

### 3.061 Transfer of Employee Sick Leave

The Board of Education will consider, on a case-by-case basis, the transfer of accumulated sick leave from one employee to another employee. The reason that the Board of Education may consider the transfer of sick leave is for the catastrophic illness (not maternity leave) or accident of an employee where the ill or injured employee has exhausted all of his or her accumulated sick leave and advanced sick leave, personal leave, vacation leave, and paid leave under Family Medical Leave Act Leave. An employee may not earn accumulated sick leave while using transferred sick leave. An employee may not use transferred sick leave to extend the time prior to a disability retirement. (Ohio law requires that an employee's sick leave be exhausted prior to qualifying for disability retirement.)

An employee requesting the Board of Education to transfer such sick leave to their accumulated sick leave balance must make this request in writing to the Superintendent of Schools. The employee making the request shall also waive, in writing, their HIPAA rights in matters related to the request of the transfer of accumulated sick leave and the notification to employees that such a request has been made. The Superintendent and employee shall meet to discuss the merits of the request. The Superintendent may request medical information from the employee's physician. The Superintendent may request to meet with the employee and his or her physician for additional information. Based upon the evidence presented by the employee making the request that sick leave days be transferred to their accumulated sick leave balance, the Superintendent will make a recommendation concerning the request to the Board of Education for consideration. Such recommendation by the Superintendent or decision of the Board of Education shall not be grievable through Article 4 of the Negotiated Agreement between the Franklin Local Teacher's Association and the Board of Education.

An employee requesting such transfer of sick leave must allow the district and / or building administration to announce to the district staff that an employee has a catastrophic illness or has been involved in a catastrophic accident and is making such a request. Those employees wishing to donate a maximum of three accumulated sick leave days to the employee making the request must notify the Treasurer in writing within thirty days of the request that he or she wishes to make such donation. Donations will be accepted by the Treasurer on a first-in, first-used basis. Partial day donations will not be accepted. An employee may only donate the maximum total of three days of accumulated sick leave to one employee per fiscal year. The employee donating the accumulated sick leave shall have his or her accumulated sick leave balance deducted by the number of days donated the pay date after the earlier of when fifteen days have been donated or thirty days after the request. In no event will days be returned to the donating employee.

A maximum of fifteen (15) days per fiscal year of accumulated sick leave per catastrophic illness or injury shall be transferred from employees' accumulated sick leave balances to the accumulated sick leave balance of the employee making the request. In order to certify the mental and/or physical fitness of candidates and employees to discharge efficiently the duties which they will be performing and to protect the health of students from the transmission of communicable diseases, the Board may require certain physical examinations to be conducted.

For purposes of this policy a "physical examination" shall mean a general examination by a doctor licensed to practice in this state and/or drug testing by a certified lab. The Board shall bear the cost of said examination/test.

The Board may require that recommended candidates for positions of employment and employees

undergo a physical examination and/or a mental examination when circumstances dictate the need for such action. The Board may require a drug test at Board expense.

In addition, school bus drivers shall be examined in accordance with O.A.C. 3301-83-07 to determine their fitness to operate a school bus. All bus driver physical examinations shall be at Board expense.

The results of all examinations shall be made known to the Superintendent on a confidential basis, discussed with or made available to the employee, and made a part of the employee's record. An annual tuberculosis report shall be submitted to the Board of Health having jurisdiction in this District as required.

Persons ill or infected with a communicable disease which may be transmitted through food are prohibited from working in the food-handling areas of this District and such employees may be required to submit to a physical examination on request of the school nurse or school physician. All new employees shall present documented evidence of having a negative tuberculin test as defined by the "American Thoracic Society" (Mantoux Test 5 TU PPD preferred) within ninety (90) days before their first day of work.

Currently employed school employees who become known to have converted a tuberculin skin test from negative to positive as defined by the "American Thoracic Society" shall have a chest x-ray and any other medical and laboratory examinations deemed necessary by the school a licensed physician or the Board of Health to determine the absence of tuberculosis in a communicable state as provided for under O.R.C. §§3313.71 or 3313.72. Local health districts will notify the District in such cases.

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