

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 amending Ohio Administrative Code Sections 123:1-41-01 through 123:1-41-24.

The proposed to be amended rules deal with the following subject matter:

- 123:1-41-01 Sets forth the reasons that allow a reduction in force. Requires layoffs and any resulting displacement of employees to be performed in accordance with the applicable statutes and rules.
- 123:1-41-02 Makes the Director of OBM responsible for the determination of lack of funds for an appointing authority whose employees are paid by warrant of the Director of OBM. Makes the Director of Administrative Services responsible for the determination of lack of work for an appointing authority whose employees are paid by warrant of the Director of OBM. Withholds verification of retention points until a determination of the existence of a lack of funds or lack of work has been made.
- 123:1-41-04 Sets forth the reasons a position may be abolished. Requires that a statement of rationale be filed by the appointing authority with the Director of Administrative Services for any position proposed to be abolished that is paid by warrant of the Director of OBM.
- 123:1-41-06 Provides that when a work force reduction is necessary, the appointing authority will determine the classification(s) and the number of employees to be reduced within each classification.
- 123:1-41-07 Contains the order of layoff by position type. Provides that layoffs shall be based upon retention point order from the employee with the fewest retention points to the employee with the most retention points.
- 123:1-41-08 Requires that retention points be calculated for all employees in a classification affected by a layoff. Sets forth some timing aspects and content provisions of required submissions by the appointing authority and the limitations of movement within the classification once the appointing authority has requested retention point verification. Requires that retention points are verified by DAS prior to the appointing authority notifying the affected employees. Sets forth the timeline for an appointing authority submitting personnel action forms and recall lists associated with a layoff/displacement.

- 123:1-41-09 Contains the methodology for the actual calculation of retention points. Contains the procedure used as a tie breaker when two or more employees have identical retention points. Sets forth parameters for making determinations of continuous service.
- 123:1-41-10 Sets forth the requirements that each employee to be laid off be given advanced written notice by the appointing authority and the timing and procedures of giving such notice. Contains the requirements for the contents of such notice.
- 123:1-41-11 Sets for the procedures and protocols for an employee to exercise displacement rights in a layoff. Contains the provisions for dealing with a displacement into a position with specific qualifications. Addresses an employee's rate of pay following a displacement. Sets forth appeal rights and procedures for a laid off employee.
- 123:1-41-12 Sets forth parameters for laid-off or displaced employees to displace within the classification, to displace within the classification series, or to displace within a classification previously held. Sets forth the order of layoff consistent with the statutory requirement.
- 123:1-41-13 Sets forth the layoff jurisdictions for state agencies, boards, commissions, and independent institutions for employees in the service of the state.
- 123:1-41-16 Provides for the creation and administration of recall lists regarding employee reinstatement.
- 123:1-41-17 Provides for the creation and administration of recall lists for the reemployment of laid-off or displaced employees.
- 123:1-41-18 Contains procedures associated with recalling or reemploying a laid-off employee. Makes the employee responsible for maintaining an accurate mailing address for reinstatement and reemployment purposes. Allows a laid-off or displaced employee to designate counties within the layoff jurisdiction where the employee is willing to accept reinstatement or reemployment.
- 123:1-41-19 Deals with the administration of recall lists regarding when an employee's name is removed from such a list.
- 123:1-41-20 Requires the posting of layoff lists prior to a layoff to allow for inspection by the affected employees. Makes layoff lists and rules available upon request at a reasonable charge for reproduction.

- 123:1-41-21 Deals with how to treat employees that are on sick leave, a leave of absence without pay, or receiving disability leave benefits at the time of the layoff.
- 123:1-41-22 Deals with the cash conversion of vacation leave, sick leave, and personal leave at the time of a layoff. Sets forth when and how converted leaves may be reinstated.
- 123:1-41-24 Sets forth the procedures, protocols, and requirements for implementing a furlough of federally funded employees when associated federal funding is not available.

The Department of Administrative Services shall hold a public hearing on the proposed rule amendment on Tuesday, October 18, 2022, at 9:00 a.m. in the 3rd Floor Administrative Hearing Room of the Rhodes Tower located at 30 East Broad St., Columbus, Ohio 43215. At this hearing, any person affected by the rule 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 rule, if 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/Office of Collective Bargaining
Labor Relations & Human Resources Policy Section
4200 Surface Road
Columbus, Ohio 43228

Attn: HRD May 2022 Amendment (TD)

Any such written statements actually received by 5:00 p.m. on Tuesday, October 18, 2022, will be considered by the Department of Administrative Services. A person who timely submits a written statement is not required to appear at the hearing to have the written statement considered in the rule making process.

The Ohio Department of Administrative Services (DAS) is committed to providing access, inclusion and reasonable accommodation in its services, activities, programs and employment opportunities in accordance with the Americans with Disabilities Act (ADA) and other applicable laws. To request a reasonable accommodation due to a disability, please contact Bobbi Bell-Bartholomew, DEI Manager/ADA Coordinator (614-752-9271; 711 (then dial) 614-752-9271 (TTY calls); bobbi.bellbartholomew@das.ohio.gov; or [MS Teams](#)), as soon as possible. Requests made 14 days prior to the event will generally allow us to provide seamless access, but DAS will make every effort to meet requests made after this date.