

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-41-10

Rule Type: Amendment

Rule Title/Tagline: Notification of layoff or displacement.

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 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.**

Sets forth the requirements that each employee to be laid off be given advanced written notice by the appointing authority and the timing and procedures of giving such notice. Contains the requirements for the contents of such notice. 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

123:1-41-10 (A) Notification of layoff or displacement. Each employee to be laid off shall be given advance written notice by the appointing authority

123:1-41-10 (A) Such written notice shall be hand-delivered to the employee

123:1-41-10 (A) If hand-delivered, such notice shall be given at least fourteen calendar days before the effective date of layoff

123:1-41-10 (A) or displacement and the day of hand-delivery shall be the first day of the fourteen-day period.

123:1-41-10 (A) If mailed, such notice shall be mailed at least seventeen calendar days before the effective date of the layoff or displacement.

123:1-41-10 (A) The day the letter is mailed shall be the first day of the seventeen-day period.

123:1-41-10 (B) Content of layoff or displacement notice. Each notice of layoff or displacement shall contain the following information:

123:1-41-10(B)(4) The right of the employee to appeal a layoff or displacement to the state personnel board of review and that the appeal must be filed or postmarked within ten calendar days after the employee is notified that he or she is to be laid off or displaced;

123:1-41-10 (B)(5) A statement advising the employee of the right to displace another employee, if applicable, and that the employee must exercise displacement rights within five calendar days

- 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