

SECTION FOUR

LEAVE

POLICY
4.0

Hamilton County HR Policy Manual

Family and Medical Leave

A. This Policy Applies To	All BOCC Employees
B. Purpose/ Background of this Policy	The purpose of this policy is to identify employees' rights and responsibilities under the Family and Medical Leave Act (FMLA) and to ensure Board compliance with federal law while supporting employees facing serious health conditions or family care responsibilities.
C. Definitions	• Adoption: Legally and permanently assuming the responsibility of raising a child as one's own. • Clarification: For purposes of this policy, clarification means understanding ambiguous or unclear information on a medical certification, including clarification of handwriting or the intent of a response. • Covered Active Duty: Duty during the deployment of the member of the Armed Forces to a foreign country, or under a call or order to active duty in support of a contingency operation. • Covered Family Member: A Parent (biological, adoptive, step, or foster father or mother, or any individual who stood in loco parentis to an employee), Child (biological, adopted, step, or foster child, a legal ward, or a child of a person standing in loco parentis – under the age of 18, unless they are incapable of self-care), or Spouse (husband or wife, including individuals in a marriage recognized under the laws of the state where the marriage was entered into, same-sex marriages, common law marriages, and other legally recognized marriages). • Foster Care: 24-hour care for children in substitution for, and away from, their parents or guardian. Children are placed in foster care by or with the agreement of the State, and foster care involves agreement between the State and foster family that the foster family will take care of the child. • Incapacity: The inability to work, attend school, or perform other regular daily activities due to a serious health condition. Incapacity includes treatment for a serious health condition and inpatient care (overnight stay in medical care facility). • Leave Calculation Method: An employee's remaining FMLA leave entitlement is determined by looking back 12 months from the date the employee requests leave and subtracting any FMLA leave used during that period from the 12-week entitlement. This is referred to as a rolling 12-month look-back period. For example, if an employee requests leave beginning June 1, Human Resources (HR) will look back to June 1 of the previous year, and any leave used during that 12-month period will be subtracted from the employee's available leave balance. • Military Caregiver Leave: Up to 26 weeks of unpaid leave provided to an employee who is the spouse, child, parent, or next of kin of a covered servicemember with a serious injury or illness that occurred in the line of duty or an existing injury or illness which was aggravated by the servicemember's service. • Next of Kin of a Servicemember: The nearest blood relative of the covered servicemember, excluding their spouse, parent, or child. • Qualifying Exigency: A short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements,

counseling, rest and recuperation, post-deployment activities, and additional activities mutually agreed upon by the employee and employer but not enumerated in the FMLA regulations.

- **Reasonable Accommodation:** A change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.
- **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves inpatient care, incapacitation, or continuing treatment by a healthcare provider.

D. Eligibility and Leave Entitlement

Employees who have been employed for at least 12 cumulative months with the County over the last seven years and have worked at least 1,250 hours in the previous 12 months prior to the need for leave are considered eligible employees under this policy.

Eligible employees are entitled to up to 12 weeks of unpaid leave in a rolling 12-month look-back period for the following reasons:

- An employee's own serious health condition;
- To care for a covered family member with a serious health condition;
- A qualifying exigency arising from a covered family member on covered active duty; and
- The birth or adoption of a child, which, if applicable, runs concurrently with Parental Leave, as outlined in HR Policy Manual, Section 5.10. However, when both parents of a newborn or newly placed child are BOCC employees and are married to each other, the parents are limited to a combined total of 12 weeks of unpaid leave for bonding.

Eligible employees are entitled to up to 26 weeks of leave in a single 12-month period for the following:

- Use of military caregiver leave.
- Unlike the other FMLA-qualifying reasons, the County does not "look back" to determine the eligible employee's leave entitlement for military caregiver leave. Instead, an eligible employee's leave entitlement starts the first day the employee takes leave and looks forward 12 months.

E. Compensation and Benefits

Leave provided under this policy is unpaid, however, an employee must exhaust their available paid accrued time off (e.g. sick leave, vacation time, compensatory time) concurrently with the unpaid leave of absence.

- If the reason for the employee's absence qualifies for sick leave under HR Policy Manual, Section 4.1 Sick Leave, the employee must exhaust their accrued sick leave prior to exhausting other accrued paid leave.
 - Sick leave may not be used during unpaid FMLA leave taken for the purpose of bonding with a newborn or newly placed child unless the leave also qualifies for sick leave use.
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- If an employee has an approved workers' compensation claim for a serious health condition, then employee's workers' compensation leave will run concurrently with the employee's unpaid leave under this policy. If the employee has elected to receive workers' compensation benefits, then the employee is not required nor permitted to use their accrued paid leave concurrently with the unpaid leave.
 - Use of accrued paid leave under this policy is paid at the employee's regular rate of pay, counts as active pay status for purposes of accruing paid leave benefits, and provides the employee with employer-paid benefits to which the employee would otherwise be entitled if not on FMLA leave.
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F. Requesting Leave

Employees must request a leave of absence at least 30 working days in advance when the need for leave is foreseeable, or as soon as practicable if the need for leave is unforeseeable. The employee may make a request for leave to their management chain, department designee, or Human Resources (HR).

In circumstances where an employee does not make a specific request for FMLA leave, the employee may be entitled to notification of the right to leave if the employer receives information adequate for the employer to determine the employee's absence may be for an FMLA-qualifying reason. Examples include, but are not limited to:

- When the employee is absent from work for an injury or illness that has lasted more than three consecutive calendar days. For example, if an employee calls in sick on Friday due to illness, is scheduled off work for the weekend, and calls in sick Monday for the same illness, then the employee's illness has lasted more than three calendar days, even though the employee has only missed two scheduled workdays.
- Statements by the employee to their management chain or HR regarding a chronic or serious health condition.
- Documentation submitted for a workers' compensation claim or a medical statement provided upon returning to work after sick leave indicates there is a chronic or serious health condition.
- Information provided to the employer by the employee's spokesperson (e.g. spouse, adult child, parent, doctor) in the event the employee is incapacitated.

HR will provide the employee with the Medical Certification, Notice of Eligibility and Rights & Responsibilities, and accompanying FMLA Guidelines document.

- The medical certification should be completed by a healthcare provider and returned to HR within 15 calendar days.
 - If necessary, a reasonable extension may be granted to employees who need more time to submit the medical certification.
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G. Review of Medical Certification

HR will be responsible for reviewing all medical certifications submitted by employees requesting leave under the FMLA. If approved, HR has five business days after receiving the medical certification to inform the employee if the requested leave is approved, denied, or in need of more information. A copy of the designation notice will be forwarded to the employee's immediate supervisor, the department payroll officer, and the HR payroll specialist.

- If the certification is insufficient, incomplete, or in need of clarification, HR will allow the employee seven calendar days to cure the deficiency.
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- If the deficiency is not cured, HR may contact the healthcare provider to seek clarification but may not ask for additional information beyond that required by the certification form.
 - If employees fail to submit certification in a timely manner or correct any issues with the certification, HR may deny or delay granting the leave request. In such cases, employees will be notified of the denial.

H. Second and Third Opinions

When the Employer has reason to doubt the validity of a medical certification, the Employer may require the employee to seek a second or third opinion at the Employer's expense.

Second Opinion: The Employer is permitted to designate the healthcare provider to furnish the second opinion, but the selected healthcare provider may not be employed on a regular basis by the Employer.

Third Opinion: If the opinions of the employee's and the Employer's designated healthcare provider differ, the Employer may require the employee to obtain a certification from a third healthcare provider. The employee and Employer must jointly select this healthcare provider, and this opinion will be final and binding.

Pending receipt of the second or third opinion, the employee is provisionally entitled to the benefits of FMLA, including maintenance of group health insurance as outlined in HR Policy Manual, Section 5.2, Group Benefits.

If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as such and may be treated as unpaid leave or paid leave under HR Policy Manual, Section 4.1, Sick Leave or Section 5.0, Vacation.

I. Types of FMLA leave

Continuous Leave: An uninterrupted absence typically for reasons like major medical procedures, recuperation, or caring for a newborn or newly adopted child.

- Employees on continuous leave may not be required to work; however, an employer may ask an employee simple questions if needed (e.g., the location of a file, the status of a project, wellness check).
- An employee is not required to report their absence every day once approved for continuous leave under this policy.

Intermittent Leave: Leave taken in separate blocks of time due to a single qualifying reason, such as ongoing treatment for a chronic condition. Intermittent absences may not be used more frequently or for reasons not approved for the FMLA qualifying reason.

- Employees must continue to follow departmental call-in procedures, unless otherwise directed by management.
 - An employee on intermittent leave must submit HR Form-Intermittent Leave Tracking at the close of each pay period in which an absence was taken related to their intermittent leave. The employee's supervisor is responsible for reviewing and approving the form and ensuring it is timely submitted by the employee.
 - Failure to submit a timely and accurate form may result in the absence not being designated as FMLA-protected.
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Reduced Work Schedule: A work schedule where an employee's usual number of work hours per day or week is reduced because of medical necessity.

- All reduced hours will be counted against an employee's FMLA leave entitlement. For example, if an employee normally works eight-hour days, and is on a reduced schedule of six-hour days, then two hours each day will be deducted from the 12-week leave entitlement.

Employees approved for Intermittent Leave and Reduced Work Schedules must make reasonable efforts to schedule appointments outside of regular work hours or, if necessary, at times during the workday that do not unduly disrupt operations.

J. Recertification of Leave

In all cases, HR may request a recertification of leave every six months in connection with an absence. However, recertification may be requested in less than 30 days, if:

- The employee requests an extension of leave;
- The circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence); or
- The employer receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Both the employee and Employer have the same obligation to participate and cooperate in the recertification process as in the initial certification process.

- Recertifications are not subject to second and third opinions as outlined in Section H of this policy.

K. Required Designation of Leave

When the Employer and/or HR has acquired sufficient knowledge that an employee's leave is being taken for an FMLA-qualifying reason, federal law requires HR to designate the absence as FMLA leave. The employer must designate the leave:

- Regardless of whether the employee completed the medical certification.
- Even if the employee does not want the leave to be designated as FMLA.
- Even if the employee has a sufficient sick leave balance or other accrued paid time off to cover the absence.
- HR must provide notice of the designation of FMLA leave to the employee within five business days.

L. Return to Work

Employees returning from leave under this policy will be reinstated to the same or an equivalent position.

- If an employee returns to work prior to the original expiration of leave, they must notify HR at least two working days prior to their planned return.
 - Employees returning to work from continuous leave due to their own serious health condition must provide HR Form-Fitness for Duty Certificate to HR. Failure to provide this form will result in the employee being sent home until it is received. The time away will be unpaid unless covered by available and approved accrued paid leave.
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	• If an employee is unable to perform all job functions with or without an accommodation, the employee may be entitled to reasonable accommodation(s) under the Americans with Disabilities Act (ADA). • If an employee fails to return to work after the expiration of the leave and does not contact HR within seven business days, the employee's failure to return will be considered a voluntary resignation.
M. Confidentiality	All medical documentation related to unpaid leave under this policy will be kept confidential and maintained in a secure file separate from an employee's personnel record.
N. Discrimination, Interference, and Retaliation Prohibited.	Discrimination against any employee requesting or using FMLA leave or interference with the use of leave is prohibited. Retaliation against an employee for reporting or participating in an investigation relating to a suspected violation of this policy is also prohibited.
O. Corrective Action	Misuse or abuse of approved leave, absence without leave, discrimination, interference, retaliation as outlined in Section N, or any other violation of this policy may be subject to corrective action, up to and including termination.
Cross Reference(s)	HR Policy Manual, Section 2.6, Americans with Disabilities Act, Section 4.1, Sick Leave, Section 4.6 Employee Disability, Section 5.2, Group Insurance Benefits, Section 5.3, COBRA/Continuation of Medical Insurance, Section 5.4, Workers' Compensation Policy, and Section 5.10, Parental Leave
HR Forms	• Notice of Eligibility and Rights & Responsibility (WH-381) • Medical Certification (WH-380-E, WH-380-F, WH-384, or WH-385-V) • Intermittent Leave Tracking • Fitness for Duty Certificate
Authoritative Reference(s)	Family and Medical Leave Act of 1993 and 29 CFR § 825
Revision History	• Initial Adoption: 06/16/94 • Revision Dates: 12/06/00, 10/11/02, 01/01/03, 09/15/03, 01/28/08, 01/16/09, 04/05/13, 04/02/18, 07/17/25 • Next Review Date: 07/17/27

SECTION 4.1: SICK LEAVE

- A. An employee requesting sick leave must follow the notification policy outlined in Section 6.2.B. of this manual and submit a Time Off Request.
- B. Sick leave may be requested for the following reasons:
 - 1. Illness, injury or pregnancy-related condition of the employee, or of a member of employee's immediate family;
 - 2. Exposure of employee to a contagious disease which could be communicated to other employees;
 - 3. Death of a member of the employee's immediate family (leave not to exceed five days); or
 - 4. Medical, psychological, dental or optical examinations or treatment of employee, or of a member of employee's immediate family where employee's attendance is reasonably necessary.

For purposes of this policy, the "immediate family" of the employee includes only: spouse, mother, father, brother, sister, child, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-mother, step-father, step-brother, step-sister, step-son, step-daughter, legal guardian or other person who stands in the place of a parent.

For sick leave situations involving approved FMLA claims, see section 4.0.

- C. For each completed hour in active pay status, full-time and part-time employees earn .0575 hours of sick leave. Active pay status for this purpose is defined as hours worked, vacation leave, sick leave, administrative leave, compensatory time, holidays, and earned personal days. For purposes of this policy, employees also earn sick leave for hours on mandatory furlough. Employees are credited at the end of each pay period with the appropriate amount of sick leave earned which may be used in the following pay periods. Employees may not use this newly credited amount within the same pay period it is earned.
- D. The amount of sick leave any one employee may accrue is unlimited.
- E. Employees absent on sick leave shall be paid at the same basic hourly, daily or biweekly rate as when they were working, provided they have sufficient sick leave accrued to cover the period of absence, and comply with all requirements of this section.
- F. Accrued vacation leave may be used for sick leave purposes, at the employee's

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request and with the prior approval of the employee's supervisor.

- G. Employees who suffer from a chronic illness or extended disability and who have exhausted all appropriate leave options may request an accommodation under the Americans with Disabilities Act (see Section 2.6) or a Voluntary Disability Separation (see section 4.6).
- H. If an employee seeks medical attention for any authorized use of sick leave, as set forth in Paragraph B of this policy, the employee must provide to his/her supervisor a medical practitioner's statement, indicating name of patient, date and nature of the visit.
- I. When an incident of absence exceeds seven (7) consecutive calendar days, a statement from a medical practitioner must be provided to the employee's supervisor or to the Human Resources Department if requesting leave under the FMLA, stating the nature of the illness or injury and when the employee may reasonably be expected to return to work.
- J. If an employee fails to submit the Time Off Request, or the medical practitioner's statement when required, the employee shall not be paid for the sick leave. If the Time Off Request is denied and as a result the employee has been overpaid, such overpayment shall be deducted from that employee's next pay check. A Time Off Request may be denied by the supervisor based upon any investigation which discloses facts inconsistent with proper use of sick leave.
- K. In conjunction with the Human Resources Department, the employer may require an employee to submit to medical examination to validate sick leave, as provided in Section 2.5. An Employee Authorization to Release Medical Information will be required for such examination and to justify payment of sick leave benefits.
- L. Any employee failing to comply with sick leave rules and regulations will not be entitled to sick leave pay. Application for sick leave with the intent to defraud shall result in disciplinary action and may include dismissal and/or the forfeiture of salary or wages paid.
- M. Employees who transfer between County departments or agencies, or from another public agency (as defined in ORC124.38), or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between separation and reappointment does not exceed ten (10) years and the unused balance has not been eliminated by a prior conversion of sick leave at retirement or other termination. This ten-year period shall be tolled for any period during which the employee holds elective public office, whether by election or by appointment. (Under ORC 124.38, the definition of public agency, with certain exceptions, includes the state of Ohio, counties, municipalities, civil service townships, any state college or university, and any

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boards of education for which sick leave is not provided by ORC 3319.141.)

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Administrative Leaves

A. This Policy Applies to	All BOCC Employees
B. Purpose/ Background of this Policy	The purpose of this policy is to identify those circumstances where an employee may be placed on either paid or unpaid administrative leave.
C. Definitions	N/A
D. Paid Administrative Leave	A Department Head or designee may, in its discretion, place an employee on paid administrative leave during an internal investigation or under any other circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. The Department Head must confer with the Human Resources (HR) Director or designee prior to placing an employee on paid administrative leave. The length of the leave shall not exceed the length of the situation for which the leave was granted. An employee ordered to submit to a fit-for duty exam by the HR Director may be placed on paid administrative leave when it has been determined by HR that the employee is unable to perform the essential duties of the position with or without reasonable accommodation. Such paid administrative leave shall cover the period between the decision a fit-for-duty exam is required, and a reasonable period following the exam for the HR Director to receive and review the examination results.
E. Unpaid Administrative Leave	In the event an employee has been charged with any violation of the law that is punishable as a felony, the HR Director or designee shall determine whether an employee should be placed on unpaid administrative leave while the charge is pending. If after two months of unpaid administrative leave the HR Director or designee determines it is necessary for the employee to remain on administrative leave, the leave shall thereafter be paid administrative leave. If the employee does not plead guilty to or is not found guilty of a felony, the employee will be paid at the employee's base rate of pay, plus interest, for the period the employee was on unpaid administrative leave. Independent of the outcome of any criminal charges described in this section, an employee may be subject to corrective action, up to and including termination, to the extent the underlying alleged criminal conduct may also be a violation of BOCC policies and procedures.
F. Notification of Paid and Unpaid Administrative Leave	The County Administrator shall be notified when an employee is placed on either paid or unpaid administrative leave, including the circumstances resulting in the decision to place the employee on paid or unpaid administrative leave.
Cross Reference(s)	HR Policy Manual, Section 2.5, Medical Examination and Section 7.1, Grounds for Discipline

Administrative Leaves

**Authoritative
Reference(s)**

O.R.C. § 124.388 Administrative leave

**Revision
History**

- Initial Adoption: 01/19/95
 - Revision Dates: 12/06/00, 09/21/07, 12/11/25
 - Next Review Date: 12/11/30
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POLICY
4.3

Hamilton County HR Policy Manual

Court Leave

A. This Policy Applies To	All BOCC Employees Bargaining unit employees should consult their collective bargaining agreement for provisions relating to the subject matter of this policy.
B. Purpose/ Background of this Policy	The Board recognizes an employee's civic responsibilities may include serving as a member of a jury or participating in other court-related matters. There may also be circumstances where an employee may need a leave of absence to attend court or administrative proceedings for which they are a party. This policy outlines when employees may request time off for legal proceedings and the circumstances under which employees are eligible to receive paid leave. This policy does not apply to employees who appear or testify as a witness on behalf of the County in connection with their job duties. In such circumstances, those hours shall be treated as hours worked, regardless of whether the appearance occurs during the employee's regularly scheduled work hours.
C. Definitions	• Jury Duty: The obligation to serve as a member of a jury in court. • Regularly Scheduled Work Hours: An employee's typical work schedule, excluding overtime hours and any hours not in active work status (e.g. vacation and compensatory time). An employee on a compressed workweek pursuant to HR Policy Manual, Section 3.12, Alternative Schedule, may count up to eight hours as regularly schedule work hours for purposes of this policy. • Subpoena: A legal order requiring appearance before a court, commission, board, or other authorized body. • Summons: A court-issued notice requiring an individual to appear for jury duty. • State Personnel Review Board: A quasi-judicial agency with jurisdiction over certain employment-related appeals for classified civil service employees in Ohio.
D. When Leave May be Granted	An employee may request leave to participate in legal proceedings during regularly scheduled work hours if the employee: • Receives a summons for jury duty; • Is compelled to appear in court pursuant to a subpoena; or • Is a party to a criminal or civil matter (e.g., divorce proceedings, traffic violations, custody hearings, as a parent/guardian in juvenile court). Employees must submit a written request for leave to their supervisor or designated department contact as soon as reasonably practicable after learning of the need for leave. An employee must submit a copy of any subpoena or summons. If the employee is a party to a proceeding and not subpoenaed, then the employee must submit documentation supporting the need for leave on a scheduled court date.
E. Return to Work and	Employees must report to work before and/or after their appearance unless:

Verification of Attendance	• There is less than one hour in the employee's regularly scheduled work day before or after the appearance; or • The Department Head or designee, based upon extenuating circumstances, excuses the employee from work. In these circumstances, the employee may use accrued paid leave or take approved unpaid leave for the remainder of their regularly scheduled work hours. Employees may be required to provide documentation verifying attendance in legal proceedings.
F. Unpaid and Paid Leave; Compensation	An employee who is a party to a civil or criminal matter is not eligible for paid leave, even if subpoenaed. If the employee is on an approved unpaid leave under Section D of this policy and complies with Section E of this policy, then the employee may use accrued paid leave for their absence. An employee who meets the requirements of Section D and E of this policy is eligible for paid leave when appearing in response to a subpoena or summons. Under these circumstances, paid leave is not considered hours worked for overtime purposes. An employee who is the appellant in a State Personnel Board of Review matter and in active pay status at the time of a hearing shall be granted paid leave for their regular work hours while attending the hearing. These hours are considered hours worked for overtime purposes. Employees granted paid leave will be compensated at their regular rate of pay.
G. Required Remittiturs	Employees granted paid leave must remit to Human Resources (HR) any compensation received for complying with the subpoena or summons. HR will transmit the funds to the County Treasurer. Reimbursement for mileage, parking, or meals do not need to be remitted.
H. Corrective Action	An employee may be subject to corrective action for any violation of this policy. Failure to comply with Sections D and E of this policy may result in the denial of approved paid or unpaid leave and may be considered an absence without leave under HR Policy Manual, Section 6.2, Absenteeism.
I. Conditions on Use of Court Leave	Paid Court Leave is a temporary paid leave benefit available only while the employee remains employed. Leave shall not be used to delay or extend a scheduled layoff, resignation, retirement, or any other form of separation from employment.
Cross Reference(s)	HR Policy Manual, Section 6.2 (Absenteeism)
Authoritative Reference(s)	Ohio Revised Code § 2313.19
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POLICY
4.4

Hamilton County HR Policy Manual

Military Leave and Protections

A. This Policy Applies To	All BOCC Employees Bargaining unit employees should consult their collective bargaining agreement for provisions relating to the subject matter of this policy.
B. Purpose/ Background of this Policy	The purpose of this policy is to establish the BOCC's commitment to supporting employees who serve in the uniformed services by providing military leave benefits in compliance with ORC § 5923.05, the Uniformed Services Employment and Reemployment Rights Act (USERRA), and all other applicable state and federal laws.
C. Definitions	• Federal Fiscal Year: The 12-month accounting period for the federal government that runs October 1 of one calendar year to September 30 of the next year. • Honorable Conditions: A discharge from military service signifying satisfactory conduct and performance standards were met or exceeded. • Leave and Earnings Statement (LES): A monthly report that provides information about a military member's pay, deductions, and leave balance. • Military Orders: An official document that instructs a service member on their current, past, or future military duties, acting as a binding command issued by a superior officer or official. • Uniformed Services: The Army, Air Force, Marine Corps, Space Force, Coast Guard, Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), and Commissioned Corps of the Public Health Service (PHS).
D. Eligibility	Military Leave is an approved absence from employment, with or without pay, for an employee who is a member of the Ohio organized militia or member of other reserve components of the armed forces of the United States, including the Ohio National Guard. Eligible employees may use leave for reasons including, but not limited to, the following: • Active and Inactive Duty for training; • Annual Training periods; • Full-time National Guard duty; • Monthly drills; • CONUS (Continental United States): Training or assignments within the 48 contiguous states and the District of Columbia; • OCONUS (Outside the Continental United States) and Overseas: Assignments or training outside the contiguous 48 states, including Alaska, Hawaii, U.S. territories, and foreign countries. • Travel days before and after any period of military service (must be necessary and reasonable).

E. Military Leave with Pay	Eligible employees, as outlined in Section D of this policy, are entitled to paid military leave for up to 22 workdays (based on an 8-hour shift) or 176 hours per federal fiscal year to be used continuously or intermittently, not to exceed a cumulative five years (refer to USERRA rights under 20 CFR §§ 1002.99-104). Once the 176 hours of paid military leave per federal fiscal year is exhausted, an eligible employee may be entitled to differential pay while performing voluntary or involuntary duties in the Uniformed Services. - Differential pay is the difference between an employee's gross salary each month with the County and their gross salary each month with the military, capped at \$500 per month, as mandated by ORC § 5923.05. - An employee is entitled to differential pay only if their salary with the County is greater than their salary with the military. The information provided above is intentionally brief and not intended to be a detailed explanation of military leave pay benefits. Employees are encouraged to refer to ORC § 5923.05 for comprehensive information and consult Human Resources with any questions.
F. Military Leave Without Pay	Eligible employees, as outlined in Section D of this policy, are entitled to military leave without pay: - If the employee has exhausted their allowance of 176 hours of paid military leave. - When the employee chooses to reserve their allowance of 176 hours for later in the federal fiscal year and instead, with approval from their supervisor, supplement their leave with accrued vacation, compensatory, and/or personal time.
G. Requesting Military Leave	Employees requesting Military Leave must: Provide Notice: Prior to the requested leave, submit written notification of the need for military leave to their supervisor as soon as practicable. Submit Military Orders: Submit a copy of their military orders, training schedule, or other official documentation outlining their requirement to serve and the expected duration of their service.
H. Returning from Military Leave	Employees who fail to return to work or report to their supervisor their intent to return to work within the appropriate time period outlined below shall be considered Absent Without Leave (AWOL) and subject to corrective action as described in HR Policy Manual, Section 7.1, Grounds for Discipline. Employees returning from Military Leave must: Notify the Supervisor: Communicate an intent to return to work in accordance with USERRA timelines: - For service of 1-30 days: Notify the supervisor by the beginning of the first regularly scheduled workday after returning home. - For service of 31-180 days: Notify their supervisor within 14 days of completing service.

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- For service of 181 days or more: Notify the supervisor within 90 days of completing service.

- **Provide Documentation:** Upon completion of service but before returning to work, provide either discharge papers (e.g., DD-214 for longer service) or a certificate of completion for training.

If the County provides differential pay or adjusts benefits during an employee's leave, they must provide a copy of their LES for each pay period covered by the leave as soon as it becomes available.

I. USERRA Rights and Protections

USERRA is a federal law that protects the employment and reemployment rights of employees who are service members and veterans. USERRA offers the following rights:

- **Job Protection:** Employees will not lose their job, seniority, accrued benefits, or be denied a job due to military service, so long as they have been discharged under honorable conditions.
- **Non-Discrimination:** The County prohibits discrimination or retaliation against employees because of their past, present, or future military service.
- **Health and Retirement Benefits:** Employees may elect to continue health coverage for up to 24 months during a Military Leave of more than 30 days. Upon reinstatement, an employee's retirement contributions and benefits will resume as if they had no break in service.

Employees are encouraged to refer to 20 CFR § 1002 for comprehensive information on USERRA Rights and consult HR with any questions.

Cross Reference(s)

HR Policy Manual, Section 4.5 (Leave of Absence Without Pay), Section 5.2 (Group Insurance Benefits), Section 5.6 (Retirement Participation/Benefits), and Section 7.1 (Grounds for Discipline)

Authoritative Reference(s)

ORC § 5923.05, USERRA, 20 CFR § 1002

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 - Revision Dates: 05/27/03, 01/01/12, 07/17/25
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SECTION 4.5: LEAVE OF ABSENCE WITHOUT PAY

- A. Nothing in this policy shall be construed as limiting, superseding, or requiring any leave granted under the Family and Medical Leave Act or the Americans with Disabilities Act as amended.
- B. Upon written request, an employee may be granted a leave of absence without pay.
- C. All requests for leave of absence must be submitted using the Time Off Request process. Supporting documentation indicating the need and specific reason for the leave of absence, and the dates for which such leave is being requested must be provided to the employee's supervisor.
- D. The authorization of a leave of absence without pay is solely a matter of administrative discretion, and each request will be decided by the Department Head or designee based upon merits of the request, business needs of the Department, and recommendation by the employee's supervisor.
- E. The maximum duration of a leave of absence without pay for personal reasons of the employee shall not exceed six (6) months.
- F. The maximum duration of a leave of absence without pay for purposes of education, training or specialized experience or for other related reasons which would benefit County service, shall not exceed twenty-four (24) months.
- G. The Department Head or designee shall contact the employee on leave of absence at least two (2) weeks before the scheduled return-to-work date and confirm the return date. If a temporary employee has been appointed to the position left vacant by the employee on leave, the temporary employee also shall be notified two (2) weeks before the return date of the employee on leave.
- H. Upon returning from a leave of absence, the employee will be placed in his/her original position, or a similar position in the same classification should the original position be unavailable.
- I. If it is determined that an employee is not actually using the leave of absence for the authorized purpose, the Department Head or designee may cancel the leave and direct the employee to report for work at a designated time. A copy of such directive should be sent to the Human Resources Department.
- J. If an employee fails to return from leave to work as scheduled or fails to return following cancellation of the leave, the employee shall be considered Absent Without Leave and subject to termination (See Section 6.2.F. of this manual).
- K. An employee who has been placed on authorized leave of absence without pay does not accrue sick or vacation leave. However, time spent on such leave shall be considered in determining service credit with the County.

Effective: November 12, 1991

Revised: 12/06/00, 09/21/07, 01/01/12, 07/19/17

- L. Leaves of absence that exceed one (1) pay period and leaves of absence during the employee's probationary period must be reported to the Human Resources Department.

SECTION 4.6: EMPLOYEE DISABILITY

An employee who is unable to perform the essential functions of his/her position, with or without reasonable accommodation, may be considered for voluntary reduction or leave of absence without pay.

- A. VOLUNTARY REDUCTION: If an employee becomes unable to perform the essential functions of his/her position, but is still able to perform the duties of a vacant, lower level position, the employee may voluntarily request reduction to the lower level position. Such request shall be in writing to the employee's supervisor, stating the reason for the request, and if approved, the request shall be submitted to Human Resources for execution of the personnel action.
- B. LEAVE OF ABSENCE WITHOUT PAY:
1. An incapacitated employee, who has exhausted all accumulated sick and vacation leave and for whom voluntary reduction is not practicable, may request up to six (6) months of leave without pay under provisions of the Sick Leave Policy at 4.1.H. The employee must demonstrate that the probable length of disability will not exceed six (6) months.
 2. Such request shall be submitted to the employee's supervisor, using the Time Off Request process. Supporting documentation must be submitted to the employee's supervisor that includes a licensed practitioner's certificate stating the probable period for which the employee will be unable to perform the essential job duties of the employee's position.
 3. If the employee is unable to return to work by the end of the six (6) month leave of absence without pay, a Disability Separation, under Section 4.7, may be granted.
 4. An employee may be required to provide a physician's certificate that confirms the employee is able to perform the essential job duties of his/her position prior to returning to work.
 5. If approved by the Department Head or designee, the request and documentation shall be submitted to Human Resources for execution of the personnel action.

SECTION 4.7: DISABILITY SEPARATION

A. In accordance with Chapter 34 of the Hamilton County Administrative Regulations, disability separation may be granted when a classified employee becomes unable to perform the essential functions of his/her position, with or without reasonable accommodation, due to a disabling illness, injury, or condition, and said employee has exhausted all accumulated leave, paid and unpaid, to which he/she is entitled.

B. VOLUNTARY DISABILITY SEPARATION

1. An employee may request in writing to his/her Department Head or designee a voluntary disability separation. All such requests must be forwarded to Human Resources.
2. The employee must provide credible medical evidence signed by a licensed practitioner substantiating that the employee is unable to perform the essential job duties of his/her position due to a disabling illness, injury, or condition.
3. Human Resources may grant an employee's request for a disability separation, or require the employee to submit to a medical or psychological examination by a licensed practitioner selected by Human Resources, at the employer's expense. Failure to submit to such examination may result in discipline, up to and including removal.
4. An employee who is granted a voluntary disability separation waives his/her right to a pre-separation hearing and to an appeal of the decision to grant the employee's request.

C. INVOLUNTARY DISABILITY SEPARATION

1. Human Resources may require that an employee submit to a medical or psychological examination by a licensed practitioner selected by Human Resources, at the employer's expense, to determine if the employee is unable to perform the essential job duties of his/her position due to a disabling illness, injury, or condition.
2. Both the employee and Human Resources shall receive the results of the examination.
3. Failure to submit to such examination may result in discipline, up to and including removal.

4. Human Resources may institute pre-separation proceedings when it has received the results of a medical or psychological examination, in accordance with Chapter 34 of the Regulations.
5. An employee so separated shall have the right to appeal in writing to the State Personnel Board of Review within ten (10) days from the date the Order is served upon the employee.

D. REINSTATEMENT RIGHTS

1. An employee shall have the right to reinstatement to the same or similar position provided the employee applies in writing within two years from the date the employee was given a disability separation.
2. The employee may be required to submit to a medical or psychological examination by a licensed practitioner selected by Human Resources, at the employer's expense, to establish that the employee has recovered sufficiently from the disabling illness, injury or condition so as to be able to perform the essential functions of the position to which reinstatement is sought, with or without reasonable accommodation.
3. The Department Head, in cooperation with Human Resources, shall notify the employee of the reinstatement procedures at the time of separation.

- E. Any appointment made to a position vacated by a disability separation will be on a temporary basis, and such temporary employee must be made fully aware by the Department Head of its temporary nature.

SECTION 4.8: LEAVE DONATION

- A. Hamilton County employees within those appointing authorities designated at 4.8.B may receive/donate paid leave from/to a fellow employee within said appointing authorities. Paid leave may be donated to any employee in need of such leave because of an approved FMLA situation and/or because of the serious illness or (non-occupational) injury of that co-worker or a member of his/her immediate family (spouse, mother, father, brother, sister, child, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-mother, step-father, step-brother, step-sister, step-son, step-daughter, legal guardian or other person who stands in the place of a parent.), as provided in this policy.
- B. Appointing Authorities which have formally agreed to participate in this leave donation policy are:
- | | |
|-----------------------------------|--------------------------------------|
| Auditor | Municipal Court |
| Board of County Commissioners | Probate Court |
| Board of Elections | Prosecutor |
| Clerk of Courts | Public Defender |
| Common Pleas Court | Public Health |
| Coroner | Recorder |
| Dog Warden | River City Correctional Center |
| Domestic Relations Court | Soil and Water Conservation District |
| Engineer | Treasurer |
| Family and Children First Council | Veterans Service Commission |
| Juvenile Court | |
- C. Only vacation time may be donated. Sick leave and compensatory time may not be donated.
- D. This policy does not supersede, replace or supplement entitlement programs, e.g., workers' compensation, disability or retirement benefits.
- E. An employee may be paid with donated leave at a rate not to exceed the maximum number of hours the employee is scheduled to work each pay period, provided that the employee:
1. has an approved FMLA situation, a serious illness or injury, as determined by the Appointing Authority, or has an immediate family member who has such an illness or injury;
 2. has provided all necessary documentation as required by the Appointing Authority;
 3. has exhausted all other available paid leave (e.g., sick, vacation, compensatory time, personal time);

Effective: October 17, 1996

Revised: 05/07/97, 12/06/00, 04/01/03, 05/01/06, 07/10/07, 03/31/08, 07/01/10

4. does not have his/her period of active service extended as a result beyond a qualifying disability retirement date.
- F. A co-worker may donate leave provided that:
1. the donor does so voluntarily;
 2. the donor understands that the leave may not be returned and that the donor is not entitled to any compensation for the donated leave;
 3. a minimum of 4 hours is donated.
- G. Decisions affecting Donor/Donee eligibility rest exclusively at the discretion of the Appointing Authority and are not subject to appeal or grievance.
- H. Leave shall be donated hour-for-hour without consideration to cash value.
- I. Employee recipients are considered to be in active pay status while using donated leave and accrue their own paid leave at the applicable rates. Such accrued leave must be used in the following pay period before additional donated leave is credited.
- J. Donated leave shall never be converted into a cash benefit under any circumstances.
- K. Any donated, but unused leave, shall be returned to the donor(s), starting from the most recent donor forms received and working back.
- L. The Human Resources Department shall establish, maintain and communicate standard operating procedures (SOPs) for effectively administering this policy in accordance with applicable laws and regulations and in cooperation with affected departments and agencies.

Effective: October 17, 1996

Revised: 05/07/97, 12/06/00, 04/01/03, 05/01/06, 07/10/07, 03/31/08, 07/01/10

This SOP implements Section 4.8 of the Policy Manual.

- A. Leave donation shall be administered on a pay period-by-pay period basis.
- B. Forms for leave donation are available from departmental payroll officers, the HR Intranet, and Human Resources (HR).

RECIPIENT/DONEE PROCEDURES

- C. The employee wishing to receive leave shall submit a Leave Donation Request Form (HR014) to his/her supervisor, who will then route through the supervisory chain to the Department Head, or designee, for approval. After approval, the Department Head or designee will forward the form to the departmental payroll officer, who forwards a copy to HR.

Note: Leave Donation Request forms may be submitted and signed by persons other than the employee.

- D. The departmental payroll officer of the employee requesting donated leave shall communicate the need for donated leave throughout the department.
- E. Human Resources shall communicate the need for donated leave to other departments if requested on form HR014. Notices regarding requested leave donations are posted for thirty (30) days.
- F. As Leave Donation-Donor Forms (HR015) are received by the departmental payroll officer, the payroll officer shall complete the reverse side of form HR014 recording the donated hours and usage of the hours.
- G. If the employee requesting leave does not use all the donated hours, his/her payroll officer will return the unused hours to the Donors by completing the bottom portion of Form HR015 and returning to the appropriate payroll officer(s).
- H. When the employee no longer needs donated leave, the payroll officer shall report to HR the total number of donated hours the employee used.

DONOR PROCEDURES

- I. Any employee wishing to donate leave must submit a Leave Donation - Donor Form (HR015). The donor must certify on the form that the donation is entirely voluntary. The Leave Donation - Donor Form (HR015) must be completed in full and signed to be considered for approval.

Effective: 10/17/96

Revised: 12/06/00, 03/31/08, 07/01/10

Page 1 of 2

- J. The employee will forward the Donor Form (HR015) to their departmental payroll officer for verification.
- K. The departmental payroll officer of the employee donating leave must complete the Donor Form (HR015) by verifying the donated hours and deducting them from the employee's vacation time balance. He/she will then forward the form to the departmental payroll officer of the employee who has requested leave. NOTE: the recipient and donor departmental payroll officers may be one and the same.
- L. Recipient employees are considered to be in active pay status while using donated leave and accrue their own paid leave at the applicable rates. Such accrued leave must be used in the following pay period before additional donated leave is credited.

POLICY
4.9

Hamilton County HR Policy Manual
Poll Worker Leave

A. This Policy Applies To	All Full-Time and Part-Time BOCC Employees Bargaining unit employees should consult their collective bargaining agreement for provisions relating to this subject.
B. Purpose/ Background of this Policy	The BOCC supports civic participation and recognizes the importance of accessible and secure elections. The BOCC encourages eligible employees to serve as poll workers on Election Day by providing the opportunity to do so without a loss in pay and without using the employee's accrued paid leave, in addition to the employee receiving any compensation that may be paid to poll workers by the Hamilton County Board of Elections (Board of Elections). The BOCC further encourages eligible employee participation by offering an additional Personal Holiday to employees who complete all poll worker service requirements.
C. Definitions	• Organizational Meeting: A mandatory pre-election meeting typically held the evening before Election Day, during which Precinct Election Officials set up polling locations and receive final instructions. • Precinct Election Official (PEO): Commonly referred to as a poll worker, a PEO is a Hamilton County resident registered to vote in Hamilton County who is trained and officially appointed by the Board of Elections and assigned to a polling location in Hamilton County to support the administration of voting on Election Day. • Regularly Scheduled Work Hours: An employee's typical scheduled work hours on Election Day, excluding overtime hours and any other hours an employee is not in active work status (e.g. vacation and compensatory time). An employee on a compressed workweek pursuant to HR Policy Manual, Section 3.12, Alternative Schedule, shall only have up to eight hours counted as their regularly scheduled work hours under this policy.
D. Eligibility and Requirements to Participate	Intermittent, intern, seasonal, student, and temporary employees are not eligible to participate in the Poll Worker Leave program. Full-time and part-time employees must meet the following requirements to be eligible for the program: • Meet all qualifications set by the Board of Elections to serve as a PEO; • Attend and complete all required PEO training, examinations, and any other requirements established by the Board of Elections to be a PEO; and • Obtain a training completion card as a PEO from the Board of Elections. Employees should consult the Board of Elections, PEO Department, for the qualifications and prerequisites to serve as a PEO. It is the employee's responsibility to ensure they meet the PEO qualifications and requirements by the Board of Elections.
E. Process for Requesting and Approving Leave	An eligible employee must have prior approval from their Department Head or designee to participate in the Poll Worker Leave program, as outlined below: • An employee must submit a written request for Poll Worker Leave to their Department Head or designee. Employees are encouraged to submit the request and start the process for becoming a PEO as early as possible, but ideally, no later than twenty working days before the election to allow

time for consideration of the request, to arrange any needed department coverage, and to ensure the employee has enough time to fulfill the obligations necessary to be appointed as a PEO by the Board of Elections.

- Poll Worker Leave requests will be approved by the employee's Department Head or designee at their discretion, taking into account the Department workload, staffing levels, operational needs, and other considerations relevant to the employee's suitability for participation.
- An employee who meets the qualifications and prerequisites to serve as a PEO will receive a training completion card from the Board of Elections. The employee must provide a copy of the training completion card to their supervisor as soon as possible after it is received. An employee who fails to do so prior to Election Day will not be permitted to take Poll Worker Leave.

F. Compensation and Benefits

Employees are expected to complete all hours and duties of a PEO to receive the compensation and benefits described in this section. An employee who completes their PEO service and meets the requirements of this policy will receive:

- The employee's regular base rate of pay for hours worked as a PEO on Election Day during an employee's regularly scheduled work hours;
- Any compensation provided by the Board of Elections for serving as a PEO; and
- A Personal Holiday credited to their accrued leave bank, following verification from the Board of Elections that the employee completed their PEO service (which may take 4-6 weeks). Accrual and use of the Personal Holiday earned under this policy follows the same parameters outlined in HR Policy Manual Section 5.1, Personal Holiday.

G. Parameters Applicable to Compensation and Benefits

The following parameters apply to the compensation and benefits described in Section F of this policy:

- Poll Worker Leave is provided only for hours the employee works as a PEO on Election Day during the employee's regularly scheduled work hours, on an hour-for-hour basis.
 - Poll Worker Leave is not considered hours worked for purposes of overtime.
 - Employees approved for leave who are not appointed to a polling site for Election Day must report to work for their regularly scheduled shift.
 - Time spent attending training or examinations required by the Board of Elections to become a PEO must be completed on the employee's own time. An employee may not request a leave of absence from work or use accrued paid leave to attend.
 - Time spent attending the organizational meeting is not eligible for compensation under this policy; however, if the meeting occurs during an employee's regularly scheduled work hours, an employee may request prior approval from their supervisor and use applicable accrued paid leave to attend. It is the employee's responsibility to ensure they have prior approval for this absence.
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	To receive compensation from the Board of Elections, an employee who serves as a PEO must check in and out using the E-Poll book which will then be submitted by the Board of Elections.
H. Employee Absence on Election Day or Failure to Fulfill PEO Service Requirements	If an employee is unable to work as a PEO on Election Day, either in full or in part: - The employee must notify the Board of Elections of the absence, in accordance with its procedures; and - The employee shall notify their department of the absence in accordance with notification requirements outlined in HR Policy Manual, Section 6.2, Absenteeism. Approval or denial of the employee's absence and the employee's ability to submit accrued paid leave for the absence will be determined by the employee's supervisor, in accordance with HR Policy Manual, Section 6.2. When an employee receives compensation and benefits under this policy and it is later determined the employee was not entitled to them, then to the extent permissible under federal and state law, any unearned compensation will be recouped from the employee's next paycheck or deducted from the employee's leave bank. The employee's earned Personal Holiday will also be deducted from the employee's leave bank.
I. Corrective Action	Failure to fulfill the obligations of a PEO may impact an employee's future approval for Poll Worker Leave and result in corrective action, up to and including termination.
J. Conditions on Use of Poll Worker Leave	Poll Worker Leave is a temporary paid leave benefit available only while the employee remains employed. Leave shall not be used to delay or extend a scheduled layoff, resignation, retirement, or any other form of separation from employment.
Cross Reference(s)	HR Policy Manual, Section 3.5, Overtime and Hours Worked/Hourly Employees; Section 5.1, Personal Holiday; and Section 6.2, Absenteeism
Authoritative Reference(s)	Ohio Revised Code § 3501.28
Revision History	- Initial Adoption: 08/13/08 - Revision Dates: 01/01/12, 01/27/16, 04/07/22, 07/17/25 - Next Review Date: 07/17/27

POLICY
4.10

Hamilton County HR Policy Manual

Declared Emergency Leave

A. This Policy Applies To	All Full-Time and Part-Time BOCC Employees Bargaining unit employees should consult their collective bargaining agreement for provisions relating to the subject matter of this policy.
B. Purpose/ Background of this Policy	The Board recognizes the critical need for volunteer efforts during declared emergencies and disasters. This policy establishes a paid Declared Emergency Leave program for eligible employees who volunteer to assist the Emergency Management and Homeland Security Agency (EMHSA) or Hamilton County Public Health (HCPH) when help is requested during a declared emergency.
C. Definitions	• Declared Emergency: A formally announced situation of exceptional urgency such as a natural disaster (e.g., tornadoes and floods) or a public health emergency (e.g., pandemic and epidemic). • Declared Emergency Volunteer: An employee who provides assistance during a disaster or emergency after it has been officially declared by a government entity. • Just-In-Time Training: A learning approach that provides employees with training materials and resources when they need them, rather than in advance. • Regularly Scheduled Work Hours: An employee's typical work schedule, excluding overtime hours and any hours not in active work status (e.g. vacation and compensatory time). An employee on a compressed workweek pursuant to HR Policy Manual, Section 3.12, Alternative Schedule, may count up to eight hours as regularly scheduled work hours for purposes of this policy.
D. Eligibility to Volunteer	Intermittent, intern, seasonal, student, and temporary employees are not eligible for paid Declared Emergency Leave. Full-time and part-time employees must meet the following requirements to be eligible for this program: • Meet all qualifications established by EMHSA or HCPH to volunteer; and • Attend and complete all just-in-time training provided for the volunteer assignment. Eligibility for certain volunteer assignments may require an employee to meet the qualifications or background check requirements of partnering agencies or federal and state laws applicable to volunteers for the assignment.
E. Process for Requesting and Approving Leave	If EMHSA or HCPH determine volunteers are needed to assist in relief efforts for a declared emergency, then the agency will contact Human Resources (HR) to request volunteers. • HR will notify Department Heads or designees of the need for volunteers. Each Department Head or designee will determine whether operational needs allow for employees to volunteer, and if so, the number and approved duration for any volunteer assignment. • If the Department Head or designee determines operational needs permit employees to volunteer, then they will notify their employees of the request for volunteers.

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- If an employee notifies the Department Head or designee of their desire to volunteer, then the Department Head or designee, at their discretion, will determine whether an employee will be permitted to volunteer, taking into account the department workload, staffing levels, operational needs, and other considerations relevant to an employee's suitability for participation.
 - The Department Head or designee will provide a list of employees willing and approved to volunteer to HR for coordination with EMHSA and HCPH to screen employees for eligibility and potential assignment.
 - If an employee is notified by HR of their eligibility for a volunteer assignment, then the employee must submit a written request for Declared Emergency Leave to their Department Head or designee for approval.
 - An employee who accepts a volunteer assignment will receive just-in-time training from the EMHSA or HCPH and will be informed about when and where to report for their volunteer assignment.
 - An employee must sign in and out each day of their volunteer assignment. EMHSA and HCPH will provide HR with the sign-in sheet at the end of an employee's volunteer assignment for verification. An employee who fails to sign in and out will not receive Declared Emergency Leave.

Employee participation under this policy is strictly voluntary. Employees shall not be pressured or otherwise incentivized to volunteer. Volunteer service shall not be considered part of the employee's typical job duties.

F. Compensation and Benefits

Employees are expected to complete all requested volunteer hours and duties to receive the compensation and benefits described in this section. An employee who completes their volunteer service and meets the requirements of this policy will receive the employee's regular base rate of pay for hours worked as a declared emergency volunteer during an employee's regularly scheduled work hours.

The following parameters apply to the compensation and benefits described above:

- Declared Emergency Leave is provided only for hours the employee works as a volunteer, on an hour-for-hour basis, during the employee's regularly scheduled work hours.
- Declared Emergency Leave is not considered hours worked for purposes of overtime.

Employees approved for Declared Emergency Leave but who are not needed for their volunteer assignment for either all or part of the employee's regularly scheduled work hours must report to work for their regularly scheduled shift unless:

- There is less than one hour in the employee's regularly scheduled workday before or after the volunteer assignment; or
 - The Department Head or designee, based upon extenuating circumstances, excuses the employee from work. In these circumstances,
-

the employee may use accrued paid leave or take approved unpaid leave for the remainder of their regularly scheduled work hours.

**G. Employee
Absence or
Failure to Perform
Volunteer
Services**

If an employee is unable to work their scheduled volunteer assignment, then:

- The employee must notify the EMHSA or HCPH of the absence, in accordance with the procedures established by each agency; and
- The employee shall notify their department of the absence in accordance with the notification requirements in HR Policy Manual, Section 6.2, Absenteeism.

Approval or denial of the employee's absence and the employee's ability to submit accrued paid leave for the absence will be determined by the employee's supervisor, in accordance with HR Policy Manual, Section 6.2.

If an employee receives compensation or benefits under this policy and it is later determined the employee was not entitled to them, then to the extent permissible under federal and state law, any unearned compensation will be recouped from the employee's next paycheck or any hours not worked will be deducted from the employee's leave bank.

H. Corrective Action

Failure to fulfill obligations of a Declared Emergency Volunteer may impact an employee's future approval for Declared Emergency Leave and result in corrective action, up to and including termination.

**I. Conditions on Use
of Declared
Emergency Leave**

Declared Emergency Leave is a temporary paid leave benefit available only while the employee remains employed. Leave shall not be used to delay or extend a scheduled layoff, resignation, retirement, or any other form of separation from employment.

**Cross
Reference(s)**

HR Policy Manual, Section 3.5, Overtime and Hours of Work/Hourly Employees; Section 3.12, Alternative Schedule; Section 4.1, Sick Leave; and Section 6.2, Absenteeism

**Authoritative
Reference(s)**

N/A

**Revision
History**

- Initial Adoption: 04/05/19
 - Revision Dates: 05/21/20, 07/17/25
 - Next Review Date: 07/17/27
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Section 4.11: Leave for Victims of Domestic Abuse and/or Sexual Violence

A. Policy Statement

This policy provides procedures when Hamilton County employees may need to take time off due to domestic abuse and/or sexual violence. An employee or family or household member (defined as a child, parent, spouse, domestic partner or civil union partner) who is a victim of domestic violence or a sexually violent offense (a "qualifying incident") is entitled to unpaid leave to seek service, assistance, safety or legal remedies to address domestic violence, stalking or sexual assault directed at themselves or at a family or household member. Hamilton County will grant employees who are victims of domestic or sexual violence or who have a family or household member who is a victim of domestic or sexual violence up to twelve (12) weeks of unpaid leave under this policy during any rolling twelve (12) month period to address issues arising from domestic or sexual violence. Employees may elect to substitute accrued paid leave (sick and vacation) for unpaid leave. Hamilton County employees are entitled, upon return from leave, to be restored to the position held when the leave commenced or to an equivalent position with equal pay, benefits, and other conditions of employment. Hamilton County will take all reasonable action(s) to protect the confidentiality of information provided as part of this leave.

B. Procedures

1. Eligibility

- a. All employees are eligible to take leave beginning on the first day of employment.
- b. Employees may request leave for absences for the following reasons related to domestic abuse and/or sexual violence:
 - i. To seek medical help and recover from physical or psychological injuries caused by domestic abuse and/or sexual violence to the employee or employee's family or household member;
 - ii. To obtain victim's services, psychological or other counseling, and legal assistance or remedies, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic abuse and/or sexual violence; or
 - iii. To participate in safety planning, temporarily or permanently relocate, or take other actions to increase health and safety or to ensure economic sustainability of covered persons.

2. Notification/Request for Leave

- a. When possible, notification must be provided at least forty-eight (48) hours in advance of intention to take leave unless not practicable. If an employee cannot provide advance notice, the employee must submit the request within a reasonable period after the absence.
- b. To request leave, an employee must first submit a completed Leave Request Form (presented at the end of this policy) and related documents to the Human Resources Department employee designated as the Leave Administrator. Leave may be tentatively approved by the Human Resources Department pending the employee's submittal of a completed Leave Request Form and required documentation, however, failure to provide the required documentation may result in delay or denial of leave.

- c. In addition to the completed Leave Request Form, an employee must submit documentation to the department's human resources liaison which must consist of one or more of the following:
- i. documentation from a victim services organization, attorney, health care provider, or other professional from whom assistance has been sought;
 - ii. a police report;
 - iii. a court order of protection; or
 - iv. other corroborating written evidence deemed acceptable by the Human Resources Department demonstrating the need for leave.

C. Leave

1. An eligible employee who has complied with notification and documentation requirements will be granted upon documented need up to twelve (12) weeks in a twelve (12) month period
2. Leave may be taken in a block of time, on an intermittent basis, or in the form of a reduced work schedule, as appropriate in light of the eligible reasons impacting the employee.
3. Employees on leave are expected to be reasonably responsive to and communicate with their supervisor and department during the leave. Employees are required to provide the documentation outlined in Section 2c above for absences.
4. While on leave, the employee shall maintain all benefits and obligations on the same conditions as if he/she is working. An employee who has exhausted all paid leave (vacation and sick) to substitute for the unpaid leave shall continue to pay the employee's portion of insurance benefit premiums if the employee wishes to continue coverage during the leave.
5. While on unpaid leave pursuant to this leave, an employee will not accrue vacation or sick time.
6. If the leave under this policy also qualifies for FMLA leave, the leaves shall run concurrently, and in no case shall an employee's combined leave under this policy and FMLA exceed twelve weeks in a rolling twelve-month period.
7. An employee shall continue to accumulate seniority while on leave under this policy in accordance with an applicable collective bargaining agreement and/or Hamilton County Personnel Policies.

D. Return from Leave

1. Following a return from leave, the employee will be reinstated to his/her former position or an equivalent position with the same pay, benefits, and conditions of employment, unless the employee is unable to perform the essential functions of his/her former job with or without reasonable accommodation as required by law.
2. If an employee does not return to work when the leave expires and has not been approved for a reasonable accommodation as required by law, the process for terminating employment shall be initiated in accordance with applicable collective bargaining

agreements and/or Hamilton County Personnel Policies on the first scheduled workday that is missed following the expiration of the leave.

E. Reasonable Accommodation

1. Within the provisions of this policy, a reasonable accommodation will be considered for an employee when there are limitations or impediments affecting the employee's job performance resulting from circumstances related to being a victim of domestic abuse and/or sexual violence or a family or household member being a victim of domestic abuse and/or sexual violence.
2. An employee seeking a reasonable accommodation pursuant to this policy shall avail him/herself of the interactive process by first submitting a written request using the Reasonable Accommodation Request Form detailing the specific reasons to the Human Resources Department employee designated as the Leave Administrator. Any such request for a reasonable accommodation shall be made promptly. Any exigent circumstances or danger facing the employee or his or her family or household member shall be considered in determining whether the accommodation is reasonable.
3. An employee has an affirmative obligation to assist and work with the County in determining, if reasonable, an appropriate accommodation pursuant to this policy that does not pose an undue burden on the County.

Employees who have questions about this Policy should contact the Hamilton County Department of Human Resources.

Employee Assistance Program (EAP)

Domestic Violence Help

YWCA **Domestic Violence** Hotline: Local: 513-872-9259 Toll-Free: 888-872-9259



**HAMILTON COUNTY
REQUEST FOR ACCOMMODATION FORM
Section 4.11, Leave for Victims of Domestic Abuse and/or Sexual Violence**

EMPLOYEE INFORMATION

Name:

Phone:

Department/Division
or Work Location:

Email:

SECTION 1

TO BE COMPLETED BY THE EMPLOYEE AND **SUBMITTED TO THE HR DEPARTMENT LEAVE ADMINISTRATOR**

Reason for accommodation request (Check appropriate box(es))

☐	Domestic abuse of, and/or sexual violence to employee
☐	Domestic abuse of, and/or sexual violence to family or household member

Expected Duration of Accommodation from (MM/DD/YY): **to (MM/DD/YY):**

Reason for Accommodation Request

Please describe below the accommodation you are requesting. Possible accommodations may include adjusting your work schedule, changing your telephone number or implementing a safety procedure. If you are seeking leave from work (taken either continuously or on an intermittent basis) or a reduce work schedule, **do not** complete this form; instead, complete the Leave Form.

Along with this form, you MUST SUBMIT at least one of the following (Check appropriate box(es))

☐	Documentation from a victim services organization, attorney, health care provider, or other professional from whom assistance has been sought and/or provided
☐	A police report
☐	A court order of protection
☐	Other corroborating written evidence of the need for leave

I have read the policy concerning Victims of Domestic Abuse and/or Sexual Violence Leave and understand my eligibility, rights and responsibilities under the policy. I certify and affirm that all information I have provided is true and accurate

Employee Signature:

Date:

SECTION 2TO BE COMPLETED BY THE **HUMAN RESOURCES DEPARTMENT LEAVE ADMINISTRATOR****IF THIS IS THE FIRST REQUEST FOR LEAVE**

Has the employee provided certification that he/she is a victim of domestic abuse and/or sexual violence or that he/she has a family or household member (spouse, parent, son, daughter, or person jointly residing in in the same household) who is a victim of domestic abuse and/or sexual violence

YES

☐

NO

☐

Indicate the type of certified documentation that has been provided (check all that apply):

☐	Documentation from a victim services organization, attorney, health care provider, or other professional from whom assistance has been sought and/or provided
☐	A police report
☐	A court order of protection
☐	Other corroborating written evidence of the need for leave

Based on the information above, is the employee eligible for leave?

If no, state the reason(s):

IF THIS IS A NOTIFICATION OF UPCOMING LEAVE DATES AND LEAVE HAS PREVIOUSLY BEEN APPROVED

Is the request for leave approved?

YES

☐

NO

☐

Current balance of leave hours under this policy remaining (including applicable FMLA hours) prior to taking this leave

Sick

Vacation

Other

This form can be used retroactively to classify leave taken without prior notification

Please sign below to indicate your review of and response to this leave request.

HR Leave Administrator Signature:

Date:



HAMILTON COUNTY

REQUEST FOR LEAVE FORM

Section 4.11, Leave for Victims of Domestic Abuse and/or Sexual Violence Leave

EMPLOYEE INFORMATION

Name:

Phone:

Department/Division
or Work Location

Email:

SECTION 1

TO BE COMPLETED BY THE EMPLOYEE AND SUBMITTED TO THE HR DEPARTMENT LEAVE ADMINISTRATOR AT
LEAST 48 HOURS BEFORE TAKING ANY LEAVE, IF POSSIBLE

IF THIS IS THE FIRST REQUEST FOR LEAVE

Reason for leave request (Check appropriate box(es))

☐	Domestic abuse of, and/or sexual violence to employee
☐	Domestic abuse of, and/or sexual violence to family or household member (spouse, parent, son, daughter, or person jointly residing in in the same household)

Expected Duration of Leave (Check appropriate box(es))

☐	Leave will be continuous, taken from (MM/DD/YY): _____ to (MM/DD/YY): _____
☐	Leave will be taken intermittently. Anticipated first date is (MM/DD/YY): _____

Request for Alternative Work Schedule or Reduced Work Hours

Please describe below including the proposed alternative work schedule, reduced hours and reason(s)

Along with this form, you MUST SUBMIT at least one of the following (Check appropriate box(es))

☐	Documentation from a victim services organization, attorney, health care provider, or other professional from whom assistance has been sought and/or provided
☐	A police report
☐	A court order of protection
☐	Other corroborating written evidence of the need for leave

IF THIS IS A NOTIFICATION OF UPCOMING LEAVE DATES AND LEAVE HAS PREVIOUSLY BEEN APPROVED

I will be taking leave on _____

If leave will be for an extended period of time, until _____

Reason for Leave

I have read the policy concerning Victims of Domestic Abuse and/or Sexual Violence Leave and understand my eligibility, rights and responsibilities under the policy. I certify and affirm all information provided is true and accurate

Employee Signature:

Date:

SECTION 2

TO BE COMPLETED BY THE HUMAN RESOURCES DEPARTMENT LEAVE ADMINISTRATOR

IF THIS IS THE FIRST REQUEST FOR LEAVE

Has the employee provided certification that he/she is a victim of domestic abuse and/or sexual violence or that he/she has a family or household member (spouse, parent, son, daughter, or person jointly residing in in the same household) who is a victim of domestic abuse and/or sexual violence

YES

☐

NO

☐

Indicate the type of certified documentation that has been provided (check all that apply):

☐	Documentation from a victim services organization, attorney, health care provider, or other professional from whom assistance has been sought and/or provided
☐	A police report
☐	A court order of protection
☐	Other corroborating written evidence of the need for leave

Based on the information above, is the employee eligible for leave?

If no, state the reason(s):

IF THIS IS A NOTIFICATION OF UPCOMING LEAVE DATES AND LEAVE HAS PREVIOUSLY BEEN APPROVED

Is the request for leave in this form approved?

YES

☐

NO

☐

Current balance of leave hours under this policy remaining (including applicable FMLA hours) prior to taking this leave Sick ☐ Vacation ☐ Other ☐

This form can be used retroactively to classify leave taken without prior notification

Please sign below to indicate your review of and response to this leave request.

HR Leave Administrator Signature:

Date:

POLICY
4.12

Hamilton County HR Policy Manual

Organ and Bone Marrow Donor Leave

A. This Policy Applies To	All Full-Time and Part-Time BOCC Employees Bargaining unit employees should consult their collective bargaining agreement for provisions relating to the subject matter of this policy.
B. Purpose/ Background of this Policy	Hamilton County recognizes the life-saving impact of organ and bone marrow donation. The purpose of this policy is to support the health and well-being of BOCC employees who voluntarily choose to donate to another person in need of a transplant. This policy establishes circumstances for which eligible employees will be offered paid leave immediately after donating a kidney, a portion of their liver, or bone marrow, to recuperate from the procedure.
C. Definitions	• Bone Marrow Donation: The voluntary act of donating bone marrow to another person in need of a transplant. • Fitness for Duty Certification: A statement from an employee's healthcare provider confirming their ability to resume work and perform the essential functions of their position, with or without restrictions. • Organ Donation: The voluntary act of donating organs (for purposes of this policy, a kidney or part of the liver) to another person in need of a transplant. • Reasonable Accommodation: Any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. • Regular Work Hours: The standard working hours for employees, excluding overtime and other non-work hours.
D. Eligibility, Compensation and Benefits	Grant-funded, intermittent, intern, seasonal, student, and temporary employees are not eligible for paid Donor Leave under this policy. Full-time and part-time employees are entitled to the following paid leave under this policy: • Kidney or Partial Liver Donation: Up to 240 hours of paid leave in a calendar year, beginning the date of the procedure. • Bone Marrow Donation: Up to 56 hours of paid leave in a calendar year, beginning the date of the procedure. Part-time employees are eligible for paid Donor Leave, but the amount of leave will be prorated based on their scheduled work hours. For example, a part-time employee working a 20-hour work week will be eligible for 120 hours. Employees on paid Donor Leave will remain in an active pay status and shall be compensated at their regular rate of pay for those regular hours during which the employee is absent from work. For the duration of Donor Leave, employees shall accrue leave and receive employer-paid benefits in the same manner the employee would otherwise be entitled. Employees on leave under this policy are not required to take leave under the Family and Medical Leave Act (FMLA) concurrently with Donor Leave, nor do these hours count against an employee's sick leave balance.

E. Unpaid Leave	Employees who are either: (1) ineligible for paid Donor Leave under this policy, (2) eligible for paid Donor Leave but require additional leave after exhausting their paid leave entitlement, or (3) anticipate being a recipient of an organ or bone marrow donation, should consult Personnel Policy Manual, Section 4.0, Family and Medical Leave; Section 2.6, Americans with Disabilities Act.; or Section 4.5 Leaves of Absence.
F. Requesting Leave	Employees requesting paid Donor Leave must adhere to the following procedures: • Submit a written request to their immediate supervisor at least 20 working days prior to the anticipated procedure, or as soon as reasonably practicable if the need for leave is unanticipated. The written request must specify the type of donation (i.e., kidney, liver, or bone marrow) and the anticipated date of the procedure. • Supervisors must forward the request to Human Resources (HR) who will send the employee requesting paid leave a copy of HR Form – Organ and Bone Marrow Donor Leave Certification. This certification must be completed by a licensed healthcare provider and submitted to HR within ten days of the scheduled organ donation or within three days of the scheduled bone marrow donation. • HR will review and approve all requests for paid Donor Leave and coordinate any additional unpaid leave, if necessary. Failure to submit the Organ and Bone Marrow Donor Leave Certification in a timely manner may result in a delay or denial of the approved leave.
G. Return to Work	Employees must submit HR Form -- Fitness for Duty Certificate to HR prior to returning to work. This certificate will be provided by HR upon approval of Donor Leave. • An employee may return to work prior to exhausting their full Donor Leave entitlement if a Fitness for Duty Certification has been submitted to HR. • An employee who returns to work prior to exhausting their full paid Donor Leave entitlement may be permitted to work a reduced schedule and use their non-exhausted Donor Leave to cover the remainder of their regularly scheduled workdays. The number of hours the employee is able to work on a reduced schedule should be indicated on the Fitness for Duty Certificate and must be approved by the employee's supervisor and HR. • The length of the reduced schedule may not exceed the number of workdays an employee would have been entitled to if the employee had taken the full leave. For example, if an employee working a regularly scheduled eight-hour day is entitled to 240 hours (or 30 working days) of paid leave after donating an organ, the reduced schedule cannot exceed 30 working days. Employees returning from paid leave under this policy will be reinstated to the same or equivalent position.
H. Conditions of Use	Donor Leave is a temporary paid leave benefit available only while the employee remains employed. Leave shall not be used to delay or extend a scheduled layoff, resignation, retirement, or any other form of separation from employment.
I. Confidentiality	All medical documentation related to Donor Leave will be kept confidential and maintained in a secure file separate from an employee's personnel record.