

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-41-08

Rule Type: Amendment

Rule Title/Tagline: Verification of retention points.

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?** 124.323, 124.324, 124.325
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.**

Requires that retention points be calculated for all employees in a classification affected by a layoff. Sets forth some timing aspects and content provisions of required submissions by the appointing authority and the limitations of movement within the classification once the appointing authority has requested retention point verification. Requires that retention points are verified by DAS prior to the appointing authority notifying the affected employees. Sets forth the timeline for an appointing authority submitting personnel action forms and recall lists associated with a layoff/displacement. 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? 15

123:1-41-08 (A) An employee's total retention points shall be the sum of the base retention points plus the retention points assigned for continuous service.

123:1-41-08 (B) Computation of retention points. The appointing authority shall compute the total retention points for each employee in the classifications affected

123:1-41-08 (B) which shall be submitted with the list.

123:1-41-08 (C) Date for calculation of retention points. Retention points shall be calculated as of the pay period ending date

123:1-41-08 (D) Submission of information to the director. The appointing authority shall submit the list of employees' computed retention points

123:1-41-08 (D) Appointing authorities shall also provide a breakdown of the dates

123:1-41-08 (D) The list submitted for verification of retention points must identify those persons being considered for layoff and/or the positions being considered for abolishment.

123:1-41-08 (E) Verification by the director. The director shall verify the calculation of retention points of the employees

123:1-41-08 (E) Notification by appointing authorities to affected employees shall not occur prior to the director's verification of retention points.

123:1-41-08 (F) position audit commenced prior to the date of the submission of the list for verification of retention points shall be implemented.

123:1-41-08 (G) Personnel actions and recall lists. Personnel action forms and recall lists resulting from a layoff or displacement must be received by the director at least seven calendar days

123:1-41-08 (G) Appointing authorities whose employees are paid directly by warrant of the director of budget and management must include all forms submitted by the employee

123:1-41-08 (H) Notice of layoff, displacement, and sick leave conversion forms. A copy of the notice of layoff or displacement to employees shall be forwarded to the director

123:1-41-08 (H) If an employee had displacement rights in a layoff the appointing authority must indicate to the director whether or not the employee exercised those displacement rights.

123:1-41-08 (H) the personnel action forms or other appropriate forms, must indicate that fact.

- 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