

## Report From Agency

### BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM REPORT TO LEGISLATURE CLEARINGHOUSE RULE 10-104

Agency Contact Person: Christopher L. Ashley (608-262-3662)

#### **Basis and Purpose of Proposed Rules:**

Statutes interpreted: Section 36.30, Stats.

Statutory authority: Section 36.30, Stats.

Explanation of agency authority: Section 36.30, Stats., authorizes the Board to promulgate rules regulating sick leave for University of Wisconsin System faculty, academic staff, and employees holding positions under section 20.923(4g) and (5), Stats.

Related statutes or rules: Sections 40.05(4)(b), 40.05(4)(bp), 40.95, 103.10, and 230.12(9), Stats.

Plain language analysis: The proposed rule would amend Ch. UWS 19, Wis. Admin. Code, to change the sick leave reinstatement period for unclassified employees who leave and then return to employment in the UWS from three to five years to be consistent with the current policy for classified staff. The proposed rule also would make a non-substantive correction to the definition of "sick leave" to conform to the federal Family and Medical Leave Act which has changed since Ch. UWS 19 was promulgated.

Summary of, and comparison with, existing or proposed federal regulations: There are no existing or proposed federal regulations for summary and comparison.

Comparison with rules in adjacent states: There are no comparable rules in other states.

Summary of factual data and analytical methodologies: There were no factual data or analytical methodologies used to develop the proposed rules.

Analysis and supporting documents used to determine effect on small business: The proposed rules affect only faculty and academic staff of the University of Wisconsin System. They have no effect on small business.

Fiscal estimate: While the Board cannot definitively determine what the fiscal impact of this change would be, the UW System's experience over the last several years would have yielded an average annual cost of \$82,000 with an average of 15 individuals affected.

## Responses to Legislative Clearinghouse Comments

The comments of the Legislative Clearinghouse were technical in nature and have been accepted.

### Public Hearing and Comment Summary

A public hearing was held on November 4, 2010. No comments were received.

[TEXT OF RULE]

SECTION 1. UWS 19.01 is amended to read:

**UWS 19.01 Definition.** Sick leave refers to absences of faculty, academic staff and limited appointees of the university of Wisconsin system due to personal illness, injury, disability, ~~or pregnancy, or adoption~~, as well as attendance on a member of the immediate family of the employee whose condition or death requires the employee's direct care, if such absences are being charged against the employee's accumulated sick leave credits.

SECTION 2. UWS 19.03 is amended to read:

UWS 19.03 If the employee terminates employment with the university of Wisconsin system other than through retirement or death, unused sick leave shall be terminated but shall be reinstated if the employee is reappointed to any sick leave eligible position within the system within 3-5 years. A reappointment after the expiration of the reinstatement period shall be treated as an initial appointment for purposes of this chapter.

SECTION 3. INITIAL APPLICABILITY. This rule first applies to reinstatements occurring after July 1, 2010.

SECTION 4. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.