



AG Call
May 12, 2020

Agenda

- UWSHR: eFMLA Policy
- eFMLA: Time Entry
- Furlough: Intermittent/Consecutive Day Clarifications
Temporary Workload Reduction
Compensation Reduction
Compensation Reduction/Percent Smoothing
Reports
- BN: New COBRA Queries

EFMLA Leave

University of Wisconsin System

The Families First Coronavirus Response Act

- Took effect 4/1/20
- Added two new leave entitlements
 - Emergency Paid Sick Leave (2 weeks paid)
 - **Public Health Emergency Leave**, a/k/a **EFMLA Leave** (12 weeks total. 2 weeks unpaid, 10 weeks paid)

Several layers of complexity

- Two different types of leave benefit
- Compensation limits
- Different benefits for different leave reasons
- Different compensation limits for different types of leave
- Different treatment in **EFMLA leave** for weeks 1-2 versus 3-12

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- | | |
|---|---|
| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
|---|---|

▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
[dol.gov/agencies/whd](https://www.dol.gov/agencies/whd)



WH1422 REV 02/20

Let's keep it simple

Emergency Paid Sick Leave

- You can ignore this altogether.
- Our COVID-19 Leave policy meets our obligations under the law. No need for an additional type of leave.

EFMLA Leave

- Our policy 1200- Interim 03: FMLA Expansion addresses our obligations under the law.
- Temporarily amends FMLA

EFMLA Leave

FMLA

- Eligibility: Worked 1250 hours during the year prior to the start of the leave.
- Amount of Leave: Up to 12 weeks.

EFMLA

- Eligibility: Was on the payroll 30 days prior to the start of the leave.
- Amount of Leave: Draws from the same 12 weeks as FMLA. NOT an additional 12 weeks.

Reasons for Leave

- FMLA
 1. Birth of a child and care of newborn within 1 year of birth
 2. Placement with the employee of a child for adoption or foster care and care for child within 1 year of placement
 3. Care for an employee's spouse, child, or parent who has a serious health condition
 4. A serious health condition that makes the employee unable to perform essential functions
 5. Qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member on "covered active duty". (26 weeks of leave eligibility)
- EFMLA adds
 6. A "Qualifying need related to a public health emergency" (**employee is unable to work or telework due to a need to take care of a son or daughter under 18 whose school or daycare has been closed due to a public health emergency.**)

Pay Status

FMLA Reasons 1-5

- Employee has a right to return to their job or an equivalent job
- Leave is unpaid
- Employee can use other leave concurrently to maintain pay during leave.

EFMLA Reason 6

- Employee has a right to return to their job or an equivalent job.
- Leave is paid at 2/3 employee's normal pay after 2 weeks (subject to \$200/day cap)
- Employee can use other leave to supplement 2/3 pay and remain at 100% pay during leave.

EFMLA Paid Leave

Weeks 1-2

- Unpaid, but an employee can use other leave to remain in paid status

Weeks 3-12

- Paid at 2/3 rate. Employee may supplement with other leave to keep salary at 100%.

UW System COVID-19 Leave

- Became available 3/17/20
- Accepted uses:
 - 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 individual who has a diagnosis of COVID-19 or is experiencing symptoms of COVID-19 and is seeking a diagnosis.
 - Care of an individual subject to a quarantine or isolation order or who has been advised to self-quarantine.
 - **Child/elder care due to school/day care closures, or;**
 - 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.

April 2020

- FFCRA took effect 4/1
- UW System **COVID-19 leave** used for any reason after 4/1 counts for FFCRA Emergency Paid Sick Leave.
- UW System **COVID-19 leave** used after 4/1 **for childcare due to a school/ day care closure** may also count against **EFMLA Leave**.
 - **COVID-19 Leave** used for other purposes does not count against **EFMLA Leave**.

COVID-19 + EFMLA Leave combination scenarios

EFMLA
Leave
Unpaid



COVID-19 Leave
100%
Pay



EFMLA
Leave
2/3 Pay



EE used up all COVID-19 Leave for reason unrelated to child care



EE used 2 weeks of COVID-19 Leave for childcare in last 2 weeks of April



EE used COVID-19 Leave for entire month of April for childcare



EE used no COVID-19 Leave in April and so still has 80 hours left to use starting 5/4.



Other considerations

Question

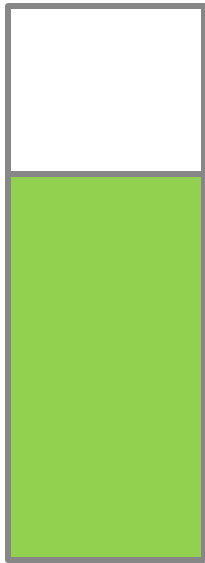
- Can EFMLA Leave be taken intermittently?
- Can EFMLA Leave be taken for a partial day?
- Can EFMLA Leave be taken during a furlough?

Answer

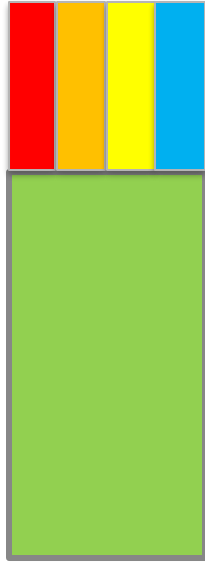
- Yes, just like FMLA leave.
- Yes, just like FMLA leave
- No. No paid leave may be used during a furlough.

Using Other Leave with EFMLA Leave in Weeks 3-12

EE uses no other leave, accepts 2/3 pay or \$200.



EE uses vacation, personal, sick, or COVID-19 Leave (if any remaining balance) to cover last 1/3



Questions?



Intermittent/Consecutive eFMLA Leave Entry

- Monthly and Biweekly
 - Expanded FMLA time off is entered through Absence
 - UWS_EFMLA TAKE will be available May 16, 2020
 - Effective Date: 04/01/2020
 - Absence Takes are required to ensure proper calculation of eFMLA payment and other leave usage and reporting.

Intermittent/Consecutive Day Furloughs - Clarifications

- Monthly paid employees only need to enter hours worked during the one-week period in which a furlough day is used.
 - Teachers, Doctors, Lawyers are excluded from having to enter the Reg hours worked on the timesheet
- Monthly Paid Employees – Consecutive Day Entry
 - It is recommended to not include weekends in these furlough entries
 - The monthly salary calculation is based off of working days
 - If Saturday and Sunday are included, employees will have an overstated salary decrease
 - A report will be created to monitor for these entries
- Furlough Insurance Selection Form may be available for employees on Monday, May 18, 2020.

Furlough – Temporary Workload Reduction (TWR)

- Temporary Workload Reduction furlough reduces the FTE of an employee's appointment for a continuous period of time with a defined start and end date.
 - It can be a new fixed work schedule or flexible work schedule
 - No University business should be performed except during scheduled work hours
 - Faculty cannot be assigned a TWR furlough
- Job Data Action / Action Reasons have been created
 - Mass Uploads are available and highly recommended
 - Standard Hours (up to 2 decimals) need to be calculated to do Mass Upload
 - Do NOT enter FTE in Mass Upload Template
 - UWSS recommends uploading the FTE Reduction and FTE Restore into Job Data together.
 - Submit both files for upload at the same time
 - Assists with calculating and maintaining the Leave Accruals
 - Any effective date changes should be submitted through a ticket to ensure proper management of Benefits and Leave Accruals

Furlough – Temporary Workload Reduction (TWR)

The following Action Reason Codes for employees with Positions will be available May 12, 2020:

Action: Data Change (POS)

Action Reason Code: 113

Description: Temp Work Reduction/FTE - COVID

Effective Date: 05/01/2020

Action: Data Change (POS)

Action Reason Code: 114

Description: Restore TmpWrk Reduction - COVID

Effective Date: 05/01/2020

Furlough – Temporary Workload Reduction (TWR)

The following Action Reason Codes for employees without Positions will be available May 12, 2020 :

Action: Data Change (DTA)

Action Reason Code: 116

Description: Temp Work Reduction/FTE - COVID

Effective Date: 05/01/2020

Action: Data Change (DTA)

Action Reason Code: 117

Description: Restore TmpWrk Reduction - COVID

Effective Date: 05/01/2020



UW-Shared Services

University of Wisconsin System

Furlough – Temporary Workload Reduction (TWR)

- Absence Entry
 - Standard entry applies
 - No furlough entry required
- Timesheet Entry
 - Monthly
 - Required to enter hours on the timesheet for duration of furlough
 - FUREG is the Time Reporter Code Used
 - Teachers, Doctors, and Lawyers are excluded from this requirement
 - Biweekly
 - Enter Regular Hours for time worked as normal
 - A Mass Update Template is available
 - Deadline for submissions is the Friday before the first payroll calc stream

Furlough – Temporary Workload Reduction (TWR)

- Benefits

- Employee will maintain full benefit eligibility

- If FTE stays greater than 50%
 - If FTE is reduced to less than 50% for less than 4 months

- Insurance Options

- All insurances can be paid by:

- Regular Payroll Deductions
 - Benefit Billing
 - Sick Leave (State Group Health Only)

- Insurances cannot be lapsed due to a TWR furlough

- FSA Medical and Dependent Care will continue to be deducted

- Medical FSA – employee may continue to incur eligible expenses to submit for reimbursement while you're on a TWR furlough
 - Dependent FSA – employee may continue to incur eligible expenses until Dec 31

Furlough – Temporary Workload Reduction (TWR)

- Furlough Insurance Selection Form for TWR:
 - There is currently no form available
 - Please do NOT have employees use a different form
 - Rules are different depending on furlough type
 - The Furlough Insurance Selection form for TWR may be available in the employee portal on Monday, May 18, 2020

Questions?



Furlough – Compensation Reduction

- Compensation Reduction furlough will decrease an employee's salary but not their hours worked
 - If furlough days are still required to be taken, follow Intermittent Furlough processing

Furlough – Compensation Reduction

The following Action Reason Codes of Pay Rate Change and Correct Pay Rate will be available on May 12, 2020:

Action: Pay Rate Change (PAY)

Action Reason Code: 004

Description: Temp Voluntary Reduction-COVID

Effective Date: 05/01/2020

Action: Pay Rate Change (PAY)

Action Reason Code: 055

Description: End Voluntary Reduction-COVID

Effective Date: 05/01/2020



Furlough – Compensation Reduction

Action: Pay Rate Change (PAY)

Action Reason Code: 008

Description: Temp Involuntary Reduct-COVID

Effective Date: 05/01/2020

Action: Pay Rate Change (PAY)

Action Reason Code: 009

Description: End Involuntary Reduct-COVID

Effective Date: 05/01/2020

Furlough – Compensation Reduction

Action: Correct Pay Rate (CPR)

Action Reason Code: 004

Description: Temp Voluntary Reduction-COVID

Effective Date: 05/01/2020

Action: Correct Pay Rate (CPR)

Action Reason Code: 055

Description: End Voluntary Reduction-COVID

Effective Date: 05/01/2020

Furlough – Compensation Reduction

Action: Correct Pay Rate (CPR)

Action Reason Code: 008

Description: Temp Involuntary Reduct-COVID

Effective Date: 05/01/2020

Action: Correct Pay Rate (CPR)

Action Reason Code: 009

Description: End Involuntary Reduct-COVID

Effective Date: 05/01/2020

Furlough – Compensation Reduction

- The following HR Mass Update options are available for Pay Changes:
 - PAY: "004" (Temp Voluntary Reduction-COVID)
 - PAY: "055" (End Voluntary Reduction-COVID)
 - PAY: "008" (Temp Involuntary Reduct-COVID)
 - PAY: "009" (End Involuntary Reduct-COVID)
- Change Amounts must be entered as a negative number for compensation to be reduced
 - For biweekly employees, must have two decimal places
 - For monthly employees, must have two decimal places and be in whole dollars

Furlough – Compensation Reduction

- Absence Entry
 - Standard entry applies
 - No furlough entry required
- Timesheet Entry
 - Standard entry applies
 - No furlough entry required
 - If employee is also required to take furlough days with their compensation reduction, then follow Intermittent Furlough processing
- Benefits
 - Employee will maintain current benefit eligibility and enrollments

Questions?



Furlough – Compensation Reduction/Percent Smoothing

- Compensation Reduction/Percent Smoothing is a percentage salary reduction based on total salary dollars
 - Employees are required to take furlough days off
 - Furlough day allocations are 'smoothed' over the whole furlough period and compensation is decreased by a percentage based on total salary
 - Example of groupings:
 - Group 1 = Less than or equal to \$50,000
 - Group 2 = \$50,001 - \$80,000
 - Group 3 = \$80,001 - \$150,000
 - Group 4 = Greater than \$150,000
- If you are interested in using this option, please reach out to UWSS Service Operations
 - Determine populations for groupings
 - Determine percentage decrease based on grouping
 - Effective dates need to be prospective (6A or later)



Furlough – Compensation Reduction/Percent Smoothing

The following Action Reason Codes for Job Data updates (available May 16, 2020):

Action: Data Change (DTA)

Action Reason Code: 118

Description: COVID Salary Reduction - %Type1

Effective Date: 05/24/2020

Action: Data Change (DTA)

Action Reason Code: 119

Description: COVID Salary Reduction - %Type2

Effective Date: 05/24/2020

Furlough – Compensation Reduction/Percent Smoothing

Action: Pay Rate Change (DTA)

Action Reason Code: 120

Description: COVID Salary Reduction - %Type3

Effective Date: 05/24/2020

Action: Pay Rate Change (DTA)

Action Reason Code: 121

Description: COVID Salary Reduction - %Type4

Effective Date: 05/24/2020

Action: Pay Rate Change (DTA)

Action Reason Code: 122

Description: Restore COVID Salary%Reduction

Effective Date: 05/24/2020

Furlough – Compensation Reduction/Percent Smoothing

- Absence Entry
 - More details to come
- Timesheet Entry
 - More details to come
- Benefits
 - Employee will maintain current benefit eligibility and enrollments

Questions?



Furlough Reports

- Payable Time by TRC – Query in Query Viewer
 - UW_TL_775_RTTRC
 - Prompt to identify Furlough Takes
 - TRC Code = F% will pull in all furlough takes

- Other reports are being created to assist with furlough reporting and will be announced as they become available.

BN: New Queries for COBRA Notices Sent

- New Queries for finding dates of COBRA and Age 26 Letters
 - UW_BN_COBRA_BY_EMPLID
 - UW_BN_COBRA_BY_NAME
 - May enter full name (first last) or partial name of employee/dependent
- Dates will appear under different headers depending on what was generated:

Examples:

First 1-1 of 1 Last

COBRA Notice Date	Age 26 Notice - 30 Days	Age 26 Notice 90 Days
08/20/2019		

COBRA Notice Date	Age 26 Notice - 30 Days	Age 26 Notice - 90 Days
11/03/2019	11/03/2019	09/01/2019
12/03/2018	12/02/2018	10/01/2018
01/08/2018		

Questions?

