

Policy and Procedure Name:	Physician's Verification
Policy #:	HR – 6.03
Code/Rule References:	OAC 123.1-32-05, OCSEA Article 29.04, SEIU/1199 Article 13.06, and OEA Article 26.06
Effective Date:	October 18, 2016
Approved:	Megan Kish, Chief Human Resources Officer (signature on file)
Origin:	Human Resources
Supersedes:	All Human Resources policies, procedures, directives and memos regarding physician's verification that predate the effective date of this policy.
History:	Revised: January 31, 2013; March 3, 2011; January 22, 2010; October 1, 2007
Review date:	October 18, 2019

I. POLICY & PROCEDURE PURPOSE

The purpose of this policy and procedure is to make employees aware of their responsibilities as it pertains to physician's verification (PV) for use of sick leave and other leaves in lieu of sick leave.

II. APPLICABILITY

This policy applies to all Bureau of Workers' Compensation (BWC) employees.

III. POLICY

- A. It is the policy of the BWC that employees are responsible for the effective management of their sick leave balances. To assist employees with the management of their sick leave balances, an employee may be placed on PV requirement.
- B. An employee on PV shall be required to provide a statement from a physician who has examined the employee or member of the employee's immediate family in conjunction with all requests to use sick leave or other forms of leaves in lieu of sick leave.
- C. A supervisor may consider placing an employee on PV in the following situations:
 1. Employee possesses or maintains near zero sick leave balance.
 2. Employee attempts to utilize more sick leave than available.
 3. Employee requests paid or unpaid leave in lieu of sick leave.
 4. Employee utilizes sick leave in a manner considered pattern abuse.

5. At the supervisor's discretion after consulting with the BWC Employee and Labor Relations Office.
- D. Failure to provide PV when required, shall result in disapproval of the leave request and subject the employee to disciplinary action in accordance with the BWC Disciplinary Policy (HR Memo 5.01).

IV. PROCEDURE

A. Supervisor responsibilities:

1. If an employee meets one of the criteria listed in III. C. above, the employee's supervisor shall consult with the BWC Employee & Labor Relations Office. When determining whether PV is appropriate, mitigating circumstances may be considered on a case-by-case basis.
2. If it is determined that an employee is to be placed on PV requirement, the supervisor shall complete a "Physician's Verification and Direct Order" form (see Appendix A).
3. The supervisor shall serve the form and review the terms of the order with the employee. Each party shall sign the form.
4. Upon placing an employee on PV, the immediate supervisor shall schedule a ninety (90) day review.
5. At the ninety (90) day review, the supervisor shall review the employee's leave usage and balances.
 - a. If the employee continues to meet the criteria for placement on PV, the employee shall remain on PV.
 - b. If the employee does not meet the criteria to remain on PV, the supervisor shall consult with the LR Office to discuss the PV removal.
6. If the decision is made to keep an employee on PV, the Supervisor shall schedule another ninety (90) day review and repeat the process as previously described in #5 above.
7. If the decision is made to remove an employee from PV, the supervisor shall complete the "PV Removal" form (Appendix B). The employee and supervisor shall sign and date the form.
8. PV may also be required for isolated uses of sick leave. In these cases, the supervisor will notify the employee of the requirement in conjunction with the employee call off.

B. Employee responsibilities:

1. An employee on PV shall submit to his/her immediate supervisor the required documentation within three (3) working days after the employee's return to work from a qualifying absence.
 - a. A qualifying absence is defined as the use of any sick leave, other than for FMLA purposes.
 - b. PV is only acceptable in its original form and if personally written and signed by the attending physician/designee.
2. The PV must indicate the physician who examined the employee or a member of the employee's immediate family on the day of the absence **and** the employee is unable to report to work during the period encompassed by the sick leave.

3. An employee shall continue to abide by the PV order unless or until the employee is notified in writing via the PV removal form (Appendix B) that the PV requirement is no longer in place.
- C. Record retention:
1. When an employee provides a PV to support the utilization of sick leave, the immediate supervisor shall retain the PV for a period of thirty (30) days.
 2. After thirty (30) days, the immediate supervisor shall destroy the PV in accordance with the BWC Records Management Policy (HR Memo 4.27).
 3. The immediate supervisor may retain a PV past the aforementioned thirty (30) day timeframe if/when the underlying absence is subject to an investigation or possible disciplinary action.

Appendix A

PHYSICIAN'S VERIFICATION AND DIRECT ORDER

TO:
FROM:
SUBJECT: Physician's Verification Notice
DATE:

Under the guidelines of the BWC Sick Leave policy, the Employer finds it necessary to require you to provide a physician's verification for all future absences due to illness or injury.

In accordance with the BWC Sick Leave policy and/or applicable provisions in the Collective Bargaining Agreement, the verification should be in its original form and personally written and signed by the attending physician/designee. Pursuant to the Collective Bargaining Agreement and/or BWC Policy, the physician's verification must indicate that you or a **member of your immediate family** have been examined by the physician on the day of the absence and you were unable to report to work on that day. The physician's verification must be provided to your immediate supervisor within **three (3)** days of your return to work.

You are hereby given a **direct order** to comply with this Request for Physician's Verification. Failure to follow this direct order will be a violation of the BWC work rules, and you will be subject to discipline.

Employee Signature
To Acknowledge Receipt Only

Date

Supervisor/Witness

Date

cc: Employee and Labor Relations Department
Chain of Command

Appendix B

PHYSICIAN'S VERIFICATION (PV) REMOVAL

TO: | [Redacted]

FROM: [Redacted]

DATE: [Redacted]

You were placed on PV on (Date) in accordance with the Physician Verification Policy, Memo 6.03 of the Employee Handbook.

We have determined, after consultation with the Employee and Labor Relations Department, that you now meet the criteria to be removed from PV. Accordingly, you are no longer required to provide documentation for every use of sick leave. Together we have reviewed the PV Policy and discussed your obligation to effectively manage your leave balances.

Employee Signature
To Acknowledge Receipt Only

[Redacted] _____
Date

Witness

[Redacted] _____
Date

Policy and Procedure Name:	Sick Leave
Policy #:	HR – 6.04
Code/Rule References:	OAC 123.1-32-01, OAC 123-47-01, ORC 124.38, ORC 124.382, ORC 124.384, OCSEA Article 29, SEIU/1199 Article 13, and OEA Article 26
Effective Date:	December 18, 2015
Approved:	Toni Brokaw, Chief Human Resources Officer (signature on file)
Origin:	Human Resources
Supersedes:	All Human Resources policies, procedures, directives and memos regarding sick leave that predate the effective date of this policy.
History:	Revised: August 2, 2012; October 1, 2009
Review date:	December 18, 2020

I. POLICY & PROCEDURE PURPOSE

The purpose of this policy and procedure is to make employees aware of their rights and responsibilities as it pertains to the use of sick leave.

II. APPLICABILITY

This policy applies to all Bureau of Workers' Compensation (BWC) employees.

III. DEFINITIONS

Immediate Family: As defined by the OAC and applicable collective bargaining agreements, includes spouse, significant other (or domestic partner), children, step-children, grandchildren, parents, step-parents, grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, brother, sister, step-siblings, and/or legal guardian or other person who stands in the place of a parent. Great grandparents are also included in the definition of immediate family for bargaining unit employees.

IV. POLICY

- A. Sick leave shall be granted to employees who are unable to work because of illness or injury of the employee or a member of his/her immediate family living in the employee's household or because of medical appointments or other ongoing treatment.
- B. It is the policy of the BWC to not unreasonably deny sick leave to employees when requested.

- C. It is also the policy of the BWC to take corrective action for abuse of sick leave. Failure to follow the Call-Off Policy (BWC HR Memo 9.01) or the Physician's Verification Policy (BWC HR Memo 6.03) shall result in a denial of sick leave and disciplinary action.

V. PROCEDURE

- A. Request for Leave (RFL): All requests for sick leave shall be submitted via the BWC RFL system.
- B. Sick Leave Charge: The amount of sick leave charged against an employee's accrual shall be the amount used, charged in units of one-tenth (1/10) hour.
- C. Payment of Sick Leave:
1. For each usage period, OCSEA, OEA, and exempt employees shall be paid for sick leave at the rates specified as follows:
 - a. 100% for use of 1 to 40 hours in a usage period.
 - b. 70% for 40.1 to 80 hours in a usage period.
 - c. 100% for 80.1 or more hours in a usage period.
 2. SEIU/1199 bargaining employees shall be paid for sick leave at the rates specified as follows:
 - a. 100% for use of 1 to 36 hours in a usage period
 - b. 70% for 36.1 to 72 hours in a usage period
 - c. 100% for 72.1 or more hours in a usage period.
 3. A new usage period begins each year with the pay check that includes December 1.
 4. Sick leave used to supplement an approved disability leave, workers compensation claim or childbirth/adoption leave is paid at a rate of 100%.
 5. Sick leave used during a waiting period for disability benefits, workers' compensation, or childbirth/adoption leave is paid at 100%.
 6. Any sick leave used during the 40.1 to 80 hours (or 36.1 to 72 hours for 1199 employees) is paid at 100% when the sick leave is for the employee, the employee's spouse, or child residing with the employee for:
 - a. Time spent hospitalized overnight or for those hours of sick leave used before or after the hospital stay that are contiguous to the hospital stay.
 - b. Time spent in outpatient surgery or for those hours of sick leave used before or after the outpatient surgery that are contiguous to the outpatient surgery.
 7. An employee requesting 100% payment for sick leave as outlined in 6. above shall complete the Overnight Hospitalization or Outpatient Surgery Certification form (Appendix A) for submission to the BWC Payroll Department.
 8. Prescheduled Medical Appointment Sick Leave Supplement:
 - a. Employees paid at the reduced rate (70%) may use additional sick leave to supplement the reduction to receive payment at 100% when the sick leave is requested 30 days (21 days for SEIU/1199 employees) in advance for a prescheduled medical appointment.
 - b. The employee must indicate the request to supplement on the RFL and provide a physician statement the first day returning to work following the absence.

D. Return to work:

1. Managers/Supervisors may, after consulting the BWC Employee/Labor Relations Department, require an employee provide medical certification from a health care provider who is releasing the employee to return to work.
 - a. If medical documentation is requested, the employee shall not return to work unless the appropriate documentation is provided to Management.
 - b. Such certification shall indicate the employee is fully capable of performing all of the essential functions of the job to which he/she is assigned.
 - c. If the employee can only return to work with restrictions, the health care provider shall clearly indicate and define any restrictions/limitations (i.e., details the limitations, whether the limitation is permanent, and if not, for what period the limitations are imposed, and whether a reasonable accommodation is requested).
2. If the employee is returning from workers' compensation with limitations, Disability Management shall consider the employee for placement in a transitional work program (TWP) (this differs from part-time work). TWP lasts for ninety (90) days and the employee must be able to resume his or her regular job duties at full capacity at the end of the TWP.
3. If the employee is returning from disability leave with limitations, Disability Management shall consider the employee for placement in a TWP.
4. Crediting of leave upon return to work from an approved leave of absence, workers' compensation or disability leave differs depending upon whether an employee is exempt or in a bargaining unit.
 - a. Exempt employees are not credited with any sick leave upon their return to work, but are credited with a prorated amount of personal leave.
 - b. Bargaining unit employees shall be credited with the sick leave and/or personal leave in accordance with the provisions of the applicable collective bargaining agreement.

E. Use of Paid Leave in Lieu of Sick Leave: An employee who has exhausted his/her sick leave balances and still reports off work with a valid sick leave excuse, may request other paid leave in lieu of sick leave in certain circumstances. Use of other paid leave in lieu of sick leave is permitted only in one or more of the following circumstances:

1. The leave meets the criteria of an approved qualifying event as defined by the Family and Medical Leave Act of 1993. (** Employees are not required to exhaust his or her compensatory time for FMLA leave) – See the FMLA policy.
2. The leave is for pre-scheduled medical appointments for which leave is requested in advance and in accordance with established leave policies.
3. The employee provides a statement from a physician who examined the employee or a member of the employee's immediate family and determined he/she is unable to work for the period of sick leave requested. Such statement must be signed by the physician or his/her designee. (See Physician's Verification Policy)

F. Use of Leave Without Pay in Lieu of Sick Leave:

1. In general, leave without pay in lieu of sick leave shall not be approved unless the absence qualifies under the FMLA.

2. Prior to approving requests to use leave without pay in lieu of sick leave for absences not qualified under the FMLA, supervisors shall consult with the Employee and Labor Relations Department.
- D. Monitoring Sick Leave Usage: The sick leave policy is administered uniformly throughout the agency. Managers/Supervisors are charged to administer the policy and to ensure that patterns of abuse are not permitted to develop. The supervisor is responsible to review sick leave use considered questionable. Examples of such questionable usage include, but are not limited to:
1. Consistent use of sick leave as soon as it has been earned.
 2. Consistent pattern of absence because of illness on workdays immediately following or preceding holidays.
 3. Consistent pattern of absence because of illness on workdays following or preceding weekends.
 4. Consistent pattern of illness on the same day of the week.
- E. Physical Examinations Required by Veterans Administration: War veterans' absences for periodic examinations required by the Veterans Administration (VA) are charged to sick leave. The employee shall provide written instructions from the VA and submit a request for leave via the RFL system.

Appendix A

**STATE OF OHIO
HOSPITALIZATION OR OUTPATIENT SURGERY CERTIFICATION**
(Please Print)

Employee's Name (First/Middle/Last):	Employee ID:
Employee's Job Title:	Agency:
Home Address:	City: State: Zip:
Telephone (W): ()	Telephone (H): ()

1. This information is being provided by: Physician Practitioner Another provider of health services

Name Title Phone Number

<p>INSTRUCTIONS: Please complete only one of the two sections that follow.</p>	
<p><u>SECTION I: HOSPITALIZATION</u></p> <p>2. Patient Information:</p> <p>_____ <i>(Name)</i></p> <p>_____ <i>(Relationship to Employee (if applicable))</i></p> <p>3. Dates of Hospitalization: _____</p> <p>4. Patient was hospitalized overnight? Yes or No</p> <p>5. Hospital: _____ _____ _____ <i>(Facility Name/Address)</i></p>	<p><u>SECTION II: OUTPATIENT SURGERY</u></p> <p>6. Patient Information:</p> <p>_____ <i>(Name)</i></p> <p>_____ <i>(Relationship to Employee (if applicable))</i></p> <p>7. Date of Surgery: _____</p> <p>8. Hospital: _____ _____ _____ <i>(Facility Name/Address)</i></p>

Physician's Certification

I certify that the information contained in this form is true to the best of my knowledge.

Attending Physician/Health Care Provider Signature Date

Employee's Authorization and Certification

I voluntarily authorize the State of Ohio to contact my health care provider for the limited purpose of clarifying the information contained in this certification. Employee's initials: _____

I certify that the information contained in this form is true to the best of my knowledge and understand any misrepresentation on my part may result in a denial of full payment for sick time and may subject me to discipline.

Employee's Signature Date

Policy Name:	Call-off Policy
Policy #:	HR – 9.01
Code/Rule Reference:	OAC 123:1-32-02, OCSEA Article 29.03, SEIU/1199 Article 13.05, and OEA Article 26.05
Effective Date:	March 24, 2017
Approved:	Megan Kish, Chief Human Resources Officer (signature on file)
Origin:	Human Resources
Supersedes:	All Human Resources policies, procedures, directives and memos regarding call-offs that predate the effective date of this policy.
History:	Revised: January 10, 2014; August 29, 2011; July 10, 2009; May 1, 2007
Review date:	March 24, 2022

I. POLICY PURPOSE

The purpose of this policy is to make employees aware of their responsibility to properly notify their supervisor when they are unable to report for work as scheduled.

II. APPLICABILITY

This policy applies to all Bureau of Workers' Compensation (BWC) employees.

III. POLICY

- A. It is the policy of the BWC that an employee who cannot report for work on a scheduled work day must contact his/her supervisor or designee within thirty (30) minutes of their scheduled start time
- B. An employee shall report a call-off to their immediate supervisor or designee. Any exceptions to this requirement must be made in advance and in writing by the supervisor.
 1. Managers may determine the specific call-off procedure appropriate for their Office/Department (e.g., leaving a voicemail, text message, e-mail, or requiring an employee to actually speak with a supervisor/designee).
 2. When permitted to report a call-off without speaking to a supervisor or designee, the employee shall provide a contact number.
 3. Management shall clearly communicate any Office/Department specific call-off procedures to staff.

Exhibit 3

Page 2 of 2

- C. The employee must report the call-off. It is only acceptable for someone other than the employee to call-off on the employee's behalf when the employee is unable to make the call (e.g., due to inpatient hospitalization).
- D. Call-offs are acceptable for two (2) types of leave only: sick leave and emergency personal leave.
 - 1. Management may request documentation to support the approval of the subsequent leave request.
 - 2. If documentation is required but not submitted, the request for leave may be denied.
 - 3. Requests for same day vacation leave and compensatory leave may be approved on a case-by-case basis, in accordance with Division/Office practice.
- E. If a period of medical leave extends beyond one day, the employee and supervisor/designee shall establish a call-off schedule. Until a schedule is established, the employee shall call-off every day.
- F. Late arrival:
 - 1. An employee who arrives more than thirty (30) minutes after his/her scheduled start time shall report the late arrival in accordance with this policy, indicating the reason for the late arrival and the expected report to work time.
 - 2. An arrival more than thirty (30) minutes after the scheduled start time may be considered an unexcused absence and subject the employee to disciplinary action regardless of whether or not he/she made a timely call-off to report the late arrival.
- G. Failure to follow this policy shall result in the denial of the leave being requested and disciplinary action in accordance with the BWC Disciplinary Policy & Grid (HR Memo 5.01).

PHYSICIAN'S VERIFICATION AND DIRECT ORDER

TO: Jessica Caldwell
FROM: Dee DeStefano
SUBJECT: Physician's Verification Notice
DATE: 2/24/17

Under the guidelines of the BWC Sick Leave policy, the Employer finds it necessary to require you to provide a physician's verification for all future absences due to illness or injury.

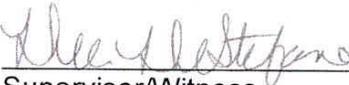
In accordance with the BWC Sick Leave policy and/or applicable provisions in the Collective Bargaining Agreement, the verification should be in its original form and personally written and signed by the attending physician/designee. Pursuant to the Collective Bargaining Agreement and/or BWC Policy, the physician's verification must indicate that you or a member of your immediate family have been examined by the physician on the day of the absence and you were unable to report to work on that day. The physician's verification must be provided to your immediate supervisor within three (3) days of your return to work.

You are hereby given a **direct order** to comply with this Request for Physician's Verification. Failure to follow this direct order will be a violation of the BWC work rules, and you will be subject to discipline.



Employee Signature
To Acknowledge Receipt Only

2-24-17
Date



Supervisor/Witness

2/24/17
Date

cc: Chain of Command

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