

**3344-61-09 Leaves of absence with pay.**

- (A) Family and medical leave. The university complies with the requirements of the Family and Medical Leave Act. The university retains the right to implement regulatory technical corrections as necessary to comply with the law.
  
- (B) The Family and Medical Leave Act provides eligible staff members with up to twelve weeks (four hundred eighty hours) of leave for certain family and medical reasons. Cleveland state university requires staff members to substitute any available accrued sick leave, accrued vacation, or compensatory time (comp time) in this stated order of priority, for any unpaid FMLA leave. Substitution of paid leave for unpaid FMLA leave does not extend the length of FMLA leave. Paid leave shall run concurrently with the staff member's FMLA entitlement.
  - (1) Accrued sick leave shall be used when the FMLA leave is for the staff member's own serious medical condition or to care for the staff member's spouse, registered same-sex domestic partner, son, daughter, or parent (but not in-law) with a "serious health condition" as defined in the Family Medical Leave Act.
  - (2) Accrued vacation time shall be used for all other FMLA leaves and after accrued sick leave is exhausted.
  
- (C) Vacation leave. Full-time professional staff members earn vacation leave at the rate of one point eight three days a month or a total of twenty-two workdays per year, prorated for the nine month or ten month academic year. Professional staff members appointed to a part-time position of one-half time or more shall earn vacation leave on a prorated basis. Professional staff members appointed at less than one-half time or for less than six months shall not earn vacation leave.
  - (1) Vacation requests. Vacation leave shall be available to the staff member to the extent earned, provided that the staff member's supervisor or unit head approves the dates for such leave in advance.

- (2) Annual carryover limit. Professional staff members are expected to use accrued vacation leave periodically. Vacation leave accumulation may not exceed forty-four days at any time within a fiscal year. On June thirtieth of each year, no more than thirty days of accrued vacation shall be carried forward to the next fiscal year. The assistant vice president for human resources may, in extenuating circumstances, grant an exemption to the carryover limitation upon the written request of the professional staff member and with support from the professional staff member's immediate supervisor and approval from the next higher level of management.
  - (3) Payout upon termination and cancellation of credit. At termination of employment, payment of unused vacation leave to a maximum of twenty-two days shall be made. Payment of unused vacation leave under this rule eliminates the remaining vacation credit after the maximum payout is made. Following submission of a resignation or retirement notice, a staff member may use a maximum of five days of vacation leave with supervisor approval.
  - (4) Reporting procedures. Utilization of time should be reported in accordance with the university's payroll procedures.
- (D) Holidays.
- (1) The university recognizes the following ten days as paid holidays.
    - (a) New Year's day
    - (b) Martin Luther King day
    - (c) Presidents' day
    - (d) Memorial day
    - (e) Independence day

- (f) Labor day
  - (g) Columbus day
  - (h) Veterans' day
  - (i) Thanksgiving day
  - (j) Christmas day
- (2) Alternative holiday scheduling. The administration may establish alternative days of observance for the following holidays.
- (a) Martin Luther King day
  - (b) Presidents' day
  - (c) Columbus day
- (3) To be eligible for holiday pay, a staff member must be in active pay status the day before and the day following the holiday.
- (4) Holiday payment for part-time staff members. Part-time professional staff members are entitled to holiday pay for that portion of the day they normally would have been scheduled to work if the university designates that day as a holiday.
- (5) Holiday payment for alternate work schedules. If a full-time professional staff member's work schedule is other than Monday through Friday, the staff member shall be entitled to holiday pay for holidays observed on a regular day off regardless of the day of the week on which they are observed.
- (E) Period of professional obligation. Exempt professional staff members may be expected or assigned to work more than forty hours in a given week if necessary to complete the responsibilities

of the department. They are not eligible to receive overtime pay or compensatory time. However, for special circumstances the supervisor may allow for a temporary schedule adjustment.

- (F) Sick leave. Sick leave with pay is a benefit available during absence due to personal routine medical care, illness, injury, or exposure to contagious disease; for the illness or medical attention of a member of the immediate family; death of a member of the immediate family. The immediate family, for the purpose of bereavement leave, includes mother, father, brother, sister, spouse, daughter, son, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandparent, grandchild, registered same-sex domestic partner, dependents of a registered same-sex domestic partner, legal guardian, stepparent, stepchild or other person who stands in place of a parent.
- (1) Bereavement leave. Up to five days of accumulated sick leave may be used for bereavement in the event of the death of a member of the immediate family.
  - (2) Accrual and utilization. The provisions for normal accrual and utilization of sick leave benefits are:
    - (a) Accrual. Sick leave credit will accumulate, based on semimonthly and biweekly pay groups respectively, at the rate of one point twenty five days or ten hours for each month of service or four point six hours per eighty hours of service without limit, including periods of vacation and sick and other paid leave. Staff on less than full-time appointments shall receive sick leave credits proportionate to the percentage of time or hours worked.
    - (b) Approval of sick leave requests. For planned absences, the staff member must notify the appropriate supervisor and gain prior approval. For unplanned absences, sick leave may be taken with the approval of the appropriate supervisor as soon as practicable, presumably on the first day of absence. In the absence of such notification and

approval, time may be charged to vacation leave or unauthorized absence with an appropriate pay adjustment. The university reserves the right to require proper evidence of illness in cases of planned and unplanned absence and prolonged or repeated absence.

- (c) Transfer of sick credit from other public or state employers. If a staff member transfers from one department of the university to another or from the university to another Ohio public agency, or from another state of Ohio agency to Cleveland state university, accumulated sick leave credits will transfer insofar as is allowed by law. The former employer of the staff member transferring credits from another state of Ohio agency or public employer must furnish proof to the university, in writing, of sick leave credits.
  - (d) Exhaustion of paid sick leave. If the absence due to the staff member's illness or injury or immediate family member extends beyond the availability of accrued sick leave, the staff member may request the use of accrued vacation leave and compensatory time.
- (3) Requests for unpaid absence. Professional staff members not eligible for family and medical leave and who do not have available accrued sick leave, vacation leave or compensatory time, may request an unpaid leave due to personal illness, injury or disability; or illness or injury of the immediate family, up to three months in length. Such leaves must be approved by the department of human resources.
- (4) Payout upon retirement or disability. Professional staff members who, at the time of disability or service retirement, have ten or more years of service to the state of Ohio shall be compensated in an amount not to exceed one-fourth the value of accrued but unused sick leave credit up

to two hundred forty hours based on their rate of compensation at the time of retirement.

- (5) Payout upon death. In the event of death, the university shall pay out one-fourth the value of accrued but unused sick leave credit up to two hundred forty hours based on the staff member's rate of compensation at the time of death.
- (6) Maximum payout and cancellation of credit. Payment for sick leave under this rule eliminates all sick leave credit of the staff member at the time of retirement, disability or death. Payment shall be made only once to any staff member. The maximum sick leave payout upon retirement, disability or death shall be two hundred forty hours.
- (G) Reporting procedures. Utilization of time should be reported in accordance with the university's payroll procedures.
- (H) Annual military reserve duty. Professional staff members who participate in military reserve programs are entitled to leaves of absence for a period not to exceed thirty one days per calendar year. Staff members may receive pay for no more than one hundred seventy six hours of military reserve duty leave in a calendar year.
- (I) Court leave. Leave with pay is granted when a professional staff member is called for jury duty or is subpoenaed to testify as a witness before any court or governmental hearing body. Service as an expert witness shall be considered to be in the same category as consulting and will be subject to the limitations thereon specified in rule 3344-61-13 of the Administrative Code.

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