

SECTION THREE
LEAVES OF ABSENCE

3.1 VACATION LEAVE

- A. Full-time employees of the Commission shall **accrue** vacation leave at the scheduled rate below. **Employees are credited with accrued vacation leave on a biweekly pay period basis. The accrual is calculated on straight-time hours worked or approved paid leave taken during the biweekly pay period.**

Employees that have worked eighty (80) straight-time hours or have worked and/or been on an approved paid leave equal to an amount of eighty (80) hours during the pay period shall be credited with the full amount of vacation accrual for the period. Employees paid less than eighty (80) straight-time hours will be credited with a prorated amount of leave according to the schedule.

Years of Service	Accrual Rate per Paid Eighty (80) Hour Pay Period	Annual Amount
Less than 5 years	3.1 hours	80.60 hours
Five (5) but less than 10 years	4.6 hours	119.60 hours
10 but less than 15 years	6.2 hours	161.20 hours
15 but less than 17 years	6.9 hours	179.40 hours
17 years or more	7.7 hours	200.20 hours

Note: A qualifying employee's annual accrual may exceed the maximum annual accrual above (which is based on straight-time hours worked and/or approved paid leave taken), if the employee works on a scheduled holiday or the holiday falls on the employee's regular day off and the employee makes an election to convert the holiday to vacation.

B. MAINTENANCE FIELD SUPERVISORY EMPLOYEES

Maintenance supervisory personnel may take their vacation at any time, provided that only one supervisor is on vacation at any installation at one time. Supervisors **that elect to take vacation between November 1 and March 31 shall be limited to a maximum of two (2) weeks during this period.**

C. DEFERMENT OF ANNUAL VACATION

Employees may defer unused accumulated vacation **leave** hours to the following payroll year. This deferment shall not exceed four (4) times the **annual accrual rate that the employee is earning at the end of the year.**

*Example: Annual Accrual Rate at Year-End = 161.20
 $161.20 \times 4 = 644.80$ hours eligible to defer*

An employee **that will exceed the number of vacation leave hours eligible to defer at the end of a calendar year may make an election in the year prior to the year of accrual to convert those hours that exceed the maximum deferment to pay.**

Those hours that exceed the maximum deferral for which the employee has not used by the end of the calendar year, or for which the employee has not made an election to convert to pay (in the year prior to the year of accrual), will be automatically converted to pay.

D. CONVERSION OF VACATION

An employee may on an annual basis convert to pay an amount equal to the amount of hours that an employee accrues in a calendar year. Such election(s) must be made in the year prior to the year of the accrual (e.g., employee makes an election in 2011 for 2012 accrual). Once an election is made, the election may not be revoked for any reason. However, if the employee's vacation balance is less than the number of hours elected, only those vacation hours remaining will be converted to pay.

Payment for converted vacation leave will be made in January following the year of the accrual and will be paid using the employee's rate of pay in effect on the last day of the pay period during which payment is made.

If the employee does not make an election in the year prior to the year of the accrual, the employee may still make an election in December of the year immediately prior to the January payment as long as the full amount of the conversion is deposited in the employee's deferred compensation account with the Ohio Public Employees Deferred Compensation Program.

1. OPERS ANNUAL CONVERSION

The maximum amount of the converted vacation leave that can be considered "earnable salary", under the OPERS Annual Conversion Plan, is the amount that the employee accrues in the calendar year, less any amounts taken during the calendar year. The payment will be subject to OPERS contributions in addition to any applicable income tax withholding.

2. SUPPLEMENTAL ANNUAL CONVERSION PLAN.

An employee who has elected to receive the maximum amount of vacation leave under the OPERS Annual Conversion Plan and has a balance of vacation leave deferred from prior years may also elect to convert to pay all or a portion of the remaining amount of their vacation leave accrued in the calendar year (annual accrual of vacation less the amount of vacation hours converted to pay under the OPERS Annual Conversion Plan). The payment will be subject to any applicable income tax withholding, but will not be subject to OPERS contribution.

The number of vacation leave hours converted to pay under either the OPERS Annual Conversion Plan or the Supplemental Annual Conversion Plan cannot exceed the number of hours the employee earned in the calendar year and the employee must have a balance at the time of payment equal to or greater than that number of vacation leave hours elected.

The Ohio Public Employees Deferred Compensation Program allows an employee to defer all or part of a leave conversion (up to the maximum annual deferral limits).

Program paperwork must be completed with an Ohio Public Employees Deferred Compensation representative at least 30 days prior to the date on which the payment will be made. An Ohio Public Employees Deferred Compensation representative can be reached at 1-877-644-6457 to assist you with this process.

E. SEPARATION OF EMPLOYMENT

An employee shall be paid compensation for all accrued vacation leave not taken or converted to pay at the time of separation regardless of the reason for separation. Vacation leave paid at the time of separation is not considered to be “earnable salary” under OPERS and contributions will not be withheld.

The Ohio Public Employees Deferred Compensation Program allows an employee to defer all or part of a payment made at the time of separation from employment (up to the maximum annual deferral limits). Program paperwork must be completed with an Ohio Public Employees Deferred Compensation representative at least 30 days prior to the date on which the payment will be made. An Ohio Public Employees Deferred Compensation representative can be reached at 1-877-644-6457 to assist you with this process.

F. PRIOR PUBLIC SERVICE OR PART-TIME EMPLOYMENT WITH THE OHIO TURNPIKE COMMISSION

Full-time employees who were employees of the State of Ohio or any of its political subdivisions immediately prior to their employment with the Commission and who earned vacation leave with that Employer may request to have credited to them any accrued vacation leave balances that they did not use or for which they did not receive a cash payment upon separation of employment.

Prior service with the State of Ohio or any of its political subdivisions in which vacation was earned, and prorated part-time service with the Ohio Turnpike Commission, shall be treated as service with the Ohio Turnpike Commission in determining the qualifications for, and the hourly accrual rate to be earned, provided satisfactory evidence of the length of such service is furnished to the Commission.

G. MISCELLANEOUS

1. In no event shall vacation leave be authorized for use until it has been earned and thus available for use.
2. Any employee who has been employed less than one (1) year may, upon department head approval, use up to five (5) days leave without pay as vacation time.
3. Whenever a holiday occurs during the vacation leave, that day shall not be counted as vacation leave.
4. An employee who loses time because of an allowed industrial claim arising out of employment with the Commission shall have the lost time counted as hours in computing the employee’s vacation benefits for that year subject to the limitations in the section entitled, “Leave Due to On-the-Job Injury.”

5. Vacation leave approval is based on Department Head discretion and operational needs.
6. Vacation leave cannot be used to extend an employee's date of retirement or resignation.

3.2 SICK LEAVE

A. ACCRUAL OF SICK LEAVE

Full-time employees of the Commission shall accrue sick leave at a rate of 4.62 hours for each eighty (80) hours of work or approved paid leave taken beginning with the first day of employment with the Commission. An initial credit of forty (40) hours sick leave will be advanced to a new full-time employee and will be charged against sick leave subsequently earned.

B. SICK LEAVE APPLICATION

1. Employee Illness or Injury

The respective department head may approve leave, with full pay, due to the employee's own illness, or injury or exposure to contagious disease, which may reasonably be expected to be communicated to other employees.

2. Family Illness or Injury

The respective department head may approve absences of three (3) days or less due to emergency caused by illness or injury to members of the employee's immediate family (spouse, parent(s), and children).

3. Leave for Adoption/Foster Care

Leave may be approved for the adoption or foster care of a child - see "Family and Medical Leave Policy".

4. Bereavement

Absences due to a death in the employee's family may be approved as follows:

- a. The employee shall be granted up to five (5) days sick leave upon the death of **the employee's** father, mother, spouse or child.
- b. The employee shall be granted up to three (3) days sick leave upon the death of **the employee's** grandparents, parents-in-law, foster or step-parent, brother, sister, sister-in-law, brother-in-law, or grandchildren to attend the funeral.
- c. The department head may approve additional days sick leave if considerable travel or other extenuating circumstances are involved in attending the funeral.

C. SICK LEAVE PROCEDURE AND DOCUMENTATION

1. Absences of Three Days or Less

The department head may approve absences of three (3) consecutive days or less with or without satisfactory medical evidence necessitating the use of sick leave.

2. Absences within a Ninety Day Period

An employee who is absent for more than three (3) days, for which medical evidence is not provided, during any ninety (90) consecutive calendar day period, and who claims such absence is due to illness or accident (of the employee or other person as defined previously) will be required to furnish medical evidence satisfactory to the employee's department head to excuse each subsequent absence within the ninety (90) day period. Department heads may also require documentation in instances of suspected pattern abuse.

3. Absences of More than Three Consecutive Days

- a. Medical evidence, or other evidence satisfactory to the employee's department head, must be provided for approval of an absence of more than three (3) consecutive days. *Family Medical Leave paperwork must also be completed (please refer to "Family and Medical Leave Policy").*
- b. The Commission may require the employee to submit to a physical examination by a physician designated by the Commission before returning to work. If the Commission's physician confirms the employee's ability to return to their essential job duties, the employee shall return to work and shall be paid for the time absent between the dates the employee would have returned and the actual return to work date.
- c. If the Commission's physician reports that the employee is not able to return to their normal duties, the employee shall continue on sick leave, or if sick leave is exhausted, other forms of paid leave before leave no pay is granted, until the Commission's physician approves the return to work.
- d. It is the employee's responsibility to determine from their physician, as far in advance as possible, the anticipated date of return, or the date that may be scheduled for a final physical examination. The employee must notify his/her supervisor of the anticipated date so the Commission may schedule a physical examination with the Commission's physician. If an employee fails to inform his/her supervisor of the anticipated return to work date or of the final physical examination, the payment provided above shall not apply. If the employee is required to submit to a physical examination by the Commission's physician, mileage shall be paid from the employee's home to the physician's office and return.
- e. The Commission maintains the right to investigate any employee's absence.

D. DEFERMENT OF SICK LEAVE

Employees may defer unused accumulated sick leave hours to the following year subject to the carryover limits below.

An employee that will exceed the number of sick leave hours eligible to defer at the end of a calendar year may make an election in the year prior to the year of accrual to convert those sick leave hours that exceed the maximum deferment to pay.

The sick leave hours that exceed the maximum deferment for which the employee has not used by the end of the calendar year or for which the employee has not made an election to convert to pay (in the year prior to the year of accrual) will be automatically converted to pay.

1. SICK LEAVE ACCUMULATED ON OR AFTER JULY 1, 1992

Sick leave accrued on or after July 1, 1992 that is unused may carryover the balance each year and may continue to accumulate to a total of twelve hundred (1,200) hours (150 days).

2. SICK LEAVE ACCUMULATED PRIOR TO JULY 1, 1992

Sick leave accrued prior to July 1, 1992 that is unused may continue to carryover the balance each year except when an employee uses all accumulated sick leave earned after July 1, 1992, resulting in the use of all or a portion of sick leave accumulated prior to July 1, 1992.

E. CONVERSION OF SICK LEAVE

An employee may on an annual basis convert to pay an amount equal to the amount of sick leave hours that an employee accrues in a calendar year. Such election(s) must be made in the year prior to the year of the accrual (e.g., employee makes an election in 2011 for 2012 accrual). Once an election is made, the election may not be revoked for any reason. However, if the employee's sick leave balance is less than the number of hours elected, only those sick leave hours remaining will be converted to pay.

Payment for converted sick leave will be made in January following the year of the accrual and will be paid at fifty percent (50%) of the employee's rate of pay in effect on the last day of the pay period during which payment is made.

In addition, an employee may also make an election to convert unused accumulated sick leave in December of the year immediately prior to the January payment as long as the full amount of the conversion is deposited in the employee's deferred compensation account with the Ohio Public Employees Deferred Compensation Program.

1. OPERS ANNUAL CONVERSION

The maximum amount of the converted sick leave that can be considered "earnable salary", under the OPERS Annual Conversion Plan, is the amount that the employee accrues in the calendar year, less any amounts taken during the calendar year. The payment will be subject to OPERS contributions in addition to any applicable income tax withholding.

2. SUPPLEMENTAL ANNUAL CONVERSION PLAN

An employee with five (5) or more years of service that has elected to receive the maximum amount of sick leave under the OPERS Annual Conversion

Plan and has a balance of sick leave deferred from prior years may also elect to convert to pay all or a portion of the remaining amount of their sick leave accrued in the calendar year (annual accrual of sick leave less the amount of sick leave hours converted to pay under the OPERS Annual Conversion Plan). The payment will not be subject to OPERS contributions but will be subject to any applicable income tax withholding.

3. SUPPLEMENTAL CONVERSION PLAN FOR SICK LEAVE EARNED IN PRIOR YEARS

An employee with five (5) or more years of service that has converted the maximum amount of sick leave under Plans 1 or 2 above may also convert any amount of their unused sick leave accumulated from prior years, except that the election of unused sick leave hours accumulated prior to July 1, 1992 cannot exceed ten percent (10%) of the June 30, 1992 balance and as long as the full amount of the sick leave conversion payment is deposited to the employee's deferred compensation account with the Ohio Public Employees Deferred Compensation Program. The payment will not be subject to OPERS contributions but will be subject to any applicable income tax withholding.

The number of sick leave hours converted to pay under either the OPERS Annual Conversion Plan or the Supplemental Annual Conversion Plan cannot exceed the number of hours the employee has available at the time of payment.

The Ohio Public Employees Deferred Compensation Program allows an employee to defer all or part of a leave conversion (up to the maximum annual deferral limits). Program paperwork must be completed with an Ohio Public Employees Deferred Compensation representative at least 30 days prior to the date on which the payment will be made. An Ohio Public Employees Deferred Compensation representative can be reached at 1-877-644-6457 to assist you with this process.

F. PAYMENT OF SICK LEAVE ACCUMULATION AT TIME OF SEPARATION

There shall be no payment of unused sick leave accumulation of any type if the employee is terminated from the Commission for disciplinary reasons or for cause.

1. Sick Leave Accumulated Prior to July 1, 1992

An employee separating employment with the Commission that has unused accumulated sick leave earned prior to July 1, 1992 and is separating employment under circumstances other than for disciplinary reasons or for cause, is entitled to receive payment for such sick leave as follows:

- a. Over fifteen (15) years service but less than twenty (20) years service as a regular, full-time employee of the Commission:

70% of unused accumulated sick leave

- b. Over twenty (20) years service but less than twenty five (25) years service as a regular, full-time employee of the Commission:

80% of unused accumulated sick leave

- c. Over twenty-five (25) years service as a regular, full-time employee of the Commission:

90% of unused accumulated sick leave

- d. Payment will be computed using the employee's wage or salary rate in effect on the date of separation.

2. Sick Leave Accumulated on or After July 1, 1992

An employee retiring from the Commission that has accumulated unused sick leave earned on or after July 1, 1992 and is separating employment with the Commission shall be eligible to receive payment for 50% of unused accumulated sick leave only if all of the following conditions are met:

- a. The employee must have over five (5) years of service as a regular, full-time employee of the Commission on or before the date of separation.
- b. The employee is retiring under the Ohio Public Employees Retirement System.
- c. The Commission has received approval of the retirement from the Ohio Public Employees Retirement System on or before the date of separation.
- d. Payment will be computed using the employee's wage or salary rate in effect on the date of separation.

3. The Ohio Public Employees Deferred Compensation Program allows an employee to defer all or part of a leave cash-out (up to the maximum annual deferral limits). Program paperwork must be completed with an Ohio Public Employees Deferred Compensation representative at least 30 days prior to the date on which the leave cash-out will be paid. An Ohio Public Employees Deferred Compensation Account Representative can be reached at 1-877-644-6457 to assist with the process. These transactions cannot be completed on the web site or through the automated telephone system.

Once deferral arrangements have been made, please check the "Yes" box and indicate the prearranged deferral date on the Pay in Lieu of Sick Leave Request Form. Pay in lieu of sick leave is subject to OPERS deductions and any applicable income tax.

G. IN THE EVENT OF AN EMPLOYEE'S DEATH

Sick leave payment shall be made as if the employee was eligible for retirement under OPERS and qualified for payment on the date of death. The payment shall be made to the employee's surviving spouse or to the employee's estate if the employee has no surviving spouse.

H. PRIOR PUBLIC SERVICE OR PRIOR OHIO TURNPIKE SERVICE

An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave up to the Commission's established maximum of the sick leave accumulation. Employees will be credited sick leave balances upon receipt of satisfactory proof that the employee did not use or receive a cash payment for unused sick leave balances upon separation of employment. This transfer of sick leave credit may be accepted provided that such re-employment takes place within ten (10) years of the date on which the employee was last terminated from public service.

I. MISCELLANEOUS

1. When an employee is absent for a period of seven (7) days or more due to illness or injury (regardless if absence is covered under workers' compensation or sick leave) the Commission may require the employee to submit evidence of inability to return to work and may require an examination by a physician designated by the Commission.
2. An observed holiday is not to be considered a sick leave day.
3. An employee who shall receive, or be entitled to, Ohio Workers' Compensation with respect to any portion of sick leave, shall receive such leave in accordance with the provisions of the Workers' Compensation Act and Unemployment Insurance.
4. Each department head shall administer sick leave within the department equitably and with diligent regard for the fact that the Commission grants such leave only to ease hardship and not as part of the earnings of employment to which an employee is entitled as a matter of right. Sick leave is not to be granted except when an employee is unable to work because of illness or accident, or in cases of sickness or death in the employee's family. Each department head may require the employee to provide satisfactory medical evidence supporting the absence(s), and may deny such leave for failure to present such evidence.

J. FALSIFICATION OF RECORDS

Any employee who falsifies or alters any sick leave request or related documentation provided to the Ohio Turnpike Commission is subject to disciplinary action, up to and including termination. The Ohio Turnpike Commission reserves the right to take disciplinary action against any employee based upon information that the employee misused sick leave for a reason other than the reason stated in the request for sick leave.

K. SICK LEAVE ABUSE.

Grounds for suspicion of sick leave abuse shall include, but not be limited to, information received by the Commission that the employee is, or has, during any time for which sick leave is claimed:

1. Engaging in other employment;
2. Engaging in strenuous physical exercise or recreation, including work around the home, other than as approved or recommended by a treating physician;
3. Present in any location inconsistent with a claim of illness or injury;
4. Absent from home or other place of confinement or convalescence when called or visited by a representative of the Commission, except in cases where the employee can produce verification (such as hospital or medical clinic admissions or treatment slip or a receipt for the purchase of medicines from a pharmacy) that his/her absence was for reasons directly related to the treatment of his/her illness or injury.

3.3 FAMILY AND MEDICAL LEAVE ACT POLICY

A. The Ohio Turnpike Commission provides eligible employees with up to twelve (12) weeks unpaid family and medical leave of absence from work in the following circumstances:

- The birth of a child and in order to care for such child;
- The adoption or placement of a child for foster care;
- To care for a child, spouse or parent who has a serious health condition (an illness, injury, impairment or physical or mental conditions that involves inpatient care or continuous treatment by a health care provider);
- If the employee's own serious health condition renders the employee unable to perform the essential functions of his or her position;
- **To care for the employee's spouse, child or parent who has been called to active duty in support of a contingency operation ("qualifying exigency"); or**
- **To care for an injured service member, in which the employee may be eligible for up to a combined twenty-six (26) weeks of leave.**

For the purposes of this policy, "Child" refers to children under 18 years of age as well as those age 18 and older who are incapable of self-care because of a mental or physical disability; **an employee who has no biological or legal relationship with the child may nonetheless stand *in loco parentis* to the child and be entitled to leave;** "spouse" does not include an unmarried domestic partner and "parent" does not apply to in-laws.

B. APPROVAL

Family and medical leave applications will be reviewed by the Director of Human Resources. An employee wishing to take leave based upon a serious health condition of the employee or the employee's spouse, child or parent, must provide a completed "Certification of Physician or Practitioner" form issued by the health care provider stating:

1. The date on which the serious medical condition began;
2. The probable duration of the condition;
3. The appropriate medical facts within the doctor's knowledge regarding the medical condition;
4. That the employee is needed to care for his or her son, daughter, spouse or parent, and an estimate of the time necessary to provide the care, if applicable;

5. That the employee is unable to work or to safely and substantially perform the essential functions of the employee's position, if the leave is for a serious health condition of the employee;
6. If intermittent leave or a reduced leave schedule is requested for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment;
7. If intermittent leave or a reduced leave schedule is requested due to the employee's serious health condition, that it is medically necessary for the employee to be given that type of leave and the expected duration of the intermittent or reduced leave schedule; and
8. If intermittent leave or a reduced leave schedule is requested to care for a family member, that the leave is necessary for the care of the employee's son, daughter, parent or spouse with a serious health condition or will assist in the family member's recovery, and the expected duration and schedule of the necessary intermittent leave or reduced leave schedule.

A copy of the certification must be provided by the employee in a timely manner, and, if practicable, prior to taking the leave.

C. ARRANGEMENTS

All family and medical leave absences will be arranged through the department head and the Director of Human Resources subsequent to the completion of the "Request for Family and Medical Leave" form.

D. ELIGIBLE EMPLOYEES

To be eligible for leave under the Family and Medical Leave Act of 1993 (FMLA), an employee must be employed by the Commission for at least twelve months at the time the leave is requested (these twelve months need not have been consecutive) and have worked for at least 1,250 hours during the twelve-month period preceding the leave request.

E. BENEFIT CONTINUATION

Group health insurance will continue while an employee is on family or medical leave under the same terms as if the employee continued to work. Any premium contribution for which the employee is responsible must continue to be paid by the employee while on leave. If the employee fails to return to work at the expiration of his or her leave period, the employee will be required to reimburse the Commission for any and all premium payments made on the employee's behalf during the unpaid leave. Such reimbursement will not be required if the employee fails to return due to his or her own continuing serious health condition or circumstances beyond the employee's control.

F. LEAVE DURATION

FMLA leave is based on a total of 12 weeks of leave within a 12 month period. The Commission will calculate leave eligibility based on a “rolling” twelve month period measured backward from the date an employee uses any FMLA leave.

G. LEAVE CONDITIONS:

1. Birth of a Child, Adoption, to Care for Foster Child.

Leaves for such purposes are generally to be taken in the consecutive workweeks and leave must be completed within the twelve-month period following birth of the child or placement of the child with the employee for adoption or foster care. Married employees are entitled to a combined total of twelve (12) weeks, subject to FMLA time previously used.

Employees requesting leave for one of these purposes must provide the Commission with thirty (30) days advance notice of leave, except if the birth or placement requires leave to begin in less than thirty (30) days, employees should provide as much advance notice as practical. Leave pursuant to this policy is available to employees regardless of their gender.

2. Leave to Care for a Child, Spouse, and Parent or for the Employee’s Own Serious Health Condition.

When medically necessary, leave may be taken intermittently or on a reduced workweek or reduced workdays.

If an employee requires an intermittent or reduced leave schedule that is foreseeable based on planned medical treatment, the Commission may require the employee to transfer temporarily to an available alternative position, for which the employee is qualified, to better accommodate the recurring periods of leave that the employee will require. Employees transferred in such circumstances will receive equivalent pay and benefits.

Employees requesting leave for these purposes must make a reasonable effort to schedule the treatment, either for themselves or for their child, spouse, or parent, so as not to disrupt the Commission operations. In this regard, the employee should endeavor to secure the cooperation of his or her or the covered family member’s health care provider to reasonably schedule the treatment to avoid such disruption.

Employees requesting leave for these purposes must provide thirty (30) days advance notice of leave, or if treatment is required in less than thirty (30) days, as much advance notice as practicable, of the leave either the same day (if the employee becomes aware of the need for leave during work hours) or the next business day (if the employee becomes aware of the need for leave after work hours). FMLA may be denied or delayed if the employee fails to comply with the Commission’s call-in procedure, as outlined in this Employee Manual or the appropriate article sections of the collective bargaining agreement.

3. Leave for a “Qualifying Exigency”.

Eligible employees may be granted up to twelve (12) weeks of leave during the 12 month period for FMLA leave for qualifying exigencies. Arising out of the fact that the employee’s spouse, son, daughter or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. “Qualified Exigency” includes:

- a. short notice deployment (limited to seven calendar days from the date of deployment notification);
- b. military events and related activities such as official ceremonies, programs or events sponsored by the military or family support or assistance programs, and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross;
- c. child care and school activities such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- d. financial and legal arrangements;
- e. counseling;
- f. rest and recuperation (limited to five days);
- g. post-deployment activities including arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member’s active duty status, and addressing issues arising from the death of a covered military member; and
- h. additional activities agreed to by both employer and employee.

Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces or retired or former military members.

4. Leave to Care for an Injured Servicemember.

Eligible employees are entitled to take up to 26 weeks of leave in a single 12-month period to care for a spouse, child, parent or next of kin who is a covered servicemember. A covered servicemember is a member of the Armed Forces, National Guard or Reserves who has a “serious health illness or injury that occurred while on active duty and that rendered the servicemember unable to

perform the duties of his or her office, grade, rank or rating.” Serious health illness or injury means the covered servicemember is: (1) undergoing medical treatment, recuperation, or therapy; (2) otherwise an outpatient; or (3) on the temporary disability retired list. Servicemembers on the permanent disability retired list are not covered.

Leave to care for an injured servicemember is for a single 12-month period; the period being measured from the first day the eligible employee takes FMLA leave to care for an injured or recovering servicemember.

Next of kin” is defined as the nearest blood relative other than the covered servicemember’s spouse, parent, son or daughter in the following order: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles and first cousins. A covered servicemember may choose and specifically designate in writing another blood relative as his/her next of kin for purposes of military caregiver leave. When such designation is made, the designated individual will be considered the covered servicemember’s only next of kin.

Spouses employed by the Commission are limited to a combined total of 26 weeks in a single 12-month period.

H. CERTIFICATION

1. Certification for Serious Health Condition of Employee or Qualified Family Member.

Employees requesting leave for their own or a covered family member’s serious health condition will be required to provide medical certification to substantiate the leave request. Such certification must be provided within fifteen (15) days of the leave request. Failure to provide certification will result in denial of FMLA leave until such time as the certification is received.

The Commission reserves the right to have an employee or covered family member examined by a health care provider of its choice for a second opinion at any time at its discretion. The Commission shall pay for any such examination.

In the event of a conflict between the medical opinion of the employee’s or covered family member’s health care provider and that of the Commission in the second opinion examination, a third examination may be required by a health care provider mutually agreed upon by the Commission and the employee and paid for by the Commission. The opinion of the third health care provider shall be final and binding on the Commission and the employee.

2. Certification for Military Leave.

- a. For exigency leave, employees are to provide a copy of the covered military member’s active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation,

and the dates of the covered military member's active duty service. Certification supporting leave for qualifying exigency includes:

- appropriate facts supporting the need for leave, including any available written documentation supporting the request;
- the date on which the qualifying exigency commenced or will commence and the end date;
- where leave will be needed on an intermittent basis, the frequency and duration of the qualifying exigency; and
- appropriate contact information if the exigency involves meeting with a third party.

Employees are to use the DOL Form WH-384 Certification Form for Exigency Leave.

- b. For military caregiver leave, employees must complete DOL Form WH-385. A private health care provider can complete certifications for military caregiver leave if the health care provider is either a DOD TRICARE network authorized private health care provider or a DOD non-network TRICARE authorized private health care provider. Department of Defense health care providers and Veteran Affairs health care providers can also complete a certification for military caregiver leave.

In the event that a family member is requested or required to fly outside the country to attend to the covered servicemember's catastrophic injury, the Commission will accept submission of the "invitational travel order" (ITO) or "invitational travel authorization" (ITA), in lieu of the DOL certification form as sufficient certification of a request for military caregiver leave during the time period specified in the ITO or ITA.

3. When a Medical Certification is incomplete or insufficient, the employee will be given seven (7) calendar days to complete and return the form. Human Resources maintains the right to directly contact an employee's healthcare provider to authenticate and clarify information provided on a Medical Certification form. When this occurs, the employee will be requested to complete a HIPAA authorization form. If an employee refuses to provide Human Resources with HIPAA authorization and fails to clarify a certification, the Commission may deny FMLA leave.
4. The Commission may request recertification at any time if (1) the employee requests an extension, (2) circumstances described by the previous certification have significantly changed, or (3) the Commission receives information that casts doubt on the certification. The Commission also maintains the right to give the healthcare provider a record of the employee's absence pattern and ask the health care provider if the condition and need for leave are consistent with the pattern of absence.

I. USE OF ACCRUED LEAVE TIME

Employees will be required to use available sick leave, in the event of a leave for the birth of the employee's child, or for the employee's or covered family member's serious health condition. Employees will be required to use available personal leave first for the placement of a child for adoption or foster care and may use available sick leave subsequent to utilizing the personal leave.

Any accrued unused sick leave must be used in the event of a leave for the employee or covered family member's serious health condition. Non-bargaining unit employees must also exhaust any available vacation leave if they have exhausted paid sick leave and/or personal time. Pursuant to the collective bargaining agreement, Bargaining unit employees are not required to exhaust available vacation time; however, "H" days will be exhausted before being approved for leave without pay.

For leave for the employee's own serious health condition, employees may also be eligible to receive other benefits such as short-term disability or workers' compensation, in accordance with Ohio state law and the terms of any applicable benefit plan.

J. REINSTATEMENT AFTER LEAVE

Eligible employees taking leave under this policy will be reinstated to their former position, or to an equivalent position with equivalent benefits and other terms and conditions of employment. However, no employee is entitled under this policy to any right, benefit or position other than that to which the employee would otherwise have been entitled had he or she not taken leave. Thus, for example, if a reduction-in-force or some other business condition arises which affects the employee's position, reinstatement may not be possible.

Key employees are those individuals within the highest paid 10% of the Commission employees. Key employees may not be entitled to reinstatement upon expiration of family and medical leave in certain circumstances. The Commission will notify an employee whether he or she is considered to be a key employee under this provision.

A key employee may forego the requested leave or immediately return from a leave already commenced once advised that he or she would not be entitled to reinstatement. A decision regarding reinstatement must be approved by the Executive Director.

K. RETURN TO WORK EXAMINATION

Before being permitted to return to work from a medical leave due to the employee's own serious health condition, the employee may be required to provide certification from his or her health care provider that the employee is able to return to work and perform all functions of the job.

L. PERIODIC NOTIFICATION and RECERTIFICATION DURING LEAVE

Employees will be required while on family or medical leave to contact their supervisor every (30) thirty days (or as otherwise required) to report on their status and intentions to return to work at the end of their leave period as well as providing Recertification paperwork during the timeframe requested for recertifying the leave.

M. FALSIFICATION OF RECORDS

Employees who falsify any FMLA leave request form, certification or related information are subject to disciplinary action, up to and including termination. The Ohio Turnpike Commission reserves the right to take disciplinary action against any employee based upon information that the employee misused or requested FMLA leave for a reason other than the reason stated in the request for FMLA leave.

3.4 SICKNESS AND ACCIDENT PROGRAM

- A. The Commission shall provide a Sickness and Accident Program for non-probationary, full-time employees who are on a continuous leave of absence due to their own illness or accident. This program will pay sixty-six and two-thirds percent (66 2/3%) of the employee's regular hourly rate to a maximum of \$500 per week for a period not to exceed twenty-six (26) weeks (1040 hours) for any given twelve (12) month period.
- B. There is a fifteen (15) workday waiting period prior to the commencement of such benefits. The employee must first use any available paid leave before using unpaid leave for the fifteen (15) work day period. The employee also has the option of electing to supplement their pay by using one-third (1/3) day accumulated sick leave while the employee is using the Sickness and Accident benefit after the fifteen (15) work day period. If use of the one-third (1/3) day of accumulated sick leave does not equate to one hundred percent (100%) of the employee's regular wages, the employee has the option of using the necessary fractional amount, greater than the one-third (1/3) day, to equal the employee's regular wages after the fifteen (15) work day waiting period.

Example:

Time Frame

Options for Use:

First fifteen (15) work day period

Waiting Period - No S&A available
Employee are to use any available paid leave before unpaid leave is granted

Each day after the 15th workday

Employee has choice of using Sickness and Accident with or without one-third (1/3) day sick leave supplement or necessary fractional amount greater than one-third (1/3) day sick leave to equal one hundred percent (100%) of wages

- C. The Sickness and Accident benefit period of twenty-six (26) weeks/1040 hours will begin on the sixteenth (16th) working day of absence, provided that the employee has submitted supporting medical documentation prior to the start date of the Sickness & Accident benefits. **Failure to submit paperwork by the 15th work day will result in a delay in Sickness and Accident benefits.**
- D. The twenty-six (26) week/1040 hours period is within any twelve (12) month period. If an employee returns to work after an approved Sickness and Accident leave and must take time off again for the same condition within the same twelve (12) month time period, they may reapply for Sickness and Accident benefits and once approved shall return to the previous level of benefit.

- E. The Commission will calculate leave eligibility based on a “rolling” twelve month period measured backward from the date an employee uses any S&A leave.
- F. If the employee has multiple claims that may apply to the Sickness and Accident Program, an individual fifteen (15) day waiting period will need to be met for each condition while the sum amount of leave(s) may only equal twenty-six (26) weeks for a given twelve (12) month period.
- G. If the twenty-six (26) weeks/1040 hours are used in a given twelve (12) month period and the employee must take leave again at the start of a new twelve (12) month period for any condition for which he or she was previously absent, a new fifteen (15) day waiting period will be required.
- H. Sickness and Accident benefits apply to a continuous leave of absence only, not for routine appointments, and normally not taken in hourly increments, unless prior approval is granted by the Human Resources Director **as an accommodation under the Americans with Disabilities Act (ADA)**.

3.5 PERSONAL LEAVE

- A. Full-time employees are eligible for a total of **three (3)** non-cumulative personal days per payroll year. The paid personal leave days will be deducted from any accumulated sick leave. If the employee has no accumulated sick leave, no **approval** for personal leave will be made.

- B. Personal leave requests will be considered for the following purposes:
 - 1. Mandatory court appearances
 - 2. Legal or business matters that cannot be attended to outside of working hours
 - 3. Family emergencies/unexpected situations
 - 4. Unusual family obligations such as adoptions, weddings, or funerals.

- C. The Request for Personal Leave Form must be submitted one (1) week in advance if the employee is aware of the need for leave, along with the Absence/Leave Request Form. Approval is at the discretion of the employee's Department Head.

3.6 MILITARY LEAVE

- A. An employee who is a member of the active organized reserve of the Army, Navy, Air Force, Marines or Coast Guard of the United States or of the National Guard, while under competent orders for active military duty, shall be granted leave with regular pay for not more than a total of one hundred seventy-six (176) hours in any calendar year. **While on a paid military leave, employees accrue all forms of paid leave. After the 176 hours of paid military leave, employees do not accrue any form of paid leave during their absence.**

- B. Any employee called or ordered to military duty for more than one (1) month because of an executive order issued by the President of the United States or by Act of Congress will be paid the lesser of the following:
 - 1. The difference between the employee's gross monthly wage or salary and the sum of the employee's gross military pay and allowances received that month; or
 - 2. Five Hundred Dollars (\$500.00).

- C. For periods of voluntary or involuntary active duty of unknown duration that will exceed 180 days with no known date of return:
 - 1. Employees will have full reinstatement rights after release from active duty if the individual submits a written request for reinstatement within the following timeframe:
 - a. Active duty service of less than 30 days, employees must apply for reinstatement immediately upon release from active duty.
 - b. Active duty service of 31-180 days, employees must apply for reinstatement within 14 days upon release from active duty.
 - c. Active duty service in excess of 181 days, employees must apply for reinstatement within 90 days upon release from active duty.
 - 2. Employees may retain health insurance by paying their share of the premium. The Commission will continue to pay the employer's share.
 - 3. Employees must have an honorable discharge or be released from duty in an honorable status. Employees must furnish to Human Resources a copy of their DD-214 to verify their discharge date and discharge status from military service.

- D. While on an Unpaid Military Leave:
 - 1. An employee's seniority is not lost.
 - 2. Employees will continue to receive step increases pursuant to the collective bargaining agreement or employee manual.

3. Time spent on an unpaid military leave is included in calculating both the 12-month service requirement and the 1,250 hour work requirement for purposes of FMLA eligibility.
 4. Employees may be granted a reasonable period of leave to engage in pre-deployment activities. Employees may use vacation leave, personal leave, compensatory time or leave without pay for pre-deployment activities.
 5. Up to 10 years of free OPERS service credit may be granted to a member who, after at least one year of contributing service, leaves public employment for active duty in the armed forces and returns within two (2) years after discharge to a position covered by the Ohio Public Employees Retirement System.
 6. Basic Life Insurance will continue to be paid by the Employer during active military service. Employees must make arrangements for payment with Human Resources for any supplemental insurance plans.
- E. The Commission shall abide by all state and federal laws, regulations and executive orders concerning military leave, i.e., O.R.C. Section 5923.05, Title 3 USC Sections 4301-4333, and the Uniformed Services Employment and Reemployment Rights Act (USERRA) and shall not diminish any rights granted thereby. Employees called for active military duty are encouraged to contact the Human Resources Department for assistance.

3.7 JURY DUTY AND COURT LEAVE

- A. Any full-time employee of the Commission who may be summoned as a juror in the employee's respective community, shall be entitled to regular pay from the Commission, because of required jury duty. Prior to the commencement of jury service, the employee must provide satisfactory evidence to their department head that the absence from work is required because of jury duty or as a court witness.
- B. Employees may be excused from scheduled work assignments without loss of pay only for the period of reporting to and serving on a jury or as a court witness.
- C. An employee required to serve or appear for only a part of a day for court or jury duty has an obligation to return to a scheduled work assignment prior to reporting to or following dismissal by the Court.
- D. The provisions of this policy do not apply when an employee appears in court for personal violations or interest or when a subpoena has not been issued. In such instances, employees must use either personal leave, vacation leave or other available paid leave (i.e., compensatory time). **Unpaid leave may be approved after all forms of paid leave have been exhausted and in accordance with Policy 3.8 of this Employee Manual.**

3.8 LEAVE WITHOUT PAY

A. All full-time employees are eligible to apply for Leave without Pay once the employee has exhausted all other forms of applicable paid leave.

B. Leave Without Pay, other than personal leave, may be approved in proper circumstances. This time may only be requested after the employee has exhausted all forms of applicable paid leave. The employee must provide documentation to support the need for this leave.

C. Leave Without Pay may only be requested and approved for periods of time not to exceed thirty (30) calendar days. Under proper circumstances, Leave Without Pay may be renewed from month to month, provided that renewals will not be granted for a total cumulative period of more than six (6) months. **Leave without pay will not be approved beyond an initial thirty (30) calendar days as a means to extend any form of retirement or resignation.**

D. BENEFITS DURING LEAVE WITHOUT PAY

Sick leave and vacation leave will not be accumulated during this leave. Medical insurance and life insurance will be terminated if the leave results in absence of more than thirty (30) calendar days, such termination will take place the first day of the month following the thirty (30) calendar day absence. However, the insurance may be continued if the employee elects to pay the premium cost of the insurance or if the employee has been approved for FMLA during the absence (see FMLA Policy). An employee who has been on leave of absence without pay for six (6) months shall be considered terminated, and at that time, the privilege of obtaining medical and life insurance coverage through payment shall be discontinued, except as provided by law.

E. APPROVAL OF LEAVE WITHOUT PAY

The department head may approve the first request for Leave Without Pay for time periods of thirty (30) days or less. Approval of these leaves should only be granted when such action is warranted and the departmental operations will not be impaired. Any employees requesting renewals of Leave Without Pay beyond the first thirty (30) days requires approval of the Executive Director.

F. MISCELLANEOUS

For each day of leave without pay for an employee, there shall be a deduction of one-tenth (1/10) of the employee's biweekly wages.

Absence without permission of the department head shall be cause for disciplinary action and repeated absences shall be cause for dismissal. **Absences of three (3) or more work days will be considered job abandonment resulting in termination of employment.**

3.9 LEAVE DUE TO ON-THE-JOB INJURY

- A. Neither sick leave, vacation leave or holiday pay will accumulate during an absence due to an on-the-job injury after twelve (12) months of the date on which the absence first occurs because of injury. However, medical and life insurance coverage will be continued until such time as it is determined that the employee is permanently and totally disabled or until such time as it is determined that the employee, although not permanently and totally disabled, will not be physically capable of returning to work for the Commission, at which time medical and life insurance coverage will, after notice to the employee, be terminated. During the period in which an employee is either receiving Workers' Compensation benefits or is in an unpaid leave status, the employee will be responsible for his/her share or portion of the monthly health insurance premium. Prior to termination of medical coverage, the employee will be informed of **his/her** rights to continued coverage under COBRA.