

SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

POLICY 3.05.07 UNPAID LEAVE

A. Unpaid Disability Leave and Separation

1. During an extended, incapacitating injury, illness or disability, including a disabling condition related to pregnancy, an employee may request an unpaid disability leave for up to six months, including leave under the Family and Medical Leave Act. All prior approved unpaid leaves, or unpaid portions of leaves, for the same qualifying condition will be included in the calculation of the six months leave. The original date of the disability leave will be established as the first day of unpaid leave.
2. Except in emergencies, the request for an unpaid leave must be submitted in writing thirty days prior to commencement of the leave. The employee must demonstrate that the probable length of the disability leave will not exceed six months. Granting of the leave beyond Family and Medical Leave and/or that required by law is at the discretion of the Superintendent.
3. If an employee is unable to return to work even with reasonable accommodation after the six month disability leave for any health-related reason, the employee may request to be given a disability separation. Alternatively, an employee may be separated from employment for disability involuntarily.
4. An employee on an unpaid disability leave must pay the employee's share of the premium cost for health insurance for him/herself (and dependent coverage, if applicable) in order to keep the coverage in effect during the leave, unless the employee is utilizing Family and Medical Leave.
5. To qualify for voluntary or involuntary disability separation, an employee must have exhausted all accumulated sick leave and be hospitalized or institutionalized, be in a period of convalescence following hospitalization or institutionalization or be declared incapable of performing the essential functions of his/her job with or without reasonable accommodation.
6. When the Superintendent determines an employee is incapable of performing the essential functions of his/her position, even with reasonable accommodations, and that involuntary separation is necessary, the employee is entitled to a pre-separation hearing. The Superintendent will provide the employee with advance notice of the hearing. At the hearing, the employee has the right to examine the Superintendent's evidence, rebut the Superintendent's evidence and present testimony and evidence on his/her own behalf.

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7. Within two years from the effective date of the voluntary or involuntary unpaid disability separation, the employee may apply for reinstatement. After receipt of a timely application for reinstatement, the Superintendent shall require examination of the employee by a licensed physician, psychiatrist or psychologist, as appropriate to the circumstances, and may designate the person to conduct the examination. The examination shall be done at the Board's expense.
 - a. If the examination discloses that the staff member has recovered from the disability and is otherwise able to perform the essential duties of his/her position with or without reasonable accommodation, the Superintendent shall reinstate the staff member within thirty calendar days from the staff member's written application to his/her former position or to a similar position.
 - b. If the Superintendent determines the employee is not eligible for reinstatement, the staff member is entitled to a reinstatement appeal proceeding. The Superintendent will provide the staff member with advance notice of the hearing. At the hearing, the staff member has the right to examine the Superintendent's evidence of continuing disability, rebut the evidence and present testimony and evidence on his/her own behalf.
8. A staff member separated involuntarily or refused reinstatement after a hearing as provided for in this section has the right to appeal in writing to the State Personnel Board of Review within ten days of receiving notice from the Superintendent.
9. Upon return from a disability separation, a staff member will be returned to a position in the classification held at the time of separation; or, if that classification no longer exists, to another similar classification. If no similar classification exists, the staff member may be placed on layoff.
10. Abuse of disability leave or separation may render a staff member ineligible for reinstatement.
11. A staff member, who within two years fails to apply for or is unable to be reinstated from a disability separation, whether voluntary or involuntary, will be deemed permanently separated. The date of separation is the date of the first leave for the condition that resulted in the disability separation.
12. A staff member on an unpaid disability leave does not earn sick leave or vacation leave, retention points or the right to retirement fund contributions paid by the Board.

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B. Unpaid Leave of Absence

1. Employees may request an unpaid leave of absence for professional, educational or other personal reasons for a period not to exceed six months. The Superintendent has the sole discretion to grant or deny the leave.
2. The employee is to submit an application for leave of absence without pay to the Superintendent. Such application must include the reason for and duration of the leave. It is suggested that a staff member desiring to apply for such leave consult with his or her supervisor before making the request.
3. While on non-FMLA unpaid leave, the employee shall not accumulate paid leave time, retention points, or the right to employer contributions to a retirement fund. The employee will be given COBRA notification regarding his/her health insurance benefits.
4. The Superintendent may revoke an unpaid leave of absence for business reasons upon one week's written notice for the employee to return to work. An employee on unpaid leave of absence who is determined to be using the leave for purposes other than for which leave was granted, may be ordered to return to work immediately.

C. Additional Unpaid Parental Leave

A parental leave of absence without pay may be granted to an employee for a period not to exceed one year for the birth or adoption of a child. A staff member requesting such leave may utilize earned sick leave (if applicable), personal leave and vacation leave prior to going on unpaid leave. Any such request for leave must be made in writing to the Superintendent six weeks in advance of the anticipated due/placement date except in emergency cases.

Female employees who use sick leave for pregnancy or pregnancy related recovery purposes must present a doctor's statement that the she is unable to perform the essential functions of her job even with reasonable accommodations due to pregnancy or pregnancy related recovery, as well as the anticipated beginning and ending dates of leave.

Parental leave may be designated as Family and Medical Leave. See the Board's policy on Family and Medical Leave for eligibility requirements.