

SECTION 5 BENEFITS

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A. HEALTH, DENTAL, VISION, EAP & LIFE INSURANCE

1. Full-time employees, as established by the County plan, are eligible for health, dental, vision, EAP and life insurance under the policies chosen by the Wayne County Board of Commissioners for County employees and their families. For this section, the term “full time” denotes someone who is expected or determined to be a permanent employee working on average 30 or more hours per week. Employees who work for more than one Appointing Authority will be eligible for insurance based on the hours worked for each individual Appointing Authority; hours will not be tracked or counted collectively for purposes of insurance eligibility. Active pay status, as defined in this policy manual, is not the same as the definition under the County health plan. New full-time employees are eligible to enroll in the insurance program as provided by the plan. Current employees who are not enrolled may elect participation during open enrollment periods, or as provided by the plan.
2. Participating employees pay, through payroll deduction, a portion of the premium for single or family coverage for medical, prescription, vision and dental coverage. The remainder of the premium is paid by the Appointing authority. Life insurance and EAP (Employee Assistance Program) are available to full-time employees at no charge.
3. Details of coverage are outlined in the Summary Plan Description. All questions concerning your benefits with Wayne County should be directed to the Wayne County HR Manager or Benefits Specialist at the Commissioners’ Office:

428 West Liberty Street
Wooster, OH 44691
(330) 287-5409 – HR Manager
(330) 287-5477 – Benefits Specialist
4. See HIPAA Notice of Privacy Practices (see Appendices) for information on our privacy procedures for HIPAA regulations. See COBRA Continuation Coverage Rights (see Appendices) for the rights you may be eligible for under the Federal COBRA Act.

B. OHIO PUBLIC EMPLOYEES' RETIREMENT SYSTEM (OPERS)

1. Enrollment in OPERS may affect any Social Security benefits for which an employee may be eligible. Please contact OPERS or the Social Security Administration at:
 - a. Social Security Administration:
877-319-0729
www.socialsecurity.gov
 - b. OPERS (Ohio Public Employees Retirement System)
800-222-7377
www.opers.org

2. OPERS enrollment is mandatory for all employees, except as specifically exempted under the provision of RC 145.03. Call OPERS with any questions.
 3. This section is for reference only. If employees should have any questions or would like details regarding the rules and programs offered by OPERS, they should contact OPERS (see above for contact information).
 4. Wayne County is not responsible for the rules and regulations for OPERS or Social Security. Employees or prospective employees must contact those agencies for details on their respective policies.
- C. **WORKERS' COMPENSATION**: State law provides that a County employee may be eligible, pursuant to the Workers' Compensation regulations, for workers' compensation for injuries arising out of or in the course of his/her employment. Guidelines for administering workers' compensation are set forth below.
1. Wayne County is self-insured for Workers' Compensation. See Workers' Compensation Notification Requirement (see Appendices) for attachments.
 2. Should an employee be injured during the course of employment with the County, his/her supervisor is to notify the Appointing authority on the day of the injury, and the employee or immediate supervisor must complete an injury form. This report must be completed, regardless of the apparent seriousness of the injury, and regardless of whether or not medical attention is required. Such report must be forwarded to the Appointing authority or designee within twenty-four (24) hours of the accident.
 3. Should an employee's injury require medical attention, the employee will cooperate with their provider on the completion of a Doctor's Report of Injury form, which is to be completed by the attending physician. This completed form must be forwarded to the Appointing authority or designee at the earliest possible date.
 4. In the event of serious injury, the injured employee's supervisor is to notify the Appointing authority immediately so that an investigation can be initiated.
 5. The employee is responsible for providing the Appointing authority with his/her expected date of return as soon as it is known, and keeping the Employer apprised of his/her condition.
 6. An employee who is injured in the line of duty and must leave work before completing the workday will be paid at his/her regular rate for the balance of time left in the scheduled workday.
 7. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from workers' compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from workers' compensation. All time off of work for a workers' compensation claim may apply to the Family Medical Leave Act. This time off will run concurrently.

8. Appointing Authorities or their designee must notify and forward copies of all injury and/or accident reports and information to the Safety and Loss Coordinator within twenty-four (24) hours after the accident or the next business day.
9. Time off does not constitute Active pay status for purposes of the Wayne County Health Plan, unless it runs concurrently with the Family Medical Leave Act. For this reason, employees (not on FMLA) will not accrue sick or vacation leave. Additionally, prolonged Workers Compensation may affect your eligibility for the Health Plan. Please refer to the Employee Benefit Manual for more information and detail.
10. Wayne County has a zero-tolerance policy for employees who are under the influence of illegal drugs or alcohol while at work, which also includes medical marijuana (regardless of the Ohio medical marijuana law). Workers Compensation will be denied if an employee’s injury is due to the use of illegal drugs or under the influence of alcohol, medical marijuana, and/or legal drugs/prescriptions.
 - a. In accordance with Section 8.08(F) Drug Free Workplace, an employee in a safety sensitive position shall notify the Employer’s Human Resources Officer (“HRO”) when taking any prescription medication listed as a Schedule I or Schedule II substance pursuant to the federal Controlled Substance Act, as amended from time to time. Medical marijuana is among the substances that must be reported. Failure to report use of medical marijuana or prescription medication to the Employer may result in discipline. The HRO will notify the MRO (Medical Review Officer), who will notify the HRO or another person designated by the HRO whether the employee may resume working and of limitations on the employee's ability to work, such as driving restrictions, lifting restrictions or restrictions on carrying a firearm. The HRO or other designated person will then notify the employee's supervisor whether he or she may resume working. The employee shall not work until the supervisor gives that authorization, except that he or she may be assigned non-safety sensitive tasks while being cleared.

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- A. All full-time employees and permanent part-time employees are entitled to receive vacation benefits as shown on the chart below. Vacation is prorated for employees in proportion to the number of hours worked by the employee. Employees do not receive additional vacation time for overtime hours worked. Any vacation approvals outside of this policy must be approved by the Appointing authority.

| <u>Years of Service</u> | <u>Vacation Days</u> | <u>Hours Accrued Per 80 Hr Pay Period</u> |
|-------------------------|----------------------|---|
| Up to 8 years* | 10 work days (2 wks) | 3.1 |
| 9 years to 15 years* | 15 work days (3 wks) | 4.6 |
| 16 years to 25 years* | 20 work days (4 wks) | 6.2 |
| 26 years or more | 25 work days (5 wks) | 7.7 |

** Upon completion of the 8th, 15th, and 25th anniversary of employment, an employee is credited with one (1) additional week of vacation. Vacation begins to accrue at the higher rate at the start of the 9th, 16th, and 26th anniversary dates.*

- B. For the purpose of determining length of service for part-time employees, credit will be given on the basis of pay periods worked, not on the basis of full-time equivalent service.
- C. If an employee terminates his/her employment before serving one (1) full year with the County, or any political subdivision of the state, he/she will receive no vacation pay for any accrued and unused vacation leave, per ORC 124.134(E).
- D. As of October 25, 1995, service time for the purpose of calculating vacations for all eligible employees will be determined by the total service an employee has with the state or any political subdivision of the state. Prior service need not be continuous. However, prior service credit will not apply to an employee who has retired with the state or any political subdivision of the state and is rehired after June 20, 1990. The rate that employees earned vacation between June 20, 1990, and October 25, 1995, will not be retroactively adjusted due to the October 25, 1995, change to the Ohio Revised Code.
- E. Unused vacation leave may be carried over for no more than three (3) years (i.e. an employee earning 2 weeks of vacation leave annually can carryover up to 6 weeks of vacation leave), with any excess over 3 years of accumulation being forfeited on the employee's anniversary date (using the anniversary date that coincides with how the employee accrues vacation). After successfully completing one year of employment, an employee is entitled to compensation, at his/her current rate of pay, for the portion of any earned but unused vacation leave for the current year and any prior years, to his/her credit at the time of separation or retirement.
- F. Vacation leave requests must be submitted in writing to the employee's immediate supervisor for approval. Vacation may be taken in no less than quarter-hour increments (0.25 hour).
- G. When two (2) or more employees request the same vacation date and all requests cannot be granted, the request of the employee with the most seniority will be granted, provided the request is submitted a minimum of one (1) month in advance. Leaves requested less than one (1) month in advance will be granted in the order received. Once an employee has received approval for vacation leave, he/she may not be displaced by a more senior employee.

- H. Vacation leave may be denied during a specific period if the departmental/agency work load dictates.
- I. While on vacation, if an employee experiences an illness or injury, or a death in the family that would qualify for paid sick leave, he/she may request that the time off be charged to sick leave by providing documented proof of eligibility.
- J. If any person removed from public employment for conviction of a felony, within the meaning of RC 124.34, is subsequently re-employed by Wayne County, such person is only qualified to accrue vacation as if he/she were a new employee receiving no prior service credit.
- K. An Employee does not accrue service credit for the purposes of vacation leave for any biweekly pay period in which the Employee did not work and was not scheduled to work (approved paid leave is considered “scheduled to work”). An Employee does not accrue vacation leave for any biweekly pay period in which the Employee does not work and is not scheduled to work.
- L. WCCC employees requesting more than 5 working Days of vacation at one time must submit a written request to their supervisor for approval, a minimum of 90 Days prior to use of said vacation leave. Vacation requests over 5 working Days may be denied in order to ensure the efficient operation of the office/facility.
- M. Day After Thanksgiving: Commissioner Offices (excluding Continuous Employees at the Airport, Care Center, Dispatch, plus all Seasonal and Intermittent Employees): Eligible permanent full-time and permanent part-time employees will receive one personal day, up to the number of hours the employee would regularly have been scheduled on Fridays, with a maximum of (8) hours, which must be used the Friday after the Thanksgiving holiday; if unused, it will be forfeited.

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- A. The following days constitute holidays for the purposes of holiday pay (per ORC 325.19):

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving Day
- Christmas Day

- B. Holiday observed days:

Non-continuous agencies: The holiday will be observed on the holiday if it falls on Monday through Friday. If the holiday falls on a Saturday, it will be observed on the Friday before the holiday. If the holiday falls on a Sunday, it will be observed on the Monday following the holiday. (This provision has been adopted in accordance with RC 325.19[F].)

Continuous agencies: The holiday will be observed on the day the holiday actually falls on (per 124.18(D)).

CARE CENTER EXCEPTION: Employees who are in positions of Continuous operations and start their shift the day of the holiday and end their shift the following day, will have that holiday both observed and paid for from the beginning of the shift.

DOG SHELTER EXCEPTION: Full-time and part-time employees who are non-continuous, if a holiday falls on Tuesday through Saturday, it will be observed on that day; if a holiday falls on Sunday, it will be observed on Saturday; if a holiday falls on Monday, it will be observed on Tuesday.

AIRPORT EXCEPTION: The Airport will remain open on holidays, with the exception of being officially closed on the actual holidays of New Year's Day, Thanksgiving Day, and Christmas Day.

- C. An eligible full-time employee (defined as working 36 or more hours per week) will receive eight hours of holiday pay for each observed holiday. Eligible employees working fewer than 36 hours per week shall follow the same guidelines in (D) of this section.
- D. A permanent part-time employee (statutory) will receive a minimum of four hours of holiday pay for each observed holiday, up to the number of hours the employee would regularly have been scheduled if not for the observed holiday or up to the number of hours the employee actually worked on the observed holiday, whichever is greater, not to exceed eight hours of holiday pay.
- E. Any employee who is not considered full-time or permanent part-time (statutory) shall not be eligible for the above paid holidays.

- F. Non-Continuous and Continuous Operations: Eligible full-time employees and permanent part-time (statutory) employees who are required to work on an observed holiday will be paid at one and one-half (1½) times his/her regular rate of pay for every hour worked, in addition to his/her regular straight time holiday pay, as described in (C) and (D) of this section.
- G. Only employees in Active pay status will receive holiday pay. An employee who is not in Active pay status the day before a holiday or the day after a holiday will not receive holiday pay.
- H. CARE CENTER EXCEPTIONS:
1. Permanent part-time employees include both statutory and non-statutory employees, for purposes of this Holiday policy.
 2. All employees may be required to work holidays on a rotation/on call basis.
 3. Intermittent staff are required to work a minimum of one holiday per year to continue to qualify for PRN status.
 4. Call offs on a scheduled holiday are unexcused absences. Shift trades are only allowed if approved by the supervisor in advance.
 5. No request for paid leave will be approved for an absence on the day before or the day after a designated assigned holiday, except that sick leave will only be granted if employee is seen by a physician on said date and provides documentation of such, signed by said physician.

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- A. Sick leave may be requested for the following reasons:
1. Illness or injury of the employee.
 2. Illness or injury of the employee's immediate family where attention by the employee is reasonably necessary.
 3. Exposure of the employee to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others.
 4. Death of a member of the employee's immediate family, using sick leave not to exceed five (5) days; except in the case of a spouse or child/stepchild/son- or daughter-in-law, an employee may be granted sick leave not to exceed ten (10) days, the total hours not to exceed the number of hours which the employee would normally be scheduled to work in those days, with a maximum of 40 hours for 5 days and 80 hours for 10 days. For example, using a 5-day bereavement request, an employee who normally works 4-hour days would be allowed a maximum of 5 days/20 hours; an employee who normally works 8-hour days would be allowed a maximum of 5 days/40 hours; an employee who normally works 12-hour days would be allowed a maximum of 5 days/40 hours but can request unpaid hours to be supplemented with other available and eligible leave.
 5. Medical, dental, auditory or optical examinations or treatment of employee, or a member of his/her immediate family where the attendance of the employee is necessary.
 6. Pregnancy, childbirth, and/or related medical conditions.
- B. For each completed eighty (80) hours in Active pay status, including over-time, an employee earns 4.6 hours of sick leave. (All County employees are eligible to earn sick leave.) The amount of sick leave time any one employee may accrue is unlimited. Sick leave can be charged in minimum units of one-quarter (1/4) hour. An employee on unpaid leave will not accrue sick leave.
- C. Previously accumulated sick leave of an employee who has been separated from public service with Wayne County or other eligible agency, unless cashed out via the retirement system, shall be placed to the employee's credit upon the employee's re-employment in public service with the County, provided that the re-employment takes place within ten years of the date on which the employee was last terminated from public service.
- D. An employee requesting sick leave shall inform his/her supervisor/designee of the fact and the reason, not later than one-fourth (1/4) hour before the start of his/her workday, for each day, unless otherwise authorized (albeit unforeseen circumstances: car accident, flat tire, etc.) Failure to do so may result in denial of sick leave for the period of absence. This rule must be followed, regardless if Employee is using intermittent or reduced leave FMLA.
1. CARE CENTER EXCEPTION: Employees requesting sick leave shall inform the Appointing authority of the fact and the reason no later than two hours prior to the start of his/her workday for each day, unless otherwise authorized.
- E. Whenever medical attention is required, the employee may be required to furnish a medical certification from a Physician notifying the Employer that the employee was unable to work due to illness or injury for which they are being treated (for FMLA-eligible employees, see Section

5.08; for Non-FMLA-eligible employees, see Appendices). In addition, such medical certification may be required for absences exceeding three (3) consecutive calendar days due to illness. Whenever the Employer determines that there has been a pattern of abuse of the use of sick leave, it may require proof of illness in the form of a medical certification of disability or other proof satisfactory to the Employer to approve the use of such leave.

- F. Sick leave requested or taken on the day before or the day after a scheduled holiday may not be approved, and the employee may be required to provide a medication certification from a physician stating that the employee was unable to work on that date.
- G. The Appointing authority has the authority to investigate the reasons for an employee's absence.
- H. The Employer shall require an employee to submit for approval a Leave Request (see Appendices) to request the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action including dismissal.
- I. The Employer may require an employee to submit to an examination in order to determine the employee's ability to perform the duties of his/her position. The Employer shall supply the examining practitioner with the job requirements of the employee's position, including duty statements, Classification specifications, and position descriptions. Such examination shall be conducted by a licensed practitioner selected and paid for by the Employer.
- J. The Employer retains the right to investigate upon suspicion that sick leave was taken fraudulently. Employees found to have abused/fraudulently used sick leave or who fail to abide by this policy may be subject to disciplinary measures up to and including termination from employment.
- K. Employees are encouraged to schedule medical appointments during non-work hours and days.
- L. Employees are not permitted to work at a second job, on the same day when using sick leave through the County, except for valid medical appointments and/or under special and reasonable circumstances which the Appointing authority has been notified of ahead of time and approved. Failure to get approval may result in discipline or termination.
- M. If any person removed for conviction of a felony within the meaning of RC 124.34 is subsequently re-employed by Wayne County, such person is only qualified to accrue sick leave as if he/she were a new employee receiving no credit for prior service.

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- A. If an employee of the County is called for court jury duty or subpoenaed to testify in a court of law, through no action of his/her own, during any portion of the employee's regular scheduled work day, that employee may choose to be compensated for such time in one of the manners set forth below:
1. The employee may choose to receive his/her regular salary or wage in full for such time from the department/agency. In such case, all monies received as compensation for court service shall be remitted by the employee to the employer in full, unless such duty is performed outside normal working hours. If the jury duty spans both normal working hours and normal non-working hours, the employee will reimburse the employer a pro-rated share for the working hours spent on jury duty.
 2. The employee may choose to retain all monies received as compensation for court service and waive his/her regular wages due for normally scheduled work hours that were served on jury duty.
 3. Expenses incurred by the employee and reimbursed by the court for court duty shall be retained in full by the employee.
 4. In order to receive compensation, the employee must provide to the Employer:
 - a. Notice of his/her summons or a copy of the subpoena forty-eight (48) hours prior to the date of such service, where applicable:
 - b. A clerk of courts certificate or other document of the court stating the time served.
- B. An employee shall not be entitled to paid court leave when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters. This includes appearing in court when the employee's appearance is directly related to the employee personally knowing one of the parties involved. For these instances, the Employee can elect to use pre-approved vacation leave in order to receive wages during this time; if employee has no vacation accrual at the time of the leave, the employee may request pre-approved leave without pay.
- C. An employee released from doing court duty prior to the end of his/her scheduled work day shall report to work for the remaining scheduled time unless otherwise authorized by the Appointing authority.

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A. PAID MILITARY LEAVE

1. Any permanent public employee who is a member of the Ohio organized militia, or member of other reserve components of the Armed Forces of the United States, including the Ohio National Guard, is entitled to a military leave of absence from his/her respective duties without loss of pay for such time as he/she is performing service in the uniformed services, for periods not to exceed one (1) month (meaning twenty-two [22] working days, or one hundred seventy-six [176] hours for a forty [40] hour per week employee) for each calendar year in which the employee performs service in the uniformed services. For the purposes of this policy, "permanent public employee" means an employee who holds a position with the County that requires him/her to work a regular schedule of twenty-six (26) consecutive bi-weekly pay periods, and such is not limited to a specific season or duration. This definition does not include student help; intermittent, seasonal, or temporary employees; or individuals covered by personal services contracts. Other provisions for military leave shall be controlled by state and federal laws.
2. Any permanent public employee called to military duty for a period in excess of the twenty-two (22) working days because of an executive order issued by the President of the United States because of an act of Congress, or because of an order to perform duty issued by the Governor pursuant to R.C. Section 5919.29 may receive, during this period, the lesser of the following:
 - a. The difference between the employee's gross monthly wage or salary from the County and his/her gross uniformed service pay and allowances received in a particular month; or
 - b. Five hundred dollars (\$500.00).
3. Any permanent public employee who is called or ordered to duty as described in Ohio Revised Code 5923.05(C), or at the request of the spouse or dependent of such a person, shall continue or reactivate the health, medical, dental, and vision coverage of the person, for the duration of the time the person is on duty as described in that division. The person, or the spouse or dependent of the person, who requests the continuation or reactivation of the coverage, is liable for payment of the same costs for the coverage as if the person were not on a leave of absence.
4. An employee requesting such leave will be required to submit the necessary documentation and/or complete the necessary leave papers.
5. For additional information on military leave time which may or may not apply, see Unpaid Military Leave below.

B. UNPAID MILITARY LEAVE/ACTIVE DUTY

1. A permanent public employee is entitled, upon giving notice to the Appointing authority, to a leave of absence to serve in the uniformed service. Such leave is without pay and is considered as a leave of absence from service with reinstatement rights. No leave, or combination of uniformed service leaves of absence, may exceed

- five (5) years or a single, longer period required to complete an initial period of obligated service.
2. An employee returning from uniformed service must apply for reinstatement. The application must be made to the Appointing authority within the period set forth below.
 - a. Leave of less than thirty (30) days: immediately upon release from uniformed service, but Appointing authority must allow for travel time and eight (8) hours of rest;
 - b. Leave of thirty-one (31) to one hundred and eighty (180) days: within fourteen (14) days of completing uniformed service requirement; or
 - c. Leave of more than one hundred eighty (180) days: within ninety (90) days of completing uniformed service requirement.
 3. If the leave of absence is for more than ninety (90) days, the Appointing authority may require, with the application, evidence showing that the application is timely, the duration of all such leaves of absence does not exceed five (5) years, or the time to complete the initial period of obligated service, and the employee's entitlement to re-employment has not terminated pursuant to the Federal Uniformed Services Employment and Reemployment Rights Act.
 4. Upon return from a period of duty in the uniformed service lasting ninety (90) calendar days or less, the employee is to be returned to the same or similar position within his/her former Classification. If the period of duty lasts more than ninety (90) days, the employee may be placed in any position of equivalent status, seniority, and pay. Regardless of the duration of duty, if that reinstatement is impossible or would impose undue hardship, the employee may be assigned to another position with like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances of the case.
 5. If the employee is unable to perform the duties of his/her former position due to a permanent injury or illness incurred or aggravated during uniformed service, the Appointing authority will engage in an interactive process with the employee to make reasonable efforts to accommodate the employee's disability, as long as those accommodations do not interfere with the efficiencies of the office and/or essential functions of the position, and the employee is still able to complete the essential functions of his or her position.
 6. If an employee who is entitled to reinstatement is unable to report for or perform the duties of his/her position at the date of his/her application for reinstatement because of a temporary injury or illness incurred or aggravated during uniformed service, he/she shall have up to two (2) years to recover from such illness or injury before being required to report or reapply. The Employer has the right to request that the Employee report for a Fitness For Duty Exam, paid for by the Employer.

7. A reinstated employee is entitled to receive all rights and benefits generally available to employees in a comparable leave of absence without pay, including the following:
- a. All sick leave and vacation leave which had been accumulated at the time of entering service;
 - b. All seniority that would have accrued had the employee been on the job;
 - c. Automatic salary adjustments associated with the position and due the employee had the employee been on the job;
 - d. Any change in Classification or pay range;
 - e. Reinstated health insurance and related insurance benefits with no waiting periods or pre-existing condition exclusions, other than waiting periods or exclusions that would have applied even if there had been no absence for uniformed service. (Please note that this rule does not apply to the coverage of any illness or injury determined by the Secretary of Veterans' Affairs to have been incurred in, or aggravated during, performance of service in the uniformed service.)

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A. PRE-APPROVED LEAVE WITHOUT PAY

1. A pre-approved leave without pay requested by an employee may be granted by an Appointing authority for purposes of economic or efficiency reasons and only under very unique and specific circumstances, and only if leave balances are exhausted (sick leave balance, only if eligible).
2. Any request for pre-approved leave without pay must be submitted in writing at least two (2) weeks in advance of the actual leave dates (see Appendices).
3. A pre-approved leave without pay is discretionary and may be granted or denied by the Appointing authority. Employees who take leave without pay, without pre-approval, may be disciplined and/or terminated.
4. A pre-approved leave without pay may not exceed two months in duration, in a 12-month period, unless approved by the Appointing authority.
5. An employee on pre-approved leave without pay will be moved to inactive status, and will not accrue vacation or sick leave during their leave, nor will the employee be eligible for paid holidays.
6. An employee returning from a pre-approved leave without pay will be returned to a position in the Classification held at the time of separation; or if the Classification no longer exists, to another similar Classification. If no similar Classification exists, the employee may be laid off.
7. County paid health care benefits cease at the end of the month in which paid time ends. Continuation of coverage may be available at the employee's expense. Employer contributions to health care benefits resume in the month of return as long as the total length of absence does not exceed 60 days. Employees should read the current version of the Health Plan Summary Plan Description for details on the continuation of health care benefits.
8. If an employee fails to return to duty within three (3) working days of expiration or cancellation of a pre-approved leave without pay, they may be terminated.

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- A. An employee who has been employed by the Employer for at least twelve (12) months and who has actually worked at least one thousand two hundred fifty (1,250) hours of service during the twelve (12) month period immediately preceding the commencement of the leave may be eligible for Family and Medical Leave as provided in this policy. The Act precludes the use of such leave by employees unless there are fifty (50) employees of the Employer within a seventy-five (75) mile radius. Employees who miss work due to (Uniformed Services Employment and Reemployment Rights Act) USERRA-covered military service extend to all military members (active duty and reserve), and all periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave. Employees should check with their Appointing authority to determine whether they are eligible for FMLA.
- B. An eligible employee may be permitted a total of twelve (12) work weeks of leave during the twelve (12) month period measured forward from the first date the employee uses Family and Medical Leave. Family and Medical Leave may be used for the following reasons:
1. To care for the employee's child after the birth of the child (see subsection (N) for the definitions of child and parent). Leave for this reason must be taken within the first year of the child's birth and must be taken in one continuous block of time. Intermittent leave (*e.g.*, allowing a parent to return to work on a part-time schedule for 10 weeks) is solely permissible upon approval by the Appointing authority;
 2. To care for a child after the child is placed with the employee for adoption or foster care. FMLA leave may be taken before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed (*e.g.*, attending counseling sessions, appearing in court, consulting with his or her attorney or the birth parent's representative, submitting to a physical examination, or travelling to another country to complete an adoption before the actual date of placement). FMLA leave to bond with a child after placement must be taken as a continuous block of leave unless the employer agrees to allow intermittent leave. Intermittent leave (*e.g.*, allowing a parent to return to work on a part-time schedule for 10 weeks) is solely permissible upon approval by the Appointing authority. An employee's entitlement to FMLA leave for the placement of a child for adoption or foster care expires 12 months after the placement;
 3. To care for the employee's spouse, child, or parent who has a serious health condition;
 4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's position including a workers' compensation qualifying injury; or a serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:
 - a. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or

- b. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or
 - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
 - d. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent, or an individual which the employee has or had legal custody of, is a military member (includes both members of the National Guard and Reserves and the regular Armed Forces) on covered active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation (deployment to a foreign country is required). Qualifying exigencies are one or more of the following: short-notice deployment, military events and related activities, child care and school activities, *parental care, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, or if the military member has been injured, wounded or hospitalized while serving in active duty.
- *Eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility or attending meetings with staff at a care facility.*
- C. An eligible employee may be permitted a total of twenty-six (26) work weeks of leave during the twelve (12) month period measured forward from the first date the employee uses Family and Medical Leave in order to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member (includes covered veterans, defined as "an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran"). However, when Family and Medical Leave is used for this reason and one or more of the reasons listed in "4" above, the eligible employee will be entitled to a maximum combined total of twenty-six (26) work weeks of leave.
- D. While on Family and Medical Leave, an eligible employee will be required to use all accrued vacation and sick leave (see Section 5.04 for appropriate uses), prior to being granted unpaid Family and Medical Leave. The combined period of leave, including vacation, sick leave, and unpaid Family and Medical Leave shall not exceed the total of twelve (12) or twenty-six

(26) work weeks during the twelve (12) month period defined above. Additionally, once an eligible employee has exhausted all leave balances and is then on unpaid Family and Medical Leave, such employee will not be considered as Active pay status for purposes of accruing vacation and sick leave, nor will the employee be eligible for paid holidays. The designation of leave as Family and Medical Leave is the responsibility of the Employer only.

- E. Workers' Compensation: Employees experiencing time off for a workers' compensation claim are required to run their time off concurrently with FMLA, whether using paid leave through the County or receiving Temporary Total pay (TT) through Workers' Compensation. Employees opting TT pay through Workers' Compensation may be approved for unpaid FMLA, even with a leave accrual balance. However, once TT payments end, the employee must then apply their leave accrual for the remainder of their time off. Employees are responsible for their share of the insurance premium.
- F. An eligible employee will be required to provide the Employer with thirty (30) days advance notice of the employee's intention to take Family and Medical Leave (see Appendices). The only exception will be when unforeseen circumstances prevent the employee from providing the required notice.
- G. In the event of Military Family Leave, the Employee will be required to provide the Employer with fourteen (14) days notice prior to taking the leave if the leave is being taken because of a call to activity duty, or at least two (2) days notice prior to taking the leave if the leave is being taken because of an injury, wound or hospitalization. If the employee receives notice from a representative of the uniformed services that the injury, wound or hospitalization is of a critical or life-threatening nature, the employee may take the leave under this section, and/or including section 5.08(C), without providing notice to the employer.
- H. The Employer will require the employee to provide medical certification from the employee's health care provider or the family member's health care provider in order to support a leave request to care for a spouse, child, or parent who has a serious health condition; or for leave due to a serious health condition that makes the employee unable to perform the functions of the employee's position.

The Employer, at the Employer's expense, may require a second opinion on the validity of the certification. Should a conflict arise between the opinions of the two (2) health care providers, a third opinion will be sought. The third opinion will be provided by a health care provider mutually agreeable to the employee and the Employer. The expense of a third opinion will be paid by the Employer. The finding of the third health care provider is final and binding on both parties.

In the event of Military Family Leave, the Employer may require the Employee to provide certification from the appropriate military authority to verify that the Employee satisfied the criteria described herein.

Employees who do not turn in the required FMLA paperwork may be denied FMLA and/or Sick Leave, and may also be subject to discipline.

Employees who have an FMLA request denied, and are absent from work, are subject to Section 5.04 Sick Leave.

- I. The Employer will also require the employee to provide appropriate certification in order to support a leave request because of a qualifying exigency or to care for a covered service member with a serious injury or illness.

In the event of Military Family Leave, the Employer may require the Employee to provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an Employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting. In cases of qualified exigency leave for Rest and Recuperation leave, the Employer may require the Employee to provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave. The amount of time an eligible employee may take for Rest and Recuperation qualifying exigency leave is a maximum of 15 calendar days.

- J. In the event a husband and wife are both employed by the same Wayne County employer, and either or both request leave for the birth or placement of a child (bonding leave), the total number of work weeks of such leave to which both employees are entitled will be limited to a cumulative total of twelve (12) work weeks during the twelve (12) month period. In other words, a cumulative total of twelve (12) weeks of bonding leave is available to the parents of a child. The leave may be used by one parent or split between both parents.
- K. Leave due to the serious health condition of the employee or the employee's spouse, child, or parent, or to care for a covered service member with a serious illness or injury, may be taken intermittently or on a reduced leave schedule when medically necessary. The Employer may require an employee who takes leave in this manner for planned medical treatments to transfer temporarily to an alternative position which has equivalent pay and benefits and better accommodates the recurring periods of leave. Leave due to a qualifying exigency may also be taken on an intermittent or reduced leave schedule basis. The Employee is still responsible for following the customary call-off policy of the office, when taking leave intermittently or on a reduced leave schedule.
- L. The taking of leave intermittently or on a reduced leave schedule will not result in a reduction in the total amount of leave to which the employee is entitled in accordance with this policy.
- M. It will not be considered a break in service when an employee takes leave in accordance with this policy, provided the employee returns to work at the expiration of the leave period.

- N. An eligible employee who takes leave in accordance with this policy shall, upon return from such leave, be restored to the position held by the employee when the leave commenced, or a similar position of equivalent pay and benefits. If appropriate, the Employer will require the employee's physician to certify that the employee is able to resume work as a condition of return to employment.

- O. During any period that an eligible employee takes leave in accordance with this policy, the Employer will maintain the employee's group health care coverage under the conditions coverage would have been provided if the employee had continued in employment for the duration of the leave. The employee will be responsible for paying the employee's share of the health insurance costs during the leave. If the employee does not return from the leave, the Employer may recover the premiums it paid for maintaining the health care coverage during the period of unpaid Family and Medical Leave.

- P. Upon requesting Family and Medical Leave, an eligible employee will receive a written notice, from the Employer, outlining the employee's rights and obligations (see Appendices).

- Q. **DEFINITIONS:** For purposes of Family and Medical Leave, and in accordance with the Family and Medical Leave Act, the following definitions shall apply to the terms set forth herein:
 - 1. Child - A biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee where the employee stands in loco parentis to that child, where the child is under the age of eighteen (18), or over the age of eighteen (18), but incapable of self-care because of a mental or physical disability.

 - 2. Parent - A biological, adoptive, step or foster mother or father, or an individual who stands or stood in loco parentis to an employee when the employee was a child. (This definition does not include in-laws.)

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- A. If a retiree who is receiving benefits from one of Ohio's retirement systems is re-employed in an OPERS position, his/her retirement benefit may be affected. Any employee who is considering re-employment with the County after retirement should contact the appropriate retirement system for clarification on how re-employment will affect his/her retirement benefits. (OPERS – 277 East Town St / Columbus, OH 43215 / (800) 222-PERS)
- B. A re-employed retiree of any retirement plan offered by the state shall be permitted to earn sick leave and vacation leave, in accordance with County policies, as if he/she is a new employee with no previous service time. A retiree must be re-employed one year in the service of a political subdivision of the State of Ohio before they can accumulate vacation time.
- C. A re-employed retiree of any retirement plan offered by the state shall be eligible to receive other County-provided benefits in accordance with the terms and conditions of the policies, which control such benefits. A re-employed retiree will be considered a new employee under the terms of the Benefit Plans.
- D. A re-employed retiree of any retirement plan offered by the state who later terminates or had their employment terminated will not be eligible for any sick leave conversion as described in Section 11.03(A) of this policy manual.
- E. A re-employed retiree of any retirement plan offered by a political subdivision is not eligible to carry over any unused sick leave from previous public service if the employee cashed out any sick leave based on the retirement.

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- A. Any employee who has requested and been approved to assist the Board of Elections on Election Day may use accrued paid leave time, excluding sick leave, on the day of an election.
- B. In order to ensure that the employee is able to take accrued paid leave time, the employee shall notify the Appointing authority in writing (see Appendices) at least two (2) weeks in advance of the fact that he/she is requesting to use leave to assist the Board of Elections on the day of an election.
- C. Failure by the employee to provide at least two (2) weeks advance notice, as referenced above, may result in ineligibility to take paid leave time to cover the absence.

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- A. An employee may elect to convert up to eighty (80) hours of sick leave and/or up to eighty (80) hours of vacation leave per year to cash for leave that is accrued but not used during the calendar year, as defined January 1 to December 31, as part of an annual conversion plan. This conversion will result in the employee receiving payment for these hours, and having the appropriate leave account reduced by the hours converted. Only eligible employees may elect this conversion. Eligibility and the rules regulating conversion are as follows:
1. In order to be eligible, the employee must be an active employee of Wayne County, Ohio at the time of conversion (no later than January 31 of the calendar year following the conversion request.) Wayne County, Ohio is defined for this purpose as “the political subdivision organized pursuant to RC 301 and known as Wayne County.”
 2. The “time of conversion” for the purposes of this policy shall mean the date on which payment for the leave time converted takes place, i.e., the second pay date in January.
 3. In order to convert sick leave, the eligible employee must have, at the time of conversion, a minimum balance of nine hundred sixty (960) hours of accumulated sick leave plus the amount they wish to convert. (For example, an employee must have a balance of one thousand forty [1,040] hours of sick leave accumulated to convert eighty [80] hours.)
 4. To convert vacation leave, the eligible employee must have, at the time of conversion, enough vacation leave accumulated to cover the number of hours converted up to eighty (80) hours, plus a balance of forty (40) hours that is not converted. (For example, an employee must have one hundred twenty [120] hours vacation leave accumulated in order to convert eighty [80] hours.)
 5. An eligible employee may convert any combination of sick and/or vacation leave, subject to the regulations, up to the maximum of eighty (80) hours for each type of pay (one hundred sixty [160] hours total).
 6. Leave shall be converted on a last in, first out (LIFO) basis. The maximum amount of converted sick and/or vacation leave that can be considered earnable salary under OPERS is the amount the employee earns in one calendar year, less any amounts taken during the calendar year. For this plan, it would be leave earned and unused between January 1 and December 31 of the current calendar year, i.e., the calendar year immediately prior to the time of conversion.
 7. Conversion of sick and vacation leave will result in a permanent deduction of the converted hours from the participating employee’s appropriate leave balance at the time of conversion. Conversion will not affect an employee’s eligibility for sick leave payment upon retirement per Section 11.03(A) of this policy manual. However, once an employee converts sick leave upon retirement, all sick leave credit accrued is eliminated. Further conversion under this policy by a rehired retiree cannot occur until such time as the rehired retiree once again has the minimum balance of sick leave as required herein.

8. Additional sick and vacation leave accrual will not be earned from converted sick and vacation leave. Standard deductions as required by law, including OPERS deductions, if applicable, will be made.
 9. Converted hours will not count as “hours worked” in the week paid out for the purpose of calculating overtime.
 10. Employees are responsible for initiating the conversion process by annually completing and filing a “Leave Conversion Request” form. This request form must be completed by the employee, and approved by the Appointing authority, no later than December 1 of the year prior to the actual conversion. The employee will receive the payout on the second pay of the following year. For example: a conversion request would have to be completed and approved by December 1, 2013, in order for the conversion to take place on the second pay of January 2014. However, any leave time taken between December 1, 2013 and December 31, 2013, shall be considered in determining leave time accrued but unused.
 11. The employee’s Appointing authority must put the approved conversion request on the turnaround sheet for the second pay of the New Year and label the hours as “Sick Leave to be Converted” or “Vacation Leave to be Converted”
 12. This policy only applies to those Wayne County employees who are not covered by a collective bargaining agreement, and whose Appointing authority has adopted this policy.
 13. Complete Leave Conversion Request Form (see Appendices).
 14. Although it is the intent to have the leave conversion payments be considered earnable salary, all converted hours are subject to OPERS rules and regulations. In all cases, OPERS makes the final determination as to what constitutes earnable salary.
- B. Employees, upon attainment of their 30th anniversary and who have not already retired in accordance with the provisions of any retirement plan offered by the state, may elect, each year, to convert one week (40 hours) of sick leave accrual to vacation leave accrual. Upon doing so, converted hours will be treated and can be used the same as standard vacation accrual. Items 3, 6, 7, 8 and 12 listed in (A) of this section apply to this conversion. Upon conversion, this leave may be carried over; however, vacation accrual continues to remain capped at 3 years for a total of 15 weeks. This is a once per year benefit, and the employee must notify the Auditor’s Office within 31 days of the employee’s anniversary date if they wish to utilize this benefit.

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