



UNIVERSITY of WISCONSIN-GREEN BAY

LEAVE OF ABSENCE POLICY

Effective Date: July 1, 2015

PURPOSE

In accordance with UW System Operational Policies [BN4](#), [BN8](#), and [BN9](#), UW-Green Bay recognizes that there are circumstances when employees may need time away from work. This policy is designed to provide a process for when employees may request a leave of absence. A leave of absence (LOA) is defined as an extended absence from full or partial University responsibilities that is requested by an employee. The leave is considered to be of a temporary nature and for purposes indicated below. There are three types of leave of absences; Medical, Non-Medical, and Military.

MEDICAL LEAVE OF ABSENCE

A medical leave may be requested when the employee is not eligible for the [Wisconsin/Family Medical Leave Act \(W/FMLA\)](#). Under this policy, the employee may request up to three (3) months of leave provided the necessary documentation is completed. Extended leave may be provided as a reasonable accommodation under the Americans with Disabilities Act (ADA).

A. ELIGIBILITY FOR A MEDICAL LEAVE OF ABSENCE

Leave within First Year of Employment

An employee who is in his or her first year of employment and has completed the initial probationary period, may request a medical leave of absence. The employee may submit a request for their own serious medical condition or for an immediate family member with a serious medical condition, as defined under the FMLA. A leave request must be submitted for absences of five (5) or more consecutive days. Intermittent leave under a medical leave of absence is not permitted unless such leave has been approved as a reasonable accommodation. Requests for disability related accommodations should be made under the [Americans with Disabilities Act \(ADA\)](#).

Leave after First Year of Employment

An employee who does not meet the W/FMLA requirements or has exhausted leave available under the FMLA may request a medical leave of absence. The employee may submit a request for their own serious medical condition or for an immediate family member with a serious medical condition, as defined under the FMLA. A leave request must be submitted for absences of five (5) or more consecutive days. Intermittent leave under a medical leave of absence is not permitted unless such leave has been approved as a reasonable accommodation. Requests for disability related accommodations should be made under the [Americans with Disabilities Act \(ADA\)](#).

B. REQUESTING A MEDICAL LEAVE OF ABSENCE

Employees must complete the [Medical Leave of Absence Request Form](#). Whenever possible, the employee is expected to provide at least 30 days' notice when requesting leave. When an employee becomes aware of a need for leave less than 30 days in advance, the employee must provide notice of the need for the leave as soon as reasonably practicable. Leave requests that are not submitted in accordance with this policy and as soon as practicable may be denied.



C. CERTIFICATIONS FOR MEDICAL LEAVE OF ABSENCE

UW-Green Bay may require certification for the employee's or family member's serious health condition. All medical documentation must be submitted to and will be maintained by Human Resources in a confidential medical file. The employee must respond to the request for certification within 15 calendar days of the notice of eligibility. Failure to comply with these requirements may result in denial of leave, or reinstatement from leave, resulting in an unauthorized leave of absence which may be subject to employee discipline, up to and including termination of employment.

Incomplete Certifications

If an incomplete medical certification is received, Human Resources will provide the employee with the opportunity to have the health care provider correct the certification or provide a written release for Human Resources to contact the health care provider directly. The employee will have seven (7) calendar days to resolve any deficiencies in the medical certification. If, after seven (7) calendar days the identified deficiencies have not been resolved, the request for leave may be denied.

D. PAY STATUS WHILE ON A MEDICAL LEAVE OF ABSENCE

An employee on a Medical Leave of Absence may choose to take the leave of absence as paid or unpaid, depending on the employee's accrued leave. Under a Medical Leave of Absence an employee may elect to substitute any available type of paid accrued leave (e.g. vacation, sick leave, or personal holiday).

E. REQUIREMENTS FOR RETURNING FROM A MEDICAL LEAVE OF ABSENCE

Employees are expected to be able to return to work on the first work day following an approved leave. Prior to returning from a leave for a personal health condition, the employee must obtain a release from his or her healthcare provider confirming the fitness for duty and ability of the employee to perform regular duties or outline any restrictions. Medical restrictions are those that prevent the employee from performing his or her regular duties at the end of the approved leave due to a continuing medical condition. The Return to Work Certification must be submitted to Human Resources in advance or before the beginning of the employees shift on the expected date of return. A Return to Work Certification is not required for instances of maternity or paternity leave.

If the employee is able to return to work with restrictions, Human Resources, in consultation with the employee's department, will determine whether the restriction can be reasonably accommodated.

If an employee on an approved leave for their own medical condition, is cleared by a medical provider to return to work before the return date listed on the leave request, the employee must notify Human Resources by providing a copy of such release within two (2) business days of receipt.

Unable to Return from Medical Leave of Absence

If the employee is not medically released to return to work at the end of his or her leave and the employee has not been granted any additional leave, employment ends as "unable to return from leave" effective the last day of the approved leave, unless a continuation of leave has been granted as an accommodation under the ADA, or for other reasons.



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Failure to Return from Medical Leave of Absence

Any employee who fails to return to work as scheduled after leave may be subject to dismissal from employment. Employees who exceed granted leave without an approved extension(s) under appropriate leave provisions, may be subject to discipline, up to and including termination of employment.

NON-MEDICAL LEAVE OF ABSENCE

Non-medical leave of absences cannot be open ended, but must be for a specific period of time and are generally for one year or less in duration. A non-medical leave of absence may be requested when an employee's request for leave is for non-medical purposes for the following reasons:

- Allowing the employee to engage in entrepreneurial activities such as forming companies or businesses related to or arising in connection with employee's institutional research or area of academic specialization;
- Allowing the employee to perform services for another UW System institution or UW System Administration;
- Allowing the employee to engage in educational pursuits which would enhance an employee's professional capabilities;
- Allowing the employee to deal with exceptional personal reasons, which are not related to educational pursuits or professional enhancement. A leave of this nature is for personal reasons and does not relate to the University or the position in any way, but may be deemed acceptable by the department;
- Allowing the employee to engage in public service as an elected or appointed official of local, state, or federal government;
- Allowing the employee to serve as a fellow of a research entity affiliated or engaged in research with a UW System institution;
- Allowing the employee to engage in activities similar or related to those enumerated in this section.

A. ELIGIBILITY FOR A NON-MEDICAL LEAVE OF ABSENCE

Faculty, Academic Staff, Limited Appointees and University Staff (except those on a temporary or project appointment) are eligible to request a non-medical leave of absence.

B. REQUESTING A NON-MEDICAL LEAVE OF ABSENCE

In conjunction with the required procedures in the respected governance handbooks, employees must complete the [Non-Medical Leave of Absence Request Form](#). Whenever possible, employees are expected to provide at least 90 days' notice when requesting leave. When an employee becomes aware of a need for leave less than 90 days in advance, the employee must provide notice of the need for the leave as soon as reasonably practicable. Leave requests that are not submitted according to policy and as soon as practicable may be denied.

C. GUIDELINES FOR GRANTING OR DENYING NON-MEDICAL LEAVE OF ABSENCE REQUESTS

While there may be a wide variety of reasons to grant or deny a non-medical leave of absence request, decisions may be based on but not limited to:

1. Operational needs of the department and whether or not the department can continue to effectively operate without the employee.



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2. The availability of qualified replacements and whether or not the major areas of the employee's workload will be able to be completed by a temporary employee.
3. Past performance and annual evaluations which indicate above average performance by the employee.
4. Potential future benefits to the employee, division, department, or University.
5. Adequate advance notice.
6. The number of other employees within the same unit who have already been granted any type of leave of absence for the same or adjacent period.

D. PAY STATUS WHILE ON A NON-MEDICAL LEAVE OF ABSENCE

Non-medical leave of absences are considered to be unpaid leaves of absence in which no salary is received from UW-Green Bay. At the discretion of the area leader, employees may be allowed to substitute paid leave time (i.e. vacation, holiday, sabbatical, ALRA, etc.).

E. REQUIREMENTS FOR RETURNING FROM A NON-MEDICAL LEAVE OF ABSENCE

Employees are expected to return to work on the first work day following an approved leave. Any employee who fails to return to work as scheduled after a leave of absence may be subject to dismissal from employment. Employees who exceed granted leave without an approved extension(s) under appropriate leave provisions, may be subject to discipline, up to and including termination of employment.

MILITARY LEAVE OF ABSENCE

A military leave of absence may be requested by employees who are ordered or inducted into active military service. A request for military leave must be presented with an employee's military orders. Once an employee is approved for a military leave of absence, Human Resources will determine if the employee is eligible for any related military leave benefits.

A. ELIGIBILITY FOR A MILITARY LEAVE OF ABSENCE

Eligibility for military leave benefits is based on the employee's appointment type and type of military duty (see [Eligibility by Appointment Chart](#)). Employees on military leave may be eligible for one or both of the following military leave benefits:

- The annual 30-day military leave benefit; and/or
- The 4-year military leave benefit.

In addition to the military leave benefits outlined in this policy, UW System employees are also afforded the rights and protections provided by the federal [Uniformed Services Employment and Reemployment rights Act \(USERRA\)](#).

30-Day Military Leave Benefit

In order to be eligible for any 30-Day Military Leave Benefits, the employee must be in an eligible appointment type (see [Eligibility by Appointment Chart](#)) and meet all of the following criteria:

- The employee is a member of the reserve component of the national guard, the state defense force, or any other reserve component of the military forces of the United States; and
- Is attending military school, annual field training or annual active duty for training, or any other state or federal tours of active duty, except extended activity duty service or service as a member of the active armed forces of the United States; and



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- The military duty is at least three (3) continuous calendar days.

4-Year Military Leave Benefit

In order to be eligible for any 4-Year Military Leave Benefits, the employee must be in an eligible appointment type (see [Eligibility by Appointment Chart](#)) and meet all of the following criteria:

- On or after January 1, 2003, the employee is activated to serve on military duty in the U.S. armed forces for other than training purposes; and
- On the date activated, the employee is either a member of the Wisconsin National Guard or a member of the reserve component of the U.S. armed forces or is recalled to active military duty from inactive reserve status; and
- The employee is on an approved military leave of absence from the University.

Inactive Military Service

An employee whose military service is listed as “inactive” on his or her military orders is not eligible for benefits under the 30-day or 4-year military provisions

Eligibility for military leave benefits ends when the employment contract ends unless the employee would have received another consecutive appointment if not on active military duty.

B. REQUESTING A MILITARY LEAVE OF ABSENCE

Employees must complete the [Military Leave of Absence Request Form](#). Whenever possible, employees shall provide reasonable advance notice of their military obligation (dates and projected duration of duty) to their supervisor, either by furnishing a copy of their orders or other appropriate verification, as soon as possible after receipt.

C. PAY STATUS WHILE ON A MILITARY LEAVE OF ABSENCE

30-Day Military Leave Benefit

During the first 30 work days of an eligible military leave, an eligible employee shall receive differential pay if the employee’s University pay is greater than the employee’s military base pay. If military pay is higher than University pay, the employee has the option to take an unpaid military leave of absence or use accumulated leave, except sick leave, to remain on payroll. An employee is eligible to maintain all benefits, accumulated paid leave, and earn Wisconsin Retirement System (WRS) service credit (if covered by the WRS).

4-Year Military Leave Benefit

During the 4-Year Military Leave Benefit, an eligible employee shall receive differential pay if the employee’s University pay is greater than the sum of the employee’s military base pay and base military housing allowance. If military pay is higher than University pay, the employee has the option to take an unpaid military leave of absence or use accumulated leave, except sick leave, to remain on payroll. An employee is eligible to maintain all benefits, accumulate paid leave, and earn Wisconsin Retirement System (WRS) service credit (if covered by the WRS).

Inactive Military Service

An employee whose military service is listed as “inactive” on his or her military orders is not eligible for benefits under the 30-day or 4-year military provisions. Employees on inactive military duty are not eligible for any paid military leave benefits. Such an employee does have



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the option to take either an unpaid leave of absence or use accrued paid leave, except sick leave, to remain on payroll in this situation.

D. REQUIREMENTS FOR RETURNING FROM A MILITARY LEAVE OF ABSENCE

When an employee returns to work following paid military leave, he/she shall provide Human Resources a copy of the military pay vouchers for the period of time he/she was on paid military leave. The military pay vouchers will be used to help determine what, if any, amount of military pay differential needs to be paid to the employee as indicated under the 30-day and 4-year military leave benefits.