Chapter 7
Employee Paid and Unpaid Leave Benefits

Section 1 General Restrictions/Exceptions on Use of Paid Time Off: A department head, based on operational necessity, budget allocation, and grant funding (if applicable) has the authority to allow an employee to combine paid time off hours (excluding Floating Holiday) with time actually worked to exceed his/her normally scheduled hours.

Section 2 Lunch Periods and Breaks

A. **Lunch Periods:** Generally, an unpaid ½ hour lunch period is provided in the middle of an eight or ten hour workday. Employees who are scheduled to work more than five consecutive hours are normally expected to take an unpaid lunch break.

B. **Break:** Regular full-time employees may be granted two 15-minute rest breaks in each complete working day. Rest breaks will be scheduled by the department supervisor. Employees are not allowed to accumulate rest breaks and/or use them to extend their lunch period or shorten the workday. Rest breaks not taken are forfeited.

Section 3 Holidays

A. **Groups Schedule:**

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Group 1</th>
<th>Group 2</th>
<th>Group 3</th>
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</thead>
<tbody>
<tr>
<td>New Year’s Day</td>
<td>1 day</td>
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<tr>
<td>Memorial Day</td>
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<td>July 4th</td>
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<tr>
<td>Labor Day</td>
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<td>1 day</td>
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<tr>
<td>Thanksgiving</td>
<td>1 day</td>
<td>1 day</td>
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<tr>
<td>Day After Thanksgiving</td>
<td>1 day</td>
<td>1 day</td>
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<tr>
<td>Christmas Eve</td>
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<tr>
<td>Christmas Day</td>
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<td>1 day</td>
</tr>
<tr>
<td>New Year’s Eve</td>
<td>1 day</td>
<td></td>
<td></td>
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<tr>
<td>Floating Holidays</td>
<td></td>
<td>2 days</td>
<td>2 days</td>
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**Group 1** All employees including Law Enforcement and Corrections Specialists - Classification and Court Officers and Law Enforcement and Corrections Supervisor (Juvenile Detention) working 5/2 work schedule; except the following classifications or group of classifications listed below.

**Group 2** Library Employees, Communications Specialists and Supervisors, Social Services Coordinators (Shelter Home Youth Workers), Law Enforcement and Corrections Specialists, Coordinators, and Supervisors.

**Group 3** Central Wisconsin Airport and Highway Department.
Employees assigned year round to a 10-hour, 11.25-hour, 12-hour, etc. work schedule, will receive holiday pay and floating holiday based on their standard workday. Employees assigned to 10-hour work schedule during the summer months, shall receive 10 hours for holidays during that period and 8 hours for floating holidays. Employees working a flexible work schedule receive 8 hours of holiday pay and 8 hours for floating holiday.

B. Weekend Holidays:

1. If any of these holidays fall on a Saturday or Sunday, the preceding Friday or following Monday or any other day as determined by the Human Resources Committee shall be considered a holiday for observed holiday pay purposes.

2. Law Enforcement and Corrections Specialists, Coordinators and Supervisors, Communication Specialists and Supervisors, Social Services Professionals (Shelter Home Youth Workers) shall have the observed holiday recognized as the actual day (date) the holiday falls. However, any of the above classifications working regular Monday through Friday schedule will follow the observed holidays as reference in Paragraph B1.

C. Work on Holiday: Employees required to work on an actual or observed holiday (who do not receive the eight (8) hours of compensatory time for being on-call during the actual holiday) shall receive time and one half for hours worked in addition to their holiday pay on the observed holiday. Holiday pay offsets regular pay. Employee may take the time and one-half for working the holiday as either pay or compensatory time depending on departmental policy, capped at 160 hours. The hours worked on an actual or observed holiday will not count towards the required 40 hours per week or 84 hours per payroll period for Corrections Specialists of work time necessary to earn overtime pay during the workweek.

D. Call-In on Holiday: Employees who call-in absent on holiday (unless approved as FMLA absence) who are scheduled to work on a holiday shall forfeit any holiday pay due for that day and must use other paid leave.

E. Floating Holidays

1. New Employees: New employees hired between January 1 and June 30 shall receive half of the above floating holidays allotment for use during their first calendar year.

2. Annual Allotment: Eligible employees will receive floating holidays based on their standard daily hours on January 1 of each year (i.e. 8 hours, 8.34 hours, 8.16 hours, 11.25 hours, 12 hours, etc.) and prorated for eligible part-time employees based on their
FTE employee allocation on January 1. Eligible employees who transfer to a new work schedule, excluding summer hours, during the year will have their floating holiday bank adjusted accordingly based on their new standard daily hours (i.e. employee going from 8-hour workday to 12-hour work day shall have any floating holiday remaining adjusted based on 12 hours, employees going from 12-hour workday to 8-hour workday shall have any remaining floating holidays adjusted based on 8 hours.

3. **Forfeited**: Floating holidays not used during the calendar year earned will be forfeited. Employees are not eligible to receive cash payment for any remaining floating holidays upon termination.

4. **Minimum Usage**: Minimum use is full day increment. Department head may allow use in less than full day increments based on operational needs. Employees working a 4 day 10 hour work schedule during the summer months, who use floating holiday during this period, shall use 8 hours of floating holiday and 2 hours of other eligible paid leave.

### Section 4 Paid Time Off (PTO)

A. **Purpose**: The purpose of the Paid Time Off (PTO) plan is to provide employees the flexible means of accruing and using paid time off. PTO can be utilized for any purpose, subject only to necessary request and approval procedures consistent with County and department policies. PTO is a combination of time used for vacation, sickness and other personal time under a single accrual.

B. **Other Time Off With Pay**: Reward time off (Section 5), Holiday (Section 3), funeral leave for immediate family (Section 6), jury/witness duty (Section 14) and military leave (Section 15).

C. **Accrual Process**: Eligible regular employees earn PTO each payroll period based on their FTE employee allocation.

No employee shall earn the biweekly accrual if the employee is paid less than 50% of his/her standard scheduled work hours per pay period.

At time of hire, employees will be credited 80 hours of PTO (prorated for regular eligible part-time employees) and must sign the acknowledgement to deduct hours from an employee’s PTO accrual until the total hours of PTO credited to the employee have been reimbursed. This credit will not be adjusted should an employee FTE employee allocation change during the year. The acknowledgement also authorizes the County, upon an employee’s termination, to deduct from the employee’s final paycheck any remaining PTO credit that has not been repaid to the County. If an
employee’s paid hours on last check do not cover remaining credited hours, the employee agrees to allow County to deduct outstanding amount from PEHP conversion, if applicable OR send payment to the County for outstanding amount within 30 days from invoice date.

### PTO Accrual Rates for Employees Allocated to Full-Time Position

<table>
<thead>
<tr>
<th>Years of Continuous Service Completed</th>
<th>Approximate Maximum Annual Accrual</th>
<th>Maximum Eligible Payout</th>
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<tbody>
<tr>
<td></td>
<td>Biweekly Accrual</td>
<td>Effective Through 1/8/22 Maximum Accumulation Allowed Hours (1)</td>
</tr>
<tr>
<td>0 through 4</td>
<td>6.1538</td>
<td>360</td>
</tr>
<tr>
<td>5 through 9</td>
<td>7.0769</td>
<td>360</td>
</tr>
<tr>
<td>10 through 14</td>
<td>8.0000</td>
<td>360</td>
</tr>
<tr>
<td>15 through 19</td>
<td>8.9230</td>
<td>360</td>
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<tr>
<td>20 +</td>
<td>9.8461</td>
<td>360</td>
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</tbody>
</table>

(1) Effective January 9, 2022, the PTO maximum will return to 320 hours and any hours above 320 hours will be forfeited.

**D. Sick Leave Banks Earned Prior to 1/1/13:** Employees sick leave banks will be frozen and set aside on 12/31/12. Employees may use accrued sick leave only for conditions that would be qualifying and/or approved Federal/Wisconsin Employee and Family Medical Leave (FMLA). Hours used will be paid at the pay rate in effect at time of use.

Sick leave conversion at WRS retirement or death: Refer to Chapter 8, Section 4.

**E. Vacation and Perfect Attendance Leave (PAL) Earned Prior to 1/1/13:** Employees vacation and PAL banks will be frozen on 12/31/12. Employees may request to use and upon supervisor approval use accrued vacation and PAL during their employment at the pay rate in effect at time of use.

Vacation and PAL payouts: Refer to Chapter 8, Section 2

**F. Extended Sick Leave Account (ESLA) Prior to 1/1/13:** Employees will not accrue any ESLA but can use accrued balance for the remainder of their employment with the County under the following conditions:

1. An employee may use sick leave in the extended sick leave account after the employee has exhausted all regular accrued sick leave and after an employee’s paid time off banks are at 80 hours or less.
2. Sick leave from the extended sick leave account may be used by the employee for qualifying and/or approved Federal/Wisconsin Employee and Family Medical Leave (FMLA).

Employees may not use ESLA to supplement salary in the event of a worker’s compensation injury and will not be converted to PEHP at time of retirement or paid out at termination.

G. PTO, Vacation and Other Time Off Scheduling: It will be left up to each department to establish procedures to ensure that paid time off requests are processed in a fair and equitable manner, with first consideration to be given to the effective operation of the department. Employees should give at least two weeks notice, if possible OR greater notice based on department policy.

H. Scheduled Absences: An employee is allowed to use PTO, Vacation, Comp Time and PAL as requested with prior approval from supervisor per departmental protocol. Employees shall make every effort to schedule routine medical appointments outside of regular work hours. If this is not possible, it should be scheduled in such a way that causes least disruption to the department operations.

I. Unscheduled Absences: When an employee is requesting unexpected time off, the employee must call their supervisor in accordance with department procedure, or at least one (1) hour before the start of the work day, or as soon as practical. If an emergency or event happens during work hours, let your supervisor know as soon as practical.

J. Scheduled and Unscheduled Absences - Medical and Child Rearing: When an employee is requesting paid time off for a personal or family illness or injury, or an emergency, the employee must report the reason for time off in accordance with department procedure, or at least one (1) hour before the start of the work day, or as soon as practical. If an emergency or development of the illness occurs during work hours, let your supervisor know as soon as practical. Certain medical conditions involving employees or family members including child rearing leave may qualify for State and Federal leave entitlements. Employees are encouraged to contact Employee Resources Department.

K. Minimum Usage: Paid time off (PTO, reward time off, vacation, PAL, sick leave, and comp time) may be used in no less than 15-minute increments, unless departmental policy requires greater minimum usage.
L. **PTO for Extended Family Funeral Leave:** In the event of a death of a member of the current extended family of a regular eligible employee, the employee may request, and upon request, shall be granted to use one day of paid leave (PTO, vacation, PAL, comp time). Additional time off may be granted by the department. Extended family means the employee's or the employee’s spouse’s brother-in-law, sister-in-law, uncle, aunt, niece, or nephew and the employee’s spouse’s grandparent. Employees may be required to furnish proof of death and their relationship to the deceased.

M. **Unpaid Leave:** Unpaid leave may not be taken until such time that all eligible paid time off banks total 40 hours or less. Employees need prior authorization to take any unpaid leave.

An employee may, at the discretion of the department head, retain a maximum of 40 hours total in eligible leave banks. For examples:

1. on an approved Wisconsin FMLA leave
2. is receiving worker’s compensation benefits, or
3. has met their elimination period for Income Continuation Insurance
4. has been approved for an unpaid leave between April 5, 2020 and ending no later than January 8, 2022.

Refer to Leave of Absence, Section 8 for procedures for requesting unpaid leave.

**Section 5 Reward Time Off:** Employees may be awarded reward time off for displaying exceptional core value behaviors. An employee may receive up to their standard daily hours (i.e. 8 hours for full-time employee, 12 hours for Sheriff’s Department Corrections Specialist, 11.25 hours for Communications Specialist) of reward time off per annual evaluation period with department head approval. The reward time off bank is capped at 40 hours and prorated for part-time employees. Reward time off will not be paid at termination, including retirement. Departments wishing to award reward time off must complete the “payroll change form” within established payroll deadlines.

**Section 6 Funeral Leave:** The County provides paid funeral leave to support employees following the death of an immediate family/household member or County employee. Departments shall grant funeral leave to eligible employees (see Chapter 6, Section 1 for eligibility). Refer to Chapter 12 – Employee Safety, Section 5 – Death/Serious Injury Notification Guidelines and Resources.

A. **Immediate Family/Household Member:** Up to three (3) working days of paid funeral leave is provided. Immediate family shall mean the employee's: spouse, children, daughter-in-law, son-in-law, grandchildren, parents, grandparent, mother-in-law, father-in-law, brother, sister, or any
person who has resided with the employee immediately preceding the
person's death. The definition of immediate family includes step-relatives.

B. Domestic Partner or Domestic Partner’s Parent: Up to three (3) working
days of paid funeral leave is provided due to the death of a domestic
partner or a domestic partner’s parent. Employees who request this type
of funeral leave need to complete the certification form (see Appendix E)
and return it to their supervisor.

C. County Employee: An employee may receive up to four (4) hours of paid
funeral leave to attend funeral activities due to the death of a current
County employee. Supervisors should try to approve these requests
keeping in mind the operational needs of the department.

D. Notice: Employees desiring funeral leave shall promptly request funeral
leave from their supervisor. Employees normally use the funeral leave in
consecutive workdays unless other arrangements are approved by their
supervisor. Employees may be required to furnish proof of death and their
relationship to the deceased.

E. Extended Family: See Paid Time Off (PTO), Paragraph L.

Section 7 Severe Weather:

A. Employees are expected to report to work at their regularly scheduled time
regardless of prevailing weather conditions. However, we are concerned
for the safety of all employees and if an employee feels that they cannot
safely make to work due to severe weather they should stay home. In this
case, immediately call and advise your supervisor of the situation. If the
employee is unable to contact the supervisor, the employee shall leave the
message with the department designee.

B. Employees not reporting to work or employees who are permitted to leave
early due to an inclement weather situation may use accrued PTO,
vacation, PAL, compensatory time, or flex their work schedule with
supervisor approval. Employees who have a total of 40 hours or less of
eligible paid leave may request approval from their department head to use
unpaid leave. Sick leave may not be used. Employees must obtain
approval from their supervisors before leaving the work site.

C. County buildings will not close in inclement weather. Offices and
departments must maintain at least the minimum staff required to provide
essential services to the public. Inter-departmental cooperation and other
creative solutions to meeting our public service obligations and still
providing for employee safety are encouraged.
Section 8  **Telework:**

Marathon County permits occasional “ad hoc” telecommuting on an individual basis whereby employees are allowed to perform normal job duties and responsibilities using computers or other telecommunications, at home or another place apart from the employee’s usual place of work. Telework requests will be considered on an individual basis to determine if the employee has the necessary skills and abilities to be a telecommuter and if the specific duties and responsibilities to be done as telework can be achieved and measured.

Telework requests should be discussed with your immediate supervisor and department head. The department head should contact the Employee Resources Director to discuss the telework plan. An official telework agreement outlining work hours, duties, outcomes, communications, equipment, etc. must be signed by the telecommuter, and the telecommuter’s department head, prior to beginning telework. The complete telework agreement form should be forwarded to Employee Resources Department for the employee’s personnel file.

Section 9  **Family Medical Leave Act – Federal/Wisconsin Leaves:** Available to employees as specified below or as may be provided under other existing policies or agreements. The intent of this policy is to comply with both the Wisconsin and Federal Family and Medical Leave Acts. Should this policy conflict in any way with the applicable federal and state statutes or regulations, then the statutes or regulations shall control.

A.  **General Requirements**

1.  **Eligibility:**

   a.  **Federal:** Employees who have been employed by Marathon County for 52 weeks during the previous 7 years (need not be continuous) and has physically worked 1,250 hours during the proceeding 52 weeks are eligible as provided under this policy.

   b.  **State:** Employees who have been employed by Marathon County for 52 consecutive weeks and was paid (worked and paid leave time) 1,000 hours during the proceeding fifty-two (52) weeks are eligible as provided under this policy.
2. **Length of Employee Medical, Family Medical, Child Rearing and Military Exigency Leaves**: During each calendar year, eligible employees may take no more than twelve (12) calendar weeks (480 hours) for any one leave or combination of these leaves for employee and family medical, child rearing, and military exigency. Eligible part time employees may take pro-rated leave. Depending on the circumstances of the leave, the leave may be paid, unpaid, or a combination of paid and unpaid.

3. **Length of Military Caregiver Leave**: Eligible employees who are family members of covered service members may take up to twenty-six (26) calendar weeks (1040 hours) of leave in a single twelve (12) month period to care for a covered service member. Eligible part time employees may take pro-rated leave. During the specified single twelve (12) month period, military caregiver leave is combined with any other Federal leave (employee, family, child rearing, and military exigency) used for a total of twenty-six (26) weeks. Part or all of this leave may be paid, unpaid, or a combination of paid and unpaid.

4. **Designated Concurrent Leaves**: If the leave qualifies as both County paid or unpaid time off and federal/state leave, the County will designate them to run concurrently if off work for more than 1 calendar week (including intermittent leave). For example, substituted County paid sick leave and/or PTO used for an employee’s serious health condition also qualifies for Federal & Wisconsin Employee Medical Leave. Therefore this time off will also be deducted from an employee's leave entitlement under both Wisconsin and Federal laws.

**B. Definitions:**

1. "**Serious health condition**" is a disabling physical or mental illness, injury, impairment, or condition involving any of the following:

   a. Inpatient care in a hospital, nursing home, hospice, or residential medical facility or any subsequent treatment in connection with inpatient care.

   b. Outpatient care that results in a period of incapacity of more than three full consecutive calendar days that require in-person treatment by a health care provider at least once within seven (7) days of the first day of incapacity and requires either continuing treatment initiated by the health care provider or a second in-person visit to health care provider for treatment within thirty (30) days of the first day of incapacity.
c. Period of incapacity due to pregnancy, or for prenatal care.

d. Chronic condition (e.g., asthma, diabetes, epilepsy) that requires two or more medical visits/treatments each calendar year, continues over an extended period of time, and may cause episodes of incapacity.

e. Permanent/long-term condition that requires continuing supervision but not necessarily active treatment by a health care provider (e.g., Alzheimer's, severe stroke, terminal stages of a disease).

f. Multiple treatments (e.g., chemotherapy, radiation, dialyses, physical therapy, and restorative surgery after an accident or injury) by health care provider for condition which would likely result in incapacity for three consecutive calendar days in absence of medical intervention.

g. Injury or illness incurred by a covered military service member in the line of duty on active duty that results in the service member being medically unfit to perform the duties of his/her office, grade, rank, or rating.

Medical problems such as a common cold, flu, earaches, upset stomach, minor ulcers, non-migraine headaches, and routine dental or orthodontia problems are not ordinarily considered serious health conditions unless complications arise.

3. “In loco parentis” means having day-to-day responsibilities to care for and financially support a child with whom one has no biological or legal relationship. The County may require documentation to verify an “in loco parentis” relationship.

4. “Incapable of Self-Care”: requires active assistance or supervision in three or more activities of daily living (ADLs) or instrumental activities of daily living (IADLs).

The FMLA regulations include the following as examples of “activities of daily living”:

✓ Caring appropriately for one’s grooming and hygiene
✓ Bathing
✓ Dressing
✓ Eating

The FMLA regulations provide the following examples of “instrumental activities of daily living”:

✓ Cooking
Revised 3/4/21; PTO Maximum Accumulation, County Unpaid Leave

- Cleaning
- Shopping
- Taking public transportation
- Paying bills
- Maintaining a residence

These lists of ADLs and IADLs are not exclusive and determinations of whether an individual is “incapable of self-care” may include consideration of additional activities such as needing assistance with medication management.

4. “Calendar year” refers to the months of January through December.

5. “Intermittent Leave” is leave taken in separate blocks of time (e.g., leave taken over a period of weeks, a day or several days at a time).

6. “Reduced Leave” is a change in the employee’s work schedule (e.g., full-time to part-time or less part-time hours each day).

Each work day or work week an employee works fewer than the regular scheduled hours, only the specific reduced or intermittent amount taken will be deducted for purposes of computing leave taken and leave remaining.

C. Employee Medical Leave

1. **Purpose:** Job-protected, unpaid medical leave may be requested by an employee or designated by the County for a serious health condition, as defined by Federal and/or State law, which makes the employee unable to perform his or her job duties.

2. **Length of Medical Leave:** Employees may take a maximum of twelve (12) calendar weeks of medical leave in a calendar year.

3. **Substitution:** An employee may choose to substitute a maximum of two (2) weeks accrued paid County sick or other accrued paid leave for the first two weeks of the otherwise unpaid leave. After the first two weeks, an employee eligible for an additional ten (10) weeks of leave, the County will require an employee to use their paid PTO, sick leave or other paid leave such as vacation, compensatory time, floating holiday or PAL. When an employee has a total of 40 hours of eligible leave, the employee may request approval from their department head to save up to one week of paid leave. *The requirement to reduce leave banks down to a total of 40 hours is waived through January 8, 2022.*
4. Requesting Employee Medical Leave: If an employee intends to take medical leave for a serious health condition requiring planned medical treatment or supervision, the employee must:

a. Obtain the form from the Employee Resources Department Website or from the Employee Resources Department to request employee medical leave.

b. Submit the completed leave request form to his/her supervisor plus a copy to the Employee Resources Department. The leave request must be submitted two (2) weeks prior to beginning a planned leave for medical treatment. The two-week requirement may be waived for unexpected medical treatment for a serious health condition or in emergencies.

c. Provide the required medical certification (see Paragraph H of this section).

5. Scheduling Employee Medical Leave: When medically necessary, an employee may schedule employee medical leave as an intermittent or reduced leave. An employee must make a reasonable effort to schedule intermittent or reduced leave so it does not unduly disrupt the County's operations. To comply with this requirement, an employee must provide the County, in writing, the proposed schedule of partial absences with reasonable promptness after the employee learns of the probable necessity of such leave. The schedule must be of sufficient definiteness that the County can schedule replacement employees, if necessary.

D. Family Medical Leave

1. Purpose: Job protected, unpaid family medical leave may be requested by an employee or designated by the County when care for an individual who has a serious health condition, as defined by Federal and/or State law, is needed and the individual is the employee's:

a. Spouse

b. Biological, adopted, or foster child

c. Child for which employee stood "in loco parentis"

d. Biological parent or parent who stood "in loco parentis" to employee

e. Step parent, adoptive parent, or legal guardian
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2. **Length of Family Medical Leave**: Each calendar year, an employee may take:

   a. A maximum of twelve (12) calendar weeks of family medical leave for the employee’s:

      1) spouse
      2) parent (as defined in Section A above)
      3) child less than 18 years old (as defined in Section A above)
      4) child 18 years or older (as defined in Section A above) is “incapable of self-care” due to a disability.

   b. A maximum of two (2) calendar weeks of family medical leave for an/a:

      1) employee’s child 18 years or older (as defined in Section A above) who cannot care for himself/herself due to a serious health condition.
      2) spouse’s parent
      3) Domestic partner
      4) Domestic partner’s parent

3. **Substitution**: An employee may choose to substitute a maximum of two (2) weeks accrued paid County PTO, sick or other accrued paid leave for the first two weeks of the otherwise unpaid leave. After the first two weeks, an employee eligible for an additional ten (10) weeks of leave, the County will require an employee to use their paid leave such as vacation, compensatory time, floating holidays or PAL (not including sick leave). When an employee has a total of 40 hours of eligible leave, the employee may request approval from their department head to save up to one week of paid leave. **The requirement to reduce leave banks down to a total of 40 hours is waived through January 8, 2022.**
4. **Requesting Family Medical Leave:** If an employee intends to use family medical leave for a “serious health condition” that requires medical treatment or supervision of a family member, the employee must:

   a. Obtain the form from the Employee Resources Department Website or from the Employee Resources Department to request family medical leave.

   b. Submit the completed request form to his/her supervisor plus a copy to the Employee Resources Department. This request must be submitted two (2) weeks prior to beginning a planned leave. The two-week requirement may be waived for unexpected medical treatments for a serious health condition or in emergencies.

   c. Provide the required medical certification (see Paragraph H of this Section – Medical Certification).

5. **Scheduling Family Medical Leave:** An employee must consider the needs of the County when scheduling family medical leave. When medically necessary, an employee may take family medical leave as an intermittent or reduced leave. An employee must make a reasonable effort to schedule intermittent or reduced leave so it does not unduly disrupt the County’s operations. To comply with this requirement, an employee must provide the County, in writing, the proposed schedule of absences with reasonable promptness after the employee learns of the probable necessity of such leave. The schedule must be of sufficient definiteness that the County can schedule replacement employees, if necessary.

E. **Child Rearing Leave**

1. **Purpose:** Job protected, unpaid child rearing leave may be used within sixteen (16) calendar weeks before or after or within 12 months following:

   a. The birth of the employee's natural child or multiple children; or

   b. The placement of a child with the employee for adoption or as a precondition to adoption under Wisconsin Sec. 48.90(2), Stats., but not both; or

   c. The placement of a child with the employee for 24-hour foster care that is made by or with agreement of a licensed
2. **Length of Child Rearing Leave:** An employee may take a maximum of twelve (12) calendar weeks of child rearing leave for the birth, adoption, or foster placement of a child or multiple children. If the parents of the child or multiple children are married to each other and are both employed by the County, they are only entitled to a combined total leave of twelve (12) calendar weeks.

3. **Substitution:** If the leave begins within sixteen (16) calendar weeks following the birth or adoption of a child or multiple children, an employee may substitute a maximum of six (6) weeks accrued paid PTO, sick or other accrued paid leave for the first six of the otherwise unpaid twelve (12) calendar week leave. After the first two weeks, an employee eligible for an additional ten (10) weeks of leave, the County will require an employee to use their paid leave such as vacation, compensatory time, floating holidays or PAL (not including sick leave). When an employee has a total of 40 hours of eligible leave, the employee may request approval from their department head to save up to one week of paid leave. No substitution of accrued paid sick leave is permitted for foster care placement. *The requirement to reduce leave banks down to a total of 40 hours is waived through January 8, 2022.*

4. **Requesting Child Rearing Leave:** No less than two weeks before the leave is to commence, an employee must complete and submit the form to request child rearing leave to his/her supervisor plus a copy to the Employee Resources Department. This form can be obtained from the Employee Resources Department website or from the Employee Resources Department. If the date of the birth, adoption, or foster care placement requires the leave to begin sooner or later than initially anticipated, the employee must notify the Employee Resources Department as soon as possible. The dates of the leave will be adjusted accordingly.

5. **Scheduling Child Rearing Leave:** If the leave begins no later than sixteen (16) calendar weeks following the birth or adoption, an employee may take an intermittent or reduced child rearing leave for the first six (6) weeks of leave. Any remaining leave must be taken in one continuous block of time. No partial or intermittent leave can be taken for foster care placement.

An employee shall make a reasonable effort to schedule the intermittent or reduced leave so it does not unduly disrupt the County's operations. To comply with this requirement, an employee must provide the County, in writing, the employee's...
proposed schedule of intermittent or reduced leave no less than two (2) weeks before the schedule of absences is to begin. The schedule must be of a sufficient definiteness that the County is able to schedule replacement employees, if necessary, to cover the absences.

F. Military Caregiver Leave

1. **Purpose:** Job protected unpaid leave may be requested by an employee or designated by the County to care for a covered service member in the Armed Forces including the National Guard or Reserves who has a serious injury or illness as defined by Federal law that was incurred in the line of duty during active duty. This includes care for veterans (no longer active armed service members) who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred in the line of duty during the five years preceding the date of treatment.

The covered service member must be the employee’s:

a. Spouse
b. Biological, adopted or foster child, stepchild, or legal ward and who is of any age
c. Child for which employee stood "in loco parentis" and who is of any age
d. Biological parent or parent who stood "in loco parentis" to employee
e. Step parent, adoptive parent, or legal guardian
f. Next of kin or nearest blood relative as defined by Federal law

The County may require an employee to provide reasonable documentation (birth certificate, court order/document, or statement from employee) of family relationship to employee.

2. **Length of Military Caregiver Leave:** An employee may take a maximum of twenty six (26) calendar weeks in a single twelve (12) month period. The single twelve (12) month period begins the first day of leave and ends 12 months from that date. Any unused leave cannot be carried over.

A separate caregiver leave can be taken for each covered service member and/or for each new injury/illness. An aggravation or
complication of an earlier injury/illness is considered the same injury/illness.

3. **Substitution**: When caring for a spouse, child, or parent, an employee may choose to substitute a maximum of two (2) weeks accrued paid County PTO, sick or other accrued paid leave for the first two weeks of the otherwise unpaid leave. After the first two weeks, an employee eligible for an additional ten (10) weeks of leave, the County will require an employee to use their paid leave such as vacation, compensatory time, floating holidays or PAL (not including sick leave). When an employee has a total of 40 hours of eligible leave, the employee may request approval from their department head to save up to one week of paid leave. When caring for a next of kin or nearest blood relative, accrued paid County sick leave may not be substituted. *The requirement to reduce leave banks down to a total of 40 hours is waived through January 8, 2022.*

4. **Requesting Military Caregiver Leave**: If an employee intends to use military caregiver leave for a covered service member with a serious injury or illness, as defined by Federal law, the employee must:

   a. Obtain the form from the Employee Resources Department Website or from the Employee Resources Department to request military caregiver leave.

   b. Submit the completed request form to his/her supervisor plus a copy to the Employee Resources Department. This request must be submitted two (2) weeks prior to beginning a planned leave. The two-week requirement may be waived for unforeseeable medical treatments or care or in emergencies.

   c. Provide the required medical certification (see Paragraph H of this section). In lieu of this certification, the employee may provide an ITO (Invitational Travel Order) or ITA (Invitation Travel Authorization) issued to the employee to immediately join a seriously injured or ill service member at this/her bedside. When the duration of the ITO or ITA expires, the County may require the regular medical certification procedures be completed.

   d. The first request for caregiver leave for a covered service member will also require proof of the service member’s military status. Subsequent requests for a different serious injury/illness of the same service member or a serious
injury/illness for a different service member will also require proof of military status.

5. **Scheduling Military Caregiver Leave**: An employee must consider the needs of the County when scheduling military caregiver leave. When medically necessary, an employee may take military caregiver leave as an intermittent or reduced leave. An employee must make a reasonable effort to schedule intermittent or reduced leave so it does not unduly disrupt the County’s operations. To comply with this requirement, an employee must provide the County, in writing, the proposed schedule of absences with reasonable promptness after the employee learns of the probable necessity of such leave. The schedule must be of sufficient definiteness that the County can schedule replacement employees, if necessary.

G. **Military Exigency (Call-Up) Leave**

1. **Purpose**: Job protected, unpaid leave may be requested by an employee or designated by the County to address qualifying exigencies as defined by Federal law. These qualifying exigencies must result from a covered regular Armed Forces or National Guard/Reserve service member’s active duty, call/order to federal active duty, or recalled to duty after retirement in support of a contingency operation.

   The covered service member must be the employee’s:

   a. Spouse
   
   b. Biological, adopted or foster child, stepchild, or legal ward and who is of any age
   
   c. Child for which employee stood "in loco parentis" and who is of any age
   
   d. Biological parent or parent who stood "in loco parentis" to employee
   
   e. Step parent, adoptive parent, or legal guardian

2. **Qualifying Exigencies**: The following non-medical, non-routine activities related to the covered National Guard/ Reserve service member’s military active duty/call to active duty status or circumstances arising from such are considered to be qualifying exigencies:

   a. Short-notice deployment activities
b. Military events and related activities  
c. Child care and school activities  
d. Financial and legal arrangements  
e. Counseling activities  
f. Rest and recuperation activities  
g. Post employment activities  
h. Additional activities mutually agreed to by the employee and County

3. Length of Military Exigency Leave: An employee may take a maximum of twelve (12) calendar weeks of military exigency leave in a calendar year. However, special rules concerning the amount of leave and/or when leave may be taken apply to certain types of exigencies. Additional information about these special rules can be obtained from the Employee Resources Department.

4. Substitution: If an employee meets County requirements for using paid accrued leave, the County will require an employee to use their paid leave such as vacation, compensatory time, floating holidays or PAL (not including sick leave). When an employee has a total of 40 hours of eligible leave, the employee may request approval from their department head to save up to one week of paid leave. Accrued paid County sick leave cannot be substituted.  
*The requirement to reduce leave banks down to a total of 40 hours is waived through January 8, 2022.*

5. Requesting Military Exigency Leave: If an employee intends to use military exigency leave as defined by Federal law, the employee must:
   
a. Obtain the form from the Employee Resources Department Website or from the Employee Resources Department to request military exigency leave.
   
b. Submit the completed request form to his/her supervisor plus a copy to the Employee Resources Department. This request must be submitted as soon as practicable, depending on the facts and circumstances of the leave.

6. Certification for Military Qualifying Exigency Leave
If an employee requests military exigency leave under this policy, the employee must:

a. Complete the “Qualifying Military Exigency Certification Form” that the Employee Resources Department will provide. A separate certification is required for each specific exigency.

b. Submit to the Employee Resources Department the completed certification form plus any required proof of the military service member’s related active duty or call to active duty in support of a contingency operation. This information must be provided within fifteen (15) calendar days following the request for this information.

If all requirements of the certification process are incomplete and/or insufficient (vague, ambiguous, or non-responsive), the County may delay or deny the leave until the requirements are met.

7. Scheduling Military Exigency Leave: When necessary, an employee may take military exigency leave as an intermittent or reduced leave. An employee must make a reasonable effort to schedule intermittent or reduced leave so it does not unduly disrupt the County’s operations. To comply with this requirement, an employee must provide the County, in writing, the proposed schedule of absences with reasonable promptness after the employee learns of the probable necessity of such leave. The schedule must be of sufficient definiteness that the County can schedule replacement employees, if necessary.

H. Medical Certification

1. If an employee requests or the County designates an employee medical (except for childbirth), family medical, or military caregiver leave under this policy, the employee must:

a. Complete the required Medical Certification Form that the Employee Resources Department will provide. This form must be completed by the employee and the health care provider as defined by law who is treating the employee, family member, or military service member.

b. Return the completed Medical Certification Form to the Employee Resources Department within fifteen (15) calendar days following the request for this information.

2. If information on the returned Medical Certification Form is incomplete and/or insufficient (vague, ambiguous, or non-
responsive), the County may delay or deny the leave or the employee’s corresponding rights until the requirements are met.

3. Except for military caregiver leave, the County may request:

a. second or third health care provider opinion at the County’s expense.

b. additional or updated medical certifications on a periodic basis to recertify that a serious health condition still exists.

I. Insurance and Benefits: While an employee is on employee medical, family medical, child rearing, military caregiver or military exigency leave:

1. The County will maintain group health and dental benefits under the conditions that applied before the leave began. If prior to the leave, the employee was required to pay part or all of the cost of these benefits, the employee is required to continue with his/her share of the costs. While on paid leave, the County will continue to make payroll deductions to collect the employee’s contributions. During unpaid leave, the employee must contact the Employee Resources Department to arrange for continuing to pay the required contributions. Failure to pay the required contributions may result in loss of coverage.

The County's obligation to maintain health and dental benefits will end if and when an employee informs the County of an intent not to return to work at the end of the leave period, if the employee fails to return to work when leave entitlement is used up, or if the employee fails to make any required payments while on leave and the County has provided a 15-day advance written notice that payment has not been received.

If the employee does not return to work after the leave entitlement has been exhausted, the County has the right to collect the health and dental insurance premiums the County paid during any unpaid leave. An employee must return to work for at least 30 calendar days in order to be considered to have "returned" to work. The employee's liability to repay health insurance premiums does not apply if failure to return to work is due to a serious health condition or specific circumstances beyond the control of the employee.

2. The employee will continue to earn accrued PTO only when employee receives 50% or more of their standard work hours in a pay period.
3. Holidays will count as FMLA leave, when an employee is off work on FMLA leave for the full calendar week. If an employee is on “intermittent” FMLA leave or is off work less than a full workweek, the holidays will not count against the employee’s FMLA leave entitlement. Holiday pay will continue during an approved paid and unpaid FMLA leave.

J. Return From Leave

1. Prior to returning to work from a continuous employee medical leave, an employee is required to obtain and submit to the Employee Resources Department written medical documentation from the health care provider that addresses:

   a. Whether he/she is physically and mentally able to perform the essential functions of his/her job.

   b. If he/she will have any work restrictions plus a detailed listing of the restrictions and how long the restrictions will be necessary.

If reasonable job safety concerns exist, similar medical documentation may be required during an employee’s reduced or intermittent leave.

The County may deny reinstatement from a continuous leave until the required return to work certification is provided.

2. An employee returning from leave as provided under this policy can return to his or her prior position if vacant at the time the employee returns to work. If the position is no longer vacant, the employee will be offered an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

3. An employee may return to work prior to the scheduled end of the leave if the County is notified at least two business days prior to the desired return date. An employee shall be returned to his or her prior position or an equivalent position within a reasonable time after the request to return to work early is made.
Section 10  Bone Marrow and Organ Donation Leave: Employees eligible for Wisconsin FMLA leave (see Section 9, Paragraph A-1) may take up to six (6) weeks leave in a calendar year for the purpose of serving as a bone marrow and organ donor. Eligible employees may only take the amount of the leave necessary for the donation procedure and recovery from the procedure. Employees will need to submit the County’s FMLA employee medical leave certification. This leave will count concurrently as Federal/State FMLA leave.

Section 11  County Unpaid Leave of Absence:

A. Employees giving two (2) weeks prior notice, may, at the discretion of the department head, be granted an unpaid personal and/or medical leave of absence not to exceed forty-five (45) calendar days OR 260 hours upon presenting a written request to the department head. Employees should use eligible paid leave prior to requesting an unpaid leave of absence.

B. An employee may, at the discretion of the department head, retain a maximum of 40 hours total in eligible leave banks. For examples: medical leave would include all leave banks; personal leave would include all leave banks except for sick leave.

The employee may elect to retain more than 40 hours of leave if:
1. on an approved Wisconsin FMLA leave
2. is receiving worker’s compensation benefits,
3. has met their elimination period for Income Continuation Insurance
4. has been approved for an unpaid leave between April 5, 2020 and ending no later than January 8, 2022.

C. Unpaid leaves of absence beyond forty-five (45) calendar days or 260 hours and extensions of leaves of absence may be granted upon the approval by the department head and the Employee Resources Director.

D. Unpaid leave of absence shall not be granted for the purpose of accepting employment with another employer.

E. Health and Dental Premiums: If an employee is paid less than 50% of their standard hours in a month (i.e. 80 hours for full time employee), the full insurance premiums (i.e. employee's share plus County’s share) will be prorated for that month. This does not apply to approved Federal/State FMLA leaves.

F. PTO Accruals: In order to receive your biweekly PTO accrual, an employee must be paid at least 50% of his/her standard hours per payroll period.

F. An employee’s benefit eligibility date for accruing PTO will not be adjusted due to an unpaid leave of absence.
G. To be entitled to holiday pay when on County unpaid leave of absence, an employee must receive full pay on the workday before and after a holiday. However, if an employee is on an approved FMLA leave, holiday pay will continue unless the employee is receiving ICI benefits during the payroll when holiday is paid.

H. To be receive the biweekly PEHP payment, an employee must receive pay during the pay period.

Section 12 Leave Donation Program

A. Purpose: The purpose of the leave donation program is to assist an employee faced with a serious medical illness or injury to themself or an immediate family member by allowing employees to voluntarily transfer accrued PTO, vacation or PAL hours to another eligible employee who has exhausted all other paid leave.

B. Qualifying Event: Employee may request leave donation for a serious health condition qualifying under Federal/Wisconsin Employee and Family Medical Leave (FMLA) affecting themself or their immediate family member. Donated leave may not be used for child rearing leave following birth or placement of a child for adoption or foster care.

C. Procedure for Requesting Employee:

1. Any eligible employee may request a leave donation by completing the “Request to Receive Donated Leave” form (Appendix A). If the employee is not capable of applying in writing on their own behalf, a personal representative may complete a written request for the employee. Before applying on behalf of an employee, every effort must be made to obtain consent from the employee or, in situations where this is not possible, the employee’s guardian.

2. Request for leave donation must be submitted to the Employee Resources Department. Applications must be submitted within 25 calendar days of the qualifying event, if possible.

3. For employee’s own illness, employee must actively pursue income continuation insurance benefits and/or WRS Disability Retirement benefits if applicable. Leave donations will offset Income Continuation Insurance benefits (see Chapter 6, Section 4, Paragraph E7). Leave donations may continue up to 30 calendar days from when the County is notified that ETF has received all medical documentation necessary to make an affirmative determination regarding your application for disability retirement.
4. During the use of donated PTO, vacation or PAL, other benefits will continue to accrue for the employee (e.g. PTO, health and dental insurance benefits, etc.).

5. Donated time will transfer to employee’s PTO account.

C. Procedure for Donating Employee:

1. Hours are donated by completing the “Request to Donate Paid Leave” form and must be submitted to the department coordinator as indicated on the posted notice (Appendix C for sample notice).

2. The employee may only donate PTO, vacation or PAL leave and relinquishes all rights and claims to donated leave.

3. Leave may be donated in 15-minute increments.

4. Donor’s name and hours donated are not given to recipients.

5. Donations are deducted from the donor’s balance at the time Employee Resources Department forwards to the Finance Department. Donors will not be notified when the donated hours are processed. However, when hours are transferred to recipient the transfer will show up on the donor’s direct deposit stub.

Section 13 Educational Leave of Absence: Educational leave of absence not to exceed one (1) year may be granted with pay and benefits at the discretion of the Human Resources Committee. The employee must agree in writing to remain employed for a period of time equivalent to three times the length of the leave of absence. If that amount of service is not rendered, the employee shall be required to make repayment of that expenditure within sixty (60) days of termination.

Section 14 Jury or Witness Duty: An employee, when subpoenaed in connection with County business, called upon to serve jury duty, or as a witness, shall receive the regular rate of pay for such time actually required to be in Court based upon the employee's standard (scheduled) workday, excluding shift differential. The employee must return any compensation, less mileage payment, received through Jury Pay or Witness Fee to the County Treasurer’s Office. If an employee is excused from jury duty, or as a witness, on a particular day, he/she shall return to work, if there are two (2) or more hours remaining in the workday.

Section 15 Military Leave:

A. Reserve Training: Employees who are members of a reserve component of the military forces of the United States or State of Wisconsin shall promptly notify the department head and be granted a leave of absence if required to participate in annual training duties. The employee shall be given the choice of accepting either their regular salary paid by the County.
or the military pay. If the option is to accept the County’s pay, the employee shall refund the County with any military leave they receive up to their normal wages. If the option selected is to accept military pay, then the employee shall use unpaid leave. The limit on this benefit is not to exceed 15 working days (maximum of 150 hours) in the calendar year.

B. **Active Duty:** In the event of a national or state emergency, employees may take an extended military leave of absence without pay if ordered to active duty. Any employee on military leave of absence may continue health, dental and life insurance program coverages, provided that the employee shall pay the full costs.

Section 16 **Kelly Days:**

A. Chief Deputy Sheriff shall receive 48 kelly hours.
B. Captain Deputy Sheriffs shall receive 48 kelly hours.
APPENDIX A
Marathon County Request to Receive Leave Donation Form

_______________________________________
Employee Name (Last, First, M)    Employee Payroll #

____________________
Contact Phone Number(s)

____________________
Street Address    City  State   Zip

I have been off work for a serious health condition qualifying under Federal/Wisconsin Employee and Family Medical Leave (FMLA) due to:

☐ Own illness or injury
☐ The illness or injury of his/her family member ____________________________ (relationship)

I anticipate being off work until ____________________________ (date)

Please send my request to:
☐ My department
☐ County-wide

I authorize the below “medical health information” may be shared. If nothing is provided, I understand that the County will only share that “I’m off work due to a FMLA qualifying medical condition.”

I authorize Marathon County to communicate in written and/or verbal formats the above listed medical health information that precipitated my request for participation in the leave donation program. I release Marathon County from all legal responsibilities that may arise from this action. I understand that departments or divisions of Marathon County may exchange information about my condition to enable the coordination of leave donations from my co-workers. I understand that the health information disclosed as a result of this authorization may no longer be protected by the federal privacy standards and my health information may be disclosed without obtaining my authorization.

I understand that donor’s name and hours donated will not be shared with me.

This authorization is good until the following date ____________________________ . By signing this authorization, I am confirming that it accurately reflects my wishes.

Signature of Receiving Employee:

Signature/Typed Name: ____________________________ Date: __________________

Signature of Personal Representative of Receiving Employee:

Signature/Typed Name: ____________________________ Date: __________________

Return Form to Marathon County Employee Resources Department
500 Forest St, Wausau WI  54403
Phone: 715-261-1451   Fax: 715-261-1463

Marathon County Personnel Policies & Procedures Manual
Chapter 7 – Employee Paid and Unpaid Leaves, Page 27
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APPENDIX C
Marathon County
Request for Leave Donation Sample Announcement

Our fellow employee (NAME) is in need of your help. (NAME) has been approved for an extended leave for reasons that meet the definition of “serious health condition” under the County’s Family and Medical Leave policy due to an illness of (INDICATE TO self, spouse, child or other family member). (NAME) has authorized us to share the following information regarding the need for time off (INDICATE WHAT WAS AUTHORIZED TO BE SHARED). This situation has created a hardship because all paid leave (PTO, sick leave, vacation, and PAL) has been exhausted. As a result, donated paid leave has been requested.

If you would like to donate some of your accrued PTO, vacation or PAL, please contact (COORDINATOR’S NAME) for a “Request to Donate Leave Form”.

Please respond by (DATE).

Thank you for your consideration.
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APPENDIX E
Request Funeral Leave Due To The Death
Of A Domestic Partner Or A Domestic Partner's Parent

Up to three (3) working days of paid funeral leave is provided due to the death of a domestic partner or a domestic partner’s parent.

In order to be eligible to take this funeral leave, you must satisfy one of the following requirements. Please check the box that applies to your domestic partnership and return to your supervisor:

☐ I have a registered domestic partnership with the Register of Deeds in a county in the state of Wisconsin.

☐ I am in an unregistered domestic partnership. I am in a relationship with another individual and we satisfy all of the following requirements:

► We are both at least 18 years old and otherwise competent to enter into a contract;
► Neither of us is married to, or in a domestic partnership with, another individual;
► We share a common residence.
► We are not related by blood in any way that would prohibit marriage under Wisconsin law;
► We consider ourselves to be members of each other’s immediate family; and
► We agree to be responsible for each other’s basic living expenses.

Certification of Domestic Partnership:

I certify that the below person is my domestic partner:

[Click here to enter text.]

Employee’s Signature or Typed Name If Sent Electronically:

[Click here to enter text.]

Date:

[Click here to enter a date.]

Supervisor return completed certification to:

Marathon County Employee Resources Department