

State of Wisconsin

**OFFICE OF STATE EMPLOYMENT RELATIONS**

**- COMPENSATION AND LABOR RELATIONS BULLETIN -**

**Date:** May 4, 2009

**Locator No:** OSER-0240-CLR/LR

**Subject:** Annual Leave Usage Options With a Required Minimum Number of Accrued Sick Leave Hours for WSEU & WLEA

Collective bargaining agreements negotiated with the Wisconsin State Employees Union (WSEU) and the Wisconsin Law Enforcement Association (WLEA) for 2007-2009 contain new provisions for annual leave usage options with a corresponding minimum number of accrued sick leave hours.

This bulletin replaces the information for *WSEU and WLEA only* currently found in OSER bulletin CBB-85, dated January 7, 1999, regarding "Transfer of Annual Leave Hours to Termination/Sabbatical Leave Account with Minimum 520 Hours of Sick Leave."

**I. Annual Leave Usage Options for WSEU and WLEA**

The new options for annual leave usage provisions are found in 13/6/6A for WSEU and 12/6/8 for WLEA.

The new language reads as follows:

"Effective January 1, 2009, employees may, at their option, elect to receive annual leave hours, or prorated portion thereof, under the following options each year. Options available under columns C. and D. are subject to the sick leave accumulation thresholds in column E.

A.	B.	C.	D.	E.
Annual Leave Earning Rate	Eligible for use as annual leave during year earned	Portion of annual leave credits eligible for use as termination leave/accumulated sabbatical leave during year earned	Portion of annual leave credits in Column C eligible for cash-out during year earned	*Minimum Accrued Sick Leave Hours Required
104	104	40	0	520
144	144	40	40	520
160	160	60	40	728
184	184	80	40	1040
200	200	80	40	----
216	216	120	40	----

\*Required number of sick leave hours for the applicable earning level must be accrued by the end of the "B" pay period in October of the current calendar year.

Employees who have accumulated the required number of hours of sick leave for the applicable annual leave earning rate as indicated in the table, above, by the end of the "B" pay period in October, 2009, and employees who qualify for their respective level in any subsequent October "B" pay period, will be permanently eligible for the benefit."

## II. Guidance for the Application of Provisions on Annual Leave Usage Options

### A. Eligibility:

1. Employees in positions covered by WSEU and WLEA are eligible.
2. Except as provided in 3. and 4., below, an employee must have accrued at least the specified minimum number of hours of sick leave that corresponds to the employee's annual leave earning rate, at the end of the October 2009 "B" payroll period, or in any subsequent October "B" payroll, in order to be eligible.
3. Employees who previously qualified for the transfer of annual leave hours to their termination/sabbatical leave account with a minimum of 520 hours of sick leave, as provided under a prior contract (as explained in OSER bulletin CBB-85), continue to be eligible for those corresponding options even if they have since fallen below the required 520 hours of accrued sick leave. This eligibility continues until the employee reaches a higher annual leave earning rate and the required hours of accrued sick leave associated with that higher annual leave earning rate in a subsequent October "B" payroll, at which point s/he will be eligible for the corresponding annual leave usage options. To clarify:
  - a. An employee earning annual leave at the 104-hour rate who had previously qualified under the old 520-hour accrued sick leave provisions may still bank up to 40 hours of annual leave in her/his termination/sabbatical leave account.
  - b. An employee earning annual leave at the 144-hour rate who had previously qualified under the old 520-hour accrued sick leave provisions may either bank up to 40 hours of annual leave in her/his termination/sabbatical leave account, cash out up to 40 hours of annual leave, or utilize a combination of banking and cash-out not to exceed a total of 40 hours.
  - c. An employee earning at the 160-hour rate or above who had previously qualified under the old 520-hour accrued sick leave provisions but has not yet reached the required hours of accrued sick leave associated with her/his current higher annual leave earning rate, i.e., 728 or 1040 hours, may either bank up to 40 hours of annual leave in her/his termination/sabbatical leave account, cash out up to 40 hours of annual leave, or utilize a combination of banking and cash-out not to exceed a total of 40 hours.
  - d. There is no minimum accrued sick leave hours required at the 200 and 216 hour annual leave earning rates so an employee may utilize the respective corresponding annual leave usage options regardless of her/his sick leave balance.

**Note:** Implementation of the new contract language may render some employees ineligible who previously were eligible to bank annual leave hours in their termination/sabbatical leave account. For example, formerly, employees earning annual leave at the 160-hour rate or above could bank without any minimum sick leave accrual requirement. Under the new language, employees earning at the 160-hour and 184-hour levels must have accrued 728 and 1040 hours of sick leave, respectively, in order to bank annual leave. However, once employees earning vacation at the 160-hour and 184-hour levels accrue 520 hours of sick leave, they are eligible to exercise the options associated with that level of sick leave accrual, i.e., the 144-hour rate.

4. Once an employee has accumulated the required minimum hours of sick leave associated with her/his annual leave earning rate, s/he continues to be eligible even if the accrued sick leave subsequently drops below that balance.
5. Employees who move between agencies and remain in a WSEU or WLEA position will carry their eligibility with them, even if they have dropped below the minimum plateau subsequent to gaining eligibility and prior to their move.
6. Employees occupying multiple positions wherein only one of the positions is covered by WSEU or WLEA are eligible, if they so choose.
7. Employees who move into a WSEU or WLEA position from a position not covered by these provisions after the end of the October "B" pay period in any year are not eligible for the benefit until the following year.
8. Agencies must identify "eligible" employees who move to another agency on the Personnel Transfer Record (DER-MRS-24).

**B. Proration:**

1. Full-time employees:

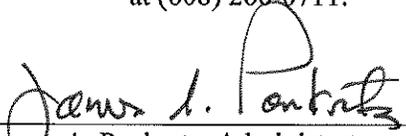
- a. The required minimum number of hours of sick leave must be accumulated in order for any covered employee to be eligible.
- b. Once eligible, an employee may elect to exercise the options provided for that annual leave earning rate.

2. Part-time employees:

- a. The required minimum number of hours of sick leave must be accumulated in order for any covered employee to be eligible. There is no proration of the minimum required accrued sick leave hours for part-time employees.
- b. Once eligible, an employee may elect to exercise the options provided for that annual leave earning rate. There is no proration of the amounts listed in columns C or D, in the table above, for part-time employees.

**III. Contacts**

- A. **Employee Questions:** Individual employees with questions regarding the information provided in this bulletin should contact their agency human resources office or payroll office directly.
- B. **Employer Questions:** Employer questions regarding the information provided in this bulletin may be directed to Kathy Kopp by e-mail at [kathy.kopp@wisconsin.gov](mailto:kathy.kopp@wisconsin.gov) or by phone at (608) 266-0711.

  
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 James A. Pankratz, Administrator  
 Division of Compensation and Labor Relations

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