



## Ohio Administrative Code

### Rule 3337-41-128 Leaves of absence for presidential appointees.

Effective: July 24, 2016

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The version of this rule that includes live links to associated resources is online at

<https://www.ohio.edu/policy/41-128.html>

#### (A) Overview

This policy establishes university policy and procedures for granting unpaid leaves of absence for presidential appointees, both administrative and faculty. For faculty presidential appointees, this policy applies only to the extent that no contrary provision is included in the "Faculty Handbook."

The university supports a work environment that offers solutions to complex issues employees face in balancing their work, family, and personal commitments or health and medical concerns. This policy provides the following leaves for full-time and part-time permanent presidential appointees: family, medical, disability, personal, educational, and military.

See also policy 41.105.

#### (B) Family and medical leave

Refer to policy 40.054.

#### (C) Medical leave

##### (1) Qualifying events

An illness (non-pregnancy related) or injury of an employee which prevents a presidential appointee from performing the essential functions of the position.



(2) Eligibility

Excepting work related illness or injuries, no medical leave of absence will be approved unless the presidential appointee has exhausted all sick leave. The leave may be for a period up to six months.

(3) Procedures

It is the responsibility of university human resources to oversee the administration of this policy.

(a) A presidential appointee is expected to make a written request for leave at least thirty days in advance (to the extent that an advance notice is practical) by completing an "Addendum to Administrative Appointment for Unpaid Leaves." Medical certification that is satisfactory to Ohio university is required with the leave request.

(b) The "Addendum to Administrative Appointment for Unpaid Leaves" must be signed and approved or disapproved by the department head and planning unit head. The planning unit head forwards the request to university human resources for review.

(c) The presidential appointee will provide to his or her department head an update on his or her medical status periodically during the leave. Typically, this will be done at intervals no greater than thirty days.

(4) Group insurance coverage

The university will continue group insurance coverage for the time of the medical leave, up to six months. The presidential appointee is responsible for payroll deductions normally taken if not on leave.

(5) Reinstatement

When a presidential appointee wishes to be reinstated, he or she must submit certification from his or her health care provider indicating his or her ability to perform his or her job. The presidential appointee retains reinstatement rights to the same or similar position up to six months from the initial



effective date of the medical leave.

(D) Disability leaves

(1) Qualifying events

An illness, injury, or disabling condition that prevents a presidential appointee from performing the essential functions of the position temporarily or permanently. The presidential appointee must have exhausted all sick leave. The university's unlimited sick leave accumulation provides for short-term disabilities.

(2) Procedures for long-term disability (income replacement)

(a) Presidential appointees eligible for benefits may apply for long-term disability (LTD). LTD may be available after ninety consecutive days of total disability or exhaustion of all paid sick leave, whichever occurs later.

(b) Other income benefits such as worker's compensation (see policy 40.032), social security disability benefits, or a government system disability benefits will be coordinated with LTD benefits. Contact university human resources for further information regarding LTD benefits.

(3) Procedures for disability retirement

(a) If a presidential appointee has at least five years of service with the appropriate retirement system, such as OPERS, PERSLE, or STRS, he or she is eligible to apply for permanent disability by completing the appropriate disability forms (for OPERS: DR-1, DR-3, and DR-4) and submitting them directly to the appropriate retirement system.

(b) The appropriate retirement system will determine a permanent disability retirement after the presidential appointee has been examined by a physician designated by that retirement system.

(c) Eligible presidential appointees may apply for LTD and permanent retirement disability simultaneously to expedite the coordination of benefits.



(4) Group insurance coverage

Group insurance coverage will not be continued by the university for the period of a long-term disability leave of absence which follows the exhaustion of a six month medical leave. The presidential appointee may elect to continue insurance coverage by notifying the insurance benefits area of university human resources of a qualifying event for the consolidated omnibus reconciliation act (COBRA), requesting and completing the "Group Health Continuation Election Form," and submitting premium payments directly to the address provided on the form.

If the presidential appointee elects not to continue insurance coverage during a disability leave, there will be no waiting period for the resumption of coverage upon his or her return to work.

(5) Group insurance coverage under disability retirement

If a presidential appointee is approved for permanent disability through the appropriate retirement system, health care benefits are available through the retirement system. A spouse or dependents may be enrolled for health care benefits through the retirement system when a presidential appointee completes the disability retirement application (for OPERS: DR-1).

(6) Reinstatement from long-term disability leave

(a) When a presidential appointee wishes to be reinstated, a written request and a medical release statement from the attending physician must be submitted to his or her department head at least two weeks prior to the date he or she wishes to return to work.

(b) If the medical release or evaluation indicates that the presidential appointee can perform the essential functions of his or her position, the presidential appointee will be reinstated. The presidential appointee retains reinstatement rights to the same or similar position up to three years from the initial effective date of the short-term or long-term disability.

(c) The payroll office should be notified of the effective date of reinstatement and a copy of the notice should be sent to the records area of university human resources.



(d) If the presidential appointee is not able to perform his or her essential duties due to an illness, injury, or disability condition under the Americans with Disabilities Act (ADA), or an occupational illness or injury, the chief human resource officer should be notified.

(7) Reinstatement from disability retirement

A physician designated by the appropriate retirement system will determine if and when a presidential appointee may be reinstated.

(a) If the presidential appointee is eligible for reinstatement, the appropriate retirement system will notify the vice president for finance and administration's office of the effective date to be reinstated.

(b) A presidential appointee retains reinstatement rights to the same or a similar position up to a period of five years from the initial effective date of the disability retirement.

(E) Educational leave

(1) Qualifying event

A period of time away from work to obtain additional education, training, or specialized experience that will improve the employee's job skills or job performance, or coursework that will result in a formal academic degree.

(2) Eligibility

The educational endeavor must be sufficiently documented and approved by the department head. The leave may be for a period not to exceed one year; it may be renewed for a second year upon written request to the department head.

(3) Procedures

(a) A presidential appointee is expected to make a written request for leave at least thirty days in



advance (to the extent that an advance notice is practical) by completing an "Addendum to Administrative Appointment for Unpaid Leaves."

(b) The request for an unpaid educational leave of absence must be accompanied by a written statement from the presidential appointee stating the nature of the request and the estimated length of time needed.

(c) An "Addendum to Administrative Appointment for Unpaid Leaves" must be signed and approved or disapproved by the department head and planning unit head. If the leave is disapproved, a written statement must accompany the "Addendum to Administrative Appointment for Unpaid Leaves" clearly explaining the reason(s) for the denial, and a copy provided to the employee. If the leave is approved, university human resources will notify the payroll office.

#### (4) Group insurance coverage

Group insurance coverage will not be continued by the university during the period of the educational leave of absence for an administrative presidential appointee; group insurance coverage does continue for faculty presidential appointees during sabbatical leaves. (An exception may be made if the presidential appointee is pursuing educational courses that are directly related to his or her job, and if he or she makes a commitment to stay in the job for a specific period of time following the leave. The presidential appointee must request this coverage and document the applicability of the courses. A decision regarding the request for coverage and the specific period of time will be made by the supervisor, in consultation with the planning unit head and the chief human resource officer.) The presidential appointee may elect to continue insurance coverage by notifying the insurance benefits area of university human resources of a qualifying event for the Consolidated Omnibus Reconciliation Act (COBRA), requesting and completing the "Group Health Continuation Election Form," and submitting premium payments directly to the address provided on the form.

If an employee allows insurance coverage to lapse while on an educational leave, evidence of insurability may be required for reinstatement of group coverage upon his or her return to work.

#### (5) Reinstatement



The presidential appointee retains reinstatement rights to the same or similar position for a period of one year from the initial effective date of the leave; it may be extended for a second year if approved by the supervisor. See part (E)(2) of this policy.

(F) Personal leave

(1) Qualifying event

A personal hardship for the presidential appointee or a family member.

(2) Eligibility

Any presidential appointee who has not taken a personal leave within the last three years is eligible. The leave may be for a period not to exceed six months. The department head, in granting approval or disapproval, will consider the immediate needs of the department and may utilize the employee's work performance (as documented by the unit's annual performance evaluation process) to identify factors that tend to support or to detract from the presidential appointee's stated need for the leave.

(3) Procedures

(a) A presidential appointee is expected to make a written request for leave at least thirty days in advance (to the extent that an advance notice is practical) by completing an "Addendum to Administrative Appointment for Unpaid Leaves."

(b) The request for an unpaid personal leave of absence must be accompanied by a written statement from the presidential appointee stating the nature of the request, documenting the compelling need for the leave and estimating the length of time needed.

(c) The "Addendum to Administrative Appointment for Unpaid Leaves" must be signed and approved or disapproved by the department head and planning unit head. If the leave is disapproved, a written statement must accompany the addendum clearly explaining the reason(s) for the denial, and a copy provided to the employee. If the leave is approved, university human resources will notify the payroll office.



(4) Group insurance coverage

Group insurance coverage will not be continued by the university during the period of the personal leave of absence. The presidential appointee may elect to continue insurance coverage by notifying the insurance benefits area of university human resources of a qualifying event for the Consolidated Omnibus Reconciliation Act (COBRA), requesting and completing the "Group Health Continuation Election Form," and submitting premium payments directly to the address provided on the form.

If an employee allows insurance coverage to lapse while on an personal leave, evidence of insurability may be required for reinstatement of group coverage upon his or her return to work.

(5) Reinstatement

The presidential appointee retains reinstatement rights to the same or similar position for a period of six months from the initial effective date of the personal leave.

(G) Military leave

(1) Qualifying events

An unpaid extended leave of absence beyond the one hundred seventy-six hours or twenty-two days of paid leave granted in accordance with state and federal laws to employees who are inducted or otherwise required to enter military service or active duty for training, or voluntary enrollment.

(2) Eligibility

(a) Executive order: A presidential appointee who is a member of the Ohio national guard or a reserve component of the armed forces and is required for active duty in excess of twenty-two days in a calendar year due to an executive order issued by the president of the United States, an act of congress, or in accordance with section 5923.05 of the Revised Code.

(b) Voluntary enrollment: A presidential appointee who voluntarily enlists for active duty in any of





the U.S. branches of service (i.e., army, navy, marines, air force).

(3) Procedures

(a) A presidential appointee must request a military leave of absence by completing the "Addendum to Administrative Appointment for Unpaid Leave."

(b) A copy of the military orders stating the period of the leave must be attached to the "Addendum to Administrative Appointment for Unpaid Leave."

(c) The "Addendum to Administrative Appointment for Unpaid Leave" request must be signed and approved or disapproved by the department head and the planning unit head. If the leave is disapproved, a written statement must accompany the addendum clearly explaining the reason(s) for the denial, and a copy provided to the employee. If the leave is approved, university human resources will notify the payroll office.

(4) Group Insurance coverage: executive order

The university will continue insurance coverage for the entire period of a military leave by executive order.

(5) Group insurance coverage: voluntary enrollment

Group insurance coverage will not be continued by the university during the period of a military leave of absence by voluntary enrollment. The presidential appointee may elect to continue insurance coverage by notifying the insurance benefits area of university human resources of a qualifying event for the Consolidated Omnibus Reconciliation Act (COBRA), requesting and completing the "Group Health Continuation Election Form," and submitting premium payments directly to the address provided on the form.

If an employee allows insurance coverage to lapse while on a military leave, evidence of insurability may be required for reinstatement of group coverage upon his or her return to work.



(6) Reinstatement

The presidential appointee shall be reinstated to the same or a similar position upon the submission of a written request within ninety days of separation from active duty. A presidential appointee forfeits reinstatement rights if he or she re-enlists or voluntarily extends an original tour of active duty while on a leave.

(H) General provisions

(1) Cancellation of leave

If it becomes apparent that the leave of absence is not actually being used for the specific reason it was requested and granted, the leave may be cancelled by the granting authority.

(2) Restoration of lost retirement service credit

Retirement contributions are not made to the appropriate retirement system while a presidential appointee is on an unpaid leave of absence. Upon return from an unpaid leave of absence, a presidential appointee may purchase the service credit for the period of the unpaid leave by completing the appropriate form (for OPERS: "Form AA") and submitting it to the payroll office for certification. The payroll office will forward the form directly to the appropriate retirement system. Notification of the contribution amount will be sent to the presidential appointee's home address by the appropriate retirement system. Arrangements for purchasing the service credit must be made directly with the appropriate retirement system by the presidential appointee.

(3) Other benefit restrictions

A presidential appointee will not receive salary for any holidays observed, nor will he or she accrue sick leave or vacation credit during any unpaid leave of absence.

(4) Grievance procedure

Presidential appointees may appeal a denial of a leave of absence request through the grievance



process provided in policy 41.011.

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