Cooperative Extension Policy for Implementing State and Federal Family and Medical Leave Acts  
(adopted 11/17/00)

BACKGROUND

This Cooperative Extension policy directing family and medical leave for Cooperative Extension employees is established within the framework established by federal and state law, UW-Extension (UWEX) policy and state of Wisconsin civil service policy:

- Federal Family and Medical Leave Act of 1993 (Public Law 103-3)
- State of Wisconsin Family or Medical Leave Act (Wis Stat 103.10(3)&(4)
- UWEX Unclassified Personnel Guideline #8 – Sick Leave
- UWEX Unclassified Personnel Guideline #9 – Vacation and Paid Holiday Entitlement
- UWEX Unclassified Personnel Guideline #16 – Family Leave
- Civil Service negotiated contracts

POLICY STATEMENT

Coverage of Policy

Cooperative Extension classified and unclassified employees are covered by Family and Medical Leave Acts (FMLA) if they meet the following criteria:

a) have been in active pay status with the State of Wisconsin for at least 12 consecutive or nonconsecutive months (employees on 9-month academic year appointments will have the three months off work counted as active status) AND

b) have been in active pay status at least 1,000 hours with the State of Wisconsin during the 12 months prior to the start of FMLA leave (regardless of part-time or 9-month academic year appointments).

Provisions of civil service negotiated contracts supercede any provisions of this policy.

Time Away from Work for Covered Employees

Cooperative Extension employees covered by FMLA policy are entitled to up to 12 workweeks of full-time, part-time or intermittent unpaid leave from work in a fiscal year (July-June) for the following reasons:

a) birth or and care for a newborn child (beginning with the birth of the child); OR
b) placement and care of an adopted or foster child (beginning with the placement of the child); OR

c) care for a spouse, child or parent (but not parent-in-law) with a serious health condition; OR

d) an employee unable to work because of a serious health condition.

1 Child is defined as “a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability’.”

Intermittent leave may be taken in increments no shorter than the shortest increment UWEX permits for other non-emergency leave. Spouses who are both employed by UWEX are entitled to a combined total of 12 weeks of unpaid leave to care for a child or other family member as described above. Paid leave may be substituted for unpaid leave as permitted by university or state policy.
A "serious health condition" for purposes of FMLA policy is defined as:
  a) incapacity due to patient hospital care; **OR**
  b) incapacity requiring absence from work at least 3 consecutive days and receiving
     treatment from a health care provider; **OR**
  c) incapacity due to pregnancy (and prenatal care); **OR**
  d) incapacity due to chronic conditions; **OR**
  e) incapacity due to permanent/long-term conditions for which medical treatment may
     not be effective; **OR**
  f) absences to receive multiple treatments from a health care provider for a condition
     that likely would result in incapacity of more than three consecutive days if left
     untreated.

Cooperative Extension reserves the right to require medical certification from a health care
provider to determine if a serious health condition exists after 3 workdays absence within a 5
workday period for health related reasons. Second or third medical opinions may be sought
at Cooperative Extension expense. Notice of intent to return to work and medical certification
of fitness to return to work will be required for any employee returning from FMLA leave.

An employee’s FMLA leave benefits will not be continued if that person’s employment would
have been terminated if he/she had continued to work during the FMLA leave period

**Impact Upon Other Health Benefits**

UWEX will maintain health care benefits for an employee on FMLA unpaid leave on the same
terms as if the employee continued to work. This continuation of benefits ceases if:
  a) the employees informs UWEX or Cooperative Extension of an intent to not return to
     work at the end of FMLA leave; **OR**
  b) the employee fails to return after FMLA leave is exhausted; **OR**
  c) the employee falls behind in employee payments for health care benefits (after
     advance notification from UWEX that coverage will cease if payment is not received).

UWEX Unclassified Personnel Guideline #16 provides Cooperative Extension unclassified staff
a total of 6 months unpaid family leave for the birth or adoption of a child providing the leave
begins within 16 weeks of the birth or placement. Such family leave will run concurrently with
FMLA leave. Unpaid leave that extends beyond the FMLA maximum will not carry the
expectation for employer continuation of health benefits. Continuation of health benefits in
this situation will be the responsibility of the employee.

**Job Restoration**

Upon return from FMLA leave, the employee will be restored to the original job or to an
equivalent job (same pay, benefits and other terms and conditions of employment).

In limited circumstances, an employee may be notified in advance that he or she is a "key
employee" for whom restoration of the job would cause substantial and grievous economic
injury to Cooperative Extension. Civil service positions will be handled in accordance with
negotiated contracts.

Job reinstatement will include any wage adjustments the employee would have been eligible
for had the employee been working during the FMLA leave period. Any wage adjustments
that had not been earned prior to FMLA leave and consequently were not earned will not be
made.
EMPLOYEE RESPONSIBILITIES

1. When need for leave is foreseeable, Cooperative Extension employees are expected to give up to 30 days advance notice.
2. When the need for leave is not foreseeable and absent extenuating circumstances, Cooperative Extension employees are expected to give notice to Cooperative Extension within two business days of learning of the need for leave.
3. Provide medical certification of the need for absence from work for health reasons when the absence exceeds 3 workdays in a 5 workday period.
4. Provide medical certification of the need for absence from work for the duration of FMLA leave taken.
5. Coordinate use of FMLA, sick leave, family leave, vacation and unpaid administrative leave benefits with the UWEX Staff Benefits Office.
6. Provide medical authorization to return to work and notice of intent to return to work as stipulated in the letter granting FMLA leave.

COOPERATIVE EXTENSION RESPONSIBILITIES

1. Assume responsibility for any costs related to employer requested second or third medical opinions.
2. The Assistant to the Dean for Human Resources will stipulate terms of FMLA leave in writing to the employee within two business days of the beginning of the FMLA leave. If Cooperative Extension is not aware at the time leave begins that the reason for leave qualifies under FMLA, the leave may be retroactively designated FMLA leave if it is so designated while the leave is in progress or within two business days of the employee’s return to work.
3. Monitor and enforce the terms of FMLA leave that have been granted.