3361:30-31-13  Time off from work: policy for medical leave or reduction because of disability for maternity reasons for all employees (excluding faculty and librarians).

The following rule applies to employees, excluding faculty and librarians.

(A) Medical leave without pay not to exceed six months shall be granted to an employee if the employee is physically unable to perform the substantial and material duties of her position because of pregnancy, childbirth or related medical conditions.

(B) When a female employee becomes physically incapacitated for the performance of the duties of her position because of or on the basis of pregnancy, childbirth or related medical conditions, and does not request a transfer to a position of a lower grade or any appropriate vacant position, the employee shall be granted sick leave with pay or medical leave without pay as appropriate.

(C) When a female employee become physically incapable of performing the substantial and material duties of her position because of pregnancy, childbirth or related medical conditions and neither requests to transfer to a position of a lower grade or other vacant position of the same grade but with different duties, then the employee shall be granted a medical leave without pay pursuant to rule 3361:30-31-11 of the Administrative Code, "Time off from work: policy regarding leave of absence without pay for classified civil service and unclassified non-exempt employee" or rule 3361:30-31-12 of the Administrative Code, "Time off from work: policy for leave without pay for unclassified exempt employees(excluding faculty and librarians)" unless the employee receives a leave of absence without pay pursuant to paragraph (F) below.

Sick leave or a medical leave of absence without pay for maternity reasons shall be limited to the period of time that the employee is unable to perform the substantial and material duties of her position. This period may include reasonable pre-delivery, delivery, and recovery time, as certified by a physician.

An employee requesting a leave of absence must present, at the time the request is made, a physician’s certificate stating the probable period for which the employee will be unable to perform the substantial and material
duties of her position due to pregnancy, childbirth, or related medical conditions.

(D) The employee will use her accrued sick leave credit only for a period of time, as certified by the physician’s certificate, that the employee is unable to work as a result of pregnancy, childbirth, or related medical conditions.

The employee may be permitted, with the supervisor’s approval, to use all or part of her accumulated vacation leave credit prior to being granted a medical leave of absence without pay. Such election of vacation leave is required before the leave commences and is irrevocable.

(E) If the requested period of absence certified by the physician’s certificate exceeds the accumulated sick leave credit and or vacation leave credit, the employee shall be granted a medical leave of absence without salary not to exceed six months.

(F) Unclassified exempt employees, excluding faculty and librarians, who become totally disabled and who were hired by the University of Cincinnati prior to September 1, 1974 and who have been continuously employed thereafter by the University of Cincinnati, shall receive a leave of absence with pay, provided the disability continues beyond the employee's accumulated sick leave. The employee's accumulated sick leave and the leave of absence with pay shall not together exceed one hundred twenty days of leave with pay. For purposes of this paragraph, "totally disabled" shall be defined to be the inability of the employee, by reason of sickness or bodily injury, to engage in any occupation for which the employee is reasonably fitted by education, training, or experience.

(G) If the employee cannot furnish a probable date for return to work, the employee shall receive a disability leave pursuant to paragraph (D) of rule 3361:30-31-03 of the Administrative Code "Time off from work: leave of absence due to disability and disability leave for all employees (excluding faculty and librarians)".

(H) When an employee's incapacitation exceeds six months, she shall receive a disability leave pursuant to paragraph (E) and paragraph (F) of rule 3361:30-31-03 of the Administrative Code, "Time off from work: leave of absence due to disability and disability leave for all employees (excluding faculty and librarians)", provided her disability continues beyond her accrued sick leave and the medical leave without pay.
(I) An employee requesting medical leave should consult personnel services regarding continuation of health care coverage and other benefits.

Effective: September 1, 1988

Amends: Rule 3361:30-31-13 of the Administrative Code.

Certification: Evelyn V. Bush signature
Evelyn V. Bush

Date: August 16, 1988

Promulgated under: R.C. Section 111.15
Rule amplifies: R.C. 3361.03.
Prior effective date: April 24, 1978
May 12, 1978
September 15, 1978
April 8, 1979
June 25, 1979
February 21, 1980