

MILWAUKEE COUNTY
Inter-Office Communication

DATE: May 29, 2014

TO: Supervisor Theodore Lipscomb, Chairman, Judiciary, Safety, and General Services Committee

FROM: Amy Pechacek, Director, Department of Risk Management

SUBJECT: Update on Family Medical Leave Act (FMLA) Administration (INFORMATIONAL ONLY)

HISTORY

The Family Medical Leave Act (FMLA) is a federal law that was passed in 1993. The FMLA entitles eligible employees to take job-protected leave for specified family and medical reasons. Eligible employees are allowed up to twelve workweeks of leave in a twelve month period for such things as the birth or adoption of a child, to care for the employee's spouse, child, or parent who has a serious health condition, an employee's own serious health condition that makes them unable to perform the essential functions of their job, or any qualifying exigency arising out of a covered military member on active duty.

BACKGROUND

FML was historically administered in Milwaukee County at the HR Generalist level within multiple County departments. This process was changed in January of 2013 to centralized administration. Driving this change was a desire to move towards a consistent, organizational-wide approach to reduce the liability inherent in using multiple processes and individualized discretion for leave approvals while also protecting the amount of employees' personal health information available to local management. While the administration is now centralized, the leaves are managed manually via mail, fax machines, and tracked by numerical data entry on spreadsheets.

USAGE

Milwaukee County has approximately 4,760 employees. In 2012, there were reportedly 3,800* leaves taken under the FMLA in the County. In 2013, the usage was as follows:

AGING			
Single Block	Intermittent	Denials	Admin Impact
7	14	10	101
BHD			
Single Block	Intermittent	Denials	Admin Impact
101	90	81	852
CHILD SUPPORT			
Single Block	Intermittent	Denials	Admin Impact
9	24	18	242
COMPTROLLER			
Single Block	Intermittent	Denials	Admin Impact
3	5	3	34
DA'S OFFICE			
Single Block	Intermittent	Denials	Admin Impact
9	11	5	103
DHHS			
Single Block	Intermittent	Denials	Admin Impact
36	52	36	343
MEDICAL EXAMINER'S OFFICE			
Single Block	Intermittent	Denials	Admin Impact
1	0	0	1
PARKS			
Single Block	Intermittent	Denials	Admin Impact
27	8	10	94
REGISTER OF DEEDS			
Single Block	Intermittent	Denials	Admin Impact
4	3	1	35
CORPORATION COUNSEL			
Single Block	Intermittent	Denials	Admin Impact
0	1	0	7
COUNTY BOARD			
Single Block	Intermittent	Denials	Admin Impact
1	0	0	2
TREASURER'S OFFICE			
Single Block	Intermittent	Denials	Admin Impact
1	0	0	1

DPW			
Single Block	Intermittent	Denials	Admin Impact
36	52	36	472
ZOO			
Single Block	Intermittent	Denials	Admin Impact
7	3	5	35
COURTS			
Single Block	Intermittent	Denials	Admin Impact
30	35	33	291
DAS			
Single Block	Intermittent	Denials	Admin Impact
10	8	7	54
PRB			
Single Block	Intermittent	Denials	Admin Impact
1	0	0	1
SHERIFFS / HOC			
Single Block	Intermittent	Denials	Admin Impact
209	179	96	1,534
TOTALS			
Single Block	Intermittent	Denials	Admin Impact
492	485	341	4,202
TOTAL LEAVES REQUESTED: 1,318			

The number of hours claimed under FMLA and the associated financials for each respective year are as follows:

2012: Hours - 147,196
Dollars: \$2,709,937.70

2013: Hours - 139,386
Dollars: \$2,511,941.74

COMPLIANCE AGREEMENT

The document provided as a supplement to this report is a Compliance Agreement drafted by the Department of Labor that the federal government required Milwaukee County to enter into as a result of several founded complaints filed against the County for improper FMLA administration prior to 2014. The agreement went into effect May 9th, 2014.

Risk Management shares the Department of Labor's concern with our current leave management and administration process and we are actively working towards process improvements. To this end, a cross-functional and multi-departmental workgroup was assembled to explore the best long-term solutions to this issue. Representatives from Risk Management, Human Resources, the Comptroller's Office, IMSD, and Corporation Counsel are performing a compliance and cost-benefit analysis of process improvement techniques such as implementing technology solutions, contracting out for services, and decentralizing. A group recommendation is targeted for August and will be communicated to stakeholders with solicitations for feedback. The recommendations by the workgroup will then be presented to the Board as an update.