

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 123:1-30-02

**Rule Type:** Amendment

**Rule Title/Tagline:** Voluntary disability separation.

**Agency Name:** Department of Administrative Services

**Division:** Division of Human Resources

**Address:** 4200 Surface Road Columbus OH 43228

**Contact:** Thomas Dunn **Phone:** 614-466-5640

**Email:** thomas.dunn@das.ohio.gov

#### 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
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 for reviewing and processing an employee's request for a voluntary disability separation when the employee is no longer able to perform the essential job duties of their position as the result of an illness, injury, or other condition and the right of reinstatement. Also removal of 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.**

The proposed revision is a structural and clarification change to the following sentence.

Under section (C) the original file on May 15, 2023 originally read "Pre-separation hearing. An employee who is granted a voluntary disability separation waives the right to a pre-separation hearing with the State personnel board of review and to an appeal of the decision to approve the employee's request."

It will now read "An employee who is granted a voluntary disability separation waives the right to a pre-separation hearing with the agency's appointing authority and to an appeal of the decision to approve the employee's request with the State personnel board of review."

## **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? 4**

123:1-30-02(B) Appointing authorities may grant an employee's request for voluntary disability separation or may require have the employee to submit to a medical or psychological examination pursuant to rule 123:1-30-03 of the Administrative Code.

123:1-30-02(B) If the examination supports the employee's request, the appointing authority shall grant the employee's request for voluntary disability separation.

123:1-30-02(B) If the medical examination does not support the employee's request, the appointing authority shall not approve the employee's request for voluntary disability separation.

123:1-30-02(D) Right to reinstatement. An employee that is granted a voluntary disability separation shall retain the right to be reinstated to his or her position

**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