CLIENT ALERTS & INSIGHTS

Ohio Senate Introduces Bipartisan Bill to Establish Paid Family and Medical Leave

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Featured Practices: Labor & Employment, Government Relations

On April 23, 2026, a new bipartisan bill was introduced in the Ohio Senate that would provide paid family and medical leave to Ohio workers. Sponsored by Democrat Beth Litson and Republican Louis W. Blessing III, Senate Bill 396 largely mirrors programs already established in several other states, including California and New York.

If passed, SB 396 would create a family and medical leave insurance program administered and enforced by the Director of the Ohio Department of Job and Family Services. The insurance program would be funded through payroll contributions made by employees and employers with 15 or more employees. SB 396 would also permit employers to apply for approval from the Director to provide family and medical leave insurance benefits directly to eligible employees.

Below is summary of key provisions that employers should be aware of:

- **Covered Employers and Employees.** SB 396 defines an "employer" as any person with one or more employee and an "employee" as any person who performs services for wages or other renumeration for an employer.
- **Qualifying Reasons.** Employees would be eligible to receive family and medical leave insurance benefits for any of the following reasons: (1) to care for themselves if they have a serious health condition that makes them unable to perform the functions of their job; (2) to care for a new child during the first year after birth, adoption, or placement, or to prepare for the adoption or placement of a child; (3) to care for a family member with a serious health condition; and (4) to address a qualifying exigency arising when a family member in the military is on covered active duty or has been notified of an impending call or order to covered active duty.
- **Amount of Leave.** Eligible employees would be entitled to receive up to 14 weeks of benefits for any one qualifying event during an application year. Employees who experience multiple qualifying events in an application year would receive up to 18 weeks of benefits.
- **Benefit Amount.** Eligible employees would receive a weekly benefit amount equal to 85% of their average weekly wage, up to a maximum of 90% of Ohio's average weekly wage. Benefits would be reduced by any unemployment compensation, workers' compensation, or public works relief compensation the employee is receiving.

- **Claims Process.** To receive benefits, employees would be required to file a claim in accordance with rules to be adopted by the Director and demonstrate that they have earned at least $2,500 in wages during their base period. SB 396 defines a "base period" as the first four of the last five completed calendar quarters immediately preceding the 12-month period in which the employee files an application for family and medical leave insurance benefits.
- **Notice.** Employers could not require more than 30 days' notice from an employee if the need for family and medical leave is foreseeable. SB 396 requires the Director to notify employers within five businesses days after an employee files a claim for benefits.
- **Maintenance of Health Insurance.** Employers would be required to maintain an employee's health insurance benefits during a period of family and medical leave under the same conditions as if the employee did not take leave.
- **Job Protection.** Employers would be required to restore employees returning from paid family and medical leave to the position they held before taking leave or an equivalent position with the same pay, benefits, and other terms and conditions of employment.
- **Interaction With Other Leave.** Paid family and medical leave would run concurrently with leave taken under the federal Family and Medical Leave Act. Employers could also require that any paid family and medical leave run concurrently with any disability or family care leave provided by a collective bargaining agreement or employer policy. Employers would not be able to require employees to use any paid time off, vacation, or other accrued leave during a period of family and medical leave, but employees could choose to do so.

SB 396 was assigned to the Senate Financial Institutions, Insurance and Technology Committee for extensive review. Notably, SB 396 is still in its infancy, and similar bills previously proposed by Democratic Ohio legislatures did not survive.

We will continue to monitor the status of SB 396 and report on any further developments. If you have questions or concerns on how this could affect your business, contact a member of Benesch's Labor & Employment Practice Group. The firm's Government Relations Practice Group also serves as a resource for legislative matters.