

BATTLE CREEK PUBLIC SCHOOLS

Paid Medical Leave Act (PLMA)

The Michigan Paid Medical Leave Act (PMLA) requires BCPS to provide certain employees with 40 hours of accrued paid leave to use for their own or their family members' medical needs and for purposes related to domestic violence and sexual assault. The law applies to employees who work at least 25 hours per week and excludes employees who are exempt from overtime requirements and individuals employed for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer. This Paid Medical Leave procedure applies to all district employees who are eligible to accrue paid medical leave under the Paid Medical Leave Act (PLMA). "Paid Leave" includes, but is not limited to, paid vacation days, paid personal days, and paid time off (i.e. PTO).

Beginning March 29, 2019, the district will frontload hours expected to earn for the ten (10) remaining weeks of school to each employee who is expected to work 25 or more hours in the 2018-2019 school year and has worked an average of 25 or more hours in the 2017-2018 school year. This amount is prorated for the implementation year. At the start of the 2019-2020 school year and in subsequent benefit years, the District will frontload for each eligible employee the expected hours of PML to be accrued for the school year not to exceed forty (40) hours. A benefit year is defined as the twelve (12) month period between July and June as aligned with the District's fiscal year calendar. An employee will not be allowed to carry over unused paid medical leave into the next benefit year.

New employees will not be permitted to use paid medical leave time until the completion of a ninety (90) day probationary period.

An employee may use paid medical leave under the PMLA for:

- A. Physical or mental illness, injury, or health condition of the employee or his or her family member
- B. Medical diagnosis, care, or treatment of the employee or employee's family member
- C. Preventative care of the employee or his or her family member
- D. Closure of the employee's primary workplace by order of a public official due to a public health emergency
- E. The care of his or her child whose school or place of care has been closed by order of a public official due to a public health emergency
- F. The employee's or his or her family member's exposure to a communicable disease that would jeopardize the health of others as determined by health authorities or a health care provider
- G. For domestic violence and sexual assault situations, employees may use paid medical leave for any of the following:
 - a. Medical care or psychological or other counseling
 - b. Receiving services from a victim services organization
 - c. Relocation and obtaining legal services

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- d. Participation in civil or criminal proceedings related to or resulting from the domestic violence or sexual assault

Definitions:

A “family member” includes:

- A. A biological, adopted or foster child, stepchild, or legal ward, or a child to who the employee stands in loco parentis;
- B. A biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an employee or the employee’s spouse or an individual who stood in loco parentis when the employee was a minor child;
- C. An individual to who the employee is “legally married under the laws of any state;”
- D. A grandparent or grandchild; and
- E. A biological, foster, or adopted sibling.

Procedure:

- A. PMLA Leave must be used in one (1) hour increments
- B. An eligible employee who is using paid medical leave because of domestic violence or sexual assault may be required to provide documentation that the paid medical leave has been used for that purpose.
- C. Employees requesting paid medical leave are to request the time off as soon as reasonably possible. Documentation regarding the leave is required to be provided to the district within three (3) business days. Leave requests will be submitted in the form of change punch form or via the absence management system for supervisor approval. After approval has been obtained by the supervisor, the approved change punch form will be submitted to payroll for payment on the applicable pay period.
- D. Employees will be paid at a rate equal to the greater of either the normal or base wage rate for that employee’s current position at the time of absence. PMLA pay will not include overtime, holiday or bonus pay.
- E. Employee will not be paid for unused PMLA leave time at the end of the benefit year or upon separation, voluntary or involuntary.
- F. PMLA usage will run concurrently with any approved Family Medical Leave Act (FMLA) or Workers Compensation where applicable.
- G. The PLMA poster provided by the Department of Licensing and Regulatory Affairs (LARA) shall be posted where other labor and employment law posters reside in district buildings.
- H. Employees who are eligible under PMLA who currently receive other leave accruals either by district work agreement or through the collective bargaining agreement that is less than 40 hours total for a year, will be frontloaded the difference between their normal hourly accrual and maximum hours expected in a benefit year. For clarification, please contact your supervisor or Human Resources.

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- I. To the extent that any current collective bargaining agreements already provide all of the requirements of the PMLA, those are sufficient to address the district's obligations to that set of employees and will control the employees covered under the collective bargaining agreement instead of this policy.
- J. Excluded employees from this policy are:
- a. Executive, administrative, and professional overtime exempt employees
 - b. Employees covered by a private collective bargaining agreement that is in effect
 - c. Employees of the United States government, another state, or a political subdivision of another state
 - d. Individuals whose primary work location is not in this state
 - e. Individuals 16-19 years of age being paid the youth training wage in accordance with the Improved Workforce Opportunity Wage Act
 - f. Temporary employees as described in the Michigan Employment Security Act
 - g. Variable hour employees as defined by 26 CFR 54.4980H-1
 - h. Employees covered by the Railway Labor Act and Railroad Unemployment Insurance Act
 - i. Individuals employed by an employer for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer
 - j. Individuals who worked, on average, fewer than 25 hours per week during the immediately preceding calendar year