



State of Ohio Administrative Policy

Disability Leave Program

No: HR-55

State Human Resources Division

Effective:

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Issued By:

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I. Purpose

Disability leave (Disability Leave) is a pay benefit available to eligible employees who have a physical, mental, or behavioral health injury, illness, or condition that renders them **Disabled**. The Disability Leave Program provides a temporary pay benefit until the employee can return to work in **Full Capacity**, medical documentation no longer supports that they are Disabled from working, the employee reaches the 12-month lifetime maximum benefit, or the employee otherwise becomes ineligible for the Disability Leave Program. There is no cost to employees for these benefits. Each state agency pays a percentage of its payroll into the disability fund. The Disability Leave Program is managed by a third-party administrator (Administrator) in accordance with insurance industry underwriting procedures and standards. The first occurrence of a defined term in the policy is in bold, italic type, and is hyperlinked to the definition in Section IV.

II. Scope

The Disability Leave Program applies to all permanent employees entitled to sick leave under Ohio Revised Code (ORC) 124.382(B) or entitled to disability benefits under an applicable collective bargaining agreement. This policy provides an overview of the Disability Leave Program. If the terms of this policy conflict with those in a collective bargaining agreement, the provisions of the collective bargaining agreement prevail.

III. Policy

A. Eligibility

1. Employees must have completed one year of continuous state service immediately prior to the date they are Disabled; and
2. Employees must be a full-time permanent employee, or a part-time permanent employee who has 1,500 hours in **Active Work Status** or more in the 12 months immediately prior to the date they are Disabled; and

3. Employees must be Disabled for more than 14 calendar days as a result of the illness, injury, or condition (there is a 14-calendar day “waiting period,” as described in Section III.D).

B. **Filing a Claim for Disability Leave**

1. Employees should start the claim process as soon as an illness, injury, or condition prevents them from working.
2. Employees can file their claim prior to the beginning date of Disability Leave when they receive notice from the treating **Medical Provider** or treating **Behavioral Health Provider** that they will need to be off work due to an impending injury, illness, or condition that will render them Disabled. Employees should also provide advanced notice of leave, when possible, to their supervisor and **Appointing Authority** when the need for Disability Leave is foreseeable.
3. The deadline for filing a claim with the Administrator is not later than 20 calendar days from the last day worked due to the Disability, or in the event of a **Disability Separation**, 20 calendar days from the date of Disability Separation. For those employees filing a Disability Leave claim after having a claim for workers’ compensation benefits denied, the deadline is 20 calendar days of the workers’ compensation denial order.
4. If an employee fails to file their claim within the 20-calendar day deadline and is seeking retroactive benefits to the date of disability, they must provide information establishing that the failure to file by the deadline was caused by **Extenuating Circumstances**.
5. After an employee files a claim, the Administrator will provide information to the employee and advise them of the requirement to submit medical documentation from a treating Medical or Behavioral Health Provider that substantiates the need for Disability Leave. Employees must submit the required medical documentation within 20 calendar days of the notice to do so. If the Administrator requests additional medical documentation, employees must submit the required medical documentation within 20 calendar days of that request. The failure to timely submit required medical documentation may result in a delay of a claim to the date that the employee provided the documentation. If an employee is unable to obtain the requested medical documentation within the deadline, the employee may ask the Administrator for a one-time seven-day extension to provide it.
6. The Administrator makes medical determinations in accordance with official disability guidelines (ODG). Before denying a claim based on a medical issue, the Administrator will obtain a medical opinion from a third party. The decision of the third party is binding.
7. Employees and the designated human resources representative(s) of the Appointing Authority are informed of approvals and denials of claims.
8. The Appointing Authority’s human resource representative will enter approvals into OAKS Human Capital Management (HCM) to begin Disability Leave payments via standard bi-weekly pay cycles.
9. In the event of a denial, see Section III.J.

C. Required Medical Documentation

1. Employees are required to submit supporting medical documentation within the deadlines set forth in Section III.B. The documentation must include the start and anticipated end date of Disability, the diagnosis, the dates of follow-up appointments and procedures, a ***Treatment Plan***, and other written information to help the Administrator determine that the employee has an illness, injury, or condition that renders them Disabled.
2. Employees requesting Disability Leave for a mental/behavioral health illness, injury, or condition must provide medical documentation from a treating Behavioral Health Provider that includes the information set forth in III.C.1. The claim can be approved for up to 30 days based on sufficient medical documentation from a treating Medical Provider. An extension beyond 30 days will not be approved without supporting medical documentation from a treating Behavioral Health Provider.

D. Payment of Disability Leave Benefits

1. Waiting Period. Disability Leave benefits will begin with the employee's first scheduled workday following a waiting period of 14 calendar days from the date of Disability. During the waiting period, an employee may use accrued paid leave or may be placed on an approved unpaid leave of absence but is not permitted to work or be placed on administrative leave with pay.
2. Floating Waiting Period. In some cases, employees who have submitted a claim may be able to return to work during the waiting period. If the same Disability returns within three calendar days of returning to work and it requires the employee to be absent from work again, the absences before and after the (up to) three calendar day return to work will count towards the 14-day waiting period.
3. Delay of Claim. An employee who fails to submit a claim within the deadline provided without establishing an Extenuating Circumstance for the failure or fails to submit the required medical documentation within the deadline provided will have Disability Leave benefits delayed until all required documentation is submitted.
4. Amount Paid. Disability Leave benefits are paid in standard bi-weekly payments at 67% of the employee's base rate of pay as of the date the employee became Disabled. An employee receiving Disability Leave payments is not in an active pay status (i.e., no pay status).
5. Discipline.
 - a) An employee receiving Disability Leave benefits may be disciplined pursuant to ORC 124.34, applicable Appointing Authority policy, or applicable collective bargaining agreement.
 - b) An employee required by the Appointing Authority to participate in disciplinary meetings may be granted administrative leave with pay. The employee is not eligible to receive Disability Leave benefits for the hours spent on administrative leave with pay and the hours do not count toward the employee's lifetime maximum.

- c) If an employee is removed from service, Disability Leave benefits will discontinue as of the date the employee is removed from service.
- d) Disability Leave benefits may be held in abeyance if an employee submits an application for Disability Leave benefits after the employee receives notice of an investigation for possible disciplinary action or where an investigation regarding the employee is actively underway.
 - (1) Appointing Authorities will notify the Administrator when either of these circumstances apply immediately upon notification of the filing of the application.
 - (2) The Administrator will advise DAS, DAS will obtain relevant information from the Appointing Authority, and DAS has the discretion to hold Disability Leave benefits in abeyance until the conclusion of the investigation.
 - (3) If DAS decides to hold Disability Leave benefits in abeyance, it will advise the Administrator and the Appointing Authority, and will also notify the employee by either regular or electronic certified mail. The Appointing Authority must hold the investigatory interview within 30 days after the Appointing Authority submits notice of the investigation to the Administrator. If the Appointing Authority fails to complete the investigatory interview within 30 days through no fault of the employee under investigation, DAS will advise the Administrator to process the employee's application for Disability Leave benefits. If the investigatory interview cannot be completed because of the employee's absence, or failure to participate, the investigatory interview will be cancelled, and DAS will advise the Administrator to deny the employee's application for Disability Leave benefits. If an employee returns to work during or after the investigation, DAS will advise the Administrator to process the employee's application for Disability Leave benefits.
 - (4) DAS will not hold Disability Leave benefits in abeyance where the employee is hospitalized for more than five days due to the disability.
- 6. Lifetime Maximum. Disability Leave benefits will be paid up to a lifetime maximum of 12 months based on the employee's scheduled hours of work at the time of the filing of their claim.
- 7. Supplementation of Benefits. An employee receiving Disability Leave benefits, and an employee during the waiting period, may utilize accumulated sick leave, personal leave, and vacation leave balances, as well as compensatory time, to receive up to 100% of pay for time on Disability Leave or during the waiting period. Such supplementation will have an effective date as of the date the employee requests the supplementation. The sick leave, personal leave, and vacation leave balances, and compensatory time, will be paid at a rate equal to the employee's base rate of pay in effect at the time the employee became Disabled. An employee who does not have sufficient accumulated sick leave, personal leave, vacation leave, or compensatory time to be paid during the waiting period will be on an approved unpaid leave of absence.

8. Deductions. Deductions will continue from Disability Leave payments for taxes, retirement contributions, and most benefits, except for insurance premiums.
- E. **Accrual of Service Credit**. An employee receiving Disability Leave benefits will continue to accrue service credit for purposes of determining vacation benefits, annual step increases, longevity supplement, and retirement benefits.
- F. **Leave Accrual**
 1. Vacation leave benefits will not accrue while an employee is receiving Disability Leave benefits.
 2. Sick leave accruals will be held in abeyance while the employee is out on disability leave.
 3. Personal leave.
 - a) Full-time permanent employees who are on Disability Leave for the pay period of the paycheck in which personal leave is added to their balance will receive a prorated portion of personal leave upon their return from Disability Leave.
 - b) Part-time permanent employees will not accrue personal leave while on Disability Leave.
- G. **Requesting Advancement of Disability Leave Payments for Workers' Compensation Denials**
 1. Advanced payment of Disability Leave is available only if the Bureau of Workers' Compensation denies an employee's claim for workers' compensation benefits and the employee is appealing the decision.
 2. To submit a claim for advanced payment, an employee must do the following within 20 days of a workers' compensation denial notification.
 - a) Contact the Administrator to file a claim and submit supporting medical documentation, as set forth in Section III.B. and III.C.
 - b) Complete and obtain the required signatures on the disability agreement form (ADM 4313), which the employee will receive from the Administrator.
 - c) Submit a copy of their workers' compensation denial notification, along with the completed disability agreement, to the Appointing Authority within 20 days of the workers' compensation denial notification.
 3. Advanced payments are subject to the same 14 calendar day waiting period as set forth in Section III.D.1.
 4. The employee may receive advancement up to a maximum of 12 weeks.
 5. If the workers' compensation claim is approved through the appeal process or by a settlement for the same period of time that the advanced payments were made, the employee is required to reimburse DAS for all advanced payments, regardless of the amount received for the workers' compensation claim.

H. **Returning to Work**

1. Employees are responsible for confirming return to work dates with the Administrator and following their Appointing Authority's return-to-work policy.
2. In some instances, an employee may not be able to return to work at Full Capacity. If an employee's treating Medical or Behavioral Health Provider provides medical documentation that the employee can return to work with temporary work restrictions, the Administrator will contact the employee's Appointing Authority to discuss the employee's placement in a transitional work program (Transitional Work Program or TWP).
 - a) The TWP may permit the employee to return to work on a part-time basis, with restructured job duties, and/or in a different position, providing the opportunity for an employee on Disability Leave to make a gradual return to work as they continue their recovery. The TWP is mutually agreed upon by the Appointing Authority and the employees' treating Medical or Behavioral Health Provider based upon work restrictions, available work accommodations, and the business operations of the Appointing Authority.
 - b) If transitional work is approved by the employee's treating Medical or Behavioral Health Provider and agreed to by the Appointing Authority, the employee must participate in the TWP to continue receiving Disability Leave benefits.
 - c) Employees will continue to receive Disability Leave benefits for the hours they are unable to work while participating in a TWP. Employees will be paid at the same regular rate of pay as prior to receiving Disability Leave benefits except that the employee will receive any pay increases to which the employee is entitled for any hours in Active Work Status.
 - d) To participate in a TWP, an employee must submit a written release from the treating Medical or Behavioral Health Provider setting forth the number of hours the employee can work, any restrictions to the employee's work activities, and the expected duration of the work restrictions.
 - e) A participation agreement should be signed by the employee and Appointing Authority. The agreement should list the work restrictions imposed by the treating Medical or Behavioral Health Provider, the temporary work assignments, and the termination date of the agreement.
 - f) A TWP is approved for up to 30 calendar days but may be extended to a maximum of 90 calendar days based on the recommendation from the treating Medical or Behavioral Health Provider.
 - g) The Appointing Authority will reinstate the employee on a full-time basis to the original position upon receipt of medical documentation from the treating Medical or Behavioral Health Provider releasing the employee to Full Capacity.
 - h) Hours worked during authorized TWP for up to 90 days shall not count toward the employee's lifetime maximum Disability Leave benefits.
 - i) Disability Leave benefits cease on the date the treating Medical or Behavioral Health Provider releases the employee to return to Full Capacity.

I. **Subsequent Disability**

1. A Disabling illness, injury, or condition that is unrelated to a previous Disabling illness, injury or condition and occurs while an employee is on approved Disability Leave is considered the same claim, and no waiting period is required.
2. A Disabling illness, injury, or condition that is unrelated to a previous Disabling illness, injury, or condition and occurs after a previously approved Disability Leave terminates is considered a new claim with a new waiting period.
3. A Disabling illness, injury, or condition that is related to a previous Disabling illness, injury, or condition that occurs within six months of an employee's return to Active Work Status is considered the same claim if the employee remains Disabled and off work for at least 14 calendar days, and no new waiting period is required.
4. A Disabling illness, injury, or condition that is related to a previous Disabling illness, injury, or condition that occurs beyond six months of the employee's return to Active Work Status is considered a new claim with a new waiting period.
5. A Disabling illness, injury, or condition that is related to a Disability that occurs while an employee is participating in TWP is considered the same claim.
6. Time accumulated under both the original and subsequent disability periods will be added together and applied towards the maximum lifetime eligibility for Disability Leave benefits.

J. **Disability Retirement**

1. The following employees will be advised by the Administrator that they must apply for ***Disability Retirement*** benefits to remain eligible to receive Disability Leave benefits:
 - a) Disability Retirement eligible employees who are nearing six months of continuous Disability Leave benefits;
 - b) those employees whose treating Medical and/or Behavioral Health Providers have deemed them permanently Disabled; and
 - c) those employees whose total Disability Leave will exceed 12 months.
2. To comply with this Section III.H., employees must provide the Administrator documentation of the following by the deadline set forth by the Administrator:
 - a) that the employee has submitted an application for Disability Retirement to the applicable state employees' retirement system; and
 - b) that the employee complied with all requirements of the state employees' retirement system; and
 - c) that the employee submitted all information required by the retirement system for Disability Retirement benefits.
3. After the employee submits documentation to the Administrator establishing compliance with this Section III.H., if the employee's application for Disability Retirement is approved, the employee may receive Disability Leave benefits as a supplement to Disability Retirement benefits. The supplement will be in an amount that will bring the employee to 67% of the employee's base rate of pay as set forth in Section III.D.4.

4. Disability Retirement systems are independent and separate from this Disability Leave Program.
 5. If an employee is not eligible for Disability Retirement, they may still be eligible to receive Disability Leave benefits up to the maximum lifetime eligibility. Employees can provide documentation from the relevant retirement system establishing that they are not eligible for Disability Retirement in lieu of providing the documentation set forth in this Section III.H.2.
- K. **Repayment of Disability Leave Benefits:** In the event of improperly paid benefits, DAS will initiate all necessary steps to recover, or to adjust, Disability Leave benefits or insurance premiums paid in error or paid because of fraud. DAS will request the Attorney General to take appropriate action as necessary.
- L. **Appeals**
1. If the employee receives a denial notice from the Administrator, they have 30 calendar days from the date of the notice to appeal the denial. The disability claim may be closed if the appeal is not received in a timely manner.
 2. If the appeal involves a denial because of a medical issue, the Administrator will assign an appeals specialist to review the claim. The employee will have an opportunity to submit additional medical documentation within the 30-day appeal timeframe. The employee may request a one-time 10-day extension to submit additional documentation. If the employee submits additional medical documentation with the appeal, the Administrator will obtain a medical opinion from a third party and the decision of this third party is binding. If the employee does not submit additional medical documentation with the appeal and the Administrator previously obtained a medical opinion from a third party, that medical opinion remains binding.

IV. Definitions

- A. **Active Work Status.** The conditions under which an employee is actually in a work status and is eligible to receive pay but does not include vacation pay, sick leave, bereavement leave, compensatory time, holidays, personal leave, and Disability Leave.
- B. **Appointing Authority.** The officer, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or institution.
- C. **Behavioral Health Provider.** A provider who is licensed by the relevant jurisdiction to provide mental or behavioral health services and is practicing within the terms of their license.
- D. **Disability (and Disabling and Disabled).** An injury, illness, or condition that renders the employee physically or mentally incapable of performing the material and substantial duties of their position.

- E. Disability Retirement. A retirement granted by a state retirement system per appropriate section of the ORC.
- F. Disability Separation. A voluntary or involuntary separation granted by the Appointing Authority pursuant to OAC 123:1-30-01 or 123:1-30-02.
- G. Extenuating Circumstances. An unforeseen situation or event that prevents an employee from filing a claim for Disability Leave benefits within the required timeframe. Extenuating Circumstances include natural disasters, inability to get appointment with Medical or Behavioral Health Provider, and extended hospitalizations.
- H. Full Capacity. Ability to perform the material and substantial duties of the employees' job without restrictions or limitations.
- I. Medical Provider. A provider who is licensed by the relevant jurisdiction to practice medicine and is practicing within the terms of their license.
- J. Treatment Plan. A documented course of action outlined by the treating Medical or Behavioral Health Provider regarding the injury, illness, or condition. The Treatment Plan should include detailed information about the Disability, an overview of any procedures that may be needed, the goal of treatment, the anticipated length of treatment, and the employee's compliance with the Treatment Plan.

V. Authority

ORC 124.385
OAC 123:1-33-01

VI. Resources

Resource Name	Location
DAS Disability Program Web Page	https://das.ohio.gov/disability
Self Service Tile for Disability Claims	myOhio.gov>My Workspace>Self-Service>Disability Leave Benefits
Statewide FMLA Policy	https://das.ohio.gov/employee-relations/policies/family-medical-leave-act
Statewide Adoption/Childbirth Leave Policy	https://das.ohio.gov/employee-relations/policies/adoption-childbirth-leave-(HR-18)

VII. Inquiries

Direct inquiries about this policy to:

DAS.Disability@das.ohio.gov; or

Disability Program Manager
State Human Resources Division
Ohio Department of Administrative Services
30 Broad St., 40th Floor
Columbus, Ohio 43215

614-466-8857, option 4; or
800-409-1205, option 4

State of Ohio Administrative Policies may be found online at: <https://das.ohio.gov/home/policy-finder/filter-policy-finder>

VIII. Revision History

Date	Description of Change
09/01/2024	Original policy.
10/17/2025	Clarifies that an employee receiving Disability Leave benefits is not in active pay status. Removes reference to appeals being transferred to DAS pursuant to revised version of ORC 124.385, effective 9/30/2025. Removes information duplicative of information in ORC/OAC.