Frequently Asked Questions

Personal Leave Freeze

1. **Exempt employees received 32 hours of personal leave in December 2008. Will they lose the unearned portion come July 1, 2009?**

   Answer: No. Personal leave from December of 2008 will not be impacted by any of the changes that are expected to be implemented in the budget bill (HB 1). Personal leave will only be adjusted if a person leaves state service before December 1, 2009.

2. **How should we handle the disparity where exempts have 32 hours of personal leave and BU employees have only accrued 16 hours as a result of the freeze?**

   Answer: There is no disparity. All OCSEA and exempt employees will lose 64 hours of personal leave over the course of the freeze. Exempts will not receive the 32 hours of personal leave in December 2009 and December 2010. OCSEA members will lose their quarterly 8-hour accruals from July 1, 2009 through June 30, 2011.

3. **Does an employee's current personal leave balance have to be used by July 1, 2009 or will it be available during the freeze?**

   Answer: Previously accrued personal leave will be available during the freeze. For bargaining unit employees, previously accrued personal leave must be used prior to requests for vacation in lieu of personal leave or comp time in lieu of personal leave.

4. **Will unused personal leave carry over to be used in 2010, or will unused personal leave be lost?**

   Answer: Unused personal leave will be carried over for use in 2010.

5. **Does an employee have to be on payroll for two years prior to June 2011 in order to receive the lump sum payment and sick leave credit?**

   Answer: No, the employee must be in active pay status or out on military leave or FMLA on June 18, 2011 in order to receive the sick leave credit, and must be in active pay status or out on military leave or FMLA on July 30, 2011 to receive the lump sum payment.

6. **If an employee is absent without authorization when the credit for sick leave is given, will they get the sick leave credit?**

   Answer: No, the employee must be in active payroll status meaning conditions under which an employee is actually working if scheduled to work on June 18, 2011; is off duty on June 18, 2011 because the employee is not scheduled to work that day; or is eligible to receive pay for any approved leave of absence including but not limited to occupational injury leave, disability leave, workers' compensation, or salary continuation. Employees not receiving pay due to military leave, FMLA, union leave, childbirth adoption leave, and extended illness leave (bargaining unit employees only), shall also be eligible to receive the one-time credit of sick leave.

7. **Will employees who retire or leave state service receive a prorated amount of the sick leave credit or the lump sum payment?**

   Answer: No, employees must be in active payroll status as defined in question #6 as of June 18, 2011 in order to receive the sick leave credit, and must be in active payroll status as defined in question #6 as of July 30, 2011 to receive the lump sum payment.

8. **Since exempt employees receive personal leave in December normally, will the bonuses (lump sum payment and one-time sick leave credit) be prorated from December 2009 or will it be based on the two year period from July 1, 2009 to June 30, 2011?**

   Answer: Both the lump sum payment and one-time sick leave credit will be based upon the amount of personal leave a full-time employee did not receive in December 2009 plus the amount of personal leave the employee did not receive in December 2010. Any full-time employee who is employed on July 1, 2009 through the eligibility measure dates for each of the bonuses that had no break in service will receive the maximum amount of the lump sum payment and a full 32 hours of sick leave credit. Full-time employees hired after July 1, 2009 but before the eligibility measure dates for each or the bonuses will receive a prorated amount of the lump sum payment and the one-time sick leave credit based upon the amount of personal leave they would have received had there not been a freeze in place. Part-time employees who are in the proper status on the measure dates for each of the bonuses will receive a lump sum payment equivalent to 16 hours of personal leave and a one-time sick leave credit of 16 hours, regardless of how long they have been employed by the state.

9. **Can the lump sum payment be converted to leave accruals instead of money?**

   Answer: No

10. **Will exempt employees receive 32 hours of personal leave credit in December 2011?**

    Answer: Yes. On December 1, 2011, exempt employees will receive 32 hours of personal leave credit and personal leave will go back to being administered as it is being done currently.

11. **Will exempt employees still be allowed to convert sick leave to cash in December 2009 and December 2010?**

    Answer: Yes. There are no proposed changes to the statutes that allow the conversion of certain sick leave to cash in December of each year.

12. **Will conversion of personal leave to sick leave still be allowed?**

    Answer: Yes.

13. **Will OAKS have time reporting codes for vacation or comp time in lieu of personal, or must we track manually?**

    Answer: The OAKS codes are as follows: COMPL - compensatory time in lieu of personal leave and VACPL - vacation in lieu of personal leave.

14. **Will employees need to use a corresponding FMLA TRC for COMPL (comp time used in lieu of personal leave) and VACPL (vacation leave used in lieu of personal leave)?**

    Answer: No. Employees can just use the regular "comp time FMLA" and "vacation FMLA" codes to cover this time. There is no need for the employee to designate the FMLA time as "in lieu of personal leave" if they have the time in their regular leave banks.

15. **Will there be a "pop-up" to keep bargaining unit employees from using more than 32 hours of comp time or vacation leave in lieu of personal leave per fiscal year, or more than 8 hours per quarter?**

    Answer: No, this will be managed through an exception.

16. **If a bargaining unit employee uses 16 hours of personal leave during a quarter, can they use 8 hours of vacation or comp in lieu of personal in the same quarter? Does leave in lieu of personal have to be used in the same quarter it is converted?**

    Answer: A bargaining unit employee may use 8 hours of vacation in lieu of personal or comp in lieu of personal in the same quarter as use of actual personal leave, but only after the personal leave is exhausted. Only 8 hours of leave in lieu of personal leave may be used in each quarter. It may not be carried over to the next quarter.

Step and Wage Freeze

17. **In those limited situations where an employee will be eligible to receive a step increase during the step freeze period, will the manual entry necessary to implement those step changes be entered by DAS or the agency?**

    Answer: The agency will be responsible for making the manual entries necessary to implement any step increases that are allowed during the step freeze period. DAS will provide agencies with a report to assist them with this process.

18. **Is service time during the wage freeze counted for purposes of longevity?**

    Answer: Yes.

19. **Will individuals receive longevity changes during the wage freeze?**

    Answer: Yes. Longevity is not impacted by any of the upcoming freezes. Longevity will continue to be administered as it is currently being administered.

20. **Do external Interims hired after June 21, 2009 receive probationary increases?**

    Answer: No. There will be no probationary increases for ANYONE who is hired after June 21, 2009.

21. **Will newly hired employees get their probationary step increase during the freeze?**

    Answer: Only if the employee is hired before June 21, 2009.

Disability

22. Currently, the employee is responsible for paying the employee's share of retirement contributions for the first 3 months of disability and the state will pay the employee and employer's share of retirement contributions for the last 9 months. Will those timelines change now that there is no difference in disability leave benefit rates?

Answer: ORC 124.385(D) was changed to require an employee to pay the employee's share of retirement contributions for the entire 12 months of disability leave benefits. The employer is still responsible for the employer's share of retirement contributions for the duration of the disability leave.

23. Will there be new OAKS codes for disability after July 1, 2009?

Answer: Yes. They are:

- **DISGY**—disability payment at 67% with supplement
- **DISGN**—disability payment at 67% without supplement
- **FDSGY**—FMLA disability payment at 67% with supplement
- **FDSGN**—FMLA disability payment at 67% without supplement

24. Is disability paid at the employee's total rate or base rate of pay?

Answer: Disability is paid based on the employee's base rate of pay.

25. If a claim is filed prior to July 1, 2009 and re-opened after July 1, 2009, what rate is the existing re-opened claim paid at?

Answer: It depends. A related claim that occurs *beyond* 6 months of the employee's return to work is a new claim and is paid at the 67% rate. A related claim that occurs *within* 6 months of the employee's return to work is considered to be the same claim and is paid at the 70/50% rate.

Compensatory Time

26. Comp time now pays out at 365 days. Does this apply to current comp time balances (earned under the old comp time plan) or just new comp time? When will it go into effect?

Answer: For bargaining unit employees, the language went into effect on April 16, 2009 and will apply to all compensatory time accrued and available as of April 16, 2009.

For exempt employees, the language will become effective on July 1, 2009 and will apply to all compensatory time accrued and available as of July 1, 2009.

27. "Employees in the temporary appointment types shall not earn comp time." Does that mean that intermittent appointment types can earn comp time? Or are temporary appointment types such as intermittents, seasonals, external interims and other temporaries prohibited from earning comp time?

Answer: All temporary appointment types are ineligible to accrue comp time. If these employees work "overtime," they should receive overtime compensation if they are overtime-eligible or should receive additional hours paid at straight time if they are overtime-exempt.

Seniority

28. Should the grievance procedure be used before using the seniority tribunal?

Answer: No, agencies should start with an internal review with their agency designees. If the issue is not resolved internally, parties may forward to the tribunal. All grievances will be forwarded to the tribunal.

29. I have three employees with the same hire date. Their order was established by last four digits of social security number. Do I now change the seniority order to reflect the last four digits of their employee ID number? Or should it remain the same?

Answer: The last four digits of the employee's social security number shall continue to be the tie-breaker. Employee ID numbers will be used on the posting of seniority list to maintain privacy.

30. If an exempt employee position is abolished, and the individual bumps into a vacant bargaining unit position, does the seniority resume from last date of work in the bargaining unit, or start over?

Answer: Seniority would resume from the last date of work in the bargaining unit.

Background Checks

Additional guidance about background checks and the designation of "data security sensitive" positions will be forthcoming. If you have questions in the meantime, please contact the Office of Policy Development at (614) 752-5393 or the Office of Collective Bargaining at (614) 466-0570.

Health Care

31. Is the spousal surcharge of $12.50 deducted each pay period?

Answer: Yes. The deduction will be $5.77 per pay period and will be pre-tax.

32. Will premiums be increased after July 1, 2009, or in the pay period including July 1?

Answer: The increase occurs after July 1, 2009. The increase will first be seen in the paycheck employees receive on July 17. The increase for FY 2011 will first be seen in the paycheck that employees receive on July 2, 2010.

33. Does the spousal fee apply if spouse is also a state employee?

Answer: Yes.

34. If an employee is already paying family rate and does not have any children, will they have to pay the spousal surcharge?

Answer: Yes.

35. Will we start paying premiums for the current month, instead of paying one month in advance? Will there be a refund upon the switch to current payment?

Answer: Yes, we will start paying premiums for the current month. Coverage will continue to be offered one month after termination of employment for individuals enrolled in a health plan with the State in June 2009. No refunds will be granted upon the switch.

Discipline

These FAQs relate to bargaining unit changes only. No changes were made to the sections of the Revised Code that relate to discipline for exempt employees.

36. Does the employee have the right to choose loss of pay or leave loss if they lose NTA?

Answer: Yes.

37. Do we have to provide a copy of reprimands to the union? If yes, what is the timeframe?

Answer: Under the new language, notice must be given to both the employee and the Union.

38. When should working suspensions be used in lieu of a suspension?

Answer: Determined by operational need.

39. When does written notice have to be served to the employee or union after a pre-disciplinary meeting?

Answer: Written notice of the recommended disciplinary action shall be served within 60 days after the date of the pre-disciplinary meeting.

40. Will a personnel action be needed to code working suspensions into OAKS?

Answer: For working suspensions, a personnel action will need to be done. With regard to OAKS, the action reason is a "data change" and the OAKS code is DWS.

41. If an employee grieves a working suspension and loses, and the employee does not have enough leave accruals to cover the duration of the suspension, will the discipline automatically be converted to a fine?

Answer: Yes.

42. Are disciplinary grids sufficient if they do not exceed five days, or do the grids have to specifically reference minor (1), medium (2-4), major (5 day)?

Answer: Disciplinary grids do not need to be updated if discipline does not exceed five (5) days and there is progression.

43. How long does the Employer have to update the discipline grids?

Answer: Grids should be updated as soon as possible.

44. Do discipline grids have to be submitted to OCB for review prior to implementation?

Answer: Not prior to implementation. However, OCB would like a finalized copy of all updated disciplinary grids.

45. Is there a certain timeframe after an investigatory interview to follow up with the employee?

Answer: No.

46. **Since suspensions are now designated as minor, medium, major, does the employer have right to combine categories as applicable when determining discipline in an offense (e.g., work rule now reads 1 – 3 days for first offense rather than just a one day.**

    Answer: If there are multiple violations, or aggravating circumstances, the Employer may increase the discipline level despite the lack of prior, active discipline.

47. **Is notification to Union required for all discipline, or just for discipline following an actual Pre-D meeting?**

    Answer: All discipline.

48. **Can an employee use leave to supplement for a suspension (e.g., instead of losing five days pay, can they use vacation, personal, comp)?**

    Answer: If Employer issues a non-working suspension, then employee may use available leave balances if mutually agreed.

49. **Can sick leave be reduced in lieu of a fine? How long does the employee have to notify employer of type of leave to use? What if they fail to do so?**

    Answer: Sick leave may be reduced in lieu of a fine, but only if all other leave is exhausted. The employee must notify the Employer at the time of the NTA or settlement of the leave to use, or the discipline will be converted to a fine.

50. **When we notify the union in writing of any discipline, is it the union steward or the staff of OCSEA that we send the notice to?**

    Answer: You can notify the local union of the discipline.

Holiday Pay

51. **If you have a M-R part-time employee and the holiday falls on Monday, can you ask the employee to come in for four hours on Friday?**

    Answer: No. The employee should keep their set schedule.

52. **I understand that part-timers don't get paid (for awhile, anyway) for holidays, but that they will get credit for leave accrual and benefits as if they HAD been paid. Is this the same for BU and exempts?**

    Answer: Part-time employees will not be paid for the holidays for the next two fiscal years. Both exempt and bargaining unit employees will get 4 hours of credit for leave accrual and benefits purposes only.

53. **For part-time employees who are not scheduled to work the holiday (e.g., 4 8-hour days Tues-Fri), will leave accrual be based on 32 or 36 hours or should their schedules be adjusted during a holiday week to compensate for the 4 non-paid holiday hours (e.g., schedule for 28 hours instead of their regular 32)?**

    Answer: The employee's leave accrual and benefits will be based on a 36 hour schedule.

54. I have a part-time employee who normally works 30 hours a week. In the weeks that we have a holiday, they will no longer receive 30 hours a week on the holiday weeks because of the new language (no holiday pay). This will impact their insurance rate, correct?

Answer: Yes, during the freeze, employees will receive credit for 4 hours for the holiday for purposes of leave accrual and health insurance benefits. If the employee normally received credit for 8 hours for the holiday, this change may impact their insurance benefit tier.

55. There was an arbitration ruling regarding PT employees receiving 8 hours for holidays worked. Will these employees still be grandfathered for health insurance purposes?

Answer: Yes. If you have an employee who is "grandfathered" as a result of the arbitration, the employee shall receive 8 hrs of credit (instead of 4 hrs) for the purpose of determining the employee's benefits tier.

56. How is a part-time employee who works on the holiday as a regular-scheduled day compensated?

Answer: After June 30, 2011, the employee will receive four hours of holiday pay and will be compensated for the hours actually worked on the holiday. However, there will be no holiday pay for part-time employees from July 1, 2009 through June 30, 2011. During the freeze, part-time employees will still be paid for the hours they work on the holiday.

57. If a part-time permanent BU employee works 8 hours on a holiday, how many hours will they get paid for?

Answer: They will get paid for the hours worked but they do not receive Holiday Pay.

58. When holiday pay resumes, is it for all part-time employees or just part-time permanent employees?

Answer: Holiday pay is only for permanent employees unless outlined in agency-specific agreements.

59. What classifications does the forfeiture of holiday pay affect?

Answer: For bargaining unit employees, the forfeiture language impacts those classifications that normally require overtime to cover an absence as determined by the Employer.

For exempt employees, the forfeiture language applies to all employees who are required to work on the specified holidays regardless of their classification.

60. Will an employee in BU 3, 4, 5 lose holiday pay if they call off, but it does not cause overtime?

Answer: The forfeiture is based upon classification, not position or bargaining unit. Therefore, it depends on whether the bargaining unit employee is in a classification that has been identified as one requiring overtime to cover an absence. Whether overtime is actually called is immaterial.

Intermittents

61. Are intermittents limited to working 1,000 hours per year?

Answer: Yes, intermittents may only work 1,000 hours per fiscal year.

62. What is the effective date of intermittents in the bargaining unit?

Answer: SERB certified the OCSEA intermittents into the bargaining unit on June 18, 2009, the SEIU/1199 intermittents were certified on July 23, 2009, and the OEA intermittents were certified on August 20, 2009.

63. What are OCSEA intermittents charged in union dues/fair share fees?

Answer: The same amount as all other OCSEA employees. The current rate is 1.25% of the base rate of pay per pay period. Dues will not be taken until certification is complete through SERB.

64. Will bargaining unit intermittents now have rights under Article 17 (Promotions, Transfers, Demotions and Relocations)? If so, what is the order in which they will be considered??

Answer: Bargaining unit intermittents will have Article 17 rights under 17.04 as "all other employees of the Agency." Bargaining unit intermittents should be considered after permanent employees and prior to considering external candidates.

65. What is the difference between a "temporary appointment" and a "temporary working level?"

Answer: Temporary appointment is the designation given to non-permanent positions (e.g., temporary, intermittent, seasonal, external interims). Temporary Working Levels (TWL) is the designation used when existing personnel fill a vacant position during the hiring and selection process or a leave of absence.

66. Regarding intermittents, will ePay show a step indicator of "1" after the step resets?

Answer: There are no step indicators anymore. It is now "next step date" and it will look just like anyone that is stepped out. For example, an employee who has reached the last step they are eligible for will have their "next step date" be the last time a step was received.

67. Will the new language change the seniority of employees who moved from intermittent to full-time positions prior to this contract?

Answer: No, the contract changes were not set up to be retroactive in this area.

68. If a bargaining unit intermittent becomes full-time, how is their seniority figured??

Answer: Under 16.02(D) of the OCSEA Agreement, seniority is recognized if an employee takes a full time position within 60 days of the termination of the intermittent status. A bargaining unit employee shall receive seniority credits for time worked as an intermittent up to one thousand (1,000) hours. Seniority is not considered prior to becoming a permanent employee.

69. When does the longevity freeze for bargaining unit intermittents become effective? April 16 or July 1?

Answer: Any intermittent hired after April 16 should not have received longevity. However, if the agency did inadvertently give it to the employee, under the contract language, they are required to let the employee maintain it until the employee is separated (i.e. the 1000 hours are completed or the agency no longer needs the employee).

70. Will there be new OAKS codes to prevent longevity pay for intermittents?

Answer: Eventually.

71. Do you have to remove the intermittent as an unclassified removal? Can the agency give the employee the option to resign (and be reappointed?)

Answer: Agencies do not have to remove the intermittent as an unclassified removal. The employee may resign and be reappointed, but the employee will be reappointed at step 1.

72. Are agencies required to cut a PA to terminate all intermittents on June 30, 2009 and reappoint on July 1?

Answer: If the employee has not exhausted all 1000 hours of their intermittent appointment by June 30, the agency will not be required to terminate the intermittent on July 1 and will not be required to cut a PA. The employee can continue in the appointment until they exhaust their 1000 hours, at which point the agency will need to cut a PA to terminate and reappoint the employee at step 1. If, by June 30, the employee has already exhausted their 1000 hours, the agency will be required to cut a PA to terminate the intermittent on July 1 and reappoint the employee. If the employee has not been separated and returned to Step 1 by June 30, 2010, the agency should cut a PA to do so for FY 11 regardless of whether the intermittent has exhausted their 1000 hours.

73. Will OAKS automatically return intermittent employees to Step 1 or must the agency take affirmative action? If so, what action?

Answer: The agency will have to take affirmative action to correct the employees' rate of pay. Current OCSEA members will be allowed to work at their current level until the 1,000 hour limit has been exhausted, but will then have to be separated and entered at step 1 if they return the following year.

74. Can intermittents still be hired at an advanced step?

Answer: No.

75. Since intermittents no longer serve probationary periods, does that alleviate the need to do performance evaluations?

Answer: The decision to do performance evaluations for intermittents is left to management's discretion.

76. What is the effective date for intermittents to NOT receive step increases?

Answer: The language went into place for bargaining unit employees on April 16, 2009 and is expected to go into effect for exempt employees on July 1, 2009. Current OCSEA members will be allowed to work at their current level until the 1,000 hour limit has been exhausted, but will then have to be separated and entered at step 1 if they return the following year.

Sick Leave

77. Does the sick leave use have to be the whole day (8 hours) before the employee can supplement for pre-scheduled appointments?

Answer: No. For example, an employee who uses sick leave for 4 hours to cover a pre-scheduled appointment may supplement up to 100% by using 5.2 hours of sick leave.

78. Is the new sick leave code a supplement or replacement to pay at 100% for the pre-scheduled appointment? How does it work?

Answer: The new sick leave code (SCWSP) will be a supplemental code. If the employee has prescheduled a medical appointment for a full-day of sick leave more than 30 calendar days in advance, the employee should post 8 hours of sick leave and 2.4 hours of SCWSP.

79. Can employees use the new sick leave code to cover elder care of their parents if it meets all of the conditions (30 days, etc.)?

Answer: No.

80. Can old sick leave be used to supplement or does new sick leave have to be used first?

Answer: There is no change from current priority of usage of old and new sick leave, so all new sick leave must be exhausted prior to using old sick leave.

81. Can sick leave be paid at 100% for outpatient surgery for a child in college who resides on campus during the school year?

Answer: No.

82. Can employees still convert their sick leave to cash during December conversion?

Answer: Yes.

Travel

83. What is the effective date for the new language regarding meals and lodging?

Answer: October 1, 2009.

84. Can the agency still request meal receipts?

Answer: No, the agency may not require receipts for the per diem.

85. Do travel reimbursement requests have to be submitted within 60 days of the first day or last day of travel?

Answer: Last date of travel.

Salary Continuation

NOTE: These changes will not become effective until November 1, 2009 (September 1, 2009 for OCSEA).

86. If an employee files for disability to address an injury while he/she takes salary continuation, will the disability claim be disapproved and how would an employee answer a question from the medical provider whether the injury is work-related?

Answer: An employee that takes salary continuation may not apply for disability since salary continuation is the same as workers' compensation. If an employee does apply for disability, the claim should be disapproved. However, if the claim is successful, the employee will be responsible for reimbursing the employer for any disability benefits received.

In responding to a medical provider's question as to whether the injury is work-related, the employee must answer honestly. If the injury is work-related, the employee is not eligible for disability benefits.

87. What happens if an employee exhausts 480 hours of salary continuation? Are they still eligible for workers' compensation?

Answer: At the time an employee files for salary continuation benefits, the employee is also required to apply for workers' compensation benefits. If an employee exhausts 480 hours of salary continuation and is still injured, the employee may be eligible to continue to receive workers' compensation benefits through the BWC.

88. Is the salary continuation based on the employee's total rate of pay (including longevity and any supplements?)

Answer: Yes.

89. Can the employee get workers' compensation for the same time they are off on salary continuation?

Answer: No. See question #87.

90. Do employees accrue leave while off on salary continuation?

Answer: Employees accrue personal leave and sick leave, but do not accrue vacation leave while on salary continuation.

91. Is there a waiting period for salary continuation?

Answer: No. However, if the employee's request is ultimately denied, the employee will be responsible for reimbursing the employer for any monies received.

92. Who approves salary continuation and OIL? Who do appeals go to?

Answer: Agencies are responsible for approving or denying salary continuation and OIL requests. Appeals will be sent to DAS/HRD Benefits Administration or the Bureau of Workers' Compensation, depending on the subject matter of the appeal.

93. If a Workers' Compensation claim is denied vs. disqualified, does the employee have to pay back salary continuation?

Answer: Yes.

94. If employee is disqualified from receiving workers comp, can they use comp time to pay back Salary continuation?

Answer: Yes.

95. If temporary total compensation is granted retroactively, does the employee have to pay back Salary Continuation benefits received?

Answer: The employee should not accept TTD during the time the employee is receiving salary continuation. Acceptance of TTD will end the employee's salary continuation benefit. If the employee accepts TTD for any portion of the time the employee was receiving salary continuation, the employee will be responsible for paying back that portion of the salary continuation benefit to the Employer.

96. Does the Employer need to provide notice to employee at the time of injury regarding Salary Continuation or does the injured employee need to assert that benefit right?

Answer: The salary continuation benefit is spelled out in the collective bargaining agreement and will be included on the agency's incident report form, OIL form, and workers' compensation form. The Employer is not under a specific obligation to provide separate notice to the employee at the time of the injury.

97. Does the 480 hours of Salary Continuation eliminate TT payments by Workers' Compensation until after the 480 hours?

Answer: Yes, as long as salary continuation is being paid, TT will not be paid. If the 480 hours has been exhausted and the injured worker is still unable to return to work, he may then apply for TT. The employee must file for Workers' Compensation at the same time as he applies for salary continuation, but should not accept any TT payments while receiving salary continuation.

98. Is the 480 hours of Salary Continuation a lifetime or per occurrence maximum?

Answer: Per claim. "Per claim" is tied to the appropriate Workers' Compensation claim; including additional allowances.

99. If an employee receives 480 hours at 100%, then Workers' Compensation is approved at 72%, does the employee owe the Employer 28%?

Answer: The employee should not accept TT payments during the time the employee is receiving salary continuation.

100. Does Salary Continuation continue during the appeal process after Workers' Compensation is denied?

Answer: No. If the claim is denied, benefits shall cease. If the employee appeals the decision and the employee's claim is ultimately approved, the agency shall render benefits back to the time of the initial denial.

101. During Salary Continuation, are employees eligible for leave donation while awaiting Workers' Compensation?

Answer: There is no need for leave donation because Salary Continuation is 100%.

102. If an OIL injury turns into a mental health claim, is that claim covered under OIL?

Answer: Yes, if a psychological condition is the result of a physical injury, then time off work due to that condition would qualify.

103. If an employee breaks up a physical fight between co-workers, and the individual does not work in a security or youth facility, will he/she qualify for OIL??

Answer: No. To qualify for OIL, the employee must be employed by the Department of Mental Health, the Department of Mental Retardation and Developmental Disabilities, the Department of Veterans Services, the Schools for the Deaf and Blind, the Department of Rehabilitation and Correction, or the Department of Youth Services and incur an injury inflicted by a ward of the State.

104. Define "pursuit." At DRC, does responding to a "man down" alarm qualify? What if it's a false alarm?

Answer: This situation may or may not qualify an employee for OIL benefits. It is examined on a case-by-case basis. "Pursuit" is not specifically defined in Appendix K.

Prior Service

105. Has the procedure for claiming prior service credit been established?

Answer: A process already exists for exempts. Guidance for bargaining unit employees will be distributed to agencies prior to July 1, 2010.

106. What is a political subdivision?

Answer: Examples of political subdivisions or entities that qualify someone for prior service include, but are not limited to, prior service with a township, city, county, school district, public university, or regional transit authority.

107. Is there a limited timeframe to pick up your credit from a previous job for PERS purposes?

Answer: No.

108. Has DAS designated when employees can begin submitting documentation of prior service for vacation accrual?

Answer: DAS will send procedures to agencies in the near future that explain how bargaining unit employees should submit documentation for prior service.

109. Are any rehired retirees entitled to longevity?

Answer: No. New language in Article 36.07 provides that an employee who has retired in accordance with the provisions of any retirement plan offered by the State shall not have his/her prior service with the State or any political subdivision of the State counted for the purpose of computing longevity.

Vacation Leave

110. How soon can an exempt employee take vacation if they do not have a probationary period (ex. Admin Staff)?

Answer: OAC 124:1-47-01(A)(63) is in the process of being amended to require that bargaining unit exempt employees paid pursuant to the E-1 pay table in Section 124.152 of the Ohio Revised Code complete a probationary period before such an employee is eligible to use vacation leave. It is anticipated that the rule change will take effect sometime in July of 2010. Bargaining unit exempt employees paid pursuant to the E-2 pay table in Section 124.152 of the Ohio Revised Code and Administrative Staff (commonly referred to as "E-3" employees) are eligible to use accrued vacation leave from the date of hire. However, since vacation leave is subject to agency approval, agencies may create agency-specific policies that require the employee to wait a specific period of time before their vacation leave requests will be approved.

111. What happens if an employee is promoted from one agency to another. Will the employee have to wait until their promotional probationary period is over before using vacation at the new agency?

Answer: The prohibition against using vacation leave is for the employee's initial probationary period only. A probationary period that follows a separation from service that is less than 31 days is not considered an "initial" probationary period.

112. I will have 15 years of service on July 24, 2009. How will my vacation be given to me?

Answer: You will get the vacation leave "dump," because the new language does not become effective until August 30.

113. When will an employee who hits her 24th year in October 2009 be eligible to receive the prorated amount?

Answer: This employee would not be eligible for a prorated amount because she was only in her 23rd year of service on August 30. However, when she hits her 24th year in October 2009, this employee will start accruing vacation leave at a higher rate.

114. I'll have 25 years of service on 9/11/09. Will I get my vacation dump on 8/30/09?

Answer: You will get a prorated dump since you were in your 24th year on August 30. The proration will be close to equally the full dump that you would receive under the current language since you'll be so close on August 30.

115. If there is a probationary removal and the employee is separated, will the accrued balance pay out?

Answer: For exempts, the balance will not pay out. If an exempt employee is removed during the initial probationary period, the employee will not be entitled to a pay out of vacation leave because the employee has not "earned" the vacation leave until the initial probationary period has been completed. Bargaining unit employees should reference their contracts to review the service requirements that apply when an employee separates from state service and wants to convert their leave balances.

116. Currently, if a person served one year with the state, resigned, and came back a couple of years later, they could use vacation leave as they accrued it, even during probation. Will these employees now have to wait for the probation to be completed?

Answer: In this situation, the employee will be serving an initial probationary period upon their resignation and return to the state. Completion of the employee's initial probationary period (and not completion of one year of state service) is now what determines whether the employee will be able to use their accrued vacation leave. As a result, the employee will be required to wait for the initial probationary period to be complete prior to using the vacation leave.

If the employee served one year with the state, resigned and came back *with no break in service*, the employee would not have to wait for the probationary period to be completed prior to using vacation leave. This is because a probationary period that follows a separation of less than 31 days is not considered an "initial" probationary period for purposes of the rule.

117. Please explain the vacation cap issue.

Answer: The new contract language eliminates the annual accrual for bargaining unit employees to allow for the varying number of pay periods in a year. Some years may have 27 pay periods, which will allow for a higher accrual. The three year maximum accrual is still in place.

118. What is the interplay between previously approved vacation requests and cost savings days for OCSEA employees?

Answer: First, do not approve any additional vacation requests until your Cost Savings Day canvass is complete. Second, if an employee has a previously approved vacation request, you can inquire if the employee would like to substitute Cost Savings Days for the pre-approved vacation days. It is at the employee's discretion. Cost Savings Days will not "trump" **previously** approved vacation. You have the ability to deny Cost Savings Days for operational reasons, including minimum staffing concerns. However, it is important to allow employees to use their Cost Savings Days and you should be as liberal as possible in approving such days.

Cost Savings Days (CSDs)

119. What about the other contracts? Do they include provisions requiring employees to take CSDs?

Answer: All contracts negotiated on behalf of the Governor contain some provision requiring employees to take CSDs. Most elected official contracts also contain CSD provisions.

120. Will the CSD reduction come out before or after taxes? Will the 3.076 hours be reflected on W2s? Will we need to save all pay stubs to claim this as lost wages?

Answer: The CSD reduction will be assessed before taxes. The W2 will reflect the wages actually paid during the year. Employees will not need to track the lost wages.

121. If an employee takes an entire pay period off, do they get paid for 76.924 hours or 80?

Answer: 76.924

122. Where does the CSD money go?

Answer: The savings accrue to the State of Ohio.

123. Can you use a CSD before you actually "earn it?" In other words, if you have only had the equivalent of 3.076 hours taken from your pay, can you still take a full 8-hour CSD?

Answer: Yes. However, for the purposes of using CSDs to cover any waiting period that is required as a part of a state-paid leave or benefits program for employees, a CSD is only "available" for use during a waiting period if the employee's gross pay has been reduced by an amount sufficient to cover.

124. Is the agency payroll officer responsible for posting the 3.076 hour reduction code?

Answer: No. The 3.076 reduction will be assessed across the board and payroll officers will not be required to compute this manually. The CSDs will appear as an 80-hour bank of time that will appear on ePay for each employee.

125. Will the CSDLV take into consideration whether the employee works 10-hour days or will we need to physically change the 8 hours to 10 hours?

Answer: CSDs should be utilized in segments equal to normally worked shifts (e.g., employees who work 10-hour days should take CSDs in 10-hour increments). The CSDLV will be treated like any leave bank. The agency or the employee will have to request the time and enter the amount of time they wish to use.

126. Can CSDs be broken down into smaller increments?

Answer: For exempt employees CSDs are to be taken as determined appropriate with respect to the employee's regular work schedule. CSDs may be taken in less than full day increments.

For bargaining unit, employees are required to canvass for CSDs in increments equal to a work day. However, the Employer and the employee may mutually agree to change a scheduled CSD. Thus, agencies can exercise discretion if an employee later requests to use a canvassed CSD in less than a full shift increment.

127. What pay period ending date will the 3.076 deduction begin?

Answer: June 20, 2009. The first deduction will appear on the paycheck employees receive on July 2, 2009.

128. When can employees use their CSDs?

Answer: The first 80-hour bank of CSDs will be available for use from July 1, 2009 through June 30, 2010. The second 80-hour bank of CSDs will be available for use from July 1, 2010 through May 31, 2011.

129. Will employees who are scheduled to be off during the holidays get the full 10 days? If already scheduled off, will these be considered CSDs?

Answer: This applies to exempt employees who have their CSDs assessed on the holidays. The CSD is assessed on the holiday regardless of whether the employee works the holiday. There will be a 3.076 deduction each pay and the holiday pay will be deducted from the CSD fund. If an employee is employed for the entire fiscal year, they will get the full 10 days deducted.

130. When do CSDs have to be selected by?

Answer: For bargaining unit employees, CSDs must be selected by July 1, 2009 for fiscal year 2010 and July 1, 2010 for fiscal year 2011.

131. Will Admin Staff be subject to the language requiring state employees to take CSDs?

Answer: Yes

132. How are established term regular (appointment type F) going to be handled? These employees are coded as full-time employees in the system, but do not work 52 weeks or 2080 hr/year.

Answer: Cost savings days for non-permanent bargaining unit employees like established term employees will be assessed on the holidays.

133. Will established term regular employees be considered part-time (lose holiday pay) or full-time (CSDs)? If CSDs, will it be pro-rated based on number of hours worked during the year and starting/ending dates?

Answer: Established term employees are considered non-permanent employees and the cost savings for this group of employees will be achieved by not paying them holiday pay.

134. Do Executive Directors of boards and commissions get 10 CSDs or will they have their CSDs assessed on the holidays?

Answer: As long as the executive director is the type of employee who accrues leave, the executive director will get 10 CSDs. Depending on rate of pay, the executive director is probably not eligible for equalization if all CSDs are not unused.

135. Does a part-time permanent employee have to take CSDs?

Answer: No. They will lose their holiday pay for the next two fiscal years.

136. Do employees on disability leave get 3.076 hours deducted from the 67% pay?

Answer: Yes.

137. Can an employee who is participating in a transitional or partial return to work program take CSDs?

Answer: At the agency's discretion, employees who are participating in a transitional or partial return to work program may take CSDs while participating in the program. For bargaining unit employees, the CSDs shall still be taken in full shift increments depending on their transitional work or partial return to work schedule (i.e., if the transitional work program puts them on three 4-hour days and one 2-hour day the employee can take CSDs in 4-hour increments or 2-hour increments subject to operational need). For exempt employees the CSDs shall be taken as determined appropriate with respect to the employee's current schedule and may be taken in less than full day increments. Employees who are prevented from taking their CSDs upon their return to work will be equalized at the end of the year for the days they were prevented from taken.

138. Are intermittents, external interims and interns going to have the 3.076 reduction withheld?

Answer: Non-permanent employees (intermittents, external interims, interns, etc.) who are exempt from collective bargaining will not have the 3.076 reduction withheld and will not be required to take 10 CSDs.

Non-permanent employees (intermittents, external interims, interns, etc.) who are subject to collective bargaining and who are eligible to receive holiday pay will have their cost savings days assessed on the holidays.

139. If a part-time employee takes a temporary work level (TWL) into a position as a full-time employee, are they subject to CSDs during the TWL?

Answer: No. Whether an employee is required to take 10 CSDs or have their CSDs assessed on a holiday is based on the employee's permanent appointment status and not their TWL appointment.

140. If someone is in a TWL, will their deduction for the cost savings days be based on their regular rate or their TWL rate?

Answer: Currently, the 3.076 reduction is taken from the hourly rate listed on Job Data. In a TWL, the additional rate of pay is paid as an "additional pay," so it would not be reduced. In other words, the deduction for the CSD will be based on the employee's regular rate of pay and not their TWL rate.

141. With regard to equalization at the end of the fiscal year, most of the board/commission directors fit into the "salaried" exemption. Does that mean that, for those who fit this exemption, they would NOT be equalized at the end of the year if they have not taken off all of their CSDs?

Answer: Yes, that's correct.

142. What if an employee doesn't wish to take a cost savings day? Is that okay or is it mandatory?

Answer: A cost savings day is a cost-savings mechanism in which all employees must participate. A full savings is not achieved if all employees do not participate. However, in the rare event an employee has been **prevented** from taking all 10 of their CSDs, a reconciliation will be conducted by the agency and the employee's pay will be credited for the days not taken.

143. Can additional CSDs be taken in lieu of leave without pay status as far as discipline?

Answer: No.

144. Can the federal government exempt certain employees from CSDs if those employees are 100% federally funded?

Answer: No. The Federal Government is not the employer.

145. What if an employee wants to write a personal check to the state in lieu of taking any CSDs? Will that be permitted?

Answer: No.

146. How will the 3.076 hours per pay period affect overtime?

Answer: The 3.076 hours will be deducted off the total hours paid for overtime eligible employees. Overtime eligible employees will still receive overtime if they are in active pay status for more than 40 hours in a week. CSDs are excluded from active pay status for the purpose of overtime for overtime eligible employees.

Exempt employees that are not eligible to earn overtime will have any CSD time during a week counted as active pay status for purposes of determining if the employee is eligible to earn compensatory time.

147. Can management refuse/deny a requested CSD for exempts as can be done with BU employees?

Answer: Yes. However, the employee who is refused or denied a requested cost savings day must be provided with the opportunity to reschedule the CSD.

148. If management revokes a CSD, can employee reschedule on a "blackout" day? Can management float blackout days to prevent CSDs being used in conjunction with other approved leaves?

Answer: If management revokes a CSD, the employee may reschedule at their discretion but this does not include black out days. Management cannot float black out days, but may deny the use of other leave in conjunction with CSD due to operational need.

149. After the canvass is completed and bargaining unit employees are assigned specific days off, can the agency deny a bargaining unit employee's personal leave request due to operational need? Can a more senior employee take days previously picked by a less senior employee.

Answer: The agency cannot deny personal leave requests from bargaining unit employees as long as the request complies with the requirements of Article 27. Days are initially assigned according to seniority. Once days are selected, more senior candidates cannot later request new days and impact less senior candidates. This is also true for employees returning from approved absences after the canvass.

150. If an employee has a CSD during the week, but then works 8 hours on Saturday, how are the 8 hours paid?

Answer: CSDs are not "active pay status" for purposes of overtime for overtime eligible employees. For exempt employees that are not eligible to earn overtime, CSDs are counted as "active pay status" for the purposes of earning compensatory time.

151. What if an investigator (or any OT eligible) has a cost savings day on Thursday and then on Friday their investigative interview goes over, forcing them to work more than 32 hours for the week? Would this overage just be paid as straight time?

Answer: The time will be paid at straight time until they get to 40 hours actually worked since CSDs are not considered active pay status for purposes of overtime for overtime eligible employees.

152. Is it entirely up to the employer when CSDs are taken for exempt employees? Will they be based on service time?

Answer: Exempt employees may select their CSDs within any agency-specific criteria that is established.

153. Do I understand correctly that the 10 cost savings days are to be used prior to any other leave balances?

Answer: Until October 1, 2009, exempt employees may elect to use either paid leave or CSDs. After October 1, 2009, exempt employees must use their CSDs prior to using any other leave balances (personal, vacation, comp time, etc) for full-day, prescheduled leave.

Since OCSEA employees will have their CSDs established as a part of the canvass, it is possible that an OCSEA employee could use other leave balances before they use their first CSD. CSDs may be used in lieu of vacation and personal leave, but must be used within the guidelines established for such use. They cannot be used on days blacked out by the agency due to operational need. They also can not be used if more senior employees have requested to use CSDs on the same date and operational requirements limit the number of employees that can be off work.

154. CSD selections for bargaining unit employees are to be completed by July 1, 2009, but can these days later be adjusted? Do employees have to select all 80 hours at one time?

Answer: Agencies are expected to conduct a canvass of all bargaining unit employees by July 1 and establish a schedule for all eighty hours of CSDs. Bargaining unit employees are expected to submit all requests to use CSDs during the canvass. Adjustments to the use of CSDs are at the discretion of the agencies but all agencies have been told that all employee CSDs are to be utilized so the state can achieve the full costs savings that are anticipated.

155. What if the employee takes partial days of leave, but no full days. Does that employee have to take those hours as cost savings days?

Answer: No, if the employee is not requesting paid time off in a full-day increment, the employee is not required to take a CSD to cover the time.

156. If an employee calls off sick (or calls off unexpectedly for a non-sick reason), will the employee be able to opt to use a CSD rather than using sick leave?

Answer: Exempt employees will not be required to use a CSD since sick leave call-offs and unexpected call-offs are typically not pre-scheduled. However, agencies may allow an exempt employee to use a CSD rather than taking sick, personal or emergency vacation leave. Such approval is subject to agency discretion.

OCSEA employees will not be able to opt to use a CSD rather than using sick leave since the CSDs were established as a part of the canvass in advance.

157. Since CSDs must be used first, that may move someone into losing accrued vacation days if they are close to their maximum accrual. Is that correct?

Answer: Implementation of this restriction will be delayed until October 1, 2009 to allow employees to try to use enough vacation so they will not be close to their max.

158. Requiring employees to use CSDs for full-day absences could lead to increased costs for employees who are at or near their vacation leave cap because we would be required to pay those employees for the denied vacation leave if they request it. Is there a work-around to avoid increased costs?

Answer: ORC 124.134 was changed to remove an exempt employee's ability to receive payment for denied vacation leave in either fiscal year 2010 or fiscal year 2011. This language went into effect for vacation leave requested and denied on or after 7/17/09.

159. If an employee has a pre-scheduled CSD, then gets sick and is out during the pre-scheduled CSD, how is this treated?

Answer: The leave will be treated as a CSD.

160. Can an employee save CSDs until the end of one fiscal year and then use the next fiscal year's "dump" of CSDs at the beginning of the next fiscal year (i.e. "stacking")?

Answer: Yes, although this is subject to agency approval and also assumes that the employee has not used any full-day prescheduled days of paid leave in the first fiscal year. With that said, it is not advisable that agencies allow employees to wait until the end of the first fiscal year to use all of their CSDs.

161. If more than one employee wants the same day off and one uses a CSD, and the other uses vacation/personal leave, which takes precedent?

Answer: Pursuant to the collective bargaining agreement, personal leave must be granted for bargaining unit employees if requested with 48 hours notice regardless of CSDs. However, vacation leave requests will be received throughout the year and considered in light of leave already granted for CSD.

162. If an employee has requested the VCS (reduction in hours), will they be required to utilize mandatory cost savings days instead?

Answer: No, however employees who participate in a VCS program will still be required to have their pay reduced by 3.076 hours a pay period and will still be required to take 10 CSDs.

163. Will vacation and sick leave accrual continue at the same rate or be affected by the CSDs?

Answer: Cost Savings Days will not impact leave accruals or eligibility for benefits.

164. Can an agency close one specific day to use as a CSD (e.g. the day after Thanksgiving?)

Answer: Please see the guidance that DAS distributed on June 10, 2009 and March 26, 2010.

165. If agencies are allowed to close for the day after Thanksgiving and an employee has used all of their CSDs prior to that date, will the employee be required to use accrued time to cover the day?

Answer: The number of CSDs required shall be reduced by the number of "agency closure days," so this situation should never occur. In other words, if the agency closes the day after Thanksgiving, the employee should only be required to use 9 additional CSDs, and the 10th CSD will be assessed on the day after Thanksgiving.

166. Can employees use CSDs for the adoption childbirth leave waiting period?

Answer: Yes. Employees may use available CSDs to cover the adoption childbirth leave waiting period. A CSD is only "available" for use during the adoption childbirth leave waiting period if the employee's gross pay has been reduced by an amount sufficient to cover the use of the cost savings day. For example, if an employee has been reduced 3.076 hours for 4 pay periods, the employee will be able to use 12.304 CSD hours during the adoption childbirth leave waiting period.

167. Can employees use CSDs for the disability waiting period?

Answer: Yes. Employees may use available CSDs to cover the disability leave waiting period. A CSD is only "available" for use during the disability leave waiting period if the employee's gross pay has been reduced by an amount sufficient to cover the use of the cost savings day. For example, if an employee has been reduced 3.076 hours for 4 pay periods, the employee will be able to use 12.304 CSD hours during the disability leave waiting period.

168. If someone picks their CSDs and then goes on disability, what happens?

Answer: The employee would stay on disability and have to take the CSDs later.

169. If an employee has designated CSD days, and then is off on disability for six months when three of the CSD were scheduled, would they have to pick 3 more days off upon their return?

Answer: Yes. An employee should use what they have earned and not used for the disability waiting period and the CSDs which remain should be taken upon return.

170. If we use CSDs during a waiting period, are we also going to be able to count the time towards FMLA?

Answer: Yes, the time should also be counted towards FMLA.

171. Can CSDs be coded FMLA?

Answer: CSDs generally cannot be coded as FMLA for bargaining unit employees because bargaining unit employees were canvassed up front. However, bargaining unit employees may reschedule their CSDs by mutual agreement with the agency, which may allow the employee to use a CSD for FMLA purposes. For exempt employees, if the employee is off on a prescheduled full day and is supplementing their FMLA with paid leave, the employee must use a CSD before using other leave. If an exempt employee is off on a prescheduled full day and is using unpaid FMLA, the employee may request to use a CSD, but approval is subject to agency discretion.

172. Do the hours the employee takes as CSDs count towards the employee's 1,250 hour FMLA eligibility requirement?

Answer: No. An employee must have actually worked at least 1,250 hours during the past twelve months. Active work status is defined as the conditions under which an employee is actually in a work status and is eligible to receive pay, and would not include time taken pursuant to a CSD program.

173. If an employee is off due to Workers' Compensation, will the 3.076 hours be taken from leave benefits if receiving temporary total compensation? If the employee is off for 7 ½ months, will leave time be restored?

Answer: Employees receiving temporary total compensation are not being paid by the state of Ohio, so cost savings deductions will NOT be taken from those payments made by BWC. Upon the employee's return to work, they will receive credit for 3.1 hours of sick leave per pay period for those pay periods they were on leave. They also receive any missed personal leave, but will NOT receive vacation leave credit. The employee must then take a prorated amount of CSDs for that fiscal year.

174. How will the 3.076 pay reduction be taken for employees who are not receiving a paycheck (i.e. unpaid leave of absence, unpaid FMLA, unpaid military leave, etc.)

Answer: The 3.076 pay reduction will not be taken for employees who are not receiving a paycheck.

If, at the time of the LWOP, the employee has used fewer CSDs than the employee has paid for, then the number of CSDs available upon the employee's return to work will be prorated. Ex) Employee uses 1 CSD in August and takes an unpaid leave of absence in January. At this point, the employee has paid for 5 CSDs and has used only 1. The first 4 days of the employee's LWOP shall be taken as CSDs. When the employee returns later that fiscal year, the employee will receive a prorated number of CSDs based on the amount of time remaining in the fiscal year.

If, at the time of the LWOP, the employee has used more CSDs than the employee has paid for, the employee shall be required to reimburse the agency for the unfunded CSDs upon the employee's return to work. If the employee does not return to work, the agency may take any available leave or compensation from the employee's final check or may send the employee to collections to make up the difference.

In the event the LWOP crosses over two fiscal years, the ten CSDs must be accounted for in BOTH fiscal years. If the employee has used fewer CSDs than they have paid for prior to going out on LWOP and the fiscal year will end while they are out, the CSDs that remain shall be taken prior to going into LWOP status. If the employee has used more CSDs than the employee has paid for and the fiscal year will end while they are out, the employee shall be required to reimburse the agency for the unfunded CSDs prior to the fiscal year ending. When the employee returns in the second fiscal year, the employee will receive a prorated number of CSDs based on the amount of time remaining in the fiscal year.

175. If an employee is in a no pay status for one or more pays, will the cost savings deduction be made up on subsequent pays?

Answer: No, but the CSDs to be taken should be prorated upon the employee's return to work.

176. If an employee is currently in their 176 hours of paid military leave, will they have the 3.076 hour reduction taken from the paid leave?

Answer: Yes.

177. If an employee has taken their 176 hours of paid military leave and needs to continue on unpaid military leave after that, how will their CSDs be assessed?

Answer: During the 176 hours of paid military leave, the employee will have a little more than 6.152 hours reduced through the CSD reduction. Immediately following the exhaustion of the 176 hours of paid military leave, the employee will be required to use the 6.152+ hours of CSDs prior to going into an unpaid military leave status.

178. Can a person who is off on an unpaid military leave of absence use a CSD before and after a holiday to receive payment for the holiday?

Answer: No. An employee who is off on an unpaid military LOA will not have the 3.076 taken while off on unpaid military leave. As a result, the employee will likely not have accrued any CSDs available to use either before or after the holiday. Additionally, pursuant to the state's military leave policy, employees who are on unpaid military leave may not jump back and forth from a "pay" status to a "no pay" status.

179. If we know the employee is planning on retiring at some point during FY10, should we make them take a pro-rated amount of CSDs?

Answer: Yes. The proration is the equivalent of 3.076 hours for every pay period they are scheduled to work in FY10. Please see the following chart for common prorations.

Retirement date	# of ppds since 6/20/09	CSD adjustment
7/31/2009	4	12.304
8/31/2009	7	21.532

Retirement date	# of ppds since 6/20/09	CSD adjustement
9/30/2009	9	27.684
10/30/2009	11	33.836
11/30/2009	13	39.988
12/31/2009	15	46.14
1/29/2010	17	52.292
2/26/2010	19	58.444
3/31/2010	22	67.672
4/30/2010	24	73.824
5/31/2010	26	79.976

Retirement date	# of ppds since 6/19/10	CSD adjustment
6/30/2010	2	6.152
7/30/2010	4	12.304
8/31/2010	7	21.532
9/30/2010	9	27.684
10/29/2010	11	33.836
11/30/2010	13	39.988
12/31/2010	15	46.14
1/31/2011	18	55.368
2/28/2011	20	61.52
3/31/2011	22	67.672
4/29/2011	24	73.824
5/31/2011	26	79.976

180. We have already received the PERS letter for someone who is retiring effective December 1, 2009. The pay period that includes his retirement date ends on 12/5/09. Will the full 3.076 hours be deducted during that pay period, even though the employee will not be working the full pay period?

Answer: Even if the employee is not getting a full paycheck (for whatever reason), as long as the monetary equivalent of 3.076 hours is available, that amount will be deducted. So, in this case, that pay period should count towards the proration. If for any reason the employee is getting paid less than the monetary equivalent of 3.076 hours, then the deduction is not being taken and that pay period will not count towards the proration.

181. Will employees who are planning to retire, but are also planning a vacation before they retire, be required to take vacation as CSDs and then repay back the extra time they took?

Answer: The number of CSDs the employee is required to take will be prorated for the amount of time the employee will be with the state prior to retirement. The vacation days the employee takes will be counted as CSDs. The employee should not be required to pay anything back.

182. How will the CSDs affect retirement contributions?

Answer: Since the employee's gross pay will be reduced by an amount equal to 80 hours a fiscal year as a result of the CSDs, their retirement contribution will be reduced accordingly.

183. For employees retiring effective July 1, they will have the one pay period with the 3.076 hours deducted, but no time to take the CSDs? What will happen?

Answer: These employees will be equalized upon their retirement for the 3.076 hours.

184. If an employee moves from a position that has their CSDs assessed on a holiday to a position that takes 10 CSDs, what happens?

Answer: If the employee while assessing CSDs on the holiday was receiving the 3.076 reduction, the employee's CSDs will be prorated so that they will only be required to take as many CSDs as there are holidays remaining in that fiscal year. For example, if an employee transfers after 6 holidays have occurred, the employee will be required to take 4 CSDs in their new position.

If the employee was assessing CSDs on the holiday and was not receiving a 3.076 reduction (part time or temporary appointment) then the employee's CSDs will be prorated as if they are a new hire. To determine the amount of CSDs for these employees, please refer to the CSD New Hire proration chart located on the DAS Policy website.

185. If an employee moves from a position that is required to take 10 CSDs to a position that has their CSDs assessed on the holiday, what happens?

Answer: As soon as possible prior to the date of the transfer, the agency should contact the Office of Policy Development. The determination of what happens is dependent upon the specific facts of the situation.

186. If an employee leaves State service before the end of next fiscal year, does the 3.076 deduction stop? How are the CSDs scheduled?

Answer: Yes. If the employee has taken CSDs that exceed the value of the withheld hours, the employee's final paycheck will be adjusted to balance out the hours withheld and the CSDs taken. The same reconciliation will take place if an insufficient number of CSDs have been taken.

187. What do we do with new hires that are brought on after July 1? Will there be a chart by pay period for agencies to use to pro-rate the cost savings days for mid-year hires?

Answer: The pro-ration of CSDs for employees hired after July 1, 2009 will be programmed into OAKS.

188. The Leave Donation policy requires employees to exhaust all of their paid leave before they are eligible for donated leave. Does this include CSDs?

Answer: Employees are not required to have exhausted their CSDs in order to be eligible for donated leave. The donated leave statute requires them to exhaust their "paid leave" only and later defines "paid leave" to only include sick leave, vacation leave, and personal leave.

Shift Differential

189. What is the impact on both employees (shift differential) if a first shift employee works a shift starting 2 p.m. - 3 a.m. as a result of a shift trade?

Answer: An employee must regularly work second or third shift to receive shift differential. An employee who regularly works first shift never receives shift differential even when working a different shift. Further, shift differential is never paid for shifts which do not begin between 2:00 pm and 3:00 am. In this situation, neither employee would receive the differential.

190. Will an employee qualify for shift differential if they work events that are a month in duration?

Answer: No, it must be the employee's regularly assigned shift.

High Performance Work Systems

191. What is the timeframe for scheduling joint training for work redesign and compensation methods?

Answer: The employer and the union may mutually agree to develop local agency joint training initiatives prior to developing new processes. This will provide committee members with the knowledge and skills necessary to achieve committee goals and objectives.

IT Classification Update

192. When will the new IT classifications be released?

Answer: The new IT classifications have been filed at the Secretary of State's office and are available at DAS's website (http://www.das.ohio.gov/Divisions/HumanResources/OrganizationalDevelopment) and OCSEA's website (www.ocsea.org/infotech).