

Bugbee & Conkle, LLP

THE EMPLOYER

August, 2008

Volume 01, No. 1



405 Madison Ave., Ste. 1300
Toledo, Ohio 43604
(419) 244-6788

www.Bugbee-Conkle.com

John F. Wetli
Gregory B. Denny
Tybo Alan Wilhelms
Robert L. Solt, III
Robert P. King
Mark S. Barnes
Harvey C. Miller
Andrew J. Wilhelms
Janelle M. Matuszak

This is the inaugural issue of **THE EMPLOYER**, a bi-monthly publication of Bugbee & Conkle, LLP emphasizing issues and developments of peculiar interest to employers. This newsletter will be sent in addition to Workers' Compensation News (formerly known as The Legal Update) which the firm has published for many years.

SEPTEMBER 16, 2008 SEMINAR ON OHIO HEALTHY FAMILIES ACT

Perhaps the most significant issue currently facing Ohio employers is the threatened enactment of the Ohio Healthy Families Act (HFA). A copy of the HFA is posted on our website, under "Publications," which is accessible by clicking the link at the bottom of this page, and can be printed from there if you would like to read it for yourself. It appears almost certain that this ballot initiative will be on the ballot at the

November 4, 2008 general election. In anticipation of its potential passage, Bugbee & Conkle, LLP will present a half day seminar on the substance of the HFA, and how employers might prepare for its potential passage, on Tuesday, September 16, 2008 at the French Quarter in Perrysburg, Ohio. Further information concerning that seminar is being sent via a separate announcement, but you may register to attend by calling the firm at (419) 244-6788.

OHIO'S PROPOSED HEALTHY FAMILIES ACT

The HFA is, in its simplest terms, a statute by which all Ohio employers with 25 employees or more will be required to provide as many as 7 **paid** days of sick leave to each employee annually. This leave is to be granted to all full time employees (those who work more than 30 hours per week), and a prorated amount of sick leave must be provided all part time employees.

Several of the provisions concerning the administration of this mandatory sick leave are familiar to larger employers who have had to comply

with the federal law known as the Family and Medical Leave Act. These include, but are not limited to, such features as recording this leave in terms of the smallest increment of time used to compute payroll (i.e. perhaps as small as 1/10th of an hour!), and a restriction against considering these absences under a no fault attendance policy. There are many other specifics that would govern the administration of these mandatory sick days, and they will be discussed in greater detail at the September 16, 2008 Seminar.

(See HFA, Page 2)

www.Bugbee-Conkle.com



405 Madison Ave., Ste. 1300
Toledo, Ohio 43604
(419) 244-6788

www.Bugbee-Conkle.com

John F. Wetli
Gregory B. Denny
Tybo Alan Wilhelms
Robert L. Solt, III
Robert P. King
Mark S. Barnes
Harvey C. Miller
Andrew J. Wilhelms
Janelle M. Matuszak

HFA

(Continued from Page 1)

The HFA also contains certain record keeping requirements, as well as the requirement that all documents related to the sick leave covered under the HFA remain “confidential,” unless the affected employee has given express permission otherwise. Another feature of the HFA sure to raise issues is the accumulation of unused sick leave and the extent to which such unused leave carries over into the following year.

Although the HFA indicates that an employer may not eliminate or reduce leave in existence on the date of its enactment so as to comply with the Act, it also provides:

An employer with a leave policy providing paid options shall not be required to modify such policy, if such policy offers an employee the option at the employee’s discretion to take paid leave that is at least equivalent to the sick leave described in (“the HFA.”)

In order to take full advantage of this section of the HFA, employers are advised to thoroughly review, and where appropriate revise and amend, existing policies concerning attendance, leave, and disability provisions, before the HFA is enacted. Such a review should be certain to incorporate the necessary flexibility that would allow employees to accrue and use at least seven (7) paid days (from such existing benefits as holidays, vacation days, personal days, etc.) as sick leave under the HFA.

For more information concerning the HFA, or the September 16, 2008 Seminar, please contact a member of our Labor and Employment law practice group at (419) 244-6788:

Tybo Alan Wilhelms
(twilhelms@bugbee-conkle.com)

Andrew J. Wilhelms
(awilhelms@bugbee-conkle.com)

Mark S. Barnes
(mbarnes@bugbee-conkle.com)

THE EMPLOYER is not intended to provide legal advice, but is intended as a service to the clients of Bugbee & Conkle, LLP and to alert them to recent developments affecting the employment relationship, with a particular emphasis on the perspective of the employer.