



Administrative Practices Manual

Caregiver Leave

Section 1: General Policy

Effective December 18, 2022, the beginning of the 2023 payroll year, all Dane County Employees will receive 80 hours (prorated for less than 1.0 FTE) of Caregiver Leave once per payroll year for a qualifying leave of absence.

The purpose of this new leave benefit is to provide employees flexibility to address situations where an employee needs to provide care to an immediate family member who has a serious medical condition.

Section 2: Definitions

1. Immediate family member – shall have the meaning it does under the federal Family Medical Leave Act. Covered family members are employee's spouse, employee's domestic partner, child, or parent.
 - a. "Spouse" means a husband or wife, including those in same-sex marriages;
 - b. "Domestic partner" is defined by Wis. Stat. 770.01 (1) and means an individual who has signed and filed a declaration of domestic partnership in the office of the register of deeds of the county in which he or she resides.
 - c. "Child" means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis who is either under age 18 or age 18 or older and "incapable of self-care because of a mental or physical disability;"
 - d. "Parent" is defined as a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when he or she was a minor."
 - e. Family members not covered by the federal FMLA include siblings, in-laws, grandparents and other extended family members unless those individuals stood "in loco parentis" to the employee when they were a minor. Nonfamily members can also be considered to have stood in loco parentis, which is defined as having had the responsibility of providing day-to-day care to the employee and of financially supporting the employee in their childhood.
2. Eligible employee – is defined as a regular budgeted employee of Dane County who is entitled to accrue leave balances. Limited term employees are excluded from this policy.
3. Serious medical condition – shall have the meaning it does under the federal Family Medical Leave Act. Section 101(11) of FMLA defines serious health condition as "an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider."

Section 3: General Provisions

1. An employee's use of Caregiver leave must run concurrently with a Leave of Absence under the Family Medical Leave Act, if an employee is eligible for FMLA. Eligible employees shall apply for and use FMLA concurrently with Caregiver Leave. Employees not eligible for FMLA shall apply for a Leave of Absence under County Ordinance 18.29(3) or under the Employee Benefit Handbook and use that leave of absence concurrently with Caregiver Leave.

Administrative Practices Manual

2. Caregiver leave hours may be used in conjunction with other forms of paid or unpaid time off available to the employee. This includes, but is not limited to: sick, vacation, holiday, wellness, and unpaid time off.
3. Notwithstanding Section 3, item #2, Caregiver Leave cannot be used when Paid Parental Leave is available to the employee.
4. Except for employees in the Dane County Sheriff's Office, Badger Prairie Health Care Center, and Public Safety Communications (9-1-1), employees may use Caregiver Leave intermittently or in order to work part-time. Employees in the Dane County Sheriff's, Badger Prairie Health Care Center, and Public Safety Communications (9-1-1) must obtain prior approval from their supervisor in order to use Caregiver leave intermittently or to work on a part-time basis.
5. Employees on Caregiver Leave will continue to receive non-salary fringe benefits (health insurance, dental insurance, disability insurance, longevity credits, sick leave accrual, vacation accrual) as if on the same basis as working. Employees on Caregiver Leave will also continue to receive compensation for fixed holidays on the same basis as if working.
6. Employees may only be approved for Caregiver Leave once during a payroll year. Multiple FMLAs to provide care to more than one immediate family member do not provide the employee with an additional grant of 80 hours.
7. Employees must provide documentation and notification in a timely manner.
8. Caregiver Leave does not accrue and any time not used at the end of the payroll year will be lost.

Section 4: Procedures

1. Employees who have a family member with a serious medical condition that requires a leave of absence and wish to receive caregiver leave must fill out and complete the application for Caregiver Leave. The Caregiver Leave application will be a separate application from existing leave applications. However, the Caregiver Leave application should be submitted with the Leave of Absence request (FMLA, Employee Benefit Handbook Leave, or Ordinance Leave).
2. Employees in the Dane County Sheriff's Office, Badger Prairie Health Care Center, and Public Safety Communications (9-1-1) who wish to use Caregiver Leave intermittently or to work part-time, must obtain the prior written approval of their supervisor, and include such approval with their Caregiver Leave application.
3. Employees must provide timely documentation of the serious medical condition. A doctor should complete the health care certification section of the Leave of Absence request.
4. Employee Relations will review the application and determine if the individual is eligible. If the application qualifies for Caregiver Leave, Employee Relations will approve the application and notify the Employee.
5. Full-time employees who have had their application approved, will receive 80 hours of Caregiver Leave. Part-time employees who have had their application approved will have their benefit time prorated according to their full-time employment status. For example, 0.5 FTEs who are approved will receive 40 hours.
6. Employees with an existing FMLA that qualifies for Caregiver Leave, shall submit an application for Caregiver Leave. Upon receipt and review of the application, Employee Relations will notify the employee.
7. As with FMLA, employees will need to reapply for Caregiver Leave annually.