

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 123:1-41-11

**Rule Type:** Amendment

**Rule Title/Tagline:** Displacement and appeal rights of employees.

**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, 124.324, 124.328
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 for the procedures and protocols for an employee to exercise displacement rights in a layoff. Contains the provisions for dealing with a displacement into a position with specific qualifications. Addresses an employees rate of pay following a displacement. Sets forth appeal rights and procedures for a laid off employee. 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? 14

123:1-41-11 (A) If the displaced employee does not have the right to displace another employee, then the displaced employee shall be laid off.

123:1-41-11 (B) the abolishment of positions and the operation of this chapter shall not be construed to be a transfer.

123:1-41-11 (C) Time to exercise displacement rights. Employees shall notify their appointing authorities, in writing, of their intention to exercise their displacement rights

123:1-41-11 (D) Within the order of displacement set forth in rule 123:1-41-12 of the Administrative Code a laid-off employee exercising displacement rights shall displace the employee with the fewest retention points.

123:1-41-11 (D) Employees shall only have the right to displace employees with fewer retention points in the order established

123:1-41-11 (F) Displacement into positions with special qualifications. No employee shall displace an employee

123:1-41-11 (F) for whose position or classification requires special minimum qualifications unless the employee desiring to displace another employee

123:1-41-11 (F) The special qualifications must be established by a position description for the position,

123:1-41-11 (F) The appointing authority shall be responsible for establishing the necessity of special qualifications for a position.

123:1-41-11 (G) An employee exercising displacement rights to a position, or an employee displaced as a result of a layoff or abolishment, shall be paid according to the pay range assigned

123:1-41-11 (G) The employee shall be assigned to a rate in the pay range assigned to the new classification

123:1-41-11 (H) Such appeal must be filed or postmarked no later than ten calendar days after the employee receives notice of the layoff or the date the employee is displaced.

123:1-41-11 (H) An employee shall be considered displaced the date the employee is notified

123:1-41-11 (H) An appeal shall be made in accordance with the rules promulgated by the state personnel board of review.

**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