

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 123:1-41-02

**Rule Type:** Amendment

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

**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?** 9/15/2022
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?** 124.321
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 rule review and removal of regulatory restriction requirements.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Makes the Director of OBM responsible for the determination of lack of funds for an appointing authority whose employees are paid by warrant of the Director of OBM. Makes the Director of Administrative Services responsible for the determination of lack of work for an appointing authority whose employees are paid by warrant of the Director of OBM. Withholds verification of retention points until a determination of the existence of a lack of funds or lack of work has been made. Also removal of regulatory restriction requirements.

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? 1

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule? 5

123:1-41-02 (A) Determination of lack of funds. The director of the office of budget and management shall be responsible for determining whether a lack of funds exists

123:1-41-02 (A) The determination of lack of funds shall be made in accordance with the rules promulgated by the director of budget and management.

123:1-41-02 (B) Determination of lack of work. The director of administrative services determine whether a lack of work exists

123:1-41-02 (B) The appointing authority shall file along with a request for determination of lack of work, adequate information to establish that a lack of work exists.

123:1-41-02 (C) (C) Verification of retention points. Verification of retention points shall not be completed prior to a determination that a lack of work or lack of funds exists.

**C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

**D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable