



Policy Title	Original Adoption Date	Policy Number
Family and Medical Leave (FMLA) Summary of Wisconsin	2/16/1989	HR-228
Responsible College Division/Department	Responsible College Manager Title	
Human Resources	Vice President of Human Resources & Talent Development	

Policy Statement

Lakeshore Technical College ensures compliance with the federal and state Family and Medical Leave Acts.

Issues	Federal Enforced by the U. S. Department of Labor.	Wisconsin Enforced by the Department of Workforce Development
Employers Covered	Employers of 50 or more employees in at least 20 weeks of current or preceding year.	Employers of at least 50 permanent employees during at least 6 of the preceding 12 calendar months.
Employees Eligible	Have worked for employer at least 1,250 hours in preceding 12 months and employed for at least 12 months and employed at worksite by employer with 50 or more employees within 75 miles of that worksite.	Have worked for employer at least 1,000 hours in preceding 52 weeks and for at least 52 consecutive weeks.
Amount of Leave	12 weeks during a 12 month period. Leave for birth, adoption, or to care for sick parent must be shared by spouses working for same employer.	During a 12 month period. * 6 weeks for birth or adoption * two (2) weeks of leave in a calendar year for the care of a child, spouse, domestic partner, as defined in § 40.02(1) or 770.01(1) or parent or parent of a domestic partner with a serious health condition. * 2 weeks for employee's own serious health condition.
Serious Health	1. Illness, injury, impairment, or physical	Means a disabling physical or



	<p>or mental condition involving incapacity or treatment connected with inpatient care in hospital, hospice.</p> <ol style="list-style-type: none"> 1. Residential medical-care in hospital, hospice, or residential medical-care facility. 2. continuing treatment by a health care provider involving: <ul style="list-style-type: none"> • Incapacity or absence of more than 3 days from work, school, or other activities. • Chronic or long term condition incurable or so serious if not treated would result in incapacity of more than 3 days. • Prenatal care. 	<p>mental illness, injury, impairment or condition involving inpatient care in a hospital, nursing home or hospice, or out-patient care that requires continuing treatment or supervision by a health care provider.</p>
<p>Health Care Provider</p>	<ol style="list-style-type: none"> 1. doctors of medicine or osteopathy authorized to practice medicine or surgery in the State; 2. podiatrists, dentists, clinical psychologists, optometrists, chiropractors (for manual manipulation of spine to correct subluxation demonstrated by X-ray) 3. nurse practitioners, and nurse-midwives, if authorized to practice under State law; or, 4. Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts. 	<p>Means: licensed physician, nurse, chiropractor, dentist, podiatrist, physical therapist, optometrist, psychologist; certified occupational therapist, occupational therapy assistant, respiratory care practitioner, acupuncturist, social worker, marriage and family therapist, professional counselor, speech-language pathologist or audiologist; and Christian Science practitioner.</p>



Intermittent Leave	Permitted for serious health condition when medically necessary. Not permitted for birth or adoption unless employer agrees.	Permitted for all family and medical leaves in increments equal to the shortest increment permitted by employer for any other non-emergency leave
Substitution of Paid Leave	Employee may elect or employer may require accrued paid leave to be substituted in some cases. No limits on substituting paid vacation or personal leave. Employee may not substitute paid sick leave, medical, or family leave for any situation not covered by employer's leave plan.	Employee may elect to substitute accrued paid or unpaid leave of any other type provided by employer.
Reinstatement Rights	Must be restored to same or equivalent position in all terms and conditions.	Similar Provision
Key Employee Exception	Exempts salaried employees if among highest paid 10% and if restoration would lead to grievous economic harm to employer.	No Similar Provision
Maintenance of Health Benefits During Leave	Health insurance must be continued under same conditions as prior to leave.	Similar Provision
Leave Requests	Made by employee 30 days in advance or as soon as practicable.	Made by employee in advance in a reasonable and practicable manner.
Medical Certification May be Required By Employer to Support	Request for leave because of serious health condition. Employee's fitness to return to work from medical leave.	Similar Provision No Specific Provision
Executive, Administrative and Professional Employees	Salaried executive, administrative and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and	Unpaid leave would not result in loss of exempt status under State minimum wage and overtime law.



	<p>overtime under Regulation 29 CFR part 541, do not lose their FLSA-exempt Status by using any unpaid FMLA leave. This special exception to the "salary basis" requirement extends only to "eligible" employees use of leave required by FMLA</p>	
Reason for Policy		
Lakeshore Technical College ensures compliance with the federal and state Family and Medical Leave Acts.		
Cross References and Legal Review		
Created/Adopted: 2/16/89 Reviewed/Revised: 11/16/89; 6/21/90; 8/21/91; 5/19/93; 11/17/93; 3/16/94/ 6/17/96; 09/21/98; 7/1/02; 4/3/14; 3/19/19 Legal Reference: Wisconsin Statutes 103.10, 1987 WI Act 287, Family and Medical Leave Act, 1993 Cross Reference:		
Legal Counsel Review and Approval:		
Board Policy: III.A. General Executive Constraint, III.B. People Treatment, III.C. Compensation and Benefits		
Definitions		

See [Family and Medical Leave Procedure](#)