

DELAWARE COUNTY

Subject	Effective	Supersedes	This Sheet	Total
Sick Leave Policy	6/28/2004	Employee Handbook (effective October 2001)	1	7

1.0 Purpose

To establish a consistent method of authorizing employee sick leave, allowing proper uses of sick leave and eliminating inappropriate use or abuse of sick leave.

2.0 Scope

This policy shall be distributed to all departments operating under the authority of the Delaware County Board of Commissioners.

3.0 Distribution

This policy pertains to all departments operating under the authority of the Delaware County Board of Commissioners.

4.0 Definitions

Full-time employee means an employee whose regular hours of work total eighty (80) hours in a pay period or any other schedule considered full-time by bargaining agreement or resolution of the Board of Commissioners.

Part-time employee refers to an employee whose regular hours of work total less than eighty (80) hours in a pay period.

Base rate of pay indicates the employee's regular rate of pay.

"Immediate family" for purposes of sick leave includes: grandparents, brothers, sisters, parents, spouse, children, grandchildren, and a legal guardian or other person who stands in the place of a parent (in loco parentis) to the employee. The definition of "family" is slightly expanded for Bereavement Leave described in 5.0 (F).

The term "active" and/or "paid status" refers to the conditions under which an employee is eligible to receive pay, including but not limited to hours worked, hours on vacation, hours on holiday, hours of compensatory time, hours on paid sick leave and hours derived from the Sick Leave Donation Program and administrative leave with pay.

5.0 Policy

A. Focus of Sick Leave

Sick leave is a benefit provided to public employees to aid them in offsetting the financial burden of illness. Employees are expected to be in attendance daily, and sick leave is only to be used in cases of illness, pregnancy, injury, exposure to communicable disease, or illness, injury, or death in the employee's immediate family. Sick leave is a form of insurance and is not intended to be "extra days off". Just as an employee would only claim health insurance benefits when actually ill and needing treatment, an employee may only use sick leave when incapacitated by illness, injury or as otherwise provided in this policy.

B. General Information

Each County employee earns 4.6 hours of paid sick leave upon completion of each 80 hours of work on paid status. Employees working less than 80 hours will have their sick leave accrual prorated. Unused sick leave shall be cumulative without limit.

An employee may use sick leave as it is earned without any waiting period if the reason for use complies with Ohio law and with the prior approval of his/her supervisor. When sick leave is used it shall be deducted from the employee's credit on the basis of one hour of sick leave for every one hour of absence from previously scheduled work. The sick leave payment shall not exceed the normal schedule work hours or workweek earnings. Sick leave shall be used in minimum increments of one-quarter (0.25) hour.

If an employee is on unpaid leave status, that employee is not entitled to accrue sick time, vacation or service time until he/she returns to his/her position or a similar position.

C. Appropriate Uses of Sick Leave

Per Section 124.38 of the Ohio Revised Code, an employee may use sick leave, provided a credit balance is available, upon approval from immediate supervisor, for absences due to:

- Illness or injury of the employee or a member of his or her immediate family;
- Pregnancy, childbirth, or related medical conditions;
- Exposure to contagious diseases that could be communicated to other employees; and
- Medical, dental, psychological, or optical examinations of employee or employee's immediate family that cannot be scheduled outside of normal working hours.

During pregnancy, accrued sick leave may be used during the period of the employee's medical disability.

D. Notification

An employee requesting sick leave is required to contact his or her immediate supervisor as soon as possible but no later than one-half (1/2) hour after the employee's regularly scheduled start time to inform him/her as to the nature and reason for the sick leave request unless emergency conditions prevent such notification. The employee making the request must personally speak with his or her immediate supervisor unless the employee is unable to communicate himself or herself. It is not permissible for anyone other than the employee to contact the supervisor, to leave a voice mail message or leave a message with another person in the office/department. If the immediate supervisor is not available, the employee shall contact the next higher supervisor, the department head, director, or appointing authority.

If the employee is aware, in advance, that he or she must request sick leave, the employee must complete the appropriate leave form and submit it to his or her immediate supervisor for approval. For extended leaves with or without pay an Employee Action Form must be submitted and signed by the supervisor. If the employee is or will be hospitalized, then a physician's certificate must accompany the Employee Action Form. If the employee is not aware in advance of his sick leave qualifying event, the employee shall complete the appropriate leave form upon his/her return to the workplace.

The employee is required to complete the appropriate FMLA notification forms and an employee action form requesting leave when an FMLA qualifying event occurs and/or when the employee learns that a FMLA qualifying event will occur. Please refer to the FMLA Policy for more information.

In the event that the employee does not report to work for three (3) consecutive working days and does not provide notification or communication of the absence, the employee will be considered as voluntarily quitting his/her position. In the event the employee was prevented from giving notification or communication of the absence by no fault or cause of his/her own, the County will reinstate the employee with no loss of standing or time upon presentation of evidence establishing such grounds.

E. Physician's Certification

A physician's certificate specifying the employee's eligibility to work and/or the probable date of recovery will be required when an employee has been absent for more than three (3) consecutive days.

Delaware County may also require an employee to provide a physician's certificate for any absence and/or require the employee be examined by a physician selected by the County in order to verify the legitimacy of the illness, proper use of sick leave and/or the employee's ability to perform the essential functions of his/her position.

F. Bereavement

An employee may use sick leave for a reasonably necessary time, in no event to exceed five (5) days, for bereavement purposes for the death of a member of the employee's family defined as follows: an employee's spouse, parents, children, grandparents, siblings, grandchildren, in-laws, step children, step-siblings, or a legal guardian or other person who stood in the place of a parent (in loco parentis). For funeral attendance purposes in the event of the death of a person who is not a member of the employee's immediate family, including other family members (e.g. aunts, uncles, niece/nephew and cousins of any degree) and friends, an employee may not use sick leave, but may use another type of leave such as vacation leave or compensatory time, if such leave is available to the employee.

G. Use of Vacation and/or Compensatory Time

Vacation leave and compensatory time may be used for absences that could properly be covered by sick leave, at the employee's request and with the approval of the immediate supervisor, once sick leave hours have been exhausted. If an employee has no remaining sick leave, vacation or compensatory time, then the employee may request and, at the discretion of the appointing authority, a personal leave of absence without pay may be granted for up to six (6) months.

H. Family Medical Leave Act (FMLA) (Refer to the FMLA Policy for additional information.)

Under the Family Medical Leave Act policy (effective 10/01/00), the following provisions apply to employees on FMLA leave:

- Employees shall not utilize sick leave to be substituted for FMLA leave unless the situation involves a serious health condition;
- Any employee may choose to utilize his or her compensatory time for FMLA leave but Delaware County cannot require an employee to substitute compensatory time for unpaid FMLA leave;
- Employees shall run paid leave concurrently with unpaid FMLA leave in the following order:
 1. For the birth and care of the newborn child of the employee.
 - a. sick leave shall be utilized for the extent of inpatient care in the hospital and continued to the extent as certified by a qualified health care provider as a serious health condition;
 2. For placement with the employee of a son or daughter for adoption or foster care.
 - a. vacation and compensatory time shall be utilized until exhausted or until employee returns to work;
 3. To care for an immediate family member of the employee with a serious health condition or for the employee's own serious health condition.

- a. sick leave shall be utilized until exhausted or until the employee or until immediate family member no longer has the serious health condition; then
- b. employees may elect to use compensatory leave until accrued time is exhausted or until the employee or immediate family member no longer has the serious health condition; then
- c. all accrued vacation is utilized until exhausted or until the employee or immediate family member no longer has the serious health condition.

I. Fraudulent Use and Abuse of Sick Leave

Employees will be subject to disciplinary action up to and including termination for inappropriate and/or fraudulent use of sick leave, including but not limited to the following: fraudulently obtaining sick leave; falsifying sick leave request; documentation of records; misrepresenting the grounds for a sick leave request; or using sick leave for an improper purpose. Using sick leave for purposes including but not limited to vacation, travel or recreation purposes, or to pursue or maintain other employment, will be deemed an inappropriate and/or fraudulent use of sick leave that will subject the employee to discipline up to and including termination.

An employee who is no longer able to perform the essential functions of his or her position may not exhaust accrued sick leave when that employee does not intend to return to work. Instead, the employee must go on disability separation status (voluntary or involuntary), take disability retirement, resign, or otherwise be terminated from employment.

J. Prior Service

The previously accumulated sick leave balance of an employee who has been separated from the public service with a political subdivision of the State of Ohio, for which separation payments pursuant to the provisions of section 124.384 of the Revised Code have not been made, shall be placed to the employee's credit upon the employee's reemployment in the public service, if the reemployment takes place within ten years of the date on which the employee was last terminated from public service if the employee did not retire from prior public service.

To be credited with previous public service from a political subdivision of the State of Ohio other than Delaware County, the employee must obtain a Prior Public Employment Service Time form from the Human Resources Department and forward it to his or her prior employer(s) to be completed and returned to the Human Resource Department. Once the Human Resources Department has received the completed Prior Public Employment Service Time form, an Employee Action Form will be completed and forwarded to the employee for verification and approval. Upon receipt of the approved

Employee Action Form, the Human Resources Department will forward to the Auditor's office, which will in turn, recognize and combine prior public service with Delaware County service time according to County policy.

The use of sick leave will first be applied against the balance accrued with Delaware County. If an employee uses all of the accrued sick leave balance accrued with Delaware County, the employee may use the accrued sick leave balance transferred from the state of Ohio or another political subdivision of the state of Ohio.

K. Sick Leave Donation Program (Refer to the Sick Leave Donation Policy for additional information.)

The Sick Leave Donation Program may also be utilized to maintain an employee's active status. The Sick Leave Donation Program enables an employee to voluntarily "donate" accrued sick time to the employee that has exhausted all means of paid leave time (sick, vacation, compensatory). In order to be eligible for the Sick Leave Donation Program, the employee requesting the donation must **be approved for leave with or without pay and** complete an Application to Receive Donated Sick Time and must meet specific criteria laid out within the Sick Leave Donation Program.

L. Retirement Severance Payment

An employee may elect at the time of disability or service retirement under the Public Employees Retirement System, to be paid in cash for one-fourth of the value of his accrued, but unused, sick leave balance accumulated with Delaware County. The total value of the sick leave paid, earned with Delaware County, as severance pay shall not to exceed the value of 60 days paid leave. The payment shall be based on the employee's rate of pay at the time of retirement.

An employee who has a sick leave balance that has accumulated with the state of Ohio, or any other political subdivision of state, may elect at the time of disability or service retirement under the Public Employees Retirement System, to be paid in cash for one-fourth of the value of his accrued, but unused, sick leave. The total value of the sick leave paid, earned with another political subdivision, as severance pay shall not to exceed the value of 30 days paid leave. The payment shall be based on the employee's rate of pay at the time of retirement.

To qualify for this severance benefit, the employee must meet the requirements for a disability or service retirement and have at least 10 years of service with the state, any political subdivision of the state, or any combination of such service.

The total value of the sick leave paid under this policy, earned with Delaware County and another political subdivision combined, as severance pay shall not exceed the value of 60 days paid leave. Payment for sick leave will eliminate all sick leave credit accrued by the employee at that time.

M. Death of Employee

Upon the death of an employee, unused accumulated sick leave shall be paid to the employee's spouse, children, or parents, if any, in that order, or to his/her estate. Payment for sick leave accumulated while in the employ of Delaware County shall be based on the employee's straight-time hourly rate in effect at the time of death and will be paid in cash for one-fourth of the value of his accrued, but unused, sick leave balance, with no limit.

Payment for sick leave accumulated with the state of Ohio, or any other political subdivision of state will be paid in cash for one-fourth of the value of his accrued, but unused, sick leave. The total value of the sick leave earned with another political subdivision, shall not exceed the value of 30 days paid leave. The payment shall be based on the employee's rate of pay at the time of death