

## 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 Vacation.** (1) EMPLOYEES WHO EARN VACATION. All classified employees shall earn vacation 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. Vacation may not be earned subsequent to an employee's last actual work day if immediately followed by termination.

(2) CONTINUOUS SERVICE. Continuous service shall include all the time the employe has been in continuous employment status in permanent, seasonal, sessional, or unclassified position. The continuous service of an employe eligible for a vacation 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.

(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 absence of more than 30 calendar days except for military leave and absence due to injury or illness arising out of state employment and covered by the workmen's compensation act shall

not be counted. Only the most recent period of continuous service may be counted in determining an employe's length of service.

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

(a) *Regular employes.* 1. Persons who were employed on January 1, 1959, or whose absence on that date is covered under Wis. Adm. Code subsection Pers 18.02 (2), and were employed prior to January 1, 1958, at the rate of 3 weeks for a full year's service and, based on his accumulated continuous state service, at the rate of 4 weeks after 20 full years of service.

2. Persons, except those provided for in Wis. Adm. Code subsection Pers 18.02 (4) (a) 1. above, based upon accumulated continuous state service, at the rate of 2 weeks each year for a full year of service during the first 5 years of service; 3 weeks each year for a full year of service during the next 15 years of service; 4 weeks each year for a full year of service after 20 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 but who are employed 6 or more months in continuous service in the employing department shall be granted prorata vacation consistent with Wis. Adm. Code subsection Pers 18.02 (4) (a). Such continuous service need not be in a single year.

(c) *Seasonal employes.* Employes who are regularly employed for less than 12 months out of a year but who are employed 6 or more months in continuous service in the employing department shall be granted prorata vacation consistent with Wis. Adm. Code subsection Pers 18.02 (4) (a). Such continuous service need not be in a single calendar year.

(5) **COMPUTING VACATION.** (a) Vacation 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 totalling 30 calendar days or less in a calendar year may be disregarded.

(b) Vacation for employes covered in Wis. Adm. Code subsection Pers 18.02 (4) (a) 2. shall be prorated during the fifth year of employment at the rate of 2 or 3 weeks respectively.

(c) Vacation for employes covered in Wis. Adm. Code subsections Pers 18.02 (4) (a) 1. and Pers 18.02 (4) (a) 2. shall be prorated during the twentieth year of employment at the rate of 3 or 4 weeks respectively.

(d) Upon termination of employment vacation shall be prorated.

(e) The following table prorates vacation to the nearest ¼ day on the basis of an employee's vacation rate for the fractional part of a month worked:

**VACATION DAYS EARNED FOR FRACTIONAL PART OF MONTH**

Beginning Employee				Ending Employee			
Beginning Date of Month	Days Earned			Ending Date of Month	Days Earned		
	2 weeks	3 weeks	4 weeks		2 weeks	3 weeks	4 weeks
1- 5	10/12	15/12	20/12	1- 5	0	0	0
6-10	8/12	12/12	16/12	6-10	2/12	3/12	4/12
11-15	6/12	9/12	12/12	11-15	4/12	6/12	8/12
16-20	4/12	6/12	8/12	16-20	6/12	9/12	12/12
21-25	2/12	3/12	4/12	21-25	8/12	12/12	16/12
26-31	0	0	0	26-31	10/12	15/12	20/12

After computing in twelfths the total vacation earned, divide by 12 to determine full days and apply the remaining fraction to the following schedule:

Remaining Fractions	Vacation Credit Conversion
1/12	0
2/12, 3/12 or 4/12	¼ Day
5/12, 6/12 or 7/12	½ Day
8/12, 9/12 or 10/12	¾ Day
11/12	1 Day

(6) **WHEN VACATION MAY BE TAKEN.** In determining vacation schedules the appointing officer shall respect the wishes of the eligible employes as to the time of taking their vacation insofar as the needs of the service will permit. Vacation allowance shall be taken during the vacation year except that employes who are required by their appointing officer to defer all or a part of their vacation for a given vacation period may be permitted to take it within the first 6 months of the ensuing vacation year.

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

**Pers 18.03 Sick Leave.** (1) **EMPLOYES WHO EARN SICK LEAVE.** All classified 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 one day of sick leave for each calendar month of service. Sick leave allowance shall be accumulated in the employe's base sick leave account until a maximum of 60 days has accrued.

(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 in excess of 60 days shall accumulate in the employe's reserve sick leave account. No sick leave shall accrue in the reserve account unless the 60 day maximum is maintained in the base account.

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

(3) **USE OF SICK LEAVE.** The normal 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 employe's appointing officer and with the approval of the commissioner of administration and the director.

(4) **ELIGIBILITY FOR SICK LEAVE.** (a) Each permanent classified 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, exposure to contagious disease, attendance upon members of his immediate family (employe's parents, wife, husband, children, brother, sister or another member of the immediate household) 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.**

Beginning Employe		Ending Employe	
Beginning Date	Days Earned	Ending Date	Days Earned
1- 8.....	1	1- 8.....	0
9-23.....	$\frac{1}{2}$	9-23.....	$\frac{1}{2}$
24-31.....	0	24-31.....	1

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

**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.

Register, June, 1964, No. 102

(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. Failure to return on or before the expiration of such leave or upon the cancellation or revocation thereof by the director shall be considered as separation from the service, and the nature of the separation action shall be determined on the merits of the case unless it is shown to the satisfaction of the appointing officer and the director that failure to report was excusable. 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. Such absence may be considered as a resignation or may be grounds for disciplinary action. Any employe who is separated from the service on the basis of absence without leave may thereby be deemed to have forfeited his reinstatement eligibility.

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

**Pers 18.06 Leave with pay, injury.** Continuing salaries to certain employes unable to work due to injuries incurred in line of duty in 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 approval of the appointing officer and he 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.

**Pers 18.07 Holidays.** Legal Holidays. 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; afternoon on Good Friday; the afternoons of December 24 and 31. In order to carry out the intent of subsection 16.275 (6) (a) and (an), Wis. Stats., to grant employes 7½ days annually for holidays, an employe shall be granted equivalent compensatory time off when:

- (1) The employe is required to work on a holiday or
- (2) A holiday falls on his regularly scheduled day off.

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 vacation. See Wis. Adm. Code subsection Pers 18.02 (6).

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

**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.

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**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.** Employees 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.