

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-34-10

Rule Type: Rescission

Rule Title/Tagline: Voluntary cost saving program.

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
5. **What statute(s) does the rule implement or amplify?** 124.392
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.**

Contains the procedures, parameters, and protocols for administering the voluntary cost savings program. Removes regulatory rule restrictions. Removed/amended enough text that rule is being rescinded and transferred to new rule.

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? 16

(B) Approval. An appointing authority shall notify the director of administrative services of its intent to establish and implement a VCS program and receive the director's approval before the program can become effective.

(B).... The notice shall include:

(C) Eligibility. A full-time or part-time permanent employee who is paid by warrant of the director of budget and management and has successfully completed an initial or promotional probationary period shall be eligible to participate in the VCS program.

(C).... The VCS program shall be administered on a strictly voluntary basis.

(D).... If an appointing authority proposes both options, it must also state whether an employee may utilize both options during the same fiscal year.

(E) Leave accrual. An employee's accruals of vacation, sick, or personal leave shall not be impacted by the employee's participation in a VCS program.

(F) Service credit. An employee who reduces hours worked pursuant to paragraph (D)(1) of this rule shall not incur a break in service.

(F).... An employee who takes an unpaid leave of absence pursuant to paragraph (D)(2) of this rule shall not incur a break in service as long as the employee returns to employment.

(G).... An employee who takes an unpaid leave of absence pursuant to paragraph (D)(2) of this rule shall have the employee's retention points calculated in accordance with the employee's regular appointment type as long as the employee returns to employment.

(H) Health insurance. An employee who reduces hours worked pursuant to paragraph (D)(1) of this rule shall maintain full-time status for purposes of health insurance premiums.

(H).... The state shall maintain the employer's share of any applicable insurance premiums during utilization of this option.

(I) Unemployment benefits. An employee participating in this program shall not be eligible for unemployment benefits.

(K)(1) An employee seeking to participate in the VCS program must complete and submit a signed VCS program agreement to the appointing authority at least thirty days prior to commencement of the leave of absence or implementation of a reduced schedule.

(K)(2) The appointing authority must sign the VCS program agreement for it to become effective.

(K)(3).... The appointing authority must ensure that any impact on operations as a result of such work arrangements is minimal and additional costs do not result.

(K)(4) The appointing authority shall notify an employee of the status of the request no later than seven days before the effective day of the leave of absence or the implementation of the reduced schedule.

- 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