

FAMILY & MEDICAL LEAVE – STATE/FEDERAL

523.6

Eligible employees may qualify for unpaid leave under Wisconsin's Family and Medical Law (§103.10, Wis. Stats.) and/or the federal Family and Medical Leave Act of 1993 (P.L. 103-3). Employee rights posters for both laws are in the workplace for reference by all employees. The law requires employers with those statutory benefits under either law which are deemed to be more generous to the employee. However, employees may not combine benefits from both laws in such a manner that the employee would realize greater benefits than those provided by each law on its own.

Any employee who has worked for more than 52 weeks (for a minimum of 1,000 hours) is eligible for unpaid leave under Wisconsin's Family and Medical Leave Act (§103.10, Wis. Stats.). However, the employee may substitute definite and quantifiable paid leave benefits for unpaid leaves under the state law (i.e., paid vacation).

The amount of unpaid leave pursuant to Wisconsin's law is presently as follows:

A. Family Leave

1. Up to a maximum of six (6) weeks per twelve (12) month period for the birth or adoption of a child. The leave must begin no earlier than 16 weeks before estimated placement and no later than 16 weeks after birth date or placement of the child.
2. Up to a maximum of two (2) weeks leave per twelve (12) month period to care for a child, spouse or parent who has a serious health condition.

Total maximum time for #1 and #2 is eight (8) weeks per twelve (12) month period.

B. Medical Leave

1. A maximum of two (2) weeks per twelve (12) month period for the employee's serious health condition.

(NOTE: "Serious health condition" means a disabling physical or mental illness, injury, or condition which requires inpatient care in a hospital, nursing home or hospice, or outpatient care that requires continuing treatment or supervision by a health care provider.)

Any employee who has worked for more than 12 months (for a minimum of 1,250 hours) is eligible for unpaid leave under the Federal Family and Medical Leave Act of 1993 (P.L. 103-3). However, an employee may substitute definite and certain paid leave benefits for unpaid leave provided by the federal law in the following situations:

1. For the birth or adoption of a child an employee may substitute accrued vacation or personal leave as a paid benefit.
2. For family leave an employee may substitute accrued vacation, personal, or emergency leave as a paid benefit; and,
3. For personal medical leave an employee may substitute accrued vacation, personal or medical/sick leave as a paid benefit.

The federal law provides 12 weeks of unpaid leave during a 12-month period for any covered purpose, which are:

- A. The birth and first year care of a child or a child who has been placed with the employee for adoption or foster care.
- B. To care for a child, spouse or parent who is suffering from a serious health condition.
- C. For a serious health condition of the employee that makes the employee unable to perform his or her job duties.

(NOTE: "Serious health condition" means an illness, injury, impairment, or physical/mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility; or requiring continuing treatment by a health care provider.)

A U.S. Department of Labor (DOL) summary of the Federal Family and Medical Leave Act of 1993 is included as a part of this policy.

Both laws provide that the employee requesting family and medical leave has an obligation to provide reasonable advance notice to management, when practicable, of the nature and extent of any leave requested. In any event, employees will always have a duty to cooperate with management in arranging and processing leave requests under the state and federal laws. The employer requests that 30 days advance notice be provided whenever possible.

A return to work form from a physician will, in most cases, be required in the case of an employee's serious illness, injury, work-related injury (worker's compensation) or illness which has caused a prolonged absence from work, or if the employee's supervisor reasonably determines for the sake of safety that a medical authorization is advisable.

This policy does not provide any greater benefits than those provided by the family and medical leave laws. Any change in the law will impact upon the operation of this policy by modifying its provisions to conform with the law.

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