

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-43-01

Rule Type: Amendment

Rule Title/Tagline: Overtime.

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. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/15/2023
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? 124.18
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 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 details regarding the payment of overtime to eligible employees, including the amount of overtime pay, exemptions from overtime status, and how to deal with holidays worked. Also removal of regulatory restrictions.

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? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 5

123-1-43-01(A) for more than forty hours in any calendar week shall be entitled to overtime compensation or compensatory time as provided in rule 123:1-43-02 of the Administrative Code.

123-1-43-01(A) Sick leave and any leave used in lieu of sick leave shall not be included in the definition of active pay status for the purpose of earning overtime or compensatory time for employees

123-1-43-01(B) Compensation. An employee who is eligible for overtime compensation shall be entitled to compensation for such time over forty hours

123-1-43-01(B) An employee who is not eligible to accrue leave pursuant to sections 124.134, 124.382, and 124.386 of the Revised Code may not elect to take compensatory time of in lieu of overtime pay.

123-1-43-01(D) he or she shall be entitled to pay for such time worked at one and one-half times the employee's regular rate of pay as defined in division (F) of section 124.18 of the Revised Code in addition to holiday pay.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable