



FMLA Ohio

Federal vs. Ohio Family & Medical Leave Laws

	FEDERAL ELEMENTS	STATE ELEMENTS
Employers Covered	<p>Private employers with 50 or more employees in at least 20 weeks of the current or preceding year.</p> <p>Public agencies, including state, local and federal employers.</p> <p>Local education agencies covered under special provisions.</p>	<p>In addition to the Federal FMLA, Ohio has leave laws regarding pregnancy (contained within the Ohio Fair Employment Practices Act) and for family members of military persons (contained within the Ohio Military Family Leave Act).</p> <p>Pregnancy: State and local governments and private employers with four or more employees</p> <p>Military Family: Employers with 50 or more employees, including state and local governments</p>
Employees Eligible	<p>Worked for employer for at least 12 months (which need not be consecutive); worked at least 1,250 hours for employer during 12 months preceding leave; and employed at a worksite with 50 or more employees within 75 miles of worksite.</p>	<p>Pregnancy: Female employees affected by pregnancy, childbirth or related medical conditions</p> <p>Military Family: Worked for employer for at least 12 consecutive months and worked at least 1,250 hours during the 12 months preceding leave. Employee requesting leave must be the spouse, parent or legal guardian of a state or U.S. service member who has been:</p> <ul style="list-style-type: none"> Called into active duty in the uniformed services for more than 30 days; or

		<ul style="list-style-type: none"> Injured, wounded or hospitalized while serving on active duty in the uniformed services.
Leave Amount	<p>Generally, up to a total of 12 weeks during a 12-month period.</p> <p>Up to 26 weeks during a single 12-month period to care for spouse, child, parent or next of kin who is a covered service member with a serious injury or illness.</p> <p>However, leave for birth, adoption, foster care, care for a parent with a serious health condition or care for a covered service member with a serious injury or illness must be shared by spouses working for same employer.</p>	<p>Pregnancy: Women affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.</p> <p>Military Family: Employees may take leave up to 10 days or 80 hours (whichever is less) once per calendar year. Leave for deployment to active duty must be taken no more than two weeks prior to or one week after the date of deployment.</p>
Type of Leave	<p>Unpaid leave for:</p> <ul style="list-style-type: none"> Birth of employee’s newborn child; Placement of child with employee for adoption or foster care; Providing care for employee's parent, child or spouse with serious health condition; Employee’s own serious health condition; Any qualifying exigency when employee’s spouse, child or parent is on active duty or is notified of impending call or order to active duty in Armed Forces; or Caring for a spouse, 	<p>Pregnancy: Women affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.</p> <p>Military Family: Unpaid leave for employee who is the parent, spouse or legal guardian of a member of the uniformed services when that member is called for active duty longer than 30 days or is injured while serving on active duty.</p>

	<p>child, parent or next of kin who is a covered service member with a serious injury or illness.</p>	
<p>Serious Health Condition/Serious Injury or Illness</p>	<p>Serious Health Condition: Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in hospital, hospice, or residential medical-care facility, or continuing treatment by a health care provider involving a period of incapacity due to:</p> <ul style="list-style-type: none"> • A health condition lasting more than three consecutive full calendar days and involving a certain level of treatment; • A chronic serious health condition or a permanent or long-term condition for which treatment may be ineffective; • Absences to receive multiple treatments (including recovery periods) for a restorative surgery or for a condition that if left untreated likely would result in incapacity of more than three days; or • Any incapacity related to pregnancy or for prenatal care. <p>Serious Injury or Illness: In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in line of duty on active duty in the Armed Forces (or which existed</p>	<p>No specific provision</p>

	<p>before the beginning of active duty and was aggravated by service in the line of duty on active duty) that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.</p> <p>For a veteran of the Armed Forces, including a veteran of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or which existed before the beginning of active duty and was aggravated by service in the line of duty on active duty) and that manifested itself either before or after the member became a veteran.</p>	
<p>Health Care Provider</p>	<p>Doctors of medicine or osteopathy authorized to practice medicine or surgery; podiatrists, dentists, clinical psychologists, clinical social workers, physician assistants, optometrists, chiropractors (limited to manual manipulation of spine to correct subluxation shown to exist by x-ray), nurse practitioners, and nurse-midwives, if authorized to practice under state law and consistent with the scope of their authorization; Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, MA; any provider so recognized by the employer or its group health plan's benefits manager; and any health provider listed above who practices and is authorized to practice in a country other than the United States.</p>	<p>No specific provision</p>

<p>Intermittent Leave</p>	<p>Permitted for serious health condition, for care of covered service member when medically necessary and for active duty leave.</p> <p>Not permitted for care of newborn or new placement by adoption or foster care, unless employer agrees.</p>	<p>Pregnancy: Women affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.</p> <p>Military Family: No specific provision</p>
<p>Substitution of Paid Leave</p>	<p>Employees may elect, or employers may require, accrued paid leave to be substituted in some cases. Employee must follow terms and conditions of employer's normal paid leave policies.</p>	<p>Pregnancy: Women affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.</p> <p>Military Family: Employee must exhaust all available forms of leave, except sick or disability leave, before taking military family leave.</p>
<p>Reinstatement Rights</p>	<p>Must be restored to same position or one equivalent to it in all benefits and other terms and conditions of employment.</p>	<p>Pregnancy: Women affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.</p> <p>Military Family: Must be restored to the position held immediately before the leave or to a position with equivalent seniority, benefits, pay and other terms and conditions of employment.</p>
<p>Key Employee Exception to Reinstatement Rights</p>	<p>Limited exception for salaried employees if among highest paid 10 percent of workforce within 75 miles of worksite, restoration would lead to grievous economic harm to employer and other conditions met.</p>	<p>No provision</p>

<p>Maintenance of Health Benefits During Leave</p>	<p>Health insurance must be continued under same conditions as prior to leave.</p>	<p>Pregnancy: Women affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.</p> <p>Military Family: Employer must continue to provide health insurance. Employee is responsible for the same proportion of the cost as he or she regularly paid when not on leave.</p>
<p>Leave Requests</p>	<p>To be made by employee at least 30 days prior to date leave is to begin where need is known in advance or, where not foreseeable, as soon as practicable.</p> <p>If due to a planned medical treatment or for intermittent leave, the employee, subject to health care provider's approval, shall make a reasonable effort to schedule it in a way that does not unduly disrupt employer's operations.</p> <p>If due to foreseeable active duty of family member, notice must be made as soon as practicable.</p>	<p>Pregnancy: Women affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.</p> <p>Military Family: Employee must provide 14 days' notice of intended leave for active duty deployment or two days' notice of intended leave for injuries. No notice is required for leave taken because of critical or life-threatening injuries.</p>
<p>Certification Requirement</p>	<p>Employer may require certification for the following:</p> <p>Request for leave because of serious health condition or to care for covered service member with a serious illness or injury.</p> <p>Request for qualifying exigency leave because of family member's active duty or call to active duty in the Armed Forces.</p> <p>To demonstrate employee's</p>	<p>Pregnancy: Women affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.</p> <p>Military Family: Employer may require certification from the appropriate military authority to verify employee's eligibility for leave.</p>

	fitness to return to work from medical leave where employer has a uniformly applied practice or policy requiring such certification.	
Executive, Administrative, and Professional Employees	These individuals are entitled to FMLA benefits. However, their use of FMLA leave does not change their status under the Fair Labor Standards Act (FLSA), i.e., an employer does not lose its exemption from the FLSA's minimum wage and overtime requirements.	No provision
Statutes	29 USC 2601	Ohio Statutes §§ 4112.01-4112.02 (pregnancy leave); 5906.02 (military family leave)

SPECIAL NOTE: Please note that the information in the above chart focuses on statewide laws. Employers must be aware that numerous cities across the country have enacted local ordinances that mandate employers to provide paid sick leave to employees. An employer located in a city with a local paid sick leave law must comply with the local ordinance and statewide law, if applicable.

Ohio Civil Rights Commission

30 E. Broad Street, 5th floor
 Columbus, Ohio, 43215
 PH: (888) 278-7101
<http://crc.ohio.gov/>