



Ohio Administrative Code Rule 3358:16-101-05 Family and Medical Leave.

Effective: May 3, 2015

In order to comply with the Family and Medical Leave Act of 1993 (FMLA), Terra hereby establishes its family and medical leave policy.

(A) Eligibility: In order to qualify under this policy, the employee must meet both of the following conditions:

(1) The employee must have been employed by Terra for at least twelve months or fifty-two weeks prior to the leave request. The twelve months, or fifty-two weeks, need not be consecutive.

(2) The employee must have worked at least one thousand two hundred fifty hours during the twelve-month period immediately before the date when the leave would begin.

(B) Type of leave covered: Terra will grant an eligible employee up to twelve weeks of family and medical leave during each twelve-month period measured forward from the first date an employee uses FMLA leave, in accordance with the FMLA, if the procedures in this policy are followed and leave is requested for any of the following reasons:

(1) The birth of a son or daughter of an employee and in order to care for that child. Eligibility for this leave expires twelve months after the birth and applies equally to both men and women;

(2) The placement of a son or a daughter with an employee for adoption or foster care. Eligibility for this leave expires twelve months after the child is placed with the employee;

(3) To care for a spouse, son, daughter, or parent of an employee if the family member has a serious health condition; or,

(4) The employees own serious health condition that renders the employee unable to perform the functions of the employees position.



(C) Serious health condition: The employee may take leave because of a serious health condition that makes him/her unable to perform the functions of his/her position. A serious health condition includes any of the following:

(1) Hospital care: inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

(2) Absence plus treatment

(a) A period of incapacity of more than five consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves:

(b) Treatment two or more times by a health care provider, by a nurse or physician's assistance under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider; or

(c) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(3) Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

(4) Chronic conditions requiring treatments

A chronic condition which:

(a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

(b) Continues over an extended period of time (including recurring episodes of a single underlying



condition); and

(c) May cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.)

(5) Permanent/long-term conditions requiring supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under continuing supervision of, but need not be receiving treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(6) Multiple treatments (non-chronic conditions)

Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery due to an accident or other injury, or for a condition that would likely result in a period of incapacity of more than five consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severer arthritis (physical therapy), kidney disease (dialysis).

Procedures:

(a) Terra requires the employee to provide a doctor's certification of a serious health condition after the employee misses five consecutive working days. If the employee has questions about what illnesses may be covered under FMLA, please contact the human resources office.

(b) If the employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests leave as provided by this policy, Terra will designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

(D) Benefits while on leave: While on leave under FMLA, Terra will continue the employees health



benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If the employee chooses not to return to work for reasons other than the continuation, recurrence or onset of a serious health condition which would entitle the employee to leave or other circumstances beyond the employees control, Terra will require the employee to reimburse the college for the amount it has paid for the employees health insurance premium during the leave period.

(E) Status after leave: If the employee takes leave under FMLA, the employee will be able to return to the same job or an equivalent job.

(F) Use of paid and unpaid leave: If the employee is taking leave because of the employees own serious health condition, and the employee has accrued sick leave available, the employee must use accrued sick leave and then exhaust any accrued vacation prior to taking unpaid leave. If the employee is taking leave for adoption or foster care of a child and the employee has accrued vacation available, the employee must use accrued vacation leave prior to taking unpaid leave.

If the employee is taking leave to care for a family member with a serious health condition and the employee has accrued sick leave available, the employee must use accrued sick leave and then exhaust any accrued vacation prior to taking unpaid leave.

(G) Leave under this policy shall be for a maximum of twelve weeks.

(H) Intermittent leave or a reduced work schedule: For a personal illness or to care for a sick family member the employee need not take such leave continuously. The employee may take it on an intermittent basis or by reducing the employees scheduled work hours if the employee provides certification from the health care provider that the leave must be taken in that manner. Terra may temporarily transfer the employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent leave or reduced leave schedule. Request for intermittent leave or reduced leave schedule after the birth, adoption, or foster care placement of a child will not be considered.

(I) Certification of serious health condition: The college requires certification of a serious health condition by a health care provider to support a request for leave. The employee must respond to



such a request within fifteen days of the request or provide a reasonable explanation for the delay. Failure to provide certification will result in a denial of leave and may result in the loss of any and all protection under the FMLA.

Terra has a right to ask for a second opinion if it has reason to doubt the certification. Terra will pay for the employee to get a certification from a second doctor, whom the college will select. If necessary to resolve a conflict between the original certification and the second opinion, Terra will require the opinion of a third doctor. Terra and the employee will jointly select a third doctor, and Terra will pay for the opinion. This third opinion will be considered final.

(J) Procedure for requesting leave: Except when leave is not foreseeable, the employee must submit a "Family and Medical Leave Request Form" to the employees immediate supervisor and the human resources office thirty days prior to the start of requested leave. (If the employee is undergoing planned medical treatment, the employee must make a reasonable effort to schedule the treatment to minimize disruptions to the college's operations.) If it is not possible to give thirty days notice, the employee must give as much notice as practical. If the employee fails to provide thirty days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty days from the date the college receives notice. While on leave, the employee must report periodically to the human resources office regarding the status of the medical condition and the employees intent to return to work.