

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Leave Without Pay and Unpaid Leave of Absence</b>	PAGE <u> 1 </u> OF <u> 3 </u>
	NUMBER: 35-PAY-10
RULE/CODE REFERENCE: AC 123:1-34-01	SUPERSEDES: 35-PAY-10 dated 03/23/09
RELATED ACA STANDARDS:	EFFECTIVE DATE: December 1, 2013
	APPROVED: 

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

**II. PURPOSE**

The purpose of this policy is to provide standard parameters for requesting and approving the use of leave without pay or an unpaid leave of absence.

**III. APPLICABILITY**

This policy applies to all exempt and bargaining unit employees of the Ohio Department of Rehabilitation and Correction.

**IV. DEFINITIONS**

**Leave Without Pay** – An approved absence during a single pay period where an employee has insufficient paid leave to cover the absence.

**Unpaid Leave of Absence** – An extended absence without pay approved pursuant to the Ohio Administrative Code 123:1-34-01 and/or an applicable collective bargaining agreement.

**V. POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction to require employees to use appropriate paid leave prior to being approved for leave without pay. An employee approved to take an unpaid leave of absence pursuant to the Ohio Administrative Code 123:1-34-01 or an applicable collective bargaining agreement shall be required to use appropriate paid leave first.

**VI. PROCEDURES****A. Leave Without Pay**

1. An employee may request to be approved for leave without pay for an absence during a pay period where he/she has insufficient paid leave. Such request shall be made using the Request for Leave form (ADM4258).
2. An employee's supervisor shall not recommend approval for leave without pay if the employee has sufficient and appropriate paid leave to cover the absence. If the absence is the result of a FMLA qualifying condition, refer to Department Policy 36-LEV-02, Family Medical Leave Act, for usage requirements.
3. All leave without pay must be approved by the Appointing Authority/Managing Officer.

**B. Unpaid Leave of Absence**

1. If an employee wishes to take an unpaid leave of absence, he/she must make a written request directly to the Appointing Authority or Managing Officer. Examples of reasons for unpaid leaves of absence may include Educational Leave, Personal Leave, Military Leave, and Union Leave. Duration of leaves for said purposes must be consistent with relevant contractual agreements and/or Ohio Administrative Code 123:1-34-01.
2. The employee must complete a Request for Unpaid Leave of Absence (DRC1205), and attach relevant, supporting documentation to substantiate the need for unpaid leave. Examples of supporting documentation may include a physician's verification, military orders, educational enrollment, or a notice of non-paid union leave. Requests should be made as soon as possible after the need for leave is known.
3. Upon receipt and review of the employee's request, the Appointing Authority/Managing Officer will complete the bottom portion of the Request for Unpaid Leave of Absence (DRC1205). This form includes instructions for returning to duty from an unpaid leave of absence.
4. The employee will be notified of the Appointing Authority/Managing Officer's decision within 14 calendar days of receipt of the request.
5. It is the responsibility of the employee to provide an approved Request for Unpaid Leave of Absence, as well as all supporting documentation, to the Operation Support Center, Bureau of Personnel prior to the effective date of the unpaid leave of absence. The Bureau of Personnel will process the Unpaid Leave of Absence each pay period until the employee returns to work.
6. If the employee fails to return from the Unpaid Leave of Absence or request an extension and provide supporting documentation, the Personnel Office shall issue a Return to Work Order and/or proceed with discipline pursuant to the Standards of Employee Conduct.

**C. Absent Without Leave**

An employee who works less than his/her scheduled hours in a pay period and has not been approved for leave with or without pay, or an unpaid leave of absence, will be considered absent without leave and may be subject to disciplinary action in accordance with the Standards of Employee Conduct.

**D. Payment of Health Insurance Premiums During an Unpaid Leave of Absence**

1. Employees on a FMLA Eligible Unpaid Leave of Absence in excess of one pay period are responsible for the employee share of health insurance premiums.
2. Employees on a FMLA Ineligible Unpaid Leave of Absence in excess of one pay period are responsible for both the employee and employer shares of health insurance premiums.
3. Payment of insurance premiums shall be via Direct Payment. Premiums are due the first day of the month for that month's coverage. Health Insurance coverage will be terminated if payment is not received by the twentieth day of the month.
4. Employees will receive notice of Unpaid Leave of Absence Status and health insurance premium payment instructions upon commencement of Unpaid Leave of Absence via U.S. mail from the Agency Benefits Coordinator.

**Related Department Forms:**

Request for Leave	ADM4258
Request for Unpaid Leave of Absence	DRC1205