

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-41-16

Rule Type: Amendment

Rule Title/Tagline: Reinstatement rights.

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?** 124.327
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.**

Provides for the creation and administration of recall lists regarding employee reinstatement. 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? 21
 - 123:1-41-16 (A) Creation of recall lists for reinstatement. Each appointing authority which has laid-off employees shall prepare recall lists of the names and appointment types of the employees laid off.
 - 123:1-41-16 (A) The recall lists shall be compiled by the classifications in which the employees were laid off
 - 123:1-41-16 (A) The names shall be listed in descending retention point order

123:1-41-16 (A) These lists shall be arranged by layoff jurisdiction

123:1-41-16 (A) shall be in reverse order of the order of layoff as established in this chapter.

123:1-41-16 (A) The recall lists shall contain the employee's name, type of appointment, retention points, and date of commencement of continuous service.

123:1-41-16 (A) In cases of identical retention point ratings, the order of recall shall be the reverse order of the layoff.

123:1-41-16 (A) Any ties of retention points shall be broken in accordance with the procedure established in rule 123:1-41-09 of the Administrative Code.

123:1-41-16 (B) Period of eligibility on layoff lists. An employee's name shall remain on the appropriate list for a period of one year

123:1-41-16 (B) These recall lists shall be thereafter administered by the director.

123:1-41-16 (B) Recall lists shall be utilized by the appointing authority only within a layoff jurisdiction.

123:1-41-16 (D) established pursuant to rule 123:1-7-04 of the Administrative Code, shall comply with the following requirements:

123:1-41-16 (D)(2) Appointing authorities shall administer a valid proficiency instrument to the first person on the recall list

123:1-41-16 (D)(2) the appointing authority must notify each contacted individual

123:1-41-16 (D)(2) that the individuals shall only be considered in retention point order.

123:1-41-16 (D)(2) The person with the most retention points that meets the position-specific minimum qualifications shall be awarded the position.

123:1-41-16 (E) In no event shall any employee on the recall list be offered a position in a classification with a higher pay range assignment

123:1-41-16 (F) A laid-off or displaced employee who chooses not to exercise the option to displace shall only be entitled to reinstatement to the classification

123:1-41-16 (G) Transfers of employees may not be made into a different layoff jurisdiction if a recall list exists for that layoff jurisdiction.

123:1-41-16 (H) Probationary period. Any employee reinstated under this rule shall not serve a new probationary period when reinstated;

123:1-41-16 (H) any employee laid off or displaced while serving an original or promotional probationary period shall begin a new probationary period upon reinstatement.

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