

POLICY 427 LEAVE – BONE MARROW AND ORGAN DONATION

- 1. Purpose.** Bone marrow and organ donation leave is available to employees as specified below. The intent of this Policy is to comply with the Wisconsin Bone Marrow and Organ Donor Leave law (WDLA). Should this policy conflict in any way with the applicable federal and state statutes or regulations, the statutes, or regulations will control.

- 2. Eligibility.**
 - 2.1 Employees who have been employed by the County for fifty-two (52) consecutive weeks and who have worked one thousand (1,000) hours during the preceding fifty-two (52) weeks are eligible for the leave provided under Wisconsin law. Wisconsin Bone Marrow and Organ Donation leave is separate from and does not run concurrently with Wisconsin or Federal Family and Medical Care Act leave.

- 3. Length of Leave.**
 - 3.1 The Wisconsin Bone Marrow and Organ Donation Leave Law provides six (6) weeks of unpaid leave to serve as a bone marrow or organ (e.g., kidneys, partial livers, partial lungs, partial pancreas, partial intestine) donor in a calendar year. Leave may be taken only for the period necessary for the employee to undergo the donation procedure and to recover from it. If more than six (6) weeks are necessary, refer to Eau Claire County's FMLA policy.

- 4. Employee Requirements.**
 - 4.1 An employee requesting Bone Marrow and Organ Donation (WDLA) leave must provide Eau Claire County with medical certification by the health care provider of the bone marrow/organ donee or of the employee (whichever is applicable) that a transplant or donation is to occur and the amount of time expected for recovery.
 - 4.2 Employees must make reasonable effort to schedule the procedure so that it does not unduly disrupt the employer's operations, and give advance notice in a reasonable and practicable manner

- 5. Using Paid Leave While on Unpaid WDLA Leave.**
 - 5.1 The substitution of paid time for unpaid Wisconsin Bone Marrow and Organ Donation Leave (WDLA) time does not extend the length of WDLA leave - the paid time runs concurrently with an employee's WDLA entitlement.

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Eau Claire County
Employee Policy Manual

6. Insurance and Benefits.

- 6.1 Payment of Premiums. While an employee is on leave, the County will maintain group health insurance coverage under the conditions that applied before the leave began. If prior to the leave, the employee was required to participate in the premium payments, the employee is required to continue with payment of his/her share of the premiums while on leave. An employee's failure to make the required payments may result in termination of the employee's insurance coverage.
- 6.1.1 Unless the County notifies employees of other arrangements, whenever employees are receiving pay from the County during WDLA leave, the County will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working. If leave is unpaid, employees must pay their portion of the group health premium through a method determined by the County.
- 6.2 Termination of Benefits. The County's obligation to maintain health benefits will stop if and when (1) an employee informs the County of intent not to return to work at the end of the leave period; (2) the employee fails to return to work when the leave entitlement is used up; or (3) the employee fails to make any required payments while on leave after appropriate waiting periods and time periods as specified by law. The County's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the County will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.
- 6.3 Recovery of Premium Payments. If the County chooses to do so, it may pay an employee's required premium payments while the employee is on leave. If the County does so and an employee does not immediately repay the County upon the employee's return to work, the County will deduct the amount of the payments from the employee's paycheck.
- 6.3.1 The County has the right to collect from an employee the health insurance premiums the County paid during a period of unpaid leave if the employee does not return to work after the leave entitlement has been exhausted or expired. Such premium amounts may be deducted from any compensation owed to the employee upon termination of employment. An employee must return to work for at least thirty (30) calendar days in order to be considered to have "returned" to work. However, an employee's liability to repay health insurance premiums does not apply if his/her

failure to return to work is due to a serious health condition or specific circumstances beyond the control of the employee.

7. Return from Leave.

- 7.1 Prior to an employee returning to work, the Human Resources department must receive a Release to Work document from the employee's doctor.
- 7.2 An employee returning from Bone Marrow and Organ Donation Leave will return to his or her old position, if vacant, at the time the employee returns to work. If the position is no longer vacant, the employee may be offered an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- 7.3 The determination as to how an employee is to be restored to "an equivalent position" upon return from WDLA leave is made on the basis of established policies and practices, and provisions of the Wisconsin Donor Leave Act.

Employees should contact Human Resources at 715-839-4710 if they have any questions regarding this policy.

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