

UWEC QUICK FAMILY AND MEDICAL LEAVE ACT (FMLA) SUMMARY

This quick summary does not cover all details of the FMLA!!!
Provisions of the Federal and Wisconsin FMLA laws are different. Contact Mary Casey (36-4530, caseymk) or Donna Weber (36-3871, weberdj) if you or a subordinate need to use FMLA leave.

1. UW-Eau Claire employees (including LTEs) are covered by the FMLA if they have been employed by the state for at least 12 months, **and** have worked for the state at least 1,000 hours (including holiday and vacation) during the previous 52 weeks.
2. Eligible employees are entitled to 12 weeks of **unpaid** leave each year for:
 - ◆ the birth of a child **and** to care for the newborn child
 - ◆ the placement of a child with the employee for adoption or foster care; or
 - ◆ to care for the employee's child, spouse, or parent with a **serious** health condition; or
 - ◆ for the employee's own **serious** health condition which requires absence from work.
3. A **serious health condition** is a physical or mental illness, injury, impairment or condition involving inpatient care, or involving outpatient care that requires continuing treatment or supervision by a health care provider.
4. Employees must give their supervisor as much notice as possible of the need to take FMLA leave (30 days is required for scheduled events). Supervisors are to notify Mary Casey in Human Resources whenever an employee uses FMLA leave.
5. Under Wisconsin law, an employee may choose to substitute any paid leave, including sick leave, for up to six weeks of FMLA leave for the birth or adoption of a child. Thereafter the employee may choose to substitute vacation, personal holiday, legal holiday, or compensatory time for FMLA leave.
6. Under Wisconsin law, the employee may choose to substitute any paid leave, including sick leave, for a maximum of two weeks of unpaid FMLA medical leave for the employee's own medical condition or to care for a family member with a serious medical condition. Thereafter the employee may choose to substitute paid leave for unpaid FMLA medical leave.
7. Intermittent leave or leave on a reduced work schedule **must** be given when there is a medical need for such leave and **may** be given, at the discretion of the supervisor, for the birth of a child, or placement of a child for adoption/foster care.
8. Health insurance will continue as usual for employees on paid leave under FMLA. For unpaid FMLA leave the employee's insurance will continue as if the employee continued to work. Employees must pay the *employee* portion of health insurance premiums, if applicable, during unpaid leave under FMLA.
9. Employees will not accumulate sick leave or vacation during unpaid FMLA leave. Paid leave which is not substituted for FMLA leave will be available to the employee upon return to work.
10. FMLA leave (either paid or unpaid) will be treated as continuous service for purposes of seniority. The time an employee is on unpaid FMLA leave will *not* be counted as creditable service for purposes of calculating retirement annuities.
11. An employee returning from FMLA leave will be returned to the *same or equivalent* position. If state law or a collective bargaining agreement governs an employee's return to work, those provisions shall be applied.
12. Employees with a serious health condition will be required to provide a fitness-for-duty certification signed by the health care provider before returning to work.
13. Federal FMLA entitlement is coordinated with the Wisconsin Family and Medical Leave Act and other leave available to state employees. Qualifying leave will be counted simultaneously against the employee's entitlement under both the federal and state laws, as well as towards the employee's entitlement under administrative rule or the applicable collective bargaining agreement.