



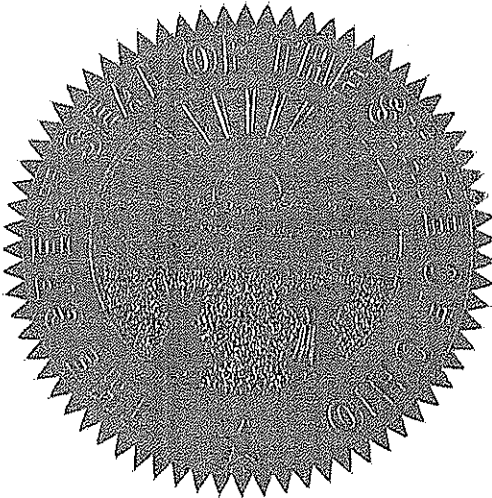
**TED STRICKLAND**  
GOVERNOR  
STATE OF OHIO

### Executive Order 2009 – 08S

#### Immediate Amendment of Rules to Implement Recently Enacted Provisions of House Bill 16 of the 128<sup>th</sup> General Assembly Regarding Exempt Employees

1. **Collective Bargaining Agreement Amendments.** In April 2009, the State of Ohio and the Ohio Civil Service Employees Association, AFSCME, Local 11, AFL-CIO entered into a collective bargaining agreement that made changes to the terms and conditions of employment for bargaining unit employees within the State of Ohio. These changes were specifically designed to reduce spending, focus available resources, and promote other cost-saving initiatives in order to address the extraordinary financial conditions occurring in the State.
2. **Ohio Law Is Now Consistent with the Changes Made in the Collective Bargaining Agreement.** On June 30, 2009, I signed into law House Bill 16 ("H.B. 16"). H.B. 16 amended various provisions of Ohio law to be consistent with the changes made in the collective bargaining agreement and required the implementation of various parallel provisions for exempt employees.
3. **Making Amendments to the Rules Effective on July 1, 2009.** In order for the Ohio Department of Administrative Services ("ODAS") to implement these legislative changes, amendment of rules in the Ohio Administrative Code must occur immediately.
4. **Procedure for Immediate Enactment of Rule Changes.** Section 119.03(F) of the Ohio Revised Code authorizes the Governor, on the request of a state agency, to suspend the normal rule-making procedures with respect to a specific rule when an emergency exists necessitating the immediate adoption, amendment, or rescission of the rule. When such a determination is made, the agency may immediately adopt, amend, or rescind a rule, but the rule is only valid for ninety (90) days.

5. **Determination of an Emergency.** I believe that an emergency exists justifying the suspension of the normal rule-making process when the failure to act immediately would negatively impact the citizens of Ohio. ODAS has asked me to determine, and I have determined, that the failure to immediately amend the rules governing wages, benefits, and other terms and conditions of state employment will negatively impact Ohioans by undermining efforts to reduce spending. Therefore, an emergency exists necessitating the immediate amendment of administrative rules in this regard.
6. **Authorization for Immediate Rule Implementation.** Accordingly, the normal rule-making procedures are suspended with respect to the amendment of Rules 123:1-30-06, 123:1-32-01, 123:1-33-05, 123:1-33-08, 123:1-34-10, 123:1-43-01, 123:1-43-02, 123:1-44-01, and 123:1-47-01 and the adoption of 123:1-34-11 of the Ohio Administrative Code regarding wages, benefits, and other terms and conditions of state employment. These rules will be electronically filed by ODAS with the Ohio Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review. ODAS may, therefore, amend these rules immediately.
7. I signed this Executive Order on June 30, 2009, in Columbus, Ohio, and it will expire at the end of the ninetieth day it is in effect, September 29, 2009.



  
Ted Strickland, Governor

ATTEST:

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Jennifer Brunner, Secretary of State