



Ohio Administrative Code Rule 123:1-47-01 Definition of terms.

Effective: April 23, 2020

(A) For purposes of Chapters 123:1-1 to 123:1-47 of the Administrative Code:

- (1) "Abolishment" - means the permanent deletion or removal of an encumbered position or positions from the organization or structure of an appointing authority due to a lack of continued need for a position, as a result of a reorganization for the efficient operation of the appointing authority, for reasons of economy, or due to a lack of work.
- (2) "Active pay status" - means conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave. For the purpose of determining overtime or compensatory time for an employee who is eligible for overtime compensation, active pay status does not include sick leave or leave used in lieu of sick leave.
- (3) "Active work status" - means the conditions under which an employee is actually in a work status and is eligible to receive pay but does not include vacation pay, sick leave, bereavement leave, compensatory time, holidays, personal leave, and disability leave.
- (4) "Adverse effect" - means, for the purpose of reclassification; for an employee, a reduction in pay or reduction in duties; and for an agency, an increase in an employee's pay.
- (5) "Agency" - means any unit of government, including a board or commission, headed by an officer or group having the power to appoint employees.
- (6) "Allocation" - means the assigning of a position or job to a classification within a classification plan.
- (7) "Appointing authority" - means the officer, commission, board or body having the power of appointment to, or removal from, positions in any office, department, commission, board or



institution.

(8) "Assistant" - means an employee who aids and assists an appointing authority in the discharge and performance of duties which are of a confidential and fiduciary character and which involve the responsibility of the principal, or an employee who holds a fiduciary or administrative relationship to the agency.

(9) "Appointment categories" - means the appointment designation of a position such as part-time temporary, full-time temporary, intermittent, part-time seasonal, full-time seasonal, part-time permanent, and full-time permanent.

(10) "Available vacancy" - means an existing funded position, not currently filled by an incumbent which the appointing authority desires to fill. The existence of vacant positions on an appointing authority's table of organization or roster of positions shall not mean that a position is an available vacancy.

(11) "Base rate of compensation" - means the pay range and step rate paid an employee.

(12) "Base rate of pay" - means the rate of pay established under schedule B or C of section 124.15 of the Revised Code; schedule E-1, or schedule E-2 of section 124.152 of the Revised Code; plus any supplement provided under section 124.181 of the Revised Code, plus any supplements enacted into law which are added to schedule B or C of section 124.15 of the Revised Code, schedule E-1, or schedule E-2 of section 124.152 of the Revised Code; except for rule 123:1-7-22 of the Administrative Code, rule 123:1-33-05 of the Administrative Code, rule 123:1-33-12 of the Administrative Code, and rule 123:1-46-06 of the Administrative Code. As used in rule 123:1-7-22 of the Administrative Code, rule 123:1-33-05 of the Administrative Code, rule 123:1-33-12 of the Administrative Code, and rule 123:1-46-06 of the Administrative Code, "base rate of pay" means the rate of pay established under schedule B or C of section 124.15 of the Revised Code; schedule E-1, or schedule E-2 of section 124.152 of the Revised Code; plus the supplement provided under division (E) of section 124.181, plus any supplements enacted into law which are added to schedule B or C of section 124.15 of the Revised Code; schedule E-1, or schedule E-2 of section 124.152 of the Revised Code. The base rate of pay for those persons paid by warrant of the director of budget and management, but not paid under schedule B or C of section 124.15 of the Revised Code;



schedule E-1, or E-2 of section 124.152 of the Revised Code; shall be the employee's actual rate of pay.

(13) "Break in service" - means an employee has had a separation from service of thirty-one days or more. An authorized leave of absence, granted pursuant to rule 123:1-34-01 of the Administrative Code, or any separation from service which carries with it the right to reinstatement, or reemployment as a result of a layoff, shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. The time the employee was separated shall not be counted towards the calculation of retention points for continuous service.

(14) "Certification" - means the process of providing to an appointing authority the names on an eligible list, jurisdictional layoff list, or an agency layoff list.

(15) "Certification eligible list" - means a list of individuals available for employment from an eligible list, a jurisdictional layoff list, an agency layoff list.

(16) "Certified appointment" - means an appointment from an eligible list.

(17) "Certified employee" - means a classified employee who has been appointed to a position from a certification eligible list or the operation of section 124.26, 124.27, or 124.271 of the Revised Code and Chapter 123:1-10 of the Administrative Code.

(18) "Classification" - means a group of positions sufficiently similar in respect to duties, responsibilities, authority, and qualifications so that the same descriptive title may be used for each, the same pay range assigned, and the same examinations conducted.

(19) "Classification change" - means a change in an employee's classification title which results in a promotion, demotion, lateral move to a different classification with the same pay range, or reassignment to another classification.

(20) "Classification plan" - means a system of classifications which may include pay range assignment for each classification.



(21) "Classification salary base" - means the minimum hourly rate of the pay range for the classification to which the employee is assigned.

(22) "Completed service" - means hours actually worked, including overtime, and hours of sick leave, vacation leave, compensatory time, or personal leave used, but does not include time on disability separation, leave of absence without pay, the period an employee is receiving disability leave benefits, or layoff. In the case of an employee who works on a seasonal or academic year basis but is paid on an annual basis, completed service shall not include the period of time during which the employee is paid but is not working.

(23) "Continuous service" - means the uninterrupted service of an employee with a state agency, a county office, or a state-supported college or university where no break in service occurs. For purposes of state paid life insurance, dental insurance, vision insurance, and disability leave benefits, continuous service means the uninterrupted service in which an employee is paid directly by warrant of the director of budget and management where no break in service occurs.

(24) "County offices" - means those agencies, boards, commissions, departments, and elected offices of the county which are appointing authorities and are subject to the provisions of Chapter 124. of the Revised Code, and which includes, but is not limited to the following: alcohol, drug addiction and mental health services board; auditor; child support enforcement agency; children services board; clerk of courts; commissioners; common pleas court; coroner; engineer; health department; general health district; hospital; mental health board; mental retardation and developmental disabilities board; prosecutor; recorder; sheriff; treasurer; and veterans' service commission.

(25) "Days" - means calendar days unless specified otherwise.

(26) "Demotion" - means the movement of an employee at the request of the appointing authority or the employee, from one position to a vacant position which is assigned to a different classification and a lower pay range, or lower salary where pay ranges do not exist. For the purposes of this definition, a lower pay range is determined by comparing the step one rates of the relevant pay ranges.

(27) "Deputy" - means an employee authorized by law to act generally for or in place of his or her



principal and holding a fiduciary relationship to such principal, or an employee holding a fiduciary or administrative relationship to the agency.

(28) "Director" - means the director of administrative services.

(29) "Disability leave" - means the leave granted pursuant to section 124.385 of the Revised Code.

(30) "Disability retirement" - means a separation granted by a state retirement system retaining reinstatement rights per appropriate section of the Revised Code.

(31) "Disability separation" - means a voluntary or involuntary separation granted by the appointing authority and the director when an employee becomes unable to perform the essential job duties of the employee's position.

(32) "Displacement" - means for purpose 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. Displacement occurs the date an employee is notified that another employee has exercised his or her right of displacement and that the employee with fewer retention points is to be displaced.

(33) "Educational institution" - means an institution that is approved by nationally recognized accrediting agencies.

(34) "Eligible" - means an applicant for appointment to a classification who has passed an examination, met other requirements for the classification, and who is willing to accept employment.

(35) "Eligible list" - means a list of names and scores of individuals who have taken an examination for a specific classification.

(36) "Exempt appointment" - means an appointment to a position which is not subject to examination or civil service tenure. Such a position is included in the classification plan unless specifically excluded.



(37) "Full-time employee" - means an employee whose regular hours of duty total eighty hours in a pay period in a state agency or any standard accepted as full time by the appointing authority.

(38) "Headquarters county" - means the county which the appointing authority has determined and indicated, on the position description for each position or by other appropriate means, to be the headquarters county. The determination shall be based on the status of the position as the primary location where the employee assigned to the position receives direction, performs the substantial duties of his position or where the employee's work flow is centered.

(39) "Immediate family" - means an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

(40) "Intermittent appointment" - means an appointment where an employee is required to work less than one thousand hours per fiscal year, or for the duration of a specific project or grant which may exceed one thousand hours in a fiscal year.

(41) "Inter-transfer" - means the act of changing an employee from one position to another, from one department to another department with a different over-all appointing authority which may be accompanied by promotion, demotion, or lateral classification change.

(42) "Intra-transfer" - means the act of changing an employee from one position to another within the same department or over-all appointing authority, requiring a change in headquarters county which may be accompanied by promotion, demotion, or lateral classification change.

(43) "Laid-off employee" - means an employee terminated by the appointing authority from a position as a result of the application of the "order of layoff." "Laid-off employee" also means an employee not working as a result of layoff or displacement.

(44) "Lack of funds" - means an appointing authority has a current or projected deficiency of funding



required to maintain current, or sustain projected levels of staffing and operation.

(45) "Lack of work" - means an appointing authority has a current or projected decrease in workload or work requirements which requires or will require a reduction in current or projected staffing levels in its organization or structure.

(46) "Lateral classification change" - means the movement of an employee, with the employee's consent, from one classification to another classification that is assigned to the same pay range or to a pay range in which the step one rate is the same as the step one rate as the classification from which the employee moves.

(47) "Leave of absence without pay" - means temporary separation from active pay status, authorized by the appointing authority, with an employee generally retaining status and seniority rights.

(48) "Level" - means the term used to designate the degree of relationship which one classification bears to other classifications in a series; e.g., a first-level administrative professional (administrative professional 1) holds the lowest rank in the administrative professional series.

(49) "New position" - means a budgeted position established and properly allocated which did not previously exist and is not merely the expansion or change in a previously existing position.

(50) "No-pay status" - means the conditions under which an employee is ineligible to receive pay, and includes, but is not limited to, leave without pay, the period an employee is receiving disability leave benefits or workers' compensation benefits, and the employee has been disability separated..

(51) "Open-competitive examination" - means an examination open to anyone, whether already employed in the state service or not, who meets qualifications established for a given classification or position.

(52) "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 functions or duties requiring specialized skill, knowledge or training.



(53) "Part-time employee" - means an employee whose regular hours of duty are less than eighty hours in a pay period in a state agency or less than any accepted full-time standard accepted by the appointing authority.

(54) "Pay period" - means, for state agencies, the fourteen-day period of time during which the payroll is accumulated, as determined by the director.

(55) "Pay range" - means a division of a salary schedule to which classifications of positions are assigned.

(56) "Permanent employee" - means any person holding a position that requires working a regular schedule of twenty-six consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. It does not include student help, intermittent, temporary, seasonal, external interim, or individuals covered by personal service contracts.

(57) "Personal leave" - means the leave granted by the provisions of section 124.386 of the Revised Code.

(58) "Position" - means the group of job duties intended to be performed by an individual employee as assigned by the appointing authority.

(59) "Position audit" - means the evaluation of the current duties and responsibilities assigned to an encumbered position to determine proper classification.

(60) "Position number" - means a unique number assigned to each employment position within an agency by the appointing authority used to identify each position.

(61) "Position number change" - means the movement of an employee from one specific employment position to another within the same agency. A position number change may be accompanied by a promotion, demotion, lateral class change, or intra-transfer.

(62) "Pregnancy-related condition" - means pregnancy, childbirth, or related medical conditions.



- (63) "Probationary period" - means either the period of time at the beginning of an original appointment or the period of time immediately following a promotion, which constitutes a trial or testing period for the employee, during which the employee may be terminated.
- (64) "Probationary removal" - means the termination of an employee's employment for unsatisfactory performance during the employee's initial probationary period.
- (65) "Promotion" - means the movement of an employee from one position to a vacant position which is assigned to a different classification and a higher pay range, or higher salary where pay ranges do not exist. For the purposes of this definition, a higher pay range is determined by comparing the step one rates of the relevant pay ranges.
- (66) "Promotional examination" - means an examination open only to persons already employed in state service, in specified classifications and meeting specific qualifications, given for the purpose of determining eligibility for promotion to a higher class.
- (67) "Reassignment" - means the act of changing the classification assigned to an employee. This may be the result of change in or addition of classifications to the classification plan, or by action of the department of administrative services, in assigning a different classification title as a result of a position audit or classification change.
- (68) "Reclassification" - means the act of changing the classification of an existing position. The employee, if left in the position, shall be reassigned to the new classification.
- (69) "Reduction" - means a change of the classification held by an employee to one having a lower base pay range, a change to lower step within a salary range, or any decrease in compensation for an employee. For purposes of layoff, a "reduced employee" is one serving in a classification lower than the one from which the employee was laid off or displaced.
- (70) "Reemployment" - means, for purposes of layoff, an appointment to a new appointing authority from a jurisdictional layoff list with retention of seniority, status, step indicator, and time toward step advancement.



(71) "Reinstatement" - means the act of returning a person to the same appointing authority within the allowable time, following a period of separation or a leave of absence, retaining seniority and status. For purposes of layoff, "reinstatement" means the act of selecting from the appointing authority's layoff list individuals to return to active service with the same appointing authority in the same classification series of layoff.

(72) "Removal" - means the termination of an employee's employment for the reasons outlined in section 124.34 of the Revised Code.

(73) "Resignation" - means a voluntary separation from state service by the employee.

(74) "Retirement" - means a separation from state service in which the employee receives retirement benefits from a state retirement system.

(75) "Seasonal appointment" - means an appointment where an employee works a certain regular season or period of each year performing some work or activity limited to that season or period of the year.

(76) "Specification" - means a general description of a job classification specifying or giving examples of the kinds of tasks expected to be performed by employees holding positions allocated to that classification, which may include classification title and number, a statement of job function, a grouping of task statements by job duties (ranked by importance), approximate percentages of total job time required for performance of each duty, and may include worker characteristics or behaviors required for successful completion of all tasks within each duty, and minimum qualifications for competition for employment in the classification.

(77) "Status" - means a type of appointment, such as probationary, certified, permanent, temporary, or unclassified.

(78) "Suspension" - means a disciplinary action resulting in temporary deprivation of employment without pay as a punitive or disciplinary measure.



(79) "Table of organization" - means a listing, arranged by structural or functional units, of the number and classification of positions in a department or other agency.

(80) "Temporary appointment" - means an appointment for a limited period of time, fixed by the appointing authority and approved by the director for a period not to exceed one hundred twenty days, except as allowed in section 124.30 of the Revised Code.

(81) "Total rate of pay" - means the base rate of compensation plus all pay supplements.

(82) "Unclassified service" - means all offices and positions which are exempt from all examinations and which provide no tenure under the law are unclassified. Appointment to a position in the unclassified service may be made at the discretion of the appointing authority and the incumbent may be removed, suspended or reduced from the position at the pleasure of the appointing authority.

(83) "Working suspension" - means a disciplinary action in which an employee is required to report to work and receive compensation, but such period shall be recorded as a suspension.

(B) The director of administrative services may issue directives, memoranda, or internal management rules in accordance with section 111.15 of the Revised Code, setting forth procedures not inconsistent with Chapter 124. of the Revised Code and Chapters 123:1-1 to 123:1-47 of the Administrative Code relating to the conduct of the business of the human resources division.