

## What Are Your Leave Options for Leave Related to COVID-19?

### An Overview for Faculty, Academic Staff, Limited Appointees and University Staff

#### Introduction

The University of Wisconsin–Madison provides a variety of potential leave options to employees when they are unable to work or telework<sup>1</sup> for reasons related to the COVID-19 pandemic. These leave options apply to employees in the following employment categories: Faculty, Academic Staff, Limited Appointees, or University Staff.

This document is designed to help you understand the various leave options and determine which, if any, may apply to your individual circumstances.

The leave options that you may qualify for are based on a number of factors, including:

- The eligibility requirements for each leave program
- Your employment category (Faculty, Academic Staff, Limited Appointees or University Staff)
- The pay basis of your appointment (annual-basis or academic year-basis)
- The reason you are unable to work and are requesting leave
- Prior leave you have used or taken
- Staffing needs of your operational area
- Approval of your work unit/supervisor

You may not qualify for all of the leave programs that are listed. The reason for your leave may require the available leave programs to be applied in a specific order or may allow for a combination of leave programs to apply at the same time. Help is available in determining which leave programs you qualify for. You do not need to navigate these leave options on your own.

---

<sup>1</sup> The **Families First Corona Virus Response Act (FFCRA)** defines telework as work you perform while you are at home or at a location other than your normal workplace. Telework is work for which normal wages must be paid and is not compensated under the paid leave provisions of the FFCRA.

Your Divisional Disability Representative (DDR) will use the information you provide about your individual circumstances to help you apply for the leave program that gives you the greatest benefit. It is possible for leave programs to run concurrently if you qualify for more than one leave program.

All leave programs require you to make a leave request and follow your college, school, or division's leave request process.

If you have questions, please contact your Human Resources Representative or your [Divisional Disability Representative](#).

## **Current Leave Options for UW–Madison Faculty, Academic Staff, Limited Appointees or University Staff**

### **1. Federal Family and Medical Leave Act (FMLA) Entitlements**

Entitlement to unpaid, job-protected leave that permits eligible employees 12 work weeks of leave (480 hours, prorated for part-time employees) each calendar year (January 1-December 31) for University Staff and each fiscal year (July 1-June 30) for Faculty, Academic Staff and Limited Appointees. Leave may be used continuously, intermittently, on a reduced work schedule, or any combination as medically necessary. An employee is not entitled to take intermittent leave for the birth and care of a newborn child or for the placement with an employee of a child for adoption or foster care unless it is medically necessary or unless the employer agrees to the arrangement.

Covered reasons for leave under FMLA:

- Serious health condition makes the employee unable to perform functions of their job
- To care for employee's spouse, son, daughter, or parent with a serious health condition
- Birth of son or daughter; care for newborn child (leave must be used within 12 months of birth)
- Placement with employee of son or daughter for adoption or foster care (leave must be used within 12 months of adoption or placement)

“Serious health condition” is defined by FMLA as:

- Illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
- Inpatient care includes:
  - An overnight stay in a hospital, hospice, or residential medical care facility
  - Any period of incapacity or any subsequent treatment in connection with the overnight stay
- Continuing treatment by a health care provider includes:
  - Incapacity or absence of more than 3 consecutive, full days from work, school, or other activities
  - Chronic or long-term condition incurable or so serious if not treated would result in incapacity of more than 3 days
  - Prenatal care

During a designated unpaid FMLA leave, employees are able to use their earned Sick leave, Vacation, Personal Holiday and/or Banked Leave.

## **2. Wisconsin Family and Medical Leave Act (WFMLA) Entitlements**

Entitlement to unpaid, job-protected leave that permits eligible employees the following amount of leave each calendar year (January 1-December 31) for University Staff and each fiscal year (July 1-June 30) for Faculty, Academic Staff and Limited appointees:

- 2 work weeks of leave for employee’s serious health condition (80 hours, prorated for part-time employees)
- 2 work weeks of leave to provide care (80 hours, prorated for part-time employees) Please see “covered reasons” below.
- 6 work weeks for childbirth/adoption (240 hours, prorated for part-time employees)

Leave may be used continuously, intermittently, or on a reduced work schedule or a combination.

Covered reasons for leave under WFMLA:

- Employee’s serious health condition (2 weeks, 80 hours, prorated for part-time employees)
- To care for an employee’s spouse or domestic partner, child, parent, spouse or domestic partner’s parent who has a serious health condition requiring the employee’s care (2 weeks, 80 hours, prorated for part-time employees)
- Childbirth or adoption (6 weeks, 240 hours, prorated for part-time employees).

During a designated unpaid WFMLA leave employees are able to use their earned Sick leave, Vacation, Personal Holiday and Banked Leave.

### 3. Emergency Leave under the Families First Corona Virus Response Act (FFCRA) Entitlements

*Available April 1, 2020–December 31, 2020*

FFCRA includes the following two paid leave entitlements when eligible employees are unable to work or telework due to a need related to COVID-19:

- A. Emergency Paid Sick Leave Act (EPSLA)
- B. Emergency Family & Medical Leave Expansion (EFMLEA)

- A. **EPSLA** provides **up to a total of 80 hours**, prorated for part-time employees, of paid leave for 6 different leave reasons. The amount of pay an employee receives depends on the reason for their leave. There are payment maximums. Employees are eligible for EPSLA on the first day of employment. If an employee used UW COVID-19 leave for reasons covered by EPSLA, that leave was also counted as EPSLA leave.

EPSLA Reason for Leave	EPSLA Pay Details
<b>EPSLA Reason #1</b> Employee is subject to a governmental quarantine or isolation order related to COVID-19, other than a state or local order substantially similar to Wisconsin’s “Safer at Home” order.	<ul style="list-style-type: none"> <li>• Up to a total of 80 hours under EPSLA</li> <li>• Paid employee’s regular rate</li> <li>• Max of \$511/day</li> <li>• Prorated for part-time</li> <li>• Maximum: \$5,110 in total over the entire EPSLA period</li> <li>• Employees able to use accrued leave per paid leave policies to supplement the amount of EPSLA up to normal earnings if earn more than \$511/day</li> </ul>
<b>EPSLA Reason #2</b> Employee has been advised by a health care provider to self-quarantine due to COVID-19 related concerns	
<b>EPSLA Reason #3</b> Employee is experiencing COVID-19 symptoms <b>and</b> is seeking a medical diagnosis	
<b>EPSLA Reason #4</b> The employee is <b>caring for an individual</b> who is subject to a quarantine or isolation order or has been advised to self-quarantine	<ul style="list-style-type: none"> <li>• Up to a total of 80 hours under EPSLA</li> <li>• Paid 2/3 of employee’s regular rate</li> <li>• Max \$200 per day</li> <li>• Can use accrued leave per paid leave policies to supplement the amount of EPSLA up to normal earnings</li> <li>• Maximum: \$2,000 in total over the entire 80 hour leave period</li> </ul>
<b>EPSLA Reason #5</b> The employee is caring for a son or daughter 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, employee must	

describe the specialist circumstances requiring they provide care to the child(ren).	
<b>EPSLA Reason #6</b> The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Treasury and Labor.	

B. **EFMLEA** provides **one (1)** additional qualifying reason for an employee to take leave under the federal FMLA. **Provides up to 10 work weeks (prorated for part time) of partial pay.** The existing federal FMLA allows up to 12 weeks of unpaid leave (pro-rated for part-time employees) in a calendar year (January 1-December 31) for University staff and in the fiscal year (July 1-June 30) for Faculty, Academic Staff, and Limited Appointees. FFCRA does not provide an additional 12 weeks of FMLA. If an employee used UW COVID-19 leave for reasons covered by EFMLEA, that leave was also counted as EFMLEA leave.

EFMLEA does have different eligibility requirements from FMLA. Employees are eligible once they have been on payroll for 30 calendar days.

<b>EFMLEA Reason for Leave</b>	<b>EFMLEA Pay Details</b>
<b>EFMLEA</b> To care for the employee’s son or daughter, who is under 18, if the school the child attends is closed or if daycare is unavailable.	First 10 days: <ul style="list-style-type: none"> <li>• Unpaid</li> <li>• May use EPSL or accrued leave per paid leave policies up to normal earnings</li> <li>• Prorated for part-time</li> </ul> Remaining time (up to 10 weeks): <ul style="list-style-type: none"> <li>• Paid 2/3 of employee’s regular rate</li> <li>• Max \$200 per day</li> <li>• Max \$10,000 in total over the entire EFMLEA period</li> <li>• Prorated for part-time</li> <li>• May use accrued leave per paid leave policies to supplement up to normal earnings</li> </ul> If applying EPSLA for the first 10 unpaid days, the Max is \$12,000 in total per employee.

#### 4. Current UW–Madison Leave Policy Entitlements

UW–Madison has the following paid leave options that allow eligible University Staff, Faculty, Academic Staff and Limited appointees to earn paid leave:

- Vacation, including Vacation Carryover and Banked Vacation
- Personal Holiday
- Sick Leave

You may review UW–Madison’s paid leave policies at [hr.wisc.edu/benefits/leave/paid-leave](https://hr.wisc.edu/benefits/leave/paid-leave)

You may verify your paid leave balances by logging into MyUW at <https://my.wisc.edu> . Click on the “Time and Absence” module and then click on the “Absence Balances” tab.

### **5. Current UW-Madison Leave Without Pay Policies**

UW-Madison has leave without pay policies for University Staff, Faculty, Academic Staff and Limited appointees.

University Staff may take up to 6 months of leave without pay when their own serious health condition prevents them from being able to report to work. Leave without pay must be taken on a continuous or reduced schedule basis. Intermittent leave is not permitted.

Academic Staff may take up to one year of leave without pay when their own serious health condition prevents them from being able to report to work. Leave without pay must be taken on a continuous or reduced schedule basis. Intermittent leave is not permitted.

Faculty may request a leave of absence of one year or less when their own serious health condition prevents them from being able to report to work. Leave approval requires the department executive committee and the approval of the dean. Limited appointees’ requests for leave without pay would follow the policies for their backup appointment employment category. Limited appointees without a backup do not qualify for leave without pay under Unclassified Personnel Policies and Procedures for reasons other than birth or adoption.

You may review UW–Madison’s unpaid leave policies at [hr.wisc.edu/benefits/leave/unpaid-leave](https://hr.wisc.edu/benefits/leave/unpaid-leave).

### **Catastrophic Leave Donation Policy: Employees who meet the eligibility requirements may request catastrophic leave donations**

This policy permits University Staff, Faculty, Academic Staff, and Limited Appointees to donate earned leave, other than Sick Leave, to other annual-basis employees in those employment categories when an employee is unable to work because of their own medical condition or the employee’s immediate family member’s medical condition and when the employee has exhausted all of their own earned leave time, is in leave without pay, and meets the eligibility requirements and has provided sufficient information to conclude a catastrophic illness or medical condition exists. Catastrophic illness is defined as "any illness, medical condition or injury that incapacitates, or is expected to incapacitate an employee or an employee's 'immediate family member. A request to receive catastrophic leave donations does not guarantee receipt of leave donations. Catastrophic leave requests can be fulfilled when other employees have submitted catastrophic leave donations.

**Leave Options Based on Your Particular Circumstances**

Below are a variety of reasons you may be requesting a leave of absence and the leave options you may be eligible for, based on your employment category and your pay basis. You may not qualify for all of the leave options that are listed. The reason for your leave may require the available leave options to be applied in a specific order or may allow for a combination of leave options to apply at the same time.

All leave options require you to make a leave request and follow your college, school, or division’s leave request process.

<b>I have tested positive for COVID-19.</b>		
<p>Faculty, Academic Staff and Limited Appointees in annual-basis appointments:</p> <ul style="list-style-type: none"> <li>• FMLA and/or WFMLA</li> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid Leave</li> <li>• Leave without pay                             <ul style="list-style-type: none"> <li>○ Apply for catastrophic leave donation</li> </ul> </li> </ul>	<p>Faculty, Academic Staff and Limited Appointees in academic year-basis appointments (paid over 9 months):</p> <ul style="list-style-type: none"> <li>• FMLA and/or WFMLA</li> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>	<p>University Staff:</p> <ul style="list-style-type: none"> <li>• FMLA and/or WFMLA</li> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Leave without pay                             <ul style="list-style-type: none"> <li>○ Apply for catastrophic leave donation</li> </ul> </li> </ul>

<b>I am unable to work because my family member has tested positive for COVID-19 and I need to care for them.</b>		
<p>Faculty, Academic Staff and Limited Appointees in annual-basis appointments:</p> <ul style="list-style-type: none"> <li>• FMLA and/or WFMLA</li> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Apply for catastrophic leave donation</li> </ul>	<p>Faculty, Academic Staff and Limited Appointees in academic year-basis appointments (paid over 9 months):</p> <ul style="list-style-type: none"> <li>• FMLA and/or WFMLA</li> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> </ul>	<p>University Staff:</p> <ul style="list-style-type: none"> <li>• FMLA and/or WFMLA</li> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Apply for catastrophic leave donation</li> </ul>

<b>I have been advised to quarantine.</b>		
Faculty, Academic Staff and Limited Appointees in annual-basis appointments: <ul style="list-style-type: none"> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>	Faculty, Academic Staff and Limited Appointees in academic year-basis appointments (paid over 9 months): <ul style="list-style-type: none"> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>	University Staff: <ul style="list-style-type: none"> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>

<b>I am unable to work because I need to provide care to my children because their school/summer program/daycare center is closed or unavailable due to COVID-19.</b>		
Faculty, Academic Staff and Limited Appointees in annual-basis appointments: <ul style="list-style-type: none"> <li>• Emergency Leave (EPSLA and EFMLEA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>	Faculty, Academic Staff and Limited Appointees in academic year-basis appointments (paid over 9 months): <ul style="list-style-type: none"> <li>• Emergency Leave (EPSLA and EFMLEA) under FFCRA <ul style="list-style-type: none"> <li>○ Could use sick leave to supplement EFMLEA paid leave</li> </ul> </li> <li>• Leave without pay</li> </ul>	University Staff: <ul style="list-style-type: none"> <li>• Emergency Leave (EPSLA and EFMLEA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>



<b>I am unable to work because my child(ren) has cold symptoms or other symptoms of illness and they are not permitted to attend their school/childcare center until they are symptom-free for the required period of time.</b>		
Faculty, Academic Staff and Limited Appointees in annual-basis appointments: <ul style="list-style-type: none"> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>	Faculty, Academic Staff and Limited Appointees in academic year-basis appointments (paid over 9 months): <ul style="list-style-type: none"> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>	University Staff: <ul style="list-style-type: none"> <li>• Emergency Leave (EPSLA) under FFCRA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>

<b>I have a risk factor, as identified by the Centers for Disease Control and Prevention, that puts me at risk for severe illness if I contract COVID-19.</b>		
Faculty, Academic Staff and Limited Appointees in annual-basis appointments: <ul style="list-style-type: none"> <li>• Possibly FMLA and/or WFMLA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>	Faculty, Academic Staff and Limited Appointees in academic year-basis appointments (paid over 9 months): <ul style="list-style-type: none"> <li>• Possibly FMLA and/or WFMLA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>	University Staff: <ul style="list-style-type: none"> <li>• Possibly FMLA and/or WFMLA</li> <li>• Your earned paid leave</li> <li>• Leave without pay</li> </ul>

<b>I do not have a medical reason or risk factor; however, I am hesitant to return to the workplace.</b>		
Faculty, Academic Staff and Limited Appointees in annual-basis appointments: <ul style="list-style-type: none"> <li>• Your earned paid leave (excluding sick leave)</li> <li>• Leave without pay</li> </ul>	Faculty, Academic Staff and Limited Appointees in academic year-basis appointments (paid over 9 months): <ul style="list-style-type: none"> <li>• Leave without Pay</li> </ul>	University Staff: <ul style="list-style-type: none"> <li>• Your earned paid leave (excluding sick leave)</li> <li>• Leave without Pay</li> </ul>

## How to Request Leave Under the Different Leave Options

Here are the steps you should take to request the various leave options.

### 1. FMLA and/or WFMLA

- You may request FMLA/WFMLA by contacting your Divisional Disability Representative (DDR). The DDR will review the following with you:
  - The reason for your leave to determine if it is a covered reason under FMLA and/or WFMLA
  - The eligibility requirements of those leave entitlements
  - The documentation you will need to get from your medical provider
- For your DDR's contact information, please visit [employeedisabilities.wisc.edu/divisional-disability-representatives-ddr](https://employeedisabilities.wisc.edu/divisional-disability-representatives-ddr).
- Additional FMLA/WFMLA information can be found at [hr.wisc.edu/benefits/leave/unpaid-leave](https://hr.wisc.edu/benefits/leave/unpaid-leave).

### 2. Emergency Leave (EPSLA or EFMLEA) under FFCRA

- You may request emergency leave under the Families First Coronavirus Response Act (FFCRA) by completing the Request for Emergency Leave Form and submitting it to your Divisional Disability Representative (DDR).
- For your DDR's contact information, please visit [employeedisabilities.wisc.edu/divisional-disability-representatives-ddr](https://employeedisabilities.wisc.edu/divisional-disability-representatives-ddr).
- The Request for Emergency Leave Form and Additional FFCRA information can be found at [hr.wisc.edu/covid19/emergency-leave](https://hr.wisc.edu/covid19/emergency-leave).

### 3. Current UW–Madison Leave Policy Entitlements (Earned Paid Leave)

- If your request to use your earned paid leave is related to a medical reason, you will want to contact your Divisional Disability Representative (DDR) to discuss the reason for your leave. Your DDR will inform you of the leave options you are eligible for and any additional information they may need.
  - For your DDR's contact information, please visit [employeedisabilities.wisc.edu/divisional-disability-representatives-ddr](https://employeedisabilities.wisc.edu/divisional-disability-representatives-ddr).
- If your request to use your earned paid leave is not medically related, you may submit your leave request to your supervisor or follow your unit's typical process to request an absence using your earned paid leave.

#### 4. Leave of Absence without Pay

- If your request to take a leave of absence without pay is related to a medical reason, you should contact your Divisional Disability Representative (DDR) to discuss the reason for your leave. Your DDR will inform you of the leave options you are eligible for and any additional information they may need.
  - For your DDR's contact information, please visit [employeedisabilities.wisc.edu/divisional-disability-representatives-ddr](https://employeedisabilities.wisc.edu/divisional-disability-representatives-ddr).
- If your request to take a leave of absence without pay is not related to a medical reason, you may submit your leave request to your supervisor or follow your unit's standard process to request an absence.
- Choosing to take a leave of absence without pay may affect your paid leave accrual, health insurance or other benefits. Please contact Benefit Services at [benefits@ohr.wisc.edu](mailto:benefits@ohr.wisc.edu) or 608-265-2257 to discuss questions related to your benefits.
- Leave of Absence Without Pay request forms and information can be found under the Leave of Absence heading at [hr.wisc.edu/benefits/leave/unpaid-leave](https://hr.wisc.edu/benefits/leave/unpaid-leave). Please complete the correct form for your employment category.

#### 5. Catastrophic Leave Donation

- Complete the Catastrophic Leave Request form and submit it to your Divisional Disability Representative (DDR). Your DDR will determine if you meet the eligibility criteria, inform you if any additional documentation is needed, and provide more details regarding the catastrophic leave donation process.
- For your DDR's contact information, please visit [employeedisabilities.wisc.edu/divisional-disability-representatives-ddr](https://employeedisabilities.wisc.edu/divisional-disability-representatives-ddr).
- Once your DDR has determined that you qualify to receive catastrophic leave donations, you may also work with your human resources contact to coordinate this process. You can find your human resources contact at [hr.wisc.edu/contact](https://hr.wisc.edu/contact)
- The Catastrophic Leave Request form is available under the Catastrophic Leave heading at [hr.wisc.edu/benefits/leave/unpaid-leave](https://hr.wisc.edu/benefits/leave/unpaid-leave).

*Last update: July 20, 2020*