

**The University of Wisconsin System  
UPS OPERATIONAL POLICY: BN 2**



**SUBJECT: Personal Holiday and Legal Holiday  
Administration**

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**Original Issuance Date:** July 1, 2015

**Last Revision Date:**

**1. POLICY PURPOSE:**

The purpose of this policy is to establish guidelines for the administration of personal and legal holidays for UW System employees. The policy covers eligibility, accrual, use, carryover, and treatment upon movement or termination of employment.

**2. POLICY BACKGROUND:**

Personal holidays for faculty, academic staff and limited appointees were created by Regent Resolution 7178 (adopted 4/12/1996), amended by [Resolution 7803](#) (adopted 11/06/1998), amended by [Resolution 8817](#) (adopted 04/02/2004). [University Personnel Guideline #9: Unclassified Staff Paid Vacation, Holiday, and Catastrophic Leave](#) implemented the Regent resolutions.

Personal and legal holidays for classified employees (university staff as of July 1, 2015), were provided for in [Wis. Stat. § 230.35 \(4\)](#) and [Wis. Admin. Code § ER 18.04](#).

Effective July 1, 2015, personal and legal holiday administration policies for all UW System employees will be provided for in this policy.

**3. POLICY DEFINITIONS:**

Please see UPS Operational Policy [GEN 0: General Terms and Definitions](#) for a list of general terms and definitions.

**4. POLICY:**

UW System employees who meet the eligibility requirements set forth in this policy are eligible for nine paid legal holidays per year, as well as paid personal holiday hours.

**A. Personal Holidays**

**(1) Eligibility for Personal Holidays**

**(a) University Staff**

All university staff are eligible for personal holidays if they are:

- Not in a temporary appointment, or
- Not in a crafts worker appointment as defined in UPS Operational Policy [GEN 21: Crafts Workers](#).

**(b) Faculty, Academic Staff, and Limited Appointees (annual pay basis employees only)**

All faculty, academic staff, and limited appointees are eligible for personal holidays if they are eligible to earn vacation (based on the following criteria):

- In an annual-basis appointment; and
- Covered by the Wisconsin Retirement System (WRS), **or**
- If not covered by the WRS, expected to work at least 440 hours (21% for annual-basis appointment) for at least one year.

If not initially eligible to earn personal holiday, the employee can later become eligible through a change in expectations or meeting the above criteria during the immediately preceding 12-month period.

**(c) Rehired Annuitants**

A rehired annuitant for purposes of this policy is a UW System employee who is currently receiving a retirement or disability annuity from the Wisconsin Retirement System (WRS). See UPS Operational Policy [GEN 10: Rehired Annuitants](#) for additional information.

- A rehired WRS annuitant is eligible to earn personal holiday if the eligibility requirements provided for in this policy are met.
  - NOTE: Only time worked for a UW System institution after the employee's WRS annuity effective date is included to meet the one-year duration requirement in Section 4.A.(1)(b) of this policy.
- If not initially eligible to earn personal holiday, a rehired annuitant can later become eligible through a change in expectations or meeting the above criteria during the immediately preceding 12-month period.
- Personal holiday hours earned as a rehired annuitant are subject to the same provisions outlined in Section 4.A.(4) of this policy relative to termination and movement to another appointment.

**(2) Accrual of Personal Holidays**

Full-time eligible employees are granted 36 hours (4.5 days) of personal holiday hours per year. Part-time employees are granted a prorated amount based on appointment percentage.

- University staff – granted upon hire and every January 1 thereafter

- Faculty, academic staff, and limited appointees – granted upon hire and every July 1 thereafter

(a) **Appointment Percentage Change after Personal Holiday Granted**

If an employee's appointment percentage permanently increases, the number of personal holiday hours generated for the employee will increase as of the effective date of the change. The increase in hours is based on the increased appointment percentage and is not affected by the amount of time remaining in the granting period.

If an employee's appointment percentage decreases, the number of personal holiday hours generated for the employee will not decrease until the next personal holiday allocation is granted.

**(3) Personal Holiday Usage**

- (a) Personal holiday hours are available for use from the first day of employment, subject to approval by the employee's supervisor.
- (b) Personal holiday hours must be used by the end of the year (fiscal or calendar) in which they were granted
- (i) University staff – must use all personal holiday hours on or before December 31 of the calendar year granted.
- (ii) Faculty, academic staff, and limited appointees – must use all personal holiday hours on or before June 30 of the fiscal year granted.
- (iii) If the hours are not used by the end of the designated year, the hours are lost and cannot be carried into the following year. Employees on a military leave are not subject to these provisions. See UPS Operational Policy [BN 9: Military Leave](#) for details.
- (iv) If extenuating circumstances exist, the Human Resource Director at each institution (or his/her designee) in consultation with the UW System Administration Office of Human Resources and Workforce Diversity may approve the carryover of personal holiday hours if the employee was not permitted to use the hours during the year earned. Any personal holiday hours carried over must be used within twelve months or will be lost.
- The following are **NOT** allowable reasons for carryover of personal holiday hours:
    - The employee is hired toward the end of the calendar or fiscal year and does not schedule time off before the hours expire; or
    - The employee uses other paid leave during the year and chooses to wait until the end of the calendar or fiscal year to use personal holiday hours but runs out of time or is called into work on a day personal holiday was scheduled to be used.

- If the employee used other paid leave that can be carried into the following year, the institution should consider consulting with the employee to exchange personal holiday hours with the other leave used.

**(4) Personal Holiday Credits upon Retirement, Layoff, Termination, or Movement to Another Appointment**

- (a) At termination or retirement, employees are eligible to receive a lump sum payment for any remaining personal holiday hours. If the termination or retirement is not the result of layoff or termination for cause, the institution may allow the employee to extend his or her termination date beyond the last day worked by using personal holiday hours.
- (b) The institution, after sufficient notice to the employee, may require an employee to use all accrued personal holidays prior to retirement, layoff or termination without cause or forfeit any unused leave balance.
- (c) When an employee moves to another State of Wisconsin agency, remaining UW System personal holiday will be paid to the employee as a lump sum.

**(d) Movement to Another UW System Appointment**

- (i) When an employee moves from one university staff appointment to another university staff appointment within UW System, including to an appointment at a different UW institution, remaining personal holiday hours will transfer to the new appointment, provided the new appointment is eligible for personal holidays.
- (ii) When an employee moves from one eligible faculty, academic staff or limited appointment to another eligible faculty, academic staff or limited appointment within UW System, including to an appointment at a different UW institution, remaining personal holiday hours will transfer to the new appointment, provided the new appointment is eligible for personal holidays.
- (iii) Employees who move between employee classifications per (iv) and (v) below, will be given consideration for leave accrual schedule differences; however, an employee shall not receive more than two personal holiday allocations in an 18-month period.
- (iv) If an employee moves from a university staff appointment to an eligible faculty, academic staff or limited appointment, the following applies:

- If the new appointment is effective at any time from July 1 to January 1, the employee will receive 36 hours of personal holiday (prorated if part-time).

Any remaining personal holiday from the university staff appointment must be paid out to the employee, at the wage rate of the university staff appointment.

- If the new appointment is effective at any time from January 2 to June 30, the employee will not receive additional personal holiday hours until the beginning of the next fiscal year (July 1).

Any remaining personal holiday from the university staff appointment will be transferred to the new appointment and must be used by June 30 following the begin date of the new appointment or it will be lost.

(v) If an employee moves from a faculty, academic staff or limited appointment to an eligible university staff appointment, the following applies:

- If the new appointment is effective at any time from January 1 to July 1, the employee will receive 36 hours of personal holiday (prorated if part-time).

Any remaining personal holiday from the faculty, academic staff or limited appointment must be paid out to the employee, at the wage rate of the faculty, academic staff or limited appointment.

- If the new appointment is effective at any time from July 2 to December 31, the employee will not receive additional personal holiday hours until the beginning of the next calendar year (January 1).

Any remaining personal holiday from the faculty, academic staff or limited appointment will be transferred to the new appointment and must be used by December 31 following the begin date of the new appointment or it will be lost.

(vi) If the employee moves to an appointment not eligible for personal holiday, any remaining personal holiday hours will be paid as lump sum to the employee, at the wage rate of the last position eligible to earn personal holiday.

## **B. Legal Holidays**

(1) The University of Wisconsin System grants eligible employees nine paid legal holidays per calendar year for the following legal holidays:

- January 1 (New Year's Day)
- Third Monday in January (Martin Luther King, Jr. Day)
- Last Monday in May (Memorial Day)
- July 4 (Independence Day)
- First Monday in September (Labor Day)
- Fourth Thursday in November (Thanksgiving Day)
- December 24 (Christmas Eve Day)
- December 25 (Christmas Day)
- December 31 (New Year's Eve Day)

### **(2) Eligibility for Paid Legal Holidays**

All employees who earn sick leave are eligible for paid legal holidays provided that the employee is actively employed on the date of the legal holiday, and meets one of the following criteria:

- (a) Works or uses paid leave on the last scheduled work day immediately before the legal holiday; or

- (b) Works or uses paid leave on the first scheduled work day immediately following the legal holiday; or
- (c) Works on the legal holiday; or
- (d) Is on an approved military leave of absence – see UPS Operational Policy [BN 9: Military Leave](#) for details.

**EXCEPTION:** If one of the requirements listed in (2)(a) – (2)(d), immediately above, is not met, those with alternate work schedules whose scheduled work days do not fall on or after the legal holiday, will be granted legal holiday based on the number of hours in pay status during the pay period in which the legal holiday falls.

### (3) Administration of Legal Holidays

- (a) Full-time employees earn eight hours of paid leave for each legal holiday. Part-time employees earn a prorated amount based on their hours worked during the pay period that includes the legal holiday.
- (b) If a legal holiday falls on a Sunday, the legal holiday is observed and the UW System is closed on the Monday following the legal holiday.
- (c) Faculty, academic staff and limited appointees in an academic-year basis appointment are not eligible for floating legal holidays. All other staff may earn floating legal holidays in the following situations:
  - If a legal holiday falls on a Saturday, the employee will be granted eight hours of floating legal holiday (prorated if part-time).
  - Floating legal holiday is granted to employees who are required to work on the legal holiday or if the legal holiday is on an employee's regularly scheduled day off.
- (d) An employee may use floating legal holiday hours prior to the date on which the legal holiday occurs.
- (e) Floating legal holidays must be used by the end of the year in which it was granted.
  - University staff – must use on or before December 31 of the end of calendar year granted.
  - Faculty, academic staff, limited – must use on or before June 30 of the end of the fiscal year granted.
  - If the hours are not used by the end of the designated year, the hours are lost and cannot be carried into the following year (calendar or fiscal).
- (f) If extenuating circumstances exist, the institution may approve the carryover of legal holiday hours if the employee was not permitted to use the hours during the year earned.

- Example - if an employee is unexpectedly called in to work on December 24, 25 and/or 31, and the employee is unable to schedule time off prior to the end of the year, the legal holiday hours could be carried into the following year.
- If the employee used other paid leave that can be carried into the following year, the institution should consider consulting with the employee to swap legal holiday hours with the other leave used.

**(4) Pay for University Staff Employees Required to Work on Actual or Observed Legal Holidays**

- (a) FLSA nonexempt university staff employees required to work at any time during a legal holiday (defined as 12:00 a.m. – 11:59 p.m. of the actual legal holiday) will receive either compensatory time or wages, either of which will be at the premium rate of time and one-half, for all hours worked on the holiday, according to UPS Operational Policy [TC 3: Compensation](#). The employee will also be granted a floating legal holiday according to the provisions of this policy.
- (b) A university staff employee required to work on the Monday following a Sunday legal holiday will be paid at straight time. The employee will also be granted a floating legal holiday per the provisions of this policy.
- (c) University staff temporary employees shall be paid at the premium rate of time and one-half for all time worked on a legal holiday and straight time if required to work on the Monday following a Sunday legal holiday. Temporary employees will not be granted a floating legal holiday.

**(5) Personal and Legal Holiday Leave Reporting**

Refer to UPS Operational Policy [BN 1: Vacation, Paid Leave Banks, and Vacation Cash Payouts](#) for leave reporting requirements.

**(6) Legal Holiday credits upon Retirement, Layoff, Termination, or Movement to Another Appointment**

- (a) At termination or retirement, employees are eligible to receive a lump sum payment of any remaining floating legal holiday hours. If the termination or retirement is not the result of layoff or termination for cause, the institution may allow the employee to extend his or her termination date beyond the last day worked by using floating legal holiday hours.
- (b) The institution, after sufficient notice to the employee, may require an employee to use all accrued floating holidays prior to retirement, layoff or termination without cause or forfeit any unused leave balance.
- (c) An employee may use regular or floating legal holiday hours prior to the date on which the legal holiday occurs. If the employee leaves University employment prior to the date on which the legal holiday occurs, the employee must repay any legal holiday hours used in advance of the legal holiday. In lieu of paying back overused legal holiday hours, the employee is eligible to swap other available accrued leave, if available.

**Reminder** – sick leave may only be used according to UPS Operational Policy [BN 3: Sick Leave](#) and may not be used in this situation unless the original absence is eligible for sick leave.

- (d) When an employee moves from one appointment to another within UW System, including to an appointment at a different UW institution, remaining floating legal holiday will transfer to the new appointment, provided the new appointment is eligible for floating legal holidays. If the employee moves to a different appointment type, the floating legal holiday hours transferred will be subject to the floating legal holiday expiration rules of the new appointment type.
- (e) If the employee moves to an appointment not eligible for floating legal holiday, any remaining floating legal hours will be paid as lump sum to the employee, at the pay rate in effect on the termination date of the last position eligible to earn floating legal holiday.
- (f) When an employee moves to a State of Wisconsin agency, floating legal holiday will be paid as lump sum to the employee, at the pay rate in effect on the employee's UW System termination date.

## 5. RELATED DOCUMENTS:

[UPS Operational Policy BN 1: Vacation, Paid Leave Banks, and Vacation Cash Payouts](#)  
[UPS Operational Policy BN 3: Sick Leave](#)  
[UPS Operational Policy BN 9: Military Leave](#)  
[UPS Operational Policy TC 3: Compensation](#)  
[UPS Operational Policy TR 2: Effect on WRS Service, Accrued Leave & Continuous Service When Moving To and From UW System Institutions or Agencies](#)  
[UPS Operational Policy TR 3: Voluntary Reassignment of Formerly Classified FLSA Exempt Employees to Academic Staff/Limited Appointment Positions](#)

## 6. POLICY HISTORY:

Regent Policy Document 20-11: [Establishment of Personal Holidays for Faculty, Academic Staff and Limited Appointees](#) Res. 7178 (04/12/96); amended by Res. [7803](#) (11/06/1998); amended by Res. [8817](#) (04/02/2004)

Regent Policy Document 20-21: [University Personnel Systems](#), adopted 12/07/12  
[University Personnel Guideline #9: Unclassified Staff Paid Vacation, Holiday, and Catastrophic Leave](#)

Wis. Stat. § [230.35\(4\)](#)

Wis. Admin. Code § [ER 18.04, Holidays](#)

Reviewed by the Board of Regents, April 10, 2015