

Rule Summary and Fiscal Analysis (Part A)**Department of Administrative Services**

Agency Name

Division

Robert Patchen

Contact

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123:1-32-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**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.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB16**General Assembly: **128**Sponsor: **Sykes**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **124.09**

5. Statute(s) the rule, as filed, amplifies or implements: **124.134, 124.382, 124.386**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

ORC 124.134 is being has been amended to allow for additional situations when sick leave hours 40.1 to 80 may be paid at 100% during the annual usage period.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

The rule restricts the use of sick leave, vacation leave, and personal leave to when the accrual appears on an employee's earnings statement. The rule also contains the procedures, protocols, and limitations for the use of sick leave by a State employee. The proposed amendment will allow for sick leave hours 40.1 to 80 to be paid at 100% if the leave is associated with outpatient surgery of the State employee, the State employee's spouse, or a child residing with the State employee. The proposed amendment also allows sick leave hours 40.1 to 80 to be supplemented with additional sick leave to allow for the time off to be paid at 100% for medical appointments pre-scheduled at least 30 days in advance, provided that a doctor's statement is provided by the State employee on the first day that the State employee returns to work.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: 12/1/2011

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

While it is anticipated that there may be some additional sick leave paid at 100% as compared to 70% under the current rule, it is not possible to anticipate or calculate from agency to agency how much sick leave may be paid at the higher rate. Also, such time is already built into an agency's budget at 100%, as sick leave usage is paid out of an agency's payroll budget, which is fully budgeted for any particular position.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not Applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**