

Decision Tree to Help Employees Navigate Leave Entitlements Under the Families First Coronavirus Response Act (FFCRA)

Note: If you are currently in a position that is impacted by a 100% Position Specific Furlough, you do not qualify for leave under FFCRA. Please contact your Human Resources Representative or your Divisional Disability Representative (DDR) if you have questions.

Emergency Paid Sick Leave Act (EPSLA)

Emergency Family and Medical Leave Expansion Act (EFMLEA)

EPSLA - Step 1:
Are you unable to work/telework due to one or more of the reasons below:

Reason 2.1 - I am subject to a federal, state, or local quarantine or isolation order related to COVID-19, other than a state or local order substantially similar to the Wisconsin "Safer at home" order.

Reason 2.2 - I have been advised by a health care provider to self-quarantine because of COVID-19.

Reason 2.3 - I am experiencing symptoms of COVID-19 and am seeking a medical diagnosis.

Reason 2.4 - I am caring for an individual who is subject to a quarantine or isolation order or has been advised to self-quarantine.

Reason 2.5 - I am caring for my minor child whose school or place of care is closed, or childcare provider is unavailable due to COVID-19 precautions. For minor children over the age of 14, I have described the special circumstances requiring I provide care to my child(ren).

Reason 2.6 - I am experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Note: Reason numbers match the reason numbers on the Request for Emergency Leave Form.

EFMLEA - Step 1:
Are you unable to work/telework because you are caring for your child(ren) (under age 18) due to school/childcare closures related to COVID-19 and no other suitable person will be caring for your child(ren) during the period of time that you are needing to take leave?

EFMLEA - Step 2:
On the day you plan to start your leave, have you been employed by the University for 30 calendar days or more?

EFMLEA - Step 3:
Have you taken less than 12 weeks of FMLA since:

- University Staff: January 1, 2020
- Faculty/Academic/Limited Appointees: July 1, 2020

EFMLEA is a new reason for leave under FMLA. It is not an extra amount of leave available to you. If you've used any FMLA since the date listed above, your amount of leave under EFMLEA will be reduced based on what you have used.

Note: Faculty/Academic Staff/Limited Appointees will start a new 12-month FMLA cycle on July 1, 2020. If you are in these employment categories, you only qualify for a total of 12 weeks of EFMLEA. Any EFMLEA leave taken before July 1, 2020 will reduce the amount of EFMLEA available July 1, 2020 through December 31, 2020.

You may qualify for leave under the Emergency Paid Sick Leave Act (EPSLA). Refer to the Final Step for information on how to apply for EPSLA.

You may qualify for leave under the Emergency Family and Medical Leave Expansion Act (EFMLEA). Refer to the Final Step for information on how to apply for EFMLEA.

You do not qualify for leave under FFCRA. Please contact your Human Resources Representative or your Divisional Disability Representative (DDR) to discuss other options.

Final Step:
To make a request for EPSLA and/or EFMLEA leave complete the Request for Emergency Leave Form (<https://hr.wisc.edu/covid19/emergency-leave/>) and submit it to your Divisional Disability Representative (DDR).

Information on Amount of Paid Leave and Rate of Pay for EPSLA and EFMLEA is available on the next page.

You can find your DDR's contact information here:
<https://employee-disabilities.wisc.edu/divisional-disability-representatives-ddr/>.

EPSLA and EFMLEA Entitlement Details

EPSLA: Amount of Paid Leave

If you are eligible, you will receive:

- Full-time employees - up to 80 hours of leave
- Part-time employees – up to the number of hours the employee works on average over a two-week period
- Part-time employees with varying schedules will require additional calculations and a six-month average will be used to calculate their leave.

If you have already used any UW COVID-19 leave through May 15, 2020 for reasons 2.1-2.6, subtract that from your total eligibility to determine your remaining amount of paid leave under EPSLA that is available through December 31, 2020.

EPSLA: Rate of Pay

In EPSLA - Step 1, you were asked to choose which reason you think you are eligible for EPSLA. Your DDR will confirm which reason you are eligible for based on the information you give them.

If you are eligible for EPSLA for Reasons 2.1, 2.2, or 2.3:

You will receive 100% of your regular rate of pay, up to \$511.00 per day, and a total maximum of \$5,110.00 over a two-week period (80 hours, prorated for part-time).

Example A: If you are taking leave for 8 hours per day and your hourly rate of pay is \$63.87 or less, you would receive full pay. $\$63.87 \times 8 = \510.96 which is under the \$511.00 daily maximum.

If you are eligible for Reasons 2.4, 2.5, or 2.6:

You will receive 2/3 of your regular rate of pay, up to \$200.00 per day, and a total maximum of \$2,000.00 over a two-week period (80 hours, prorated for part-time).

Example B: If you are taking 8 hours of leave during a workday and your hourly rate of pay is \$26.00, you would be entitled to receive \$17.33 per hour for that day. $\$26.00 \times 2/3 = \17.33 with a total daily pay of $\$17.33 \times 8 = \138.64 .

If you are not entitled to receive your full pay under EPSLA, you may choose to use your accrued leave to make up the difference between your regular amount of pay and the amount of pay you receive under EPSLA. If you choose this option, your accrued leave will be used in the amount needed to equal your full pay. You are NOT required to do this. You may also choose to take a partial leave without pay and not use any of your own accrued leave.

EFMLEA: Amount of Paid Leave

Up to 12 work weeks of EFMLEA (480 hours for full-time, prorated for part-time). The first two weeks of EFMLEA are unpaid unless you choose to use EPSLA (if available to you) or your own accrued leave.

If you have already used FMLA or EFMLEA in your current leave year, the amount of leave you've used is subtracted from 12 work weeks of EFMLEA.

EFMLEA: Rate of Pay

First 10 days:

- Unpaid
- May use EPSLA or accrued leave per paid leave policies up to normal earnings
- Prorated for part-time

Remaining time (up to 10 work weeks):

- Paid 2/3 of employee's regular rate
- Up to a maximum of \$200.00 per day payment under EFMLEA
- Up to a maximum of \$10,000.00 total payment under EFMLEA
- Prorated for part-time
- You may choose to use your accrued leave to make up the difference between your regular amount of pay and the amount of pay you receive under EFMLEA. If you choose this option, your accrued leave will be used in the amount needed to equal your full pay. You are NOT required to do this. You may also choose to take a partial leave without pay and not use any of your own accrued leave.

Example A: If you are taking 4 hours of leave during a workday and your hourly rate of pay is \$18.00, you would be entitled to receive \$12.00 per hour for those 4 hours. $\$18.00 \times 2/3 = \12.00 per hour with a total pay of $\$12.00 \times 4 = \48.00 .

Example B: If you are taking 8 hours of leave during a workday and your hourly rate of pay is \$37.50, you would be entitled to receive \$25.00 per hour for that day. $\$37.50 \times 2/3 = \25.00 per hour with a total pay of $\$25.00 \times 8 = \200.00 .

Example C: If you are taking 8 hours of leave during a workday and your hourly rate of pay is \$45.00, you would not be entitled to receive 2/3 of your regular rate because that would equal more than the \$200.00 daily maximum. You would be entitled to receive \$25.00 per hour for that day. $\$45.00 \times 2/3 = \30.00 per hour with a total daily pay of $\$30.00 \times 8 = \240.00 which is over the \$200.00 daily maximum. You would be entitled to receive the maximum of \$25.00 per hour for that day.

If applying EPSLA for the first 10 unpaid days, the total maximum payment is \$12,000.00 total per employee.