

3359-26-04 Absence from campus – interim rule.

- (A) All non-exempt staff employees are required to request and have approved by their supervisor all absences from campus for each instance involving vacation, sick leave, death of a member of the immediate family, leave without pay, military leave, and/or court leave.

The department is responsible for maintaining an internal process for such requests and approvals that is used consistently with all departmental exempt and non-exempt staff employees. Provisions in the collective bargaining agreement that refer to the request, use and approval of specific types of leave must be followed for employees covered by such an agreement. There is no official "application for leave form" used university wide. All approved absences must be reported on the employee's official time record.

Documentation may be required for certain types of absences.

~~(B) Court leave.~~

- ~~(1) Except as otherwise provided by law, employees will be granted leave with pay if~~

~~—— (a) Summoned for jury duty by a court of competent jurisdiction,~~

~~(b) Subpoenaed to appear before any court, commission, board or other legally constituted body authorized by the law to compel the attendance of witnesses, where the employee is not a part (plaintiff or defendant) to the action, or~~

~~(c) Participating in any action, as an appellant or subpoenaed witness, before the state personnel board of review and is in active pay status at the time of scheduled hearing before the board.~~

~~(d) When utilizing court leave, a copy of the summons or subpoena must be forwarded to personnel services for retention in the employee's personnel file. The "notes" area of the time record should indicate "lwp court leave".~~

- ~~(2) An employee who is appearing before a court or other legally constituted body in a matter in which the employee is a party may be granted vacation time or leave of absence without pay. Such instances would include, but not be limited to, criminal or civil cases, traffic court, divorce or custody proceedings, or appearing as directed as a parent or guardian of a juvenile.~~

~~—— (3) Proof of court or related appearance will be required.~~

- ~~(4) Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena, when such duty is performed during an employee's normal working hours, shall be remitted by the university employee to the payroll office.~~

~~(C)~~ (B) Holiday schedule.

- (1) The university of Akron observes ten holidays annually; these are:

Christmas day	Memorial day
Columbus day	New Year's day
Independence day	Presidents day
Labor day	Thanksgiving day
Martin Luther King day	Veterans day
- (2) The dates on which these holidays are to be observed will be announced annually.
- (3) If a holiday falls on Sunday, it will be observed on the following Monday; if a holiday falls on Saturday, it will be observed on the preceding Friday.
- (4) If a holiday occurs during a period of active pay status - which includes approved sick leave, leave with pay, or vacation - the employee will be paid for the holiday. In order to qualify for holiday pay, an employee must be in an active pay status on regularly-scheduled work days both prior and subsequent to the holiday.
- (5) If it is essential that university offices remain open on a day designated as a holiday (ex: Veterans day):
 - (a) Any full or part-time classified or unclassified non-exempt employee required to work on a designated holiday will be entitled to one and one-half times the regular rate of pay - either in the form of actual pay or compensatory time for the hours actually worked; such overtime will be in addition to the employee's normal pay for the holiday.
 - (b) Any full or part-time exempt staff employee required to work on a designated holiday will be entitled to time off equal to the number of hours actually worked; such time off will be in addition to the normal pay for the holiday and is to be taken at the approval of the supervisor.
- (6) If the university is officially closed at five p.m. ~~On~~ on the day prior to a board of trustees approved holiday (ex: Wednesday prior to Thanksgiving):

- (a) For employees whose normally scheduled work day falls all or in part after five p.m., an effort may be made by the supervisor and employee to reschedule those hours within the same work week. Otherwise, the employee will be expected to work the normal schedule. If the hours are not worked or rescheduled, the employee may utilize vacation leave in order to be paid.
- (b) Part-time employees are entitled to holiday pay for that portion of any holiday for which the employee would normally have been scheduled to work.

~~(D)~~(C) Leave without pay.

- (1) Under the Family and Medical Leave Act of 1993 (FMLA), up to 12 weeks of leave without pay during any 12 month period are provided to eligible employees for certain family and medical reasons. Employees are eligible if they have been employed by the university for at least one year and for 1,250 hours (.6 FTE) over the previous 12 Months.

Leave without pay will be granted for any of the following reasons:

Birth of a child or placement for adoption or foster care

Serious health condition of employee

Serious health condition of a child, spouse or parent

Subject to the provisions of the applicable policies, paid vacation leave or sick leave may be substituted for leave without pay.

Leave may be denied if the employee fails to provide at least 30 days advanced notice when the leave is foreseeable or medical certifications to support a request for leave because of a serious health condition (including requested second or third opinions at the university's expense) and fitness for duty to return to work reports.

Group health benefits will be continued for the duration of FMLA leave. Upon return, the employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Nothing in this sections shall be deemed to create any additional benefits, rights, or entitlements to employees beyond those required by the provisions of FMLA or applicable law of the State of Ohio. For purpose of implementing the university of Akron's family and medical leave

policy and procedures, the definitions and provisions of the FMLA shall be followed when necessary to ensure minimum compliance with the law.

- (2) An employee may be granted approved leave of absence without pay for military service, parental leave, convalescence (if sick leave is not applicable or exhausted), certain personal reasons, and/or training. The leave of absence must be approved in advance by the supervisor and must be accompanied by acceptable written justification. Such request shall state the reason for and the dates of the leave. Length of leave of absence can vary for different reasons, but normally extends to no more than six months.
- (3) If it is determined that an approved leave of absence is not being used for the purpose for which it was granted, the university may require the employee to return to work or be subject to appropriate discipline as specified in Ohio Revised Code.

~~(E) — Military leave.~~

- ~~(1) — Any employee of the university who is a member of the Ohio national guard or a reserve component of the armed forces is eligible for leave with pay for those periods of active duty or field training which require the employee to be away from the job. A copy of the employee's military orders or other authorizing document for such duty must be submitted to the employee's supervisor or the appointing authority to qualify for leave with pay. The maximum payment which will be made under this provision is two hundred forty eight hours or thirty one calendar days in any one calendar year.~~
- ~~(2) — When utilizing military leave, the "notes" area of the time record should indicate "lwp-military".~~
- ~~(3) — Any permanent full-time employee who has held a position with the university for a period of at least ninety calendar days and who enlists or is involuntarily called to extended active duty in the military service shall be granted military leave without pay for the duration of such service. If application is submitted within ninety calendar days after the date of discharge from extended active duty, the employee will be reinstated to former or similar position. This right of reinstatement should be recognized by anyone hired to replace an employee on military leave. The provisions of this rule do not apply to an employee who reenlists while on active duty, or to a commissioned officer who voluntarily enters on extended active duty beyond that required by the acceptance of a commission. Upon reenlistment or commencement of voluntary extended duty, the employee is not eligible for reinstatement.~~

~~(F)~~(D) Reduced workweek policy.

Staff employees who wish to work a reduced work week during the summer sessions or at other times of the year may request leave without pay. Reduction in working hours will require the permission of the employee's supervisor. Staff privileges and benefits will remain in effect for eligible full-time employees.

~~(G)~~(E) Sick leave for non-exempt employees.

(1) 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 employee's immediate family, or
- (d) Medical, psychological, dental, or optical examination or treatment of the employee or a member of the immediate family.

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 a parent.

Where sick leave is required 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.

- (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 (unless otherwise noted below) for audit and retention.
 - (a) The director of physical facilities administration is designated by benefits administration to collect, audit and maintain such documentation for the department of physical facilities in accordance with the collective bargaining agreement.
 - (b) The director of dining services is designated by benefits administration to collect, audit and maintain such documentation

for the department of dining services in accordance with the collective bargaining agreement.

The absence from duties must be approved by the administrator to whom the individual on sick leave is responsible.

- (3) Unexcused absence or failure to give proper notification may result in the absence being charged to leave without pay and may also be cause for disciplinary action. 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.
- (4) 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 the non-overtime hours an employee is regularly scheduled to work but absent. Employees are not permitted to change a sick leave request once a work day has started (i.e. sick leave to vacation).
- (5) A non-exempt employee who is unable to report for work, and who is not on previously approved vacation, sick leave, or leave of absence, shall be responsible for notifying the immediate supervisor, or other individual designated by the supervisor, that the employee will be unable to report to work on that day and each appropriate day thereafter. This notification must be made within one-half hour after the time the employee is scheduled to report for work, unless emergency conditions prevent such notification.
- (6) When an employee's duties are part of a function which operates twenty-four hours a day, seven days per week - i.e., police, health services, etc. - and such employee is unable to report for work, the employee shall notify the immediate supervisor at least two hours prior to the scheduled work time.
- (7) In the case of any absence for illness or injury, the university may require a physician's statement specifying the employee's inability to report to work and the anticipated date of recovery. The employee shall be responsible for notifying the immediate supervisor, or other designated individual, whenever the employee is placed under a physician's care and not released to work or hospitalized, unless such condition precludes notification. The employee shall be responsible for notifying the immediate supervisor, or other designated individual, regarding the anticipated date of recovery and return to work.

- (8) 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.

~~(H)~~(F) Tardiness. An employee is expected to report for work at the scheduled starting time. Unreported, unexcused and/or excessive tardiness may result in disciplinary action.

~~(H)~~(G) Vacation.

- (1) Non-exempt employees (full-time).

(a) A non-exempt, full-time university employee shall, after service of one year with the state, or any political subdivision of the state, have earned and will be due upon attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods.

(b) The amount of annual vacation to which a full-time employee is entitled is determined by the number of accumulated years of service according to the following guidelines:

- (i) Less than one year of service - no vacation,
- (ii) One year, but less than eight years of service - eighty work hours,
- (iii) Eight years, but less than fifteen years of service - one hundred twenty work hours,
- (iv) Fifteen years, but less than twenty-five years of service - one hundred sixty work hours, and
- (v) Twenty-five years of service - two hundred work hours.

- (2) Non-exempt employees (part-time classified) – accrual commences effective January 1, 1999.

(a) A non-exempt part-time classified university employee shall, after service of one year with the state, or any political subdivision of the state, have earned and will be due upon attainment of the first year of employment, and annually thereafter, pro-rated vacation leave with full pay. One year of service shall be computed on the basis of twenty-six weekly pay periods.

- (b) Formula for calculation (multiplying years of service times calculation factor):

Years of service	Calculation factor
0 – 7	.03875 x hours paid
8 – 14	.05750 x hours paid
15 – 24	.07750 x hours paid
25 or more	.09625 x hours paid

- (3) Vacation Credit.
- (A) An employee earns vacation credit as follows:
- (i) 3.1 hours per biweekly pay period for those entitled to eighty hours per year,
 - (ii) 4.6 hours per biweekly pay period for those entitled to one hundred twenty hours per year,
 - (iii) 6.2 hours per biweekly pay period for those entitled to one hundred sixty hours per year,
 - (iv) 7.7 hours per biweekly pay period for those entitled to two hundred hours per year.
- (B) Vacation credit can be accumulated to a maximum of that earned in three years of service. Any vacation accrued over the amount earned in a three year period will be forfeited.
- (C) Upon separation from employment payment for accrued and unused vacation leave shall be made upon separation of service from the university of Akron, upon death of the employee, or if the employee moves to part-time. Such payment will be made in a lump sum based on the rate of compensation at separation for any accrued but unused vacation leave, subject to a maximum of that earned in three years of service.
- (4) The department of human resources shall establish a reporting system which shall provide for annual reporting by the dean or administrative director covering vacation accumulation and usage of each employee under the dean or director's supervision.
- (5) Vacation leave may not be converted to sick leave unless the employee is admitted to or treated in a hospital or is under the treatment of a licensed physician and is not released ~~from~~ to work. Written verification is

required. Only those hours/days certified above may be converted to sick leave.

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Certification: _____
Ted A. Mallo
Secretary
Board of Trustees

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