



## Ohio Administrative Code Rule 3341-5-18 Leave bank program.

Effective: January 24, 2023

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### (A) Policy statement and purpose

The leave bank program is a voluntary program of paid leave given to an eligible employee that allows them to remain in a paid status while affected by or being present for a qualified family member who is affected by a serious/severe illness or injury as defined in this policy.

The leave bank program allows an eligible donor to contribute accrued sick leave hours to the leave bank (the bank) for the benefit of recipients who want to withdraw from the bank. Donation requirements are subject to the exceptions in paragraph (C)(3) of this rule.

A recipient is an employee who (or whose qualified family member) is suffering from a serious illness, injury, or other qualifying event as defined in this policy, and who has exhausted their own paid leave (vacation, sick, personal, and compensatory time off) and requested to withdraw leave hours from the bank. Donated leave hours support the continuation of the recipients normal salary for a longer period than would otherwise be possible, thus easing the financial impact of that illness or injury.

To ensure confidentiality, when a recipient qualifies to withdraw from the bank, the recipient will remain anonymous to the members of the leave bank committee and any questions are to be directed to the chief human resources officer or designee.

The use of any donated leave will run concurrently with a recipients family medical leave (FML), if applicable.

### (B) Policy definitions

(1) Donor: an eligible employee who wants to donate hours to the bank and who meets all the following criteria:



- (a) Is eligible to accrue sick leave;
  - (b) Is employed in a position that is partially or wholly funded through general, university foundation, or auxiliary funds (not grant-funded); and
  - (c) Has a minimum of and will maintain a balance of one hundred twenty hours of accrued paid leave of all types (prorated on the basis of a full time equivalent of seventy-two hours - equal to a FTE) after having donated a minimum of eight sick leave hours to the bank.
- (2) Donations and enrollment: Donations of sick leave time are made in eight-hour increments (or on a prorated basis for eligible part time staff) with a maximum of forty donated hours at any one time. Donations are irrevocable. The following two types of enrollment will allow employees to donate to the bank.
- (a) Annual enrollment: yearly enrollment offered through the office of human resources (OHR). The enrollment period will be held during the month of February.
  - (b) Emergency enrollment: Only to be enacted in situations where the bank falls below five hundred hours. The need for emergency enrollment will be determined by the office of human resources.
- (3) Eligible employee: Employees whose positions are partially or wholly funded by general, university foundation, or auxiliary funds (not grant funded) may donate to or receive leave hours from the bank. Eligible employees include the following:
- (a) Full-time/part-time nine- or twelve-month classified staff employees,
  - (b) Full-time/part-time nine-, ten-, or twelve-month administrative staff employees, and
  - (c) Full-time nine-pay or twelve-pay faculty employees, including those faculty represented by a bargaining agreement, as well as librarians and faculty on administrative contracts.
- (4) Qualified family member: a recipients parent, legal spouse, child of any age, legal dependent, and



any person under the employees legal guardianship.

(5) Recipient: An eligible employee who wants to withdraw hours from the bank and who meets all of the following criteria:

(a) Is eligible to accrue and use sick leave;

(b) Is employed in a position that is partially or wholly funded through general, university foundation, or auxiliary funds (not grant-funded);

(c) Is suffering from or has a qualified family member suffering from a serious illness or injury;

(d) Has exhausted all their accrued vacation, sick leave, personal leave, and where appropriate, compensatory time, or will do so before the return-to-work date;

(e) Is not presently receiving workers compensation benefits for requested condition;

(f) Has donated a minimum of eight hours based on FTEs of sick leave in one of the last two enrollment periods prior to submitting a request to use hours from the bank or qualifies for an exception in paragraph (C)(3) of this rule; and

(g) Who will remain anonymous except for administrative purposes.

(6) Serious illness or injury: a serious health condition (not covered by workers compensation) that incapacitates the employee; or required care and assistance for a qualified family member with a documented medical condition that is life-threatening or requires a lengthy convalescence.

Serious illness/injury involving an employee or a qualified family member is further defined as:

(a) A period of incapacitation or treatment when an employee cannot do their job and does not have the ability to perform normal activities due to serious illness/injury and is connected with inpatient care (e.g., an overnight stay) in a hospital, hospice, or residential medical care facility; or



- (b) A prolonged absence requiring ten or more consecutive working days, and that also involves continuing treatment by (or under the supervision of) a licensed health care provider; or
- (c) A period of incapacity due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- (d) A period of incapacity that is long-term due to a condition for which treatment may be ineffective (e.g., stroke, terminal disease, etc.); or
- (e) An absence to receive multiple treatments or testing requiring a period of recovery, e.g. either for restorative surgery after an accident or other injury, or for a chronic condition.

(C) Policy and restrictions

The leave bank program is available on a campus-wide basis. Donated leave will be recorded on the online leave bank enrollment (donation) form.

- (1) For the purpose of record keeping and auditing, accrued sick leave hours donated shall be transferred hour-for-hour.
- (2) Withdrawals from the bank made by a designated recipient will cease according to one of the following criteria:
  - (a) Upon the return-to-work date listed by the doctor on the employees or employee qualified family members verification of illness or injury. Please note: the leave bank committee has authority to award hours (not to exceed the total maximum allowed two hundred forty hours) to assist in a recipients or recipients qualified family members gradual recovery and transition back to the full number of hours for the specific position. If not able to return to work to full hours of the job, these awarded hours can be used for a maximum of two consecutive weeks after the stated return-to-work date.
  - (b) The recipient has received the allowed maximum of two hundred forty hours of donated leave within one calendar year;



(c) The recipient applies for and is approved for state disability retirement or, if eligible, social security benefits; or

(d) Upon separation of service from Bowling Green state university or upon the death of the recipient or qualified family member; if either of these events occurs, the donated hours in the recipients sick leave accrual will be returned to the bank.

(3) Exceptions

(a) Employees in their first two years of a leave-accruing position may petition the leave bank committee if they meet all guidelines of the policy except for the required sick leave donation.

(b) In addition, an employee unable to be a donor because of an insufficient paid leave balance (as required by paragraph (B)(1)(c) of this rule) resulting from a serious illness or injury may petition the leave bank committee if they meet all guidelines of the policy except for the required sick leave donation. Inquiries regarding this exception may be directed to the chief human resources officer or their designee.

(D) Responsibilities and procedures

(1) The recipient (or a family member acting on the recipients behalf) will:

(a) Submit the leave bank withdrawal request form, along with a doctors verification of illness or injury, and proof of relationship status (e.g. copy of birth certificate or court order), if not on file, to the office of human resources.

(b) Notify the office of human resources if any change of circumstances has altered or will alter the recipients eligibility for the bank hours as originally established.

(2) The leave bank committee will:

(a) Consist of eight members: two classified, two administrative, two faculty representatives, and a



"Falcon Health" physician (or the physician's designee). A chair will be elected from within the six constituent representatives. The office of human resources will have an ex-officio member. There must be a quorum of four of the six constituent members present in order to grant or deny leave bank hours to any potential recipient. Committee members will be appointed/elected by the classified staff council, administrative staff council, and BGSU faculty association respectively.

(i) Terms will be limited to three years in duration for each constituent group member. Terms will be staggered among constituent groups. Three representatives, one from each group, are holdovers from the previous years committee.

(ii) If any committee members become aware of the identity of a potential recipient, they should recuse themselves from participating in the decision process for that case.

(b) Review the facts of all applicants and make decisions whether or not to recommend leave hours to those who apply. The recommendation is forwarded to the office of human resources for approval and dissemination to the appropriate employees.

(c) Coordinate and monitor the bank totals.

(d) Prepare needed reports in a timely manner.

(e) Ensure the confidentiality and privacy of the participants and records.

(f) Provide for an annual evaluation of the guidelines and policies and procedures of the leave bank program.

(3) The office of human resources will support the dissemination of communications advertising the existence of a leave bank program. This effort will be supported by administrative staff council, classified staff council, and BGSU faculty association.

(E) Equity impact statement: the policy has been assessed for adverse differential impact on members of one or more protected groups.