

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

MEMORANDUM

TO: SEE DISTRIBUTION

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

DATE: January 5, 2005

SUBJECT: POLICY – State Employee Procedure Letter #5
Sick Leave for Exempt Employees

1. REFERENCES:

- a. Section 124.38.2, 124.38.3, 124.38.4, Ohio Revised Code.
- b. Section 123:1-32 of the Administrative Rules of the Department of Administrative Services.

2. SCOPE: This policy applies only to exempt employees of this agency.

3. DEFINITIONS:

- a. New sick leave: Sick leave credited after the base pay period, which includes December 1.
- b. Old sick leave: Sick leave accrued with an agency not paid by Auditor of State and was transferred if the employee was hired on or after July 5, 1987. Old sick leave will not be paid upon termination and has no conversion options. This sick leave can only be used after NEW SICK LEAVE is exhausted.

4. SICK LEAVE ACCRUAL:

- a. All full-time permanent employees (except the firefighter Class Series 2659) shall accrue sick leave at the rate of 3.1 hours for each 80 hours in active pay status, excluding overtime hours.
- b. Less than full-time employees shall accrue 3.1 hours of sick leave for each 80 hours of completed service.
- c. All full-time firefighters (Class Series 2659) shall accrue sick leave at a rate of four hours per 104 hours in active pay status excluding overtime hours.

5. PURPOSE: Sick leave shall be granted to employees who are unable to work because of illness or injury of the employee or a member of their immediate family or because of medical appointments or other ongoing treatment. The definition of "immediate family" for purposes of sick leave usage shall be: spouse, parents, children, grandparents, siblings, grandchildren,

***This memorandum supersedes State Employee Procedure Letter #5 dated May 6, 2003.**

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brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, or a legal guardian or other person who stands in the place of a parent.

Upon approval of supervisor, sick leave may be used by an employee for the following reasons:

- a. Illness, injury, or pregnancy-related condition of the employee.
- b. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
- c. Examination of the employee, including medical, physical, dental, or optical examination by an appropriate licensed practitioner.
- d. Death of a member of the employee's immediate family. Such usage shall be limited to a reasonably necessary time beyond any bereavement leave benefit, not to exceed five days.
- e. Illness, injury, or pregnancy-related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
- f. Examination, including medical, psychological, dental or optical examination of a member of the employee's immediate family by an appropriate licensed practitioner, where the employee's presence is reasonably necessary.
- g. Donation of leave to a co-worker in accordance with leave donation programs established pursuant to section 124.391 of the Revised Code.

6. EVIDENCE OF USE: Employees may be required to furnish a satisfactory written, signed statement to justify the use of sick leave. If professional medical attention is required by the employee or member of the employee's immediate family, a certificate from a licensed practitioner stating the nature of the condition may be required by the supervisor to justify the use of sick leave. Falsification of either the signed statement or a physician's certification shall be grounds for disciplinary action, which may include removal.

7. NOTIFICATION TO SUPERVISOR: When an employee is sick and unable to report to work and is not on previously approved leave, he/she shall be responsible for notifying his/her supervisor or other individual designated by the section or division chief that he/she will be unable to report to work. The notification must be made within **one-half hour** after the time the employee is scheduled to report to work, unless emergency conditions prevent such notification.

An exception to this notification procedure is the Air National Guard Base Security and Firefighter Programs. Due to the twenty-four (24) hour per day mission and security requirements, personnel employed in these programs must notify his/her supervisor **not less than one-half hour prior** to scheduled report to work time.

In the case of a condition exceeding three consecutive calendar days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery may be required.

8. SICK LEAVE USAGE AND RATE OF PAY: The amount of sick leave charged against an employee's accrual shall be the amount used, charged in units of one-tenth (1/10) hour.

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Compensation for sick leave used during each 12-month period beginning the pay period that includes the first day of December shall be at the rates established below (except the firefighter Class Series 2659):

- a. The initial forty (40) hours of sick leave shall be paid at a rate equal to the employee's regular rate of pay.
- b. The next forty (40) hours of sick leave shall be paid at a rate equal to seventy (70) percent of the employee's regular rate of pay.
- c. Sick leave used in excess of eighty (80) hours shall be paid at a rate equal to the employee's regular rate of pay.
- d. Sick leave used to supplement an approved disability leave, Workers' Compensation, or adoption/childbirth leave benefit period shall be paid at a rate equal to the employee's regular rate of pay.

The amount of sick leave charged against a full-time firefighter's (Class Series 2659) accrual shall be the amount used, charged in units of one-tenth (1/10) hour. Compensation for sick leave used during each twelve-month period beginning the pay period that includes the first day of December shall be at the rates established below:

- a. The initial fifty-two (52) hours of sick leave shall be paid at a rate equal to the employee's regular rate of pay.
- b. The next fifty-two (52) hours of sick leave shall be paid at a rate equal to seventy (70) percent of the employee's regular rate of pay.
- c. Sick leave used in excess of one hundred four (104) hours shall be paid at a rate equal to the employee's regular rate of pay.
- d. Sick leave used to supplement an approved disability leave, Workers' Compensation, or adoption/childbirth leave benefit period shall be paid at a rate equal to the employee's regular rate of pay.

9. CARRY-OVER AND CONVERSION: Employees shall have, pursuant to the following provisions, the option to convert to cash benefit payable on the first payday in December or carry forward the balance of any unused sick leave credit at year's end:

- a. Carry forward the balance of sick leave credit.
- b. Receive a cash benefit conversion for the unused sick leave credit. An employee serving in a temporary working level or an interim appointment who elects to convert unused sick leave to cash shall do so based on the rate of pay of his or her normal classification. Unused sick leave shall be converted at a rate based on the amount of sick leave used during or subsequent to the applicable base pay period as described below (except the firefighter Class Series 2659).
 1. An employee who **did not use sick leave** during or subsequent to the base pay period may convert up to eighty (80) hours of unused sick leave at a rate equal to **eighty percent (80%)** of the employee's regular rate of pay.

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2. An employee who used less than eight (8) hours of sick leave may convert eighty (80) hours, less the amount used, at a rate equal to seventy-five percent (75%) of the employee's regular rate of pay.
 3. An employee who used more than 8 hours but less than 16.10 hours of sick leave may convert eighty (80) hours, less the amount of leave used, at a rate equal to seventy percent (70%) of the employee's regular rate of pay.
 4. An employee who used more than 16 hours but less than 24.10 hours of sick leave may convert eighty (80) hours, less the amount of leave used, at a rate equal to sixty-five percent (65%) of the employee's regular rate of pay.
 5. An employee who used more than 24 hours but less than 32.10 hours of sick leave may convert eighty (80) hours, less amount of leave used, at a rate equal to sixty percent (60%) of the employee's regular rate of pay.
 6. An employee who used more than thirty-two (32) hours of sick leave may convert eighty (80) hours, less the amount of leave used, at a rate equal to fifty-five percent (55%) of the employee's regular rate of pay.
- c. Full-time firefighters (Class Series 2659) are entitled to receive a cash benefit conversion for unused sick leave based on the amount of sick leave used during or subsequent to the applicable base pay period as described below:
1. An employee who did not use sick leave during or subsequent to the base pay period may convert up to one hundred four (104) hours of unused sick leave at a rate equal to eighty percent (80%) of the employee's base rate of pay.
 2. An employee who used 10.4 hours of sick leave or less may convert one hundred four (104) hours less the amount of leave used, at a rate equal to seventy-five percent (75%) of the employee's base rate of pay.
 3. An employee who used more than 10.4 hours of sick leave but less than 20.8 hours may convert one hundred four (104) hours, less the amount of leave used, at a rate equal to seventy percent (70%) of the employee's base rate of pay.
 4. An employee who used more than 20.8 hours of sick leave but less than 31.2 hours may convert one hundred four (104) hours less the amount of leave used, at a rate equal to sixty-five percent (65%) of the employee's base rate of pay.
 5. An employee who used more than 31.2 hours of sick leave, but less than 41.6 hours may convert one hundred four (104) hours, less the amount of leave used, at a rate equal to sixty percent (60%) of the employee's base rate of pay.
 6. An employee who used more than 41.6 hours of sick leave, may convert one hundred four (104) hours, less the amount of leave used, at a rate equal to fifty-five percent (55%) of the employee's base rate of pay.
- d. Carry forward a portion of the balance of sick leave credit and receive a cash benefit conversion of a portion of the sick leave credit as provided above.

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10. CONVERSION OF SICK LEAVE UPON SEPARATION FROM SERVICE: An individual must have been employed for at least one year to be eligible for this conversion. Upon separation from state service, an employee may request sick leave pay off by completing a State of Ohio ADM Form 4259 (Enclosure 1). Qualifying documented sick leave may be paid off at fifty-five percent (55%) of value for retirement separation or fifty percent (50%) of value or one hour for every two hours accumulated for all other separations.

11. PAYMENT OF CASH CONVERSION OF SICK LEAVE BENEFIT TO THE ESTATE OF A DECEASED EMPLOYEE: In the case of the death of an employee, the unused qualifying sick leave credit shall be converted to a cash benefit (fifty percent (50%) of value) and paid to the employee's estate.

Enclosure: (1)

1 - State of Ohio ADM Form 4259

DISTRIBUTION:

AD

STATE OF OHIO
VACATION LEAVE AND SICK LEAVE CONVERSION FORM
(for employees paid by warrant of Auditor of State)

Name: _____ Department: _____

1. Employee being transferred:

_____ I request that my entire vacation leave balance be transferred to the new agency.

II. Employee being separated from service:

Section 124.384 of the Revised Code and the collective bargaining agreements provide that within three years of separation from state service an eligible employee may be paid for a percentage of accumulated sick leave at the rate of one hour of pay for each two hours of accumulated balance.

_____ I would like to be paid for all of my accumulated sick leave balance.

_____ I would like to be paid for ____ percent (or hours) of my accumulated sick leave balance with the remainder being held for reinstatement when I am re-employed in the future.

_____ I would like to retain all of my accumulated sick leave balance for reinstatement when re-employed within ten years or for the conversion at any time within three years.

_____ I do not have the state service required for sick leave conversion. (One year of state service for employees who are exempt, covered by the District 1199 contract, or covered by bargaining agreements with elected officials except Auditor's Office. Five years of service for employees covered by the OCSEA, FOP 1, FOP 2, FOP 15, OEA, UFCW and Auditor of State contracts.)

Signature of employee

Date

Signature of agency designee

Date

Distribution: Agency File
Employee

ADM 4259 – Revised 8-94

ENCLOSURE 1