

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 298**

**Representative Merrin**

**Cosponsors: Representatives Brinkman, Becker, Dean, Roegner, Riedel, Koehler,  
Goodman, Schaffer, Wiggam, Keller, Zeltwanger**

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**A BILL**

To amend sections 124.133, 124.14, 124.38, 124.382, 1  
and 3319.141 of the Revised Code to make changes 2  
with respect to the number of sick days provided 3  
to public employees. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 124.133, 124.14, 124.38, 124.382, 5  
and 3319.141 of the Revised Code be amended to read as follows: 6

**Sec. 124.133.** The director of administrative services may 7  
establish, by rule adopted under Chapter 119. of the Revised 8  
Code, an experimental program to be implemented on a limited 9  
basis only which grants to employees in the service of the state 10  
vacation leave, ~~sick leave~~, disability leave, personal leave, 11  
life insurance, or medical insurance benefits that differ from 12  
these benefits as granted by sections 124.13, 124.134, ~~124.382,~~ 13  
124.385, 124.386, 124.81, and 124.82 of the Revised Code. 14  
However, this program shall not reduce the number of hours of 15  
vacation leave, ~~sick leave~~, or personal leave which an employee 16  
has accrued as of the effective date of the rule. 17

**Sec. 124.14.** (A) (1) The director of administrative 18  
services shall establish, and may modify or rescind, a job 19  
classification plan for all positions, offices, and employments 20  
in the service of the state. The director shall group jobs 21  
within a classification so that the positions are similar enough 22  
in duties and responsibilities to be described by the same 23  
title, to have the same pay assigned with equity, and to have 24  
the same qualifications for selection applied. The director 25  
shall assign a classification title to each classification 26  
within the classification plan. However, the director shall 27  
consider in establishing classifications, including 28  
classifications with parenthetical titles, and assigning pay 29  
ranges such factors as duties performed only on one shift, 30  
special skills in short supply in the labor market, recruitment 31  
problems, separation rates, comparative salary rates, the amount 32  
of training required, and other conditions affecting employment. 33  
The director shall describe the duties and responsibilities of 34  
the class, establish the qualifications for being employed in 35  
each position in the class, and file with the secretary of state 36  
a copy of specifications for all of the classifications. The 37  
director shall file new, additional, or revised specifications 38  
with the secretary of state before they are used. 39

The director shall assign each classification, either on a 40  
statewide basis or in particular counties or state institutions, 41  
to a pay range established under section 124.15 or section 42  
124.152 of the Revised Code. The director may assign a 43  
classification to a pay range on a temporary basis for a period 44  
of six months. The director may establish experimental 45  
classification plans for some or all employees paid directly by 46  
warrant of the director of budget and management. Any such 47  
experimental classification plan shall include specifications 48

for each classification within the plan and shall specifically 49  
address compensation ranges, and methods for advancing within 50  
the ranges, for the classifications, which may be assigned to 51  
pay ranges other than the pay ranges established under section 52  
124.15 or 124.152 of the Revised Code. 53

(2) The director of administrative services may reassign 54  
to a proper classification those positions that have been 55  
assigned to an improper classification. If the compensation of 56  
an employee in such a reassigned position exceeds the maximum 57  
rate of pay for the employee's new classification, the employee 58  
shall be placed in pay step X and shall not receive an increase 59  
in compensation until the maximum rate of pay for that 60  
classification exceeds the employee's compensation. 61

(3) The director may reassign an exempt employee, as 62  
defined in section 124.152 of the Revised Code, to a bargaining 63  
unit classification if the director determines that the 64  
bargaining unit classification is the proper classification for 65  
that employee. Notwithstanding Chapter 4117. of the Revised Code 66  
or instruments and contracts negotiated under it, these 67  
placements are at the director's discretion. 68

(4) The director shall assign related classifications, 69  
which form a career progression, to a classification series. The 70  
director shall assign each classification in the classification 71  
plan a five-digit number, the first four digits of which shall 72  
denote the classification series to which the classification is 73  
assigned. When a career progression encompasses more than ten 74  
classifications, the director shall identify the additional 75  
classifications belonging to a classification series. The 76  
additional classifications shall be part of the classification 77  
series, notwithstanding the fact that the first four digits of 78

the number assigned to the additional classifications do not 79  
correspond to the first four digits of the numbers assigned to 80  
other classifications in the classification series. 81

(B) Division (A) of this section and sections 124.15 and 82  
124.152 of the Revised Code do not apply to the following 83  
persons, positions, offices, and employments: 84

(1) Elected officials; 85

(2) Legislative employees, employees of the legislative 86  
service commission, employees in the office of the governor, 87  
employees who are in the unclassified civil service and exempt 88  
from collective bargaining coverage in the office of the 89  
secretary of state, auditor of state, treasurer of state, and 90  
attorney general, and employees of the supreme court; 91

(3) Any position for which the authority to determine 92  
compensation is given by law to another individual or entity; 93

(4) Employees of the bureau of workers' compensation whose 94  
compensation the administrator of workers' compensation 95  
establishes under division (B) of section 4121.121 of the 96  
Revised Code. 97

(C) The director may employ a consulting agency to aid and 98  
assist the director in carrying out this section. 99

(D) (1) When the director proposes to modify a 100  
classification or the assignment of classes to appropriate pay 101  
ranges, the director shall notify the appointing authorities of 102  
the affected employees before implementing the modification. The 103  
director's notice shall include the effective date of the 104  
modification. The appointing authorities shall notify the 105  
affected employees regarding the modification. 106

(2) When the director proposes to reclassify any employee 107  
in the service of the state so that the employee is adversely 108  
affected, the director shall give to the employee affected and 109  
to the employee's appointing authority a written notice setting 110  
forth the proposed new classification, pay range, and salary. 111  
Upon the request of any classified employee in the service of 112  
the state who is not serving in a probationary period, the 113  
director shall perform a job audit to review the classification 114  
of the employee's position to determine whether the position is 115  
properly classified. The director shall give to the employee 116  
affected and to the employee's appointing authority a written 117  
notice of the director's determination whether or not to 118  
reclassify the position or to reassign the employee to another 119  
classification. An employee or appointing authority desiring a 120  
hearing shall file a written request for the hearing with the 121  
state personnel board of review within thirty days after 122  
receiving the notice. The board shall set the matter for a 123  
hearing and notify the employee and appointing authority of the 124  
time and place of the hearing. The employee, the appointing 125  
authority, or any authorized representative of the employee who 126  
wishes to submit facts for the consideration of the board shall 127  
be afforded reasonable opportunity to do so. After the hearing, 128  
the board shall consider anew the reclassification and may order 129  
the reclassification of the employee and require the director to 130  
assign the employee to such appropriate classification as the 131  
facts and evidence warrant. As provided in division (A) (1) of 132  
section 124.03 of the Revised Code, the board may determine the 133  
most appropriate classification for the position of any employee 134  
coming before the board, with or without a job audit. The board 135  
shall disallow any reclassification or reassignment 136  
classification of any employee when it finds that changes have 137  
been made in the duties and responsibilities of any particular 138

employee for political, religious, or other unjust reasons. 139

(E) (1) Employees of each county department of job and 140  
family services shall be paid a salary or wage established by 141  
the board of county commissioners. The provisions of section 142  
124.18 of the Revised Code concerning the standard work week 143  
apply to employees of county departments of job and family 144  
services. A board of county commissioners may do either of the 145  
following: 146

(a) Notwithstanding any other section of the Revised Code, 147  
supplement the ~~sick leave~~, vacation leave, personal leave, and 148  
other benefits, excluding sick leave, of any employee of the 149  
county department of job and family services of that county, if 150  
the employee is eligible for the supplement under a written 151  
policy providing for the supplement; 152

(b) Notwithstanding any other section of the Revised Code, 153  
establish alternative schedules of ~~sick leave~~, vacation leave, 154  
personal leave, or other benefits, excluding sick leave, for 155  
employees not inconsistent with the provisions of a collective 156  
bargaining agreement covering the affected employees. 157

(2) Division (E) (1) of this section does not apply to 158  
employees for whom the state employment relations board 159  
establishes appropriate bargaining units pursuant to section 160  
4117.06 of the Revised Code, except in either of the following 161  
situations: 162

(a) The employees for whom the state employment relations 163  
board establishes appropriate bargaining units elect no 164  
representative in a board-conducted representation election. 165

(b) After the state employment relations board establishes 166  
appropriate bargaining units for such employees, all employee 167

organizations withdraw from a representation election. 168

(F) (1) Notwithstanding any contrary provision of sections 169  
124.01 to 124.64 of the Revised Code, the board of trustees of 170  
each state university or college, as defined in section 3345.12 171  
of the Revised Code, shall carry out all matters of governance 172  
involving the officers and employees of the university or 173  
college, including, but not limited to, the powers, duties, and 174  
functions of the department of administrative services and the 175  
director of administrative services specified in this chapter. 176  
Officers and employees of a state university or college shall 177  
have the right of appeal to the state personnel board of review 178  
as provided in this chapter. 179

(2) Each board of trustees shall adopt rules under section 180  
111.15 of the Revised Code to carry out the matters of 181  
governance described in division (F) (1) of this section. Until 182  
the board of trustees adopts those rules, a state university or 183  
college shall continue to operate pursuant to the applicable 184  
rules adopted by the director of administrative services under 185  
this chapter. 186

(G) (1) Each board of county commissioners may, by a 187  
resolution adopted by a majority of its members, establish a 188  
county personnel department to exercise the powers, duties, and 189  
functions specified in division (G) of this section. As used in 190  
division (G) of this section, "county personnel department" 191  
means a county personnel department established by a board of 192  
county commissioners under division (G) (1) of this section. 193

(2) (a) Each board of county commissioners, by a resolution 194  
adopted by a majority of its members, may designate the county 195  
personnel department of the county to exercise the powers, 196  
duties, and functions specified in sections 124.01 to 124.64 and 197

Chapter 325. of the Revised Code with regard to employees in the 198  
service of the county, except for the powers and duties of the 199  
state personnel board of review, which powers and duties shall 200  
not be construed as having been modified or diminished in any 201  
manner by division (G)(2) of this section, with respect to the 202  
employees for whom the board of county commissioners is the 203  
appointing authority or co-appointing authority. 204

(b) Nothing in division (G)(2) of this section shall be 205  
construed to limit the right of any employee who possesses the 206  
right of appeal to the state personnel board of review to 207  
continue to possess that right of appeal. 208

(c) Any board of county commissioners that has established 209  
a county personnel department may contract with the department 210  
of administrative services, in accordance with division (H) of 211  
this section, another political subdivision, or an appropriate 212  
public or private entity to provide competitive testing services 213  
or other appropriate services. 214

(3) After the county personnel department of a county has 215  
been established as described in division (G)(2) of this 216  
section, any elected official, board, agency, or other 217  
appointing authority of that county, upon written notification 218  
to the county personnel department, may elect to use the 219  
services and facilities of the county personnel department. Upon 220  
receipt of the notification by the county personnel department, 221  
the county personnel department shall exercise the powers, 222  
duties, and functions as described in division (G)(2) of this 223  
section with respect to the employees of that elected official, 224  
board, agency, or other appointing authority. 225

(4) Each board of county commissioners, by a resolution 226  
adopted by a majority of its members, may disband the county 227



personnel department. 228

(5) Any elected official, board, agency, or appointing 229  
authority of a county may end its involvement with a county 230  
personnel department upon actual receipt by the department of a 231  
certified copy of the notification that contains the decision to 232  
no longer participate. 233

(6) A county personnel department, in carrying out its 234  
duties, shall adhere to merit system principles with regard to 235  
employees of county departments of job and family services, 236  
child support enforcement agencies, and public child welfare 237  
agencies so that there is no threatened loss of federal funding 238  
for these agencies, and the county is financially liable to the 239  
state for any loss of federal funds due to the action or 240  
inaction of the county personnel department. 241

(H) County agencies may contract with the department of 242  
administrative services for any human resources services, 243  
including, but not limited to, establishment and modification of 244  
job classification plans, competitive testing services, and 245  
periodic audits and reviews of the county's uniform application 246  
of the powers, duties, and functions specified in sections 247  
124.01 to 124.64 and Chapter 325. of the Revised Code with 248  
regard to employees in the service of the county. Nothing in 249  
this division modifies the powers and duties of the state 250  
personnel board of review with respect to employees in the 251  
service of the county. Nothing in this division limits the right 252  
of any employee who possesses the right of appeal to the state 253  
personnel board of review to continue to possess that right of 254  
appeal. 255

(I) The director of administrative services shall 256  
establish the rate and method of compensation for all employees 257

who are paid directly by warrant of the director of budget and 258  
management and who are serving in positions that the director of 259  
administrative services has determined impracticable to include 260  
in the state job classification plan. This division does not 261  
apply to elected officials, legislative employees, employees of 262  
the legislative service commission, employees who are in the 263  
unclassified civil service and exempt from collective bargaining 264  
coverage in the office of the secretary of state, auditor of 265  
state, treasurer of state, and attorney general, employees of 266  
the courts, employees of the bureau of workers' compensation 267  
whose compensation the administrator of workers' compensation 268  
establishes under division (B) of section 4121.121 of the 269  
Revised Code, or employees of an appointing authority authorized 270  
by law to fix the compensation of those employees. 271

(J) The director of administrative services shall set the 272  
rate of compensation for all intermittent, seasonal, temporary, 273  
emergency, and casual employees in the service of the state who 274  
are not considered public employees under section 4117.01 of the 275  
Revised Code. Those employees are not entitled to receive 276  
employee benefits, unless otherwise required by law. This rate 277  
of compensation shall be equitable in terms of the rate of 278  
employees serving in the same or similar classifications. This 279  
division does not apply to elected officials, legislative 280  
employees, employees of the legislative service commission, 281  
employees who are in the unclassified civil service and exempt 282  
from collective bargaining coverage in the office of the 283  
secretary of state, auditor of state, treasurer of state, and 284  
attorney general, employees of the courts, employees of the 285  
bureau of workers' compensation whose compensation the 286  
administrator establishes under division (B) of section 4121.121 287  
of the Revised Code, or employees of an appointing authority 288

authorized by law to fix the compensation of those employees. 289

**Sec. 124.38.** (A) Each of the following shall be entitled 290  
for each completed eighty hours of service, excluding overtime 291  
hours worked, to sick leave of ~~four and six tenths~~ three and 292  
one-tenth hours with pay: 293

~~(A)~~ (1) Employees in the various offices of the county, 294  
municipal, and civil service township service, other than 295  
superintendents and management employees, as defined in section 296  
5126.20 of the Revised Code, of county boards of developmental 297  
disabilities; 298

~~(B)~~ (2) Employees of any state college or university; 299

~~(C)~~ (3) Any employee of any board of education for whom 300  
sick leave is not provided by section 3319.141 of the Revised 301  
Code, provided that the employee is not a substitute, adult 302  
education instructor who is scheduled to work the full-time 303  
equivalent of less than one hundred twenty days per school year, 304  
or a person who is employed on an as-needed, seasonal, or 305  
intermittent basis. 306

(B) Employees may use sick leave, upon approval of the 307  
responsible administrative officer of the employing unit, for 308  
absence due to personal illness, pregnancy, injury, exposure to 309  
contagious disease that could be communicated to other 310  
employees, and illness, injury, or death in the employee's 311  
immediate family. Unused sick leave shall be cumulative without 312  
limit. When sick leave is used, it shall be deducted from the 313  
employee's credit on the basis of one hour for every one hour of 314  
absence from previously scheduled work. 315

(C) The previously accumulated sick leave of an employee 316  
who has been separated from the public service shall be placed 317

to the employee's credit upon the employee's re-employment in 318  
the public service, provided that the re-employment takes place 319  
within ten years of the date on which the employee was last 320  
terminated from public service. This ten-year period shall be 321  
tolled for any period during which the employee holds elective 322  
public office, whether by election or by appointment. 323

(D) An employee who transfers from one public agency to 324  
another shall be credited with the unused balance of the 325  
employee's accumulated sick leave up to the maximum of the sick 326  
leave accumulation permitted in the public agency to which the 327  
employee transfers. 328

(E) The appointing authorities of the various offices of 329  
the county service may permit all or any part of a person's 330  
accrued but unused sick leave acquired during service with any 331  
regional council of government established in accordance with 332  
Chapter 167. of the Revised Code to be credited to the employee 333  
upon a transfer as if the employee were transferring from one 334  
public agency to another under this section. 335

(F) The appointing authority of each employing unit shall 336  
require an employee to furnish a satisfactory written, signed 337  
statement to justify the use of sick leave. If medical attention 338  
is required, a certificate stating the nature of the illness 339  
from a licensed physician shall be required to justify the use 340  
of sick leave. Falsification of either a written, signed 341  
statement or a physician's certificate shall be grounds for 342  
disciplinary action, including dismissal. 343

(G) This section does not interfere with existing unused 344  
sick leave credit in any agency of government where attendance 345  
records are maintained and credit has been given employees for 346  
unused sick leave. 347

(H) No appointing authority shall do either of the 348  
following: 349

(1) Notwithstanding this section or any other section of 350  
the Revised Code, any appointing authority of a county office, 351  
department, commission, board, or body may, upon notification to 352  
the board of county commissioners, establish alternative 353  
schedules of sick leave for employees of the appointing 354  
authority for whom the state employment relations board has not 355  
established an appropriate bargaining unit pursuant to section 356  
4117.06 of the Revised Code, as long as the alternative 357  
schedules are not inconsistent with the provisions of at least 358  
one collective bargaining agreement covering other employees of 359  
that appointing authority, if such a collective bargaining 360  
agreement exists. If no such collective bargaining agreement 361  
exists, an appointing authority may, upon notification to the 362  
board of county commissioners, establish an alternative schedule 363  
of sick leave for its employees that does not diminish the sick 364  
leave benefits granted by this any section of the Revised Code 365  
to the contrary, provide paid sick leave in an amount greater 366  
than the sick leave provided by this section; 367

(2) Notwithstanding division (A) of section 4117.10 of the 368  
Revised Code, agree to a provision in a collective bargaining 369  
agreement that is modified, renewed, extended, or entered into 370  
on or after the effective date of this amendment that provides 371  
paid sick leave in an amount greater than the sick leave 372  
provided by this section. 373

**Sec. 124.382.** (A) As used in this section and sections 374  
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 375

(1) "Pay period" means the fourteen-day period of time 376  
during which the payroll is accumulated, as determined by the 377

director of administrative services.	378
(2) "Active pay status" means the conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, personal leave, bereavement leave, and administrative leave.	379 380 381 382
(3) "No pay status" means the conditions under which an employee is ineligible to receive pay and includes, but is not limited to, leave without pay, leave of absence, and disability leave.	383 384 385 386
(4) "Disability leave" means the leave granted pursuant to section 124.385 of the Revised Code.	387 388
(5) "Full-time permanent employee" means an employee whose regular hours of duty total eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time.	389 390 391 392
(6) "Base rate of pay" means the rate of pay established under schedule B or C of section 124.15 of the Revised Code or under schedule E-1 or schedule E-2 of section 124.152 of the Revised Code, plus any supplement provided under section 124.181 of the Revised Code, plus any supplements enacted into law which are added to schedule B or C of section 124.15 of the Revised Code or to schedule E-1 or schedule E-2 of section 124.152 of the Revised Code.	393 394 395 396 397 398 399 400
(7) "Part-time permanent employee" means an employee whose regular hours of duty total less than eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time.	401 402 403 404
(B) Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the	405 406

director of budget and management shall be credited with sick 407  
leave of three and one-tenth hours for each completed eighty 408  
hours of service, excluding overtime hours worked. Sick leave is 409  
not available for use until it appears on the employee's earning 410  
statement and the compensation described in the earning 411  
statement is available to the employee. 412

No appointing authority shall do either of the following: 413

(1) Notwithstanding any section of the Revised Code to the 414  
contrary, provide paid sick leave in an amount greater than the 415  
sick leave provided by this division; 416

(2) Notwithstanding division (A) of section 4117.10 of the 417  
Revised Code, agree to a provision in a collective bargaining 418  
agreement that is modified, renewed, extended, or entered into 419  
on or after the effective date of this amendment that provides 420  
paid sick leave in an amount greater than the sick leave 421  
provided by this division. 422

(C) Any sick leave credit provided pursuant to division 423  
(B) of this section, remaining as of the last day of the pay 424  
period preceding the first paycheck the employee receives in 425  
December, shall be converted pursuant to section 124.383 of the 426  
Revised Code. 427

(D) Employees may use sick leave, provided a credit 428  
balance is available, upon approval of the responsible 429  
administrative officer of the employing unit, for absence due to 430  
personal illness, pregnancy, injury, exposure to contagious 431  
disease that could be communicated to other employees, and 432  
illness, injury, or death in the employee's immediate family. 433  
When sick leave is used, it shall be deducted from the 434  
employee's credit on the basis of absence from previously 435

scheduled work in such increments of an hour and at such a 436  
compensation rate as the director of administrative services 437  
determines. The appointing authority of each employing unit may 438  
require an employee to furnish a satisfactory, signed statement 439  
to justify the use of sick leave. 440

If, after having utilized the credit provided by this 441  
section, an employee utilizes sick leave that was accumulated 442  
prior to November 15, 1981, compensation for such sick leave 443  
used shall be at a rate as the director determines. 444

(E) (1) The previously accumulated sick leave balance of an 445  
employee who has been separated from the public service, for 446  
which separation payments pursuant to section 124.384 of the 447  
Revised Code have not been made, shall be placed to the 448  
employee's credit upon the employee's reemployment in the public 449  
service, if the reemployment takes place within ten years of the 450  
date on which the employee was last terminated from public 451  
service. 452

(2) The previously accumulated sick leave balance of an 453  
employee who has separated from a school district shall be 454  
placed to the employee's credit upon the employee's appointment 455  
as an unclassified employee of the state department of 456  
education, if all of the following apply: 457

(a) The employee accumulated the sick leave balance while 458  
employed by the school district. 459

(b) The employee did not receive any separation payments 460  
for the sick leave balance. 461

(c) The employee's employment with the department takes 462  
place within ten years after the date on which the employee 463  
separated from the school district. 464



(F) An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave.

(G) The director of administrative services shall establish procedures to uniformly administer this section. No sick leave may be granted to a state employee upon or after the employee's retirement or termination of employment.

~~(H) As used in this division, "active payroll" means conditions under which an employee is in active pay status or eligible to receive pay for an approved leave of absence, including, but not limited to, occupational injury leave, disability leave, or workers' compensation.~~

~~(1) Employees who are in active payroll status on June 18, 2011, shall receive a one time credit of additional sick leave in the pay period that begins on July 1, 2011. Full time employees shall receive the lesser of either a one time credit of thirty two hours of additional sick leave or a one time credit of additional sick leave equivalent to half the hours of personal leave the employee lost during the moratorium established under either division (A) of section 124.386 of the Revised Code or pursuant to a rule of the director of administrative services. Part time employees shall receive a one time credit of sixteen hours of additional sick leave.~~

~~(2) Employees who are not in active payroll status due to military leave or an absence taken in accordance with the federal "Family and Medical Leave Act" are eligible to receive the one time additional sick leave credit.~~

~~(3) The one time additional sick leave credit does not apply to employees of the supreme court, general assembly,~~

~~legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general unless the supreme court, general assembly, legislative service commission, secretary of state, auditor of state, treasurer of state, or attorney general participated in the moratorium under division (H) or (I) of section 124.386 of the Revised Code and notifies in writing the director of administrative services on or before June 1, 2011, of the decision to participate in the one time additional sick leave credit. Written notice under this division shall be signed by the appointing authority for employees of the supreme court, general assembly, or legislative service commission, as the case may be.~~

**Sec. 3319.141.** (A) Each person who is employed by any board of education in this state, except for substitutes, adult education instructors who are scheduled to work the full-time equivalent of less than one hundred twenty days per school year, or persons who are employed on an as-needed, seasonal, or intermittent basis, shall be entitled to ~~fifteen~~ ten days sick leave with pay, for each year under contract, which shall be credited at the rate of five-sixths of one ~~and one-fourth days~~ day per month. Teachers and regular nonteaching school employees, upon approval of the responsible administrative officer of the school district, may use sick leave for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to others, and for absence due to illness, injury, or death in the employee's immediate family. Unused sick leave shall be cumulative up to one hundred twenty work days, unless more than one hundred twenty days are approved by the employing board of education. The previously accumulated sick leave of a person who has been separated from public service, whether accumulated pursuant to

section 124.38 of the Revised Code or pursuant to this section, 525  
shall be placed to the person's credit upon re-employment in the 526  
public service, provided that such re-employment takes place 527  
within ten years of the date of the last termination from public 528  
service. A teacher or nonteaching school employee who transfers 529  
from one public agency to another shall be credited with the 530  
unused balance of the teacher's or nonteaching employee's 531  
accumulated sick leave up to the maximum of the sick leave 532  
accumulation permitted in the public agency to which the 533  
employee transfers. Teachers and nonteaching school employees 534  
who render regular part-time, per diem, or hourly service shall 535  
be entitled to sick leave for the time actually worked at the 536  
same rate as that granted like full-time employees, calculated 537  
in the same manner as the ratio of sick leave granted to hours 538  
of service established by section 124.38 of the Revised Code. 539  
Each board of education may establish regulations for the 540  
entitlement, crediting and use of sick leave by those substitute 541  
teachers employed by such board pursuant to section 3319.10 of 542  
the Revised Code who are not otherwise entitled to sick leave 543  
pursuant to such section. A board of education shall require a 544  
teacher or nonteaching school employee to furnish a written, 545  
signed statement on forms prescribed by such board to justify 546  
the use of sick leave. If medical attention is required, the 547  
employee's statement shall list the name and address of the 548  
attending physician and the dates when the physician was 549  
consulted. Nothing in this section shall be construed to waive 550  
the physician-patient privilege provided by section 2317.02 of 551  
the Revised Code. Falsification of a statement is grounds for 552  
suspension or termination of employment under sections 3311.82, 553  
3319.081, and 3319.16 of the Revised Code. No sick leave shall 554  
be granted or credited to a teacher after the teacher's 555  
retirement or termination of employment. 556

(B) Except to the extent used as sick leave, leave granted 557  
under regulations adopted by a board of education pursuant to 558  
section 3311.77 or 3319.08 of the Revised Code shall not be 559  
charged against sick leave earned or earnable under this 560  
section. Nothing in this section shall be construed to affect in 561  
any other way the granting of leave pursuant to section 3311.77 562  
or 3319.08 of the Revised Code and any granting of sick leave 563  
pursuant to such section shall be charged against sick leave 564  
accumulated pursuant to this section. 565

(C) This section shall not be construed to interfere with 566  
any unused sick leave credit in any agency of government where 567  
attendance records are maintained and credit has been given for 568  
unused sick leave. Unused sick leave accumulated by teachers and 569  
nonteaching school employees under section 124.38 of the Revised 570  
Code shall continue to be credited toward the maximum 571  
accumulation permitted in accordance with this section. Each 572  
newly hired regular nonteaching and each regular nonteaching 573  
employee of any board of education who has exhausted the 574  
employee's accumulated sick leave shall be entitled to an 575  
advancement of not less than five days of sick leave each year, 576  
as authorized by rules which each board shall adopt, to be 577  
charged against the sick leave the employee subsequently 578  
accumulates under this section. 579

(D) No board of education shall do either of the 580  
following: 581

(1) Notwithstanding any provision of the Revised Code to 582  
the contrary, provide paid sick leave in an amount greater than 583  
the sick leave provided by this section; 584

(2) Notwithstanding division (A) of section 4117.10 of the 585  
Revised Code, agree to a provision in a collective bargaining 586

agreement that is modified, renewed, extended, or entered into 587  
on or after the effective date of this amendment that provides 588  
paid sick leave in an amount greater than the sick leave 589  
provided by this section. 590

(E) This section shall be uniformly administered. 591

**Section 2.** That existing sections 124.133, 124.14, 124.38, 592  
124.382, and 3319.141 of the Revised Code are hereby repealed. 593