

## **SECTION K – ABSENCES AND CONTINUOUS SERVICE**

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### **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 positions 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 the effective date of this Plan 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 and 3.03 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 eighty four (84) hours (10 1/2 days) for a full year of service each year. For those employees who elect, with a corresponding adjustment to their prevailing rate, 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 twenty four (124) hours (15 1/2 days) for a full year of service each year. After completion of twenty (20) years of service, 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, after completion of twenty (20) years of service, 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 at a rate of eighty four (84) or one hundred twenty four (124) hours and during the twenty-first (21st) year of employment at the rate of eighty four (84), one hundred (100), one hundred twenty four (124), one hundred forty (140) or one hundred eighty (180) hours respectively. Upon termination of employment, annual leave shall be prorated.

Craft Workers in schedule 04 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:

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

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.

## **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 while serving a probationary period 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.

### **4.02 Crafts Worker Personal Holidays**

Crafts Workers in schedule 04 are not eligible for personal holidays.

**5.00 Military Leave**

Provisions regarding military leave will be accordance with chapters 230 and 321, Wis. Stats., except that employees 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.

**6.00 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.

**7.00 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.

### **8.00 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 the effective date of this Plan will have restoration rights for 5 years from the date of the layoff.