



Ohio Administrative Code

Rule 3358:5-5-20 Family and Medical Leave Act Policy.

Effective: November 14, 2022

(A) Clark state college will grant eligible employees leaves of absence under qualifying circumstances as provided for in the Family and Medical Leave Act (FMLA) of 1993, as amended. The college provides job-protected family and medical leave to eligible employees for up to twelve workweeks (four hundred eighty hours) of leave during a twelve-month period based on qualifying events.

All periods of absence from work due to, or necessitated by the Uniformed Services Employment and Reemployment Rights Act (USERRA) covered service is counted in determining an employees eligibility for leave pursuant to this policy. Eligible employees that care for covered military service members are eligible for up to twenty-six workweeks (one thousand forty hours) of leave in a single twelve-month period on a per-covered-service member, per-injury basis. An employee who is entitled to take leave due to a different fmla-qualifying reason may take leave during the same single twelve-month period in which leave is taken to care for a covered service member, but the total leave taken for any purpose during the single twelve-month period may not exceed twenty-six workweeks overall. To the extent this policy is silent on a matter, federal law will prevail.

(B) Eligibility for leave under this policy requires an employee to be in one of the following categories: instructional faculty, exempt staff, or non-exempt staff; and

(1) Have worked for Clark state college for at least twelve months; and

(2) Have worked at least one thousand two hundred fifty hours during the twelve months immediately prior to the start of the leave; and

(3) Have an FTE of 60.1 or higher

(C) Qualifying events for leave



- (1) The birth of the employees child, and/or incapacity due to pregnancy or prenatal medical care;
 - (2) The placement with the employee of a child for adoption or foster care;
 - (3) The placement with the employee of a child for adoption or foster care;
 - (4) To care for an immediate family member with a serious health condition. (Immediate family is defined as brother, sister, mother, father, wife, husband, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, stepchildren, stepparent, grandparent, step-grandparent, grandchildren, and step-grandchildren);
 - (5) A serious health condition of the employee that renders the employee incapable of performing the functions of the employees job position as certified by a health care provider; or
 - (6) A qualifying exigency arising out of the fact that the employees spouse, son, daughter, or parent is on covered active duty in a foreign country or has been notified of an impending call to active duty in a foreign country.
- (D) Definition of a serious health condition
- (1) A serious health condition is defined as a condition which requires in-patient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider.
 - (2) Illnesses and injuries of a serious and long-term nature resulting in recurring or lengthy absences. Examples of a serious health condition include heart attacks or other serious heart conditions, most cancers, strokes, appendicitis, pneumonia, and ongoing pregnancy and prenatal care.
 - (3) Generally, a chronic or long-term health condition which results in a period of incapacity (defined as the inability to work, attend school, or perform other regular daily activities) for five or more consecutive days.
 - (4) A period of incapacity due to pregnancy, parental care, or placement with the employee of a child



for adoption or foster care.

(5) The college may require an employee to provide a health care providers certification of the serious health condition or illness. This medical certification process is outlined in the colleges family and medical leave procedures.

(6) Employees with questions regarding the types of health conditions or illnesses covered under this policy or under the colleges sick leave policy are encouraged to contact the colleges human resources office.

(E) This policy shall be administered in accordance with the associated Family and Medical Leave Act policy procedures, and consistent with the FMLA and related federal regulations in effect on the date that leave is being taken.

(F) The office of human resources is responsible for developing, implementing, and maintaining the family and medical leave act policy, procedures, and related forms.