

As Introduced

133rd General Assembly

Regular Session

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S. B. No. 287

Senator Schaffer

Cosponsors: Senators Sykes, Williams, Fedor

A BILL

To amend sections 9.44, 124.181, 4112.02, and
4117.10 of the Revised Code to permit state
employees to receive longevity and vacation
credit for prior military service.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.44, 124.181, 4112.02, and
4117.10 of the Revised Code be amended to read as follows:

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Sec. 9.44. (A) As used in this section, "uniformed
services" includes all of the following:

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(1) The armed forces of the United States;

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(2) The army nurse corps, navy nurse corps, red cross
nurse serving with the army, navy, air force, or hospital
service of the United States, full-time service with the
American red cross in a combat zone, and any other service as is
designated by the congress as included therein;

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(3) The commissioned corps of the national oceanic and
atmospheric administration;

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(4) The commissioned corps of the public health service;

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(5) Personnel of the Ohio national guard and the reserve 18
components of the forces in divisions (A) (1) and (2) of this 19
section who are called to active duty pursuant to an executive 20
order issued by the president of the United States or an act of 21
congress. 22

(B) (1) Except as otherwise provided in this section, a-for 23
purposes of computing the amount of an employee's vacation 24
leave: 25

(a) A person employed, other than as an elective officer, 26
by the state or any political subdivision of the state, earning 27
vacation credits currently, is entitled to have the employee's 28
prior service with any of these employers counted as service 29
with the state or any political subdivision of the state,~~for~~ 30
~~the purpose of computing the amount of the employee's vacation~~ 31
~~leave.~~ 32

(b) A person employed, other than as an elective officer, 33
by the state, earning vacation credits currently, may have up to 34
five years of the employee's prior service as a member of the 35
uniformed services counted as service with the state. A partial 36
year of service as a member of the uniformed services of eight 37
continuous months or more shall be counted as a full year of 38
service with the state. 39

(2) An employee shall submit proof to the director of 40
administrative services of the employee's prior service under 41
division (B) (1) (b) of this section within ninety days after the 42
date of the employee's hiring to have the employee's prior 43
service counted for purposes of computing vacation leave. If the 44
employee submits the proof to the director after that time, the 45
employee shall not receive any amount of vacation leave for the 46
period prior to the date of the director's approval of the grant 47

of credit for prior service.

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(3) The anniversary date of employment for the purpose of
computing the amount of ~~the~~ an employee's vacation leave, unless
deferred pursuant to the appropriate law, ordinance, or
regulation, is the anniversary date of such prior service.

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~~(B)~~ (C) To determine prior service for the purpose of
computing the amount of vacation leave for a person initially
employed on or after July 5, 1987, by:

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(1) A municipal corporation, the person shall have only
prior service within that municipal corporation counted;

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(2) A township, the person shall have only prior service
with a township counted.

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~~(C)~~ (D) An employee who has retired in accordance with the
provisions of any retirement plan offered by the state and who
is employed by the state or any political subdivision of the
state on or after June 24, 1987, shall not have prior service
with the state, any political subdivision of the state, or a
regional council of government established in accordance with
Chapter 167. of the Revised Code counted for the purpose of
computing vacation leave.

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Sec. 124.181. (A) Except as provided in divisions (M) and
(P) of this section, any employee paid in accordance with
schedule B of section 124.15 or schedule E-1 of section 124.152
of the Revised Code is eligible for the pay supplements provided
in this section upon application by the appointing authority
substantiating the employee's qualifications for the supplement
and with the approval of the director of administrative services
except as provided in division (E) of this section.

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(B) (1) In computing any of the pay supplements provided in

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this section for an employee paid in accordance with schedule B 77
of section 124.15 of the Revised Code, the classification salary 78
base shall be the minimum hourly rate of the pay range, provided 79
in that section, in which the employee is assigned at the time 80
of computation. 81

(2) In computing any of the pay supplements provided in 82
this section for an employee paid in accordance with schedule E- 83
1 of section 124.152 of the Revised Code, the classification 84
salary base shall be the minimum hourly rate of the pay range, 85
provided in that section, in which the employee is assigned at 86
the time of computation. 87

(C) The effective date of any pay supplement, except as 88
provided in section 124.183 of the Revised Code or unless 89
otherwise provided in this section, shall be determined by the 90
director. 91

(D) The director shall, by rule, establish standards 92
regarding the administration of this section. 93

(E) (1) Except as otherwise provided in this division, 94
beginning on the first day of the pay period within which the 95
employee completes five years of total service with the state 96
government or any of its political subdivisions, each employee 97
in positions paid in accordance with schedule B of section 98
124.15 of the Revised Code or in accordance with schedule E-1 of 99
section 124.152 of the Revised Code shall receive an automatic 100
salary adjustment equivalent to two and one-half per cent of the 101
classification salary base, to the nearest whole cent. Each 102
employee shall receive thereafter an annual adjustment 103
equivalent to one-half of one per cent of the employee's 104
classification salary base, to the nearest whole cent, for each 105
additional year of qualified employment until a maximum of ten 106

per cent of the employee's classification salary base is 107
reached. The granting of longevity adjustments shall not be 108
affected by promotion, demotion, or other changes in 109
classification held by the employee, nor by any change in pay 110
range for the employee's class or grade. Longevity pay 111
adjustments shall become effective at the beginning of the pay 112
period within which the employee completes the necessary length 113
of service, except that when an employee requests credit for 114
prior service, the effective date of the prior service credit 115
and of any longevity adjustment shall be the first day of the 116
pay period following approval of the credit by the director of 117
administrative services. No employee, other than an employee who 118
submits proof of prior service within ninety days after the date 119
of the employee's hiring, shall receive any longevity adjustment 120
for the period prior to the director's approval of a prior 121
service credit. Time spent on authorized leave of absence shall 122
be counted for this purpose. 123

(2) An employee who has retired in accordance with the 124
provisions of any retirement system offered by the state and who 125
is employed by the state or any political subdivision of the 126
state on or after June 24, 1987, shall not have prior service 127
with the state or any political subdivision of the state counted 128
for the purpose of determining the amount of the salary 129
adjustment provided under this division. 130

(3) There shall be a moratorium on employees' receipt 131
under this division of credit for service with the state 132
government or any of its political subdivisions during the 133
period from July 1, 2003, through June 30, 2005. In calculating 134
the number of years of total service under this division, no 135
credit shall be included for service during the moratorium. The 136
moratorium shall apply to the employees of the secretary of 137

state, the auditor of state, the treasurer of state, and the 138
attorney general, who are subject to this section unless the 139
secretary of state, the auditor of state, the treasurer of 140
state, or the attorney general decides to exempt the office's 141
employees from the moratorium and so notifies the director of 142
administrative services in writing on or before July 1, 2003. 143

If an employee is exempt from the moratorium, receives 144
credit for a period of service during the moratorium, and takes 145
a position with another entity in the state government or any of 146
its political subdivisions, either during or after the 147
moratorium, and if that entity's employees are or were subject 148
to the moratorium, the employee shall continue to retain the 149
credit. However, if the moratorium is in effect upon the taking 150
of the new position, the employee shall cease receiving 151
additional credit as long as the employee is in the position, 152
until the moratorium expires. 153

(4) An employee who has completed one year of service with 154
the state may have up to five years of the employee's prior 155
service as a member of the uniformed services, as defined in 156
section 9.44 of the Revised Code, counted for the purpose of 157
determining the amount of the salary adjustment provided under 158
this division. A partial year of service as a member of the 159
uniformed services of eight continuous months or more shall be 160
counted as a full year of service with the state. 161

(F) When an exceptional condition exists that creates a 162
temporary or a permanent hazard for one or more positions in a 163
class paid in accordance with schedule B of section 124.15 of 164
the Revised Code or in accordance with schedule E-1 of section 165
124.152 of the Revised Code, a special hazard salary adjustment 166
may be granted for the time the employee is subjected to the 167

hazardous condition. All special hazard conditions shall be 168
identified for each position and incidence from information 169
submitted to the director on an appropriate form provided by the 170
director and categorized into standard conditions of: some 171
unusual hazard not common to the class; considerable unusual 172
hazard not common to the class; and exceptional hazard not 173
common to the class. 174

(1) A hazardous salary adjustment of five per cent of the 175
employee's classification salary base may be applied in the case 176
of some unusual hazardous condition not common to the class for 177
those hours worked, or a fraction of those hours worked, while 178
the employee was subject to the unusual hazard condition. 179

(2) A hazardous salary adjustment of seven and one-half 180
per cent of the employee's classification salary base may be 181
applied in the case of some considerable hazardous condition not 182
common to the class for those hours worked, or a fraction of 183
those hours worked, while the employee was subject to the 184
considerable hazard condition. 185

(3) A hazardous salary adjustment of ten per cent of the 186
employee's classification salary base may be applied in the case 187
of some exceptional hazardous condition not common to the class 188
for those hours worked, or a fraction of those hours worked, 189
when the employee was subject to the exceptional hazard 190
condition. 191

(4) Each claim for temporary hazard pay shall be submitted 192
as a separate payment and shall be subject to an administrative 193
audit by the director as to the extent and duration of the 194
employee's exposure to the hazardous condition. 195

(G) When a full-time employee whose salary or wage is paid 196

directly by warrant of the director of budget and management and 197
who also is eligible for overtime under the "Fair Labor 198
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as 199
amended, is ordered by the appointing authority to report back 200
to work after termination of the employee's regular work 201
schedule and the employee reports, the employee shall be paid 202
for such time. The employee shall be entitled to four hours at 203
the employee's total rate of pay or overtime compensation for 204
the actual hours worked, whichever is greater. This division 205
does not apply to work that is a continuation of or immediately 206
preceding an employee's regular work schedule. 207

(H) When a certain position or positions paid in 208
accordance with schedule B of section 124.15 of the Revised Code 209
or in accordance with schedule E-1 of section 124.152 of the 210
Revised Code require the ability to speak or write a language 211
other than English, a special pay supplement may be granted to 212
attract bilingual individuals, to encourage present employees to 213
become proficient in other languages, or to retain qualified 214
bilingual employees. The bilingual pay supplement provided in 215
this division may be granted in the amount of five per cent of 216
the employee's classification salary base for each required 217
foreign language and shall remain in effect as long as the 218
bilingual requirement exists. 219

(I) The director of administrative services may establish 220
a shift differential for employees. The differential shall be 221
paid to employees in positions working in other than the regular 222
or first shift. In those divisions or agencies where only one 223
shift prevails, no shift differential shall be paid regardless 224
of the hours of the day that are worked. The director and the 225
appointing authority shall designate which positions shall be 226
covered by this division. 227

(J) An appointing authority may assign an employee to work 228
in a higher level position for a continuous period of more than 229
two weeks but no more than two years. The employee's pay shall 230
be established at a rate that is approximately four per cent 231
above the employee's current base rate for the period the 232
employee occupies the position, provided that this temporary 233
assignment is approved by the director. Employees paid under 234
this division shall continue to receive any of the pay 235
supplements due them under other divisions of this section based 236
on the step one base rate for their normal classification. 237

(K) If a certain position, or positions, within a class 238
paid in accordance with schedule B of section 124.15 of the 239
Revised Code or in accordance with schedule E-1 of section 240
124.152 of the Revised Code are mandated by state or federal law 241
or regulation or other regulatory agency or other certification 242
authority to have special technical certification, registration, 243
or licensing to perform the functions which are under the 244
mandate, a special professional achievement pay supplement may 245
be granted. This special professional achievement pay supplement 246
shall not be granted when all incumbents in all positions in a 247
class require a license as provided in the classification 248
description published by the department of administrative 249
services; to licensees where no special or extensive training is 250
required; when certification is granted upon completion of a 251
stipulated term of in-service training; when an appointing 252
authority has required certification; or any other condition 253
prescribed by the director. 254

(1) Before this supplement may be applied, evidence as to 255
the requirement must be provided by the agency for each position 256
involved, and certification must be received from the director 257
as to the director's concurrence for each of the positions so 258

affected.	259
(2) The professional achievement pay supplement provided	260
in this division shall be granted in an amount up to ten per	261
cent of the employee's classification salary base and shall	262
remain in effect as long as the mandate exists.	263
(L) Those employees assigned to teaching supervisory,	264
principal, assistant principal, or superintendent positions who	265
have attained a higher educational level than a basic bachelor's	266
degree may receive an educational pay supplement to remain in	267
effect as long as the employee's assignment and classification	268
remain the same.	269
(1) An educational pay supplement of two and one-half per	270
cent of the employee's classification salary base may be applied	271
upon the achievement of a bachelor's degree plus twenty quarter	272
hours of postgraduate work.	273
(2) An educational pay supplement of an additional five	274
per cent of the employee's classification salary base may be	275
applied upon achievement of a master's degree.	276
(3) An educational pay supplement of an additional two and	277
one-half per cent of the employee's classification salary base	278
may be applied upon achievement of a master's degree plus thirty	279
quarter hours of postgraduate work.	280
(4) An educational pay supplement of five per cent of the	281
employee's classification salary base may be applied when the	282
employee is performing as a master teacher.	283
(5) An educational pay supplement of five per cent of the	284
employee's classification salary base may be applied when the	285
employee is performing as a special education teacher.	286

(6) Those employees in teaching supervisory, principal, 287
assistant principal, or superintendent positions who are 288
responsible for specific extracurricular activity programs shall 289
receive overtime pay for those hours worked in excess of their 290
normal schedule, at their straight time hourly rate up to a 291
maximum of five per cent of their regular base salary in any 292
calendar year. 293

(M) (1) A state agency, board, or commission may establish 294
a supplementary compensation schedule for those licensed 295
physicians employed by the agency, board, or commission in 296
positions requiring a licensed physician. The supplementary 297
compensation schedule, together with the compensation otherwise 298
authorized by this chapter, shall provide for the total 299
compensation for these employees to range appropriately, but not 300
necessarily uniformly, for each classification title requiring a 301
licensed physician, in accordance with a schedule approved by 302
the state controlling board. The individual salary levels 303
recommended for each such physician employed shall be approved 304
by the director. Notwithstanding section 124.11 of the Revised 305
Code, such personnel are in the unclassified civil service. 306

(2) The director of administrative services may approve 307
supplementary compensation for the director of health, if the 308
director is a licensed physician, in accordance with a 309
supplementary compensation schedule approved under division (M) 310
(1) of this section or in accordance with another supplementary 311
compensation schedule the director of administrative services 312
considers appropriate. The supplementary compensation shall not 313
exceed twenty per cent of the director of health's base rate of 314
pay. 315

(N) Notwithstanding sections 117.28, 117.30, 117.33, 316

117.36, 117.42, and 131.02 of the Revised Code, the state shall 317
not institute any civil action to recover and shall not seek 318
reimbursement for overpayments made in violation of division (E) 319
of this section or division ~~(C)~~ (D) of section 9.44 of the 320
Revised Code for the period starting after June 24, 1987, and 321
ending on October 31, 1993. 322

(O) Employees of the office of the treasurer of state who 323
are exempt from collective bargaining coverage may be granted a 324
merit pay supplement of up to one and one-half per cent of their 325
step rate. The rate at which this supplement is granted shall be 326
based on performance standards established by the treasurer of 327
state. Any supplements granted under this division shall be 328
administered on an annual basis. 329

(P) Intermittent employees appointed under section 124.30 330
of the Revised Code are not eligible for the pay supplements 331
provided by this section. 332

Sec. 4112.02. It shall be an unlawful discriminatory 333
practice: 334

(A) For any employer, because of the race, color, 335
religion, sex, military status, national origin, disability, 336
age, or ancestry of any person, to discharge without just cause, 337
to refuse to hire, or otherwise to discriminate against that 338
person with respect to hire, tenure, terms, conditions, or 339
privileges of employment, or any matter directly or indirectly 340
related to employment. 341

(B) For an employment agency or personnel placement 342
service, because of race, color, religion, sex, military status, 343
national origin, disability, age, or ancestry, to do any of the 344
following: 345

(1) Refuse or fail to accept, register, classify properly, 346
or refer for employment, or otherwise discriminate against any 347
person; 348

(2) Comply with a request from an employer for referral of 349
applicants for employment if the request directly or indirectly 350
indicates that the employer fails to comply with the provisions 351
of sections 4112.01 to 4112.07 of the Revised Code. 352

(C) For any labor organization to do any of the following: 353

(1) Limit or classify its membership on the basis of race, 354
color, religion, sex, military status, national origin, 355
disability, age, or ancestry; 356

(2) Discriminate against, limit the employment 357
opportunities of, or otherwise adversely affect the employment 358
status, wages, hours, or employment conditions of any person as 359
an employee because of race, color, religion, sex, military 360
status, national origin, disability, age, or ancestry. 361

(D) For any employer, labor organization, or joint labor- 362
management committee controlling apprentice training programs to 363
discriminate against any person because of race, color, 364
religion, sex, military status, national origin, disability, or 365
ancestry in admission to, or employment in, any program 366
established to provide apprentice training. 367

(E) Except where based on a bona fide occupational 368
qualification certified in advance by the commission, for any 369
employer, employment agency, personnel placement service, or 370
labor organization, prior to employment or admission to 371
membership, to do any of the following: 372

(1) Elicit or attempt to elicit any information concerning 373
the race, color, religion, sex, military status, national 374

origin, disability, age, or ancestry of an applicant for 375
employment or membership; 376

(2) Make or keep a record of the race, color, religion, 377
sex, military status, national origin, disability, age, or 378
ancestry of any applicant for employment or membership; 379

(3) Use any form of application for employment, or 380
personnel or membership blank, seeking to elicit information 381
regarding race, color, religion, sex, military status, national 382
origin, disability, age, or ancestry; but an employer holding a 383
contract containing a nondiscrimination clause with the 384
government of the United States, or any department or agency of 385
that government, may require an employee or applicant for 386
employment to furnish documentary proof of United States 387
citizenship and may retain that proof in the employer's 388
personnel records and may use photographic or fingerprint 389
identification for security purposes; 390

(4) Print or publish or cause to be printed or published 391
any notice or advertisement relating to employment or membership 392
indicating any preference, limitation, specification, or 393
discrimination, based upon race, color, religion, sex, military 394
status, national origin, disability, age, or ancestry; 395

(5) Announce or follow a policy of denying or limiting, 396
through a quota system or otherwise, employment or membership 397
opportunities of any group because of the race, color, religion, 398
sex, military status, national origin, disability, age, or 399
ancestry of that group; 400

(6) Utilize in the recruitment or hiring of persons any 401
employment agency, personnel placement service, training school 402
or center, labor organization, or any other employee-referring 403

source known to discriminate against persons because of their 404
race, color, religion, sex, military status, national origin, 405
disability, age, or ancestry. 406

(F) For any person seeking employment to publish or cause 407
to be published any advertisement that specifies or in any 408
manner indicates that person's race, color, religion, sex, 409
military status, national origin, disability, age, or ancestry, 410
or expresses a limitation or preference as to the race, color, 411
religion, sex, military status, national origin, disability, 412
age, or ancestry of any prospective employer. 413

(G) For any proprietor or any employee, keeper, or manager 414
of a place of public accommodation to deny to any person, except 415
for reasons applicable alike to all persons regardless of race, 416
color, religion, sex, military status, national origin, 417
disability, age, or ancestry, the full enjoyment of the 418
accommodations, advantages, facilities, or privileges of the 419
place of public accommodation. 420

(H) Subject to section 4112.024 of the Revised Code, for 421
any person to do any of the following: 422

(1) Refuse to sell, transfer, assign, rent, lease, 423
sublease, or finance housing accommodations, refuse to negotiate 424
for the sale or rental of housing accommodations, or otherwise 425
deny or make unavailable housing accommodations because of race, 426
color, religion, sex, military status, familial status, 427
ancestry, disability, or national origin; 428

(2) Represent to any person that housing accommodations 429
are not available for inspection, sale, or rental, when in fact 430
they are available, because of race, color, religion, sex, 431
military status, familial status, ancestry, disability, or 432

national origin; 433

(3) Discriminate against any person in the making or 434
purchasing of loans or the provision of other financial 435
assistance for the acquisition, construction, rehabilitation, 436
repair, or maintenance of housing accommodations, or any person 437
in the making or purchasing of loans or the provision of other 438
financial assistance that is secured by residential real estate, 439
because of race, color, religion, sex, military status, familial 440
status, ancestry, disability, or national origin or because of 441
the racial composition of the neighborhood in which the housing 442
accommodations are located, provided that the person, whether an 443
individual, corporation, or association of any type, lends money 444
as one of the principal aspects or incident to the person's 445
principal business and not only as a part of the purchase price 446
of an owner-occupied residence the person is selling nor merely 447
casually or occasionally to a relative or friend; 448

(4) Discriminate against any person in the terms or 449
conditions of selling, transferring, assigning, renting, 450
leasing, or subleasing any housing accommodations or in 451
furnishing facilities, services, or privileges in connection 452
with the ownership, occupancy, or use of any housing 453
accommodations, including the sale of fire, extended coverage, 454
or homeowners insurance, because of race, color, religion, sex, 455
military status, familial status, ancestry, disability, or 456
national origin or because of the racial composition of the 457
neighborhood in which the housing accommodations are located; 458

(5) Discriminate against any person in the terms or 459
conditions of any loan of money, whether or not secured by 460
mortgage or otherwise, for the acquisition, construction, 461
rehabilitation, repair, or maintenance of housing accommodations 462

because of race, color, religion, sex, military status, familial 463
status, ancestry, disability, or national origin or because of 464
the racial composition of the neighborhood in which the housing 465
accommodations are located; 466

(6) Refuse to consider without prejudice the combined 467
income of both husband and wife for the purpose of extending 468
mortgage credit to a married couple or either member of a 469
married couple; 470

(7) Print, publish, or circulate any statement or 471
advertisement, or make or cause to be made any statement or 472
advertisement, relating to the sale, transfer, assignment, 473
rental, lease, sublease, or acquisition of any housing 474
accommodations, or relating to the loan of money, whether or not 475
secured by mortgage or otherwise, for the acquisition, 476
construction, rehabilitation, repair, or maintenance of housing 477
accommodations, that indicates any preference, limitation, 478
specification, or discrimination based upon race, color, 479
religion, sex, military status, familial status, ancestry, 480
disability, or national origin, or an intention to make any such 481
preference, limitation, specification, or discrimination; 482

(8) Except as otherwise provided in division (H) (8) or 483
(17) of this section, make any inquiry, elicit any information, 484
make or keep any record, or use any form of application 485
containing questions or entries concerning race, color, 486
religion, sex, military status, familial status, ancestry, 487
disability, or national origin in connection with the sale or 488
lease of any housing accommodations or the loan of any money, 489
whether or not secured by mortgage or otherwise, for the 490
acquisition, construction, rehabilitation, repair, or 491
maintenance of housing accommodations. Any person may make 492

inquiries, and make and keep records, concerning race, color, 493
religion, sex, military status, familial status, ancestry, 494
disability, or national origin for the purpose of monitoring 495
compliance with this chapter. 496

(9) Include in any transfer, rental, or lease of housing 497
accommodations any restrictive covenant, or honor or exercise, 498
or attempt to honor or exercise, any restrictive covenant; 499

(10) Induce or solicit, or attempt to induce or solicit, a 500
housing accommodations listing, sale, or transaction by 501
representing that a change has occurred or may occur with 502
respect to the racial, religious, sexual, military status, 503
familial status, or ethnic composition of the block, 504
neighborhood, or other area in which the housing accommodations 505
are located, or induce or solicit, or attempt to induce or 506
solicit, a housing accommodations listing, sale, or transaction 507
by representing that the presence or anticipated presence of 508
persons of any race, color, religion, sex, military status, 509
familial status, ancestry, disability, or national origin, in 510
the block, neighborhood, or other area will or may have results 511
including, but not limited to, the following: 512

(a) The lowering of property values; 513

(b) A change in the racial, religious, sexual, military 514
status, familial status, or ethnic composition of the block, 515
neighborhood, or other area; 516

(c) An increase in criminal or antisocial behavior in the 517
block, neighborhood, or other area; 518

(d) A decline in the quality of the schools serving the 519
block, neighborhood, or other area. 520

(11) Deny any person access to or membership or 521

participation in any multiple-listing service, real estate 522
brokers' organization, or other service, organization, or 523
facility relating to the business of selling or renting housing 524
accommodations, or discriminate against any person in the terms 525
or conditions of that access, membership, or participation, on 526
account of race, color, religion, sex, military status, familial 527
status, national origin, disability, or ancestry; 528

(12) Coerce, intimidate, threaten, or interfere with any 529
person in the exercise or enjoyment of, or on account of that 530
person's having exercised or enjoyed or having aided or 531
encouraged any other person in the exercise or enjoyment of, any 532
right granted or protected by division (H) of this section; 533

(13) Discourage or attempt to discourage the purchase by a 534
prospective purchaser of housing accommodations, by representing 535
that any block, neighborhood, or other area has undergone or 536
might undergo a change with respect to its religious, racial, 537
sexual, military status, familial status, or ethnic composition; 538

(14) Refuse to sell, transfer, assign, rent, lease, 539
sublease, or finance, or otherwise deny or withhold, a burial 540
lot from any person because of the race, color, sex, military 541
status, familial status, age, ancestry, disability, or national 542
origin of any prospective owner or user of the lot; 543

(15) Discriminate in the sale or rental of, or otherwise 544
make unavailable or deny, housing accommodations to any buyer or 545
renter because of a disability of any of the following: 546

(a) The buyer or renter; 547

(b) A person residing in or intending to reside in the 548
housing accommodations after they are sold, rented, or made 549
available; 550

(c) Any individual associated with the person described in 551
division (H) (15) (b) of this section. 552

(16) Discriminate in the terms, conditions, or privileges 553
of the sale or rental of housing accommodations to any person or 554
in the provision of services or facilities to any person in 555
connection with the housing accommodations because of a 556
disability of any of the following: 557

(a) That person; 558

(b) A person residing in or intending to reside in the 559
housing accommodations after they are sold, rented, or made 560
available; 561

(c) Any individual associated with the person described in 562
division (H) (16) (b) of this section. 563

(17) Except as otherwise provided in division (H) (17) of 564
this section, make an inquiry to determine whether an applicant 565
for the sale or rental of housing accommodations, a person 566
residing in or intending to reside in the housing accommodations 567
after they are sold, rented, or made available, or any 568
individual associated with that person has a disability, or make 569
an inquiry to determine the nature or severity of a disability 570
of the applicant or such a person or individual. The following 571
inquiries may be made of all applicants for the sale or rental 572
of housing accommodations, regardless of whether they have 573
disabilities: 574

(a) An inquiry into an applicant's ability to meet the 575
requirements of ownership or tenancy; 576

(b) An inquiry to determine whether an applicant is 577
qualified for housing accommodations available only to persons 578
with disabilities or persons with a particular type of 579

disability; 580

(c) An inquiry to determine whether an applicant is 581
qualified for a priority available to persons with disabilities 582
or persons with a particular type of disability; 583

(d) An inquiry to determine whether an applicant currently 584
uses a controlled substance in violation of section 2925.11 of 585
the Revised Code or a substantively comparable municipal 586
ordinance; 587

(e) An inquiry to determine whether an applicant at any 588
time has been convicted of or pleaded guilty to any offense, an 589
element of which is the illegal sale, offer to sell, 590
cultivation, manufacture, other production, shipment, 591
transportation, delivery, or other distribution of a controlled 592
substance. 593

(18) (a) Refuse to permit, at the expense of a person with 594
a disability, reasonable modifications of existing housing 595
accommodations that are occupied or to be occupied by the person 596
with a disability, if the modifications may be necessary to 597
afford the person with a disability full enjoyment of the 598
housing accommodations. This division does not preclude a 599
landlord of housing accommodations that are rented or to be 600
rented to a disabled tenant from conditioning permission for a 601
proposed modification upon the disabled tenant's doing one or 602
more of the following: 603

(i) Providing a reasonable description of the proposed 604
modification and reasonable assurances that the proposed 605
modification will be made in a workerlike manner and that any 606
required building permits will be obtained prior to the 607
commencement of the proposed modification; 608

(ii) Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable for the landlord to condition permission for the proposed modification upon the agreement;

(iii) Paying into an interest-bearing escrow account that is in the landlord's name, over a reasonable period of time, a reasonable amount of money not to exceed the projected costs at the end of the tenancy of the restoration of the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the account reasonably necessary to ensure the availability of funds for the restoration work. The interest earned in connection with an escrow account described in this division shall accrue to the benefit of the disabled tenant who makes payments into the account.

(b) A landlord shall not condition permission for a proposed modification upon a disabled tenant's payment of a security deposit that exceeds the customarily required security deposit of all tenants of the particular housing accommodations.

(19) Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including associated public and common use areas;

(20) Fail to comply with the standards and rules adopted under division (A) of section 3781.111 of the Revised Code;

(21) Discriminate against any person in the selling,

brokering, or appraising of real property because of race, 638
color, religion, sex, military status, familial status, 639
ancestry, disability, or national origin; 640

(22) Fail to design and construct covered multifamily 641
dwellings for first occupancy on or after June 30, 1992, in 642
accordance with the following conditions: 643

(a) The dwellings shall have at least one building 644
entrance on an accessible route, unless it is impractical to do 645
so because of the terrain or unusual characteristics of the 646
site. 647

(b) With respect to dwellings that have a building 648
entrance on an accessible route, all of the following apply: 649

(i) The public use areas and common use areas of the 650
dwellings shall be readily accessible to and usable by persons 651
with a disability. 652

(ii) All the doors designed to allow passage into and 653
within all premises shall be sufficiently wide to allow passage 654
by persons with a disability who are in wheelchairs. 655

(iii) All premises within covered multifamily dwelling 656
units shall contain an accessible route into and through the 657
dwelling; all light switches, electrical outlets, thermostats, 658
and other environmental controls within such units shall be in 659
accessible locations; the bathroom walls within such units shall 660
contain reinforcements to allow later installation of grab bars; 661
and the kitchens and bathrooms within such units shall be 662
designed and constructed in a manner that enables an individual 663
in a wheelchair to maneuver about such rooms. 664

For purposes of division (H) (22) of this section, "covered 665
multifamily dwellings" means buildings consisting of four or 666

more units if such buildings have one or more elevators and 667
ground floor units in other buildings consisting of four or more 668
units. 669

(I) For any person to discriminate in any manner against 670
any other person because that person has opposed any unlawful 671
discriminatory practice defined in this section or because that 672
person has made a charge, testified, assisted, or participated 673
in any manner in any investigation, proceeding, or hearing under 674
sections 4112.01 to 4112.07 of the Revised Code. 675

(J) For any person to aid, abet, incite, compel, or coerce 676
the doing of any act declared by this section to be an unlawful 677
discriminatory practice, to obstruct or prevent any person from 678
complying with this chapter or any order issued under it, or to 679
attempt directly or indirectly to commit any act declared by 680
this section to be an unlawful discriminatory practice. 681

(K) Nothing in divisions (A) to (E) of this section shall 682
be construed to require a person with a disability to be 683
employed or trained under circumstances that would significantly 684
increase the occupational hazards affecting either the person 685
with a disability, other employees, the general public, or the 686
facilities in which the work is to be performed, or to require 687
the employment or training of a person with a disability in a 688
job that requires the person with a disability routinely to 689
undertake any task, the performance of which is substantially 690
and inherently impaired by the person's disability. 691

(L) An aggrieved individual may enforce the individual's 692
rights relative to discrimination on the basis of age as 693
provided for in this section by instituting a civil action, 694
within one hundred eighty days after the alleged unlawful 695
discriminatory practice occurred, in any court with jurisdiction 696

for any legal or equitable relief that will effectuate the individual's rights.

A person who files a civil action under this division is barred, with respect to the practices complained of, from instituting a civil action under section 4112.14 of the Revised Code and from filing a charge with the commission under section 4112.05 of the Revised Code.

(M) With regard to age, it shall not be an unlawful discriminatory practice and it shall not constitute a violation of division (A) of section 4112.14 of the Revised Code for any employer, employment agency, joint labor-management committee controlling apprenticeship training programs, or labor organization to do any of the following:

(1) Establish bona fide employment qualifications reasonably related to the particular business or occupation that may include standards for skill, aptitude, physical capability, intelligence, education, maturation, and experience;

(2) Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, including, but not limited to, a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this section. However, no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual, because of the individual's age except as provided for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 623, as amended.

(3) Retire an employee who has attained sixty-five years 726
of age who, for the two-year period immediately before 727
retirement, is employed in a bona fide executive or a high 728
policymaking position, if the employee is entitled to an 729
immediate nonforfeitable annual retirement benefit from a 730
pension, profit-sharing, savings, or deferred compensation plan, 731
or any combination of those plans, of the employer of the 732
employee, which equals, in the aggregate, at least forty-four 733
thousand dollars, in accordance with the conditions of the "Age 734
Discrimination in Employment Act Amendment of 1978," 92 Stat. 735
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 736
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 737
631, as amended; 738

(4) Observe the terms of any bona fide apprenticeship 739
program if the program is registered with the Ohio 740
apprenticeship council pursuant to sections 4139.01 to 4139.06 741
of the Revised Code and is approved by the federal committee on 742
apprenticeship of the United States department of labor. 743

(N) Nothing in this chapter prohibiting age discrimination 744
and nothing in division (A) of section 4112.14 of the Revised 745
Code shall be construed to prohibit the following: 746

(1) The designation of uniform age the attainment of which 747
is necessary for public employees to receive pension or other 748
retirement benefits pursuant to Chapter 145., 742., 3307., 749
3309., or 5505. of the Revised Code; 750

(2) The mandatory retirement of uniformed patrol officers 751
of the state highway patrol as provided in section 5505.16 of 752
the Revised Code; 753

(3) The maximum age requirements for appointment as a 754

patrol officer in the state highway patrol established by 755
section 5503.01 of the Revised Code; 756

(4) The maximum age requirements established for original 757
appointment to a police department or fire department in 758
sections 124.41 and 124.42 of the Revised Code; 759

(5) Any maximum age not in conflict with federal law that 760
may be established by a municipal charter, municipal ordinance, 761
or resolution of a board of township trustees for original 762
appointment as a police officer or firefighter; 763

(6) Any mandatory retirement provision not in conflict 764
with federal law of a municipal charter, municipal ordinance, or 765
resolution of a board of township trustees pertaining to police 766
officers and firefighters; 767

(7) Until January 1, 1994, the mandatory retirement of any 768
employee who has attained seventy years of age and who is 769
serving under a contract of unlimited tenure, or similar 770
arrangement providing for unlimited tenure, at an institution of 771
higher education as defined in the "Education Amendments of 772
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 773

(O) (1) (a) Except as provided in division (O) (1) (b) of this 774
section, for purposes of divisions (A) to (E) of this section, a 775
disability does not include any physiological disorder or 776
condition, mental or psychological disorder, or disease or 777
condition caused by an illegal use of any controlled substance 778
by an employee, applicant, or other person, if an employer, 779
employment agency, personnel placement service, labor 780
organization, or joint labor-management committee acts on the 781
basis of that illegal use. 782

(b) Division (O) (1) (a) of this section does not apply to 783

an employee, applicant, or other person who satisfies any of the 784
following: 785

(i) The employee, applicant, or other person has 786
successfully completed a supervised drug rehabilitation program 787
and no longer is engaging in the illegal use of any controlled 788
substance, or the employee, applicant, or other person otherwise 789
successfully has been rehabilitated and no longer is engaging in 790
that illegal use. 791

(ii) The employee, applicant, or other person is 792
participating in a supervised drug rehabilitation program and no 793
longer is engaging in the illegal use of any controlled 794
substance. 795

(iii) The employee, applicant, or other person is 796
erroneously regarded as engaging in the illegal use of any 797
controlled substance, but the employee, applicant, or other 798
person is not engaging in that illegal use. 799

(2) Divisions (A) to (E) of this section do not prohibit 800
an employer, employment agency, personnel placement service, 801
labor organization, or joint labor-management committee from 802
doing any of the following: 803

(a) Adopting or administering reasonable policies or 804
procedures, including, but not limited to, testing for the 805
illegal use of any controlled substance, that are designed to 806
ensure that an individual described in division (O) (1) (b) (i) or 807
(ii) of this section no longer is engaging in the illegal use of 808
any controlled substance; 809

(b) Prohibiting the illegal use of controlled substances 810
and the use of alcohol at the workplace by all employees; 811

(c) Requiring that employees not be under the influence of 812

alcohol or not be engaged in the illegal use of any controlled 813
substance at the workplace; 814

(d) Requiring that employees behave in conformance with 815
the requirements established under "The Drug-Free Workplace Act 816
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 817

(e) Holding an employee who engages in the illegal use of 818
any controlled substance or who is an alcoholic to the same 819
qualification standards for employment or job performance, and 820
the same behavior, to which the employer, employment agency, 821
personnel placement service, labor organization, or joint labor- 822
management committee holds other employees, even if any 823
unsatisfactory performance or behavior is related to an 824
employee's illegal use of a controlled substance or alcoholism; 825

(f) Exercising other authority recognized in the 826
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 827
U.S.C.A. 12101, as amended, including, but not limited to, 828
requiring employees to comply with any applicable federal 829
standards. 830

(3) For purposes of this chapter, a test to determine the 831
illegal use of any controlled substance does not include a 832
medical examination. 833

(4) Division (O) of this section does not encourage, 834
prohibit, or authorize, and shall not be construed as 835
encouraging, prohibiting, or authorizing, the conduct of testing 836
for the illegal use of any controlled substance by employees, 837
applicants, or other persons, or the making of employment 838
decisions based on the results of that type of testing. 839

(P) This section does not apply to a religious 840
corporation, association, educational institution, or society 841

with respect to the employment of an individual of a particular 842
religion to perform work connected with the carrying on by that 843
religious corporation, association, educational institution, or 844
society of its activities. 845

(Q) The unlawful discriminatory practices defined in this 846
section do not make it unlawful for a person or an appointing 847
authority administering an examination under section 124.23 of 848
the Revised Code to obtain information about an applicant's or 849
employee's military status for the purpose of determining either 850
of the following purposes: 851

(1) To determine if the an applicant is eligible for the 852
additional credit that is available under section 124.23 of the 853
Revised Code when administering an examination under that 854
section; 855

(2) To determine if an employee is eligible to have the 856
employee's prior service as a member of the uniformed services 857
counted as service with the state to compute vacation leave 858
under section 9.44 of the Revised Code or determine the salary 859
adjustment under section 124.181 of the Revised Code. 860

Sec. 4117.10. (A) An agreement between a public employer 861
and an exclusive representative entered into pursuant to this 862
chapter governs the wages, hours, and terms and conditions of 863
public employment covered by the agreement. If the agreement 864
provides for a final and binding arbitration of grievances, 865
public employers, employees, and employee organizations are 866
subject solely to that grievance procedure and the state 867
personnel board of review or civil service commissions have no 868
jurisdiction to receive and determine any appeals relating to 869
matters that were the subject of a final and binding grievance 870
procedure. Where no agreement exists or where an agreement makes 871

no specification about a matter, the public employer and public 872
employees are subject to all applicable state or local laws or 873
ordinances pertaining to the wages, hours, and terms and 874
conditions of employment for public employees. All of the 875
following prevail over conflicting provisions of agreements 876
between employee organizations and public employers: 877

(1) Laws pertaining to any of the following subjects: 878

(a) Civil rights; 879

(b) Affirmative action; 880

(c) Unemployment compensation; 881

(d) Workers' compensation; 882

(e) The retirement of public employees; 883

(f) Residency requirements; 884

(g) The minimum educational requirements contained in the 885
Revised Code pertaining to public education including the 886
requirement of a certificate by the fiscal officer of a school 887
district pursuant to section 5705.41 of the Revised Code; 888

(h) The provisions of division (A) of section 124.34 of 889
the Revised Code governing the disciplining of officers and 890
employees who have been convicted of a felony; 891

(i) The minimum standards promulgated by the state board 892
of education pursuant to division (D) of section 3301.07 of the 893
Revised Code. 894

(2) The law pertaining to the leave of absence and 895
compensation provided under section 5923.05 of the Revised Code, 896
if the terms of the agreement contain benefits which are less 897
than those contained in that section or the agreement contains 898

no such terms and the public authority is the state or any 899
agency, authority, commission, or board of the state or if the 900
public authority is another entity listed in division (B) of 901
section 4117.01 of the Revised Code that elects to provide leave 902
of absence and compensation as provided in section 5923.05 of 903
the Revised Code; 904

(3) The law pertaining to the leave established under 905
section 5906.02 of the Revised Code, if the terms of the 906
agreement contain benefits that are less than those contained in 907
section 5906.02 of the Revised Code; 908

(4) The law pertaining to excess benefits prohibited under 909
section 3345.311 of the Revised Code with respect to an 910
agreement between an employee organization and a public employer 911
entered into on or after ~~the effective date of this amendment~~ 912
September 29, 2015; 913

(5) The law pertaining to computing vacation leave for a 914
state employee for prior service as a member of the uniformed 915
services under section 9.44 of the Revised Code, if the terms of 916
the agreement contain benefits that are less than those 917
contained in section 9.44 of the Revised Code; 918

(6) The law pertaining to the salary adjustment for a 919
state employee for prior service as a member of the uniformed 920
services under section 124.181 of the Revised Code, if the terms 921
of the agreement contain benefits that are less than those 922
contained in section 124.181 of the Revised Code. 923

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 924
the Revised Code and arrangements entered into thereunder, and 925
section 4981.21 of the Revised Code as necessary to comply with 926
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 927

Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 928
entered into thereunder, this chapter prevails over any and all 929
other conflicting laws, resolutions, provisions, present or 930
future, except as otherwise specified in this chapter or as 931
otherwise specified by the general assembly. Nothing in this 932
section prohibits or shall be construed to invalidate the 933
provisions of an agreement establishing supplemental workers' 934
compensation or unemployment compensation benefits or exceeding 935
minimum requirements contained in the Revised Code pertaining to 936
public education or the minimum standards promulgated by the 937
state board of education pursuant to division (D) of section 938
3301.07 of the Revised Code. 939

(B) The public employer shall submit a request for funds 940
necessary to implement an agreement and for approval of any 941
other matter requiring the approval of the appropriate 942
legislative body to the legislative body within fourteen days of 943
the date on which the parties finalize the agreement, unless 944
otherwise specified, but if the appropriate legislative body is 945
not in session at the time, then within fourteen days after it 946
convenes. The legislative body must approve or reject the 947
submission as a whole, and the submission is deemed approved if 948
the legislative body fails to act within thirty days after the 949
public employer submits the agreement. The parties may specify 950
that those provisions of the agreement not requiring action by a 951
legislative body are effective and operative in accordance with 952
the terms of the agreement, provided there has been compliance 953
with division (C) of this section. If the legislative body 954
rejects the submission of the public employer, either party may 955
reopen all or part of the entire agreement. 956

As used in this section, "legislative body" includes the 957
governing board of a municipal corporation, school district, 958

college or university, village, township, or board of county 959
commissioners or any other body that has authority to approve 960
the budget of their public jurisdiction and, with regard to the 961
state, "legislative body" means the controlling board. 962

(C) The chief executive officer, or the chief executive 963
officer's representative, of each municipal corporation, the 964
designated representative of the board of education of each 965
school district, college or university, or any other body that 966
has authority to approve the budget of their public 967
jurisdiction, the designated representative of the board of 968
county commissioners and of each elected officeholder of the 969
county whose employees are covered by the collective 970
negotiations, and the designated representative of the village 971
or the board of township trustees of each township is 972
responsible for negotiations in the collective bargaining 973
process; except that the legislative body may accept or reject a 974
proposed collective bargaining agreement. When the matters about 975
which there is agreement are reduced to writing and approved by 976
the employee organization and the legislative body, the 977
agreement is binding upon the legislative body, the employer, 978
and the employee organization and employees covered by the 979
agreement. 980

(D) There is hereby established an office of collective 981
bargaining in the department of administrative services for the 982
purpose of negotiating with and entering into written agreements 983
between state agencies, departments, boards, and commissions and 984
the exclusive representative on matters of wages, hours, terms 985
and other conditions of employment and the continuation, 986
modification, or deletion of an existing provision of a 987
collective bargaining agreement. Nothing in any provision of law 988
to the contrary shall be interpreted as excluding the bureau of 989

workers' compensation and the industrial commission from the 990
preceding sentence. This office shall not negotiate on behalf of 991
other statewide elected officials or boards of trustees of state 992
institutions of higher education who shall be considered as 993
separate public employers for the purposes of this chapter; 994
however, the office may negotiate on behalf of these officials 995
or trustees where authorized by the officials or trustees. The 996
staff of the office of collective bargaining are in the 997
unclassified service. The director of administrative services 998
shall fix the compensation of the staff. 999

The office of collective bargaining shall: 1000

(1) Assist the director in formulating management's 1001
philosophy for public collective bargaining as well as planning 1002
bargaining strategies; 1003

(2) Conduct negotiations with the exclusive 1004
representatives of each employee organization; 1005

(3) Coordinate the state's resources in all mediation, 1006
fact-finding, and arbitration cases as well as in all labor 1007
disputes; 1008

(4) Conduct systematic reviews of collective bargaining 1009
agreements for the purpose of contract negotiations; 1010

(5) Coordinate the systematic compilation of data by all 1011
agencies that is required for negotiating purposes; 1012

(6) Prepare and submit an annual report and other reports 1013
as requested to the governor and the general assembly on the 1014
implementation of this chapter and its impact upon state 1015
government. 1016

Section 2. That existing sections 9.44, 124.181, 4112.02, 1017

and 4117.10 of the Revised Code are hereby repealed. 1018

Section 3. An individual who is employed in the service of 1019
the state, as defined in section 124.01 of the Revised Code, on 1020
the effective date of this section may have the individual's 1021
prior service as a member of the uniformed services counted as 1022
service with the state for purposes of sections 9.44 and 124.181 1023
of the Revised Code, as amended by this act. To have the service 1024
counted as service with the state, an individual shall submit 1025
proof of the individual's prior military service to the Director 1026
of Administrative Services not later than ninety days after the 1027
effective date of this section. 1028