

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 an unpaid leave, or layoff. Part-time, seasonal and temporary employees accrue sick leave at the same rate. (B/T 6/14/82, 6/22/97, 7/1/01, 4/8/2011)

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 reemployment takes place within ten years of the date of which the employee was last employed in public service. (B/T 6/14/82, 6/22/97, 4/8/2011)

3335-79-03 Expiration of sick leave.

An employee may be either granted unpaid leave 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 prior to the expiration of earned sick leave. (B/T 6/14/82, 6/22/97, 4/8/2011)

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. (B/T 6/14/82, 6/22/97, 7/1/01, 4/8/2011)

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, psychological, 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) Pregnancy and/or childbirth and related conditions.
- (B) For the purpose of this chapter, "immediate family" is defined by university human resources policy.
- (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. (B/T 6/14/82, 6/22/97, 7/1/01, 4/8/2011)

3335-79-06 Documentation 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 up to and including termination. (B/T 6/14/82, 6/22/97, 4/8/2011)

3335-79-07 Notification by employee.

When an employee is unable to report to work, the employee shall notify the person designated by the university within the time frame established by the university, 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 university. (B/T 6/14/82, 6/22/97, 7/1/01, 4/8/2011)

3335-79-08 Employee medical or psychological examination.

- (A) The university may require an employee to take a medical and/or psychological, and/or functional capacity 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 disciplinary action 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, unpaid 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. (B/T 6/14/82, 6/22/97, 1/2/98, 7/1/01, 4/8/2011)

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 shall result in termination and refund to the university of salary or wages paid during such sick leave. (B/T 6/14/82, 6/22/97, 4/8/2011)

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 shall be eliminated.
- (B) Payout of sick leave shall be made only once to any employee. 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. (B/T 6/14/82, 6/22/97, 4/8/2011)

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 state of Ohio or any of its political subdivisions 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 made. This payment shall be based upon the employee's rate of pay at the time of death.
- (B) Payment shall 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. (B/T 6/14/82, 6/22/97, 4/8/2011)

3335-79-12 Payout of sick leave in other situations.

The vice president of human resources may establish or approve sick leave payout programs in addition to any other programs defined in this section, at his or her discretion. (B/T 4/8/2011)