

## **ODNR ADOPTION CHILDBIRTH POLICY - PROCEDURE**

<b>Effective</b>	April 1, 2011
<b>Purpose</b>	The purpose of this policy is to provide an opportunity for ODNR employees to take up to a maximum of six (6) weeks of continuous leave to provide parental care immediately following the birth or adoption of a minor child.
<b>Authority</b>	ORC 124.136 OCSEA Article 30.08 FOP Article 45.08
<b>Reference</b>	ODNR FMLA Policy/Procedure Disability Leave Procedure Request For Leave Form - (ADM 4258)
<b>Resource</b>	Office of Human Resources; Office of Budget and Finance - Payroll Coordinator

### **POLICY**

It is the policy of the Ohio Department of Natural Resources to allow all full-time/part-time permanent exempt employees and bargaining unit employees (covered by Collective Bargaining Agreements), who work an average of thirty or more hours per week, adoption/childbirth leave.

### **EFFECTIVE DATE AND TRIGGERING EVENT**

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.

Eligibility for taking adoption/childbirth leave shall begin on the date of the birth of an employee's child or the placement of an adopted child into the employee's custody. The employee must be the biological parent, or in the case of adoption the employee must be the legal guardian, and reside in the same household.

An employee may elect to receive two thousand (\$2,000.00) for adoption expenses in lieu of receiving the paid leave benefit provided under this section. Such payment may be requested when the court has awarded permanent custody to the prospective parent. If the child is already residing in the home, payment may be requested at the time the adoption is approved.

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

two-thousand dollar (\$2,000) benefit.

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, unless the birth mother is using adoption/childbirth leave in lieu of disability leave in which case the leave shall continue for a period consistent with the appropriate recovery period for disability leave benefits for childbirth.

### **BENEFIT AMOUNT AND DURATION OF CHILDBIRTH/ADOPTION LEAVE**

All employees granted parental leave shall serve a waiting period of fourteen (14) days which commences on the date of the birth of the child or the placement of an adopted child into the employee's custody. An employee may work at the discretion of the employee's appointing authority, may take unpaid leave or may use any form of accrued paid leave or compensatory time during the fourteen-day waiting period.

The fourteen-day waiting period shall also 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 waiting period.

Adoption/childbirth leave shall not exceed six (6) continuous weeks from the date of birth or placement of a child for adoption. This time includes four (4) weeks (or one hundred sixty hours) of paid leave for full-time permanent employees and a prorated number of hours of paid leave for part-time permanent employees. Adoption/childbirth leave shall not be used to extend the layoff date of employees or to extend a period of employment for Established Term Regular or Irregular employees.

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 active pay status.

### **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.

### **WORKING DURING ADOPTION/CHILDBIRTH LEAVE PERIOD**

Appointing authorities may allow employees to work a reduced schedule during any portion of the six-week period, subject to the needs of the agency. Employees who are permitted to work a

reduced schedule during such period shall establish a schedule that is acceptable to the Appointing Authority. Only the time spent in non-work status during the period of Adoption/Childbirth leave may be applied as FMLA leave.

### **USE OF OTHER LEAVE**

Employees may utilize sick, vacation, personal leaves and/or compensatory time to receive pay during the 14-day waiting period and to supplement the 70% wages for the remaining four (4) weeks or a portion thereof. Employees may supplement their wages up to a combined total of 100% of their regular bi-weekly rate of pay. Employees using adoption/childbirth leave, who meet the eligibility requirements of the Family and Medical Leave Act (FMLA), shall have the entire non-working period of adoption/childbirth leave counted toward the employees 12-week FMLA entitlement.

### **CREDIT FOR HOURS WORKED OR SUPPLEMENTED**

Employees who work or supplement their pay during the latter four (4) weeks of leave as described above shall have their pay for hours worked or supplemented so calculated that working or supplementing thirty 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 percent of their regularly scheduled hours shall forfeit paid adoption/childbirth leave on an hour for hour basis for all excess hours.

### **OVERTIME**

No portion of adoption/childbirth leave is to be included in calculating overtime.

### **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, except that during the waiting period if an employee is in active pay status the day before a holiday the employee 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 administrative rule, law and applicable collective bargaining agreements.

### **TIMEFRAMES**

Employees who desire to request and use childbirth/adoption leave are encouraged to apply in writing within two (2) working days following the birth or adoption of a child. The request shall be made using the standard Request for Leave (ADM 4258) form.

### **DOCUMENTATION**

Management reserves the right to request medical or legal documentation for adoption and cases

of paternity.

Office of the Director:	<input type="checkbox"/> Approve	<input type="checkbox"/> Disapprove
<hr/> David Mustine	<hr/> Date	