



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

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Am. Sub. S.B. 296 132nd General Assembly (As Passed by the General Assembly)

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Effective date: Emergency, December 27, 2018

ACT SUMMARY

Death Benefit Fund changes

- Increases death benefits paid by the Ohio Public Safety Officers Death Benefit Fund to survivors of officers (law enforcement officers and firefighters) killed in the line of duty by:
 - Eliminating a requirement that the death benefit amount be reduced by any survivor benefits or annuity payable by the officer's retirement system.
 - Extending payment of the initial death benefit to the date the officer would have been eligible to retire with the maximum age and service pension for the officer's position, instead of the date the officer would first have been eligible to retire.
 - Increasing the "transitional benefit" paid after the officer's maximum pension eligibility date to 75% of the officer's salary, rather than 50%.
- Specifies that survivors already receiving the transitional benefit who are within the extension period will receive the initial death benefit instead of the reduced transitional benefit until the deceased officer's maximum pension eligibility date.
- Permits Death Benefit Fund recipients to elect to participate in any medical, dental, or vision benefit that the Department of Administrative Services (DAS) contracts or

provides for state employees, and permits the parent, guardian, or person responsible for a surviving child to make that election on the child's behalf.

- Requires the survivor to pay the percentage of the premium or cost of those benefits that would be paid by a state employee who elected that coverage, and requires DAS to pay the percentage that would be paid by a state employer for an employee who elects coverage.
- Requires the DAS Director to prescribe procedures for the administration of benefits elected by Death Benefit Fund recipients, and requires the Ohio Police and Fire Pension Fund Board of Trustees to provide any information to DAS that DAS requires for the administration of those benefits.

Public official compensation

- Increases the compensation of General Assembly members by 4% in 2019, 4% in 2020, 3% in 2021, and 1.75% in 2022 through 2028 and also increases the supplements provided to General Assembly members who serve certain roles on committees.
- Increases the Lieutenant Governor's statutory salary to match the salaries of the Secretary of State, Auditor of State, Treasurer of State, and Attorney General and allows the Lieutenant Governor to accept the salary of the head of an office within the Governor's office in lieu of the Lieutenant Governor's statutory salary.
- Increases the compensation of statewide executive officers (Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General) by 4% in 2019, 4% in 2020, 3% in 2021, and 1.75% in 2022 through 2028.
- Increases the compensation of judges by 1.75% in 2020 through 2028.
- Increases the compensation of county commissioners, county auditors, county treasurers, county recorders, county engineers, coroners, and clerks of courts of common pleas by 5% in 2019, 5% in 2020, and 1.75% in 2021 through 2028.
- Increases the compensation of county sheriffs and county prosecuting attorneys by 1.75% in 2020 through 2028.
- Increases the compensation of township trustees, township fiscal officers, and members of boards of elections by 1.75% in 2019 through 2028.
- Creates the Public Office Compensation Advisory Commission and requires it annually to submit a compensation plan and report to the General Assembly

regarding the Commission's recommended compensation amounts for the public officers listed above.

InnovateOhio

- Creates the Office of InnovateOhio within the Office of the Governor and requires the Governor to appoint the Director and necessary personnel and to set the duties of the Office.

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CONTENT AND OPERATION

The act revises the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and permits surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees; increases the compensation of elected public officers through 2028; and creates the Public Office Compensation Advisory Commission and the Office of InnovateOhio. The General Assembly overrode the Governor's veto of the act.



DEATH BENEFIT FUND

Background

The Ohio Public Safety Officers Death Benefit Fund pays benefits to the surviving spouse, children, or, in limited cases, surviving parent, of a public safety officer (law enforcement officer or firefighter) killed in the line of duty. Benefits are payable for death in the line of duty and death from injury sustained in the line of duty, including heart attack or other fatal injury or illness caused while in the line of duty. Officers covered by the Death Benefit Fund include members of the Ohio Police and Fire Pension Fund (OP&F), members of the State Highway Patrol Retirement System (SHPRS), certain members of the Public Employees Retirement System (PERS), and certain members of a municipal corporation's retirement system. The OP&F Board of Trustees administers the Death Benefit Fund and adopts rules for its management and for disbursement of benefits in accordance with statutory requirements.

A deceased officer's survivors receive an initial death benefit that, under former law, was payable until the deceased officer's retirement eligibility date – the first date on which the officer would have been eligible to retire, if the officer had survived and continued in employment. The act extends this time until the deceased officer would have been eligible for the maximum age and service pension available from the officer's retirement system for the officer's position. Benefits to surviving children cease when they marry or reach age 22, whichever is sooner, although disabled children are eligible for continuing benefits.

After the deceased officer's maximum pension eligibility date, the initial death benefit ends and eligible survivors receive a reduced benefit typically referred to as a "transitional benefit." Both the initial death benefit and the transitional benefit are calculated based on the deceased officer's salary, plus any salary increases the officer would have received had the officer lived.¹

Death benefit amount changes

The act makes the following changes to the death benefit amounts:

- Eliminates a requirement that the death benefit amount be reduced by any survivor benefits or annuity payable by the officer's retirement system.
- Extends payment of the initial death benefit to the date the officer would have been eligible to retire with the maximum age and service pension for the

¹ R.C. 742.63.



officer's position, instead of the date the officer would first have been eligible to retire.

- Increases the transitional benefit paid after the officer's maximum pension eligibility date to 75% of the officer's salary, rather than 50%.

Initial death benefit amount

Elimination of offset of retirement system survivor benefits

Under continuing law, a survivor receives an initial death benefit that equals 100% of the deceased officer's salary, plus any salary increases the officer would have received had the officer lived. PERS, OP&F, and SHPRS also provide survivor benefits or pensions for survivors of retirement system members who die before retirement.² A surviving spouse or contingent dependent beneficiary of an OP&F or SHPRS member also may receive an additional retirement annuity if the member was eligible to retire at the time of death.³

The act eliminates the requirements that the initial death benefit received from the Death Benefit Fund be reduced by the amount of any survivor benefits or annuity a survivor is eligible to receive from the appropriate retirement system and that the survivor must apply to the appropriate retirement system for the survivor benefit or annuity.⁴ Thus, under the act, a survivor receives the following between the Death Benefit Fund and the retirement system:

Initial death benefit (100% of officer's monthly salary at time of death, plus
increases)

+ survivor benefit or pension

+ retirement annuity (if applicable)

For example, Joe was a firefighter member of OP&F killed in the line of duty. At the time of his death he was 43 years old (and thus not eligible to retire under the OP&F Law) and had an annual salary of \$60,000.00 (\$5,000.00 per month). He is survived by his wife, Josie. Under the act, Josie receives the following:

² R.C. 742.63(A) and (J) and R.C. 145.45, 742.37, and 5505.17, not in the act.

³ R.C. 742.3714 and 5505.17, not in the act.

⁴ R.C. 742.63(A).



\$5,000.00 (initial death benefit amount (Joe's monthly salary at time of death))
+ \$410.00 (OP&F survivor pension if eligible for Death Benefit Fund benefit⁵)
\$5,410.00 (total death benefit amount and survivor pension, plus any salary increases)

If Joe had been eligible to retire at the time of death, Josie also would receive an amount from a retirement annuity in addition to the initial death benefit and OP&F survivor pension. If Joe had been a member of PERS or SHPRS, the survivor pension or benefit amount would be different (in PERS, the survivor benefit amount is based on the member's age and service credit; in SHPRS it is \$900 a month adjusted annually⁶).

Under former law, the amount of the initial death benefit paid from the Death Benefit Fund was offset by the amount of any survivor pension or annuity the survivor received from the deceased officer's retirement system.⁷ From the example above, Josie would have received a total between the Death Benefit Fund and OP&F of \$5,000.00 per month:

\$4,590.00 (initial death benefit (\$5,000.00 monthly salary – the \$410.00 survivor pension))
+ \$410.00 (OP&F survivor pension)
\$5,000.00

Extension of death benefit to the maximum pension eligibility date

The act extends the time during which a death benefit fund recipient is eligible to receive initial death benefits. Initial death benefits are paid until the deceased officer's maximum pension eligibility date, which is the date on which the officer would have become eligible for the maximum annual retirement allowance or pension that could be paid from the member's retirement system had the officer continued to accrue service credit from that system. Under former law, initial death benefits were paid until the member's retirement eligibility date - the date the officer would first have been eligible to retire.⁸

⁵ R.C. 742.37(D), not in the act.

⁶ R.C. 145.45 and 5505.17(A), not in the act.

⁷ R.C. 742.63(A)(11).

⁸ R.C. 742.63(A)(10) and (13), (B), (C), (D), and (K).



The pension an officer receives from OP&F, SHPRS, or PERS is determined by multiplying a percentage of the officer's final years of salary by the officer's years of service credit. PERS and SHPRS use "final average salary" (FAS) and OP&F uses "average annual salary" (AAS). The number of years used in determining FAS or AAS varies from three to five based on the system and when the officer is eligible to retire.

The maximum pension paid by each system is a percentage of the officer's FAS or AAS. The following table shows the percentage of the maximum pension allowed under each system covered by the Death Benefit Fund and the number of years of service required to reach that percentage. It also shows the number of years of service generally needed to be eligible for a full pension from each system. With respect to PERS, the table below reflects officers who are in the PERS law enforcement division (PERS-LE) or the PERS public safety division (PERS-PS).

Service credit for retirement eligibility and maximum pension allowance				
System	Retirement eligibility – years of service*	Maximum pension percentage of FAS or AAS	Maximum pension – years of service	Additional years receiving initial death benefit under the act
OP&F ⁹	25 years	72%	33 years	8 years
SHPRS ¹⁰	25 years	79.25%	34 years	9 years
PERS-LE or PERS-PS ¹¹	25 years	90%	38 years	13 years

*To be eligible to retire an officer must also meet an age requirement, which varies from age 48 to 54, depending on the retirement system.

If Joe in the above example had died with 20 years of service credit, under the act Josie receives the initial death benefit for 13 years (33 years of service for maximum pension – 20 years of service credit at time of death), rather than for five years as under former law (25 years of service for earliest retirement eligibility – 20 years of service credit at time of death).

⁹ R.C. 742.37, not in the act. An exception is that an OP&F member who is age 62 is eligible to retire with a full pension with 15 years of service credit.

¹⁰ R.C. 5505.16 and 5505.17, not in the act. An SHPRS member who is age 52 is eligible to retire with a full pension with 20 years of service credit.

¹¹ R.C. 145.332, not in the act. In PERS, an officer with 15 years of service may retire with a full pension at age 64.



Transitional benefit

After the member's maximum pension eligibility date is reached, the initial death benefit ceases and is replaced by the transitional benefit. The act increases the amount of the transitional benefit to 75% of the member's salary (plus salary increases) from 50% of the deceased member's salary (plus salary increases) under former law. The act also eliminates the requirement that a transitional benefit be reduced by the amount of a retirement annuity from OP&F (see "**Elimination of offset of retirement system survivor benefits**," above).¹²

Under continuing law, the OP&F survivor pension increases to \$859.10, adjusted annually, when the surviving spouse begins receiving the transitional benefit (this is the regular OP&F survivor pension amount; in PERS and SHPRS the survivor benefit or pension amounts do not change).¹³ To continue the above example, under the act, Josie receives the following amount after Joe's maximum pension eligibility date:

\$3,750.00 (transitional benefit of 75% of Joe's salary at time of death)
+ \$859.10 (OP&F survivor pension)
\$ 4,609.10 (total transitional benefit and survivor pension, plus any salary increases)

Under former law, Josie would have received a total of \$3,359.10 per month:

\$2,500.00 (50% of Joe's monthly salary at time of death)
+\$859.10 (OP&F survivor pension)
\$3,359.10 (total transitional benefit and survivor pension, plus any salary increases)

¹² R.C. 742.63(F) and (G).

¹³ R.C. 742.37(D), not in the act, "Member's Guide to Survivor Benefits," Ohio Police and Fire Pension Fund, <https://www.op-f.org/Files/MGSurvivorBenefits.pdf>, and Memorandum to ORSC Members from Ali Yognour, Assistant Research Associate, "Ohio Public Safety Officers Death Benefit Fund," December 4, 2018 (<http://orsc.org/Assets/EventFiles/650.pdf>).



Transitional benefit – initial benefit extension

Because the act extends the time during which a surviving spouse or surviving child receives the initial death benefit, the act reinstates that benefit for survivors who have already begun receiving a transitional benefit but are within the extension period.

Initial death benefit payments to a surviving spouse or surviving child that terminated before December 27, 2018 (the act's effective date), resume if both of the following apply:

- The death benefit payments terminated on the deceased member's retirement eligibility date under the law as it existed at the time of the benefit termination;
- The deceased member's maximum pension eligibility date is after December 27, 2018.

A surviving spouse or surviving child's initial death benefit payment that resumes under this provision is paid in the same manner as any other initial death benefit and continues until the deceased member's maximum pension eligibility date, at which time the benefit terminates. A surviving spouse or surviving child is not entitled to any additional payment for the time between the deceased member's retirement eligibility date under former law and December 27, 2018. Any transitional benefit a surviving spouse or surviving child receives will cease during the time that the initial death benefit resumes. After the deceased member's maximum pension eligibility date, the transitional benefit will resume.¹⁴

Death Benefit Fund recipient participation in state health benefits

The act permits a recipient of a benefit from the Death Benefit Fund, other than a surviving parent, to elect to participate in any medical, dental, or vision benefit that the Department of Administrative Services (DAS) contracts or provides for state employees. However, if a recipient is eligible to enroll in the federal Medicare program, the recipient is ineligible to participate in these benefits.

A Death Benefit Fund recipient who elects to participate in a medical, dental, or vision benefit is required to do both of the following:

- File a notice with DAS of the recipient's election to participate that specifies the benefit or combination of benefits in which the recipient elects to participate;

¹⁴ R.C. 742.63(L).

- Pay DAS the percentage of the premium or cost for the applicable benefits that would be paid by a state employee who elects that coverage.¹⁵

For each recipient who participates in these benefits, DAS must pay the percentage of the premium or cost for the benefits that would be paid by a state employer for a state employee who elects that coverage. A parent, guardian, or other person responsible for the care of a Death Benefit Fund recipient who is under 18 or who is a surviving child entitled to extended benefits due to disability may file the required election on the recipient's behalf.¹⁶

The DAS Director must prescribe procedures for the administration of these benefits for Death Benefit Fund recipients, including developing forms for recipients to enroll, disenroll, or re-enroll in benefits. The OP&F Board of Trustees must provide any information to DAS that DAS requires to provide the benefits, including information regarding the identities, ages, and family relationships of Death Benefit Fund recipients.¹⁷

PUBLIC OFFICE COMPENSATION

General Assembly and statewide executive officers

The compensation for members of the General Assembly and the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General was last adjusted for cost of living in 2008. Since 2008, these officers have not received increases. The act increases the members' and officers' compensation amounts by 4% in 2019, 4% in 2020, 3% in 2021, and 1.75% in 2022 through 2028. The act also increases the supplements provided to General Assembly members who serve certain roles on committees; these amounts were last increased in 2001.

The act increases the Lieutenant Governor's statutory salary to match the salary of the Auditor of State, Treasurer of State, Secretary of State, and Attorney General, who all receive the same amount under continuing law.¹⁸ Alternatively, the Lieutenant Governor is authorized under continuing law to take the salary of an administrative

¹⁵ R.C. 124.824(A) and (B).

¹⁶ R.C. 124.824(B) and (C).

¹⁷ R.C. 124.824(D) and (E).

¹⁸ R.C. 141.01.



department head in lieu of the Lieutenant Governor's statutory salary. The act expands this to include the salary of the head of an office within the Governor's office.¹⁹

The tables below show the increased compensation amounts of the General Assembly members and statewide executive officers through 2021; from 2022 through 2028, the increases are 1.75%.

Statewide executive officers²⁰

Position	2008-2018 annual salary ²¹	2019 salary (4% increase)	2020 salary (4% increase)	2021 salary (3% increase)
Governor	\$148,315	\$154,248	\$160,418	\$165,230
Lieutenant Governor	\$78,041	\$113,947	\$118,504	\$122,060
Secretary of State, Auditor of State, Treasurer of State, Attorney General	\$109,564	\$113,947	\$118,504	\$122,060

Senate²²

Position	2008-2018 annual salary ²³	2019 salary (4% increase)	2020 salary (4% increase)	2021 salary (3% increase)
President	\$94,437	\$98,214	\$102,143	\$105,207
President Pro Tempore	\$86,165	\$89,612	\$93,196	\$95,992
Minority Leader	\$86,165	\$89,612	\$93,196	\$95,992
Assistant President Pro Tempore	\$81,163	\$84,410	\$87,786	\$90,419
Assistant Minority Leader	\$78,668	\$81,815	\$85,087	\$87,640
Majority Whip	\$76,169	\$79,216	\$82,384	\$84,856

¹⁹ R.C. 141.011(B).

²⁰ R.C. 141.01 and 141.011.

²¹ These amounts reflect the Cost of Living Adjustments (COLAs) applied to the salaries shown in R.C. 141.01 in 2002 through 2008; see R.C. 141.011.

²² R.C. 101.27.

²³ These amounts reflect the COLAs applied to the salaries shown in R.C. 101.27 in 2002-2008. These amounts also appear on page 26 of LSC's [2017 Guidebook for Ohio Legislators](#).



Position	2008-2018 annual salary²³	2019 salary (4% increase)	2020 salary (4% increase)	2021 salary (3% increase)
Minority Whip	\$71,173	\$74,020	\$76,981	\$79,290
Assistant Minority Whip	\$63,381	\$65,916	\$68,553	\$70,609
Member	\$60,584	\$63,007	\$65,528	\$67,493

House²⁴

Position	2008-2018 annual salary²⁵	2019 salary (4% increase)	2020 salary (4% increase)	2021 salary (3% increase)
Speaker	\$94,437	\$98,214	\$102,143	\$105,207
Speaker Pro Tempore	\$86,165	\$89,612	\$93,196	\$95,992
Minority Leader	\$86,165	\$89,612	\$93,196	\$95,992
Majority Floor Leader	\$81,163	\$84,410	\$87,786	\$90,419
Assistant Minority Leader	\$78,668	\$81,815	\$85,087	\$87,640
Assistant Majority Floor Leader	\$76,169	\$79,216	\$82,384	\$84,856
Majority Whip	\$71,173	\$74,020	\$76,981	\$79,290
Minority Whip	\$71,173	\$74,020	\$76,981	\$79,290
Assistant Majority Whip	\$66,175	\$68,822	\$71,575	\$73,722
Assistant Minority Whip	\$63,381	\$65,916	\$68,553	\$70,609
Member	\$60,584	\$63,007	\$65,528	\$67,493

²⁴ R.C. 101.27.

²⁵ These amounts reflect the COLAs applied to the salaries shown in R.C. 101.27 in 2002 through 2008. These amounts also appear on page 26 of LSC's 2017 Guidebook for Ohio Legislators.



Committee supplements²⁶

Position – Finance committee	Supplement under prior law	Supplement under the act
Chairperson	\$10,000	\$13,500
Vice-Chairperson	\$5,500	\$7,500
Ranking Minority Member	\$6,500	\$9,000
Standing Subcommittee Chairperson	\$6,500	\$9,000
Standing Subcommittee Ranking Minority Member	\$5,000	\$6,750

Position – Standing committee other than Finance	Supplement under prior law	Supplement under the act
Chairperson	\$6,500	\$9,000
Vice-Chairperson	\$5,000	\$6,750
Ranking Minority Member	\$5,000	\$6,750
Standing Subcommittee Chairperson	\$5,000	\$6,750
Standing Subcommittee Ranking Minority Member	\$2,500	\$3,250

Judges

The act increases the compensation of judges, including justices of the Supreme Court, judges of the courts of appeals, judges of the courts of common pleas, and judges of municipal courts and county courts, by 1.75% in 2020 through 2028. Judges receive a pay increase in 2019 under continuing law.²⁷

²⁶ R.C. 101.27.

²⁷ R.C. 141.04.



County officers

The act increases the compensation of county commissioners, auditors, treasurers, recorders, engineers, and coroners, and of clerks of courts of common pleas by 5% in 2019, 5% in 2020, and 1.75% in 2021 through 2028. These officers last received a pay increase in 2017. County sheriffs²⁸ and county prosecuting attorneys²⁹ receive pay increases in calendar year 2019 under continuing law; these officers do not receive 5% increases under the act. Instead, they begin receiving the 1.75% increase in calendar year 2020 through 2028.

The salaries of elected county officers are established by separate schedules that classify an officer according to the population of the county. In general, the larger the county population, the larger the salary. The classifications, which remain unchanged by the act, are as follows:

Class	Population Range
1	1-55,000
2	55,001-95,000
3	95,001-200,000 ³⁰
4	200,001-400,000
5	400,001-1,000,000
6	1,000,001 or more

The following tables indicate the annual compensation for 2019 and 2020 of the county officers who receive pay increases under the act. The amounts shown for 2018 are not increases; this is the amount the officer received under prior law.

²⁸ R.C. 325.06 and 325.18. County sheriffs receive additional compensation equal to 12.5% of their annual compensation to be paid from the county treasury if adequate funds have been provided by the General Assembly. R.C. 325.06(B).

²⁹ R.C. 325.11 and 325.18. County prosecuting attorneys in a county with a population of 75,000 or less who do not practice law privately receive additional compensation equal to 40% of the difference between the amount paid to the prosecuting attorney and to a prosecuting attorney who practices law privately in a county with a population of 75,000 or less. The additional compensation is paid from the county treasury if adequate funds have been provided by the General Assembly. R.C. 325.111, not in the act. In addition, some county prosecuting attorneys who are statutorily required to prosecute offenses in municipal or county court (an additional duty) receive a supplement payable from the county treasury. R.C. 1901.34, not in the act.

³⁰ For coroners without a private practice, Class 3 is 175,001-200,000. R.C. 325.15.



County Auditor³¹			
Class	2018 Compensation	2019 Compensation (5% increase)	2020 Compensation (5% increase)
1	\$64,091	\$67,296	\$70,660
2	\$75,400	\$79,170	\$83,129
3	\$84,621	\$88,852	\$93,295
4	\$94,935	\$99,682	\$104,666
5	\$100,601	\$105,631	\$110,913
6	\$103,618	\$108,799	\$114,239

County Treasurer³²			
Class	2018 Compensation	2019 Compensation (5% increase)	2020 Compensation (5% increase)
1	\$49,813	\$52,304	\$54,919
2	\$58,668	\$61,601	\$64,681
3	\$67,525	\$70,901	\$74,446
4	\$75,273	\$79,037	\$82,988
5	\$80,807	\$84,847	\$89,090
6	\$83,636	\$87,818	\$92,209

Common Pleas Court Clerk³³			
Class	2018 Compensation	2019 Compensation (5% increase)	2020 Compensation (5% increase)
1	\$49,813	\$52,304	\$54,919
2	\$58,668	\$61,601	\$64,681
3	\$67,525	\$70,901	\$74,446

³¹ R.C. 325.03.

³² R.C. 325.04.

³³ R.C. 325.08. Under R.C. 2303.03, not in the act, a common pleas court clerk who also serves as the clerk of the court of appeals receives from the state an additional amount of compensation equal to 12.5% of the clerk's normal, county-paid compensation. As the clerk's normal compensation increases, the amount paid by the state also increases. Under R.C. 1901.31 and 1907.20, not in the act, clerks serving as municipal or county court clerks are paid by the county an additional amount of compensation equal to 25% of the clerk's normal compensation. As the clerk's normal compensation increases, so does this additional amount.



Common Pleas Court Clerk³³			
Class	2018 Compensation	2019 Compensation (5% increase)	2020 Compensation (5% increase)
4	\$75,273	\$79,037	\$82,988
5	\$80,807	\$84,847	\$89,090
6	\$83,636	\$87,818	\$92,209

County Recorder³⁴			
Class	2018 Compensation	2019 Compensation (5% increase)	2020 Compensation (5% increase)
1	\$47,599	\$49,979	\$52,478
2	\$55,349	\$58,116	\$61,022
3	\$63,098	\$66,253	\$69,566
4	\$71,951	\$75,549	\$79,326
5	\$78,594	\$82,524	\$86,650
6	\$82,051	\$86,154	\$90,461

County Commissioner³⁵			
Class	2018 Compensation	2019 Compensation (5% increase)	2020 Compensation (5% increase)
1	\$48,974	\$51,423	\$53,994
2	\$61,215	\$64,276	\$67,490
3	\$72,346	\$75,963	\$79,761
4	\$84,866	\$89,109	\$93,565
5	\$96,000	\$100,800	\$105,840
6	\$101,953	\$107,051	\$112,403

³⁴ R.C. 325.09.

³⁵ R.C. 325.10.



County Engineer with a Private Practice³⁶			
Class	2018 Compensation	2019 Compensation (5% increase)	2020 Compensation (5% increase)
1	\$67,746	\$71,133	\$74,690
2	\$73,059	\$76,712	\$80,548
3	\$78,594	\$82,524	\$86,650
4	\$83,022	\$87,173	\$91,532
5	\$88,556	\$92,984	\$97,633
6	\$92,009	\$96,609	\$101,440

County Engineer without a Private Practice³⁷			
Class	2018 Compensation	2019 Compensation (5% increase)	2020 Compensation (5% increase)
1	\$94,103	\$98,808	\$103,749
2	\$99,417	\$104,388	\$109,607
3	\$104,950	\$110,198	\$115,707
4	\$109,378	\$114,847	\$120,589
5	\$114,914	\$120,660	\$126,693
6	\$118,361	\$124,279	\$130,493

Coroner with a Private Practice³⁸			
Class	2018 Compensation	2019 Compensation (5% increase)	2020 Compensation (5% increase)
1	\$30,993	\$32,543	\$34,170
2	\$45,384	\$47,653	\$50,036
3	\$56,458	\$59,281	\$62,245
4	\$69,739	\$73,226	\$76,887
5	\$78,594	\$82,524	\$86,650
6	\$83,310	\$87,476	\$91,849

³⁶ R.C. 325.14.

³⁷ R.C. 325.14.

³⁸ R.C. 325.15.



Coroner without a Private Practice³⁹			
Class	2018 Compensation	2019 Compensation (5% increase)	2020 Compensation (5% increase)
3	\$127,563	\$133,941	\$140,638
4	\$127,563	\$133,941	\$140,638
5	\$130,661	\$137,194	\$144,054
6	\$133,759	\$140,447	\$147,469

Township officers

Township trustees are paid an amount for each day of service based on the monetary size of the township's budget. The number of days for which township trustees can be paid is capped at 200 days. The act increases the per day compensation of township trustees by 1.75% in 2019 through 2028.

Like township trustees, township fiscal officers are paid a salary that is based on the township's budget. The act increases the annual compensation of township fiscal officers by 1.75% in 2019 through 2028.

Township trustees and township fiscal officers last received a pay increase in 2017. The 2018 amounts in the act for the daily rate for a township trustee or annual compensation for a township fiscal officer are not increases; these were the amounts paid to township trustees and township fiscal officers for 2018 under prior law.⁴⁰

Members of boards of elections

The annual compensation of a member of a board of elections is based on the population of the county the member serves. For 2018, a member received \$102.41 for each full 1,000 of the first 100,000 population, \$48.79 for each full 1,000 of the second 100,000 population, \$26.50 for each full 1,000 of the third 100,000 population, and \$8.13 for each full 1,000 above 300,000 population. For example, the members of a board of elections serving a county with a population of 314,689 each earn \$17,663.82, calculated as follows:

$$(\$102.41 \times 100) + (\$48.79 \times 100) + (\$26.50 \times 100) + (\$8.13 \times 14) = \$17,883.82$$

³⁹ R.C. 325.15.

⁴⁰ R.C. 505.24 and 507.09.



The act increases these amounts by 1.75% in 2019 through 2028. The amounts shown in the act for 2018 are not increases; these were the amounts for 2018 under prior law. A member cannot receive less than \$6,000 in a calendar year under continuing law.⁴¹

Public Office Compensation Advisory Commission

The act creates the Public Office Compensation Advisory Commission and requires it annually to prepare a proposed compensation plan and a report of the plan detailing the Commission's recommendations for the compensation of the officers whose salaries are fixed by the General Assembly. The Commission must submit the plan and report to the General Assembly annually by October 15. The act does not authorize the Commission to change the compensation of officers whose salaries are fixed by the General Assembly; the Ohio Supreme Court has held that the General Assembly cannot delegate this authority.⁴²

The Commission consists of nine members appointed as follows: two by the Governor, two by the Senate President, two by the Speaker of the House, one by the Senate Minority Leader, one by the House Minority Leader, and one by the Chief Justice of the Supreme Court. The following individuals are not eligible to be appointed as a Commission member: (1) an officer or employee of the state or a political subdivision of the state, or a spouse, child, parent, or sibling of an officer or employee of the state or a political subdivision of the state, (2) an individual who was a candidate for election to public office in the state within 12 months before appointment, or (3) an individual who engages during at least a portion of the individual's time to actively advocate legislation on behalf of another, including a legislative agent (lobbyist),⁴³ or an executive agency lobbyist.⁴⁴

Members serve two-year terms and may not serve more than four consecutive terms. The Commission must select its chairperson by vote of at least five of its members. Members do not receive compensation, but must be reimbursed for actual and necessary expenses incurred in the performance of Commission duties. Vacancies must be filled in the manner prescribed for the original appointment. A member may be removed from the Commission only by that member's designated appointing authority

⁴¹ R.C. 3501.12.

⁴² *Neff v. Bd. of County Commissioners*, 166 Ohio St. 360 (1957) and *State ex rel. Godfrey v. O'Brien*, 95 Ohio St. 166 (1917).

⁴³ R.C. 101.70, not in the act.

⁴⁴ R.C. 121.60, not in the act.



and only if the appointing authority finds that the member is inefficient or derelict in the discharge of the member's duties.⁴⁵

INNOVATEOHIO

InnovateOhio

The act creates the Office of InnovateOhio within the Office of the Governor and requires the Governor to appoint a Director and necessary professional, technical, and clerical personnel. The Director of the Office of InnovateOhio receives an annual salary equal to the maximum amount under Schedule E-2, pay range 48, which for FY2018 was \$176,426.⁴⁶ The Governor must set the duties of the Office.⁴⁷

COMMENT

The Ohio Constitution generally prohibits in-term changes in compensation for elected officers, except members of boards of elections may receive in-term changes and judges may receive in-term *increases* only (but not decreases).⁴⁸ Therefore, the changes the act implements take effect for an officer only once the officer begins a new term. For example, because the act takes effect before the 133rd General Assembly begins, the House members and about half of the Senate members will receive the increases during the 133rd General Assembly and the remaining Senate members (who are mid-term) will receive the increases (with COLAs for 2020 and 2021) when the 134th General Assembly begins in 2021 if reelected. Because the act takes effect before January 14, 2019, which is when the statewide executive officers' terms begin, the statewide executive officers are entitled to the increases implemented by the act.

HISTORY

ACTION	DATE
Introduced	05-07-18
Reported, S. Finance	06-06-18
Passed Senate (33-0)	06-06-18

⁴⁵ R.C. 101.61.

⁴⁶ The act specifically references R.C. 124.152(B)(1), not in the act.

⁴⁷ R.C. 107.71.

⁴⁸ Ohio Constitution, Article II, Section 20 (all officers not otherwise provided for in the Constitution); Ohio Const., art. II, sec. 31 (members of the General Assembly); Ohio Const., art. III, sec. 19 (statewide executive officers); and Ohio Const., art. IV, sec. 6 (judges). See 1997 Ohio Attorney General Opinion 1997-027 regarding members of boards of elections.



ACTION

DATE

Reported, H. Finance	12-12-18
Passed House (68-21)	12-13-18
Senate concurred in House amendments (26-5)	12-13-18
Senate voted to override veto (25-6)	12-27-18
House voted to override veto (71-16)	12-27-18

