



Provided By Mike Sessor Insurance Agency

# Employee Leave Laws—Overview

Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, such as vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, federal laws such as the Family and Medical Leave Act (FMLA) require covered employers to provide employees with leave in certain situations.

In addition to federal leave laws, Ohio has employee leave laws regarding:

- **Civic duty leave;**
- **Military leave;**
- **Military family leave;** and
- **Maternity leave.**

This Employment Law Summary includes a chart that provides a high-level overview of Ohio’s employee leave laws and suggests compliance steps for employers.

## OVERVIEW OF EMPLOYEE LEAVE LAWS

| TYPE OF LEAVE    | REQUIREMENTS  |
|------------------|---|
| Civic Duty Leave | <p><b>Voting Leave:</b> Employers may not discharge, or threaten to discharge, or inflict any injury, harm or loss on, an employee for taking a reasonable amount of time to vote on election day.</p> <p><b>Jury Duty Leave:</b> Employers may not discharge, threaten to discharge, or take any disciplinary action that could lead to discharge of any permanent employee who takes time off from work for jury service.</p> <p>Leave is unpaid. Employees must provide reasonable advance notice of jury duty.</p> <p><b>Judicial Witness Leave:</b> Employers cannot:</p> <ul style="list-style-type: none"> <li>• Discharge, threaten to discharge, or penalize employees who take time off from work because they are subpoenaed for juvenile delinquency, grand jury or criminal proceedings.</li> <li>• Discharge, discipline or otherwise retaliate against crime victims, or their family members or representatives, for preparing for or attending a criminal or delinquency proceeding pursuant to a subpoena.</li> </ul> <p>Leave is unpaid, unless offense is against the employer or involves an employee during the scope of his or her work.</p> |

This guide is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. It is provided for general informational purposes only. It broadly summarizes state statutes and regulations generally applicable to private employers, but does not include references to other legal resources unless specifically noted. Readers should contact legal counsel for legal advice.



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|-----------------------|--|
| Military Leave        | <p>In addition to USERRA, Ohio has laws providing protections for military service members as follows:</p> <ul style="list-style-type: none"> <li>• Reinstatement and employment rights for employees who are absent from work due to service in the U.S. uniformed services or Ohio organized militia.</li> <li>• Nondiscrimination requirements applicable to employers with <b>four or more employees</b>.</li> <li>• Continuation of health benefits for reservists, including National Guard members, called to active duty.</li> </ul>   |
| Military Family Leave | <p>Employers with <b>50 or more</b> employees must provide eligible employees with unpaid military family leave. To be eligible, an employee must:</p> <ul style="list-style-type: none"> <li>• Be the spouse, parent, legal guardian or former legal guardian of a person who is a member of the uniformed services and is (1) called into active duty for a period longer than <b>30 days</b>, or (2) injured wounded or hospitalized while serving on active duty; and</li> <li>• Have been employed by the same employer for at least <b>12 consecutive months</b>, and must have worked <b>at least 1,250 hours</b> during the 12-month period immediately before the leave.</li> </ul> <p>Once per calendar year, eligible employees may take up to <b>10 days or 80 hours</b>, whichever is less, of military family leave. Employees must use up all other types of available leave, except sick leave or disability leave, before taking a military family leave. Job protections apply to employees taking leave. Advance notice requirements apply, except when the family member's injury, wound or hospitalization is critical or life-threatening.</p> |
| Maternity Leave       | <p>Nondiscrimination requirements apply to employers with <b>four or more employees</b>. Female employees of covered employers who are affected by childbirth, or related medical conditions must be treated the same for all employment-related purposes as other persons not affected by pregnancy, but similar in their ability or inability to work.</p>   |

**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 generally comply with the local ordinance and statewide law, if applicable.

## COMPLIANCE STEPS

It is important for Ohio employers to understand when their employees are entitled to take time off from work, and the legal protections associated with such leaves. Employers that violate state or federal leave law requirements may be subject to government investigations, fines, employee lawsuits and significant penalties, fees and damage awards. To minimize this risk, employers should review applicable federal and state leave law requirements and determine whether they have any compliance gaps to correct. This compliance review may be complex, especially in areas where federal and state leave laws overlap.

As part of the compliance review, employers should confirm that:

- Employee handbooks and written policies and procedures have been updated to accurately describe employee leaves;
- Human resources personnel, as well as managers and supervisors, are educated on how to administer employee leaves and that they receive ongoing training;

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- Employee leaves are administered on a consistent basis, and employees are educated on leave rights and requirements;
- Recordkeeping systems accurately track and document employee leaves; and
- Required notices and posters regarding leave laws are provided.