



Medical Compliance Reference Guide for Leadership

Family and Medical Leave:

The Federal Family and Medical Leave Act (FMLA) and the Wisconsin Family and Medical Leave Act (WFMLA) provides employees with the right to take job-protected leave with continued medical benefits when an employee needs time off from work to care for themselves or a family member who is seriously ill, to care for a newborn or newly adopted child, or to attend to the affairs of a family member who is called to active duty in the military. To be eligible the minimum requirement is that the employee is employed for 52 continuous weeks.

Supervisor Responsibilities:

- Tell an employee to review the UWSP FML Guide for Employees when the employee:
 - Misses more than 3 (three) continuous days of work for their own or a family member’s illness or injury
 - Misses work due to a chronic health condition either continuously or intermittently
 - Is pregnant, their partner is pregnant, or they are adopting a baby
 - Tells you they need time off for their own or an immediate family member’s medical condition
 - Tells you they have a family member who was in the military and they need to take time off to care for them due to an injury or illness
 - Tells you they have a family member in the military and they need to take time off to provide support (ex: find/set up daycare; register the family member’s child for school)
- Maintain confidentiality regarding the leave details. Employees do not need to provide as much detail as listed above, when in doubt, refer an employee to the UWSP FML Guide for Employees
- If you receive details unsolicited around the leave, please review the guide for employees as well, based on the information you have, if you think the employee might be eligible, call HR
- Follow department/college/division guidelines for coordinating work and any other process for unpaid leave (example, completing a PAF, if applicable)

Employee Rights and Responsibilities

Rights

- FML is unpaid leave, employees may take sick, vacation, other allotted leave (in accordance with leave policies), or income continuation (if benefit was elected)
 - *Reminder from sick leave policy:* If an employee misses work due to illness for 5 or more consecutive days, the employee must provide written physician certification (does not apply if on approved FMLA leave).
- Maintain health benefits
 - Employee continues to pay any employee required premium in a timely manner to maintain benefits
- Return to their job at the end of their FML

Responsibilities

- Provide as much advance notice of the need to take FML when the leave is foreseeable
- Provide medical certification for a serious medical condition for self or a family member
- Provide request/certification forms in a timely manner so that HR may review for FML eligibility
- Provide updates to Human Resources and your supervisor regarding
- Provide re-certification of condition if requested
- If approved for FML:
 - Provide their supervisor and HR updates on return-to-work status (determined by the details of the leave)
 - Inform their supervisor and HR if/when leave is for a reason for which FML is certified (intermittent leave)
 - Coordinate appointments outside of working hours as possible or coordinate with you to determine appointment times that works for both the employee and the department (After returning from continuous leave or if approved for intermittent leave)

Human Resources' Responsibilities:

- Train University leadership on FML and provide employees access to FML information
- Determine FML eligibility
- Approve or deny FML
- If FML is approved:
 - Provide supervisor and employee with the approved dates of leave in writing
 - Provide guidance on short-term appointments to fill the position
 - Watch for patterns of intermittent FML use
 - Oversee FML balances and notify when FML is going to exhaust
 - Discuss process/options once FML is exhausted

When UW-Stevens Point has enough information necessary to determine that an absence is W/FMLA protected, we must notify the employee and supervisor whether the leave is designated as FMLA leave and, if possible, how much leave will be counted against the W/FMLA entitlement.

Americans with Disabilities:

The Federal Americans with Disabilities Act Amendments Act and the Wisconsin Fair Employment Act protects employees from discrimination due to a disability and requires employers to provide reasonable accommodation for employees to work and access employers provided benefits/services.

Under these laws a disability is defined as:

1. A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

A disability may be temporary or permanent and includes pregnancy.

Supervisor Responsibilities:	Employee's Responsibilities:
<ul style="list-style-type: none">• Base all employment decisions (application process, hiring, training, assignments, evaluation, promotion, discipline and termination) on an applicant or employee's qualifications and performance rather than a disability or need to accommodate• Consult with HR before making disability related decisions• Refer applicants/employees to HR for information and assistance with disability accommodation procedures• Review accommodations periodically to ensure that they are effective• Maintain confidentiality regarding the disability and accommodations	<ul style="list-style-type: none">• Engage in a good faith effort with HR and their supervisor to identify reasonable accommodations• Submit an accommodation request and medical verification forms to HR when needed• Meet essential performance, behavior and attendance standards after reasonable accommodations are provided• Review accommodations periodically to ensure that they are effective
Human Resources' Responsibilities:	
<ul style="list-style-type: none">• Train University leadership on disability related policies and laws and provide employees access to disability related information• Coordinate the interactive process (discussion between employee, manager, employee's health care provider) to determine if a disability exists and reasonable accommodation options (if any)	

Nursing Mothers:

Patient Protection and Affordable Care Act (PPACA) requires employers to provide reasonable break time for an employee to express breast milk for their nursing child for one year after the child's birth each time such employee has need to express the milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

Supervisor Responsibilities:	Employee's Responsibilities:
<ul style="list-style-type: none">• Provide a reasonable amount of break time to express milk as frequently as needed by a nursing mother<ul style="list-style-type: none">○ Breaks provided do not have to be in addition to other breaks, they may replace normally scheduled breaks• Provide the break time paid or unpaid in the same manner you allow other break times within your department• If the employee is a student employee, encourage them to contact Disability Services and the Dean of Students to ensure the most support• Maintain confidentiality regarding the employee's reason for break(s)	<ul style="list-style-type: none">• Notify their supervisor if additional break time or if changes to their normal break schedule is needed to express milk

New parents may use a designated UWSP nursing/lactation room or their office. A department may need to make modifications to create a space that is adequate. Contact HR for guidance on modifications or accommodations.

For a list of nursing rooms and additional information for employees, see [Pregnancy Parental Leave and Nursing-Breastfeeding Resource for UWSP Employees \(and Students\)](#).

Remember:

All laws prohibit retaliating against an employee because of a protected class or exercising their lawful rights.

Only UW-Stevens Point HR, Disability Services, and risk management representatives are authorized to request, receive, and maintain employee/student medical information and records. The department involved is based on whether the individual is an employee or student and the nature of the medical information. In some situations, all three departments may coordinate support.

Human Resources:

Policies, procedures, and resources - Human Resources website: <https://www.uwsp.edu/hr>

Medical Compliance Contacts:

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