



## Ohio Administrative Code

### Rule 3364-25-123 Leaves of absence (other than FMLA) and sick leave accrual.

Effective: May 31, 2018

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#### (A) Policy statement

The university of Toledo recognizes that situations arise in which employees may need to request a leave of absence. Nothing in this policy shall be construed as limiting or superseding any leave granted under the Family Medical Leave Act of 1993, and as amended "FMLA."

University employees can earn sick leave at the rate of four and six-tenths hours for each completed eighty hours of service for actual hours in a pay status (fifteen workdays per year). There is no limit on the amount of sick leave which may be accumulated.

Employees who work fewer than forty hours a week will earn sick leave on the basis of actual hours in pay status each pay period.

Immediate family, as defined in Revised Code, currently includes an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who 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 (in loco parentis).

#### (B) Purpose of policy

This policy is intended to explain the various leaves of absence with the exception of FMLA. Specifically covered in this policy are the following:

(1) Funeral leave.

(2) Military reserve duty leave.



(3) Sick leave.

(4) Leave of absence without pay.

(5) Parental leave.

(C) Procedure

(1) Funeral leave

An employee who is absent from work due to a death in the employees immediate family shall be granted a leave of absence not to exceed five consecutive working days (excluding weekends and holidays) to make funeral arrangements and to attend the funeral. The funeral leave shall not extend beyond the date of the funeral, even if a balance of five days exists. If the funeral is out of town (five hundred miles round trip), one day from the balance of the initial five days may be used for return travel. Each full-time or regular part-time employee shall be granted a leave of absence not to exceed one day to attend the funeral of a former immediate family member. Pay for such leave may be deducted from the employee's accumulated sick leave up to the maximum of hours scheduled on the days taken off.

If sufficient sick leave is not available, and the employee chooses not to use accrued compensatory or vacation leave, the employee may be granted a leave of absence without pay for up to five consecutive working days for current immediate family (excluding weekends and holidays). The employer may request proof of the death and relationship before approving payments for funeral leave.

(2) Military reserve duty leave

All employees of the university of Toledo who are members of the Ohio national guard, the Ohio defense corps, the naval militia, or members of other reserve components of the armed forces of the United States, shall be entitled to a leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duty for periods not to



exceed thirty-one days in any one calendar year. The maximum payment is limited to one hundred seventy-six hours of pay per calendar year. The employee is required to submit to human resources an order or statement from the appropriate military commander as evidence of such duty. There are no requirements that the service be in one continuous period of time.

Employees called to active duty for a period exceeding thirty-one days by an executive order or act of congress are entitled to a monthly compensation amount by which an individual's monthly civilian university of Toledo wages or salary exceeds his or her military pay and allowances.

A full time state employee who was a member of the Ohio national guard serving one weekend per month and two weeks out of every year is entitled to one year prior service credit for each year of service with the Ohio national guard for the purpose of computing the amount of his vacation leave pursuant to section 124.131 of the Revised Code.

### (3) Sick leave

Sick leave, defined as the use of paid accrued sick leave, shall be granted, upon approval of the responsible administrative officer, or the leave of absence "LOA" advisor, for a personal illness, injury, serious health condition, medical, dental, psychological, optical examination or treatment of an employee or a member of his/ her immediate family, and for pregnancy, childbirth and related conditions.

(a) Sick leave day: Medical, dental, psychological and optical examination require seven days advance notice when the need is foreseeable and when such notice is practicable or as soon as practicable when the need for the sick leave day is not foreseeable.

(b) Sick leave non-FMLA: Eligibility shall be determined by consecutive days absent, including normal days off. To be eligible for a non-FMLA leave, part-time employees must be absent for five consecutive days (including normal days off) and full time employees must be absent for more than three consecutive days (including normal days off). A thirty-day advance notice of the need to take sick leave non-FMLA is required when the need is foreseeable and when such notice is practicable, or as soon as practicable when the need for leave is not foreseeable.



The responsible official may require an employee to furnish a signed physician statement, which does not include diagnosis, to justify the use of sick leave. The university of Toledo reserves the right to require the employee to provide medical verification of ability to return to work. Falsification of physician's certificate or medical certification will be grounds for disciplinary action including dismissal.

If the stated reason for the leave no longer exists, then the employee is required to notify his or her immediate supervisor or designee as soon as possible, not to exceed two calendar days, to receive return to work instructions. If the employee feels that he/she would qualify for the leave at that time for another reason, additional leave may be requested.

Sick leave shall not be paid to either natural or adoptive parents who request leave for purposes of childcare that does not require the need for care due to a medically certified illness or injury to such employee or their child.

An employee who resigns or gives notice of resignation while on a paid leave of absence shall be separated from the university of Toledo effective the date of such notice. An employee who resigns while on an unpaid leave shall be separated retroactively to the unpaid date.

Classified employees who are members of the professional staff association "PSA" may qualify for the respective sick leave bank created for use by members of those organizations.

Unclassified employees utilizing the long term disability "LTD" program are required to use their accrued sick leave for the first six months of a disability recognized under the university's LTD policy. The LTD program will be effective after one hundred eighty days or the termination of the employee's accrued sick leave, whichever occurs later in time. Once the employee is eligible to receive long term disability, he/she will no longer be eligible to receive leave from the sick leave bank.

(c) Notice and certification requirements

Notice can be given by the employee via email, fax, phone, by a family member or as per department policy. Notice for the need for sick leave must be sufficient to make the university of Toledo aware of



the need for sick leave, the anticipated duration of leave, and the anticipated timing of the leave.

(d) Accumulation of benefits

Accrual of sick leave will be unlimited. Time spent on vacation, paid military leave, paid professional leave, jury duty, funeral leave or paid sick leave will count toward accumulation of benefits. There will be no accumulation of benefits while on unpaid leave of absence or layoff.

An employee who is reappointed or reinstated will be credited with the unused balance of accumulated sick leave provided the time between separation and reappointment does not exceed ten years, and/or the employee did not receive cash conversion for the unused sick leave.

The university shall recognize any previously authorized and accrued sick leave earned by an employee while employed by another public agency of the state of Ohio, in accordance with division (C) of section 124.38 of the Revised Code. The employee must provide verification from the public agency by which s/he was previously employed of the amount of accrued sick leave earned and transferable before it will be recognized by the university of Toledo.

(e) Cash benefit conversion of sick leave upon retirement

Employees with ten or more years of service with the state (service as defined by a state of Ohio retirement system excluding non-Ohio purchased time) shall be compensated in an amount not to exceed one-fourth of accrued but unused sick leave credit, based upon the individual's annual rate of compensation at the time of retirement up to a maximum payment of two hundred-forty hours.

(f) Cash benefit of sick leave at time of death

In the case of death of an employee, unused sick leave shall be paid to his or her estate in accordance with retirement benefits for accumulated sick leave (see paragraph (C)(3) of this policy).

(4) Leave of absence without pay

Faculty and non-faculty employees are eligible to request unpaid leaves of absence for personal



reasons, other than any that are covered in this policy or in the FMLA leave policy, which require the approval of the employee's manager, chairman or appropriate vice president.

The authorization of a leave of absence without pay is a matter of university regulation coupled with administrative discretion. A written request for an unpaid leave of absence including the reason(s) for the leave and the requested date(s) for the leave must be submitted to the appointing authority as soon as practicable before the requested leave. A leave of absence without pay is not approved until the employee receives written approval from the appointing authority.

(a) Length of leave: Upon written request, a leave of absence without pay may be granted for any personal reason. Renewal or extension beyond the maximum allowed shall not be granted except as provided in this policy. Leaves of absence without pay for personal reasons may be granted for a maximum duration of six months. Leave of absence without pay may be granted for a maximum period of two years for purposes of education or training which would be of benefit to service; or for voluntary service in any governmentally sponsored program of public betterment. Renewal or extension beyond the two year period shall not be allowed.

(b) Abuse of leave: An employee who fails to return to duty within three working days of the completion or a valid cancellation of a leave of absence without pay without explanation to the appointing authority, may be removed from the service in accordance with section 124.34 of the Revised Code. An employee who fails to return to service from a leave of absence without pay and is subsequently removed or voluntarily resigns from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

(c) Return to service: Upon completion of a leave of absence without pay, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists the employee shall, with approval of the appointing authority, be assigned to a position in a classification similar to that formerly occupied. The employee may be returned to active pay status prior to the originally scheduled expiration of the leave if such earlier return is agreed to by both the employee and the appointing authority.

(d) Service credit: Authorized leaves of absence without pay will count as service credit for annual step increases, layoff purposes, and for computing the accrual rate of vacation leave, provided the



employee is properly returned to service and is not serving an initial probationary period. Employees that do not return to service from a leave of absence without pay shall not receive service credit for the time spent on such leave.

(e) Probationary period: The period during which an employee is on a leave of absence without pay shall not be counted towards an employee's original or promotional probationary period.

(f) For unclassified service employees: Leave of absence without pay may be granted to an employee in the unclassified service in the same manner as it is granted to a classified employee. However, the return of an employee in the unclassified service to active pay status shall be at the discretion of the appointing authority. At any time, the employee's supervisor may notify the appointing authority of his/her need for the employee on unpaid leave to return. At that time the appointing authority will notify the employee on an unpaid leave of the university's need to have the employee return to work. The appointing authority will notify the employee via the employee's official university email address. The employee will have five days to respond and indicate a date of return which is agreeable to the university.

(g) Abuse of leave: If it is found that a leave is not actually being used for the purpose for which it was granted, the appointing authority may cancel the leave and direct the employee to report for work by giving written notice to the employee.

(h) Notice: It is the employee's obligation throughout the leave of absence to: (i) regularly monitor and read the employee's personal official university email account; and (ii) notify their supervisor per departmental procedure within five calendar days of a change of personal contact information including email, address, or phone number.

(i) Benefits: Employee benefits coverage will continue provided the employee pays his/her portion. An employee is responsible for making arrangements with the appointing authority regarding continuation of health, vision, dental, or other insurances, and any other benefits or programs requiring employee contributions to be withheld from pay.

(j) Retirement contributions: During the unpaid leave, contributions to retirement systems or programs will not be made.



(k) Faculty must work through the faculty affairs office for forms and approval.

(5) Parental leave

Employees may be granted up to five days (charged to sick leave) as parental leave to care for the spouse or family following birth or of the placement of an adopted child with the family prior to utilizing compensatory time, personal time, vacation and unpaid leave.