

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**

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 address compensation ranges, and methods for advancing within the ranges, for the classifications, which may be assigned to pay ranges other than the pay ranges established under section 124.15 or 124.152 of the Revised Code.

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

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

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

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