



Ohio Administrative Code Rule 3335-81-05 Displacement procedures.

Effective: December 20, 2020

(A) An employee whose position was abolished and elects to exercise displacement shall be placed in accordance with the process outlined in paragraph (B) of this rule provided in all instances that the employee meets the qualifications of the position, can perform the required duties, and has met expectations in the last two annual performance reviews. Employees who have not met performance expectations in the last two annual performance reviews and who have been given expectations for improvement or who cannot perform the required functions of the position into which they would be placed do not have displacement rights.

(B) The process will occur as follows:

(1) Placement into a vacancy within the employee's classification and within the employee's jurisdiction.

(2) Placement into a vacancy within the next lower classification and each successively lower classification in the employee's classification series.

(3) Placement into a vacancy within the classification the employee held immediately prior to holding the classification from which the employee was laid off, provided all of the following are true:

(a) That the previous classification is of a lower or equivalent classification;

(b) The employee had achieved certified status in the former classification; and

(c) The employee held the classification within the previous twelve months.

(4) If a vacancy exists as described in this rule, but the employee does not meet the minimum qualifications, has not met performance expectations, or cannot perform the required functions of the



vacancy, as determined by the office of human resources, the employee will be laid off.

(5) If no vacancy exists as described in this rule, the employee will displace the individual with the fewest retention points in the classification from which they were laid off. The placement will be made only if the employee meets the qualifications of the position and can perform the required duties. If the employee does not meet both of these requirements, the employee will be laid off.

(6) If the employee is unable to displace due to having the fewest retention points in the classification from which they were laid off, then the employee will be laid off.

(C) If, after exercising displacement, an employee is subject to further layoff action, displacement shall be in accordance with the current or most recent certified classification, at the discretion of the office of human resources.

(D) Employees shall notify the office of human resources of their intention to exercise displacement within ten days after receipt of notice of layoff.

(E) No employee shall displace another employee or fill a vacancy if the position requires special minimum qualifications, as established by a position description, classification specifications, or by bona fide occupation qualifications, unless the employee possesses the requisite minimum qualifications for the position and can perform the required duties.

(F) If, as a result of layoff, placement or displacement, an employee is serving in a new position or classification, such employee shall be paid according to the target hiring range assigned to the new position or classification.

(G) If an employee declines placement into a vacant position for any reason, their displacement and reinstatement rights cease immediately; this provision may be waived at the discretion of the office of human resources.

(H) If for any reason an employee declines to exercise their displacement rights into a position to which they are entitled, their displacement and reinstatement rights cease immediately.