

This guide is intended to assist members of the public who participate, or may wish to participate, in the rule-making process for programs and services managed by the Ohio Department of Job and Family Services (ODJFS).

This guide is required by Ohio Revised Code (ORC) Section 119.0311 and is available in printed format from ODJFS or at <http://www.registerofohio.state.oh.us/>.

Common Sense Initiative

On January 10, 2011, Governor John R. Kasich signed Executive Order 2011-01K, establishing the Common Sense Initiative (CSI). The Common Sense Initiative is a process for independently evaluating the economic impact of state agency regulations on Ohio businesses. On March 4, 2011, Senate Bill 2 was signed into law, codifying much of Executive Order 2011-01K and adding additional provisions to ensure accountability in the CSI review process.

The objective of CSI is to promote an attitude in state government that recognizes the value of all stakeholders and leads to the development and implementation of common sense business regulations that effectively achieve their objectives, minimize the cost and complexity of compliance, and promote economic development.

ODJFS Regulatory Mission

ODJFS is responsible for developing and supervising the state's public assistance, workforce development, unemployment compensation, child and adult protective services, adoption, child care, and child support programs.

Organization

ODJFS has 14 offices: Office of the Director, Chief Inspector, Child Support, Communications, Employee and Business Services, Families and Children, Family Assistance, Fiscal and Monitoring Services, Information Services, Legal and Acquisition Services, Legislation, Local Operations, Unemployment Compensation, and Workforce Development.

Rule-Making Requirements and Authorization

The Ohio Revised Code requires ODJFS to adopt rules for the Ohio Administrative Code. The process by which ODJFS adopts its rules is controlled by ORC Chapter 119 and ORC Section 111.15. ODJFS may adopt three types of rules: (1) rules filed according to the requirements of ORC Chapter 119, (2) rules filed according to the requirements of ORC section 111.15, and (3) internal management rules.

Rule-Making Process

ODJFS program staff are responsible for developing rule language and any accompanying documents, such as the transmittal letters announcing new rules. The Office of Legal and Acquisition Services supports ODJFS program staff during the development of rules. It is responsible for posting draft rules to the Internet for public review and for filing rules for the Ohio Administrative Code. The Office of Legislation also helps develop rules and serves as the agency's point of contact with the Ohio General Assembly's Joint Committee on Agency Rule Review (JCARR).

The main steps in the ODJFS rule-making process are as follows:

1. Rule Development

ODJFS program staff develop a draft rule for review by others within the agency. They also may invite interested parties outside the agency – such as representatives from advisory committees, associations and advocacy groups – to review and comment on the draft rule.

Program staff consider and respond to all comments. They make any necessary changes and prepare a revised draft.

2. Public Review

ODJFS posts the draft rule, and any accompanying documents, on its "Clearance" website, at <http://www.odjfs.state.oh.us/clearances/public/index.aspx>. Any member of the public can review the rule here and submit comments electronically to ODJFS. To be notified whenever ODJFS posts a new draft rule to Clearance, simply click on the notification link on this web page.

Program staff consider and respond to all comments. They make any necessary changes and prepare a revised draft.

3. CSI Review

ODJFS evaluates the draft rule to determine whether it may have an adverse impact on businesses. If the answer is yes, the agency prepares a "business impact analysis." It then submits both the rule and the analysis to the Common Sense Initiative Office (CSIO). It also posts both to <http://jfs.ohio.gov/ols/bia/index.stm> for public review and comment. Employers can choose to receive electronic notification whenever new analyses are posted by going to <http://business.ohio.gov/reform/>. The notices will be sent through the Ohio Business Gateway, a website for employers.

The CSIO reviews the rule and analysis. It submits to ODJFS any public comments it has received, as well as its own recommendations for how the draft rule might be changed to eliminate or reduce any adverse impact on businesses. ODJFS then prepares a "memorandum of response."

4. JCARR Filing

ODJFS files the proposed rule with JCARR, the Secretary of State and the Legislative Service Commission, a nonpartisan agency that provides drafting, fiscal, research, training and other technical services to the Ohio General Assembly. If the rule has been cited as potentially adversely impacting businesses, ODJFS also files the business impact analysis, CSIO recommendations and memorandum of response.

The proposed rule and accompanying documents are posted on the Register of Ohio website at <http://www.registerofohio.state.oh.us/>.

ODJFS files all of its rules with JCARR, with the exception of internal management rules and emergency rules. Emergency rules are in effect for no more than 90 days. Therefore, if the agency would like an emergency rule to be in effect for more than 90 days, it also files the rule as a proposed rule with JCARR.

5. Public Hearing

ODJFS conducts public hearings for all proposed rules. At least 30 days before a hearing, ODJFS posts notice of it at <http://www.registerofohio.state.oh.us/>. The notice states the content of the proposed rule; why it is being adopted, amended or rescinded; and the date, time and location of the hearing. Most public hearings are held in the State Office Tower at 30 E. Broad St., Columbus.

At the hearing, members of the public may present oral or written testimony on the proposed rule. They also may submit written comments before or after the hearing without actually attending. Written comments must be postmarked or received by ODJFS no later than the date of the hearing.

After the hearing, ODJFS considers and responds to all testimony and determines whether changes should be made. If changes are necessary, ODJFS files a revised rule, which is then posted at <http://www.registerofohio.state.oh.us/>.

6. JCARR Hearing

JCARR has jurisdiction over proposed rules for 65 days. During that time, it conducts a hearing. The JCARR hearing is typically held in the Ohio Statehouse after the public hearing conducted by ODJFS. JCARR posts the schedules, agendas and minutes for its hearings at <https://www.jcarr.state.oh.us/>.

7. Final Filing

After the JCARR jurisdiction has expired, ODJFS “final files” the rule and assigns it an effective date. The rule is adopted on that date.

Public Involvement

Members of the public have many opportunities to participate in the ODJFS rule-making process. They may:

- Serve on advisory committees
- Attend meetings with associations and advocacy groups
- Review and comment on draft rules at <http://www.odjfs.state.oh.us/clearances/public/index.aspx>

- Review and comment on business impact analyses at <http://jfs.ohio.gov/ols/bia/index.stm>
- Review proposed rules and notices for public hearings at <http://www.registerofohio.state.oh.us/>
- Attend public hearings conducted by ODJFS and present oral or written testimony
- Send written testimony to ODJFS without actually attending the public hearing
- Attend JCARR hearings

Information Resources

- Draft rules can be viewed at the “Clearance” website: <http://www.odjfs.state.oh.us/clearances/public/index.aspx>
- Public hearing notices can be viewed at the Register of Ohio website: <http://www.registerofohio.state.oh.us/>
- Proposed rules can be viewed at the Register of Ohio website: <http://www.registerofohio.state.oh.us/>
- JCARR hearing schedules, agendas and minutes can be found at <http://www.jcarr.state.oh.us/>
- Current rules can be viewed at the “eManuals” website: <http://emanuals.odjfs.state.oh.us/emanuals/>

All of the above also can be obtained from the ODJFS Office of Legal and Acquisition Services.

ODJFS Office of Legal and Acquisition Services

- Website: <http://jfs.ohio.gov/ols/>
- Email regarding rules: rules@odjfs.state.oh.us
- Email regarding business impact analyses: bia@jfs.ohio.gov
- Telephone: (614) 466-4605
- Fax: (614) 752-8298
- Mail:

Ohio Department of Job and Family Services
Office of Legal and Acquisition Services
30 E. Broad St., 31st Floor
Columbus, OH 43215-3414

ODJFS attempts to respond to all citizen concerns regarding programs and services it supervises. However, some concerns may be better addressed by other state, federal or local agencies. In those cases, ODJFS refers those with inquiries to the appropriate agency. ODJFS responds to all comments regarding draft and proposed rules and makes those comments available for public review.

John R. Kasich, Governor
Cynthia C. Dungey, Director
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Guide to Public Participation in the Rule-Making Process

