

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-41-18

Rule Type: Amendment

Rule Title/Tagline: Notification of reinstatement or reemployment.

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.**

Contains procedures associated with recalling or reemploying a laid-off employee. Makes the employee responsible for maintaining an accurate mailing address for reinstatement and reemployment purposes. Allows a laid-off or displaced employee to designate counties within the layoff jurisdiction where the employee is willing to accept reinstatement or reemployment. 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? 16

123:1-41-18 (A) Notification of recall. Each employee recalled from layoff shall be notified of the offer of reinstatement or reemployment by certified letter.

123:1-41-18 (A) The notices of reinstatement or reemployment shall be in accordance with a format prescribed by the director.

123:1-41-18 (A)(1) The notice of reinstatement shall contain a statement that refusal

123:1-41-18 (A)(1) of reinstatement shall result in removal of such employee's name from the appointing authority's recall list.

123:1-41-18 (A)(2) The notice of reemployment shall contain a statement that refusal

123:1-41-18 (A)(2) of reemployment shall result in removal of such employee's name from the jurisdictional recall list.

123:1-41-18 (A)(3) For vacancies with position-specific minimum qualifications, the notice of reinstatement or reemployment shall contain a statement that position-specific minimum qualifications

123:1-41-18 (A)(3) The notice shall also state that failure to meet the position-specific minimum qualifications will result in disqualification for that vacancy,

123:1-41-18 (B) Period for response. Each recalled employee shall be allowed ten calendar days from the date of receipt of the letter to return to work,

123:1-41-18 (B) and such time limit shall be explained to the employee in the notification of recall letter.

123:1-41-18 (B) the employer shall grant a reasonable extension, not to exceed sixty calendar days.

123:1-41-18 (B) In the absence of extenuating circumstances, an employee not accepting reinstatement or reemployment within ten calendar days shall be deemed to have declined reinstatement

123:1-41-18 (B) or reemployment and the employee's name shall be removed from consideration for reinstatement or reemployment in accordance with rule 123:1-41-19 of the Administrative Code.

123:1-41-18 (C) Current address for purposes of reinstatement and reemployment. The employee shall be responsible for keeping a current address

123:1-41-18 (C) The appointing authority of state agencies, boards, or commissions and county human services departments shall notify the director of any changes in address of employees on recall lists.

123:1-41-18 (D) If a laid-off or displaced employee designates no counties, the employee shall be placed on recall lists for reinstatement or reemployment in all of the counties within his or her layoff jurisdiction.

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