



Ohio Legislative Service Commission

Nick Thomas

Fiscal Note & Local Impact Statement

Bill: H.B. 40 of the 128th G.A.

Date: April 23, 2009

Status: As Introduced

Sponsor: Rep. Letson

Local Impact Statement Procedure Required: No — Minimal cost

Contents: Requires specified employers to allow employees to use parenting time without retribution

State Fiscal Highlights

STATE FUND

FY 2010 – FUTURE YEARS

General Revenue Fund and Other State Funds

Revenues - 0 -

Expenditures Potential increase in agency payroll costs

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

- 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 work schedule-parenting time conflicts.
- If there were increased payroll costs, it would probably affect the institutional agencies that require round-the-clock staffing to a greater extent than other state agencies.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2010 – FUTURE YEARS

Political Subdivisions

Revenues - 0 -

Expenditures Potential increase in payroll 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 presumably arrange work schedules to avoid work schedule-parenting time conflicts that might increase costs. Most likely to be affected are public safety agencies with day and night shifts.

Detailed Fiscal Analysis

Overview

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 for each working day during each of 20 or more calendar work weeks in a year, 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 its review of state human resources policies and collective bargaining agreements, LSC found no specific policies governing work schedules and court-ordered visitation. 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 would most likely affect 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, fire services, and other first-responder services.

Using the Department of Rehabilitation and Correction as an example, if a corrections officer would need time off from his or her 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. This 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. However, such cases are likely to be few, as the parenting time is court-ordered.