

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 123:1-30-06, 123:1-32-01, 123:1-33-05, 123:1-33-08, 123:1-34-10, 123:1-43-01, 123:1-43-02, 123:1-44-01, 123:1-47-01 and enacting Ohio Administrative Code Section 123:1-34-11.

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

- 123:1-30-06: Disability leave benefits for an employee given a disability separation – To remove the first occurrence of the word ‘disability’ from the rules title, to correct cross references in the rule, and to clarify that an employee that is disability separated is no longer eligible to receive occupational injury leave or salary continuation.
- 123:1-32-01: Availability and charge of sick leave, vacation leave, and personal leave and compensation for sick leave of employees paid by warrant of the director of budget and management - To allow sick leave to be paid at 100% for the second week of usage if it is associated with an outpatient surgery of certain individuals. Also allows for supplementation during the second week of usage up to 100% for a medical appointment scheduled at least 30 days in advance with a doctor’s excuse being timely presented.
- 123:1-33-05: Payment of disability leave benefits – Provides that future claims will be paid at 67% of the employee’s base rate of pay and to allow an employee to use compensatory time to supplement a disability claim.

- 123:1-33-08: Subsequent disability – To reflect the difference between subsequent disability claims and new disability claims for the purpose of determining the percentage of the employee's base rate of pay upon which to base the payment of the claim.
- 123:1-34-10: Voluntary cost savings program – To provide that time spent of leave under a voluntary cost savings program will count towards an employee's continued service time for purposes of eligibility for dental, vision, and life insurance benefits, clarifies that an employee's use of leave under a voluntary cost savings program continuous to a holiday will not impact the employee's eligibility to receive holiday pay, and to provide the an employee's leave accruals are not impacted by the employee's participation in a voluntary cost savings program.
- 123:1-43-01: Overtime – To clarify that an employee who is not eligible to accrue leave time may not elect to receive compensatory time off in lieu of receiving overtime pay for any hours over 40 worked by the employee in any work week.
- 123:1-43-02: Compensatory time – To allow employees to have 365 days to use compensatory time earned before it will be paid out if the employee is eligible to receive such payment.
- 123:1-44-01: Holidays – To clarify that if an employee takes a mandatory cost savings day or schedules time off pursuant to a voluntary cost savings plan on a day contiguous to a holiday will not forfeit the holiday pay.
- 123:1-47-01: Definitions – To modify the definition of the term 'Intermittent appointment', to change the term 'Position control number' to 'Position number', to change the term 'Position control number change' to 'Position number change' and to remove the word 'control' from its definition.

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

123:1-34-11: Mandatory cost savings programs – To establish the parameters, procedures, and protocols for the implementation of 80 hours (10 days) of mandatory cost savings as necessitated by the amendment of Ohio Revised Code Section 124.392.

The Department of Administrative Services shall hold a public hearing on the proposed rule amendments and adoption on Wednesday, August 5, 2009, at 8:30 a.m. in Lobby Hearing Room, on the ground 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 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 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 August 2009 Public Rules Hearing

Any such written statements actually received by 3:00 p.m. on Tuesday, August 4, 2009, 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.