

124-1-02

Definitions.

- (A) The definitions set forth in section 124.01 of Revised Code are incorporated in these rules by reference.
- (B) "Abolishment" means the permanent deletion of a position from the organization or structure of an appointing authority due to lack of continued need for the position, due to reorganization for efficient operation, economy, or lack of work.
- (C) "Administrative relationship" generally means a relationship where an employee has substantial authority to initiate discretionary action and/or in which the appointing authority must rely on the employee's personal judgment and leadership abilities. The average employee would not possess such qualities or be delegated such discretionary authority. Whether one position occupies an administrative relationship to another is a question of fact to be determined by the board.
- (D) "Agency" means any unit of government, including a board or commission, headed by an officer or group having the power to appoint employees.
- (E) "Appointment" means placement of an employee in a position.
- (F) "Board" or "state personnel board of review" means either the members of the state personnel board of review or ~~the agency including its administrative law judges and other employees~~ its agents.
- (G) "Classification" means any of the following:
- (1) A group of positions of sufficiently similar duties that the same title and specification may be assigned to each.
 - (2) The title assigned to a position or the employee appointed to fill a position.
 - (3) The act of assigning a classification title to a position based upon the duties performed in that position.
- (H) "Displacement" means for the purposes of layoffs and job abolishments the process by which an employee with more retention points exercises his or her right to take the position of another employee with fewer retention points pursuant to the provisions of Chapter 123:1-41 of the Administrative Code.
- (I) "Fiduciary relationship" generally means a relationship where the appointing authority reposes a special confidence and trust in the integrity and fidelity of an employee to

perform duties which could not be delegated to the average employee with knowledge of the proper procedures. These qualifications are over and above the technical competency requirements to perform the duties of the position. Whether one position occupies a fiduciary relationship to another is a question of fact to be determined by the board.

- (J) "Filed" means received, in writing, and time stamped in the offices of the board or received by electronic transmission of information to the designated email address of the board or the board's fax equipment.
- (K) "Layoff" means a suspension of employment, expected to last less than twelve months, due to either a lack of work or a lack of funds.
- (L) "Non-competitive examination" means any written device by which a prospective employee's qualifications to hold a position may be determined (e.g., an application form).
- (M) "Notice" means the date of receipt by the employee, in writing, of the action. If the employee did not receive a written notification, then "notice" means the date of the actual implementation of the action.
- (N) "Order of involuntary disability separation" means an order issued by an appointing authority involuntarily separating an employee from employment in his or her position when the appointing authority has determined that said employee is unable to perform the essential job duties of his or her position due to a disabling illness, injury or condition.
- (O) "Parenthetical subtitle" means a group of positions logically falling within a general classification but distinguished from other positions within that classification by the performance of specific duties requiring specialized skill, knowledge or training.
- (P) "Party" means an individual or agency who participates in and is directly affected by an action brought before the state personnel board of review. As used in these rules, "party" is not limited to the definition in Chapter 119. of the Revised Code.
- (Q) "Pay" means either: the annual, non-overtime compensation due an employee including, when applicable, the cost of the appointing authority's insurance or other contributions, longevity pay, supplemental pay and hazard pay.
- (1) ~~The annual, non-overtime compensation due an employee including, when applicable, the cost of the appointing authority's insurance or other contributions, longevity pay, supplemental pay and hazard pay, divided by the product of the number of regularly scheduled hours in a workweek times~~

~~fifty two; or~~

~~(2) The annual compensation assigned to a position including, when applicable, the cost of the appointing authority's insurance, or other contributions, longevity pay, supplemental pay and hazard pay.~~

- (R) "Pay range" means the salary schedule and level assigned to a position.
- (S) "Position" means a group of duties intended to be performed by an employee.
- (T) "Position description" means a written summary of the duties which comprise a position.
- (U) "Progressive discipline" generally means the act of disciplining an employee in graduated increments and progressing through a logical sequence, such as a written reprimand for a first offense, a short suspension for the second offense, and a longer suspension or removal for the third offense. The severity of the offense may negate the use of progressive discipline.
- (V) "Promotion" means the appointment of an employee to a different position assigned a higher pay range than the employee's previous position.
- (W) "Reassignment" means the assignment of an employee to a different classification.
- (X) "Reclassification" means the assignment of a different classification to a position.
- (Y) "Reduction in pay" means an action which diminishes an employee's pay. When the conditions entitling an employee to supplemental pay end, the ending of supplemental pay shall not be considered a reduction, nor shall a change in the cost of an appointing authority's insurance or other contributions be considered a reduction.
- (Z) "Reduction in position" means an action which diminishes an employee's duties or ~~responsibilities~~ responsibilities to the extent an audit of the employee's position would result in a reclassification to a classification assigned a lower pay range.
- (AA) "Removal" means the termination of an employee's employment.
- (BB) "Representative" means any person who is ~~either~~ admitted to the practice of law in Ohio or ~~a person who is not admitted to the practice of law in Ohio and who does not receive any compensation from the party for such representation~~ who has received prior approval from the board to represent a party.

- (CC) "Section 124.34 order" means an order required by section 124.34 of the Revised Code.
- (DD) "Specification" means a synopsis of the duties and qualifications of an employee assigned to a classification.
- (EE) "Suspension" means the interruption of an employee's employment and compensation for a fixed period of time.
- (FF) "Transfer" means the movement of an employee between different offices or positions as set forth in sections 124.32 and 124.33 of the Revised Code. A change in job location within the same classification, the same appointing authority and the same county is not appealable.

Effective: 03/24/2014

R.C. 119.032 review dates: 01/07/2014 and 01/07/2019

CERTIFIED ELECTRONICALLY

Certification

03/14/2014

Date

Promulgated Under: 119.03
Statutory Authority: 124.03
Rule Amplifies: 119.09, 124.03, 124.14, 124.328, 124.33, 124.34,
124.341, 124.40, 124.56, 4167.13
Prior Effective Dates: 2/14/86, 3/1/93