

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-5-09

**Rule Type:** Amendment

**Rule Title/Tagline:** Personnel and prohibited convictions for employment.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

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#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 6/15/2025
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 110 - 134  
- Rep. Oelslager
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 2151.86, 5103.03, 5103.0310, 5103.037
5. **What statute(s) does the rule implement or amplify?** 109.572, 2151.86, 5103.02, 5103.03, 5103.0310, 5103.037
6. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment due to new background requirements for foster care employees, subcontractors, interns and volunteers as described in HB 110 of the 134th General Assembly.

- 7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides guidance to agencies on the background check requirements for personnel at an agency. Paragraph (P) was amended to include subcontractors, interns and volunteers in the alleged perpetrator search requirements. Paragraph (Q) was amended to add subcontractors, interns and volunteers to the sex offender registry search requirements. A new paragraph (R) was added to ensure agencies complete a search for all employees, subcontractors, interns and volunteers who have never had an alleged perpetrator search or a sex offender search.

- 8. Does the rule incorporate material by reference? Yes**
- 9. 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.**

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

- 10. 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**

- 11. 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

No expected fiscal effects on current or future budgets.

**12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Both background check requirements are free to the agency except for the time involved in making the request. The checks are completed electronically and can be accomplished in two minutes or less.

**13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

**14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

**15. 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**

**16. Was this rule filed with the Common Sense Initiative Office? Yes**

**17. Does this rule have an adverse impact on business? Yes**

**A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Certification and re-certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance with this rule.

**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? Yes**

Lack of compliance can result in revocation of an agency's certification or denial of re-certification.

**C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Agencies must conduct and review criminal background checks and other background checks for employees, subcontractors, interns and volunteers in order to comply with this rule.

- 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? Yes**

Both background check requirements are free to the agency except for the time involved in making the request. The checks are completed electronically and can be accomplished in a few minutes.

**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

- A. How many new regulatory restrictions do you propose adding?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?**

Not Applicable