



Ohio Administrative Code Rule 3349-7-61 Abuse of sick leave.

Effective: November 25, 2024

(A) Purpose

To establish a rule to govern situations of sick leave abuse.

(B) Scope

This rule applies to all administrative staff, unclassified hourly employees and classified civil service employees at the institution.

(C) Definitions

(1) "Abuse of Sick Leave" is defined as the use of sick leave for purposes other than those set forth in the sick leave, personal leave and bereavement leave rule, or the legitimate use of sick leave when it negatively impacts the employee's work performance or the operations of the institution.

(2) Consult rule 3349-7-01 of the Administrative Code.

(3) "Immediate Family" means an employee's spouse, parents, children, grandparents, siblings, grandchildren, sister-in-law, brother-in-law, mother-in-law, father-in-law, daughter-in-law, son-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in loco parentis.

(4) "Licensed Practitioner" refers to a person who is licensed to practice medicine, surgery or psychology in the state of Ohio.

(D) Rule statement

(1) Immediate supervisors should regularly monitor and manage all of the sick leave used by the



employees under their supervision.

(2) The immediate supervisor should consider the following factors to identify sick leave abuse:

(a) The frequency of and the reasons for sick leave use. absences necessitated by documented chronic long-term illness/disabilities will not be considered inappropriate use,

(b) The balance between an employee's number of years of service and hours of unused sick leave,

(c) Repeated Monday and Friday absences.

(d) Absences when a vacation request has been denied.

(e) "Seasonal Absences" associated with given times of the year (e.g. hunting season) or paid holidays.

(f) Excessive use of sick leave during periods of progressive discipline or immediately prior to retirement.

(g) Failure to notify the institution in accordance with the sick leave, personal leave, and bereavement leave rule when the employee will be absent.

(h) The impact of the employee's absences on the workplace (e.g. disruptions in work schedules, overtime costs, student learning).

(3) If the immediate supervisor suspects that sick leave abuse is occurring then the immediate supervisor shall:

(a) Consult with human resources.

(b) Counsel the employee on his/her use of sick leave.

(c) If the immediate supervisor has reason to suspect that an employee is abusing sick leave the



immediate supervisor may require the employee to provide doctor's statements for a sick leave use for a fixed time period to verify legitimate use of sick leave.

(d) Sick leave recorded on the time card should not be approved by the immediate supervisor if there is evidence of or a reasonable belief that abuse has occurred unless the employee provides satisfactory evidence of legitimate use of sick leave.

(e) Refer the employee to the employee assistance program, if appropriate.

(f) Document all of these actions. Immediate supervisors should also reflect how the employee's attendance has affected the employee's ability to complete the tasks on the employee's performance review.

(4) If sick leave abuse continues, the immediate supervisor shall consider its effect on the employee's performance and the operations of the department or institution. When the absences negatively affect the employee's performance, or the operation of the department or institution, discipline up to an including termination may be imposed. Such discipline may be imposed even when the reasons for sick leave use have been legitimate, unless taken as part of a family medical leave act, leave of absence, or an organ donor leave of absence.