



Ohio Administrative Code

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

Effective: July 13, 2026

In accordance with the federal Family and Medical Leave Act (FMLA), Clark state college provides job-protected family and medical leave (FML) to eligible employees who are unable to work due to their own serious health condition or the need to care for an immediate family member with a serious health condition.

Eligible employees may take up to twelve workweeks (four hundred eighty hours) of leave within a twelve-month period for qualifying events, as defined under FMLA and this policy.

Employees caring for a covered military service member with a serious illness or injury may be eligible for up to twenty-six workweeks (one thousand forty hours) of leave in a single twelve-month period.

(A) Eligibility requirements

- (1) To be eligible for FML under this policy, an employee must meet all of the following criteria:
 - (a) Have been employed by Clark state college for at least twelve months;
 - (b) Have worked at least twelve hundred fifty hours during the twelve months immediately preceding the start of the leave (equivalent to 60.1 per cent FTE or greater for the entire twelve-month period);
 - (c) Have experienced a qualifying event as defined in paragraph (B) of this policy.

(B) Qualifying events for leave

- (1) Eligible employees may request leave for the following FML qualifying reasons:
 - (a) The birth of the employee's child, and/or incapacity due to pregnancy or prenatal medical care;
 - (b) The placement of a child with the employee for adoption or foster care;
 - (c) To care for a child during the first year following birth, adoption, or foster care placement;
 - (d) To care for an immediate family member with a serious health condition. (Immediate family is defined as: spouse; (step)parents and parents-in-law; (step)children and sons- and daughters-in law; (step)siblings and siblings-in-law; (step)grandparents and (step)grandchildren);



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- (e) A serious health condition of the employee that renders them unable to perform the essential functions of their job, as certified by a health care provider; or
- (f) A qualifying exigency related to the covered active duty (or notification of impending call or order to covered active duty) of the employee's spouse, son, daughter, or parent in a foreign country.

(C) Definition of a serious health condition

A serious health condition is defined as:

- (1) A condition requiring inpatient care in a hospital, hospice, or residential medical care facility;
- (2) A condition requiring continuing treatment by a licensed health care provider;
- (3) A chronic or long-term illness that results in recurring or extended periods of incapacity, such as:
 - (a) Heart attack or serious heart condition
 - (b) Most forms of cancer
 - (c) Stroke
 - (d) Appendicitis
 - (e) Pneumonia
 - (f) Pregnancy and prenatal care
- (4) A condition resulting in incapacity for five or more consecutive days, including those due to pregnancy, child birth or the placement of a child for adoption or foster care.
- (5) The college may require certification from a health care provider to support the need for FML. This certification process is detailed in the college's family and medical leave procedures.
- (6) Employees with questions regarding qualifying health conditions or how this policy interacts with the college's sick leave policy should contact the office of human resources.

(D) Military family leave entitlement



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(1) In compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the FMLA:

(a) All absences from work due to, or necessitated by, covered military service under USERRA will be counted toward FMLA eligibility.

(b) Eligible employees who are the primary caregiver for a covered military service member with a serious illness or injury may take up to twenty-six workweeks (one thousand forty hours) of leave in a single twelve-month period, per covered service member and per qualifying injury.

(c) If an employee also takes FML for another qualifying reason during the same twelve-month period, the total combined leave cannot exceed twenty-six workweeks.

(d) If this policy does not address a specific matter, federal law shall govern.

(E) Policy administration

(1) This policy shall be administered in conjunction with the 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.

(2) Human resources is responsible for developing, implementing, and maintaining the Family and Medical Leave Act policy, related procedures, and all associated forms.