



## Ohio Administrative Code

### Rule 3342-6-11.11 Administrative policy regarding leave under the FMLA.

Effective: August 29, 2025

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(A) Policy statement. Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees with information regarding their FMLA rights and obligations.

(B) Eligible employees. To be eligible for FMLA leave, an employee must:

- (1) Be employed by the university for at least twelve months (which need not be consecutive);
- (2) Have actively worked for at least 1,250 hours during the past twelve-month period immediately preceding commencement of the leave; and

(C) Entitlement.

(1) Basic FMLA Leave Entitlement: FMLA provides eligible employees with up to twelve (12) workweeks of unpaid, job-protected leave from work in a twelve-month period, in the following circumstances:

- (a) The birth of the employee's child or placement of a child for adoption or foster care;
- (b) To bond with a child within one (1) year of the child's birth or placement;
- (c) To care for the employee's child, spouse or parent (but not In-law) who has a qualifying health condition;
- (d) For the employee's own qualifying serious health condition that renders the employee unable to perform the functions of the employee's position; or
- (e) For a qualifying exigency related to the foreign deployment of a military member who is the



employee's child, spouse or parent (but not in-law).

(2) Additional Military Family Leave Entitlement.

(a) In addition to the circumstances related to basic FMLA leave entitlement, an eligible employee who is the spouse, child, parent, or next of kin of a covered servicemember is entitled to take up to twenty-six (26) work weeks of unpaid leave in a single twelve-month period to care for a covered servicemember with a serious injury or illness.

(b) For leave to care for a covered servicemember, a "qualifying serious injury or illness" includes a pre-existing injury or illness that was aggravated by service in the line of duty on active duty in the Armed Forces. A veteran's definition of a qualifying injury or illness will be defined by the Secretary of Labor. The injury or illness may manifest before or after the member becomes a veteran.

(D) Definitions

(1) Serious health condition. For the purposes of this policy, a "serious health condition" is an injury, impairment or physical or mental condition that involves:

(a) Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential mental care facility; or

(b) Continuing treatment by a health care provider (at least two visits to a health care provider or one visit and a regimen of continuing treatment) for a condition that causes a period of incapacity of more than three (3) calendar days from work, school, or other regular daily activities; or

(c) Any period of incapacity due to pregnancy, or for prenatal care; or

(d) Any period of incapacity (or treatment therefore) due to a serious chronic health condition (e.g. asthma, diabetes, epilepsy, etc.); or

(e) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, stroke, terminal diseases, etc.); or



(f) Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

(g) Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, etc. are examples of conditions that do not meet the definition of a serious health condition.

(2) Child. Except for qualifying exigency leave or covered servicemember leave, a "child" is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.

(3) Spouse. For the purposes of this policy, "spouse" is the employee's husband or wife, including through same-sex marriage or common law marriage if the marriage is recognized under state law in the state in which the marriage is entered into, but not including an unmarried domestic partner;

(4) Parent. For the purposes of this policy, "parent" means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child, but does not include inlaws

(E) Procedure.

(1) Employee Notice of Need for FMLA Leave.

(a) Employees who take FMLA must timely notify the university of their need for FMLA leave. To trigger FMLA leave protection, employees must notify the university benefits department of their need for FMLA leave, either by submitting a formal request for FMLA leave or by explaining their need for leave in a way that allows the university to determine that the leave is FMLA-qualifying. If the employee is away from the workplace for more than three consecutive calendar days and has not notified the supervisor of the need for FMLA, and the employee's supervisor has sufficient knowledge to determine that leave is being taken for a qualifying FMLA reason the supervisor should notify the university benefits department. Calling in "sick" without providing the reasons for



the needed leave will not be considered sufficient notice for FMLA leave under this policy.

Employees do not have to share a medical diagnosis but must provide enough information to the university so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing the university that the employee will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary.

(i) Employees must respond to the University's questions concerning whether the absences are FMLA-qualifying and the timing and duration of the requested leave. Employees will be required to complete an FMLA Leave Request form. Employees must inform the University if leave is requested for a reason for which FMLA leave was previously taken or certified.

(2) Timing of Employee Notice. Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, or when the need for leave is not foreseeable, employees must provide notice as soon as possible under the facts and circumstances of the particular case. Employees who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or who otherwise fail to satisfy FMLA notice obligations, may have their FMLA leave delayed or denied.

(3) Approval.

(a) All family and medical leave requests will be reviewed by the University Benefits Office. Once the University becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the University will notify the employee of their eligibility and their rights and responsibilities under the FMLA. If the employee is not eligible, the University will provide the employee with a reason for the ineligibility.

(b) The University may require an employee seeking FMLA protections due to a serious health condition to submit a medical certification issued by the employee's or the employee's covered family member's health care provider. If the University determines that the certification is insufficient or incomplete, it will provide a written notice indicating what additional information is required.



(c) Additionally, the University will inform the employee whether their absence will be designated as FMLA-protected leave and the amount of leave that will be counted against the employee's FMLA leave entitlement. Under certain circumstances, the University may retroactively designate leave as FMLA leave with appropriate written notice to the employee.

#### (4) Benefit Continuation

(a) Health Benefits. Group health insurance benefits will continue while an employee is on FMLA leave under the same terms as if the employee continued to work. Any premium contribution for which the employee is responsible must continue to be paid by the employee while on leave. If the employee fails to return to work at the expiration of their leave period, the employee may be required to reimburse the University for any and all premium payments made on the employee's behalf during the period of leave. Such reimbursement will not be required if the employee fails to return due to their own continuing serious health condition or circumstances beyond the employee's control.

#### (b) Non-Health-Related Benefits.

(i) While employees are on FMLA leave in an unpaid status, the University will not continue non-health benefits or benefit accruals (e.g., vacation and sick leave accruals) and employees will accrue seniority or service time unless required by an applicable collective bargaining agreement.

(ii) During any period in which the employee is on unpaid status, the University will discontinue making employer and employee contributions to OPERS, STRS, or the Alternative Retirement Program (ARP). Such retirement benefits cannot be withdrawn during the employee's absence.

(iii) Employees will not lose any benefits, seniority, or service time that they accrued prior to their FMLA leave.

#### (5) Leave Duration.

(a) Except for leave to care for a covered servicemember, FMLA leave may be taken for up to twelve work weeks during any twelve-month period. This twelve-month period will be calculated as a rolling twelve-month period measured forward from the date the employee first begins FMLA leave.



(b) Leave to care for a covered service member may be taken for up to twenty-six (26) work weeks during any twelve-month period. This twelve-month period will be calculated as a rolling twelve-month period measured forward from the date the employee first begins FMLA leave.

(6) Leave Conditions:

(a) Leave to care for a child following the child's birth, adoption, or foster placement.

(i) Such leave must generally be taken in consecutive work weeks. Such leave must be completed within the twelve-month period following the birth, adoption, or foster placement of the child.

(ii) Employees requesting leave for one of these purposes must provide the University with thirty days' advance notice of the leave, except if the birth, adoption, or foster placement requires leave to begin in less than thirty (30) days, employees should provide as much advance notice as practical.

(b) Leave to care for a child following the child's birth, adoption, or foster placement.

(i) Leave due to serious health conditions will generally be taken continuously. However, when medically necessary, leave may be taken intermittently or on a reduced work week or reduced workdays.

(ii) If an employee requests an intermittent or a reduced-leave schedule that is foreseeable based on planned medical treatment, the University may require the employee to transfer temporarily to an available alternative position for which the employee is qualified to better accommodate the recurring periods of leave. Employees transferred in such circumstances will receive equivalent pay and benefits.

(iii) Employees requesting leave for these purposes must make a reasonable effort to schedule the treatment, either for themselves or for their child, spouse, or parent, so as not to unduly disrupt University operations. In this regard, the employee should endeavor to secure the cooperation of their own or their covered family member's health care provider to schedule the treatment in a way that minimizes such disruption.



(iv) Employees requesting leave for these purposes must provide thirty (30) days' advance notice of leave, or if treatment is required in less than thirty (30) days, as much advance notice as practicable and generally must comply with the University's usual call-off procedures.

(v) Certification. Employees requesting leave for their own or a covered family member's serious health condition will be required to provide medical certification to substantiate the leave request. Such certification should be provided within fifteen business days of the leave request, if practical, or otherwise within a reasonable period of time. Failure to provide certification will result in denial of FMLA leave until such time as the certification is received. Employees should contact the University Benefits Office for copies of the Certification of Health Care Provider forms to be completed by the employee's or the employee's family member's health care provider, as applicable.

(vi) Employees must provide recertification prior to completion of a period of disability originally certified by a health care provider.

(vii) The University reserves the right to have an employee or covered family member examined, at the University's expense, by a health care provider of its choice for a second opinion at its discretion. In the event of a conflict between the medical opinion of the employee's or covered family member's health care provider and that of the University in the second opinion examination, a third examination may be required by a health care provider mutually agreed upon by the University and the employee and paid for by the University. The opinion of the third health care provider shall be final and binding on the University and the employee.

(viii) Return-to-Work Certification. Before being permitted to return to work from a medical leave due to the employee's own serious health condition, the employee will be required to provide certification from their health care provider that the employee is able to return to work and perform the essential functions of their job. The University may provide the employee with a list of the employee's essential job functions, which the employee must then provide to the health care provider so that they can render an opinion on the employee's ability to perform those essential job functions. The university may delay and/or deny job restoration until an employee provides a return-to-work certification.



(c) Appropriate certification also will be required when employee requests leave for a qualifying exigency or to care for a qualifying serviceman

(d) Employees are not permitted and cannot be required to perform any work for the university while on FMLA leave.

(7) Interaction with Other Types of Leave.

(a) Any absence that meets the standards for FMLA leave shall count towards employees' 12-week allotment of FMLA leave or the 26-week allotment for military FMLA leave. FMLA leave shall run concurrently with all other types of paid or unpaid leave.

(b) Before going on unpaid status, employees will be required to exhaust any and all paid leave that they are eligible to use, including paid parental leave as well as any accrued but unused sick leave, vacation, and comp time.

(c) For leave for the employee's own serious health condition, employees may also be eligible to receive other benefits, such as worker's compensation, in accordance with state law.

(8) Reinstatement. Eligible employees taking leave under this policy will be reinstated to their former position, or to an equivalent position with equivalent benefits and other terms and conditions of employment. However, no employee is entitled under this policy to any right, benefit or position other than that to which the employee would have been entitled had they not taken leave. Thus, for example, if a reduction in force or some other business condition arises which affects the employee's position, reinstatement may not be possible.

(9) Periodic Notification During Leave. While on FMLA leave, employees will be required to contact the university benefits department periodically regarding their leave status and intentions to return to work at the end of the FMLA leave period. If an employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the university benefits department with reasonable notice (i.e., within 2 business days) of the employees changed circumstances and new return to work date.





(10) Protection for Employees.

(a) An employer may not interfere with the exercise of any right protected under the FMLA, nor retaliate against any person for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or for involvement in any proceedings under or relating to the FMLA.

(b) If an employee believes their rights under the FMLA have been violated, the employee should report this violation to the division of people, culture and belonging so that the situation may be investigated and corrected, if necessary. In addition, the employee has the right to file a complaint with the U.S. Department of Labor, Wage and Hour Division or may bring a private lawsuit against the university. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.