

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-41-12

Rule Type: Amendment

Rule Title/Tagline: Order of displacement for employees in the service of the state.

Agency Name: Department of Administrative Services

Division: Division of Human Resources

Address: 4200 Surface Road Columbus OH 43228

Contact: Thomas Dunn **Phone:** 614-466-5640

Email: thomas.dunn@das.ohio.gov

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
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 parameters for laid-off or displaced employees to displace within the classification, to displace within the classification series, or to displace within a classification previously held. Sets forth the order of layoff consistent with the statutory requirement. 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? 7

123:1-41-12 (A) If the employee exercises the right to displace within his or her classification, he or she shall displace the employee with the fewest retention points in that classification.

123:1-41-12 (B) This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification

123:1-41-12 (C)(3) The laid-off or displaced employee shall have successfully completed his or her original probationary period.

123:1-41-12 (D) Displacement to another appointment type. Notwithstanding the provisions of this rule, an employee shall not

123:1-41-12 (D) be required to accept a position with a lesser appointment type until the employee has had the opportunity

123:1-41-12 (E) the employee is to be laid off or displaced due to a subsequent layoff, the employee's displacement rights shall be in accordance with the classification

123:1-41-12 (E) The employee's displacement rights from a previously held classification shall exist for a one-year period beginning with the date of the original layoff

- 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