
General Summary

Leave for Disaster Relief and Recovery Efforts

DAS recognizes that in the event of a national disaster, employees may have questions about taking leave to personally assist in the relief efforts. The Ohio Revised Code, the Ohio Administrative Code and state of Ohio policies provide guidance regarding a state of Ohio employee's eligibility to participate in recovery efforts. Below is a short summary of these applicable sections and request for leave options. Attached, please find a spreadsheet of these applicable leave sections and their requirements. The below provisions are provisions which may be specifically applicable to disaster relief and recovery situation. However, nothing in these provisions prevents an employee from requesting to use their own vacation, compensatory, or personal leave balances, subject to agency approval in accordance with agency policy and any applicable collective bargaining agreement.

Eligibility: Types of Applicable Leave Options

1. Paid Leave for Disaster Service Volunteers: Ohio Revised Code 124.132

A state employee who is a certified disaster service volunteer of the American Red Cross may take 30 days of paid leave each year for participating in the specialized disaster relief services offered by the American Red Cross. The American Red Cross must request the services of that employee, and the employee must seek approval from the Appointing Authority prior to taking leave. Appointing Authorities have the discretion to deny such leave. One reason to reject the leave request may be operational needs of the agency. Once approved, however, the appointing authority shall compensate the employee at his or her regular rate of pay for those regular work hours during which the employee is absent from his work. Under the current code provision, paid leave is limited to volunteers of the American Red Cross. Once the employee has exhausted his or her 30 days, the employee may use his or her available vacation, personal, or compensatory time balances, subject to agency approval. After exhaustion of all balances, the employee will be placed on a leave of absence without pay. Volunteers from other disaster relief entities (FEMA, EMAC, etc) are not entitled to paid leave under this provision of the Ohio Revised Code.

2. Paid Leave for Service as EMS Worker or Volunteer Firefighter: Ohio Revised Code 124.1310

A state employee who is an EMT-basic, EMT-1, first responder, paramedic, or volunteer firefighter may take 40 hours of paid leave each year for those hours when the employee is absent from work in order to provide emergency medical service or fire-fighting service. The eligible employee may be required to submit verification documentation. An appointing authority shall compensate an employee who uses this type of leave at the employee's regular rate of pay for those regular work hours during which the employee is absent from work. Once the employee has exhausted his or her 40 hours of leave, the employee may use his or her available vacation, personal or compensatory time balances, subject to agency approval. After exhaustion of all leave balances, the employee will be placed on a leave of absence without pay. Please see the link to the below policy for more details.

<http://das.ohio.gov/Divisions/HumanResources/HRDOCBPolicy/EmergencyServiceLeave.aspx>

3. Leave of Absence Without Pay: Ohio Administrative Code 123:1-34-01

An appointing authority may grant a leave of absence without pay to an employee. Due to the permissive language of the rule, an appointing authority may deny the employee's leave request based on the operational needs of the agency. Agencies seeking to grant a leave of absence to classified employees must also obtain approval of the Director of DAS prior to granting leave. For both classified and unclassified employees, this leave of absence may be granted for two years for voluntary service in any governmentally sponsored program of public betterment, which includes disaster relief services. The employee is also entitled to a leave of absence without pay for personal reasons for a maximum duration of six months.

4. The Ohio Employee Exchange Program: Ohio Administrative Code 123:1-46-06

Pursuant to Ohio Revised Code 124.389, the employee exchange program has been created to facilitate the temporary assignment of employees who are exempt from collective bargaining and paid by warrant of the director of budget and management to another state agency, county office, political subdivision, or an outside governmental or nongovernmental organization for the purpose of . . . "other purposes mutually agreed upon by all the parties involved." If all the eligibility requirements of the rules are met, an employee may participate in this program for up to two years.

Disaster Relief Code Provisions

<u>Provision</u>	<u>Code</u>	<u>Requirements</u>	<u>Provides</u>
Paid Leave for Disaster Services Volunteers	RC 124.132	<ul style="list-style-type: none"> • Must be certified disaster service volunteer of the American Red Cross • Red Cross must request services of employee • Agencies may deny leave requests based on the operational needs of the agency 	30 days of paid leave each year
Paid Leave for Service as an EMS or Volunteer Firefighter	RC 124.1310	<ul style="list-style-type: none"> • Must be an EMT-basic, EMT-I, first responder, paramedic or volunteer firefighter • Must provide emergency service or fire-fighting service • Employee is required to submit verification document 	40 hours of paid leave each year
Leave of Absence w/o Pay	OAC 123:1-34-01	<ul style="list-style-type: none"> • Must have written request to agency and director of DAS • Leave must be taken for a personal reason or for voluntary service in any governmentally sponsored program of public betterment • Employee must receive agency approval prior to taking leave • Agencies may deny leave requests based on the operational needs of the agency 	<p>6 months of unpaid leave for personal reasons</p> <p>2 years of unpaid leave for voluntary service in any governmentally sponsored program of public betterment</p>
Employee Exchange Program	RC 124.389 OAC 123:1-46-06	<ul style="list-style-type: none"> • Must enter into an agreement with all parties involved. <ul style="list-style-type: none"> • Must meet details of the rules • Only available for exempt employees 	Up to two years paid leave