



## Ohio Administrative Code

### Rule 3361:30-31-03 Time off from work: leave of absence due to disability and disability leave for all employees (excluding faculty and librarians).

Effective: [September 16, 2019](#)

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(A) Except where specified, the following rule applies to all employees except those employees covered by a collective bargaining agreement or an individual employment agreement addressing this topic.

#### (B) Definitions

(1) The term "sick time" as used in the university rules and the human resources policies refers to those hours accrued on a per pay basis that can be used for reasons such as illness, injury, or other medical reasons, including pregnancy-related conditions, pursuant to this rule and applicable human resources policies.

(2) The term "leave of absence" as used in the university rules and the human resources policies refers to an absence of fifteen consecutive calendar days or more. The leave is effective retroactively to the first day of absence.

(3) The term "benefits" as used in the university rules and the human resources policies includes but is not limited to the university's medical, dental, long term disability, life insurance, and personal accident insurance plans.

#### (C) Use of accrued sick time

Use of accrued sick time is subject to the approval of the employee's supervisor, manager, director, or designee, unless the employee is using the sick time for a pre-certified qualifying condition or illness under the Family and Medical Leave Act (FMLA), in which case the sick time will be approved.

An employee uses accrued sick time for illness, injury, or other medical reasons, including pregnancy-related conditions, pursuant to human resources policies. An employee who has



exhausted their sick time may use accrued vacation time and/or compensatory time in order to remain in pay status pursuant to human resources policies.

In the event an employee's sick time absence is fifteen consecutive calendar days or more, the employee will be placed on the appropriate leave of absence(s) as described in this rule.

(D) Medical leaves of absence with or without pay

(1) Transfer

When an employee becomes physically incapable of performing the duties of their position because of illness, injury, or other medical reasons, including pregnancy-related conditions, their supervisor, manager, or director or designee, at the request of the employee and with the advice of the human resources department, may transfer the employee to a position of a lower grade or other vacant position of the same grade but with different duties. If the employee does not make such a request, or is physically incapable of performing the duties of any appropriate vacant position, then the employee may be granted a medical leave of absence with or without pay, as appropriate.

(2) Eligibility and approval

Such leaves of absence may be granted for an employee illness, injury or other medical reasons, including pregnancy-related conditions.

Such leaves must be approved in advance, when possible, by the employee's supervisor, manager, or director or designee.

The employee requesting such a leave must furnish a health care provider statement from a licensed health care professional certifying their medical need for time off work and an estimation of their expected date of return to work.

(E) Medical leave of absence with pay

(1) Duration



An employee medical leave with pay may be granted for the duration of the employee's accrued sick time in accordance with their health care provider statement or certification.

An employee who has exhausted their sick time may use accrued vacation time and/or compensatory time in order to remain in pay status pursuant to human resources policies.

Unclassified exempt employees who become totally disabled and who were hired by the university prior to September 1, 1974 and who have been continuously employed thereafter by the university, shall receive a leave of absence with pay, provided the disability continues beyond the employee's accumulated sick time. The employee's accumulated sick time and the leave of absence with pay shall not together exceed one hundred twenty days of leave with pay. For purposes of this paragraph, "totally disabled" shall be defined as the inability of the employee, by reason of sickness or bodily injury, to engage in any occupation for which the employee is reasonably fitted by education, training, or experience.

(2) Continuation of benefits

Subject to benefit plan restrictions, the university shall continue to contribute its portion of the cost of applicable benefits during the period an employee is on a medical leave of absence with pay provided the employee makes their contributions.

(3) Retirement plan contributions

Retirement plan contributions will be made pursuant to rules and regulations of the applicable pension system or retirement plan.

(F) Medical leave of absence without pay

(1) Eligibility and duration

An employee whose licensed health care professional certifies that the employee will be able to return to work within six months of the date of exhausting accrued sick time, and, if applicable, all



vacation and compensatory time, will be placed on a medical leave of absence without pay for a maximum period of six months.

(2) Continuation of benefits

Subject to benefit plan restrictions, the university shall continue to contribute its portion of the cost of applicable benefits during the period an employee is on a medical leave of absence without pay provided the employee makes their contributions.

(3) Retirement plan contributions

Retirement plan contributions will be made pursuant to rules and regulations of the applicable pension system or retirement plan.

(G) Disability leave of absence without pay

(1) Eligibility

An employee who has either been on a medical leave of absence without pay for six months, or whose licensed health care professional does not certify that the employee will be able to return to work within six months of the date of exhausting accrued sick time, and if applicable, all vacation and compensatory time, will be placed on a disability leave of absence without pay, unless the employee is entitled to FMLA protection.

(2) Duration

The maximum combined duration of a medical leave of absence without pay and a disability leave of absence without pay is thirty-six months. An employee who is unable to return to work at the expiration of a disability leave of absence without pay may be separated from employment.

(3) Continuation of benefits

Subject to benefit plan restrictions, the university shall continue to contribute its portion of the cost



of applicable benefits for up to one continuous year when an employee is on any combination of a medical leave of absence without pay and/or a disability leave of absence without pay, provided the employee makes their contributions.

Subject to benefit plan restrictions, an employee whose combined medical leave of absence without pay and/or disability leave of absence without pay exceeds one continuous year may continue benefit plan participation for the duration of their disability leave of absence without pay provided they pay the full cost of any continued benefit coverage.

(4) Retirement plan contributions

Retirement plan contributions will be made pursuant to rules and regulations of the applicable pension system or retirement plan.

(H) Human resources policies establish the processes through which employees may return to work.

The policies and practices established by the human resources department pursuant to this rule shall comply with the requirements of the Family Medical Leave Act as well as any other relevant federal or state law or regulation.

(I) In accordance with divisions (F)(1) to (F)(2) of section 124.14 of the Revised Code, this rule supersedes any portion of any statute or administrative code covering the same subject matter, including but not limited to sections 124.38, 124.382, 124.385 and 124.387 of the Revised Code.