

3362-4-53 Department of public safety leaves of absence.**(A) Purpose**

The university is committed to providing department of public safety officers with appropriate avenues for 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.

(B) Holidays**(1) The following are designated university holidays:**

<u>Holiday</u>	<u>Usually scheduled</u>
<u>New Year's day</u>	<u>January one</u>
<u>Martin Luther King day</u>	<u>Third Monday in January</u>
<u>President's day*</u>	<u>Third Monday in February</u>
<u>Memorial day</u>	<u>Last Monday in May</u>
<u>Independence day</u>	<u>July four</u>
<u>Labor day</u>	<u>First Monday in September</u>
<u>Columbus day*</u>	<u>Second Monday in October</u>
<u>Veterans day</u>	<u>November eleven</u>
<u>Thanksgiving day</u>	<u>Fourth Thursday in November</u>
<u>Christmas day</u>	<u>December twenty-five</u>

(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 fall on Saturday, the Friday immediately preceding shall be observed as the holiday. If any of the holidays as provided herein fall 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. All officers 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.

Eligible officers /holiday pay

All officers will receive pay for all holidays except as described in “a” below.

- (a) Officers who are on unpaid leave of absence, suspension, or layoff shall not receive holiday pay.
- (b) All eligible DPS officers that are on their regularly scheduled day off shall receive an additional day off, which is to be scheduled within thirty days of the actual holiday.

(C) Winter break

- (1) The university will be closed for winter break each year from December twenty-six through December thirty-one.
- (2) In order to provide for the safekeeping of the university, the department of public safety (DPS) will remain open and DPS officers will continue their normal work schedules during this time. DPS officers regularly scheduled to work shall receive their regular per hour rate of pay. Vacation accrual structures for DPS officers continue to accrue in recognition of this duty.

(D) Vacation

- (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) Full-time police officer employees and security sergeants accrue vacation leave based upon schedule “I” below. Part-time police officers will accrue vacation leave on a pro-rata basis. Full-time security officers accrue vacation leave based upon schedule “II” below. Part-time security officers will also accrue vacation leave on a pro-rata basis.

Schedule I: Police, police sergeant, and security sergeant accrual structure

Years of completed service	# Days	Hours of vacation	Accrual rate	Maximum balance
Years 0-2	20	160	6.15	320.00
Years 3-5	21	168	6.46	336.00
Years 6-8	22	176	6.77	352.00
Years 9-11	23	184	7.08	368.00
Years 12-14	24	192	7.38	384.00
Year 15+	25	200	7.69	400.00

Schedule II: Security officer accrual structure

Years of completed service	# Days	Hours of vacation	Accrual rate	Maximum balance
Years 0-5	10	80	3.08	160
Years 6-12	15	120	4.62	240
Year 13	21	168	6.46	336
Year 14	22	176	6.77	352
Year 15	23	184	7.08	368
Year 16	24	192	7.38	384
Year 17+	25	200	7.69	400

- (4) An employee may accumulate a maximum of two times the accrued days of vacation earned in one year. This amount may be carried over from year to year.
- (5) Employees who retire or resign will be paid for earned but unused vacation up to a maximum of two times the accrued days 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.

(E) Sick leave

- (1) Sick leave may be used for an authorized absence from scheduled duties due to illness, accident, exposure to contagious disease, health examinations or treatment (medical, dental or optical) for self or immediate family members when employee's presence 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 DPS officer 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 DPS officers pro-rated each pay period for a maximum of one hundred twenty hours per year.
- (4) Upon hire, the part-time DPS officers 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 (.50 FTE) will be eligible for a credit of sixty hours of sick leave.

- (5) After the first year of employment and thereafter, sick leave shall accrue for part-time DPS officers at a pro-rated amount based upon the employee's FTE.
- (6) A DPS officer 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 and 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 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 and supervisor may use flexible scheduling (working fewer 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.
- (9) 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).

(10) 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 doctors' statements, or the failure to submit proper leave forms to human resources, may result in delay of payment for the time missed.

(F) Sick leave retirement payment

(1) The DPS officer upon official state retirement from active service or upon separation of employment by an alternative retirement plan (ARP) participant who meets the eligibility requirements under the state pensions systems (PERS) and with ten or more years of service with the state of Ohio or any of its political subdivisions, will be paid as follows:

- (a) For DPS officers who retire prior to January 1, 2021 payment shall be for one-fourth of the value of sick leave balance, up to a maximum payment of three hundred twenty hours.
- (b) DPS officers who retire on or after January 1, 2021 will be paid for one-fourth of the value of accumulated sick leave balance, up to a maximum payment of two hundred forty hours.
- (c) Payment will be based upon the DPS officer's 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).

- (d) In the event of an eligible DPS officer's death prior to retirement, the sick leave retirement payout is not subject to payment to the employee's estate.
 - (2) The payout of sick leave balance as provided in this rule will be made only once to any DPS officer. A DPS officer 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) 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 DPS officer not receiving pay for the requested sick leave.
- (G) Family and medical leave (FMLA)
- (1) 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 29 C.F.R., 825.200). Qualifying events are:
 - (a) Childbirth (due to the birth or to care for the newborn child).
 - (b) Adoption or foster care.
 - (c) Serious personal illness.
 - (i) 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
 - (ii) A chronic condition requiring a regimen of ongoing care by a health care provider that intermittently (less than three days) renders the employee unable to work while seeking treatment or while recovering from the condition.

- (d) The serious health condition of a member of the employee's immediate family (paragraph E section 1 of this rule) which requires the employee to provide care.
- (e) 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.
- (f) 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. 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 rule which pertains to care for a newborn, adopted, or foster child may only be taken leave 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 paragraph G of this rule, 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, 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 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 DPS officers 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 can 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, section c of this rule” above.

- (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 throughout 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 Reconciliation Act (COBRA).

(4) Disability retirement reinstatement.

In the case of an employee who has been granted a disability retirement through OPERS, the period of reinstatement shall be in accordance with the prevailing rules of the state retirement 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 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. DPS officers will receive their normal pay while on jury duty, less the amount received by the DPS officer from the government for such appearance. A DPS officer who reports for such duty and is excused shall immediately contact his/her immediate supervisor and report for work, as scheduled, if requested.

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

(K) Military leave

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.

(L) Request for leaves

- (1) Request for leaves as identified in this rule are provided 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. Prior notification to the employee's supervisor of anticipated leaves is expected.
- (2) Additional guidelines regarding leaves of absences may be found on the department of human resources website.

Replaces: 3362-4-57

Effective: 9/10/2018

CERTIFIED ELECTRONICALLY

Certification

08/30/2018

Date

Promulgated Under: 111.15
Statutory Authority: 3362.03
Rule Amplifies: 3362.03
Prior Effective Dates: 07/22/2010