

Memorandum



To: Cabinet Directors
State of Ohio Boards and Commissions

From: C. Scott Johnson, Director of Administrative Services

Date: September 6, 2005

Re: State Employee Leave Requests to Assist with Hurricane Katrina Efforts

As you know, many State of Ohio employees are currently providing assistance with recovery efforts in the Southern states devastated by hurricane Katrina. These employees are to be commended for their selflessness during these difficult times.

DAS anticipates that additional state employees will have questions about taking leave to personally assist in the relief efforts. There are many relevant Ohio Revised Code provisions, Ohio Administrative Code provisions and state of Ohio policies that provide guidance regarding a state of Ohio employee's eligibility to participate in recovery efforts. Attached, please find a short summary and a spreadsheet of the applicable request to leave options.

As you know, on August 31 Governor Taft authorized 1,500 Ohio National Guard troops to assist in the rescue and recovery efforts for Hurricane Katrina victims. There are State of Ohio employees among the 1500 who have been called to duty. Under separate cover, I will also be providing you with information regarding Ohio Revised Code military leave provisions and how the provisions apply to state employees.

I am hopeful that this information is helpful to you, your human resources staff, and your employees. However, I realize the information provided may not answer all of the questions that will be raised. Please feel free to contact Christine Thompson, Policy Administrator, DAS Human Resource Division at 614.728.7443 for additional clarification.

Attachments

CODE SECTIONS RELATING TO LEAVE FOR HURRICANE RELIEF EFFORTS

Paid Leave for Disaster Service Volunteer—ORC 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 participation 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 agency approval prior to taking the leave. Appointing authorities have the discretion to deny such leave. One reason to reject the leave request might include the 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.

Paid Leave for Service as EMS Worker or Volunteer Firefighter—ORC 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 balances, the employee will be placed on a leave of absence without pay. Please see the link to the policy for more details.

*<http://das.ohio.gov/hrd/esleavepolicy.html>

Leave of Absence without Pay—OAC 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 the 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 we believe 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.

The Ohio Employee Exchange Program- OAC 123:1-46-06

Pursuant to ORC124.389, 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 auditor of state to another state agency, county office, political subdivision, or an outside governmental or non-governmental organization for the purpose of... [o]ther purposes mutually agreed upon by all the parties involved.

Disaster Relief Code Provisions

<u>Provision</u>	<u>Code</u>	<u>Requirements</u>	<u>Provides</u>
Paid Leave for Disaster Service Volunteers	RC 124.132	<ul style="list-style-type: none"> • Must be certified disaster service volunteer of the American Red Cross <ul style="list-style-type: none"> • Red Cross must request services of employee • Employee must receive agency approval prior to taking leave • 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 <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • Employee must receive agency approval prior to taking leave • Agencies may deny leave requests based on the operational needs of the agency 	<ul style="list-style-type: none"> • 6 months of unpaid leave for personal reasons • 2 years of unpaid leave for voluntary service in any governmentally sponsored program of public betterment
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 rule • Only available for exempt employees 	• Up to two years paid leave