

## Series 4000: District Employment

### 4300 Non-Exempt Staff

#### 4305 Michigan Paid Medical Leave Act (MPMLA)

##### A. General

Eligible Non-Exempt Staff may accrue and use paid leave as provided by the MPMLA. Applicable provisions of a collective bargaining agreement, individual employment contract, or handbook, which exceed the rights provided to Non-Exempt Staff under the MPMLA, remain in place.

This Policy does not apply to employees exempt from the overtime requirements of the Fair Labor Standards Act (e.g., employees meeting the FLSA's definition for the professional, administrative, or executive exemptions).

If a collective bargaining agreement with an effective date before March 29, 2019 is in effect, the MPMLA does not apply to Non-Exempt Staff subject to the execution of a successor agreement. The MPMLA does not preempt or override the terms of a collective bargaining agreement in effect before March 29, 2019.]

##### B. Definitions

1. Benefit year: the 12-month period from July 1 to June 30.
2. Family member:
  - a. biological, adopted, or foster child, stepchild or legal ward, or a child to whom the eligible employee stands *in loco parentis*.
  - b. biological parent, foster parent, stepparent, or adoptive parent or legal guardian of an eligible employee or an eligible employee's spouse, under the laws of any state, or a person who stood *in loco parentis* when the eligible employee was a minor child.
  - c. grandparent, grandchild, and biological, foster, or adopted sibling.
3. All other MPMLA-defined terms apply to this Policy.

##### C. Eligibility

A newly hired Non-Exempt Staff member may not use accrued MPMLA leave until 90 calendar days after the staff member's start date, unless otherwise provided in a collective bargaining agreement, individual employment contract, or employee handbook.

A staff member is not eligible under the MPMLA if the member:

1. is "exempt" from the FLSA's overtime compensation requirements;

2. is employed by the District for fewer than 25 weeks in a calendar year for a job scheduled for 25 weeks or fewer;
3. worked, on average, fewer than 25 hours per week during the immediately preceding calendar year;
4. is subject to Improved Workforce Opportunity Wage Act Section 4b (i.e., an employee who is under age 20 and working as a trainee or is less than age 18);
5. is a variable hour employee as defined in 26 CFR 54.4980H-1;
6. is employed by a “temporary help firm” as described in Michigan Employment Security Act Section 29(1)(l); or
7. meets any other exclusion in MPMLA Section 2(e).

#### D. Accrual of MPMLA Leave

An eligible Non-Exempt Staff member will receive at least 40 hours of paid medical leave at the beginning of a benefit year or a pro-rated amount based on the Non-Exempt Staff member’s start date. This paid medical leave consists of all paid leave time (e.g., vacation days, personal days, sick days, and other paid time off) that can be used for the purposes described below. Paid medical leave will not carry over from one benefit year to the next unless authorized in the relevant collective bargaining agreement, individual employment contract, or handbook.

#### E. Qualifying Circumstances

An eligible Non-Exempt Staff member may use accrued MPMLA leave for the staff member or the staff member’s family member(s) for the following reasons:

1. mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or preventative medical care;
2. for a victim of domestic violence or sexual assault, any related medical care or counseling for physical or psychological injury or disability, victim services or legal services, judicial proceedings, or relocation related to or resulting from the domestic violence or sexual assault; or
3. for closure of an eligible Non-Exempt Staff member’s primary workplace by order of a public official due to a public health emergency; for a Non-Exempt Staff member’s need to care for a child whose school or place of care has been closed by order of a public official; or due to a determination by health authorities that the presence of an eligible Non-Exempt Staff member or family member in the community would jeopardize the health of others due to exposure to a communicable disease whether or not the eligible Non-Exempt

Staff member or family member has actually contracted the communicable disease.

#### F. Use of MPMLA Leave

When requesting MPMLA leave, an eligible Non-Exempt Staff member must comply with the notice, procedure, and documentation requirements in an applicable collective bargaining agreement, individual employment contract, handbook, or as customarily required by the District. Upon District request, the Non-Exempt Staff member has 3 days to provide sufficient documentation substantiating eligibility for MPMLA leave.

In cases of domestic violence or sexual assault, sufficient documentation includes any of the following:

- a police report indicating that the eligible Non-Exempt Staff member or family member was a victim of domestic violence or sexual assault;
- a signed statement from a victim and witness advocate affirming that the eligible Non-Exempt Staff member or family member is receiving services from a victim services organization; or
- a court document indicating that the eligible Non-Exempt Staff member or a family member is involved in legal action related to domestic violence or sexual assault.

All health, sexual assault, and domestic violence information and documentation received from a Non-Exempt Staff member about MPMLA leave remains confidential and will not be disclosed, except to the staff member, with the staff member's written permission, or as and to the extent required by law.

Failure to comply with notice procedures for document requests to support the MPMLA leave may result in discipline, including discharge, or ineligibility for MPMLA leave.

Unless otherwise provided in an eligible Non-Exempt Staff member's collective bargaining agreement, individual employment contract, or handbook:

- MPMLA leave must be used in 1 hour increments;
- a Non-Exempt Staff member using MPMLA leave will not receive overtime pay, holiday pay, or bonuses for MPMLA leave time;
- upon discharge or other separation from employment, an eligible Non-Exempt Staff member automatically loses accrued MPMLA leave; and
- accrued MPMLA leave that is not used before a Non-Exempt Staff member's discharge or any other separation from employment will have no monetary value.

## G. Notice and Recordkeeping

The District will provide notice of the MPMLA by displaying in a conspicuous location in each of its buildings the MPMLA poster created by the Michigan Department of Licensing and Regulatory Affairs.

The District will retain records of each Non-Exempt Staff member's accrual and use of MPMLA leave for not less than 1 year.

Legal authority: MCL 408.934b, 408.961 et seq.

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