

SECTION K – ABSENCES AND CONTINUOUS SERVICE

1.00 Coverage

2.00 Continuous Service

2.01 Indefinite Continuous Service

2.02 Employment Status

3.00 Annual Leave and Sabbatical/Termination Leave

3.01 General

3.02 Crafts Worker Annual Leave and Sabbatical/Termination Leave

3.03 Fire/Crash Rescue Annual Leave

3.04 Weekend Nurse Annual Leave

4.00 Personal Holiday

4.01 General

4.02 Crafts Worker Personal Holiday

4.03 Weekend Nurse Personal Holidays

5.00 Legal Holidays

5.01 General

5.02 Weekend Nurses

5.03 Attorneys

6.00 Military Leave

7.00 Special District Attorney Leave

8.00 Hostage Leave

9.00 Restoration

1.00 Coverage

This Section (Section K) covers absences and continuous service provisions that supersede ch. 230 and 231, Wis. Stats. and ch. ER 18, Wis. Admin. Code, in accordance with s. 230.12(1)(h), Wis. Stats.

2.00 Continuous Service

2.01 Indefinite Continuous Service

Continuous service will be calculated in accordance with ch. 230, Wis. Stats. and ch. ER 18, Wis. Admin. Code, except that the provisions of s. 230.35(1m)(f), Wis. Stats. and s. ER 18.02(2)(b)6, Wis. Admin. Code regarding the leaving and returning to state service without continuous service being considered interrupted no matter the duration, will apply only if the employee leaves and returns to a career executive position or positions designated in s. 19.42(10)(L) or s. 20.923(4), (7), (8), and (9), or authorized under s. 230.08(2)(e).

2.02 Employment Status

Employment status will be determined in accordance with s. ER 18.01(3), except that employees laid off from a represented position prior to January 1, 2012, will be considered to be in employment status on layoff if reinstated or restored within five years of the date of layoff.

3.00 Annual Leave and Sabbatical/Termination Leave

3.01 General

Effective January 1, 2012, annual leave and sabbatical/termination leave will be provided in accordance with ch. 230, Wis. Stats. and ch. ER 18, Wis. Admin. Code, except as noted in 3.02 through 3.04 below.

3.02 Crafts Worker Annual Leave and Sabbatical/Termination Leave

Crafts workers allocated to positions in schedule 04 will be provided annual leave in accordance with provisions of ch. 230, Wis. Stats., and ch. ER 18, Wis. Adm. Code except that the amount of annual leave will be determined as follows:

Employees shall begin earning annual leave on their first day in pay status. After completion of the first six (6) months in a permanent or seasonal position, employees are eligible for and shall be granted noncumulative annual leave based on the rate of one hundred (100) hours (12 1/2 days) for a full year of service each year. For those employees who elect, with a corresponding adjustment to their prevailing rate, employees are eligible for and shall be granted noncumulative annual leave based on the rate of one hundred forty (140) hours (17 1/2 days) or one hundred eighty hours (22 1/2 days) for a full year of service each year. Seasonal employees who are regularly employed for less than twelve (12) months out of a year and permanent part-time employees shall be granted pro rata annual leave. Election of the level of annual leave granted will be done once per calendar year per agency procedures.

Annual leave for covered employees shall be prorated during the first calendar year of employment and upon termination of employment.

Craft Workers in schedule 04, including those in project appointments, will not be eligible to convert annual leave to sabbatical/termination leave.

3.03 Fire/Crash Rescue Annual Leave

For employees in positions allocated to the classifications of Fire/Crash Rescue Specialist 1, 2 and 3 and Fire/Crash Rescue Supervisor at the Department of Military Affairs, annual leave shall be based upon adjusted continuous service at the rate of:

Adjusted Continuous Service	Hours
0 yr. to 5 yrs.	120 hrs. (15 days)
5+ to 10 yrs.	168 hrs. (21 days)
10+ yrs. to 15 yrs.	184 hrs. (23 days)
15+ yrs. to 20 yrs.	216 hrs. (27 days)
20+ yrs. to 25 yrs.	232 hrs. (29 days)
25+ yrs.	256 hrs. (32 days)

The above annual leave schedule is based on a regular, recurring work schedule averaging ninety-six (96) hours per pay period during a calendar year. The Employer will prorate annual leave earnings for employees who are scheduled to work more or less than an average of ninety-six (96) hours per pay period on a regular, recurring basis during a calendar year.

3.04 Weekend Nurse Annual Leave

Employees moving to Weekend Nurse positions will receive a cash payment, calculated at their base pay rate, for eligible accumulated annual leave time earned prior to the date of transfer.

Employees classified as Nurse Clinician-Weekend Nurse may, at their option, elect to receive earned annual leave under one or more of the following options per year:

- (1) Employees may elect to use annual leave on no more than 2 weekends during each of the time periods January through June and July through December. Annual leave will not exceed 96 hours per calendar year, except by mutual agreement. For permanent, part-time employees, annual leave will be prorated by FTE.
- (2) After December 31 of each calendar year, eligible unused annual leave will be paid at the employee's base pay rate, or at the completion of the employee's original probationary period, whichever is later.

Employees moving out of a Weekend Nurse position will receive annual leave in accordance with 3.01, above, for the remainder of the calendar year.

4.00 Personal Holidays

4.01 General

Personal Holidays will be in accordance with ch. 230, Wis. Stats., and ch. ER 18, Wis. Admin. Code, except treatment of personal holidays when an employee is terminated from state service **by the Employer** while serving the first six months of an original probationary period or project position will be as follows:

Personal holidays will be prorated for the calendar year in which the termination occurs. Personal holidays earned in a previous calendar year will not be prorated or repaid. A resignation in lieu of termination may be considered a termination, at the discretion of the appointing authority.

An employee who resigns within the first six months of an original probationary period or project position, but who has a total of more than six months without a break in service due to any other classified, unclassified or project service, will be considered to be entitled to all personal holiday hours for which the employee had been eligible.

4.02 Crafts Worker Personal Holidays

Crafts Workers in schedule 04, including those in project appointments, are not eligible for personal holidays.

4.03 Weekend Nurse Personal Holidays

Weekend Nurses are not eligible for personal holidays.

5.00 Legal Holidays

5.01 General

Except as noted below, legal holidays will be provided in accordance with ch. 230, Wis. Stats., and ch. ER 18, Wis. Admin. Code.

5.02 Weekend Nurses

Weekend Nurses are not eligible for paid legal holidays or compensatory time due an employee for work on a holiday. Weekend Nurses will receive pay at a rate of time and one-half for work performed on a legal holiday listed in s. 230.35(4)(a), Wis. Stats.

5.03 Attorneys

When required to work on a holiday, Attorneys covered in Section C of this Plan will receive equivalent time off at a later date.

6.00 Military Leave

Provisions regarding military leave will be accordance with chapters 230 and 321, Wis. Stats., except that employees with permanent status who are members of the National Guard or a Reserve component of the U.S. armed forces on military leave without pay for duly authorized inactive duty training or active duty for training will continue to earn vacation, sick leave and legal holiday credits.

7.00 Special Assistant District Attorney Leave

Any assistant district attorney who is appointed by a court of competent jurisdiction to act as a special prosecutor pursuant to s. 978.045, Wis. Stats., for the purpose of exercising the full range of responsibilities of the District Attorney in the supervision and management of the prosecutorial unit as a result of absence or incapacity of the District Attorney will be placed on an unpaid leave of absence as an assistant district attorney for the duration of the appointment if such appointment is or extends for one hundred and twenty (120) or more calendar days. Any ADA appointed by the Governor to fill a vacancy in an office of a District Attorney pursuant to ss. 17.03, 17.035, 17.05, 17.06 or 17.11, Wis. Stats. will be placed on an unpaid leave of absence for the duration of the gubernatorial appointment.

An assistant district attorney appointed under the circumstances as set forth above will submit written notification to the State Prosecutors Office, Department of Administration, within five (5) calendar days of the appointment. The notification must include a copy of the gubernatorial appointment or a copy of the court order specifying the reasons for and duration of the appointment.

An assistant district attorney placed on such unpaid leave of absence will return to his/her former position, or one of like nature, in the prosecutorial unit in which he/she was employed without loss of continuous service unless the individual files a declaration of candidacy for election to the office of District Attorney under s. 8.21, Wis. Stats., in which event the individual forfeits all rights to return.

8.00 Hostage Leave

When the Employer determines that an employee has been held against the employee's will for a period of time by a person or persons and during this time the person or persons holding the employee attempts to obtain a pledge from the Employer to submit to certain terms and/or conditions prior to releasing the employee, then the employee will be considered to have been held hostage.

If an employee alleges that he/she has suffered an injury as a result of being taken hostage, the Employer may approve an examination by a Doctor of Psychiatry (MD) who is authorized to provide services under one of the State of Wisconsin's approved health insurance programs. If the diagnosis by the psychiatrist supports the employee's claim, the Employer may approve psychiatrically-prescribed treatment and/or counseling services, and/or a leave of absence without loss of pay or benefits for a period of time not to exceed forty five (45) calendar days from the date of the conclusion of the hostage event.

9.00 Restoration

Restoration rights will be for 3 years in accordance with s. 230.35(3)(a), Wis. Stats., and s. ER-MRS 22.10, Wis. Admin. Code, except that employees laid off from a represented position prior to January 1, 2012, will have restoration rights for 5 years from the date of the layoff.