

MEDICAL COLLEGE OF OHIO

Subject: LEAVES OF ABSENCE (OTHER THAN FMLA)
AND SICK LEAVE ACCRUAL

Policy No.: 05-061

This policy is intended to explain the various leaves of absence except Family Medical Leave Act leave. (For FMLA see Policy No.: 05-072). Specifically covered in this policy are the following:

- Funeral Leave
- Military Leave
- Sick Leave (may or may not be FMLA leave)
- Unpaid Leave for Personal Reasons
- Parental Leave

FUNERAL LEAVE

An employee who is absent from work due to a death in the employee's immediate family shall be granted a leave of absence not to exceed five (5) consecutive working days (excluding weekends and holidays) to make funeral arrangements and to attend the funeral. The funeral leave shall not extend beyond the date of the funeral, even if a balance of the five (5) days exists. If the funeral is out of town (500 miles round trip), one day from the balance of the initial five (5) days may be used for return travel. Each full-time or regular part-time employee shall be granted a leave of absence not to exceed one (1) day to attend the funeral of a former immediate family member. Pay for such leave may be deducted from the employee's accumulated sick leave up to the maximum of hours scheduled on the days taken off.

If sufficient sick leave is not available, and the employee chooses not to use accrued compensatory or vacation leave, the employee may be granted a leave of absence without pay for up to five (5) consecutive working days for current immediate family (excluding weekends and holidays).

The employer may request proof of the death and relationship before approving payments for funeral leave.

MILITARY RESERVE DUTY LEAVE

All employees of the Medical College of Ohio who are members of the Ohio National Guard, the Ohio Defense Corps, the Naval Militia, or members of other reserve components of the armed forces of the United States, shall be entitled to a leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duty for periods not to exceed thirty-one (31) days in any one calendar year. The maximum payment is limited to 176 hours of pay per calendar year. The employee is required to submit to Human Resources an order or statement from the appropriate military commander as evidence of such duty. There are no requirements that the service be in one continuous period of time.

Employees called to active duty for a period exceeding thirty-one (31) days by an executive order or act of Congress are entitled to a monthly compensation amount by which an individual's monthly civilian MCO wages or salary exceeds his or her military pay and allowances.

A full-time state employee who was a member of the Ohio National Guard serving one weekend per month and two weeks out of every year is entitled to one year prior service credit for each year of service with the Ohio National Guard for the purpose of computing the amount of his vacation leave pursuant to RC 121.161. Cross reference: Vacation Allowances – Non-Contract Employees, Policy No.: 06-019.

SICK LEAVE

Sick leave, defined as the use of paid accrued sick leave, shall be granted, upon approval of the responsible administrative officer, or the FMLA leave administrator, for a personal illness, injury, serious health condition, medical, dental, psychological, optical examination or treatment of an employee or a member of his or her immediate family, and for pregnancy and childbirth and related conditions. Sick leave for medical, dental, psychological and optical examination require seven (7) days advance notice, except for emergency situations. Sick leave of absence eligibility, in lieu of FMLA, shall be determined by consecutive days absent (including normal days off). Part-time employees must be absent for five (5) consecutive days (including normal days off) and full-time employees shall be absent for four (4) consecutive days (including normal days off). The responsible official may require an employee to furnish a signed physician statement, which does not include diagnosis, to justify the use of sick leave. For FMLA leaves, the FMLA leave administrator will require medical certification, which requires more complete information to be disclosed. The Medical College of Ohio reserves the right to require the employee to provide medical verification of ability to return to work. Falsification of physician's certificate or medical certification will be grounds for disciplinary action including dismissal.

Immediate family is defined as spouse, child, parent, and a legal guardian or other person who stands in the place of a parent. A child placed for adoption or foster care is not an immediate family member. An adopted child, for whom adoption is final, is an immediate family member.

For purposes of confirmation of family relationship, Medical College of Ohio may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. (29 C.F.R. §825.113)

If an employee requests sick leave exceeding more than three days, or is absent from work for more than three days for reasons that can reasonably be determined to be related to eligibility for a FMLA leave, such request or circumstances of such an absence should be immediately referred to the administrator for FMLA leaves. If the Medical College of Ohio management has reason to believe the length of time is excessive, it reserves the right to seek a second medical opinion from a physician selected by it to examine the employee. If the employee fails or refuses to submit to an examination by a physician selected by the Medical College of Ohio, sick leave benefits for such employee shall terminate. If Medical College of Ohio's physician certifies that the length of sick leave requested by employee's physician is excessive, employee's sick leave will terminate on the date certified by Medical College of Ohio's examining physician. The dispute as to the length of sick leave time employee should be compensated for shall be resolved by the grievance procedure set forth in the collective bargaining agreement, as appropriate. For non-bargaining unit employees, they shall utilize the grievance procedure as set forth in policy 05-053. For the right of the employer to seek a second opinion for a qualifying FMLA leave, see policy 05-072. Application for sick leave with intent to defraud will result in dismissal and repayment of sick pay.

An employee who is unable to report to work will be responsible for directly notifying his or her immediate supervisor or designee prior to the beginning of the employee's work shift. Employees will be informed of the names of supervisors or designees who are to be called concerning inability to work due to illness. An employee will be eligible for sick leave payment if he or she is prevented from calling in prior to the shift by acts of nature or other events documented by a policy accident report, hospital admission or emergency room record.

If the stated reason for the leave no longer exists, then the employee is required to notify his or her immediate supervisor or designee as soon as possible, not to exceed two (2) calendar days, to receive return to work instructions. If the employee feels that he/she would qualify for the leave at that time for another reason, additional leave may be requested.

Sick leave shall not be paid to either natural or adoptive parents who request leave for purposes of child care that does not require the need for care due to a medically certified illness or injury to such employee or their child.

An employee who resigns or gives notice of resignation while on a paid leave of absence shall be separated from Medical College of Ohio effective the date of such notice. An employee who resigns while on an unpaid leave shall be separated retroactively to the unpaid date.

Sick leave of absences with intent to defraud shall result in dismissal, requirement for repayment of any wages or benefits paid, and cancellation of active employment benefits.

Notice and Certification Requirements

Employees must provide 30-day advance notice of the need to take Sick Leave when the need is foreseeable and when such notice is practicable, or as soon as practicable when the need for leave is not foreseeable. Notice can be given by the employee in person or by fax, phone, or by a family member. Notice for the need for Sick Leave must be sufficient to make Medical College of Ohio aware of the need for Sick Leave, the anticipated duration of leave, and the anticipated timing of the leave.

Accrual – Contract

Eligibility for sick leave benefits will accumulate at the rate of 1.2 days per calendar month (15 days per year), for full-time faculty and contract personnel employed on a fiscal or academic year basis.

Part-time faculty and contract employees are eligible for sick leave accrual. The decimal fraction full-time equivalent (FTE) basis on an annual basis appearing on the employee's contract will be multiplied by fifteen (15) days to determine sick leave days earned

Accrual – Non-Contract

Eligibility for sick leave benefits will accumulate at the rate of .0575 times hour paid up to 80 in a pay period, for both full-time and part-time employees.

Accumulation of Benefits

Accrual of sick leave will be unlimited. Time spent on vacation, paid military leave, paid professional leave, jury duty, funeral leave or paid sick leave will count toward accumulation of benefits. There will be no accumulation of benefits while on unpaid leave of absence or layoff.

An employee who is reappointed or reinstated will be credited with the unused balance of accumulated sick leave provided the time between separation and reappointment does not exceed ten years, and/or the employee did not receive cash conversion for the unused sick leave.

Newly hired employees who have worked previously for another Ohio public employer and had a positive balance of accumulated sick leave with that employer upon termination, may have such balance transferred to Medical College of Ohio with proper verification by the previous employer of such balance.

Cash Benefit Conversion of Sick Leave Upon Retirement

Employees with ten or more years of service with the state (service as defined by a State of Ohio retirement system excluding non-Ohio purchased time) shall be compensated in an amount not to exceed one-fourth of accrued but unused sick leave credit, based upon the individual's annual rate of compensation at the time of retirement up to a maximum payment of two hundred-forty (240) hours.

Cash Benefit of Sick Leave at Time of Death

In the case of death of an employee, unused sick leave shall be paid to his or her estate in accordance with retirement benefits for accumulated sick leave (see above).

UNPAID LEAVE FOR PERSONAL REASONS

Faculty and non-faculty employees are eligible to request unpaid leaves of absence for personal reasons, other than any that are covered in this policy or in the FMLA leave policy, which require the approval of the employee's manager or chairman or appropriate Vice President. An employee who is on such a leave of absence should check with the Human Resources Department regarding continuation of benefits during the leave. Faculty must work through the Faculty Affairs Office for forms and approval.

Parental Leave

Employees may be granted up to five (5) days (charged to sick leave) as parental leave to care for the spouse or family following birth or of the placement of an adopted child with the family prior to utilizing compensatory time, personal time, vacation and unpaid leave.

Source: Vice President for Operations

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