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 authority in accordance with the appropriate statutory provision or rule. Throughout these rules except for Wis. Adm. Code section Pers 13.06, the term "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, October, 1972, No. 202, eff. 11-1-72.

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

(a) Limited term employes, including emergency and provisional employes.

(b) Employes who do not qualify under section 16.30 (1) (e), Wis. Stats.

(2) CONTINUOUS SERVICE. Continuous service shall include all the time the employe has been in continuous employment status in a permanent, seasonal, sessional, or unclassified position. The continuous service of an employe 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 and is reemployed within 3 years, subject to the following:

1. Employment prior to leaving the service and upon returning to the service within 3 years must be in a permanent, seasonal, sessional or unclassified position that generates continuous service.

2. Any return to service following termination for cause is deemed to not be a qualifying reemployment under this provision, even though the return is within the 3 year period.

(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.

(f) Was a career executive employe or employed under sections 20.923 (4), (8), (9) or (12), Wis. Stats., who leaves the service and returns to state employment as a career executive or in any such enumerated position regardless of the duration of absence. See section 16.30 (lm) (e), 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 174 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 Wis. Adm. Code sections Pers 18.02 (4) (b) and 18.02 (4) (c) 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 16.30 (1) (b), Wis. Stats., or after completion of the first 6 months of a trial period upon original appointment to a career executive position, 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 non-cumulative 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 pro rata annual leave consistent with 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 pro rata annual leave consistent with subsection (4) (a).

(d) Career executives (as provided under Wis. Adm. Code chapter Pers 30) and persons included under sections 20.923 (4), (8), (9) and (12), Wis. Stats. Annual leave shall be based upon accumulated continuous state service, at the rate of 120 hours each year for a full year of service during the first 5 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 15 years of service.

(5) COMPUTING ANNUAL LEAVE. (a) Annual leave credits in any given year shall not be earned for any period of absence without pay.

(b) Annual leave for employes covered in Wis. Adm. Code sections Pers 18.02 (4) (a), (b) and (c) 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. For career executives under Wis. Adm. Code section Pers 18.02 (4) (d) and persons included under sections 20.923 (4), (8), (9) and (12), Wis. Stats., annual leave shall be prorated during the fifth year of employment at the rate of 120 or 160 hours respectively; during the fifteenth year of employment at the rate of 160 or 200 hours respectively.

(c) Upon termination of employment, annual leave shall be prorated and payment for unused leave to which an employe is entitled shall be made in a separate lump sum amount.

(d) Agencies can determine the annual leave earned by an employe during the calendar year by using the following tables:

Computations on an hour-for-hour basis can be obtained by using the following:

ANNUAL LEAVE RATE	CONVERSION FACTOR
80 hr. rate	.038314 per hour
120 hr. rate	.057471 per hour
160 hr. rate	.076628 per hour
200 hr. rate	.095785 per hour

MONTHLY CONVERSATION TABLE
ANNUAL LEAVE

Hours Earned Per Full Month Worked, By Annual Leave Rate*

Full Months Worked	80 Hr. Rate	120 Hr. Rate	160 Hr. Rate	200 Hr. Rate
1	6.67	10.0	13.33	16.67
2	13.33	20.0	26.67	33.33
3	20.00	30.0	40.00	50.00
4	26.67	40.0	53.33	66.67
5	33.33	50.0	66.67	83.33
6	40.00	60.0	80.00	100.00
7	46.67	70.0	93.33	116.67
8	53.33	80.0	106.67	133.33
9	60.00	90.0	120.00	150.00
10	66.67	100.0	133.33	166.67
11	73.33	110.0	146.67	183.33
12	80.00	120.0	160.00	200.00

*Hours earned per full month worked = Appropriate conversion factor x hours in calendar year.

When more than one rate is involved, all columns should be totaled and rounded to the nearest whole hour, since the automated leave accounting system operates on an hourly rate basis.

(6) EMPLOYE OPTION. Pursuant to section 16.30 (1), 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 supplementary compensation 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 authorities.

(6m) CAREER EXECUTIVE OPTION. (a) Pursuant to section 16.30 (lm) (b) and (c), Wis. Stats., career executive employes and persons under sections 20.923 (4), (8), (9) and (12), Wis. Stats., who are at the 160 or 200 hour annual leave rate may, at their option, elect to receive in 40 hour blocks, 40 or 80 hours respectively of such benefit under the following options each year:

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

2. 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 authorities.

(b) Such employes or persons at the 200 hour leave rate may elect each year to receive 40 hours thereof in cash payment during the year earned.

(7) WHEN ANNUAL LEAVE MAY BE TAKEN. In determining annual leave schedules the appointing authority 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 authority 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 an additional 6 month extension of time in which to use such annual leave. Any such extension shall be approved by the appointing authority and reported to the director. Any such authorized leave credits, carried over from the previous calendar year shall be dropped as of December 31 of the following calendar year. This paragraph shall not apply to any carried over leave credited under Wis. Adm. Code section Pers 18.02 (6) (c) and Wis. Adm. Code section Pers 18.02 (6m) (a).

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (4) (intro. par.), (5) (a), (b) and (c) and (7) (b), r. and recr. (5) (d), cr. (2) (f), (4) (d) and (6m), Register, September, 1975, No. 237, eff. 10-1-75.

Pers 18.03 Sick Leave. (1) PERSONS WHO EARN SICK LEAVE. Pursuant to section 16.30 (2), Wis. Stats., all persons in the employ of the state shall earn sick leave except limited term employes under section 16.21 (4), Wis. Stats., members of the organized militia

referenced under section 20.923 (6) (c), Wis. Stats., and members of the university of Wisconsin system faculty referenced under sections 20.923 (5) and 20.923 (6) (m), Wis. Stats.

(2) ACCRUAL OF SICK LEAVE. (a) Sick leave shall accrue at the rate of 4 hours for each full 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 without pay totaling 4 work hours or less in any biweekly pay period will be disregarded.

(c) Unused sick leave shall accumulate from year to year in the person's sick leave account pursuant to section 16.30 (2), Wis. Stats.

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

(3) ACCOUNTING FOR USE OF SICK LEAVE. The use of sick leave shall be charged to the person's account by the appointing authority.

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

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

(c) For the purpose of administering income continuation benefit payments established pursuant to section 40.13, Wis. Stats., the maximum number of sick leave days that an employe shall be required to use before benefits begin shall be 130 days [1040 hours] unless specifically waived by the employe.

(5) SICK LEAVE CREDIT CONTINUATION. Previously accumulated sick leave shall not be canceled by absence on approved leave as provided in these rules. Separation from the service for cause as provided in section 16.28 (1) (a), Wis. Stats., shall cancel all unused accumulated sick leave. Whenever a person who is an employe with permanent status in class is laid off due to lack of work or funds, or resigns, any unused accumulated sick leave credit shall remain on record and be restored if the person is reemployed in a classified positon (other than on a limited term employment basis) within 3 years.

(6) At the time of retirement or in event of death, accumulated unused sick leave shall be converted at current value and credited to the person's account in accordance with the provisions of sections 16.30 (2m) and 40.16 (3), Wis. Stats. These provisions shall also apply to persons who retire or die while on an authorized leave of absence or while in layoff status.

(7) 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, October, 1972, No. 202, eff. 11-1-72; am. (1) (2) (a) and (b) and (5), Register, September, 1975, No. 237, eff. 10-1-75.

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

(2) TRANSFER OF CREDITS. Whenever an employe eligible for annual leave or sick leave separates from the service of one employing unit and accepts, by certification, demotion or transfer, employment in a position in another employing unit in which he or she earns annual leave or sick leave, obligations for any accumulated and unused annual leave and sick leave allowance shall be assumed by the new employing unit. This section also applies to sick leave credits for unclassified faculty of the university of Wisconsin system who take employment in a classified position within the system or with another state agency. The transfer of faculty sick leave will be authorized providing the number of days accrued under the university of Wisconsin system faculty sick leave policies are not inconsistent with the accrual schedule contained in Wis. Adm. Code section Pers 18.03 (2) (a).

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

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

(5) EFFECT OF LEAVING STATE SERVICE UPON PAYROLL STATUS. Pursuant to section 16.30 (1) (m), Wis. Stats., an employe not on an approved leave of absence shall have his/her last day on the payroll be the date he or she was last physically present for work for the purposes of determining annual leave and sick leave earned. As used in this section, approved leave of absence shall not include annual leave except for such leave granted in accordance with the provisions of Wis. Adm. Code sections Pers 18.02 (6) (c) and 18.02 (6m) (a) 2.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (2) and cr. (5), Register, September, 1975, No. 237, eff. 10-1-75.

Pers 18.05 Leave without pay. (1) WHEN GRANTED. (a) *Administrative leave.* Leave without pay for a period not to exceed

174 consecutive work hours may be granted by the appointing authority.

(b) *Formal leave.* Application for a leave in excess of 174 consecutive work hours shall be filed by the employe on forms approved by the bureau. Any employe, other than a limited term 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 authority 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 or her work for the state upon his or her return; maternity cases and exceptional personal reasons other than those mentioned above. A leave of absence because of illness or for educational purposes may be extended on a year to year basis for an additional 2 years on the recommendation of the appointing authority and the approval of the director. No formal leave of absence shall exceed 3 years.

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

(d) *Administrative leave part of formal leave.* When an employe on approved administrative leave without pay is required to be absent beyond the 174 consecutive work hour limit, an application for a formal leave of absence without pay shall be filed with the date for such formal leave to begin backdated to include the entire time the employe was on administrative leave without pay. Any such formal leave shall be subject to approval as specified under paragraph (b).

(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 or her position or one of like nature on the expiration thereof or sooner if agreeable to the appointing authority, except that if the position has been abolished through legislation or material reorganization of the agency, the employe shall be given consideration for any other position of similar pay 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 pay advancement consideration, or cancel unused 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, October, 1972, No. 202, eff. 11-1-72; am. (1) (b) and cr. (1) (d), Register, September, 1975, No. 237, eff. 10-1-75.

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 section 16.31, Wis. Stats., and Wis. Adm. Code chapter Pers 28.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 18.07 Holidays. (1) LEGAL HOLIDAYS. Legal holidays are January 1; the last Monday in May; July 4; the first Monday in September; the fourth Thursday in November; December 25; the day following if January 1, 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 section 16.30 (4) (c), Wis. Stats., to grant employes 7 1/2 days annually for legal holidays, an employe shall be granted:

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

(b) Compensatory time off at a rate of one and one-half times the number of hours worked or a cash payment, at a rate of one and one-half times the employe's regular rate for each hour the employe is required to work on a legal holiday. Regular rate is defined in Wis. Adm. Code section Pers 5.06 (1) (c). When such compensatory time off shall be granted is discretionary with the appointing authority and he/she 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). Any compensatory time not used within the first 6 months of the ensuing calendar year, shall be paid in cash at one and one-half times the regular rate earned. Any such payment shall be made prior to the administrative date established under section 16.086 (8), Wis. Stats.

(2) PERSONAL HOLIDAYS. Personal holidays granted pursuant to section 16.30 (4) (d), Wis. Stats., shall be noncumulative and shall be used during the calendar year earned. If not used during the year earned they shall be forfeited, except that upon termination payment for any unused personal holidays shall be made as provided under section 16.30 (1) (m), Wis. Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (1) (b) and (2), Register, September, 1975, No. 237, eff. 10-1-75.

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 section 16.30 (3), Wis. Stats.

(2) ACTIVE SERVICE. See section 16.26, Wis. Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 18.09 Civilian service. Service during a period officially proclaimed to be a national emergency or limited national emergency. See section 16.26 (1), Wis. Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Register, September, 1975, No. 237.

Pers 18.10 Jury service. As provided in section 16.30 (3) (c), Wis. Stats., employes (except those on limited term appointment) summoned for grand or petit jury service shall be entitled to leave with pay. However, when not impaneled for actual service and only on call, the employe shall report back to work unless authorized by the appointing authority to be absent from his work assignment.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 18.11 Unclassified service. Employes in the classified service appointed to positions in the unclassified service. See section 16.27, Wis. Stats.

History: Cr. Register, October, 1972, No. 202. eff. 11-1-72.

Pers 18.12 Workmen's compensation. Relation to earning and use of sick leave and vacation. See Wis. Adm. Code chapter Pers 28.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, September, 1975, No. 237, eff. 10-1-75.

Pers 18.13 Voting time. Pursuant to sections 6.76 and 16.30 (4) (e), Wis. Stats., an employe who is eligible to vote but is unable to vote during nonworking hours may be granted time off with pay for not to exceed 3 consecutive hours upon written application to his or her appointing authority at least 2 work days prior to the election date. Such application shall state the need and the amount of reasonable time off required to exercise this right. If granted, the appointing authority may designate the time of day that the employe shall be allowed the time off.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 18.14 Leaves of absence for promotional examinations and interviews. See Wis. Adm. Code section Pers 6.06.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.

Pers 18.15 Leave of absence for military preinduction physical examination. See section 16.30 (3) (b), Wis. Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72.