



COVID-19 Leave & FMLA Expansion – Frequently Asked Questions (FAQ)

In accordance with [SYS 1200-Interim 02, COVID-19 Leave Policy](#), up to 272 hours of COVID-19 leave (prorated by % FTE) may be made available to employees who cannot perform their assigned duties due to the COVID-19 pandemic for the period of March 17, 2020 (3/17/20) through May 1, 2020 (5/1/20). This emergency policy implements leave provisions and workplace flexibility options to prioritize the health and safety of the UW System community and provide additional leave for certain UW System employees to be used *during the COVID-19 pandemic if employees cannot work*. This leave category expires on May 1, 2020 (5/1/2020).

In accordance with [SYS 1200-Interim 03, FMLA Expansion](#), additional paid family and medical leave for a qualifying need related to a public health emergency is provided. It also expands the eligibility criteria for this specific type of Emergency Family and Medical Leave in compliance with the provision of the [Families First Coronavirus Response Act of 2020](#).

Who is eligible for COVID-19 leave?

Employees who are unable to perform their assigned duties during the COVID-19 pandemic are eligible to use COVID-19 leave. This includes, but is not limited to:

- Employees who are unable to perform their assigned duties due to the inability to work remotely (telecommute or telework)
- Diagnoses of COVID-19 or experiencing symptoms of COVID-19 and seeking a diagnosis
- Care of an immediate family member who has a diagnosis of COVID-19 or is experiencing symptoms of COVID-19 and is seeking a diagnosis
- Care of an immediate family member subject to a quarantine or isolation order or who has been advised to self-quarantine
- Child/elder care due to school/day care closures
- Any employee experiencing any other substantially similar condition specified by the US Secretary of Health and Human Services in consultation with the US Secretary of the Treasury and the US Secretary of Labor.



Employees who can telecommute but request not to do so (with no alternative reason such as self-quarantine, illness, etc.) are not eligible for COVID-19 leave. If such employees would like to take alternative accrued leave (vacation or personal holiday) or unpaid leave, they must submit a request to their supervisor.

Who are “essential employees”? Are they eligible for COVID-19 leave?

“Essential employees” are defined as those with responsibilities critical to maintaining essential functions, services, and infrastructure on campus, who will continue to need to report to campus as directed to fulfill essential duties. Unless ill or in quarantine/isolation, employees deemed “essential” may still be required to report to the workplace and will not be eligible for COVID-19 leave if they *choose not to report*. Essential employees will still be eligible for COVID-19 leave if they are ill, in self-isolation, or self-quarantine.

Employees who are health care providers and emergency responders may be excluded from eligibility for COVID-19 Leave under this policy as determined by the Chancellor or their designee(s) for campuses or the System President or their designee(s) for the Central Administration, that includes UW System Administration, UW Shared Services, and UW Extended Campus.

Who has approval authority for use of COVID-19 leave?

COVID-19 leave use, including a determination that an employee is unable to perform their assigned duties, is subject to approval by the Chancellor or their designee(s). For purposes of this procedure, the Chancellor has designated Area Leaders (cabinet-level leaders) as approvers for their area, and employees are subject to recall at their discretion at any time.

How do I request COVID-19 leave?

If you are requesting COVID-19 leave because of inability to telecommute based upon job duties, please communicate that to your supervisor prior to using the leave. Area Leaders have already approved the list of employees who are unable to work remotely, so no prior approval outside of the supervisor is needed.

If you are requesting COVID-19 leave because of an alternative reason (self-quarantine, self-isolation, illness, care of an immediate family member, or child*/elder care due to school/day care



closures) you must request the use of leave from your supervisor. Use of COVID-19 leave for these reasons must be approved by the Area Leader, and the approval process is as follows:

- 1) Employee provides notice to their supervisor requesting the use of COVID-19 leave.
- 2) The supervisor communicates the employee's request with a recommendation for approval or denial via email to the Dean/Division Leader (if applicable) and Area Leader (cc: hr@uwgb.edu).
- 3) Area Leader provides their approval or denial to the supervisor (cc: hr@uwgb.edu).
- 4) Supervisor communicates the decision to the employee (cc: hr@uwgb.edu).

*Effective 4/1/2020, employees requesting COVID-19 leave due to childcare must also notify the Office of Human Resources.

Can I request COVID-19 leave intermittently or for partial days?

Yes. You can request COVID-19 leave intermittently (i.e. for days that are not consecutive - Monday, Wednesday, and Friday of a particular week). In addition, if you need to utilize COVID-19 leave for less than a full day (i.e. you can work remotely for 4 hours but need to provide care for children for the other four hours) you can request that as well.

How do I report COVID-19 leave in the My UW Portal?

Bi-weekly employees will record COVID-19 leave on their timesheet in the My UW Portal in the same manner as other eligible leave types. A new Time Reporting Code of **EMRGY – COVID Emergency Leave** will be available to select under the Time/Absence Code field. Please see the [Tipsheet](#) for additional details.

Monthly employees will record COVID-19 leave by utilizing the [March COVID-19 Leave Report](#) and/or [April COVID-19 Leave Report](#). The COVID-19 Leave Reports may be completed and routed electronically to payrollandbenefits@uwgb.edu for processing.

A separate communication was sent to temporary employees and their direct supervisors regarding the process for submitting COVID-19 leave.



Can I use COVID-19 leave after the pandemic emergency has ended?

Use of COVID-19 leave is only available to be claimed during the time period covering the COVID-19 pandemic emergency. This policy expires at the conclusion of the COVID-19 pandemic emergency, as determined by the UW System President or by May 1, 2020 whichever is earliest.

There is no entitlement to the COVID-19 leave after the conclusion of the COVID-19 pandemic emergency.

COVID-19 leave does not accrue, and may not be rolled-over or combined into other types of leave.

If my duties are changed during the COVID-19 pandemic based upon institutional need and I am able to telecommute based upon those reassigned duties, can I refuse that reassignment and use COVID-19 leave instead?

In instances where employees are unable to perform their assigned duties due to the type of work they perform but are assigned other duties that CAN be performed remotely, they cannot refuse a reassignment of duties in order to take COVID-19 leave.

Are temporary employees eligible for COVID-19 leave? If so, how is that leave balance calculated?

Temporary employees (even those who are otherwise ineligible for leave) are eligible for COVID-19 leave under [SYS 1200-Interim 02, COVID-19 Leave Policy](#). For University Staff Temporary employees without a predefined FTE, the amount of available leave is based on the employee's average hours for a two-week period over the last six months, or over the duration of employment if employed less than six months.

If I have utilized all of my COVID-19 leave and still need to be home (and cannot telecommute), can I use alternative paid or unpaid leave?

In instances where employees need additional leave time beyond COVID-19 leave, they may request leave time in accordance with [existing leave policies](#), or may take unpaid leave. If using unpaid leave, please email payrollandbenefits@uwgb.edu with the dates and number of hours of



unpaid leave to ensure payroll and benefits premiums are processed correctly. Please contact payrollandbenefits@uwgb.edu if you have any questions.

Who is eligible for expanded FMLA?

Effective April 1, 2020, employees who have worked in the 30 days prior to claiming leave and have a qualifying need related to a public health emergency are eligible for expanded FMLA. A qualifying need related to a public health emergency means the employee is unable to work (or telework) due to a need for leave to care for their son or daughter under 18 years of age if the school or place of care has been closed, or the childcare provider is unavailable due to a public health emergency.

What does the expanded FMLA provide?

Employees with a qualifying need related to a public health emergency may take up to twelve (12) weeks of Public Health Emergency Leave subject to supervisory approval and the following provisions:

1. The first ten (10) days of leave are unpaid.
 - a. If the employee has sufficient accrued vacation, personal or sick leave, then the employee may elect to utilize any of these paid leave options to remain in paid status during these initial ten days. An employee may also elect to use COVID-19 leave during this period, pursuant to UW System Administrative Policy 1200-Interim 02 COVID-19 Leave Policy.
2. After the first ten (10) days, the remainder of the leave is paid at 2/3 (66.67%) of the employee's normal pay, or \$200/day, whichever is less.
 - a. An employee may use any available paid leave during this period to remain at 100% of the employee's normal pay.

Is the expanded FMLA in addition to the current FMLA provisions?

No, the total time available to an employee for any combination of FMLA leave and Public Health Emergency Leave is twelve (12) weeks.

How do I request expanded FMLA?



Employees who need time off for childcare purposes as outlined in the [SYS 1200-Interim 03, FMLA Expansion](#) must contact the Office of Human Resources directly at hr@uwgb.edu or (920) 465-2390.

Under the expanded FMLA provisions, the first 10 days of Public Health Emergency Leave are unpaid, am I able to substitute my paid leave for these days?

Yes, employees are able to substitute available COVID-19 leave, vacation, personal or sick leave to remain in pay status during these initial ten days. As a reminder, COVID-19 leave may only be used between March 17, 2020 and May 1, 2020.

May I take expanded FMLA intermittently while my child's school or childcare provider is unavailable due to COVID-19 related reasons?

Yes, but only with your department's permission. Intermittent expanded FMLA for a Public Health Emergency is permitted when you and your department agree upon such a schedule. For example, if you and your department agree, you may take expanded FMLA on Mondays, Wednesdays and Fridays, but work Tuesdays and Thursdays. Departments and employees are encouraged to collaborate to achieve flexibility.