

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 276

Senator Blessing

A BILL

To amend sections 124.38 and 3319.141 of the
Revised Code to allow board of education
employees to use accrued sick leave for a
parental leave of absence.

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

Section 1. That sections 124.38 and 3319.141 of the
Revised Code be amended to read as follows:

Sec. 124.38. (A) Each of the following shall be entitled
for each completed eighty hours of service to sick leave of four
and six-tenths hours with pay:

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

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

~~(C)~~ (3) Any employee of any board of education for whom
sick leave is not provided by section 3319.141 of the Revised
Code, provided that the employee is not a substitute, adult

education instructor who is scheduled to work the full-time 19
equivalent of less than one hundred twenty days per school year, 20
or a person who is employed on an as-needed, seasonal, or 21
intermittent basis. 22

(B) Employees may use sick leave, upon approval of the 23
responsible administrative officer of the employing unit, for 24
absence due to personal illness, pregnancy, injury, exposure to 25
contagious disease that could be communicated to other 26
employees, and illness, injury, or death in the employee's 27
immediate family. Unused sick leave shall be cumulative without 28
limit. When sick leave is used, it shall be deducted from the 29
employee's credit on the basis of one hour for every one hour of 30
absence from previously scheduled work. 31

(C) (1) For purposes of this division, "stillborn" has the 32
same meaning as in section 124.136 of the Revised Code. 33

(2) Each board of education in this state shall allow an 34
employee of the board described in division (A) (3) of this 35
section to use up to four hundred eighty hours of accrued but 36
unused sick leave for a parental leave of absence on the 37
employee becoming any of the following: 38

(a) A parent, as listed on the birth certificate, of a 39
newly born child; 40

(b) A parent, as listed on the fetal death certificate, of 41
a stillborn child; 42

(c) A legal guardian of and residing in the same household 43
as a newly adopted child. 44

(D) The previously accumulated sick leave of an employee 45
who has been separated from the public service shall be placed 46
to the employee's credit upon the employee's re-employment in 47

the public service, provided that the re-employment takes place 48
within ten years of the date on which the employee was last 49
terminated from public service. This ten-year period shall be 50
tolled for any period during which the employee holds elective 51
public office, whether by election or by appointment. 52

(E) An employee who transfers from one public agency to 53
another shall be credited with the unused balance of the 54
employee's accumulated sick leave up to the maximum of the sick 55
leave accumulation permitted in the public agency to which the 56
employee transfers. 57

(F) The appointing authorities of the various offices of 58
the county service may permit all or any part of a person's 59
accrued but unused sick leave acquired during service with any 60
regional council of government established in accordance with 61
Chapter 167. of the Revised Code to be credited to the employee 62
upon a transfer as if the employee were transferring from one 63
public agency to another under this section. 64

(G) The appointing authority of each employing unit shall 65
require an employee to furnish a satisfactory written, signed 66
statement to justify the use of sick leave. If medical attention 67
is required, a certificate stating the nature of the illness 68
from a licensed physician shall be required to justify the use 69
of sick leave. Falsification of either a written, signed 70
statement or a physician's certificate shall be grounds for 71
disciplinary action, including dismissal. 72

(H) This section does not interfere with existing unused 73
sick leave credit in any agency of government where attendance 74
records are maintained and credit has been given employees for 75
unused sick leave. 76

(I) Notwithstanding this section or any other section of 77
the Revised Code, any appointing authority of a county office, 78
department, commission, board, or body may, upon notification to 79
the board of county commissioners, establish alternative 80
schedules of sick leave for employees of the appointing 81
authority for whom the state employment relations board has not 82
established an appropriate bargaining unit pursuant to section 83
4117.06 of the Revised Code, as long as the alternative 84
schedules are not inconsistent with the provisions of at least 85
one collective bargaining agreement covering other employees of 86
that appointing authority, if such a collective bargaining 87
agreement exists. If no such collective bargaining agreement 88
exists, an appointing authority may, upon notification to the 89
board of county commissioners, establish an alternative schedule 90
of sick leave for its employees that does not diminish the sick 91
leave benefits granted by this section. 92

Sec. 3319.141. (A) Each person who is employed by any 93
board of education in this state, except for substitutes, adult 94
education instructors who are scheduled to work the full-time 95
equivalent of less than one hundred twenty days per school year, 96
or persons who are employed on an as-needed, seasonal, or 97
intermittent basis, shall be entitled to fifteen days sick leave 98
with pay, for each year under contract, which shall be credited 99
at the rate of one and one-fourth days per month. Teachers and 100
regular nonteaching school employees, upon approval of the 101
responsible administrative officer of the school district, may 102
use sick leave for absence due to personal illness, pregnancy, 103
injury, exposure to contagious disease which could be 104
communicated to others, and for absence due to illness, injury, 105
or death in the employee's immediate family. Unused sick leave 106
shall be cumulative up to one hundred twenty work days, unless 107

more than one hundred twenty days are approved by the employing 108
board of education. The previously accumulated sick leave of a 109
person who has been separated from public service, whether 110
accumulated pursuant to section 124.38 of the Revised Code or 111
pursuant to this section, shall be placed to the person's credit 112
upon re-employment in the public service, provided that such re- 113
employment takes place within ten years of the date of the last 114
termination from public service. A teacher or nonteaching school 115
employee who transfers from one public agency to another shall 116
be credited with the unused balance of the teacher's or 117
nonteaching employee's accumulated sick leave up to the maximum 118
of the sick leave accumulation permitted in the public agency to 119
which the employee transfers. Teachers and nonteaching school 120
employees who render regular part-time, per diem, or hourly 121
service shall be entitled to sick leave for the time actually 122
worked at the same rate as that granted like full-time 123
employees, calculated in the same manner as the ratio of sick 124
leave granted to hours of service established by section 124.38 125
of the Revised Code. Each board of education may establish 126
regulations for the entitlement, crediting and use of sick leave 127
by those substitute teachers employed by such board pursuant to 128
section 3319.10 of the Revised Code who are not otherwise 129
entitled to sick leave pursuant to such section. A board of 130
education shall require a teacher or nonteaching school employee 131
to furnish a written, signed statement on forms prescribed by 132
such board to justify the use of sick leave. If medical 133
attention is required, the employee's statement shall list the 134
name and address of the attending physician and the dates when 135
the physician was consulted. Nothing in this section shall be 136
construed to waive the physician-patient privilege provided by 137
section 2317.02 of the Revised Code. Falsification of a 138
statement is grounds for suspension or termination of employment 139

under sections 3311.82, 3319.081, and 3319.16 of the Revised 140
Code. No sick leave shall be granted or credited to a teacher 141
after the teacher's retirement or termination of employment. 142

(B)(1) For purposes of this division, "stillborn" has the 143
same meaning as in section 124.136 of the Revised Code. 144

(2) Each board of education in this state shall allow an 145
employee of the board to use up to sixty days of accumulated but 146
unused sick leave for a parental leave of absence on the 147
employee becoming any of the following: 148

(a) A parent, as listed on the birth certificate, of a 149
newly born child; 150

(b) A parent, as listed on the fetal death certificate, of 151
a stillborn child; 152

(c) A legal guardian of and residing in the same household 153
as a newly adopted child. 154

(C) Except to the extent used as sick leave, leave granted 155
under regulations adopted by a board of education pursuant to 156
section 3311.77 or 3319.08 of the Revised Code shall not be 157
charged against sick leave earned or earnable under this 158
section. Nothing in this section shall be construed to affect in 159
any other way the granting of leave pursuant to section 3311.77 160
or 3319.08 of the Revised Code and any granting of sick leave 161
pursuant to such section shall be charged against sick leave 162
accumulated pursuant to this section. 163

(D) This section shall not be construed to interfere with 164
any unused sick leave credit in any agency of government where 165
attendance records are maintained and credit has been given for 166
unused sick leave. Unused sick leave accumulated by teachers and 167
nonteaching school employees under section 124.38 of the Revised 168

Code shall continue to be credited toward the maximum 169
accumulation permitted in accordance with this section. Each 170
newly hired regular nonteaching and each regular nonteaching 171
employee of any board of education who has exhausted the 172
employee's accumulated sick leave shall be entitled to an 173
advancement of not less than five days of sick leave each year, 174
as authorized by rules which each board shall adopt, to be 175
charged against the sick leave the employee subsequently 176
accumulates under this section. 177

(E) This section shall be uniformly administered. 178

Section 2. That existing sections 124.38 and 3319.141 of 179
the Revised Code are hereby repealed. 180

Section 3. This act applies to employment contracts and 181
collective bargaining agreements entered into under Chapter 182
3311., 3319., or 4117. of the Revised Code on or after the 183
effective date of this section. 184

Nothing in this act shall be construed to invalidate an 185
employment contract or collective bargaining agreement entered 186
into under Chapter 3311., 3319., or 4117. of the Revised Code 187
that exists on the effective date of this section. 188