


Title:	Employee Leave Policy
Policy #:	50-PAY-02
Subsequent Procedure(s):	N/A
Legal Reference:	R.C. 3304.15, 3304.16, 124.13, 124.134, 124.136, 124.382, 124.385, 124.386, 124.387; Ohio Adm.Code 123:1-32, 123:1-33, 123:1-34, 123:1-47-01(A)(39); OCSEA and SEIU/District 1199 Collective Bargaining Agreements; Public Law 103-3; C.F.R. Part 825; State of Ohio Family and Medical Leave Policy
Date:	May 6, 2024
Approved:	Kevin L. Miller, Director 
Origin:	Division of Human Resources
Supersedes:	50-PAY-02 (07/05/22)
History:	50-PAY-02 (12/09/19, 08/20/17, 10/03/16, 04/20/11), HR 2009.07 (01/13/09), HR 2008.16 (06/02/08), HR 2006.05, HR 2000.101
Review/ Implementation	Begin Review – 11/03/25 Implement Revisions By – 05/04/26

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code (R.C.) 3304.15 and 3304.16 which establishes the power and authority of the Opportunities for Ohioans with Disabilities (OOD) and its Executive Director to develop all necessary rules and policy in furtherance of its statutory duties.

II. PURPOSE

The purpose of this policy is to provide guidelines for employees who are requesting time away from the workplace in accordance with appropriate federal (e.g., Code of Federal Regulations [C.F.R.]) and state law (i.e., Ohio Revised Code [R.C.], Ohio Administrative Code [Ohio Adm.Code]) governor directives and executive orders, other governing agency (e.g., DAS, OBM) policy or guidance, and/or director expectations.

III. APPLICABILITY

This policy applies to all OOD employees.

IV. DEFINITIONS

FMLA – acronym for Family Medical Leave Act.

Kronos – system for documenting hours worked, requests for time off, and leave cases (e.g., disability, military, FMLA).

Kronos Leave Case – a case created in Kronos for extended or intermittent leaves (e.g., medical leave, military leave, voluntary cost savings, FMLA) in which employees can make requests.

V. POLICY

A. General

1. OOD shall not unreasonably deny leave usage when employees request leave in the proper manner for appropriate purposes.
2. Absent extenuating circumstances, employees are expected to give prior notification for use of leave.
3. Employees are responsible for monitoring their leave usage and maintaining minimum balances.
 - a. If an employee obtains supervisory approval for leave and on the date of absence there is an insufficient leave balance to cover the absence, the employee will be subject to discipline.
4. Refer to “Poll Worker Leave and Jury Duty” (50-LR-02) for these types of leave.
5. Additional information regarding benefits for injuries at work can be found in “Accident/Illness and Illness Reporting” (50-LR-03-03).
6. Employees and supervisors should access the [“Time Off Request \(TOR\) Codes & Requirements”](#) job aid as an additional resource for information on various types of leave.

B. Call-off Requirements

1. Employees who are unable to report to work as scheduled, and who have not received prior approval for leave, shall be responsible for notifying their immediate supervisor/manager, or designee, no later than 30 minutes after their scheduled starting time.
 - a. Notification shall occur as soon as possible if emergency conditions prevent timely notification.
 - b. Unless otherwise instructed by a member of management, call-offs must occur on a daily basis.
2. In cases of anticipated tardiness or use of sick leave, employees are permitted to leave a voicemail message with a designee as established by their division/bureau. The voicemail message shall include:
 - a. the date and time;
 - b. a telephone number where the employee can be reached;
 - c. the reason for the absence; and
 - d. if applicable, whether there is an approved FMLA certification on file with the Division of Human Resources (DHR) or they believe they have an FMLA qualifying event for the absence.



Opportunities for Ohioans with Disabilities

3. Employees are required to speak to a supervisor/manager at the time they call if they wish to use discretionary leave (e.g., vacation, personal, compensatory time).
 - a. Voicemail may not be used for a discretionary leave call-off.
 - b. If a supervisor/manager is unavailable or if the leave is denied, the employee shall report to work.

C. Time Off

1. Time off is the use of accrued or earned leave (i.e., sick, vacation, personal, compensatory time).
 - a. Requests for all planned absences are to be made to an employee's immediate supervisor prior to the date of absence and in accordance with the appropriate collective bargaining agreement (CBA).
 - i. Employees must confirm that the request has been approved and ensure leave hours are available prior to actually taking leave.
 - b. Requests for planned and unplanned absences shall be entered in Kronos by the timeframes listed in "Hours of Work and Attendance" (50-PAY-01).
 - c. Leave accruals may not be used until the balance appears on the employee's earnings statement (i.e., available on the last Friday of the pay period in which it is accrued).
2. Personal Leave
 - a. Usage and Approval
 - i. Personal leave may be used for any matter of a personal nature.
 - ii. Personal leave must be requested for a minimum of two (2) hours.
 - a) If an employee's balance is below 2 hours, the employee may not use the leave.
 - iii. Personal leave may not be used to extend an employee's date of resignation or date of retirement.
 - b. Bargaining Unit Employees
 - i. Personal leave shall be accrued, requested, and approved in accordance with the appropriate CBA.
 - c. Exempt Employees
 - i. Full-time, permanent exempt employees shall be credited with 32 hours of personal leave each year on the 1st pay period received in December.
 - a) Part-time permanent employees shall also be credited the 1st pay period in December based on a proration defined by the Ohio Adm.Code.



3. Vacation Leave

a. Bargaining Unit

- i. Vacation leave shall be accrued per R.C. 124.13 and requested and approved in accordance with the appropriate CBA.
- ii. OCSEA and 1199 employees shall reference their collective bargaining agreements for vacation accrual rates, maximums and pay outs.

b. Exempt Employees

- i. Vacation leave shall be accrued per R.C. 124.13, requested and approved as determined by OOD management.
- ii. An exempt employee forfeits their right to be paid for or use any vacation leave that exceeds three (3) years of their accrual rate (e.g., If an employee accrues 80 hours vacation leave per year, they will forfeit any hours over 240 [i.e., it will be stricken from their balance]).

4. Sick Leave

a. Sick leave may be used for the reasons listed below.

- i. Illness, injury, or a pregnancy-related condition of the employee or the employee's immediate family.
 - a) An employee's immediate family is defined by Ohio Adm.Code 123:1-47-01 (A) (39) or CBA.
- ii. Exposure of an employee to a contagious disease.
- iii. Medical examination or on-going treatment of the employee or immediate family member where the employee's presence is reasonably necessary.
- iv. In conjunction with bereavement leave, limited to a reasonable amount of time.
- v. To supplement an approved disability leave, workers compensation claim, or adoption/childbirth (i.e., parental) leave.

b. Employees must use all accrued sick leave before being approved to use accrued vacation, personal leave, or compensatory time in lieu of sick leave.

c. Requesting Sick Leave or Leave in Lieu of Sick Leave in Kronos

- i. Sick leave or leave in lieu of sick for a NON-FMLA absence shall be requested as "time off" in KRONOS and when entering, an employee shall include in the comments section the following information:
 - a) who the sick leave is for (e.g., self, spouse, child); and
 - b) whether the leave is due to illness or appointment (i.e., ill or appt.).



- ii. If the absence is FMLA related, refer to Section E.
- d. In the case of a condition exceeding three (3) consecutive working days, including absences related to FMLA, a note from the employee's doctor is required at the time the employee returns to work.
 - i. The doctor's note must include the date the employee is able to return to work.
 - a) All return-to-work doctor's notes must be scanned and sent, via email, to ood.hrbenefits@ood.ohio.gov.
- e. A doctor's note may also be required for isolated uses of sick leave as determined in consultation between the supervisor and HR.
 - i. In such cases, the supervisor will notify the employee of the requirement in conjunction with the employee call off or request for time off.
- f. Pattern Abuse
 - i. A pattern of abuse of sick leave is characterized by consistent periods of sick leave usage including, but not limited to:
 - a) before or after a holiday;
 - b) before or after weekends or regular days off;
 - c) after pay days;
 - d) any one specific day absence following overtime worked;
 - e) half days;
 - f) continued pattern of maintaining zero or near zero (i.e., less than 16 hours) balances;
 - g) excessive absenteeism; or
 - h) continual and excessive use of sick leave (including leave in lieu of sick leave).
 - ii. Employees shall be notified, in writing, that pattern abuse is suspected. Use of sick leave for FMLA qualifying purposes will not be considered for pattern abuse.
 - iii. Unauthorized use, misuse, or abuse (including pattern abuse) of sick leave or leave in lieu of sick leave may result in discipline.
- g. When an employee uses more than three (3) consecutive days of sick leave (or leave in lieu of sick), a supervisor/manager, or designee, must complete the "Employee Call/Report-off" form (50-PAY-02.A) whether the sick leave was unplanned or planned (e.g., for a medical procedure).
 - i. The supervisor shall immediately send the form, electronically, to EBPS at ood.hrbenefits@ood.ohio.gov or via the confidential fax (614-985-8971).
 - ii. The supervisor is also responsible for working with EBPS to coordinate Disability, FMLA or Workers' Compensation leave.



D. Bereavement Leave

1. An employee is granted bereavement leave in the event of death of an immediate family member , as defined by [Ohio Adm.Code 123;1-47-09](#) or the [OCSEA and SEIU/ District 1199 collective bargaining agreements](#) (CBAs).
2. Explanation of Bereavement Leave
 - a. Exempt employees are granted bereavement leave as described in R.C. 124.387 and [Ohio Adm.Code 123:1-34-09](#).
 - b. Bargaining unit employees are granted bereavement leave as described in their appropriate CBA.

E. Leave Cases

1. A leave case is the use of a leave benefit (e.g., FMLA, disability, military).
 - a. A leave case will be created in KRONOS by DHR, Employee Benefits and Payroll Support (EBPS) and instructions provided to the employee.
2. Family Medical Leave Act (FMLA)
 - a. OOD follows the State of Ohio FMLA policy. The policy and forms can be accessed via the following link: <https://das.ohio.gov/employee-relations/policies/family-medical-leave-act>
 - b. In KRONOS, refer to “My Leave Cases” to determine if a FMLA case has been created. If not, follow direction for requesting time off in Section C. 4. and add “FMLA” in the “Comments” section.
 - c. If the case has been created, follow directions provided by EBPS.
3. Disability or Parental Leave
 - a. Employees applying for parental leave shall send an email to ood.hrbenefits@ood.ohio.gov to request the leave. The requested leave will be posted in Kronos by EBPS.
 - i. If an employee does not submit an email request and has a waiting period required by their CBA, EBPS will utilize the employee’s leave in the order stated in Section E.3.b below.
 - b. The leave order usage for the 80-hour waiting period for an employee who has applied for disability shall be as follows: sick leave, personal leave in lieu of sick, vacation in lieu of sick, and compensatory time in lieu of sick. Leave shall be posted in Kronos by EBPS.
 - i. Exceptions to this are as follows:
 - a) if an employee’s vacation is at their max or will reach the max during the next pay period; or
 - b) the compensatory time on their paycheck will expire during the waiting period.



Opportunities for Ohioans with Disabilities

- c. Employees on disability or parental benefits shall notify their immediate supervisor of the anticipated return to work date including any changes to the date as soon as they are aware of the change.

4. Military Leave

- a. Refer to DAS, Human Resources Division (HRD) for guidance on military leave. Access the following link <https://das.ohio.gov/employee-relations/policies/military-leave> .
- b. In KRONOS, access “My Leave Cases” to determine if a military leave case has been created. If not, send an email to EBPS at ood.hrbenefits@ood.ohio.gov .

F. Physician’s Verification

1. A Physician’s Verification shall be required once an employee’s accrued sick leave balance is less than 16 hours. A Physician’s Verification is a note from a doctor indicating that the employee (or appropriate family member) was sick on the day(s) the employee was absent from work.
 - a. The employee will receive notification of this requirement, in writing, from EBPS.
 - b. The employee shall then be required to provide a Physician’s Verification for all future uses of sick leave or leave in lieu of sick leave.
 - i. The Physician’s Verification must be signed by the physician or physician’s designee.
 - c. An employee’s request for sick leave or leave in lieu of sick leave will only be approved if the Physician’s Verification is provided within three (3) business days of returning to work.
2. A Physician’s Verification is not required for absences due to a certified FMLA condition. However, if the FMLA absence is more than three (3) consecutive working days, the employee is still required to provide a note from a doctor indicating that they are able to return to work (see Section C.4.d.).
3. Upon an employee’s balance reaching 24 hours of accrued sick leave, the requirement for a Physician’s Verification may be rescinded.
 - a. EPBS shall, at a minimum, review employee leave balances monthly to determine when an employee’s balance achieves 24 hours of accrued sick leave.
 - i. Written notification shall be provided to the employee, however, until the written notification is received from EPBS the requirement remains in effect.
 - b. If an employee’s accrued sick leave balance reaches 24 hours, they may request that the Physician’s Verification be rescinded by submitting an email to ood.hrbenefits@ood.ohio.gov .
 - i. The requirement does, however, remain in effect until written notification is received from EPBS.



G. Leave Without Pay (LWOP)

1. Only the Director, or designee, may approve LWOP. LWOP may only be approved in exceptional cases for employees who have exhausted all available leave balances.
2. Requesting LWOP
 - a. All requests for LWOP shall be submitted to EBPS prior to taking the LWOP or as soon as practical. A LWOP request shall be entered as detailed below.
 - i. Submit an email to ood.hrbenefits@ood.ohio.gov stating the reason for LWOP and the dates the leave is being requested. Attach any supporting documentation.
 - ii. Enter a time off request in Kronos for non-paid leave (NPDLV).
 - a) If the request is for medical or sick reasons, follow the entry direction in Section C.4.
 - b. Approval or Denial of LWOP
 - i. Each request shall be determined on its own merits. Unless required by law or CBA, the Director, or designee, is not obligated to grant LWOP.
 - ii. EBPS shall reply to the email submitted in Section 2.a.i. approving or denying the request for LWOP.
 - a) Supervisors shall approve the time off requests for NPDLV in Kronos with a comment “for payroll purposes only”.
 - iii. If the LWOP request was denied and the employee is already off work or chooses to still take off, they shall be considered Absent Without Leave (AWOL).
 - 1) EBPS shall post “unauthorized leave” in Kronos and the employee will be subject to disciplinary action.

H. Director Authority

1. The Director may exercise discretion in the application of this policy in circumstances they deem appropriate.

FORMS AND ATTACHMENTS

- 50-PAY-02.A Employee Call/Report-off

RESOURCES

- 50-PAY-01 “Hours of Work and Attendance”
- 50-LR-02
- 50-LR-03-03
- 50-LR-15 Discipline Policy, 50-LR-15.A Discipline Grid

REVIEW

It is the responsibility of the Deputy Director, or designee, to review this policy, on or before, the date listed in the header and if applicable, make any necessary revisions. The Deputy Director or designee shall document the review as required in “Policy and Procedure Process” (10-ADM-01).