



**DEPARTMENT OF HEALTH SERVICES
HUMAN RESOURCES POLICY & PROCEDURE**

TITLE: 402 – LEAVES OF ABSENCE

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402.01 INTRODUCTION

The Department of Health Services (DHS) Leaves of Absence policy applies to all permanent classified employees. It is intended to establish uniform procedures and standards for approving employee requests for leaves of absence pursuant to [Chapter ER 18, Wis. Adm. Code](#). Under this policy, any absence from work greater than 14 calendar days is considered a formal leave of absence and must follow the procedures outlined in 402.05.

Types of leaves covered under this policy include:

- Permissive leaves of absence for personal or other reasons
- Parental leaves of absence (including maternity leave)
- Leaves of absence to participate in promotional examinations and related employment interviews
- Leaves of absence to serve in a project or unclassified appointment
- Leaves of absence to serve as a bone marrow donor or human organ donor
- Leaves of absence to provide specialized disaster relief services

This policy does not cover the following, which are addressed in other Human Resources Policies and Procedures:

- Leaves of absence for jury service or court appearances
- Time off to vote
- Family and Medical Leave Act
- Leaves with pay due to work related injury
- Leaves of absence for military service or preinduction physical examination
- Catastrophic leaves
- Administrative leaves without pay relating to fitness for duty
- Administrative leaves with pay pending an investigation

402.02 DEFINITIONS

Bone Marrow: the soft material that fills human bone cavities. ([s. 146.34 \(1\)\(a\), Wis. Stats.](#))

FMLA: Family and Medical Leave Act, which is a federal and state law requiring covered employers to provide employees job-protected unpaid leave for qualified medical and family reasons. Absences approved under FMLA will run concurrently with other leaves covered in this policy when applicable.

Human Organ: a heart, lung, liver, pancreas, kidney, intestine, or other organ that requires the continuous circulation of blood to remain useful for purposes of transplantation. ([s. 157.06 \(2\)\(zm\), Wis. Stats.](#))

Leave of Absence: an absence from employment with the approval of the appointing authority with or without loss of pay in accordance with the appropriate statutory provision or rule. ([ER 1.02\(16\), Wis. Adm. Code](#))

Maternity Leave: time before and after the birth of a baby when a woman is allowed to be away from her job.

Parental Leave: Leave of absence for paternity, adoption and pre-adoptive foster care.

Permanent Employee: a person who is an employee as a result of a permanent appointment, whether or not the employee has attained permanent status in their current classification.

Specialized Disaster Relief Services: professional, technical or other services that require advanced training or expertise and that are provided to assist persons affected by a disaster.

402.03 LEAVES OF ABSENCE WITHOUT PAY

Typically accrued annual leave (vacation), personal holidays, and compensatory time shall be exhausted prior to authorizing formal leave without pay. When determining whether leave without pay may be used prior to exhaustion of other paid leave, the employer will take into account the reason for the leave, the amount of time requested for the leave and future absences anticipated by the employee.

Note: Vacation time is not earned while an employee is not in pay status. Employees taking a leave of absence without pay should check with their payroll office to verify the amount of vacation time that will be lost and other benefits that may be affected.

402.04 TYPES OF LEAVES OF ABSENCE

(1) Permissive Leave

A permissive leave of absence is time off for personal, medical or other reasons. In DHS, permissive leaves may be granted after considering the impact of the employee's absence on the department's operations.

(2) Parental Leave

Leaves of absence for paternity, adoption and pre-adoptive foster care shall be granted for a period of time not to exceed six months in accordance with [ER 18.14\(e\), Wis. Adm. Code](#). At the request of the employee and the approval of the appointing authority, these leaves may be extended up to an additional six months.

(3) Maternity Leave

Leaves of absence for pregnant employees shall be granted as a maternity leave of absence for a period not to exceed six months in accordance with [ER 18.14\(d\), Wis. Adm. Code](#). At the request of an employee and the approval of the appointing authority, a maternity leave of absence may be extended up to an additional six months.

(4) Leave of Absence for Participation in Promotional Examinations and Related Employment Interviews

Employees will be granted leave without loss of pay for promotional exams and related interviews as specified in [ER 18.12, Wis. Adm. Code](#). An employee must submit a written request along with a copy of the examination notice to his/her supervisor at least five work days in advance of the examination or interview date.

The supervisor will approve legitimate requests consistent with the following criteria:

- (a) An employee with permanent status will be granted **up to 16 hours of leave with pay per calendar year** (*which does not have to be charged against other leave*) for participation in **no more than two Wisconsin State Civil Service examinations and related employment interviews**, conducted during the employee's normal work hours, which could make the employee eligible for promotion to positions in the state civil service.
- (b) Employees will be granted such leave provided due notice has been given by the employee and work coverage will not be interrupted.

Paid leave time includes the time necessary to participate in the exam or interview and travel time to and from the exam/interview site but may not exceed eight hours in any day. Expenses incurred are not reimbursable.

(5) Leave to Serve in a Project Position

Leaves of absence without pay for not more than four years may be granted to an employee who voluntarily accepts a project appointment in accordance with [ER 18.14 \(2\)\(f\), Wis. Adm. Code](#). Please see the applicable code for specific details regarding this type of leave of absence.

(6) Leave to Serve in an Unclassified Position

Leaves of absence without pay may be granted to an employee who has completed an original appointment probationary period in the classified service and who is appointed to an unclassified position by an appointing authority in accordance with [230.33, Wis. Stats](#). Please see the applicable statute for specific details regarding this type of leave of absence.

(7) Leaves of Absence to Serve as a Bone Marrow Donor

An employee who requests a leave of absence to serve as a bone marrow donor will be granted a leave of absence in accordance with [ER 18.17, Wis. Adm. Code](#). The employee must provide the appointing authority written verification that he or she is to serve as bone marrow donor. Please see the applicable code for specific details regarding this type of leave of absence.

(8) Leave of Absence to Serve as a Human Organ Donor

An employee who requests a leave of absence to serve as a human organ donor will be granted a leave of absence in accordance with [ER 18.17, Wis. Adm. Code](#). The employee must provide the appointing authority written verification that he or she is to serve as a human organ donor. Please see the applicable code for specific details regarding this type of leave of absence.

(9) Leave of Absence to Provide Specialized Disaster Relief Services

Requests for a leave of absence to provide specialized disaster relief services shall be granted in accordance with [230.35 \(3\)\(e\), Wis. Stats.](#) Please see the applicable code for specific details regarding this type of leave of absence.

402.05 PROCEDURES

(1) Requesting a Leave of Absence

All requests for leaves of absence must be submitted in writing to the employee's Human Resources Representative as far in advance of the absence as possible.

Requests for a leave of absence of two weeks or less (fourteen calendar days in length) can be approved by the appointing authority or their assigned designee.

Requests for a formal leave of absence of more than two weeks (fifteen or more calendar days in length), a [Leave of Absence Request/Authorization](#) (F-00689) form must also be completed by the employee and approved by the appointing authority. Copies of the approved leave of absence request forms shall be filed in the employee personnel file with a copy given to the assigned payroll specialist. Requests for a leave of absence greater than six months must also be approved by the Director of the Bureau of Human Resources.

Employees are responsible for maintaining communication with their supervisor or human resources representative while they are on a leave of absence.

Note: Documentation for medical leaves including the forms and Doctor's statements should be kept in a separate confidential file in accordance with employing unit. Medical information should not be kept in an employee's personnel file.

(2) Requesting to Extend a Leave of Absence

To request an extension to a leave of absence, a new [Leave of Absence Request/Authorization](#) form must be completed with the "extension" block filled in. Any extensions that would result in a leave of absence greater than six months require the approval of the Director of the Bureau of Human Resources in addition to the appointing authority.

402.06 RETURN FROM A LEAVE OF ABSENCE

Upon the expiration of the leave, or sooner if agreeable to the appointing authority, an employee on an approved leave of absence must be returned to his/her position or to a position in the same or counterpart pay range for which the employee is qualified to perform the work after being given the customary orientation provided for newly hired workers in such positions. When an employee who is on a leave of absence for more than three months, the appointing authority may make the decision to fill the position under the procedures outlined in DHS Policy and Procedure 301 – Transfer. If the position was filled

during the employee's absence and no similar position is available, the layoff process will be initiated in accordance with DHS policies and [ER-MRS 22, Wis. Adm. Code](#). Consultation with the Office of Affirmative Action/Civil Rights Compliance (AA/CRC) is required prior to reassignment of an employee on medical leave.

Prior to an employee's scheduled date of return from a formal medical leave of absence, the employee will be required to provide medical certification that indicates the employee's ability to perform the duties of the position with or without restrictions. The appointing authority or designee will consult with the Disabilities Coordinator in the Office of AA/CRC to review the information to determine the appropriate action, which may include:

- Extending the leave;
- Returning the employee to the same position with or without restrictions;
- Transferring the employee to a different position with or without restrictions; or
- Medical separation.

Such determinations will be made based upon medical facts as known to the employer at the time of the decision as well as the circumstances of the leave.

If the employee's position has been abolished through legislation or reorganization, the employee must be given consideration for any other vacant position in the employing unit in the same or counterpart pay range for which the employee is qualified to perform the work, after being given the customary orientation provided for newly hired workers. If there is no position in the employing unit or DHS, layoff provisions will apply. In most cases, approved leave without pay does not affect seniority or cancel unused accumulated sick leave of the absent employee.

402.07 FAILURE TO RETURN FROM A LEAVE OF ABSENCE

In accordance with [ER 21.03, Wis. Adm. Code](#), if an employee fails to return from an approved leave of absence, or to contact the employer for a minimum of five (5) consecutive working days, the appointing authority will consider the employee's position abandoned and will treat the employee as having resigned from his or her position. In such cases, the appointing authority will notify the employee in writing that the employee is being treated as having effectively resigned as of the end of the leave of absence.

Note: Before taking abandonment action, the Bureau of Human Resources and Employment Relations Section must be contacted for review and approval.

402.08 REFERENCES

[Chapter 230, Wis. Stats.](#)
[Chapter ER 18, Wis. Adm. Code](#)
[Chapter ER 21, Wis. Adm. Code](#)
[DHS HRPP 409 – Family and Medical Leave](#)
[Leave of Absence Request/Authorization Form](#)

402.09 ADMINISTRATIVE INFORMATION

This policy was created on December 2, 2012 to establish a consistent and uniform leave of absence policy across DHS. This policy supersedes all previous DHS leave of absence policies. Where it is in conflict with other departmental procedures on leaves of absence, this policy shall govern.