

**Clark County Board of Mental Retardation and Developmental Disabilities**  
**Personnel Manual**  
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# Clark County Board of Mental Retardation and Developmental Disabilities

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Policy:	Leave	Application:	Program-Wide
Policy Approved:	June 24, 1997	CARF Ref:	Section I: D.7 (P)
Policy Revised:	12/19/00 (Effective January 1, 2001)	Accred. Ref:	

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## Policy

Employees' regular attendance is vital to the effectiveness of the agency. Direct care and support services are most effective when performed with the continuity provided by regular, experienced employees as opposed to substitutes. One component of an employee's evaluation will consist of how well the employee meets the established attendance standards. Employees are expected to report to work on time and on a regular basis. Employees are encouraged to make non-emergency appointments for medical care outside of normal working hours.

The Board recognizes that an employee cannot always anticipate a need to deal with non-work related issues including personal or family illness, professional development, etc. The employee is to notify the supervisor about anticipated absences with as much advance notice as possible. As such, it has established several categories of paid and unpaid leave programs to address these areas.

## Definitions

- (a) '04' - the Board's designated form used to apply for leave, overtime or compensatory time.
- (b) Absence - time away from work; supervisors have the discretion and right to require proof of a valid reason for absence; the employee is responsible for providing the burden of proof.
- (c) Absenteeism - practice of an employee failing to report for work for a period of one or more days; OR failure to report by the prescribed time when he/she has been assigned to or scheduled for work; OR misuse or abuse of sick leave.
- (d) Absent Without Leave (AWOL) - employee is away from work without prior supervisory approval; time is non-compensable and subject to appropriate progressive disciplinary action; employee does not earn sick or vacation time while in AWOL status.
- (e) Leave Without Pay (LWOP) -employee has advance permission to be away from work from the Department Director; occurs only when employee has exhausted all other leave balances and must be off due to special circumstances; time is not compensable; employee does not earn sick or vacation time while in LWOP status
- (f) Tardy - occurs when an employee is more than six (6) minutes late for work without calling in according to Department procedures; to be noted on a leave form as AWOL in .1 hour increments to the greater 1/10th for any portion thereof; subject to progressive disciplinary action.

## Clark County Board of Mental Retardation and Developmental Disabilities

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Policy: Leave

Application: Personnel Department

Procedure: Assault Leave

Application Program-wide

Procedure Revised: 12/19/00, 5/17/05 (Effective June 1, 2005)

CARF Ref: Section I: D.7 (p)

Accred. Ref:

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### Definition

(a) Assault - a violent attack on an employee by an enrollee or applicant for enrollment resulting in an injury that cannot be accommodated through alternative or transitional duties.

### Procedure

#### (a) Granting Assault Leave

A non-union employee who is physically injured in an assault by a person enrolled or applicant for enrollment in a Board program or service may be granted assault leave for a period of time up to a maximum of five (5) consecutive work days. This determination will be made by the Department Director in lieu of any other paid leave. Assault leave occurs simultaneously as all rights as allowed by Workers' Compensation and Family Medical Leave Act. The Board retains its right to request a fitness for duty examination.

#### (b) Qualifications for Assault Leave

In order to apply for assault leave, an employee must meet all of the following conditions:

1. The injury must have resulted from an actual or attempted assault by an enrollee or applicant when the employee is acting in an approved and proper manner or has gone to the aid of another employee being assaulted or in need of assistance to restrain an enrollee or applicant.
2. The incident which resulted in the injury must have been reported to the immediate supervisor/designee at the time of its occurrence. An injury report must be completed in compliance with established guidelines by the employee or the immediate supervisor/designee if employee is unable to complete the report.
3. A doctor must evaluate the suspected injury within twenty-four (24) hours of its occurrence. The employee must submit the doctor's statement certifying the employee's work restrictions, the nature and extent of the injury, and anticipated date of return to full duty no later than forty-eight (48) hours after the occurrence.
4. The employee must cooperate fully in any investigation and action arising out of the incident.

(c) Retention of Benefits Rights

During an approved assault leave, an employee shall accrue leave as normally entitled. The employee shall remain eligible for all other benefits to which he/she is entitled during the assault leave absence.

## Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Leave	Application:	Human Resources
Procedure:	Family Medical Leave	Application	Program-wide
Procedure Revised:	12/19/00, 02/19/02, 01/18/05, 2/1/05, 01/20/09 (Effective January 16, 2009)	CARF Ref:	Section I: D (p)
		Accred. Ref:	

### Definitions

- (1) 12-Month Period - rolling 12-month period measured backward from the date leave begins and continuous with each additional leave taken.
- (2) Son or Daughter - a biological, adopted, foster child, stepchild, a legal ward, or child of a person standing in loco parentis who is under eighteen (18) years of age OR eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.
- (3) Health Care Provider - doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives and clinical social workers authorized to practice and perform within their scope of practice, under state law OR Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts OR any health care provider recognized by the employer or the employer's group health plan benefits manager.
- (4) Parent - biological parent or an individual who stood in place of a parent when the employee was a child (does not include parents-in-law).
- (5) Qualifying Exigencies - short-notice deployment, military events and activities related to the deployment such as, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities where the employer and employee agree to leave.
- (6) Reduced Schedule - employee works less than their regularly scheduled number of hours in a work day, as prescribed by the health care provider.

### Procedure

- (a) The Family Medical Leave Act applies to all public agencies and entitles eligible employees to take up to twelve (12) weeks of protected leave in a twelve (12) month period for specific family and medical needs.

(b) Employee eligibility

i. To be eligible for benefits under the Family Medical Leave Act, the employee must:

- 1) have worked for the Board for a total of twelve (12) months which do not need to be consecutive, but the total does have to fall within the last seven (7) years;
- 2) have worked for the County at least 1250 hours over the previous twelve (12) months.
- 3) not have exhausted the twelve (12) week benefit in the preceding twelve (12) months.

(c) Serious health conditions are illnesses, injuries, impairments, or physical or mental conditions that involve any of the following:

- i. any period of incapacity or treatment connected with inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; OR
- ii. continuing treatment by a health care provider which includes any period of incapacity (inability to work, attend school or perform other regular daily activities) due to:
  - 1) a health condition (including treatment or recovery) lasting more than three (3) consecutive days and any subsequent treatment or period of incapacity relating to the same condition that also includes:
    - a) treatment of two (2) or more times by or under the supervision of a health care provider. The first treatment must occur within seven (7) days and the second within thirty (30) days of the period of incapacity; OR
    - b) one treatment by a health care provider with a continuing regimen of treatment.
  - 2) pregnancy or prenatal care (a visit to the health care provider is not necessary for each absence); OR
  - 3) a chronic serious health condition which continues over an extended period of time, requiring periodic visits (at least two (2) visits per year) to a health care provider, and may involve occasional episodes of incapacity (examples: asthma or diabetes): OR
  - 4) a permanent or long term condition for which treatment may not be effective (example: Alzheimer's, cancer) in which only supervision by a health care provider is required rather than active treatment: OR
  - 5) any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days (30 days if not treated) (example: chemotherapy or radiation for cancer).

(d) Leave Entitlement

- i. Family Medical Leave Act may be taken for any of the following reasons:
  - 1) for the birth and care of a newborn child of the employee;
  - 2) for the placement of a son or daughter with the employee for adoption or foster care;
  - 3) to care for an immediate family member (spouse, child, or parent) with a serious health condition;
  - 4) to take medical leave when the employee is unable to work because of a serious health condition.
- ii. In the event spouses are employed by the Board, they are jointly entitled to a combined total of twelve (12) work weeks of Family Medical Leave for the birth and care of the newborn child, placement of a child for adoption or foster care. This combined total also applies to illnesses for a child.
- iii. Family Medical Leave runs concurrently with other leave entitlements for which an employee may be eligible.

(e) Types of Leave

- i. Family Medical Leave may be continuous, intermittent or a reduced schedule.
  - 1) When intermittent leave is needed for planned medical treatment, employees are required to make a reasonable effort to schedule such treatment so as not to disrupt daily Board operation.
  - 2) Temporary transfers are allowed for employees taking planned intermittent leave only.
- iii. Military Family Medical Leave And Caregiver Leave
  - 1) Family Medical Leave allows an eligible employee whose spouse, son, daughter, or parent who is in the National Guard and/or Reserves and called up to active duty to take leave to manage their affairs, up to a total of twelve (12) work weeks (see "Qualifying Exigencies").
  - 2) Military caregiver leave is available for eligible employees to take up to twenty-six (26) workweeks of leave in a single twelve (12) month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a military service member recovering from an injury or illness suffered while on active duty in any branch of the armed forces. Any other use of FML within this period of time falls within these twenty-six (26) weeks (maximum of 12 weeks).

(f) Application Process

- i. An employee may call the Human Resource Department, to set up an appointment or to discuss a potential Family Medical Leave qualifying situation, complete required forms, review Family Medical Leave rights/procedures and receive the medical certification form. Employees seeking to use Family Medical Leave are to provide a thirty (30) day advance notice of the need, when the need is foreseeable and such notice is practicable.
- ii. The supervisor may also inform an employee that absences appear to be Family Medical Leave qualifying and will refer the employee to the Human Resource Department. This notice by the supervisor should be followed up in writing with a copy to the Human Resource Department. Absences of more than three (3) consecutive days will automatically be considered for Family Medical Leave on an interim basis. Supervisors should notify the Human Resource Department of such cases.
- iii. In cases of absences that are not foreseeable, the employee/designee shall provide notice of the need for Family Medical Leave either the same day or the next business day.
- iv. Absent extenuating circumstances, an employee will receive a written response within five (5) business days, regarding their request for Family Medical Leave, or a notice that a leave may be under consideration as Family Medical Leave, from the Human Resource Department.
- v. A list of essential job functions shall be provided to the employee as part of the initial application process, when applicable.

(g) Certification

- i. A completed medical certification form from a health care provider will be required to support the need for Family Medical Leave.
- ii. The medical certification is to be returned to the Human Resource Department within fifteen (15) calendar days. An additional amount of time to submit the form will be considered on a case by case basis and consideration of particular facts and circumstances.
- iii. The medical certification is kept in a confidential medical file in Human Resources. Information regarding an employee's limitations in completing essential work duties may be shared with the supervisor for safety reasons.
- iv. Until verification is received, Family Medical Leave is granted on an interim basis.
- v. When the medical certification and an employee's eligibility are confirmed, the employee and supervisor will be mailed verification of the qualifying Family Medical Leave.
- vi. If an employee fails to provide the medical certification in the required time frame, the leave may not be granted as Family Medical Leave, and may face potential disciplinary action.
- vii. The Human Resource Director/designee may contact the employee's health care provider for clarification and authentication of the medical condition.

- 1) In the event an employee does not permit contact with their health care provider or refuses to clarify an unclear certification, the designation or Family Medical Leave may be denied.
  - 2) If the medical certification is declared incomplete or insufficient, the employee will receive a written notification from the Human Resource Department noting the inadequacy.
  - 3) The employee will be granted seven (7) calendar days to submit the corrected inadequacy.
- iii. A second or third medical opinion, at the Board's expense, may be required.
- (h) Medical Updates/Recertification
- i. A recertification may be requested every thirty (30) days if necessary, to clarify frequency, duration or substantiate the need to continue Family Medical Leave.
  - ii. If an employee fails to provide a requested re-certification within fifteen (15) days to substantiate the need to continue Family Medical Leave, leave may not qualify for protection under the Family Medical Leave Act.
  - iii. The employee and the supervisor will receive written notification regarding denial of any Family Medical Leave. An employee may appeal a denial decision using the established grievance procedure.
  - iv. If an approved Family Medical Leave must be extended or altered, it is the employee's responsibility to contact the Human Resource Department and their supervisor as soon as they become aware of the need. The Human Resource Director/designee will assess options available to the employee.
    - 1) If a supervisor becomes aware of a change in the employee's condition, the supervisor shall advise the employee to contact the Human Resource Department.
    - 2) Failure by the employee to contact the Human Resource Department and their supervisor may result in Family Medical Leave being denied or potential disciplinary action.
  - v. A second or third medical opinion regarding the employee's medical condition or intent to return to work may be requested at the Board's expense.
  - vi. An employee, with intermittent/reduced work scheduled Family Medical Leave, will contact the Human Resource Department when intermittent/reduced work Family Medical Leave is no longer needed. The Human Resource Director/designee will periodically review intermittent/reduced schedules and may request additional information as needed.

(i) Return To Work/Fitness For Duty

- i. Before returning to work from a Family Medical Leave of three (3) or more consecutive days, an Emergency Room visit, in or out patient treatment/surgery, or at the request of the Human Resource Director/designee, the employee must submit a “return to work without restrictions” statement to the Human Resource Department. The statement must be received prior to the employee’s return to work date and before the employee returns to their worksite. Failure to submit a statement before the stated return to work date may result in unauthorized leave without pay and disciplinary action.
- ii. Employees working third (3<sup>rd</sup>) shift must submit their statement before 4:30 pm on the anticipated day of return.
- iii. A return to work statement, with restrictions, will be reviewed by the Human Resource Director and will be considered on case by case circumstances.

(j) Employee Rights To His/Her Position

- i. Upon a return to work from Family Medical Leave, an employee shall be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority.
- ii. If the employee’s position would have been eliminated or the employee would have been terminated if Family Medical Leave had not been active, the employee would not have the right to be reinstated upon their return.

(k) Reporting Family Medical Leave

- i. An employee is responsible to complete a leave form and designate when leave is Family Medical Leave.
- ii. The leave form shall include the Family Medical Leave case number and indicate for whom the leave is being used.
- iii. Employees are required to follow their departmental call-off-work procedure before taking intermittent or unscheduled Family Medical Leave.
- iv. The Human Resource Department is responsible to review and record leave forms marked as Family Medical Leave as submitted to the Payroll Department.
- v. Employees shall note Family Medical Leave on the payroll sheet to match the leave form.
- vi. Employees are required to utilize all paid leave concurrent with any Family Medical Leave unless a bargaining agreement designates otherwise.
- vii. Employees with intermittent Family Medical Leave will be notified every thirty (30) days that their leave is designated as and protected under the Family Medical Leave Act. Employees with intermittent Family Medical Leave will be advised as to the amount of Family Medical Leave taken during the thirty (30) day period.

(l) When Family Medical Leave Is Exhausted

- i. In the event an employee exhausts his/her Family Medical Leave, the Human Resource Department will send written notification to the employee, their supervisor and the Payroll Department.
- ii. The Human Resource Director will meet with the employee to review any remaining leave rights/options.

(m) Benefits And Insurance Coverage During Family Medical Leave

- i. During an approved Family Medical Leave, an employee will continue to be covered under the Board's insurance and benefits under the same conditions as coverage would have been if the employee had been at work. (Cross reference: Insurance Policy)
- ii. In order to retain coverage when on unpaid leave, the employee must contact the County Auditor's Office to make arrangements for premium payment(s), or to inquire about COBRA coverage. (Cross reference: Enrollment, Changes and Coverage Procedure)
- iii. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.
- iv. If the employee's contributions are more than thirty (30) days late, the carrier may terminate the employee's insurance coverage.
- v. An employee is not entitled to seniority or benefit accruals during periods of unpaid leave, but will not lose anything accumulated prior to going into unpaid status.
- vi. If an employee fails to return to work from unpaid Family Medical Leave, has exhausted all other Board-designated leave, and has not received approval for an extended leave from the Superintendent, the Board may seek reimbursement from the employee for the portion of medical premiums paid by the Board on behalf of that employee during the approved Family Medical Leave period.

(n) Notification

- i. All Board employees will receive notification upon hire regarding the Board's Family Medical Leave procedure, to include but not limited to a brief overview, location of Family Medical Leave posters, and how to obtain or locate the procedure.
- ii. Required Family Medical Leave notices that an employee will receive include general notices, eligibility notices, rights and responsibilities notices and designation notices.

## Clark County Board of Mental Retardation and Developmental Disabilities

Policy: <u>Leave</u>	Application: <u>Human Resources Department</u>
Procedure: <u>Holidays</u>	Application: <u>Program-wide</u>
Procedure Revised: <u>12/19/00, 01/22/02, 12/20/05 (Effective January 2, 2006)</u>	CARF Ref: <u>Section I: D (p)</u>
	Accred. Ref: _____

### Definitions

- (a) Active Paid Status - employee is either at work, court or jury duty, professional leave, personal time, compensatory time, universal leave, sick leave, or vacation leave.
- (b) Designated Holidays - the Board designates holidays for non-union employees; others may be added if designated by an act of the President of the United States or the Governor of Ohio; holidays are typically eight (8) hours in length.

New Year's Day	-	January 1
Martin Luther King Day	-	Third Monday in January
Presidents' Day	-	Third Monday in February
Memorial Day	-	Fourth Monday in May
Independence Day	-	July 4
Labor Day	-	First Monday in September
Columbus Day	-	Second Monday in October
Veteran's Day	-	November 11
Thanksgiving Day	-	Fourth Thursday in November
Christmas Day	-	December 25

### Procedures

- (a) Observance (Non-Union Employees)

Employees in continuous operations (24 hours/day; 7 days a week) typically observe holiday(s) on the date(s) outlined above. If the holiday falls on a Saturday, employees in non-continuous operations observe the holiday on Friday. If the holiday falls on Sunday, employees in non-continuous operations observe the holiday on Monday.

- (b) Eligibility for Holiday Pay

Intermittent employees are not eligible for holidays. This includes intermittent staff on temporary assignment in a regular part-time or full-time position. An intermittent employee who works on a designated holiday will be paid at straight time for the actual hours worked.

Eligible employees must be on active paid status the entire scheduled workday prior to and the entire scheduled workday after the holiday to receive full holiday pay. Employees who are partially on active paid status on either of these days will receive proportional holiday pay. (e.g., Charles was on active paid status for four hours on his scheduled workday on July 3<sup>rd</sup> (4 hours sick and 4 hours leave without pay) and worked eight hours on July 5<sup>th</sup>; total paid status was 4+8=12 hours;  $12/2 = 6$  hours pay for the July 4<sup>th</sup> holiday).

A non-union full-time employee who is not exempt from the overtime provisions of the Fair Labor Standards Act is paid for all hours worked on the holiday, in addition to the holiday pay, at the applicable rate. Holiday pay does not count toward an employee's eligibility for overtime pay. A full-time employee who is required to work on a holiday may elect to take an equivalent number of hours off within the same pay period or within the pay period immediately following in lieu of receiving holiday pay.

Non-union part-time employees are entitled to holiday pay for only that portion of any holiday for which the employee is normally scheduled to work.

(c) Employees Working at Enclaves/Community Employment Sites

Non-union employees whose assignments are to work at enclaves or community employment sites shall follow the work calendar, including holidays, of the company. If the company's work calendar has less than ten (10) holidays, the employee will be paid straight time for those holidays the company is open that the Board has designated as holidays.

(d) Religious Observances

Religious holidays may occur on days not designated by the Board to be holidays. An employee who wishes to observe a religious holiday may, with the approval of the Department Director, use non-sick leave, rescheduled work time or trade an administrative day within the program year. Employees who wish to observe religious holidays must obtain approval at least two weeks in advance following established policies and procedures (Reference: Leave Request procedure). The leave cannot place a burden on Board program operations or support services.

## Clark County Board of Mental Retardation and Developmental Disabilities

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Policy:	Leave	Application:	Personnel Department
Procedure:	Leave Requests	Application	Program-wide
Procedure Revised:	12/19/00 (Effective January 1, 2001)	CARF Ref:	Section I: D (p)
		Accred. Ref:	

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### Procedure

Employees are required to give adequate and appropriate notice of anticipated absences as established by department procedures. Requests for two or more consecutive work days off are to be submitted at least two weeks ahead of time. Requests are to be submitted to the immediate supervisor on the Board-designated form. Leaves are approved only by a Department Director/designee. Leaves may be denied due to operational needs of the program or due to the lack of appropriate notice by the employee. Failure to report to work after such a denial of leave may lead to disciplinary action.

Requests must be submitted in increments of .25 hours and are approved on a first-request basis and in compliance with program operations schedules. Forms are also to be completed whenever an employee is not in an active pay status for tracking purposes.

Under emergency or unusual circumstances, an employee may not be able to obtain prior approval. Under such circumstances, the employee must notify the immediate supervisor/designee in accordance with applicable department procedures. In such cases, the employee or supervisor may complete the leave form(s) in order to be submitted with the appropriate time sheet(s).

When completing leave requests, the employee and supervisor are equally responsible for ensuring the appropriate leave is being requested. Family Medical and Worker's Compensation leaves must be indicated as such on the form. If an employee has not obtained prior approval and no emergency or unusual circumstances have occurred, the leave is considered absent without leave (AWOL) and is subject to appropriate disciplinary action.

Failure to follow procedures appropriately may result in denial of leave for the period of absence and be identified as AWOL. Leave forms and appropriate documentation (e.g., doctor's return to work slip) should be attached to the time sheet for the appropriate work week. For non-union employees, return to work slips are required for any absence in excess of three consecutive work days.

The Superintendent/designee retains the right to deny leave applications and to investigate any absence from work. Supervisors shall review all use of sick leave in excess of five uses per year for appropriateness. A pattern of leave usage may be investigated as soon as it is detected and referred for Family Medical intermittent leave as deemed appropriate. Any fraudulent use, falsification of records or physician's certificates, or patterns of leave abuse shall be subject to disciplinary action up to and including termination.

## Clark County Board of Mental Retardation and Developmental Disabilities

Policy:	Leave	Application:	Personnel Department
Procedure:	Paid Leave	Application	Program-wide
Procedure Revised:	12/19/00, 05/29/01, 12/18/01, 9/17/02, 8/19/03, 7/20/04, 1/18/05 (Effective February 7, 2005)	CARF Ref:	Section 1:D(p)
		Accred. Ref:	

### Definitions

- (a) Administrative Leave - granted at the discretion of the Superintendent for disciplinary concerns; Department Director may immediately grant leave with pay for job-related situations, subject to the Superintendent's approval after review; employee receives pay while on administrative leave.
- (b) Funeral Leave - used to attend the funeral of his/her immediate family member; funeral leave is not subtracted from any other leave bank; limited to two (2) days per incident.
- (c) Immediate family - includes employee's spouse, parents, children, grandparents, siblings, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, step-parents, step-children, step-siblings, legal guardian or other person who stands in place of the employee's parent (*in loco parentis*) or an individual legally dependent upon the employee and living in the household. These relationships are to be applied only to the employee. (Cross Reference: Ohio Administrative Code 123:1-47-01(42))
- (d) Military Service - Ohio Revised Code Section 5923.05 requires that members of the Ohio National Guard Defense Corp., Naval Militia and all U.S. Armed Forces be authorized up to thirty-one (31) calendar days per calendar year for training purposes; employees are required to submit a copy of training orders with requests for leave; the Board will pay the difference between military pay and regular compensation of employees for work time missed, up to the number of hours the employee is normally scheduled to work, to a maximum of 176 hours.
- (e) Parental Leave - leave associated with the birth, adoption or placement of a child; rights discussed under Family Medical Leave procedure.
- (f) Personal Leave - intermittent employees are ineligible for this benefit; new non-union employees receive the equivalence of one day's contracted hours in personal leave after 90 calendar days of employment; annually, non-union employees receive up to one day's contracted hours in personal leave at the beginning of each compensation year (employees who become eligible for their initial personal leave after the start of a compensation year are eligible for only one day of contracted hours in that year), an employee's personal leave balance may not exceed the equivalence of four (4) days' contracted hours; minimum charge is fifteen (15) minutes.

- (g) Professional Leave - intermittent employees are ineligible for this benefit; employees select professional meetings, conferences, workshops, courses or other approved events that stimulates and supports their professional growth; scheduled staff development or inservice dates by the Board or management do not count as professional leave taken; professional leave does not accumulate from calendar year to calendar year; minimum charge is thirty (30) minutes.
- (h) Regularly Scheduled - work hours are established in advance by the supervisor with the employee; hours worked on-call do not qualify.
- (i) Sick Leave - sick leave may be used by any employee who is regularly scheduled to work; accumulation rate is .0575 times the number of hours (excluding overtime) an employee is in active pay status and has no limitation on its accumulation amount; minimum charge is fifteen (15) minutes; employees transferring from another public agency or who are reinstated shall be credited with unused sick leave credit, assuming the time from separation, reappointment or transfer does not exceed ten (10) years and the employee provides official documentation to the Personnel Department reflecting the balance to be credited.
- (j) Universal Leave - only for UAW union members; leave time for any purpose.
- (k) Vacation Leave –intermittent employees do not accrue vacation leave; however, time worked as an intermittent employee will be counted to determine the appropriate rate of accrual if the intermittent employee is later employed in a full or part-time position. Full-time or part-time employees accrue vacation leave according to the following accrual rates times the number of hours actually worked (excluding overtime) (i.e., employee is in active pay status); vacation leave may be used after an employee has completed twenty-six bi-weekly pay periods of employment that need not be continuous and may be counted across multiple public employers; minimum charge is fifteen (15) minutes; employees shall forfeit their right to take or be paid for any vacation leave to their credit which is in excess of the accrual for three years; such leave shall be eliminated from the employees’ leave balances on a regular basis as determined by payroll (Cross References ORC 124.13(D); ORC 325.19 (C)).

Years of Public Service Completed	Accrual Rate/Hour Worked *	3-Year Accrual
Less than 1 year	None	N/A
Over 1 up to 8	.0388	240
Over 8 up to 15	.0575	360
Over 15 up to 25	.0775	480
25 or more	.0963	600

\*rates become effective at the beginning of the next pay period if an employee’s anniversary date falls after the first day of a pay period.

Eighty (80) hours of vacation will be credited to a full-time employee upon completion of the first year of service. Part-time employees will be credited with a pro-rated portion of eighty (80) hours based on the number of hours worked in the first year. An additional forty (40) hours of vacation will be credited to full-time employees upon the completion of years 8, 15 and 25. Part-time employees will receive a pro-rated portion of forty (40) hours based on the number of hours worked in the preceding year.

## Procedures

### (a) Sick Leave

Sick leave may be requested for any of the following reasons:

- (i) Illness, injury or pregnancy-related conditions of the employee.
- (ii) Medical, dental or optical examinations or treatments of the employee.
- (iii) Exposure of the employee or member of his/her immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee, other employees or individuals enrolled in Board programs.
- (iv) Illness, injury or pregnancy-related conditions of a member of his/her immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member (individual cases may be investigated by the supervisor).
- (v) Medical, dental or optical examinations or treatments of a member of his/her immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member (individual cases may be investigated by the supervisor).
- (vi) Death of a member of the employee's immediate family not to exceed three (3) days to be added to the funeral leave benefit.

Employees may be required to provide a certificate, from a licensed practitioner, stating the nature of an injury, illness or medical condition to justify the use of sick leave. An employee who fails to comply with such a request shall not be allowed to use sick leave for time absent from work under such non-compliance and may be disciplined for abuse of sick leave. Falsification of either the signed statement or a physician's certificate or application for use of sick leave with the intent to defraud shall be grounds for disciplinary action up to and including termination. Supervisors will review cases of more than five (5) uses of sick leave in a rolling calendar year for potential patterns or abuse.

Employees who have insufficient sick leave balances to cover the entire request shall have the request granted by exhausting balances in the following order: sick, vacation, personal and compensatory. If the request cannot be covered by these balances, the time may be approved, at the Department Director's/designee's discretion, as leave without pay (LWOP). If permission is denied and the employee still takes the time off, the incident is considered absent without leave (AWOL) and is subject to progressive disciplinary action.

### (b) Funeral Leave

An employee utilizing funeral leave and any connected sick leave is required to submit documentation upon returning to work (e.g., obituary, funeral program or copy of a death certificate).

(c) Parental Leave

An employee must give written notice within thirty (30) days of the birth/adoption of a child of the expected date of return to work. This date of return is to be within guidelines established under Family Medical Leave rights. If an employee is unable to return to work for personal health reasons after these rights are exhausted, the employee should contact the Personnel Department to discuss disability options as defined under unpaid leave procedure.

(d) Professional Leave

An employee must submit requests for professional leave at least two (2) weeks in advance. Professional leave must be taken in no less than .5 hour increments. Eligible employees are granted professional days to be equivalent to three (3) times the number of daily contracted hours per calendar year.

(e) Conversion from Universal Leave upon Transfer

An employee transferring from a UAW union position to another position has the option of being paid out the universal balance at 40% and erase all universal leave from the employee's balance. The employee may instead choose to transfer universal leave into other leaves as percentages based on years of service in the UAW union position not to exceed established maximums:

Years of Service	Sick Leave	Vacation Leave	Personal Leave
Up to 8 years	58%	40%	2%
Over 8 up to 15	49%	49%	2%
Over 15 years	40%	58%	2%

(f) Jury Duty

Employees shall be paid for court leave when summoned for jury duty during regularly scheduled hours by a Federal, State or any other court of competent jurisdiction. Court leave will also be granted to employees subpoenaed to appear before any court or body authorized by law to require attendance of witness during regularly scheduled hours where the employee is not a party to the action.

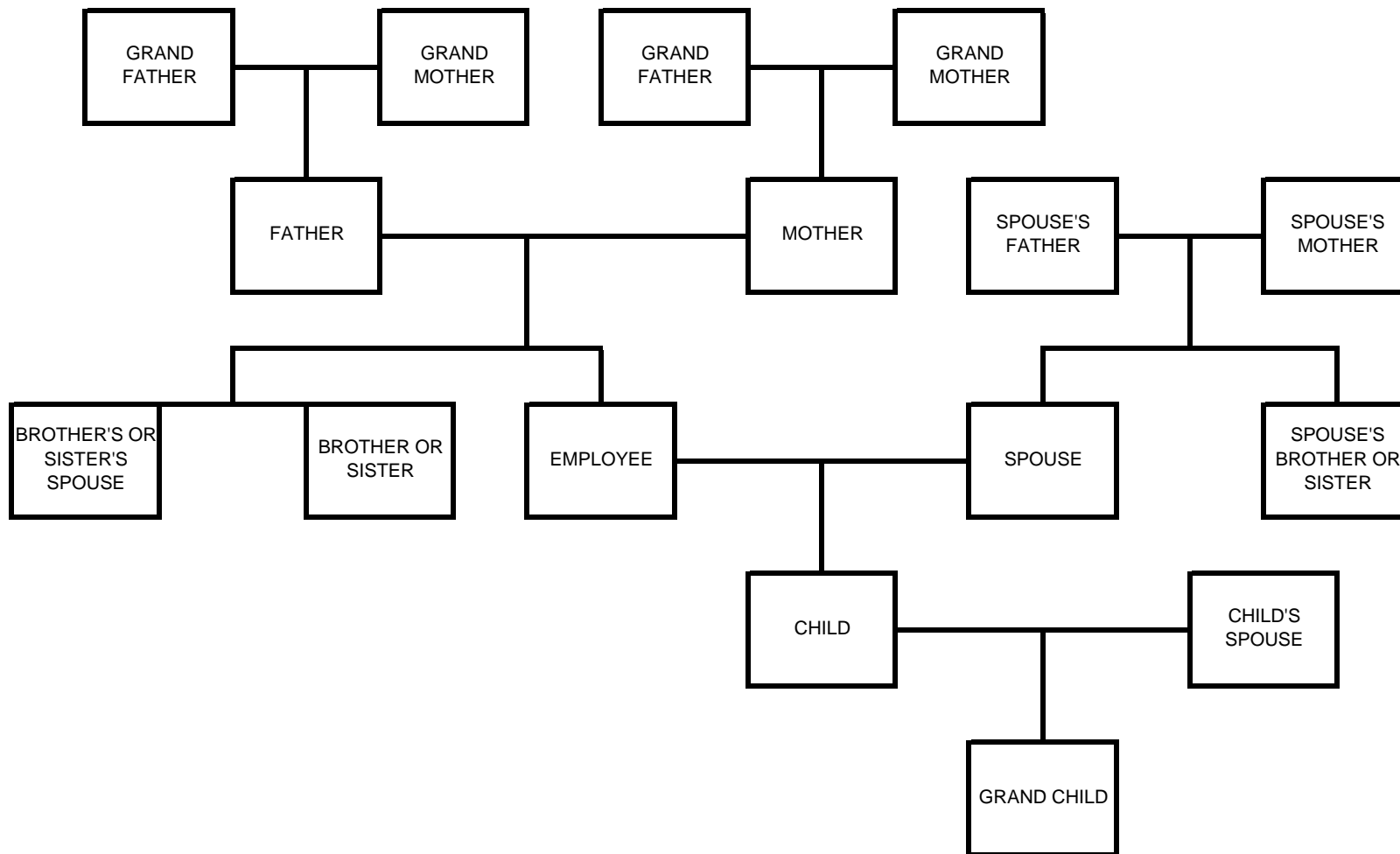
An employee must submit any compensation or reimbursement for jury duty or court attendance compelled by subpoena to the Fiscal Department when such duty was performed during regularly scheduled work hours.

An employee who is an appellant in action before the State Personnel Board of Review or the claimant before the Bureau of Workers' Compensation for a Board-related claim and who is in active pay status at the time of the scheduled hearing or examination shall be paid for the purpose of attending said hearing or examination during a regularly scheduled work day. Time spent for this purpose shall be noted as a subpoena on the leave form.

Except as noted above, an employee appearing before a court or other authorized body in which he/she is a party to the action may request non-sick leave time. Such cases would include, but are not limited to, criminal or civil cases, traffic court, divorce or custody proceedings, or court appearance as a parent or guardian of juveniles.

CLARK COUNTY BOARD OF MRDD

IMMEDIATE FAMILY



## Clark County Board of Mental Retardation and Developmental Disabilities

Policy: <u>Leave</u>	Application: <u>Personnel Department</u>
Procedure: <u>Unpaid Leaves</u>	Application: <u>Program-wide</u>
Procedure Revised: <u>12/19/00, 4/19/05, 1/17/06, 12/16/08 (Effective January 1, 2009)</u>	CARF Ref: <u>Section I: D (p)</u>
	Accred. Ref: _____

### Definitions

- (a) Disability Separation - as defined in the Ohio Revised Code, an employee may be separated from employment, either voluntarily or involuntarily, to recover from an extended illness, injury or disease. If the individual has been granted disability retirement benefits by a state retirement system (e.g., OPERS), the individual may make application to be reinstated for up to five (5) years after the disability retirement has been made effective. If the individual has not been granted disability retirement, the individual may make application to be reinstated for up to two (2) years after the disability separation has been granted. The individual may request to be returned to duty in the same or similar position, in writing, by the Superintendent with all pertinent medical information attached. Individuals who subsequently are returned to work from a disability separation will be considered on a leave of absence for the duration of the disability separation. (Reference: OAC 123:1-30 (D) and 123:1-30 (H)).
- (b) Educational Leave - authorized at the discretion of the Superintendent/designee up to a maximum of one (1) year; only non-probationary employees may apply for this unpaid leave; purpose is to allow the individual to receive education, training or specialized experience that would be beneficial to the program by improved performance at any level.
- (c) Extended Military Leave - employees with more than ninety (90) days of employment with the Board are eligible for this unpaid leave; occurs when an employee is drafted or called for active duty by a branch of the United States Armed Forces or Coast Guard; years of service accumulate while the individual is on military leave, but vacation and sick leave do not accrue during this time.
- (d) Extended Personal Leave - only non-probationary employees are eligible to apply; Superintendent/designee has the discretion to grant leave for up to six (6) months after reviewing the written request.

### Procedures

- (a) Unpaid Leave Procedures

Only non-probationary regular employees may request unpaid leaves of absences. The only exception to this is for a newly hired employee who made arrangements to take LWOP prior to accepting employment. Such arrangements prior to hire are to be noted on the personnel data form. For all other requests, an employee must submit the request to his/her supervisor at least thirty (30) calendar days in advance. The request will be reviewed for approval through all levels of management and is authorized only by the Superintendent/designee. With the exception of extended military leave, authorization is discretionary, may be granted for any length of time up to the maximum allowed, will be determined on a case-by-case

basis and time granted will only begin after the employee has exhausted his/her non-sick leave time for reasons not qualified for sick leave usage.

If qualified for sick leave usage, any unpaid leave granted will commence only after all leave banks are exhausted. The Board will request the employee to obtain an estimated return to work date from the attending physician. If the physician is unable to determine an exact date, the Board may pursue disability separation with the employee.

An employee may return to work before the scheduled ending date of the leave. The individual is required to submit this request in writing to the Superintendent/designee at least thirty (30) calendar days in advance of returning to work. For insurance coverage questions, refer to Enrollment, Changes and Coverage procedure.

(b) Failure to Return from Leave

This section applies to all leaves without pay including medical leaves or workers' compensation.

If an individual fails to return to work within three (3) working days of the completion or valid cancellation of the leave of absence without a written explanation and approval by the Superintendent/designee, the employee may immediately be removed from his/her position. It is the employee's responsibility to submit requests for extensions with appropriate documentation or return to work on time. Requests for extensions will be reviewed on a case-by-case basis and will not be extended beyond the established maximum time.

(c) Extended Military Leave

An eligible employee shall, in accordance with Chapter 5903 and Section 124.29 of the Ohio Revised Code, who voluntarily or involuntarily enters any of the Armed Services of the United States shall be granted a military leave of absence without pay. An employee who requests military leave must submit appropriate documentation and complete leave papers in advance in the Human Resource Department. If not accepted for active duty, the employee shall be reinstated to his/her former position without loss of tenure or status or reduction in pay within thirty (30) calendar days. Employees completing their active duty obligation, without voluntarily re-enlisting or extending that obligation, may request reinstatement, in writing with appropriate documentation to the Superintendent, within ninety (90) calendar days of discharge or release from active duty. If the position or similar position exists and is not held by an employee with greater seniority, the employee shall assume that position within thirty (30) calendar days of the written request.

Upon return to work, the employee shall receive credit for military service in areas affecting status, rank, rating, pay increases and qualifications for the duration of the military service. If he/she is not qualified to perform these job duties due to the disability sustained during military service, the employee shall be placed in a position that he/she can perform if one exists and is not held by an employee with greater seniority. If temporary physical disability precludes the employee's ability to perform the job, he/she shall be allowed up to one (1) year from the date of application to overcome said disability and return to work.

## Clark County Board of Mental Retardation and Developmental Disabilities

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Policy:	Work Calendars and Schedules	Application:	Program-wide
Policy Approved:	June 24, 1997	CARF Ref:	Section I: D(P)
Policy Revised:	2/19/02, 8/19/03, 2/19/08, 12/16/08 (Effective January 1, 2009)	Accred. Ref:	

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### Policy

The Board annually establishes work calendars for the various Departments. Calendars are established in order to maintain operations and services for consumers. Unless superseded by a collective bargaining agreement, Department calendars shall include 260 work days including ten (10) holidays. Inservice training days are considered work days and are subject to the approval of the Board. The Board may also establish up to five (5) administrative days for employees. The Board has the discretion of determining the exact number of administrative days each year. The Department Director, with prior approval of the Superintendent, may require employees to work on an administrative day to maintain program operations. The employee(s) required to work may then choose another day off within the Board's program calendar. Eligible employees do not include intermittent (substitute) employees. An employee must be on active paid status the entire scheduled workday prior to and the entire scheduled workday after the administrative day(s) to receive full administrative day(s) pay. Employees who are partially on active paid status on either of these days will receive proportional administrative day(s) pay.

Employees may also, upon approval by his/her supervisor, choose to work an administrative day within the Board's program calendar year so that (s)he may work as a poll worker on any Election Day (primary or general election day). If exchanging an administrative day to work the polls, the employee is entitled to retain the stipend distributed by the Board of Elections (Reference: ORC 3501.28).

The Department Director/designee shall determine appropriate staffing ratios and establish daily work schedules to accommodate the needs of the Program. Further, the Department Director/designee shall maintain daily employee attendance records. Employees are expected to sign in and out from the work site on the prescribed form. (Cross Reference: Time Sheet procedure) Each department shall establish absentee notification procedures for staff to follow when an employee is unable to work. Break periods shall be considered a privilege, not a right, and shall never interfere with the mission and work responsibilities of the department. Breaks are included as part of an employee's work time. The immediate supervisor assigns work, break and lunch schedules to meet the daily operational needs. While reasonable attention will be given to employee needs and every reasonable effort will be made to give adequate notice of scheduling, all employees must be willing and able to meet scheduling needs of the department and/or sub-departments as determined by the supervisor.

An employee may not take breaks and lunch periods at the beginning or end of the workday to shorten the workday. The supervisor may, on occasion, require an employee to take lunch or breaks at the beginning or end of the workday to meet program needs or operations. The supervisor may limit the number of employees allowed on break or lunch at any one time.

Non-union employees who work at least six (6) continuous hours in a given day are entitled to a lunch period. A lunch period is thirty (30) unpaid minutes in length. If workflow allows, breaks may be attached to the lunch period. Lunch is expected to take place during the mid-point of the workday. Employees may receive a fifteen (15) minute break for every four (4) hours worked depending upon business operational needs.

The superintendent/designee may authorize a calamity closing of all or any departments due to inclement weather conditions or other emergencies (e.g., water main break, heating malfunction, extreme weather conditions). An employee who is scheduled to work will be paid in full for all hours his/her work area was closed due to the calamity. Individuals on pre-arranged leave or who call in the day of the calamity for some type of leave are ineligible for calamity status. Further, individuals on inactive pay status for all or part of the days before or after the calamity closing are ineligible for pay for the duration of the calamity.

If there is inclement weather closure but no calamity for an employee's work area has been authorized, the employee is expected to report as regularly scheduled. Employees have the responsibility to follow their department's notification process if they are going to be late due to travel difficulties. If available, supervisors may authorize use of non-sick leave time or flex time (for Flex-Time, Cross Reference: Compensation policy) to cover these situations. Supervisors may also authorize use of rescheduled time if that meets Board operational needs.

## Clark County Board of Mental Retardation and Developmental Disabilities

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Policy:	Work Calendars & Schedules	Application:	Personnel Department
Procedure:	Time Sheets	Application	Program-wide
Procedure Revised:	July 17, 2001(Effective September 1, 2001)	CARF Ref:	Section I: D (p)
		Accred. Ref:	

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### Procedure

(a) Salaried Employees

Employees paid on a salary basis shall only be required to sign in and out on sign in sheets on a daily basis when entering and leaving the work site. It is expected for these employees, when utilizing leave time, to submit these forms for prior approval. When, due to an emergency or illness, prior approval cannot be obtained, the form is to be submitted no later than the end of the following scheduled work day. Failure to do so could result in a loss of pay or progressive disciplinary action for failing to follow procedure.

(b) Hourly Employees

Hourly employees are further required to appropriately record hours worked, paid leave and unpaid leave on time sheets. These time sheets are to be kept at each work site in a location determined by the Department Director/designee.

(c) Designees

The Department Director shall designate at least one (1) individual in the Department to serve as the time keeper. The Department Director may also designate one (1) or more individuals to sign time sheets and leave forms. The Department Director shall forward designee's names to the Payroll Officer/designee.

(d) Time Keeper Responsibilities

Timekeepers shall collect sign in sheets, time sheets and leave forms. They will review these items, ensuring all items are turned in and ensuring corrections are made by employees and/or supervisors as needed. Time keepers will forward leave forms and time sheets for the Director's/designee's signature and ensure that time sheets and leave forms are turned in by 12:00 noon each Tuesday to the Payroll Officer/designee. These individuals shall also serve as the liaison if the Payroll Officer/designee has questions or concerns.

(e) Record Keeping

Sign in sheets will be retained at the work site for one (1) year. Leave forms and time sheets will be retained in the Fiscal Department according to Administration's established records retention schedule.