



Ohio Administrative Code

Rule 123:1-33-05 Payment of disability leave benefits.

Effective: July 30, 2020

Except as provided in paragraph (E) of rule 123:1-33-12 of the Administrative Code, the payment of claims filed before October 29, 2006 is governed by rule 123:1-33-12 of the Administrative Code.

(A) Waiting period. Disability leave benefits shall commence with the employee's first scheduled workday following a waiting period of fourteen consecutive calendar days. The waiting period shall commence the day the disabling illness, injury, or condition prevents the employee from performing the duties of the employee's position. During the waiting period, an employee may use accrued paid leave, but is not permitted to work or be placed on administrative leave, unless the employee is placed on administrative leave pursuant to paragraph (A) or rule 123:1-33-09 of the Administrative Code.

(B) Payment of disability leave benefits. For disability claims filed on or after October 29, 2006 but before July 1, 2009, disability leave benefits will be paid at seventy per cent of the employee's base rate of pay for the first three months, and fifty per cent for the next nine months. After an employee has exhausted three months of disability leave benefits, the employee shall be paid at fifty per cent of the employee's base rate of pay for up to an additional nine months on the original, subsequent related, or subsequent unrelated claim.

For new disability claims filed on or after July 1, 2009, disability leave benefits shall be paid at sixty seven per cent of the employee's base rate of pay up to a lifetime maximum of twelve months.

In no circumstances shall the total length of benefit exceed the maximum set forth in rule 123:1-33-06 of the Administrative Code.

For purposes of determining disability leave benefits, an employee's base rate of pay shall be determined as of the date the employee becomes disabled. Disability leave benefits shall be paid at this rate throughout the disability claim. Disability leave benefits are payable based on the employee's regular payroll cycle.



(C) Accrual of service credit. An employee receiving disability leave benefits pursuant to Chapter 123:1-33 of the Administrative Code shall continue to accrue service credit for purposes of determination of vacation benefits, annual step increases, longevity and retirement benefits. Vacation leave benefits shall not accrue while an employee is receiving disability leave benefits. The period during which an employee is receiving disability benefits shall not count toward an employee's probationary period.

(D) Payment of disability retirement benefits. If an employee is approved to receive disability retirement benefits, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than fifty per cent of the employee's base rate of pay for the remaining nine months of the disability leave benefit period. In order to receive the supplement payment the employee will be required to submit proof of the amount of the approved disability retirement benefit to the employee's appointing authority.

(E) Payment of retirement system contributions. The employee shall be responsible for paying the employee's share of retirement contributions. These contributions shall be made in the amounts set pursuant to sections 145.296, 3307.261, 3309.471, and 5505.151 of the Revised Code for members granted disability leave benefits based on the employee's base rate of pay in effect at the time the employee becomes disabled.

(F) Payment of insurance premiums. During the time an employee is in a no pay status while the claim for disability leave benefits is being processed by the director and during the period that the employee is receiving disability leave benefits, the employer's and employee's share of the health, life and other insurance benefits will be paid by the employer. If an employee has exhausted disability benefits, the employee is not entitled to have health, life, or any other insurance benefit paid by the employer. Only those insurance benefits paid in whole or in part by the state shall be subject to the provisions of this rule. If an employee's claim for disability leave benefits is subsequently denied by the director or designee and the employee had been in a no pay status while the employee's claim was being processed, it is the employee's responsibility to reimburse the employer the insurance premiums paid on the employee's behalf. An employee receiving disability leave benefits may participate in an open enrollment period. Any change in the employee's health



insurance benefits will be effective at the beginning of the benefit year.

(G) Supplementation of benefits. An employee receiving disability leave benefits may indicate to the employer a desire to supplement the disability leave benefits by utilizing accumulated sick leave, personal leave, vacation leave balances as well as compensatory time. Such supplementation shall have an effective date as of the date the employee requests the supplementation. The sick leave, personal leave, vacation leave balances and compensatory time shall be paid at a rate equal to the employee's base rate of pay in effect at the time the employee became disabled.

The total amount received by an employee while receiving disability leave benefits supplemented by sick leave credit, personal leave credit, vacation leave balances, and compensatory time, plus any amount contributed by the state on behalf of the employee pursuant to paragraphs (F) and (G) of this rule, shall be an amount sufficient to give the employee up to one hundred per cent of pay for time on disability leave.

(H) Payment of costs. All of the cost, premium or charges for the benefits provided by the state employee disability leave benefits program shall be paid by the state.

(I) Recovery of improperly paid benefits. The director or designee shall initiate all necessary steps to recover disability leave benefits or insurance premiums paid in error or paid as a result of fraud, or to make any needed adjustments to ensure that proper payment of benefits and insurance premiums has been made. When necessary, the director or designee shall request the attorney general to take appropriate action to recover improperly paid benefits or insurance premiums.