

SECTION 4.03 SICK LEAVE

Sick leave is a benefit for employees. Sick leave use must be approved by the Employer.

Uses of Sick Leave

An employee may request sick leave for absences resulting from illness as described below, if he follows the proper notification procedures outlined in this section. Sick leave may be requested for the following reasons:

1. illness or injury of the employee or a member of his/her immediate family (where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member);
2. exposure of employee to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others;
3. death of a member of the employee's immediate family for a reasonably necessary time, not to exceed 5 days;
4. medical, psychological, dental, or optical examinations or treatment of the employee or a member of his immediate family (where the employee's presence is reasonably necessary); or
5. pregnancy, childbirth, and/or related medical conditions of the employee, or an immediate family member (where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member).

Pursuant to OAC 123:1-47-01, the "immediate family" is defined as only: mother, father, brother, sister, child, spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepparent, stepchild, stepbrother, stepsister, legal guardian or other person who stands in the place of a parent. An employee may use 1 day of sick leave for the death of an Aunt, Uncle, Niece or Nephew.

Sick Leave Accrual

For each completed 80 hours in active pay status, an employee earns 4.6 hours of sick leave. For pay periods that are different than 80 hours, the rate of accumulation shall be .0575 times the hours of active pay status. Active pay status may be defined as hours worked, hours on vacation, hours on holiday leave, hours on paid personal leave, and hours on paid sick leave. The amount of sick leave time an employee may accrue is unlimited.

Previously Accumulated Sick Leave

An employee who transfers from another public agency to the County, or who has prior service with a public agency in Ohio, shall receive credit for any unused, unconverted sick leave. No credit shall be received for sick leave earned and converted with a previous employer.

The previously accumulated sick leave of an employee who has been separated from public service shall be placed on his/her credit upon his/her re-employment with the Employer provided such reemployment takes place within 10 years of the date on which the employee was last terminated from public service. However, any person removed for conviction of a felony, within the meaning of Ohio Revised Code 124.34, who is subsequently reemployed by Jefferson County Board of Developmental Disabilities (JCBDD) will only be qualified to accrue sick leave as if he were a new employee and will receive no sick leave credit for prior service. To this policy, "public agency" shall mean state agencies, counties, municipalities, civil service townships, and boards of education. It is the employee's responsibility to request that sick leave from prior service be transferred and to provide documentation concerning the balance to be transferred.

Charging of Sick Leave

Sick leave shall normally be charged in minimum increments of .25 hour. An employee shall be charged for sick leave only for days which he was scheduled to work. Approved sick leave payment shall be at the employee's regular hourly rate. Advance use of sick leave will not be permitted.

Exhausted Sick Leave Credit

Accumulated but unused vacation leave or paid personal leave must be used for sick leave purposes after sick leave is exhausted. Employees who have exhausted all sick

leave, vacation leave, and paid personal leave credits may be granted a leave without pay for a period not to exceed 6 months. Pursuant to the Family Medical Leave Act ("FMLA") policy, employees may be eligible for FMLA leave. Employees experiencing illnesses exceeding 6 months may be considered for Disability Separation.

Evidence Required for Sick Leave Approval and Return to Work

Upon return to work, an employee shall complete a leave request form which is available at each building throughout the program. In the case of surgery or injury requiring medical attention, the employee shall provide certification from the employee's health care provider that the employee is able to return to work and perform the essential functions of their position.

When an employee is reasonably suspected to misuse or abuse sick leave as determined by the Superintendent or designee, the employee may be required to obtain a certificate from a licensed physician, dentist, or other licensed practitioner. A practitioner's statement shall acknowledge that the employee is able to return to work without any restrictions. To receive pay for sick leave usage, an employee must comply with all departmental rules and regulations governing application and use. Falsification of an application for sick leave or a practitioner's statement shall be grounds for disciplinary action, up to and including removal.

Employees may be required to provide a medical release prior to return to work.

Notification for Extended Sick Leave

In the case of a condition exceeding 3 or more consecutive workdays, a physician's statement specifying the employee's inability to report to work and the probable date of recovery may be required.

Misuse or Abuse of Sick Leave

Employees failing to comply with sick leave rules and regulations shall not be paid and may be disciplined. Application for sick leave with intent to defraud will result in dismissal and refund of salary or wage paid, if any. This section shall not be construed as a limitation on the definition of the terms misuse or abuse.

Patterned or excessive absences, as determined by JCBDD, or the misuse or abuse of sick leave will be carefully reviewed, and as circumstances warrant, sick leave may be denied. Employees shall be counseled as to any inappropriate use of sick leave benefits

and may be subject to disciplinary action for misuse or abuse of sick leave as well as denied payment for sick leave. In the event sick leave is approved and it is later learned that the sick leave was misused or falsified, or if the use establishes a pattern, the grant of the sick leave does not prevent discipline.

Disclaimer

Nothing in this policy shall be construed to mean that paid sick leave shall automatically be granted to an employee upon request. Paid sick leave shall be granted only if the employee follows the procedures set forth in this policy. It is within the discretion of JCBDD to disapprove as well as approve requests for paid sick leave.

Furthermore, JCBDD, reserves the right to investigate sick leave to ensure its appropriate use and may require an employee to submit to examinations, inquiries or visits as JCBDD, deems necessary.