

Hi [REDACTED]

It's addressed in this memo from CORSA.

***The Ohio Revised Code does allow for administrative leave with pay***

**The county appointing authorities can, however, otherwise lawfully pay the employees who are prohibited from working. This can be done by placing the employees on administrative leave with pay pursuant to R.C. § 124.388 (Administrative leave).** That statute states in part as follows:

(A) An appointing authority may, in its discretion, place an employee on administrative leave with pay. *Administrative leave with pay is to be used only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected.* Compensation for administrative leave with pay shall be equal to the employee's base rate of pay. The length of administrative leave with pay is solely at the discretion of the appointing authority, but shall not exceed the length of the situation for which the leave was granted. (emphasis added).

***Classified employees must still be paid, so administrative leave with pay would be required for them***

Importantly, for the employees in the classified civil service, they must be paid the regular amount of money they are paid each week, even if the appointing authorities do not provide them with work.

This is because of R.C. § 124.34(A), which provides in pertinent part:

*No officer or employee shall be reduced in pay or position, fined, suspended, or removed, or have the officer's or employee's longevity reduced or eliminated, except as provided in section 124.32 of the Revised Code, and for incompetency, inefficiency, unsatisfactory performance, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the officer's or employee's appointing authority, violation of this chapter or the rules of the director of administrative services or the commission, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony while employed in the civil service. The denial of a one-time pay supplement or a bonus is not a reduction in pay for purposes of this section.* (emphasis added).

The Ohio Administrative Code further provides that a "reduction in pay" means an action which *diminishes an employee's pay.* O.A.C. § 124-1-02(Y)-(Z) (emphasis added). Therefore, a reduction in a work week has long been held to constitute a reduction in pay that effectively.....