The University of Wisconsin System
UPS OPERATIONAL POLICY: BN 3

SUBJECT: Sick Leave

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 sick leave for all UW System employees. This policy covers sick leave eligibility, accrual, usage and reporting.

2. POLICY BACKGROUND:

Sick leave for faculty, academic staff, and limited appointees was created by Regent Resolution 506 (adopted 6/08/1973), amended by Resolution 1092 (adopted 10/24/75); Wis. Stat. § 36.30; Wis. Admin. Code UWS 19; and administered by University Personnel Guideline #10: Unclassified Sick Leave Policy.

Sick leave for former classified employees (current university staff) until June 30, 2015:
- Wis. Stat § 230.35, State office hours; standard workweek; leaves of absence; holidays.
- Wis. Admin. Code § ER 18.03, Sick leave.

Effective July 1, 2015, UW System sick leave policies have been revised to include university staff. UW System employees will be subject to the sick leave policies and procedures set forth in Wis. Stat. § 36.30 and this policy. Faculty, academic staff, and limited appointees will continue to be subject to Wis. Admin. Code UWS 19.

3. POLICY DEFINITIONS:

Please see the Definitions Operational Policy for a list of general terms and definitions.

Definitions specific to this policy:

“Family member” includes all of the following:
- Employee’s legal spouse;
- Employee’s domestic partner;
- Children of the employee or of the employee’s spouse or domestic partner (biological, adopted, step or foster child, or legal ward);
- Grandchildren of the employee or of the employee’s spouse or domestic partner;
• Parents of the employee or of the employee’s spouse or domestic partner (biological, adoptive, stepparent, foster parent or legal guardian
• Grandparents of the employee or of the employee’s spouse or domestic partner;
• Brothers and sisters of the employee or of the employee’s spouse or domestic partner and the spouse or domestic partner of the brothers and sisters;
• Aunts and uncles of the employee or of the employee’s spouse or domestic partner;
• Sons-in-law or daughters-in–law (including domestic partner of the son or daughter) of the employee or of the employee’s spouse or domestic partner; or
• Other relatives of the employee or the employee’s spouse or domestic partner who reside in the same household as the employee.

4. POLICY:

The sick leave policy is designed to provide eligible employees with position and salary continuation in the event of illness or injury and to promote sick leave conservation for extended protection.

A. Eligibility for Sick Leave

(1) Employee eligibility to accrue sick leave must be evaluated upon hire. If an employee is not immediately eligible to accrue sick leave, eligibility must be monitored on an on-going basis throughout employment.

(2) Once an employee becomes eligible to accrue sick leave, he or she continues to accrue sick leave in sick-leave eligible appointment types during all subsequent University employment, unless:

(a) All sick-leave-eligible employment is terminated for 12 or more consecutive months (must be re-evaluated upon re-hire); or

(b) The employee receives a distribution from the Wisconsin Retirement System (WRS). A WRS distribution includes any of the following:

• WRS retirement or disability monthly annuity;
• WRS lump-sum retirement benefit; or
• WRS lump-sum separation benefit.

The employee must be re-evaluated for eligibility upon re-hire if one of the WRS distributions above was taken.

(3) University Staff Eligibility

All university staff, except those in a temporary appointment, are eligible to accrue sick leave upon hire.

(4) Faculty, Academic Staff and Limited Appointee Eligibility

Faculty, academic staff and limited appointees are eligible to accrue sick leave once the employee is:

• Covered by the Wisconsin Retirement System (WRS) through employment; or
• Expected to work at least 440 hours (21% for annual-basis and 28% for academic year appointment) for at least one year. Employees initially hired on an academic year contract meet the one-calendar-year-duration requirement if they are expected to return the following academic year.

(a) If an employee is a visiting professor, visiting associate professor, visiting assistant professor, visiting lecturer, visiting researcher or any other visiting appointment title, the employee is eligible for sick leave through the University if the home institution does not provide sick leave, provided the employee meets the sick leave eligibility criteria above.

(b) If not initially eligible to earn sick leave, the employee can later become eligible through a change in expectations or by meeting the above criteria during the immediately preceding 12-month period.

(5) **Rehired Annuitant Eligibility and Administration**

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) A rehired WRS annuitant is eligible to earn sick leave if the eligibility requirements provided for in this policy are met.

   o 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.(4) of this policy.

(b) If not initially eligible to earn sick leave, a rehired annuitant can later become eligible through a change in expectations or meeting the above criteria during the immediately preceding 12-month period.

(c) A rehired annuitant is not eligible to receive a sick leave initial entitlement as outlined below under Accrual of Sick Leave for Faculty, Academic Staff and Limited appointees in 4.B(2)(a) of this policy.

(d) Sick leave hours earned as a rehired annuitant are subject to the same provisions outlined in Section 4.D.(1) – (3) and (5) relative to termination and movement to another appointment.

(e) If a rehired annuitant elects to resume active WRS coverage and later re-applies for a WRS retirement benefit, all sick leave accrued as a rehired annuitant is eligible to be converted under the Accumulated Sick Leave Conversion Credit (ASLCC) and Supplemental Health Insurance Conversion Credit (SHICC) programs provided the employee meets the requirements of the program(s) per Wis. Stat. §§ 40.05(4)(b) and 40.95, Wis. Stats.

(f) If a rehired annuitant does not elect to resume active WRS coverage, any sick leave remaining at the termination of all sick-leave eligible employment at the University of Wisconsin is lost and is not eligible for sick leave reinstatement under Section 4.G. of this policy.
B. Accrual of Sick Leave

Sick leave accrual is based on rules surrounding employment type as outlined below. The following applies to all eligible sick-leave employees:

- While using sick leave, an employee remains in pay status and continues to accumulate sick leave.
- Sick leave does not accrue during an unpaid leave of absence, with the exception of a military leave of absence per UPS Operational Policy BN 9: Military Leave. Previously accumulated sick leave is not affected by an unpaid leave of absence.

(1) University Staff

(a) Eligible university staff earn .0625 hours of sick leave for each hour in pay status up to 80 hours in a bi-weekly payroll period.

(b) Full-time university staff may earn five hours of sick leave per bi-weekly pay period for a total of 130 hours (16.25 days) per calendar year. The accrual amount is prorated for employees who work less than 80 hours in a bi-weekly pay period, based on the number of hours in pay status.

(c) Unused sick leave shall accumulate from year to year, without limit, in the employee’s sick leave account.

(2) Faculty, Academic Staff and Limited Appointees

(a) Initial Entitlement

(i) The following full-time faculty, academic staff, and limited appointees are granted 176 hours (22 days) of Initial Entitlement sick leave available for use during the first 18 months of employment:

- Those who meet the eligibility requirements set forth in section 4.A. this policy who have never worked in a sick-leave eligible faculty, academic staff, or limited appointment at the University of Wisconsin; or
- Those who have worked in a sick-leave eligible faculty, academic staff, or limited appointment at the University of Wisconsin but are not eligible for the reinstatement of sick leave as outlined in Section 4.G. of this policy.

(ii) Once the Initial Entitlement period ends, the employee will accrue sick leave per Section 4.B.(2)(b) of this policy.

(iii) If an employee had a university staff appointment or an appointment with a State of Wisconsin agency in which they earned sick leave, the employee is granted an Initial Entitlement of sick leave at the start of an eligible faculty, academic staff or limited appointment. Previously accrued sick leave and sick leave granted under Initial Entitlement is immediately available for use.

(iv) Rehired annuitants are not eligible for an Initial Entitlement.
(v) The 18-month Initial Entitlement period begins on the first day of sick leave eligibility and ends 18 months later. The 18-month period is **not** extended if an employee goes on a leave of absence during the Initial Entitlement period.

(vi) Part-time faculty, academic staff, and limited appointees are granted a prorated Initial Entitlement based on the employee’s appointment percentage at the time of eligibility.

- If the appointment percentage **increases** during the Initial Entitlement period, the amount of Initial Entitlement will increase prospectively according to the new appointment percentage.

- If an employee’s appointment percentage **decreases** during the Initial Entitlement period, the amount of Initial Entitlement will **not** decrease.

(vii) Initial entitlement may be reduced if leave is not reported completely, accurately, and in a timely manner per this policy [see Section 4.G. (3)].

(viii) If an employee retires during the 18-month initial entitlement period, the entire amount of the Initial Entitlement will not be available for sick leave credit conversion. The number of sick leave hours available for conversion will be equivalent to what the employee would have earned if not in the Initial Entitlement period.

**Example:** Full-time, annual-basis employee

- Initial Entitlement starts January 1; and
- Employee retires July 1 – retires 6 months into Initial Entitlement period.
- Employee would have earned 48 hours of sick leave during this period if not in IE (6 months × 8 hours of sick leave/month).
- **Result:** 48 hours of sick leave available for conversion (as well as any hours earned prior to the Initial Entitlement).

(b) **Sick Leave Accrual outside of Initial Entitlement Period**

(i) Full-time faculty, academic staff, and limited appointees who are no longer in the Initial Entitlement period, or who are not eligible for Initial Entitlement, earn 96 hours (12 days) of sick leave per fiscal year. Employees may not accrue sick leave in excess of 96 hours per fiscal year.

(ii) Part-time faculty, academic staff, and limited appointees are granted a prorated sick leave based on the employee’s appointment percentage.

(iii) Sick leave does not accrue during summer service/summer session employment.

(iv) Sick leave does not accrue during an unpaid leave of absence, except as provided for in UPS Operational Policy [BN 9: Military Leave]. Previously accumulated sick leave is not affected by an unpaid leaves of absence.
If leave is reported completely, accurately, and in a timely manner per this policy [see Section 4.G.(3)], unused sick leave accumulates from year to year without limit.

C. Use of Sick Leave

Sick leave shall not be used until it has been accrued (i.e., it may not be anticipated). Faculty, academic staff, and limited appointees who are granted an Initial Entitlement are eligible to use these hours of sick leave during the first 18 months of employment.

1. Sick Leave Absence Reasons

Each employee who has accrued sick leave shall be eligible to use sick leave for periods of absence from employment, as follows:

(i) For personal illnesses, injury, disability, pregnancy, adoption, or exposure to contagious disease.

(ii) For the care of an immediate family member (for up to five consecutive work days). Additional time off may be approved by the institution - refer to Section 4.C. (3) of this policy for certification requirements if absence exceeds five days.

(iii) For immediate family or personal medical or dental appointments

(iv) Up to three days of sick leave may be used after the death of an immediate family member. An additional four days of sick leave may be used for travel time related to a funeral or other circumstances after the death of an immediate family member. See full policy in UPS Operational Policy BN 7: Miscellaneous Leave.

(v) Any absence covered by the Wisconsin Family and Medical Leave Act (WFMLA) per UPS Operational Policy BN 4: Wisconsin and Federal Family and Medical Leave Acts.

2. Use of Other Leave in Lieu of Sick Leave

(a) Per institution policy or supervisor approval, when an employee is absent for a reason specified in this policy, the following leave types may be used instead of sick leave to account for the absence:

- Vacation and/or vacation carryover
- Personal holiday
- Floating legal holiday
- Hours in an employee’s paid leave bank (Annual Leave Reserve Account or sabbatical account)
- Leave without pay

(b) Leave must be used and reported in accordance with the guidelines surrounding each type of leave and the Fair Labor Standards Act (FLSA) designation of the employee. See UPS Operational Policy HR-4: FLSA Designation for additional information.
(3) **Certification of Medical Necessity**

(a) If sick leave is used for absences in excess of five working days, the employee must submit a written certification to the institution from a health care provider of the medical necessity for use of sick leave, except where the use of sick leave is authorized, pursuant to the Wisconsin or Federal Family and Medical Leave Act.

If the employer is aware that an absence in excess of five working days is eligible for the use of sick leave, but an employee elects to use a different type of paid leave (e.g., vacation or personal holiday), the institution is authorized to require written certification from a health care provider to verify the medical necessity for the employee’s absence.

(b) When an institution is aware of an emergency that prevents communicating with or obtaining information about the condition of the employee, such written certification is not be required until such time as communication is possible and appropriate, given the condition of the employee.

(c) In cases of suspected sick leave abuse, the institution is authorized to require written certification from a health care provider to verify the medical necessity for the employee’s absence, regardless of the length of absence.

(4) **Teaching Responsibilities and Leave Usage -- Faculty, Academic Staff and Limited Appointees**

Faculty, academic staff, and limited appointees who have teaching responsibilities, but do not meet these responsibilities because of an absence specified in Section 4.C.(1) of this policy, must report leave, regardless of whether a qualified instructor covers the aforementioned responsibilities. Teaching responsibilities include class time preparation, actual classroom instruction, and scheduled office hours available to students for educational guidance.

(5) **Sick Leave During Winter and Spring Sessions Breaks – Academic-Year-Basis Faculty, Academic Staff and Limited Appointees**

Academic year employees are in pay status during winter and spring session breaks and are required to fulfill their University obligations, research, and/or educational pursuits and to observe their official work schedules. If they are not able to fulfill their academic obligations due to the reasons specified in Section 4.C.(1) of this policy, leave must be used.

(6) **Sick Leave Use Outside of Regular Contract Year -- Academic Year-Basis Faculty, Academic Staff and Limited Appointees**

(a) Faculty, academic staff, and limited appointees who are under contract with the University of Wisconsin to teach or perform other duties for compensation during a period outside their regular contract year (e.g., employees who contract for summer service or summer session) may use sick leave during the contract period for reasons described in Section 4.C.(1) of this policy.

(b) Sick leave may be used during the contract period if the employee is unable to fulfill his/her contractual duties due to an illness or other medical necessity that begins before the effective date of the contract and continues during the contract period.
(c) Sick leave may not be charged for hours that the employee did not work because the class or other duties were cancelled by the University due to lack of enrollment, lack of funding, or similar reasons.

(d) Sick leave used outside the regular contract year should be reported in actual hours missed.

D. Sick Leave at Movement to another Position at UW or State Agency and Termination

(1) All sick leave earned as a UW System employee will transfer to a successive UW System leave-eligible appointment. If there is a break in employment, see Section 4.F. of this policy to determine if the employee is eligible for sick leave reinstatement.

(2) If an employee is moving from a project position within the UW System to a successive leave-eligible position within the UW System on or after July 1, 2015, all leave earned in the project position will transfer into any successive leave-eligible appointment. See UPS Operational Policy HR 7: University Staff Temporary & Project Employees.

(3) All sick leave earned as a University employee will move to a State of Wisconsin agency. See UPS Operational Policy: BN 14 Effect on WRS Service, Accrued Leave & Continuous Service When Moving To and From Institutions or Agencies.

(4) If an employee terminates all leave-earning employment with UW System before attainment of 20 years of state service, retirement, or death, and is not moving to another sick-leave eligible appointment with the University or State of Wisconsin agency, accrued sick leave is lost unless the employee returns to University employment and is eligible for sick leave reinstatement per Section 4.F. of this policy.

(5) If termination from the University is due to misconduct or delinquency, an institution may revoke all unused accumulated sick leave. Employees whose sick leave is revoked are not eligible for sick leave conversion per Section 4.E. of this policy and/or sick leave reinstatement per Section 4.F. of this policy.

E. Sick Leave Conversion at Layoff, Retirement or Death

UW System employees are eligible for the conversion of their sick leave credits to pay for State Group Health Insurance at layoff, retirement, termination with 20 years of state service, or death provided eligibility requirements are met under the Accumulated Sick Leave Conversion Credit (ASLCC) and Supplemental Health Insurance Conversion Credit (SHICC) programs as outlined in Wis. Stat. §§ 40.05(4) (b) and 40.95.

F. Sick Leave Reinstatement

Accrued sick leave will be reinstated upon return to leave-eligible University employment under one of the following conditions:

(1) If a faculty, academic staff, or limited appointee terminates University employment and returns to a sick leave-eligible faculty, academic staff or limited appointment at the University within three years (Wis. Admin. Code UWS 19), the employee’s sick leave balance at the time of termination will be reinstated.
(a) If the return is after 3 years and the sick leave is not reinstated, the employee will be granted an Initial Entitlement per Section 4.B.(2)(a) of this policy.

(2) If a faculty, academic staff, or limited appointee terminates University employment and returns to a sick leave-eligible university staff appointment at the University within five years, the employee’s sick leave balance at the time of termination will be reinstated.

(3) If a university staff employee terminates University employment and returns to any sick leave-eligible appointment at the University within five years, the employee’s sick leave balance at the time of termination will be reinstated.

(4) If an employee of a State of Wisconsin agency terminates employment and starts a sick-leave eligible appointment at the University within five years, the employee’s sick leave balance at the time of termination will be reinstated.

G. Reporting and Recording Sick Leave

(1) Designated Work Week

(a) For the purpose of leave reporting, each full-time leave-eligible employee will designate a work week consisting of 40 hours. The work week will be prorated for a less than full-time appointment. For faculty, academic staff, and limited appointees, the work week will include all scheduled classes, office hours, and research, as well as other regular University meetings and professional activities.

(b) For purposes of this section, a normal work week is deemed to consist of 40 hours worked within a fixed and regularly recurring period of seven consecutive days. Hours worked per day may vary.

See UPS Operational Policy GEN 2: Standard Office Hours, Legal Holidays and Other UW System Institution Closures for information about standard office hours.

(2) Amount of Sick Leave to be Charged

(a) University Staff Not Exempt from FLSA

(i) Sick leave charged in 15-minute increments.

(b) Faculty, Academic Staff and Limited Appointees and University Staff Exempt from FLSA

(i) Sick leave for full-time faculty, academic staff, and limited appointees and FLSA-exempt university staff is charged in half-day increments. Absences of one-quarter to three-fourths of a day should be charged as one half-day. Absences greater than three-fourths of a day should be charged as one day.

Example: Employee works 8-hour days and 5 days per week

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<thead>
<tr>
<th>Hours Missed</th>
<th>Leave Reported</th>
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<tbody>
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<td>0 to &lt; 2 hours</td>
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<tr>
<td>2 hours to 6 hours</td>
<td>4 hours</td>
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<td>&gt; 6 hours</td>
<td>8 hours</td>
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(ii) Employees with less than full-time appointments should report actual hours absent.

(iii) Sick leave and other paid leave used during Summer and Inter Sessions by academic year employees should be reported in actual hours absent.

(3) Reduction of Sick Leave Accrual for Failing to Report Leave Usage – Faculty, Academic Staff, and Limited Appointees Only

(a) Any faculty, academic staff, or limited appointee who fails to file a report on leave usage as required by UW System policy in one or more months of any year shall not be permitted to accrue sick leave for that year in an amount exceeding the cap established by Wis. Stat. § 40.05(4)(bp)1 (i.e., 8.5 days if annual-basis or 6.4 days if academic year - basis). The cap may be blended if the employee has both an academic year and annual basis appointment during the same fiscal year.

(b) If an employee on an academic year contract performs services outside of the regular contract year (ex. summer service or session), one leave report will be generated to account for leave used during the entire period of service outside of the regular contract period. This leave report must be filed or the employee will be subject to the sick leave reduction described in (a) above.

(c) If an employee is in the Initial Entitlement period, the employee is also subject to the sick leave reduction process.

(4) Changing Leave Type Used after Reported

If an employee initially reports sick leave used for an absence, the employee may later request to use a different leave type for the absence. Each institution will determine what documentation is necessary to change the leave type once it is reported.

University Staff – all requests to change the leave type used must be received by the institution no later than January 30th of the year following the calendar year in which the absence occurred.

Faculty, Academic Staff and Limited – all requests to change the leave type used must be received by the institution no later than November 30th following the end of the fiscal year in which the absence occurred.

All – changes to leave after the deadlines outlined in the policy may be permitted if the changes are associated with a Worker’s Compensation or disability claim.

(5) Leave Reports

The UW Service Center will provide each leave-eligible faculty, academic staff, and limited appointee with a report of his/her leave balances at least once each month. There will be one cumulative leave report at the end of summer for any academic year contract employees working summer appointments. The UW Service Center will also provide leave balance information to all university staff on a bi-weekly basis. This process should allow for review by the employee for accuracy of the record.
(6) Submitting Time Worked and Leave Used - University Staff

(a) All leave-eligible university staff are required to submit both time worked and leave taken on a bi-weekly basis either on a paper timesheet or electronically. Each institution will determine which leave reporting method is used.

(i) If a paper timesheet is submitted, the timesheet must be signed by the employee’s supervisor or designee.

(ii) If time worked and leave taken is reported electronically, the employee’s supervisor or designee must electronically approve both the time worked and leave taken.

(7) Submitting Leave Used - Faculty, Academic Staff, and Limited Appointees

(a) Each leave-eligible UW System faculty, academic staff, and limited appointee is required to submit a leave report on a monthly basis, whether or not leave is used. If an academic year employee works a summer session/summer service appointment(s), he/she must complete one comprehensive leave report for the summer employment prior to the start of the fall semester. This report may be submitted either via paper leave report or electronically. Each institution will determine which leave reporting method is used.

(b) If the paper leave reporting method is used, the employee must complete, sign, and file a monthly leave report with his/her designated unit record keeper whether or not leave is used. The leave report must contain the written attestation “I certify that my leave report is accurate. I understand that misrepresentation can lead to disciplinary action.” The monthly leave report must also be signed by the employee’s department chair, director, supervisor, or designee.

(c) If the electronic leave reporting method is used, the employee must enter leave usage information for every generated report. If no leave is used, the employee must indicate that no leave was taken. Once leave is electronically submitted, the leave must be approved electronically by the employee’s department chair, director, supervisor, or designee.

(d) The designated signatory for the Chancellor’s monthly leave report is the Provost/Vice Chancellor (deputy) or the CBO/Vice Chancellor. The designated signatory for the System President’s monthly leave report is the Senior Vice President for Administrative and Fiscal Affairs.

(8) Leave Earned and Leave Reporting during Faculty Sabbatical

Consistent with the intent of Academic Planning Statement #3.3 (ACPS 3.3) and Wis. Stat. §§ 36.11(17) and 40.02(22)(em), faculty granted sabbatical leave shall earn sick leave at the same rate as was in effect immediately before the sabbatical leave began. Faculty who are absent from work during a sabbatical leave for a reason described in Section 4.C. (1) of this policy must report the sick leave usage.
(9) Records

The employee’s signed sick leave report must be retained for five years. Electronic submission of leave reports through HRS will be archived in the HRS Enterprise Performance Management (EPM) Data Warehouse for a minimum of five years.

5. RELATED DOCUMENTS:

Regent Resolution 506 (adopted 06/08/1973), amended by Resolution 1092 (adopted 10/24/75)
Regent Resolutions 9416, 9417 and 9418 (adopted 12/07/07)
UPS Operational Policy BN 4: Wisconsin and Federal Family and Medical Leave Acts
UPS Operational Policy BN 7: Miscellaneous Leave
UPS Operational Policy BN 8: Non-Medical Leaves of Absence
UPS Operational Policy BN 9: Military Leave
UPS Operational Policy GEN 10: Rehired Annuitants
UPS Operational Policy HR 4: FLSA Designation
UPS Operational Policy HR 7: University Staff Temporary & Project Employees
Wis. Stat. § 36.30, Sick leave
Wis. Stat. §§ 40.05(4)(b) and 40.05(4)(bp)
Wis. Stat. § 40.95, Health insurance premium credits
Wis. Admin. Code Chapter UWS 19

6. POLICY HISTORY: