

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 113**

**Representatives Upchurch, Miller, J.**

**Cosponsors: Representatives Brown, Crossman, Lepore-Hagan, Miller, A.,  
Miranda, Russo, Sweeney, Weinstein, West**

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**A BILL**

To amend section 124.11 and to enact section 1  
737.061 of the Revised Code to allow the chief 2  
of police of a municipal corporation to conduct 3  
training schools for prospective law enforcement 4  
officers. 5

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

**Section 1.** That section 124.11 be amended and section 6  
737.061 of the Revised Code be enacted to read as follows: 7

**Sec. 124.11.** The civil service of the state and the 8  
several counties, cities, civil service townships, city health 9  
districts, general health districts, and city school districts 10  
of the state shall be divided into the unclassified service and 11  
the classified service. 12

(A) The unclassified service shall comprise the following 13  
positions, which shall not be included in the classified 14  
service, and which shall be exempt from all examinations 15  
required by this chapter: 16

(1) All officers elected by popular vote or persons 17

appointed to fill vacancies in those offices;	18
(2) All election officers as defined in section 3501.01 of the Revised Code;	19 20
(3) (a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;	21 22 23
(b) The heads of all departments appointed by a board of county commissioners;	24 25
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	26 27 28 29
Except as otherwise provided in division (A) (17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	30 31 32 33
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	34 35 36
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	37 38 39
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	40 41 42 43
(7) (a) All presidents, business managers, administrative officers, superintendents, assistant superintendents,	44 45

principals, deans, assistant deans, instructors, teachers, and 46  
such employees as are engaged in educational or research duties 47  
connected with the public school system, colleges, and 48  
universities, as determined by the governing body of the public 49  
school system, colleges, and universities; 50

(b) The library staff of any library in the state 51  
supported wholly or in part at public expense. 52

(8) Four clerical and administrative support employees for 53  
each of the elective state officers, four clerical and 54  
administrative support employees for each board of county 55  
commissioners and one such employee for each county 56  
commissioner, and four clerical and administrative support 57  
employees for other elective officers and each of the principal 58  
appointive executive officers, boards, or commissions, except 59  
for civil service commissions, that are authorized to appoint 60  
such clerical and administrative support employees; 61

(9) The deputies and assistants of state agencies 62  
authorized to act for and on behalf of the agency, or holding a 63  
fiduciary or administrative relation to that agency and those 64  
persons employed by and directly responsible to elected county 65  
officials or a county administrator and holding a fiduciary or 66  
administrative relationship to such elected county officials or 67  
county administrator, and the employees of such county officials 68  
whose fitness would be impracticable to determine by competitive 69  
examination, provided that division (A) (9) of this section shall 70  
not affect those persons in county employment in the classified 71  
service as of September 19, 1961. Nothing in division (A) (9) of 72  
this section applies to any position in a county department of 73  
job and family services created pursuant to Chapter 329. of the 74  
Revised Code. 75

(10) Bailiffs, constables, official stenographers, and 76  
commissioners of courts of record, deputies of clerks of the 77  
courts of common pleas who supervise or who handle public moneys 78  
or secured documents, and such officers and employees of courts 79  
of record and such deputies of clerks of the courts of common 80  
pleas as the appointing authority finds it impracticable to 81  
determine their fitness by competitive examination; 82

(11) Assistants to the attorney general, special counsel 83  
appointed or employed by the attorney general, assistants to 84  
county prosecuting attorneys, and assistants to city directors 85  
of law; 86

(12) Such teachers and employees in the agricultural 87  
experiment stations; such students in normal schools, colleges, 88  
and universities of the state who are employed by the state or a 89  
political subdivision of the state in student or intern 90  
classifications; and such unskilled labor positions as the 91  
director of administrative services, with respect to positions 92  
in the service of the state, or any municipal civil service 93  
commission may find it impracticable to include in the 94  
competitive classified service; provided such exemptions shall 95  
be by order of the commission or the director, duly entered on 96  
the record of the commission or the director with the reasons 97  
for each such exemption; 98

(13) Any physician or dentist who is a full-time employee 99  
of the department of mental health and addiction services, the 100  
department of developmental disabilities, or an institution 101  
under the jurisdiction of either department; and physicians who 102  
are in residency programs at the institutions; 103

(14) Up to twenty positions at each institution under the 104  
jurisdiction of the department of mental health and addiction 105

services or the department of developmental disabilities that 106  
the department director determines to be primarily 107  
administrative or managerial; and up to fifteen positions in any 108  
division of either department, excluding administrative 109  
assistants to the director and division chiefs, which are within 110  
the immediate staff of a division chief and which the director 111  
determines to be primarily and distinctively administrative and 112  
managerial; 113

(15) Noncitizens of the United States employed by the 114  
state, or its counties or cities, as physicians or nurses who 115  
are duly licensed to practice their respective professions under 116  
the laws of this state, or medical assistants, in mental or 117  
chronic disease hospitals, or institutions; 118

(16) Employees of the governor's office; 119

(17) Fire chiefs and chiefs of police in civil service 120  
townships appointed by boards of township trustees under section 121  
505.38 or 505.49 of the Revised Code; 122

(18) Executive directors, deputy directors, and program 123  
directors employed by boards of alcohol, drug addiction, and 124  
mental health services under Chapter 340. of the Revised Code, 125  
and secretaries of the executive directors, deputy directors, 126  
and program directors; 127

(19) Superintendents, and management employees as defined 128  
in section 5126.20 of the Revised Code, of county boards of 129  
developmental disabilities; 130

(20) Physicians, nurses, and other employees of a county 131  
hospital who are appointed pursuant to sections 339.03 and 132  
339.06 of the Revised Code; 133

(21) The executive director of the state medical board, 134

who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;	135 136
(22) County directors of job and family services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;	137 138 139 140
(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;	141 142
(24) Chiefs of construction and compliance, of operations and maintenance, of worker protection, and of licensing and certification in the division of industrial compliance in the department of commerce;	143 144 145 146
(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;	147 148 149
(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery commission, opportunities for Ohioans with disabilities agency, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay range 47 of salary	150 151 152 153 154 155 156 157 158 159 160 161 162 163

schedule E-2 in section 124.152 of the Revised Code. The 164  
authority to establish positions in the unclassified service 165  
under division (A) (26) of this section is in addition to and 166  
does not limit any other authority that an administrative 167  
department or state agency has under the Revised Code to 168  
establish positions, appoint employees, or set compensation. 169

(27) Employees of the department of agriculture employed 170  
under section 901.09 of the Revised Code; 171

(28) For cities, counties, civil service townships, city 172  
health districts, general health districts, and city school 173  
districts, the deputies and assistants of elective or principal 174  
executive officers authorized to act for and in the place of 175  
their principals or holding a fiduciary relation to their 176  
principals; 177

(29) Employees who receive intermittent or temporary 178  
appointments under division (B) of section 124.30 of the Revised 179  
Code; 180

(30) Employees appointed to administrative staff positions 181  
for which an appointing authority is given specific statutory 182  
authority to set compensation; 183

(31) Employees appointed to highway patrol cadet or 184  
highway patrol cadet candidate classifications; 185

(32) Employees appointed to participate in a prospective 186  
law enforcement training school under section 737.061 of the 187  
Revised Code; 188

(33) Employees placed in the unclassified service by 189  
another section of the Revised Code. 190

(B) The classified service shall comprise all persons in 191

the employ of the state and the several counties, cities, city 192  
health districts, general health districts, and city school 193  
districts of the state, not specifically included in the 194  
unclassified service. Upon the creation by the board of trustees 195  
of a civil service township civil service commission, the 196  
classified service shall also comprise, except as otherwise 197  
provided in division (A) (17) or (C) of this section, all persons 198  
in the employ of a civil service township police or fire 199  
department having ten or more full-time paid employees. The 200  
classified service consists of two classes, which shall be 201  
designated as the competitive class and the unskilled labor 202  
class. 203

(1) The competitive class shall include all positions and 204  
employments in the state and the counties, cities, city health 205  
districts, general health districts, and city school districts 206  
of the state, and, upon the creation by the board of trustees of 207  
a civil service township of a township civil service commission, 208  
all positions in a civil service township police or fire 209  
department having ten or more full-time paid employees, for 210  
which it is practicable to determine the merit and fitness of 211  
applicants by competitive examinations. Appointments shall be 212  
made to, or employment shall be given in, all positions in the 213  
competitive class that are not filled by promotion, 214  
reinstatement, transfer, or reduction, as provided in this 215  
chapter, and the rules of the director of administrative 216  
services, by appointment from those certified to the appointing 217  
officer in accordance with this chapter. 218

(2) The unskilled labor class shall include ordinary 219  
unskilled laborers. Vacancies in the labor class for positions 220  
in service of the state shall be filled by appointment from 221  
lists of applicants registered by the director or the director's 222



designee. Vacancies in the labor class for all other positions 223  
shall be filled by appointment from lists of applicants 224  
registered by a commission. The director or the commission, as 225  
applicable, by rule, shall require an applicant for registration 226  
in the labor class to furnish evidence or take tests as the 227  
director or commission considers proper with respect to age, 228  
residence, physical condition, ability to labor, honesty, 229  
sobriety, industry, capacity, and experience in the work or 230  
employment for which application is made. Laborers who fulfill 231  
the requirements shall be placed on the eligible list for the 232  
kind of labor or employment sought, and preference shall be 233  
given in employment in accordance with the rating received from 234  
that evidence or in those tests. Upon the request of an 235  
appointing officer, stating the kind of labor needed, the pay 236  
and probable length of employment, and the number to be 237  
employed, the director or commission, as applicable, shall 238  
certify from the highest on the list double the number to be 239  
employed; from this number, the appointing officer shall appoint 240  
the number actually needed for the particular work. If more than 241  
one applicant receives the same rating, priority in time of 242  
application shall determine the order in which their names shall 243  
be certified for appointment. 244

(C) A municipal or civil service township civil service 245  
commission may place volunteer firefighters who are paid on a 246  
fee-for-service basis in either the classified or the 247  
unclassified civil service. 248

(D) (1) This division does not apply to persons in the 249  
unclassified service who have the right to resume positions in 250  
the classified service under sections 4121.121, 5119.18, 251  
5120.38, 5120.381, 5120.382, 5123.08, and 5139.02 of the Revised 252  
Code or to cities, counties, or political subdivisions of the 253

state. 254

(2) A person who holds a position in the classified 255  
service of the state and who is appointed to a position in the 256  
unclassified service shall retain the right to resume the 257  
position and status held by the person in the classified service 258  
immediately prior to the person's appointment to the position in 259  
the unclassified service, regardless of the number of positions 260  
the person held in the unclassified service. An employee's right 261  
to resume a position in the classified service may only be 262  
exercised when an appointing authority demotes the employee to a 263  
pay range lower than the employee's current pay range or revokes 264  
the employee's appointment to the unclassified service and any 265  
of the following apply: 266

(a) That person held a certified position prior to July 1, 267  
2007, in the classified service within the appointing 268  
authority's agency; 269

(b) That person held a permanent position on or after July 270  
1, 2007, in the classified service within the appointing 271  
authority's agency, and was appointed to the position in the 272  
unclassified service prior to January 1, 2016; 273

(c) That person held a permanent position on or after 274  
January 1, 2016, in the classified service within the appointing 275  
authority's agency, and is within five years from the effective 276  
date of the person's appointment in the unclassified service. 277

(3) An employee forfeits the right to resume a position in 278  
the classified service when: 279

(a) The employee is removed from the position in the 280  
unclassified service due to incompetence, inefficiency, 281  
dishonesty, drunkenness, immoral conduct, insubordination, 282

discourteous treatment of the public, neglect of duty, violation 283  
of this chapter or the rules of the director of administrative 284  
services, any other failure of good behavior, any other acts of 285  
misfeasance, malfeasance, or nonfeasance in office, or 286  
conviction of a felony while employed in the civil service; or 287

(b) Upon transfer to a different agency. 288

(4) Reinstatement to a position in the classified service 289  
shall be to a position substantially equal to that position in 290  
the classified service held previously, as certified by the 291  
director of administrative services. If the position the person 292  
previously held in the classified service has been placed in the 293  
unclassified service or is otherwise unavailable, the person 294  
shall be appointed to a position in the classified service 295  
within the appointing authority's agency that the director of 296  
administrative services certifies is comparable in compensation 297  
to the position the person previously held in the classified 298  
service. Service in the position in the unclassified service 299  
shall be counted as service in the position in the classified 300  
service held by the person immediately prior to the person's 301  
appointment to the position in the unclassified service. When a 302  
person is reinstated to a position in the classified service as 303  
provided in this division, the person is entitled to all rights, 304  
status, and benefits accruing to the position in the classified 305  
service during the person's time of service in the position in 306  
the unclassified service. 307

Sec. 737.061. (A) The chief of police of a municipal 308  
corporation, with the approval of the director of public safety, 309  
may conduct training schools for prospective law enforcement 310  
officers. The prospective officers, during the period of 311  
training and as members of the training school, shall be paid a 312

reasonable salary. The chief of police may furnish the necessary 313  
supplies and equipment for the use of the prospective officers 314  
during the training period. 315

(B) The chief of police may establish rules governing the 316  
qualifications for admission to training schools for prospective 317  
officers and provide for competitive examinations to determine 318  
the fitness of the students and prospective officers, not 319  
inconsistent with the rules of the director of administrative 320  
services. 321

**Section 2.** That existing section 124.11 of the Revised 322  
Code is hereby repealed. 323