

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

Agency Name

**Division of Human Resources**

Division

**Robert Patchen**

Contact

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**123:1-34-11**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Mandatory cost savings program.****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? **Yes**

Bill Number: **HB16**General Assembly: **128**Sponsor: **Sykes**

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: **124.392**

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

To make minor corrections to the rule for FY 2011 and to black out June of 2011 to allow the state to process and close the fiscal reports and books for the current biennium.

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:

The rule sets forth the parameters and procedures for implementing 10 mandatory cost savings days in FY 2010 and FY 2011 for employees that are exempt from collective bargaining. Removes the requirement that cost savings days be used in full day increments and allows them to be used as appropriate for the employee's work schedule. Prevents employees from using cost savings days during the month of June in 2011. Allows cost savings days to be used to cover waiting periods for state-paid leave programs without regard to how much the employee's gross pay had been reduced by the time of the usage. Excludes cost savings days from the definition of active pay for the purpose of accruing overtime or compensatory time for employees who are eligible to earn overtime. Includes cost savings days in the definition of active pay for the purpose of accruing compensatory time for employees that are not eligible to earn overtime. Removes the precise time requirement of when equalization is implemented.

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:

Added a comma after '31' in the last line of (D). Revised the language at the beginning of (D)(5) to try and make it easier to read and understand. Added a

comma after 'leave' in the third line of (D)(6).

12. 119.032 Rule Review Date: **9/27/2014**

(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 decrease expenditures.

Unknown

The agency expects there to be an estimated reduction of \$51.9 million for the exempt employees spread across all agencies. While the agency was able to develop an estimate for all exempt employees, it can not specifically allocate an amount to each agency with any degree of certainty, as there will be employees joining and leaving individual agencies that will impact the actual amount of savings across the two year budget period.

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? **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**