

February 20, 2008

TO: Faculty, Academic Staff, and Limited Appointees

FROM: Patrick V. Farrell, Provost  
Darrell Bazzell, Vice Chancellor for Administration

RE: New Regent Policies That Affect **Sick Leave, Vacation** and "**Colleague Coverage**"

UW-Madison has implemented three **Board of Regents resolutions** on vacation, personal holiday, and sick leave reporting for faculty, academic staff and limited appointees. The policy changes, outlined below, are important, as they can affect your benefits.

**1. Reduction of Sick Leave Accrual for Failing to Complete Leave Reports Effective with the 2007-08 fiscal year (including Summer 2007 for C-basis) faculty, academic staff and limited appointees eligible to earn sick leave who fail to complete a leave report for one or more months of the fiscal year will have a reduction in their sick leave accrual.** The reduction will occur annually on August 15th for the previous fiscal year as follows: full time annual employees will have their sick leave accrual reduced to 8.5 days and academic year employees will have their sick leave accrual reduced to 6.4 days (leave amounts are prorated for part-time employees).

**If you currently have missing reports, you will be sent an e-mail in late March** with a PDF attachment of your missing reports for the 2007-08 fiscal year. You will be advised to print them, complete them and return them to your departmental representative.

Starting in May, you will receive a revised leave statement that will state whether you have missing leave reports. If your statement indicates missing leave reports, you will be able to go to the UW portal, My UW-Madison (under the "work record" tab), to see, print, complete and return any missing leave statements for the current fiscal year.

Additional information about the changes to the leave statement will be provided before the May implementation.

**2. Sick Leave, Vacation, and Personal Holiday Leave Reporting Effective with the March 1 leave statement** (you do not need to change your reporting retroactively for the month of January), **all leave** (including vacation and personal holiday) **must be charged in units of one-half days.** The method for reporting leave is summarized in the table below:

|   |                  |                |                  |
|---|------------------|----------------|------------------|
| <b>During each work day, if you miss:</b> | <b>&lt;2 hrs</b> | <b>2-6 hrs</b> | <b>&gt;6 hrs</b> |
| <b>Report leave of:</b>                   | <b>0 hrs</b>     | <b>4 hrs</b>   | <b>8 hrs</b>     |

**Exceptions:** Employees with part-time appointments will continue to report actual hours absent when reporting all types of leave. Intermittent leaves taken under FMLA or WFMLA also should be reported in hours.

**3. Sick Leave Reporting and Teaching Responsibilities (formerly called "Colleague Coverage")**

**Effective with the Spring 2008 semester, teaching responsibilities not met by the instructor because of an absence due to illness must be reported as leave, even if a colleague covers the responsibilities.** However, leave time does not need to be reported when a colleague covers the responsibilities of a faculty or academic staff member who is unable to carry out those responsibilities because he or she is away from the University for business reasons (e.g., conference attendance, research). Although not a new policy, the Regents have asked that we remind you that there is a requirement that sick leave used must be reported based on a five-day standard (40 hours) under state law (Wis. Stats 40.05(4)(bp) <http://www.legis.state.wi.us/rsb/stats.html>). For this purpose only, the university standard workweek is Monday through Friday from 7:45 a.m. to 4:30 p.m. If the employee has regular responsibilities scheduled outside the "standard workweek," he/she can designate a different 40 hours of workweek for all scheduled classes, office hours, University meetings, etc., with the consent of the department. Alternative work schedules should be established in writing, with the acknowledgement of both the unclassified employee and the supervisor.

It is extremely important to note that the "standard workweek" exists only for the purpose of reporting sick leave. This is not a University standard for actual work hours since faculty, academic staff and limited appointees are salaried employees who are expected to work at least 40 hours per week (on a full-time basis) with schedules that may fluctuate. It is not the standard for reporting vacation, personal holidays and floating holidays. As a result, if an employee misses time during the week for reasons other than illness, injury, etc, it is up to the department to determine whether any leave needs to be reported.

We understand that some of you may regard these policy changes to be unnecessary bureaucracy. However, it is important that you comply because these changes are necessary to ensure that we maintain a very valuable benefit - the use of unused sick leave at retirement, layoff, or death to pay for health insurance. This benefit is under frequent scrutiny because of its value. Consequently, the Board of Regents is committed to doing what is necessary to protect the benefit. We want to assure you that we are proud of the hard work that our faculty, academic staff, and limited appointees provide, year after year, to support educational excellence in our state.

We have provided a FAQ as an attachment, and a link to the document entitled "Rationale for Defining a 40-hour Work Schedule for Purposes of Leave Reporting" <http://www.uwsa.edu/hr/benefits/leave/40hrweekrationale.pdf> that provides some background information. Please take the time to read this document, as it provides the history of why UW-Madison agreed to this practice and the benefits it provides. In addition, the UW-System chapters on unclassified sick leave and vacation have been revised and are available at <http://www.uwsa.edu/hr/upgs/upg10.pdf> and <http://www.uwsa.edu/hr/upgs/upg09.pdf> for your information.

If you have questions about the policy changes, we ask that you refer first to the FAQs provided, since this letter is going to more than 9,000 people. If you still have questions, please contact your department HR/Payroll Representative.

Thank you for your cooperation and help in this important matter.

## **Frequently Asked Questions**

### **Regent Resolutions/Sick Leave/Vacation Policy Changes**

1. Question: Can full-time faculty, academic staff, and limited appointees continue to report actual hours used instead of half-day or full-day increments?

Answer: No. The Regent resolution mandates that all sick leave, vacation, and personal holiday time must be reported in half-day or full-day increments.

2. Question: How will part time faculty, academic staff, and limited appointees report leave?

Answer: Part time staff will report actual hours used.

3. Question: If a faculty, academic staff, or limited appointee has a two appointments, how is leave reported?

Answer: If an employee has two appointments, he/she receives separate leave statements for each appointment. Leave should be reported in actual hours used. This is true even if the sum total of the two appointments is 100%.

4. Question: If an employee has two appointments, what happens if all leave statements are turned in for one appointment, but not for the other? What if the employee terminates one appointment (and starts another) during the fiscal year and has missing leave statements from the old appointment?

Answer: The leave reduction will occur if any leave statement is missing. It does not matter if an appointment is inactive, if a leave statement from that appointment is missing, the employee's sick leave will be reduced.

5. Question: What happens if a leave statement is turned in late or if a supervisor is not able to sign the leave statement by the 5<sup>th</sup> of the month? As an example, if an employee is on vacation for the first two weeks of January and does not submit his/her leave statement until he/she returns in late January, will the employee be penalized and have sick leave reduced for the year?

Answer: No. The reduction of sick leave will occur once a year, on August 15th. An employee will have access to any missing leave reports throughout the fiscal year, and has a window of time to clear up any missing statements prior to the August reduction.

6. Question: Do you expect employees to file an alternative work schedule if it changes weekly? Schedules are constantly changing depending on demands.

Answer: It is important to note that the standard work week is for sick leave reporting purposes only. Please refer to the "Rationale for Defining a 40-hour Work Schedule for Purposes of Leave Reporting"

<http://www.uwsa.edu/hr/benefits/leave/40hrweekrationale.pdf> to understand this requirement. We expect that most staff will use the standard work week for reporting purposes.

7. Question: If an employee does not have to report absences of less than 2 hours per day, is it possible that an employee could work just over 6 hours a day, everyday?

Answer: No. An employee is still responsible for requesting time off, and if a supervisor believes that an employee is abusing the leave policy, it can be treated as a performance issue. If an employee is missing an extensive amount of time, you should question whether the leave should be counted toward his/her Family/Medical Leave Act entitlement or if a disability accommodation needs to be considered.

8. Question: Suppose an employee has worked more than 40 hours in a week. One day the employee is sick, but still works 40 hours overall for the week. Does the employee have to report leave?

Answer: Yes, the employee has to report 8 hours of leave based on the standard work week identified for leave reporting purposes.

9. Question: If a full time employee misses 4 hours one day due to illness, can the time be made up on a different day?

Answer: No. The time missed must be reported as leave, based on the standard work week for sick leave reporting purposes.

10. Question: If a full time employee misses 4 hours one day for reasons other than illness, can the time be made up on a different day?

Answer: Yes. Since the reason for the absence is not sick leave related, the standard 40-hour week rule does not apply. It is up to the supervisor to determine whether the employee has met his/her responsibilities for the week.

11. Question: Now that colleague coverage for sick leave purposes has been eliminated, does an employee need to use sick leave to attend a conference?

Answer: No. When teaching responsibilities are missed due to University business, including conferences or research away from Madison, no leave time should be

reported. Only teaching responsibilities not met by the instructor because of an absence due to illness must be reported as leave, even if a colleague covers the responsibilities.

12. Question: If an employee has already used 6 days of sick leave during the fiscal year, and has a missing leave statement, will he/she be penalized and have sick leave reduced?

Answer: Yes. The Regent policy states that any employee who fails to file a leave report in one or more months of the fiscal year shall not be permitted to accrue sick leave in an amount exceeding the 8.5 days (for A-basis) and 6.4 days (for C basis). One missing leave statement will result in the reduction of sick leave.

13. Question: Is sick leave reported during Winter and Spring semester breaks for 9-month employees? Is reporting required?

Answer: Yes. Nine month faculty, academic staff, and limited appointees are in pay status during winter and spring breaks and are required to fulfill university obligations, from the beginning of the contract period until the end. This includes the registration and advising period and the Winter and Spring break periods. If, nine month staff are unable to fulfill University requirements due to illness, sick leave must be charged.

14. Question: If an individual is on sabbatical, formal leave reporting requiring the employee's original signature may not be possible or practical. Are there alternate verification practices which may be used?

Answer: Yes. Where unusual circumstances exist, a faxed or e-mailed leave report is acceptable. In only the most extreme cases, and approved by the dean, an employee may designate the department chair to file leave reports in his/her place.

15. Question: May faculty, academic staff, and limited appointees work at home when unable to come to work for sick leave related reasons and thus not charge sick leave?

Answer: It depends. If the employee's responsibilities can be performed at home and he/she can do the work despite the medical reason for staying home, sick leave doesn't have to be charged because no work was missed. Where applicable, the employee needs supervisory approval to work at home and not charge sick leave. Of course, good judgment must be exercised. Not all positions have duties that can be carried out at home. Even with those positions that do have duties that can be done at home, there may be days when the work must be done at the university and therefore sick leave must be charged. Lastly, if a person is unable to come to work due to their own illness or because they need to care for others, a frank assessment of how much work they can accomplish at home must be done and leave reported accordingly.

16. Question: There are repeated references to an employee's "supervisor." Do faculty have "supervisors?"

Answer: For purposes of leave policies, the department chair is the closest we have to a faculty supervisor. Faculty should consult their chair for advice if they have any leave reporting questions.

17. Question: If an employee's standard work week is 4 10-hour days, how is sick leave to be charged?

Answer: Leave will be reported in half-day increments, so the following would apply:

If you miss:                      Less than 2.5 hours = 0 hours reported  
    2.5 -7.5 hours = 5 hours  
    More than 7.5 hours = 10 hours

18. Question: Do employees who are on intermittent leave under FMLA have to report leave in 4 or 8 hour increments?

Answer: No. FMLA allows employees using intermittent leave to report time in hour increments.