

## Chapter ER 18

## ABSENCES

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**ER 18.01 Definitions.** In this chapter, unless the context otherwise requires:

(1) "Elected official" means a constitutional officer or other elected official under s. 20.923 (2), Stats.

(2) "Employe" means any person who receives remuneration for services rendered to the state under an employer-employe relationship in the classified or unclassified civil service except:

(a) Elected officials;

(b) Unclassified staff of the university of Wisconsin system not identified under s. 20.923 (4) or (4m), Stats.;

(c) Unclassified staff of the legislature not identified under s. 20.923 (4), Stats.;

(d) Unclassified staff of a legislative service agency under subch. IV of ch. 13, Stats.;

(e) One stenographer employed by each elective constitutional officer under s. 230.08 (2) (g), Stats.; and

(f) Staff of the state court system.

(3) "Employment status" means the status of a person in the civil service under s. 230.08, Stats., while in pay status or on:

(a) Approved leave of absence without pay;

(b) Military leave;

(c) Leave to serve in the unclassified service;

(d) Leave of absence due to injury or illness arising out of state employment and covered by worker's compensation under ch. 102, Stats., or s. 230.36, Stats.;

(e) Temporary layoff; or

(f) Layoff and subsequent reemployment within 3 years.

(4) "Immediate family" means:

(a) Parents, step-parents, grandparents, foster parents, children, step-children, grandchildren, foster children, brothers and their spouses, sisters and their spouses, of the employe or spouse;

(b) The spouse;

(c) Aunts and uncles, sons-in-law or daughters-in-law of the employe or spouse; and

(d) Other relatives of the employe or spouse providing they reside in the same household of the employe.

(4m) "Layoff" means the termination of the services of an employe with permanent status in class from a position in a group in which a reduction in force is to be accomplished and which results in a mandatory reemployment right of the affected employe to future positions.

(5) "Leave credits" mean earned but unused annual leave, termination leave, sabbatical leave, sick leave, personal and legal holiday time, and holiday compensatory time off. Leave credits do not include compensatory time off credits earned for working overtime.

(6) "Limited term employe" means a person who is an employe as a result of either:

(a) Employment in the classified service in which the nature and conditions do not permit attainment of permanent status in class, for which the use of normal procedures for recruitment and examination are not practicable, and which is not project employment; or

(b) Employment in the unclassified service in which the employe would have been considered a limited term employe, had employment been in the classified service.

(7) "Sabbatical leave" means annual leave which was deferred during the year earned to be used in a subsequent year to extend the annual leave, unless used for termination leave.

(8) "Termination leave" means annual leave which was deferred during the year earned to be used in a subsequent year to extend an employe's termination date or for payment in a lump sum upon termination.

**History:** Cf. Register, May, 1988, No. 389, eff. 6-1-88; correction in (2) (b) made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1994, No. 466.

**ER 18.02 Annual leave of absence.** (1) EMPLOYEES WHO EARN ANNUAL LEAVE OF ABSENCE. With the exception of limited term employes, all employes shall earn annual leave as provided in this section.

(2) COMPUTING CONTINUOUS SERVICE. (a) Only the most recent period in continuous employment status in either the unclassified service under s. 230.08 (2), Stats., or as a permanent employe in the classified service or both shall be counted in determining an employe's length of continuous service. This excludes time served as a limited term

employee or in those positions under s. 230.08 (2) (j) and (k), Stats., regarding youth camps and students respectively. The inclusion of time served in a project appointment is governed by s. ER 18.05 (3) and (4).

(b) The continuous employment status of an employee eligible for annual leave shall not be considered interrupted if the employee:

1. Was on an approved leave of absence.
2. Left the service through resignation or layoff and is reemployed within 3 years, subject to the following:

a. Employment prior to leaving the service and upon returning to the service within 3 years must be as a permanent, classified employee or as an unclassified employee other than a limited term employee.

b. Any return to service following termination for cause is deemed to not be a qualifying reemployment under this provision, even though the return is within the 3 year period.

3. Was serving a project appointment and was eligible to transfer continuous service credits under s. ER 18.05 (3) regarding transfer of credits by project employees who were permanent employees.

4. Was absent on military leave.

5. Was absent due to injury or illness arising from state employment and covered by the worker's compensation act, or s. 230.36, Stats., regarding hazardous employment injuries and pay continuation.

6. Was a career executive employee or employed under s. 20.923 (4), (8) or (9), Stats., who left the service and returned to state employment as a career executive or in any such enumerated position regardless of the duration of absence as provided under s. 230.35 (1m) (f), Stats. This applies to all persons who are career executive employees or employees in positions enumerated in s. 20.923 (4), (4m), (8) or (9), Stats., on or after July 1, 1973.

7. Was on layoff and is reemployed within 3 years, or on temporary layoff under s. ER-MRS 22.14.

(c) The length of time between an employee's resignation and reemployment under sub. (2) (b), shall not be counted in computing years of continuous service.

(d) Persons in seasonal, sessional, school year and part-time employment shall be deemed to have completed one full year of service for each such seasonal, sessional or other part-time annual period of service in computing years of continuous service.

(e) The provisions of this section regarding credit for leaves of absence other than military leave, leave to serve in the unclassified service or leave of absence due to injury or illness arising out of state employment and covered by worker's compensation under ch. 102, Stats., or s. 230.36, Stats., shall apply only to persons who return from an approved leave of absence on or after April 9, 1976. There shall be no adjustment to length of service credits for approved leaves or portions thereof taken prior to April 9, 1976.

(3) **ELIGIBILITY.** (a) Pursuant to ss. 230.27 (2m) and 230.35 (1) (b), Stats., permanent and project employees in Register, October, 1994, No. 466

the classified service are not eligible to take annual leave during the first 6 months of the most recent period of continuous service in the classified service. Continuous service credits earned during employment in the unclassified service do not count toward this 6 month qualifying period. Employees who terminate during this 6 month period are deemed to have earned annual leave credits but have not acquired eligibility to take annual leave or receive any payment for the annual leave credits earned during this 6 month period.

(b) Unclassified employees are not required to complete a qualifying period prior to taking annual leave.

(c) Eligible employees shall be granted noncumulative annual leave based on accumulated continuous state service as follows:

1. Full-time, full-year employment. Annual leave shall be based upon accumulated continuous state service and earned at the rate for each year as shown in the following table:

**ANNUAL LEAVE RATE FOR  
FULL YEAR OF SERVICE**

Years of Service	Hours Earned Each Year
During First 5	80
5+ to 10	120
10+ to 15	136
15+ to 20	160
20+ to 25	176
25 & Over	200

2. Seasonal, sessional, school year and part-time employees. Employees who are in pay status for less than 80 hours during any biweekly pay period during the calendar year shall be granted prorated annual leave consistent with subs. 1. and 3.

3. Full-time, full year career executives and certain executive salary schedule employees. Annual leave for career executives, as provided under ch. ER-MRS 30, and persons included under s. 20.923 (4), (4m), (8) and (9), Stats., shall be based upon accumulated continuous service and earned at the rate shown in the following table:

**ANNUAL LEAVE RATE FOR  
FULL YEAR OF SERVICE**

Years of Service	Hours Earned Each Year
During First 5	120
5+ to 10	160
10+ to 15	176
15+ to 20	200
20 & Over	216

(4) **COMPUTING ANNUAL LEAVE.** (a) Annual leave credits in any given year shall not be earned for any period of absence without pay except periods of absence due to temporary layoff under s. ER-MRS 22.14.

(b) Annual leave for employees covered in sub. (3) (c) 1., 2. and 3. and persons included under s. 20.923 (4), (4m), (8) and (9), Stats., shall be prorated during the calendar year in which the rate of earning changes.

(c) Upon termination of employment, annual leave shall be prorated and payment for unused leave for which an

employee is eligible under sub. (4) shall be made in accordance with sub. (9).

(d) The amount of annual leave earned by an employee during a calendar year is based on the employee's hours in pay status up to a maximum of 80 hours per biweekly pay period. Annual leave is not earned during overtime work hours. Hourly annual leave amounts earned for each hour in pay status can be computed by using the following:

<u>ANNUAL LEAVE RATE</u>	<u>CONVERSION FACTOR</u>
80 hr. rate	.038314 per hour
120 hr. rate	.057471 per hour
136 hr. rate	.065134 per hour
160 hr. rate	.076628 per hour
176 hr. rate	.084291 per hour
200 hr. rate	.095785 per hour
216 hr. rate	.103448 per hour

(5) **EMPLOYEE OPTION.** (a) Pursuant to s. 230.35 (1p) (a), Stats., employees who earn annual leave at the rate of 160 or 176 hours per year may elect to receive up to 40 hours of such leave, or prorated portion thereof, among one or more of the following options:

1. Annual leave during the year earned or as authorized pursuant to sub. (7).

2. Credit for a combined termination and sabbatical leave plan with such credit being accumulated without limitation.

(b) Pursuant to s. 230.35 (1p) (b), Stats., employees who earn annual leave at the rate of 200 or 216 hours per year may elect to receive up to 80 hours of such leave, or prorated portion thereof, among one or more of the following options:

1. Annual leave during the year earned or as authorized pursuant to sub. (7).

2. Credit for a combined termination and sabbatical leave plan with such credit being accumulated without limitation.

3. Cash payment during the year earned for not to exceed 40 hours at the employee's base rate exclusive of any supplementary compensation as of the last day of the pay-roll in the calendar year.

(c) The number of hours available for use under pars. (a) and (b) shall be prorated at the pertinent annual leave rate or rates for employees who work less than 2088 hours during the calendar year.

(6) **WHEN ANNUAL LEAVE MAY BE TAKEN.** (a) Pursuant to s. 230.35 (1) (b), Stats., employees may anticipate annual leave which they can earn during the calendar year. Anticipated annual leave shall be based upon a projection of the employee's number of hours in pay status during the calendar year and the conversion factors provided under sub. (4) (d).

(b) *When annual leave may be taken.* In determining annual leave schedules, the appointing authority shall respect the wishes of the eligible employees as to the time of taking their annual leave insofar as the needs of the service will permit. Annual leave allowance shall be taken during the calendar year except as follows:

1. Employees who request and receive approval from their appointing authority or who are required by their appointing authority to defer all or part of their annual leave for a given calendar year shall be permitted to take it within the first 6 months of the ensuing calendar year.

2. However, employees who are unable to take unused annual leave as provided in subd. 1 due to their work responsibilities shall be granted an additional 6 month extension of time in which to use the annual leave. Any extension under this subdivision shall be approved by the appointing authority. Any authorized leave credits, carried over from the previous calendar year, shall be dropped as of December 31 of the following calendar year. This paragraph shall not apply to any carried over leave credited under sub. (5) (a) 2 and (b) 2.

3. Employees completing an original probationary period during the first 6 months of the calendar year shall have the remainder of the calendar year in which to use annual leave earned in the previous year.

4. Employees completing an original probationary period during the last 6 months of the calendar year shall have the remainder of the calendar year and the first 6 months of the following calendar year in which to use annual leave earned in the previous year.

5. If the projected number of hours in pay status used to anticipate an employee's annual leave under par. (a) changes during the calendar year, the employee's anticipated annual leave balance shall be adjusted in accordance with sub. (4). Employees granted additional leave during the last 6 months of the calendar year due to changes in the projected number of hours in pay status shall have the remainder of the calendar year and the first 6 months of the ensuing calendar year in which to use the additional annual leave earned in the previous year.

(7) **WHEN SABBATICAL LEAVE MAY BE TAKEN.** In determining sabbatical leave schedules, the appointing authority shall respect the wishes of eligible employees as to the time of taking sabbatical leave subject to the needs of the service.

**Note:** See s. ER 21.04 regarding treatment of leave credits upon resignation from state service.

(9) **PAYMENT FOR UNUSED LEAVE UPON TERMINATION.** Upon termination, payment for unused annual leave, including termination and sabbatical leave, shall be made pursuant to:

(a) Section ER 21.04 for termination as a result of resignation.

(b) Section 230.35 (1) (m), Stats., for termination as a result of layoff, death or discharge, with the date of layoff, death or discharge establishing the employee's termination date.

(c) Section 40.02 (22) (b) 6., Stats., for termination as a result of disability.

**History:** Renum. from ER-Pers 18.02 (2) (a) to (g), (3) (b), (4) (a) to (c), (5) (a) to (c), (7) (intro) to (d), cr. (1), (2) (a), (b) (intro.), (d) and (e), (3) (a) to (c) (intro.), (4) (d), (5), (6) (a) and (b) 5., (7) and (9), Register, May, 1988, No. 389, eff. 6-1-88; correction in (2) (b) 6 and 7, (3) (c) 3 and (4) (a) and (b), (6) (b) 2. made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1994, No. 466.

## ER 18.03

**ER 18.03 Sick leave. (1) EMPLOYEES WHO EARN SICK LEAVE.** Pursuant to s. 230.35 (2), Stats., all employees shall earn sick leave under this rule except:

(a) Limited term employees;

(b) Members of the organized militia referenced under s. 20.923 (6) (c), Stats.;

(c) Those employees referenced in s. 230.08 (2) (j), Stats.

**(1g) SICK LEAVE FOR CERTAIN UNCLASSIFIED STAFF.** This section also applies to unclassified staff of the legislature not identified under s. 20.923 (4), Stats., unclassified staff of a legislative service agency under subch. IV of ch. 13, Stats., staff of the state court system, and the one stenographer employed by each elective executive officer under s. 230.08 (2) (g), Stats. These persons shall be considered "employees" for the provisions regarding sick leave under this chapter.

**(1m) CERTAIN ELECTED OFFICIALS' SICK LEAVE.** This section also applies to elected officials except members of the legislature, circuit and appeals court judges and justices of the supreme court.

**Note:** See ss. 13.121 (4) and 757.02 (5), Stats., for accrual of sick leave credits for health insurance premiums for members of the legislature and circuit and appeals court judges and justices of the supreme court, respectively.

**(2) ACCRUAL OF SICK LEAVE.** (a) Sick leave credit shall accrue at the rate of .05 hour for each hour in pay status, not to exceed 4 hours in any biweekly pay period.

(b) Sick leave credits in any given year shall not be earned for any period of absence without pay or time otherwise not worked or paid for, except that for administrative purposes, any approved absence or absences without pay totaling 4 work hours or less in any biweekly pay period will be disregarded. This paragraph does not apply to persons on temporary layoff under s. ER-MRS 22.14 who shall earn sick leave credits at the rate specified under par. (a) for the time spent on such temporary layoff.

(c) Unused sick leave shall accumulate from year to year in the employee's sick leave account pursuant to s. 230.35 (2), Stats.

**Note:** See s. ER 18.05 for sick leave carry-over provisions for project employees.

(d) Sick leave shall not be used until it has been accrued.

**(3) ACCOUNTING FOR USE OF SICK LEAVE.** The use of sick leave shall be charged to the employee's account by the appointing authority.

**(4) ELIGIBILITY FOR AND USE OF SICK LEAVE.** Each employee who has accrued sick leave credits shall be eligible to use sick leave for periods of absence from employment, as follows:

(a) For personal illnesses, bodily injuries, maternity, or exposure to contagious disease:

1. Which require the employee's confinement;
2. Which render the employee unable to perform assigned duties; or
3. Where performance of assigned duties would jeopardize the employee's health or recovery.

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(b) For immediate family or personal medical or dental appointments which cannot be scheduled at times other than during work hours.

(c) For temporary emergency medical care of ill or injured members of the immediate family for a limited period of time to permit the employee to make other arrangements. Use of sick leave for temporary emergency care of immediate family members is limited to 5 work days for any one illness or injury; however, the use of sick leave may be extended to cover unusual circumstances provided prior approval is obtained from the appointing authority.

(d) For a death in the immediate family, use of accrued sick leave due to a death in the immediate family is limited to a total of 3 work days, plus required travel time not to exceed 4 additional work days. However the appointing authority may extend the use of sick leave to cover unusual circumstances.

(e) An appointing authority may require a medical certificate to justify the granting of sick leave or to verify the fitness of an employee to return to work.

**(5) SICK LEAVE CREDIT CONTINUATION.** (a) Previously accumulated sick leave shall not be canceled by absence on approved leave under s. ER 18.14. Termination from the service for cause as provided in s. 230.34 (1) (a), Stats., shall cancel all unused accumulated sick leave. Whenever an unclassified employee covered by this section or a permanent classified employee is laid off, terminated due to lack of work or funds, or resigns, any unused accumulated sick leave credit shall remain on record and be restored if the person is reemployed in a position covered by this section within 3 years. This provision shall also apply to project employees eligible to transfer credits under s. ER 18.05 (3).

(b) For restoration of sick leave credits for employees serving in career executive positions or positions designated in s. 20.923 (4), (4m), (8) and (9), Stats., see s. 230.35 (2), Stats. This same provision shall also apply to elected officials except members of the legislature, circuit and appeals court judges and justices of the supreme court.

**Note:** For provisions regarding sick leave conversion credit at the time of retirement, in the event of death or at the time of layoff, see s. 40.05 (4) (b) and (bm), Stats., regarding health insurance premiums.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (1), (2) (a) and (b) and (5), Register, September, 1975, No. 237, eff. 10-1-75; am. (1) and (7), Register, December, 1976, No. 252, eff. 1-1-77; am. (1), (2), (3) and (4) (a), r. (4) (c) and (7), renum. (5) to be (5) (a) and am. cr. (5) (b), renum. (6) to be (5) (c) and am. Register, February, 1981, No. 302, eff. 3-1-81; am. (2) (a) and (b) and (5) (c), Register, February, 1983, No. 326, eff. 3-1-83; renum. from ER-Pers 18.03, r. (1) (b) and (c), (4) (a) and (5) (c), cr. (1g), (1m), (4) (intro.) to (d), Register, May, 1988, No. 389, eff. 6-1-88; correction in (2) (b) and (5) (b) made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1994, No. 466.

**ER 18.04 Holidays. (1) EMPLOYEES WHO EARN HOLIDAYS.** All employees except limited term employees earn holidays under this section.

(2) (a) Equivalent time off when the legal holiday falls on the employee's regularly scheduled day off.

(b) Compensatory time off at a rate of one and one-half times the number of hours worked, or a cash payment at a rate of one and one-half times the employee's regular rate for each hour the employee is assigned to work on a holiday

enumerated in s. 230.35 (4) (a) 1., 1m. and 3. to 9., Stats., and the 5th through the 8th hours worked on Good Friday. In addition, such working employe also receives the holiday off at a later date.

1. Regular rate is defined in the compensation plan established under s. 230.12 (6), Stats.

2. Compensatory time off shall be scheduled at the discretion of the appointing authority.

3. The amount of compensatory time, recorded at the one and one-half rate specified under par. (b) that is not scheduled and used within the first 6 months of the ensuing calendar year, shall be paid in cash at the employe's current regular rate. Any such payment shall be made prior to the administrative date for compensation adjustments established under s. 230.12 (8), Stats.

4. Pursuant to Article IV, Section 26 of the Wisconsin Constitution and s. 20.923 (16), Stats., fixed term employes and employes in positions included under s. 20.923 (4) (5) and (8) to (12), Stats., are ineligible for extra compensation for work performed on a holiday.

5. Compensatory time off shall not be used until after the holiday during which it has accrued occurs. Prospective use of compensatory time off shall not be permitted.

(3) **ELIGIBILITY FOR LEGAL HOLIDAYS.** (a) For the purposes of this subsection, "scheduled work day" for an employe on a leave of absence without pay means the day the employe would have been scheduled to work had the employe been in pay status.

(b) To be eligible for any legal holiday with pay, a person must be in employment status on the holiday and do at least one of the following:

1. Work on the holiday;
2. Be in pay status on the last scheduled work day immediately preceding the holiday; or
3. Be in pay status on the first scheduled work day immediately following the holiday.

(c) Employes who are regularly employed for less than 80 hours per biweekly pay period on a continuing basis shall be granted a prorated amount of legal holidays consistent with the employe's regularly scheduled hours per pay period at the time the holiday occurs.

(4) **PERSONAL HOLIDAYS.** See s. 230.35 (4) (d), Stats. (a) Employes who are regularly employed for less than 80 hours per biweekly pay period on a continuing basis shall be granted a prorated amount of paid personal holiday time consistent with the employe's regularly scheduled hours per pay period at the time the holiday is taken.

(b) Upon termination, payment for any unused personal holidays shall be made in the same manner as provided for annual leave under s. ER 18.02 (9).

(c) Personal holidays shall be used prior to the end of the calendar year, except as provided under s. 230.35 (4) (d) 4., Stats.

**History:** Renum. from ER-Pers 18.07, cr. (1), (2) (b) 4. and 5., (3) and (4) (c), Register, May, 1988, No. 389, eff. 6-1-88; correction in (2) (b) made under s. 13.93 (2m) (b) 7, Stats., Register, October, 1994, No. 466.

**ER 18.05 Other provisions relating to annual leave, sick leave and personal holidays.** (1) **ANNUAL LEAVE, SICK LEAVE OR PERSONAL HOLIDAYS ON LEGAL HOLIDAYS.** In the event that a legal holiday falls on a regular work day within the week or weeks taken as annual leave, sick leave, or personal holidays, such legal holiday shall not be charged as annual leave, sick leave or personal holiday. For any time on which work is suspended, such suspension shall not be construed to extend any annual leave, sick leave or personal holiday to an employe in such status at the time.

(2) **TRANSFER OF CREDITS BY PERMANENT CLASSIFIED OR UNCLASSIFIED EMPLOYEES.** (a) For the purposes of this subsection, "new appointing authority" means the appointing authority after the movement between the relevant types of employment. In some instances, the new appointing authority may be the same as the former appointing authority.

(b) Except as provided in pars. (e) and (g), upon entry to employment covered by this chapter from state unclassified employment which was not covered by this chapter, unused leave credits accumulated under the employment not covered by this chapter may be retained by the employe upon mutual agreement between the employe and the new appointing authority. Such agreements are subject to approval by the secretary. The total amount of leave credits retained by the employe may not exceed the unused leave credits which could have been accumulated in accordance with the provisions of this chapter. Negative leave credit balances shall not be transferred. An elected official is not eligible to transfer unused leave credits earned during employment as an elected official to employment covered by this chapter other than unused sick leave credits. The transfer of unused sick leave credits accumulated under state unclassified employment not covered by this chapter will be authorized subject to the limits specified in this paragraph.

(c) When an employe moves from a position to a different position, and employment in both positions is covered by this chapter, obligation for any unused accumulated leave credits earned pursuant to this chapter shall be assumed by the new appointing authority.

(d) When an employe in employment subject to this chapter moves to unclassified state employment not subject to this chapter, the employe may carry forward any unused accumulated leave credits earned under this chapter to the new place of employment, providing the new appointing authority agrees to assume the obligation for them.

(e) When an employe in employment subject to this chapter terminates and moves to unclassified state employment not subject to this chapter and the new appointing authority is not willing to assume the obligation for any unused accumulated leave credits earned under this chapter, the agency subject to this chapter shall pay the employe a lump sum payment for the leave credits, except that no payment shall be made for sick leave credits.

(f) When a represented classified employe moves to a nonrepresented position subject to this chapter, the employe shall carry forward any unused accumulated leave credits.

## ER 18.05

(g) When an elected official covered by s. ER 18.03 moves to other employment subject to this chapter, any unused sick leave credits shall be carried forward.

(h) When positions are converted from the unclassified service to the classified service, leave credit benefits for employes who remain in such positions pursuant to a waiver of competition under s. 230.15 (1), Stats., are determined by the secretary.

**(3) TRANSFER OF CREDITS BY PROJECT EMPLOYES WHO WERE PERMANENT EMPLOYES OR UNCLASSIFIED EMPLOYES.** Pursuant to s. 230.27 (2m) (b), Stats., a project employe who has previously been a permanent classified employe or an unclassified employe other than a limited term employe may transfer continuous service and paid leave credits previously earned to the project appointment and from the project appointment to a subsequent project or permanent appointment in a manner consistent with that applied to similar transactions in the permanent classified service, subject to the following:

(a) *Transfer of credits to a project appointment.* 1. Accumulated leave credits earned as a permanent classified employe or as an unclassified employe other than a limited term employe shall be carried over to a project appointment in the same manner as prescribed under sub. (2) if the project employe would have been able to carry over the leave credits to a permanent appointment.

2. Continuous service credits earned as a permanent classified employe or as an unclassified employe other than a limited term employe shall be carried over to a project appointment in the same manner as prescribed under s. ER 18.02 (2) if the project employe would have been eligible to carry over the continuous service credits to a permanent appointment.

(b) *Transfer of credits between project appointments.* Accumulated leave and continuous service credits earned during a project appointment shall be carried over upon appointment to a subsequent project appointment if the project employe previously was a permanent classified employe or unclassified employe other than a limited term employe and could have carried over the leave credits if the project appointments had been permanent appointments.

(c) *Transfer of credits from a project appointment.* Accumulated leave and continuous service credits earned during a project appointment shall be carried over upon a permanent classified or unclassified appointment if the project employe previously was a permanent classified employe or an unclassified employe other than a limited term employe and could have carried over the leave credits if the project appointment had been a permanent appointment.

**(4) TRANSFER OF CREDITS BY OTHER PROJECT EMPLOYES.** Pursuant to s. 230.27 (2m) (a), Stats., a project employe who has not previously been a permanent classified employe or an unclassified employe other than a limited term employe may not transfer continuous service or paid leave credits earned in any project appointment to subsequent project, permanent, or unclassified appointments, subject to the following:

(a) *Continuous service.* Continuous service credit shall be earned for the duration of employment in the project

position. Continuous service is considered interrupted and a new period of continuous service begins upon subsequent project, permanent, or unclassified appointments.

(b) *Annual leave.* A 6 month qualifying period must be served in each project appointment and subsequent permanent appointment before becoming eligible to use annual leave.

(c) *Sick leave.* Unused sick leave credits shall be canceled upon subsequent project, permanent, or unclassified appointments.

(d) *Holidays.* Time off for personal and legal holidays shall be granted under s. ER 18.04. If an employe moves between the permanent or unclassified appointments and project appointments during a calendar year, the total number of personal holidays earned in the calendar year shall not exceed 3.

**(6) LEAVE CREDIT BALANCES.** An employe may not overdraw the balance of any leave credit account.

**History:** Renum. from ER-Pers 18.04 (1), cr. (2) to (4) and (6), Register, May, 1988, No. 389, eff. 6-1-88.

**ER 18.06 Leave with pay due to work-related injury.** Certain employes and elected officials other than members of the legislature, circuit and appeals court judges and justices of the supreme court, who are unable to work due to injuries incurred in line of duty and hazardous employments shall continue to receive their salaries, according to the provisions of s. 230.36, Stats., and ch. ER 28.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; renum. from ER-Pers 18.06 and am. Register, May, 1988, No. 389, eff. 6-1-88.

**ER 18.08 Military service. (1) NATIONAL GUARD, STATE GUARD, RESERVE CORPS.** For project employes, eligibility for annual military leave under s. 230.35 (3), Stats., shall be earned after completion of the first 6 months of employment in a project position. If prior eligibility has been attained in a permanent, seasonal, sessional or unclassified position and the employe has been appointed to the project position without an interruption of continuous service, such prior eligibility shall be retained.

**Note:** See s. 230.35 (3), Stats., for provisions regarding attendance at duly ordered military and naval schools, annual field training and naval exercises by employes and elected officials other than members of the legislature, circuit and appeals court judges and justices of the supreme court.

**(2) ACTIVE SERVICE.** See s. 230.32, Stats.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (1), Register, December, 1976, No. 252, eff. 1-1-77; am. Register, February, 1981, No. 302, eff. 3-1-81; renum. from ER-Pers 18.08 and am. Register, May, 1988, No. 389, eff. 6-1-88.

**ER 18.09 Civilian service.** Service during a period officially proclaimed to be a national emergency or limited national emergency. See s. 230.32 (1), Stats.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; renum. from ER-Pers 18.09, Register, May, 1988, No. 389, eff. 6-1-88.

**ER 18.10 Jury service.** As provided in s. 230.35 (3) (c), Stats., employes and elected officials, except limited term employes and members of the legislature, circuit and appeals court judges and justices of the supreme court summoned for grand or petit jury service shall be entitled to leave with pay. However, when not impaneled for actual

service and only on call, the employe or elected official shall report back to work unless authorized by the appointing authority to be absent from the work assignment.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; renum. from ER-Pers 18.10 and am. Register, May, 1988, No. 389, eff. 6-1-88.

**ER 18.11 Voting time.** Pursuant to ss. 6.76 and 230.35 (4) (e), Stats., an employe who is eligible to vote but is unable to vote during nonworking hours may be granted time off with pay for not to exceed 3 consecutive hours upon written application to the employe's appointing authority at least 2 work days prior to the election date. Such application shall state the need and the amount of reasonable time off required to exercise this right. If granted, the appointing authority may designate the time of day that the employe shall be allowed the time off.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; renum. from ER-Pers 18.13, Register, May, 1988, No. 389, eff. 6-1-88.

**ER 18.12 Leaves of absence for promotional examinations and interviews.** Each employe with permanent status in class shall be eligible for and may request up to 16 hours paid leave time each calendar year for the purpose of competing in no more than 2 Wisconsin State Civil Service examinations which could make the employe eligible for promotion and for participating in employment interviews in connection with such examinations when such examinations and interviews are conducted during an employe's scheduled work time. Employes shall be granted such requests provided due notice has been given by the employe and work coverage will not be interrupted. Such time shall not exceed the number of hours reasonably required to attend such examinations and interviews, including travel time. Leave time for more than 2 examinations in each calendar year and interviews in connection with such examinations may be granted to employes at the discretion of the appointing authority.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; r. and recr. Register, February, 1981, No. 302, eff. 3-1-81; renum. from ER-Pers 18.14, Register, May, 1988, No. 389, eff. 6-1-88.

**ER 18.13 Leave of absence by employes and certain elected officials for military preinduction physical examination.** See s. 230.35 (3) (b), Stats.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81; renum. from ER-Pers 18.15, Register, May, 1988, No. 389, eff. 6-1-88.

**ER 18.14 Leave of absence without pay. (1) ELIGIBILITY.** Permanent classified employes may be granted a leave of absence without pay subject to the provisions of sub. (2).

(2) **WHEN GRANTED.** (a) *Formal leave.* Any permanent classified employe, may request a leave of absence without pay for a period not to exceed one year. Such leave may be granted by the appointing authority when it will not result in prejudice to the interests of the state as an employer beyond any benefits to be realized upon the employe's return to the service. A leave of absence may be extended on a year to year basis for an additional 2 years

with the approval of the appointing authority. No formal leave of absence shall exceed 3 years except as provided under par. (f).

(b) *Leave to serve in unclassified position.* See s. 230.33, Stats.

(c) *Summer leave.* Employes whose services are not required at institutions or schools during a summer recess shall be considered to be on leave of absence without pay.

(d) *Maternity leave.* Upon request of the employe, maternity leaves of absence shall be granted for a period of time requested by the employe, not to exceed 6 consecutive months. Upon request of the employe, the appointing authority may extend or renew a maternity leave of absence for additional periods of time, not to exceed a total of 6 months. Part or all of the original leave, extension or renewal may be covered by sick leave pursuant to s. ER 18.03 (4) (a), leave of absence without pay, earned annual leave, sabbatical leave, holiday leave, compensatory time off at the employe's discretion, or anticipated annual leave subject to s. ER 18.02 (6).

(e) *Paternity, adoption and pre-adoptive foster care.* Upon request of the employe, leaves of absence for paternity, adoption and pre-adoptive foster care shall be granted for a period of time requested by the employe, not to exceed 6 consecutive months. Upon request of the employe, the appointing authority may extend or renew paternity, adoption and pre-adoptive foster care leaves of absence for additional periods of time, not to exceed a total of 6 months. Part or all of the original paternity, adoptive or pre-adoptive foster care leave, extension or renewal may be covered by leave of absence without pay, earned annual leave, sabbatical leave, holiday leave, compensatory time off at the employe's discretion, or anticipated annual leave subject to s. ER 18.02 (6).

(f) *Leave to serve in a project appointment.* An appointing authority may grant a leave of absence without pay for not more than 4 years to an employe who voluntarily accepts a project appointment.

(3) **ABSENCE WITHOUT LEAVE.** Any absence of an employe that is not authorized under chs. ER 1 to 47 shall be considered as an absence without leave. Any such absence may be grounds for disciplinary action.

**Note:** Also see s. ER 21.03 regarding abandonment.

(4) **FAILURE TO RETURN FROM LEAVE.** The date the leave of absence expires shall be considered the last day worked.

**Note:** See s. ER 21.03 for other provisions regarding failure to return from leave.

**History:** Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (1) (b) and cr. (1) (d), Register, September, 1975, No. 237, eff. 10-1-75; am. (2), Register, December, 1976, No. 252, eff. 1-1-77; r. (1) (a), renum. (1) (b) to be (1) (a) and am., cr. (1) (b), (e) and (f), r. and recr. (1) (d), am. (2), cr. (4), Register, February, 1981, No. 302, eff. 3-1-81; am. (1) (a) and (d) and (2), Register, February, 1983, No. 326, eff. 3-1-83; renum. from ER-Pers 18.05 and r. (1) (e) and (f) (2), renum. (1) to be (2) and am. (2) (a) and (d), am. (3) and (4), cr. (1), (2) (e) and (f), Register, May, 1988, No. 389, eff. 6-1-88.