


Name of Policy: Leaves of absence (other than FMLA) and sick leave accrual			
Policy Number: 3364- 25-123		Effective date: March 8, 2024	
Approving Officer: President		Original effective date: August 5, 1993	
Responsible Agent: Chief Human Resources Officer			
Scope: All University of Toledo campuses; non-bargaining unit employees			
Keywords: Do not capitalize unless a proper noun			
	New policy	X	Minor/technical revision of existing policy
	Major revision of existing policy		Reaffirmation of existing policy

(A) Policy statement

The university of Toledo recognizes that situations arise in which employees may need to request a leave of absence.

This policy shall be construed to comply with the Family Medical Leave Act of 1991 and as amended (“FMLA”). It does not limit or supersede any FMLA leave.

University employees can earn sick leave at the rate of four and six-tenths hours for each completed eighty hours of service for actual hours in a pay status (fifteen work days per year). There is no limit on the amount of sick leave which may be accumulated.

Employees who work fewer than forty hours a week will earn sick leave on the basis of actual hours in pay status each pay period.

Immediate family as defined in the Ohio Revised Code, currently includes an employee’s spouse or significant other (significant other as used in this definition means one who stands in place of a spouse and who resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (*in loco parentis*). For purposes of confirming a family relationship, the university may require the employee

requesting the leave of absence to provide reasonable documentation or statement verifying family relationship.

(B) Purpose of policy

This policy is intended to explain the various types of leaves of absence, except the Family Medical Leave Act covered leave (FMLA), for employees who are not covered by collective bargaining agreements. Specifically covered in this policy are the following:

- Funeral leave
- Military reserve duty leave
- Non-FMLA leave
- Unpaid leave of absence
- Parental leave (non-FMLA)

(C) Procedure

(1) Funeral leave

An employee who is absent from work due to a death in the employee's immediate family shall be granted a leave of absence not to exceed five consecutive working days (excluding weekends and holidays) to make funeral arrangements and to attend the funeral. The funeral leave shall not extend beyond the date of the funeral, even if a balance of five (5) days exists. If the funeral is out of town (500 miles round trip), one day from the balance of the initial five days may be used for return travel. Each full-time or regular part-time employee shall be granted a leave of absence not to exceed one day to attend the funeral of a former immediate family member. Pay for such leave may be deducted from the employee's accumulated sick leave up to the maximum of hours scheduled on the days taken off.

If sufficient sick leave is not available, and the employee chooses not to use accrued compensatory or vacation leave, the employee may be granted a leave of absence without pay for up to five consecutive working days for current immediate family (excluding weekends and holidays). The employer may request proof of the death and relationship before approving payments for funeral leave.

(2) Military reserve duty leave

All employees of the university of Toledo who are members of the Ohio national guard, the Ohio defense corps, the naval militia, or members of other reserve components of the armed forces of the United States, shall be entitled to a leave of absence from their respective duties without loss of pay for such time as they

are in the military service on field training or active duty for periods not to exceed thirty-one days in any one calendar year (beginning on January 1). The maximum payment is limited to one hundred seventy-six hours of pay per calendar year. The employee is required to submit to human resources in advance, an order or written statement from the appropriate military commander as evidence of such duty when possible. Advanced notice is not required when it is precluded by military necessity, or the giving of such notice is otherwise impossible or unreasonable. There are no requirements that the service be in one continuous period. Employees must apply for their military leave through the university's specified system.

Employees called to active duty by an executive order or act of congress for a period exceeding thirty-one days, will be unpaid after one hundred seventy-six hours of pay have been utilized. The employee is entitled to a monthly compensation amount by which an individual's monthly civilian university of Toledo wages or salary exceeds his or her military pay and allowances (example: food and housing) upon return and submission of military pay stubs to payroll.

A full-time state employee who was a member of the Ohio national guard serving one weekend per month and two weeks out of every year is entitled to one year prior service credit for each year of service with the Ohio national guard for the purpose of computing the amount of his vacation leave pursuant to section 124.131 of the Revised Code.

(3) Non-FMLA LEAVE

Non-FMLA leave, defined as an unpaid leave that does not-qualify for FMLA leave, shall be granted upon approval of the responsible administrative officer, manager, chair, dean, appropriate vice president, or the leave of absence administrator, for a personal illness, injury, serious health condition, medical, dental, psychological, optical examination or treatment of an employee or a member of his/ her immediatefamily, and for pregnancy, childbirth and related conditions.

(a) Sick leave day

- (i) Full-time employee taking leave for less than four consecutive days.
- (ii) Medical, dental, psychological and optical examinations require seven days advance notice to the direct supervisor when the need is foreseeable and when such notice is practicable, or as soon as practicable when the need for the sick day is not foreseeable

(b) Non-FMLA leave

- (i) Part-time employee taking leave for more than five consecutive days, or full-time employee taking more than three consecutive days (including normal days off)

- (ii) Eligibility shall be determined by consecutive days absent, including normal days off.
- (iii) A thirty day advance notice of the need to take non-FMLA leave is required when the need is foreseeable and when such notice is practicable, or as soon as practicable when the need for leave is not foreseeable.
- (iv) Application and medical documentation have to be returned to human resources within fifteen days after application and cannot be later than fifteen days after first day of leave.
- (v) If leave was foreseeable and notice and/or medical paperwork was not provided in a timely manner, leave approval may be denied or delayed. Employees are required to apply to non-FMLA leave through the university of Toledo leave of absence electronic process.
- (vi) Non-FMLA leave has to exhaust employee sick time, vacation time, and any compensatory time before unpaid non-FMLA leave can be requested.

The leave of absence administrator may require an employee to furnish a certificate defining the need for a leave from a health care provider (as defined in FMLA) to justify the use of non-FMLA leave to the human resources department. The university of Toledo reserves the right to require the employee to provide medical verification of ability to return to work.

Falsification of physician's certificate or medical certification, or of relationship to a family member, will be grounds for disciplinary action up to and including dismissal. Non-FMLA leave is unpaid, employees must use accrued sick time and vacation time to remain in pay status. It is a requirement and the employee's responsibility to report sick time use via the university's timekeeping system ([policy 3364-25-126](#)).

If the stated medical reason for the use of non-FMLA leave no longer exists, then the employee is required to notify his or her immediate supervisor or designee as soon as possible, not to exceed two calendar days, to receive return to work instructions. The employee may request extension for a leave that has ended upon furnishing completed and signed medical certification justifying continued use of non-FMLA leave no more than three days after end of leave.

Unpaid non-FMLA leave will not exceed six consecutive months for the same condition. Non-FMLA leave will run concurrently with the use of sick leave. Non-FMLA leaves can be reviewed at any time by human resources and the leave of absence administrator to determine if the leave is still needed or if other accommodations are possible for the employee to return to work. The university can request recertification sooner than six months. Other accommodations can include American Disabilities Act accommodations or long-term disability benefits

for the employee. The university reserves the right to discontinue a non-FMLA leave if there are reasonable accommodations available to the employee to return to work.

Non-FMLA leave shall not be paid to either natural or adoptive parents who request leave for purposes of childcare that does not require the need for care due to a medically certified illness or injury to such employee or their child.

An employee who resigns or gives notice of resignation while on a paid leave of absence shall be separated from the university of Toledo effective the date of such notice. An employee who resigns while on an unpaid leave shall be separated retroactively to the first day of unpaid leave.

Classified employees who are members of the professional staff association (and unclassified employees that have donated to the professional staff association sick bank) may qualify for the respective sick leave bank created for use of members of the organization. Use of that bank shall not exceed six months and is only available after personal, sick, and vacation time has been exhausted.

Unclassified employees utilizing the long-term disability program are required to use their accrued sick leave for the first six months of a disability recognized under the university's long term disability policy. The long term disability program will be effective after one hundred eighty days or the termination of the employee's accrued sick leave, whichever occurs later in time. Once the employee is eligible to receive long term disability, he/she will no longer be eligible to receive leave from the sick leave bank.

(c) Notice and certification requirements

Notice can be given by the employee or family member per the department policy for notification. Notice for the need for sick leave must be sufficient to make the university of Toledo aware of the need for sick leave, the anticipated duration of leave, and the anticipated timing of the leave.

(d) Accumulation of benefits

Accrual of sick leave will be unlimited. Time spent on vacation, paid military leave, paid professional leave, jury duty, funeral leave or paid sick leave will count toward accumulation of benefits. There will be no accumulation of benefits while on unpaid leave of absence or layoff.

An employee who is reappointed or reinstated will be credited with the unused balance of accumulated sick leave provided the time between

separation and reappointment does not exceed ten years, and/or the employee did not receive cash conversion for the unused sick leave.

The university shall recognize any previously authorized and accrued sick leave earned by an employee while employed by another public agency of the State of Ohio, in accordance with Division (C) of section 124.38 of the Revised Code. The employee must provide verification from the public agency by which they were previously employed of the amount of accrued sick leave earned and transferable before it will be recognized by the university of Toledo.

(e) Cash benefit conversion of sick leave upon retirement

Employees with ten or more years of service with the state (service as defined by a State of Ohio retirement system excluding non-Ohio purchased time) shall be compensated in an amount not to exceed one-fourth of accrued but unused sick leave credit, based upon the individual's annual rate of compensation at the time of retirement up to a maximum payment of two hundred-forty (240) hours. An employee must meet all requirements for retirement under their applicable retirement plan to be eligible for a sick leave payment.

(f) Cash benefit of sick leave at time of death

In the case of death of an employee, unused sick leave shall be paid to his or her estate in accordance with retirement benefits for accumulated sick leave (see above).

(4) Unpaid leave of absence

Employees covered by this policy are eligible to request unpaid leaves of absence for personal reasons, other than any that are enumerated in this policy or in the FMLA leave policy. Such requests require the approval of the employee's direct supervisor or chair and the dean or appropriate vice president.

The authorization of an unpaid leave of absence is a matter of university administrative discretion. An unpaid leave of absence is only available after personal, sick, and vacation time have been exhausted.

A written request on the form provided by the university for an unpaid leave of absence must include the reason(s) for the leave and the requested date(s) for the leave. The form must be submitted to the appropriate vice president or dean and appointing authority (chief human resources officer, provost) as soon as

practicable before the requested leave. A leave of absence without pay is not approved until the employee receives written approval from the appointing authority.

- (a) Length of leave: Upon written request, a leave of absence without pay may be granted for any personal reason. Renewal or extension beyond the maximum allowed shall not be granted except as provided in this policy. Unpaid leaves of absence for personal reasons may be granted for a maximum duration of six months. Unpaid leaves of absence may be granted for a maximum period of two years for purposes of education or training which would be of benefit to service, or for voluntary service in any governmentally sponsored program of public betterment. Renewal or extension beyond the two year period shall not be allowed.
- (b) Abuse of leave: An employee who fails to return to duty within three working days of the completion or a valid cancellation of a leave of absence without pay without explanation to the appointing authority, may be removed from the service in accordance with section 124.34 of the Revised Code. An employee who fails to return to service from a leave of absence without pay, and is subsequently removed or voluntarily resigns from the service, is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.
- (c) Return to service: Upon completion of a leave of absence without pay, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists the employee shall, with approval of the appointing authority, be assigned to a position in a classification like that formerly occupied. The employee may be returned to active pay status prior to the originally scheduled expiration of the leave if such earlier return is agreed to by both the employee and the appointing authority.
- (d) Service credit: Authorized leaves of absence without pay will count as service credit for annual step increases, layoff purposes, and for computing the accrual rate of vacation leave, provided the employee is properly returned to service and is not serving an initial probationary period. Employees that do not return to service from a leave of absence without pay shall not receive service credit for the time spent on such leave.
- (e) Probationary period: The period during which an employee on a leave of absence without pay shall not be counted towards an employee's original or promotional probationary period.
- (f) For unclassified service employees: Leave of absence without pay may be

granted to an employee in the unclassified service in the same manner as it is granted to a classified employee. However, the return of an employee in the unclassified service to active pay status shall be at the discretion of the appointing authority. At any time, the employee's supervisor may notify the appointing authority of his/her need for the employee on unpaid leave to return. At that time, the appointing authority will notify the employee on an unpaid leave of the university's need to have the employee return to work. The appointing authority will notify the employee via the employee's official university email address. The employee will have five days to respond and indicate a date of return which is agreeable to the university.

- (g) Abuse of leave: If it is found that a leave is not actually being used for the purpose for which it was granted, the appointing authority may cancel the leave and direct the employee to report for work by giving written notice to the employee.
- (h) Notice: It is the employee's obligation throughout the leave of absence to:
 - (a) regularly monitor and read the employee's university email account;
 - and (b) notify their supervisor per departmental procedure within five calendar days of a change of personal contact information including email, address, or phone number.
- (i) Benefits: Employee benefits coverage will continue provided the employee pays his/her portion. An employee is responsible for making arrangements with the appointing authority or designee regarding continuation of health, vision, dental, or other insurances, and any other benefits or programs requiring employee contributions to be withheld from pay. The employee will be entitled to any changes to the health care plan or benefits that are made while employee is on leave to the same extent as if the employee were not on leave.
- (j) Retirement contributions: During the unpaid leave, contributions to retirement systems or programs will not be made.
- (k) Faculty must work through the faculty affairs office for forms and approval.

(5) Parental leave (non-FMLA)

Employees may be granted up to five consecutive working days (charged to sick leave) of parental leave to care for the spouse or family following birth or placement of an adopted child with the family prior to utilizing compensatory time, personal time, vacation and unpaid leave. Non-FMLA parental leave is only available if FMLA is not. Employee must take FMLA if available and cannot utilize

non-FMLA leave option.

<p>Approved by:</p> <p><i>/s/</i></p> <hr/> <p>Gregory Postel, MD President</p> <p>Date: March 8, 2024</p> <p>Review/revision completed by:</p> <ul style="list-style-type: none"> • <i>Chief Human Resources Officer</i> • <i>Senior Leadership Team</i> 	<p>Policies superseded by this policy:</p> <ul style="list-style-type: none"> • <i>Former Medical College of Ohio policy 05-061, last reviewed July 1, 2003</i> • <i>Renumbered to 3364-25-123 on August 9, 2011</i> • <i>3364-25-125</i> <p>Original effective date: <i>August 5, 1993</i></p> <p>Review/revision date: <i>December 15, 1993</i> <i>September 8, 1994</i> <i>March 13, 1995</i> <i>July 1, 1995</i> <i>July 29, 1996</i> <i>April 1, 1998</i> <i>July 1, 1999</i> <i>July 1, 2000</i> <i>July 1, 2001</i> <i>July 1, 2002</i> <i>February 12, 2003</i> <i>July 1, 2003</i> <i>February 12, 2013</i> <i>May 14, 2018</i> <i>May 17, 2021</i> <i>March 8, 2024</i></p> <p>Next review date: <i>March 8, 2027</i></p>
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