

# Stark County Board of Developmental Disabilities

Policy 4.15 Attendance, Tardiness and Sick Leave	Effective: 2/28/23
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## **ATTENDANCE, TARDINESS AND SICK LEAVE**

### POLICY

#### Attendance

Staff attendance is a critical element in delivering quality care to individuals served by the Board. Employee absenteeism severely impairs the Board's ability to provide quality care because it destroys continuity of programming and obligates financial resources that cannot be used for the benefit of the individuals with developmental disabilities. Employees are encouraged to make routine medical and dental appointments during non-working hours or early morning/late afternoon. Employees are expected to accomplish personal business during non-working hours.

The Board identifies and recognizes excellent attendance through an Attendance Incentive. It acknowledges that there are specific reasons that can prevent employees from attendance at work; and therefore, states its expectations in this policy and related procedures.

#### Tardiness

Tardiness is defined as reporting to work after the start of the employee's scheduled shift. The employer has the discretion of determining whether the tardiness will be excused.

#### Sick Leave

Sick leave will be earned by all employees in accordance with Ohio Revised Code Section 124.38. Currently, this statute provides that sick leave credit be earned at a rate of 4.6 hours per 80 hours of service in active pay status. Sick leave pay may be granted to employees for absences during regularly scheduled work hours. Substitute employees who are scheduled at least twenty-four hours in advance of the actual work shift, are eligible for sick leave pay. Sick leave hours used are deducted from sick leave balances and will be paid only if sick leave credit is available and procedures are followed as stated in this policy.

Sick leave is intended to provide a benefit against lost wages and is not to supplement vacations or personal leave. In the event that an employee uses excessive amounts of sick leave which the employer believes cannot be justified or develops a pattern of sick leave usage that causes the employer to believe that there has been abuse of sick leave, the employee may be subject to appropriate disciplinary action. Nothing prohibits the administration from suggesting counseling to anyone abusing sick leave.

#### Transfer of Sick Leave from Previous Public Employer

An employee who has prior employment service in a governmental entity under the control of Ohio's state or local government may request to have his/her unused balance of accumulated sick leave transferred to the Board.

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## Sick Leave Payment Upon Retirement

At the time of retirement from active service, an employee with the Board may be eligible for a payment based on a percentage of the value of his/her unused sick leave. This payment shall only be made in the event the employee qualifies through service time and actually retires with OPERS or STRS.

Historical Resolution Information		Reviewer(s):
<b>Date</b>	<b>Resolution Number</b>	Superintendent
1/24/17	01-04-17	Director of Human Resources
2/25/20	02-09-20	
3/28/23	03-15-23	

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## ATTENDANCE, TARDINESS AND SICK LEAVE

### PROCEDURE

#### ATTENDANCE /ABSENCE

- I. When an employee is unable to report for work, he or she is required to notify their supervisor or designated call off location. Such notification must be made as soon as possible but not later than one-half hour prior to the time the employee is scheduled to begin work on the first day of absence and each work day thereafter.
  
- II. If the employee anticipates they will be unable to report for more than three consecutive work days, they are also required to notify the Employment Specialist in the Human Resources Department to discuss applicability to Family Medical Leave or other appropriate leave of absence.
  
- III. Absence of three or more consecutive days without reporting such absence shall be considered just cause for removal.
  
- IV. Employees represented by a collective bargaining agreement must follow the language specified in their contract.

#### ATTENDANCE INCENTIVE

Employees are eligible for an Annual Incentive. The eligibility requirements are listed below:

<b>Represented Employees</b>	<b>Non-Represented Employees - Non-Exempt</b>	<b>Non-Represented Employees - Exempt</b>
June 1 through May 31	July 1 through June 30	July 1 through June 30

To be eligible, those employees represented by a labor contract must complete his/her entire contract year. Non-represented employees must complete the twelve-month period beginning on July 1 and ending on June 30. Attendance Incentive payments shall be paid by the end of July for represented employees and by the end of August for non-represented employees. Employees shall receive an attendance incentive under the following schedule

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which does not include vacation, jury duty, funeral of an immediate family member, personal leave days, worker’s compensation time off, compensatory time, or professional leave in the calculations:

<b>Represented Employees</b>	<b>Non-Represented Employees - Non-Exempt</b>	<b>Non-Represented Employees - Exempt</b>
0 days absent - \$800 and earn one (1) additional personal day to be used by June 30 <sup>th</sup> of the succeeding year.	0 days absent - \$800 and earn one (1) additional personal day to be used by June 30 <sup>th</sup> of the succeeding year.	0 days absent - \$400 and earn one (1) additional personal day to be used by June 30 <sup>th</sup> of the succeeding year.
1 day absent - \$500	1 day absent - \$500	1 day absent - \$300
2 days absent - \$350	2 days absent - \$350	2 days absent - \$200
3 days absent - \$200	3 days absent - \$200	3 days absent - \$100

The employee has the option to receive payment for the personal day in lieu of taking the day off. This personal day payout will occur automatically no later than the end of July of the following program year for any unused Personal Day earned through the Attendance Incentive Program.

All represented employees should refer to their respective labor agreement for information about the Attendance Incentive Program.

### TARDINESS

- I. An incident of tardiness occurs when clocking in after the employee’s regularly scheduled work day begins or a missed punch that is not reported to the supervisor prior to the start of the work shift. The employee will have the right to explain the situation to his/her immediate supervisor.
  
- II. After the fifth (5<sup>th</sup>) incident of tardiness within a 12 month period, management will counsel the employee directly and document the session. An incident is defined as each separate occasion of tardiness. After the sixth (6<sup>th</sup>) incident, management will issue a verbal warning. Seven (7) incidents of tardiness within a 12 month period will result in a written warning. Eight (8) incidents of tardiness within a 12 month period will result in a suspension. Any further incidents of absenteeism within a 12

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month period will result in additional disciplinary action up to and including termination. The infraction period will be based on a “rolling” calendar year.

- III. If tardiness exceeds seven (7) minutes, the employee’s salary will be docked accordingly.
- IV. Language in the collective bargaining agreements will apply to employees who are represented therein.

## SICK LEAVE

- I. Sick leave will be earned by all employees at the rate of 4.6 hours for each 80 hours of service. Credit is proportionate to the hours paid in each bi-weekly pay period and is accrued for all time on active pay status, including vacation and sick leave, up to a maximum of the employee’s weekly scheduled hours.
- II. Accumulation, use, and current balance are shown on the employee's bi-weekly pay check stub; sick leave is not available for use until it appears on the employee’s earnings statement. There is no limit as to the amount of sick leave that may be accumulated.
- III. If the medical event for which sick leave is being utilized is also a qualifying event under the Family Medical Leave Act, employees must also follow the provisions of Policy 4.29, Family Medical Leave.
- IV. Sick leave may only be used for the following reasons, and unless the employee's absence is for one of these reasons, the absence will not be approved as sick leave:
  - A. Illness or injury of the employee or a member of his immediate family. When sick leave is requested by the employee to care for a member of the immediate family not residing in the employee's household, a physician's certificate to the effect that the presence of the employee is reasonably necessary to care for the ill family member will be required. The Superintendent or designee may credit sick leave when it believes the reason is justified, but such cases will be carefully examined.
  - B. Death of a member of the employee's immediate family. Sick leave usage is limited to five (5) working days and said days must include the day of the funeral.
  - C. Medical, dental, or optical examination or treatment of employee or a member of his immediate family.

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- D. Pregnancy and/or childbirth and other related conditions.
- E. If a member of the immediate family is afflicted with a contagious disease or requires the care and attendance of the employee or when, through exposure to a contagious disease, the presence of the employee at his job would jeopardize the health of others.
- V. To request absence from work, employees are required to complete a "Time Off Form" and to attach applicable documents. Such requests must be forwarded to the supervisor prior to the absence whenever possible or upon immediate return to work.
- VI. For an appointment where medical attention is required, an employee shall furnish a certificate, indicating care, from a licensed practitioner to justify the use of sick leave. Such statement will be required for any absence of more than three (3) consecutive work days due to illness or injury. Falsification of either a written, signed sick leave statement or a physician's certificate shall be grounds for disciplinary action including dismissal.
- VII. Immediate family is defined as an employee's spouse, parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis). (Ohio Administrative Code 123:1-47-01) These relationships are to be applied only to the employee. The definition of "immediate family" is different under the provisions of the FMLA; see Policy 4.39.
- VIII. An employee who becomes eligible for Worker's Compensation payment for loss of time due to an occupational illness or injury may be required to use sick leave under the coordinating Family Medical Leave policy if so designated.
- IX. If an illness or disability continues beyond the time covered by earned sick leave credit, an employee, upon request, may be eligible for a leave of absence as defined by policy or collective bargaining agreement. If a leave of absence is granted, and the illness or disability continues beyond expiration of the leave, disability separation or disability retirement options may be available to the employee.
- X. The Superintendent/designee shall be the authority to approve or disapprove applications for sick leave and maintains the right to investigate any absence from work.

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- XI. No payment of salary shall be made for unauthorized absence. Unauthorized absence from duty shall be considered by the Board as grounds for disciplinary action up to and including termination.

## ABUSE OF SICK LEAVE

- I. Supervisors will monitor employees' use of sick leave on a quarterly basis by reports available from the Board's electronic timekeeping system. Employees will be subject to discipline, including progressive discipline up to termination, for using excessive amounts of sick leave or identified patterns of sick leave abuse. While not comprehensive, occurrences that may constitute a pattern of abuse are set forth below:
- A. Before and/or after scheduled days off
  - B. Before and/or after holidays
  - C. After pay days
  - D. Any one specific day of the week
  - E. Absence following overtime worked
  - F. Pattern of maintaining 10 hours or less which cannot be justified
  - G. Use of more sick leave than earned in a calendar year.
  - H. Pattern of calling off sick late to avoid tardiness
  - I. Calling off sick on days when vacation or other forms of discretionary leave was denied
- II. Language exists in the Board's collective bargaining agreements that apply specifically to represented employees regarding abuse of sick leave.
- III. Non-compliance with sick leave rules outlined in this policy will result in non-payment for time absent from work.
- IV. Application for use of sick leave with the intent to defraud shall be grounds for prosecution or disciplinary action, which may include dismissal.

## TRANSFER OF SICK LEAVE FROM PREVIOUS PUBLIC EMPLOYER

- I. The employee must provide a letter to the Human Resources Department from the previous employer verifying employment service and sick leave balance available for transfer.
- II. The previously accumulated credit shall be considered for transfer as long as employment with the Board is within ten (10) years of the date the employee was last terminated from public service.

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## SICK LEAVE PAYMENT UPON RETIREMENT

- I. A qualifying employee, at the time of retirement from active service with the Board, shall be paid for thirty percent (30%) of the value of his/her accrued but unused sick leave credit; however, the maximum of such payment shall be for fifty-five (55) days.
- II. Such payment shall not be paid simply upon termination or separation. To qualify, the employee must have had, prior to the date of retirement, ten (10) or more years of service with the County, the State, or any of its political subdivisions.
- III. An eligible Board employee who is retiring shall complete a "Sick Leave Payment Upon Retirement Form" and submit to a member of the Human Resources Department.
- IV. The payment shall be based on the employee's rate of pay at the time of retirement. The employee's daily scheduled hours at the time of retirement will be used to define 'day' for purposes of determining maximum days for payment.
- V. The payment shall eliminate all remaining sick leave credit accrued by the employee and shall be made only once to any employee of the County, the State or any of its subdivisions.
- VI. All employees shall receive their payment within sixty days of their retirement date. An employee may choose to roll over their payment into their deferred compensation plan at the time of retirement as per the procedure established by the designated plan.
- VII. Employees who pass away shall be considered to have retired from their employment as of the date of their death and be eligible for such sick leave payment for which they would otherwise have qualified. Such payment shall be made in accordance with Section 2113.04 of the Ohio Revised Code or paid to the employee's estate.

Procedure Revision 08/05/2024



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