

**Chapter 79: Sick leave**

3335-79-01 Crediting of sick leave.

Sick leave credit accrues at the rate of 4.6 hours for each eighty hours of service in an active pay status, including paid vacation, overtime, and sick leave, but not during a leave of absence, or layoff. Part-time, seasonal and temporary employees accrue sick leave at the same rate.

3335-79-02 Retention of sick leave.

An employee who transfers from another Ohio public agency to the university or who has prior service with an Ohio public agency shall upon employment with the university be credited with all sick leave not used or converted to a cash benefit, provided that such re-employment takes place within ten years of the date of which the employee was last employed in public service.

3335-79-03 Expiration of sick leave.

If illness or disability continues past the time covered by earned sick leave, then the employee may be either granted a leave of absence in accordance with rule 3335-73-01 of the Administrative Code, or placed on a disability separation in accordance with rule 3335-73-04 of the Administrative Code. If a leave of absence is granted and illness or disability continues past expiration of the leave, a disability separation may then be granted.

3335-79-04 Charging of sick leave.

Sick leave shall be charged in minimum units of one-tenth hour. An employee shall be charged for sick leave only for days upon which the employee otherwise would have been scheduled to work. Sick leave payment shall not exceed the normal scheduled work day or work week earnings.

3335-79-05 Uses of sick leave.

- (A) Sick leave shall be granted to an employee upon approval of the appropriate administrative official and for the following reasons:
  - (1) Illness or injury of the employee or a member of the employee's immediate family;

- (2) Death of a member of the immediate family (sick leave usage limited to five working days);
  - (3) Medical, dental, or optical examination or treatment of employee or a member of the employee's immediate family;
  - (4) If a member of the immediate family is afflicted with a contagious disease or requires the care and attendance of the employee; or when through exposure to a contagious disease, the presence of the employee at the job would jeopardize the health of others; or
  - (5) Disability due to pregnancy and/or childbirth and other conditions related thereto.
- (B) Definition of “immediate family” for the purpose of this chapter: spouse, domestic partner, mother, father, sister, brother, daughter, son, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent-in-law, grandchild-in-law, or corresponding relatives of the employee’s partner, other persons for whom the employee is legally responsible, and anyone who stood in loco parentis to the employee as a child.
- (C) An employee who becomes eligible for workers' compensation payment for loss of time may choose to use sick leave before such payments are made. An employee who wishes not to use sick leave to cover such loss of time must request an unpaid leave of absence in accordance with rule 3335-73-01 of the Administrative Code.

3335-79-06 Evidence required for use of sick leave.

If medical attention is required, a certificate from a licensed practitioner stating the nature of the illness may be required for the use of sick leave. Falsification of sick leave documentation is grounds for disciplinary action including dismissal.

3335-79-07 Notification by employee.

When an employee is unable to report to work, the employee shall notify the immediate supervisor or other designated person within the time frame established by the college/department, unless emergency conditions make such notification impossible. The requirement for subsequent notification will be governed by the nature of the circumstances and the requirements established by the college/department.

3335-79-08 Employee medical or psychological examination.

- (A) The university may require an employee to take a medical and/or psychological examination, conducted by a licensed practitioner selected by the university, to determine the physical and/or mental capability to perform the essential duties of the employee's position. The university may supply the examining practitioner with facts relating to the employee's difficulty or inability to perform the essential functions of the job and may supply additional information including but not limited to physical and mental requirements of the employee's position, duty statements, job classification specifications, and position descriptions. The university shall pay for the examination.
- (B) An employee's refusal to submit to an examination, the unexcused failure to appear for an examination, or the refusal to release the results of an examination amounts to insubordination, and may subject the employee to discipline up to and including termination.
- (C) If found unable to perform the essential duties of the position, the employee may be placed on sick leave, medical leave or disability separation.
- (D) Medical and psychological reports shall be maintained as confidential records to the extent allowable pursuant to section 149.43 of the Revised Code and Chapter 1347. of the Revised Code.

3335-79-09 Sick leave compliance.

Employees failing to comply with sick leave rules set forth in Chapter 3335-79 of the Administrative Code shall not be paid for such absences. Application for sick leave with the intent to defraud will result in dismissal and refund to the university of salary or wages paid during such sick leave.

3335-79-10 Retirement payout of sick leave.

- (A) Upon retirement from active university service after ten or more years of combined service with the university, state of Ohio, or any of its political sub-divisions, an employee may choose to be paid for one-fourth of the accrued unused sick leave credit up to a maximum payment of two hundred forty hours. This payment shall 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.
- (B) Payout of sick leave will be made only once to any employee. That is, an employee who returns to Ohio or university service after retiring and receiving a sick leave payout may

accrue and use sick leave as before, but may not subsequently convert the unused sick leave into another payout.

- (C) Sick leave conversion does not apply to any termination or separation other than retirement, except as provided in rule 3335-79-11 of the Administrative Code.

3335-79-11 Payout of sick leave upon death

- (A) If an employee dies while actively employed by the university, and had ten or more years of Ohio and/or university service, payment for one fourth of the accrued unused sick leave up to a maximum payment of two hundred forty hours shall be paid in accordance with the procedure outlined in paragraph (B) of this rule. This payment shall be based upon the employee's rate of pay at the time of death.
- (B) Payment will be made in accordance with testamentary letters or letters of administration submitted to the Office of Human Resources. In the event such documents do not exist, the university may make payment in accordance with section 2113.04 of the Revised Code.