



## Ohio Administrative Code

### Rule 123:1-33-12 Claims filed before October 29, 2006.

Effective: October 29, 2006

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This rule governs only claims for disability leave benefits that were filed before October 29, 2006. Claims for a subsequent related disability that occurs within six months of an employee's return to active work status and following a previously requested disability leave benefit that were filed before October 29, 2006 are not governed by this rule.

(A) Payment of disability leave benefits. Disability leave benefits shall be paid at seventy per cent of the employee's base rate of pay for the first six months, and fifty per cent of the employee's base rate of pay for up to an additional eighteen months.

For the purposes of determining disability leave benefits, an employee's base rate of pay shall be determined as of the date the employee becomes disabled. Disability leave benefits shall be paid at this rate throughout the disability claim. Disability leave benefits are payable based on the employee's regular payroll cycle.

(B) Payment of disability retirement benefits. If an employee is approved to receive disability retirement benefits, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than fifty per cent of the employee's base rate of pay for the remaining eighteen months of the disability leave benefit period. In order to receive the supplement payment the employee will be required to submit proof of the amount of the approved disability retirement benefit to the employee's appointing authority.

(C) Length of eligibility. An eligible employee shall be eligible to receive disability leave benefits until it is determined that the employee is no longer disabled, the effective date of retirement from a state employees' retirement system, or the employee has utilized a lifetime maximum as follows:

(1) Employees with less than eight years of service shall be eligible to receive disability leave benefits for a maximum of twenty-four months.



(2) Employees with eight years of service but less than sixteen years of service shall be eligible to receive disability leave benefits for up to twenty-four months per disability not to exceed a total of thirty-six months.

(3) Employees with sixteen or more years of service shall be eligible to receive disability leave benefits for up to twenty-four months per disability not to exceed a total of forty-eight months.

(4) In no case shall an employee's disability leave benefits for a single claim exceed two years (seven hundred and thirty calendar days, seven hundred and thirty-one calendar days when a leap year is included) from the date the disability leave benefits commence.

(D) The utilization of disability leave before October 29, 2006 and the continuation of any disability leave on or after October 29, 2006 shall be counted toward the lifetime maximum limitation established in paragraph (C) of this rule.

(E) Unless otherwise specifically provided for in this rule, claims for disability leave benefits that were filed before October 29, 2006 shall be governed by rules 123:1-33-01 to 123:1-33-11 of the Administrative Code.