



Ohio Administrative Code

Rule 3358:17-11-03 Family and medical leave.

Effective: [March 22, 2015](#)

The college follows any and all provisions of the Family and Medical Leave Act ("FMLA") and is subject to the following:

(A) Eligible employees may take up to twelve weeks of unpaid leave during a rolling twelve month period for one or more of the following reasons:

- (1) The birth of a son or daughter of an employee and to care for the child.
- (2) The placement of a son or daughter with an employee for adoption or foster care.
- (3) To care for the spouse, son, daughter, or parent of an employee, if the family member has a serious health condition.
- (4) An employee is unable to perform the functions of the position because of the employee's own serious health condition.
- (5) For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.
- (6) To care for a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness.

(B) Eligibility for leave. To be eligible for leave under this policy, an employee must have worked for the college for at least twelve months, and for at least one thousand two hundred and fifty hours during the year preceding the start of the leave.

(C) Notice requirement.



Eligible employees must give the college thirty days notice of their intent to request leave for foreseeable events, such as the expected birth or adoption of a child or planned medical treatment. All such requests should be directed to the employee's immediate supervisor, forwarded to the office of human resources and the president. For unforeseeable events, the employee should give notice to the college as soon as practical given the facts and circumstances of the specific case.

(D) Medical certification. Upon request of the college, the employee must provide medical certification to support the request for leave due to the employee or family member suffering from a serious health condition. Sufficient certification includes the following information:

(1) Description of the condition.

(2) Date condition began.

(3) Condition's probable duration.

(4) Appropriate medical facts.

(5) An affirmation by appropriate medical personnel that the employee is unable to perform his or her job function, or that the employee is needed to care for a sick family member for a specified period of time.

(6) The college has the right to ask for a second opinion, at the college's expense, regarding the nature of the serious health condition.

(E) Coordination with sick leave, personal leave, and vacation leave: While on leave for birth of the employee's child, eligible employees must use earned sick leave, personal leave, and vacation leave (in this order) for the birth or adoption of a child for the first eight weeks of the leave period. All leave must be taken consecutively regardless of holidays and other non-contracted days. The balance of the twelve week period will be unpaid or any earned vacation may be used.

While on leave for a serious health problem, eligible employees must use earned sick leave, personal



leave, and vacation leave (in this order) for a medical condition that renders the employee unable to perform his/her duties. In such cases, the leave may be intermittent.

Whether on leave for the birth of their child or medical leave, leave days will not be deducted during periods when employees are not expected to be performing their duties.

(F) Extended use of sick leave. Additional earned sick leave after the eight week period may be used only in the event of serious health or injury problems as certified by the attending physician. Unpaid leave may be extended to meet the needs of the employee or to comply with the college's obligations under the Americans with Disabilities Act. Leave for a serious health condition beyond twelve weeks must be approved by the president of the college. The leave can be compensated with the use of earned sick leave, or uncompensated.

(G) Both spouses work for the college. If both spouses are employed by the college, their total leave in any twelve month period is limited to twelve weeks when the leave is taken for the birth, or adoption of a child, or to care for a sick child.

(H) Restoration to position. When returning from leave, the eligible employee will be restored to his/her former position that she/he held before the leave commenced, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

(I) Continuation of benefits. The employee will be provided medical coverage during family and medical leave up to twelve weeks at the same level and under the same conditions as he or she would have received if not on leave. While on compensated leave time, regardless of the length of leave, the employee will continue to receive all other benefits to which entitled. Any leave time beyond accrued sick leave, vacation, or personal leave will be without compensation and sick leave/vacation leave will not accrue. While on uncompensated leave, the individual must continue to pay the employee share of the benefit costs.