

**Chapter Pers 10**  
**VACATION, SICK LEAVE, AND LEAVE**  
**WITHOUT PAY**

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(Sections 16.274, 16.275 and 14.59 Wis. Stats.)

**Pers 10.01** Employments which earn vacation and sick leave. All classified employes shall earn vacation and sick leave except: (1) emergency employes, (2) temporary employes, (3) provisional employes, and (4) employes on the prevailing hourly rate of pay basis. Such leave shall be computed from the date of employment in the position. Vacation may not be earned subsequent to an employe's last actual work day. a

**Pers 10.02** Vacation. (1) ACCRUAL OF VACATION. Vacation shall accrue at the rate of 3 weeks' vacation for a full year's service. For administrative purposes, an employe is entitled to absence from duty on vacation, 3 times as many work-days as are contained in his authorized work-week.

Time lost by an employe by reason of leave without pay or time otherwise not worked or paid for shall not be counted in computing earned vacation allowances.

(2) ELIGIBILITY FOR VACATION. All employes who have vacation credits shall be eligible to take vacation except as follows: (a) Seasonal employes with less than 6 successive months tenure in the employing department.

(b) Employes who have not completed their probationary periods, except as provided in section Pers 9.01 (1).

(3) WHEN VACATION MAY BE TAKEN. An employe who is eligible for vacation may take his vacation within the calendar year in which it was earned at such time or times as may be agreed upon between him and his appointing authority. Vacation credits earned but not used during a given calendar year shall lapse at the end of such year except as follows: (a) Employes who are required by their appointing authorities to defer all or a part of their vacation for a given year may with notice by the appointing authority to the director, take such deferred leave within the first 6 months of the ensuing calendar year.

(b) The vacation credits which a probationary employe earns during the calendar year in which his probation begins shall be used within the first 6 months of the ensuing calendar year, provided that his probation ends in December, January, February, March, April, May or June.

(4) PAYMENT IN LIEU OF VACATION. Whenever a permanent employe with unused vacation is separated from the state service, he shall

be paid for any unused vacation he may have. In case of the death of an employe, payment for unused vacation allowance shall be made in accordance with the provisions of section 103.39 (2), Wis. Stats.

**Pers 10.03 Sick leave. (1) ACCRUAL OF SICK LEAVE.** Sick leave shall accrue at the rate of one day of sick leave for each calendar month of service. The unused balance of sick leave allowance shall be accumulated to the employe's credit; provided, that the balance to the credit of the employe at the end of any calendar month shall not exceed 60 days. Time lost by an employe by reason of leave without pay or time otherwise not worked or paid for shall not be counted in computing earned sick leave allowances.

(2) **ELIGIBILITY FOR SICK LEAVE.** 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 duty which is due to his illness, bodily injury, exposure to contagious disease, attendance upon members of his immediate family whose illness requires his personal care, or death in his immediate family.

(3) **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 or for cause as provided in section 16.24, Wis. Stats. shall cancel all unused accumulated sick leave allowances. Whenever a permanent employe is laid off due to lack of work or funds, any unused accumulated sick leave shall continue in effect, if he is rehired by any department within one year.

*am* { **Pers 10.04 Other provisions relating to vacation and sick leave. (1) VACATION OR SICK LEAVE ON LEGAL HOLIDAYS.** In the event that a legal holiday comes 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 an employe shall not cause him to forfeit or lose his earned vacation or sick leave.

*am.* { **Pers 10.05 Leave without pay. (1) WHEN GRANTED.** Leave without pay for a period not to exceed one month may be granted by the appointing authority. Application for leave for a longer period shall be filed by the employe on forms supplied by the bureau. A permanent 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 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 (a) educational purposes where direct or indirect benefit accrues to the service, (b) 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, (c) maternity cases, and (d) 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 authority and the director that failure to report was excusable. Leave of absence because of illness or for educational purposes may be extended an additional year on the recommendation of the appointing authority and the approval of the director.

(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 authority, 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) VACANCIES OCCASIONED BY MILITARY LEAVE. Appointment to fill vacancies occasioned directly or indirectly by military leave shall be contingent upon the continued absence of the person on such leave and shall entitle those who acquire permanent status to privileges identical to those of fellow employes who have earned permanent status, subject to the prior right of persons returning from military leave.

(4) ABSENCE WITHOUT LEAVE. Any absence of an employe that is not authorized under these rules shall be deemed an absence without leave. Such absences 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 reemployment rights.