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S.B. 276
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Blessing

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SUMMARY

- Allows school district employees to use accrued sick leave provided under existing law for a parental leave of absence.

DETAILED ANALYSIS

Sick leave for a parental leave of absence – school district employees

The bill requires each school district board of education to allow the school district's employees to use up to 480 hours (60 days) of accrued but unused sick leave provided for under continuing law for a parental leave of absence on the employee becoming any of the following:

- A parent, as listed on the birth certificate, of a newly born child;
- A parent, as listed on the fetal death certificate, of a stillborn child;
- A legal guardian of and residing in the same household as a newly adopted child.¹

Under continuing law, a provision of the Education Code² provides employees of any school district, including teachers, with 15 days of paid sick leave per year. Eligible employees may accumulate up to 120 work days of sick leave, unless more is approved by the district.³

¹ R.C. 124.38 and 3319.141.

² R.C. Chapter 3319.

³ R.C. 3319.141.

A separate continuing law provision in the Department of Administrative Services – Personnel Law⁴ provides for 4.6 hours of paid sick leave per 80 hours of service worked (approximately 15 days total per year) to any employee of a school district for which sick leave is not provided by the Education Code provision. Sick leave under this provision is cumulative without limit.⁵

Both laws allow the accrued sick leave to be used for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to others, and for absence due to illness, injury, or death in the employee’s immediate family. Under current law, school district employees are not entitled to paid leave specifically for the purpose of a parental leave of absence.

Both laws specify that a school district is not required to provide substitutes, adult education instructors who work less than 120 days per school year, and persons employed on an as-needed, seasonal, or intermittent basis with any sick leave at all. The sick leave laws do not apply to community (public charter) schools or STEM schools. Any sick leave provided by those schools is controlled by their own rules and contracts with their employees.⁶

Employment contracts and collective bargaining agreements

The bill applies to employment contracts and collective bargaining agreements entered into on or after the bill’s effective date and specifies that it does not invalidate employment contracts and collective bargaining agreements that exist on that date.⁷

The Ohio Supreme Court has held that sick leave provided by statute is the minimum amount required to be granted and a public employer may grant additional sick leave beyond the statutory requirement.⁸ Additionally, under Ohio’s Public Employees Collective Bargaining Law,⁹ all matters pertaining to wages, hours, and terms of employment are subject to collective bargaining. The topic of leave is a matter pertaining to wages, hours, and terms of employment and is subject to collective bargaining.¹⁰ Accordingly, the amount of leave to which a school district employee is entitled could depend on whether the employee is subject to a collective bargaining agreement that provides different benefits or more generous leave than what is statutorily mandated or if the school district otherwise granted additional leave.

⁴ R.C. Chapter 124.

⁵ R.C. 124.38.

⁶ R.C. 124.38 and 3319.141.

⁷ Section 3.

⁸ *Ebert v. Stark County Board of Mental Retardation*, 63 Ohio St.2d 31 (1980).

⁹ R.C. Chapter 4117.

¹⁰ R.C. 4117.08 (A), not in the bill and *Deeds v. Ironton*, 48 Ohio App.3d 7 (1988).

HISTORY

Action	Date
Introduced	12-14-21
