

Rule Summary and Fiscal Analysis (Part A)**Department of Administrative Services**

Agency Name

Division

Deborah Archie

Contact

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123:1-30-04

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Right to reinstatement; rights of appeal.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **124.09(A)**

5. Statute(s) the rule, as filed, amplifies or implements: **124.32, 124.385**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To renumber th rule to group it with other rules on disability separation and to make some textual amendments.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

To renumber the rule from 123:1-33-04 to 123:1-30-04. Sets forth the procedures associated with and time limit(s) within which an employee who has been disability

separated can seek to be reinstated from such a separation and appeal rights should such reinstatement be denied. Clarifies that an employee must wait at least three months from the date of initial disability separation before they are eligible to seek reinstatement and the time between subsequent reinstatement attempts if the employee is not reinstated. Corrects cross-references as a result of this renumbering effort. Makes the cessation of essential job duties by the employee the triggering event for starting the three year period within which to seek reinstatement.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

In paragraph (A), to replace the phrase "performing essential job duties" with the phrase "in active work status" in two places. To require the appointing authority to notify the employee within 60 days of receipt of a reinstatement request of the appointing authority's approval or rejection of the request. In paragraph (C) to add the word "substantial" in front of the phrase "credible medical evidence", and to make it clear that this evidence has been submitted by the employee. To make it clear that the examination can be a medical or psychological examination conducted in accordance with rule 123:1-30-03 of the Administrative Code. To add in

paragraph (H) the requirement that an employer shall restore an employee found capable of resuming work under section 145.362 of the Ohio Revised Code, but that the employee may first be required to take a medical or psychological examination in accordance with rule 123:1-30-03 of the Administrative Code prior to being reinstated. In paragraph (J), to replace the phrase "performing essential job duties" with the phrase "in active work status". To add paragraph (K), which defines the phrase "active work status" for purposes of this rule only.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

The agency is not expecting any measurable fiscal impact as a result of this rule being renumbered and amended.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

N/A

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**