



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

080 – FAMILY MEDICAL LEAVE ACT AND OTHER LEAVES

GENERAL ORDER: 2022-XX
ISSUED: November 8, 2022

EFFECTIVE: November 8, 2022

REVIEWED/APPROVED BY:
Assistant Chief Nicole Waldner
DATE: October 19, 2022

ACTION: Amends General Order 2020-22 (November 30, 2020)

WILEAG STANDARD(S): 2.4.2

ROLL CALL VERSION

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

080.10 FEDERAL FMLA ELIGIBILITY REQUIREMENTS AND BENEFITS

B. BENEFITS UNDER THE FEDERAL FMLA

The Federal FMLA entitles eligible employees to a combined maximum of twelve (12) weeks of leave per calendar year for any one or a combination of the following reasons:

~~2. Married Couple Combined Maximum Total~~

~~The City of Milwaukee has adopted the standard under the Federal FMLA to limit spouses who are both employees of the city to a combined total of twelve (12) weeks of FMLA during any calendar year for the birth or placement of a child or for the care of a parent with a serious health condition.~~

080.20 INTERMITTENT LEAVE / REDUCED LEAVE

B. Intermittent leave may be taken in connection with the birth or placement for adoption of a child only under the Wisconsin FMLA, but will not be and is permitted in connection with federal FMLA leave taken following the sixteenth (16th) week of birth or placement for adoption.

080.30 MPD ADMINISTRATION OF THE FMLA IN ACCORDANCE WITH THE CITY'S FMLA POLICY

Pursuant to the state and federal laws, the City of Milwaukee's administration of the FMLA benefit includes the following:

~~D. The department is adopting the standard under Federal FMLA to limit spouses who are both employees of the City to a combined total of twelve (12) weeks of FMLA leave during any calendar year for the birth or placement of a child or for the care of a parent with a serious health condition.~~

DE. The department will provide required FMLA notices to the employee within five (5)

business days.

- EF. The employee will be restored to the same or an equivalent job upon return from leave.
- FG. During an FMLA leave, the City of Milwaukee will maintain the employee's health and dental insurance coverage. Employees will continue to pay their share of the premium contributions for health and dental insurance during the time of their leave. While on unpaid FMLA, the employee will be billed for their monthly premium and failure to make payments will result in termination of health and dental benefits. Questions should be directed to the Department of Employee Relations-Employee Benefits Division at 414-286-3184.
- GH. If the employee fails to return to work after taking FMLA leave and the failure is not due to circumstances which would otherwise entitle the employee to FMLA leave or are otherwise beyond the employee's control, the employee is liable for the payment of all health and dental insurance premiums paid by the City of Milwaukee during the unpaid portion of the FMLA leave.
- HI. Employees may voluntarily settle or release their FMLA claims without court approval. Employees may not, however, prospectively or retroactively waive their FMLA rights.
- IJ. The department may deny a Sick Leave Incentive Control award to an employee who does not have perfect attendance because of taking FMLA leave.
- JK. The department may adjust employees' service time for all unpaid FMLA leave periods.
- KL. An employee absent from work due to leave under the FMLA is not entitled to unemployment compensation benefits.
- LM. An employee may not go negative with their vacation balance for FMLA and medical leaves of absence.
- MN. The department FMLA Administrator will utilize the *FMLA Designation Notice* form to notify employees when their FMLA is pending or will be denied, and the reason (along with notification) for any additional information that is required.

080.85 BENEFIT RESOURCES

~~Police Officer Support Team
Training Division, Room 11
414-352-5125~~



JEFFREY B. NORMAN
CHIEF OF POLICE

APPENDIX A

CHILDREARING LEAVE		MATERNITY LEAVE	
Sworn Female or Male Members (no medical documentation needed)		Sworn Female Members Only (medical documentation needed)	
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/MP SO 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)	
STATE FMLA (medical documentation needed)		FEDERAL FMLA (medical documentation needed)	
Total six (6) weeks (240 hours)		Total six (6) weeks (240 hours)	
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 st 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 (it cannot be use intermittently).	
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.			
State And Federal FMLA run concurrent to each other beginning with State FMLA (cannot not exceed twelve (12) weeks of FMLA).			