

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **H.B. 442** DATE: **March 12, 2008**
STATUS: **As Introduced** SPONSOR: **Rep. Letson**
LOCAL IMPACT STATEMENT REQUIRED: **No** **Corrected after initial review**
CONTENTS: **To require certain employers to allow a parent to exercise court-ordered parenting time**

State Fiscal Highlights

STATE FUND	FY 2009	FY 2010	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential increase in employee wage costs	Potential increase in employee wage costs	Potential increase in employee wage costs

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 – June 30, 2008.

- The bill could potentially result in requiring state agencies to pay overtime to cover the work schedules of employees granted court-ordered parental leave. These costs would presumably be minimal, as state agencies would attempt to arrange work schedules to avoid schedule conflicts. The bill is most likely to affect the larger institutional agencies with need for around-the-clock staffing.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
Counties, Municipalities, Townships			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential increase in employee salary costs	Potential increase in employee salary costs	Potential increase in employee salary costs

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Political subdivisions could incur increased payroll expenses, although they would probably attempt to arrange work schedules to avoid conflicts that might increase wage costs. Most likely affected would be public safety agencies with day and night shifts.



Detailed Fiscal Analysis

Requirements of the bill

The bill allows employees whose court-ordered parenting time coincides with their regularly scheduled hours of employment to exercise parenting time according to the court order. It applies to public and private sector employers with 50 or more employees, and prohibits employers from terminating a parent's employment, reducing pay, or taking other steps against a parent for exercising court-ordered parenting time. This analysis discusses the effects of the bill only on the state and its political subdivisions. In our review of state human resources policies and collective bargaining agreements, LSC found no specific policies governing work schedules and court-ordered visitation. And, according to the Department of Administrative Services, agencies have the discretion to allow scheduling flexibility for this type of visitation.

Effect on public employers

The bill is most likely to have an effect on state agencies and local government agencies whose staff work night shifts or weekends. Any staffing adjustments that might be necessary could lead to some additional payroll costs. On the state level, this might be the Highway Patrol and any of the institutional agencies, such as the Department of Rehabilitation and Correction, the Department of Youth Services, the Department of Mental Retardation and Developmental Disabilities, and so forth. On the local government level, the bill most likely would affect police and fire services.

Using the Department of Rehabilitation and Correction as an example, if a corrections officer would need time off from the usual shift for court-ordered visitation, and the employee could not change shift to avoid a conflict, then it is possible that another employee could be paid overtime to make up for the loss of this employee. In most situations, however, it would seem likely that schedules would be arranged so that no conflicts arise between work and child visitation. Doing so would limit any additional staffing costs for the state and political subdivisions.

There could be some new costs related to any litigation stemming from this new employee right. Those costs would be borne by municipal or common pleas courts. The impact would depend on the volume of cases brought to trial, and would be difficult to project. Although there may be new cases, LSC assumes that many employers and employees, in both the public and private sector, would resolve these problems before they proceed to court.

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