

**3359-11-01 Sick leave for school of law faculty, contract professionals, classified, unclassified exempt staff and other non-bargaining unit faculty.**

(A) General policy.

- (1) The university shall provide paid sick leave to all school of law faculty, contract professionals, classified, unclassified exempt staff in accordance with the provisions of sections 124.38 and 124.39 of the Revised Code, and all employees other than members covered by collective bargaining agreements.
- (2) Paid sick leave is defined as the authorized absence from duties for the following reasons:
  - (a) Personal illness, pregnancy, or injury.
  - (b) Exposure to contagious disease which could be communicated to other members of the university family.
  - (c) Illness, injury, or death (to a maximum of five days) in the individual's immediate family.
  - (d) Medical, psychological, dental, or optical examination or treatment of the employee or a member of the immediate family.
- (3) Definition of immediate family.

The employee's immediate family is limited to the employee's spouse, parents, children, grandparents, siblings, grandchildren, 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 under Ohio law is legally recognized to stand in the place of the parent.
- (4) Where sick leave is requested to care for a member of the immediate family, the department of benefits administration will require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill person.
- (5) Active pay status means the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, leave with pay, bereavement leave, and administrative leave. No pay status means the conditions under which an employee is ineligible to receive pay, and includes, but is not limited to, leave without pay, leave of absence, and disability leave.

(B) Accrual of sick leave credit.

- (1) Sick leave is accrued at the rate of 4.6 hours per eighty hours of active pay status. Only accrued sick leave hours can be requested for authorized paid absences. Sick leave will be charged only for hours an employee is regularly scheduled to work but absent. Employees are not permitted to change a paid sick leave request once a work day has started (i.e. paid sick leave to vacation).
- (2) There is no accumulation of benefit while on leave of absence without compensation.
- (3) Sick leave accrual shall accumulate without limit, from the date of hire. All sick leave accrued by existing employees from their date of hire shall be reinstated, less actual sick leave taken and recorded as such under prior policy.

(C) Procedure governing utilization of sick leave.

- (1) Sick leave is authorized upon the request of the employee and approval of the department head by the employee or employee's legal representative notifying the department head as soon as practicable, presumably on the first day of absence.
- (2) The university reserves the right to require a physician's certification or other verification in all instances of paid leave. When such certification or verification is required, it shall be collected by the department of benefits administration for audit and retention.
- (3) When paid sick leave is used, it will be deducted from the employee's accumulated total, one hour for each hour of absence. However, managers may allow some flexibility in scheduling work time for a single day where reasonable and practical.
- (4) For twelve-month faculty, contract professionals, classified and unclassified exempt staff, a continuous period of sick leave commences with the first day, or part of a day, of an absence and includes all subsequent days, or part of a day, except Saturdays, Sundays, and holidays observed by the university of Akron until the employee returns to work. However, Saturdays, Sundays, and holidays shall be included in the calculation of a continuous period of sick leave for those employees who may be scheduled to work on those days.
- (5) For nine-month faculty, a continuous period of sick leave commences with the first day of an absence and includes all days classes are in session during the academic year or summer session except Saturdays, Sundays, and holidays observed by the university of Akron. However, Saturdays, Sundays, and holidays shall be included in the calculation of a continuous period of sick leave for those employees who may be scheduled to work on those days.
- (6) The department of benefits administration shall establish a sick leave reporting system for faculty, contract professionals, classified and unclassified exempt staff.

(7) In all cases of leave for illness or injury, the university may require written certification by a physician attesting to an employee's fitness to return to work.

(8) Paid sick leave will be charged when used.

(D) Transfer of sick leave.

An employee who transfers from one public agency to another, or who is reappointed or reinstated, or who transfers from one state department to another shall, upon reentering and submitting certified evidence of accumulated sick leave, be credited with the unused balance of accumulated sick leave, provided the time between separation and reappointment does not exceed ten years. The words "public agency," as used above, include the state, counties, municipalities, and all boards of education within the state of Ohio. The amount of sick leave transferred to state service shall not be greater than the maximum accumulation which would have been allowed if all public employment had been in the state service.

(E) Payment of sick leave upon retirement.

(1) Upon retiring from active service with the university after ten or more years of service with the state or any of its political subdivisions, an employee may elect to be paid for one fourth of the accrued but unused sick leave credit up to a maximum of two hundred forty hours. This payment will be based upon the employee's rate of pay at the time of retirement. Upon accepting such payment, all sick leave credit accrued up to that time will be eliminated.

(2) Such payment will be made only once to any employee.

(3) The maximum payment allowed will be two hundred forty hours. Sick leave conversion does not apply to any termination or separation other than retirement.

(F) Unexcused absence, failure to give proper notification and falsification.

Any unexcused absence or failure to give proper notification may result in the absence being charged to leave without pay. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal. Except in instances due to extended illness or injury, monthly or annual absences greater than the number of hours or days accrued may be considered excessive.

(G) Vacation leave may not be converted to sick leave unless the employee or a member of the employee's immediate family is admitted to or treated in a hospital or is under the treatment of a licensed physician and is not released to work. Written verification is required. Only those hours/days certified above may be converted to sick leave.

(H) The university of Akron administration shall develop policies and procedures necessary to implement the provisions in this rule.

Effective: 12/22/2016

Certification: \_\_\_\_\_  
Ted A. Mallo  
Secretary  
Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 124.38; 124.39; 3359.03

Rule Amplifies: 3359

Prior Effective Dates: 08/24/96, 09/11/00, 03/15/01, 06/25/07,  
05/09/14, 02/01/15