STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789

MEMORANDUM

TO: **SEE DISTRIBUTION**

FROM: **Gregory A. Wayt, Major General (Ohio), The Adjutant General**

DATE: **January 26, 2005**

SUBJECT: **POLICY – State Employee Procedure Letter #15**
Disability Leave

1. **REFERENCES:**
   a. Administrative Rules of the Department of Administrative Services, 123:1-33-07, 12, 13, 14, 15 and 16
   b. Section 124.385 Ohio Revised code
   c. Article 35, OCSEA/AFSCME Labor Agreement
2. **SCOPE:** This policy applies to all bargaining unit and exempt state employees of the Adjutant General's Department who have completed one year of continuous state service immediately prior to the date of the disability and whose salary or wage is paid directly by warrant of the Auditor of State, except members of the Ohio Organized Militia who are not eligible for disability leave. Part-time or established term regular and established term irregular employees who have worked fifteen hundred (1500) or more hours within the twelve (12) calendar months preceding disability shall be entitled to disability benefits based upon the average regular weekly earnings for weeks worked over that twelve (12) month period.
3. **WAITING PERIOD:** If an employee becomes disabled from performing his/her job duties for a period of more than fourteen (14) consecutive calendar days, a disability leave application may be filed. It is not necessary to wait the fourteen (14) days to file if it is known that the disability will last fourteen (14) days or more. The waiting period shall commence the day of the occurrence of the disabling illness, injury or condition. During the waiting period, employees may use accrued paid leave, but are not permitted to work or be placed on administrative leave.
4. **FILING DEADLINE:** An initial application for a disability claim must be filed within twenty (20) calendar days of the last day the employee worked.
5. **FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA):** Employees requesting disability leave benefits, who are also eligible for FMLA leave (see Sate Employee Procedure Letter #29), shall have up to the first twelve (12) weeks or 480 hours of an approved disability leave period, including the required waiting period, count concurrently as FMLA leave. FMLA leave may also be granted to an employee while the employee's disability leave request is being reviewed. The granting of FMLA leave shall have no bearing on the approval or disapproval of an employee's disability leave request.
6. **OBLIGATION TO CONSULT A LICENSED HEALTH CARE PROVIDER:** Any employee receiving disability leave benefits is obligated to consult a state licensed health care provider to receive necessary medical care and is obligated to follow prescribed treatment for the disabling condition to receive disability benefits. In the case of alcohol or other drug addiction diagnoses or mental health diagnoses, employees will be obligated to follow prescribed

***This memorandum supersedes State Employee Procedure Letter #15, dated 1 July 1998.**

treatment in accordance with rules 123:1-33-12 and 123:1-33-14 of the Administrative Code. If an employee does not consult a state licensed health care provider for necessary medical care or does not consistently follow prescribed treatment for the disabling condition, then the employee may be disqualified from receiving disability leave benefits in accordance with rule 123:1-33-15 of the Administrative code.

7. **ADDRESS CHANGE:** An employee receiving disability leave benefits shall be responsible for keeping a current address on file with the Sate Human Resources Division (SHRD) of the Adjutant General's Department.

8. **APPROVING AUTHORITY:** The Director of the Department of Administrative Services (DAS) is the final approving authority for disability leave benefits. Certain types of disabilities may be approved by the State Human Resource Administrator.

9. **LENGTH OF DISABILITY:** Disability leave benefits shall remain payable until it is determined that the employee is no longer disabled, or until the effective date of retirement from a state employees' retirement system, or as follows:

   a. Employees with less than eight (8) years of service shall be entitled to receive disability leave benefits for a maximum of twenty-four (24) months.

   b. Employees with eight (8) years of service but less than sixteen (16) years of service shall be entitled to receive disability leave benefits up to twenty-four (24) months per disability, not to exceed a total of thirty-six (36) months.

   c. Employees with sixteen (16) or more years of service shall be eligible to receive disability leave benefits for up to twenty-four (24) months per disability, not to exceed a total of forty-eight (48) months.

10. **NOTIFICATION OF REQUIREMENT TO FILE FOR DISABILITY RETIREMENT BENEFITS:** Employees eligible to apply for disability retirement benefits shall be notified by the director or designee in writing of the requirement to file for disability retirement benefits in order to receive continued disability leave benefits. Upon notification, employees shall submit an application to a state employees' retirement system along with all information required by the retirement system for disability retirement benefits.

11. **APPLICATION PROCESS:**

    a. Initial claim:

       1. An Application for Disability Leave Benefits (form ADM 4310 – Enclosure 1) may be obtained from SHRD or on the DAS web-site at www.gsd.state.oh.us/formsmgt/fmapp/isearch.asp. This is a five-page form. The employee applying for disability leave benefits must complete pages 2 and 3 of the application, ensuring that all questions are answered completely. If a question does not apply to the applicant's situation, "N/A" should be designated.

       2. After pages 2 and 3 have been completed, all five pages of the application should be given to the health care provider for completion of pages 4 and 5. The health care provider may attach copies of medical test results, x-rays, etc., to support the claim. The health care provider should retain a copy of all five pages of the application and return the original form to the applicant.

       3. The applicant should forward pages 2 through 5 of the original application and any supporting medical evidence if applicable, to:

Adjutant General's Department
ATTN: State Human Resources Division (AGOH-SHRD)
2825 W Dublin-Granville Road
Columbus, OH 432235-2789

Or fax to COMM 614-336-7069, DSN 346-7069

4. Processing time for an initial claim application for disability leave benefits takes approximately four to five weeks. Based upon the type of disability and the medical documentation submitted, an initial claim may be approved, up to a standard recovery period as defined in the DAS recovery period guidelines, if it is determined that the employee is incapable of performing the duties of the employee's position.

5. Until a written approval of the claim is received, available leave balances may be used in order for the employee to continue to be paid. The employee must request use of leave from his/her immediate supervisor and must complete ADM 4258, Request for Leave forms, for each pay period and each type of leave used.

6. It is the employee's responsibility to notify his/her immediate supervisor that a disability claim is being filed, and the expected duration of the absence from work. As conditions change, the supervisor must be updated by the employee and notified in advance of the employee's expected return to work date.

7. It is the supervisor's responsibility to coordinate with SHRD and provide notification of an employee's intent to file a disability claim and the expected duration of the employee's absence, as well as time and attendance information and advancement of health insurance premiums. The supervisor must continue to record and account for employee's absences on the bi-weekly Time and Attendance Report (AGN form 0023) throughout the duration of the disability claim.

b. Request for Extension.

1. If the employee is unable to return to work at the end of the approved period of disability, an extension of the claim may be requested by filing a Supplemental Report: Disability Leave Benefits (form ADM 4311 – Enclosure 2). Such information must be submitted within twenty days from the date of notification of the determination or within twenty days from the ending date of approved disability benefits, whichever is later.

2. This is a four-page form. The employee must complete page 2 of the application.

3. After page 2 is completed, the application should be given to the health care provider for completion of pages 3 and 4. The health care provider may attach copies of test results, x-rays, etc. to support the claim.

4. If the initial disability period has expired, the employee may use available leave balances while awaiting approval of the request for extension.

5. Follow procedures previously listed in section 10a, paragraphs 3, 5, 6 and 7.

11. APPEALS:

a. If an employee disagrees with determination regarding disability leave benefits, the employee may, within 30 days of the original notification of the denial, file a request for an appeal of the denial with the Director of DAS.

b. The employee must request the appeal in writing and must specifically request a medical review or hearing, or use the word "APPEAL" in the written request.

c. Detailed instructions, including filing deadlines are included in the notification letter to the employee after each disability claim has been processed and a determination of benefits has been made.

d. If an appeal is not filed within 20 days of the original notification of the denial or the length of the disability, whichever is later, the determination shall stand as the final decision.

12. RETURN TO WORK:

a. Part-time Disability

1. With the approval of the appointing authority, an employee who remains disabled and is receiving disability leave benefits may be reinstated on a part-time basis to the employee's position for up to 90 days. The employee's participation may be extended if the employee is undergoing a rehabilitation treatment plan prescribed by the employee's attending health care provider.

2. BEFORE an employee returns to work on a part-time basis, the employee shall provide the SHRD Office the Work Capacity form (ADM 4317 - ENC 3) completed by the attending health care provider. The employee <u>may not</u> return to work on a part-time basis without approval form SHRD.

3. The employee will continue to receive disability benefits for the hours the employee is unable to work.

4. An employee who returns to work during a disability leave benefit period shall receive any pay increases for any hours in active work status, to which the employee would have otherwise been entitled if he or she were not receiving disability leave benefits.

b. Transitional Work Program

1. The appointing authority may provide a transitional work program for thirty (30) days. Participation in the program shall be based upon the recommendation of the employee's health care provider and a vocational rehabilitation case manager. The program may be extended beyond thirty (30) days to a maximum of ninety (90) days, based upon the recommendation of the employee's health care provider and vocational rehabilitation case manager.

2. An employee will continue to receive disability leave benefits for the hours the employee is unable to work while the employee participates in an authorized transitional work program.

3. Disability benefits will terminate effective the date the appointing authority is able to place the employee in a transitional work program.

4. During the time the employee is in a transitional work program, the employee will be assigned duties which the employee is capable of performing, based upon the recommendation of the employee's attending health care provider

and vocational rehabilitation case manager.

5. Employees will participate in a transitional work program that is mutually agreed to by management and the union.

6. The employee will be paid at the same regular rate of pay as prior to receiving disability benefits except that the employee will receive any pay increases to which the employee is entitled for any hours in active work status.

c. Health Care Provider's Release – Upon returning to work, but prior to performing any duties, the employee must report to his/her immediate supervisor and submit a written release from the employee's health care provider stating that the employee is able to return to a work status if:

1. The employee returns to work prior to the ending date of an approved disability leave.

2. The employee returns to work prior to the date indicated by the health care provider on page 5 of Form 4310 or on page 4 of Form 4311.

3. The employee returns to work after the ending date of an approved disability leave and a request for extension has not been filed (ADM 4311).

d. Notification to SHRD – The supervisor must call the SHRD office to provide verbal notification that the employee has returned to work and then mail the health care provider's release to the SHRD, if applicable.

13. PAYMENT OF CLAIMS

a. Basic Payment

1. Approved disability claims are paid through the regular payroll process. Disability leave benefits shall be paid at seventy per cent (70%) of the employee's base rate of pay for the first six (6) months and fifty per cent (50%) of the employee's base rate of pay for up to an additional eighteen (18) months.

2. For the purpose of determining disability leave benefits, an employee's base rate of pay shall be determined as of the date the employee becomes disabled. Disability leave benefits shall be paid at this rate throughout the disability claim.

3. Claims are approved and paid retroactively and may include more than one full pay period on the initial payment. An adjustment will be processed to credit leave balances for any leave used during the approved period of disability excluding the waiting period.

4. In order to continue to receive disability leave benefits, an employee may be required to apply for disability retirement benefits prior to the end of the first six (6) months of receiving disability leave benefits. The Director of DAS shall notify employees, in writing, of the requirement to file for disability retirement benefits to receive continued benefits.

b. Supplemental Pay Option

1. An employee receiving disability leave benefits may indicate to the employer a desire to supplement the disability leave benefits by utilizing accumulated sick

leave, personal leave and vacation leave balances. This option is offered on page 2 of the ADM 4310.

2. The total amount received by an employee while receiving disability leave benefits supplemented by sick leave credit, personal leave credit and vacation leave balances shall be an amount sufficient to give the employee up to one hundred per cent (100%) of pay for time on disability leave.

c. Health Insurance Premiums

1. One-half of the employee's portions of the monthly health insurance premium are due each pay period each month, which provides coverage for the following month. From the time the employee becomes disabled, until the completed disability application is submitted to the SHRD office (within the 20-calendar day deadline), the employee is responsible for ensuring that the health insurance premium is paid. This may be accomplished through the use of leave, however, all mandatory deductions (federal tax, state tax, PERS, Medicare, etc.) will be made BEFORE voluntary deductions such as health insurance will be deducted.

2. The employee's portion of the health insurance premium will be paid on a prorated basis by the employer while the employee is on an <u>approved</u> disability leave.

3. During the time an employee is in a no-pay status while his/her claim for disability leave benefits is being processed by the director and during the period that the employee is receiving disability leave benefits, the employer's and the employee's share of the health, life and other insurance benefits will be paid by the employer.

4. If an employee's claim for disability leave benefits is subsequently denied and the employee has been in a no-pay status while the claim was being processed, it is the employee's responsibility to reimburse the employer the insurance premiums paid on the employee's behalf.

5. An employee receiving disability leave benefits may participate in an open enrollment period; any change in the employee's health insurance benefits will be effective at the beginning of the benefit year.

d. Retirement System Contributions

1. The employee is responsible for the employee's share of retirement system contributions for the first three (3) months of approved disability leave, processed through the payroll deduction system.

2. The employer will pay both the employee's and the employer's share of retirement contributions <u>after</u> the first three (3) months.

e. Accrual of Service Credit

1. An employee in an approved disability status shall continue to accrue service credit for purposes of determination of vacation benefits, annual step increases, longevity and retirement benefits. Vacation leave will not accrue during the disability leave. If the employee does not return to work, service credit is frozen at the time of the initial disability-waiting period.

2. The period during which an employee is in an approved disability leave status shall not count toward an employee's original or promotional probationary period.

14. CONDITIONS PRECLUDING RECEIPT OF DISABILITY LEAVE BENEFITS: Disability leave benefits are not payable for any disability caused by or resulting from:

a. Any injury or illness received in the course of and arising out of any employment covered by any workers' compensation or federal compensation plan. (Reference paragraph #15)

b. Attempted suicide or self-inflicted injury with the intent to do bodily harm unless there is a medical history of medical treatment for a psychiatric illness in which case the director of DAS reserves the right to review the claim for consideration of a benefit award.

c. Any act of war, declared or undeclared, whether or not the employee is in the armed forces; except in the case of an employee who is a veteran of the Union States armed forces, disability benefits will not be denied because the employee contracted the illness or received the injury in the course of or as a result of military service and the illness or injury is or may be covered by a compensation plan administered by the Union States department of veterans' affairs.

d. Participating in a riot or insurrection

e. Drug addiction or alcoholism, unless the employee receives ongoing treatment from the state's mental health and/or alcohol and other drug addiction program, is referred by the state of Ohio employee assistance program to a licensed mental health provider or certified alcohol and other drug addiction treatment professional or receives treatment from a licensed mental health professional or credentialed alcohol and other drug addiction treatment professional, and it is determined by the treatment provider that such condition prevents the employee from working as documented by the treatment provider.

f. Any injury incurred in the act of committing a felony.

15. ADVANCEMENT OF DISABILITY BENEFITS PENDING APPROVAL OF WORKERS' COMPENSATION CLAIM:

a. An employee may be eligible to receive an advancement of disability leave benefits for a period of up to twelve (12) weeks or until the employee has been awarded benefits by the Bureau of Worker's Compensation (BWC), whichever is earlier.

b. Application for an advancement of disability leave benefits pending approval of a worker's compensation claim may be filed by submitting a completed ADM 4303 Accident or Illness Report as described in State Employee Procedure Letter #12 <u>with</u> the Application for Disability Leave Benefits (ADM 4310).

c. All disability leave benefits received by the employee as an advancement must be reimbursed by the employee to the disability leave benefits program if the employee has been awarded weekly wage payments by BWC for the same time period for which the advancement was made.

d. Employees who have been denied worker's compensation lost time benefits for an initial claim, may file an application for disability leave benefits twenty (20) days from the notification by the BWC of the denial of an initial claim.

16. **DISQUALIFICAITON FROM RECEIPT OF DISABILITY LEAVE BENEFITS**: An employee receiving disability leave benefits will be subject to disqualification from receiving such benefits if the employee:

    a. Is removed from state service

    b. Is not in an active pay status and is receiving retirement or disability benefits from a state employees' retirement system

    c. Engages in any occupation for wage or profit except those hours the employee works in a Transitional Work Program.

    d. Engages in any act of fraud or misrepresentation involving the disability claim

    e. Does not consult a state licensed health care provider for necessary medical care and/or does not follow the prescribed treatment program.

    f. Does not notify the appointing authority of a change of address

    g. Is convicted of the commission of a felony

17. **RECOVERY OF IMPROPERLY PAID BENEFITS:** The Director of DAS shall initiate all necessary steps to recover disability leave benefits or insurance premiums paid in error or as a result of fraud or to make any needed adjustments to ensure that proper payment of benefits and insurance premiums has been made. When necessary, the Director of DAS shall request the Attorney General take appropriate action to recover improperly paid benefits or insurance premiums.

Enclosures (3)
1. **ADM 4310**
2. **ADM 4311**
3. **ADM 4317**

DISTRIBUTION:
AD

INSTRUCTIONS FOR COMPLETION OF *ADM4310*
INITIAL APPLICATION FOR DISABILITY LEAVE BENEFITS APPLICATION

This form is used only for an initial filing of disability benefits. If you are filing supplemental information for an extension of disability benefits, use form *ADM4311.*

COMPLETION OF FORM

- Type or print legibly.
- All sections of application must be completed.
- You are responsible for completing the Employee Statement, pages 2 and 3.
- Your physician is responsible for completing the Attending Physician Statement, pages 4 and 5.
- You are responsible for returning **all five (5) pages** of the form to your agency within **twenty (20) calendar days of the last day worked**. *
- You are responsible for any fee the physician may charge for completing the form.

PERSONAL DATA

- You must notify your supervisor of your absence and the expected date of your return to work.

WAITING PERIOD

- If approved for benefits, you must serve a mandatory waiting period before receiving benefits.

WORK RELATED CLAIMS

- You are required to file a claim for lost time wages directly with the Bureau of Workers' Compensation (BWC).

- Disability benefits are not payable for any work-related injury except:

  (1) If your initial application for lost time wages is denied by BWC and you do not appeal the BWC order. You must submit a copy of the BWC denial with the disability application.

  (2) If your initial application for lost time wages is denied by BWC and you appeal the BWC order, you may receive an advancement of disability benefits. You must submit the following with the disability application:

  - a copy of the BWC denial order
  - a completed Disability Agreement, *FORM4313*
  - a copy of your Accident or Illness Report*, FORM4303*
  - a copy of your Request For Temporary Total Compensation, *Form C- 84*

CONFIDENTIALITY

- Claim must be submitted to your agency.
- Claim information submitted directly to Benefits Administration Services will be forwarded to your personnel office.
- Your personnel office is required to keep all information about the nature of your illness/injury confidential.

PHYSICIAN INSTRUCTIONS

- Type or print legibly.
- Complete pages 4 and 5 without expense to the state of Ohio.
- Complete each section as thoroughly as possible.
- Attending physician should retain a **copy** of all 5 pages of form.
- The employee is responsible for returning the entire form to their personnel office within (20) twenty calendar days of the date the employee last worked.* **Failure to do so may result in denial of your patient's benefits.**

Disability benefits for State employees are authorized in Administrative Rules 123:1-33-12 through 123:1-33-16, 123:1-33-07 and the bargaining unit contracts.

Information about the Disability Leave Program is available in your *State of Ohio Employee Benefits Handbook* or on the benefits Web site: *http:/www.state.oh.us/das/dhr/benindex. html*

*applications for employees covered under AFSCME 45, AFSCME 50, FOP 46 and FOP 48 must be received by the agency within forty-five (45) calendar days of the last day worked

(G) As used in this section:

(1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

* *Division (F) appears twice as a result of the harmonization of Am. Sub. H.B. 285 and Sub. H.B. 150.*

Sec. 2921.421

(A) As used in this section:

(1) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(2) "Political subdivision" means a county, a municipal corporation, or a township that adopts a limited home rule government under Chapter 504. of the Revised Code.

(B) A prosecuting attorney may appoint assistants and employees, except a member of the family of the prosecuting attorney, in accordance with division (B) of section 309.06 of the Revised Code, a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation may appoint assistants and employees, except a member of the family of the chief legal officer or official designated as prosecutor, in accordance with section 733.621 of the Revised Code, and a township law director appointed under section 504.15 of the Revised Code may appoint assistants and employees, except a member of the family of the township law director, in accordance with section 504.151 of the Revised Code, if all of the following apply:

(1) The services to be furnished by the appointee or employee are necessary services for the political subdivision or are authorized by the legislative authority, governing board, or other contracting authority of the political subdivision.

(2) The treatment accorded the political subdivision is either preferential to or the same as that accorded other clients or customers of the appointee or employee in similar transactions, or the legislative authority, governing board, or other contracting authority of the political subdivision, in its sole discretion, determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision.

(3) The appointment or employment is made after prior written disclosure to the legislative authority, governing board, or other contracting authority of the political subdivision of the business relationship between the prosecuting attorney, the chief legal officer or official designated as prosecutor in a municipal corporation, or the township law director and the appointee or employee thereof. In the case of a municipal corporation, the disclosure may be made or evidenced in an ordinance, resolution, or other document that does either or both of the following:

(a) Authorizes the furnishing of services as required under division (B)(1) of this section;

(b) Determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision as required under division (B)(2) of this section.

(4) The prosecuting attorney, the elected chief legal officer, or the township law director does not receive any distributive share or other portion, in whole or in part, of the earnings of the business associate, partner, or employee paid by the political subdivision to the business associate, partner, or employee for services rendered for the political subdivision.

(C) It is not a violation of this section or of section 102.03 or 2921.42 of the Revised Code for the legislative authority, the governing board, or other contracting authority of a political subdivision to engage the services of any firm that practices the profession of law upon the terms approved by the legislative authority, the governing board, or the contracting authority, or to designate any partner, officer, or employee of that firm as a

Application for Disability Leave Benefits
Employee Statement

Please read ALL instructions on page 1 of the application before completing this application

PERSONNEL OFFICE USE ONLY
Date Employee's Statement Received in Office (Date Stamp Preferred)

Employee Name				Social Security Number
Address	Street	City	State	Zip
Telephone (area code)	Home ( )		Work ( )	
E - Mail address				
Agency			Classification (job title)	
Date accident or illness began	Date became disabled	Date last worked	Date of first treatment	
Date of most recent treatment		Date of next appointment with physician(s)		

Describe your disability

Was disability due to an injury? Yes ___ No ___	If yes, date of injury	How and where did accident happen?

List of all physicians treating you for this condition

Name	Specialty	Telephone (area code)	Fax (area code)

Have you been hospitalized for this illness? Yes ___ No ___	If yes, give name of hospital & city	Date(s) of confinement

Additional hospitalizations/urgent care/emergency room visits/dates for this illness

(B) In the absence of bribery or a purpose to defraud, a public official, member of his family, or any of his business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving his exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of his family, or one of his business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of his family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of his office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(F*) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of his business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year.

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of his family, or his business associate.

Employee Name	Social Security Number

Was your current illness/injury received in the course of and arising out of your employment with the State of Ohio, or any other employer? Yes ____ No ____

Have you ever applied for workers' compensation benefits involving the same part of body as your current illness/injury or for a condition in any way related to your current illness/injury? Yes ____ No ____ **If yes, provide**

BWC claim Number (s) _____ _____ _____ _____

Date (s) of illness/injury (s) _____ _____ _____ _____

Is your current illness/injury a reoccurrence of a previous illness/injury listed above? Yes ____ No ____	If yes, did you receive any lost time wage from BWC? Yes ____ No ____
Have you filed a BWC claim for your current condition? Yes ____ No ____	Are you filing a BWC claim for your current condition? Yes ____ No ____

Have you returned to work?	If yes, give date	If no, what date do you expect to return?

Are you returning to work part-time and applying for disability benefits on a part time basis? Yes ____ No ____

Have you engaged in any occupation for wage or profit since the onset of your disability? Yes ____ No ____

If yes, for whom:

Name: **Address:** **Phone:**

Would you like to supplement disability by utilizing available leave time? Yes ____ No ____

If yes, list type of leave you want to use

EMPLOYEE CERTIFICATION/AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize any hospital or clinic, physician, nurse or practitioner, including my health plan, the state's mental health vendor, United Behavioral Health (UBH), the Employee Assistance Program (EAP), the Bureau of Workers' Compensation, the retirement system which I participate in or any other person, office or provider with knowledge of my illness, injury or condition to provide the Department of Administrative Services or its representative and state agencies involved with my return to work or claim for disability benefits with complete information as to my health and medical history, eligibility for Disability Retirement Benefits and any information required in connection with this claim, hereby waiving any and all privileged character of such information. I also hereby authorize the Department of Administrative Services or its representative to release any such information it receives to my health plan, the state's mental health vendor, United Behavioral Health (UBH), the Employee Assistance Program (EAP), the Bureau of Workers' Compensation, the retirement system which I participate in and state agencies involved with my return to work or claim for disability benefits. I understand my health plan, the state's mental health vendor, United Behavioral Health (UBH), state agencies or other party acting as a representative for the state may contact me regarding their services in assisting me to return to work. A photocopy of this authorization shall be valid as the original. I understand that it is my responsibility under ADA to contact my employer if I wish to apply for reasonable accommodations under ADA or to obtain information about my rights under ADA.

I have read and understand the instructions on page 1 of this application. I certify that the above statements are true to the best of my knowledge and understand any misrepresentation on my part may result in the denial of my benefits.

This authorization will be valid for 180 days from date of signature.

Date	Employee Name

Please Note: Employee is responsible for returning pages 2, 3, 4 and 5 of this form to employing agency. Claim information submitted directly to Benefits Administration Services will be forwarded to the employee's personnel office. The personnel office is required to keep all information about the nature of the illness/injury confidential.

(C) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which the person directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.

(D) "Official proceeding" means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

(E) "Detention" means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state by a private person or entity, pursuant to a contract entered into under division (E) of section 311.29 of the Revised Code or division (B) of section 5149.03 of the Revised Code. For a person confined in a county jail who participates in a county jail industry program pursuant to section 5147.30 of the Revised Code, "detention" includes time spent at an assigned work site and going to and from the work site.

(F) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

(G) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.

(H) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party, " and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(I) 'Provider agreement" and "medical assistance program" have the same meanings as in section 2913.40 of the Revised Code.

Section 2921.42

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of his office to secure authorization of any public contract in which he, a member of his family, or any of his business associates has an interest;

(2) Authorize, or employ the authority or influence of his office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which he, a member of his family, or any of his business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission, or board of which he was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which he is connected;

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

Application for Disability Leave Benefits

Attending Physician Statement

Instructions for completing this form are on page 1 of this application.

PLEASE ATTACH COPIES OF OFFICE NOTES, EVALUATIONS, AND TESTING RESULTS. INSUFFICIENT EVIDENCE MAY RESULT IN DISAPPROVAL.

Employee Name	Date of Birth	Social Security Number

Date patient became unable to work	Ever had same or similar condition: If yes, when and describe Yes ____ No ____

Is condition arising out of employment?
Yes ____ No ____

Date first consulted you for this condition	Additional dates of treatment including the most recent visit

Frequency of visits: Weekly _____ Monthly _____ Other (explain) _____

Referrals

Date of most recent visit Next scheduled appointment EDC

Diagnosis of disabling condition (s)

Diagnosis _____ ICD-9 _____

Diagnosis _____ ICD-9 _____

Diagnosis _____ ICD-9 _____

Dates of Hospitalization	Name of Hospital

Reason for hospitalization and/or type of surgery performed	If surgery performed , give date	If pregnancy, date of delivery
	Mo. ____ Day ____ Yr. ____	Mo. ____ Day ____ Yr. ____

Complications or other factors delaying recovery (describe)

Subjective symptoms. (If psychiatric, describe mood and affect, ability to relate, ability to carry out daily activities, follow instructions, judgment, and ability to concentrate)

Medications	Dosage	Date initiated

Section 102.09

(A) The secretary of state and the county board of elections shall furnish, to each candidate for elective office who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission, within fifteen days of the name of the candidate, and of the subsequent withdrawal, disqualification, or death of the candidate. The candidate shall acknowledge receipt of the financial disclosure form in writing.

(B) The secretary of state and the county board of elections shall furnish to each person who is appointed to fill a vacancy for an unexpired term in an elective office, and who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission within fifteen days of being notified by the appointing authority, of the name and position of the public official and the date of appointment. The person shall acknowledge receipt of the financial disclosure form in writing.

(C) The public agency or appointing authority that employs, appoints, or promotes any public official or employee who, as a result of such employment, appointment, or promotion, is required to file a financial disclosure statement by section 102.02 of the Revised Code, shall, within fifteen days of the employment, appointment, or promotion, furnish the public official or employee with a financial disclosure form, and shall notify the appropriate ethics commission of the name and position of the public official or employee and the date of employment, appointment, or promotion. The public official or employee shall acknowledge receipt of the financial disclosure form in writing.

(D) Within fifteen days after any public official or employee begins the performance of official duties, the public agency with which the official or employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The official or employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

Section 102.99

(A) Whoever violates division (C) of section 102.02, or division (C) of section 102.031, of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D) of section 102.02 or section 102.03, 102.04, or 102.07 of the Revised Code is guilty of a misdemeanor of the first degree.

CHAPTER 2921.

Section 2921.01 As used in sections 2921.01 to 2921.45 of the Revised Code:

(A) "Public official" means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.

(B) "Public servant" means any of the following:

(1) Any public official;

(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;

(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

Employee Name

Plan of treatment for a return to work.

What restrictions are placed on patient's work activities?

What job duties is the employee unable to perform?

1. In an 8-hour workday, person can: (Circle full capacity for each activity)

TOTAL (hours) Sit 0 1 2 3 4 5 6 7 8 Stand 0 1 2 3 4 5 6 7 8 Walk 0 1 2 3 4 5 6 7 8

2. Person can lift and carry:

	Never	Occasionally (1- 33%)	Frequently (34% -66%)	Constantly (67% -100)
Up to 10 lbs.	_____	_____	_____	_____
11-20 lbs.	_____	_____	_____	_____
21-50 lbs.	_____	_____	_____	_____
51-100 lbs.	_____	_____	_____	_____
Over 100 lbs.	_____	_____	_____	_____

3. Person can push/pull:

	Never	Occasionally (1% - 33%)	Frequently (34% - 66%)	Constantly (67% - 100)
Up to 10 lbs.				
11-20 lbs.	_____	_____	_____	_____
21-50 lbs.	_____	_____	_____	_____
51-100 lbs.	_____	_____	_____	_____
Over 100 lbs.	_____	_____	_____	_____

4. Person can do repetitive movements as in operating controls:

Right hand/arm _____ Yes _____ No Left hand/arm _____ Yes _____ No

5. Other restrictions:

Patient's conditions prevents them from working:

Temporarily _____ **For longer than 12 months** _____ **Permanently** _____

If disability is temporary, patient's estimated date of release to return to work:

___ For regular occupation Mo. _____ Day _____ Yr. _____

___ On a part-time basis Mo. _____ Day _____ Yr. _____

part-time schedule: hours per day _____ days per week _____ # of weeks _____

___ For suitable work activities within the limitations listed above Mo. _____ Day_____ Yr. _____

Additional Remarks

Name (treatment provider) Please print		Specialty	Fed ID#
Street Address	City	State	Zip Code
Telephone (area code)		Fax (area code)	E-mail address
Date form received	Date signed	Signature	

Section 102.08*

* *See also preceding version of this section and explanation below.*

(A) The Ohio ethics commission, the board of commissioners on grievances and discipline of the supreme court, and the joint legislative ethics committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure, and render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission.

(B) When the Ohio ethics commission or the board of commissioners on grievances and discipline of the supreme court renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code.

(C) When the joint legislative ethics committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonable rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on the facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. When the joint legislative ethics committee renders an advisory opinion that has been publicly sought, the advisory opinion is a public record available under section 149.43 of the Revised Code.

(D) When the joint legislative ethics committee renders a written opinion that has been privately sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the written opinion does not have the legal effect of an advisory opinion issued under division (C) of this section. When the joint legislative ethics committee renders a written opinion that has been privately sought, the written opinion is not a public record available under section 149.43 of the Revised Code. The proceedings of the legislative ethics committee relating to a written opinion that has been privately sought shall be closed to the public and records relating to these proceedings are not public records available under section 149.43 of the Revised Code.

The person to whom a written opinion is issued under this division may request the committee to issue the written opinion as an advisory opinion. Upon receiving such a request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (C) of this section and is a public record available under section 149.43 of the Revised Code.

(E) The joint legislative ethics committee shall issue an advisory opinion under division (C) of this section or a written opinion under division (D) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(F) The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 492, effective 05-12-94.]

* *R.C. 102.08 was amended by Am. Sub. H.B. 285 (eff. 03-02-94) and Am. Sub. H.B. 492 (eff. 05-12-94). Harmonization pursuant to R.C. 1.52 is in question. Both versions are presented here.*

INSTRUCTIONS FOR COMPLETION OF *ADM4311*
SUPPLEMENTAL REPORT FOR DISABILITY LEAVE BENEFITS

This form is to be used as a supplemental report. If you are filing for initial disability benefits, use form *ADM4310*.

COMPLETION OF FORM

- Type or print legibly.
- All sections of the application must be completed.
- You are responsible for completing the Employee Statement, page 2.
- Your physician is responsible for completing the Attending Physician Statement, pages 3 and 4.
- You are responsible for returning all three (3) pages of the form to your agency by the date given in the last letter sent by Benefits Administration Services.
- You are responsible for any fee the physician may charge for completing the form.

PERSONAL DATA

- You must notify your supervisor of your absence and the expected date of your return to work.

RETURN TO WORK

- To return to work on a part-time basis, you must have the approval of your agency. Only employees receiving full-time disability benefits are eligible to return to work on a part-time basis.
- You must return to work in a Transitional Work Program if recommended by your attending physician and your agency can provide such a program.

WORK RELATED CLAIMS

- You are required to file a claim for lost time wages directly with the Bureau of Workers' Compensation (BWC).

- Disability benefits are not payable for any work-related injury except:

  (1) If your initial application for lost time wages is denied by BWC and you do not appeal the BWC order. You must submit a copy of the BWC denial with the disability application.

  (2) If your initial application for lost time wages is denied by BWC and you appeal the BWC order, you may receive an advancement of disability benefits. You must submit the following with the disability application:
  - a copy of the BWC denial order
  - a completed Disability Agreement, *FORM4313*
  - a copy of your Accident or Illness Report, *FORM4303*
  - a copy of your Request For Temporary Total Compensation, *Form C- 84*

CONFIDENTIALITY

- Claims must be submitted to your agency.
- Claim information submitted directly to Benefits Administration Services will be forwarded to your personnel office.
- Your personnel office is required to keep all information about the nature of your illness/injury confidential.

DISABILITY RETIREMENT

- If your condition is permanent or will last greater than 12 months you may be required to file for disability retirement benefits to continue receiving disability leave benefits.

PHYSICIAN INSTRUCTIONS

- Type or print legibly.
- Complete pages 3 and 4 without expense to the state of Ohio.
- Complete the application as thoroughly as possible
- Retain a copy of both pages of the form.
- The employee is responsible for returning the entire form to their personnel office within a specified time frame. **Failure to timely submit the application may result in the denial of your patient's benefits.**

Disability benefits for state employees are authorized in Administrative Rules 123:1-33-12 through 123:1-33-16, 123:1-33-07 and the bargaining unit contracts.

Information about the Disability Leave Program is available in your *State of Ohio Employee Benefits Handbook* or on the benefits Web site: *http:/www.state.oh.us/das/dhr/benindex.html*

Section 102.07

No member, employee, or agent of the Ohio ethics commission, board of commissioners on grievances and discipline of the supreme court, or joint legislative ethics committee shall dvulge any information or any books, papers, or documents presented to the commission, joint legislative ethics committee, or board of commissioners on grievances and discipline without the consent, in writing, of the appropriate ethics commission, unless such books, papers, or documents were presented at a public hearing, except as provided in section 102.06 of the Revised Code.

No person shall divulge information that appears on a disclosure statement and is required to be kept confidential under division (B) of section 102.02 of the Revised Code.

Section 102.08*

* *See also following version of this section and explanation after that version.*

(A)(1) Subject to division (A)(2) of this section, the board of commissioners on grievances and discipline of the supreme court and the house and senate legislative ethics committees may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and shall render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the appropriate ethics commission renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. Except as otherwise provided in division (A)(2) of this section, the appropriate ethics commission shall include in every advisory opinion it renders a statement as to whether the set of circumstances described in the opinion constitutes a violation of section 2921.42 or 2921.43 of the Revised Code. The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. As used in division (A) of this section, "appropriate ethics commission" does not include the Ohio ethics commission.

(2) The board of commissioners on grievances and discipline of the supreme court shall issue advisory opinions only in a manner consistent with Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.

(B) The Ohio ethics commission may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and may render advice with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the Ohio ethics commission renders a written formal or staff advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 285, effective 03-02-94.]

Supplemental Report
Disability Leave Benefits
Employee Statement

PERSONNEL OFFICE USE ONLY
Date Employee's Statement Received in Office (Date Stamp Preferred)

Please read the instructions on page 1 before completing this application

Employee's Name	Social Security Number
Address Street	City State Zip
Telephone (area code) Home Work	E-mail address
Have there been any changes in your condition since your original claim? Yes No If yes, please explain.	
Are there any conditions that have become disabling that were caused by or resulting from your job? Yes _____ No_____ If yes, please describe	
Have you been hospitalized since your original claim? Yes _____ No _____	If yes, give dates of confinement
Name of Hospital	Reason for confinement
Have you returned to work? If yes, give date: Yes _____ No _____	If no, what date to you expect to return?
Are you returning to work part-time and applying for disability benefits on a part-time basis? Yes _____ No _____	
Have you engaged in any occupation for wage or profit since the onset of your disability? Yes No	If yes, did you receive compensation? Yes _____ No _____
Place of Employment: Telephone : Provide dates worked:	Address:
If your claim was not as an advancement of workers' compensation, have any conditions become disabling that were caused by or resulting from your job? Yes _____ No _____ If yes, please describe:	

EMPLOYEE CERTIFICATION/AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize any hospital or clinic, physician, nurse or practitioner, including my health plan, the state's mental health vendor, United Behavioral Health (UBH), the Employee Assistance Program (EAP), the Bureau of Workers' Compensation, the retirement system which I participate in or any other person, office or provider with knowledge of my illness, injury or condition to provide the Department of Administrative Services or its representatives and state agencies involved with my return to work or claim for disability benefits with complete information as to my health and medical history, eligibility for Disability Retirement Benefits and any information required in connection with this claim, hereby waiving any and all privileged character of such information. I also hereby authorize the Department of Administrative Services or its representative to release any such information it receives to my health plan, the state's mental health vendor, United Behavioral Health (UBH), the Employee Assistance Program (EAP), the Bureau of Workers' Compensation, the retirement system which I participate in and state agencies involved with my return to work or claim for disability benefits. I understand my health plan, the state's mental health vendor, United Behavioral Health (UBH), state agencies or other party acting as a representative for the state may contact me regarding their services in assisting me to return to work. A photocopy of this authorization shall bevalid as the original. I understand that it is my responsibility under ADA to contact my employer if I wish to apply forreasonable accommodations under ADA or to obtain information about my rights under ADA.

I have read and understand the instructions on page 1 of this application. I certify that the above statements are true to the best of my knowledge and understand any misrepresentation on my part may result in a denial of my benefits.

This authorization will be valid for 180 days from date of signature.

Date	Employee's Name

Please Note: Employee is responsible for returning pages 2, 3 and 4 of this form to employing agency. Claim information submitted directly to Benefits Administration Services will be forwarded to the employee's personnel office. The personnel office is required to keep all information about the nature of the illness/injury confidential.

nonelected public official or employee of the political subdivision, whether the public office or position of employment is created by statute, charter, ordinance, resolution, or other legislative or administrative action.

Section 2921.43

(A) No public servant shall knowingly solicit or accept and no person shall knowingly promise or give to a public servant either of the following:

(1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Revised Code or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;

(2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(B) No public servant for the public servant's own personal or business use and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(C) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(D) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(E) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

(F) Divisions (A), (B), and (C) of this section do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity from accepting voluntary contributions.

FOR MORE INFORMATION, OR ADDITIONAL MATERIALS ON THE OHIO ETHICS LAW, PLEASE CONTACT:

OHIO ETHICS COMMISSION
8 East Long Street
10th Floor
Columbus, Ohio 43215-2940
Phone: (614) 466-7090
Fax: (614) 466-8368
www.ethics.state.oh.us

[Rev. 3/03]

Supplemental Report
Attending Physician Statement

Instructions for completing this form are on page 1 of the application.

Please attach copies of office notes, evaluations and testing results
Insufficient evidence may result in disapproval.

Employee Name	Date of Birth	Social Security Number

Diagnosis of disabling condition (s)

Diagnosis _____ ICD-9 _____

Diagnosis _____ ICD-9 _____

Diagnosis _____ ICD-9 _____

Treatment dates since last report	Date of next appointment
Has patient been hospitalized since initial clain	Dates of hospitalization
Reason for hospitalization and/or type of surgery performec	Name of Hospital

If surgery performed, give date

Mo. _____ Day _____ Yr. _____

Complications or other factors delaying recovery (describe)

Subjective symptoms. (If psychiatric, describe mood and affect, ability to relate, ability to carry out daily activities, follow instructions, judgment, and ability to concentrate)

List any **change** in medication since onset of disability

Medications	Dosage	Date initiated

Plan of treatment for a return to work.

dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of the finding, but in this case all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the commission shall make the evidence and the record available for public inspection.

(D) The commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(E) At least once each year, the Ohio ethics commission shall report on its activities of the immediately preceding year to the majority and minority leaders of the senate and house of representatives of the general assembly. The report shall indicate the total number of complaints received, initiated, and investigated by the commission, the total number of complaints for which formal hearings were held, and the total number of complaints for which formal prosecution was recommended or requested by the commission. The report also shall indicate the nature of the inappropriate conduct alleged in each complaint and the governmental entity with which any employee or official that is the subject of a complaint was employed at the time of the alleged inappropriate conduct.

(F) All papers, records, affidavits, and documents upon any complaint, inquiry, or investigation relating to the proceedings of the appropriate commission shall be sealed and are private and confidential, except as otherwise provided in this section and section 102.07 of the Revised Code.

(G)(1) When a complaint or charge is before it, the Ohio ethics commission or the appropriate prosecuting authority, in consultation with the person filing the complaint or charge, the accused, and any other person the commission or prosecuting authority considers necessary, may compromise or settle the complaint or charge with the agreement of the accused. The compromise or settlement may include mediation, restitution, rescission of affected contracts, forfeiture of any benefits resulting from a violation or potential violation of law, resignation of a public official or employee, or any other relief that is agreed upon between the commission or prosecuting authority and the accused.

(2) Any settlement agreement entered into under division (G)(1) of this section shall be in writing and be accompanied by a statement of the findings of the commission or prosecuting authority and the reasons for entering into the agreement. The commission or prosecuting authority shall retain the agreement and statement in the commission's or prosecuting attorney's office and, in the commission's or prosecuting authority's discretion, may make the agreement, the statement, and any supporting information public, unless the agreement provides otherwise.

(3) If a settlement agreement is breached by the accused, the commission or prosecuting authority, in the commission's or prosecuting authority's discretion, may rescind the agreement and reinstitute any investigation, hearing, or prosecution of the accused. No information obtained from the accused in reaching the settlement that is not otherwise discoverable from the accused shall be used in any proceeding before the commission or by the appropriate prosecuting authority in prosecuting the violation. Notwithstanding any other section of the Revised Code, if a settlement agreement is breached, any statute of limitations for a violation of this chapter or section 2921.42 or 2921.43 of the Revised Code is tolled from the date the complaint or charge is filed until the date the settlement agreement is breached.

Employee Name

What restrictions are placed on patient's work activities?

What job duties is the patient unable to perform?

1. In an 8-hour workday, person can: (mark full capacity for each activity)

TOTAL (hours) Sit 0 1 2 3 4 5 6 7 8 Stand 0 1 2 3 4 5 6 7 8 Walk 0 1 2 3 4 5 6 7 8

2. Person can lift and carry

	Never	Occasionally (1%-33%)	Frequently (34%-66%)	Constantly (67%-100%)
Up to 10 lbs.	_____	_____	_____	_____
11-20 lbs.	_____	_____	_____	_____
21-50 lbs.	_____	_____	_____	_____
51-100 lbs.	_____	_____	_____	_____
Over 100 lbs.	_____	_____	_____	_____

3. Person can push/pull:

	Never	Occasionally (1%-33%)	Frequently (34%-66%)	Constantly (67%-100%)
Up to 10 lbs.	_____	_____	_____	_____
11-20 lbs.	_____	_____	_____	_____
21-50 lbs.	_____	_____	_____	_____
51-100 lbs.	_____	_____	_____	_____
Over 100 lbs.	_____	_____	_____	_____

4. Person can do repetitive movements as in operating controls:

Right hand/arm _____ Yes _____ No Left hand/arm _____ Yes _____ No

5. Other restrictions:

Patient's condition prevents them from working:

Temporarily _____ **For longer than 12 months** _____ **Permanently** _____

If disability is temporary, patient's estimated date of release to return to work:

___ For regular occupation Mo. _____ Day _____ Yr. _____

___ On a part-time basis Mo. _____ Day _____ Yr. _____

part-time schedule:

hours per day _____ days per week _____ # of weeks _____

___ For suitable work activities within the limitations listed above Mo. _____ Day _____ Yr. _____

Additional Remarks

Name (treatment provider) Please print		Specialty	Fed ID#
Street Address	City	State	Zip Code
Telephone (area code)		Fax (area code)	E-mail address
Date form received	Date signed	Signature	

Section 102.06

(A) The appropriate ethics commission shall receive and may initiate complaints against persons subject to Chapter 102. of the Revised Code concerning conduct alleged to be in violation of this chapter or section 2921.42 or 2921.43 of the Revised Code. All complaints except those by the commission shall be by affidavit made on personal knowledge, subject to the penalties of perjury. Complaints by the commission shall be by affidavit, based upon reasonable cause to believe that a violation has occurred.

(B) The commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the commission a statement required by section 102.02 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential, except that the commission, at its discretion, may share information gathered in the course of any investigation with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate ethics commission. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the county of the person's residence, the person's place of employment, or Franklin county. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing. If the commission does not so find, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of its finding. The person against whom the complaint is directed shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved, and shall be given the opportunity to be represented by counsel, to have counsel appointed for the person if the person is unable to afford counsel without undue hardship, to examine the evidence against the person, to produce evidence and to call and subpoena witnesses in the person's defense, to confront the person's accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

(C)(1)(a) If upon the basis of the hearing, the commission finds by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall report its findings to the appropriate prosecuting authority for proceedings in prosecution of the violation and to the appointing or employing authority of the accused.

(b) If the Ohio ethics commission reports its findings to the appropriate prosecuting authority under division (C)(1)(a) of this section and the prosecuting authority has not initiated any official action on those findings within ninety days after receiving the commission's report of them, then the commission may publicly comment that no official action has been taken on its findings, except that the commission shall make no comment in violation of the Rules of Criminal Procedure or about any indictment that has been sealed pursuant to any law or those rules. The commission shall make no comment regarding the merits of its findings. As used in division (C)(1)(b) of this section, "official action" means prosecution, closure after investigation, or grand jury action resulting in a true bill of indictment or no true bill of indictment.

(2) If the appropriate ethics commission does not find by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code or if the commission has not scheduled a hearing within ninety days after the complaint is filed or has not finally disposed of the complaint within six months after it has been heard, it shall

OhioDAS
Human Resources Division
Benefits Administration Services
30 East Broad Street, 28th Floor
Columbus, Ohio 43215

DEPARTMENT OF ADMINISTRATIVE SERVICES
WORK CAPACITY FORM

Name: _____ Date of Birth: _____

Job Title: _____ Claim No.: _____

Dear Doctor:

Many State of Ohio agencies have early return to work programs or are willing to make temporary work assignment adjustments to enable a State of Ohio employee to return to work while they complete their recovery. Please help us in our efforts to return our employees to work by completing the following questionnaire and returning to us by fax at (614) 466-0831. Thank you for your assistance.

1. What job duties is patient unable to perform?

2. In an 8-hour workday, person can: (Circle full capacity for each activity)

TOTAL (hours)

Sit	0	1	2	3	4	5	6	7	8
Stand	0	1	2	3	4	5	6	7	8
Walk	0	1	2	3	4	5	6	7	8

3. Person can lift and carry:

	Never	Occasionally (1% - 33%)	Frequently (34%- 66%)	Constantly (67%-100)
Up to 10 lbs.	_____	_____	_____	_____
11-20 lbs.	_____	_____	_____	_____
21-50 lbs.	_____	_____	_____	_____
Over 50 lbs.	_____	_____	_____	_____

4. Person can push/pull:

	Never	Occasionally (1% - 33%)	Frequently (34%- 66%)	Constantly (67%-100)
Up to 10 lbs.	_____	_____	_____	_____
11-20 lbs.	_____	_____	_____	_____
21-50 lbs.	_____	_____	_____	_____
51-100 lbs.	_____	_____	_____	_____
Over 100 lbs.	_____	_____	_____	_____

5. Person can do repetitive movements as in keyboard operation:

Right Hand/Arm	Right Foot/Leg	Left Hand/Arm	Left Foot/Leg
☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

6. Person can:

	Never	Occasionally (1% - 33%)	Frequently (34%- 66%)	Constantly (67%-100)
Climb	_____	_____	_____	_____
Balance	_____	_____	_____	_____
Stoop	_____	_____	_____	_____
Kneel	_____	_____	_____	_____
Crawl	_____	_____	_____	_____
Reach/Handle	_____	_____	_____	_____

(over)

character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee, " and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(H) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. This division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. This division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a

7. Any difficulties involving:

	None	Mild	Moderate	Severe
Talking	_____	_____	_____	_____
Hearing	_____	_____	_____	_____
Tasting/Smelling/Vision	_____	_____	_____	_____

8. Any restrictions of activities involving:

	None	Mild	Moderate	Severe
Exposure to cold/heat	_____	_____	_____	_____
Noise	_____	_____	_____	_____
Exposure to Fumes	_____	_____	_____	_____
Driving	_____	_____	_____	_____

9. Is this person involved with treatment and/or medication that might affect his/her ability to work:

☐ No ☐ Yes, Describe: _____

_____

10. **Patient's condition prevents them from working:**

Temporarily _____ **For longer than 12 months** _____ **Permanently** _____

11. If disability is temporary, patient's estimated date of release to return to work:

With restrictions listed above Mo. _____ Day _____ Yr. _____

For regular occupation without restrictions Mo. _____ Day _____ Yr. _____

On a part-time basis Mo. _____ Day _____ Yr. _____

Hours per day _____ days per week _____ # of weeks _____

Additional Comments: _____

_____

_____

_____

_____

Name(treatment provider) Please print	Specialty	Fed ID#
Street address, City, State and Zip		
Telephone (area code)	Fax (area code)	E-mail address

Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(3) For twenty-four months after the conclusion of employment or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served.

(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a