State of Wisconsin

OFFICE OF STATE EMPLOYMENT RELATIONS

- ***COMPENSATION & LABOR RELATIONS BULLETIN –***

Date: November 30, 2006

Locator No: OSER-0152-CLR/LR

Subject: WEAC Professional Leave Days
Article 11/2/4 & Negotiating Note #7

The purpose of this bulletin is to provide current information regarding professional leave days included under the 2005-2007 collective bargaining agreement with the Wisconsin Education Association Council (WEAC). The most notable changes are that the number of days increased from two to five days and that usage of this time may now be tracked on employee timesheets or on PTA web.

This bulletin supersedes collective bargaining bulletin number CBB-35, dated July 17, 1996, which is obsolete and should be destroyed.

SECTION I. APPLICABLE LANGUAGE

Modified language in Article 11/2/4 of the 2005-2007 collective bargaining agreement with WEAC provides: *"For exempt professional employees, an employee may elect to utilize up to five (5) days without loss of pay, each calendar year for activity that is advantageous to the enhancement of professional development and is not otherwise covered by this Agreement. The Employer will not unreasonably deny the utilization of this time. (Refer to NN #7)."*

Negotiating Note #7 states: *"Both Employer and the Union agree the modified language in the WEAC 2005-2007 Agreement under 11/2/4 has been negotiated and will continue to be administered in the same manner as in the past. Details for administration of this language can be found in the OSER bulletin regarding WEAC Professional Leave Days."*

SECTION II. INTERPRETATION GUIDELINES

Since the language providing professional leave days was first negotiated and included in the 1995-1997 collective bargaining agreement, numerous questions have been posed regarding its administration. Guidance on some of the most commonly asked questions follows:

1. Which WEAC employees are eligible to use these days?

All current employees whose classifications are designated as FLSA exempt. Part-time employees whose positions are in FLSA exempt classifications who meet the FLSA duties test for exempt status, but do not meet the salary test due to their part-time status, will still qualify for use of professional leave days.

2. Is the use of these days prorated by an employee's budgeted FTE?

No, the number of days should not be prorated by an employee's budgeted FTE. The clear language of the contract affords all exempt employees up to five professional leave days. The language does not specify any limitation on the basis of an employee's budgeted FTE.

3. May employees take time off incrementally (i.e., in less than eight hour blocks)?

Yes, employees may take professional leave time incrementally (i.e., in less than eight hour blocks). The language provides that an employee "may elect to utilize ***up to*** *five (5) days without loss of pay, each calendar year."*

4. If an employee does not use his/her five professional leave days before the end of the calendar year, may s/he carry these days over to the next year?

No, professional leave days may not be carried over to the following calendar year. Each exempt employee is entitled to up to five days of professional leave time ***during the calendar year.*** *If an employee fails to take the time, the time is lost at the end of the calendar year.*

5. How is this professional leave time scheduled?

This time should be scheduled in accordance with the local practice for handling scheduled leave time off requests.

6. Should this professional leave time be tracked on the employee's formal timesheets or PTA web?

Yes, professional leave time (date and number of hours taken) may be tracked either on an employee's timesheet or on PTA web, depending on the agency.

7. May the Employer deny an employee the use of this time?

Yes, requests for use of professional leave time may be denied but only for legitimate operational needs of the employing unit. However, this does not preclude an employee from submitting a request for use of professional leave time at a later date.

8. Are school-year DPI employees treated differently with regard to the professional leave time?

No, professional leave time for school-year DPI employees will be handled in the same manner as the DPI's practice for personal holidays, sabbatical, and/or vacation time.

9. May an employee take the five professional leave days after his/her resignation?

No, an employee must take the professional leave time prior to the effective date of his/her resignation/retirement.

10. If an employee resigns and has not used all of his/her professional leave days, will s/he receive a cash payment for the remaining time?

No, an employee will not receive payment for unused professional leave days upon resignation/retirement. The time will lapse on the effective date of such resignation/retirement.

SECTION III. REFERRAL OF QUESTIONS

Questions concerning the information included in this bulletin should be directed to Kathy Kopp, by phone at (608) 266-0711, or e-mail kathy.kopp@wisconsin.gov, or Wil Mickelson, by phone at (608) 267-5169, or e-mail wil.mickelson@wisconsin.gov.

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