

EMPLOYEE HANDBOOK FOR CLASSIFIED EMPLOYEES

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INTRODUCTION TO THE UNIVERSITY OF WISCONSIN-MADISON

Since its founding in 1849, the University of Wisconsin-Madison has become one of the great world centers of higher education. It is the oldest, largest, and most diversified of all the universities in the UW-System, and ranks as one of the largest in the United States. UW-Madison began with a class of 17 students who met in a borrowed classroom in downtown Madison, then a community of only several thousand residents. Now the University has an enrollment of over 40,000 students, and Madison has a population of more than 200,000.

The UW-Madison has a diverse architectural heritage. North Hall, overlooking Lake Mendota, was the first building on campus and was designated a historic landmark in 1956. Bascom Hall, the hub of the campus, also is the focus of the Bascom Hill Historic District. At the front of Bascom Hall is the imposing bronze statue of Abraham Lincoln, gazing down the long hill that leads to State Street and the State Capitol with its magnificent architecture. The Carillon Tower, across Observatory Drive, is another popular campus landmark. Other historic sites include the Washburn Observatory and Agricultural Hall areas. The rich heritage and resources of this public, land-grant institution are dedicated to the Wisconsin Idea which holds that it is the mission of the University to serve the state.

THE UNIVERSITY OF WISCONSIN MISSION

MISSION: To create, integrate, transfer and apply knowledge

VISION: To sustain and strengthen our position of preeminence in research and higher education

To view the UW-Madison Strategic Plan and other reports, go to

<http://www.chancellor.wisc.edu/strategicplan/>.

EMPLOYMENT POLICIES

- **Equal Employment Opportunity**

In accordance with all applicable federal and state statutes and regulations, it has been and will continue to be the policy of this University to protect and to provide redress against discrimination in the employment of qualified individuals on the basis of race, creed, color, religion, national origin or ancestry, disability, sex, or age.

It has been and will continue to be the policy of the UW-Madison to promote the full realization of equal employment opportunity for minorities, women, and persons with disabilities through a comprehensive affirmative action program. The affirmative action policy for women and minorities covers all aspects of the employment relationship, including recruitment, hiring, assignment of duties, promotion, tenure, compensation, selection for training, layoff and termination. The policy applies to all units and governs employment of all employees of the University of Wisconsin-Madison.

The administration, faculty, and staff of the University are committed to and reaffirm support of the principle of equal employment opportunity. Each University unit is charged, therefore, to conduct its recruitment and employment practices in conformity with this principle and in accordance with the affirmative action plans.

In addition, in conformity with applicable state statutes and regulations, the UW-Madison provides equal employment for all persons regardless of sexual orientation, marital status, arrest or conviction record, or religious or political opinions or affiliations (except when consideration of these factors is permitted by law). Non-discrimination service delivery is also assured by the University.

Harassment of employees by supervisors or co-workers on the basis of sex, race, national origin, age, disability or other protected status is prohibited by the University. It is the policy of the institution to prevent and eliminate forms of unlawful harassment in employment and educational settings. All employees who believe they have been harassed on the basis of a protected status are encouraged to report these incidents to their supervisors or the appropriate human resource representative if the supervisor is involved in the harassment.

The UW-Madison is committed to providing reasonable accommodation for persons with disabilities and on the basis of religion as required by federal and state law in connection with employment and access to programs.

Grievance procedures are available for all employees and students alleging discriminatory treatment. Copies of procedures are available in the Faculty Policies and Procedures, the Academic Staff Policies and Procedures, union contracts, as well as other University publications. Notice of fair employment rights and procedures are posted at the various human resources offices as well as in employing units. Employees may contact the Equity & Diversity Resource Center for information and/or assistance.

- **Reasonable Accommodation**

It is the policy of UW-Madison to provide reasonable accommodations for qualified individuals with a disability who are employees or applicants for employment to afford equal employment opportunity. Employment opportunities will not be denied because of the need to make reasonable accommodations to an individual's disability.

Reasonable accommodations will be provided by the employing unit/department in a timely and cost-effective manner. All persons with disabilities are invited to self-identify and to request needed accommodations. Appointing authorities, supervisors, employees, and applicants for employment, should direct inquiries regarding disability accommodation policies and procedures to the Equity & Diversity Resource Center, 179-A Bascom Hall at (VOICE) 608/263-2378 or (TTY) 608/263-2473.

- **Sexual Harassment**

It is the policy of the University of Wisconsin-Madison, in keeping with efforts to establish an environment in which the dignity and worth of all members of the University community are respected, that sexual harassment of students and employees at UW-Madison is unacceptable conduct and will not be tolerated. Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, when that behavior falls within the definition outlined below.

Definition

Sexual harassment of employees and students at UW-Madison is defined as any unwelcome sexual advances, request for sexual favors, and other verbal and physical conduct of a sexual nature, when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting that individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or education experience, or creates an intimidating, hostile, or offensive work or educational environment.

Persons who believe that they have been sexually harassed and wish further information, or assistance in filing a complaint, should contact the Equity & Diversity Resource Center, 179-A Bascom Hall, (Voice) 608/263-2378, (TTY) 608/263-2473.

- **Drug Free Workplace**

University rules, policies and practices prohibit the unlawful manufacture, distribution, or dispensing, possession, or use of controlled substances on all University property and work sites. Any employee who engages in any of these actions on University property or the work site or during work time may be subject to disciplinary action up to and including discharge and/or may be referred to counseling or treatment.

Employees who are convicted of any criminal drug statute violation occurring in the workplace must notify their dean, director, or department chair within five days of the conviction if they are employed by the University at the time of the conviction.

Employees who have problems with alcohol or controlled substances are encouraged to voluntarily contact their employee assistance coordinator for referral to counseling or treatment programs. Early diagnosis and treatment of chemical abuse is in the best interests of both the employee and the University. (See Employee Assistance Program)

- Employee Assistance Program

It is the policy of the University to maintain an Employee Assistance Office (EAO) and to promote its services at all organizational levels and locations in order to help employees and their immediate family members or significant others deal with personal, work-related, behavioral or medical problems. The staff of the EAO provides a variety of services to address personal and/or work-related problems. Services for personal problems include consultation and assessment, information about community resources, educational programs, and appropriate referrals for individuals in need of help. Services for work-related problems include consultation/assessment, data gathering and analysis, provision for recommendations, conflict resolution, development of customized dispute resolution systems, and facilitation of meetings and of management.

The EAO staff attempt to ensure that the costs of any recommended services for personal problems are within an individual's financial means. There is no charge for the services of the EAO staff.

For further information or to schedule an appointment, call the Employee Assistance Office at 263-2987. It is located at Lowell Hall, 610 Langdon Street Room 526.

- Ombuds Program

The University Ombuds Office facilitates understanding, communication, and resolution of conflict among employees of the University. The office serves as an impartial and confidential means of facilitating dialogue between parties on campus and as a means, apart from the formal grievance procedures, of resolving differences. For information, contact the Ombuds Office at 265-9992.

- Violence in the Workplace

The University of Wisconsin-Madison views aggressive and/or violent behavior as disruptive and contrary to the development and maintenance of a safe, productive, and supportive work environment. Such behavior is actively discouraged. Employees who exhibit such behavior will be held accountable under University policy and rules, as well as local, state, and federal law. All threats and acts of aggressive or violent behavior should be taken seriously. Acts of violence or threats of imminent violence require an immediate response - dial 911. In the event of other threats, supervisors should be informed so they may investigate the situation and, when necessary, dial 911 or contact the Employee Assistance Office at 263-2987 or TDD/TTY 265-8460.

- Code of Ethics

The Wisconsin Code of Ethics is intended to avoid conflicts of interest between employee's personal interests and their public job responsibilities. ER-MRS 24 is a more complete statement of the code and may be obtained from your division human resource representative. Activities which will cause a conflict of interest are prohibited. A conflict of interest exists whenever the employee's action could reasonably be expected to directly or indirectly produce a private benefit for the employee or the employee's immediate family or an organization with which the employee is associated.

The Code of Ethics affirms certain employee rights and responsibilities:

Employees retain the right to be paid fees for papers, appearances or talks made by an employee on the employee's own time and not directly part of the employee's job duties. It is the employee's responsibility to notify his/her supervisor before accepting such a fee.

Employees are to refrain from use of university property for personal reasons with the exception of the use of communication equipment (e.g., telephones, personal computers) to make essential contacts.

Employees who are involved or about to be involved in any matter that could result in a conflict of interest on his or her part, shall so notify their Human Resources Representative or Dean or Director by submitting a written statement describing the matter requiring action or decision, and the nature of the possible conflict of interest with respect to such action or decision.

Violation of any provision under the Code of Ethics is cause for disciplinary action.

- **Nepotism**

The UW-Madison often employs members of the same family. Although there is no restriction regarding employment of relatives, there could be conflicts of interest in certain circumstances. Therefore, to avoid possible conflict of interest, any UW-Madison appointing authority or supervisor related by blood, marriage, or adoption to an employee or job applicant must not participate either formally or informally in decisions to hire, retain, promote or determine the salary of that other person. In circumstances where a supervisor and an employee have a close personal relationship which can reasonably be perceived as potentially compromising the supervisor's and/or employee's ability to function independently, the relationship is considered equivalent to a family relationship and the parties will be subject to the provisions of the nepotism policy.

- **Consensual Relationships**

Where a conflict of interest exists, or may exist, in the context of a consensual romantic and/or sexual relationship, the individual with the power or status advantage shall notify his or her immediate supervisor. The supervisor shall have the responsibility for making arrangements to eliminate or mitigate a conflict whose consequences might prove detrimental to the university or to either party in the relationship.

- **Outside Employment**

Employees may engage in outside employment. Colleges, departments or employing units may have a policy that identifies those activities that are likely to cause a conflict of interest and require employees to obtain prior approval before accepting such outside employment.

Full-time state employees are prevented by state statute (s.16.417(2)) from receiving more than \$12,000 during the same calendar year from another state agency or in another position in the same agency as compensation for services. This amount is subject to change.

- **Health and Safety**

- **Safety Policy and Accident Reporting**

The physical well-being of every student, visitor, and employee is a primary consideration in every University activity, whether the activity is building a structure, planning a function or performing a routine task. Each person who assumes or is assigned responsibility for the performance of students and employees, is thereby administratively responsible for their safety during that time. If an accident occurs, this responsibility includes making an adequate investigation and taking necessary corrective action to eliminate or protect against the hazard. Each employee has the responsibility to:

- Read and follow safety instructions posted in work areas and on equipment.
- Operate only that equipment which she/he has been authorized to use.
- Use the safety equipment provided for his/her job.
- Keep work areas clean and orderly.
- Avoid behavior which could lead to injury.
- Report unsafe conditions to his/her supervisor.

Supervisors and employees should follow established department or unit procedures for reporting accidents.

- **Health Examinations**

Employing units may require periodic physical examinations and/or tests to certify an employee's continued ability to perform job duties or to serve as a measure of disease control. The costs of these examinations and/or tests are the responsibility of the employing unit. If there is reasonable cause to believe that an employee has an illness that can be detrimental to the health of students or staff, the University may require the employee to have a health examination to indicate whether the employee has such an illness.

- **Hazardous-Employment Injury**

Wisconsin Statutes (s. 230.36) provide that employees who are injured or contract a disease as a result of certain types of hazardous employment are entitled to continued payment of full base pay without deduction of sick leave or other leave credits. The employee remains in pay status until he/she is able to return to work or terminates employment or is terminated. Employees eligible for hazardous employment injury benefits also are eligible for Worker's Compensation for incurred medical expenses.

CLASSIFIED EMPLOYEE WORK RULES

New employees are eager to perform well and become successful in their jobs. The University is committed to that goal. To provide all employees the structure and parameters of discretion allowed them, the University of Wisconsin Board of Regents, as part of its responsibility under law, has established the following code for personal conduct.

Engaging in one or more kinds of prohibited conduct may result in disciplinary action ranging from a reprimand to immediate discharge, depending upon the action and/or the number of infractions. See Section 230.34, Wisconsin Statutes and the applicable collective bargaining agreements. Refer any questions about these work rules to your human resources representative.

Prohibited Conduct

- I. Work Performance
 - Insubordination, including disobedience, or failure or refusal to carry out assignments or instructions.
 - Loafing, loitering, sleeping or engaging in unauthorized personal business.
 - Unauthorized disclosure of confidential information or records.
 - Falsifying records or giving false information to other state agencies or to employees responsible for record keeping.
 - Failure to provide accurate and complete information whenever such information is required by an authorized person.
 - Failure to comply with health, safety and sanitation requirements, rules and regulations.
 - Negligence in performance of assigned duties.
- II. Attendance and Punctuality
 - Failure to report promptly at the starting time of a shift or leaving before the scheduled quitting time of a shift without the specific approval of the supervisor.
 - Unexcused or excessive absenteeism.
 - Failure to observe the time limits and scheduling of lunch, rest or wash-up periods.
 - Failure to notify the supervisor promptly of unanticipated absence or tardiness.
- III. Use of Property
 - Unauthorized or improper use of University property or equipment, including vehicles, telephone or mail service.
 - Unauthorized possession or removal of University or another person's private property.
 - Unauthorized posting or removal of notices or signs from bulletin boards.
 - Unauthorized use, lending, borrowing or duplicating of University keys.
 - Unauthorized entry to University property, including unauthorized entry outside of Assigned hours of work or entry to restricted areas.
- IV. Personal Actions and Appearance
 - Threatening, attempting, or doing bodily harm to another person.
 - Threatening, intimidating, interfering with, or using abusive language towards others.
 - Unauthorized possession of weapons.
 - Making false or malicious statements concerning other employees, supervisors, or students of the University.
 - Use of alcoholic beverages or illegal drugs during working hours.
 - Reporting for work under the influence of alcoholic beverages or illegal drugs.
 - Unauthorized solicitation for any purpose.
 - Inappropriate dress or lack of personal hygiene that adversely affects proper performance of duties or constitutes a health or safety hazard.

- Unauthorized or improper use or possession of uniforms, identification cards, badges, or permits.
- Failure to exercise good judgment, or being discourteous, in dealing with fellow employees, students, or the general public.

These work rules do not constitute the entire list of violations for which employees may be disciplined. Other rules are provided by statute, by Administrative Code, and by administrative procedures established by management. Violations of these rules can also result in appropriate disciplinary action. Additional work rules may be established by management to meet special requirements of departments or work units or as circumstances require.

GENERAL EMPLOYMENT INFORMATION

- Classified Employment**
 Classified employees are divided into several bargaining units, each composed of related job classifications. Many of these units have chosen to be represented by a labor union. As a classified employee your status is defined as non-represented or represented. A non-represented employee is an employee whose classification is not presently represented by a labor union. A represented employee is an employee whose classification places him/her in a bargaining unit legally represented by a labor union. Employees are not required to join a union. However, they may be represented by a union that has fair share dues deductions or a maintenance of membership(MOM) agreement. Under fair share, a deduction is made from the paychecks of every employee in the bargaining unit. Under MOM, a deduction is made from the paychecks of all new hires. Appointment letters for represented employees will indicate which union represents them. Represented employees may obtain a copy of the collective bargaining agreement from their union. Employees who are in Patient Care, Building Trades or Engineering may contact their human resources office for a copy of their contract.

Listed below are the UW-Madison employee groups by bargaining unit and labor union representation:

| Bargaining Unit Title and Code | Labor Union |
|--|--|
| Administrative Support (02) | Wisconsin State Employees Union (WSEU) |
| Blue Collar and Non-Building Trades (03) | WSEU |
| Law Enforcement (36) | WSEU |
| Security and Public Safety (05) | WSEU |
| Technical (06) | WSEU |
| Social Services (12) | WSEU |
| Building Trades (04) | State Building Trades Council |
| Fiscal and Staff Services (07) | Wisconsin Professional Employees Council |
| Professional Education (13) | Wisconsin Education Association Council |
| Engineering (14) | State Engineering Association |
| Science (15) | Wisconsin Science Professionals |
| Professional Patient Care (11) | United Professionals for Quality Health Care |

- Unclassified Employment**
 Unclassified civil service comprises positions that are specifically excluded from the classified civil service by state statute. Unclassified UW-Madison employees include: faculty, academic staff, limited appointees, employees-in-training, student assistants, and student hourly employees. These employees are not covered by classified civil service policies, but have their own policies governing their appointments. For further information call the UW-Madison Academic Personnel Office, 263-2511.
- Limited Term Employment (LTE)**
 Limited term employment (LTE) means employment in which the nature and conditions do not provide for attainment of permanent status. By state statute, appointments to limited term positions cannot exceed 1,043 hours per year. The usual civil service examination and certification procedures are not required for short-term appointments. Limited term employees are not considered permanent employees and do not qualify for permanent status, vacation, paid holidays, sick leave, performance awards, seniority, paid time off for jury duty or voting, or the right to compete in promotional examinations.

- **Project Employment**
Project employment may be used to accommodate a temporary workload increase or a planned undertaking which is not a regular function of the employing agency and which has an established probable date of termination. State statute limits the duration of project positions to a maximum of four years. Project appointments need not follow the usual civil service examination and certification procedures. Project employees receive all benefits granted non-represented permanent employees except for transfer, restoration, reinstatement, layoff benefits, eligibility to attain permanent status, and the right to compete in promotional examinations.

- **Probationary Period**
The probationary period is considered to be an extension of the selection process for classified permanent employees. It is used to closely observe the work of a new employee and to determine if the employee is effectively able to carry out the assigned duties and responsibilities on a continuous basis. All employees new to state service and employees promoted to a new classification are required to serve a probationary period. It is the usual practice that the hiring authority will choose the option of requiring a permissive probation when an employee transfers, demotes or is reinstated between employing units or agencies.

Original and promotional probationary periods are of a mandatory six-month duration. The probationary period for all new supervisory or management employees is for twelve months. However, the second six months of the probationary period may be waived for supervisory or management positions contingent upon the completion of an approved supervisory development program and the recommendation of the hiring authority. Initial appointment to a Career Executive position requires a 2 year continuous trial period. However, one year, or any portion thereof, may be waived at the discretion of the hiring authority.

Six-month original and promotional probationary periods may be extended for up to three months when there are significant changes in either the duties and responsibilities of the position or the employee's performance. Also, probationary periods may be extended for absences during the probationary period.

- **Performance Evaluation**
During your employment with the UW-Madison, your performance on the job will be evaluated on a regular basis. The first formal evaluations will occur during the third and sixth months of your probationary period. At these intervals your supervisor will decide whether to continue your employment, and (ultimately) grant you permanent status. Subsequently, your performance will be reviewed at least annually. The performance evaluation interview is an opportunity for an employee and supervisor to establish mutual understanding of job standards, identify and correct problems in the position or job performance, update the employee's position description, recognize work well done, plan future job changes, and identify employee development objectives.
- **Hours of Work**
Full-time classified employees work 40 hours per week, usually 7:45 - 11:45 a.m. and 12:30- 4:30 p.m., Monday - Friday. Actual working hours and days, however, may vary depending on an individual department's requirements and the position. Lunch and rest periods are scheduled in accordance with the operational needs of the department.

- **Overtime**
Although University policy is that overtime be kept to an absolute minimum, certain situations may require overtime in a particular unit. Employees must have supervisory approval prior to working overtime. All non-exempt classified employees are covered by the overtime provisions of the federal Fair Labor Standards Act (FLSA). In addition, all represented employees are covered by the overtime provisions of their union contract and non-represented employees are covered by the overtime provisions of the State Compensation Plan. Normally, overtime is provided in compensatory time instead of cash payment. It is the employer's decision to compensate in time or cash payments.

In general, the FLSA overtime provisions supersede the provisions of the union contract. However, if the overtime scheduling provisions of the contract exceed FLSA provisions, the contract provisions will apply. Specific questions should be directed to UW-Madison Classified Human Resources, 262-3233 which has detailed information and instructions on the administration of the FLSA overtime provisions.

- **Contractual Grievances**
A contractual grievance is a written statement from a represented employee, group of employees, or union which seeks specific relief from alleged employer violation of a specific provision of a collective bargaining agreement. The state is prohibited by law from bargaining with unions on policies, practices and procedures in the civil service merit system. This includes matters relating to promotion, recruitment, examinations, appointments and policies concerning probationary periods. Represented employees cannot grieve UW-Madison actions in these areas under the contractual grievance procedure.

Collective bargaining agreements between the State and unions representing state employees provide for a formal grievance procedure. Employees should consult the appropriate contract for details in processing a grievance.

- **Non-Contractual Grievances**
A non-contractual grievance is a written statement from a non-represented permanent or project employee or a group of employees which expresses dissatisfaction with employment conditions and seeks specific relief. The non-contractual grievance procedure was established to ensure an employee's right to express grievances through proper channels without prejudice and to assure timely and thorough consideration by the employer.

The employee has the right to assistance from a representative of his/her choice at any step in this process.

Employees are permitted a reasonable amount of time during normally scheduled work hours to prepare non-contractual grievances. This includes interviewing potential witnesses, reviewing documents, or being interviewed as a potential witness.

An employee may submit a written grievance to the first-line supervisor on forms provided by the employer within 30 calendar days from the date the employee first became aware of, or reasonably should have become aware of, the cause of the grievance. The form must include the specific employer action being grieved and the relief sought.

- **Appeal Rights**
 State statute permits the appeal of certain personnel actions to the Wisconsin Employment Relations Commission including, for example, position classification and, for non-represented employees, discipline, layoff, or any actions alleged to be illegal or an abuse of discretion. Appeal procedures may vary depending on the original complaint and the represented or non-represented status of the employee. UW-Madison Classified Human Resources or the local Union office can provide additional information on specific appeal procedures.
- **Personnel Records**
 An official personnel file is maintained for every permanent classified and project employee at UW-Madison. The personnel file contains information such as letters of appointment, job descriptions, probationary reports, performance evaluations, personnel transaction documents, letters of recommendation, and any official communications about an employee. Employees may make arrangements to review their personnel file by contacting UW-Madison Classified Human Resources, 262-3233. Employees should notify the unit human resources representative of specialized training or education completed and changes of address and telephone number. Likewise, employees should notify the unit payroll and benefits contact of changes in marital status, address, and number of dependents for tax withholding purposes.
- **Job Announcements**
 To keep informed of career advancement opportunities, individuals should review current UW-Madison vacancies via the Office of Human Resources' web page, or stop by Classified Human Resources within the Peterson Building (750 University Ave - Room 228). Each vacancy announcement states job qualifications, responsibilities, starting pay, application deadline, and other application and examination information. Also, the announcements will indicate who is eligible to apply for the vacancy.

The State of Wisconsin also publishes a resource called the Current Employment Opportunities Bulletin (COB). The COB is published weekly and announces various opportunities throughout the public sector, including University of Wisconsin positions. Opportunities in administrative, professional, technical, crafts, managerial, and office support areas are announced when available through the COB. Applicants for these vacancies may be evaluated through ratings of achievements, written and oral examinations, simulation exercises and/or performance examinations. The positions listed in this bulletin identify whether a position is open to all individuals who wish to apply, or limited to current classified employees. Individuals can access this document at most public libraries, office buildings or via the web at <http://www.wiscjobs.state.wi.us>. The COB is also physically posted at the UW-Madison Classified Human Resources Office.

State employee Promotional and Transfer Job Opportunities are also published in a separate section of the COB. When a pool of well-qualified persons is available within state service, competition for vacancies may be limited to current state employees.

All permanent state employees, including probationary, seasonal and part-time workers may apply for promotional opportunities. Former employees currently on a leave of absence or in layoff status may also compete in promotional examinations if they would have been eligible to compete prior to being laid off or taking a leave of absence. Employees serving in a limited term, project or unclassified appointment are not eligible to compete in competitive promotional examinations.

Many promotional opportunities are announced individually with competition limited to all state employees or to employees of a particular agency or employing unit within the agency. However, employees should not wait for the announcement of a specific vacancy in which they are interested before taking a promotional exam. Some promotional appointments are made from employment registers which were previously established. Therefore, it may be necessary for an employee to compete in a general open recruitment or service-wide promotional examination in order to be eligible for a specific promotional opportunity, either anticipated or unanticipated, when it occurs later.

Continuous Recruitment Bulletin (CRB): This bulletin is published in January and July of each year and announces titles for which agencies recruit on a continuous basis.

EMPLOYMENT TRANSACTIONS

Whether or not each of the employment transactions below results in a change in pay rate for the employee depends on the specific circumstances of the transaction and the applicable union contract or State of Wisconsin Compensation Pay Plan provisions. If you have questions regarding a specific transaction, refer to the appropriate union contract, pay plan provision or contact your employing unit human resource representative.

- **Transfer***
Transfer means the permanent appointment of an employee to a different position assigned to a classification having the same or counterpart pay range as a classification to which any of the employee's current position(s) is assigned. When an employee transfers to another employing unit within the UW-Madison or to another state agency, a six-month permissive probationary period may be required. Transfer policies for represented employees may differ with each union contract.
- **Promotion***
Promotion means the permanent appointment of an employee to a different position in a higher classification than the highest position currently held in which the employee has permanent status in classification. All promotions are competitive and an examination is usually required. A probationary period is required upon promotion to a new position within the UW-Madison or another state agency. An employee with permanent status in a classification may have time off annually, without loss of pay, to compete in State promotional exams and subsequent State employment interviews if those exams and/or interviews are scheduled during usual work time. Of course, proper advance notice must be given to the supervisor. The amount of leave time permitted may differ with each union contract, as well as for non-represented employees. Represented employees should check the union contract for specifics.
- **Demotion***
Demotion means the permanent appointment of an employee with permanent status in one classification to a position in a lower classification than the highest position currently held in which the employee has permanent status in classification. An employee who moves by voluntary demotion within the same employing unit immediately attains permanent status in the new classification. Movement to another employing unit within the UW-Madison or another state agency may require a permissive six-month probationary period. An employee who voluntarily demotes retains reinstatement eligibility for appointment to positions at the former pay range level for five years from the date of voluntary demotion. Reinstatement during this period is permissive.
- **Reinstatement***
Reinstatement means the act of permissive reappointment without competition of an employee or former employee to a position (a) in the same classification in which the person was previously employed, (b) in another classification to which the person would have been eligible to transfer had there been no break in employment, or (c) in a classification having a lower pay rate or pay range maximum from which the person is qualified to perform the work after customary orientation provided to newly hired workers in the position.

Reappointment may be made without requiring competition and can take place within any state agency. Represented and non-represented employees retain reinstatement eligibility for five years following a voluntary termination from state service or a voluntary demotion to a position in a lower class. When an employee who previously obtained permanent status in an employing unit is reinstated to a position in the same employing unit, no probationary period is allowed. An employee reinstated to a different employing unit or state agency may be required to serve a six-month

permissive probationary period. Reinstatement also may entitle the employee to credit for past state service in determining fringe benefits.

*To view UW-Madison opportunities in all these areas, go to <http://www.ohr.wisc.edu> and click on "Classified Employment Opportunities" or stop by Classified Human Resources, located at 750 University Ave., Room 228.

- **Reclassification**

Reclassification means the assignment of a filled position to a different classification based upon logical and gradual change to the duties or responsibilities of a position or attainment of specified education or experience by the incumbent such that the duties performed are better described by a new classification title. Certain classifications are identified in a progression series where reclassification to the next higher level is based on the employee's satisfactory attainment of specified education or experience.

Job performance must be satisfactory and the changed duties must be performed for at least six months before reclassification can take place. Supervisors may request that their employing unit human resources office review an employee's position to see if a reclassification is warranted. If the supervisor, employing unit human resources office or UW-Madison Classified Human Resources office concludes that a reclassification is not appropriate, the employee will be informed of the reasons the request is denied and the appeal rights available.

In some situations an employee may wish to initiate a request for review. This request must be in writing and clearly indicate that they wish to have their position reviewed for proper classification. The request should include details on logical and gradual changes that support reclassification. Upon receipt of a request, the supervisor will take one of the following actions within a timely period. If the supervisor agrees with the request, supporting documentation will be prepared and routed through the appropriate approval levels according to employing unit procedures. If the supervisor denies or modifies the request, the employee will be notified in writing. The written notification will include the employee's appeal rights. If the supervisor does not make a determination within a timely period, the employee may submit a copy of the original request to their College, School, or Division's human resources office along with a statement requesting assistance in having the request reviewed.

- **Reallocation**

Reallocation means the assignment of a position to a different classification, based on a change in the concept of the classification; creation of a new classification; correction of an error in the previous classification of the position; logical but not gradual change to the duties and responsibilities of a position; permanent change in the level of accountability of a position. Reallocation is the transaction used to implement classification survey activities.

- **Resignation**

Employees who resign should give written notice to their supervisor, employing unit human resources representative, and payroll representative. Include last workday, reason for leaving and the new employing department if the future employment is within the University or State system. Because of the time required to replace an employee and the need to continue service to the university, employees should provide as much advance notice as possible. Two weeks is considered the minimum amount of notice required. Employees must return all keys, uniforms, equipment and service cards to ensure proper and prompt processing of the final paycheck.

COMPENSATION

- **Payroll**
For classified employees, the pay period is two weeks in length. Paychecks are distributed on the second Thursday of each pay period. If payday falls on a holiday, payment is made on the day preceding the holiday. Employees may choose direct deposit of paychecks by filing a bank authorization card with the unit human resource office or payroll representative. The following deductions are generally made from each paycheck: Federal Withholding Tax, State Withholding Tax, Social Security, and Wisconsin Retirement Fund Contributions. Employee authorized payroll deductions including those for health insurance, life insurance, saving bonds, credit union, charity, disability insurance, tax sheltered annuity, and/or parking fees are made on a regular basis. Deductions for union dues or fair share contributions depend on the bargaining unit and/or union membership.
- **Pay Rate**
Pay rates for classified employees are processed on an hourly basis. Increases are governed by the union contract for represented employees and by the State of Wisconsin Compensation Pay Plan for non-represented classified employees.
- **Shift and Weekend Differential**
Most employees regularly scheduled to work at least two hours between 6 p.m. and 6 a.m. or on a weekend may be eligible for shift and/or weekend differential compensation in addition to base salary. To find current shift and weekend differential rates, refer to the union contract or call the employing unit payroll representative regarding non-represented provisions. Return to table of contents

BENEFITS

For more details on benefit programs, consult the University of Wisconsin Employee Benefits Booklet and the appropriate collective bargaining contract.

- **Vacation**

After six months of continuous employment, employees are eligible for paid vacation. Supervisors will make every effort to accommodate vacation requests, but employees should plan and make requests as far ahead as possible. Specific information regarding exact hours earned is available from the unit payroll representative. Vacation benefits may vary according to union contract. The following generally describes the benefit for non-represented permanent employees. Normally, positions designated as exempt under the Fair Labor Standards Act (FLSA) accrue annual leave and sabbatical banking on an accelerated schedule. The Office of State Employment Relations designates the FLSA status of each classification.

| FLSA NON-EXEMPT | |
|------------------------|-----------------------|
| <u>Years Employed</u> | <u>Vacation Hours</u> |
| During the first 5 | 104 |
| 5+ to 10 | 144 |
| 10+ to 15 | 160 |
| 15+ to 20 | 184 |
| 20+ to 25 | 200 |
| 25+ | 216 |

| FLSA EXEMPT | |
|-----------------------|-----------------------|
| <u>Years Employed</u> | <u>Vacation Hours</u> |
| During the first 5 | 120 |
| 5+ to 10 | 160 |
| 10+ to 15 | 176 |
| 15+ to 20 | 200 |
| 20+ | 216 |

Charts revised 9/19/07

The above charts do not apply to Building Trades employees who should check with their HR office.

- **Holidays**

Non-represented employees are entitled to these holidays with pay each calendar year: New Years Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day, and New Years Eve Day. In addition, non-represented employees receive four and one half personal holidays each year. Union represented employees are generally entitled to the same holidays. The current applicable collective bargaining agreement should be consulted.

- **Sick Leave**

Sick leave assures continuation of pay during absence from work because of an employee's illness or injury, maternity, or attendance to immediate family in illness or death. Employees earn sick leave immediately upon employment at the rate of five hours for each 80 hours of work. Sick leave may be used only if it has been earned, but it accumulates without limit. Unused balances can be used for health insurance payment at time of retirement. As a general rule, your supervisor must be notified of the reason for sick leave before or at the very beginning of the regularly scheduled workday.

- **Family and Medical Leave**
The federal Family & Medical Leave Act (FMLA) provides eligible employees up to twelve weeks of unpaid leave each calendar year for any combination of the following: the birth, adoption or foster placement of a child, the employee's own serious health condition which prevents the employee from working, or to care for the employee's child, spouse or parent who has a serious health condition. When you request this leave, you may be required to provide medical verification of the serious health condition. If you do not request this leave but provide sufficient information that indicates your leave request qualifies for this leave, it may be so designated. Leave benefits under the Wisconsin Family Medical Leave Act (WFMLA), the administrative code for non-represented employees and applicable collective bargaining agreement for represented employees must be coordinated with this law. The FMLA requires that the most generous benefit must be applied. While the law provides for unpaid leave, employees have the option to substitute paid leave benefits available to them for leave that is covered by this law.

Refer to the section "Military Leave" for information about military family and medical leave entitlements for eligible employees.

Go to page 26 for more details on the Federal Family & Medical Leave Act of 1993 (AS REVISED) January 2009.

- **Leave of Absence Without Pay**
Leaves of absence without pay may be granted for educational purposes, work experience benefiting future state employment, illness, maternity, paternity, exceptional personal reasons. Generally, maternity and paternity leave shall be granted for a period of time as requested by the employee, not to exceed six months. For represented employees, refer to the applicable collective bargaining agreement. An employee may apply for a leave of absence through his/her supervisor. Further information is available through UW-Madison's Classified Human Resources Office, 262-3233.
- **Military Duty**
Military leave of absence for annual field training (National Guard, State Guard and Reserve Corps) will be granted to any permanent employee who will be absent from work at least three days but no longer than 30 scheduled work days in any calendar year. During this period, an employee can choose to receive either base state pay or military pay. If state pay is selected, an employee will receive base state pay minus the base military pay received for those scheduled workdays. This reduction, however, will not be more than the base state pay. Employees who elect to use vacation during this period of absence will be able to collect both military and vacation pay. This policy applies to represented and non-represented classified employees.
- **Military Leave - Family Leave for Qualifying Exigency or Military Family Leave for Serious Injury or Illness of Covered Service Member**

Eligible family members with a spouse, son, daughter, parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week FMLA leave entitlement to address certain qualifying exigencies, such as attending certain military events, arranging child care or finances, etc.

Additionally, eligible employees are entitled to military family medical leave for up to 26 weeks to care for a covered service member during a single 12-month period when the covered service member has a serious injury or illness incurred in the line of duty on active duty. To request either of these leaves, contact your Human Resources

office. You will be required to complete the applicable form provided by the U.S. Department of Labor. The forms are available on-line.

For more complete information on both of these military family leave benefits, go to page 26 in this booklet to find "Employee Rights and Responsibilities Under the Family and Medical Leave Act.

- **Jury Duty**
Permanent and project classified employees called to jury duty during regularly scheduled work periods do not have to use vacation time or sick leave. The employee on jury duty will receive regular salary in addition to juror pay. Employees are expected to report for work when not needed for jury duty.
- **Wisconsin Retirement System**
The UW-Madison contributes to each eligible employee's account with the Wisconsin Retirement System. Benefits are paid upon termination, retirement, disability or death.
- **Insurance Programs**
The state provides several optional group insurance programs for employees. Premiums are payable by payroll deduction. Most insurance programs include the choice of single or family coverage. Employees should explore their insurance options as soon as possible to assure timely enrollment.
- **State Group Health Insurance**
There are several alternative health insurance plans that provide basic hospital, surgical, and diagnostic services, and major medical benefits. The state contribution toward the monthly premium begins after 3 months employment under the Wisconsin Retirement System, except for certain represented employees (as specified in the appropriate union collective bargaining agreements). However, if immediate coverage is desired, an employee may pay the full premium initially and still be eligible for the state contribution after 3 months. An employee who has worked previously for the state for 3 months under the Wisconsin Retirement System is eligible for the state contribution immediately if retirement deposits have not been withdrawn. LTE's are not eligible for the employer contribution towards the premium until completion of 6 months of WRS state service.
- **Major Medical Insurance**
Major Medical insurance includes additional coverage for medical expenses, dental expenses and accidental death and dismemberment. Benefits under this plan are payable only for services not covered by any other health or dental plan.
- **Dental Insurance**
Voluntary employee-pay-all dental insurance plans are available to all non-represented and some represented employees eligible for the state group health program.
- **State Group Life Insurance**
The State Group Life insurance program offers term life insurance to employees who have been covered under the Wisconsin Retirement System (WRS) for at least 6 months. Coverage is available to you without providing medical evidence of insurability as long as you apply within 30 days of completing 6 months of WRS covered employment. You may elect insurance coverage on your own life-up to 500% of your annual WRS earnings. You may also apply for Spouse and Dependent coverage when initially eligible, or within 30 days of first having a spouse or dependent to insure.

- **Supplemental Life Insurance**
 Group rates are available for voluntary coverage for an employee, spouse, and dependents. Accidental death and dismemberment coverage.
- **Income Continuation Insurance**
 The Income Continuation Insurance (ICI) program is a self-insured disability insurance administered by the State Department of Employee Trust Funds. ICI will replace a portion of an employee's salary if he/she becomes physically or mentally disabled. Benefits begin after an employee has served a minimum waiting period of 30 calendar days or exhausted accumulated sick leave, whichever is greater. The program covers both short-term and long-term disabilities. Premiums depend on biweekly salary and sick leave accumulation.
- **Employee Reimbursement Accounts**
 The Employee Reimbursement Account (ERA) program is authorized by Section 125 of the Internal Revenue Code and allows an employee to pay certain expenses from pre-tax rather than after-tax income. Taking such payments from pre-tax income results in less federal and state income taxes and Social Security contributions. This effectively increases spendable income. Unlike Tax-Sheltered Annuities and Deferred Compensation, this benefit frees income from taxes forever rather than delaying the tax liability. Participation in the ERA program does not reduce an employee's earnings for Wisconsin Retirement System benefits. Classified employees whose appointment in whole or in part is non-represented are eligible to participate in the ERA program. Eligibility for represented employees is governed by their respective collective bargaining agreements.
- **Tax Sheltered Annuities**
 In addition to regular contributions to the retirement system, UW-Madison employees may shelter a portion of their current compensation by purchasing certain supplemental retirement benefits. The advantage is that the annual cost of the annuities is currently sheltered from income taxes because the taxes will not be paid until the employee withdraws the money. However, there are limits set by the Internal Revenue Code on the amount that an employee may put into a tax-sheltered annuity, and there may be restrictions and/or penalties on early withdrawals.
- **Deferred Compensation**
 Employees of UW-Madison have the option of participating in a deferred compensation plan as authorized by Section 457 of the Internal Revenue Code. Under this plan, an employee can defer a portion of his/her compensation currently subject to federal and state income taxes, and purchase supplemental retirement benefits. The deferred amount, together with accumulated interest and dividends, is not subject to federal and state income taxes until it is withdrawn.
- **Hazardous Employment**
 The Hazardous Employment section of the state statutes (s. 230.36) lists a few restricted occupations with special benefits. This provision allows leave with pay if an employee is injured by a patient or contracts a disease after direct exposure to a patient. You should report such injury or disease to your supervisor immediately. Specific guidelines and limits on these benefits can be discussed with your unit human resource representative.

- **Worker's Compensation**
 All employees are covered by Wisconsin Worker's Compensation and are eligible for medical and disability benefits for work-related injuries. Such work-related injury or accident must be reported immediately to your supervisor. An accident report form must be completed by the employee and the supervisor immediately and submitted to the unit human resource representative in order to make a claim.
- **Unemployment Compensation**
 After lay-off or termination, employees may be eligible for Unemployment Compensation benefits. The State Department of Workforce Development (DWD) determines eligibility.
- **Employee Suggestion Program**
 Employees may participate in the State of Wisconsin Employee Suggestion Program by submitting ideas for new methods, procedures, or materials resulting in substantial employer savings or improvement in morale, safety, or public service. The State presents individual cash awards of up to \$1,000 for winning suggestions.
- **Liability Protection**
 State employees generally have liability protection in accordance with s. 895.46(1) Wisconsin Statutes. The state plan protects employees from liability resulting from their conduct while engaging in their duties as employees, regardless of where the incident occurs, if the employee is acting within the scope of his/her employment activities and notifies the University immediately of the incident. Legal defense, judgments, or negotiated settlements then become the state's obligation.
- **Voting Time**
 Employees eligible to vote who find it impossible to vote during non-working hours will be allowed reasonable time off, with pay, to vote. If this happens, give your supervisor a written statement at least two working days before the election date, stating the reason you need time off, the location of the voting place, and the amount of time required.
- **Political Activities**
 Employees may participate in partisan political activities while off duty and away from University property. Employees also may hold part-time non-partisan offices which do not interfere or conflict with job duties. Unit human resource representatives can answer specific questions.
- **Pre-Tax Transportation Program**
 There are options for UW Madison employees that commute to work to pay for the costs on a pre-tax basis. The University has payroll deductions for UW parking and vanpool. There is also a state-wide Commuter Benefit program that supplements the University programs.
- **Career Development**
 The University of Wisconsin-Madison believes employees are its most valued resource. In order to develop that resource to its full potential, employees are encouraged to actively seek and pursue opportunities to upgrade their knowledge, skills and abilities so that they grow and develop in their careers. Supervisors, lead workers or experienced staff will provide coaching, counseling and on-the-job training. Other training opportunities are offered within the University as the need arises. Employees may be directed or asked to attend job-related conferences, workshops, seminars or credit and non-credit courses offered within the community by various educational institutions or other organizations.

"Job related" training programs are intended to help employees improve current job performance. When management directs employees to attend these programs, the University will reimburse reasonable costs in accordance with the University guidelines and/or the appropriate collective bargaining agreement. Employees and their supervisors may also identify "career-related" training and educational opportunities. These are intended to enhance career development or growth within an employee's field.

The University wants employees to maximize their chances to achieve personal goals. Every effort will be made to accommodate each employee's desire for appropriate employee development within funding, scheduling and other limitations.

- Tuition Reimbursement

Employees that desire training or course work related to the job or career, may request reimbursement for all or a portion of tuition costs. Represented employees should refer to their collective bargaining agreement for reimbursement allowances and release time. The employee must receive advance authorization for tuition reimbursement before enrolling in a job or career-related course. While completing the course is not an employment requirement, successful completion is a requirement for reimbursement.

Such a request probably will be approved when:

- a. The proposed study will help an employee progress in a related career path. (Represented employees should refer to the appropriate union collective bargaining agreement for definitions.)
- b. Funding exists to cover the cost of tuition reimbursement.
- c. During his/her absence for class attendance, the employee's responsibilities can be covered effectively by alternate arrangements without reduction of service or additional cost.

A Request for Authorization to Reimburse Employee Fee/Tuition form must be completed with the required approvals before the employee begins the training.

The employee will be granted full or partial tuition reimbursement after presenting evidence of successfully completing the course, (a grade report, or a letter from the registrar). At that time, a Travel Expense Report should be submitted with the evidence of successful completion of the course (attach Request for Authorization to Reimburse Employee Fee/Tuition form) and a fee receipt. An individual must still be employed by the University at the time of completion of the course of study to be eligible for reimbursement.

Course work usually is completed during hours of leave without pay or on the employee's own time, although adjustment of hours or the use of accrued compensatory time or annual leave may be arranged if the supervisor or chairperson can certify that the work of the unit will not be impaired as a result.

SERVICES

- **Bus Service**
UW-Madison campus buses run at frequent intervals, are free, and connect with transfer points to Madison Metro buses. Most UW-Madison employees are eligible for a free annual Madison Metro bus pass for more information, or for routes and schedules, go to <http://www2.fpm.wisc.edu/trans/>.

Obtain information about city bus service by calling the Madison Metro Bus Company at 266-4466.

- **Credit Unions**
Employees of the UW-Madison are eligible to join the University of Wisconsin Credit Union, UW Employees Credit Union, and the State Capital Credit Union. A description of services can be obtained from the individual credit union.
- **Identification Card**
UW-Madison picture identification cards are furnished to all permanent classified employees upon appointment. Employees will be asked to present the card when calling for a salary check at a payroll office and to use a University library. A valid ID card is required by all students, employees, and retired employees to access the UW-Madison recreational facilities in addition to the payment of an access fee. Your unit human resources representative can advise you on how to obtain the card.
- **My UW-Madison Portal**
My UW-Madison provides students, faculty and staff with an easy-to-use, secure gateway to online information. More than just another Web site, My UW-Madison offers an impressive array of personalized services that can enhance instruction for students and faculty and boost productivity for staff. WiscCal and WiscMail, the University's calendar and email systems, are just some of the features of the portal.
- **Parking**
Parking may be available to employees according to parking allocation criteria. The fees are payable by payroll deduction or by cash payment. Employees can obtain further information about lot location, cost, and parking allocation from the employing unit or the University Transportation Services Office (263-6666). Handicapped employees needing special accommodations should also contact the Transportation Services Office.
- **Recreational Facilities**
The SERF, the Natatorium, and the Shell are just a few of the facilities available to the campus community for recreational activities. Club sports, fitness programs, personal training, and yoga are some of the services offered.
- **SAFE Nighttime Services**
SAFE Nighttime Services are the University of Wisconsin's comprehensive late night transportation system consisting of cab, bus, and walking escort services. The goal of these programs is to promote personal safety through offering a safe means of nighttime transportation and through community education about the dangers of traveling alone at night. Students, faculty, staff and guests of the University are encouraged to use these services anytime they feel unsafe about traveling late at night. For additional information, contact the SAFE Coordinator at 265-5010(262-5000).

- **University Libraries**
 More than 20 libraries serve the University community. Employees can use materials according to library regulations by presenting the UW-Madison ID Card. For additional information, go to the General Libraries Page.
- **UW Madison Police Department**
 The primary goal of the Department of Police and Security is to serve and protect the University of Wisconsin-Madison employees, students, and visitors. For emergency situations, reporting crimes, or to alert authorities to suspicious behavior, employees should dial 911. For non-emergency questions, call 262-2957. For more information, go to <http://www.uwupd.wisc.edu/>
- **WISCARD**
 When you deposit money into a WISCARD account, you can use your UW photo ID to make purchases at restaurants, stores and for services on the UW-Madison campus. Money-saving discounts are often offered to WISCARD participants. WISCARD offers the convenience of not carrying checks, credit cards or digging for change, and the flexibility of using WISCARD at over 40 campus locations. For more information, go to <http://www.wiscard.wisc.edu>; or, call 263-1964 or 262-1667; or stop at the Cashier's office at Memorial Union, 800 Langdon Street, Union South, 227 North Randall Street, or any Hall Desk in University Housing.
- **Wisconsin Union**
 As a University employee you are eligible to use both Wisconsin Union facilities: Memorial Union and Union South. The Unions provide social, cultural, educational and recreational programming. Employees may be asked to show the UW-Madison ID Card when using Union facilities. For membership information, call 262-2263 or stop at Room 410, Memorial Union.
- **Wisconsin Week**
 Wisconsin Week is the official newspaper of record of UW-Madison. This publication is distributed to all faculty and staff on a biweekly schedule throughout the fall and spring semesters. It serves as a policy communication tool for administration, schools and colleges; as a way for campus units to publicize and promote their activities; and to recognize of the achievements of faculty and staff among their peers. University Communications produces Wisconsin Week and its electronic counterparts.
- **WiscWorld**
 WiscWorld is a collection of resources (information, software and documentation) to make it easier for UW-Madison students, faculty and staff to connect their computers to online resources. The WiscWorld CD contains software packages supported by the DoIT Help Desk plus an installer for easy, convenient installation of that software on your computer. This installer will automatically configure your computer to access the campus network via a modem-phone line (normally from off-campus) or via an Ethernet connection (direct connection, normally on-campus). With the latest versions of the Web browsers included in the WiscWorld package, you can access the My UW-Madison portal.

THE FEDERAL FAMILY & MEDICAL LEAVE ACT OF 1993 (AS REVISED) January 2009

The following policies have been developed by the Office of State Employment Relations to ensure statewide compliance with the federal Family and Medical Leave Act of 1993 (FMLA) as revised in January 2008 and in accordance with revised Department of Labor regulations effective January 16, 2009.

1. Employee Eligibility. State employees (including limited term and project employees) are eligible for unpaid leave under FMLA if they:
 - a. Have been employed by the state for at least 12 months; **and**
 - b. Have worked for the state at least 1,250 hours in the 12 month period immediately preceding the beginning of the requested leave under FMLA; **and**
 - c. Are employed at a worksite where there are at least 50 state employees employed within 75 miles of the worksite.

2. Reasons for Leave. Eligible employees are entitled to use unpaid leave under FMLA when taken for the following purposes:
 - a. For the birth of the employee's child **and** to care for the newborn child (leave must be concluded within 12 months following birth); or
 - b. For placement of a child with the employee for adoption or foster care (leave must be concluded within 12 months following placement); or
 - c. To care for the employee's child, spouse, or parent (but *not* parent "in-law") with a serious health condition; or
 - d. For the serious health condition of the employee that makes the employee unable to perform the functions of the employee's position, including incapacity due to pregnancy, prenatal medical care or child birth; or
 - e. To care for a servicemember who is a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. The employee must be the spouse, son, daughter, parent, or next of kin of the servicemember; or
 - f. Because of any "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a member of the National Guard or Reserves on active duty or call to active duty status in support of a contingency operation. Examples of qualifying exigencies include short-notice deployment, attending certain military events, arranging for alternative childcare, certain school activities, making financial and legal arrangements, counseling, rest and recuperation leave of the military member, and post-deployment reintegration briefings.

3. Definition of Serious Health Condition:

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the "continuing treatment" requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

4. Length of Leave:

Eligible employees are entitled to use 12 workweeks of unpaid leave for FMLA-qualifying purposes during each calendar year.

In the special case of leave to care for a military servicemember with a serious injury or illness, eligible employees are entitled to use up to 26 workweeks of FMLA leave in a single 12-month period that begins on the first day of leave to care for the servicemember and ends 12 months after that date. The 26 weeks of FMLA leave permissible during this single 12-month period includes leave for all FMLA-qualifying reasons; however, no more than 12 workweeks of leave may be taken for FMLA-qualifying reasons other than to care of a servicemember.

5. Employee Responsibilities When Requesting Leave:

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and comply with normal call-in procedures when possible.

Employees must provide sufficient information for the agency to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the agency if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees may request FMLA leave by completing a "Family and Medical Leave-- Employee Request Form" which can be obtained from the agency personnel office. Failure to provide timely notice as required may result in an employee's request for leave being denied for up to 30 days after the date notice is provided, depending on the amount of notice that could reasonably have been provided.

Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

6. Substitution of Paid Leave for Unpaid FMLA Leave:

Employees may substitute unused accumulated paid leave, i.e., annual leave, personal/legal holiday, compensatory time, or a combination thereof, for portions of unpaid FMLA leave for the birth of a child or for placement of a child for adoption or foster care. **The substitution of such paid vacation leave during FMLA leave is not an absolute right and is subject to the usual workplace policies and procedures for the request and approval of vacation leave.** Employees may elect to substitute sick leave, in addition to vacation leave noted previously, for unpaid FMLA leave to care for a family member with a serious health condition or for the employee's own serious health condition. **Sick leave may *only* be substituted under those circumstances for which sick leave is otherwise provided under the applicable collective bargaining agreement or administrative rules.**

Note. The restrictions on the substitution of paid leave in the preceding paragraph apply only if the FMLA leave is not simultaneously covered under the Wisconsin Family & Medical Leave Act (WFMLA). If an employee is eligible under the WFMLA, the employee may substitute any type of accrued paid leave during any leave that qualifies under the WFMLA.

If the use of paid vacation leave or paid sick leave can not be approved for use during the period of FMLA leave, the employee remains entitled to unpaid FMLA leave.

Any leave, with or without pay, which is designated as leave under FMLA will count against the employee's FMLA entitlement. The substitution of paid vacation or sick leave during FMLA leave does not extend the employee's FMLA entitlement.

7. Intermittent Leave. Intermittent leave or leave on a reduced work schedule:
 - a. Must be given when there is a medical need for such leave *and* the medical need can best be accommodated through an intermittent or reduced leave schedule; *and* the leave is being used for the employee's own serious health condition, or to care for a family member with a serious health condition or a covered servicemember with a serious injury or illness;
 - b. Must be given for a qualifying exigency related to a military call to active duty (see 2.f., above);
 - c. May be given, at the discretion of the appointing authority, when taken for the birth of the employee's child, or placement of a child with the employee for adoption or foster care. *Note. If an employee is also covered under the Wisconsin Family & Medical Leave Act, the employee may take family leave intermittently provided that any such intermittent leave begins with 16 weeks before or after the birth or placement of the child.*
8. Medical Certification. If requested, employees must provide medical certification for leave under FMLA when taken for the serious health condition of the employee or the employee's family member or to care for a military servicemember. Failure to provide timely medical certification as requested may result in the denial of FMLA leave until the required certification is provided.
9. Certification of Qualifying Exigency. If requested, employees must provide a copy of the active duty orders or other military documentation to establish the nature and dates of such active duty. Also, if requested, employees must provide certification of any particular "qualifying exigency" for which leave is requested.
10. Benefit Continuation:
 - a. Group Health Insurance: For employees on leave without pay under FMLA, agencies must maintain the employee's group health insurance coverage on the same conditions and continuing agency contributions as would have been provided if the employee had been continuously employed.

The agency will advise employees of their individual eligibility for continuation of group health insurance under the provisions of FMLA. Employees are required to pay the employee portion of health insurance premiums during unpaid leave under FMLA. The agency will advise employees as to the cost of coverage and when and where to send the premium payments, if any. ***Coverage may be terminated for employees who do not pay their portion of the cost of coverage.***

If the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, the agency will collect from the employee the employer portion of premiums paid during the leave *unless* the reason the employee does not return is due to:

1. The continuation, recurrence, or onset of a serious health condition which would qualify as leave under FMLA; or
2. Other circumstances beyond the employee's control (e.g., an individual other than an immediate family member has a serious health condition and the employee is needed to provide care, or the employee is laid off while on leave).

- b. Benefits Accrued Prior to Leave: While employees will not accrue additional benefits during leave without pay under FMLA, benefits accrued prior to leave will be retained at the same levels upon return to work. For example, paid annual leave, sick leave, or personal holidays which are not substituted for FMLA leave will be available to the employee upon return from leave.
- c. Continuous Service:
 - 1. State Seniority: Employees will continue to accrue continuous service for seniority purposes while on leave under FMLA.
 - 2. Retirement System: The time an employee is on FMLA leave (either paid or unpaid) will be treated as continuous service for purposes of vesting and eligibility to participate in the retirement plan. However, the time an employee is on unpaid FMLA leave will *not* be counted as creditable service.

11. Return from FMLA Leave:

Upon return from FMLA leave, an employee must normally be restored to his/her original or equivalent position with equivalent pay, benefits, and other terms and conditions of employment. Examples of exceptions would be layoff, the expiration of a project or fixed-term appointment, or incapacity to perform an essential function of the position. If state law or a collective bargaining agreement governs an employee's return to work, those provisions shall be applied.

Fitness-for-duty certification may be required prior to returning to work from FMLA leave taken for the employee's own serious health condition. Failure to provide fitness-for-duty certification as requested may result in denial of reinstatement until the required certification is provided.

12. Agency Responsibilities:

The agency must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the agency must provide a reason for the ineligibility.

Agencies must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against an employee's leave entitlement. If the agency determines that the leave is not FMLA-protected, the agency must notify the employee.

13. FMLA and Other Leave Benefit Provisions. FMLA entitlement is coordinated with the provisions of the Wisconsin Family and Medical Leave Act (WFMLA), as well as leave benefits provided under administrative rules of the OSER Director, or the applicable collective bargaining agreements. Employees may *not* use benefits provided under FMLA *in addition* to benefits provided under the WFMLA, administrative rule, or applicable collective bargaining agreement. Leave qualifying under both laws will be counted against the employee's entitlement under both the federal and state laws, as well as towards the employee's entitlement under administrative rule or the applicable collective bargaining agreement.

14. Unlawful Acts by Agencies. FMLA makes it unlawful for any agency to:

- a. Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- b. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

15. Enforcement:

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

16. For More Information:

More information on the federal FMLA may be obtained through the Department of Labor at:

Telephone: 1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

Online: <http://www.wagehour.dol.gov>

Questions regarding the Family and Medical Leave Act and its interaction with the WI Family and Medical Leave Act, labor agreements, and state and agency policies should be referred to the agency personnel office.

Wisconsin Family and Medical Leave Act

Section 103.10, Wisconsin Statutes, requires that all employers with 50 or more employees display a copy of this poster in the workplace. Employers with 25 or more employees are required to post their particular leave policy

Under state law all employers with 50 or more permanent employees must allow employees of either sex:

- **Up to six (6) weeks leave in a calendar year for the birth or adoption of the employee's child, providing the leave begins within sixteen (16) weeks of the birth or placement of that child.**
- **Up to two (2) weeks of leave in a calendar year for the care of a child, spouse, domestic partner or parent with a serious health condition.**
- **Up to two (2) weeks leave in a calendar year for the employee's own serious health condition.**

This law only applies to an employee who has worked for the employer more than 52 consecutive weeks and for at least 1000 hours during that 52-week period. The law also requires that employees be allowed to substitute paid or unpaid leave provided by the employer for Wisconsin Family and Medical Leave. Employers may have leave policies, which are more generous than leaves required by the law.

A complaint concerning a denial of rights under this law **must be filed within 30 days** after the violation occurs or the employee should have reasonably known that the violation occurred, whichever is later.

For answers to questions about the law, a complete copy of the law, or to make a complaint about a denial of rights under the law contact:

**STATE OF WISCONSIN
DEPARTMENT OF WORKFORCE DEVELOPMENT
EQUAL RIGHTS DIVISION**

200 East Washington Room A 300
P.O. Box 8928
Madison, WI 53708

819 N 6th Street
Room 255
Milwaukee, WI 53203

Telephone: (608) 266-6860
TTY: (608) 264-8752

Telephone: (414) 227-4384
TTY: (414) 227-4081

Website: <http://dwd.wisconsin.gov/er/>

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us.

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