

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-41-09

Rule Type: Amendment

Rule Title/Tagline: Computation 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 the removal of regulatory restriction requirements.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Contains the methodology for the actual calculation of retention points. Contains the procedure used as a tie breaker when two or more employee have identical retention points. Sets forth parameters for making determinations of continuous service. Also the 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? 9

123:1-41-09 (A) Assignment of retention points for continuous service. Employees shall be assigned a base of one hundred retention points.

123:1-41-09 (A) Computation of retention points for continuous full-time service shall be made by crediting each employee with one retention point for each bi-weekly pay period of continuous service.

123:1-41-09 (A) or the purposes of calculating retention points, full-time service shall include service as a full-time permanent,

123:1-41-09 (A) Retention points for continuous service for other than full-time service shall be calculated on the basis of one-half (0.50) point for each bi-weekly pay period of continuous service.

123:1-41-09 (A) Retention points computed for full-time continuous service and other than full-time continuous service, whenever applicable, shall be combined to determine an employee's total retention points.

123:1-41-09 (A) Overtime shall not be considered for purposes of computation of retention points for continuous service.

123:1-41-09 (B) Tie breaker. In the event two or more employees have identical retention points as calculated by this rule, the tie shall be broken by utilizing the following methods, in the following order:

123:1-41-09 (B)(1) First, employees having most recent date of continuous service from which no break in service has occurred shall be laid off or displaced first; and

123:1-41-09 (B)(2) Second, the appointing authority shall determine the employee to be laid off or displaced first.

- 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