



## Ohio Administrative Code

### Rule 3359-26-04 Absence from campus for all employees.

Effective: [October 12, 2026](#)

The university is committed to employment practices that promote the health and welfare of its employees. This board rule is designed to provide guidance for availability and use of leave time from campus and to outline the rights and responsibilities of employees for the use of such leaves.

#### (A) Definitions.

- (1) 501(c)(3): organizations (commonly referred to as charitable organizations), which are organized and operated exclusively for religious, charitable, scientific, educational, literary, testing for public safety, or other specified purposes and that are tax exempt under Section 501(c)(3) of the Internal Revenue Code.
- (2) Academic year: fall and spring semesters continuing through the date grades are due.
- (3) Active pay status: the conditions under which an employee is eligible to receive pay, including but not limited to, hours worked, approved sick leave, approved vacation leave, bereavement leave, leave with pay or administrative leave.
- (4) Administrative: faculty service in full-time administrative roles such as dean, department chair, school director or as otherwise determined by the provost.
- (5) Exempt employee: employee whose position is exempt from the Fair Labor Standards Act. Generally these positions are paid on a set salary amount.
- (6) Inactive pay status: inactive or no pay status means the conditions under which an employee is ineligible to receive pay, including, but not limited to leave without pay, leave of absence, and disability leave.
- (7) Immediate family: The employee's immediate family is limited to the employee's spouse, children, grandchildren, parents, grandparents, siblings, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, or a legal guardian or other person who under Ohio law is legally recognized to stand in the place of a parent.
- (8) Non-exempt employee: employee whose position is subject to the Fair Labor Standards Act and paid on an hourly basis. Hours worked are tracked via timeclocks or computer systems in the time tracking system of record.
- (9) Nonprofit: Nonprofit means no part of the organization's income is distributed to its members, directors, or officers.



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- (10) Nonpartisan: Nonpartisan means the organization may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for any particular political candidates, groups, or issues.
- (11) Overtime: work time paid at 1.5 times the regular rate of pay for work exceeding forty hours in a workweek or other special conditions (such as work during an observed holiday).
- (12) Public agency: The words "public agency" includes the state, counties, municipalities, and all boards of education within the state of Ohio.
- (13) Sick leave: The authorized absence from duties for the following reasons:
  - (a) Personal illness, pregnancy, or injury.
  - (b) Exposure to contagious disease which could be communicated to other members of the university community.
  - (c) Illness or injury in the employee's immediate family.
  - (d) Medical, psychological, dental, or optical examination or treatment of the employee or a member of the immediate family.
  - (e) For use of bereavement of a member of the immediate family.
- (14) School: Schools for which this volunteer time off may be granted include any public preschool, elementary, middle, or high school. This term may include private preschools, elementary, middle, or high schools only if the employee has children, stepchildren or children for whom the employee has custody attending the private school.
- (15) Tardiness: failure of an employee to be at the worksite and ready to begin their duties at their designated start time.
- (16) Vacation days: Monday through Friday, exclusive of holidays.
- (17) Volunteerism: an outside activity that an employee has chosen to participate in and that benefits the community.
- (18) Work schedules: A normal work week at the university consists of five consecutive eight hour days. Normal office hours are Monday through Friday, eight a.m. to five p.m. Some offices or functions operate on other scheduled working hours or days in order to meet the needs of the university.



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(B) Absence and leave request documentation.

- (1) All employees are required to submit a request for supervisor approval for all absences from campus for each instance involving bereavement, court appearance, leave without pay, military leave, sick leave and vacation leave.
- (2) Each department is responsible for using the university of Akron approval process for such requests and approvals consistently. Provisions in collective bargaining agreements that refer to the request, use and approval of specific types of leave must be followed for employees covered by such agreements.
- (3) Documentation may be required for certain types of absences.
- (4) All approved absences must be reported on the employee's official time record. Unreported, unexcused, or excessive absences, including tardiness, may result in disciplinary action.
- (5) If it is determined that an approved leave of absence is not being used for the purpose for which it was granted, the university may require the employee to return to work or be subject to appropriate discipline.
- (6) The university office of human resources shall develop policies and procedures necessary to implement the provisions in this rule.

(C) Bereavement leave.

In the case of a death in the employee's immediate family, a maximum of five days of bereavement leave can be taken. The time off is taken out of an employee's sick leave balance.

(D) Court leave.

(1) Approval.

Except as otherwise provided by law or collective bargaining agreement, employees will be granted leave with pay if:

- (a) Summoned for jury duty by a court of competent jurisdiction;
- (b) Subpoenaed to appear before any court, commission, board or other legally constituted body authorized by the law to compel the attendance of witnesses, where the employee is not party to the actions; or



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- (c) Participating in any action, as an appellant or subpoenaed witness, before the state personnel board of review and is in active pay status at the time of scheduled hearing before the board.

(2) Documentation.

- (a) When utilizing court leave, a copy of the summons or subpoena must be provided to human resources for retention in the employee's personnel file.
- (b) Court leave should be reported in the time keeping system of record by utilizing "jury duty" pay code.

(3) Compensation.

(a) Subpoena.

Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena, when such duty is performed during an employee's normal working hours, shall be remitted by the university employee to the payroll office.

(b) Party.

An employee who is appearing before a court or other legally constituted body in a matter in which the employee is a party, such as but not limited to a plaintiff or defendant, may be granted vacation time or leave of absence without pay. Such instances would include, but not limited to, criminal or civil cases, traffic court, divorce or custody proceedings, or appearing as directed as a parent or guardian of a juvenile.

(E) Family medical leave.

The university complies with the [Family and Medical Leave Act of 1993](#) ("FMLA").

- (1) FMLA provides up to twelve work weeks of unpaid leave in a twelve-month period to eligible employees for certain family and medical reasons.
- (2) FMLA also provides up to twenty-six work weeks of leave during a single twelve-month period to care for a covered servicemember or veteran with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).



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- (3) A "rolling" twelve-month period measured retrospectively from the date an employee uses any FMLA leave shall be used to determine the eligibility to use FMLA leave in the following twelve-month period.
- (4) Subject to the provisions of the applicable policies, paid sick or paid vacation leave may, at the employee's option, be substituted for leave without pay while on family medical leave.
- (5) Family medical leave, when available, will run concurrent with any applicable leave that would be covered under the FMLA (i.e. workers compensation).

(F) Holidays.

- (1) The university of Akron observes the following eleven holidays annually. The dates on which these holidays are to be observed will be announced annually.

|                        |                  |
|------------------------|------------------|
| Christmas Day          | Memorial Day     |
| Columbus Day           | New Year's Day   |
| Independence Day       | President's Day  |
| Juneteenth             | Thanksgiving Day |
| Labor Day              | Veteran's Day    |
| Martin Luther King Day |                  |

(a) Observed.

If a holiday falls on Sunday, it will be observed on the following Monday; if a holiday falls on a Saturday, it will be observed on the preceding Friday.

(b) Active pay status.

To qualify for holiday pay, an employee must be in active pay status on regularly scheduled workdays both prior to and after the holiday. Active pay status includes time worked, sick leave, leave with pay, or vacation.

(c) University is open.

If the university offices remain open on a day designated as a holiday (ex: Veteran's day):



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(i) Any full- or part-time, non-exempt (hourly) employee required to work on a designated holiday will be entitled to one and one-half times the regular rate of pay, either in the form of actual pay or compensatory time for the hours actually worked. Such overtime will be in addition to the employee's normal pay for the holiday.

(ii) Any full- or part-time exempt (salary) employee required to work on a designated holiday will be entitled to take time off equal to the number of hours actually worked. Such time off will be in addition to the normal pay for the holiday and is to be taken with the approval of the supervisor. The deadline to use such time is June thirty of the following year. Unused time will be forfeited.

(iii) Veteran's day.

(a) The university is open on Veteran's day. All professional staff normally scheduled to work the day that Veteran's day falls on are expected to be present unless they have an approved time-off request.

(d) University is closed.

If the university is officially closed at five p.m. on the day prior to a board of trustee's approved holiday (ex: Wednesday prior to Thanksgiving):

(i) For employees whose normally scheduled workday falls all or in part after five p.m., an effort may be made by the supervisor and employee to reschedule those hours within the same work week. Otherwise, the employee will be expected to work the normal schedule. If the hours are not worked or rescheduled, the employee may utilize vacation leave in order to be paid.

(ii) Part-time employees are entitled to holiday pay for the portion of any holiday for which the employee would normally have been scheduled to work.

(G) Leave of absence not covered by other approved leave types.

(1) Non-bargaining employees.

(a) Unpaid leaves of absence for non-bargaining faculty and professional staff may be granted by the board, president or president's designee(s) upon recommendation of the vice president or dean.



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(b) Bargaining unit employees.

Leaves of absence for any represented faculty or staff shall be governed by the relevant collective bargaining agreement.

(H) Maternity, paternity, and parental leave.

All leave time used for maternity, paternity, and parental leave will be counted as part of family medical leave.

(1) Maternity/paternity leave.

(a) Upon delivery of the child by an employee who is in active pay status, said employee shall be entitled to use accrued sick leave during the medically documented period of disability, if the employee has accrued the requisite amount of leave, and if less, then shall be entitled to use such lesser amount.

(b) If, upon delivery of the child by an employee who is not in active pay status but becomes in active pay status within the medically documented period of disability, the employee shall be entitled to use accrued sick leave upon being in active pay status for the remainder of the disability period, as applicable.

(c) A full-time employee is granted, within 180 days of the birth of a child, twenty consecutive working days of paid parental leave not taken from accrued sick leave. When this leave is used by the parent who gave birth, the leave may be taken before or after using accrued sick leave for the purpose of recovery from birth.

(2) Paternity/parental leave.

A full-time employee who is in active pay status upon a pregnant spouse's delivery shall be granted twenty consecutive working days of paid paternity leave. This leave must be utilized within one hundred eighty days of the child's birth and shall not be deducted from the employee's accrued sick leave.

(3) Adoptive/foster/parental leave.

Upon the adoption or arrival of a foster child, a full-time employee who is in active pay status is entitled to twenty consecutive working days of paid leave which will not be taken from accrued sick leave.

(I) Military leave.



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- (1) Leaves of absence for uniformed service shall be granted in accordance with Chapter 5903. [↗](#) and Chapter 5923. of the Revised Code [↗](#) and rule 123:1-34-04 of the Administrative Code [↗](#) .
- (2) Reinstatement and reemployment of employees in uniformed services shall be in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301, et seq.) [↗](#) and rule 123:1-34-05 of the Administrative Code [↗](#) .
- (3) Military leave must be requested through the university's approved timekeeping system. Requests for military leave must include supporting documentation.
- (4) Leave without pay will be granted in the event of voluntary or involuntary induction into uniformed service and in compliance with federal and state statutes.

(J) Sick leave.

(1) Accruals.

- (a) Sick leave is accrued at the rate of 4.6 hours per eighty hours of active pay status in accordance with section 124.38 of the Revised Code [↗](#) and section 124.39 of the Revised Code [↗](#) .
- (b) Sick leave accrual shall accumulate without limit, from the date of hire.
- (c) There is no accumulation of sick leave while on a leave of absence without compensation.

(2) Call off/use of sick time.

(a) Non-exempt (hourly) employee.

A non-exempt (hourly) employee who is unable to report for work, and who is not on previously approved vacation, sick leave, or leave of absence, shall be responsible for notifying the immediate supervisor, or other individual designated by the supervisor, that the employee will be unable to report to work on that day and each appropriate day thereafter. This notification must be made within one-half hour after the time the



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employee is scheduled to report for work, unless emergency conditions prevent such notification.

(b) Twenty-four-hour operations.

When an employee's duties are part of a function which operates twenty-four hours a day, seven days per week (i.e. police, etc.) and such employee is unable to report for work, the employee shall notify the immediate supervisor at least two hours prior to the scheduled work time.

(c) Exempt (salary) employee.

(i) An exempt (salary) employee who is unable to report for work, and who is not on previously approved vacation, sick leave, or leave of absence, shall be responsible for notifying the immediate supervisor using the established department procedures.

(ii) For nine- and twelve-month staff employees and twelve-month faculty, a continuous period of sick leave commences with the first day, or part of a day, of an absence and includes all subsequent days, or part of a day, except Saturdays, Sundays, and holidays observed until the employee returns to work. However, Saturdays, Sundays, and holidays shall be included in the calculation of a continuous period of sick leave for those employees who may be scheduled to work on those days.

(iii) For nine-month faculty, a continuous period of sick leave commences with the first day of an absence and includes all days classes are in session during the academic year or summer session except Saturdays, Sundays, and holidays observed. However, Saturdays, Sundays, and holidays shall be included in the calculation of a continuous period of sick leave for those employees who may be scheduled to work on those days.

(iv) No member of the faculty shall be absent from proper duties at the university for any cause other than sickness, except upon permission of the president, upon recommendation of the faculty member's dean or supervisor.

(d) Utilization of sick leave.

Sick leave is authorized upon the request of the employee and approval of the employee's supervisor. When paid sick leave is used, it will be deducted from the employee's accumulated total, one hour for each hour



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of absence. Subject to operational needs and supervisory approval, a supervisor may permit an employee to adjust start and end times on a particular workday instead of using accrued sick leave, provided the time is made up that day.

(3) Physician certification.

(a) Paid leave.

The university reserves the right to require a physician's certification or other verification in all instances of paid leave. When such certification or verification is required, it shall be collected by the department of benefits administration for audit and retention.

(b) Notification.

In the case of any absence for illness or injury, the university may require a physician's statement specifying the employee's inability to report to work and the anticipated date of recovery. The employee shall be responsible for notifying the immediate supervisor, or other designated individual, whenever the employee is placed under a physician's care and not released to work or hospitalized, unless such conditions preclude notification.

(c) Return to work.

In all cases of leave for illness or injury, the university may require written certification by a physician attesting to an employee's fitness to return to work.

(d) Immediate family.

When sick leave is required to care for a member of the immediate family, the university may require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill person. Certification shall be collected by the department of benefits administration for audit and retention.

(4) Timekeeping.

The absence from duties must be submitted for supervisor approval via the official timekeeping system of the university.



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- (a) Unexcused absence or failure to give proper notification may result in the absence being charged to leave without pay and may also be cause for disciplinary action.
- (b) Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal.
- (c) Only accrued sick leave hours can be requested for authorized paid absences. Sick leave will be charged only for the non-overtime hours an employee is regularly scheduled to work but absent. Employees are not permitted to change a sick leave request once a workday has started (i. e. sick leave to vacation).
- (d) Except in instances due to extended illness or injury, monthly or annual absences greater than the number of hours or days accrued may be considered excessive.

(5) Sick leave bank.

The university shall provide a voluntary leave bank program for full-time non-bargaining unit employees who wish to participate in the program. The program shall be administered by the office of human resources, pursuant to policy terms and conditions developed by that office, as may be amended.

(6) Payment of sick leave upon retirement.

Upon retiring from active service with the university after ten or more years of service with the state or any of its political subdivisions, an employee may elect to be paid for one fourth of the accrued but unused sick leave credit up to a maximum of two hundred forty hours. This payment will be based upon the employee's rate of pay at the time of retirement. Upon accepting such payment, all sick leave credit accrued up to that time will be eliminated. Such payment will be made only once to an employee.

(7) Transfer of sick leave.

- (a) An employee who transfers from one public agency to the university, or who is reappointed or reinstated, or who transfers from one state department to the university shall, upon reentering and submitting written certified evidence of accumulated sick leave, be credited with the unused balance of accumulated sick leave, provided the time between separation and reappointment does not exceed ten years.



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- (b) A separate verification must be submitted for each instance of service with another public or state agency.
- (c) The amount of sick leave transferred to the university shall not be greater than the maximum accumulation which would have been allowed if all public employment had been in the state service. Prior sick leave credit transferred to the university will not affect the state retirement system service credit records.
- (d) If a current or former employee requests transfer of prior sick leave to other state agencies, the employee must submit a written request to human resources for processing.

(K) Vacation leave.

(1) Accrual and carry-over of unused vacation.

Exempt (salary) full-time regular and temporary employees accrue vacation and carry over vacation as follows:

| Faculty & professional staff employees - type of appointment | Monthly accrual       | Yearly accrual | Carryover maximums - Any accrued and unused vacation in excess of these numbers shall be forfeited on June thirty of each year. |
|--------------------------------------------------------------|-----------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------|
| 12-month                                                     | 14.67 hours per month | 176 hours      | 352 hours                                                                                                                       |
| 11-month                                                     | 14.67 hours per month | 161 hours      | 322 hours                                                                                                                       |
| 10-month                                                     | 14.67 hours per month | 146 hours      | 293 hours                                                                                                                       |
| 9-month                                                      | n/a                   | n/a            | n/a                                                                                                                             |
| Postdoctoral researcher                                      | No vacation           | n/a            | n/a                                                                                                                             |



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Any vacation accrued in excess of the maximum carryover specified above will be forfeited annually on June thirty.

(2) Non-exempt (hourly) full-time employees.

Full-time non-exempt (hourly) employees, including classified employees, begin earning paid leave on their date of hire. Accrued leave becomes available for use after one hundred twenty days or upon completion of the employee's probationary period, whichever occurs first. Different effective dates may apply to employees covered by a collective bargaining agreement.

(3) The amount of annual vacation to which a full-time employee is entitled is determined by the number of accumulated years of service according to the following guidelines:

| Service                                                         | Rate vacation earned               | Yearly accrual | Accrual maximums (three years of accruals) |
|-----------------------------------------------------------------|------------------------------------|----------------|--------------------------------------------|
| Probationary Period                                             | n/a                                | No vacation    |                                            |
| After the probationary period, but less than 8 years of service | 3.1 hours per bi-weekly pay period | 80 hours       | 240                                        |
| 8 years, but less than 15 years of service                      | 4.6 hours per bi-weekly pay period | 120 hours      | 360                                        |
| 15 years, but less than 25 years of service                     | 6.2 hours per bi-weekly pay period | 160 hours      | 480                                        |
| 25 or more years of service                                     | 7.7 hours per bi-weekly pay period | 200 hours      | 600                                        |

(4) Part-time employees.

Part time non-exempt (hourly) classified university employees shall earn leave with prorated pay beginning on their date of hire. Leave time earned will be available for use after employee completes their probationary period.



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The amount of annual vacation to which a part-time employee is entitled is determined by the number of accumulated years of service according to the following guidelines:

| Service                                                         | Rate vacation earned           |
|-----------------------------------------------------------------|--------------------------------|
| Probationary period                                             | n/a                            |
| After the probationary period, but less than 8 years of service | .03875 x hours worked and paid |
| 8 years, but less than 15 years of service                      | .05750 x hours worked and paid |
| 15, but less than 25 years of service                           | .07750 x hours worked and paid |
| 25 or more years of service                                     | .09625 x hours worked and paid |

Vacation time can be accumulated to a maximum of that earned in three years of service for non-exempt staff.

Part time unclassified employees (exempt and non-exempt) are not eligible for vacation.

(5) Utilization of vacation.

- (a) To minimize interruption of services, all vacation leave must be approved in advance by the appropriate supervisor via the official timekeeping system of the university.
- (b) Exempt (salary) employees may be permitted to use vacation leave in advance of accrual upon approval of the appropriate supervisor. Use of vacation in advance of accrual shall not exceed the accruals projected to be obtained by June thirty. Vacation balance may not be less than zero on June thirty. Upon separation from service, the employee's final pay check shall be reduced by the amount of used, but not accrued, vacation leave.
- (c) Vacation leave may not be converted to sick leave unless the employee or a member of the employee's immediate family is admitted to or treated in a hospital or is under the treatment of a licensed physician and is not released to work. Written verification is required. Only those hours certified above may be converted to sick leave.

(6) Payment for accrued and unused vacation.



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- (a) Upon separation of service from the university including death of the employee, payment for accrued and unused vacation will be made.
- (b) Such payment will be made in a lump sum based on the rate of compensation at time of separation or change in status for any accrued but unused vacation leave, subject to the maximum of that earned in three years of service for non-exempt employees. Payment for exempt employees will be subject to the maximum of that earned in one year of service.

(7) Forfeiture of vacation.

- (a) Upon a change from full-time to part-time status or a change from a twelve-, eleven-, and ten-month appointment to a nine-month appointment, accrued and unused vacation will be forfeited.
- (b) Non-exempt (hourly) employees will cease accruing vacation once accrual maximums are reached. Any vacation that would have accrued during this period is forfeited.
- (c) Exempt (salary) employees who have a balance exceeding annual carryover maximums on June thirty shall forfeit any excess hours.

(L) Volunteer time off.

(1) Eligibility and accrual.

- (a) To foster community engagement and service to the people of Ohio, the university of Akron provides regular full-time non-bargaining faculty and staff with up to eight hours of paid time off each fiscal year to engage in voluntary, unpaid service activities chosen by the employee that benefit the greater community. Volunteer service may be performed for a nonpartisan nonprofit organization, including an organization classified under IRS Code 501(c)(3) or 501(c)(4), or for a federal, state, or local government agency or school.
- (b) Temporary and part-time employees are not covered under the scope of the listed guidelines.
- (c) Volunteer time off is available upon hire and renewed annually each July first, thereafter.

(2) Utilization of volunteer time off.



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- (a) To minimize interruption of services, all volunteer time off must be approved in advance by the appropriate supervisor via the official timekeeping system of the university.
  - (b) Upon requesting paid time off for volunteer service, the employee must certify that the hours will be used to volunteer for a qualifying agency. Human resources may require the employee to provide verification of the organization's nonprofit, 501(c)(3), 501(c)(4) or government status and services performed. The nature or mission of the organization or governmental agency cannot be considered in the decision to request documentation.
  - (c) Volunteer time is available during normal scheduled working hours.
  - (d) Volunteer leave may be used in increments of one hour at a time.
  - (e) Hours outside normal work hours will not be paid time. Paid time off will not be granted for days that employees are not scheduled to work, for time spent commuting to and from the volunteer site, or time the employee volunteers after regularly scheduled work hours.
  - (f) While an employee should be encouraged to take this time, paid volunteer time is not guaranteed. If the request conflicts with business needs or if there is a performance issue, it can be denied. Time should be approved/denied in the same method as vacation time is approved/denied.
  - (g) Volunteer leave does not contribute to time worked for determining overtime eligibility and will be offset by any additional time worked during the workweek.
- (3) Forfeiture of volunteer time off.
- Unused volunteer leave will not be carried over to the next fiscal year, and employees will not be paid for the unused volunteer leave upon separation from employment.
- (4) Compliance.
- (a) The organization must be nonpartisan, and the employee must abide by university rule 3359-26-02 of the Administrative Code (general staff personnel policies and procedures) ↗ and OAC rule 123:1-46-02 of the Administrative Code ↗ .



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- (b) Employees who participate in outside volunteer activities must also abide by the conflict of interest and commitment policy, university rule 3359-11-17 of the Administrative Code (conflict of interest), conflict of commitment, scholarly misconduct, and ethical conduct policies and procedures.
- (c) Activities in support of university initiatives or interests, that an employee is requested to participate in, or attend on behalf of the university are not considered "volunteer" activities but are considered assigned duties. If these activities are outside the normal business hours, compensation shall be awarded if required by governing laws, rules, and regulations.
- (d) Taking paid volunteer time off fraudulently or without supervisor approval can result in disciplinary action up to and including termination.
- (e) The university will not direct or control the employee's volunteer activity. The granting of paid time off for volunteering does not constitute university endorsement or sanction of the volunteer activity in which the employee chooses to engage in on their own time.