

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-41-19

Rule Type: Amendment

Rule Title/Tagline: Removal from recall lists.

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.

Deals with the administration of recall lists regarding when an employee's name is removed from such a list. 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? 9

123:1-41-19 (A) Any employee accepting or declining reinstatement to the same classification and appointment type from which the layoff or displacement initially occurred shall be removed

123:1-41-19 (A) as approved by the director shall not be removed from either recall lists.

123:1-41-19 (B) Any employee accepting reinstatement to a classification with a pay range lower than the classification from which the employee was laid off or displaced shall remain on the appointing authority's recall list

123:1-41-19 (C) Any employee declining reinstatement to a classification with a pay range lower than the classification from which the layoff or displacement initially occurred shall not be removed from either the appointing authority's recall list

123:1-41-19 (C) except such employee shall thereafter only be offered reinstatement to a classification with a pay range higher than the classification declined

123:1-41-19 (D) same appointment type from which the employee was laid off or displaced shall be removed from the jurisdictional layoff lists.

123:1-41-19 (E) Any employee on the jurisdictional recall list accepting or refusing reemployment in a lesser appointment category from which the layoff or displacement occurred shall be removed from the jurisdictional recall list for that appointment category and any below.

123:1-41-19 (F) If not removed under paragraphs (A) to (E) of this rule, the name of any laid-off or displaced employee shall be removed from the appointing authority's recall list

123:1-41-19 (F) In the event any displaced employee is subsequently laid off or displaced, such employee's name shall be removed from the recall lists one calendar year after the subsequent 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