UW–Madison Administrative Policy
COVID-19 Pandemic Leave Policy

Effective Date: May 1, 2020
Revised Date: May 1, 2020
Original Date: March 17, 2020

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Policy Summary
This policy provides direction for UW–Madison employees on leave and work location, as well as options for employees who cannot work remotely or who do not have work to perform, during the COVID-19 pandemic. The policy addresses: (1) UW–Madison COVID-19 leave; (2) federal emergency leave; (3) reassignment, leave without pay, and furlough options for employees who cannot work remotely or who do not have work to perform; (4) on-site work; (5) remote work; and (6) carryover of accrued leave and compensatory time.

This policy replaces and amends the COVID-19 Pandemic Employee Work Location and Leave Policy originally issued on March 17, 2020 and revised on April 1, 2020.

Who This Policy Applies To
Employees paid from all funding sources who are Faculty, Academic Staff, University Staff, Employees-In-Training, and Graduate Assistants (Teaching Assistants, Research Assistants, and Program Assistants), Post-Doctoral Scholars, Limited Employees, and Temporary Employees. Student employees are not included in this policy.

Rationale
In response to the COVID-19 pandemic and the related federal and state public health emergencies, effective on March 17, 2020, UW–Madison implemented emergency leave provisions, including 80 hours of UW COVID-19 leave, and workplace flexibility options to mitigate the effects of the COVID-19 pandemic on the campus community. Effective on April 1, 2020, UW–Madison expanded UW COVID-19 leave and removed the 80-hour cap to cover employee absences until May 1, 2020.

This policy extends UW COVID-19 leave to cover employee absences through May 15, 2020 and describes federal emergency leave under the Families First Coronavirus Response Act (FFCRA). The intent is to ensure that UW–Madison employees affected by the COVID-19 pandemic remain on the payroll through May 15, 2020. This policy and its UW COVID-19 leave provisions fulfill, and in many cases exceed, new leave requirements under the FFCRA. Starting on May 16, 2020, UW COVID-19 leave will no longer be available, but UW–Madison will continue to comply with federal emergency leave requirements under the FFCRA.

In addition, under this policy, employees who cannot work remotely, or who do not have work to perform, should be reassigned by their unit and/or supervisor, whenever possible, to other functions to meet the number of hours for their appointment or position and/or to meet operational needs of the university. Employees who cannot work remotely, or who do not have work to perform, may request a leave without pay or may be placed on a furlough, if they do not meet the number of hours for their appointment or position through reassignment. This policy also includes provisions relating to on-site work, remote work, and carryover of accrued leave and compensatory time.

This policy was developed to support the health of the UW–Madison community, including students, staff, and faculty. The UW–Madison Chancellor may direct that this policy, in full or in part, be amended, renewed, and/or
cancelled as necessary and appropriate in response to the circumstances of our campus community during or immediately following the COVID-19 pandemic.

Policy Detail

I. UW–MADISON COVID-19 LEAVE

UW COVID-19 leave, which is leave paid at the employee's regular rate,¹ is provided to cover employee COVID-19 related absences through May 15, 2020, for any of the following employees:

- Employees who are directed not to report to their workplace because the university has implemented social distancing due to the COVID-19 pandemic, who cannot work remotely, and whose job function is not deemed essential.²
- Employees who cannot work because of any of the following COVID-19 related reasons: (1) self-quarantine; (2) self-isolation; (3) illness or serious health condition; (4) disability; (5) care of an immediate family member for reasons of quarantine, isolation, illness or serious health condition, or disability; (6) care of their child under 18 years of age whose school or daycare facility is closed or whose childcare provider is unavailable; or (7) care of an immediate family member with disabilities or who is elderly and whose care facility is closed.³

Starting on May 16, 2020, UW COVID-19 leave will no longer be available. Divisions reserve the right to establish policy and/or standards limiting UW COVID-19 leave use by employees identified by the division as health care providers or emergency responders.

II. FEDERAL EMERGENCY LEAVE

Employees who are affected by COVID-19 may qualify for paid emergency leave under the Families First Coronavirus Response Act (FFCRA), which went into effect on April 1, 2020 and is available through December 31, 2020. The FFCRA provides paid leave under two programs: (1) the Emergency Paid Sick Leave Act (EPSLA); and (2) the Emergency Family and Medical Leave Expansion Act (EFMLEA). UW COVID-19 leave taken under Section I of this policy will be counted as leave taken under the EPSLA or EFMLEA, if the leave is taken for one of the reasons described below.

Divisions reserve the right to establish policy and/or standards limiting FFCRA leave use by employees identified by the division as health care providers or emergency responders.

a. EMERGENCY PAID SICK LEAVE ACT (EPSLA)

¹ For part-time employees, the amount of UW COVID-19 leave available is prorated based on FTE. For temporary employees, the amount of UW COVID-19 leave available is estimated using either the hours calculated for WRS accumulation or the ACA hours entered on the timesheet, whichever is higher.
² Employees in this status are considered available for work and the following requirements apply: (1) employees must remain responsive to work-related inquiries and requests during their normal work or shift hours; and (2) failure to respond within a reasonable amount of time to a work-related inquiry or request for information from a supervisor or human resources may result in the employee being required to use their own accrued leave time for that day.
³ An employee's circumstances may also be covered under FMLA and/or WFMLA.
Under the EPSLA, an employee may receive up to 80 hours of paid sick leave (prorated for part-time) if the employee is unable to work (or telework) due to a need for leave for one of the following reasons:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. The employee is caring for an individual who is subject to a quarantine or isolation order or has been advised to self-quarantine;
5. The employee is caring for his or her child if the child’s school or childcare facility is closed, or childcare provider is unavailable, due to COVID-19; or
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

For a reason described in 1., 2., or 3., the amount of paid sick leave is the employee’s regular rate of pay but may not exceed $511 per day and $5,110 in the aggregate. For a reason described in 4., 5., or 6., the amount of paid sick leave is two-thirds of the employee’s regular rate of pay but may not exceed $200 per day and $2,000 in the aggregate. An employee may use accrued leave to supplement the amount of EPSLA leave up to the employee’s full pay.

b. EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT (EFMLEA)

Under the EFMLEA, an employee may be eligible for up to 12 work weeks of leave if the employee is unable to work (or telework) due to a need for leave to care for the employee’s child under 18 years of age if the child’s school or childcare facility is closed, or childcare provider is unavailable, due to COVID-19. EFMLEA leave is available for employees who have been employed by UW–Madison for at least 30 calendar days immediately prior to the day their leave would begin.

The first 10 days of leave are unpaid, but an employee may elect to substitute EPSLA leave (if available) or accrued leave for unpaid leave. After the 10-day period, an employee is eligible for up to 10 work weeks of paid leave. Paid leave is calculated based on an amount that is not less than two-thirds of the employee’s regular rate of pay for the number of hours that the employee would otherwise be normally scheduled to work. Paid leave may not exceed $200 per day and $10,000 in the aggregate. An employee may use accrued leave to supplement the amount of EFMLEA leave up to the employee’s full pay.

III. EMPLOYEES WHO CANNOT WORK REMOTELY OR WHO DO NOT HAVE WORK TO PERFORM

a. EMPLOYEE REASSIGNMENT

Employees who cannot work remotely, or who do not have work to perform, should be reassigned by their unit and/or supervisor, whenever possible, to other functions to meet the number of hours for their appointment or position and/or to meet operational needs of the university. Reassignment may involve work that is not part of the employee’s regular functions and/or it may be located away from their current work unit. In addition, based on emergency circumstances, employees may be reassigned to cover UW–Madison or State of Wisconsin staffing needs to provide essential services. The following provisions will apply:

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4 This reason generally does not include the Wisconsin “safer at home” order.
• Employees will be given information and direction about the work they are being asked to perform;
• Reassignment work decisions will be reasonably made and will consider current campus emergency circumstances, university business operational needs or State of Wisconsin needs, and the employee’s skills and abilities to the extent possible under the circumstances; and
• If the employee has concerns with the reassigned work, they should discuss with their supervisor and/or human resources contact. If these issues are related to a medically approved need for leave and/or disability and/or workplace accommodation matter that may be interfering with the reassigned work, the employee should contact their Divisional Disability Representative (DDR).

b. LEAVE WITHOUT PAY OR FURLOUGH

If an employee cannot work remotely, or does not have work to perform, and does not meet the number of hours for their appointment or position through reassignment, the employee may request a voluntary leave without pay (LWOP) or may be placed on an involuntary furlough. There are different effects on employee benefits between LWOP and furlough designations. Employees should consult with a human resources representative in these circumstances.

Although UW–Madison LWOP policies do not account for the current circumstances relating to the COVID-19 pandemic, this policy allows for the expansion of the university’s LWOP policies and includes, as a reason for LWOP, circumstances in which an employee cannot work remotely or does not have work to perform during the pandemic.

IV. WORK LOCATION

During a pandemic, to minimize the spread of the disease, many employees may be directed not to report to the workplace to facilitate social distancing. Many workers are able to perform their functions remotely (telecommuting) where possible and appropriate. Core university operations must continue in this situation. These are considered essential functions, and employees needed to deliver these core operations are considered essential employees. Some essential employees are required to work on-site to maintain essential operations, although the university will allow as many employees as possible to work remotely. Some employees cannot perform their functions remotely; if these functions are not essential, then these employees may be asked to stay home. Employees who are not designated as essential employees may be reassigned to other functions based on operational need and capacity. The overarching goal is to keep our community safe and healthy, while enabling as much of UW–Madison’s mission-related activities to continue.

The following sections identify the provisions for essential employees performing on-site functions and employees working remotely (both working on essential and non-essential functions). Regardless of any of these provisions, employees must follow all public health guidance with respect to COVID-19, including staying away from the workplace and self-quarantining if they were exposed to COVID-19 or self-isolating if they are sick.

a. ON-SITE WORK

Whenever UW–Madison implements a directive requiring employees to work on-site who perform essential functions and who must be on-site to perform these functions, the following provisions apply:
• Employees will be notified by their supervisor and/or divisional human resources of their on-site work and are required to report unless they have a qualifying reason (defined below);
• For employees, except as provided below, qualifying reasons for not reporting are:
  o Any of the following COVID-19 related reasons: (1) self-quarantine; (2) self-isolation; (3) illness or serious health condition; (4) disability; (5) care of an immediate family member for reasons of quarantine, isolation, illness or serious health condition, or disability; (6) care of their child under 18 years of age whose school or daycare facility is closed or whose childcare provider is unavailable; or (7) care of an immediate family member with disabilities or who is elderly and whose care facility is closed; or
  o Any qualifying reason under the federal FMLA and/or the Wisconsin FMLA (WFMLA) and/or the Americans with Disabilities Act (ADA) for the employee or the employee’s eligible family member which prevents them from reporting;
• When employees cannot report to their workplace, they must inform their supervisor as soon as they become aware they are unable to report;
• Divisions reserve the right to establish policy and/or standards limiting the qualifying reasons for not reporting for employees identified by the division as health care providers or emergency responders; and
• Divisions reserve the right to set further policy and/or standards specific to their employees and university business operations, subject to the provisions of this policy.

b. REMOTE WORK

For employees working remotely (telecommuting),\(^5\) the following provisions apply:

• Supervisors will assess and identify the ability of their employees to work remotely based on job responsibilities and approve or deny an employee’s ability to telecommute;
• If an employee is approved for telecommuting, the supervisor will follow the [COVID-19 telecommuting policy addendum];
• If an employee is approved for telecommuting, the supervisor will clearly define the employee’s job expectations, provide oversight of the employee’s work, and engage the employee in regular discussions during the period of telecommuting work;
• Supervisors will consult with their human resources contact for assistance and support with employee telecommuting questions; and
• An employee who can only partially perform their job duties while telecommuting, or who requests not to telecommute, is subject to the options described in Section III of this policy.

Employees approved for telecommuting will continue to receive their normal pay while telecommuting.

V. CARRYOVER OF ACCRUED LEAVE AND COMPENSATORY TIME

If an employee is unable to use either their personal holiday hours or vacation carryover balance during the COVID-19 pandemic, the employee will not lose those balances when they would typically expire - June 30, 2020 (for Faculty, Academic Staff, and Limited Appointments) or December 31, 2020 (for University Staff). Instead, the

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\(^5\) For international telecommuting purposes, there are other restrictions and limitations that may apply. Consult with your divisional human resources (HR) for additional information and assistance.
employee’s personal holiday hours and/or vacation carryover balance will remain available until June 30, 2021 (for Faculty, Academic Staff, and Limited Appointments) or December 31, 2021 (for University Staff).

If an employee has compensatory time credits carried over from the 2019 calendar year and is unable to use those credits by April 30, 2020, the compensatory time credits will remain available until April 30, 2021, and, if unused by April 30, 2021, the credits will be converted to cash payments. An employee may choose to convert compensatory time credits from the 2019 calendar year to cash payments at any time prior to May 31, 2020.

**Definitions**

**Essential Employees**: “Essential employees” means employees with responsibilities critical to maintaining essential functions and services on campus, including, but not limited to, completing the academic semester and supporting students who are engaged in ongoing classes, providing housing and dining services to students who remain in residence halls, life/safety, hazardous research and animal care, and Physical Plant. Essential employees often need to report to campus to fulfill essential function duties. Depending on the specific situation and who is needed for the preservation of life and property, essential employees may or may not be called in, but the designation of essential employees should be determined ahead of time.

**Emergency Responder**: “Emergency responder” as defined by the U.S. Department of Labor (DOL) regulation for FFCRA. For purposes of this policy, divisions will identify which employees, or groups of employees, are classified as “emergency responders.”

**Furlough**: “Furlough” means the involuntary, temporary placement of any university faculty or staff member on a partial or full unpaid leave of absence because of reduction of work, reduction of funding, or for other non-disciplinary reasons. A furlough shall constitute a “leave of absence” as defined in Wis. Stat. sec. 40.02(40). “Furlough” includes a position-specific furlough or an unpaid leave of absence under a Work-Share program.

**Health Care Provider**: “Health care provider” as defined by DOL regulation for FFCRA. For purposes of this policy, divisions will identify which employees, or groups of employees, are classified as “health care providers.”

**Immediate Family Member**: “Immediate family member” as defined by the UW–Madison Sick Leave policy.

**Isolation**: As defined by the Centers for Disease Control and Prevention (CDC), “isolation” means to separate sick people with a contagious disease from people who are not sick.

**Non-Essential Employees**: “Non-essential employees” means employees who are engaged in non-essential functions and who are directed NOT to report to campus to limit exposure (e.g., campus hazard). However, we recognize that there are critical activities that must occur at key points in time. Supervisors (department chairs, deans, etc.) are expected to work with employees with these types of responsibilities, depending on the timing of emergency events, utilizing the unit’s Continuity of Operations Plan (COOP).

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6 Divisions that identify employees as “emergency responders” must do so in a consistent and fair manner based on essential business operation needs.

7 Divisions that identify employees as “health care providers” must do so in a consistent and fair manner based on essential business operation needs.
Quarantine: As defined by the CDC, “quarantine” means to separate and restrict the movement of people who were exposed to a contagious disease to see if they become sick.

Social Distancing: As defined by the CDC, “social distancing” means remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible.

Links to Related Policies

Furlough Information for Employees, including FAQs: https://hr.wisc.edu/covid19/furlough/

ADA and Quick Facts provided by the EEOC: https://www.eeoc.gov/eeoc/publications/fs-ada.cfm

Employment Categories: https://kb.wisc.edu/ohr/policies/page.php?id=53496


Sick Leave Policy: https://kb.wisc.edu/ohr/policies/page.php?id=53366

Telecommuting Policy: http://www.ohr.wisc.edu/ohr/telecommuting/Telecommuting_policy.doc

Telecommuting Policy Addendum 2020: https://hr.wisc.edu/docs/2020-03-12-telecommuting-policy-addendum-covid19.pdf

WFMLA Qualifying Reasons for Leave: https://dwd.wisconsin.gov/er/civilrights/fmla/