

Sick Leave/Colleague Coverage Policies for Unclassified Staff

Background:

In October 2006, the Legislative Audit Bureau (LAB) released a report on sick leave reporting and related issues at the University of Wisconsin System. The Audit Report found that UW faculty and academic staff report far less sick leave usage than do classified employees at the University and elsewhere in state government. The LAB acknowledged that:

- UW System faculty have professional responsibilities that include teaching, research, and community service and that differ significantly from those of other unclassified staff. Faculty workdays are scheduled according to academic rather than business practices and typically include nonstandard work hours to accommodate research and related activities.

President Reilly stated in his response to the LAB report that the UW is committed to strengthening its personnel policies. He promised that in the months ahead the UW will review its existing policies for modifications that will be recommended to the Board of Regents. Two issues that are being examined by the UW System Advisory Committee on Fringe Benefits and the Special Board of Regents Committee on the LAB Audit are sick leave and colleague coverage reporting. Following are facts on both, taken from the UW System policies and Wisconsin Statutes.

Facts on Colleague Coverage:

1. What is colleague coverage?

A substantial benefit designed solely for the benefit of students and to provide continuity of studies. It may be used by eligible employees in place of sick leave for those with teaching responsibilities for classes and other teaching responsibilities missed due to illness.

2. Who is eligible to use colleague coverage?

- Faculty and Instructional Academic Staff who accumulate sick leave.
- Those who do not accumulate sick leave are those not expected to work at least one-third FTE, or the expected duration of employment is less than one year.

3. When can colleague coverage be used instead of sick leave?

- When an eligible employee must miss classes due to **illness** (personal illness, injury, disability, pregnancy or adoption; attendance upon an immediate family member or domestic partner whose health or medical condition requires the employee's direct care; the death of an immediate family member)
- Cannot be used by a faculty or instructional academic staff employee who attends a conference to give a presentation, etc.
- When a faculty or instructional academic staff colleague teaches the class(es) for them.
- Cannot be used by the employee if a replacement is appointed to assume the classes. In this case the employee must use sick leave or leave without pay.

4. How is colleague coverage recorded on the monthly leave statement?

- Must be recorded in "half-day" increments, e.g. 4 hours, 8 hours according to #7 under "sick leave" below.
- Using colleague coverage may not be extended beyond the semester in which the absence began. In this case sick leave must be used after the initial semester.

Facts on Sick Leave:

5. How is sick leave "earned"?

- New full-time employees whose initial appointments are for nine months or more and have more than one-third FTE are granted 22 working days of sick leave upon which they can draw.
- After 18 months additional leave is earned by full-time employees at the rate of 1 day per month for those holding 12-month appointments and 6 days per semester for those who hold 9-month appointments.
- Maximum sick leave earned is 12 days per "fiscal" year.
- Sick leave is earned while in "pay status", e.g. while using sick leave, vacation, personal days.

6. When can sick leave be used?

- For the employee's personal illness, injury, disability, pregnancy or adoption
- attendance upon an immediate family member or domestic partner whose health or medical condition requires the employee's direct care

- the death of an immediate family member (normally 3 days are allowed to be used; an additional 4 days of sick leave may be used for travel if needed)
- for faculty and instructional academic staff, sick leave during summer session may be used provided inception of the illness occurs on the first or subsequent day of summer session
- only after it is earned

7. How is sick leave (or colleague coverage) recorded on the monthly leave statement?

For full-time employees, report in one-half day increments according to the following:

- absent less than 2 hours: need not report any sick leave hours
- absent 2-4 hours: report 4 hours of sick leave
- absent 4-6 hours: report 4 hours of sick leave
- absent 6+ to 8 hours: report 8 hours of sick leave

For part-time employees, actual hours absent are reported.

For faculty and instructional academic staff, sick leave used during the summer and inter sessions will be reported in actual hours.

8. New Certification of Medical Necessity Requirement:

- Added to UW System sick leave policy by Board of Regents in 2006
- UW institutions must require written certification from a health care provider of the medical necessity for use of sick leave for absences of more than 5 consecutive full working days, except where the use of sick leave is authorized in advance, e.g. FMLA.
- In cases of suspected abuse of the sick leave privilege, the institution shall be authorized to require written certification from a health care provider to verify the medical necessity for the employee's absence regardless of the length of absence.

9. Who must submit monthly leave statements?

- All faculty and academic staff who accrue sick leave must submit monthly leave statements for periods covered under an employment contract (**includes sabbaticals**).
- A report must be submitted for each faculty or academic staff employee regardless of whether sick leave was used or colleague coverage was provided.
- Each institution must establish sick leave procedures that require the signature of the unclassified employee, the signature of a department chair, designee or supervisor.
- The monthly leave report must be transmitted to the Human Resources office once per month.

10. How is a "workweek" to be designated to determine sick leave?

- As required by 40.05 (4)(bp)3.a., Wis Stats. each full-time unclassified employee will designate a workweek consisting of 40 hours. The workweek will include all scheduled classes, office hours and research, as well as other regular university meetings and activities. The workweek will be defined by either (a) automatic consent to the standard business week, Monday through Friday from 7:45am to 4:30 pm or (b) by mutual agreement, in writing, with the department chair and in accordance with the Fair Labor Standards Act (FLSA). (FLSA defines a normal workweek to consist of 40 hours worked within a fixed and regularly reoccurring period of seven consecutive 24 hour periods. Hours worked per day may vary providing the sum total equals at least 40 hours during the designated 7-day period.)
- The workweek will be pro-rated for less than a full-time appointment.
- UW System implements the statute by asking each faculty and instructional academic staff employee to report sick leave for medically-related absences that occur during his/her designated work week. If no individual schedule is designated, the default is the regular state office schedule indicated above.

Supplemental Sick Leave:

Unused sick leave accumulates from year to year. At retirement, the accrued sick leave balance is converted to dollar credits that are applied toward health insurance premiums. At retirement, employees qualify for supplemental sick leave if they have at least 15 years of adjusted continuous UW or State service. An individual's sick leave credits will be matched at retirement subject to program maximums. The value of sick leave conversion can be very substantial: for 2005 retirements, the LAB found that the average conversion amount for UW unclassified employees was \$112,000.