

123:1-41-02

**Determination of lack of funds and lack of work for agencies whose employees are paid by warrant of the director of budget and management.**

- (A) Determination of lack of funds. The director of the office of budget and management ~~shall~~will be responsible for determining whether a lack of funds exists for appointing authorities whose employees are paid by warrant of the director of budget and management. The determination of lack of funds ~~shall~~will be made in accordance with the rules promulgated by the director of budget and management.
- (B) Determination of lack of work. The director of administrative services ~~shall~~ determines whether a lack of work exists for appointing authorities whose employees are paid by warrant of the director of budget and management. The appointing authority ~~shall~~ files along with a request for determination of lack of work, adequate information to establish that a lack of work exists. Such information may consist of a comparison between current or projected work levels and work levels when a lack of work did not exist, which may include statistical data and additional supporting materials.
- (C) Verification of retention points. Verification of retention points ~~shall~~will not be completed prior to a determination that a lack of work or lack of funds exists.

Effective: 12/1/2022  
Five Year Review (FYR) Dates: 9/15/2022 and 09/15/2027

CERTIFIED ELECTRONICALLY

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Certification

11/21/2022

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Date

Promulgated Under: 119.03  
Statutory Authority: 124.09  
Rule Amplifies: 124.321  
Prior Effective Dates: 01/10/1975, 07/31/1982, 07/01/2007