



## UW System Administrative Policy 1200-Interim 03

# Interim: FMLA Expansion

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**Original Issuance Date:** March 31, 2020

**Expiration Date:** December 31, 2020

## 1. Interim Policy Purpose

The purpose of this policy is to temporarily amend UW System Administrative Policy 1213, *Wisconsin and Federal Family and Medical Leave Act* (<https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/wisconsin-and-federal-family-and-medical-leave-acts/>), in compliance with the provisions of the Families First Coronavirus Response Act of 2020 (<https://www.congress.gov/bill/116th-congress/house-bill/6201>). It provides additional paid family and medical leave for a qualifying need related to a public health emergency. It also expands the eligibility criteria for this specific type of Emergency Family and Medical Leave.

## 2. Related System Administrative Policies:

This policy temporarily amends UW System Administrative Policy 1213, *Wisconsin and Federal Family and Medical Leave Act* (<https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/wisconsin-and-federal-family-and-medical-leave-acts/>).

## 3. Scope

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.

Student hourly employees are not included in this policy. UW-Madison employees are not included in this policy.

## 4. Definitions

**Emergency Responder:** an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state's or territory's or the District of Columbia's response to COVID-19.

**Health Care Provider:** a health care provider is anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions. This definition includes any individual employed by an entity that contracts with any of the above institutions, employers, or entities institutions to provide services or to maintain the operation of the facility. This also includes anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is a health care provider necessary for that state's or territory's or the District of Columbia's response to COVID-19.

**Qualifying need related to a public health emergency:** For purposes of this policy, means the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the childcare provider of such son or daughter is unavailable, due to a public health emergency.

## 5. Interim Policy Statement

A. 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* (<https://www.wisconsin.edu/uw-policies/uw-system-administrative-policies/wisconsin-and-federal-family-and-medical-leave-acts/>).

B. 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.

## 6. Supplemental Documents

H.R. 6201 – 116<sup>th</sup> Congress (2019-2020): Families First Coronavirus Response Act (<https://www.congress.gov/bill/116th-congress/house-bill/6201>).

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