

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

Agency Name

Division of Human Resources

Division

Robert Patchen

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123:1-34-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Civic duty leave.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB59**General Assembly: **130**Sponsor: **Amstutz**

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**

5. Statute(s) the rule, as filed, amplifies or implements: **124.135**

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

HB 59 removed the Director of DAS' authority to issue rules that impact county departments of Job and Family Services.

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:

Sets forth when and employee is entitled to civic duty leave associated with jury duty or responding to a court subpoena. Removes the references to employees of county departments of Job and Family Sevices.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **7/19/2013**

(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 does expect any fiscal impact as a result of this rule being amended because the amendment only impacts county departments of Job and Family Services employees and has no impact on employees in the service of the state.

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

Not Applicable

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:

Not Applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to

R.C. 121.82? **No**

19. Specific to this rule, answer the following:

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**

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

A cost estimate is not possible because this activity varies from state agency to state agency with no way of predicting any particular agency's potential costs in advance. The counties have been dealing with this matter internally for a long time and should have made any necessary budget adjustments to deal with this matter.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

A cost estimate is not possible because this activity the agency is losing its authority to issue regulations in this area and it is handled internally by each county department of Job and Family Services.

(a) Personnel Costs

A cost estimate is not possible because this activity the agency is losing its authority to issue regulations in this area and it is handled internally by each county department of Job and Family Services.

(b) New Equipment or Other Capital Costs

A cost estimate is not possible because this activity the agency is losing its authority to issue regulations in this area and it is handled internally by each county department of Job and Family Services.

(c) Operating Costs

A cost estimate is not possible because this activity the agency is losing its authority to issue regulations in this area and it is handled internally by each county department of Job and Family Services.

(d) Any Indirect Central Service Costs

A cost estimate is not possible because this activity the agency is losing its authority to issue regulations in this area and it is handled internally by each county department of Job and Family Services.

(e) Other Costs

A cost estimate is not possible because this activity the agency is losing its authority to issue regulations in this area and it is handled internally by each county department of Job and Family Services.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

State agencies have already figured out how to deal with the unpredictable budget item and their obligations are not impacted by the rules amendment and the county departments of Job and Family Services have been handling this matter internally for a long time and should have made any necessary budget adjustments.

7. Please provide a statement on the proposed rule's impact on economic development.

None