

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4167-7-01

Rule Type: Amendment

Rule Title/Tagline: Variances from Ohio public employment risk reduction standards.

Agency Name: Public Employment Risk Reduction Program

Division:

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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? 11/29/2023**
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? 4121.12, 4121.121, 4167.02**
5. **What statute(s) does the rule implement or amplify? 4167.09**
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?**

Pursuant to R.C. 119.032, state agencies are required to review all agency rules every five years to determine whether to amend the rules, rescind the rules, or continue the rules without change. Due to such review, the bureau concluded to amend the rule.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule governs the application process for a public employer to receive variances from the Ohio public employment risk reduction standards.

Propose deletion of the pre-application process due to obsolescence and process is unsupported in the Revised Code.

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?**

OAC 4167-7-01(B)(1) and (B)(2) have initial and renewal variance application fees of \$1,000.00 and \$100.00 respectively.

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.**

The initial and renewal variance application fees are used to offset the cost of processing the applications, and have not changed since 2001.

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
- 4167-7-01(A)(3) "A public employer's pre-application for a variance order must include"
- 4167-7-01(A)(3)(a)(ii) "Posting the application in the same manner required under rule
4167-4-01 of the Administrative Code"

4167-7-01(A)(3)(b) "The certification required by this paragraph"

4167-7-01(A)(3)(b) "must include a description of how employees have been informed of the application"

4167-7-01(C) "The superintendent shall grant variances pursuant to section 4167.09 of the Revised 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.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable