

3359-11-02 Family and medical leave, leave of absence, paid maternity leave, paid paternity leave, paid adoptive and foster parent leave and vacations for employees other than bargaining unit faculty.

(A) Family and medical leave.

- (iii) On the temporary disability retired list for the serious illness, or injury.
 - (b) To care for a veteran who is a covered family member or next-of-kin (nearest blood relative) who has a qualifying serious injury or illness incurred by the member in the line of duty on active duty in the armed forces (or existed before the member's active duty began and was aggravated by service in the line of active duty in the armed forces) and that manifested itself before or after the member became a veteran. The veteran must be undergoing medical treatment, recuperation, or therapy for the serious injury or illness and have been a member of the armed forces during the five years preceding the date on which the veteran underwent the medical treatment, recuperation, or therapy.
 - (c) Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed twenty-six weeks in any single twelve-month period.
- (3) Subject to the provisions of the applicable policies, paid vacation leave or paid sick leave may, at the employee's option, be substituted for leave without pay while on FMLA leave.
- (4) If the employee fails to provide at least thirty days' advance notice when the leave is clearly foreseeable, leave may be delayed until at least thirty days after the date the employee provides notice to the employer. If the employee fails to provide a medical or other certification to support a request for leave, leave may be delayed until certification is provided. If the employee never produces certification then the leave is not FMLA leave. The university may, at its own expense, request a second and/or third opinion. If the employee or

treatment, the employee must make reasonable efforts to schedule the treatment so as not to unduly disrupt the university's operation, and the university may temporarily transfer the employee to an alternative position for which the employee is qualified, if it better accommodates these recurring periods of leave.

- (9) Nothing in this section shall be deemed to create any additional benefits, rights, or entitlements to employees beyond those provided by the provisions of the FMLA or applicable law of the state of Ohio. For the purpose of implementing this FMLA policy, the definitions and provisions of the FMLA in effect at that time shall be followed when necessary to ensure compliance with the law.
- (B) Maternity leave. Upon delivery, an employee who is on active pay status shall, in the ordinary course of recovering from either a vaginal birth without complication, be entitled to use up to six weeks of accrued sick leave, or if a vaginal birth with complication as verified by a physician or cesarean birth, be entitled to use up to eight weeks of accrued sick leave, as long as the employee has accrued the requisite amount of leave, and if less, then shall be entitled, to use such lesser amount. In any event, the use of such accrued sick leave shall be at the employee's option to use however much time as the employee deems appropriate. If, upon delivery of the child, the employee is not in active pay status, but becomes in active pay status within six weeks, in the case of a vaginal birth without complication, or eight weeks, in the case of a vaginal birth with complication as verified by a physician or cesarean birth, the employee shall be entitled to use accrued sick leave upon being in active pay status for the remainder of the six- or eight-week period, as applicable. In any event, after using (or not using) such accrued sick leave, a full-time employee is granted twenty working days of paid maternity leave not taken from the accrued sick leave. In addition to the paid maternity leave for full time employees, an eligible employee who thereafter is physically unable to perform her duties may elect paid sick leave on the same terms that sick leave is available for any other illness, injury, or dis

(F) No member of the faculty shall be absent from proper duties at the university for any cause other than sickness, except upon permission of the president, upon recommendation of the faculty member's dean or administrative superior.

(G) Academic year and vacations.

(1) Full-time faculty members on a nine-months' appointment are expected to be on duty during the fall and spring semester and continuing through spring commencement exercises, and are entitled to all academic vacations during that period.

(2) Faculty members and designated others on a full-time, twelve-month appointment (effective July first) have one hundred seventy-six hours of vacation as arranged with the dean or administrative supervisor as described in rule 3359-11-03 of the Administrative Code, vacation policy for full-time, twelve-month faculty and professional staff.

Effective: 10/14/2023

Certification:

M. Celeste Cook
Secretary
Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 3359

Rule Amplifies: 3359

Prior Effective Dates: 08/24/1996, 06/25/2007, 06/30/2011, 05/09/2014
02/01/2015