

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 123:1-41-21

**Rule Type:** Amendment

**Rule Title/Tagline:** Layoff of employees on sick leave, leave without pay, or receiving disability leave benefits.

**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? 124.321, 124.385
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 how to treat employees that are on sick leave, a leave of absence without pay, or receiving disability leave benefits at the time of the layoff. 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  
  
123:1-41-21 (A) Employees receiving sick leave at time of layoff. Employees who are on sick leave at the time a layoff is effective shall be subject to layoff, under the provisions of this Chapter.  
  
123:1-41-21 (A) The effective date of layoff or displacement of an employee may not be extended on the basis that an employee is on sick leave.

123:1-41-21 (B) leave of absence without pay under the provisions of rule 123:1-34-01 of the Administrative Code at the time a layoff is effective shall be subject to layoff under the provisions of this chapter.

123:1-41-21 (B) The effective date of a layoff or of displacement for an employee may not be extended on the basis that an employee is on a leave of absence without pay.

123:1-41-21 (C) leave benefits under the provisions of Chapter 123:1-33 of the Administrative Code at the time a layoff is effective shall be subject to layoff under the provisions of this chapter.

123:1-41-21 (C) An employee who is to be laid off while receiving disability leave benefits shall continue to receive disability leave benefits until the period of disability is over

123:1-41-21 (C) The receipt of disability leave benefits shall be subject to the provisions of Chapter 123:1-33 of the Administrative Code.

- 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