



Sick Leave

Purpose

The purpose of this Policy is to establish a consistent method of authorizing employee sick leave, to provide a policy and procedure for the accrual and use of sick leave, for the conversion and payment of unused sick leave at time of retirement or upon the separation of an ODA employee, and to define inappropriate use of sick leave and outline the discipline and corrective action for inappropriate use.

Authority

- a. O.R.C. § 124.382
- b. O.R.C. § 124.383
- c. O.R.C. § 124.384
- d. Ohio Admin. Code 123: 1-32
- e. OCSEA Contract Article 29

Scope

All ODA permanent employees may earn and accrue sick leave hours which may be used for paid sick leave when necessary. This Policy applies to all ODA permanent employees, unless conflicting provisions exist with the applicable collective bargaining agreement, in which case the provisions of the collective bargaining agreement control.

Definitions

- a. “Active pay status” Means conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave. For the purpose of determining overtime or compensatory time for an employee who is eligible for overtime compensation, active pay status does not include sick leave or leave used in lieu of sick leave.
- b. “Full-time Permanent employee” means an employee whose regular hours of duty total eighty (80) in a pay period, and whose appointment is not for a limited time.
- c. “Immediate family member” means the spouse, significant other (significant other is defined as one who stands in place of a spouse , and resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (*loco parentis*). For bargaining unit employees, “immediate family” is defined in the OCSEA Collective Bargaining Agreement (CBA). The CBA may require that the family member reside with the employee in order to qualify as an “immediate family” member.
- d. “No pay status” means the conditions under which an employee is ineligible to receive pay and may include, but is not limited to, leave without pay, leave of absence, disability leave, and workers compensation.

Procedures



1. Sick Leave Earnings and Accumulations

- a. Sick leave is earned at the rate of 3.1 hours for each 80 hours in active pay status, excluding overtime.
- b. Sick leave accrual shall not exceed eighty (80) hours in one year.
- c. There is no limit as to the amount of sick leave which may be accumulated.
- d. Sick leave may be used in increments of one-tenth (1/10) of an hour.
- e. Sick leave shall be paid at the following rate per benefit year. (the benefit year begins the pay period that includes December 1st):

<u>Hours Used</u>	<u>Percentage of Total Rate</u>
1-40 hours	100%
40.1- 80 hours	70%
80.1 plus hours	100%

Special Conditions

Any sick leave used during the 40.1 to 80 hours will be paid at one hundred percent (100%) when the sick leave usage is for the employee, employee’s spouse or child residing with the employee for the following:

- a. Time spent hospitalized overnight or for hours of sick leave used before or after hospital stay that are contiguous to the hospital stay.
- b. Time spent in outpatient surgery or for those hours of sick leave used before or after the outpatient surgery that are contiguous to the outpatient surgery.
- c. Sick leave requested at least thirty (30) calendar days in advance for prescheduled medical appointments may be supplemented at the employee’s request to one hundred percent (100%) of pay with the available sick leave balances provided that a doctor’s statement is submitted on the first day the employee returns to work following the absence.
- d. Employees may elect to utilize sick leave to supplement an approved Disability Leave, Workers’ Compensation Claim or Childbirth Adoption Leave. Sick leave used for these supplements shall be paid at a rate of one hundred percent (100%).

Authorized Uses of Sick Leave

Provided an employee has an available balance, employees may use sick leave with the approval of his or her supervisor, for the following reasons:

For absence due to personal illness, injury, or pregnancy-related condition of the employee or a member of the employee’s immediate family:

- a. Exposure of an employee to a contagious disease which could be transmitted to and jeopardize the health of other employees.



- b. Examination of the employee or a member of the employee's immediate family should be performed by a licensed practitioner where the employee's presence is reasonably necessary, including medical, dental, psychological, or optical examination.
- c. May be used in addition to bereavement leave for death of a member of the employee's immediate family where bereavement leave is provided. Such usage is limited to a reasonable time not to exceed five (5) days of sick leave.
- d. A period of up to ten (10) working days of sick leave will be allowed for parenting during the postnatal period or following an adoption.
- e. Employees may elect to utilize sick leave to supplement an approved disability leave, workers compensation claim, or childbirth/adoption leave.

Notification of Use of Sick Leave

- a. When the use of sick leave is not planned, an employee shall notify his or her immediate supervisor no later than one half (1/2) hour after starting time, unless circumstances preclude this notification.
- b. If the need for sick leave continues past the first day, the employee must notify his or her supervisor or designee of the anticipated duration of the absence. The employee is responsible for establishing a reporting schedule that is acceptable to the supervisor for the anticipated duration of the absence. If an acceptable schedule is not established, the employee will notify the supervisor every day.
- c. In the case of a condition exceeding three (3) consecutive business days, a physician's verification statement may be required. After an employee has been under the care of a physician, or off for three (3) consecutive days, a return to work release may be required prior to the beginning of the first work shift.
- d. Requests for an entire day of sick leave for single medical or dental appointments are not acceptable unless there are extenuating circumstances that would prevent the employee coming to work before or after the appointment.

Requesting Leave in Lieu of Sick Leave

After an employee has used all of his or her accrued sick leave, the employee may, at the discretion of the employer, use accrued vacation, compensatory time, or personal leave in lieu of sick leave. Employees will generally be required to exhaust all leave prior to going into leave without pay status. Requests for leave without pay in lieu of sick leave will be reviewed under the provisions of this Policy and are within the discretion of the Human Resources Director. Calling off without the aforementioned approval will result in the employee being absent without leave (AWOL) and subject to progressive discipline.

Physician's Verification

Employees whose sick leave balance drops below 16 hours will be placed on Physician's Verification (PV). After three (3) consecutive pay periods of having a sick leave balance of 16 hours or move the employee will be removed from Physician's Verification. Employees will be notified by Human Resources when they are on Physician's Verification.



When an employee has requested paid leave in lieu of sick leave, the employee may be required to provide a statement from a licensed practitioner who has examined the employee or member of the employee's immediate family. Leave for those employees who have been required to provide a physician's verification will be considered for approval only if the physician's verification has been provided within 3 business days from the employee's date of return to work. If the Human Resources Director determines that mitigating or extenuating circumstances surrounding the employee's use of sick leave exist, then the physician's verification may not be required.

A Physician's verification will be required for isolated uses of sick leave, while on PV. The employee will be notified of this requirement when they are placed on PV by Human Resources. The physician's verification that is provided is preferred to have an original signature for verification purposes. Failure to provide a physician verification within 3 business days or as required may result in the employee being absent without leave (AWOL) and subject to discipline per the ODA Disciplinary Policy.

Penalties for Unauthorized Use, Misuse, or Abuse of Sick Leave

When an employee is absent without authorization, or is suspected of misusing or abusing sick leave, or engages in a pattern of sick leave abuse, the employee may be disciplined, in accordance with the ODA Disciplinary Policy.

Carry-Over and Conversion

Each benefit year, accrued and unused sick leave earned that year and remaining as of the last day of the pay period preceding the first pay period in December may be converted to cash. Employees may choose to carry forward the balance, receive a cash benefit for the sick leave, or carry forward a portion of the balance and receive a cash benefit for the remainder. Payment will be made in the first paycheck in December each year at the following rates:

<u>Number of Hours Subject to Cash Conversion</u>	<u>Percent of Regular Rate</u>
80	80%
72 to 79.9	75%
64 to 71.9	70%
56 to 63.9	65%
48 to 55.9	60%
47.9 and less	55%

An employee who fails to exercise a choice shall have the hours automatically carried forward.

Upon separation for any reason, excluding retirement, an employee shall be paid the accumulated balances at his or her last base rate of pay at the rate of fifty percent (50%). An employee who retires shall be paid for the accumulated sick leave at a rate of fifty-five percent (55%) of the employee's last base rate of pay. An employee shall convert his or her accrued leave to cash within three (3) years of separation, and no employee is eligible to receive all or a portion of the payment at any time later than three years after the person's separation from state service. Exempt employees are required to have 1 year of service and bargaining unit employees are required to have 5 years of State of Ohio service in order to be paid for accumulated balances.

If an employee receives a lump sum payment for unused sick leave upon separation from employment, and later becomes reemployed, reinstated, or recalled from a layoff, the employee may have such days restored by returning the amount paid to the employer for the number of days to be restored.



An employee who has previous service with any of the political subdivision of the State may use sick leave accrued with such prior employers but shall not be permitted to convert sick leave to cash. This sick leave will be considered to be Old Sick Leave and will be used after an employee has exhausted their newly accrued sick leave balance.

Contact

The Human Resources Director is available for consultation or questions regarding the provisions of the Sick Leave Policy.

This policy supersedes any previously issued directive or policy and will remain effective until cancelled or superseded.

Revision History

Date	Description of Change
3/2004	Initial Policy Issued
8/2012	Revisions to Policy Issued
10/2012	Revisions to Policy Issued
7/2015	Revisions to Policy Issued

