



STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789

TO: All State Employees of The Adjutant General's Department

FROM: Major General John C. Harris Jr., The Adjutant General

DATE: 13 August 2019

SUBJECT: Work Rule: Management of Time and Attendance

JCH
20190814

1. **Purpose:** To establish guidelines related to accrued leave authorization, work schedules, and recordkeeping of attendance.

2. **Policy:**

a. The state of Ohio has elected to adopt customer service hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. All Adjutant General's Department (ADJ) divisions must ensure adequate staffing to perform all business and administrative functions within those hours. In order to provide the maximum service to Ohio residents and the public, it may be necessary to expand these hours within certain divisions. Certain positions, by the nature of their work, may also require nonstandard work schedules.

b. By nature of their job duties, the fire protection divisions have adopted customer service hours of 24 hours per day/seven days per week.

c. Each ADJ division has the responsibility and discretion to determine how adequate staff coverage is maintained during business hours, to include when non-standard schedules are required or practical and to limit the number of persons to be scheduled off work at any given time based on operational necessity.

d. Every attempt will be made to ensure this policy remains consistent with the Fair Labor Standards Act (FLSA), Ohio Revised Code (ORC), Ohio Administrative Code (OAC) and current collective bargaining agreement. In the event of a conflict, the FLSA, ORC, OAC, and/or collective bargaining agreement will prevail.

3. **Definitions:**

a. Absence Without Leave (AWOL): Any unauthorized absence from duty, to include but not limited to:

1. An unapproved absence from work for which an employee has insufficient leave available and/or has been denied leave;

2. Failure to report to work as scheduled without proper notice to the supervisor or prior approval for the absence;
3. The unauthorized departure from the workplace prior to the completion of a shift;
4. The unauthorized extension of breaks and/or lunch periods; or
5. Failure to provide supporting documentation when required.

b. Active Pay Status: Conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, bereavement leave, administrative leave, compensatory time, holidays, and personal leave. Leave payouts are not considered active pay status. *For the purpose of determining overtime or compensatory time for an employee who is eligible for overtime compensation, active pay status does not include sick leave or leave used in lieu of sick leave.* Sick leave hours are not excluded when determining 1:1 compensatory time for overtime exempt employees.

c. Compressed Workweek: An employee works 40 hours per week in less than the traditional five-day workweek by increasing daily hours worked (e.g., four ten-hour days, four nine-hour days and one four-hour day).

d. Immediate Family: The definition of immediate family for the purposes of this policy is an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), parent, child, grandparent, great grandparent, sibling, grandchild, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parent, step-child, step-sibling, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

e. Job Abandonment: An employee who fails to report to work as scheduled for three or more consecutive work days or shifts, without notifying their supervisor or requesting time off, will be considered as having voluntarily terminated employment.

f. Physician's Designee: A Physician Assistant or Certified Nurse Practitioner who provides patient care under a collaborative or supervisory agreement with an attending physician.

g. Tardiness: Arrival up to 30 minutes after one's scheduled start time without prior approval from the employee's supervisor. Time in excess of 30 minutes will not be considered tardy but will be considered AWOL and also subject to discipline. For those in the fire protection classifications, an employee is tardy if they fail to call in 30 minutes prior to the start of their scheduled shift.

h. Payroll Processing Monday: The Monday immediately following payday Friday and the end of a pay period.

i. Payroll Processing Tuesday: The Tuesday immediately following payday Friday and the end of a pay period.

j. Fire Protection Classifications: Fire Fighters, Lieutenant Fire Fighters, Fire Station Captains, and Assistant Fire Chiefs.

k. Absent Without Leave (AWOL): When an employee has insufficient leave to cover an absence. In the event an employee fails to properly follow the call in procedures set forth in this policy, they will be deemed AWOL and unable to use leave to cover the absence.

l. Time Off Request (TOR): The module in Kronos by which an employee may request leave (e.g., vacation, sick, personal, compensatory) or a request for compensation for overtime or compensatory time.

4. **Guidelines:**

a. Scheduling

(1) Supervisors reserve the right to establish work schedules for any division or component. Managers shall design work schedules so resources are used to maximize effectiveness, while being sensitive to employees' needs and complying with applicable collective bargaining agreements. Adequate supervision and coverage will be maintained at all times.

(2) Supervisors reserve the right to change an employee's work schedule when the week includes a disciplinary suspension or training.

(3) Supervisors shall establish scheduled start times, lunch periods, break times, and departure times after reviewing the operational needs of the office.

(4) Alternate work schedules may be permitted once an area is adequately staffed to ensure customer service as outlined previously in this policy.

(5) Supervisors reserve the right to alter scheduled start times based on changing operational needs or changes in staffing levels. Such changes will be made with advance notice in accordance with (IAW) applicable collective bargaining agreements.

(6) On weeks that contain a state holiday, schedules for employees working a compressed workweek schedule may be changed to include five eight-hour shifts during the week including the holiday; any such schedule changes will be IAW applicable collective bargaining contracts. The employee will receive eight hours of holiday pay for the day the holiday is observed. In situations where the compressed workweek schedule was not changed, employees may request to use vacation, personal, or compensatory leave to supplement the eight hours of holiday pay.

(7) Employees are not authorized to work overtime without the prior approval of their supervisor. Failure to obtain approval prior to working over an employee's regularly scheduled hours may result in discipline.

(8) Employees may be authorized to flex their work schedule, but only with the prior approval of their supervisor. All reviews will take into account the nature of the job duties

to be performed, any prior discipline record, any time and attendance concerns, and departmental coverage levels.

(9) The approval of a flexible work schedule is not an approval of overtime. If flexing is approved, overtime-eligible employees are only approved to work 40 hours in a week. Overtime-exempt employees are only approved to work 80 hours per pay period. This provision does not apply to those employees who are in the fire protection classifications.

b. Payroll Reporting

(1) Kronos is the official time and attendance system used by the ADJ.

(2) Kronos entries must accurately reflect the time of day the employee begins and ends work, the hours worked each day, lunch breaks taken, and the total hours worked each week.

(3) To ensure the proper, timely processing of payroll, all employees must have both their time and TORs in Kronos no later than noon on payroll processing Monday. All employees must approve their timesheet in Kronos no later than noon on payroll processing Monday. Failure to meet these timelines may result in delays in an employee's pay.

(4) Overtime eligible employees are required to submit TORs for overtime or compensatory time for all time in excess of 40 hours in a work week. Overtime exempt employees are required to submit TORs for overtime or compensatory time for all time in excess of 80 hours in a pay period. All employees in the fire protection classifications are required to submit TORs for overtime or compensatory time for time in excess of 106 hours in a pay period.

(5) All TOR for overtime or compensatory time in Kronos must be submitted no later than noon on payroll processing Monday. Managers are required to submit a "Request for Overtime and/or Accrual of Comp time" to state HR by pay processing Monday. If the need for excess hours is known in advance, this form should be submitted prior to the work being performed.

(6) Supervisors must approve all TOR, overtime requests, and compensatory time requests no later than 10:00 a.m. on payroll processing Tuesday.

c. Notification of Absence

(1) Employees shall be at their report-in location, ready to commence work, at their scheduled start time.

(2) Employees who are unable to report to work as scheduled and not on previously approved leave are required to give reasonable notice to their supervisor or appropriate designee as outlined below or as soon as practical if emergency conditions prevent such notification.

(a) Those in the fire protection service must contact their supervisor no later than 30 minutes prior to the start of shift.

(b) All other employees must contact their supervisor or designee no later than 30 minutes after the scheduled start time.

(3) Supervisors will provide employees with telephone numbers of appropriate contacts and clarify the means of communication considered acceptable for notification purposes, e.g. phone call, voicemail, text message.

(4) When an employee fails to provide timely or proper notification, the employee's supervisor must contact their assigned State HR Analyst for guidance.

(5) Failure to provide proper notification of absence IAW this provision may result in discipline and the employee forfeiting any rights to pay for the time period which elapsed prior to notification, unless unusual and extenuating circumstances exist.

(6) In cases in which an absence may extend for a long period, a supervisor may establish a schedule to call in on a less frequent basis. If a less frequent schedule is not established, the daily notification requirement will be enforced.

(7) Physician verification or verification of other unplanned or emergency circumstances may be required.

d. Tardiness

(1) All employees should be aware of their importance to the department and the detrimental effect that tardiness has on operations. Employees are required to be at their workstations ready to commence their duties at their scheduled start time.

(2) Employees arriving late for work must report their tardiness to their supervisor or appropriate designee, discuss the reasons for tardiness, and request leave.

(3) Employees will be permitted up to two instances of tardiness for any reason, including sick leave requests, within any rolling 30-day period. Requests for leave related to tardiness that are approved under the Family Medical Leave Act (FMLA) are excluded from the count of instances for the purposes of discipline or corrective action.

e. Break and Lunch Periods

(1) Employees, other than those in the fire protection services, are expected to take a lunch period each work day. No employee will be required to take less than 30 minutes or more than one hour for a lunch period unless mutually agreed otherwise pursuant to provisions of collective bargaining agreements. Lunch periods should be taken near the midpoint of the shift. Employees should not normally be required to work during their meal period. Those employees, who by the nature of their work (i.e., fire protection), are required by their supervisor to remain in an on-duty status during their meal period shall have that time counted as hours worked.

(2) Employees will normally receive two paid 15-minute breaks during an eight-to-ten hour day, unless a labor agreement specifies otherwise.

(3) Breaks will normally occur at the mid-point of each half-day of work; however, times may be adjusted by a supervisor.

(4) Breaks shall be taken on the property of the workplace.

(5) Breaks will not accumulate and will not be considered in overtime computation.

(6) Missed breaks shall not be made up once the half-day of work has been completed.

(7) Breaks shall not be used to permit reporting for duty later than scheduled or to leave the workplace earlier than entitled.

(8) When on a break or lunch period, employees are not permitted to disrupt the work of other employees not on break or lunch period.

(9) While on break, employees may conduct personal business provided that such conduct does not involve the use of state-owned or leased equipment. No employee shall conduct personal business while readily identifiable to the general public as an ADJ employee.

f. General Leave Guidelines

(1) Employees shall not be granted approved leave while incarcerated or on house arrest for any reason. Accordingly, any employee who is absent from work due to being incarcerated or serving a house arrest will be considered AWOL and subject to discipline.

(2) Employees must have the amount of leave requested available at the time the request is submitted. Leave is not considered available for use until it appears on the employee's earning statement and on the date the funds are made available; and may not be used retroactively.

(3) Time considered as AWOL shall be reflected as "NPDLV Non-Paid Leave" in Kronos with "AWOL" and a short explanation included in the comment section of the entry. Such entries are approved for payroll purposes only.

(4) Employee Responsibilities

(a) Submit requests for all leave (paid or unpaid) to account for all periods of absence;

(b) Timely and accurately record all work hours;

(c) Timely and accurately record all work hours;

(d) Know and be accountable for their leave balances;

(e) Assure the availability of sufficient leave to cover leave requests at the time the leave is taken; and

(f) Obtain approval in advance for any leave request, schedule adjustment, or deviation.

(5) Supervisor Responsibilities

(a) Introduce employees to the link on MyOhio.gov to Kronos;

(b) Ensure each employee can access and use Kronos and provide training as required;

(c) Contact State Human Resources if the employee would like access to the Kronos mobile application;

(d) Ensure timely approval of all leave and attendance related requests;

(e) Monitor leave balances and ensure leave usage follows agency directives;

(f) Contact State Human Resources to provide Notice of Eligibility and Rights and Responsibilities to employees each time they use more than three consecutive days of sick leave or leave in lieu of sick leave without FMLA coverage; and

(g) Verify time and attendance records no later than once per pay period, ensuring the following:

- All times match what employees actually worked;
- Times reported are within the correct work shift;
- Employees required to do so have signed in and out;
- Type of leave taken by any employee for that date is entered and accurate;
- Accurately record any missed punch forms including entering comments into Kronos;

Kronos;

- Employee has accurately submitted a TOR for any compensatory or overtime worked in that pay period;
 - Manager has submitted the Request for Overtime and/or Accrual of Comp time (paper form) to State Human Resources for any accrual in excess of 0.5 hours;
 - Overtime is correctly identified and/or calculated in Kronos.

g. Specific Leave Guidelines

(1) Sick Leave (replaces Policy Letter 5 and Policy Letter 25)

(a) Accrual: Employees shall accrue sick leave as follows:

- OCSEA, employees accrue sick leave at the rate of 3.1 hours for each 80 hours in active pay status, excluding overtime hours, not to exceed 80 hours per year.
- Fire Protection Services employees accrue sick leave at the rate of .0385 hours of sick leave for every regularly scheduled hour in active pay status, excluding overtime hours, not to exceed 112 hours per year.
- Exempt employees accrue sick leave at the rate of 3.1 hours for each 80 hours in active pay status, excluding overtime hours.

(b) Authorized use: Sick leave is only permitted to be used by employees for the following reasons:

- Illness, injury, or medical conditions of the employee or a member of his/her immediate family;
- Medical, dental and optical appointments, or other ongoing medical treatment of the employee or a member of his/her immediate family;
- Supplementation of approved Disability Leave, Workers' Compensation, or Childbirth/Adoption Leave; and
- Extension of bereavement leave for death of a member of the employee's immediate family where bereavement leave has been approved.

(c) Unauthorized use: The employer may take corrective and/or disciplinary action for unauthorized use of sick leave and/or abuse of sick leave. Evidence of unauthorized use or abuse of sick leave shall include, but is not limited to, the following:

- Failure to properly notify the supervisor of a medical absence;
- Failure to submit to a leave request;
- Failure to provide physician's verification, return-to-work release, or other medical documentation when required;
- Fraudulent documentation associated with use of sick leave;
- Using sick leave for purposes other than intended;
- Using more sick leave than available resulting in an unpaid status; and
- Maintaining a zero or near-zero sick leave balance (defined as less than 21 hours for employees in the fire protection classifications and 16 hours for all other ADJ employees).

(2) Leave in Lieu of Sick Leave: Leave in lieu of sick leave shall only be granted when an employee has exhausted their available sick leave **and** either the absence is covered by FMLA **or** acceptable physician verification is received.

(3) Physician Verification Requirements

(a) Supervisors, ***with the prior approval of State Human Resources***, may require physician verification as a condition of sick leave approval.

(b) With concurrence from the Office of Human Resources, supervisors may require employees who maintain a sick leave balance of less than 16 hours to provide physician verification for all future non-FMLA sick leave absences.

(c) If an employee has been placed on physician's verification notice, the requirement may be lifted once an employee, other than employees in Fire protection classifications, maintains at least 16 hours of sick leave for three consecutive pay periods. For those employed in the Fire Protection Classifications, they must maintain at least 21 hours of sick leave for three consecutive pay periods. When an employee achieves this target level, they may notify their supervisor and the supervisor will contact State Human Resources to make a final determination.

(d) Physician verification must be from a physician or physician's designee and include the dates or hours the employee is excused from work.

(e) Physician verification must be provided to the employee's immediate supervisor within three business days of their return to work. The date an employee returns to work shall be counted as day one.

(f) Failure to provide physician verification when required may result in discipline.

(g) When sick leave exceeds seven consecutive calendar days, a physician's verification statement is required upon return to work unless the employee's absence is related to a FMLA certification on file.

(h) For those employed in the fire protection classifications, where an absence exceeds 14 consecutive calendar days, a return to work physical will be required to be successfully completed prior to returning to work.

(4) Vacation Leave (replaces WORK RULE: Vacation Leave)

Accrual - Employees shall accrue vacation leave each pay period as follows based on 80 hours in active pay status in a pay period. Employees who have less than 80 hours in active pay status in a pay period will be credited at a prorated amount.

| Length of State Service | Accrual Rate Hours Earned per 80 Hours in Active Pay Status | Accrual Rate Fire Protection Classifications - ONLY Hours Earned per Regularly Scheduled Work Hours |
|-------------------------|---|---|
| Less than 4 years | 3.1 hours | .0385 |
| 4 years or more | 4.6 hours | .0577 |
| 9 years or more | 6.2 hours | .0779 |
| 14 years or more | 6.9 hours | .0865 |
| 19 years or more | 7.7 hours | .0962 |
| 24 years or more | 9.2 hours | .1154 |

Usage Restrictions – Vacation leave shall be taken only at times mutually agreed to by the agency and the employee and shall be used and charged in units of one tenth (1/10) hour.

- Newly accrued vacation leave is not available for use until it appears on the employee's earning statement and on the date the funds are made available.
- Vacation leave may not be used to extend an employee's date of resignation or retirement.
- Bidding or canvassing for vacation requests shall be accomplished pursuant to applicable collective bargaining agreements.

(5) Personal Leave (replaces WORK RULE: Personal Leave)

Accrual – Employees shall accrue personal leave as follows:

- OCSEA employees receive 32 hours of personal leave each year. Eight hours of personal leave shall be credited to each OCSEA employee in the first earnings statements received in January, April, July, and October of each year. Employees hired after the start of a calendar quarter shall be credited with personal leave on a prorated basis.

- In lieu of receiving premium for holiday pay or overtime pay for working the holiday, fire protection classifications shall be credited with 54 hours of personal leave in the first earnings statements received in January, April, July, and October of each year. Employees hired after the start of a calendar quarter shall be credited with personal leave on a prorated basis.

- Exempt employees receive 32 hours of personal leave in the earnings statement that includes December 1. Full-time employees who are hired after the start of a calendar quarter shall be credited with personal leave on a prorated basis.

- Personal leave may not be used to extend an employee's date of resignation or retirement.

- Requests shall be made and considered IAW collective bargaining agreements as applicable.

- Personal leave shall be charged in an initial minimum unit of two hours; personal leave used after the initial two hour minimum unit shall be charged in units of one tenth (1/10) of an hour.

- For OCSEA employees, personal leave requests submitted at least 48 hours in advance shall be granted.

(6) Compensatory Time: Requests shall be made and considered IAW any collective bargaining agreement and/or state law as applicable.

(7) Leave Without Pay

(a) Leave without pay shall only be granted by supervisors in the following scenarios:

- During the waiting period of approved disability leave;
- During the waiting period of adoption/childbirth leave if elected by employee;
- Where the absence is covered by FMLA and all other leave with the exception of compensatory time has been exhausted; or

(b) Requests for leave without pay that do not meet the above requirements may be submitted to State Human Resources for consideration on a case-by-case basis.

Revision History:

This policy memorandum supersedes the following policies and/or work rules

WORK RULE: Vacation leave effective 29 February 2016

POLICY LETTER 2a: Overtime and Compensatory Time for Bargaining Unit Employees

POLICY LETTER 2b: Overtime and Compensatory Time for Exempt Employees

POLICY LETTER 4: Time and Attendance Reports effective 5 January 2005

POLICY LETTER 5: Sick leave for Exempt Employees effective 5 January 2005

WORK RULE: Personal Leave effective 28 September 2015

POLICY LETTER 19: Work Week Schedules and Work Hours for State Employee
effective 23 April 2008

POLICY LETTER 25: Sick Leave for Bargaining Unit Employees effective 5 January 2005