



## Ohio Administrative Code

### Rule 123:1-33-01 Eligibility for disability leave benefits.

Effective: July 30, 2020

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(A) Eligibility. Any full-time permanent employee with a disabling illness, injury, or condition that will last more than fourteen consecutive calendar days who has completed one year of continuous state service immediately prior to the date of the disability and whose salary or wage is paid directly by warrant of the director of the office of budget and management is eligible for disability leave benefits granted under the provisions of section 124.385 of the Revised Code and Chapter 123:1-33 of the Administrative Code. To be eligible for disability leave benefits, an employee must be disability separated pursuant to rule 123:1-30-01 of the Administrative Code or rule 123:1-30-02 of the Administrative Code; or in active pay status or approved sick leave; or on approved disability leave; or approved leave of absence pursuant to rule 123:1-34-01 of the Administrative Code or the appropriate collective bargaining agreement for the employee's personal medical reasons.

(B) Recovery period. An employee eligible pursuant to paragraph (A) of this rule shall only receive disability leave benefits if the employee is medically or mentally incapable of performing the duties of their position. Such an employee, with the approval of the director of administrative services or designee, may receive disability leave benefits up to the standard recovery period as defined in the department of administrative services' recovery period guidelines.

The director of administrative services or designee may delegate to any agency the authority to approve benefits for up to a standard recovery period for a select list of disabilities from the department of administrative services' recovery period guidelines. Only the department of administrative services shall have the authority to deny an application for disability benefits.

If the employee does not return to work following a standard recovery period, and submits additional information, the employee's claim will be reviewed to determine if the employee is capable of:

(1) Performing the duties of the employee's position; or



(2) Performing duties of a similar position or work activities under a transitional work program.

(C) Return to work. If it is determined that the employee is capable of performing the duties of a similar position or other duties within a transitional work program, then the appointing authority may provide such work for the employee. An employee will continue to receive disability leave benefits for the hours the employee is unable to return to work while the employee participates in an authorized transitional work program in accordance with paragraph (B) of rule 123:1-33-07 of the Administrative Code. If the appointing authority is unable to provide the employee with a transitional work program, the employee may receive disability leave benefits until the employee is capable of performing the duties of the employee's position or until the appointing authority is able to provide the employee with a transitional work program, whichever is earlier.

(D) Obligation to consult a licensed practitioner. An employee is obligated to consult a state licensed practitioner to receive necessary medical or mental health care prior to receiving disability benefits. The licensed medical practitioner or, in the case of a mental health condition, a licensed mental health practitioner must confirm the employee's diagnosis and determine the condition prevents the employee from performing the duties of the employee's position, a similar position, or other duties within a transitional work program. In the case of an alcohol or drug addiction diagnosis, an employee shall consult the state's alcohol or other drug addiction program, the state of Ohio employee assistance program, or another certified alcohol and other drug addiction treatment professional to confirm that the employee's condition prevents the employee from performing the duties of the employee's position, a similar position, or other duties within a transitional work program. In all cases, an employee is obligated to follow prescribed treatment for the disabling condition to receive disability benefits.