

## **REQUEST FOR FAMILY OR MEDICAL LEAVE**

(As provided by Wisconsin Act 287, Section 2.103.10 Family or Medical Leave and Public Law 103-3, the Family Medical Leave Act of 1993)

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### **GENERAL INFORMATION**

Employees requesting Family or Medical Leave must give the City (via FMLASource, the third party administrator) advance notice and schedule planned medical treatment or supervision so that it does not unduly disrupt the City's operations subject to the approval of the medical provider. In all cases, the employees must give the City notice (via FMLASource) in a reasonable and practicable manner to include certification of non-emergency medical leave requests.

Family and Medical Leave Provisions:

A. Family and Medical Leave (Wisconsin Act 287)

Aggregate (total) leave time available – up to ten (10) weeks within a calendar year period (January 1).

1. Birth or Adoption: Up to six (6) weeks leave in a twelve (12) month calendar period. (Must commence within sixteen (16) weeks of the original event)
2. Serious Health Condition: Up to two weeks (2) leave in a twelve (12) month calendar period to care for the employee; and up to two weeks (2) leave to care for a spouse, child, parent, or parent-in-law, domestic partner or domestic partners' parent.

Family and Medical Leave (Under Public Law 103-3-February 5, 1993)

Aggregate (total) leave time available – up to twelve (12) weeks within a twelve (12) month calendar period, with exception of #4 below.

1. Birth or placement of child for adoption or foster care: Up to twelve (12) weeks leave within a twelve (12) month calendar period.
2. Serious Health Condition: Up to twelve (12) weeks leave during a twelve (12) month calendar period to care for an employee, an employee's spouse, child, parent, domestic partner or domestic partners' parent certified as having a "serious health condition."
3. Qualifying Exigency: Up to twelve (12) weeks leave within a twelve (12) month calendar period for any "qualifying exigency" arising out of active duty or call to active duty status of an employee's spouse, child, parent (National Defense Authorization Act (Under Public Law 110-181, FY 2008).
4. Serious Ill/Injured Covered Service Member or Veteran: In addition, the National Defense Authorization Act (Under Public Law 110-181, FY 2008) expanded FMLA to allow up to twenty-six weeks (26) (combined FMLA total including leave taken for #1, #2 and #3 above) within a twelve (12) month calendar period for eligible employees to care for a covered service member with a serious injury/ illness.

(if both spouses work for the City, they are each entitled to twelve (12) workweeks leave for birth, adoption or foster care placement of a child).

- B. Definition: "Serious Health Condition": For purposes of family or medical leave, is defined as: a disabling physical or mental illness injury, impairment or condition which involves any of the following: inpatient care or outpatient care requiring continuing treatment or supervision by a health care provider. (Please refer to City of La Crosse Policy for a more detailed definition.)

**CITY OF LA CROSSE**  
**EMPLOYEE INFORMATION:**  
**FEDERAL AND STATE FAMILY AND MEDICAL LEAVE ACT (FMLA)**

**1. WHO IS ELIGIBLE FOR FMLA?**

Under Federal FMLA all full time and part time employees who have worked at least 12 months (need not be consecutive months, however must have occurred within the last 7 years) for the City of La Crosse and who have worked at least 1,250 hours during the 12 months preceding first day of leave; under Wisconsin FMLA, all employees who have been employed with the City of La Crosse for at least 52 consecutive weeks, and have worked 1,000 hours in the 52 week period prior to the time leave begins.

**2. HOW DO I APPLY FOR FMLA?**

If possible, you must provide at least 14 days advance notice for events that are foreseeable. For events that are not foreseeable, you must notify your supervisor as soon as possible.

**3. WHAT IS MEANT BY “SERIOUS HEALTH CONDITION” FOR FMLA PURPOSES?**

In order to use FMLA when you are sick or to take care of your spouse, parent, child, and under Wisconsin law, parent-in-law, domestic partner, domestic partners' parent who is ill, the illness or injury must meet one of the following criteria: a) inpatient care at hospital, hospice or nursing home care or outpatient care which requires a **schedule of continuing treatment** by a health care provider; b) disability due to pregnancy, birth, or prenatal care; c) a period of incapacitation that involves treatment by a health care provider d) chronic, permanent, or long term condition requiring treatments or continuing supervision of a medical practitioner. (Please refer to City of La Crosse Family and Medical Leave Policy for a detailed definition). **FMLA is not leave for occasional short term illness such as colds or flu.**

**4. WHAT ABOUT BENEFITS WHILE ON FMLA?**

If you are on paid leave concurrent with FMLA, you receive the benefits granted under the paid leave. **If you are on unpaid FMLA time:** you will not have any WRS earnings for the unpaid time period; your WRS creditable service may be affected, as it is based on hours worked. If you are taking unpaid leave you will need to arrange with Finance Department for premium payments for applicable benefits.

**5. WHAT IS MY JOB AND SENIORITY STATUS UPON RETURN FROM FMLA?**

Any FMLA period, paid or unpaid guarantees your return to the same or equivalent job.

**6. DO I HAVE TO TAKE 12 WEEKS FMLA (or 26 weeks applicable Military Leave) AT ONE TIME?**

FMLA can be taken intermittently or on a part-time basis for employee's illness/injury, to care for an ill/injured parent, spouse, child or under Wisconsin law, parent-in-law, domestic partner, domestic partners' parent if the health care provider deems it necessary. Military Family Leave can be taken intermittently as necessary. Intermittent leave for the birth or adoption of a child may be taken within 16 weeks of the event, however employee is to provide schedule of intermittent leave to their respective supervisor. Once this period of 16 weeks has expired, intermittent leave is only available at the discretion of the employer.