

# Balancing Family and Work

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**UW-MADISON  
FAMILY-RELATED  
LEAVE POLICIES  
FOR  
FACULTY, ACADEMIC  
STAFF AND LIMITED  
APPOINTEES**

Office of the Provost  
Academic Personnel Office

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## **INTRODUCTION**

At some time or other, most University employees will be faced with the difficulty of balancing the needs of family with the needs of work. Childbirth, adoption, child care and caring for ill children, spouses, partners and parents are some of the family issues you may encounter. It is the policy of the University of Wisconsin-Madison to support faculty, academic staff and limited appointees who face such family-related issues.

This brochure attempts to *summarize* benefits and resources that may be available to you as a result of state and federal laws as well as University policies. It does not, however, explain all of the nuances of the laws and policies. Specific information about eligibility requirements and your rights under the Federal Family and Medical Leave Act (FMLA) and the Wisconsin Family and Medical Leave Act (WFMLA), and the UW-System policy on sick leave for unclassified employees can be found at the following web sites or by contacting the Academic Personnel Office at 265-2257:

FMLA: <http://www.dol.gov/esa/whd/fmla/>

WFMLA: [http://www.dwd.state.wi.us/er/family\\_and\\_medical\\_leave/default.htm](http://www.dwd.state.wi.us/er/family_and_medical_leave/default.htm)

UW-System Sick Leave Policy: <http://www.uwsa.edu/hr/upgs/upg10.pdf>

Since the integration of these laws and policies can be quite complicated, please contact your department, school/college or the Academic Personnel Office (265-2257) after reading this to discuss how these apply to your situation.

## **CARING FOR ILL FAMILY MEMBERS**

University policies provide you with sick leave that can be used to care for immediate family members (including domestic partners) whose condition requires your direct care. You may also have the right under federal and state law to take up to 12 weeks of leave without pay - which may be extended with University approval.

## **PAID LEAVE FOR BIRTH OR ADOPTION**

***Sick Leave.*** Your accumulated sick leave can be used for birth or adoption in the following three circumstances.

- 1) When your medical condition precludes work (the rule of thumb is that six weeks is generally the amount needed for a normal birth, but the actual amount needed varies by individual). *[This only applies to birth mothers.]*
- 2) When the condition of a child or spouse/partner requires your direct care. *[This applies to all parents.]*
- 3) If eligible, you may use up to six weeks of accrued sick leave as “family leave” under the Wisconsin Family and Medical Leave Act (WFMLA) – no one need be ill. Family leave must be started within 16 weeks (this does include prior to the event) of birth or adoption (for 9-month employees, summer weeks off the payroll do not count towards the 16-week limit). The leave also may be taken, at the employee’s option, on an intermittent or part-time basis so long as it does not create an undue hardship on the University. If used intermittently, the last segment of leave must begin within 16 weeks of birth or placement. *[This applies to all parents].*

***Note:*** *Full-time faculty and academic staff are granted 22 days of sick leave at the start of employment and do not earn any more until after 18 months (or three semesters). Thereafter they earn 12 days of sick leave per year.*

***Vacation.*** Those staff who earn vacation may use vacation instead of sick leave under any of the three ways listed above, or may use it in addition to sick leave.

***Examples.*** The following examples all involve non-instructional staff. The responsibility for teaching adds a complexity that will be addressed in more detail in the section titled “Managing Parental Leave in an Instructional Environment” starting on page 6.

1. Virginia O’Shaughnessy is an academic staff member on a 12-month appointment. She has accumulated 12 weeks of sick leave and three weeks of vacation. She would like to take 3 months off *with pay* after the birth of her baby. To accomplish that, she did the following.
  - She used six weeks of sick leave when she was medically unable to work due to

the birth of her child.

- Then, she used four weeks of sick leave and 2 weeks of vacation as "family leave" under the WFMLA.
2. Joe Flynn is an academic staff member on a 12-month appointment whose partner is about to have a baby. His plan is to return to work very quickly after the birth and then take some time off when the mother has to return to work. He expects to use about a week of sick leave immediately after the birth to care for the mother and baby and then return to work. Approximately three months after the baby is born, he will take time off with pay using six weeks of sick leave for "family leave" under the WFMLA and then three weeks of vacation.
  3. Karen Nally is a full-time academic staff member on a 12-month appointment who is due to give birth to twins. She will have accumulated two weeks of vacation and nine weeks of sick leave at the time of the births. Her plan is to use sick leave right after the births when she is medically unable to work – probably six weeks. After that, she wants to work part-time for a short transitional period, but can't afford to take a leave without pay. Under WFMLA, she has a right to six weeks of family leave that may be taken on a part-time basis. Therefore, she will stretch her remaining five weeks of paid leave (three weeks of sick leave and two weeks of vacation) over a ten-week period. In addition, she will work 50% time during that ten-week period. As a result, she will be paid 100% for those ten weeks; 50% from sick leave and vacation and 50% for working.

### **UNPAID LEAVE AFTER BIRTH OR ADOPTION**

Under University policies, faculty academic staff and Limited appointees have the right to take a leave of absence without pay after any paid leave has ended. Those on 12-month appointments may take up to one year from the date of the birth or adoption. Those on 9-month appointments may take the rest of the semester in which the birth or adoption occurs and the entire following semester. The department and college may agree to other options, including partial leaves.

Although these policies are usually more generous than rights provided for leave without pay under FMLA and WFMLA, you may have additional leave rights under those laws.

***Benefits During an Unpaid Leave of Absence or While Working Part-time.*** An unpaid leave of absence or part-time work can have a significant effect on your benefits. For example, depending on the length of the leave (or even the time of year for those on nine-month appointments) you may be required to complete a form and write a check for your portion of premiums due in order to maintain your benefits during the leave. Therefore, you are ***strongly encouraged*** to contact your department benefits coordinator ***before*** you make any decisions to take unpaid leave or work part-time.

## **WORKING PART-TIME OR ON A DIFFERENT SCHEDULE AFTER BIRTH OR ADOPTION**

To accommodate your family needs, you may wish to submit a request to your department to return to work on a part-time basis (permanently or for a limited period of time) or on a different schedule than usual. Although approval (beyond any WFMLA entitlement) is at the discretion of the department, the University recommends that faculty (see faculty legislation II-307), academic staff, and Limited appointees be permitted to return on a part-time basis in the first year or on a flexible schedule as long as it is consistent with work obligations.

## **MANAGING PARENTAL LEAVE IN AN INSTRUCTIONAL ENVIRONMENT**

Individuals with instructional responsibilities and their department chairs face unique pressures in trying to balance the right to take parental leave with the needs of the students. Since each situation carries its own unique circumstances, there is no single, easy answer to offer. You should become informed of your rights and talk to your chair as soon as possible about leave options to ensure the maximum amount of time for planning.

***Responsibilities of the Chair.*** *The department chair, in conjunction with the Dean's office, has a two-fold responsibility:*

- *to work with the individual to ensure that his/her rights are protected and implemented; and*
- *to ensure that the needs of the students are met.*

***Role of the Departmental Executive Committee.*** *The departmental Executive Committee, which ultimately is responsible for the activities of the department, frequently votes on employee requests for leaves of absence and percent time reductions. However, the Executive Committee should not vote whenever an employee is exercising his/her rights under either the state or federal Family and Medical Leave Acts or under Regent policies. In individual cases, the chair may wish to consult with the Dean's office to determine whether consideration by the Executive Committee is appropriate.*

***To Teach or Not to Teach?*** That is the difficult question you and your chair will face when you will be absent or work only part-time for any significant portion of the semester. Although you and the chair should be discussing the options, it is ultimately the responsibility of the chair, in consultation with the Dean's office, to make the final decision.

Let's look at an example. A faculty member informs her chair in May that she is due to give birth on September 13 (she is scheduled to teach two courses during the fall semester). She has 16 weeks of accrued sick leave. She knows that she will need to take some time off to recover and will then elect to use her six weeks of WFMLA leave on a part-time basis, returning to work part-time. If all goes as planned (of course, she cannot predict the exact dates of these events), she will:

- ◆ work at 100% during the first three weeks of the semester;
- ◆ be off work 100% time during weeks four through nine when she will be unable to work for medical reasons (she'll be paid 100% using her sick leave);
- ◆ she'll spread her six weeks of sick leave under WFMLA out over the rest of the semester (she'll be paid 57% from sick leave during this period [6 weeks of sick leave/10.5 weeks remaining in semester = 57%]); and
- ◆ return to work at 43% time beginning with the tenth week through the rest of the semester.

This faculty member and her chair face many questions about what to do with the two courses. Theoretically, she will be able to teach the first two or three weeks of both courses, but then would miss six weeks of both, after which she could resume teaching only one of the courses since she then will be working only 43%. Following are some of the options the two will explore.

- Should she start teaching one of the courses and ask colleagues to fill in during her six-week absence? (In this case, she will have to charge sick leave even if a colleague is willing to cover the course).
- Would it be better to relieve her of teaching duties for both of the classes for the entire semester (this may mean course cancellation or require the hiring of replacements)? If so, what duties will she be assigned during the first few weeks of the semester and upon her return to replace the course assignment?
- Could she team-teach one of the courses?
- Is either of the courses a graduate seminar in which sessions could be doubled up before and after her absence?
- What responsibilities will she undertake to account for the remaining 3%?

Since babies often do not follow their assigned schedule, the chair must be prepared for last minute changes to the plan.

***Assignments Other than Teaching a Course.*** Sometimes the decision will be made to relieve the individual from the responsibility of teaching an assigned course, but the person will be working full- or part-time for a portion of the semester. This raises an important question: what will he/she do during this time? Typically, other instructional activities or service activities are assigned to replace teaching a course. Again, you and the chair should discuss the options as early as possible. Some examples of duties assigned to replace teaching a semester-long course are:

- > teaching a modular course over a shorter period of the semester;
- > course design/redesign;
- > outreach/distance education;
- > advising;
- > non-classroom instructional activities for students; and
- > service assignments (e.g., additional committee work, assistance to the chair, etc.).

*Although you should propose the activities you would like to perform, it is the responsibility of the chair, in consultation with the Dean's office, to determine what activities will be assigned.*

**More Case Examples:** Since the facts of each case can vary widely, we hope the following examples will be helpful in applying the policies and laws to your situation.

**First Example:** Jane Smith is a Professor on a 9-month appointment with 15 weeks of accrued sick leave. In her department, faculty are expected to teach 2 courses per semester. Her department's policy is that each course constitutes 40% of an appointment and 20% is allocated to research and service (the percentages assigned to courses, research and service vary by department). She informed her chair on July 1 that she was pregnant and the baby was due on December 7. She told her chair that she'd like to work right up until the baby is born and then use sick leave as needed to recover from the delivery (assuming that the baby was on time, she expected to use sick leave through the end of Semester I). She also told the chair that she would like to work part-time in Semester II. She knows that under the Wisconsin Family and Medical Leave Act (WFMLA), she can use up to six weeks of her sick leave as paid "family leave."

Under WFMLA, she has the option of taking those six weeks off on a full-time basis or working part-time and using her sick leave part-time. She and the chair agreed to the following plan for completing Semester I and for Semester II.

- She will use sick leave when she gives birth for the time she needs to recover. Her TAs will assume the responsibility of teaching the last few classes in Semester I (a colleague has agreed to supervise them in this activity). The TAs will evaluate the students' work and calculate grades. Prof. Smith will review their work and make final decisions on grades at home.
- She will teach one course in Semester II for which she will be paid 40%.
- She will perform all of her research and service responsibilities during the semester for which she will be paid the department standard: 20%
- Instead of taking six weeks of sick leave at 100% time under WFMLA, she opts to take it on a part-time basis spread over the entire semester. To calculate the percent time she will be on sick leave, divide the number of weeks of sick leave to which she is entitled (six) by the number of weeks in the semester (19.5):  $6/19.5 = 31\%$ . Thus, her six weeks of sick leave will pay her 31% for the semester.
- She will take a leave without pay for the remaining 9%.
- She will not teach the second course since she is only working 60% for the semester.

In total, she will be paid 91% time and be on a 9% time leave of absence without pay for Semester II.

Variation of this example: Suppose Prof. Smith opted to use her six weeks of sick leave under WFMLA in one block at the beginning of the semester. She'd miss the first four weeks or so of classes but would then return to work 100% time. In that event, she and her chair would have to decide whether to start the classes without her and then have her pick them up upon her return.

Second Example: Mary Johnson is an Associate Professor on a nine-month appointment with 12 weeks of accrued sick leave. She is scheduled to teach two courses in Semester I. She has been on a waiting list to adopt a child for many years. In late July, she is told by the adoption agency that a child will be available for adoption on September 1. She tells her department chair right away and decides that she would like to use her six weeks of WFMLA family leave on a part-time basis. Specifically, she will spread her six weeks of sick leave over 12 weeks beginning September 1 - this means she will be paid 50% during that time from sick leave (6 weeks divided by 12 weeks = 50%). For the other 50% during the 12 weeks, she will take a leave without pay. After the 12 weeks, she will return to work 100%. Since she will be missing 12 weeks of class, the chair, in consultation with the Dean's office, decides that lecturers will be hired to teach the courses for the semester. Since she'll be returning to work at 100% time in the 14th week of the semester, but won't be teaching any courses, the chair must assign her responsibilities to replace the teaching. Prof. Johnson proposes that she be given the assignment to develop a new course to be offered the following academic year. She will, of course, continue her usual responsibilities of research and service. The chair agrees to this proposal.

Third Example: Robert Anthony is an Assistant Professor on a nine-month appointment with eight weeks of sick leave. He informs his chair in the middle of Semester I that his partner is expecting a child February 1. He has an active research program and is scheduled to teach one course in Semester II. He would like to take about a week off when the baby is born (he is entitled to use sick leave for this under University policy), then return to work full-time while his partner is home with the baby. However, his partner intends to return to work six weeks after the birth and he would then like to take six weeks off to care for the baby. Since it is within 16 weeks of the baby's birth, he is entitled to use his sick leave to pay for the six weeks under WFMLA. Thus, Prof. Anthony expects to miss the third week and the 10th through 16th week of instruction. Prof. Anthony proposes to the chair that he be relieved of the responsibility of teaching the course (allowing him to concentrate on his research). The chair, however, determines that the department cannot afford to hire a replacement and cannot cancel the course. Alternatively, he arranges for colleagues to fill in for the seven weeks Prof. Anthony will miss (sick leave must be charged during these six weeks). The chair informs Prof. Anthony that he will remain responsible for the course and should work with the colleagues to ensure a smooth transition.

Variation of this example: Suppose Prof. Anthony wanted to take his six weeks of family leave under WFMLA right away. He then would be off 100% using sick leave from the third week through the ninth week of classes. It might still be possible to team-teach the course, but it depends on the colleagues' schedules.

## **STOPPING THE TENURE CLOCK FOR ASSISTANT PROFESSORS**

*Stopping the Clock for Birth or Adoption.* The University recognizes the particular difficulty a new parent (mother or father) faces in balancing family needs with making progress toward obtaining tenure. As a result, in addition to stopping the tenure clock during leaves of absence, *Faculty Policies and Procedures 7.04(H)(1)* provides that the maximum faculty probationary period can be extended for either one semester or one year

for each child birth or adoption - *even if leave without pay is not taken*. To stop the clock, the faculty member must submit a request directly to the Provost (150 Bascom Hall), with a copy to the chair and dean (the request does *not* go to the Executive Committee or Dean for approval) within one year after the birth or adoption. Approval to stop the tenure clock for birth or adoption is presumed. The Provost will notify the faculty member, chair and dean of the approval in writing.

***Stopping the Tenure Clock for Significant Responsibilities Related to Elder or Dependent Care.*** The tenure clock may be stopped when the faculty member has significant responsibilities with respect to elder or dependent care obligations, disability, chronic illness or circumstances beyond the control of the faculty member when those circumstances significantly impede progress toward achieving tenure. To stop the clock, the faculty member must submit a request to the department's Executive Committee. The request must be made before the beginning of the sixth year of the probationary period or before the beginning of the year preceding the notice year in a maximum probationary period. Approval is required by the Executive Committee, Dean and the University Committee.

**When a request to stop the tenure clock is approved, the faculty member's employment contract will be extended by the same period.**

When the tenure clock is stopped, any scheduled vote on contract renewal should be postponed for the duration of the extension.

It is strongly recommended that you submit a request for stopping the clock if any of these situations apply to you. Please see [Faculty Policies and Procedures 7.04\(H\)](#) for more information about these policies.

***Office of Child Care and Family Resources.*** At UW-Madison, the Office of Child Care and Family Resources (OCCFR) may assist you with questions and issues pertaining to UW-Madison child care, lactation rooms and parent resources and/or parenting support & education needs. The campus provides several early childhood care and education programs that serve faculty, staff and students.

For information about child care facilities, parent resources and tuition assistance, please check out the OCCFR website which is quite comprehensive (<http://www.wisc.edu/occf>).

Our office is located in the University Apartments Community Center (611 Eagle Heights, Room 148) on the west side of campus off University Bay Drive. The general office phone number is 890-0436 and we are happy to help you with any questions that you may have. Please feel free to call at any time.

## **CHILD CARE OPTIONS**

***On-campus care:***

UW-Madison provides a range of child care programs and services that are easily researched by referring to our web site. The web site is updated regularly and lists current *center based* and *family based* early care and education programs, as well as sick and back-up child care for special circumstances.

All campus early care and education programs use developmentally appropriate “best practices”, combined with nurturing and consistent environments. Each center is nationally and/or City of Madison accredited and state licensed, which means that each center complies with literally hundreds of standards relating to safety and physical space, staffing, supervision and staff training, curriculum and program planning. You are welcome (and, in fact, encouraged!) to visit all the campus centers to find the program best suited to you and your child’s needs. Again, if you have questions, please feel free to contact us to discuss what might work best for you and your family.

***Off-Campus Care.*** Madison and the surrounding areas offer a range of child care services, including center based and family day care homes. Services provided off campus are operated by a variety of sponsors including private not-for-profit agencies, private for-profit organizations, churches, cooperatives and individuals. To obtain a current listing of off campus providers, call the Child Care Resource and Referral Service at Community Coordinated Child Care, Inc. (4-C) at 271-9181 or at (800) 750-KIDS (outside of Dane County). They will provide you with a list of regulated providers who may be able to meet your child care needs. You will receive a customized list of providers within the desired area and offering the types and hours of service needed. Referral specialists inform parents about recognizing and selecting quality child care and provide written materials to assist in the selection process. A nominal fee is charged for the service. 4-C also provides additional fee-based services including publications, training for child care providers and enhanced child care referral services for families. For listings of family child-care providers, call Satellite Family Home Care at 233-4752.

Other sources of information about child care include the City of Madison Office of Community Services Day Care Unit for information on city certified programs (266-6520), the Campus Assistance Center (263-2400) and the Office of Child Care and Family Resources (890-0436) (<http://www.wisc.edu/occfcr>).

## **EMPLOYEE REIMBURSEMENT ACCOUNT (ERA)**

The [Employee Reimbursement Account \(ERA\)](#) Program is an optional benefit that allows you to pay eligible dependent care (and medical) expenses from your pre-tax rather than your after-tax income. These accounts, also called “Flexible Spending Accounts” and “Section 125 Plans,” are authorized under Section 125 of the Internal Revenue Code.

To participate, you must either enroll within 30 days of a Family Status Change (such as birth or adoption of a child) or before the calendar year begins (there is a four-week open enrollment period held each fall). If you already have a dependent care ERA, you can also increase the amount deducted with 30 days of birth or adoption. When you enroll, you will make an irrevocable decision about how much money to have deducted from your salary each month and

placed in an account. All ERA deductions are taken out of your monthly paycheck *before* Federal, State and Social Security taxes are calculated on your remaining salary. After you pay for your dependent care (e.g., day care, preschool) directly, you submit a receipt to the company that administers this program for the State. The company will then reimburse you for those expenses out of your ERA account. In that way, you have paid for your dependent care expenses using pre-tax rather than after-tax dollars. This can result in considerable savings for you.

There is no cost to you to set up an ERA account. It is **very important**, however, to predict carefully the following year's dependent care expenses because *IRS regulations require that you forfeit any unused money left in your account after all reimbursements for the year have been processed.*

Establishing a dependent day care ERA can affect your ability to use the federal Child Care Tax Credit. In some cases, the tax credit will be more beneficial, while in others the ERA will save you more money. The company that manages the ERA program for the State can provide a computer analysis of which method will be better for you.

Another aspect of the ERA program is the pre-tax treatment of your Health, State Group Life and Epic Major Medical Insurance premiums. Under the program, the state automatically deducts your portion, if any, of these premiums from your paycheck *before* taxes are taken out. If you take a leave of absence without pay that is long enough that you will have to pay the full premium for family plan health insurance, it may be in your economic best interest to arrange to have multiple deductions taken on a pre-tax basis from your last check(s) before going on leave.

Please contact your department benefits coordinator for more information about ERAs.

## **PARKING**

Women whose medical condition during pregnancy requires a closer parking space as a matter of accommodation should contact the parking Transportation Services at 263-2666.

Temporary UW DIS may be purchased at any Transportation office. Temporary UW DIS are valid for a maximum of one month and will not be extended without a DOT permit. A dated doctor's note will be required.

For morning information on parking, you may check the website at <http://www2.fpm.wisc.edu/trans/Parking/Disabled.htm>

***For more information about family-related leave policies for Faculty, Academic Staff and Limited Appointees, please call the Academic Personnel Office at 265-2257.***