

PUBLIC HEARING NOTICE

Pursuant to Ohio Revised Code Section 119.03, notice is hereby given that the Department of Administrative Services intends to conduct a public hearing for the purpose of adopting Ohio Administrative Code Section 123:1-31-02 and amending Ohio Administrative Code Sections 123:1-5-03, 123:1-23-12, 123:1-32-01, 123:1-32-07, 123:1-32-08, 123:1-34-03, 123:1-35-05, 123:1-43-01, 123:1-43-02, 123:1-46-01, and 123:1-47-01. The proposed changes deal with the following subject matter:

- 123:1-5-03 – Clarifies that the appointing authority can rescind an employee's unclassified appointment at any time and limits the circumstances under which an employee can exercise fallback rights into a classified position.
- 123:1-23-12 – Authorizes an appointing authority to remove an employee who has been promoted and does not satisfactorily complete the probationary period associated with the promotion.
- 123:1-31-02 – Clarifies that an employee may be disciplined by having their pay reduced one step in lieu of termination.
- 123:1-32-01 – Clarifies that an employee can only use sick leave, vacation leave, or personal leave after it has been posted to the employee's earnings statement and the compensation associated with that earnings statement is available to the employee. Modifies by one pay period the start of the annual time period used to determine if an employee will be paid at a reduced rate for the second forty (40) hours of sick leave used during the annual time period.
- 123:1-32-07 – Clarifies when an employee will receive credit for personal leave each year in December.
- 123:1-32-08 – Clarifies the amount of sick leave that an employee is eligible to convert to cash in the first paycheck the employee receives in December based on the employee's usage.
- 123:1-34-03 – Eliminates paid leave for subpoenaed employees where their appearance is associated with the non-state employment of the employee.
- 123:1-35-05 – Requires mandatory direct deposit of the compensation of most state employees paid by a warrant of the Auditor of State.
- 123:1-43-01 – Eliminates leave in lieu of sick leave from being counted for the determination of overtime eligibility.

- 123:1-43-02 – Clarifies that an employee can only use compensatory time after it has been posted to the employee's earnings statement and the compensation associated with that earnings statement is available to the employee.
- 123:1-46-01 – Clarifies who can declare a weather emergency and the amount of pay that an employee will receive during a weather emergency when told not to report to work or is sent home as a result of such an emergency.
- 123:1-47-01 – Eliminates the definition of "base pay period" and modifies the definition of "probationary period" and "intermittent appointment."

These rules are being proposed or amended to comply with changes as a result of the passage of HB 530 on March 29, 2006 by the Ohio General Assembly and five year rule review.

The Department of Administrative Services shall hold the public hearing on the proposed rule adoption and amendments on Friday, May 19, 2006, at 9:30 a.m. in Conference Room B1 of the James A Rhodes State Office Tower located at 30 East Broad Street, Columbus, Ohio. At this hearing, any person affected by the proposed rule or amendments may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions orally or in writing, offer and examine witnesses, and present evidence that tends to show that the proposed rule or amendments, if adopted or effectuated, will be unreasonable or unlawful.

Individuals desiring only to submit their position, arguments, or contentions in writing (written statement) may do so by submitting them to the following address:

DAS/HRD – Policy Development Office
100 East Broad Street, 15th Floor
Columbus, Ohio 43215

Attn: May 19th Rules Hearing

Any such written statement actually received by 5:00 p.m. on Thursday, May 18, 2006, will be considered by the Department of Administrative

Services. A person who timely submits a written statement prior to the hearing as described above, is not required to appear at the hearing to have the written statement considered in the rule making process.