

City of Madison Family and Medical Leave Policy

The City of Madison considers both the Federal and Wisconsin state law and provides any eligible employee with the more generous provisions of the two acts. Through our [APM 2-21](#) (PDF), we intend to fully comply with the acts. Your rights are comprehensively explained in APM 2-21 which is located and may be personally reviewed in each City office, as well as the City Clerk's Office, Room 103, City-County Building, and the City of Madison EmployeeNet website.

COVERAGE

- A. Federal Act: In order for an employee to be eligible for leave under the Federal Family Medical Leave Act, s/he must have been employed by the City for at least 12 months, which need not be consecutive months, and must have worked for at least 1,250 hours (not including paid leave) during the preceding twelve (12) months.
- B. Wisconsin Act: In order for an employee to be eligible for leave under the Wisconsin Family Medical Leave Act, s/he must have been employed by the City for at least 52 consecutive weeks, and must have been paid for at least 1,000 hours (including paid leave) during the preceding 52-week period.

REASONS FOR TAKING LEAVE

Leave must be granted for *any* of the following reasons:

- for a serious health condition that makes the employee unable to perform the employee's job
- for the birth of a child, or to care for the employee's child after birth, or placement for adoption or foster care of a child
- to care for the employee's spouse, son or daughter, or parent who has a serious health condition
- to care for the employee's spouse, son, daughter, parent, or next-of-kin with a serious injury or illness incurred as a member of the military in the line of duty
- to care for a domestic partner, parent-in-law, or parent of a domestic partner who has a serious health condition (leave limited to two weeks)
- for a qualifying exigency arising out of an employee's, spouse's, son's, daughter's or parent's active duty or notification of impending call or order to active duty.

NON-DISCRIMINATION

Neither the Federal nor the State law affects any law prohibiting discrimination. The City does not discriminate in its implementation of either the Federal or the State law.

RELATIONSHIP TO OTHER LAWS

Federal law, State law or the City's policy do not supercede any other applicable law or collective bargaining agreement which provides greater family or medical leave rights.

ADVANCE NOTICE & MEDICAL CERTIFICATION

The employee may be required to provide advance leave notice and medical certification. Leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require recertification when intermittent leave is requested. Second or third opinions (at the employer's expense) and a fitness for duty report to return to work may also be required.
- Failure to request Family Leave or provide notice shall not prohibit the employer from designating qualified leave time under the Acts.

ENFORCEMENT

Complaints may be filed with the U.S. Secretary of Labor, Wisconsin Department of Workforce Development, or by filing a private lawsuit. The employee must file the complaint or lawsuit within two years after the employee knew or reasonably should have known that a violation of the Federal Act occurred or within three years in the case of a willful violation. If an employee intends to file a complaint under the Wisconsin Act, that complaint must be filed within 30 days after the employee knew or reasonably should have known that a violation of the Wisconsin Act occurred. See appropriate addresses below:

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

Wisconsin Department of Workforce Development
Equal Rights Division
201 E. Washington Ave., Rm. A300
P.O. Box 8928
Madison, WI 53708
(608) 266-6860 / (608) 264-8752 (TTY)