

Chapter Pers 18

ABSENCES

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Pers 18.01 Definition. Leave of absence means absence from employment with the approval of the appointing officer in accordance with the appropriate statutory provision or rule. Throughout these rules *month* means a calendar month or the period from a given date in one month through the date preceding the given date in the following month.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 18.02 Annual leave of absence. (1) EMPLOYEES WHO EARN ANNUAL LEAVE OF ABSENCE. All classified employees shall earn annual leave of absence except:

- (a) Emergency employees.
- (b) Provisional employees.
- (c) Limited term employees.
- (d) Employees who do not qualify under subsection 16.275(1)(e), Wis. Stats.

(2) CONTINUOUS SERVICE. Continuous service shall include all the time the employee has been in continuous employment status in a permanent, seasonal, sessional, or unclassified position. The continuous service of an employee eligible for annual leave shall not be considered interrupted if he:

- (a) Was absent for not more than 30 consecutive calendar days.
- (b) Was on an approved leave of absence.
- (c) Left the service for any reason except to take other employment and is reemployed within 3 years, employment by any other political subdivision of this state shall not be construed as other employment.
- (d) Was absent on military leave.
- (e) Was absent due to injury or illness arising from state employment and covered by the workmen's compensation act, or section 16.31, Wis. Stats.

(3) **COMPUTING YEARS OF SERVICE.** In determining the number of full years of service completed, credit shall be given for all time in employment status in a permanent, seasonal, sessional, or unclassified position. Any absences without pay totaling more than 168 work hours within each calendar year except for military leave and absence due to injury or illness arising out of state employment and covered by the workmen's compensation act or section 16.31, Wis. Stats. shall not be counted. Only the most recent period of continuous service may be counted in determining an employe's length of service. Employes subject to section 16.275(1)(e), Wis. Stats. shall be deemed to have completed one full year of service for each such seasonal, sessional or other part-time annual period of service in computing years of continuous service.

(4) **ELIGIBILITY.** After completion of the first 6 months in a permanent, seasonal or sessional position pursuant to section 16.22 (1), Wis. Stats. or after the first 6 months of employment in an unclassified position or as a trainee unless covered under Wis. Adm. Code section Pers 18.04 (3), employes shall be granted noncumulative annual leave based on accumulated continuous state service as follows:

(a) *Regular employes.* Annual leave shall be based upon accumulated continuous state service, at the rate of 80 hours each year for a full year of service during the first 5 years of service; 120 hours each year for a full year of service during the next 10 years of service; 160 hours each year for a full year of service during the next 10 years of service; 200 hours each year for a full year of service after 25 years of service.

(b) *School year employes.* Employes who are regularly employed on a school year basis for less than 12 months out of a year shall be granted prorata annual leave consistent with Wis. Adm. Code subsection (4) (a).

(c) *Seasonal and sessional employes.* Employes who are regularly employed for less than 12 months out of a year shall be granted prorata annual leave consistent with Wis. Adm. Code subsection (4) (a).

(5) **COMPUTING ANNUAL LEAVE.** (a) Annual leave credits in any given year shall not be earned for any period of absence without pay, except that for administrative purposes, any approved leave or leaves of absence totaling 30 calendar days or less in a calendar year may be disregarded.

(b) Annual leave for employes covered in Wis. Adm. Code section Pers 18.02 (4) shall be prorated during the fifth year of employment at the rate of 80 or 120 hours respectively; during the fifteenth year of employment at the rate of 120 or 160 hours respectively; during the twenty-fifth year of employment at the rate of 160 or 200 hours respectively.

(c) Upon termination of employment annual leave shall be prorated.

(d) To determine the annual leave earned during the calendar year by a beginning or ending employe and to prorate annual leave, use table I for determining the hours of annual leave earned for the full months worked and add to this amount the number of hours of annual leave earned for the fractional part of the month worked from table II.

TABLE I—HOURS OF ANNUAL LEAVE EARNED FOR FULL MONTH WORKED

Full Months Worked	80 Hour Rate	120 Hour Rate	160 Hour Rate	200 Hour Rate
1.....	6	10	14	16
2.....	14	20	26	34
3.....	20	30	40	50
4.....	26	40	54	66
5.....	34	50	66	84
6.....	40	60	80	100
7.....	46	70	94	116
8.....	54	80	106	134
9.....	60	90	120	150
10.....	66	100	134	166
11.....	74	110	146	184

TABLE II—HOURS OF ANNUAL LEAVE EARNED FOR FRACTIONAL PART OF MONTH WORKED

Beginning Employee					Ending Employee				
Beginning Date of Month	Hours Earned				Ending Date of Month	Hours Earned			
	80 Hour Rate	120 Hour Rate	160 Hour Rate	200 Hour Rate		80 Hour Rate	120 Hour Rate	160 Hour Rate	200 Hour Rate
1- 5.....	6	10	14	16	1- 5.....	0	0	0	0
6-10.....	6	8	10	14	6-10.....	2	2	2	4
11-15.....	4	6	8	10	11-15.....	2	4	6	6
16-20.....	2	4	6	6	16-20.....	4	6	8	10
21-25.....	2	2	2	4	21-25.....	6	8	10	14
26-31.....	0	0	0	0	26-31.....	6	10	14	16

(6) EMPLOYEE OPTION. Pursuant to section 16.275 (1) (a) 4, Wis. Stats. an employe eligible for 200 hours annual leave each year may, at his option, elect to receive 40 hours or prorated portion thereof of such benefit under one of the following options each year:

(a) As annual leave during the year earned or as authorized pursuant to Wis. Adm. Code section Pers 18.02 (7).

(b) In cash payment during the year earned at the employe's base pay rate exclusive of any add-ons as of the last day on the payroll in the calendar year.

(c) As credit for a combined termination/sabbatical leave plan with such credit being accumulated without limitation. Sabbatical leave means an extended leave requested by the employe and approved by the appointing officer.

(7) WHEN ANNUAL LEAVE MAY BE TAKEN. In determining annual leave schedules the appointing officers shall respect the wishes of the eligible employes as to the time of taking their annual leave insofar as the needs of the service will permit. Annual leave allowance shall be taken during the calendar year except as follows:

(a) Employes who are required by their appointing officer to defer all or part of their annual leave for a given calendar year shall be permitted to take it within the first 6 months of the ensuing calendar year.

(b) However, employes who are unable to take unused annual leave as provided in (a) above due to their work responsibilities shall be granted additional time in which to use such annual leave. Any such extension shall be approved by the appointing officer and reported to the director on forms prescribed by the director.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; am. (6), Register, June 1968, No. 150 eff. 7-1-68; emerg. am. eff. 12-7-69; am. Register, April 1970, No. 172, eff. 5-1-70; emerg. am. (1), (3) (6) (c), eff. 6-27-71; am. (1), (3), and (6) (c), Register, September, 1971, No. 189, eff. 10-1-71.

Pers 18.03 Sick Leave. (1) EMPLOYES WHO EARN SICK LEAVE. All employes shall earn sick leave except:

- (a) Emergency employes.
- (b) Provisional employes.
- (c) Limited term employes.

(2) ACCRUAL OF SICK LEAVE. (a) Sick leave shall accrue at the rate of 4 hours for each biweekly pay period of service.

(b) Sick leave credits in any given year shall not be earned for any period of absence without pay or time otherwise not worked or paid for except that for administrative purposes any approved absence or absences totaling 30 calendar days or less in a calendar year may be disregarded.

(c) Unused sick leave shall accumulate in the employe's sick leave account pursuant to subsection 16.275(2), Wis. Stats.

(d) Sick leave shall not be used until it has been accrued.

(3) USE OF SICK LEAVE. The formal use of sick leave shall be charged to the base account. In the event of extended illness sick leave taken shall be charged to the base account until that is exhausted. Sick leave in the reserve account may be used only upon recommendation of the employes' appointing officer and with the approval of the director.

(4) ELIGIBILITY FOR SICK LEAVE. (a) Each permanent employe, employe serving his probationary period and seasonal employe who has earned sick leave credits shall be eligible for sick leave for any period of absence from employment which is due to his illness, bodily injury, maternity, exposure to contagious disease, attendance upon members of his immediate family (parents, grandparents, foster parents, children, grandchildren, foster children, brothers (and their spouse), sisters (and their spouse), of the employe or spouse; the spouse, aunts and uncles of the employe; or, other relatives of the employe or spouse residing in the household of the employe) where employe's presence is required or death in the immediate family of the employe or his spouse. The department has the duty to require that the employe make other arrangements, within a reasonable period of time, for the attendance upon children or other persons in his care.

(b) An appointing officer may require a medical certificate to justify the granting of sick leave.

(5) EFFECT OF TERMINATION OF EMPLOYMENT. Previously accumulated sick leave shall not be terminated by absence on approved leave as provided in these rules. Separation from the service by resignation, retirement, or for cause as provided in section 16.24, Wis. Stats.

shall cancel all unused accumulated sick leave allowance. Whenever a permanent employe is laid off due to lack of work or funds, any unused accumulated sick leave allowance shall continue in effect, if he is rehired by any department within one year.

(6) TABLE FOR PRORATING SICK LEAVE.

Hours in pay status in biweekly pay period	Sick leave earned
Less than 20 hours.....	0 hours
20 hours but less than 40.....	1 hour
40 hours but less than 60.....	2 hours
60 hours but less than 80.....	3 hours
80 hours or more.....	4 hours

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; am. (3), Register, September, 1965, No. 117, eff. 10-1-65; emerg. am. (2) (a) and (c) and (4) (a); r. and recr. (6) eff. 6-27-71; am. (1), (2) (a) and (c) and (4) (a) and r. and recr. (6), Register, September, 1971, No. 189, eff. 10-1-71; reprinted to correct printing error in (4) (a), Register, November, 1971, No. 191.

Pers 18.04 Other provisions relating to vacation and sick leave. (1) VACATION OR SICK LEAVE ON HOLIDAYS. In the event that a holiday falls on a regular work day within the week or weeks taken as vacation or sick leave, such holiday shall not be charged as vacation or sick leave. For any day on which work is suspended, such suspension shall not be construed to extend any vacation or sick leave to an employe in such status at the time.

(2) **TRANSFER OF CREDITS.** Whenever an employe eligible for vacation or sick leave separates from the service of one employing unit of the state and accepts, by certification or transfer, service in a classified position in another employing unit of the state, obligation for any accumulated and unused vacation and sick leave allowance shall be assumed by the new employing unit.

(3) **EFFECT OF CLASSIFICATION CHANGES.** Promotion, demotion or change in classification of the position held by an employe shall not cause him to forfeit or lose his earned vacation or sick leave rights or privileges.

(4) **EFFECT OF CHANGE IN STATUS.** See Wis. Adm. Code subsection Pers 10.09 (3).

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 18.05 Leave without pay. (1) WHEN GRANTED. (a) Administrative leave. Leave without pay for a period not to exceed one month may be granted by the appointing officer.

(b) **FORMAL LEAVE.** Application for a leave in excess of one month shall be filed by the employe on forms supplied by the bureau. A classified employe may be allowed a leave of absence without pay for a period not to exceed one year. Such leave is subject to the recommendation of the appointing officer and the approval of the director before becoming effective. Such leave shall be granted only when it will not result in prejudice to the interests of the state as an employer beyond any benefits to be realized upon the employe's return to the service. Leave without pay may be granted for: educational purposes where direct or indirect benefit accrues to the service; purposes of

working for a limited period in other employment where the experience would afford a direct benefit in the performance of his work for the state upon his return; maternity cases and exceptional personal reasons other than those mentioned above. Leave of absence because of illness or for educational purposes may be extended up to 2 years on a year to year basis on the recommendation of the appointing officer and the approval of the director.

(c) *Summer leave.* Classified employes whose services are not required at institutions during a summer recess shall be considered to be on leave of absence without pay.

(2) **RIGHTS UPON RETURN FROM LEAVE OF ABSENCE.** A properly executed leave of absence without pay shall accord the employe the right to be returned to his position or one of like nature on the expiration thereof or sooner if agreeable to the appointing officer, except that if the position has been abolished through legislation or material reorganization of the department, the employe shall be given consideration for any other position of similar grade and class which in the opinion of the director does not require qualifications substantially higher than or different from those of the position previously held, and if there be no such position, the layoff provisions of the law and these rules shall apply. If it is found necessary to fill the position during the interim, the new employe shall vacate the position upon the return of the absent employe subject to layoff, transfer, or demotion rights earned under the law and these rules. Such leaves without pay shall not operate to interrupt the seniority or salary advancement consideration, or cancel accumulated sick leave of the absent employe. Holidays or other non-work days immediately preceding the employe's return to duty, shall be counted as part of such absence.

(3) **ABSENCE WITHOUT LEAVE.** Any absence of an employe that is not authorized under these rules shall be considered as an absence without leave. Any such absence may be grounds for disciplinary action.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. am. (1) (b) and (3) eff. 6-27-71; am. (1) (b) and (3), Register, September, 1971, No. 189, eff. 10-1-71.

Pers 18.06 Leave with pay, injury. Continuing salaries to certain employes unable to work due to injuries incurred in line of duty and hazardous employments. See sections 16.31 Wis. Stats. and Wis. Adm. Code section Pers 5.05. Each period of absence shall be subject to the recommendation of the appointing officer and approval of the director of personnel and they may require the employe to submit a medical certificate to cover each such period.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; am. Register, September, 1965, No. 117, eff. 10-1-65.

Pers 18.07 Holidays. (1) **LEGAL HOLIDAYS.** Legal holidays are January 1; May 30; July 4; the first Monday in September; the fourth Thursday in November or the day appointed by the governor as a day of Thanksgiving; December 25; the day following if January 1, May 30, July 4 or December 25 falls on Sunday; the afternoon on Good Friday; and the afternoons of December 24 and 31. In order to carry out the intent of sections 16.275 (6) (a), (am) and (an),

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Wis. Stats., to grant employes 7½ days annually for legal holidays, an employe shall be granted:

(a) Equivalent compensatory time off when the legal holiday falls on his regularly scheduled day off.

(b) Compensatory time off or cash payment, either of which shall be at a rate of time and one-half his regular rate when the employe is required to work on a legal holiday.

When such compensatory time off shall be granted is discretionary with the appointing officer, and he may permit such time to be anticipated and used on the same basis as annual leave, as provided under Wis. Adm. Code section Pers 18.02 (7), except that paragraph 7 (b) shall not apply.

(2) PERSONAL HOLIDAYS. Personal holidays shall be taken pursuant to section 16.275 (6) (ar) Wis. Stats. and shall be granted during the calendar year earned, and shall be noncumulative.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. renum. to be (1) and am., and cr. (2), eff. 12-7-69; renum. to be (1) and am., and cr. (2), Register, April, 1970, No. 172, eff. 5-1-70; emerg. am. (2) eff. 6-27-71; am. (2), Register, September, 1971, No. 189, eff. 10-1-71.

Pers 18.08 Military service. (1) NATIONAL GUARD, STATE GUARD, RESERVE CORPS. Attendance at duly ordered military and naval schools, field camps of instruction and naval exercises. See subsection 16.275 (4), Wis. Stats.

(2) ACTIVE SERVICE. See section 16.276, Wis. Stats.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 18.09 Civilian service. Service during a period officially proclaimed to be a national emergency or limited national emergency. See subsections 16.276 (1) and 16.276 (2) (b), Wis. Stats.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 18.10 Jury service. See subsection 16.275 (5), Wis. Stats.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 18.11 Unclassified service. Employes in the classified service appointed to positions in the unclassified service. See section 16.274, Wis. Stats.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 18.12 Workmen's compensation. Relation to the use of sick leave and vacation. See Wis. Adm. Code section Pers 5.06.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.