



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 080 – FAMILY MEDICAL LEAVE ACT AND OTHER LEAVES

**GENERAL ORDER:** 2024-45  
**ISSUED:** October 11, 2024

**EFFECTIVE:** October 11, 2024

**REVIEWED/APPROVED BY:**  
Assistant Chief Craig Sarnow  
**DATE:** September 4, 2024

**ACTION:** Amends General Order 2023-22 (May 19, 2023)

**WILEAG STANDARD(S):** 2.4.2

#### ROLL CALL VERSION

Contains only changes to current policy.  
For complete version of SOP, see SharePoint.

#### **080.35 MATERNITY AND CHILDREARING LEAVE (CONTRACT PROVISIONS)**

- A. Sworn members belonging to the Milwaukee Police Association (MPA) and ~~Milwaukee Police Supervisor's Organization (MPSO)~~ are entitled to maternity leave and child rearing leave. Sworn members shall refer to their respective negotiated labor agreement for the specific requirements related to maternity and childrearing leave.

#### **080.40 PAID PARENTAL LEAVE (MPSO AND CIVILIAN MEMBERS ONLY)**

- A. Pursuant to [Milwaukee City Ordinance 350-39\(3\)](#) and negotiated labor agreements, eligible employees are entitled to six (6) weeks of paid parental leave for one qualifying event per calendar year. Sworn members shall refer to their respective negotiated labor agreement for the specific requirements related to paid parental leave.

#### **B. ELIGIBILITY**

1. An employee must have worked a minimum of 1,000 hours during the previous 12 months prior to the start date of their leave. Hours worked includes hours paid but not worked, such as vacation, sick or injury time. Hours worked does not include unpaid leave of absences. If an employee becomes eligible within twelve (12) weeks of the qualifying event, the paid parental leave will be prorated to the eligibility date.
2. A benefits eligible part-time employee with a qualifying event shall be eligible for paid parental leave and leave shall be prorated based on the employee's regular schedule.
3. An eligible employee shall be any employee who is a parent.
  - a. A parent includes a biological parent, foster parent, adoptive parent, stepparent, legal guardian, intended parents, or individuals in loco parentis, individual acting in place of a parent. Parent does not include individuals serving as surrogates.
  - b. An intended parent(s) is a person or persons who become(s) the legal parent of a child born through surrogacy.

- c. A surrogate is an individual carrying a child for intended parent(s).
4. Employees will be compensated at the employee's regular rate of pay, not including overtime and compensatory pay.

#### C. QUALIFYING EVENT

An employee shall be eligible for paid parental leave for any of the following events:

1. Birth of a child.
2. Stillbirth after 20 weeks of pregnancy for a birthing parent.
3. Adoption, foster, guardian, or in locos parentis placement of a child under the age of five (5) years.
4. Miscarriage prior to 20 weeks, the birthing parent shall be eligible for up to 2 weeks of paid parental leave.
5. A birthing parent who experiences incapacity related to pregnancy or serious health conditions following the birth of a child shall be eligible for up to 4 weeks of paid leave in addition to the 6 weeks of paid parental leave.

#### D. USE OF PAID PARENTAL LEAVE

1. Parental leave shall run concurrently with any state or federal family leave to which the employee may be eligible.
2. Parental leave shall begin within sixteen (16) weeks of the qualifying event in one continuous block or intermittently for eligible qualifying events. Intermittent use of parental leave shall only be utilized in the case of birth or placement qualifying events. The last segment of intermittent use of parental leave must begin within the 16-week period. Employees are prohibited from deferring paid parental leave time. For miscarriage or stillbirth, leave must be taken immediately at the time of the qualifying event.
3. Parents who both work for the city are eligible to take their individual parental leave separately or concurrently but within 16 weeks of the qualifying event.
4. For a qualifying event of adoption, foster, guardian, or in locos parentis placement, paid parental leave cannot be taken prior to the physical placement of the child with the parent.
5. For employees eligible due to the birth of a child or placement of a child, paid parental leave is available as long as the employee has a continuing parental role with the child whose birth or placement was the basis for the leave entitlement.
6. Additional parental leave is not available if the employee has more than one qualifying event in a single calendar year.

#### E. RELATION TO OTHER LEAVE TIME

1. Employees will continue to accrue sick time and vacation time while on paid parental leave.
2. In the event an employee requires additional time at the end of the six (6) week period of paid parental leave, the employee may use other available paid or unpaid leave time to remain off work as permissible under any State, Federal and/or City leave laws or policies, including FMLA.
3. Employees may use paid parental leave time before other accrued leave.
4. If a civilian employee is using paid parental leave for a full week in which a City holiday falls, the employee will be paid holiday pay in lieu of paid parental leave for that holiday. This time will still count against the employee's six (6) weeks of paid parental leave.
5. Birthing parents enrolled in the City's short term disability program should consult with the Human Resources Division on the timing of short term disability with paid parental leave.
6. Birthing parents who experience incapacity related to pregnancy or serious health conditions following the birth of a child and require additional time off may be eligible for available state or federal family leave.
7. Non-birthing parents are required to use the City's Funeral Leave, [Milwaukee City Ordinance 350-35\(5\)](#), in the event of a miscarriage or stillbirth regardless of when miscarriage or stillbirth occurs
8. Birthing parents utilizing paid parental leave will not be eligible for City's Funeral Leave, [Milwaukee City Ordinance 350-35\(5\)](#) for the same qualifying event.

#### F. REQUESTING PAID PARENTAL LEAVE

1. Employees requesting paid parental leave shall ensure the completion of the following forms and submit them to their commanding officer/supervisor for review:
  - a. *Paid Parental Leave Request* (located in the N: drive Forms FMLA Forms folder)
  - b. A *Department Memorandum* (form PM-9E) describing the qualifying event and anticipated dates of the leave, if foreseeable.
2. An employee must request usage of parental leave at least thirty (30) calendar days prior to the foreseeable qualifying event.
3. For an unforeseeable qualifying event, an employee must request usage of parental leave within fifteen (15) calendar days of the qualifying event. Employees may request reasonable extensions for providing documentation.

4. Within five (5) business days of the receipt of the request, the Human Resources Division will provide the employee a *Paid Parental Leave Eligibility Form*, which includes a request for supporting documentation of the qualifying event.
5. The employee shall provide a timely response to the Human Resources Division request for documentation. The employee shall submit the documentation to their commanding officer/supervisor for review and approval. Supporting documentation shall be submitted within fifteen (15) calendar days of the request for leave or within fifteen (15) calendar days of the qualifying event based on the circumstances. Employees may request reasonable extensions for providing documentation.
6. The employee shall provide a completed *Paid Parental Leave Payroll Form* to their commanding officer/supervisor for each pay period in which leave is used.
7. The employee shall provide any new certifications requested by the Human Resources Division and keep them informed of any major changes in the employee's need for leave.
8. The employee shall submit any return to work documentation to their commanding officer/supervisor that is requested for their own serious health condition within the timeframe required on the form. Required return to work release must be complete and sufficient. If a required return to work release is not complete or sufficient, employees will be notified in writing of the deficiencies and given seven (7) calendar days to provide the required information. If the employee fails to provide the required information, the department may delay the employee's return to work or deny the leave.

#### G. REQUIRED DOCUMENTATION

An employee must submit supporting documents that establish the qualifying event for eligibility. Supporting documents include the following:

1. For birth of a child – a medical certificate, certificate of a live birth, or similar government (or legal) document listing the employee as a legal parent
2. For legal placement of a child – a certified copy of a court order granting the employee legal custody of the child
3. For the non-legal placement of a child:
  - a. Two (2) official records establishing the employee as the named caregiver to the child (e.g., school enrollment, insurance records, or medical records); and
  - b. Reliable documentation establishing the date when the placement occurred (e.g., insurance records and certificate of death).
4. For miscarriage or still birth – medical certification form or death certificate
5. For incapacity or serious health condition – medical certification form

## H. PAID PARENTAL LEAVE PAYROLL FORM

Employees must complete a *Paid Parental Leave Payroll Form* to their commanding officer/supervisor for each continuous or intermittent leave approved for payroll purposes.

## I. PROOF OF RELATIONSHIP

For purposes of confirming family relationship, the Human Resources Division may require the employee provide reasonable documentation or statement of family relationship. This documentation may take the form of a marriage certificate, court documents, birth certificate, etc.

## J. HUMAN RESOURCES DIVISION RESPONSIBILITIES

### 1. Paid Parental Leave Eligibility Form

Within five (5) business days of notice of an employee's potential need for paid parental leave or an employee's request for paid parental leave, whichever is earlier, the Human Resources Division must provide the employee a completed Paid Parental Leave Eligibility Form. Typically, the Paid Parental Leave Eligibility Form will be accompanied by an FMLA Notice of Eligibility. This Paid Parental Leave Eligibility Form will inform the employee of their eligibility and required documentation.

### 2. Human Resources Division Review

Upon receipt of required documentation from the employee, the Human Resources Division will issue a determination. Determinations will be issued within five (5) business days of receipt of the documentation, absent extenuating circumstances. Copies of the determination will be provided to the employee, employee's commanding officer/supervisor, Payroll Section, and Human Resources Division.

### 3. Return to Work Notice

At the time leave is approved, the Human Resources Division will notify employees in writing whether a return to work release is required prior to returning to work. A return to work release will be required from employees returning from continuous leaves of five (5) days or longer for their own serious health condition.

## K. PROTECTIONS

1. The employee will be restored to the same or an equivalent job upon return from leave. An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits and working conditions, including privileges, perquisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

2. During leave, the City will maintain the employee's benefit insurance coverage if the employee is enrolled in the City's benefit plans. Employees will continue to pay their share of the premium contributions for benefit coverage during the time of their leave. Questions should be directed to the Human Resources Division.
3. Employees are not required to perform work while on leave.
4. An employee with a qualifying event under this section who does not qualify for protection under the Family and Medical Leave Act of 1993 shall be provided the same job protections enumerated by the act.

#### L. WORK OBLIGATION

1. An employee is required to work for the city for at least six (6) weeks after usage of the paid parental leave. The 6-week work obligation begins on the employee's scheduled workday after such leave or subsequent leave concludes. The department will seek collection of the full amount of any paid parental leave for an employee who fails to return to work and fully complete the 6-week work obligation.
2. The work obligation is fixed at 6 weeks, regardless of the amount of leave used by an employee.
3. The work obligation may be waived based on the continuation, recurrence or onset of an employee's or child's serious health condition related to the pregnancy, birth or placement of a child. In order to waive the work obligation, the employee must provide supporting documentation from a healthcare provider if an employee claims that the serious health condition of the employee or child makes the employee unable to fulfill the necessary work obligation.

#### M. PROHIBITION OF OUTSIDE EMPLOYMENT DURING PAID PARENTAL LEAVE

Outside employment, including self-employment, during paid parental leave is prohibited, and may result in disciplinary action, up to and including discharge from the department.

#### N. EMPLOYEE DISPUTES

If an employee believes that they have been denied leave to which they were entitled, that any other employee interfered with their use of leave or that they were retaliated against for taking leave, they may file a complaint in accordance with SOP 520.30 (Equal Employment Opportunity Policy).

#### O. CONFIDENTIALITY

The circumstances involving the need for an employee to be granted paid parental leave will be kept confidential to the extent allowed by law. All documents provided to the department regarding leave will be maintained separately and treated as confidential medical records. The records may be disclosed to supervisors on a need to know basis.

**P. VIOLATIONS OF THE PAID PARENTAL LEAVE POLICY**

Violations or misuse of the paid parental leave policy may result in disciplinary action, up to and including discharge from the department.

**080.4045 MEDICAL LEAVE OF ABSENCE**

**080.4550 DONOR PROGRAM**

**080.5055 WORKER'S COMPENSATION TOTAL TEMPORARY DISABILITY BENEFITS (TTD)**

**080.5560 DUTY DISABILITY RETIREMENT / ORDINARY DISABILITY RETIREMENT**

**080.6065 SPECIAL ANNUAL PAYMENTS**

**080.6570 EMPLOYEE RESPONSIBILITIES**

**080.7075 REINSTATEMENT FROM FMLA OR MEDICAL LEAVES (PAID OR UNPAID)**

**080.7580 COMMANDING OFFICER'S / SUPERVISOR'S RESPONSIBILITIES**

**080.8085 HUMAN RESOURCES DIVISION - MEDICAL SECTION RESPONSIBILITIES**

**080.8590 BENEFIT RESOURCES**



JEFFREY B. NORMAN  
CHIEF OF POLICE

**APPENDIX A**

<b>CHILDREARING LEAVE</b>		<b>MATERNITY LEAVE</b>	
<b>Sworn Female or Male Members (MPA Only) (no medical documentation needed)</b>		<b>Sworn Female Members Only (MPA Only) (medical documentation needed)</b>	
Female members can use up to 130 consecutive calendar days (including regular off days) beginning when her maternity leave ends and/or birth of child.		Granted for the sole purpose of medical disability associated with pregnancy	
Female members can use accumulated/accrued paid time off (vacation, holiday, compensatory time). However, sick time cannot be used.		Begins on the date treating physician determines and ends no later than 135 consecutive calendar days after the delivery date (birth of the child) (includes regular off days)	
Male members can use up to 130 consecutive calendar days (including regular off days) beginning on the date their spouse gives birth to the child.		It must be taken in one block of time and cannot be segmented. Off from the date determine by the doctor until the baby is born	
Male members can use accumulated/accrued paid time off (vacation, holiday, compensatory time). However, sick time cannot be used.		MPA/MPSO contract allows for an extension beyond the 135 day post-delivery maximum date.	
Childrearing leave cannot be segmented. Once the member stops using childrearing leave, the remainder of the time cannot be used (even if he/she does not exhaust their 130 days).		Accrued paid time off it can be used (sick leave vacation, holiday, compensatory time)	
Childrearing leave must be 130 consecutive calendar days (not sporadic or intermittent days).		Once maternity leaves stops, it cannot be continued at a later date. Maternity Leave must be 135 consecutive calendar days. (not sporadic or intermittent days)	
<b>PAID PARENTAL LEAVE</b>			
<b>MPSO and Civilian Members Only (medical documentation needed)</b>			
MPSO and civilian members are eligible for up to six (6) weeks of paid parental leave for one qualifying event per calendar year.		Must begin within sixteen (16) weeks of qualifying event. This runs concurrently with any state or federal FMLA to which the employee may be eligible.	
<b>STATE FMLA (medical documentation needed)</b>		<b>FEDERAL FMLA (medical documentation needed)</b>	
<b>Total six (6) weeks (240 hours)</b>		<b>Total six (6) weeks (240 hours)</b>	
Can be used intermittently, in blocks of time, or the entire block of six (6) weeks. State FMLA begins on the day the baby is born.		Other accrued paid time can be used until it is exhausted and then it can be taken as unpaid time. Sick time cannot be used.	
Must start prior to sixteen (16) weeks after the birth of the baby. This can start as late as week fifteen (15), day six (6).		Federal FMLA must be used by the baby's 1 <sup>st</sup> birthday (e.g., baby's 1 year old birthday)	
Member may use as much sick time as they are entitled to (if they have six (6) weeks of sick leave available they can use all 6 weeks as sick leave).		Federal FMLA can only be used in one consecutive block of time.	
Member may use other accrued paid time off (e.g., vacation, holiday, compensatory time).			
If the member elects unpaid time only, two (2) weeks (80 hours) of unpaid time can be used if the member has other accrued time on the books.			
<b>State And Federal FMLA run concurrent to each other beginning with State FMLA (cannot not exceed twelve (12) weeks of FMLA).</b>			