

Policy No. 3.02
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Leave Policies
May 17, 2012
December 20, 2023

Description: This policy explains the different types of leaves available to full-time employees.

1. Sick Leave

- A. Full-time employees shall accrue 8 hours of sick leave for each month or major fraction of a month of employment. Employees hired after May 17, 2012 may accumulate up to 960 hours. If time-off is charged toward sick leave it shall be on an hour-to-hour basis.
- B. Use of sick leave shall be allowed when, due to sickness or temporary disability, the employee is unable to perform the duties of employment. When such leave extends beyond three (3) consecutive working days, a statement from the attending physician or other qualified medical professional, certifying to the nature and seriousness of the illness/injury shall be furnished to the Immediate Supervisor, with the exception of an employee who is hospitalized due to illness/injury. The Town reserves the right to request medical certification for any absence.

If an employee is unable to report to work she/he shall notify the department head by telephone, prior to the start of the work day or as soon as possible thereafter, but no later than 30 minutes after the start of the normal work day. If an employee is unable to complete the full workday due to unexpected illness, the Immediate Supervisor should be notified prior to the employee leaving the work place. Any unauthorized absence or failure to give notice may result in disciplinary action.

C. Appointments and Family Illness

With prior Immediate Supervisor approval, sick leave may be used for the employee's medical or dental appointments or to attend to members of the employee's immediate family who are ill up to 3 days. Immediate family includes; spouse, children, parents and other members of the employee's household. Beyond 3 consecutive days, FMLA Leave will be applied.

- D. When illness/injury occurs prior to or within a period of a scheduled vacation, the period of illness may be charged as sick leave at the discretion of the Immediate Supervisor upon written request by the employee accompanied by a doctor's certificate.

- E. When accrued sick leave is exhausted, or when sick leave is requested in excess of accrued sick leave, accrued vacation time will be used in lieu of sick leave.
- F. Emergency or Personal Leave
- (1) The hours used for Emergency Leave shall reduce Sick Leave accumulation by an equal amount. For purposes of this section, immediate family shall include: grand-parent, parent, foster parent, brother, sister, brother-in-law, sister-in-law, spouse, children, grandchildren, no matter where they live, and any other relative residing in the employee's household.
- (2). In the case where an employee experiences a serious illness or injury in his immediate family, the employee will be eligible for Emergency Leave, if one or more of the following circumstances exists:
- (a) The employee is required to provide health care to an immediate family member.
- (b) The employee is required to take an immediate family member to a medical facility for care and/or treatment. This includes being present during and immediately after initial care or treatment for a serious medical problem.
- (c) The employee requires time away from the job to recover from emotional stress caused directly from a death or serious illness or injury experienced by an immediate family member.
- G. In the case where an employee experiences any emergency situation which seriously endangers the life and/or well-being of a member of his immediate family, and/or his property, the employee's supervisor may authorize the use of one (1) emergency day. Examples of appropriate use of a one (1) day Emergency Leave include: a life-threatening or major fire at the employee's home; an immediate family member involved in a life-threatening auto accident; or any other emergency situation which would threaten the life or well-being of an immediate family member, thereby requiring the employee's immediate attention.
- H. Supervisors may authorize Personal Leave when important, non-medical circumstances occur that require an employee to miss work to attend to personal affairs that cannot be rescheduled to non-work hours. Such Personal Leave, not to exceed three (3) days per calendar year, shall be deducted from sick leave. Personal or emergency leave may only be authorized if the employee has exhausted his vacation benefits.
- I. Each situation shall be reviewed by the employee's supervisor. If it is determined that the necessary requirements for Emergency/Personal Leave

have been fulfilled, the supervisor may authorize the use of up to a maximum of twenty-four (24) working hours for that purpose. The Town Administrator, upon the supervisor's recommendation, may extend the Emergency/Personal Leave if circumstances warrant.

J. Sick Leave Conversion

- (1) When eligible for retirement under the Wisconsin Retirement System and upon actual retirement, an employee may receive Retirement Sick Leave Conversion Benefits (RSLCB) as COBRA premiums based on accumulated sick leave.

K. Return to Work Program

- (1) The Return to Work Program (RTW) provides for the early return of employees who suffer an illness or injury that prevents them from performing their normal duties. It is in the best interest of both the employee and the Town that the return to work be arranged as soon as possible. Opportunities for work within the employee's medical restrictions will be explored within the employee's department and if nothing is available or appropriate, in other departments at the discretion of the Town. The Town is under no obligation to create light duty.
- (2) The Department Head shall coordinate with the other departments to identify projects and if an RTW participant could perform tasks and the physical requirements of each.
- (3) Procedures:
 - (a) The Department Head or Immediate Supervisor of an injured/ill employee shall contact the Town Administrator when information is received that the employee will not be able to return to her/his regular job for an extended period of time (a month or more).
 - (b) The Department Head or designee shall work with the employee's personal physician, or another physician selected by the Town to establish a set of work restrictions.
 - (c) Once the work restrictions are received:

Opportunities for modified duty within the department shall be considered; and if none are identified, opportunities in other departments shall be considered.

- (d) The status of an employee in the RTW shall be reviewed on a biweekly basis.
- (e) Assignment to another department shall not exceed eight (8) weeks.

(4) Conditions Necessary for RTW Participation

- (a) Modified duty or transfer to another department will be provided only if all the following conditions exist:
 - 1. There must be productive work available, and
 - 2. The work must be within the employee's medical restrictions with minimal chance that the RTW assignment will aggravate the existing injury/illness, and
 - 3. The work must be within the employee's skill level.
 - 4. The employee must be qualified and deemed medically able to perform the work.

(5) Wages and Funding

- (a) Employees who are provided an RTW assignment may receive the same level of pay and benefits as prior to participation in the program.
- (b) The cost of the wages and benefits for employee participating in the RTW will be paid by the department from which she/he was employed prior to the illness/injury. If a budget shortfall exists due to temporary fills or overtime coverage, the Department Head will be responsible for requesting additional funds through a transfer from the contingency account.

2. Vacation Time

- A. Vacation is earned from the day an employee begins work, but it is a matter of administrative determination when an employee may be granted vacation time and in what amount. Work requirements as well as adequate and considerate treatment of an employee are determining factors. All absences from work not covered by compensatory time or sick leave will be charged against vacation time.

Benefit Accrual during Orientation

Vacation time will accrue at the rate of 3.33 hours per month during the first 12 months of employment or until January 1st of the following year (this vacation must be earned before it can be used). At the end of the 1st twelve months of employment, all accrued vacation time shall be credited to the employee's record. If termination occurs prior to completion of the first six months of employment, the employee shall only be paid for vacation time accrued up to the time of termination.

- B. Vacation Time shall be credited to each permanent full-time employee on their anniversary date, as follows:

Employees hired before May 16, 2012

During First year after 1 year	3.33 hours per month
After two and through five years	80 hours per year
After six and through eleven years	120 hours per year
After twelve and through seventeen years	160 hours per year
After eighteen and through twenty-three years	200 hours per year
After twenty-four and through twenty-nine years	240 hours per year
After thirty years and over	280 hours per year

Employees hired after the date of May 17, 2012 shall be credited as follows:

During First year	3.33 hours per month
After two and through five years	80 hours per year
After six and through eleven years	120 hours per year
After twelve and through seventeen years	160 hours per year
After eighteen and through twenty-five years	200 hours per year
After twenty-six and over	240 hours per year

All new employees shall receive 3.33 hours until the January following the anniversary date.

- C. Requests for vacation time in excess of 24 hours or more must be submitted to the Immediate Supervisor at least ten (10) calendar days in advance. A written request for vacation time in excess of two (2) weeks or more shall be submitted to the Immediate Supervisor at least twenty (20) calendar days in advance.
- D. If a Town non-work or recognized holiday falls within the vacation period, that day shall not be assessed against the vacationing employee.

- E. The maximum amount of earned vacation hours in an employee's bank at any one time may not exceed 280, unless the employee was prevented from taking vacation at the request of the Department Head, or if the Town Administrator grants special exception. In this case, vacation may be carried forward and taken at a mutually satisfactory date. Vacation carried forward at the request of the Department Head or by special exception shall not exceed six (6) days per year and shall not accumulate from year to year.
- F. All lost time because of work related injury or illness shall count as time worked for vacation purposes; where the time lost exceeds one (1) year, additional time lost in connection with the same injury or illness shall not count as time worked for vacation purposes.
- G. In the case of death of a full-time employee, earned vacation shall be paid to the employee's designated beneficiary.
- H. Employees who are terminated shall be paid for vacation earned
- I. Upon retirement, employees shall receive full vacation credits earned for the year.

3. Official Town Holidays

Regular Town employees receive the official Town Holidays listed in policy 1.10 off with pay. Additionally, each town employee receives two Personal Days (8 hours each). Personal days may be carried over year to year. Carry over of personal days shall not cause an employee to exceed the maximum allowed vacation bank.

- 4. Employees must be actively at work the last scheduled workday prior to and the next scheduled workday immediately following a holiday to qualify for holiday pay. An employee may be off from work on one or both qualifying days for one of the following reasons and qualify for holiday pay:
 - A. Vacation
 - B. Paid non-occupational illness/injury
 - C. Occupational Illness/injury
 - D. Jury Duty
 - E. Funeral Leave
 - F. Immediate supervisor Approval in Advance.
 - G. Personal Days
- 5. If a holiday falls within a vacation period, such day shall not count as a vacation day taken. See Policy No. 3.02 (2)(D).

6. Employees shall be paid at their regular straight time rate for each holiday. If a full-time employee is scheduled to work on a holiday the employee will be paid at the rate of double time.

7. Newly hired full time employees will not receive a Personal Day until after orientation period has been completed.

8. Part-Time Employees

A. Part-time employees who work a minimum of 1560 hours per year, will be entitled to a prorated share of sick, funeral leave, holiday, and vacation time which is granted to full-time employees. (For example, if an eligible employee works 1560 hours, he/she will receive six (6) hours of sick leave for each month or major fraction of a month of employment.

Determination of the 1560 hours per year threshold shall be based on a 12-month revolving hours look back.

9. Family and Medical Leave

A. Family Leave. To be eligible for Federal FMLA an employee must have been employed by the Town for at least 12 months and must have worked at least 1250 hours during the 12-month period immediately preceding the commencement of the requested leave. To be eligible for Wisconsin FMLA, an employee must have completed at least one (1) year of service and who have worked at least 1,000 hours in the previous 52 weeks. An employee may take family leave in the event of the birth of a child of the employee, upon placement of a child through adoption or foster care with the employee or when the employee needs to care for her/his parent, child or spouse who has a serious health condition.

B. Medical Leave. All employees may take medical leave in the event they have a serious health condition which prevents them from being able to perform the essential functions of their job. This includes temporary disabilities resulting from childbirth or pregnancy.

C. Maximum Duration of Leaves. Generally, qualified employees may take up to twelve (12) weeks of leave in a calendar year for any reason or combination of reasons identified in the preceding paragraphs. However, qualified employees are entitled to the following minimum leave standards in a calendar year regardless of total combined family/medical leave in that calendar year:

(1) An employee may take up to a combined total of six (6) weeks in a calendar year in the event of the birth of the employee's child or placement for adoption of a child with the employee.

- (2) An employee may take up to a combined total of two (2) weeks in a calendar year to care for the employee's child, parent or spouse if the child, parent or spouse has a serious health condition.
- (3) An employee may take up to two (2) weeks in a calendar year in the event the employee has a serious health condition which prevents him/her from performing the essential functions of her/his job.

Partial leave, intermittent leave, or leave on a reduced leave schedule basis is available when medically necessary and may also be available in other particular circumstances, based upon the reason for leave and the amount of leave utilized by the employee.

D. Benefits during leave. All benefits will continue throughout approved periods of leave in the same manner as they would have had the employee been working. Employees participating in benefit programs requiring employee contribution will be informed of her/ his responsibilities for such contributions during leave at the time of making application. Throughout the approved period of unpaid leave, the Town will continue to pay its share of the health insurance premium provided that the employee submits payment for her/his share of the premium. In the case of paid leave, the employee's share of the premium will be deducted from her/his paycheck on a monthly basis. If an employee does not return from approved leave after her/his FMLA leave entitlement has been exhausted or expires, unless for reasons authorized by the state or federal Acts, the Town may recover its share of health plan premiums from the employee for the period of unpaid FMLA leave.

E. Pay During Leave.

- (1) While special rules apply to employees classified as exempt from federal and state wage and hour laws, leaves are generally without pay. In many instances employees may substitute for portions of family or medical leave, other paid or unpaid leave provided by the Town. In some instances, the Town may require the employee to substitute certain paid leave for unpaid family or medical leave.
- (2) If an employee wishes to substitute any leave for unpaid family or medical leave, she/he needs to do so at the time the leave is requested. The employee will promptly be informed of the availability of such substitution in that particular circumstance. Similarly, if the Town requires the employee to substitute any paid leave for unpaid family or medical leave she/he will be informed promptly upon receipt of his request for leave.

- (3) The use of FMLA leave will not result in the loss of employment benefits that accrued prior to the start of the employee's leave except for compensatory time, sick leave and vacation time used during family or medical leave.
- (4) While on unpaid FMLA leave, employees do not accrue vacation time or sick leave. If any other type of paid leave is substituted for unpaid leave, benefits shall accrue during the taking of substituted leave.

F. Application for Leave.

Employees requesting family or medical leave must provide reasonable advance notice of such leave to the Town, except in extraordinary circumstances. Reasonable advance notice will depend upon the circumstances; however, employees are strongly encouraged to provide as much advance notice as possible. Leave, in particular circumstances and consistent with the minimum standards established under federal and state law, may be denied or delayed in the event adequate notice is not provided. Leave related to planned medical disrupt Town operations.

G. Certification.

Before medical leave or any family leave for the purpose of caring for a parent, child or spouse with a serious health condition can be approved; the employee must supply the town with satisfactory certification of the serious health condition. This must be obtained from an acceptable health care provider. The Town Board will determine what the certification must contain, based upon the type and duration of leave the employee desires at the time of the request for leave. The Town also reserves the right to require certification from a second health care provider, at the Town's expense.

H. Reinstatement Upon Return from Leave.

- (1) An employee returning from family or medical leave, when leave does not exceed that set forth in the preceding section entitled "Maximum Duration of Leaves," will be returned to her/his former or equivalent position upon return from such leave absent extraordinary circumstances. Reinstatement for certain highly compensated key employees may be more restricted as discussed in paragraph (3) below. Persons falling within the category of high-compensated key employee will be advised of their status as a highly-compensated key employee at the time they request leave or when leave commences.
- (2) Employees returning from approved family or medical leave beyond the time periods outlined in the preceding paragraph will be returned based upon business requirements. If the employee's former position is still

open, she/he will be reinstated upon their return. In the event his former position has been filled or eliminated, she/he may apply for any position which is open at the time of his availability to return to work or which later becomes available, and for which she/he is qualified. Should she/he fail to accept any offer, or should one-year elapse from the date of the beginning of the original leave without her/his return to work, her/his employment will automatically terminate.

- (3) The Town cannot deny FMLA leave to a key employee. However, reinstatement may be denied if the Town determines that substantial and grievous economic injury to the Town's operations will result if the employee is reinstated from FMLA leave. If a key employee does not return from leave when notified by the Town that substantial and grievous economic injury will result from her/his reinstatement, the employee's entitlement to group health plan benefits continues unless and until she/he advises the Town that she/he does not desire restoration to employment at the end of the leave period, or FMLA leave entitlement is exhausted, or reinstatement is actually denied.

- I. An employee is expected to return to work at the planned expiration date of his leave, or if she/he is able to return earlier, when she/he is able to return to work and is available. Notification of availability to return to work prior to the planned expiration of leave should be made to the Immediate Supervisor or the Town Clerk/Treasurer prior to his return to work. Except in extraordinary circumstances, if an employee does not either report back to work or request an extension of leave by the first day following the expiration of the approved leave, she/he will be considered to have voluntarily terminated from employment.

The Town reserves the right to require employees on leave to periodically report as to his status and intent to return to work. Similarly, employees returning from medical leave may be required to obtain and present certification from his health care provider(s) that they are able to resume work.

10. Civic Leave and Jury Duty

- A. An employee shall be given time off without loss of pay when performing jury duty, when subpoenaed to appear before a court, public body or commission in connection with Town business, or for the purpose of voting. In the case of jury duty, the employee shall remit his jury fee to the Town. The employee may retain payment to the employee for expenses at the prevailing rate. If the employee does not remit the fee, they shall be considered to be on leave of absence without pay while performing jury duty. Employees on jury or witness duty are required to report to work if the jury or witness duty does not require the employee to miss the employee's work shift.

- B. For justifiable reasons, and subject to the approval of the Town Board, a leave of absence without pay may be granted an employee, upon her/his request, to appear under subpoena or in her/his own behalf in litigation involving personal or private matters.

11. Funeral Leave

- A. Upon request an employee shall be granted up to, but not to exceed, three consecutive workdays with pay for the purpose of arranging for and attending the funeral of an immediate family member. This shall include spouse, child, parent, sibling, grandparents, grandchildren, stepparents, stepchildren, stepsister/brother, parents of spouse, children's spouses, aunts, uncles, brother/sister in-laws, and any member of the employee's household.
- B. One-half day with pay will be granted to attend the funeral of an immediate fellow employee provided scheduling could be arranged with the Supervisor.

12. Military Leave

- A. The Town will comply with all State and Federal laws regarding military leave for restoration of employment. Any rights accrued will not be interrupted by absence while on military leave. If re-employed, time spent in military service may be counted in computing years of service for annual leave. (Vacation)
- B. Employees who are members of the National Guard or United States Military Reserve shall be granted temporary leaves of absence for required hours of duty or training. The employer agrees to pay to full-time employees the differential between the military pay for such required duty or training and the employee's regular straight time earnings for such period, but such differential pay shall be limited to a maximum of two (2) weeks' pay, less military pay, in any one (1) year.

13. Leave of Absence

Any employee desiring a leave of absence from her/his employment shall secure written permission from the Town Administrator. The maximum leave of absence shall be for thirty (30) days and may, at the sole discretion of the Town Administrator, be extended for like periods. Written permission for extension must be secured from the Town Administrator. The employee must make suitable arrangements for continuation of health, dental, vision, life and disability insurance payments before the Town Administrator may approve any leave. At the employee's option, any leave of absence taken may be deducted from vacation credits of the employee taking such leave. Any such leave of absence shall be without pay and with no accumulation of benefits during the time off.