

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 123:1-1-02, 123:1-10-01, 123:1-27-04, 123:1-27-05, 123:1-32-07, 123:1-33-01, 123:1-35-05, 123:1-41-04, 123:1-41-12, 123:1-41-16, 123:1-41-17, 123:1-41-22, 123:1-43-01, and 123:1-47-01; rescinding 123:1-46-05; and adopting a new version of 123:1-46-05.

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

123:1-1-02 – Records of the Director – Removing redundant language that is also contained in ORC 149.43.

123:1-10-01 – Eligibility for permanent classified service – Removing redundant language regarding the length of probationary periods.

123:1-27-04 – General principles of the employee recognition program – Adding language that requires the submission to and the approval by the Director of the Department of Administrative Services before an employee recognition plan may be implemented by an agency.

123:1-27-05 – Employee recognition award – Removing cash awards, refreshments, and luncheons from the list on acceptable awards for an employee recognition award.

123:1-32-07 – Personal leave with pay and charge of personal leave for employees paid by warrant of the director of budget and management – Adding language that causes employees in no pay status when personal leave is awarded to receive a pro-rated amount upon returning to work and removing language that indicates that personal leave may not be used to extend an employee's active pay status for purposes of accruing overtime or compensatory time.

- 123:1-33-01 – Eligibility for disability leave benefits – Removes a cross-reference to OAC 123:1-30-03, this is an error, and replacing it with the proper cross-reference to OAC 123:1-30-01.
- 123:1-35-05 – Mandatory direct deposit of compensation for certain employees – Removing the references to the Auditor of State and replacing them with references to the Director of Budget and Management.
- 123:1-41-04 – Abolishment of positions in the classified service – Removing a requirement that county agencies file a statement of rationale with the Director of the Department of Administrative Services in support of a job abolishment.
- 123:1-41-12 - Order of displacement – Removing language that limits the displacement rights of employees to classifications previously held by the employee with regards to employees of county appointing authorities.
- 123: 1-41-16 – Reinstatement rights – Allows agencies to gather information from up to five individuals when trying to fill a vacancy via reinstatement from a recall list when the position to be filled is subject to position-specific minimum qualifications.
- 123:1-41-17 – Reemployment rights - Allows agencies to gather information from up to five individuals when trying to fill a vacancy via reemployment from a recall list when the position to be filled is subject to position-specific minimum qualifications.
- 123:1-41-22 – Cash conversion of accrued leave at layoff, and restoration of leave credit – Removes the word “shall” and replaces it with “may” with regards to the cash conversion of sick leave, personal leave, and vacation leave when an employee is laid-off.
- 123:1-43-01 – Overtime – Replaces a reference to the Auditor of State with a reference to the Director of Budget and Management and adds clarification that the restriction on sick leave or leave

used in lieu of sick does not count as active pay status for employees that are eligible for overtime compensation that are state employees.

123:1-47-01 – Definitions – Adds clarification to the definitions of the terms “active pay status” and “no pay status”.

The proposed to be rescinded rule deals with the following subject matter:

123:1-46-05 – Donated leave program – Eligibility and mechanic.

The proposed to adopted rule deals with the following subject matter:

123:1-46-05 – Donated leave program – To more clearly set forth the eligibility requirements and the mechanics of this program.

The Department of Administrative Services shall hold a public hearing on the proposed rule amendments on Friday, November 21, 2008, at 2:00 p.m. in Room 2793, on the 27th Floor of the James A. Rhodes State Office Tower located at 30 East Broad Street, Columbus, Ohio. At this hearing, any person affected by the rule(s) 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(s), 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
30 East Broad Street, 27th Floor
Columbus, Ohio 43215

Attn: HRD November 2008 Public Rules Hearing

Any such written statements actually received by 5:00 p.m. on Thursday, November 20, 2008, 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.