



Adoption and Childbirth Leave Policy

Purpose

The purpose of the Adoption and Childbirth Leave Policy is to provide an opportunity for the Ohio Department of Agriculture (ODA) 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.

Scope

This Policy is applicable to all ODA permanent full-time and part-time employees, unless conflicting provisions exist within the collective bargaining agreement applicable to bargaining unit employees, in which case the provisions of the collective bargaining agreement control.

Authority

- a. O.R.C. § 124.136
- b. OSCEA Article 30.08

Reference

- a. ODA FMLA Policy
- b. ODA Disability Leave Policy

Guidelines

Eligibility

- a. All full-time/part-time permanent exempt employees and bargaining unit employees (covered by the OCSEA collective bargaining agreement), who work an average of thirty (30) or more hours per week are eligible for Adoption/Childbirth leave.
- b. 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.
- c. 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 as the newly adopted child.

Election of Benefits for Adoption

An employee may elect to receive two thousand dollars (\$2,000.00) for adoption expenses in lieu of receiving the paid leave benefit provided under this section. Such payment may be requested upon placement of the child in the employee's home. If the child is already residing in the home, payment may be requested at the time the adoption is approved.



Procedure

Waiting Period

- a. 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, or may take unpaid leave or use any form of accrued paid leave or compensatory time during the fourteen (14) day waiting period.
- b. The fourteen (14) 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.
- c. Employees may utilize sick, vacation, personal leave and/or compensatory time to receive pay during the fourteen (14) day waiting period and to supplement the seventy (70) percent of their base rate of pay received during the remaining four (4) weeks, in the amount up to one hundred (100) percent of their pay for the time on Adoption/Childbirth leave. 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 twelve (12) week FMLA entitlement.

Use of Leave

- a. 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 (160)) 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 otherwise set to expire.
- b. 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.
- c. An employee who has not yet completed his/her required probationary period at the time of using Adoption/Childbirth leave shall have his/her probationary period extended by the number of days used for Adoption/Childbirth leave.

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

- a. Employees may be permitted to work a reduced schedule during any portion of the six (6) 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 their supervisor and the Human Resources Director. Only the time spent in non-work status during the period of Adoption/Childbirth leave may be applied as FMLA leave.



- b. 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 (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 childbirth or adoption leave on an hour for hour basis for all excess hours.

Prohibitions and Exceptions

- a. No portion of Adoption/Childbirth leave is to be included in calculating overtime.
- b. 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 during the fourteen (14) day waiting period if an employee works the day before a holiday, then the employee will be eligible to receive Holiday Pay as normal.
- c. 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 the day following the death of the infant child, and may be supplemented by other leave in accordance with the Bereavement Leave Policy, or in the discretion of the employee’s supervisor and Human Resources Director.
- d. ODA’s Human Resources Director reserves the right to request medical or legal documentation for adoption or cases of paternity.

Contact

The Human Resources Director is available for consultation or questions regarding adoption and childbirth leave.

This policy supersedes any previously issued directive or policy and will remain effective until cancelled or superseded.

Revision History

Date	Description of Change
3/2004	Initial Policy Issued
8/2012	Revisions to Policy Issued
10/2012	Revisions to Policy Issued
8/2014	Policy Reviewed
7/2015	Policy Reviewed

