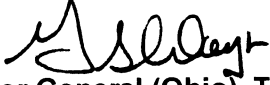


STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 WEST DUBLIN GRANVILLE ROAD
COLUMBUS, OHIO 43235-2789

MEMORANDUM

TO: SEE DISTRIBUTION 
FROM: Gregory L. Wayt, Major General (Ohio), The Adjutant General
DATE: January 5, 2005
SUBJECT: POLICY - State Employee Procedure Letter #33
Adoption/Childbirth Leave

1. REFERENCES:

- a. Exempt State Employees: Section 124.136, Ohio Revised Code.
- b. Collective Bargaining Unit State Employees: Article 30.08, OCSEA Labor Agreement.

2. SCOPE: This policy applies to all full-time permanent state employees and part-time permanent state employees who work thirty (30) or more hours per week.

3. PURPOSE: Adoption/Childbirth Leave is intended to provide an opportunity for State employees to take up to a maximum of six (6) weeks of continuous leave to provide care, bonding, and/or acclimation immediately following the birth or adoption of a minor child. The first two weeks of leave shall be the unpaid waiting period, and the remaining four (4) weeks shall be paid at seventy (70%) percent of the employee's regular rate of pay. No minimum service time is necessary to establish eligibility for this leave. Eligibility for leave is established on the day of the birth of a child or the day upon which custody is taken for adoption placement by the prospective parents. Employees who desire to use Adoption/Childbirth Leave should apply in writing within two (2) working days following the birth or adoption of a child. Such application shall be made using the standard Request for Leave Form.

The employee must be the biological parent. In case of adoption, the employee must be the legal guardian of and reside in the same household with the newly adopted child in order to be eligible. Employees may elect to take two thousand (\$2,000) dollars for adoption expenses in lieu of taking time off for Adoption/Childbirth Leave. Payment may be requested when the court has awarded permanent custody of a child to the prospective parents.

Whenever the employee adopts multiple children, the event shall be considered a single qualifying event and will not serve to increase either the length of leave for an employee or the \$2000 limit.

In the event an infant child dies while an employee is using Adoption/Childbirth Leave for that infant, Adoption/Childbirth Leave terminates on the date of the death. Requested bereavement leave may begin on the day following the death of the child, and may be supplemented by other leaves.

4. LEAVE AND BENEFIT AMOUNT: To qualify for Adoption/Childbirth Leave, an employee must complete a fourteen (14) day waiting period which commences on the date eligibility is established.

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An employee may work at the discretion of his/her supervisor, and/or may take unpaid leave, or may use any form of accrued paid leave or compensatory time for which he/she is qualified, or any combination thereof, during the fourteen (14) day waiting period. The fourteen (14) day waiting period under these circumstances shall satisfy the waiting period for disability leave benefits for employees who qualify for additional leave due to disability, provided the employee does not work during the two (2) week waiting period. The remaining four (4) weeks shall be paid at seventy (70%) percent of the employee's regular rate of pay.

All full-time firefighters (Class Series 2659) who are approved to receive Adoption/Childbirth Leave Benefits shall be entitled to receive such benefits based on their regular work schedule and shall not exceed one hundred four (104) hours per pay period.

An employee may utilize any other form of paid leave or compensatory time to supplement Adoption/Childbirth Leave, up to a maximum of one hundred (100%) percent of the employee's regular bi-weekly rate of pay. Employees using Adoption/Childbirth Leave who meet the eligibility requirements of the Family and Medical Leave Act (FMLA) (i.e., twelve (12) months of state service, and one-thousand two-hundred fifty (1,250) hours in state service active pay status during the twelve (12) months immediately before the birth or adoption) shall have the entire non-working period of Adoption/Childbirth Leave counted toward the employee's twelve (12) week FMLA entitlement.

The average regular hours worked (including holidays and use of paid leave) over the preceding three-month period shall be used to determine eligibility and benefits for part-time employees, provided that such benefits shall not exceed forty (40) hours per week. If the employee has not worked a three-month period, the average number of hours for which the employee has been scheduled per week will be used to determine eligibility and benefits.

For the duration of Adoption/Childbirth Leave, employees are eligible to receive all employer-paid benefits and accrue all forms of leave as if they were in an active pay status.

5. HOLIDAYS: Employees shall not be eligible to receive Holiday Pay while on Adoption/Childbirth Leave. Holidays shall be counted as one day of Adoption/Childbirth Leave and be paid as Adoption/Childbirth Leave. If an employee works the day before a holiday during the waiting period, he/she will be eligible to receive Holiday pay as normal. Employees who work during a holiday shall be entitled to pay as provided pursuant to the appropriate Collective Bargaining Agreement, law or Administrative Rule.

6. WORKING DURING ADOPTION/CHILDBIRTH LEAVE: Supervisors may allow employees to work a reduced schedule during any portion of the six week period, subject to the needs of the work unit. Employees who are permitted to work a reduced schedule during such period shall establish a schedule that is acceptable to their supervisor. Only the time spent in non-work status during the period of Adoption/Childbirth Leave may be applied as FMLA leave.

7. CREDIT FOR HOURS WORKED OR SUPPLEMENTED: Employees who work or supplement their pay during the latter four weeks of leave, as described above, shall have their pay for hours worked or supplemented so calculated that working or supplementing thirty (30%) percent of their normally scheduled work hours during the pay period shall result in a bi-weekly pay amount equal to their regular bi-weekly pay. Employees who work more than thirty (30%) percent of their regularly scheduled hours shall forfeit paid Adoption/Childbirth leave on an hour for hour basis for all excess hours.

8. DURATION: Under no circumstances shall Adoption/Childbirth Leave be taken beyond six

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weeks from the date of birth or placement of a child for adoption. Adoption/Childbirth Leave shall not be used to extend the separation or layoff date of an employee.

9. PAYMENT: Employees on Adoption/Childbirth Leave shall receive leave pay as described above over the four-week period through the regular payroll process until 160 hours of Adoption/Childbirth Leave time, or 160 hours of Adoption/Childbirth Leave combined with hours worked, has been exhausted or the appropriate pro-rated number of hours for part-time employees has been exhausted. Employees on Adoption/Childbirth Leave are ineligible to receive overtime pay, and no portion of their parental leave shall be included in calculating their overtime pay.

10. COORDINATION WITH DISABILITY LEAVE: Employees who are receiving disability leave benefits prior to becoming eligible for Adoption/Childbirth Leave shall continue to receive disability leave benefits for the duration of the disabling condition or as otherwise provided under the disability leave benefits program. In the event that an employee is receiving disability leave benefits for a pregnancy and such benefits terminate prior to the expiration of any benefits the employee would have been entitled to under Adoption/Childbirth Leave, the employee will receive Adoption/Childbirth Leave for such additional time without being required to serve an additional waiting period. In the event that an infant child dies while the birth mother is using Adoption/Childbirth leave in lieu of disability leave benefits for that infant, the leave shall continue for a period consistent with the appropriate recovery period for disability leave benefits for child birth.

**DISTRIBUTION:
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