

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 360

Senator Gavarone

A BILL

To amend section 124.136 of the Revised Code to 1
expand paid parental leave benefits for certain 2
state employees. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 124.136 of the Revised Code be 4
amended to read as follows: 5

Sec. 124.136. (A) As used in this section: 6

(1) "Fetal death" has the same meaning as in section 7
3705.01 of the Revised Code. 8

(2) "Stillborn" means that an infant of at least twenty 9
weeks of gestation suffered a fetal death. 10

(B) (1) Each permanent full-time and permanent part-time 11
employee paid in accordance with section 124.152 of the Revised 12
Code and each employee listed in division (B) (2), (3), or (4) of 13
section 124.14 of the Revised Code who works thirty or more 14
hours per week, and who meets the requirement of division (B) (2) 15
(a) of this section is eligible, upon the birth, stillbirth, or 16
adoption of a child, for a parental leave of absence and 17
parental leave benefits under this section. 18

If the employee takes leave under this section for a stillbirth, the employee is ineligible for leave under section 124.387 of the Revised Code.

(2) (a) To be eligible for leave and benefits under this section, an employee must be one of the following:

(i) A parent, as listed on the birth certificate, of a newly born child;

(ii) A parent, as listed on the fetal death certificate, of a stillborn child;

(iii) A legal guardian of and reside in the same household as a newly adopted child.

(b) Employees may elect to receive five thousand dollars 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.

(3) The average number of regular hours worked, which shall include all hours of holiday pay and other types of paid leave, during the three-month period immediately preceding the day parental leave of absence begins shall be used to determine eligibility and benefits under this section for part-time employees, but such benefits shall not exceed forty hours per week. If an employee has not worked for a three-month period, the number of hours for which the employee has been scheduled to work per week during the employee's period of employment shall be used to determine eligibility and benefits under this section.

(C) Parental leave granted under this section shall not

exceed six consecutive weeks, ~~which shall include four weeks or~~ 48
~~one hundred sixty hours of paid leave for permanent full-time~~ 49
~~employees and a prorated number of hours of paid leave for~~ 50
~~permanent part-time employees~~ if it involves a stillborn child 51
or twelve consecutive weeks if it involves a newly born or 52
adopted child. Parental leave shall be taken within one year of 53
the birth of the child, delivery of the stillborn child, or 54
placement of the child for adoption. ~~All employees granted~~ 55
~~parental leave shall serve a waiting period of fourteen days~~ 56
~~that begins on the day parental leave begins and during which~~ 57
~~they shall not receive paid leave under this section. Employees~~ 58
~~may choose to work during the waiting period.~~ During the 59
~~remaining four weeks of the leave period,~~ employees shall 60
receive paid leave equal to ~~seventy per cent of their base rate~~ 61
of pay. Permanent part-time employees shall receive paid leave 62
for a prorated number of hours. All of the following apply to 63
employees granted parental leave: 64

(1) They remain eligible to receive all employer-paid 65
benefits and continue to accrue all other forms of paid leave as 66
if they were in active pay status. 67

(2) They are ineligible to receive overtime pay, and no 68
portion of their parental leave shall be included in calculating 69
their overtime pay. 70

(3) They are ineligible to receive holiday pay. A holiday 71
occurring during the leave period shall be counted as one day of 72
parental leave and be paid as such. 73

(D) ~~Employees receiving parental leave may utilize~~ 74
~~available sick leave, personal leave, vacation leave, or~~ 75
~~compensatory time balances in order to be paid during the~~ 76
~~fourteen-day waiting period and to supplement the seventy per-~~ 77

~~cent of their base rate of pay received during the remaining~~ 78
~~part of their parental leave period, in an amount sufficient to~~ 79
~~give them up to one hundred per cent of their pay for time on~~ 80
~~parental leave.~~ 81

Use of parental leave does not affect an employee's 82
eligibility for other forms of paid leave granted under this 83
chapter and does not prohibit an employee from taking leave 84
under the "Family and Medical Leave Act of 1993," 107 Stat. 6, 85
29 U.S.C.A. 2601, except that parental leave shall be included 86
in any leave time provided under that act. An employee may not 87
receive parental leave under this section after exhausting leave 88
under the Family and Medical Leave Act of 1993 for the birth of 89
the child, delivery of the stillborn child, or placement of the 90
child for adoption. 91

(E) Employees receiving disability leave benefits under 92
section 124.385 of the Revised Code prior to becoming eligible 93
for parental leave shall continue to receive disability leave 94
benefits for the duration of their disabling condition or as 95
otherwise provided under the disability leave benefits program. 96
If an employee is receiving disability leave benefits because of 97
pregnancy and these benefits expire prior to the expiration date 98
of any benefits the employee would have been entitled to receive 99
under this section, the employee shall receive parental leave 100
for such additional time ~~without being required to serve an~~ 101
~~additional waiting period~~ if the parental leave is contiguous to 102
the disability leave. 103

Section 2. That existing section 124.136 of the Revised 104
Code is hereby repealed. 105