



1. Policy Statement

Facilities Planning and Management (FP&M) has a need to maintain appropriate staffing to meet operational needs but recognizes there are circumstances where it may be necessary for employees to take leave without pay (LWOP) if it is associated with a pre-approved Family and Medical Leave Act (FMLA) or Wisconsin Family and Medical Leave Act (WFMLA) situation. Employees are expected to be responsible for managing their paid leave time and for maintaining a positive balance in order to cover their absences from work. At the same time, FP&M recognizes there may be exceptional circumstances in which LWOP is necessary for other reasons.

2. Purpose

To provide guidance on approving or imposing LWOP in compliance with FMLA and WFMLA provisions, extraordinary circumstances, and other situations.

3. Definitions

Leave Without Pay (LWOP): is an unpaid leave of absence from work. This could affect the employee's benefits, employment status or result in disciplinary action.

Management Team: For the purpose of LWOP, the management team includes the employee's supervisor, operational area manager, and the department director.

Department Director: The directors of FP&M's major operational areas: Office of the Associate Vice Chancellor, Facility Planning & Development, Environment Health & Safety, Physical Plant, Sustainability, and Transportation Services.

FMLA & WFMLA: The Family and Medical Leave Act and the Wisconsin Family and Medical Leave Act provide employees who meet specific criteria with the right to take job protected leave to care for themselves or a family member who is seriously ill, to care for a newborn, a newly adopted child or other reasons as defined within the respective act.

4. Scope

This policy applies to all FP&M employees, excluding:

- Temporary Employees
- Student hourly employees

5. Procedures

Employees using LWOP must submit their appropriate documentation supporting their need to be off work and receive approval **prior** to using LWOP.

Depending on the length of LWOP, benefits may be impacted. If an employee is in LWOP status they should contact FP&M Payroll and Benefits. If the employee is unsure about their paid leave



balances, they should review their earning statement, contact their supervisor or FP&M Payroll and Benefits.

Upon return from approved LWOP, an employee will be restored to their original job. In limited circumstance following extended LWOP, an employee may be placed in an 'equivalent' job, which means a position that is virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions.

An employee's use of LWOP will not result in the loss of any employment benefit that the employee earned or was entitled to before using LWOP.

- A. The use of LWOP for medical reasons requires completion of the Certification of Family and Medical leave form or medical documentation from the healthcare provider. The FP&M Human Resources (HR) Office Director or designee will process the request and respond to the employee.

A1. According to UW-Madison Leave of Absence Policy Chapter 16.03, medical LWOP can be requested by employees if they provide acceptable medical verification, and the leave does not last more than six months for University Staff or one year for Academic Staff. If leave was requested for less than six months, it could be extended up to a total of six months.

A2. If eligible and not already exhausted, employees can use FMLA and WFMLA provisions for any qualifying reason as defined under the respective act, including but not limited to a serious health condition, serious health condition of a family member, or maternity/paternity leave.

A3. Employees may request LWOP as a reasonable accommodation for a disability. Consideration will be given to such request after receiving verification and restrictions from a healthcare provider of the disability. Documentation should be submitted to the FP&M Department Disability Representative (DDR).

- B. The use of LWOP for non-medical reasons is considered an exceptional circumstance and needs further review by management. An employee who requests LWOP for an exceptional circumstance must provide written justification to the FP&M HR Director or their designee.

Justification for LWOP for exceptional circumstances should state:

- Specific reason why employee needs to go beyond the paid leave time allowed/available
- Timeframe (Start/end dates)
- FP&M employment state date; and
- Employee classification



The FP&M HR Director or designee will verify the information and forward the request to the appropriate management team for review. The management team will consider the operational needs, impact on staffing, and other pertinent factors.

LWOP of three (3) days or fewer may be approved by the Department Director. The Director's decision is provided to the HR Director or designee.

LWOP of four (4) or more days must be approved by the Department Director and the Associate Vice Chancellor (AVC) and/or Deputy AVC. The final decision by the AVC is provided to the HR Director or designee.

The HR Director or designee will provide a written response to the employee letting them know if the LWOP request has been approved or denied.

Examples of exceptional circumstances may include, but are not limited to: illness or injury, disability, or parental leave beyond what is covered under FMLA and WFMLA; educational or training opportunities; birth/adoption; and legal business. Examples listed should not be viewed as an automatic approval, but rather examples where extenuating circumstance and operational needs *may* allow for an approval.

C. Other situations which may result in an employee being in a LWOP status include:

C1. Disciplinary actions or attendance issues in violation of established work rules;

C2. Absences due to inclement weather when an employee has exhausted all other annual leave balances as allowed under UW-Madison Inclement Weather Policy; and,

C3. Circumstances in which an employee has exhausted all of their paid leave balances

Failure to Comply:

Employees who take LWOP that is not pre-approved may be subject to disciplinary action, up to and including termination of employment.

6. References

Leave of Absence Without Pay – UW-5053

UW-Madison Inclement Weather Guidelines for Employees

FMLA and Disability Forms:

- Disability accommodation request forms: <https://employee disabilities.wisc.edu/forms/>
- FMLA forms: <https://hr.wisc.edu/benefits/leave/unpaid-leave/fmla-forms/>

7. Approving Authority

Approved by Deputy Associate Vice Chancellor Margaret Tennesen



8. Contacts

Contacts	Position	Office Number	Email
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