

**OPINION NO. 70-071****Syllabus:**

A school bus driver under contract with a board of education is qualified to receive sick leave pay which he has accumulated under Section 143.29, Revised Code, from the time he fails to pass the required physical examination.

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**To: Hamlin C. King, Gallia County Pros. Atty., Gallipolis, Ohio**  
**By: Paul W. Brown, Attorney General, June 19, 1970**

I have your request for my opinion concerning accumulated sick leave time for a non-teaching employee of a local school district. The question is presented as follows:

One of our local school districts recently received a letter from the state highway patrol informing it that one of its school bus drivers was no longer eligible to drive a school bus since he had high blood pressure and was taking

medication to control it. The driver had a considerable amount of sick leave accumulated. He has made an inquiry into whether or not he is entitled to sick leave since the reason for termination was one of health. The school board has taken no action so far as this bus driver is concerned. The driver stayed away from work and has not driven since the notice was received. Is this driver entitled to sick leave pay?

Section 143.29, Revised Code, reads in pertinent part as follows:

"Each employee, whose salary or wage is paid in whole or in part by the state, and each employee in the various offices of the county service and municipal service, and each employee of any board of education, shall be entitled for each completed eighty hours of service to sick leave of four and six-tenths hours with pay. Employees may use sick leave, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, injury, exposure to contagious disease which could be communicated to other employees, and to illness, injury, or death in the employee's immediate family. Unused sick leave shall be cumulative up to one hundred twenty work days, unless more than one hundred twenty days are approved by the responsible administrative officer of the employing unit."

Opinion No. 69-057, Opinions of the Attorney General for 1969, states the language of Section 143.29, Revised Code, is broad enough to include within sick leave payments the time between denial of a bus driver's license due to a physical disability and the date of disability pension approval. A physical disability which precludes a bus driver from performing his duties should be compensated up to the amount that the non-teaching employee has accumulated as sick leave pay.

Informal Opinion No. 136, Informal Opinions of the Attorney General for 1963, states that when a bus driver under contract with a board of education fails to pass his physical examination due to diabetes, he is entitled to sick leave payments for the amount he has accumulated under Section 143.29, supra.

Therefore, it is my opinion and you are hereby advised that a school bus driver under contract with a board of education is qualified to receive sick leave pay which he has accumulated under Section 143.29, Revised Code, from the time he fails to pass the required physical examination.