

FAMILY AND MEDICAL LEAVE UNDER STATE AND FEDERAL LAW

Policy 532.41

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The District is obligated to provide eligible employees with leave from work, and certain associated rights and mandated benefits, as provided under the following laws:

- The federal Family and Medical Leave Act (FMLA)
- The Wisconsin Family and Medical Leave Act (WFMLA)
- The Wisconsin Bone Marrow and Organ Donation Leave law

The District Administrator and District Administrative Assistant have primary responsibility for overseeing the implementation of the District's rights and obligations as an employer under these laws, including establishing leave-related administrative procedures and ensuring that all required notices are provided to employees. They are authorized to formally approve, deny, or otherwise designate particular leave as qualifying leave under these laws. Other individual supervisory-level staff should generally be informed of and have input regarding the administration of leave that is requested and taken by an employee who is under their area of supervision, but the District Administrator and District Administrative Assistant shall ensure that leave-processing procedures related to these laws incorporate central office involvement and oversight.

Employees shall adhere to applicable law and District-established procedures for requesting, using, and returning from a period of leave that may be for an eligible purpose under one or more of the laws addressed by this policy. No employee may approve or deny his/her own requests for leave that may be taken under the laws addressed in this policy. The duration and other terms and conditions of any approved leave will be as specified in the applicable laws, as expressly supplemented by District-established guidelines and procedures and by the notices that the District provides to an employee in a specific situation.

To the extent that the District's administration of any period of leave provided for under state or federal law requires or permits the District to make a discretionary decision that is not sufficiently addressed in established guidelines and procedures, the administration shall exercise such discretion without favoritism between similar-situated employees and by avoiding any type of unlawful discrimination.

The FMLA and WFMLA offer leave entitlements to eligible employees related to the following circumstances:

- Leave for the employee's own serious health condition.
- Leave to care for certain individuals who have a serious health condition.
- Leave connected to the birth of a child, the adoption of a child, and certain foster placements.

The federal FMLA also provides for periods of leave and various related rights to eligible employees for the following:

- Certain qualifying exigencies that arise when an eligible employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty; and

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- To care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member.

Separate from the WFMLA and FMLA, state law also provides for work-related leave and certain related rights for eligible employees who serve as a bone marrow or organ donor.

Legal References:

Wisconsin Statutes

Section 103.10	[Wisconsin family and medical leave]
Section 103.11	[Wisconsin bone marrow and organ donor leave]

Wisconsin Administrative Code

DWD Ch. 225	[state regulations governing family and medical leave]
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Federal Law

29 U.S.C. Ch. 28	[federal FMLA statutes]
29 C.F.R. Part 825	[federal FMLA regulations, including special regulations that apply only to employees of schools]

Cross References:

Previously Policy 529.1

Employee Handbook: Part I, Applicable to All Staff
Section 12.02, Medical Leave
Section 12.03, Child Rearing Leave

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