

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 123:1-41-24  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Furloughs.  
**Agency Name:** Department of Administrative Services  
**Division:** Division of Human Resources  
**Address:** 4200 Surface Road Columbus OH 43228  
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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, 124.29
5. **What statute(s) does the rule implement or amplify?** 124.29
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.**

Sets forth the procedures, protocols, and requirements for implementing a furlough of federally funded employees when associated federal funding is not available. 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? 28
    - 123:1-41-24 (B) Impacted employees. An appointing authority shall determine which employees are impacted based on the lack of federal funding.
    - 123:1-41-24 (C)(1) At least fourteen days prior to the implementation of any furlough, the appointing authority shall provide to the human resources division
    - 123:1-41-24 (C)(1) The written statement shall include the number of potentially impacted employees.

123:1-41-24 (C)(1) the appointing authority shall provide the department of administrative services with a list of the employees subject to the furlough.

123:1-41-24 (C)(1) The list shall include the employee's name, classification and employee identification number.

123:1-41-24 (C)(1) The appointing authority shall update such statement and list of employees as needed.

123:1-41-24 (C)(2) At least fourteen days before the interruption of the federal funds causing the furlough, the appointing authority shall make a general announcement to employees

123:1-41-24 (C)(2) At least two day's written notice shall be provided to any identified employee prior to the implementation of the furlough.

123:1-41-24 (C)(2) The notice to the impacted employee shall indicate the date the furlough is to begin.

123:1-41-24 (C)(3) During a furlough, an impacted employee shall not report to work.

Impacted employees will be notified by the appointing authority of the date the employee is expected to return to work.

123:1-41-24 (C)(4) The appointing authority shall promptly notify the impacted employees in writing of any changes in the return to work date.

123:1-41-24 (C)(4) However, a furlough shall not exceed four weeks for any impacted employee, except as set forth in paragraph (C)(6) of this rule.

123:1-41-24 (C)(5) Any employee on an unpaid leave of absence at the time of a furlough, who would otherwise be impacted by the furlough, shall remain on the unpaid

leave of absence until the expiration of the unpaid leave of absence.

123:1-41-24 (C)(5) At the expiration of the unpaid leave of absence, the employee shall be immediately subject to furlough.

123:1-41-24 (C)(5) If the unpaid leave of absence is open-ended, the employee shall remain on the unpaid leave of absence at least until the end of the furlough.

123:1-41-24 (C)(6) If during or at the end of a furlough period, a layoff or abolishment of positions is necessary, the appointing authority shall follow the provisions of Chapter 123:1-41 of the Administrative Code

123:1-41-24 (C)(6) During any required notice period for a layoff

123:1-41-24 (C)(6) job abolishment, the impacted employees shall remain on furlough.

123:1-41-24 (D)(1) During the term of a furlough, an impacted employee shall not receive compensation from the appointing authority, except as provided in this rule.

123:1-41-24 (D)(2) During the term of a furlough, the appointing authority shall pay both the appointing authority's share and the impacted employee's share of health insurance premiums,

123:1-41-24 (D)(2) Upon returning to work, the impacted employee shall be placed on a payment plan.

123:1-41-24 (D)(2) If such an employee does not return to work from a furlough, the impacted employee shall repay the employee's share of the health insurance premiums

123:1-41-24 (D)(3) Impacted employees shall continue to accrue leave based upon the employee's established work hours while on furlough.

123:1-41-24 (D)(3) Impacted employees shall not be eligible to use any accrued leave during a furlough period.

123:1-41-24 (D)(4) Impacted employees shall continue to earn service credit during a furlough period for purposes of vacation leave accruals and longevity,

123:1-41-24 (D)(4) as long as the employee returns to work when required.

123:1-41-24 (D)(5) The appointing authority shall pay impacted employees for the loss of federally funded wages while on furlough,

123:1-41-24 (D)(5) Any such reimbursement to an impacted employee shall be offset by any unemployment benefits received by the impacted employee

- 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