

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 56

Representatives Schuring, Slesnick

**Cosponsors: Representatives Antonio, Becker, Bishoff, Brenner, Boyd, Dever,
Driehaus, Fedor, Hood, Leland, Lepore-Hagan, Maag, Reece, Retherford, Ruhl,
Thompson, Sheehy**

A BILL

To amend sections 124.11, 124.25, 124.26, 124.34, 1
329.021, 4121.121, 5123.08, and 5139.02 and to 2
enact section 9.73 of the Revised Code to limit 3
the use of criminal records in the hiring and 4
employment practices of public employers. 5

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

Section 1. That sections 124.11, 124.25, 124.26, 124.34, 6
329.021, 4121.121, 5123.08, and 5139.02 be amended and section 7
9.73 of the Revised Code be enacted to read as follows: 8

Sec. 9.73. (A) As used in this section: 9

(1) "Public employer" means a state agency or a political 10
subdivision of the state. 11

(2) "State agency" means any organized body, office, 12
agency, institution, or other entity established by the laws of 13
the state for the exercise of any function of government. 14

(3) "Political subdivision" means a county, township, 15
municipal corporation, or any other body corporate and politic 16

that is responsible for government activities in a geographic 17
area smaller than that of the state. 18

(4) "Appointing authority" means the officer, commission, 19
board, or body having the power of appointment to, or removal 20
from, positions in any office, department, commission, board, or 21
institution. 22

(B) Notwithstanding any provision of the Revised Code to 23
the contrary, no appointing authority shall inquire into or 24
consider the criminal background of an applicant to a position 25
in the service of a public employer until the applicant has been 26
selected for appointment and the appointing authority is 27
prepared to make an offer of employment. 28

(C) An appointing authority may notify an applicant of any 29
provision of the Revised Code or federal law that disqualifies 30
an individual with a particular criminal history from employment 31
in a particular position. 32

(D) Except if an applicant is specifically disqualified 33
from employment by any provision of the Revised Code or under 34
federal law because of the prior conviction of or plea of guilty 35
to a particular offense, an applicant shall not be disqualified 36
from employment in the service of a public employer based solely 37
upon the prior conviction of or plea of guilty to an offense. 38

An appointing authority may deny an applicant employment 39
in the service of a public employer by reason of the prior 40
conviction of or plea of guilty to an offense only after the 41
appointing authority has considered all of the following 42
factors: 43

(1) Whether the offense directly relates to the 44
responsibilities of the position for which the applicant 45

applied; 46

(2) The nature and severity of the offense; 47

(3) The age of the applicant at the time the applicant
committed the offense; 48
49

(4) The date the offense was committed; 50

(5) How long the person has lived while not incarcerated
or under correctional supervision without having any additional,
subsequent convictions; 51
52
53

(6) Any documentation or testimony demonstrating the
applicant's rehabilitation. 54
55

(E) If a conviction of or plea of guilty to an offense is
used as a basis for the rejection of an applicant, the
appointing authority shall state that rejection in writing and
specifically state the evidence presented and reasons for
rejection. The appointing authority shall send a copy of the
rejection by registered mail to the applicant. 56
57
58
59
60
61

(F) No appointing authority shall use the record of an
arrest of an applicant that is not followed by a conviction or
plea of guilty in connection with an application for employment. 62
63
64

Sec. 124.11. The civil service of the state and the 65
several counties, cities, civil service townships, city health 66
districts, general health districts, and city school districts 67
of the state shall be divided into the unclassified service and 68
the classified service. 69

(A) The unclassified service shall comprise the following 70
positions, which shall not be included in the classified 71
service, and which shall be exempt from all examinations 72
required by this chapter: 73

(1) All officers elected by popular vote or persons appointed to fill vacancies in those offices;	74 75
(2) All election officers as defined in section 3501.01 of the Revised Code;	76 77
(3) (a) The members of all boards and commissions, and heads of principal departments, boards, and commissions appointed by the governor or by and with the governor's consent;	78 79 80
(b) The heads of all departments appointed by a board of county commissioners;	81 82
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	83 84 85 86
Except as otherwise provided in division (A) (17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	87 88 89 90
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	91 92 93
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	94 95 96
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	97 98 99 100
(7) (a) All presidents, business managers, administrative	101

officers, superintendents, assistant superintendents, 102
principals, deans, assistant deans, instructors, teachers, and 103
such employees as are engaged in educational or research duties 104
connected with the public school system, colleges, and 105
universities, as determined by the governing body of the public 106
school system, colleges, and universities; 107

(b) The library staff of any library in the state 108
supported wholly or in part at public expense. 109

(8) Four clerical and administrative support employees for 110
each of the elective state officers, four clerical and 111
administrative support employees for each board of county 112
commissioners and one such employee for each county 113
commissioner, and four clerical and administrative support 114
employees for other elective officers and each of the principal 115
appointive executive officers, boards, or commissions, except 116
for civil service commissions, that are authorized to appoint 117
such clerical and administrative support employees; 118

(9) The deputies and assistants of state agencies 119
authorized to act for and on behalf of the agency, or holding a 120
fiduciary or administrative relation to that agency and those 121
persons employed by and directly responsible to elected county 122
officials or a county administrator and holding a fiduciary or 123
administrative relationship to such elected county officials or 124
county administrator, and the employees of such county officials 125
whose fitness would be impracticable to determine by competitive 126
examination, provided that division (A) (9) of this section shall 127
not affect those persons in county employment in the classified 128
service as of September 19, 1961. Nothing in division (A) (9) of 129
this section applies to any position in a county department of 130
job and family services created pursuant to Chapter 329. of the 131

Revised Code.	132
(10) Bailiffs, constables, official stenographers, and	133
commissioners of courts of record, deputies of clerks of the	134
courts of common pleas who supervise or who handle public moneys	135
or secured documents, and such officers and employees of courts	136
of record and such deputies of clerks of the courts of common	137
pleas as the appointing authority finds it impracticable to	138
determine their fitness by competitive examination;	139
(11) Assistants to the attorney general, special counsel	140
appointed or employed by the attorney general, assistants to	141
county prosecuting attorneys, and assistants to city directors	142
of law;	143
(12) Such teachers and employees in the agricultural	144
experiment stations; such students in normal schools, colleges,	145
and universities of the state who are employed by the state or a	146
political subdivision of the state in student or intern	147
classifications; and such unskilled labor positions as the	148
director of administrative services, with respect to positions	149
in the service of the state, or any municipal civil service	150
commission may find it impracticable to include in the	151
competitive classified service; provided such exemptions shall	152
be by order of the commission or the director, duly entered on	153
the record of the commission or the director with the reasons	154
for each such exemption;	155
(13) Any physician or dentist who is a full-time employee	156
of the department of mental health and addiction services, the	157
department of developmental disabilities, or an institution	158
under the jurisdiction of either department; and physicians who	159
are in residency programs at the institutions;	160

(14) Up to twenty positions at each institution under the jurisdiction of the department of mental health and addiction services or the department of developmental disabilities that the department director determines to be primarily administrative or managerial; and up to fifteen positions in any division of either department, excluding administrative assistants to the director and division chiefs, which are within the immediate staff of a division chief and which the director determines to be primarily and distinctively administrative and managerial;	161 162 163 164 165 166 167 168 169 170
(15) Noncitizens of the United States employed by the state, or its counties or cities, as physicians or nurses who are duly licensed to practice their respective professions under the laws of this state, or medical assistants, in mental or chronic disease hospitals, or institutions;	171 172 173 174 175
(16) Employees of the governor's office;	176
(17) Fire chiefs and chiefs of police in civil service townships appointed by boards of township trustees under section 505.38 or 505.49 of the Revised Code;	177 178 179
(18) Executive directors, deputy directors, and program directors employed by boards of alcohol, drug addiction, and mental health services under Chapter 340. of the Revised Code, and secretaries of the executive directors, deputy directors, and program directors;	180 181 182 183 184
(19) Superintendents, and management employees as defined in section 5126.20 of the Revised Code, of county boards of developmental disabilities;	185 186 187
(20) Physicians, nurses, and other employees of a county hospital who are appointed pursuant to sections 339.03 and	188 189

339.06 of the Revised Code;	190
(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;	191 192 193
(22) County directors of job and family services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;	194 195 196 197
(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;	198 199
(24) Chiefs of construction and compliance, of operations and maintenance, of worker protection, and of licensing and certification in the division of industrial compliance in the department of commerce;	200 201 202 203
(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;	204 205 206
(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery commission, opportunities for Ohioans with disabilities agency, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum	207 208 209 210 211 212 213 214 215 216 217 218

compensation specified in pay range 41 but not more than the 219
maximum compensation specified in pay range 47 of salary 220
schedule E-2 in section 124.152 of the Revised Code. The 221
authority to establish positions in the unclassified service 222
under division (A) (26) of this section is in addition to and 223
does not limit any other authority that an administrative 224
department or state agency has under the Revised Code to 225
establish positions, appoint employees, or set compensation. 226

(27) Employees of the department of agriculture employed 227
under section 901.09 of the Revised Code; 228

(28) For cities, counties, civil service townships, city 229
health districts, general health districts, and city school 230
districts, the deputies and assistants of elective or principal 231
executive officers authorized to act for and in the place of 232
their principals or holding a fiduciary relation to their 233
principals; 234

(29) Employees who receive intermittent or temporary 235
appointments under division (B) of section 124.30 of the Revised 236
Code; 237

(30) Employees appointed to administrative staff positions 238
for which an appointing authority is given specific statutory 239
authority to set compensation; 240

(31) Employees appointed to highway patrol cadet or 241
highway patrol cadet candidate classifications; 242

(32) Employees placed in the unclassified service by 243
another section of the Revised Code. 244

(B) The classified service shall comprise all persons in 245
the employ of the state and the several counties, cities, city 246
health districts, general health districts, and city school 247

districts of the state, not specifically included in the 248
unclassified service. Upon the creation by the board of trustees 249
of a civil service township civil service commission, the 250
classified service shall also comprise, except as otherwise 251
provided in division (A) (17) or (C) of this section, all persons 252
in the employ of a civil service township police or fire 253
department having ten or more full-time paid employees. The 254
classified service consists of two classes, which shall be 255
designated as the competitive class and the unskilled labor 256
class. 257

(1) The competitive class shall include all positions and 258
employments in the state and the counties, cities, city health 259
districts, general health districts, and city school districts 260
of the state, and, upon the creation by the board of trustees of 261
a civil service township of a township civil service commission, 262
all positions in a civil service township police or fire 263
department having ten or more full-time paid employees, for 264
which it is practicable to determine the merit and fitness of 265
applicants by competitive examinations. Appointments shall be 266
made to, or employment shall be given in, all positions in the 267
competitive class that are not filled by promotion, 268
reinstatement, transfer, or reduction, as provided in this 269
chapter, and the rules of the director of administrative 270
services, by appointment from those certified to the appointing 271
officer in accordance with this chapter. 272

(2) The unskilled labor class shall include ordinary 273
unskilled laborers. Vacancies in the labor class for positions 274
in service of the state shall be filled by appointment from 275
lists of applicants registered by the director or the director's 276
designee. Vacancies in the labor class for all other positions 277
shall be filled by appointment from lists of applicants 278

registered by a commission. The director or the commission, as 279
applicable, by rule, shall require an applicant for registration 280
in the labor class to furnish evidence or take tests as the 281
director or commission considers proper with respect to age, 282
residence, physical condition, ability to labor, honesty, 283
sobriety, industry, capacity, and experience in the work or 284
employment for which application is made. Laborers who fulfill 285
the requirements shall be placed on the eligible list for the 286
kind of labor or employment sought, and preference shall be 287
given in employment in accordance with the rating received from 288
that evidence or in those tests. Upon the request of an 289
appointing officer, stating the kind of labor needed, the pay 290
and probable length of employment, and the number to be 291
employed, the director or commission, as applicable, shall 292
certify from the highest on the list double the number to be 293
employed; from this number, the appointing officer shall appoint 294
the number actually needed for the particular work. If more than 295
one applicant receives the same rating, priority in time of 296
application shall determine the order in which their names shall 297
be certified for appointment. 298

(C) A municipal or civil service township civil service 299
commission may place volunteer firefighters who are paid on a 300
fee-for-service basis in either the classified or the 301
unclassified civil service. 302

(D) (1) This division does not apply to persons in the 303
unclassified service who have the right to resume positions in 304
the classified service under sections 4121.121, 5119.18, 305
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of 306
the Revised Code or to cities, counties, or political 307
subdivisions of the state. 308

(2) A person who holds a position in the classified service of the state and who is appointed to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the person's appointment to the position in the unclassified service, regardless of the number of positions the person held in the unclassified service. An employee's right to resume a position in the classified service may only be exercised when an appointing authority demotes the employee to a pay range lower than the employee's current pay range or revokes the employee's appointment to the unclassified service and:

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

(b) That person held a permanent position on or after July 1, 2007, in the classified service within the appointing authority's agency.

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

(a) The employee is removed from the position in the unclassified service due to incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or the rules of the director of administrative services, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony while employed in the civil service; or

(b) Upon transfer to a different agency.

(4) Reinstatement to a position in the classified service

shall be to a position substantially equal to that position in 338
the classified service held previously, as certified by the 339
director of administrative services. If the position the person 340
previously held in the classified service has been placed in the 341
unclassified service or is otherwise unavailable, the person 342
shall be appointed to a position in the classified service 343
within the appointing authority's agency that the director of 344
administrative services certifies is comparable in compensation 345
to the position the person previously held in the classified 346
service. Service in the position in the unclassified service 347
shall be counted as service in the position in the classified 348
service held by the person immediately prior to the person's 349
appointment to the position in the unclassified service. When a 350
person is reinstated to a position in the classified service as 351
provided in this division, the person is entitled to all rights, 352
status, and benefits accruing to the position in the classified 353
service during the person's time of service in the position in 354
the unclassified service. 355

Sec. 124.25. The director of administrative services shall 356
require persons applying for an examination for original 357
appointment in the service of the state to file with the 358
director or the director's designee, within reasonable time 359
prior to the examination, a formal application, in which the 360
applicant shall state the applicant's name, address, and such 361
other information as may reasonably be required concerning the 362
applicant's education and experience. No inquiry shall be made 363
as to religious or political affiliations or as to racial or 364
ethnic origin of the applicant, except as necessary to gather 365
equal employment opportunity or other statistics that, when 366
compiled, will not identify any specific individual. No inquiry 367
shall be made as to the criminal background of the applicant. 368

The director or the director's designee may notify an applicant 369
of any provision of the Revised Code or federal law that 370
disqualifies an individual with a particular criminal history 371
from employment in a particular position. 372

Blank forms for applications shall be furnished by the 373
director or the director's designee without charge to any person 374
requesting the same. The director or the director's designee may 375
require in connection with such application such certificate of 376
persons having knowledge of the applicant as the good of the 377
service demands. The director or the director's designee may 378
refuse to appoint or examine an applicant, or, after an 379
examination, refuse to certify the applicant as eligible, who is 380
found to lack any of the established preliminary requirements 381
for the examination, who is addicted to the habitual use of 382
intoxicating liquors or drugs to excess, who has a pattern of 383
poor work habits and performance with previous employers, ~~who~~ 384
~~has been convicted of a felony, who has been guilty of infamous~~ 385
~~or notoriously disgraceful conduct,~~ who has been dismissed from 386
either branch of the civil service for delinquency or 387
misconduct, or who has made false statements of any material 388
fact, or practiced, or attempted to practice, any deception or 389
fraud in the application or examination, in establishing 390
eligibility, or securing an appointment. 391

Sec. 124.26. From the returns of examinations for 392
positions in the service of the state, the director of 393
administrative services or the director's designee shall prepare 394
an eligible list of the persons whose general average standing 395
upon examinations for the class or position is not less than the 396
minimum fixed by the rules of the director, and who are 397
otherwise eligible. Those persons shall take rank upon the 398
eligible list as candidates in the order of their relative 399

excellence as determined by the examination without reference to 400
priority of the time of examination. If two or more applicants 401
receive the same mark in an open competitive examination, 402
priority in the time of filing the application with the director 403
or the director's designee shall determine the order in which 404
their names shall be placed on the eligible list, except that 405
applicants eligible for the veteran's or the reserve component 406
member's preference under section 124.23 of the Revised Code 407
shall receive priority in rank on the eligible list over 408
nonveterans and nonmembers of the reserve component on the list 409
with a rating equal to that of the veteran or reserve component 410
member. Ties among veterans or among reserve component members 411
shall be decided by priority of filing the application. A tie 412
between a veteran and a reserve component member shall be 413
decided in favor of the veteran. 414

The director or the director's designee shall not inquire 415
into or consider the criminal history of an applicant when 416
preparing an eligible list. 417

An eligible list expires upon the filling or closing of 418
the position. An expired eligible list may be used to fill a 419
position of the same classification within the same appointing 420
authority for which the list was created. But, in no event shall 421
an expired list be used more than one year past its expiration 422
date. 423

Sec. 124.34. (A) The tenure of every officer or employee 424
in the classified service of the state and the counties, civil 425
service townships, cities, city health districts, general health 426
districts, and city school districts of the state, holding a 427
position under this chapter, shall be during good behavior and 428
efficient service. No officer or employee shall be reduced in 429

pay or position, fined, suspended, or removed, or have the 430
officer's or employee's longevity reduced or eliminated, except 431
as provided in section 124.32 of the Revised Code, and for 432
incompetency, inefficiency, dishonesty, drunkenness, immoral 433
conduct, insubordination, discourteous treatment of the public, 434
neglect of duty, violation of any policy or work rule of the 435
officer's or employee's appointing authority, violation of this 436
chapter or the rules of the director of administrative services 437
or the commission, any other failure of good behavior, any other 438
acts of misfeasance, malfeasance, or nonfeasance in office, or 439
conviction of a felony while employed in the civil service. The 440
denial of a one-time pay supplement or a bonus to an officer or 441
employee is not a reduction in pay for purposes of this section. 442

This section does not apply to any modifications or 443
reductions in pay or work week authorized by division (Q) of 444
section 124.181 or section 124.392, 124.393, or 124.394 of the 445
Revised Code. 446

An appointing authority may require an employee who is 447
suspended to report to work to serve the suspension. An employee 448
serving a suspension in this manner shall continue to be 449
compensated at the employee's regular rate of pay for hours 450
worked. The disciplinary action shall be recorded in the 451
employee's personnel file in the same manner as other 452
disciplinary actions and has the same effect as a suspension 453
without pay for the purpose of recording disciplinary actions. 454

A finding by the appropriate ethics commission, based upon 455
a preponderance of the evidence, that the facts alleged in a 456
complaint under section 102.06 of the Revised Code constitute a 457
violation of Chapter 102., section 2921.42, or section 2921.43 458
of the Revised Code may constitute grounds for dismissal. 459

Failure to file a statement or falsely filing a statement 460
required by section 102.02 of the Revised Code may also 461
constitute grounds for dismissal. The tenure of an employee in 462
the career professional service of the department of 463
transportation is subject to section 5501.20 of the Revised 464
Code. 465

Conviction of a felony while employed in the civil service 466
is a separate basis for reducing in pay or position, suspending, 467
or removing an officer or employee, even if the officer or 468
employee has already been reduced in pay or position, suspended, 469
or removed for the same conduct that is the basis of the felony. 470
An officer or employee may not appeal to the state personnel 471
board of review or the commission any disciplinary action taken 472
by an appointing authority as a result of the officer's or 473
employee's conviction of a felony. If an officer or employee 474
removed under this section is reinstated as a result of an 475
appeal of the removal, any conviction of a felony that occurs 476
during the pendency of the appeal is a basis for further 477
disciplinary action under this section upon the officer's or 478
employee's reinstatement. 479

A person convicted of a felony while employed in the civil 480
service immediately forfeits the person's status as a classified 481
employee in any public employment on and after the date of the 482
conviction for the felony. If an officer or employee is removed 483
under this section as a result of being convicted of a felony or 484
is subsequently convicted of a felony that involves the same 485
conduct that was the basis for the removal, the officer or 486
employee is barred from receiving any compensation after the 487
removal notwithstanding any modification or disaffirmance of the 488
removal, unless the conviction for the felony is subsequently 489
reversed or annulled. 490

Any person removed for conviction of a felony is entitled 491
to a cash payment for any accrued but unused sick, personal, and 492
vacation leave as authorized by law. If subsequently reemployed 493
in the public sector, the person shall qualify for and accrue 494
these forms of leave in the manner specified by law for a newly 495
appointed employee and shall not be credited with prior public 496
service for the purpose of receiving these forms of leave. 497

As used in this division, "felony" means any of the 498
following: 499

(1) A felony that is an offense of violence as defined in 500
section 2901.01 of the Revised Code; 501

(2) A felony that is a felony drug abuse offense as 502
defined in section 2925.01 of the Revised Code; 503

(3) A felony under the laws of this or any other state or 504
the United States that is a crime of moral turpitude; 505

(4) A felony involving dishonesty, fraud, or theft; 506

(5) A felony that is a violation of section 2921.05, 507
2921.32, or 2921.42 of the Revised Code. 508

(B) In case of a reduction, a suspension of more than 509
forty work hours in the case of an employee exempt from the 510
payment of overtime compensation, a suspension of more than 511
twenty-four work hours in the case of an employee required to be 512
paid overtime compensation, a fine of more than forty hours' pay 513
in the case of an employee exempt from the payment of overtime 514
compensation, a fine of more than twenty-four hours' pay in the 515
case of an employee required to be paid overtime compensation, 516
or removal, except for the reduction or removal of a 517
probationary employee, the appointing authority shall serve the 518
employee with a copy of the order of reduction, fine, 519

suspension, or removal, which order shall state the reasons for 520
the action. 521

Within ten days following the date on which the order is 522
served or, in the case of an employee in the career professional 523
service of the department of transportation, within ten days 524
following the filing of a removal order, the employee, except as 525
otherwise provided in this section, may file an appeal of the 526
order in writing with the state personnel board of review or the 527
commission. For purposes of this section, the date on which an 528
order is served is the date of hand delivery of the order or the 529
date of delivery of the order by certified United States mail, 530
whichever occurs first. If an appeal is filed, the board or 531
commission shall forthwith notify the appointing authority and 532
shall hear, or appoint a trial board to hear, the appeal within 533
thirty days from and after its filing with the board or 534
commission. The board, commission, or trial board may affirm, 535
disaffirm, or modify the judgment of the appointing authority. 536
However, in an appeal of a removal order based upon a violation 537
of a last chance agreement, the board, commission, or trial 538
board may only determine if the employee violated the agreement 539
and thus affirm or disaffirm the judgment of the appointing 540
authority. 541

In cases of removal or reduction in pay for disciplinary 542
reasons, either the appointing authority or the officer or 543
employee may appeal from the decision of the state personnel 544
board of review or the commission, and any such appeal shall be 545
to the court of common pleas of the county in which the 546
appointing authority is located, or to the court of common pleas 547
of Franklin county, as provided by section 119.12 of the Revised 548
Code. 549

(C) In the case of the suspension for any period of time, 550
or a fine, demotion, or removal, of a chief of police, a chief 551
of a fire department, or any member of the police or fire 552
department of a city or civil service township, who is in the 553
classified civil service, the appointing authority shall furnish 554
the chief or member with a copy of the order of suspension, 555
fine, demotion, or removal, which order shall state the reasons 556
for the action. The order shall be filed with the municipal or 557
civil service township civil service commission. Within ten days 558
following the filing of the order, the chief or member may file 559
an appeal, in writing, with the commission. If an appeal is 560
filed, the commission shall forthwith notify the appointing 561
authority and shall hear, or appoint a trial board to hear, the 562
appeal within thirty days from and after its filing with the 563
commission, and it may affirm, disaffirm, or modify the judgment 564
of the appointing authority. An appeal on questions of law and 565
fact may be had from the decision of the commission to the court 566
of common pleas in the county in which the city or civil service 567
township is situated. The appeal shall be taken within thirty 568
days from the finding of the commission. 569

(D) A violation of division (A) (7) of section 2907.03 of 570
the Revised Code is grounds for termination of employment of a 571
nonteaching employee under this section. 572

(E) As used in this section, "last chance agreement" means 573
an agreement signed by both an appointing authority and an 574
officer or employee of the appointing authority that describes 575
the type of behavior or circumstances that, if it occurs, will 576
automatically lead to removal of the officer or employee without 577
the right of appeal to the state personnel board of review or 578
the appropriate commission. 579

Sec. 329.021. (A) The board of county commissioners may, 580
in addition to the county director of job and family services, 581
appoint administrators to oversee services provided by the 582
county department of job and family services, subject to the 583
following limitations: 584

(1) If the county has a population of five hundred 585
thousand or more, the board may appoint up to five 586
administrators. 587

(2) If the county has a population of two hundred and 588
fifty thousand or more, but less than five hundred thousand, the 589
board may appoint up to four administrators. 590

(3) If the county has a population of one hundred thousand 591
or more, but less than two hundred and fifty thousand, the board 592
may appoint up to three administrators. 593

(4) If the county has a population of forty thousand or 594
more, but less than one hundred thousand, the board may appoint 595
up to two administrators. 596

(5) If the county has a population of less than forty 597
thousand, the board may appoint one administrator. 598

(B) The administrators appointed by the board of county 599
commissioners under this section shall be in the unclassified 600
civil service and serve at the pleasure of the board. However, 601
no administrator position that is filled by a person serving in 602
the classified service on ~~the effective date of this amendment~~ 603
July 1, 2007, shall be placed in the unclassified civil service 604
until that person vacates the position. 605

(C) The board of county commissioners may appoint a person 606
who holds a certified position in the classified service within 607
the county department of job and family services to the position 608

of administrator. A person appointed to the position of 609
administrator pursuant to this division and later removed by the 610
board retains the right to resume the position in the classified 611
service held by that person immediately prior to being appointed 612
to the position of administrator, except that a person first 613
appointed to a classified position in the department on or after 614
~~the effective date of this amendment~~ July 1, 2007, shall retain 615
the right to resume the position in the classified service for 616
only six months after being appointed to the position of 617
administrator. An employee forfeits the right to resume a 618
position in the classified service when the employee is removed 619
from the position of administrator due to incompetence, 620
inefficiency, dishonesty, drunkenness, immoral conduct, 621
insubordination, discourteous treatment of the public, neglect 622
of duty, violation of any policy or work rule of the board or 623
department, violation of Chapter 124. of the Revised Code or the 624
rules of the director of administrative services, any other 625
failure of good behavior, any other acts of misfeasance, 626
malfeasance, or nonfeasance in office, or conviction of a felony 627
while employed in the civil service. If the position the person 628
previously held in the classified service no longer exists or 629
has been placed in the unclassified service, the person shall be 630
appointed to a position in the classified service of the 631
department that is equivalent to the classified position the 632
person previously held, as determined by the board with the 633
approval of the director of administrative services. 634

(D) As used in this section, "administrator" means 635
assistant director, fiscal officer or director, personnel 636
officer or director, social services administrator, income 637
maintenance administrator, child support administrator in a 638
combined agency, children services administrator in a combined 639

agency, and workforce development administrator in a combined 640
agency. 641

Sec. 4121.121. (A) There is hereby created the bureau of 642
workers' compensation, which shall be administered by the 643
administrator of workers' compensation. A person appointed to 644
the position of administrator shall possess significant 645
management experience in effectively managing an organization or 646
organizations of substantial size and complexity. A person 647
appointed to the position of administrator also shall possess a 648
minimum of five years of experience in the field of workers' 649
compensation insurance or in another insurance industry, except 650
as otherwise provided when the conditions specified in division 651
(C) of this section are satisfied. The governor shall appoint 652
the administrator as provided in section 121.03 of the Revised 653
Code, and the administrator shall serve at the pleasure of the 654
governor. The governor shall fix the administrator's salary on 655
the basis of the administrator's experience and the 656
administrator's responsibilities and duties under this chapter 657
and Chapters 4123., 4125., 4127., 4131., and 4167. of the 658
Revised Code. The governor shall not appoint to the position of 659
administrator any person who has, or whose spouse has, given a 660
contribution to the campaign committee of the governor in an 661
amount greater than one thousand dollars during the two-year 662
period immediately preceding the date of the appointment of the 663
administrator. 664

The administrator shall hold no other public office and 665
shall devote full time to the duties of administrator. Before 666
entering upon the duties of the office, the administrator shall 667
take an oath of office as required by sections 3.22 and 3.23 of 668
the Revised Code, and shall file in the office of the secretary 669
of state, a bond signed by the administrator and by surety 670

approved by the governor, for the sum of fifty thousand dollars 671
payable to the state, conditioned upon the faithful performance 672
of the administrator's duties. 673

(B) The administrator is responsible for the management of 674
the bureau and for the discharge of all administrative duties 675
imposed upon the administrator in this chapter and Chapters 676
4123., 4125., 4127., 4131., and 4167. of the Revised Code, and 677
in the discharge thereof shall do all of the following: 678

(1) Perform all acts and exercise all authorities and 679
powers, discretionary and otherwise that are required of or 680
vested in the bureau or any of its employees in this chapter and 681
Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised 682
Code, except the acts and the exercise of authority and power 683
that is required of and vested in the bureau of workers' 684
compensation board of directors or the industrial commission 685
pursuant to those chapters. The treasurer of state shall honor 686
all warrants signed by the administrator, or by one or more of 687
the administrator's employees, authorized by the administrator 688
in writing, or bearing the facsimile signature of the 689
administrator or such employee under sections 4123.42 and 690
4123.44 of the Revised Code. 691

(2) Employ, direct, and supervise all employees required 692
in connection with the performance of the duties assigned to the 693
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 694
and 4167. of the Revised Code, including an actuary, and may 695
establish job classification plans and compensation for all 696
employees of the bureau provided that this grant of authority 697
shall not be construed as affecting any employee for whom the 698
state employment relations board has established an appropriate 699
bargaining unit under section 4117.06 of the Revised Code. All 700

positions of employment in the bureau are in the classified 701
civil service except those employees the administrator may 702
appoint to serve at the administrator's pleasure in the 703
unclassified civil service pursuant to section 124.11 of the 704
Revised Code. The administrator shall fix the salaries of 705
employees the administrator appoints to serve at the 706
administrator's pleasure, including the chief operating officer, 707
staff physicians, and other senior management personnel of the 708
bureau and shall establish the compensation of staff attorneys 709
of the bureau's legal section and their immediate supervisors, 710
and take whatever steps are necessary to provide adequate 711
compensation for other staff attorneys. 712

The administrator may appoint a person who holds a 713
certified position in the classified service within the bureau 714
to a position in the unclassified service within the bureau. A 715
person appointed pursuant to this division to a position in the 716
unclassified service shall retain the right to resume the 717
position and status held by the person in the classified service 718
immediately prior to the person's appointment in the 719
unclassified service, regardless of the number of positions the 720
person held in the unclassified service. An employee's right to 721
resume a position in the classified service may only be 722
exercised when the administrator demotes the employee to a pay 723
range lower than the employee's current pay range or revokes the 724
employee's appointment to the unclassified service. An employee 725
forfeits the right to resume a position in the classified 726
service when the employee is removed from the position in the 727
unclassified service due to incompetence, inefficiency, 728
dishonesty, drunkenness, immoral conduct, insubordination, 729
discourteous treatment of the public, neglect of duty, violation 730
of this chapter or Chapter 124., 4123., 4125., 4127., 4131., or 731

4167. of the Revised Code, violation of the rules of the 732
director of administrative services or the administrator, any 733
other failure of good behavior, any other acts of misfeasance, 734
malfeasance, or nonfeasance in office, or conviction of a felony 735
while employed in the civil service. An employee also forfeits 736
the right to resume a position in the classified service upon 737
transfer to a different agency. 738

Reinstatement to a position in the classified service 739
shall be to a position substantially equal to that position in 740
the classified service held previously, as certified by the 741
department of administrative services. If the position the 742
person previously held in the classified service has been placed 743
in the unclassified service or is otherwise unavailable, the 744
person shall be appointed to a position in the classified 745
service within the bureau that the director of administrative 746
services certifies is comparable in compensation to the position 747
the person previously held in the classified service. Service in 748
the position in the unclassified service shall be counted as 749
service in the position in the classified service held by the 750
person immediately prior to the person's appointment in the 751
unclassified service. When a person is reinstated to a position 752
in the classified service as provided in this division, the 753
person is entitled to all rights, status, and benefits accruing 754
to the position during the person's time of service in the 755
position in the unclassified service. 756

(3) Reorganize the work of the bureau, its sections, 757
departments, and offices to the extent necessary to achieve the 758
most efficient performance of its functions and to that end may 759
establish, change, or abolish positions and assign and reassign 760
duties and responsibilities of every employee of the bureau. All 761
persons employed by the commission in positions that, after 762

November 3, 1989, are supervised and directed by the 763
administrator under this section are transferred to the bureau 764
in their respective classifications but subject to reassignment 765
and reclassification of position and compensation as the 766
administrator determines to be in the interest of efficient 767
administration. The civil service status of any person employed 768
by the commission is not affected by this section. Personnel 769
employed by the bureau or the commission who are subject to 770
Chapter 4117. of the Revised Code shall retain all of their 771
rights and benefits conferred pursuant to that chapter as it 772
presently exists or is hereafter amended and nothing in this 773
chapter or Chapter 4123. of the Revised Code shall be construed 774
as eliminating or interfering with Chapter 4117. of the Revised 775
Code or the rights and benefits conferred under that chapter to 776
public employees or to any bargaining unit. 777

(4) Provide offices, equipment, supplies, and other 778
facilities for the bureau. 779

(5) Prepare and submit to the board information the 780
administrator considers pertinent or the board requires, 781
together with the administrator's recommendations, in the form 782
of administrative rules, for the advice and consent of the 783
board, for classifications of occupations or industries, for 784
premium rates and contributions, for the amount to be credited 785
to the surplus fund, for rules and systems of rating, rate 786
revisions, and merit rating. The administrator shall obtain, 787
prepare, and submit any other information the board requires for 788
the prompt and efficient discharge of its duties. 789

(6) Keep the accounts required by division (A) of section 790
4123.34 of the Revised Code and all other accounts and records 791
necessary to the collection, administration, and distribution of 792

the workers' compensation funds and shall obtain the statistical 793
and other information required by section 4123.19 of the Revised 794
Code. 795

(7) Exercise the investment powers vested in the 796
administrator by section 4123.44 of the Revised Code in 797
accordance with the investment policy approved by the board 798
pursuant to section 4121.12 of the Revised Code and in 799
consultation with the chief investment officer of the bureau of 800
workers' compensation. The administrator shall not engage in any 801
prohibited investment activity specified by the board pursuant 802
to division (F) (9) of section 4121.12 of the Revised Code and 803
shall not invest in any type of investment specified in 804
divisions (B) (1) to (10) of section 4123.442 of the Revised 805
Code. All business shall be transacted, all funds invested, all 806
warrants for money drawn and payments made, and all cash and 807
securities and other property held, in the name of the bureau, 808
or in the name of its nominee, provided that nominees are 809
authorized by the administrator solely for the purpose of 810
facilitating the transfer of securities, and restricted to the 811
administrator and designated employees. 812

(8) Make contracts for and supervise the construction of 813
any project or improvement or the construction or repair of 814
buildings under the control of the bureau. 815

(9) Purchase supplies, materials, equipment, and services; 816
make contracts for, operate, and superintend the telephone, 817
other telecommunication, and computer services for the use of 818
the bureau; and make contracts in connection with office 819
reproduction, forms management, printing, and other services. 820
Notwithstanding sections 125.12 to 125.14 of the Revised Code, 821
the administrator may transfer surplus computers and computer 822

equipment directly to an accredited public school within the 823
state. The computers and computer equipment may be repaired or 824
refurbished prior to the transfer. 825

(10) Prepare and submit to the board an annual budget for 826
internal operating purposes for the board's approval. The 827
administrator also shall, separately from the budget the 828
industrial commission submits, prepare and submit to the 829
director of budget and management a budget for each biennium. 830
The budgets submitted to the board and the director shall 831
include estimates of the costs and necessary expenditures of the 832
bureau in the discharge of any duty imposed by law. 833

(11) As promptly as possible in the course of efficient 834
administration, decentralize and relocate such of the personnel 835
and activities of the bureau as is appropriate to the end that 836
the receipt, investigation, determination, and payment of claims 837
may be undertaken at or near the place of injury or the 838
residence of the claimant and for that purpose establish 839
regional offices, in such places as the administrator considers 840
proper, capable of discharging as many of the functions of the 841
bureau as is practicable so as to promote prompt and efficient 842
administration in the processing of claims. All active and 843
inactive lost-time claims files shall be held at the service 844
office responsible for the claim. A claimant, at the claimant's 845
request, shall be provided with information by telephone as to 846
the location of the file pertaining to the claimant's claim. The 847
administrator shall ensure that all service office employees 848
report directly to the director for their service office. 849

(12) Provide a written binder on new coverage where the 850
administrator considers it to be in the best interest of the 851
risk. The administrator, or any other person authorized by the 852

administrator, shall grant the binder upon submission of a 853
request for coverage by the employer. A binder is effective for 854
a period of thirty days from date of issuance and is 855
nonrenewable. Payroll reports and premium charges shall coincide 856
with the effective date of the binder. 857

(13) Set standards for the reasonable and maximum handling 858
time of claims payment functions, ensure, by rules, the 859
impartial and prompt treatment of all claims and employer risk 860
accounts, and establish a secure, accurate method of time 861
stamping all incoming mail and documents hand delivered to 862
bureau employees. 863

(14) Ensure that all employees of the bureau follow the 864
orders and rules of the commission as such orders and rules 865
relate to the commission's overall adjudicatory policy-making 866
and management duties under this chapter and Chapters 4123., 867
4127., and 4131. of the Revised Code. 868

(15) Manage and operate a data processing system with a 869
common data base for the use of both the bureau and the 870
commission and, in consultation with the commission, using 871
electronic data processing equipment, shall develop a claims 872
tracking system that is sufficient to monitor the status of a 873
claim at any time and that lists appeals that have been filed 874
and orders or determinations that have been issued pursuant to 875
section 4123.511 or 4123.512 of the Revised Code, including the 876
dates of such filings and issuances. 877

(16) Establish and maintain a medical section within the 878
bureau. The medical section shall do all of the following: 879

(a) Assist the administrator in establishing standard 880
medical fees, approving medical procedures, and determining 881

eligibility and reasonableness of the compensation payments for 882
medical, hospital, and nursing services, and in establishing 883
guidelines for payment policies which recognize usual, 884
customary, and reasonable methods of payment for covered 885
services; 886

(b) Provide a resource to respond to questions from claims 887
examiners for employees of the bureau; 888

(c) Audit fee bill payments; 889

(d) Implement a program to utilize, to the maximum extent 890
possible, electronic data processing equipment for storage of 891
information to facilitate authorizations of compensation 892
payments for medical, hospital, drug, and nursing services; 893

(e) Perform other duties assigned to it by the 894
administrator. 895

(17) Appoint, as the administrator determines necessary, 896
panels to review and advise the administrator on disputes 897
arising over a determination that a health care service or 898
supply provided to a claimant is not covered under this chapter 899
or Chapter 4123., 4127., or 4131. of the Revised Code or is 900
medically unnecessary. If an individual health care provider is 901
involved in the dispute, the panel shall consist of individuals 902
licensed pursuant to the same section of the Revised Code as 903
such health care provider. 904

(18) Pursuant to section 4123.65 of the Revised Code, 905
approve applications for the final settlement of claims for 906
compensation or benefits under this chapter and Chapters 4123., 907
4127., and 4131. of the Revised Code as the administrator 908
determines appropriate, except in regard to the applications of 909
self-insuring employers and their employees. 910

(19) Comply with section 3517.13 of the Revised Code, and 911
except in regard to contracts entered into pursuant to the 912
authority contained in section 4121.44 of the Revised Code, 913
comply with the competitive bidding procedures set forth in the 914
Revised Code for all contracts into which the administrator 915
enters provided that those contracts fall within the type of 916
contracts and dollar amounts specified in the Revised Code for 917
competitive bidding and further provided that those contracts 918
are not otherwise specifically exempt from the competitive 919
bidding procedures contained in the Revised Code. 920

(20) Adopt, with the advice and consent of the board, 921
rules for the operation of the bureau. 922

(21) Prepare and submit to the board information the 923
administrator considers pertinent or the board requires, 924
together with the administrator's recommendations, in the form 925
of administrative rules, for the advice and consent of the 926
board, for the health partnership program and the qualified 927
health plan system, as provided in sections 4121.44, 4121.441, 928
and 4121.442 of the Revised Code. 929

(C) The administrator, with the advice and consent of the 930
senate, shall appoint a chief operating officer who has a 931
minimum of five years of experience in the field of workers' 932
compensation insurance or in another similar insurance industry 933
if the administrator does not possess such experience. The chief 934
operating officer shall not commence the chief operating 935
officer's duties until after the senate consents to the chief 936
operating officer's appointment. The chief operating officer 937
shall serve in the unclassified civil service of the state. 938

Sec. 5123.08. An appointing officer may appoint a person 939
who holds a certified position in the classified service within 940

the department of developmental disabilities to a position in 941
the unclassified service within the department. A person 942
appointed pursuant to this section to a position in the 943
unclassified service shall retain the right to resume the 944
position and status held by the person in the classified service 945
immediately prior to the person's appointment to the position in 946
the unclassified service, regardless of the number of positions 947
the person held in the unclassified service. An employee's right 948
to resume a position in the classified service may only be 949
exercised when an appointing authority demotes the employee to a 950
pay range lower than the employee's current pay range or revokes 951
the employee's appointment to the unclassified service. An 952
employee forfeits the right to resume a position in the 953
classified service when the employee is removed from the 954
position in the unclassified service due to incompetence, 955
inefficiency, dishonesty, drunkenness, immoral conduct, 956
insubordination, discourteous treatment of the public, neglect 957
of duty, violation of this chapter or Chapter 124. of the 958
Revised Code, the rules of the director of developmental 959
disabilities or the director of administrative services, any 960
other failure of good behavior, any other acts of misfeasance, 961
malfeasance, or nonfeasance in office, or conviction of a felony 962
while employed in the civil service. An employee also forfeits 963
the right to resume a position in the classified service upon 964
transfer to a different agency. 965

Reinstatement to a position in the classified service 966
shall be to a position substantially equal to that position in 967
the classified service held previously, as certified by the 968
director of administrative services. If the position the person 969
previously held in the classified service has been placed in the 970
unclassified service or is otherwise unavailable, the person 971

shall be appointed to a position in the classified service 972
within the department that the director of administrative 973
services certifies is comparable in compensation to the position 974
the person previously held in the classified service. Service in 975
the position in the unclassified service shall be counted as 976
service in the position in the classified service held by the 977
person immediately prior to the person's appointment to the 978
position in the unclassified service. When a person is 979
reinstated to a position in the classified service as provided 980
in this section, the person is entitled to all rights, status, 981
and benefits accruing to the position in the classified service 982
during the time of the person's service in the position in the 983
unclassified service. 984

Sec. 5139.02. (A) (1) As used in this section, "managing 985
officer" means a deputy director, an assistant deputy director, 986
a superintendent, a regional administrator, a deputy 987
superintendent, or the superintendent of schools of the 988
department of youth services, a member of the release authority, 989
the chief of staff to the release authority, and the victims 990
administrator of the office of victim services. 991

(2) Each division established by the director of youth 992
services shall consist of managing officers and other employees, 993
including those employed in institutions and regions as 994
necessary to perform the functions assigned to them. The 995
director or appropriate deputy director or managing officer of 996
the department shall supervise the work of each division and 997
determine general policies governing the exercise of powers 998
vested in the department and assigned to each division. The 999
appropriate managing officer or deputy director is responsible 1000
to the director for the organization, direction, and supervision 1001
of the work of the division or unit and for the exercise of the 1002

powers and the performance of the duties of the department 1003
assigned to it and, with the director's approval, may establish 1004
bureaus or other administrative units within the department. 1005

(B) The director shall appoint all managing officers, who 1006
shall be in the unclassified civil service. The director may 1007
appoint a person who holds a certified position in the 1008
classified service within the department to a position as a 1009
managing officer within the department. A person appointed 1010
pursuant to this division to a position as a managing officer 1011
shall retain the right to resume the position and status held by 1012
the person in the classified service immediately prior to the 1013
person's appointment as managing officer, regardless of the 1014
number of positions the person held in the unclassified service. 1015
A managing officer's right to resume a position in the 1016
classified service may only be exercised when the director 1017
demotes the managing officer to a pay range lower than the 1018
managing officer's current pay range or revokes the managing 1019
officer's appointment to the position of managing officer. A 1020
managing officer forfeits the right to resume a position in the 1021
classified service when the managing officer is removed from the 1022
position of managing officer due to incompetence, inefficiency, 1023
dishonesty, drunkenness, immoral conduct, insubordination, 1024
discourteous treatment of the public, neglect of duty, violation 1025
of this chapter or Chapter 124. of the Revised Code, the rules 1026
of the director of youth services or the director of 1027
administrative services, any other failure of good behavior, any 1028
other acts of misfeasance, malfeasance, or nonfeasance in 1029
office, or conviction of a felony while employed in the civil 1030
service. A managing officer also forfeits the right to resume a 1031
position in the classified service upon transfer to a different 1032
agency. 1033

Reinstatement to a position in the classified service 1034
shall be to the position held in the classified service 1035
immediately prior to appointment as managing officer, or to 1036
another position certified by the director of administrative 1037
services as being substantially equal to that position. If the 1038
position the person previously held in the classified service 1039
immediately prior to appointment as a managing officer has been 1040
placed in the unclassified service or is otherwise unavailable, 1041
the person shall be appointed to a position in the classified 1042
service within the department that the director of 1043
administrative services certifies is comparable in compensation 1044
to the position the person previously held in the classified 1045
service. Service as a managing officer shall be counted as 1046
service in the position in the classified service held by the 1047
person immediately prior to the person's appointment as a 1048
managing officer. If a person is reinstated to a position in the 1049
classified service under this division, the person shall be 1050
returned to the pay range and step to which the person had been 1051
assigned at the time of the appointment as managing officer. 1052
Longevity, where applicable, shall be calculated pursuant to the 1053
provisions of section 124.181 of the Revised Code. 1054

(C) Each person appointed as a managing officer shall have 1055
received special training and shall have experience in the type 1056
of work that the person's division is required to perform. Each 1057
managing officer, under the supervision of the director, has 1058
entire charge of the division, institution, unit, or region for 1059
which the managing officer is appointed and, with the director's 1060
approval, shall appoint necessary employees and may remove them 1061
for cause. 1062

(D) The director may designate one or more deputy 1063
directors to sign any personnel actions on the director's 1064

behalf. The director shall make a designation in a writing 1065
signed by the director, and the designation shall remain in 1066
effect until the director revokes or supersedes it with a new 1067
designation. 1068

Section 2. That existing sections 124.11, 124.25, 124.26, 1069
124.34, 329.021, 4121.121, 5123.08, and 5139.02 of the Revised 1070
Code are hereby repealed. 1071

Section 3. Section 124.26 of the Revised Code is presented 1072
in this act as a composite of the section as amended by both Am. 1073
Sub. H.B. 487 and Am. Sub. H.B. 490 of the 129th General 1074
Assembly. The General Assembly, applying the principle stated in 1075
division (B) of section 1.52 of the Revised Code that amendments 1076
are to be harmonized if reasonably capable of simultaneous 1077
operation, finds that the composite is the resulting version of 1078
the section in effect prior to the effective date of the section 1079
as presented in this act. 1080