

## **CHARTER TOWNSHIP OF WHITE LAKE**

### **Paid Medical Leave Act (PA 369) For Full Time and Regular Part Time Employees**

#### **Purpose**

This benefit is intended to provide an opportunity for eligible part-time employees to accrue paid medical leave (PML), to be used in accordance with the Michigan Paid Medical Leave (PA369) of 2018 (PMLA).

#### **Application**

This Policy establishes the parameters of the Township of White Lake Policy and is not intended to amend, expand or reduce, the benefits provided to employees in accordance with Township Policy or an applicable collective bargaining agreement.

#### **Policy**

The Township of White Lake is required to adhere to State of Michigan Public Act 369 of 2018 “Paid Medical Leave Act”. An act to require certain employers to provide certain employees with paid medical leave for personal or family health needs, as well as purposes related to domestic violence and sexual assault and to specify the conditions for accruing and using paid medical leave. Eligible employees shall include any individual engaged in service to the Township of White Lake except as noted herein.

#### **Non- Eligible Employees**

Exceptions: The following individuals are not eligible for the benefits of this policy if they meet any of the following criteria below.

- Individuals who are considered exempt from overtime requirements under the executive, administrative, professional, outside sales, or other overtime exemptions set forth in Section 13(a)(1) of the Fair Labor Standards Act (FLSA).
- Part-time employees who worked on average fewer than 25 hours per week during the immediately preceding calendar year.
- Seasonal employees who are employed by the Township of White Lake for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer.
- Temporary workers

#### **Determining Eligibility for Regular Part Time Employees**

The benefit year for paid medical leave (PML) will be based on the annual calendar year. Hours worked do not include time taken off by the employee for PML or any supplemental hours paid (holiday). This eligibility will reset each benefit year and those employees deemed eligible will be granted PML each January 1st.

Part-time employees who did not meet the eligibility in January could potentially meet PML eligibility requirements later in the year. Therefore, a review of hours / weeks worked of active part-time employees who were ineligible as of January 1<sup>st</sup> will be conducted at designated times (June 30<sup>th</sup> through December 1<sup>st</sup>) to determine PML eligibility.

PML time taken is not considered hours worked. Therefore, PML time used in the previous calendar year or the previous 25 weeks will be excluded when calculating the average of weekly hours worked.

### **Leave Accrual and Amounts**

Effective April 1, 2019, an eligible employee will be granted 30 hours of PML. During the first year of implementation, this time is prorated. An eligible employee will not earn more than 40 hours of PML for any one benefit year. An employee hired after January 1 of any year shall receive a prorated amount of leave time, not to exceed 40 hours per year. An employee may not use PML until the 90<sup>th</sup> anniversary day of hire.

An eligible employee may not carry over more than 40 hours of PML from one year to the next and may not use more than 40 hours of PML in any one year (January 1 – December 31).

### **Leave Usage**

An eligible employee's or an eligible employee's family member's 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.

If the eligible employee or his or her family member is a victim of domestic violence or sexual assault, for the medical care of psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to domestic violence or sexual assault; to obtain legal services; or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault.

If an employee uses PML due to sexual assault or domestic violence, the Township may require documentation showing that the leave was used for that purpose. Satisfactory documentation includes: (a) a police report; (b) a signed statement from a victim and witness advocate; or (c) a court document. The Township does not require that the documentation explains the details of the violence or sexual assault or the details of any medical condition. Any information the Township of White Lake has on the violence, sexual assault, or medical condition will be kept confidential.

For the closure of employee's workplace or a school or childcare of employee's child due to public health emergencies.

PML shall not be considered as a right which an employee may use at his/her discretion but shall be allowed only in case of necessity. Full Time employees are required to use PMLA time concurrent with FMLA time.

In order to receive compensation while absent on PML, an employee shall notify his/her supervisor within one hour of the start of his/her shift that he/she will not be in to work, unless proof is presented that it was impossible for him/her to make contact. Medical certification will not normally be required to substantiate PML of three consecutive calendar days or less. This provision shall not diminish the right of the Township of White Lake to require doctor's certificates or statements within three days for each instance of PML in which abuse is reasonably suspected.

### **Family Members**

Family member will include all of the following:

A biological, adopted or foster child, stepchild or legal ward, or a child to whom the eligible employee stands in loco parentis (i.e., is the legal guardian).

A biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an eligible employee or an eligible employee's spouse or an individual who stood in loco parentis when the eligible employee was a minor child.

An individual to whom the eligible employee is legally married under the laws of any state.

A grandparent.

A grandchild.

A biological, foster, or adopted sibling.

### **Payment of Leave**

Eligible employees using PML shall be paid at a pay rate equal to their base hourly wage in effect as of the date of PML usage.

PML balances will not be paid out to employees upon separation of any kind, including termination, resignation, or retirement.

### **Leave Increments**

Employees using PML for eligible absences must use their leave time in one (1) hour increments.

### **Rebuttal Presumption**

The Township of White Lake is in compliance with the Paid Medical Leave Act (PMLA) with those employees that are already provided with at least 40 hours of paid leave. Paid leave includes vacation, sick, personal, and paid time off. Those employees will not receive additional PML.

Full time employees will however be allowed to use sick time under this law as designated for personal or family health needs, as well as purposes related to domestic violence and sexual assault and other conditions under the law. This policy shall not reduce an employee's benefits as provided under the collective bargaining agreement.