

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-30-01

Rule Type: Amendment

Rule Title/Tagline: Involuntary disability separation.

Agency Name: Department of Administrative Services

Division: Division of Human Resources

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/15/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 124.09
5. What statute(s) does the rule implement or amplify? 124.32, 124.385
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

Mandatory Rule Review and regulatory restriction requirements.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Sets forth the procedures associated with the involuntary disability separation of an employee that is not able to perform their essential job duties do to injury, illness, or other condition and the associated appeals of such a determination. Also remove regulatory restrictions.

9. Does the rule incorporate material by reference? No
10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Not Applicable

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No
18. Does this rule have an adverse impact on business? No
- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
- A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 11

123:1-30-01(B) An appointing authority shall request that an employee submit to a medical or psychological examination, conducted in accordance with rule 123:1-30-03 of the Administrative Code

123:1-30-01(C) Pre-separation hearing. An appointing authority shall institute a hearing prior to involuntarily disability separating

123:1-30-01(C) an employee. The employee shall be provided written notice at least seventy-two hours in advance of the hearing.

123:1-30-01(D) If the appointing authority determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is capable of performing his or her essential job duties, then the involuntary disability process shall cease

123:1-30-01(D) and the employee shall be considered fit to perform his or her essential job duties.

123:1-30-01(D) If the appointing authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform his or her essential job duties, then the appointing authority shall issue an involuntary disability separation order.

123:1-30-01(E) Right to reinstatement. At the time the appointing authority provides the involuntary separation order to the employee, the appointing authority shall notify the employee of the required procedures to apply for reinstatement.

123:1-30-01(E) The effective date of separation, for purposes of reinstatement, shall be based on the date in which the employee was no longer performing in active work status

123:1-30-01(E) An employee who has been involuntarily disability separated is not prohibited from applying for disability leave benefits.

123:1-30-01(E) The total time of absence due to the disabling illness, injury or condition shall not exceed two years from the date of separation for purposes of reinstatement rights under this chapter.

123:1-30-01(F) An employee so separated shall have the right to appeal in writing to the personnel board of review within ten days following the date the order is served.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable