summary of drug testing information, and any other documentation pertaining to the testing process upon request or as required by federal law .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
<u>Rule 123:1-76-08 Records and</u>	Shall	(A) All records pertaining to a given alcohol or drug test shall be maintained as required by federal law .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law

<u>specimen retention.</u>	Shall	(B) All positive urine specimens shall be retained in frozen storage as required by federal law to permit any authorized retest.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34 Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
<u>Rule 123:1-76-09 Applicant testing.</u>	Shall	(A) Every vacancy announcement for testing designated positions for the state service shall state: "All final applicants tentatively selected for this position will be required to submit to urinalysis to test for illegal drug use prior to appointments. An applicant with a positive test shall not be offered employment."	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Each applicant shall be notified that appointment to the position will be contingent upon a negative test result. Failure of the vacancy announcement to contain this statement shall not preclude applicant testing if advance written notice is provided applicants in some other manner.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) The agency drug program coordinator or other designated agency person shall direct applicants to the appropriate collection site. The test must be undertaken as soon after notification as possible, and no later than thirty-two hours after notice to the applicant.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Applicants shall be advised of the opportunity to offer an explanation or submit medical documentation of legally prescribed medications or a recommendation for medical marijuana which may explain a positive test result to the medical review officer....	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Any agency of state government shall decline to extend a final offer of employment to any applicant with a verified positive test result and such applicant will not be reconsidered for state employment for a period of one year.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require	(A) Where there is reasonable suspicion to believe that an employee, when appearing for duty or on the job, is under the influence of, or his/her job performance is impaired by, alcohol or other drugs, the employee may be required to submit a urine specimen for testing for the presence of drugs or a breath sample for testing for the presence of alcohol.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Must	(B) Such reasonable suspicion must be based upon objective facts or specific circumstances found to exist that present a reasonable basis to believe that an employee is under the influence of, or is using or abusing, alcohol and/or other drugs. Examples of reasonable suspicion shall include, but need not be limited to, slurred speech, disorientation, and abnormal conduct or behavior.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority

Rule 123:1-76-10 | Reasonable suspicion testing.

Must	(C) Reasonable suspicion must be documented in writing according to procedures prescribed in applicable federal regulations, any applicable collective bargaining agreement covering the employee or, in the absence of any such regulations or agreement, by procedures developed by the director of the department of administrative services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(D) Reasonable suspicion testing shall also include incident-based accident or unsafe practice testing wherein employees involved in on-the-job accidents or who engage in unsafe on-duty job-related activities that pose a danger to themselves, to others, or the overall operation of the agency may be subject to testing. Such incident-based reasonable suspicion testing shall be for conditions and situations and according to procedures prescribed by applicable collective bargaining agreements covering the employee or, in the absence of any such agreement, according to conditions and procedures developed by the director of the department of administrative services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	Employees subject to federal testing procedures will submit to federal post-accident testing as required by federal regulations .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Require	Employees subject to federal testing procedures will submit to federal post-accident testing as required by federal regulations .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
Shall	(E) The employee shall be asked to provide the urine sample or submit to a breath test for alcohol in accordance with criteria delineated in the applicable collective bargaining agreement for the employee or, in the absence of any such agreement, according to criteria developed by the director of the department of administrative services or as required by federal regulations .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Require	(E) The employee shall be asked to provide the urine sample or submit to a breath test for alcohol in accordance with criteria delineated in the applicable collective bargaining agreement for the employee or, in the absence of any such agreement, according to criteria developed by the director of the department of administrative services or as required by federal regulations .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
Shall	(F) Supervisors and managers shall be trained to address the abuse of alcohol or other drugs by employees, to recognize facts that give rise to reasonable suspicion, and the proper procedures for documenting facts and circumstances to support a finding of reasonable suspicion as required by collective bargaining agreements or, in the absence of any such agreements, by the director of the department of administrative services. Failure to receive such training shall not , however, invalidate otherwise proper reasonable suspicion testing.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Require	(F) Supervisors and managers shall be trained to address the abuse of alcohol or other drugs by employees, to recognize facts that give rise to reasonable suspicion, and the proper procedures for documenting facts and circumstances to support a finding of reasonable suspicion as required by collective bargaining agreements or, in the absence of any such agreements, by the director of the department of administrative services. Failure to receive such training shall not , however, invalidate otherwise proper reasonable suspicion testing.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(F) Supervisors and managers shall be trained to address the abuse of alcohol or other drugs by employees, to recognize facts that give rise to reasonable suspicion, and the proper procedures for documenting facts and circumstances to support a finding of reasonable suspicion as required by collective bargaining agreements or, in the absence of any such agreements, by the director of the department of administrative services. Failure to receive such training shall not , however, invalidate otherwise proper reasonable suspicion testing.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(G) Employees shall be given the opportunity as required by applicable collective bargaining agreements or, in the absence of such agreements, as stipulated by the director of the department of administrative services to offer an explanation or submit medical documentation of legally prescribed medications, legally recommended medical marijuana, or exposure to toxic substances which may explain a positive test result. Such information shall be reviewed only by the medical review officer in his/her determination of the validity of a positive confirmatory test and shall be released to the employer only to explain a test result.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Require	(G) Employees shall be given the opportunity as required by applicable collective bargaining agreements or, in the absence of such agreements, as stipulated by the director of the department of administrative services to offer an explanation or submit medical documentation of legally prescribed medications, legally recommended medical marijuana, or exposure to toxic substances which may explain a positive test result. Such information shall be reviewed only by the medical review officer in his/her determination of the validity of a positive confirmatory test and shall be released to the employer only to explain a test result.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(G) Employees shall be given the opportunity as required by applicable collective bargaining agreements or, in the absence of such agreements, as stipulated by the director of the department of administrative services to offer an explanation or submit medical documentation of legally prescribed medications, legally recommended medical marijuana, or exposure to toxic substances which may explain a positive test result. Such information shall be reviewed only by the medical review officer in his/her determination of the validity of a positive confirmatory test and shall be released to the employer only to explain a test result.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
Shall	(G) Employees shall be given the opportunity as required by applicable collective bargaining agreements or, in the absence of such agreements, as stipulated by the director of the department of administrative services to offer an explanation or submit medical documentation of legally prescribed medications, legally recommended medical marijuana, or exposure to toxic substances which may explain a positive test result. Such information shall be reviewed only by the medical review officer in his/her determination of the validity of a positive confirmatory test and shall be released to the employer only to explain a test result.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:1-76-11 Finding of employee drug use and disciplinary consequences.</u>	Require	(B) On the first occasion in which an employee has a confirmed positive alcohol or other drug test resulting from reasonable suspicion testing, the employee may be required to enroll in and successfully complete a substance abuse program certified by the Ohio department of mental health and addiction services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Any employee who refuses to submit to a properly ordered alcohol or drug test shall be subject to disciplinary actions as stipulated in the governing collective bargaining agreement or, in the absence of any such agreement, the relevant agency work rules, policies and procedures.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Attempts by an employee to alter or substitute the specimen provided for alcohol or drug testing shall be deemed a refusal to take the alcohol or drug test when required and shall subject the employee to the same disciplinary actions as required for refusing to submit to a properly ordered test.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-76-12 Disciplinary action - federal drug-free workplace act of 1988.</u>	Require	<p>As required by the Federal Drug-Free workplace Act of 1988, each employee in an agency receiving federal grant funds shall be required to notify his/her agency head or the agency head's designee, within five calendar days after he/she is convicted of a violation of any federal or state criminal drug statute, provided such conviction occurred at the workplace or any location where the employee is working at the time of the incident which led to the conviction.</p> <p>Each agency shall be required to notify any federal agency with which it has a contract or grant, within ten calendar days after receiving notice from the employee, of the fact of such conviction. Any employee's failure to report such a conviction will subject such employee to disciplinary action, up to and including termination. ...Whatever the case, such action shall be taken within thirty calendar days of the employer's notification of the employee's conviction.</p>	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:1-76-13 Appeal of drug test results.</u>	Shall	(A)...The laboratory performing such a retest shall be certified by the federal department of health and human services.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Any such retest shall be at the expense of the employee.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority

	Shall Not	(C) An employee request for a retest shall not delay the imposition of appropriate disciplinary action or referral to an alcohol and/or drug abuse rehabilitation program.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) The administrator of the drug-free workplace services program shall provide, or arrange to have provided, information and training programs concerning the impact of alcohol and other drug abuse on job performance, as well as information concerning the employee assistance program and any other resources available for employee assistance in dealing with a substance abuse program.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) All bargaining unit and new employees within bargaining units shall be furnished a copy of the state's drug-free workplace policy and drug testing procedures as specified by their respective collective bargaining agreements or as required by federal law .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require	(B) All bargaining unit and new employees within bargaining units shall be furnished a copy of the state's drug-free workplace policy and drug testing procedures as specified by their respective collective bargaining agreements or as required by federal law .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
	Shall	(C) All other employees subject to the state drug-free workplace policy and drug testing procedures shall be furnished a copy of such document and such procedures as required by the director of the department of administrative services or as required by federal law .	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	Yes, federal law	Yes, federal law
Rule 123:1-76-14 Drug-free workplace training/education.	Shall	(D) The drug-free workplace services program shall develop and implement, or arrange to have implemented, a training and education program for supervisors and managers to provide knowledge and skills essential for their recognizing and addressing alcohol and other drug abuse among agency employees and to facilitate their participation in the implementation and administration of drug testing and other drug-free workplace programs within the agency in which they work.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Each agency shall be required to document to the administrator of the drug-free workplace services program that it has distributed copies of the Drug-Free Workplace Policy, including any drug testing procedures stipulated by collective bargaining agreements and agency rules deriving from such agreements, to all employees. All employees shall sign an acknowledgment that they have read and understand the policy and work rules pertaining to it. This acknowledgement shall be kept in the employees' file. Agencies shall review the policy annually with employees and distribute the policy and applicable work rules to all new employees within thirty calendar days of their initial employment by the state, or within the time specified by the applicable collective bargaining agreement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Require	(E) Each agency shall be required to document to the administrator of the drug-free workplace services program that it has distributed copies of the Drug-Free Workplace Policy, including any drug testing procedures stipulated by collective bargaining agreements and agency rules deriving from such agreements, to all employees. All employees shall sign an acknowledgment that they have read and understand the policy and work rules pertaining to it. This acknowledgement shall be kept in the employees' file. Agencies shall review the policy annually with employees and distribute the policy and applicable work rules to all new employees within thirty calendar days of their initial employment by the state, or within the time specified by the applicable collective bargaining agreement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Each agency shall be required to document to the administrator of the drug-free workplace services program that it has distributed copies of the Drug-Free Workplace Policy, including any drug testing procedures stipulated by collective bargaining agreements and agency rules deriving from such agreements, to all employees. All employees shall sign an acknowledgment that they have read and understand the policy and work rules pertaining to it. This acknowledgement shall be kept in the employees' file. Agencies shall review the policy annually with employees and distribute the policy and applicable work rules to all new employees within thirty calendar days of their initial employment by the state, or within the time specified by the applicable collective bargaining agreement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Each agency shall be required to document to the administrator of the drug-free workplace services program that it has distributed copies of the Drug-Free Workplace Policy, including any drug testing procedures stipulated by collective bargaining agreements and agency rules deriving from such agreements, to all employees. All employees shall sign an acknowledgment that they have read and understand the policy and work rules pertaining to it. This acknowledgement shall be kept in the employees' file. Agencies shall review the policy annually with employees and distribute the policy and applicable work rules to all new employees within thirty calendar days of their initial employment by the state, or within the time specified by the applicable collective bargaining agreement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) Each agency shall be required to document to the administrator of the drug-free workplace services program that it has distributed copies of the Drug-Free Workplace Policy, including any drug testing procedures stipulated by collective bargaining agreements and agency rules deriving from such agreements, to all employees. All employees shall sign an acknowledgment that they have read and understand the policy and work rules pertaining to it. This acknowledgement shall be kept in the employees' file. Agencies shall review the policy annually with employees and distribute the policy and applicable work rules to all new employees within thirty calendar days of their initial employment by the state, or within the time specified by the applicable collective bargaining agreement.	Promulgated Under:119.03 Authorized By: 124.09 Amplifies: 124.09, 124.34	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:2-1-01 Compliance officers.</u>	Shall	(A) The head of each contracting agency shall designate a compliance officer to monitor and secure contractors' and subcontractors' compliance pursuant to the rules and regulations as set forth in Chapters 123:2-3 through 123:2-9 of the Administrative Code. The director of administrative services shall issue further guidelines to the compliance officers of the contracting agencies. Such guidelines shall include instructions regarding compliance officers' use of conference, conciliation, mediation, and persuasion to aid contractors and subcontractors in accomplishing the objectives of the rules and regulations set forth in Chapters 123:2-3 through 123:2-9 of the Administrative Code. ...	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-3-01 Definitions.</u>	Shall	The following definitions shall apply: ...	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(G) "Affirmative action program" means a set of specific and result oriented procedures to which a contractor and/or subcontractor shall apply every good faith effort. It should include efforts required to remedy all effects of present and past discriminatory patterns and practices. ...	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-3-02 Establishment of</u>	Must	(A) Contractors and subcontractors with fifty or more employees and a contract of fifty thousand dollars or more must establish an affirmative action program. Contractors and subcontractors are required to exert every good faith effort to accomplish the goals of an affirmative action program....	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(A)(1)...Contractor's and subcontractor's good faith efforts shall not be determined solely by the contractor's or subcontractor's accomplishment of the utilization work hour goals.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must	(A)(1)(b) Contractors and subcontractors that do not meet the state utilization work hour goals must implement and demonstrate a good faith effort to make the following state specific affirmative action steps work toward the accomplishment of the state's utilization work hour goals.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(A)(2)...Contractor's and subcontractor's good faith efforts shall not be determined solely by the contractor's or subcontractor's accomplishment of the utilization work hour goals.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority

Rule 123:2-3-02 | Establishment of affirmative action programs.

	Shall	(B)(2) Where the provisions of this subsection apply, notice shall be provided in the invitation to bid.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must	(C) All affirmative action programs, whether the contractor or subcontractor adopts the state affirmative action program or develops the contractor's or subcontractor's own affirmative action program, must include the separate utilization work hour goal for women contained in rule 123:2-3-05 of the Administrative Code.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Contractors and subcontractors shall inform subcontractors with fifty or more employees and a contract of fifty thousand dollars or more or a contract that exceeds an estimated total cost of five hundred thousand dollars and the contract site is within a designated geographic area of the requirement to comply with the rules and regulations set forth in Chapters 123:2-3 to 123:2-9 of the Administrative Code. Contractors and subcontractors shall not contract with any subcontractor that has been found to be not responsible for state contracts pursuant to rule 123:2-07-01 of the Administrative Code. A contractor's or subcontractor's failure to comply with this requirement shall provide a basis to invoke any of the sanctions set forth in rule 123:2-7-01 of the Administrative Code against the contractor or subcontractor.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-3-03 Implementation of affirmative action programs.</u>	Shall	(A) Contractors' and subcontractors' ratio of utilization work hours shall remain substantially uniform for all jobs and trades, during the performance of the state contract.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Prohibit	(B) Contractors and subcontractors are prohibited from transferring minority and/or women employees from contractor to contractor for the sole purpose of meeting the contractor's or the subcontractor's utilization work hour goals.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Require	(C) Contractors and subcontractors must keep all records and file all reports, including minority and women utilization work hour reports, as required by the director of administrative services.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Prohibit	(D) Contractors and subcontractors are prohibited from using an affirmative action program to discriminate against any person on account of race, color, religion, sex or national origin.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) A contractor's or subcontractor's failure to adopt the state's affirmative action program or submit an acceptable affirmative action program shall result in the contractor or subcontractor being found to be not responsive.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority

	Prohibit	(F) A contractor's or subcontractor's failure to submit monthly utilization work hour reports shall be a basis for invoking any of the sanctions set forth in rule 123:2-7-01 of the Administrative Code.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-3-04 Development and accomplishment of affirmative action programs.</u>	Shall	(A)(1)...The development of the utilization work hour goals shall include an analysis of all trades employed by the contractor and/or subcontractor within the last year, an explanation of problem areas inherent in minority employment and an evaluation of minority underutilization in all trades. To determine where minorities are underutilized in any trade, the contractor or subcontractor shall consider the following factors:...	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) The contractor's and subcontractor's affirmative action program must include the separate utilization work hour goal for women contained in rule 123:2-3-05 of the Administrative Code.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must	(C) Contractors and subcontractors must submit for approval, contractor and/or subcontractor developed affirmative action programs to the contracting agency....	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must	(D) Contractors and subcontractors (D) Contractors and subcontractors must maintain all data applicable to the development of the contractor's or subcontractor's affirmative action program. maintain all data applicable to the development of the contractor's or subcontractor's affirmative action program.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Each state-involved contractor shall include in his/her affirmative action program the information and analysis required pursuant to part IV 401-C of appendix A of rule 123:2-1-01 of the Administrative Code, in addition to female utilization requirements pursuant to the governor's "Executive Order 84-9" and this rule.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	Yes, state law	No, general rulemaking authority
<u>Rule 123:2-3-05 Required utilization analysis and goals.</u>	Require		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	Yes, state law	No, general rulemaking authority
	Require		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	Yes, federal law	No, general rulemaking authority
	Shall	(B) As required by the governor's "Executive Order 84-9," the utilization of women shall be, at a minimum, that currently in use by the federal government as of February 15, 1984. This requirement stated at 41 C.F.R. part 60-4 is 6.9 per cent utilization of women. This requirement shall remain at 6.9 per cent unless further amended by the governor in a subsequent order. This requirement shall be met by a determination of workhours utilized in the same manner as minority utilization hours are calculated.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority

	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-3-06 Certification of labor union employment policies and practices.</u>	Shall	Contractors and subcontractors shall submit with the their affirmative action programs a certification, from an authorized agent of all labor unions with which the contractor or subcontractor exchanges referrals for job applicants, stating that the union's employment policies and practices do not discriminate based upon race, color, religion, sex, or national origin. Where the contractor or subcontractor is unable to provide such certification, the contractor or subcontractor shall certify that fact and set forth what efforts were made to secure a statement and the reasons given by the labor union for failing to provide the statement.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-3-07 Review of affirmative action programs.</u>	Shall	(A) The contracting agency's compliance officer shall determine a contractor or subcontractor to be not responsive, where the contractor or subcontractor fails to adopt the state's affirmative action program or submit an acceptable affirmative action program. Notice of the compliance officer's determination must be forwarded to the contractor or subcontractor and the contracting agency's contract award office.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-5-01 Pre-award compliance review.</u>	Shall	(A)... It shall consist of a comprehensive analysis of the contractor's or subcontractor's employment policies and practices, including but not limited to, hiring, placement, training and promotion.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)...Notice of a pre-award compliance review shall be included in the invitation to bid. Where the contract is negotiated, notice of the pre-award compliance review must be provided at the beginning of negotiations.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must	(C)...Notwithstanding the foregoing, a pre-award compliance review must be conducted in conformity with the requirements of a post-award compliance review.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must	(D) Contractors or subcontractors must submit the information required for review of the contractor's or subcontractor's employment and affirmative action practices no later than ten business days after receipt of the contracting agency's request.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:2-5-02 Post-award compliance review.</u>	Shall	(A) ... It shall consist of a comprehensive analysis of the contractor's or subcontractor's employment policies and practices, including but not limited to, hiring, placement, training and promotion.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	...Post-award compliance reviews shall include evaluation of the contractor's or subcontractor's employment and affirmative action records and existing state and non-state project sites. The contractor or subcontractor shall provide at the agency's request all records and support data pertaining to the contractor's or subcontractor's employment and affirmative action practices.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	... On-site evaluations must be scheduled at a time agreeable to both the contracting agency and the contractor or subcontractor.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Notice of a post-award compliance review shall be provided in writing at least ten business days before such review.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must	(D) Corrective action programs shall remain the sole property of the contractor or subcontractor.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-5-03 Post-review report.</u>	Shall	Within ten business days of the compliance review, the compliance officer of the contracting agency shall submit to the director of administrative services a post-review report of the deficiencies, if any, found in the contractor's or subcontractor's employment and affirmative action practices.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-5-04 Conciliation and mediation.</u>	Shall	(A) Upon completion of the compliance review, a meeting shall be scheduled with the contractor or subcontractor to review the findings of the compliance review and to initiate any necessary conciliation efforts. A written account of the discussion and any conciliation agreement shall be provided to the contractor or subcontractor.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Where the contractor or subcontractor disagrees with the findings of the compliance review or is unable to comply with the conciliation agreement, further meetings shall be scheduled at the request of the contractor or subcontractor. The contracting agency shall notify the director of administrative services of all attempts for conciliation, including scheduled meetings.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority

Rule 123:2-5-04 | Conciliation agreement.

	Shall	(C) A conciliation agreement shall include the contractor's or subcontractor's specific commitment, in writing, to correct any deficiencies found during the compliance review. The commitment must include the action to be taken and the target dates for accomplishment. The time allotted shall be no longer than the minimum period necessary to correct such deficiencies....	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must	(C) A conciliation agreement shall include the contractor's or subcontractor's specific commitment, in writing, to correct any deficiencies found during the compliance review. The commitment must include the action to be taken and the target dates for accomplishment. The time allotted shall be no longer than the minimum period necessary to correct such deficiencies....	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) A conciliation agreement shall include the contractor's or subcontractor's specific commitment, in writing, to correct any deficiencies found during the compliance review. The commitment must include the action to be taken and the target dates for accomplishment. The time allotted shall be no longer than the minimum period necessary to correct such deficiencies....	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	May Not	(D) Where a compliance review indicates that a contractor or subcontractor may not be exerting good faith efforts to accomplish the goals of an affirmative action program and a conciliation agreement can not be reached, the director of administrative services shall provide the contractor or subcontractor with an opportunity for an adjudication hearing, in conformity with Chapter 119. of the Revised Code.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) Where a compliance review indicates that a contractor or subcontractor may not be exerting good faith efforts to accomplish the goals of an affirmative action program and a conciliation agreement can not be reached, the director of administrative services shall provide the contractor or subcontractor with an opportunity for an adjudication hearing, in conformity with Chapter 119. of the Revised Code.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-7-01 Adjudication hearings.</u>	Shall	(A) The director of administrative services may convene adjudication hearings to determine if any of the following sanctions shall be invoked against any contractor or subcontractor:	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Hearings shall be held before a hearing officer designated by the Director of Administrative Services. The hearing and all related matters shall be conducted in conformity with Chapter 119. of the Revised Code. Where an adjudication hearing is based in whole or in part on matters subject to a collective bargaining agreement and the contractor's or subcontractor's compliance may necessitate a revision of such agreement, any labor organization that is a signatory to such an agreement shall have the right to participate as a party.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Hearings shall be held before a hearing officer designated by the Director of Administrative Services. The hearing and all related matters shall be conducted in conformity with Chapter 119. of the Revised Code. Where an adjudication hearing is based in whole or in part on matters subject to a collective bargaining agreement and the contractor's or subcontractor's compliance may necessitate a revision of such agreement, any labor organization that is a signatory to such an agreement shall have the right to participate as a party.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	Yes, state law	No, general rulemaking authority
	Shall	(B) Hearings shall be held before a hearing officer designated by the Director of Administrative Services. The hearing and all related matters shall be conducted in conformity with Chapter 119. of the Revised Code. Where an adjudication hearing is based in whole or in part on matters subject to a collective bargaining agreement and the contractor's or subcontractor's compliance may necessitate a revision of such agreement, any labor organization that is a signatory to such an agreement shall have the right to participate as a party.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	May Not	(C) Existing contracts may not be cancelled, suspended or terminated unless the contractor or subcontractor is provided the opportunity for an adjudication hearing.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) Where the director of administrative services seeks to find a contractor or subcontractor ineligible for future contract awards or extensions or modifications of existing contracts, or seeks to cancel, suspend, or terminate a contract in whole or in part, notice of the proposed sanction, signed by the director shall be sent to the last known address of the contractor or	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:2-7-02 Notice of proposed sanction.</u>	Shall	NOTICE SHALL BE SENT TO THE LAST KNOWN ADDRESS OF THE CONTRACTOR OR subcontractor. The notice shall contain a concise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the imposition of sanction, an enumeration of the sanctions being requested, and a citation of the provision of law pursuant to which the requested action may be taken.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) The contractor or subcontractor shall be provided at least thirty days from receipt of the notice of proposed sanction to file an answer and a request for an adjudication hearing. The answer shall admit or deny specifically the matters set forth in each allegation of the notice unless the contractor or subcontractor is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Affirmative defenses shall be specifically stated and numbered.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:2-9-01 Monthly utilization work hour reports.</u>	Shall	Contractors and subcontractors shall provide monthly utilization work hour reports for the contractor's or subcontractor's total workforce within the state of Ohio to the compliance officer of the contracting agency. The report must be filed by the tenth day of each month, beginning with the contract award and continuing until the contractor or subcontractor completes performance of the contract. A contractor's or subcontractor's failure to submit a monthly utilization work hour report shall be a basis for invoking any of the sanctions set forth in rule 123:2-7-01 of the Administrative Code.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority	
	Shall	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority	
	Shall	...Application shall be made on the form and according to the instructions established by the state equal employment opportunity coordinator.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Require	Where the state equal employment opportunity coordinator determines that a bidder has not committed any violation of any affirmative action program with which the bidder was required to comply during the previous five years the	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority

Rule 123:2-11-01 | Certificates of compliance.

	Shall	WHICH THE BIDDER WAS REQUIRED TO COMPLY DURING THE PREVIOUS FIVE YEARS, THE COORDINATOR SHALL ISSUE A DATED CERTIFICATE OF COMPLIANCE THAT IS VALID FOR ONE HUNDRED EIGHTY DAYS.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Require	... The state equal employment opportunity coordinator may determine a bidder to have violated an affirmative action program it was required to comply with, if the coordinator determines the bidder knowingly falsified its application for a certificate of compliance or knowingly omitted information requested by the application for certificate of compliance.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Require	... The state equal employment opportunity coordinator may determine a bidder to have violated an affirmative action program it was required to comply with, if the coordinator determines the bidder knowingly falsified its application for a certificate of compliance or knowingly omitted information requested by the application for certificate of compliance.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	Where an owner referred to section 153.01 of the Revised Code is authorized to dispense with normal competitive bidding procedures due to an emergency situation requiring immediate redress, the owner shall notify the state equal employment opportunity coordinator of the contractor chosen to complete the emergency work. The owner shall also notify the contractor of its obligation to submit an application for a certificate of compliance with affirmative action programs to the state equal employment opportunity coordinator as soon as possible.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Shall	Where the nature of the emergency requires the contractor to begin work before the state equal employment opportunity coordinator has completed review of the contractor's application, the contractor must contact the state equal employment opportunity coordinator and provide adequate assurance that it has not committed any violation of any affirmative action program with which the contractor was required to comply during the previous five years. ...	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Must	Where the nature of the emergency requires the contractor to begin work before the state equal employment opportunity coordinator has completed review of the contractor's application, the contractor must contact the state equal employment opportunity coordinator and provide adequate assurance that it has not committed any violation of any affirmative action program with which the contractor was required to comply during the previous five years. ...	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Require	Where the nature of the emergency requires the contractor to begin work before the state equal employment opportunity coordinator has completed review of the contractor's application, the contractor must contact the state equal employment opportunity coordinator and provide adequate assurance that it has not committed any violation of any affirmative action program with which the contractor was required to comply during the previous five years. ...	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Require	...The state equal employment opportunity coordinator may determine a bidder to have violated an affirmative action program it was required to comply with, if the coordinator determines the bidder knowingly falsified its application for a certificate of compliance or knowingly omitted information requested by the application for certificate of compliance.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 153.08, 153.59, 153.591	No, general rulemaking authority	No, general rulemaking authority
	Require	(A)(3)(d) Facilitate the submission of an electronic record with an electronic signature required or accepted by a state agency; or	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
	Require	(C)(2) This rule establishes an overarching security procedure that requires state agencies to:	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
	Must	(D)(1) For each set of similar electronic transactions, state agencies must complete an electronic transaction report before acquiring or implementing electronic signatures, transactions or related technology. Agencies must	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority

Must	complete and update electronic transaction reports on forms provided by OIT at http://das.ohio.gov/Divisions/InformationTechnology/OhioStatutesandAdministrativeRules.aspx . Agencies must maintain electronic transaction reports for as long as the electronic records of the electronic transaction are retained in accordance with that agency's record retention schedule.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must	(D)(2) Each electronic transaction report must include:	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Require	(D)(2)(d) A determination of the security level required for the electronic transaction set per the transaction risk assessment;	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must	(D)(2)(f) A list of documented agency security policies for physical, network and computer security. These documents must be clearly referenced and maintained on file and available for audit.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must	(D)(3) State agencies must update electronic transaction reports to accurately reflect changes in the electronic transaction's associated risk, technology or security procedures. If the state agency determines that due to these changes in risk, technology or security procedures, the electronic transaction does not conform to the minimum technology standard for the level of security identified in the transaction risk assessment, the state agency must modify the risk, technologies or procedures to bring the electronic transaction into compliance with this rule or the state agency shall seek a waiver from OIT.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must	(F)(1) As part of the agency report, agencies must complete an assessment of the transaction risk for the use of the set of similar electronic transactions. The transaction risk assessment identifies the appropriate security level by analyzing the impact of a security breach and the probability of attempt to breach security.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Shall	(F)(2) In determining the potential impact of a security breach, state agencies shall consider the:	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must	(G) Security procedures appropriate for security levels. Each electronic transaction set must conform to the minimum security procedures including technology standards for the level of security identified in the transaction risk assessment. ...	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must	(G)(1) For any transaction used at levels B, C, or D or any level A transaction involving confidential data or a monetary transfer, the transmission of user-IDs and passwords must be encrypted using secure sockets layer or equivalent encryption when transmitted over the Internet.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Shall	(G)(2) Level A: Under this level of security, state agencies may use any technological means for processing these sets of electronic transactions and providing assurance of authentication, nonrepudiation and integrity. State agencies shall document level A electronic transaction sets per paragraph (D)(1) of this rule.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority

Rule 123:3-1-01 | Use of electronic signatures and records.

Must	(G)(3) Level B: Level B electronic transactions must use at a minimum one of the following two security procedures for authentication: (a) a unique user-ID and an alphanumeric password consisting of at least eight characters, or (b) a smartcard or physical device with a unique proprietary password as an alternative. State agencies documenting level B electronic transaction sets per paragraph (D)(1) of this rule must describe in the electronic transaction report the authentication process including information of the initial registration process and the means used to prove the identity of persons registering to use electronic transactions.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must	(G)(4) Level C: Under level C security, state agencies must submit the electronic transaction report to OIT and shall not use the electronic transaction until OIT approves the electronic transaction as being in compliance with this rule. State agencies must use digital certificates subject to paragraph (G)(4)(a) of this rule for these electronic transaction sets or the alternative in paragraph (G)(4)(b) of this rule.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Shall Not		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Require	(G)(4)(a) Digital certificates used for electronic signatures require a significant infrastructure known as public key infrastructure (PKI).... Pursuant to section 1306.21 of the Revised Code, when OIT determines that a PKI implementation is feasible, OIT may require the use of a common PKI by state agencies.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Require	(G)(4)(a)(i) OIT may make a state PKI available for use by the general assembly, any legislative agency, local governments, the supreme court, the other courts of record in this state or any judicial agency. These agencies are not required to use a state PKI.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must	(G)(4)(b)...State agencies seeking approval of electronic transaction sets using this alternative must provide a description of the authentication process including information on the initial registration process and the means used to prove the identity of persons registering to use electronic transactions. OIT may require that state agencies use a common multi-agency smartcard or physical device infrastructure.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(G)(5) Level D: For level D electronic transactions, state agencies must submit the electronic transaction report to OIT and shall not use the electronic transaction until OIT approves the electronic transaction as being in compliance with this rule. State agencies must use a digital certificate issued under a PKI approved by OIT in combination with a unique user-ID and an alphanumeric password consisting of at least eight characters and a smartcard or physical device or biometric. Like level C security, OIT may require state agencies use a common multi-agency infrastructure. Any state agency using a biometric must establish security policies to provide a high degree of	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority

Must	Biometric must establish security policies to provide a high degree of assurance of the integrity and, if applicable, confidentiality of the biometric information. Agencies subject to policies issued under section 125.18 of the Revised Code shall conform with any OIT policies and standards published at http://das.ohio.gov/Divisions/InformationTechnology.aspx for security, interoperability and need. While state agencies may use higher levels of security than required by the transaction risk assessment, for biometrics, a state agency seeking to implement the use of biometrics must provide a justification to OIT.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	Yes, state law	Yes, state law
Require		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Require	(H) Required policies. State agencies must establish documented policies and procedures that provide reasonable assurance of the authenticity of electronic signatures, the nonrepudiation of the records by the signatories and the integrity of the electronically signed records.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Require	(I) Interface requirements. When at any time during an electronic transaction a state agency requires a signature or is conducting a financial transaction, the state agency must require a separate and distinct action on the part of the person conducting the transaction for financial transactions and each signature. The separate and distinct action must be clearly marked as indicating an intent to complete a financial transaction or electronically sign a writing.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must	(J) Records retention requirements. State agencies' records retention practices must assure nonrepudiation, integrity and continued access to the electronic record.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Must	(K)(2)...The justification must show that the proposed alternative security technology and procedures provide authentication, nonrepudiation and integrity and do not compromise the level of security as determined by paragraphs (F) and (G) of this rule.	Promulgated Under: 111.15 Authorized by: 1306.21 Amplifies: 1306.21	No, general rulemaking authority	No, general rulemaking authority
Shall	(G) "Biobased Content" shall be determined based on the amount of biobased carbon in the material or product as a percentage of weight (mass) of the total organic carbon in the material or product.	Promulgated Under: 119.03 Authorized by: 9.318, 125.035, 125.08, 125.082 Amplifies: 9.318, 125.01, 125.035, 125.08, 125.082, 125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority

Rule 125.5-1-01 | Definitions.

	Shall	(W) "Ohio products" means products that are mined, excavated, produced, manufactured, raised, or grown in the state by a person where the input of Ohio products, labor, skill, or other services constitutes no less than twenty-five per cent of the manufactured cost. With respect to mined products, such products shall be mined or excavated in this state.	Promulgated Under: 119.03 Authorized by: 9.318, 125.035, 125.08, 125.082 Amplifies: 9.318, 125.01, 125.035, 125.08, 125.082, 125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 125.5-1-03 Permit to make purchases when impractical through the department.</u>	Shall	(A) No state agency other than those excepted in sections 125.02, 125.04 and 125.041 of the Revised Code shall procure or purchase any supplies or services, except in accordance with sections 125.035 and 125.05 of the Revised Code . When the department of administrative services determines that it is not possible or not advantageous for the department to make the purchase, the department shall grant the agency a release and permit to make the purchase. ...	Promulgated Under: 119.03 Authorized by: 125.02, 125.04 Amplifies:125.02, 125.04, 125.041, 125.05, 126.061	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.04 Amplifies:125.02, 125.04, 125.041, 125.05, 126.061	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under: 119.03 Authorized by: 125.02, 125.04 Amplifies:125.02, 125.04, 125.041, 125.05, 126.061	No, general rulemaking authority	No, general rulemaking authority
	Must	(B) An agency shall not proceed with the purchase until the department has granted a specific release and permit or the purchase is covered by a blanket release and permit. Whenever a release and permit has been granted, the requesting agency must purchase the products, supplies, and/or services in a competitive manner and with controlling board approval unless the controlling board determines that such approval is not required .	Promulgated Under: 119.03 Authorized by: 125.02, 125.04 Amplifies:125.02, 125.04, 125.041, 125.05, 126.061	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under: 119.03 Authorized by: 125.02, 125.04 Amplifies:125.02, 125.04, 125.041, 125.05, 126.061	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)...The report shall be filed within ninety days after the declaration expires. The emergency procurement shall be limited to those products, supplies, and/or services necessary to resolve the emergency.	Promulgated Under: 119.03 Authorized by: 125.02, 125.04 Amplifies:125.02, 125.04, 125.041, 125.05, 126.061	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.04 Amplifies:125.02, 125.04, 125.041, 125.05, 126.061	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(1) Bids will first be evaluated to determine whether a bid response is for a domestic source end product. Information furnished in the bid response by the bidder shall be relied upon but may be verified in making the determination....	Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority

Rule 123:5-1-06 | Implementation of domestic, Ohio bid preference.

Shall	(A)(2) Following the determination at paragraph (A)(1) of this rule, the bids shall be evaluated so as to give preference to Ohio bids for products produced or mined in Ohio or a border state. If the Ohio bid preference is determined to be applied then the preferences under rules 123:5-1-14 and 123:5-1-16 of the Administrative Code shall not be applied. Where the preliminary analysis of bids identifies the apparent low bid as an Ohio bid or a border state bid, the director or the director's designee shall proceed with evaluation and award procedure provided for in rule 123:5-1-07 of the Administrative Code.	Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall Not		Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(A)(3) Where the preliminary analysis identifies the apparent low bid as one other than an Ohio bid or border state bid, the director or the director's designee shall apply the following preferences:	Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(A)(3)(a)...For purposes of the Ohio preference, "excessive price" shall be construed to mean a price that exceeds by more than five per cent the lowest price submitted on a non-Ohio bid.	Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(4) After application of the preferences in paragraph (A)(3) of this rule, where the director or the director's designee determines that selection of the lowest Ohio bid will not result in an excessive price or a disproportionately inferior product or service, the director or the director's designee shall propose a contract award to the lowest responsible and responsive Ohio bid at the bid price quoted. Where, otherwise, the director determines it is advantageous to propose the award of contract to other than an Ohio bid or border state bid, the director shall propose same. The final contract award shall be made following further evaluation and award under rule 123:5-1-07 of the Administrative Code. The director or the director's designee shall at all times reserve the right to reject all bids, award partial bids and rebid if it is deemed in the best interest of the state to do so.	Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(B) ...All invitations to bid shall require the bidder to complete and attest to the following statement:	Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)...All invitations to bid shall require the bidder to submit the following information:	Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
Require		Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)...The department shall indicate in all its invitations to bid whether it will apply a bid preference as outlined herein in the evaluation and award of bids received.	Promulgated Under: 119.03 Authorized by: 125.09 Amplifies:125.09, 125.11	No, general rulemaking authority	No, general rulemaking authority

	Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(1) The department shall post all invitations to bid on the department's website or eProcurement solution. All invitations to bid shall state the date and time by which bidder responses must be received by the department, and the date and time the bids will be opened.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)(2) For ITBs set aside pursuant to section 125.081 of the Revised Code, the invitation to bid shall be posted on the departments website or eProcurement solution, and shall be sent electronically to the last known email address of those competing persons whose names appear on the certified minority business enterprise listing maintained by the department.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(1)...Notice of pre-bid conferences shall be provided on the department's website or eProcurement solution.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C)(2) Bid conferences may be conducted after issuance of the ITB to explain the procurement requirements. Notice of a bid conference shall be provided on the department's website or eProcurement solution. Nothing stated at the	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority

Shall	On the department's website or eProcurement solution. Nothing stated at the bid conference shall change the ITB unless a change is made by written amendment.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(D) Amendments to the ITB shall reference the portions of the ITB it changes and shall be posted on the departments website or eProcurement solution. Amendments shall be posted within a reasonable time to allow prospective bidders to prepare bid responses. ...	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(E) The department shall consider the following upon receipt of a bid response:	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(E)(1) Upon receipt, each bid response shall be time and date stamped but not opened and shall be stored in a secure place until the time and date set for bid opening.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority

Rule 123:5-1-07 | The invitation to bid process.

Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(E)(2) All timely bid responses shall be opened at the time, date, and place designated in the ITB. Pursuant to section 9.28 of the Revised Code , opened bid responses shall not be available for public inspection until the department announces the award of a contract based on the competitive solicitation. As set forth in paragraph (E)(3) of this rule, material designated by the bidder as a confidential trade secret shall accompany the bid and shall be readily separable from the bid response in order to facilitate public inspection of the non-confidential portion of the bid response. Prices, makes, model, catalog numbers of the items offered, deliveries, and terms of payment shall be available for public inspection pursuant to section 9.28 of the Revised Code regardless of any designation to the contrary.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	Yes, state law	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	Yes, state law	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Must	(E)(3) Any requests by the bidder for nondisclosure of trade secrets or assertions by the bidder that information in its proposal or the entire	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority

Shall	assertions by the bidder that information in its proposal, or the entire proposal, is a trade secret shall be examined by the department to determine the validity of the request or assertion. Bidder requests or assertions must be in writing. If the department and bidder do not agree upon the information identified or asserted as a trade secret, the bidder shall be informed in writing by the department regarding what portions of the proposal shall be disclosed. ... Bid responses shall be open to public inspection, excluding trade secrets agreed upon by the department and bidder, upon award of a contract.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(F)...When deemed as late, a bid response, modification, or withdrawal shall be marked as "late", remain sealed and shall be retained in the bid file.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
May Not	(G)(1)...If the mistake is attributable to an error in judgment, the bid response may not be corrected....	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(H) The department of administrative services may award a contract in whole or in part to one or multiple bidders. Notice of any potential partial and/or multiple bidder award shall be provided in the ITB.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority

Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(J) Notice of award shall be provided to the successful bidder. An apparent low bidder found not to be responsive and responsible shall be notified of that finding and the reasons for it pursuant to section 9.312 of the Revised Code. Notice of award shall be posted on the department's website or eProcurement solution.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 9.312, 125.02, 125.07, 125.08, 125.081, 125.09, 125.10, 125.11	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)...Offerors shall be accorded fair and equal treatment in any clarification and/or correction and/or negotiation process.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall	(C) The department shall post all requests for proposals on the department's website or eProcurement solution. All requests for proposals shall state the date and time by which the proposal must be received by the department, and the date and time proposals will be opened.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(1)...Notice of conferences shall be provided on the department's website or eProcurement solution.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(2) Conferences may be conducted after issuance of the RFP to explain the procurement requirements. notice of a conference shall be provided on the department's website or eProcurement solution. nothing stated at the conference shall change the RFP unless a change is made by written amendment.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority

Rule 123:5-1-08 | The request for proposal process.

Shall	(E) The department shall consider the following upon receipt of a proposal:	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall	(E)(1) Upon receipt, each proposal shall be time and date stamped but not opened and shall be stored in a secure place until the time and date set for the proposals opening.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(2) All timely bid responses shall be opened at the time, date, and place designated in the RFP. Pursuant to section 9.28 of the Revised Code, opened proposals shall not be available for public inspection until the department announces the award of a contract based on the competitive solicitation. As set forth in paragraph (E)(3) of this rule, material designated by the bidder as a confidential trade secret shall accompany the bid and shall be readily separable from the bid response in order to facilitate public inspection of the non-confidential portion of the proposal. Prices, makes, model, catalog numbers of the items offered, deliveries, and terms of payment shall be available for public inspection pursuant to section 9.28 of the Revised Code regardless of any designation to the contrary.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	Yes, state law	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	Yes, state law	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Must	(3) Any requests by the offerors for nondisclosure of trade secrets or assertions by the offeror that information in its proposal, or the entire proposal, is a trade secret shall be examined by the department to determine the validity of the request or assertion. Offeror requests or assertions must be in writing. If the department and offeror do not agree upon the information identified or asserted as a trade secret, the offeror shall be informed in writing by the department regarding what portions of the proposal shall be disclosed.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority

Shall	The offeror may withdraw its proposal at any time prior to award of a contract. proposals shall be open to public inspection, excluding trade secrets agreed upon by the department and offeror, upon award of a contract.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(G)...Notice of any potential partial and/or multiple party award(s) shall be provided in the RFP.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall	(H) Notice of an award shall be provided to the successful offeror. Notice of an award shall be posted on the department's website or eProcurement solution.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09, 125.11 Amplifies: 125.02, 125.021, 125.05	No, general rulemaking authority	No, general rulemaking authority
Shall	(A) The department of administrative services shall have authority to prepare specifications for procurement of products, supplies, and/or services.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
May Not	(C)...Such contractor may not provide a response or proposal for which the contractor prepared specifications....	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Must	(D) A specification is a description of the products, supplies, and/or services that is to be purchased and what the bidder or offeror must be responsive to in order to be considered for an award of a contract. ...	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Shall Not	(E) A specification shall not include such items as the contract terms and conditions, a requirement for time or place of bid or proposal opening, time of delivery, payment, liquidated damages, or qualification of bidders.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Must	(F)...A design specification must include specific details of how the item is to be manufactured to meet the needs of the agency and may include engineering plans, drawings, or blueprints.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Require	(G) A performance specification may be used to describe the general performance characteristics required to achieve an end result or desired	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority

Rule 123:5-1-10 | Specification authority.

	Require	outcome. A performance specification does not require the bidder or offeror to comply with specific design requirements.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
	Require	(H) A combination specification may be used when it is necessary to incorporate, to the extent practicable, attributes of both design and performance specifications to meet the required need.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
	Require	(I)... Use of a brand name or approved equal specification requires a minimum of two manufacturers to be considered as competition....	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
	Must	(J)... A QPL may be used when time does not permit development of a specification or when it is determined to be in the best interest of the state to use a QPL. A minimum of two manufacturers of equivalent products, supplies, or services must be solicited for inclusion on a QPL....Use of a QPL requires prior approval from the department.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
	Require	(K)(4) A minimum of two qualified authorized distributors are available to provide the required brand specific supply or service. If such are not available, purchases must be completed pursuant to section 127.16 of the Revised Code .	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
	REquire		Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	Yes, state law	No, general rulemaking authority
	Must		Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(1) Subject to the system of preferences set forth in this rule, contracts for the purchase of all equipment, materials, supplies, or insurance (or for only those classes of contracts the jurisdiction so designates) shall be awarded to the lowest responsive and responsible bidder. (A jurisdiction whose statutory award criteria is not "lowest responsive and responsible" should use the award criteria statutorily assigned to it.)	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(2) Prior to awarding such a contract, the county, township, or municipality shall evaluate the bids received to determine whether a bid response is for a domestic source end product. Information furnished in the bid response shall be relied upon but may be verified in making the determination.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority

Rule 123:5-1-11 | Model system of preference.

Shall	(B)(1) Following the determination at paragraph (A) of this rule, the bids shall be evaluated so as to give preference to Ohio bids for products produced or mine in Ohio or a border state.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)(2) Where the preliminary analysis of bids identifies the apparent low bid as an Ohio bid or a border state bid, the county, township, or municipality shall proceed with evaluation and award procedure. Where the preliminary analysis identifies the apparent low bid as one other than an Ohio bid or a border state bid, the county, township, or municipality shall apply the following preferences:	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)(2)(a) ... For purposes of the Ohio preference, "excessive price" shall be construed to mean a price that exceeds by more than five per cent the lowest price submitted on a non-Ohio bid.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)(3) Where the preliminary analysis of bids identifies the apparent low bid as an Ohio bid or a border state bid, the county, township, or municipality shall proceed with its standard contract award practices and procedures. Where the preliminary analysis identifies the apparent low bid as one other than an Ohio bid or border state bid, the county, township, or municipality shall consider the following factors:	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)(4) Where the county, township, or municipality determines that selection of the lowest Ohio bid, if any, will not result in an excessive price or disproportionately inferior product or service, the county, township, or municipality shall propose a contract award to the low Ohio bid at the bid price quoted.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)(5) Where the county, township, or municipality otherwise determines it is advantageous to propose the award of a contract to other than an Ohio bidder or bidder from a border state, the county, township, or municipality shall propose such an award.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(B)(6) Prior to the final contract award, the county, township, or municipality shall conduct its evaluation procedures (e.g., product compliance with bid specifications) in addition to the Buy American Act and Buy Ohio Act analyses.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)(1) Notice of domestic Ohio bid. The county, township, or municipality shall indicate in all its invitations to bid that it will apply a domestic Ohio bid preference as outlined in this rule in the evaluation and award of bids received.	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(C)(2) All invitations to bid and requests for proposals shall require the bidder	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority

Require	to complete and attest to the following "Buy American Act certificate":	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Require	(C)(3) All bidders shall submit the following information:	Promulgated Under: 119.03 Authorized by: 125.02, 125.09 Amplifies: 125.02, 125.09	No, general rulemaking authority	No, general rulemaking authority
Shall	(B) The department shall post all invitations to bid by reverse auction on the department's website or eProcurement solution. All invitations to bid by reverse auction shall state the date and time by which bidder qualifications summaries must be received by the department, and the date and time the summaries will be opened.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(C) Amendments to the ITB shall reference the portions of the ITB it changes and shall be posted on the department's website or eProcurement solution. Amendments shall be posted within a reasonable time to allow prospective bidders to prepare bid responses. ...	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(D) The department shall consider the following upon receipt of a qualifications summary response:	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(1) Upon receipt, each qualifications summary response shall be time and date stamped but not opened and shall be stored in a secure place until the time and date set for the opening of qualifications summaries.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(2) Qualifications summary responses shall be opened so as to avoid disclosure of contents to competing offerors....	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(3) All timely submitted qualifications summary responses shall be opened by the department at the time, date, and place designated in the ITB.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(4) To the extent the bidder designates trade secrets to be confidential, material so designated shall accompany the qualifications summary response and shall be readily separable from the qualifications summary response to	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority

Rule 123:5-1-12 | The reverse auction process.

Shall	facilitate public inspection of the non-confidential portion of the qualifications summary response. Any requests by a bidder for nondisclosure of trade secrets or assertions by the bidder that information in its qualifications summary is a trade secret shall be examined by the department to determine the validity of the request or assertion. Bidder requests or assertions must be in writing. If the department and bidder do not agree upon the information identified or asserted as a trade secret, the bidder shall be informed in writing by the department regarding what portions of the qualifications summary shall be disclosed. The bidder may withdraw its qualifications summary at any time prior to the completion of the auction event. The qualifications summary, shall be open to public inspection, excluding trade secrets agreed upon by the department and bidder, upon award of a contract.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Must		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(D)(5) The signature of the bidder on the qualifications summary shall serve as the signature for the entire bid response. The qualifications summary shall include the names and contact information of the persons who will serve as the authorized representatives of the bidder during the auction event.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(E)...When deemed as late, a qualifications summary, response, or modification shall be marked as "late", remain sealed and shall be retained in the bid file.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall		Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(F)(1) Correction or withdrawal of a bid response may be permitted due to an inadvertent mistake. If the mistake is attributable to an error in judgment, the bid response may not be corrected. Bid correction or withdrawal by reason of an inadvertent mistake is permissible but only if it does not affect the amount of the bid response or otherwise gives the bidder a competitive advantage.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(H) The department shall provide written notice to each bidder through electronic means regarding the bidder's inclusion or exclusion from the qualified bidders list.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(I) The department or its agent shall work with the qualified bidders to prepare for the auction event. ...	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Must	(J)(6) Bids must be submitted by, or under the direction of, an authorized representative of the bidder as designated in the qualifications summary.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
Shall	(J)(7)...Specific procedures on time extension shall be contained in the event qualification summary.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority

	Shall	(M) Notice of award shall be provided to the successful bidder. An apparent low bidder found not to be responsive and responsible shall be notified of that finding and the reasons for it pursuant to section 9.312 of the Revised Code . Notice of award shall be posted on the department's website or eProcurement solution.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032 Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032 Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
	Shall	(M) Notice of award shall be provided to the successful bidder. An apparent low bidder found not to be responsive and responsible shall be notified of that finding and the reasons for it pursuant to section 9.312 of the Revised Code . Notice of award shall be posted on the department's website or eProcurement solution.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032 Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032 Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
	Shall	(M) Notice of award shall be provided to the successful bidder. An apparent low bidder found not to be responsive and responsible shall be notified of that finding and the reasons for it pursuant to section 9.312 of the Revised Code . Notice of award shall be posted on the department's website or eProcurement solution.	Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032 Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032 Promulgated Under: 119.03 Authorized by: 125.072 Amplifies: 125.072, 119.032	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:5-1-13 Biobased products bid preference policy.</u>	Must	(A) The department of administrative services, other state agencies and state institutions of higher education must procure biobased products that fall within the designated item categories list in the current version of the catalog compiled by the United States department of agriculture and maintained by the department of administrative services on its website. State agencies must procure equipment, materials, and supplies in accordance with procedures set forth in rule 123:5-1-14 of the Administrative Code .	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	No, general rulemaking authority	No, general rulemaking authority
	Must	(A) The department of administrative services, other state agencies and state institutions of higher education must procure biobased products that fall within the designated item categories list in the current version of the catalog compiled by the United States department of agriculture and maintained by the department of administrative services on its website. State agencies must procure equipment, materials, and supplies in accordance with procedures set forth in rule 123:5-1-14 of the Administrative Code .	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	Yes, state law	No, general rulemaking authority
<u>Rule 123:5-1-14 Biobased products bid preference program procedure.</u>	Shall	(C) As applicable, when purchasing equipment, materials or supplies, first consideration must be given to the availability of such items in accordance with sections 5147.01 to 5147.26 (Ohio penal industries) or sections 125.60 to 125.6012 (community rehabilitation program) of the Revised Code . If both biobased and non-biobased products are available from these sources, state agencies shall consider purchasing the biobased product.	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	Yes, state law	No, general rulemaking authority
	Shall	(C) As applicable, when purchasing equipment, materials or supplies, first consideration must be given to the availability of such items in accordance with sections 5147.01 to 5147.26 (Ohio penal industries) or sections 125.60 to 125.6012 (community rehabilitation program) of the Revised Code . If both biobased and non-biobased products are available from these sources, state agencies shall consider purchasing the biobased product.	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	No, general rulemaking authority	No, general rulemaking authority
	Require	(D)...This procedure is not required when the request for proposal or invitation to bid specifies that only a biobased product will be considered for award of a contract.	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) The bids or proposals containing biobased products shall be reviewed to determine the following:	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	No, general rulemaking authority	No, general rulemaking authority
	Shall	(F)...The information furnished by the bidder or offeror as provided for in paragraph (E) of this rule shall be solely relied upon in making the award.	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	No, general rulemaking authority	No, general rulemaking authority
	Shall	(I)(3)...Where the preliminary analysis identifies the apparent low bid as one other than a bid offering biobased products, the director or the director's designee shall apply the following preferences:	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	No, general rulemaking authority	No, general rulemaking authority
	Must	(I)(3)(a)... If the biobased products bid preference is determined to be applied then the preferences under paragraphs (A)(2) to (A)(4) of rule 123:5-1-06 and under rule 123:5-1-16 of the Administrative Code shall not be applied.	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:5-1-15 Bidder or offeror</u>	Shall	(A) All invitations to bid and requests for proposals shall require the bidder or	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	No, general rulemaking authority	No, general rulemaking authority

<u>certification.</u>	Require	offeror to complete and attest the following:	Promulgated Under: 119.03 Authorized by: 125.092 (E) Amplifies: 125.091, 125.092	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:5-1-17 First and second requisite procurement program.</u>	Shall	(B)(1) All state agencies wanting to purchase products, supplies, and/or services shall follow all policies and procedures established by the department of administrative services including, but not limited to, requisite procurement programs.	Promulgated Under: 119.03 Authorized by: 125.035 Amplifies: 125.035	No, general rulemaking authority	No, general rulemaking authority
	Require	(B)(3) All state agencies are required to comply with sections 125.609 and 5147.07 of the Revised Code for the purchase of products, supplies, and/or services regardless of purchase price.	Promulgated Under: 119.03 Authorized by: 125.035 Amplifies: 125.035	Yes, state law	No, general rulemaking authority
	Shall	(C) The department of administrative services shall serve as a guide and resource for state agencies through the state procurement process as required by Chapter 125. of the Revised Code and this chapter of the Administrative Code.	Promulgated Under: 119.03 Authorized by: 125.035 Amplifies: 125.035	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under: 119.03 Authorized by: 125.035 Amplifies: 125.035	Yes, state law	No, general rulemaking authority
	Shall	(D)...When the department provides explanation for further delay, the requesting agency shall supply the department with any additional information requested. Upon receipt of additional information, the department shall respond to the requesting agency with a determination or a subsequent request for additional information within two business days.	Promulgated Under: 119.03 Authorized by: 125.035 Amplifies: 125.035	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) In making the determination of whether or not a first requisite procurement program can fulfill the goods or services being requested, the department of administrative services shall attempt to make contact with both the Ohio penal industries and the office of community rehabilitation programs.	Promulgated Under: 119.03 Authorized by: 125.035 Amplifies: 125.035	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.035 Amplifies: 125.035	No, general rulemaking authority	No, general rulemaking authority
	Shall Not	(F) If a first requisite procurement program cannot fulfill the products, supplies, and/or services being requested, the department of administrative services shall , if appropriate, make the second requisite procurement programs aware of the products, supplies, and/or services requested. The department of administrative services shall not make a final determination of whether or not a second requisite procurement program can fulfill the products, supplies, and/or services needs requested by the state agency...	Promulgated Under: 119.03 Authorized by: 125.035 Amplifies: 125.035	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:5-2-01 Disposal of excess</u>	Must	(C) When a state agency, other than the department of administrative services, disposes of its excess or surplus property, it must dispose of the property in the most cost effective and efficient manner and in accordance with policies and procedures established by the director of administrative services. State agencies must consider the following methods of disposal:	Promulgated Under: 119.03 Authorized by: 125.13 Amplifies: 125.12, 125.13, 125.14	No, general rulemaking authority	No, general rulemaking authority
	Must		Promulgated Under: 119.03 Authorized by: 125.13 Amplifies: 125.12, 125.13, 125.14	No, general rulemaking authority	No, general rulemaking authority

	Shall	(D) After complying with paragraph (A) of this rule, the department of administrative services and the state agency that disposes of its own excess or surplus property shall maintain a record of the disposition of the excess or surplus property in accordance with a proper record retention schedule.	Promulgated Under: 119.03 Authorized by: 125.13 Amplifies: 125.12, 125.13, 125.14	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) The director of administrative services shall make available in the most cost effective and efficient manner excess and surplus property that might be of use to other state agencies.	Promulgated Under: 119.03 Authorized by: 125.13 Amplifies: 125.12, 125.13, 125.14	No, general rulemaking authority	No, general rulemaking authority
Rule 123.5-3-02 Certification of a community rehabilitation program.	Shall	(A) Any community rehabilitation program seeking certification as a qualified nonprofit agency pursuant to section 125.604 of the Revised Code, shall apply to the administrator of the office. The community rehabilitation program shall make the application on a form provided by and in a manner prescribed by the office.	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	No, general rulemaking authority	No, general rulemaking authority
	Must	(B) To qualify for certification the community rehabilitation program must provide the administrator with the following:	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	No, general rulemaking authority	No, general rulemaking authority
	Must	(B)(7) ... It also must verify that:	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	No, general rulemaking authority	No, general rulemaking authority
	Must	(B)(7)(a) Direct labor provided at any work site that is separate from the community rehabilitation program's primary address, and is performed between the hours of seven a.m. and eleven p.m. must be at a cumulative annual quota of not less than sixty per cent provided by persons with work limiting disabilities.	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	No, general rulemaking authority	No, general rulemaking authority
	Require	(C) Upon receipt, review and approval of the application and other required documentation, the administrator shall certify a community rehabilitation program as a qualified nonprofit agency....	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	No, general rulemaking authority	No, general rulemaking authority
	Must	(D)...Failure to apply for recertification in a timely manner may result in the denial of recertification and the community rehabilitation program must submit a new application.	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) The administrator shall inform each community rehabilitation program of a decision of certification or recertification, in writing. If the administrator determines that a community rehabilitation program did not adequately	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	No, general rulemaking authority	No, general rulemaking authority

	Shall	demonstrate that the program met the certification requirements as set forth in this section, the administrator shall state the basis for the decision in writing to the affected community rehabilitation program.	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	No, general rulemaking authority	No, general rulemaking authority
	Require	(F)(3) The community rehabilitation program fails to timely provide the office with any reports required pursuant to rules 123:5-3-04 and 123:5-3-05 of the Administrative Code;	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604	Yes, state law	No, general rulemaking authority
<u>Rule 123:5-3-03 Certification of agents.</u>	Shall	(A) An entity seeking certification as an approved agent pursuant to section 125.605 of the Revised Code shall apply to the office of procurement from community rehabilitation programs. The entity shall make the application on a form provided and in a manner prescribed by the office.	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) The administrator shall certify the entity as an approved agent for purposes described in sections 125.60 to 125.6012 of the Revised Code , provided the entity demonstrates all of the following:	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	Yes, state law	No, general rulemaking authority
	Must	(C)...Failure to apply for recertification in a timely manner may result in the denial of recertification and the entity must submit a new application.	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) The administrator shall inform each entity of the decision of certification or recertification, in writing. ...	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Require	(F)(3) The agent fails to timely provide the office with any reports required pursuant to rules 123:5-3-04 and 123:5-3-05 of the Administrative Code;	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603	Yes, state law	No, general rulemaking authority
<u>Rule 123:5-3-04 Quarterly report.</u>	Shall	(A) Each qualified nonprofit agency and each certified agent shall file a quarterly report with the office by October fifteenth, January fifteenth, April fifteenth, and July fifteenth of each year, summarizing the procurement activity of each government ordering office with that entity for the previous quarter pursuant to the requirements set forth in sections 125.60 to 125.6012 of the Revised Code . Each certified entity shall provide the quarterly summary report on a form provided by and in a manner prescribed by the office which shall include the following as is appropriate to each entity:	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority

Shall	<p>(B) The administrator shall notify each qualified nonprofit agency and each certified agent that has not submitted a quarterly report as required by paragraph (A) of this rule that the entity has thirty days to submit the report. The administrator shall provide such notification in writing. The administrator may suspend or revoke the certification of any entity that fails to comply with the reporting requirements set forth in this rule.</p>	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority	
Require		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority	
Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.60, 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority	
<u>Rule 123:5-3-05 Annual report.</u>	Shall	<p>(B) Each certified agent, names as the contractor of record, shall file an annual report with the office by August fifteenth of each year summarizing that agent's activity for the preceding fiscal year pursuant to sections 125.60 to 125.6012 of the Revised Code. Each agent shall provide the annual report on a form provided by and in a manner prescribed by the office, and shall include the following:</p>	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603, 125.604, 125.605	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Shall	<p>(C) Each qualified nonprofit agency, certified pursuant to section 125.604 of the Revised Code, shall file an annual report with the office of procurement from community rehabilitation programs by August fifteenth of each year summarizing that qualified nonprofit agency's activity for the preceding fiscal year as related to the requirements sets forth in sections 125.60 to 125.6012 of the Revised Code. Each qualified nonprofit agency shall provide the annual report on a form provided by and in a manner prescribed by the office, and shall include the following information:</p>	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603, 125.604, 125.605	Yes, state law	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Shall	<p>(D) The administrator shall notify each certified agent and each qualified nonprofit agency that has not submitted an annual report as required by paragraphs (B) and (C) of this rule that the agent or qualified nonprofit agency has fifteen days to submit the report.</p>	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.602, 125.603 Amplifies: 125.602, 125.603	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:5-3-06 Annual meeting.</u>	Shall	(C) The administrator shall issue a written report of the activities of the annual meeting, scheduled pursuant to this section, and provide the participants of the annual meeting a copy of the report.	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603, 125.604, 125.605	No, general rulemaking authority	No, general rulemaking authority
	Require	(D) The administrator may include some or all of the results of the annual meeting in the report of the office's activities, which is required by division (A)(4) of section 125.603 of the Revised Code.	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603, 125.604, 125.605	Yes, state law	No, general rulemaking authority
<u>Rule 123:5-3-07 Release of a government ordering office from purchasing requirements.</u>	Shall	(C) The administrator may deny the request for waiver. If denied, the government ordering office may submit its request to the director of administrative services. The director's determination shall be final.	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.607, 125.609	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:5-3-08 Release from purchasing requirements for failure to perform.</u>	Shall	(B) The administrator of the office of procurement from community rehabilitation programs shall review all information provided pursuant to paragraphs (A)(1) to (A)(5) of this rule and determine whether the service provider/product producer cured the performance issues within the designated time frame. If the administrator determines that the services provider/product producer properly cured the deficiencies or failures, then the administrator shall not release the government ordering office from the purchasing requirements set forth in sections 125.60 to 125.6012 of the Revised Code. ...	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.607, 125.609	No, general rulemaking authority	No, general rulemaking authority
	Shall Not		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.603, 125.606	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:5-3-09 Updating procurement list: adding an item to the procurement list.</u>	Require	(A)(1) The requesting government ordering office, or their duly appointed designee, provides the office with detailed description of the products or services required .	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.607, 125.609	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(2) A qualified nonprofit agency or an agent representing a qualified nonprofit agency willing to provide the requested product or service, shall furnish to the office, detailed information describing other similar or same products or services currently being provided, or any other information which serves to demonstrate their current capability. Additionally, the qualified nonprofit agency or qualified nonprofit agency represented by an agent shall furnish information on how it proposes to provide the specific products or services being considered.	Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.607, 125.609	No, general rulemaking authority	No, general rulemaking authority
	Shall		Promulgated Under: 119.03 Authorized by: 125.603 Amplifies: 125.607, 125.609	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:5-3-10 Selection of qualified nonprofit agencies.</u>	Shall	(A) When more than one qualified nonprofit agency desires to provide a requested product or service to a government ordering office, the administrator shall select a qualified nonprofit agency to provide the requested product or service. The administrator can consider any of the following:	Promulgated Under: 119.03 Authorized by: 125.603, 125.603 Amplifies: 125.607	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) After the administrator selects a qualified nonprofit agency pursuant to the criteria set forth in paragraph (A) of this rule, the administrator shall inform the governmental ordering office and each of the interested qualified nonprofit agencies of the selection decision.	Promulgated Under: 119.03 Authorized by: 125.603, 125.603 Amplifies: 125.607	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:5-3-11 Authority to audit.</u>	Shall	The administrator shall have full authority to audit or cause to be audited, any contract or agreement, and all records associated with or related to those contracts or agreements, between a qualified nonprofit agency or the agent of a qualified nonprofit agency and a government ordering office or their duly appointed designee pursuant to any activity authorized by sections 125.60 to 125.6012 of the Revised Code....	Promulgated Under: 119.03 Authorized by: 125.6012 Amplifies: 125.6012	Yes, state law	No, general rulemaking authority
<u>Rule 123:5-3-12 Monitoring the purchasing activities of a government ordering office.</u>	Shall	...As part of its report of its activities, the administrator shall submit to the director of administrative services a copy of each review performed of the practices and activities of government ordering offices monitored over the past year.	Promulgated Under: 119.03 Authorized by: 125.603, 125.607, 125.6012 Amplifies: 125.603, 125.607, 125.6012	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:6-1-02 Assignment of vehicles.</u>	Shall	(A) Each state agency shall limit the size of its fleet to a number that is necessary for efficient and effective business operations. In addition, each agency shall maximize the number of motor pool vehicles within its fleet.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Each state agency shall make available its pool of motor vehicles to employees for necessary business-related travel only.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	May Not	(C) A state agency may not assign any state motor vehicle for long term regular work-related use, unless both of the following are met:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Require	(C)(1) The employee's regular work-related activities require frequent business travel; and	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Require	(C)(2) The employee's work-related activities require motor vehicle travel that exceeds the established minimum number of annual business miles as determined by the Ohio department of administrative services, pursuant to division (O) of section 125.832 of the Revised Code.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	May Not	(D) A state agency may not assign any state motor vehicle for long-term regular commuting, unless no vehicle is available in the agency's pool of motor vehicles and any of the following are met:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Require	(D)(1) The state agency requires that an employee be "on-call" twenty-four hours a day for each of the seven days of the week, in order to meet non-business hours emergency, security or public communications needs; or	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Require	(D)(2) The state employee is required to use specialized equipment that cannot be attached to an employee personal vehicle or would impractical to be transported in an employee's personal vehicle; or	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Require	(D)(3) The employee is required to travel to and from various work locations throughout the state and meets the requirements of paragraph (E) of this rule.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) The director of administrative services shall approve all assignments of	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority

	Shall	motor vehicles. Each state agency shall provide the director all necessary information regarding a request to assign a vehicle to an agency employee. The state agency shall provide the necessary information prior to assignment and on a form and in a format prescribed by the director.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832 Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall			No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:6-1-03 Mileage reimbursement payments.</u>	Shall Not	(A) A state agency shall not provide mileage reimbursement to an agency employee using the employee's own vehicle, for any mileage the employee incurs that exceeds the amount of miles in which the use of state motor vehicle is more cost effective than the reimbursement of mileage for the employee's use of the employee's own vehicle, unless all of the following are met:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B)...In addition, the department shall report the violation to the office of the governor.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:6-1-04 Delegation of authority of fleet management.</u>	Shall	(A) The department of administrative services shall manage the fleet of a state agency, including the day-to-day operations of the state agency's fleet, unless the department delegates that management to the state agency. If the department manages a state agency's fleet, whether full or partial, requiring the department to provide services other than those provided to the agency as part of the department's annual fleet administration rate, the department shall determine an additional reasonable fee to provide such additional management services, and the state agency shall timely reimburse the department that fee.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832 Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832 Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall			No, general rulemaking authority	No, general rulemaking authority
	Shall			No, general rulemaking authority	No, general rulemaking authority
	Require	(B)(2) Demonstrates, to the satisfaction of the department, the ability to use the fleet management information system, required under division (C) of section 125.832 of the Revised Code , and to generate comprehensive reports from fleet management information system on a timely basis.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	Yes, state law	No, general rulemaking authority
	Require	(B)(4) Demonstrates, to the satisfaction of the department, the ability to enter bulk-fueling data required pursuant to rule 123:6-1-08 of the Administrative Code into the fleet management information system on a timely basis.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	Yes, state law	No, general rulemaking authority
	Shall	(C) If the department of administrative services determines that a state agency demonstrated compliance with the requirements set forth in paragraph (B) of this rule, and decides to delegate the department authority to manage that agency's fleet to that agency, the department shall provide the state agency with a written delegation of authority. The department's delegation shall be for a period of not more than three years unless the department determines that the agency should lose such delegation pursuant to rule 123:6-1-05 of the Administrative Code .	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832 Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall			Yes, state law	No, general rulemaking authority

	Shall	(D) If the department of administrative services determines that a state agency has not demonstrated compliance with all of the requirements set forth in paragraph (B) of this rule, the department may grant a partial delegation of the department's authority to manage the state agency's fleet to that agency, or decide to manage fully the state agency's fleet, the department shall do the following:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Require	(2) Inform the state agency of the requirements set forth in paragraph (B) of this rule, in which the agency was deficient, and require the agency to provide a work plan detailing specific goals, tasks and time lines that will allow the state agency to receive full delegation of authority from the department.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) If the department determines to manage fully the state agency's fleet, the department shall do the following:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Require	(E)(1) Inform the state agency, in writing, of those requirements set forth in paragraph (B) of this rule, in which the agency was deficient, and require the agency to provide a work plan detailing specific goals, tasks and time lines that will allow the state agency to receive a delegation of authority from the department.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:6-1-05 Withdrawal of delegation of authority to manage fleet.</u>	Require	(A)...The department may also withdraw the department's delegation of authority to manage a state agency's fleet to that agency if that agency fails to submit all reports required for the department's fleet reporting system in a timely fashion, or for any other reason the department deems appropriate. If the department decides to withdraw the department's delegation of authority to manage a state agency's fleet to that agency, the department shall do the following:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A)(2)...The written description shall include the department's determination of reasonable fees, if any, that the department will assess the agency for the department's management of the agency's fleet.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) In order to regain authority to manage the agency's fleet, the state agency shall create a corrective work plan that addresses the deficiencies listed by the department pursuant to paragraph (A) of this rule. The work plan shall include specific goals, tasks and timelines that will allow the state agency to regain delegation of authority.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) The department of administrative services shall certify an individual as a certified fleet manager, for purposes of sections 125.83 to 123.836 of the Revised Code and this chapter, provided the individual meets all of the following:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) The department of administrative services shall establish a program to certify fleet managers for purposes of sections 125.83 to 123.836 of the Revised Code and this chapter. The certification program shall include the following:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 123:6-1-06 Fleet manager certification program.</u>	Shall	(C) The certification course of instruction described in paragraph (B)(1) of this rule shall include instruction and testing in the disciplines outlined in the department's fleet manager training manual. An applicant must receive a passing score in each course of the required disciplines to complete successfully the course instruction portion of the certification program.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Must	(C) The certification course of instruction described in paragraph (B)(1) of this rule shall include instruction and testing in the disciplines outlined in the department's fleet manager training manual. An applicant must receive a passing score in each course of the required disciplines to complete successfully the course instruction portion of the certification program.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Require	(C) The certification course of instruction described in paragraph (B)(1) of this rule shall include instruction and testing in the disciplines outlined in the department's fleet manager training manual. An applicant must receive a passing score in each course of the required disciplines to complete successfully the course instruction portion of the certification program.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Must	(D) To maintain certification, a fleet manager must comply with any continuing education requirements prescribed by the department of administrative services. In addition, the fleet manager shall perform the duties of a fleet manager in a professional manner, as determined by the department, including providing timely information to the department. Finally, the fleet manager must adhere to all provisions concerning fleet management as required in the Revised Code and the Administrative Code in order to maintain certification.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) To maintain certification, a fleet manager must comply with any continuing education requirements prescribed by the department of administrative services. In addition, the fleet manager shall perform the duties of a fleet manager in a professional manner, as determined by the department, including providing timely information to the department. Finally, the fleet manager must adhere to all provisions concerning fleet management as required in the Revised Code and the Administrative Code in order to maintain certification.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Must	(D) To maintain certification, a fleet manager must comply with any continuing education requirements prescribed by the department of administrative services. In addition, the fleet manager shall perform the duties of a fleet manager in a professional manner, as determined by the department, including providing timely information to the department. Finally, the fleet manager must adhere to all provisions concerning fleet management as required in the Revised Code and the Administrative Code in order to maintain certification.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Require	(D) To maintain certification, a fleet manager must comply with any continuing education requirements prescribed by the department of administrative services. In addition, the fleet manager shall perform the duties of a fleet manager in a professional manner, as determined by the department, including providing timely information to the department. Finally, the fleet manager must adhere to all provisions concerning fleet management as required in the Revised Code and the Administrative Code in order to maintain certification.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) All state employees operating a state motor vehicle shall use the state fleet purchasing credit card to purchase the following items for those vehicles:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:6-1-08 Fuel card purchases: bulk fuel purchases.</u>	Shall	(B) Each state agency having a motor pool shall process all payments to the state fleet purchasing credit card vendor by the electronic means specified by the department of administrative services, or by any other method approved by the department of administrative services.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) All state employees purchasing fuel from a fueling site that is not equipped with a reader that is capable of reading the state fleet purchasing credit card shall provide the following information about that purchase for monthly entry into the department's fleet management information system, established pursuant to division (C) of section 125.832 of the Revised Code:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(A) The department of administrative services shall review each request from a state agency to procure a state vehicle to determine whether the vehicle requested is the most appropriate vehicle for intended use.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:6-1-09 Appropriate vehicles.</u>	Shall	(B) Each state agency shall provide the department of administrative services the following information in the department before a vehicle is procured for that agency's fleet:	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Require	(C) Upon receiving the information required in paragraph (B) of this rule, the department of administrative services shall determine whether the requested vehicle is the most appropriate vehicle to procure for the stated intended use. If the department determines the requested vehicle is not the most appropriate vehicle to procure based on the intended use of that vehicle, the department shall inform the state agency, in writing, of the department's	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Upon receiving the information required in paragraph (B) of this rule, the department of administrative services shall determine whether the requested vehicle is the most appropriate vehicle to procure for the stated intended use. If the department determines the requested vehicle is not the most appropriate vehicle to procure based on the intended use of that vehicle, the department shall inform the state agency, in writing, of the department's	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority

	Shall	decision and provide the state agency with a list of vehicles that are appropriate for procurement, based on the intended use of that vehicle.	Promulgated Under: 119.03 Authorized by: 125.832 Amplifies: 125.832	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:6-1-10 Cost limitations: vehicles; alternative fuels.</u>	Shall	(A) The department of administrative services or a state agency shall procure only vehicles capable of using alternative fuels unless any of the following conditions apply:	Promulgated Under: 119.03 Authorized by: 125.834 Amplifies: 125.834	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) Each agency fleet manager shall provide each driver of a state vehicle, information concerning locations of stations providing alternative fuels. In addition, each agency fleet manager shall assist each driver of a state vehicle capable of using alternative fuels with route plans, if applicable, that may assist the driver to purchase alternative fuels.	Promulgated Under: 119.03 Authorized by: 125.834 Amplifies: 125.834	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) A driver of a state vehicle capable of using alternative fuels shall purchase alternative fuels for that vehicle unless the any of following conditions apply:	Promulgated Under: 119.03 Authorized by: 125.834 Amplifies: 125.834	No, general rulemaking authority	No, general rulemaking authority
	Must	(C)(1)The driver must travel more than five miles round trip from the driver's planned route to refuel the vehicle at a station that offers alternative fuel.	Promulgated Under: 119.03 Authorized by: 125.834 Amplifies: 125.834	No, general rulemaking authority	No, general rulemaking authority
	Must	(C)(2) The driver must travel more than five miles round trip from a conventional fuel station to refuel the vehicle at a station that offers alternative fuel.	Promulgated Under: 119.03 Authorized by: 125.834 Amplifies: 125.834	No, general rulemaking authority	No, general rulemaking authority
	Must	(A) An organization or non-employee which intends to solicit or distribute literature to employees must , each visit:	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 123:7-1-01 Solicitation and distribution activities by non-employees.</u>	Shall	(A)(4) If the designated areas are unavailable due to a prior reservation, then the facility administrator shall immediately notify the requesting party of such conflict.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	May Not	(C) An organization or non-employee may not distribute literature nor solicit employees in any work area, regardless of the fact that the employees are on non-working time.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(D) An organization or non-employee shall be permitted to submit notices for posting to the facility administrator. Such notices must be a reasonable size so as not to obstruct any other notices.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Shall	(E) An organization or non-employee shall be permitted to solicit or distribute literature in designated parking lots without providing advance notice.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority
	Require	(K) "Working time" - means that time when an employee's duties require that he or she be engaged in work tasks, but does not include an employee's own time, such as meal periods, vacations, time before or after a shift.	Promulgated Under: 119.03 Authorized by: 124.09 Amplifies: 124.09	No, general rulemaking authority	No, general rulemaking authority

<u>Rule 5507-1-01 Purpose.</u>	Shall	In the course of providing citizens with their most vital link to emergency response, 9-1-1 public safety answering points ("PSAP's") in the state of Ohio shall comply with technical and operational standards and recognize and promote best practices that will provide consistent, quality service by well trained personnel utilizing a high level of secure technology.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-04 Periodic review.</u>	Shall	The office of the 9-1-1 administrator, in partnership with the local 9-1-1 coordinators and PSAP managers, shall periodically review these standards and make recommendations for addition, deletion, and/or revision of these standards to the state ESINet steering committee.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-05 Minimum staffing.</u>	Must	A minimum of two telecommunicators must be on duty and available to receive and process calls at all times....	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	The PSAP shall ensure employment of a sufficient number of telecommunicators to allow for prompt receipt and processing of emergency calls in accordance with established call answering standards.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-06 Prioritization.</u>	Shall	The PSAP shall provide standard operating procedures that ensure telecommunicators prioritize emergency functions over non-emergency functions and include the following:	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-07 Minimum training standards.</u>	Shall	(A) The state ESINet steering committee shall oversee the development, implementation and revision of minimum training standards for telecommunicators who answer and process 9-1-1 requests for service in the state of Ohio and ensure they are kept up to date with industry standards....	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Any person who answers 9-1-1 requests for service shall be trained to the minimum training standards before handling such 9-1-1 requests without direct oversight.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
	Require	(D) The components of the minimum training program required are listed in this paragraph. Agencies can utilize a commercially available program that contains these components, or develop a local training program that contains the required instructional components. ...	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-08 Continuing training standards.</u>	Shall	(A) The state ESINet steering committee shall oversee the development, implementation and revision of continuing training standards for telecommunicators in the state of Ohio and ensure they are kept up to date with industry standards. ...	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	(C) Any person working in a PSAP and receiving 9-1-1 requests for service shall be required to meet the continuing training standards as follows:	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
	Require		Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-09 Emergency medical</u>	Require	(A) The PSAP is required to provide emergency dispatching either:	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority

<u>dispatching.</u>	Shall	(C) Any person who answers 9-1-1 requests for service shall be trained in the agency's emergency medical dispatching protocol before handling such requests without direct oversight.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-10 Emergency power.</u>	Shall	(A) The PSAP shall have a minimum one alternate/emergency power supply capable of supporting (maintaining) 9-1-1 call handling/processing equipment and necessary related public safety (communications) services for a minimum of twenty-four hours.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) An uninterrupted power supply (UPS) and battery system shall be installed and sufficient enough to prevent power surges and provide continuous power to essential 9-1-1 equipment until the generator or other backup power source can fully activate.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-11 Security.</u>	Shall	(A) 9-1-1 personnel and equipment shall be housed in a secure location with appropriate measures taken to allow access to authorized personnel only.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) A facility housing a 9-1-1 answering point shall have an emergency operation plan (EOP), evacuation plan and a continuity of operation plan (COOP) for the continued operation of the 9-1-1 center and its staff, each of which contemplates the response to all relevant natural and human made disasters that may strike the facility, including but not limited to power failure, fire, severe weather, building evacuations, and gas leaks....	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-12 Minimum capability.</u>	Shall	(A) A 9-1-1 answering point shall have multiple methods of notification to response agencies.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	(B) A 9-1-1 answering point shall have a minimum of two 9-1-1 "lines" and two 9-1-1 answering devices in addition to a minimum of one "line" available for outbound dialing only.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-13 Temporary PSAP.</u>	Shall	(C)...When a temporary PSAP is established for an unplanned event/emergency, mandated standards shall become best practices applicable to the temporary PSAP for the duration of the emergency.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-16 Graphical information systems.</u>	Shall	(C) The PSAP shall have the ability to electronically accept, display and plot caller location data on an electronic map display. ...	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-17 Statistical analysis.</u>	Require	(G) All other data a required by the ESINet steering committee or the state 9-1-1 administrator.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021	No, general rulemaking authority	No, general rulemaking authority
<u>Rule 5507-1-19 Rules enforcement.</u>	Must	(D) The ESINet steering committee will review the submitted plan outlined in paragraph (C) of this rule and determine a date by which the county must come into compliance.	Promulgated Under: 119.03 Authorized by: 128.021 Amplifies: 128.021, 128.57	No, general rulemaking authority	No, general rulemaking authority