

## Chapter 16 Leave of Absence

### 16.03 Leave without Pay Provisions, FMLA, and ADA

The University of Wisconsin Madison is implementing the following leave without pay provisions for classified employees. This policy is consistent with Administrative Code 18.14.

#### **Medical Leave Without Pay Up to Six Months**

Initial verified medical leave without pay requests may be approved for a leave lasting not longer than a total of six months. Leave request denials may not be arbitrary and capricious.

If the approved initial leave request was for less than six months, at the employer's discretion, and upon receipt of acceptable medical verification of the need for additional leave, extensions up to a total of six months may be approved.

If the employee requests a medical leave of absence without pay and provides acceptable medical verification of the need for the leave, the leave of absence without pay may be approved so long as the total amount of leave without pay does not exceed a total of six months. Any request for additional leave will be at the Employer's discretion and, if appropriate, considered under a reasonable accommodation analysis.

If eligible and not already exhausted, the FMLA and WFMLA medical leave without pay provisions for the employee's own serious health condition run concurrently with this six month medical leave without pay.

#### **Unpaid Medical Leave As Accommodation Under ADA – Consider Unpaid Medical Leave as a Reasonable Accommodation**

If an employee has exhausted all available leave options and the need for additional leave is related to the employee's disability and/or treatment of a disability, the employee may submit a request for unpaid leave as a reasonable accommodation using the accommodation request form for classified employees found at: [www.oed.wisc.edu/disability/forms.html](http://www.oed.wisc.edu/disability/forms.html)

The Employer will consider such a request after receiving verification of a disability and any related restrictions (including the duration of the leave requested and the likelihood of the employee being able to return to work after the requested leave) from the employee's treating specialist.

#### **When Approved FMLA Leave for the Employee's Own Serious Health Condition May Be Counted Under the Contractual Medical Leave Without Pay Provisions**

Type of Approved FMLA	Will It Be Counted Under the Employer's Medical Leave Without Pay Policy?
Intermittent	No
Reduced Leave Schedule	Yes
Continuous – any period	Yes