State of Wisconsin

OFFICE OF STATE EMPLOYMENT RELATIONS

- COMPENSATION & LABOR RELATIONS BULLETIN -

Date: July 23, 2008

Locator No: OSER-0211-CLR

Subject: Leave Accrual During Military Leave Without Pay

The purpose of this bulletin is to provide information regarding new provisions for leave accrual during leaves of absence without pay for certain types of military service.

I. Context in relation to existing military leave provisions

Many state employees receive military leave without loss of pay and benefits when they are members of the National Guard or a military Reserve unit and are activated for military service. These employees receive a pay differential if their state pay is greater than their military pay, and they accrue sick leave and vacation leave in the same manner as if they remained employed by the State. The new labor agreement provisions discussed in this bulletin do not affect these employees, because these employees already receive a greater military leave benefit. Instead, the new provisions discussed in Section II., below, affect employees who are not eligible for military leave without loss of pay, such as in the following instances.

Employees not eligible for 30 days annually of military leave without loss of pay, nor for the extended military leave without loss of pay:

A. An employee ordered to inactive duty training

B. An employee ordered to active duty for training purposes who is on original probation

C. An employee ordered to active duty for training purposes who has exhausted the yearly allotment of 30 work days of military leave without loss of pay.

Note. The extended pay differential for active military service under s. 230.315, Wis. Stats., and similar labor agreement provisions does not apply to active or inactive duty for training.

II. Labor agreement provisions for leave accrual during military leave without pay

A. Effective June 7, 2008, the labor agreements listed below contain the following provision or substantively identical provision:

Employees on military leave without pay for duly authorized inactive duty training or active duty for training shall continue to earn vacation, sick leave, and legal holiday credits.

2007-2009 Labor Agreement	Language Reference
WI State Employees Union	13/10/1C
WI State Building Trades	7/11/1 A./4.
SEIU Healthcare District 1199W	6/9/1
WI Education Association Council	13/9/2C
WI Law Enforcement Association	12/10/3
WI Physician and Dentist Association	12/6/4
WI Professional Employees Council	12/7/4
WI State Attorneys Association	5/13/1 D.
WI Science Professionals	12/7/5
WI State Public Defenders Association	6/9/3 3./a.

B. An employee covered by one of the labor agreements listed above (or future labor agreements with similar provisions) who is on military leave without pay for duly authorized inactive duty training or for active duty for training, shall continue to accrue annual leave, sick leave, and legal holiday credits during the period(s) of service specified on the military orders.

C. The intent of the new provision is to provide continued leave accrual during active or inactive training duty that is not eligible for paid leave (i.e., without loss of pay or benefits) or when the 30 days of paid leave has been exhausted. Thus, if an employee is eligible for paid leave, that leave must be used first, as it provides a greater benefit to the employee.

NOTE: None of the provisions relating to paid or unpaid leave for military duty preclude an employee from requesting to use other paid leave, such as personal holiday or annual leave, to cover an absence for military service.

III. Leave accrual for non-represented employees on military leave without pay

Effective June 7, 2008, non-represented employees on military leave without pay for duly authorized inactive duty training or for active duty for training shall be eligible to accrue annual leave, sick leave, and legal holiday credits in the same manner as eligible represented employees as described in Section II., above.

IV. Referral of questions

Questions regarding how to record leave covered under this provision should be directed to each agency's payroll office.

Questions regarding this bulletin should be referred to John Wiesman of the Bureau of Compensation at: Phone: (608) 266-1418 or E-mail: John.Wiesman@wisconsin.gov.

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