

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-34-05

Rule Type: Amendment

Rule Title/Tagline: Uniformed service leave without pay.

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?** 9/15/2023
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, 5903.02(F)
5. **What statute(s) does the rule implement or amplify?** 124.134, 124.15, 124.152, 124.382, 124.386, 5903.02, 5923.05, 5923.051
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 five year rule review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Deals with leave usage and accrual by an employee on uniform service leave without pay, the employee's reinstatement rights when returning from uniform service leave without pay, and certain pay and benefits for employees on uniform service leave without pay. Also removal of regulatory rule 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.**

Caught a typo in the ORC numbers that this section implements or amplifies. We had originally cited accidentally to ORC Section 5902.02. We should have cited to ORC Section 5903.02. This is now being corrected.

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? 6

(A) A military leave without pay is an approved leave of absence and shall be treated as such.

(B)... Employees that are in a bargaining unit shall accrue any form of leave in the same manner as any other bargaining unit employee under the applicable collective bargaining agreement who is on an approved leave of absence.

(B)... Any such accrued leave to which a bargaining unit employee is entitled to under this rule shall not be credited to the employee until such time as the employee returns to work.

(C)(2)(a) If the active duty call-up was thirty days or less, the request for reinstatement shall be made immediately upon the employee's release from the active duty call-up, with reinstatement taking place the first full regularly-scheduled work day following the employee's release from active duty allowing time for travel home plus eight hours for rest;

(C)(2)(b) If the active duty call-up was thirty-one days to one hundred eighty days, the request for reinstatement shall be made within fourteen days of the employee's release from the active duty callup;
or

(C)(2)(c) If the active duty call-up was in excess of one hundred eighty days, the request for reinstatement shall be made within ninety days of the employee's release from the active duty call-up.

- 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