

<b>Ohio Revised Code</b>	<b>Miami University Proposed Language</b>	<b>Rationale</b>
<b>124.06 Civil service appointments and removals to be made in accordance with chapter.</b>	<b>Civil service appointments</b>	
No person shall be appointed, <del>removed,</del> transferred, laid off, <del>suspended,</del> reinstated, promoted, or <del>reduced</del> as an officer or employee in the civil service, in any manner or by any means other than those prescribed in this chapter, and the rules of the director of administrative services or the municipal or civil service township civil service commission within their respective jurisdictions.	No person shall be appointed, transferred, laid off, reinstated, <u>or promoted,</u> as an employee <u>in the classified civil service at Miami University,</u> in any manner or by any means other than those prescribed <u>in the rules herein.</u>	Limits language to items that are being changed.
	<p><u>Whenever a vacancy in the classified service is to be filled, the head of a department, office, or hiring unit, in which the position in the classified service is to be filled, shall notify the University's authorized appointing authority (hereafter the University) and identify 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.</u></p> <p><u>Notice of vacancies to be filled by competitive selection shall be posted in conspicuous places such as an employment website, job posting bulletin boards and University personnel offices. The vacancy announcement must include the minimum qualifications for the open positions.</u></p>	<p>Needed to add language that clarified how hiring units would notify the University of vacancies.</p> <p>Adds language that the University will ensure that openings are announced in a consistent manner.</p>
<b>124.22 Educational and citizenship requirements for civil service examinations.</b>	<b>Examinations and requirements</b>	
Rules establishing educational requirements as a condition of taking a civil service examination shall only be adopted with respect to positions for which educational requirements are expressly imposed <del>by a section of the Revised Code or federal requirements or for which the director determines that the educational requirements are</del>	Rules establishing educational requirements as a condition of taking a civil service examination shall only be adopted with respect to positions for which educational requirements are expressly imposed <u>by law</u> or for which <u>the University</u> determines that the educational requirements are job-related.	Removes obligation that applicant be a US citizen. Applicants must still be eligible to work in US.

<p>job-related. An applicant for a civil service examination must be a United States citizen or have legally declared the intention of becoming a United States citizen.</p>		
<p><b>124.23 Examinations.</b></p>	<p><b>Examinations</b></p>	
<p>(A) All applicants for positions and places in the classified service <del>shall be subject to examination, except for applicants for positions as professional or certified service and paraprofessional employees of county boards of mental retardation and developmental disabilities, who shall be hired in the manner provided in section 124.241 of the Revised Code.</del></p>	<p>(A) All applicants for positions and places in the classified service <u>may</u> be subject to examination. <u>The University shall determine the classifications for which examinations are appropriate.</u></p>	<p>University not obligated to test for all positions – just those where it is appropriate. This reduces hiring costs and time to hire.</p>
<p>(B) Any examination administered under this section shall be public and be open to all <del>citizens of the United States and those persons who have legally declared their intentions of becoming United States citizens, within certain limitations to be determined by the director of administrative services as to citizenship, age, experience, education, health, habit, and moral character.</del> Any person who has completed service in the uniformed services, who has been honorably discharged from the uniformed services or transferred to the reserve with evidence of satisfactory service, <del>and who is a resident of this state</del> and any member of the national guard or a reserve component of the armed forces of the United States who has completed more than one hundred eighty days of active duty service pursuant to an executive order of the president of the United States or an act of the congress of the United States may file with the <del>director</del> a certificate of service or honorable discharge, and, upon this filing, the person shall receive additional credit of twenty per cent of the person’s total grade given in the regular examination in which the person receives a passing grade.</p>	<p>(B) Any examination administered under this section shall be public and be open to all. Any person who has completed service in the uniformed services, who has been honorably discharged from the uniformed services or transferred to the reserve with evidence of satisfactory service, and any member of the national guard or a reserve component of the armed forces of the United States who has completed more than one hundred eighty days of active duty service pursuant to an executive order of the president of the United States or an act of the Congress of the United States may file with the <u>University</u> a certificate of service or honorable discharge, and, upon this filing, the person shall receive additional credit of twenty per cent of the person’s total grade given in the regular examination in which the person receives a passing grade.</p>	<p>Eliminates language that limits civil service tests to US citizens only.</p>
<p>As used in this division, “service in the uniformed services” and “uniformed services” have the same meanings as in the “Uniformed Services</p>	<p>As used in this division, “service in the uniformed services” and “uniformed services” have the same meanings as in the “Uniformed</p>	

<p>Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 4303.</p>	<p>Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 4303.</p>	
<p>(C) An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination <del>shall</del> consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods. If minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.</p>	<p>(C) An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination <u>may</u> consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods. If minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.</p>	
<p><del>(D) The director of administrative services shall have control of all examinations, except as otherwise provided in sections 124.01 to 124.64 of the Revised Code.</del> No questions in any examination shall relate to political or religious opinions or affiliations. No credit for seniority, efficiency, or any other reason shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade on the examination without counting that extra credit.</p>	<p>(D) No questions in any examination shall relate to political or religious opinions or affiliations. No credit for seniority, efficiency, or any other reason shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade on the examination without counting that extra credit.</p>	<p>Remove reference to DAS - not applicable.</p>
<p><del>(E) Except as otherwise provided in sections 124.01 to 124.64 of the Revised Code, the director of administrative services shall give reasonable notice of the time, place, and general scope of every competitive examination for appointment to a position in the civil service. The director shall send written, printed, or electronic notices of every examination to be conducted in the state classified service to each agency of the type the director of job and family services specifies and, in the case of a county in which no</del></p>	<p>(E) <u>Reasonable notice shall be given</u> of the time, place, and general scope of every competitive examination for appointment to a position in the civil service. Notice shall be posted in conspicuous public place <u>by the University at least five working days prior to any examination being given.</u></p>	<p>Removes language regarding other state agencies - does not apply to universities.</p>

<p><del>such agency is located, to the clerk of the court of common pleas of that county and to the clerk of each city located within that county. Those notices shall be posted in conspicuous public places in the designated agencies or the courthouse, and city hall of the cities, of the counties in which no designated agency is located for at least two weeks preceding any examination involved, and in a conspicuous place in the office of the director of administrative services for at least two weeks preceding any examination involved. In case of examinations limited by the director to a district, county, city, or department, the director shall provide by rule for adequate publicity of an examination in the district, county, city, or department within which competition is permitted.</del></p>		
<p><b>124.231 Special examinations for legally blind or legally deaf persons.</b></p>	<p><b>Special examinations for individuals with disabilities</b></p>	
<p><del>(A) As used in this section, "legally blind person" means any person who qualifies as being blind under any Ohio or federal statute, or any rule adopted thereunder. As used in this section, "legally deaf person" means any person who qualifies as being deaf under any Ohio or federal statute, or any rule adopted thereunder.</del></p>	<p><u>Miami University does not discriminate against a qualified individual with a disability because of the disability with regard to job application or hiring, employee compensation, job training or other terms, conditions, and privileges of employment.</u></p>	<p>Simplified language and inclusive of all those with disabilities; not just blind and deaf.</p>
<p><del>(B) The director of administrative services shall whenever practicable arrange for special examinations to be administered to legally blind or legally deaf persons applying for original appointments in the classified service to ensure that the abilities of such applicants are properly addressed and that such applicants are not subject to discrimination because they are legally blind or legally deaf persons.</del></p>	<p><u>A qualified individual with a disability is one who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. A disabled employee or potential employee who requests reasonable accommodation shall identify the specific job requirement that he or she believes should be modified through reasonable accommodation. Miami University will provide necessary reasonable accommodation if it can do so without undue hardship on the operation of Miami University.</u></p>	<p>Same as above. Removes reference to DAS.</p>
<p><del>(C) The director may administer equitable programs for the employment of legally blind persons and legally deaf persons in the classified</del></p>		<p>Not applicable to universities.</p>

service.		
Nothing in this section shall be construed to prohibit the appointment of a legally blind or legally deaf person to a position in the classified service under the procedures otherwise provided in this chapter.		Redundant - captured in language above.
<b>124.25 Formal application for examination.</b>	<b>Formal Application and Competitive Selection</b>	
<del>The director of administrative services shall require persons applying for an examination for original appointment to file with the director, within reasonable time prior to the examination, a formal application, in which the applicant shall state the applicant's name, address, and such other information as may reasonably be required concerning the applicant's education and experience. No inquiry shall be made as to religious or political affiliations or as to racial or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual.</del>	<u>The University</u> shall require persons applying for an original appointment to file with <u>the University</u> , prior to the application deadline, a formal application, in which the applicant shall state the applicant's name, address, and such other information as may reasonably be required concerning the applicant's education, <u>training</u> and experience. No inquiry shall be made as to religious or political affiliations or as to racial or ethnic origin of the applicant, except as necessary to gather equal employment opportunity or other statistics <u>as required by law</u> .	Removed DAS reference - not applicable.
Blank forms for applications shall be furnished by <del>the director</del> without charge to any person requesting the same. <del>The director</del> may require in connection with such application such certificate of persons having knowledge of the applicant as the good of the service demands. <del>The director</del> may refuse to appoint or examine an applicant, or, after an examination, refuse to certify the applicant as eligible, who is found to lack any of the established preliminary requirements for the examination, who is addicted to the habitual use of intoxicating liquors or drugs to excess, who has a pattern of poor work habits and performance with previous employers, who has been convicted of a felony, who has been guilty of infamous or notoriously disgraceful conduct, who has been dismissed from either branch of the civil service for delinquency or misconduct, or who has made false statements of any material	Applications shall be furnished without charge to any person requesting the same. <u>The University</u> may require in connection with such application such certificate of persons having knowledge of the applicant as the good of the service demands. <u>The University</u> may refuse to appoint or examine an applicant, or, after an examination, refuse to certify the applicant as eligible, who is found to lack any of the established minimum qualifications for the examination or position, who is addicted to the habitual use of intoxicating liquors or drugs to excess, who has a pattern of poor work habits and performance with previous employers, who has been convicted of a felony, who has been guilty of infamous or notoriously disgraceful conduct, who has been dismissed from either branch of the civil service for delinquency or misconduct, or who has made false statements	

<p>fact, or practiced, or attempted to practice, any deception or fraud in the application or examination, in establishing eligibility, or securing an appointment.</p>	<p>of any material fact, or practiced, or attempted to practice, any deception or fraud in the application or examination, in establishing eligibility, or securing an appointment.</p> <p><u>When an examination is not required, the University shall prepare an eligibility list of the persons who completed the application process by the deadline, who meet the minimum qualifications, and who are eligible.</u></p>	<p>Added language to include process when tests are not given.</p>
<p><b>124.26 Eligibility lists - veteran's preference - provisional employees.</b></p>	<p><b>Testing – Veteran’s preference - Move this section w/testing</b></p>	
<p><del>From the returns of the examinations, the director of administrative services shall prepare an eligible list of the persons whose general average standing upon examinations for the grade or class is not less than the minimum fixed by the rules of the director, and who are otherwise eligible. Those persons shall take rank upon the eligible list as candidates in the order of their relative excellence as determined by the examination without reference to priority of the time of examination. If two or more applicants receive the same mark in an open competitive examination, priority in the time of filing the application with the director shall determine the order in which their names shall be placed on the eligible list, except that applicants eligible for veteran’s preference under section 124.23 of the Revised Code shall receive priority in rank on the eligible list over nonveterans on the list with a rating equal to that of the veteran. Ties among veterans shall be decided by priority of filing the application. If two or more applicants receive the same mark on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligible list. The term of eligibility of each list shall be fixed by the</del></p>	<p>From the returns of the examinations, <u>the University</u> shall prepare an eligibility list of the persons whose general average standing upon examinations for the grade or class is not less than the minimum, and who are otherwise eligible. Those persons shall take rank upon the eligibility list as candidates in the order of their relative excellence as determined by the examination without reference to priority of the time of examination. If two or more applicants receive the same mark in an open competitive examination, priority in the time of filing the application shall determine the order in which their names shall be placed on the eligibility list, except that applicants eligible for veteran’s preference shall receive priority in rank on the eligibility list over nonveterans on the list with a rating equal to that of the veteran. Ties among veterans shall be decided by priority of filing the application. If two or more applicants receive the same mark on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligibility list. <u>The term of eligibility of each list shall be fixed by the University at not more than one year.</u></p>	<p>Removed DAS and ORC references – not applicable.</p> <p>Reduced eligibility lists to one year. Beyond that, applicant information is out of date.</p>

<p><del>director at not less than one or more than two years.</del></p>		
<p><del>When an eligible list is reduced to ten names or less, a new list may be prepared. The director may consolidate two or more eligible lists of the same kind by the rearranging of eligibles named in the lists, according to their grades.</del></p>	<p>Two or more eligibility lists of the same kind may be consolidated.</p>	<p>Simplified language and removed the obligation of waiting until there are only ten names left to combine lists. Streamlines the process.</p>
<p><b>124.27 Appointments from eligibility lists - probation.</b></p>	<p><b>Appointments from eligibility lists</b></p>	
<p><del>(A) The head of a department, office, or institution, in which a position in the classified service is to be filled, shall notify the director of administrative services of the fact, and the director shall, except as otherwise provided in this section and sections 124.30 and 124.31 of the Revised Code, certify to the appointing authority the names and addresses of the ten candidates standing highest on the eligible list for the class or grade to which the position belongs, except that the director may certify less than ten names if ten names are not available. When less than ten names are certified to an appointing authority, appointment from that list shall not be mandatory. When a position in the classified service in the department of mental health or the department of mental retardation and developmental disabilities is to be filled, the director of administrative services shall make such certification to the appointing authority within seven working days of the date the eligible list is requested.</del></p>	<p>(A) The head of a department, office, or <u>hiring unit</u>, in which a position in the classified service is to be filled, shall notify the <u>University</u> of the fact, and the <u>University</u> shall, except as otherwise provided in these rules, <u>forward</u> the names and <u>applications</u> of the candidates <u>who completed the application process by the deadline, who meet the minimum qualifications, and who are eligible.</u></p>	<p>Eliminates the rule of ten. All those who are qualified may be considered. Streamlines to process and removes barriers to employment.</p> <p>Removed references to state agencies – not applicable.</p>
<p><del>(B) The appointing authority shall notify the director of a position in the classified service to be filled, and the appointing authority shall fill the vacant position by appointment of one of the ten persons certified by the director. If more than one position is to be filled, the director may certify a group of names from the eligible list, and the appointing authority shall appoint in the following manner: beginning at the top of the list, each time a selection is made, it must be from</del></p>	<p>(B) <u>The hiring unit shall review the applications and select for interview the applicants who best meet the qualifications for the position.</u></p>	<p>Remove rule of ten process. Streamlines the hiring process.</p>

<p><del>one of the first ten candidates remaining on the list who is willing to accept consideration for the position. If an eligible list becomes exhausted, and until a new list can be created, or when no eligible list for a position exists, names may be certified from eligible lists most appropriate for the group or class in which the position to be filled is classified. A person who is certified from an eligible list more than three times to the same appointing authority for the same or similar positions may be omitted from future certification to that appointing authority, provided that certification for a temporary appointment shall not be counted as one of those certifications. Every person who qualifies for veteran's preference under section 124.23 of the Revised Code, who is a resident of this state, and whose name is on the eligible list for a position shall be entitled to preference in original appointments to any such competitive position in the civil service of the state and its civil divisions over all other persons eligible for those appointments and standing on the relevant eligible list with a rating equal to that of the person qualifying for veteran's preference. Appointments to all positions in the classified service, that are not filled by promotion, transfer, or reduction, as provided in sections 124.01 to 124.64 of the Revised Code and the rules of the director prescribed under those sections, shall be made only from those persons whose names are certified to the appointing authority, and no employment, except as provided in those sections, shall be otherwise given in the classified service of this state or any political subdivision of the state.</del></p>		
<p><del>(C) All original and promotional appointments, including appointments made pursuant to section 124.30 of the Revised Code, shall be for a probationary period, not less than sixty days nor more than one year, to be fixed by the rules of the director, except as provided in section 124.231 of the Revised Code, and except for</del></p>	<p>(C) All original <u>appointments</u>, promotional appointments, <u>and lateral appointments to a position in a different classification</u>, shall <u>serve a fixed</u> probationary period, <u>of not</u> less than <u>thirty</u> days nor more than one year, <u>said period</u> to be fixed by the <u>University</u>. Original appointments to <u>the</u> police department as a</p>	<p>Remove language regarding fire departments. Adds probation for lateral appointments to a different classification series. This ensures that a current employee who takes a lateral transfer does not need to go through the disciplinary process if they cannot</p>

<p>original appointments to a police department as a police officer <del>or to a fire department as a firefighter</del> which shall be for a probationary period of one year. No appointment or promotion is final until the appointee has satisfactorily served the probationary period. If the service of the probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. <del>If the appointing authority decides to remove a probationary employee in the service of the state, the appointing authority shall communicate to the director the reason for that decision.</del> A probationary employee duly removed or reduced in position for unsatisfactory service does not have the right to appeal the removal or reduction under section 124.34 of the Revised Code.</p>	<p>police officer shall <u>serve</u> a probationary period of one year. No appointment or promotion is final until the appointee has satisfactorily served the probationary period. If the service of the probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. <u>The University may remove or reduce a probationary employee.</u> A probationary employee duly removed or reduced in position for unsatisfactory service does not have the right to appeal the removal or reduction under section 124.34 of the Revised Code.</p>	<p>perform his/her new job duties.</p>
<p><b>124.271 Provisional employees.</b></p>		
<p><del>Any employee in the classified service of the state or any county, city, city health district, general health district, or city school district who is appointed to a position under section 124.30 of the Revised Code, and either demonstrates merit and fitness for the position by successfully completing the probationary period for the position or remains in the position for a period of six months of continuous service, whichever period is longer, shall become a permanent appointee in the classified service at the conclusion of that period.</del></p>		<p>Eliminate reference to provisional employees - state has recently removed this concept too.</p>
<p><b>124.30 Emergency, external interim, temporary, or intermittent appointments - scientific, managerial, professional, or educational qualifications.</b></p>		
<p>(A) Positions in the classified service may be filled without competition as follows:</p>	<p>(A) Positions in the classified service may be filled without <u>competitive selection</u> as follows:</p>	
<p><del>(1) Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the director of administrative services is unable to certify to the appointing authority, upon its request, a list of persons eligible for appointment to the position after a competitive</del></p>		<p>Remove reference to DAS. Also, deletes language that could be viewed as a way to circumvent the competitive posting process.</p>

<p><del>examination, the appointing authority may fill the position by noncompetitive examination.</del></p>		
<p><del>A temporary appointment may be made without regard to the rules of sections 124.01 to 124.64 of the Revised Code. Except as otherwise provided in this division, the temporary appointment may not continue longer than one hundred twenty days, and in no case shall successive temporary appointments be made. A temporary appointment longer than one hundred twenty days may be made if necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees, in which case it may continue during the period of sickness, disability, or other approved leave of absence, subject to the rules of the director.</del></p>	<p>(1) <u>Temporary appointments.</u> Except as otherwise provided <u>herein</u>, the temporary appointment may not continue longer than one <u>year</u>, and in no case shall successive temporary appointments be made. A temporary appointment longer than <u>one year</u> may be made if necessary by reason of sickness, disability, or other approved leave of absence of regular employees, in which case it may continue during the period of sickness, disability, or other approved leave of absence.</p>	<p>Extends temporary appointments to one year. Makes it easier for University to utilize temporary appointments without going through the posting process when appropriate.</p>
<p><del>(2) In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in this special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in those qualities, the director may suspend the provisions of sections 124.01 to 124.64 of the Revised Code that require competition in this special case, but no suspension shall be general in its application. All such cases of suspension shall be reported in the annual report of the director with the reasons for each suspension. The director shall suspend the provisions when the director of job and family services provides the certification under section 5101.051 of the Revised Code that a position with the department of job and family services can best be filled if the provisions are suspended.</del></p>	<p>(2) In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in this special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in those qualities, the <u>University</u> may suspend the provisions of <u>the rules herein</u> that require competition in this special case, but no suspension shall be general in its application.</p>	<p>Removes reference to DAS – does not apply.</p>
<p>(3) The acceptance or refusal by an eligible person of a temporary appointment shall not affect the person’s standing on the eligible list for permanent appointment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent</p>	<p>(3) The acceptance or refusal by an eligible person of a temporary appointment shall not affect the person’s standing on the eligibility list for permanent appointment, nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent</p>	

<p>appointment to a permanent position.</p>	<p>appointment to a permanent position.</p>	
<p>(B) Persons who receive temporary or intermittent appointments are in the unclassified civil service and serve at the pleasure of their appointing authority.</p>	<p>Persons who receive intermittent, <u>or student employee</u> appointments are in the unclassified civil service.</p>	<p>Includes temporaries in civil service. Clarifies that student employee are not in civil service.</p>
<p><b>124.31 Promotions.</b></p> <p>(A) Vacancies in positions in the classified service shall be filled insofar as practicable by promotions. <del>The director of administrative services shall provide in the director's rules for keeping a record of efficiency for each employee in the classified civil service of the state, and for making promotions in the classified civil service of the state on the basis of merit, to be ascertained insofar as practicable by promotional examinations, by conduct and capacity in office, and by seniority in service. The director shall provide that vacancies in positions in the classified civil service of the state shall be filled by promotion in all cases where, in the judgment of the director, it is for the best interest of the service. The director's rules shall authorize each appointing authority of a county to develop and administer in a manner it devises, an evaluation system for the employees it appoints.</del></p>	<p><b>Promotions:</b></p> <p>(A) Vacancies in positions in the classified service shall be filled insofar as practicable by <u>competitive selection. The University may provide that vacancies in positions in the classified civil service shall be filled by promotion in cases when the University determines it is in its best interests to do so.</u></p>	<p>Eliminates the rule of three for internal promotions. Allows all internal applicants who meet the qualifications to be considered. Hiring practice is more inclusive and easier to manage.</p>
<p>(B) All examinations for promotions shall be competitive and may be conducted in the same manner as examinations described in <del>section 124.23 of the Revised Code. In promotional examinations, seniority in service shall be added to the examination grade, but no credit for seniority or any other reason shall be added to an examination grade unless the applicant achieves at least the minimum passing score on the examination without counting that extra credit. Credit for seniority shall equal, for the first four years of service, one per cent of the total grade attainable in the promotion examination, and, for each of the fifth through fourteenth years of service, six tenths per cent of the total grade attainable.</del></p>	<p>(B) <u>For classifications where an examination is required, all examinations for promotions shall be competitive and may be conducted in the same manner as examinations described herein. Where an examination is not required, the University's authorized appointing authority shall prepare an eligibility list of the persons who applied by the deadline, meet the minimum qualifications and are eligible.</u></p>	<p>Eliminates seniority scoring as a part of the promotional examination process. Adds language regarding non-tested promotional process. The new process is more inclusive as it places focus on skills, knowledge, and training. Process easier to manage.</p>

<p>In all cases where vacancies are to be filled by promotion, the <del>director shall certify to the appointing authority</del> the names of the three persons having the highest rating on the eligible list. The method of examination for promotions, the manner of giving notice of the examination, and the rules governing it shall be in general the same as those provided for original examinations, except as otherwise provided in sections 124.01 to 124.64 of the Revised Code.</p>	<p>In all cases where vacancies are to be filled by promotion, the <u>University shall forward to the hiring unit the names and applications of the candidates who applied by the deadline, meet the minimum qualifications and are eligible. Only candidates who meet the minimum qualifications for the position may be considered.</u></p>	<p>Eliminates references to testing.</p>
<p><b>124.32 Transfers - reinstatements.</b></p>		
<p>(A) A person holding an <del>office or</del> position in the classified service may be transferred to a similar position in another office, department, <del>or institution</del> having the same pay and similar duties, but no transfer shall be made as follows:</p>	<p>(A) A person holding a position in the classified service may be transferred to a <u>vacant</u> similar position in another office <u>or</u> department having the same pay and similar duties, but no transfer shall be made as follows:</p>	
<p>(1) From an <del>office or</del> position in one class to an <del>office or</del> position in another class;</p>	<p>(1) From a position in one <u>classification to a position in another classification where the individual does not meet the minimum qualifications;</u></p>	<p>Allows transfers from one classification to another related classification. Provides more opportunities for employees.</p>
<p>(2) To an office or position for original entrance to which there is required by <del>sections 124.01 to 124.64 of the Revised Code, or the rules adopted pursuant to those sections,</del> an examination involving essential tests or qualifications <del>or</del> carrying a salary different from or higher than those required for original entrance to an office or position held by the person proposed to be transferred.</p>	<p>(2) To an office or position for original entrance to which there is required an examination involving essential tests or qualifications or carrying a salary different from or higher than those required for original entrance to an office or position held by the person proposed to be transferred.</p>	<p>Remove reference to ORC.</p>
<p>No person in the classified civil service <del>of the state</del> may be transferred without the consent of the <del>director of administrative services.</del></p>	<p>No person in the classified civil service may be transferred without the consent of the <u>University's authorized appointing authority.</u></p>	
<p>(B) Any person holding an <del>office or</del> position in the classified service who has been separated from the service without delinquency or misconduct on the person's part may be reinstated within one year from the date of that separation to a vacancy <del>in the same office or in a similar position in the same department,</del> except that a person in the classified service of the state only may be reinstated with the consent of the <del>director of administrative services. But, if that separation is</del></p>	<p>(B) Any person holding a <u>position</u> in the classified service who has been separated from the service without delinquency or misconduct on the person's part may be reinstated within one year from the date of that separation to a vacancy in a similar position <u>in the same classification.</u></p>	<p>Streamline language. Remove references to classifications that are not applicable.</p>

<p>due to injury or physical or psychiatric disability, the person shall be reinstated in the same office held or in a similar position to that held at the time of separation, within thirty days after written application for reinstatement, if the person passes a physical or psychiatric examination made by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife showing that the person has recovered from the injury or physical or psychiatric disability, if the application for reinstatement is filed within two years from the date of separation, and if the application is not filed after the date of service eligibility retirement. The physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife shall be designated by the appointing authority and shall complete any written documentation of the physical or psychiatric examination.</p>		
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**Ohio Administrative Code**

<p><b>Chapter 123:1-9 Examinations</b></p>		
<p><b>123:1-9-01 Examination guidelines.</b></p>	<p><b>Examination guidelines</b></p>	
<p>(A) Notice requirements for <del>open competitive and/or promotional examinations</del>. Notice of <del>open competitive and/or promotional</del> examinations shall be sent to each department, district, county, and/or city in which employees would be eligible to compete. Notice shall also be sent to employees where feasible.</p>	<p>(A) Notice requirements for examinations. Notice of examinations shall be <u>posted in conspicuous places such as an employment website, job posting bulletin boards and University personnel offices.</u></p>	<p>Removes language to outside agencies.</p>
<p>(B) Admitting applicants to examinations. No applicant shall be admitted to any written examination more than thirty minutes after the advertised time for beginning such examination. Applicants who are late arriving for skills or interview examinations will be scheduled for the next available session.</p>	<p>No change.</p>	
<p>(C) Extension of time in examinations. No applicant in any examination shall be given a longer time on any subject than prescribed by the <del>director</del>. The <del>director</del> may establish separate time limits for the individual accommodation of</p>	<p>(C) Extension of time in examinations. No applicant in any examination shall be given a longer time on any subject than prescribed</p>	

disabled applicants.	by the <u>University</u> . The <u>University</u> may establish separate time limits for the individual accommodation of disabled applicants.	
(D) Visitors at examinations. No visitor shall be admitted to the examination room during any examination except by special permission of the examiner in charge.	(D) Visitors at examinations. No visitor shall be admitted to the examination room during any examination except by special permission of the examiner in charge. <u>Applicants may not place or accept phone calls or electronic communications during the examination.</u>	Includes language regarding using electronic devices during testing.
(E) Inspection of papers. Any competitor shall have the right at any time within the period of ten days after receiving notice of examination grade to request, in writing, a review of his or her own papers to learn the markings given on each subject or question and to submit in writing for the <del>director's</del> consideration, any objection or protest he or she may wish to make concerning the grades given. No objection or protest concerning an examination, not submitted in writing, shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by a competitor, or such other circumstances in connection with an examination as would call for an investigation on the part of the <del>director</del> , and which would require that the information submitted be given in confidence. An applicant who exercises the right to inspect his or her examination papers shall not be permitted to again take an examination for the same classification within a four-month period following the inspection, unless an alternate form of examination is given. Inspection shall not be permitted of standardized tests prepared by experts outside the state service, where such inspection would tend to reduce the validity of test results.	(E) Inspection of papers. Any competitor shall have the right at any time within the period of ten days after receiving notice of examination grade to request, in writing, a review of his or her own papers to learn the markings given on each subject or question and to submit in writing for the <u>University's</u> consideration, any objection or protest he or she may wish to make concerning the grades given. No objection or protest concerning an examination, not submitted in writing, shall be considered unless it relates to the conduct of examiners, the securing of unlawful assistance by a competitor, or such other circumstances in connection with an examination as would call for an investigation on the part of the <u>University</u> , and which would require that the information submitted be given in confidence. An applicant who exercises the right to inspect his or her examination papers shall not be permitted to again take an examination for the same classification within a four-month period following the inspection,	

	<p>unless an alternate form of examination is given. Inspection shall not be permitted of standardized tests prepared by experts outside the state service, where such inspection would tend to reduce the validity of test results.</p>	
<p>(F) Changing of grades. No grades given in any examination shall be changed after the posting of an eligible list, except after the consideration of reasons submitted in writing by the competitor objecting and report thereon by the <del>director's</del> properly authorized examiners; provided that the <del>director</del> may correct clerical errors of examiners or employees at any time before the cancellation of such lists.</p>	<p>(F) Changing of grades. No grades given in any examination shall be changed after the posting of an <u>eligibility</u> list, except after the consideration of reasons submitted in writing by the competitor objecting and report thereon by the <u>University's</u> properly authorized examiners; provided that the <u>University</u> may correct clerical errors of examiners or employees at any time before the cancellation of such lists.</p>	
<p>(G) Postponement or cancellation of examinations. Examinations, unless canceled or postponed, must be held upon dates fixed by the <del>director</del>. A scheduled examination may be canceled or postponed by order of the <del>director</del>, for adequate reason. Reasonable efforts shall be made to notify each approved applicant of cancellation or postponement.</p>	<p>(G) Postponement or cancellation of examinations. Examinations, unless canceled or postponed, must be held upon dates fixed by the <u>University</u>. A scheduled examination may be canceled or postponed by order of the <u>University</u>, for adequate reason. Reasonable efforts shall be made to notify each approved applicant of cancellation or postponement.</p>	
<p>(H) Credit for military service. When proper proof of military service, as defined in section 124.23 of the Revised Code, is presented to the <del>director</del> and the applicant, being a <del>resident of Ohio</del> 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. The applicant must submit proof of honorable discharge or honorable separation from active military service prior to <del>participation in the examination</del>.</p>	<p>(H) Credit for military service. When proper proof of military service, as defined in section 124.34 of the Revised Code, is presented to the <u>University</u> and the applicant, being 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</p>	<p>Applicants from other states may receive credit for military service. Given Miami's proximity to Kentucky and Indiana, this makes sense.</p>

	the above-mentioned service. The applicant must submit proof of honorable discharge or honorable separation from active military service prior to <u>the posting of an eligibility list.</u>	
(I) 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, provided that the <del>director</del> may waive in writing this rule upon written request from an applicant stating substantial reasons for granting such waiver.	(I) 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, provided that the <u>University</u> may waive in writing this rule upon written request from an applicant stating substantial reasons for granting such waiver.	
(J) Release time for examinations. <del>State or county</del> employees shall be allowed necessary time off without loss of pay to compete in any civil service examination conducted by the <del>director of administrative services for the classification in which the employee is serving a probationary period. The appointing authority may grant time off without loss of pay for up to two additional examinations during any one calendar year. If the employee wishes to take additional examinations, the appointing authority may require that the employee take vacation leave, compensatory time, or leave without pay.</del>	(J) Release time for examinations. <u>University</u> employees shall be allowed necessary time off without loss of pay to compete in any civil service examination conducted by the <u>University</u> .	Removes references to outside agencies – not applicable.
<b>123:1-9-02 Subjects and weights.</b>		
The <del>director</del> 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. Reasonable accommodations may be made for the testing of physically and mentally-impaired individuals in accordance with the Americans with Disabilities Act. A <del>“physically-impaired individual”</del> for purposes of this chapter is any	The <u>University</u> 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. Reasonable	Simplifies disability language.

<p><del>person who has a physical impairment which substantially limits one or more major life activities such as performing manual tasks, walking, seeing, hearing, speaking, or reading.</del></p>	<p>accommodations may be made for the testing of physically and mentally-impaired individuals in accordance with the Americans with Disabilities Act.</p>	
<p>The <del>director</del> shall determine a passing point for each examination based on the difficulty of that examination, <del>number of applicants, number of vacancies,</del> and other relevant data. When a passing point is determined, it shall be made a matter of permanent record. The <del>director</del> 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 <del>director</del> shall prescribe that all examinations shall be in compliance with federal selection guidelines and professional standards.</p>	<p>The <u>University</u> shall determine a passing point for each examination based on the difficulty of that examination and other relevant data. When a passing point is determined, it shall be made a matter of permanent record. The <u>University</u> 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 <u>University</u> shall prescribe that all examinations shall be in compliance with federal selection guidelines and professional standards.</p>	
<p><b>123:1-9-03 Medical or psychological examination as a requirement for appointment to the classified service.</b></p>	<p><b>Medical or psychological examination as a requirement for appointment to the classified service.</b></p>	
<p>(A) Medical examination defined. For purposes of this rule, a "medical examination" is an evaluation by a licensed practitioner of an applicant's physiological or psychological condition as it relates to employment in the classification being considered.</p>	<p>(A) Medical examination defined. For purposes of this rule, a "medical examination" is an evaluation by a licensed practitioner of an applicant's physiological or psychological condition as it relates to employment in the classification being considered.</p>	
<p>(B) Licensed practitioner defined. For purposes of this rule, a "licensed practitioner" is a physician, psychiatrist, psychologist, or other appropriately licensed mental health professional such as a licensed professional clinical counselor or a licensed independent social worker who is licensed to perform the appropriate examination.</p>	<p>(B) Licensed practitioner defined. For purposes of this rule, a "licensed practitioner" is a physician, psychiatrist, psychologist, or other appropriately licensed mental health professional such as a licensed professional clinical counselor or a licensed independent social worker</p>	

	who is licensed to perform the appropriate examination.	
<del>(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.</del>		Removes redundant language
<del>(1) Notice of requirement. When a medical or psychological examination is required by the director such requirement shall be published in the examination or vacancy announcement.</del>	(1) Notice of requirement. When a medical or psychological examination is required by the <u>University</u> such requirement shall be published in the examination or vacancy announcement and <u>shall comply with the Americans With Disabilities Act and other applicable laws regarding disability.</u>	Adds language that the University will comply with ADA.
<del>(2) Certificate required. When a medical or psychological examination is required by the director 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.</del>		Removes language regarding process that the University does not use. This process obligates the applicant to furnish medical information.
<del>(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.</del>		Removes language regarding process that the University does not use.
<del>(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.</del>		Removes language regarding process that the University does not use.
<del>(F) Use of examination results. Results of a medical or</del>		Removes language regarding process

<del>psychological examination shall be supplied to the appointing authority and may be considered only after a conditional decision has been made to hire 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.</del>		that the University does not use.
<del>(G) Disclosure to employee. Disclosure of any reports prepared by the examining practitioner is subject to Chapter 1347. of the Revised Code.</del>	??	Removes language regarding process that the University does not use.
Chapter 123:1-11 Applications for Examination		
123:1-11-04		
Character and fitness of applicant. Satisfactory information produced at any time to the <del>director</del> , 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 <del>director</del> . All documentation submitted by applicants or appointing authorities as to character and fitness shall be subject to investigation by the <del>director</del> .	Character and fitness of applicant. Satisfactory information produced at any time to the <u>University</u> , 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 eligibility list, providing such person shall be notified as to the reason and shall be given an opportunity for a review by the <u>University</u> . All documentation submitted by applicants or <u>references</u> as to character and fitness shall be subject to investigation by the <u>University</u> .	
123:1-11-05 False statements.	123:1-11-05 False statements.	
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	Fraudulent conduct or false statements by the applicant, or by others with his connivance, in any application or examination, shall be	

<p>from the eligible register, or for discharge from the service after appointment from certification, provided that the name of no person shall be removed from a register of eligibles, nor shall any person be dismissed from the service under this section, without having an opportunity to be heard in his own behalf. Where an applicant is excluded from an examination or his name is removed from the eligible list under this rule, he shall be heard by the Director. If he is to be discharged from service following appointment, the procedure established in Section 124.34, Ohio Revised Code, shall be followed.</p>	<p>deemed cause for exclusion of said applicant from any examination, or for removal of his name from the <u>eligibility list</u>, or for discharge from the service after appointment from certification, provided that the name of no person shall be removed from <u>an eligibility list</u>, nor shall any person be dismissed from the service under this section, without having an opportunity to be heard in his own behalf. Where an applicant is excluded from an examination or his name is removed from the eligibility list under this rule, he shall be heard by the <u>University</u>. If he is to be discharged from service following appointment, the procedure established in Section 124.34, Ohio Revised Code, shall be followed.</p>	
<p>123:1-11-08 Applications. (A) The completed application will be <del>the sole</del> criteria in determining an applicant's eligibility for any examination. Information showing that an applicant meets all of the minimum qualifications as stated on an <del>examination</del> announcement must appear on the application.</p>	<p>123:1-11-08 Applications. (A) Information showing that an applicant meets all of the minimum qualifications as stated on a <u>vacancy announcement</u> must appear on the application <u>or supporting documentation</u>.</p>	<p>Allows applicants to submit additional supporting documents to establish that they meet the minimum qualifications – such as resumes and training certificates,</p>
<p>(B) Failure of an applicant to indicate the qualifications as to experience or any other requirements described in the bulletin announcing the <del>examination</del> will be considered sufficient cause to exclude an applicant from <del>the examination</del>. An applicant may correct an incomplete application as long as any necessary corrections are made prior to the filing deadline <del>of the examination</del>.</p>	<p>(B) Failure of an applicant to indicate the qualifications as to experience or any other requirements described in the <u>vacancy announcement</u> will be considered sufficient cause to exclude an applicant <u>from consideration for employment</u>. An applicant may correct an incomplete application as long as any necessary corrections are made prior to the</p>	<p>Removes reference to examination, as exams may not be required for all openings.</p>

	filing deadline for the <u>vacancy</u> .	
(C) An applicant who has filed an application for an <del>examination</del> may be permitted to change the application for another <del>examination</del> if he or she possesses the proper qualifications for which applications are being received, provided such change shall be requested prior to the filing deadline for the <del>examination</del> . <del>The date of such change shall determine the date of filing.</del>	(C) An applicant who has filed an application for a vacancy may be permitted to change the application for another vacancy if he or she possesses the proper qualifications for which applications are being received, provided such change shall be requested prior to the filing deadline for the vacancy.	
Chapter 123:1-15 Eligibility Lists	Eligibility Lists	
123:1-15-01 Eligible lists.		
(A) The period of eligibility for an applicant on an eligible list shall be one year from the date the name was placed on the list, <del>but the director of administrative services may, in his discretion, prior to the date of expiration of eligibility, extend the period of eligibility for the list, provided the total period of eligibility shall not exceed two years.</del>	(A) The period of eligibility for an applicant on an eligibility list shall be <u>no longer than</u> one year from the date the name was placed on the list. <u>The University's authorized appointing authority may develop an eligibility list for each posting or fill a number of vacancies for the same classification from an existing eligibility list.</u>	Clarifies current business practices. University may develop an eligibility list for each job opening, enabling applicants to apply only for those positions for which they are interested.
(B) The <del>director</del> may consolidate two or more eligible lists of the same classification <del>by rearranging of eligibles named therein,</del> according to their grades.	(B) The <u>University</u> may consolidate two or more eligibility lists of the same classification. <u>Where an examination is required, the University's authorized appointing authority will rank order the names from both lists,</u> according to their grades.	Removes reference to DAS. Keeps same spirit of language.
(C) <del>When a promotional and an open competitive list are combined, the promotional list shall be placed ahead of the open competitive list.</del>		Miami University does not combine internal promotion lists with open competitive lists.
(D) <del>When for any reason the director shall hold an examination to create an eligible list for any classification while there are eligibles on any existing list for such classification and any person on such existing list takes such examination, he or she shall be given the standing on such combined list to which the higher grade received in either examination shall entitle him or her during the continuance of the first list, and thereafter he or she shall take rank in accordance with the grade received in the subsequent</del>	(D) <u>When for any reason the University shall hold an examination to create an eligibility list for any classification <u>any person who has an exam score on file that is less than one year old and greater than four months old, may re-take the exam.</u> The individual shall be given the higher grade on the subsequent</u>	Simplifies language.

<p>examination.</p>	<p><u>eligibility list. Where lists are combined, the applicant shall be given standing on such combined list to which the higher grade received in either examination shall entitle him or her.</u></p>	
<p><del>(E) At the discretion of the director, persons qualifying on an examination for a given classification may be placed on eligible lists for one or more lower classifications in the same class series. The adoption of such additional placement shall be extended to all eligibles on the list. Appointment from any list shall remove the eligibles' names from all lists on which they were placed under this rule.</del></p>		<p>The University does not combine lists in this fashion. Applicants must express interest for each position in which they are interested – we do not automatically apply individuals for lower level positions if they are not interested.</p>
<p>(F) Whenever in the judgment of the <del>director</del> action is deemed advisable on account of errors or fraud in connection with any examination, a re-examination of applicants shall be ordered and the eligible list shall be amended in accordance with results of such re-examination. After an eligible list is prepared and posted it shall not be revoked except upon written notice to all the eligibles. 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.</p>	<p>(F) Whenever in the judgment of the <u>University</u> 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 eligibility list shall be amended in accordance with results of such re-examination. After an eligibility list is prepared and posted it shall not be revoked except upon written notice to all <u>those on said list</u>. An appointment made from an eligibility 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.</p>	
<p>Chapter 123:1-17 Vacancies and Appointments</p>		
<p>123:1-17-01 Requisitions.</p>	<p>Requisition to Fill a Vacancy</p>	
<p>Whenever a vacancy in the classified service is to be filled <del>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.</del></p>	<p>Whenever a vacancy in the classified service is to be filled, <u>the head of a department, office, or hiring unit, in which a position in the classified service is to be filled, shall notify the University's authorized appointing authority and identify the position to be filled and stating the class title, location, and number of</u></p>	<p>Removes reference to DAS – not applicable.</p>

	positions to be filled, and also whether the position is to be filled on a full- or part-time basis.	
123:1-17-02 Certification eligible list.	Recommendation to Hire.	
(A) Upon receipt of request for certification to fill a vacancy, the director shall certify to the appointing authority from the eligible list, the names, addresses and grades of the ten or more persons standing highest on such list that are willing to accept consideration for that appointment type. The appointing authority shall make appointments from the certification eligible list within thirty days. The director may, upon review of adequate reasons why the appointment cannot be made within thirty days, provide the appointing authority a follow up list for an additional thirty day appointment period. If more than one vacancy is to be filled, the number of names to be certified shall be determined in the following manner:	(A) <u>The hiring department shall recommend to the University's authorized appointing authority the name of the candidate to whom an offer of employment should be extended. If there are multiple vacancies, the hiring department may recommend multiple candidates for consideration. Only the University's authorized appointing authority may extend an offer of appointment.</u>	Eliminate rule of ten. Hiring department can consider all qualified applicants. Simplifies the hiring process.
		Eliminate rule of ten.
(1) For 2 to 4 vacancies, fifteen names shall be given.		
(2) For 5 to 8 vacancies, twenty names shall be given.		
(3) For 9 to 12 vacancies, twenty five names shall be given.		
(4) For 13 to 16 vacancies, thirty names shall be given.		
(B) In appointing persons from the certification eligible list, the rule of ten shall be followed; that is, every time a group of ten available applicants is considered, one of said group must be appointed. Beginning at the top of the list every person who is available but not permanently appointed must be considered four times in a group of ten before the person's name may be dropped from further consideration by that appointing authority. When the director includes additional names on a certification eligible list, the additional names may be considered for appointment only if one or more of the persons named in the original certification is unavailable or fails to reply to notice of certification. For each person in the original certification who is unavailable or fails to reply to notice of certification, one name from the additional group may be considered for appointment. In any case, the rule of ten as defined in this rule will be used in making all certified appointments.		Eliminate rule of ten.
123:1-17-03 Limitation on certifications.		
No person shall be certified from an eligible list more than four times to the same appointing authority for a position of		University does not keep on-going eligibility lists in most circumstances.

the same classification, except at the request of the appointing authority, and subject to the following provisions:		Applicants apply for positions in which they are interested. Keeps applicants from being unduly eliminated from consideration.
(A) If a certification eligible list is not used by the appointing authority, no consideration shall be charged to the persons included on the certification.		University does not keep on-going eligibility lists in most circumstances. Does not apply.
(B) Certifications for seasonal appointment shall be charged separately from those for permanent appointment. The declination of any such seasonal appointment shall not affect the right of an eligible to remain on the certification eligible list for appointment to a different appointment category.		University does not keep on-going eligibility lists in most circumstances. Does not apply.
(C) Whenever a certification is made to fill more than one position under rule 123:1-17-02 of the Administrative Code, those persons who are dropped after four considerations shall be considered as having been certified four times.		University does not keep on-going eligibility lists in most circumstances. Does not apply.
(D) An eligible who has declined appointment because of the salary offered is subsequently not certified for positions at the same or less salary.		University does not keep on-going eligibility lists in most circumstances. Does not apply.
123:1-17-04 Notice.		
When an eligible's name is included on a certification to an appointing authority, written notice shall be transmitted to the eligible by the appointing authority, informing the individual of the nature and location of the position and that he or she is being considered for appointment. This rule may be waived if the certification meets the requirements of rule 123:1-17-03 paragraph (A) of the Administrative Code.		University does not keep on-going eligibility lists in most circumstances. Does not apply.
123:1-17-05 Reply by eligible.		
(A) All eligibles certified to a position shall communicate with the appointing authority in accordance with the instructions given to each eligible, within six calendar days from the time when written notice is transmitted to the eligible.		University does not keep on-going eligibility lists in most circumstances. Does not apply.
(B) Failure on the part of an eligible to comply with his specific instructions to so communicate with the appointing authority shall be considered a waiver of certification, and upon request of the appointing authority the Director shall certify an additional name for each eligible failing to communicate. Eligibles who fail to respond to notice of certification shall be dropped from the eligible list and notice of such action shall be sent them immediately. No person		University does not keep on-going eligibility lists in most circumstances. Does not apply.

<del>whose name has thus been stricken from the eligible list shall be restored except upon his written request giving satisfactory reasons for not responding to notice of certification.</del>		
<del>123:1-17-09 Removal from list following certification.</del>		
When an <del>eligible</del> whose name has been included on a certification indicates not being interested in the position, or declines an offer of appointment if one is made, the individual's name shall be removed from the eligible list, subject to the following qualifications:	When an <u>applicant</u> whose name has been included on an <u>eligibility list</u> indicates not being interested in the position, or declines an offer of appointment if one is made, the individual's name shall be removed from the eligibility list, subject to the following qualifications:	
<del>(A) The report of the eligible's decision shall be subject to review or investigation by the director, and the eligible's name may be retained on or restored to the list following such review or investigation.</del>		Removes reference to DAS – not applicable.
<del>(B) If the eligible's decision is based on illness, military service, or conflict with schooling, their name shall be restored to the list when he or she indicates their availability for consideration.</del>	(A) If the <u>applicant's</u> decision is based on military service his/her name shall be restored to the list when he or she indicates their availability for consideration	Removes illness and schooling as an automatic reason for restoration – these are included below. Maintains rights for those in military.
<del>(C) Any eligible whose name has been removed from a list under this rule may be restored to the list upon presentation to the director of reasons or evidence which would justify restoration to the list.</del>	(B) <u>An applicant</u> whose name has been removed from a list under this rule may be restored to the list upon presentation to the <u>University</u> of reasons or evidence which would justify restoration to the list.	
<del>123:1-17-11 Cancellation of certification.</del>		
<del>Whenever it is necessary to cancel a certification because of a waiver of any person whose name appears thereon and to make new certification in order to supply a sufficient number of names for the appointments to be made, one certification shall be counted against each person waiving the right to appointment, but certifications cancelled because of waivers shall not be counted against persons appearing thereon who do not waive.</del>		Not applicable.

<del>123:1-17-16 Appropriateness of duties.</del>		
<del>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. The assignment of duties is the responsibility of the appointing authority. It is also his responsibility to see that accurate descriptions of the duties performed are reported to the Director so that proper classification of the positions may be maintained. 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.</del>		Redundant language. Already established that an individual must be hired into a specific vacancy to which they meet the minimum qualifications.
<del>123:1-17-17 Restoration after probationary removal.</del>		
<del>Any person removed from employment during a probationary period may be restored to the eligible list for future certification with the approval of the Director.</del>		Not applicable.
Chapter 123:1-19 Probation	Probation	
123:1-19-01 Nature of probationary period.	Nature of probationary period	
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. If, an employee's services are found unsatisfactory, the employee may be removed, or reduced in accordance with rule <del>123:1-23-12 of the Administrative Code</del> , at any time during a probationary period. Whenever an employee is given a probationary removal or reduction, a written statement of the reasons for such action, signed by the appointing authority, showing the respects in which the employee's service was not satisfactory, shall be given to the employee and the director of administrative services.	Each employee in the classified civil service shall serve a probationary period following any original or promotional appointment, or lateral appointment to a position in another classification series whether with or without competitive examination. If, an employee's services are found unsatisfactory, the employee may be removed, or reduced at any time during a probationary period. Whenever an employee is given a probationary removal or reduction, a written statement of the reasons for such action, signed by the <u>University's authorized</u> appointing authority, showing the respects in	

	which the employee's service was not satisfactory, shall be given to the employee.	
123:1-19-02 Length of probation in state service.		
<del>(A) The probationary period for all classified employees in the state agencies, boards, and commissions hired on or after July 1, 2007 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. Classified employees of the state agencies, boards, and commissions hired before July 1, 2007 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 into the position.</del>	Duplicates what is already established in ORC section of document.	Consolidate redundant language.
<del>(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.</del>		Not applicable.
<del>(C) Longer probationary periods, not in excess of one year, 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.</del>		Redundant language.
(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 days the employee spent in no-pay status.	(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 days the employee spent in no-pay status.	
(E) <del>An appointing authority may, with the consent of the employee and approval of the director, extend an employee's probationary period for up to sixty days to allow additional time to review the employee's performance. A 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.</del>	(E) The <u>University</u> may, with the <u>written</u> consent of the employee and <u>written</u> approval of the <u>employee's supervisor</u> , extend an employee's probationary period for up to sixty days to allow additional time to review the employee's	Clarified that the request must be in writing.

	performance. A 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.	
<del>123:1-19-03 Length of probation in county service.</del>		
<del>(A) The probationary period for all classified employees in the service of the county appointing authorities is fixed at one hundred and eighty calendar days. A longer period, not in excess of one year, may be established for specific job classifications upon agreement by the director of administrative services and the appointing authorities concerned, and upon the submission of proper documentation as required by the director.</del>		Redundant language – consolidated.
<del>(B) Time spent on leave of absence without pay shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent in no pay status.</del>		Redundant language – consolidated.
<del>(C) An appointing authority may, with the consent of the employee and approval of the director, extend an employee's probationary period for up to sixty days to allow additional time to review the employee's performance. A 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 and the total probationary time does not exceed one year.</del>		Redundant language – consolidated.
123:1-19-04 Probationary period for part-time or intermittent workers.	Probationary period for part-time workers.	
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 full-time employees. Employees who work an irregular schedule or who work less than the normal number of working days per week shall have their probationary period determined on the basis of time actually worked as described below:	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 full-time employees. Part-time employees who work who work less than the normal number of working days per	Eliminates reference to intermittent schedules. Intermittent employees are not included in these rules.

	week shall have their probationary period determined on the basis of time actually worked as described below:	
	(A) <u>670 Hours are equivalent to a 120-day probationary period.</u>	Added language to include 120 day probation.
(A) 1,000 Hours are equivalent to a 180-day probationary period.	(A) 1,000 Hours are equivalent to a 180-day probationary period.	
(B) 1,400 Hours are equivalent to a 252-day probationary period.	(B) 1,400 Hours are equivalent to a 252-day probationary period.	
(C) 1,500 Hours are equivalent to a 270-day probationary period.	(C) 1,500 Hours are equivalent to a 270-day probationary period.	
(D) 1,700 Hours are equivalent to a 300-day probationary period.	(D) 1,700 Hours are equivalent to a 300-day probationary period.	
(E) 2,000 Hours are equivalent to a 365-day probationary period.	(E) 2,000 Hours are equivalent to a 365-day probationary period.	
<b>Chapter 123:1-21 Exceptional Appointments</b>		
<del>123:1-21-01 Appointment when no eligible list exists.</del>		
<del>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 thirty days of the appointing authority receiving such approval from the director of administrative services.</del>		Not applicable.
<del>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.</del>		Not applicable.

Chapter 123:1-23 Promotions		
<del>123:1-23-01 Filling vacancy from eligible list.</del>		
<del>Whenever there is a vacancy in a position having a classification above the lowest grade in a series, the Director of Administrative Services shall determine whether the position is to be filled by promotional examination or by open competitive examination. The cooperation of the department heads may be sought in making this decision. If the vacancy is to be filled by promotional examination, the Director shall determine which classes of certified employees (who have completed their probationary period) shall be eligible to compete. When a promotional examination is held the eligible list resulting from such examination shall be used to fill the vacancy. If an open competitive examination is held, the procedure defined in Chapters 123:1-15 and 123:1-17 shall be applicable. If there is both a promotional list and an open competitive list for a particular classification, the promotional list shall be used before the open competitive list.</del>		Redundant language. Consolidated and eliminated references to testing.
<del>123:1-23-03 Minimum service in lower grade.</del>		
<del>No person shall be deemed eligible for promotion who has not satisfactorily completed the required probationary period as defined in Chapter 123:1-19.</del>		Not applicable.
<del>123:1-23-12 Time limit for filling position; probationary period; removal or demotion.</del>		
<del>(A) Definitions. For purposes of this rule, "inter-agency promotion" means the act of promoting an employee from one department to another department with a different over-all appointing authority. "Intra-agency promotion" means the act of promoting an employee from one position to another within the same department or over-all appointing authority.</del>		Not applicable – reference to outside agencies.
<del>(B) Time limit for filling position. When an examination for promotion has been completed and the result certified to the appointing authority, one of the three persons certified as standing highest shall be appointed within thirty days, and after that time, any acting incumbent of said position for which a promotional examination has been held shall vacate the position. If only one or two names can be certified, the appointing authority shall not be required to make an</del>		Not applicable – refers to the rule of three.

<del>appointment, but the position shall not be filled except by appointment from an eligible list and, if occupied by an acting incumbent, it shall be vacated.</del>		
<del>(C) Probationary period. All promotions shall be for a probationary period established in Chapter 123:1-19 of the Administrative Code.</del>		Not applicable.
<del>(D) Inter-agency promotion. If an employee accepts an inter-agency promotion and is found to be unsatisfactory in the advanced position, the receiving agency may remove the employee or may demote the employee to a position within the receiving agency that is the same or similar to the position the employee held at the releasing agency prior to promotion. The employee has no right to resume a position with the releasing agency.</del>		Not applicable – reference to outside agencies.
<del>(E) 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.</del>		Not applicable – reference to outside agencies.
<del>If a certified employee takes an open competitive 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.</del>		Not applicable. Covered in pay policies.
<del>(F) Right to appeal. Pursuant to section 124.27 of the Revised Code, a probationary employee duly removed for unsatisfactory service does not have a right to appeal the removal or reduction under section 124.34 of the Revised Code.</del>		Redundant language. Consolidated.

Rescinded eff 7-1-07		
<del>123:1-24-06 Same or similar state classifications.</del>		
<del>The following list contains the complete listing of classification(s) with the same or similar duties for employees who are employed in the classified service and are paid by warrant of the director of budget and management</del>		Not applicable – other agencies
See List at <a href="http://www.registerofohio.state.oh.us/pdfs/123/1/24/123\$1-24-06-PH_FF_A_RU_20070618_0811.pdf">http://www.registerofohio.state.oh.us/pdfs/123/1/24/123\$1-24-06-PH_FF_A_RU_20070618_0811.pdf</a>		Not applicable – other agencies
<del>123:1-24-08 Same or similar classifications for county offices and state supported colleges and universities.</del>		
<del>The following list contains the complete listing of classification(s) with the same or similar duties for employees who are employed in the classified service by a county office, other than a county department of job and family services, or state supported colleges and universities may carry certification.</del>		Not applicable – other agencies
123:1-25-02 Reinstatements after resignation.	123:1-25-02 Reinstatements after resignation	
An employee in the classified service who resigns, having served the required probationary period, may be reinstated upon request of the appointing authority to the 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.	An employee in the classified service who resigns, having served the required probationary period, may be reinstated upon <u>approval</u> of the <u>University's authorized</u> appointing authority to the same <u>classification</u> , 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.	Remove reference to other agencies.
123:1-25-04 Seasonal positions.	123:1-25-04 Seasonal positions.	
All positions in the competitive class, where the nature of the work is such that the service is not continuous throughout the year, <del>but</del> recurs in each successive calendar year, shall be designated as "seasonal" positions. Any person appointed	All positions, where the nature of the work is such that the service is <u>limited to increments of 90 days or less and is not continuous</u>	More clearly defines seasonal. Establishes that an employee must have satisfactory performance to be called back. Allows for better management of

<p><del>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 person's refusal of available work shall be deemed ineligible for further assignment as a classified employee.</del></p>	<p>throughout the year, <u>and</u> recurs in successive calendar years, shall be designated as "seasonal" positions. Any person appointed to such seasonal position <u>who has successfully performed</u>, and who has been temporarily separated from the service during the inactive season, shall be <u>placed first on the hiring list for the succeeding season of employment</u> in the same position, provided the person is not in the meantime disqualified for any cause. <u>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 person's refusal of available work shall be deemed ineligible for further assignment through placement on the list.</u></p>	<p>seasonal appointments.</p>
<p><del>123:1-25-07 Temporary reassignment of duties.</del></p>		
<p><del>(A) The director of transportation may assign, with the approval of the director of administrative services and for a total not to exceed one thousand hours per calendar year, exclusive of overtime, an employee of the department of transportation holding a position in the classified service of the state to duties other than those assigned to the position to which the employee has been legally appointed.</del></p>		<p>Not applicable - other agency.</p>
<p><del>(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.</del></p>		<p>Not applicable - other agency.</p>
<p><del>(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.☐</del></p>		<p>Not applicable - other agency.</p>

<del>(3) No employee currently serving in an original probationary period may be considered for temporary work assignment.</del>		Not applicable – other agency.
<del>(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.</del>		Not applicable – other agency.
<del>(B) Prior to a temporary assignment of work duties, the director of transportation shall certify to the director of administrative services that:</del>		Not applicable – other agency.
<del>(1) The employee is qualified and physically able to perform the assigned duties;</del>		Not applicable – other agency.
<del>(2) The temporary assignment of work duties is necessary for the efficient operation of the department of transportation;</del>		Not applicable – other agency.
<del>(3) The employee has received notice of the temporary assignment of work duties;</del>		Not applicable – other agency.
<del>(4) The temporary assignment of work duties will neither cause a layoff nor a job displacement of any other person;</del>		Not applicable – other agency.
<del>(5) The temporary assignment of work duties will not prevent the hiring of any other person from an eligible list; and</del>		Not applicable – other agency.
<del>(6) The employee has consented to the temporary assignment or that the governor has proclaimed a weather emergency or that the director of the department of transportation has determined that an unusual situation requiring immediate action exists.</del>		Not applicable – other agency.
<del>(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.</del>		Not applicable – other agency.

<p><del>(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.</del></p>		<p>Not applicable – other agency.</p>
<p><del>(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.</del></p>		<p>Not applicable – other agency.</p>
<p><del>(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.</del></p>		<p>Not applicable – other agency.</p>