

Personnel
2-20-17

17-0196

RESOLUTION

**REVISION TO EMPLOYEE POLICY MANUAL
WISCONSIN BONE MARROW AND ORGAN DONATION LEAVE ACT POLICY**

WHEREAS, the City of Manitowoc's Employee Policy Manual provides continuity and consistency in the operations and the administration of benefits and working conditions for all employees of the City of Manitowoc, and;

WHEREAS, the City's HR Director has recommended that the new Wisconsin Bone Marrow and Organ Donation Leave Act Policy, which requires employers to allow employees up to six weeks leave for bone marrow and organ donation, be added to the Employee Policy Manual; and

WHEREAS, at a meeting held on Monday, February 6th, 2017, the Personnel Committee recommended that the attached Wisconsin Bone Marrow and Organ Donation Leave Act be added to the Employee Policy Manual.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Manitowoc to authorize the HR Director to add the new Wisconsin Bone Marrow and Organ Donation Leave Act Policy to the Employee Policy Manual.

INTRODUCED FEB 20 2017 _____

ADOPTED _____

APPROVED _____

Justin M. Nickels, Mayor

This resolution was drafted by Kathleen M. McDaniel, City Attorney

Fiscal Impact: Budget neutral
Funding Source: n/a
Finance Director Approval: /sc
Approved as to form: /kmm

WISCONSIN BONE MARROW AND ORGAN DONATION LEAVE ACT

Section 103.11, Wisconsin Statutes, requires all employers with 50 or more employees to display a copy of this poster in the workplace. Employers with 25 or more employees are required to post their particular leave policies.

Under state law all employers with 50 or more permanent employees must allow employees of either sex:

- ◆ Up to six (6) weeks leave in a 12-month period for the purpose of serving as a bone marrow or organ donor, provided that the employee provides his or her employer with written verification that the employee is to serve as a bone marrow or organ donor and so long as the leave is only for the period necessary for the employee to undergo the bone marrow or organ donation procedure and to recover from the procedure.

This law applies only to an employee who has worked for the employer more than 52 consecutive weeks and for at least 1000 hours during that 52-week period. The law also requires that employees be allowed to substitute paid or unpaid leave provided by the employer for Wisconsin Bone Marrow or Organ Donation Leave. Employers may have leave policies that are more generous than leaves required by the law.

A complaint concerning a denial of rights under this law must be filed within 30 days after the violation occurs or the employee should have reasonably known that the violation occurred, whichever is later.

For answers to questions about the law, a complete copy of the law, or to make a complaint about a denial of rights under the law contact:



**STATE OF WISCONSIN
DEPARTMENT OF WORKFORCE DEVELOPMENT
EQUAL RIGHTS DIVISION**



**PO BOX 8928
MADISON WI 53708
Telephone: (608) 266-6860**

**819 N 6TH ST, ROOM 723
MILWAUKEE WI 53203
Telephone: (414) 227-4384**

TTY: (608) 264-8752

TTY: (414) 227-4081

Website: <http://dwd.wisconsin.gov/er/>

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PROPOSED LANGUAGE – CITY OF MANITOWOC EMPLOYEE POLICY MANUAL

Wisconsin Bone Marrow and Organ Donation Leave Act

The Wisconsin Bone Marrow and Organ Donation Leave Act (Section 103.11 Wis. Stats) provides qualifying employees with up to six (6) weeks of job-protected leave in a 12-month period for the purpose of undergoing a bone marrow or organ donation procedure and to recover from the procedure.

To qualify for leave an employee must have worked for the City for at least 52 consecutive weeks and have worked at least 1,000 hours during the 52 week period prior to the start of the leave.

Employees intending to take leave for the purpose of serving as a bone marrow or organ donor must make a reasonable effort to schedule the donation procedure so that it does not unduly disrupt the City's operations, subject to the approval of the health care provider of the bone marrow or organ donor recipient. Employees must submit a written request to their supervisor and Human Resources at least 30 days in advance of the leave when possible. In addition, the employee must submit written documentation from the health care provider to Human Resources at least 15 days prior to the commencement of the leave certifying:

- **The donor recipient has a serious health condition that necessitates a bone marrow or organ transplant;**
- **The employee is under the health care provider's care, is eligible, and has agreed to serve as a bone marrow or organ donor for the donor recipient; and**
- **The amount of time expected to be necessary for the employee to be off work for the procedure and to recover from the procedure.**

Leave taken under the Wisconsin Bone Marrow and Organ Donation Leave Act will be unpaid, unless the employee chooses to substitute sick, vacation, or other accrued leave time. Bone Marrow and Organ Donation Leave will run concurrent with Federal and State FMLA. Employees enrolled in the City's group health and dental plans will maintain their coverage during the leave under the same terms as if the employee continued to work. The employee will be required to pay their regular portion of insurance premiums.

Employees returning from leave must provide a "Fitness for Duty" statement signed by their health care provider.