Rule Summary and Fiscal Analysis
<u>Part A</u> - General Questions

Rule Number: 123:1-41-17

Rule Type: Amendment

Rule Title/Tagline: Reemployment rights.

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.   <u>Rule Summary</u>

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 for the reemployment of laid-off or displaced employees. 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.   <u>Fiscal Analysis</u>

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

123:1-41-17(A) General. Each laid-off or displaced employee, in addition to the reinstatement rights set forth in this chapter, shall have has the right to reemployment with other agencies within the layoff jurisdiction.

123:1-41-17 (B) Creation of recall lists for reemployment. The director shall create, by appointment type, a jurisdictional recall list for each classification

123:1-41-17 (B) The name of a laid-off employee shall appear on a jurisdictional recall list for the classification and appointment category

123:1-41-17 (B) In cases of identical retention point totals, those employees having the longest period of continuous state service, shall be placed on the list first,

123:1-41-17 (B) and if still unresolved, the director shall determine the order of names on the list.

123:1-41-17 (B) An employee's name shall remain on the jurisdictional recall list for a period of one calendar year

123:1-41-17 (B) The director shall determine that the appointing authority's recall list for
employees entitled to reinstatement

123:1-41-17 (D) The administration of recall lists for reemployment to vacancies with position-specific minimum qualifications established pursuant to rule 123:1-7-04 of the Administrative Code shall comply with the following requirements:

123:1-41-17 (D)(2) Appointing authorities shall administer a valid proficiency instrument to the first person on the recall list

123:1-41-17 (D)(2) The appointing authority must notify each contacted employee

123:1-41-17 (D)(2) that individuals shall only be considered in retention point order.

123:1-41-17 (D)(2) The person with the most retention points that meets the position-specific minimum qualifications shall be awarded the position.

123:1-41-17 (E) Probationary period. Any employee reemployed under this rule shall not serve a probationary period when reemployed;

123:1-41-17 (E) except an employee laid off or displaced while serving an original or promotional probationary period shall begin a new probationary period.

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