

State of Wisconsin

DOA – DIVISION OF PERSONNEL MANAGEMENT

- CLASSIFICATION AND COMPENSATION BULLETIN -

Date: March 24, 2020

Locator No: DPM-0520-CC/POL

Subject: Suspension of Certain Administrative Rules
Regarding Qualifying Reasons for Use of
Sick Leave During the Public Health
Emergency Due to the COVID-19 Pandemic

Section 230.35(2) of the Wisconsin Statutes provides that “leave of absence with pay owing to sickness” shall be regulated by rules of the administrator of the Division of Personnel Management within the Department of Administration. This bulletin announces emergency changes to these rules pursuant to s. 323.12(4)(d), Wis. Stats., and Executive Order #72 (March 12, 2020). These changes apply to all state agency positions subject to Chapter ER 18 of the Wisconsin Administrative Code.

SECTION I. ADDITIONAL QUALIFYING REASONS FOR SICK LEAVE

Pursuant to s. 323.12(4)(d), Wis. Stats., and Executive Order #72 (March 12, 2020), certain specific provisions of s. ER 18.03(4)(c), Wis. Adm. Code, are being suspended for the duration of the declared public health emergency due to the COVID-19 pandemic. Specifically:

1. Suspend the existing requirement that immediate family members be “ill or injured” in order for the employee to use sick leave to provide care, such that sick leave may be used to care for any members of the immediate family who require the employee’s care, regardless of whether they are sick or not.
2. Suspend the existing requirement that the care provided must be “emergency medical” care, such that an employee may now use sick leave to provide any “temporary care . . . for a limited period of time to permit the employee to make other arrangements.”
3. Suspend the last sentence of paragraph (c) entirely, such that there is no longer a requirement for “prior approval” to use sick leave longer than 5 working days for care of family members.

Agencies should construe the rule, as suspended, in favor of allowing employees maximum flexibility to provide needed care for family members, including specifically child care due to school closures. To the extent agencies have concerns about abuse of the suspended rule, they may enforce the rule so as to ensure that employees using sick leave are reasonably unable to “make other arrangements,” as the rule requires.

SECTION II. REFERRAL OF QUESTIONS

Employer questions regarding the information included in this bulletin should be directed to John Wiesman by phone at (608) 266-1418 or by e-mail at john.wiesman@wisconsin.gov; or, Scott C. Thompson by phone at (608) 266-1729 or by email at scottc.thompson@wisconsin.gov.

Employees should contact their agency human resources office.

A handwritten signature in black ink, appearing to read 'Malika S. Evanco', is positioned above a horizontal line.

Malika S. Evanco, Administrator
Division of Personnel Management