

**UNITED STATES DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION**

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IN THE MATTER OF:

**Milwaukee County**  
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**COMPLIANCE AGREEMENT**

The parties to this Agreement, the U.S. Department of Labor, Wage & Hour Division (hereinafter DOL) and Milwaukee County hereby agree as follows:

1. DOL alleges Milwaukee County has failed to comply with the provisions of the Family Medical Leave Act (29 USC §§ 2601 *et seq.*) (hereinafter "FMLA") and said failure was confirmed by Wage-Hour investigation of individual employee claims. The claims of the individual employees have been addressed separately from this agreement.
2. This settlement agreement is entered into in order to resolve the parts of this matter dealing with the failure by Milwaukee County thus far to achieve compliance with FMLA due to inherent systemic violations which the DOL believes have been caused by the current manner in which Milwaukee County administers FMLA leave.
3. Milwaukee County has been at all relevant times a public agency, as defined in section 3(x) of the Fair Labor Standards Act, 29 U.S.C. 203(x), and has been at all relevant times an employer within the meaning of FMLA.
4. Milwaukee County states that it is currently in compliance with all applicable provisions of the FMLA and will comply therewith in the future.
5. Milwaukee County will provide employees with a Notice of Eligibility and a Notice of Rights and Responsibilities as set forth in 29 CFR § 825.300(b) and 29 CFR § 825.300(c) within 5 business days of Milwaukee County receiving notification by the employee or employee's family member of a serious medical condition that could qualify for FMLA leave (e.g. such as an employee calling in to notify the County that he/she or a family member is ill, injured, or at a hospital or other medical facility receiving care or has a medical appointment scheduled for treatment of a chronic serious health condition or pregnancy of the employee). Milwaukee County agrees to use forms and notices that comply with the specifications of 29 CFR Part 825.
6. Milwaukee County will follow the requirements for certification set forth in 29 CFR § 825.305 through .310. Milwaukee County may require that a request for FMLA leave be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee. Employees shall provide to Milwaukee County, in a timely manner, a copy of such certification. If an employee exceeds the

duration and frequency of leave indicated on said certification, Milwaukee County agrees to request a recertification if it wishes to challenge the additional leave used.

7. Milwaukee County is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee as provided in 29 CFR §825.300(d). When Milwaukee County has enough information to determine the leave is being taken for a FMLA-qualifying reason (e.g. after receiving a complete and sufficient certification) Milwaukee County must notify the employee whether the leave will be designated and counted as FMLA leave within five business days absent extenuating circumstances.

8. Milwaukee County will assure that its payroll and time records are updated in a timely fashion to reflect approved FMLA leave. Additionally, the appropriate staff from each employee's department will be notified at the time leave is approved as FMLA qualifying.

9. Milwaukee County will responsively answer questions from employees in regard to their rights and responsibilities under the FMLA. Beginning May 9, 2014 through October 9, 2014 Milwaukee County will keep a log showing names of employees, dates, specific times, and methods (e.g. phone calls, emails, in person, facsimiles) by which the employees contacted Milwaukee County with such questions and dates, specific times, methods, and names of responding county representatives by which Milwaukee County responded to those questions. At the end of this six month period, Milwaukee County will evaluate the effectiveness of the log in maintaining compliance with FMLA and will either continue the practice if it had proved valuable and appears to still be a vital component to sustain said compliance or will suspend the log if deemed unnecessary or ineffectual. If Milwaukee County determines the log was not a valuable tool, but compliance with FMLA is elusive or still needs to be supported, Milwaukee County will implement a different tool to aid in compliance.

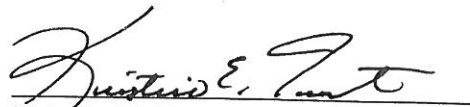
Effective upon signatures of the undersigned.

**For Milwaukee County:**



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