The Emergency Family Medical Leave Expansion Act (Expanded FMLA under the Families First Coronavirus Response Act) requires certain employers to provide their employees with paid leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor’s (Department) Wage and Hour Division (WHD) administers and enforces the new law’s paid leave requirements. These provisions will apply from the effective date through December 31, 2020, therefore, an Interim Expanded FMLA policy has been created. This policy applies to all employees who have worked in the 30 days prior to claiming leave. Employees whose appointments have ended because there is no work for them to perform are not eligible for expanded FMLA leave.

An employee with a qualifying need related to a public health emergency may take up to twelve 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. The total paid leave under this provision may not exceed $10,000.
   a. An employee may use any available paid leave during this period to remain at 100% of the employee’s normal pay. When such leave is exhausted or at the election of the employee, the balance of the time off shall be at 2/3 (66.67%) pay.
   b. An employee may elect to use accrued sick or other leave to supplement the 2/3 (66.7%) paid leave and remain at 100% pay.

3. The total time available to an employee for any combination of FMLA leave and Public Health Emergency Leave is twelve (12) weeks.

4. Upon return from Public Health Emergency leave, the employee’s right to reinstatement shall be the same as it would be under SYS 1213, Wisconsin and Federal Family and Medical Leave Acts.

Employees classified as health care providers or emergency responders may be exempted from the paid leave and expanded family and medical leave provisions of this policy and the Families First Coronavirus Response Act 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.

If you feel you may be eligible for the Public Health Emergency Leave (Expanded FMLA), the request form is available in self-service (UW System portal) on the My Personal Information tab. A tip sheet has been created with information on how to access this; https://uwservice.wisconsin.edu/docs/publications/public_health_emergency_leave.pdf. Once your application has been submitted, it will be reviewed and you will receive an email with an approval or denial.