

123:1-41-17

Reemployment rights.

- (A) General. Each laid-off or displaced employee, in addition to the reinstatement rights set forth in this chapter, shall have the right to reemployment with other agencies within the layoff jurisdiction. The right to reemployment is limited to the same classification from which the layoff or displacement initially occurred.
- (B) Creation of recall lists for reemployment. The director shall create, by appointment type, a jurisdictional recall list for each classification by combining the recall lists of each appointing authority within a layoff jurisdiction but excluding the names of reduced employees. The name of a laid-off employee shall appear on a jurisdictional recall list for the classification and appointment category from which the employee was initially laid off or displaced.

In cases of identical retention point totals, those employees having the most "seniority," defined as the longest period of continuous state service, shall be placed on the list first, and if still unresolved, the director shall determine the order of names on the list.

An employee's name shall remain on the jurisdictional recall list for a period of one calendar year from the date the employee was first laid off or displaced from his or her original classification.

The director shall determine that the appointing authority's recall list for employees entitled to reinstatement to that classification has been exhausted before certifying any name from the jurisdictional recall list.

- (C) Administration of recall lists for reemployment to vacancies without position-specific minimum qualifications.

A vacant position must be accepted or declined in writing by the first person on the jurisdictional recall list for that classification before the next person on the jurisdictional recall list may be considered for reemployment.

- (D) The administration of recall lists for reemployment to vacancies with position-specific minimum qualifications established pursuant to rule 123:1-7-04 of the Administrative Code shall comply with the following requirements:

- (1) Appointing authorities shall administer a valid proficiency instrument to the first person on the recall list to determine whether the person meets the position-specific minimum qualifications.
- (2) The first person on the jurisdictional recall list, if he or she meets the position-specific minimum qualifications, must accept or decline the vacancy in writing, before the next person on the recall list may be considered for

reemployment.

- (E) Probationary period. Any employee reemployed under this rule shall not serve a probationary period when reemployed; except an employee laid off or displaced while serving an original or promotional probationary period shall begin a new probationary period.

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