

**PAYMENT OF SICK LEAVE DURING THE SUMMER  
AND  
INCOME CONTINUATION INSURANCE ELIMINATION PERIOD  
(ACADEMIC YEAR EMPLOYEE)**

**Background**

The Income Continuation Insurance (ICI) plan requires exhaustion of accumulated sick leave (up to a maximum of 130 workdays), or the satisfaction of the selected waiting period, whichever period is greater, prior to the benefit commencement. Unclassified employees who are employed on the academic year ('C' Basis) often are not under contract to work during the summer. If a 'C' Basis employee becomes disabled prior to or during the summer months, it is necessary to determine an appropriate and consistent method for the payment of sick leave.

**Sick Leave Payment During Summer Months**

Academic year employees whose basic appointments are nine months or more and who work during the summer qualify to use sick leave to cover their contracted hours. Payment for sick leave is limited to the dates and hours included in the summer contract. Payment ceases with the end of the summer contract and may not resume until the start of the fall session. Visiting faculty, if not covered by sick leave provisions at their home institutions, are covered during the summer session provided their appointments at the university extend for at least nine months in addition to the summer session term.

**Guidelines**

1. If the academic year employee has a contract for work during the summer and becomes unable to meet his or her obligations for a reason included under s. 10.04, Unclassified Personnel Guidelines, sick leave will be paid out on the summer payroll in lieu of compensation. The sick leave is paid on the previous academic year ('C' basis) pay rate. The pay basis ('C') should not be changed to reflect an annualized (or 'A') pay basis. New academic year rates are effective with the fall term.

Unclassified Personnel Guidelines 10.04 Use of Sick Leave states:

A. Faculty and academic employees of the University of Wisconsin System may use their accumulated sick leave for:

1. Absence due to personal illness, injury, disability, pregnancy or adoption;
  2. Attendance upon an immediate family member whose health or medical condition requires the employee's direct care; and
  3. The death of an immediate family member.
2. If the employee does not have a summer contract, sick leave cannot be paid out. Since all accumulated sick leave (up to 130 work days) must be exhausted before ICI benefits can begin, an individual with a high sick leave balance may have to wait longer than 130 days for benefits if his or her period of disability includes unpaid summer months. On the other hand, all days after the onset of disability count toward the ICI waiting period, even if no sick leave is paid. If the employee has a low sick leave balance, much of the waiting period can be satisfied by the unpaid summer months.

3. Impact of FMLA. Neither the federal nor the Wisconsin FMLA is available during a period when the employee is not scheduled to work. Thus an academic year employee who has no summer contract and who has a WFMLA or FMLA qualifying situation during the summer does not use WFMLA/FMLA leave until the fall contract begins. However, an employee who has a contract for summer work and who becomes disabled or otherwise qualifies for FMLA/WFMLA before the beginning of the summer contract must be allowed to use FMLA/WFMLA and sick leave during the time that s/he cannot work. Only the hours covered by the contract will be paid as sick leave and counted toward the FMLA/WFMLA entitlement.

Sick leave may not be charged, and the WFMLA/FMLA cannot be used, for hours that the employee does not work because the class or other duties were cancelled by the university due to lack of enrollment, lack of funding, or similar reasons.