

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 Section 123:1-30-01, 123:1-30-02, 123:1-30-03, 123:1-30-04, 123:1-30-06, 123:1-31-01, 123:1-31-02, 123:1-31-03, 123:1-31-04, 123:1-43-01, and 123:1-43-02.

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

- 123:1-30-01 Involuntary Disability Separation. Sets forth the procedures associated with the involuntary disability separation of an employee that is not able to perform their essential job duties due to injury, illness, or other condition and the associated appeals of such a determination.
- 123:1-30-02 Voluntary Disability Separation. Sets forth the procedures for reviewing and processing an employee's request for a voluntary disability separation when the employee is no longer able to perform the essential job duties of their position as the result of an illness, injury, or other condition and the right of reinstatement.
- 123:1-30-03 Medical and psychological examinations. Allows for medical and psychological examinations in connection with a disability separation or a reinstatement from a disability separation. Sets forth the type of information the appointing is to supply to the examining practitioner, who pays for the examination, and the consequences of an employee's failure to appear for such an examination.
- 123:1-30-04 Right to reinstatement; rights of appeal. Sets forth the parameters and procedures associated with an employee's request to be reinstated from a disability separation and the associated appeal process if such a request is denied by the appointing authority.
- 123:1-30-06 Leave benefits for an employee given a disability separation. Sets forth when an employee who is disability separated can apply for and receive disability leave benefits.
- 123:1-31-01 General procedures for removals, reductions, suspensions, or fines. Limits removals, reductions, and certain suspensions of employees to reasons set forth in ORC 124.34, except as otherwise allowed in the Administrative Rules and requires written notice to the employee of such actions.

- 123:1-31-02 Step Reduction. Defines "step reduction" for purposes of the rule and sets forth when this type of progressive discipline may be used by an appointing authority.
- 123:1-31-03 Absence without leave. Deals with unapproved absences of three or more consecutive days by an employee and the associated discipline for such action.
- 123:1-31-04 Reduction or demotion. Limits reductions and demotions to the reasons set forth in ORC 124.34, unless the impacted employee agrees to such action in writing. The Director of the Department of Administrative Services set the salary for such an employee, but the rate of pay may not exceed the employee's rate of pay prior to the demotion.
- 123:1-43-01 Overtime. 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.
- 123:1-43-02 Compensatory Time. Sets forth the conditions for the use of compensatory time by an employee and its impact on an employee's request for a leave of absence without pay.

The Department of Administrative Services shall hold a public hearing on the proposed rule amendments on Tuesday, June 20, 2023, at 9:00 a.m. in the Lobby 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
1602 West Broad Street
Columbus, Ohio 43223

Attn: HRD January 2019 Amendment (CH)

Any such written statements actually received by 5:00 p.m. on Tuesday, June 20, 2023, 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.