



Ohio Administrative Code

Rule 3362-4-23 Leaves of absence (paid and unpaid).

Effective: December 15, 2023

(A) Purpose

The university is committed to providing administrators and administrative technical support staff (ATSS) with appropriate avenues employees to take time away from work assignments and for the university to remain fully compliant with applicable regulatory provisions for various forms of leaves that are essential to the health and wellbeing of university employees. This rule identifies the holidays that are observed by the university, provides for the accrual and use of vacation, and defines the various forms of leaves of absences (LOAs) that are available or that the administration may impose. This rule does not govern department of public safety employees whose leaves of absence are addressed in rule 4.82. To the extent a future collective bargaining agreement covers some public safety employees, leaves of absence addressed in the CBA shall govern.

(B) Holidays

(1) The following are designated university holidays:

Holiday	Date
New Year's day	January first
Martin Luther King day	Third Monday in January
President's day*	Third Monday in February
Memorial day	Last Monday in May
Juneteenth	June 19
Independence day	July fourth
Labor day	First Monday in September
Columbus day*	Second Monday in October
Veteran's day	November eleventh
Thanksgiving day	Fourth Thursday in November
Christmas day	December twenty-fifth



(2) The university will develop a schedule each year that will allow for designated holidays to be observed. The two holidays marked with an asterisk (*) on the list will be observed on the Friday after Thanksgiving and on the day before Christmas day.

(3) If any of the holidays as provided herein falls on Saturday, the Friday immediately preceding shall be observed as the holiday. If any of the holidays as provided herein falls on Sunday, the Monday immediately succeeding shall be observed as the holiday.

(4) The university reserves the right to require work on observed holidays at its discretion. Non-exempt salaried employees working on an observed holiday shall be paid for the holiday and for the actual time worked at one and one-half times their base salary per hour rate of pay.

(C) Winter and summer break

The university will be closed for winter break each year from December twenty-six through December thirty-one. In the event that the observance of Christmas eve, Christmas day, or New Year's day occurs during the December twenty-six through December thirty-one period, an additional vacation day shall not be provided to employees. The university may close additional days around the Christmas and/or Independence day holidays as determined by the president, who shall report any such changes to and receive approval from the chair of the board of trustees.

(D) Vacation leave

(1) The university regards a vacation as a period of rest and relaxation earned for past service. Since the annual vacation is important to the wellbeing of employees and their families, employees are encouraged to utilize all earned vacation.

(2) For accrual purposes, the vacation year shall be based on an employee's anniversary date.

(3) Employees accrue vacation leave based upon the schedule reflected in the table in this paragraph. Part time (benefit eligible) employees who work twelve months will receive pro-rated vacation. Benefit eligible full time employees employed for less than twelve months will receive vacation at one half of the applicable accrual rate.



Years of Completed Service	# Days	Hours of Vacation	Accrual Rate	Maximum Balance
Years 0-2	17	136	5.23	272.00
Years 3-5	18	144	5.54	288.00
Years 6-8	19	152	5.85	304.00
Years 9-11	20	160	6.15	320.00
Years 12-14	21	168	6.46	336.00
Years 15+	22	176	6.77	352.00

(4) An employee may accumulate a maximum of two times the accrued hours of vacation earned in one year. This amount may be carried over from year to year. With approval of the division senior executive, an additional amount may be carried over when vacation cannot be taken due to operational needs outside the employee's control. Division senior executive shall mean the provost/vice president for academic and student affairs; chief financial officer; chief operating officer; chief enrollment officer; chief advancement officer; chief of staff; and the president for employees who report directly to the president.

(5) A newly hired employee's vacation accrual rate may include prior public service with the state of Ohio or any of its political subdivisions or regional councils of government, with the following conditions:

(a) The employee must inform and provide written documentation to the department of human resources within ninety days of employment that s/he has service with the state of Ohio or any of its political subdivisions or regional councils of government. In such case, the employee's accrual will be adjusted to the appropriate rate from the date of employment with the university.

(b) Notification by the employee to the department of human resources received after ninety days of employment with the university will be applied to the employee's accrual rate beginning the next full pay period in which the request and required documentation are received by human resources.

(c) The employee's adjusted accrual balance (whether retroactive to the employment date or a later date) will be reflected on the pay records beginning with the next full pay period after receipt of required documentation.



- (d) A year of service with the state of Ohio or a political subdivision or regional council of government is considered as twenty-six biweekly periods.
- (e) An employee who has retired in accordance with the provisions of any retirement plan offered by the state of Ohio and is reemployed will not have prior service with the state of Ohio, any political subdivision of the state or a regional council of government counted for purposes of computing vacation leave.
- (6) To assure accurate leave balances, employees requesting vacation leave must submit their request electronically through the BearTrax system.
- (7) Extended vacation requests (over three weeks in a single instance) may have a negative impact on the operation and will be considered only as an exception with accompanying extenuating circumstances. Requests of this nature will require a written rationale with supervisor approval, as well as the approval of the division senior executive (as defined in paragraph (D)(4) of this rule) .
- (8) When an official university observed holiday falls within an employee's vacation, that day will not be charged as vacation.
- (9) All accrued vacation must be exhausted before an unpaid leave of absence commences. This paragraph does not apply when an employee opts to take some or all of the time off without pay during university shutdown as permitted by paragraph (E)(12) of this rule.
- (10) Employees who retire or resign will be paid for earned but unused vacation up to a maximum of two times the accrued hours of vacation in one year at the time of their departure. In the event of the death of an employee, vacation pay for vacation earned but not taken up to a maximum of two times the accrued hours of vacation in one year will be paid to the estate of the employee.
- (11) The department of human resources will maintain an up-to-date record of vacation for each employee. Any questions concerning vacation record-keeping should be directed to human resources.
- (12) In order to provide for continuous payment during a board approved university closure,



temporary changes to vacation accruals will be permitted as follows:

- (a) Employees will be permitted to use accrued vacation leave hours during hours they will not be working as a result of the shutdown to offset lost pay, or
- (b) Employees will be permitted to use unearned vacation leave hours that they are scheduled to earn during the remainder of that calendar year in exchange for a reduced vacation accrual rate for the remainder of the calendar year.
- (c) These actions will not be considered a reduction in pay, layoff or furlough.

(E) Sick leave

- (1) Sick leave may be used for an authorized absence from scheduled duties due to personal illness (which may include physical and/or mental health issues); personal injury; exposure to contagious disease that poses a reasonable risk of contagion to the university (the university may require documentation); medical , mental health, dental, or optical examination or treatment for self or immediate family members when the employee's attendance is required; family emergencies requiring the attendance of the employee; pregnancy and/or childbirth and related conditions; or death in the immediate family. The definition of an immediate family member includes: grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father, father-in-law, mother, mother-in-law, spouse, child, grandchild, legal guardian, or other person who stands in the place of a parent.
- (2) Upon hire, a full-time administrator or ATSS employee will receive one hundred twenty hours of sick leave credited to his/her leave account.
- (3) After the first year of employment and thereafter, sick leave will accrue for full-time administrators and ATSS pro-rated each pay period for a maximum of one hundred twenty hours per year.
- (4) Upon hire, the part-time administrator or ATSS employee will receive a pro-rated amount of sick leave credited to his/her leave account, based upon the employee's full-time equivalency (FTE)



percentage determined at the time of hire. For example, a half-time employee will be eligible for a credit of sixty hours of sick leave, etc.

(5) After the first year of employment and thereafter, sick leave shall accrue for part-time administrators and ATSS at a pro-rated amount based upon the employee's FTE.

(6) An administrator or ATSS may transfer into his/her university sick leave account any accumulated, documented, and verified sick leave balance that has been accumulated in the public service in the state of Ohio, provided that his/her re-employment takes place within ten years of the date on which the employee was last terminated from public service. If the employee elects to do so and informs the department of human resources, he/she may elect to transfer any unused and unpaid sick leave balance above one hundred twenty hours to their Shawnee state university sick leave account. This amount will be in addition to the university credited amount. For example, if the employee had six hundred twenty hours of unused and unpaid sick leave from a prior state of Ohio employer, then five hundred hours could be transferred to Shawnee state university.

(7) There is no maximum applied to the amount of sick leave that may be accumulated during active employment.

(8) The sick leave account balance will be reduced an hour for each hour of sick leave used. As an alternative to using up sick leave hours, the employee with advance approval from his/her supervisor, may use flexible scheduling (working less hours of the normal schedule and making those hours up another time or day) to account for time off for medical appointments or other reasons which would otherwise be used as sick leave hours. For ATSS, hours must be made up within the same week, or if not, the sick leave account will be reduced an hour for each hour of sick leave used.

(9) Employees requesting sick leave (including leave that qualifies under the Family and Medical Leave Act - FMLA) must submit their request electronically through the BearTrax system. When the leave is foreseeable, the employee must make every effort to request the leave thirty days in advance of the leave. When that is not possible for the leave request form to be submitted in advance of the leave, it must be approved by the employee's supervisor and submitted to human resources upon the employee's return from the absence. Time on approved sick leave will run concurrent with an approved leave under FMLA (refer to paragraph (G) of this rule).



(10) If an employee is expected to be off more than five consecutive work days, a signed or official doctor's statement must be submitted in advance to the supervisor or human resources. If an employee does not have advance warning, the doctor's statement must be provided to the supervisor or human resources as soon as practicable after the employee knows he/she will be off more than five consecutive days and in no event any later than the date the employee returns to work (unless more time is granted by the director of human resources or designee).

(11) In situations of sick leave involving less than five consecutive work days, where suspicious patterns of leave exist (e.g., leave taken immediately before or after weekends or days off), a doctor's statement may be required upon the request of the supervisor or human resources. All doctors' statements shall be in the form of a signed or official statement from the attending physician, stating the general nature of the illness, date of medical treatment, and the conditions under which the employee is released to return to work or a statement from the attending physician verifying the illness or injury of the employee's immediate family member. The failure to submit doctor's statements, or the failure to submit a proper leave form to human resources, may result in delay of payment for the time missed.

(12) Intentional misuse of the sick leave provision herein may be considered grounds for disciplinary action. Non-compliance with sick leave rules and regulations may result in the administrator or ATSS not receiving pay for the requested sick leave.

(F) Sick leave retirement payment

(1) The administrator or ATSS, upon official state retirement from active service or upon separation of employment by an alternative retirement plan (ARP) participant who would meet the age and service eligibility requirements under a state pension system (OPERS or STRS), and with ten or more years of service with the state of Ohio or any of its political subdivisions, will be paid for one-fourth of the value of accumulated sick leave balance, up to a maximum payment of two hundred forty hours. Payment will be based upon the employees base per hour rate of pay at the time of retirement. Any unpaid leave remaining on the Shawnee state sick leave account will be available for use upon rehire (unless hired into a position that does not provide sick leave). In the event of an eligible employees death prior to retirement, the sick leave retirement payout is not subject to



payment to the employees estate.

(2) The payout of sick leave balance as provided in this policy will be made only once to any administrator or ATSS. An employee, who received such cash payout and who was rehired post retirement, may accrue and use sick leave while actively employed but shall not be eligible for payment of any unused sick leave balance.

(3) The payment discussed in paragraph (F)(1) of this rule will only be available to employees who formally notify the department of human resources of their retirement and meet all other eligibility requirements.

(G) Family and medical leave policy

(1) Scope

(a) Employees with at least one year of service with the university and who have worked for one thousand two hundred fifty hours in the previous twelve-month period are eligible for up to twelve weeks of paid (existing sick leave and/or vacation) and/or unpaid leave for qualifying events, in a twelve-month period (rolling year, see CFR 29, Part 825.200). Qualifying events are:

(i) Childbirth (due to the birth of or to care for the newborn child)

(ii) Adoption or foster care

(iii) Serious personal illness -

(a) A serious health condition that results in a period of incapacity for more than three days during which the employee is unable to work, or

(b) A chronic condition requiring a regimen of ongoing care by a health care provider that intermittently renders the employee unable to work for periods of less than three days while seeking treatment or while recovering from the condition.



(iv) The serious health condition of a member of the employee's immediate family (as defined in paragraph (E)(1) of this rule) which requires the employee to provide care.

(v) Qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty, or has been called to active duty, in support of a contingency operation.

(vi) Care for a covered service member with a serious injury or illness if the employee is the spouse, child, parent or next of kin of the service member.

(2) Length of leave/paid or unpaid

Family and medical leave provides an eligible employee to take up to twelve workweeks of leave per rolling twelve-month period except for leave under paragraph (G)(1)(a)(vi) of this rule which may be taken up to twenty six workweeks. Employees will first use sick leave, where appropriate, prior to vacation and any unpaid leave. Employees will use vacation and any comp time prior to any unpaid leave after sick leave is exhausted or for events where sick leave is inappropriate. Family medical leave coordinates and runs concurrently with other paid and unpaid leaves.

(3) Childbirth and adoption timeframe

Leave under this policy which pertains to care for a newborn, adopted, or foster child may only be taken within twelve months of the child's birth or placement into the employee's home.

(4) Certification for health leave

If an employee requires leave for a serious health condition for himself/herself or a spouse, parent, or child a health care provider's certification shall be required stating the commencement date and probable duration of the condition and the medical facts substantiating the condition. The university may require an independent examination at no cost to the employee.

(5) Notice of the leave



Employees must provide at least thirty days' advance notice if the leave is foreseeable. If the leave must begin within fewer than thirty days, the employee must provide notice as soon as practicable.

(6) Employment and benefits protection

Any employee who takes leave under the provisions of this policy, on return from such leave shall be restored by the university to the position of employment held by the employee when the leave commenced or be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(7) Continuation of health plan coverage

If after the exhaustion of all forms of paid leave, a period of unpaid leave is needed up to the twelve week maximum provided under this rule (or twenty six maximum, as applicable), the university shall maintain the coverage under the group health plan for this period under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. Upon return to work, the employee must make arrangements with the department of human resources to make up the employee contributions missed for insurance coverage while on unpaid leave.

(8) Return from leave

If the employee fails to return from family and medical leave, the university may recover the premium that the employer paid for maintaining coverage for the employee under the group health plan during any period of unpaid leave.

(H) Disability leave

(1) Application

(a) Full-time administrators and ATSS may be granted a disability leave of absence in the event of a disabling illness or injury (except work related in which case workers' compensation rules will apply) that extends beyond leave provided under FMLA.



(b) Approval of such leave is contingent upon the employee submitting a satisfactory written physician's statement attesting that the essential functions of the assigned position cannot be performed.

(c) The university may request that an examination be completed by a physician of its choosing. In such case, the university will pay for the cost of the examination.

(d) Written application to the department of human resources should be made as early as possible and must include a statement from the attending physician with a projected return date.

(2) Duration and retention

(a) The duration of disability leave will be based on the projected return date provided by the attending physician. An initial request for disability leave may be for one year or less. A disability leave may be extended one additional year with a request for such extension to be made no later than sixty days prior to the originally scheduled return date. The total amount of time on such leave, paid or unpaid, for the same injury or illness, may not exceed two years. The amount of time shall be reduced by family medical leave used for the same injury or illness.

(b) In order to be paid for disability leave, the employee will use all earned but unused sick leave, vacation leave, personal leave, and comp time. All types of paid leave must be used prior to unpaid leave.

(c) Prior to returning to work, the employee must provide the university with the attending physician's release attesting to his/her ability to perform the essential job duties. The university may request an independent examination as identified in paragraph (H)(1)(c) of this rule.

(d) The employee will retain reinstatement rights to his/her current position if the disability leave is six months or less. If such leave time exceeds six months, up to a maximum of twelve months, the university will place such employee in the same or similar position in which the employee possesses the required qualifications necessary to perform the essential responsibilities. The university will make reasonable efforts to reinstate an employee to the same or similar position if such leave



exceeds one year.

(3) Insurance coverage

(a) The university will continue group health insurance throughout the period of an approved paid leave.

(b) The university will continue group health insurance throughout the period of an approved unpaid leave that is not FMLA leave for a maximum of six months.

(c) While on an approved unpaid leave other than FMLA, the employee must timely remit the established insurance contribution payments for the duration of the leave. If the employee payment contributions are not timely remitted, the employee will forfeit university-provided health plan coverage and may elect health plan continuation under COBRA at one hundred two per cent of the full cost of the university's health plan.

(d) The university will continue group health insurance as provided in the Family and Medical Leave Act (FMLA) of 1993 as currently amended, and offer group health continuation and conversion benefits as provided under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

(4) Disability retirement reinstatement

In the case of an employee who has been granted a disability retirement through OPERS or STRS, the period of reinstatement shall be in accordance with the prevailing rules of the state retirement system.

(5) An employee requesting disability leave must submit his/her request electronically through the BearTrax system.

(I) Workers' compensation leave

Workers' compensation leave will be provided as set forth in the Ohio statutes (Chapter 4123. of the Revised Code) for workplace injuries and/or occupational diseases. Additional information may be



found on the university website at the office of human resources webpages.

(J) Court/jury duty leave

(1) An employee who is required to report for jury duty or is subpoenaed to appear before any court, commission, board, or other legally constituted body, where the employee is not a party to the action, shall be entitled to leave with pay for the scheduled work hours lost as the result of such duty. For ATSS employees, the employees will be compensated by the university in an amount equal to his/her straight-time (non-overtime) rate of pay. For both administrators and ATSS employees, their normal pay will be paid to them while on jury duty, less the amount received by the employee from the government for such appearance. An employee who reports for such duty and is excused shall immediately contact his/her immediate supervisor and report for work, if requested.

(2) In order to be paid by the university for such leave the employee must submit to human resources written proof, executed by an authorized administrator of the court, showing the duration of such duty and the amount of compensation received for such duty.

(K) Military leave

(1) An employee who is unable to report for regularly scheduled work because the employee is required to report for duty as an active duty member of the armed forces, a reserve member of the armed forces, or as a member of the Ohio national guard shall be compensated in accordance with Ohio law.

(2) The university will adhere to any federal or state laws enacted regarding employer responsibilities toward active employees who are members of the armed forces.

(3) To be eligible for this leave and in accordance with federal and state law, the employee upon request, shall provide the order or written statement from the appropriate military commander to his/her supervisor which shall be forwarded to human resources.

(L) Furloughs



A furlough is a non-permanent, unpaid leave of absence from work for a specified period of time. The president may impose furloughs in accordance with Ohio law. The president shall enact a procedure setting forth the terms and conditions under which furloughs may be imposed.

(M) Request for leave forms

(1) Except in the case of an emergency, prior notification to the employee's supervisor of anticipated leaves is required. Employees shall notify his/her immediate supervisor by telephone or electronic message prior to the scheduled start time that they are unable to report to work due to a qualifying reason. In cases where an employee is incapacitated, they may designate a family member or third-party representative to communicate with the university.

(2) Request for leaves as identified in this policy must be submitted electronically via the BearTrax system. In order to assure accuracy of leave balances and to properly secure approvals for leaves, every effort should be made to make requests prior to the end of the pay period in which the leave is to occur. In rare circumstances in which this cannot be done due to emergency or oversight, the employee must submit such request at the earliest date upon return from leave.

(3) Additional guidelines regarding leaves of absences may be found on the department of human resources website.