

**SCHOOL DISTRICT OF WHITEFISH BAY
FAMILY AND MEDICAL LEAVE PROCEDURE**

I. Introduction

- a. Pursuant to Board policy 532.33, the School District of Whitefish Bay (“District”) provides leaves of absence designed to meet the requirements of the Wisconsin Family and Medical Leave Act (“WFMLA”), and the Federal Family and Medical Leave Act (“FFMLA”).
- b. Accordingly, this document is intended to inform employees of benefits available under the FFMLA and the WFMLA.
- c. As the two laws intersect and overlap substantially, whichever law provides the employee the greatest benefits will be granted.

II. Purpose of the Family and Medical Leave Laws

- a. Both the FFMLA and the WFMLA are designed to allow employees to be absent from the work place for their own personal health condition, to care for the serious health condition of an immediate family member, or for the birth or adoption of a child. While on leave, employees retain their group health benefits.
- b. Both laws ensure that employees will not jeopardize their employment status because of the reasons listed above.

III. Eligibility

- a. For FFMLA eligibility, an employee must have worked for the District at least 1,250 hours in the preceding 12 months and employed for at least 12 months.
- b. For WFMLA eligibility, an employee needs to be employed with the District for 52 consecutive weeks and have been paid for 1,000 hours during the 52-week period immediately preceding the leave.

IV. Leave Entitlement

- a. Under the FFMLA, eligible employees are entitled to 12 weeks of leave per 12 month period for any and all of the following:
 - i. The serious health condition of the employee;
 - ii. The serious health condition of the employee’s parent, child or spouse;
 - iii. Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty in the Armed Forces in support of a contingency operation;
 - iv. The birth or adoption of the employee’s child;
 - 1. Leave must be taken within the 12 months following the date of birth of the child.
- b. Under the FFMLA, “Servicemember Family Leave” allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12month period to care for the servicemember.
- c. Under the WFMLA, an eligible employee is entitled to:
 - i. 2 weeks for the employee’s own serious health condition;
 - ii. 2 weeks for the serious health condition of a parent, child, spouse, or domestic partner, as defined in § 40.02(1) or 770.01(1) or parent of a domestic partner; and

- iii. 6 weeks for birth or adoption of the employee's child (leave must begin within 16 weeks of child's birth)
 1. Employees may choose that accrued paid leave be used during a leave pursuant to the WFMLA

V. Definitions (see code references below for more detail)

a. Serious health condition

- i. For the purposes of WFMLA leave, a "serious health condition" is a disabling physical or mental illness, injury, impairment or condition involving either:
 1. Inpatient care in a hospital, nursing home, or hospice; or
 2. Outpatient care that requires continuing treatment or supervision by a health care provider.
- ii. For the purposes of the Federal FMLA leave, an illness, injury, impairment, or physical or mental condition that involves:
 1. Inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity or any subsequent treatment in connection with inpatient care, or
 2. Continuing treatment by a health care provider.

b. Child

- i. Wisconsin definition: natural, adopted, foster, step, legal ward under 18 or over 18 and is unable to care for him/herself because of a serious health condition
- ii. Federal definition: biological, adopted, foster, step, legal ward, child of a person standing in loco parentis under 18 or over 18 and "incapable of self care" because of a mental or physical disability

VI. Steps for Applying For Family and Medical Leave

a. Notice Requirements:

- i. The employee should discuss with his/her immediate supervisor and the Director of Human Resources.
- ii. If the event is foreseeable, the employee shall provide the District with at least 30 days advance notice before the leave is to begin.
- iii. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

b. Complete the "**Request for Leave of Absence**" form

- i. Notify supervisor, and forward the form to Human Resources.
- ii. All requests need to have:
 - i. An anticipated starting and ending date;
 - ii. Reason(s);
 - iii. Request to substitute unpaid leave, paid leave, and/or vacation within the parameters of the law and employment contract;
 - iv. Employee's signature;
 - v. Supervisor's signature.

c. Human Resources will provide a response to the request that will include:

- i. A statement as to whether the employee is eligibility (or additional information requested);
- ii. A request to furnish **medical certification** (if not furnished at the time of Request);

- iii. Available leave days including whether the days are unpaid, substitution of accrued paid leave or vacation days;
- iv. Return to work notification and requirements, if applicable;
- v. Additional pertinent information.

VII. FAQs

Employees are encouraged to contact Cindi Maier, Director of Human Resources, for specific questions on the School District of Whitefish Bay's Family and Medical Leave (FMLA) Policy.

- a. Can I substitute accrued paid leave for my family or medical leave?
 - i. Yes. An employee is permitted to substitute accrued paid leave to the extent that the employee has accrued paid leave available, and the leave request meets the statutory requirements.
- b. Do FFMLA and WFMLA leave run concurrently?
 - i. Yes.
- c. When does the 12-month year start and end?
 - i. WFMLA requires that a Jan. 1 to Dec. 31 calendar be used, for purposes of the FFMLA, a rolling calendar is used.
- d. Will my health benefits continue while I am on leave?
 - i. Yes. During the entire course of the leave, group health benefits are continued.
- e. What if I need more time off than is permitted under the FFMLA/WFMLA?
 - i. You may be eligible for benefits under the long-term disability provisions of your employment agreement.

VIII. Statute and Code References

- a. *Wisconsin Family and Medical Leave Act:*
 - i. Wis. Stat. § 103.10.
 - ii. The regulations interpreting the WFMLA can be found in chapter DWD 225 of the Wisconsin Administrative Code.
- b. *Federal Family and Medical Leave Act:*
 - i. Pub. L. No. 103-13, codified at 5 U.S.C. §§ 2105, 6381-6387; 29 U.S.C. § 2601-2654.
 - ii. The regulations interpreting the FFLMA can be found at 29 CFR § 825 of the Code of Federal Regulations
- c. Comparison of Federal and Wisconsin Family Leave can be found on the Wisconsin Department of Workforce Development website at:
http://dwd.wisconsin.gov/er/civil_rights/fmla/federal_state_law_comparison.htm

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