

## POSTDOC ABSENCE WITH PAY & LEGAL HOLIDAYS

### Rationale/Purpose of the Policy

**\*\*Note: Section III of this policy and other blue text take effect July 1, 2024\*\***

UW–Madison is committed to providing its postdocs with opportunities to balance their mentored research training and personal lives. A key aspect of this is the ability to be absent from their training with pay.

This policy governs absence with pay and legal holidays for all eligible UW–Madison postdocs.

### Definitions

<b>Absence with pay (medical)</b>	Hours a postdoc may be absent from their training due to personal and immediate family medical reasons, or for the birth or adoption of their child, and still receive their stipend or salary.
<b>Absence with pay (parental)</b>	Hours a postdoc may be absent from their training due to a qualifying event and still receive their stipend or salary.
<b>Absence with pay (personal)</b>	Hours when a postdoc may be absent from their training for personal purposes, and still receive their stipend or salary.
<b>Academic basis (“C”)</b>	Postdoc appointees directly tied to the academic year calendar (39 weeks).
<b>Adoption</b>	The social, emotional, and legal process in which children who will not be raised by their birth parents become full and permanent legal members of another family while maintaining genetic and psychological connections to their birth family.
<b>Annual basis (“A”)</b>	Postdoc appointees directly tied to the fiscal year (July 1-June 30).
<b>Appointment percentage</b>	The amount of full-time effort expected (FTE) for a position. Also measured by hours in pay status.

<b>Birth or Adoptive Event</b>	The birth or adoption of a child under the age of 18 (eighteen) on or after [the effective date of this policy update]. If the adoption involves a child who is incapable of self-care because of a mental or physical disability, the age limit of 18 may be waived.
<b>Child(ren)</b>	A person under the age of 18 (eighteen). For the purposes of this policy, the child's parent must be in an active postdoc appointment at the University of Wisconsin-Madison.
<b>Division</b>	A UW–Madison college, school or equivalent organizational unit.
<b>Foster Care</b>	Home-like care provided by licensed foster parents for children who cannot live with their parents. Placement in foster care is usually temporary.
<b>Full time equivalent (FTE)</b>	Amount of hours budgeted for a position. A position budgeted for 80 hour in a bi-weekly pay period would be 1 FTE; a position budgeted for 40 hours in a bi-weekly pay period would be .5 FTE.
<b>Guardianship</b>	A legal relationship in which one party is empowered to act for the benefit of another. The decision-making authority and legal responsibility of the child is transferred to the guardian; however, parents' rights are not terminated.
<b>Hours in pay status</b>	In a work week, the period of time in which the postdoc either is training or using absence with pay and legal holidays to remain in full pay status (prorated for FTE).
<b>Immediate family member</b>	Includes all of the following: <ul style="list-style-type: none"><li>• Postdoc's legal spouse.</li><li>• Postdoc's domestic partner as explained by the <a href="https://hr.wisc.edu/benefits/qualifying-life-events/family-changes/domestic-partnership/">UW–Madison Domestic Partnership Information Page [https://hr.wisc.edu/benefits/qualifying-life-events/family-changes/domestic-partnership/]</a>.</li><li>• Children of postdoc or postdoc's spouse or domestic partner (biological, adopted, step or foster child, or legal ward) Grandchildren of postdoc or postdoc's spouse or domestic partner.</li><li>• Parents of postdoc or postdoc's spouse or domestic partner (biological, adopted, step or foster parent, or legal guardian of postdoc).</li><li>• Grandparents of postdoc or postdoc's spouse or domestic partner.</li><li>• Brothers and sisters, and spouses or domestic partners of the brothers and sisters of postdoc or postdoc's spouse or domestic partner.</li></ul>

- Aunts and uncles of postdoc or postdoc's spouse or domestic partner.
- Sons-in-law or daughters-in-law of postdoc or postdoc's spouse or domestic partner.
- Other relatives of postdoc or postdoc's spouse or domestic partner who reside in the household of the postdoc.

### **Kinship Care**

When grandparents, other adult family members or close family friends are raising children, with no parents in the home.

### **Parent**

A person identified on a child(ren)'s birth certificate, adoption certificate, certified copy of a foreign adoption order that has been registered with the State of Wisconsin, or other legal document certifying an adoption.

### **Postdoc**

Individuals with the appointment: research associate, postdoctoral fellow and/or postdoctoral trainee.

### **Qualifying Event**

Birth and adoptive event

- For birth, the qualifying event is the date the child is born.
- A postdoc receiving a child from a surrogate incurs a qualifying event on the date the child is placed with the postdoc.
- For adoption, the qualifying event is the date the child is placed with the postdoc.

Absence with Pay (Parental) may not begin prior to the date of the qualifying event.

### **12-Month Period**

Eligible postdocs are able to take up to a total of 6 (six) weeks of Absence with Pay (Parental) in a 12-month period. That 12-month period begins on the date of their qualifying event. When a postdoc experiences multiple events that would qualify for Absence with Pay (Parental) in the same 12-month period, the eligible postdoc will only be entitled to take a total of 6 (six) weeks of Absence with Pay (Parental).

When a postdoc takes the full 6 (six) weeks of Absence with Pay (Parental) in a 12-month period, they are next eligible for additional Absence with Pay (Parental) when they have a qualifying event that occurs after the original 12-month period of time has ended.

Example: Eligible postdoc has a qualifying birth event on August 31 and requests to take six weeks of Absence with Pay (Parental). The postdoc had not had any prior qualifying events, so they are entitled to the six weeks they had requested. Their 12-month period begins on August 31 and will end on August 30 of the following year.

That same postdoc has a second qualifying event on May 1 of the next year. The postdoc will not be eligible to take any additional Absence with Pay (Parental) for this qualifying event because it is occurring within 12 months of their prior qualifying event and they have already taken all 6 weeks of Absence with Pay (Parental) available in that 12-month period. This postdoc would not be able to qualify for any additional Absence with Pay (Parental) until they had a qualifying event that occurred on or after August 31 of the following year.

## Scope

This policy applies to research associates, postdoctoral fellows and postdoctoral trainees.

## Policy

**\*\* Note: Section III of this policy (Absence with Pay [Parental]) is not active until July 1, 2024. \*\***

### Policy Summary

This policy establishes the administration of absence with pay: personal, medical, and parental, and legal holidays for UW–Madison postdocs. The policy covers eligibility, accrual, use, reporting, carryover, banking, cash-outs, and treatment of absence with pay and legal holiday balances when a postdoc:

- o changes their appointment within UW–Madison,
- o moves to UW–Madison from another UW System Institution, or
- o terminates their appointment with UW–Madison.

### Policy Detail

The absence with pay and legal holidays policy provides eligible UW–Madison postdocs with absences with pay from mentored research training for personal purposes, personal and immediate family medical reasons, the birth or adoption of their child, and legal holidays.

## **I. Absence with Pay (Personal)**

### **A. Eligibility for Absence with Pay (Personal)**

1. Annual basis postdocs are eligible for absence with pay (personal).
2. Academic basis postdocs are ineligible for absence with pay (personal).

### **B. Absence with Pay (Personal) Accrual**

1. Absence with pay (personal) is granted upon hire and again on July 1 of every year to eligible postdocs. For postdocs who begin their appointments during the year, absence with pay (personal) is prorated based on the start date of the appointment.
2. Full-time postdocs in annual-basis appointments are granted 176 hours of absence with pay (personal) per fiscal year (July 1-June 30).
3. Postdocs may not be granted more than 176 hours of absence with pay (personal) in a fiscal year unless they are eligible for additional absence with pay (personal) hours due to sponsoring agency policy.
4. Increased FTE will increase absence with pay (personal), decreased FTE will reduce absence with pay (personal). If a postdoc reduces their FTE during the year, the university will recover the value of absence with pay (personal) which has been used in excess of the prorated amount to which they are eligible.
5. For postdocs who end their appointments prior to the end of the fiscal year, absence with pay (personal) granted is prorated based on the end date of the appointment. If a postdoc ends their appointment prior to the end of the fiscal year, the university will recover the value of absence with pay (personal) used in excess of the prorated amount to which they are eligible.

### **C. Absence with Pay (Personal) Scheduling**

1. Divisions and mentors will accommodate postdoc requests for absence with pay (personal) subject to training and workload demands. Absence with pay (personal) requests should be made in advance and require mentor approval.
2. Postdocs may use absence with pay (personal) upon hire and from July 1 of every year.
3. A department may limit the use of absence with pay (personal) provided the policy is in writing and postdocs have sufficient notice to use all absence with pay (personal) before the end of the fiscal year.

**D. Absence with Pay (Personal) Usage, Carryover, and Exchange**

1. Postdocs may use absence with pay (personal) from the first day of their appointment. There is no waiting period before postdocs may use absence with pay (personal).
2. If absence with pay (personal) is not used within the fiscal year it is granted, any absence with pay (personal) remaining at the end of the fiscal year (June 30) will be lost and will not carry over into the next fiscal year.
3. Absence with pay (personal) may not be donated through the Catastrophic Leave policy.

**E. Banking Unused Absence with Pay (Personal) and Absence with Pay (Personal) Cash Payouts**

Postdocs are ineligible to bank unused absence with pay (personal) or receive absence with pay (personal) cash payouts.

**F. Absence with Pay (Personal) Credits upon Layoff, Termination of Appointment, or Movement to Another Appointment**

1. A postdoc who terminates their appointment is ineligible to extend their termination date beyond the last day of training by the amount of their absence with pay (personal). Any remaining absence with pay (personal) that could have been used prior to the end date will be forfeited.
2. At termination, if postdocs used absence with pay (personal) that was in excess of the amount to which they were eligible, they are required to repay the



institution the value of the overused absence with pay. The value of the overused absence with pay (personal) is calculated as current full-time annual compensation/2080\* number of hours of absence with pay (personal) that was overused.

### 3. Movement to New Appointment

- a. When postdocs move from one postdoc appointment to another postdoc appointment within UW–Madison, any current absence with pay (personal) granted during the fiscal year transfers to the new postdoc appointment. Postdocs may be eligible for additional absence with pay (personal) due to sponsoring agency policy associated with their new postdoc appointment. Postdocs may also lose additional absence with pay (personal) hours to which they were eligible due to sponsoring agency policy of their previous postdoc appointment.
- b. When postdocs move from a postdoc appointment to another type of appointment within UW–Madison, any current absence with pay (personal) granted during the fiscal year will not transfer to the new appointment.
- c. When postdocs move to UW–Madison from another UW System Institution, the university will not assume absence with pay (personal) deficiencies (over-usage). The movement of absence with pay (personal) balances to UW–Madison from another UW System Institution is at the discretion of the new hiring unit. Such an agreement must be made in writing prior to the start of the new appointment as part of the offer of appointment.
- d. When a postdoc moves to another UW System institution, the movement of absence with pay (personal) balances is at the discretion of the new institution. If they do not accept the absence with pay (personal) balances, the postdoc will forfeit absence with pay (personal) from UW–Madison and will not receive a lump sum payment for absence with pay (personal) balances from UW–Madison.
- e. When employees move from vacation-eligible Faculty, Academic Staff, University Staff or Limited appointments to a postdoc appointment, the appointing unit will not assume any vacation balances, banked leave

balances or leave deficiencies (over-usage) from the previous appointment.

### G. Absence with Pay (Personal) Reporting

1. For absence with pay (personal) reporting, each full-time postdoc will designate a 40-hour workweek. The workweek will be prorated for less than full-time appointments. The workweek will include all scheduled classes, office hours, and research, as well as other regular university meetings and professional activities.
2. For purposes of this section, a normal workweek consists of 40 hours worked within a fixed and regularly recurring period of seven consecutive days. Hours worked per day may vary.
3. The standard workweek exists only for the purpose of reporting absence with pay (personal). This is not a university standard for actual work hours since most postdocs are salaried employees who are expected to train at least 40 hours per week (on a full-time basis) with schedules that may fluctuate. Therefore, absence with pay (personal) for full-time postdocs is charged in half-day increments. Absences of between one-quarter and three-fourths of a day should be charged as one half-day. Absences of three-fourths or greater of a day should be charged as one day.

Table 1. Example: Postdoc trains  
five 8-hour days per week

<b>Hours Missed</b>	<b>Leave Reported</b>
0 to < 2 hours	0 hours
2 hours to 6 hours	4 hours
> 6 hours	8 hours

4. Postdocs with less than full-time appointments should report actual hours absent.
5. If a postdoc is using leave under the Family Medical Leave Act (FMLA), absence with pay (personal) is charged in actual hours absent.

### H. Reporting and Recording Absence with Pay (Personal)



1. Postdocs will have access to their absence with pay (personal) balances through their MyUW Portal.
2. Postdocs are required to submit an absence report as absence with pay (personal) is taken. Once an absence report is submitted, the postdoc's department chair, director, mentor, or designee must approve the report.

## **II. Absence with Pay (Medical)**

### **A. Eligibility for Absence with Pay (Medical)**

All postdocs are eligible for absence with pay (medical).

### **B. Accrual of Absence with Pay (Medical)**

1. Absence with pay (medical) is granted upon hire and again on July 1 of every year to postdocs. For postdocs who begin their appointments during the year, absence with pay (medical) granted is prorated based on the start date of the appointment.
2. Full-time postdocs in annual-basis appointments are granted 96 hours of absence with pay (medical) per fiscal year (July 1-June 30). Full-time postdocs in academic-basis appointments are granted 96 hours of absence with pay (medical) per academic year.
3. Postdocs cannot be granted more than 96 hours of absence with pay (medical) in a year unless they are eligible for additional absence with pay (medical) due to sponsoring agency policy.
4. Postdocs in appointments less than full-time are granted absence with pay (medical) based on their percentage of appointment (defined as hours in pay status). Changes to FTE during the year impact the absence with pay (medical) granted to a postdoc.
5. For postdocs who end their appointments prior to the end of the year, absence with pay (medical) granted is prorated based on the end date of the appointment.

### **C. Use of Absence with Pay (Medical)**

1. Postdocs may use absence with pay (medical) from the first day of their appointment. There is no waiting period before postdocs may use absence with pay (medical).
2. *Absence with Pay (Medical) Absence Reasons.* Postdocs granted absence with pay (medical) are eligible to use absence with pay (medical) for absence from their appointment:
  - a. For personal illnesses, injury, disability, pregnancy, adoption, or exposure to contagious diseases.
  - b. To care for an immediate family member (for up to five consecutive workdays). The division may approve additional absence with pay (medical) (see section II C 4 of this absence with pay policy for certification requirements if the absence exceeds five days).
  - c. To attend immediate family or personal medical or dental appointments.
  - d. An eligible postdoc may use up to three days of absence with pay (medical) after the death of an immediate family member, plus an additional four days of absence with pay (medical) for travel related to a funeral or other circumstances after the death of an immediate family member.
  - e. For any absence covered by the Wisconsin Family and Medical Leave Act (WFMLA) or Federal Family and Medical Leave Act (FMLA).
3. *Use of Other Absence with Pay in Lieu of Absence with Pay (Medical).* When a postdoc is absent for an absence with pay (medical) absence reason specified in this policy, the following absence types may be used instead of absence with pay (medical):
  - a. absence with pay (personal),
  - b. legal holiday, and
  - c. leave without pay with approval of mentor.
4. *Certification of Medical Necessity:*
  - a. If a postdoc uses absence with pay (medical) for an absence of more than five working days, the postdoc must present certification from a health care provider of the medical necessity for absence with pay (medical), except when an absence is authorized and approved under the Wisconsin or Federal Family and Medical Leave Acts.

- b. When UW–Madison is aware that an emergency prevents communicating with a postdoc or gathering information about a postdoc’s condition, written certification is not required until communication is possible and appropriate given the condition of the postdoc.
  - c. In cases of suspected absence with pay (medical) abuse, UW–Madison is authorized to require written certification from health care providers to verify the medical necessity of absences of any length.
- 5. If absence with pay (medical) is not used within the year it is granted, any absence with pay (medical) remaining at the end of the year will be lost.
  - 6. Requests to change the leave type used from absence with pay (medical) to another type of absence must be received by the institution by the end of the fiscal year in which the absence occurred.
  - 7. Academic year postdocs are in pay status during winter and spring session breaks, and are required to follow their official work schedules and fulfill their research, educational, and other university obligations. If they are not able to fulfill their academic obligations due to reasons specified in section II C 2 of this absence with pay policy, they must use absence with pay (medical) or legal holidays.

#### **D. Absence with Pay (Medical) When Moving to Another Appointment or Termination**

- 1. Movement to New Appointment.
  - a. When postdocs move from one postdoc appointment to another postdoc appointment within UW–Madison, any current absence with pay (medical) granted during the fiscal year transfers to the new postdoc appointment. Postdocs may be eligible for additional absence with pay (medical) due to the sponsoring agency policy of their new postdoc appointment. Postdocs may also lose additional absence with pay (medical) time provided by the sponsoring agency policy of their previous postdoc appointment.
  - b. When postdocs move from a postdoc appointment to another type of appointment within UW–Madison, any current absence with pay (medical) during the fiscal year will not transfer to the new appointment.

- c. When postdocs move to UW–Madison from another UW System Institution, the university will not assume absence with pay (medical) deficiencies (over-usage). The movement of granted absence with pay (medical) balances to UW–Madison from another UW System Institution is at the discretion of the new hiring unit. Such an agreement must be made in writing prior to the start of the new appointment as part of the offer of appointment.
  - d. When a postdoc moves to another UW System institution, the movement of absence with pay (medical) is at the discretion of the new institution. If they do not accept the absence with pay (medical), the postdoc will forfeit granted absence with pay (medical) from UW–Madison.
  - e. When employees move from sick leave-eligible Faculty, Academic Staff, University Staff or Limited appointments to a postdoc appointment, the appointing unit will not assume any leave balances or leave deficiencies (over-usage) from the previous appointment.
2. Postdocs who terminate their appointment with UW–Madison lose granted absence with pay (medical) balances.

#### **E. Absence with Pay (Medical) Leave Conversion at Layoff, Retirement, or Death**

Postdocs may not convert their absence with pay (medical) balances to pay for State Group Health Insurance.

#### **F. Absence with Pay (Medical) Reinstatement**

Previously granted absence with pay (medical) will not be reinstated upon return to a postdoc appointment.

#### **G. Reporting and Recording Absence with Pay (Medical)**

##### *1. Designated Workweek.*

- a. For the purpose of absence with pay (medical) reporting, each full-time postdoc will have a 40-hour workweek. The work week will be prorated for a less than full-time appointment. The workweek will include all

scheduled classes, office hours, and research, as well as other regular university meetings and professional activities.

- b. For purposes of this section, a normal workweek consists of 40 hours worked within a fixed and regularly recurring period of seven consecutive days. Hours worked per day may vary.

**2. Amount of Absence with Pay (Medical) to be Charged.**

- a. Absence with pay (medical) for postdocs is charged in half-day increments. Absences of between one-quarter and three-fourths day should be charged as one half-day. Absences of three-fourths of a day or greater should be charged as one day.

Table 2. Example: Postdoc trains  
five 8-hour days per week

<b>Hours Missed</b>	<b>Leave Reported</b>
0 to < 2 hours	0 hours
2 hours to 6 hours	4 hours
> 6 hours	8 hours

- b. Postdocs with less than full-time appointments should report actual hours absent.
- c. If a postdoc is using absence with pay (medical) under the FMLA, absence with pay (medical) is charged in actual hours absent.

**H. Submitting Absence with Pay (Medical) Used**

- 1. Postdocs will have access to their absence with pay balances through their MyUW Portal.
- 2. Postdocs are required to submit an absence report as absence with pay (medical) is taken. Once an absence report is submitted, the postdoc's department chair, director, mentor, or designee must approve the report.

**\*\*Note: Section III of this policy takes effect July 1, 2024\*\***

**III. Absence with Pay (Parental)**

- A. To qualify for Absence with Pay (Parental), the postdoc must meet all of the following conditions:**

1. On or after the effective date that absence with pay (parental) was included in this policy, the postdoc or their spouse/partner has a qualifying event.
2. The postdoc holds a postdoc appointment with UW-Madison at the time of their qualifying event.
3. The postdoc has held a postdoc appointment for 6 consecutive months with the University of Wisconsin System at the time of the qualifying event. This includes periods spent on a work break with an expectation of a continuing appointment for those postdocs who are appointed to a 9-month renewable position. When a postdoc moves into an eligible postdoc appointment from an appointment that was covered under the Paid Parental Leave policy without a break in service, the time spent in that appointment will count toward the 6 months continuous employment.

**B. Absence with Pay (Parental) Provisions:**

1. Birth or Adoptive Event
  - a. An eligible full-time postdoc will be provided up to 6 (six) weeks (240 hours) of absence with pay (parental) following the occurrence of a qualifying birth or adoptive event. Postdocs working less than 1.0 FTE will be provided up to 6 weeks absence with pay (parental) in a prorated amount according to their FTE status at the time their use of absence with pay (parental) begins.
  - b. Absence with pay (parental) must be taken and completed within 12 months following the birth or adoption. Any unused absence with pay (parental) remaining at the end of the 12-month period is forfeited and may not be banked for later use, paid out, or combined with any future absence with pay (parental).
2. Postdocs are eligible for a total of 6 (six) weeks of absence with pay (parental) in a 12- month period. The 12-month period begins on the date of the initial qualifying event. When a postdoc experiences multiple events that would qualify for absence with pay (parental) in the same 12-month period, the eligible postdoc will only be entitled to a maximum total of 6 (six) weeks of absence with pay (parental).



3. Postdocs may not be granted more than 6 weeks of absence with pay (parental) in a 12- month period unless they are eligible for additional absence with pay (parental) hours due to sponsoring agency policy.
4. University benefits (such as medical, dental, etc.) in which the postdoc is enrolled will continue while the postdoc is taking absence with pay (parental).
5. Postdocs with academic year or C-basis appointments may be eligible for absence with pay (parental) during their short work break when they hold a summer service or summer session appointment. Absence with pay (parental) is available during the dates of their summer contract period.
6. When two UW-Madison postdocs have the same qualifying event, each will receive the full absence with pay (parental) benefit they are eligible for.
7. When a postdoc and an employee covered under the campus Paid Parental Leave policy have the same qualifying event, each will receive the full absence with pay (parental) and paid parental leave benefit they are eligible for.
8. The absence with pay (parental) benefit ends immediately if the postdoc no longer meets the criteria for eligibility.
9. Absence with pay (parental) will run concurrently with FMLA and/or WFMLA designated leave if the postdoc meets the eligibility requirements of the FMLA and/or WFMLA. The concurrent use of absence with pay (parental) and FMLA and/or WFMLA leave will decrease, in whole or in part, the amount of FMLA and/or WFMLA leave available to a postdoc.

### **C. Absence with Pay (Parental) Usage, Carryover, and Exchange**

1. Absence with pay (parental) may be taken continuously, intermittently, or on a reduced schedule basis.
  - a. Postdocs are entitled to take absence with pay (parental) on a continuous basis.
  - b. Taking absence with pay (parental) on an intermittent or reduced schedule requires the advanced approval of the postdoc's department except when leave is designated as WFMLA.
  - c. WFMLA entitles eligible postdocs to take family leave intermittently and on a reduced schedule basis within 16 (sixteen) weeks of birth or adoption. Prior approval from their department is not required while their

leave is designated as WFMLA. When WFMLA is designated, absence with pay (parental) will run concurrently.

- d. Taking absence with pay (parental) on an intermittent or reduced schedule basis does not extend the 12 months after the birth or adoption in which the leave must be taken.
  - e. All postdocs taking absence with pay (parental) intermittently or on a reduced schedule remain eligible to use other types of absence with pay when they must be absent from their scheduled work hours for reasons not related to parental leave. Postdocs must follow their department's normal procedures for requesting to use absence with pay and calling in absences when on intermittent or reduced schedule absence with pay (parental). Failure to do so may result in absence with pay (parental) not being approved for those absences.
2. Absence with pay (parental) cannot be donated or transferred to other postdocs or employees.

#### **D. Absence with Pay (Parental) Scheduling**

1. The postdoc must submit the completed Request for Parental Leave form at least 30 calendar days in advance of the start date of leave. If 30 days' notice is not given, the leave may be denied until 30 days after the notice is received.
2. Under some circumstances, the request for absence with pay (parental) may not be foreseeable or the postdoc may need to change the dates of their requested leave and postdocs may not be able to provide 30 days' notice. In these cases, the postdoc must submit the Request for Parental Leave form and notify their Divisional Disability Representative (DDR) within 14 (fourteen) days of becoming aware of their need to take leave or modify the dates of leave. Postdocs must follow their department's normal procedures for requesting time off and calling in absences.

#### **E. Confidentiality**

All medical information relating to the use of absence with pay (parental), whether verbal or written, including FMLA medical documentation, shall be kept confidential to

the maximum extent possible. All medical documents including, but not limited to, medical statements and FMLA medical certifications must be maintained within the Human Resources Department in the postdoc's confidential medical file.

#### **F. Relation to Other Absence with Pay Types**

1. Absence with pay (parental) will run concurrently with FMLA and/or WFMLA designated leave if the postdoc meets the eligibility requirements of the FMLA and/or WFMLA. The concurrent use of absence with pay (parental) and FMLA and/or WFMLA leave will decrease, in whole or in part, the amount of FMLA and/or WFMLA leave available to a postdoc.
2. Absence with pay (parental) may not be taken prior to the date of the qualifying event. Requests to take leave prior to the birth or adoption or beyond up to 6 (six) weeks of absence with pay (parental) require approval. Postdocs should discuss any additional family or medical leave they would like to take with their Divisional Disability Representative (DDR). Additional documentation may be required.
3. If an official Legal Holiday occurs, during the eligible postdoc absence with pay (parental), the eligible postdoc will receive legal holiday pay in lieu of an absence with pay (parental) day, provided that the eligible postdoc is in an active appointment on the date of the legal holiday.
4. While taking absence with pay (parental), other absence with pay that the postdoc is eligible for will not be impacted

#### **G. Reinstatement**

At the conclusion of absence with pay (parental), the postdoc will typically return to the same position held at the time the absence began. In certain circumstances the postdoc may be returned to an equivalent position.

1. A fitness for duty may be required should the postdoc experience a serious health condition while taking absence with pay (parental).
2. The University's obligation to reinstate the postdoc to the same or equivalent position ceases if and when any of the following events take place:

- a. The appointment would have ended if the postdoc had not taken absence with pay (parental); or
- b. The postdoc informs the University of their intent not to return at the end of the absence with pay (parental); or
- c. The postdoc fails to return at the end of absence with pay (parental) and are not on an approved leave of absence.

#### H. Limitations

1. When a pregnancy results in the birth of more than one child (twins, triplets, etc.), all children born are treated as one qualifying event.
2. In the case of multiple children being adopted on the same date, all children are treated as one qualifying event.
3. The adoption of a stepchild (a child of the postdoc's spouse from a previous relationship) by a postdoc does not qualify for a benefit under this policy.
4. A postdoc serving as a surrogate does not incur any qualifying events under this policy.
5. Foster care, Kinship Care, Guardianship, and other child welfare placements are not qualifying events under this policy.
6. Sperm donors do not incur a qualifying event under this policy.
7. The postdoc shall not be eligible for payment for any unused absence with pay (parental) balances.
8. When postdocs move from one postdoc appointment to another postdoc appointment, they cannot take more than a maximum of 6 weeks of absence with pay (parental) in a 12-month period.
9. If a postdoc moves into an appointment at UW-Madison that is covered by the Paid Parental Leave policy and has taken absence with pay (parental) in the postdoc appointment, they will not be eligible for more than a maximum of 6 weeks of both absence with pay (parental) and Paid Parental Leave within the same 12-month period of the original qualifying event date.

**\*\*Note: Section III of this policy takes effect July 1, 2024\*\***

#### IV. Legal Holidays

##### A. Paid Legal Holidays

UW–Madison grants postdocs nine paid legal holidays per calendar year for the following legal holidays:

- January 1 (New Year's Day)
- Third Monday in January (Martin Luther King, Jr. Day)
- Last Monday in May (Memorial Day)
- July 4 (Independence Day)
- First Monday in September (Labor Day)
- Fourth Thursday in November (Thanksgiving Day)
- December 24 (Christmas Eve Day)
- December 25 (Christmas Day)
- December 31 (New Year's Eve Day)

#### **B. Eligibility for Paid Legal Holidays**

All postdocs are eligible for paid legal holidays if the postdoc holds an active appointment on the date of the legal holiday.

#### **C. Administration of Legal Holidays**

1. Full-time postdocs are granted eight (8) hours of pay for each legal holiday. Part-time postdocs are granted a prorated amount based on their hours in pay status, including both hours training and absence with pay hours used, during the pay period that includes the legal holiday.
2. If a legal holiday falls on a Sunday, the legal holiday is observed and UW–Madison is closed on the Monday following the legal holiday.
3. Postdocs are ineligible for floating legal holidays. If a legal holiday falls on a Saturday, postdocs are not granted a floating legal holiday

#### **D. Legal Holiday Reporting**

1. Postdocs will not have access to their legal holiday balances through their MyUW Portal.
2. Postdocs are not required to submit an absence report when a legal holiday is used.

## V. Consequence of Non-Compliance

Failure to appropriately report absence with pay usage may result in the denial of absence with pay, requirement to reimburse the university for inappropriately utilized absence with pay, the loss of absence with pay hours, and/or disciplinary action up to and including dismissal.

Postdocs who change FTE may be required to refund any absence with pay (personal) or legal holidays used in excess of the prorated amount to which they are eligible. Postdocs who terminate their appointment before the end of the fiscal year may be required to refund any absence with pay (personal) or legal holidays used in excess of the prorated amount to which they are eligible.

Consequences for providing false information on the Parental Leave request form or when requesting absence with pay (parental) may include:

- A. Denial of the absence with pay (parental) request
- B. Responsibility of the postdoc to repay absence with pay (parental) taken
- C. Disciplinary Action

## Related UW-Madison Policies

[UW-5005 Non-Service Appointments \[library/UW-5005\]](#)

## Related UW–Madison Documents, Web Pages, or Other Resources

[UW–Madison Domestic Partnership Information \[https://hr.wisc.edu/benefits/qualifying-life-events/family-changes/domestic-partnership/\]](https://hr.wisc.edu/benefits/qualifying-life-events/family-changes/domestic-partnership/)

## External References

[Wis. Admin. Code UWS § 16 \[https://docs.legis.wisconsin.gov/code/admin\\_code/uws/16\]](https://docs.legis.wisconsin.gov/code/admin_code/uws/16)

## Policy Administration

### Approval Authority

Vice Chancellor for Finance and Administration





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Responsible Office: Office of Human Resources

**Policy Manager**

Associate Vice Chancellor/Chief Human Resources Officer

**Policy Contact**

Employment Relations Director -- Megan Dzyuba, [wr@ohr.wisc.edu](mailto:wr@ohr.wisc.edu), (608) 890-3663

**Policy History**

<b>Effective Date</b>	7-1-2022
<b>Date Issued</b>	7-1-2022