

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 123:1-25-07

Rule Type: Amendment

Rule Title/Tagline: Temporary reassignment of duties.

Agency Name: Department of Administrative Services

Division: Division of Human Resources

Address: 4200 Surface Road Columbus OH 43228

Contact: Christina E Haselberger **Phone:** 614-466-3439

Email: christina.haselberger@das.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/15/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 124.09
5. What statute(s) does the rule implement or amplify? 124.32
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

Mandatory rule review.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Establishes the parameters, procedures, and requirements associated with the Director of the Department of Transportation being allowed, with the Director of the Department of Administrative Services' approval, to temporarily transfer employees of the Department of Transportation to other duties for a limited period of time. Removal of regulatory rule restrictions.

9. **Does the rule incorporate material by reference?** No
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable.

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? No
18. Does this rule have an adverse impact on business? No
- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
- A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 11

(A)(1) Such a reassignment must be made with the consent of the employee except in the case of a weather emergency proclaimed by the governor or when the director of the department of transportation deems that the reassignment is necessary due to an unusual situation requiring immediate action.

(A)(2) Such a reassignment must be due to the temporary characteristics of the work situation, ...

(A)(2)... and the duties must be for the efficient management of the department or for the maintenance of the highways in the interest of the safety of the traveling public.

(A)(4) The director of transportation shall submit to the director of administrative services the classifications in which such assignments are necessary for the efficient operation of the department of transportation.

(B) Prior to a temporary assignment of work duties, the director of transportation shall certify to the director of administrative services that:

(C) If the number of eligible employees who consent to such temporary assignment exceeds the number of employees needed for the temporary assignment, the director of transportation shall assign the employees on the basis of seniority.

(D) No employee who is temporarily assigned work duties under this rule shall suffer any loss of pay, position, diminution of position, service rights or benefits as a result of such temporary assignment.

(D)... Any employee who is temporarily transferred from his permanently assigned position to a temporary position shall be reimbursed for excess travel to and from work during the period of reassignment at the rate per mile set by the director of the office of budget and management.

(E) No employee shall be temporarily assigned duties under this rule if such duties are those of a higher classification or any classification compensated at a higher pay range than that to which the employee is legally appointed, except as specified by administrative rule.

(F) The annual performance evaluation of an employee temporarily assigned duties under this rule shall be made as of the employee's usual evaluation date...

(F)... and shall exclude the employee's performance of the temporarily assigned duties.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable