



Ohio Administrative Code

Rule 3357:12-5-29 Family and medical leave act.

Effective: March 18, 2015

This rule serves as written notice to all employees of the expectations and obligations of Zane state college and its employees pertaining to leave pursuant to the regulations of the Family and Medical Leave Act "FMLA".

(A) Zane state college provides for its employees up to twelve weeks of leave if requested by an employee for one or more of the following reasons:

(1)	The birth of the employees child or to care for such child;
(2)	A childs placement with the employee for adoption or foster care;
(3)	To care for a spouse, child, or parent (but not parent in-law) who has a serious health condition; or
(4)	The employees own serious health condition that makes the employee unable to perform the functions of the position of such employee.

(B) The leave for a newborn child or for adoption or foster care placement of a child must be completed within twelve months of the birth, adoption, or placement, and the leave may be taken in increments not to exceed twelve weeks in a twelve-month period of time. Leave for a serious health condition may be taken intermittently or on a reduced-time basis but only if such a schedule is needed for medical reasons.

(C) An employee must use all sick leave hours, if available, for all of the twelve-week period. The twelve-week leave in a twelve-month period will be measured forward from the first day the leave is taken.

(D) Spouses employed by the college are jointly entitled to twelve weeks of leave for the birth or placement of a child or to care for a parent who has a serious health condition. The care for a spouse or child with a serious health condition entitles each employed spouse a separate twelve-week limit.



Any employee must request FMLA and meet the criteria outlined.

(E) The employee is expected to give the college at least thirty days advance notice of leave, to the extent advance notice is practicable. Also, if the leave is for planned medical treatment and will be taken on an intermittent basis or by a reduced schedule, the employee is expected to schedule the treatment so as to create a minimum disruption to the college.

(F) Serious Health Condition is defined as an injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential care facility, or continuing treatment by a health care provider. Continuing Treatment constitutes the following:

(1) A period of incapacity of more than five consecutive calendar days, involving:

(a) Treatment two or more times by a health care provider, or

(b) Treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the health care providers supervision.

(2) Pregnancy or prenatal care.

(3) A chronic serious health condition, defined as one that:

(a) Requires periodic visits for treatment by a health care provider,

(b) Continues over an extended period of time, and

(c) May cause episodic rather than continuing incapacity.

A chronic health condition also qualifies as a serious health condition even if an employee does not receive treatment, and it does not last five days.

(4) A permanent or long-term condition for which treatment may not be effective.



(5) An absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition that likely would result in an incapacity of three or more days in the absence of medical treatment.

(6) Allergies or mental illness resulting from stress, but only if they meet all of the other criteria of a serious health condition.

(7) Substance abuse, but only if the employee is taking leave for treatment by a health care provider.

(G) The college requires certification from a health care provider concerning the health condition including certification that the employee is needed to care for a family member, and an estimated time of return is needed. The college can also request an update of the certification after thirty days of leave is used. The college also reserves the right to request a second opinion for the certification with the college incurring the cost of the second opinion.

(H) If the employee returns to work after the leave within the stated timeframe, he or she will be returned to the same or an equivalent position and benefits.

(I) For health benefits during the leave, the employee will be responsible for their contributing costs. Employee contributions must be paid at the same time as the contributions would have been due if the employee were actively working. The college contributions will be actively paid as long as the employee is contributing to continuing coverage. If the employee does not return to work after the leave, the college has the right to charge the employee retroactively for the portion of each premium that was paid by the college.

FMLA leave will not be granted to the following employees:

(1) An employee with less than twelve months or fifty-two weeks of total service.

(2) An employee who works less than twelve hundred fifty hours of service in the previous twelve months.

(J) All requests for leave must be submitted in writing to the human resources department and



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #270578

indicate explicitly the employees intention to return to work upon expiration of the leave. Leaves granted to full-time employees will be with the approval of human resources and the president. Computation of the leave and any other information concerning leave is available in the human resources department.