I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code (ORC) §3304.15 which establishes the power and authority of the Opportunities for Ohioans with Disabilities (OOD) and its executive director to develop all necessary rules and policy in furtherance of its statutory duties.

II. PURPOSE

The purpose of this policy is to provide guidelines for employees who are requesting time away from the workplace in accordance with appropriate federal (e.g. Code of Federal Regulations [CFR]) and state law (i.e. Ohio Revised Code, Ohio Administrative Code) governor directives and executive orders, other governing agency (e.g. DAS, OBM) policy or guidance, and/or executive director expectations.

III. APPLICABILITY

This policy applies to all OOD employees.

IV. DEFINITIONS

FMLA – acronym for Family Medical Leave Act.

V. POLICY

A. General

1. OOD shall not unreasonably deny leave usage when employees request leave in the proper manner for appropriate purposes.

2. Absent extenuating circumstances, employees are expected to give prior notification for use of leave.
3. Employees are responsible for monitoring their leave usage and maintaining minimum balances.
   a. If an employee obtains supervisor approval for a leave and on the date of absence there is an insufficient leave balance to cover the absence, the employee will be subject to discipline.

B. Call-off Requirements

1. Employees who are unable to report to work as scheduled, and who have not received prior approval for leave, shall be responsible for notifying their immediate supervisor/manager, or designee, no later than 30 minutes after their scheduled starting time.
   a. Notification shall occur as soon as possible if emergency conditions prevent timely notification.
   b. Unless otherwise instructed by a member of management, call-offs must occur on a daily basis.

2. In cases of anticipated tardiness or use of sick leave, employees are permitted to leave a voicemail message with a designee as established by their division/bureau. The voicemail message shall include:
   a. the date and time;
   b. a telephone number where the employee can be reached;
   c. the reason for the absence; and
   d. whether there is an existing FMLA certification for the absence.

3. Employees are required to speak to a management representative at the time they call if they wish to use discretionary leave (e.g. vacation, personal, compensatory time).
   a. Voicemail may not be used for a discretionary leave call off.
   b. If a management representative is unavailable or if the leave is denied, the employee shall report to work.

C. Requests for Leave

1. For all planned absences, employees are required to make requests for leave to their immediate supervisor prior to the date of absence.
   a. Employees must confirm that the request has been approved and ensure leave hours are available prior to actually taking leave.
   b. Requests shall be entered and maintained in OAKS HCM.
      i. The Division of Human Resources (HR), Employee Benefits and Payroll Support (EBPS) may request that a paper Request for Leave (RFL) form be submitted instead of an OAKS entry.
2. Leave Benefits:
   
a. Employees applying for disability benefits or parental leave shall submit a request for leave, to their immediate supervisor, for the waiting period for benefits.
      
i. If an employee does not submit a request, HR will utilize the employee’s available leave as needed to equal up to 80 hours of pay.

b. Employees on disability or parental benefits shall notify their immediate supervisor of the anticipated return to work date including any changes to the date as soon as they are aware of the change.

3. When an employee uses more than three (3) consecutive days of sick leave (or leave in lieu of sick), a supervisor/manager, or designee, must complete the “Employee Call/Report-off” form (50-PAY-02.A) whether the sick leave was unplanned or planned (e.g. for a medical procedure).

   a. The supervisor shall immediately send the form, electronically, to the EBPS at ood.hrbenefits@ood.ohio.gov or via the confidential fax (614-985-8971). The supervisor is also responsible for working with EBPS to coordinate Disability, FMLA or Workers’ Compensation leave.

D. Sick Leave

1. Sick leave may be used for the following reasons:
   
a. illness, injury, or a pregnancy-related condition of the employee or the employee’s immediate family;

b. exposure of an employee to a contagious disease;

c. medical examination or on-going treatment of the employee or immediate family member where the employee’s presence is reasonably necessary;

d. in conjunction with bereavement leave, limited to a reasonable time; or

e. to supplement an approved disability leave, workers compensation claim or adoption/childbirth leave.

2. An employee’s immediate family is defined by the Ohio Administrative Code (OAC) 123:1-47-01(A)(39) or applicable collective bargaining agreement (CBA).

3. Employees must use all accrued sick leave before being approved to use accrued vacation, personal leave, or compensatory time in lieu of sick leave.

4. When an RFL for sick leave or leave in lieu of sick is entered into OAKS an employee shall include in the comments section the following information:
   
a. who the sick leave is for (e.g. self, spouse, child);

b. whether the leave is due to illness or appointment (i.e. ill or appt.); and

c. if the leave is for an FMLA purpose, indicate “FMLA”.

5. In the case of a condition exceeding three (3) consecutive working days, including absences related to FMLA, a note from the employee’s doctor is required at the time the employee returns to work.

   a. The doctor’s note must indicate when treatment was provided and the date that the employee is able to return to work.

      i. All return to work doctor’s notes must be uploaded with the employee’s excel timesheet unless the note includes medical information and then it should be faxed to 614-985-8971.

6. A doctor’s note may also be required for isolated uses of sick leave as determined in consultation between the supervisor and HR.

   a. In such cases, the supervisor will notify the employee of the requirement in conjunction with the employee call off or request for leave.

7. Pattern Abuse

   a. A pattern of abuse of sick leave is characterized by consistent periods of sick leave usage including, but not limited to:

      i. before or after a holiday;
      ii. before or after weekends or regular days off;
      iii. after pay days;
      iv. any one specific day absence following overtime worked;
      v. half days;
      vi. continued pattern of maintaining zero or near zero (i.e. less than 16 hours) balances;
      vii. excessive absenteeism; or
      viii. continual and excessive use of sick leave (including leave in lieu of sick).

   b. Employees shall be notified, in writing, that pattern abuse is suspected. Use of sick leave for FMLA qualifying purposes will not be considered for pattern abuse.

   c. Unauthorized use, misuse, or abuse (including pattern abuse) of sick leave or leave in lieu of sick leave may result in discipline.

E. Family Medical Leave Act (FMLA)

1. OOD follows the State of Ohio FMLA policy. The policy and forms can be accessed via the following link:
   http://www.das.ohio.gov/Divisions/HumanResources/HRDOCBPolicy.aspx (scroll down to “Family and Medical Leave Act”).

F. Physician’s Verification

1. A Physician’s Verification shall be required once an employee’s accrued sick leave balance is less than 16 hours. A Physician’s Verification is a note from a doctor indicating that the employee (or appropriate family member) was sick on the day(s) the employee was absent from work.

   a. The employee will receive notification of this requirement, in writing, from EBPS.
b. The employee shall then be required to provide a Physician’s Verification for all future uses of sick leave or leave in lieu of sick leave.

   i. The Physician’s Verification must be signed by the physician or physician’s designee.

c. An employee’s request for sick leave or leave in lieu of sick leave will only be approved if the Physician’s Verification is provided within three (3) business days of returning to work.

2. A Physician’s Verification is not required for absences due to a certified FMLA condition. However if the FMLA absence is more than three (3) consecutive working days, the employee is still required to provide a note from a doctor indicating that they are able to return to work (see D.5.).

3. Upon an employee’s balance reaching 24 hours of accrued sick leave, the requirement for a Physician’s Verification may be rescinded.

   a. EPBS shall, at a minimum, review employee leave balances monthly to determine when an employee’s balance achieves 24 hours of accrued sick leave.

      i. Written notification shall be provided to the employee, however until the written notification is received from EPBS the requirement remains in effect.

   b. If an employee’s accrued sick leave balance reaches 24 hours, he/she may request that the Physician’s Verification be rescinded by submitting an email to EBPS at ood.hrbenefits@ood.ohio.gov.

      i. The requirement does, however, remain in effect until written notification is received from EPBS.

G. Leave Without Pay (LWOP)

1. Only the Executive Director, or designee, may approve LWOP. LWOP may only be approved in exceptional cases for employees who have exhausted all available leave balances.

2. Requesting LWOP

   a. Employees must submit requests for LWOP, via email, to ood.hrbenefits@ood.ohio.gov prior to LWOP being taken, or as soon as practical.

   b. The request shall state the reason for leave and the dates the leave is being requested.

3. Approval or Denial of LWOP

   a. Each request shall be determined on its own merits. Unless required by law or CBA, the Executive Director, or designee, is not obligated to grant LWOP.

   b. Approved LWOP will be posted to OAKS HCM by EBPS.

   c. If the LWOP request is denied, the employee is considered Absent Without Leave (AWOL).

      i. EBPS shall post “unauthorized leave” in OAKS, HCM and the employee will be subject to disciplinary action.
H. Executive Director Authority

1. The Executive Director may exercise discretion in the application of this policy in circumstances he/she deems appropriate.

I. Violation

1. An employee who violates this policy may be subject to discipline up to and including removal.

FORMS AND ATTACHMENTS

- 50-PAY-02.A Employee Call/Report-off

RESOURCES

- 50-PAY-01 Hours of Work and Attendance and any subsequent procedures issued under this policy

REVIEW

It is the responsibility of the Deputy Director, or designee, to annually review this policy, on or before, the date listed in the header and if applicable, make any necessary revisions. The Deputy Director or designee shall document the annual review as required in OOD Policy 10-ADM-01 “Policy and Procedure Development, Review, Dissemination and Acknowledgement”.