



State of Wisconsin
Department of Administration

Federal Expanded FMLA Administrator
Job Aid (includes Emergency Paid Sick
Leave Q&A)

Contents

Eligibility for Federal Expanded FMLA.....	3
Federal Expanded FMLA Benefits	3
EFMLA Request Process	4
Entering FMLA Entitlement and Takes.....	4
Entering Unpaid EFMLA on Behalf of an Employee	7
Enter Paid EFMLA on Behalf of an Employee.....	10
Entering Personal Paid Leave as Substitution for Paid EFMLA on Behalf of an Employee	12
How to Review FMLA Processing Results.....	15
Calculating 2/3 Pay and \$200 Daily Cap under paid EFMLA	16
EFMLA Administrator Q&A	16
Emergency Paid Sick Leave Administrator Q&A	18
BENEFITS OF EMERGENCY PAID SICK LEAVE (EPSL) AND EMERGENCY FMLA (EFMLA)	18
LEAVE SUBSTITUTION AND WORK SCHEDULES	19
TIMESHEET ENTRY AND EPSL ALLOCATIONS	20
IMPACT ON WRS AND LEAVE ACCRUALS.....	23
PAYROLL PROCESSING	24
Additional Resources.....	26

Purpose

This job aid is designed to help FMLA coordinators/administrators manage Federal Expanded FMLA within STAR PeopleSoft. There is also an Emergency Paid Sick Leave Administrator Q&A at the end of the document.

Eligibility for Federal Expanded FMLA

Effective April 1, 2020, FMLA was temporarily expanded in scope to provide **up to 12 weeks** of expanded FMLA that may be unpaid the first two weeks and **partially paid** for any remaining eligible weeks for employees **who are unable to work (or telework)** in order to care for a son or daughter¹ whose school² or daycare has closed due to the COVID-19 pandemic. This expansion is available through December 31, 2020.

Please note that this is not an additional 12 weeks of FMLA – this just expands the reason that an employee can use FMLA and allows employees to use FMLA for childcare who aren’t otherwise eligible under the FMLA.

The following employees are NOT eligible for the FMLA Expansion:

- Employees who have worked less than 30 days
- Healthcare providers and emergency responders as defined by their agency
- Elected officials and their high-level appointees who are normally excluded from FMLA

All other state employees who have **worked for at least 30 days** are eligible for these provisions.

See the [Federal Paid Sick Leave and Paid FMLA Leave During the Public Health Emergency Due to COVID-19 Bulletin](#) for additional information.

Federal Expanded FMLA Benefits

The following benefits are available under EFMLA:

Federal Expanded Family and Medical Leave (EFMLA)		
Benefits Available	Rate of Pay	Able to Supplement Pay Received or Substitute Other Leave?
First 2 weeks of expanded FMLA is unpaid	Unpaid Leave	Yes – can use Federal Emergency Paid Sick Leave benefits (2/3 of regular pay, up to \$200/day) and supplement earnings with state leave available. Note: Not required to use Federal Emergency Paid Sick Leave during this 2-week period. Employees can also substitute available state leave.
Weeks 3 through 12 of expanded FMLA are partially paid	2/3 of regular rate of pay, up to \$200/day (\$10,000 in total)	Yes –Employees may choose to substitute available state paid leave. Note: Leave substitution is not leave supplementation, as is allowed for employees using Emergency Paid Sick Leave at 2/3rd pay. Leave substitution replaces the EFMLA hours with personal leave at full pay and is not used to “top-off” paid EFMLA.

¹ Son or daughter has the meaning given in the federal Family & Medical Leave Act (FMLA): a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence

² School means an elementary or secondary school

EFMLA Request Process

Eligible employees should complete an EFMLA Request form before the EFMLA entitlement is provided to the employee. The EFMLA form is available in the following formats:

- [PDF](#)
- [Word](#)
- [Online Request Form](#)

Entering FMLA Entitlement and Takes

Prior to entering an FMLA entitlement for the employee, you should confirm the following:

- ✓ The employee has applied for and has been approved for EFMLA (*or the FMLA coordinator has determined hours should be designated as covered by EFMLA*)
- ✓ If the employee has previously used FMLA in the current year, confirm the employee still has some unused FMLA entitlement hours

NOTE: *The employee does not get an additional 12 weeks of FMLA as part of this provision. The employee is just now eligible to use FMLA for childcare purposes associated with the COVID-19 outbreak.*

- ✓ The employee has worked for at least 30 days
- ✓ The employee is NOT a healthcare worker or emergency responder as defined by the agency
- ✓ The employee is NOT an elected official or their high-level appointees who are normally excluded from FMLA

Once you have validated eligibility, you can enter the FMLA entitlement and takes for the employee.

1. **Navigation:** Workforce Administrator Homepage – Payroll Dashboard – Absence Management Tile – Maintain Absences Folder – Assign Entitlements and Takes Page. Enter the Empl ID and click Search.

The screenshot shows a web application interface for 'Assign Entitlements and Takes'. On the left is a sidebar menu with 'Assign Entitlements and Takes' selected. The main content area has a title 'Assign Entitlements and Takes' and a subtitle 'Enter any information you have and click Search. Leave fields blank for a list of all values.' Below this is a 'Find an Existing Value' button. A 'Search Criteria' section contains several search fields: 'Empl ID' (with a dropdown 'begins with' and a red-bordered input field), 'Empl Record' (with a dropdown '=' and an input field), 'Name' (with a dropdown 'begins with' and an input field), 'Last Name' (with a dropdown 'begins with' and an input field), 'Second Last Name' (with a dropdown 'begins with' and an input field), 'Alternate Character Name' (with a dropdown 'begins with' and an input field), and 'Middle Name' (with a dropdown 'begins with' and an input field). There is also a 'Case Sensitive' checkbox and a 'Limit the number of results to (up to 300): 300' field. At the bottom are 'Search' (highlighted with a red box), 'Clear', 'Basic Search', and 'Save Search Criteria' buttons.

2. **If the employee does not have an FMLA entitlement for the current year**, you will need to enter an Absence Entitlement for the year.

Note: *If the employee already has an WI_FMLA Absence Entitlement for the current year, confirm the end date already entered covers the EFMLA period. If it does not, adjust the date. If it does, you can skip this step. Go to Step 3.*

- a. On Elements Tab
 - i. Enter Element Type = Absence Entitlement
 - ii. Enter Element Name = WI_FMLA
 - iii. Make sure the box under Active is checked
 - iv. Enter the Begin Date = 1st day of the pay period that the employee is eligible for unpaid EFMLA. The earliest possible effective date that should be entered is 3-29-2020.

Note: You should always enter the 1st day of the pay period that the employee is first eligible to take FMLA
 - v. Enter the End Date
 1. If the actual end date is known, enter the last day of the pay period that contains the end date of the leave.
 2. If the end date is unknown, enter 12-31-2020 (never enter a date later than the last day of the year).

Element Type	Element Name	Description	Active	Begin Date	End Date
Absence Entitlement	WI_FMLA	FMLA	<input checked="" type="checkbox"/>	03/29/2020	12/31/2020

- b. On Unit Element Tab
 - i. Enter Unit Element Type = Numeric
 - ii. Enter Entitlement Unit = 480 hours if full-time (prorate number of hours based on FTE if not full-time)
 - iii. Enter Frequency = Calculate Per Pay Period

Element Type	Element Name	Unit Element Type	Element Name - Unit	Entitlement Unit	Frequency	Frequency ID
Absence Entitlement	WI_FMLA	Numeric		480.000000	Calculate Per Pay Period	

- c. On Generation Control Tab
 - i. Enter Generation Control Option = Specified Generation Control
 - ii. Enter Generation Control = WI_FMLA_GC

Element Type	Element Name	Generation Control Option	Generation Control	Description
Absence Entitlement	WI_FMLA	Specified Generation Control	WI_FMLA_GC	FMLA Generation Control

d. Click **Save**

FMLA Entitlement Entry for Employees with Multiple Jobs: If an employee has active multiple jobs and plans to use EFMLA for hours not worked in more than one job, you will need to split the total WI_FMLA entitlement across the eligible jobs (and enter the applicable FMLA takes on all eligible jobs). The total number of FMLA hours used across all jobs can't exceed the total annual FMLA entitlement.

3. **Once you enter the WI_FMLA Absence Entitlement, you must enter the WI_FMLA_TK Absence Take.**

Note: If the employee already has an WI_FMLA Absence Entitlement and WI_FMLA_TK Absence Take for the current year and the existing dates include the EFMLA dates, you can skip this step and go to Step 4. If the current FMLA entitlement dates don't include the EFMLA eligibility period, you will need to update the applicable dates.

a. On the Elements Tab, add a row

- i. Enter Element Type = Absence Take
- ii. Enter Element Name = WI_FMLA_TK
- iii. Make sure the box under Active is checked
- iv. Enter the Begin Date = 1st day of the pay period that the employee is eligible for unpaid EFMLA. The earliest possible effective date that should be entered is 3-29-2020.

Note: You should always enter the 1st day of the pay period that the employee is first eligible to take FMLA

v. Enter the End Date

- 1. If the actual end date is known, enter the last day of the pay period that contains the end date of the leave.
- 2. If the end date is unknown, enter 12-31-2020 (never enter a date later than the last day of the year).

Element Type	Element Name	Description	Active	Begin Date	End Date
Absence Entitlement	WI_FMLA	FMLA	<input checked="" type="checkbox"/>	03/29/2020	12/31/2020
Absence Take	WI_FMLA_TK	Family Leave Act	<input checked="" type="checkbox"/>	03/29/2020	12/31/2020

Buttons: Save, Return to Search, Notify, Refresh

b. Click **Save**

4. The above steps give the employee an FMLA entitlement and allow the employee to take unpaid EFMLA. You must enter a WI_PD_EFMLA_TK Absence Take for the employee to be able to enter a paid EFMLA absence.

- a. On the Element Tab, add a row
 - i. Enter Element Type = Absence Take
 - ii. Enter Element Name = WI_PD_EFMLA_TK
 - iii. Make sure the box under Active is checked
 - iv. Enter the Begin Date = 1st day of the pay period that the employee is eligible for paid EFMLA. The earliest possible effective date that should be entered is 4-12-2020.
Note: You should always enter the 1st day of the pay period that the employee is first eligible to take **paid EFMLA**.
 - v. Enter the End Date
 - 1. If the actual end date is known, enter the last day of the pay period that contains the end date of the leave.
 - 2. If the end date is unknown, enter 12-31-2020 (never enter a date later than the last day of the year).

b. Click **Save**

Element Type	Element Name	Description	Active	Begin Date	End Date		
Absence Entitlement	WI_FMLA	FMLA	<input checked="" type="checkbox"/>	03/29/2020	12/31/2020	+	-
Absence Take	WI_FMLA_TK	Family Leave Act	<input checked="" type="checkbox"/>	03/29/2020	12/31/2020	+	-
Absence Take	WI_PD_EFMLA_TK	COVID-Fed Paid EFMLA	<input checked="" type="checkbox"/>	04/12/2020	12/31/2020	+	-

Note: You may not want to enter the WI_PD_EFMLA_TK until the pay period that the employee is eligible for paid EFMLA. This will reduce the likelihood that the employee will select paid EFMLA before they are eligible. FMLA Coordinators/Payroll Staff will need to confirm the first 2 weeks of unpaid EFMLA is exhausted before paid EFMLA is used.

Entering Unpaid EFMLA on Behalf of an Employee

There are situations in which you may need to enter unpaid EFMLA on behalf of an employee, including:

- A retroactive EFMLA designation
- The employee does not use paid leave on the same day in which the unpaid EFMLA is used
- Employee is unable to access their timesheet

Scenario 1: Add unpaid EFMLA designation on behalf of employee who is only using the COVF4 TRC for the day (no other paid leave used to supplement earnings).

Update: As of 4-23-2020, there is no longer an error if an employee uses COVF4 and no paid leave on a day in which unpaid EFMLA is used. However, if a different state or federal COVID TRC (ex. COVS1) is used with unpaid EFMLA and the employee does not use paid leave, the following instructions still apply.

These steps should be used because unpaid EFMLA is categorized like regular FMLA so if no absence or the COVF4 TRC is entered for the day that unpaid EFMLA is used, the absence will not be automatically approved if entered through the timesheet

Time Reporting Code	Quantity
<input type="text"/>	<input type="text"/>
09 COVS1 - COVID State Leave Childca	8.00
09 COVS1 - COVID State Leave Childca	8.00

Entry Recommendation: For this scenario, it is recommended that you enter the unpaid EFMLA through the Absence Event Page. You will be able to enter unpaid EFMLA and the absence will be approved. If you enter the unpaid EFMLA via Absence on the Timesheet, the unpaid EFMLA will go to Saved status because there is no other absence or LWOP used on the same day as the unpaid EFMLA.

- Go to the Absence Event Page (**Navigation:** Workforce Administrator Homepage – Payroll Dashboard – Absence Management Tile – Maintain Absences Folder – Absence Event)
- Add a row and enter the following:
 - Absence Take = WI_FMLA_TK**
 - Enter Begin and End Dates
 - Enter partial leave hours if applicable

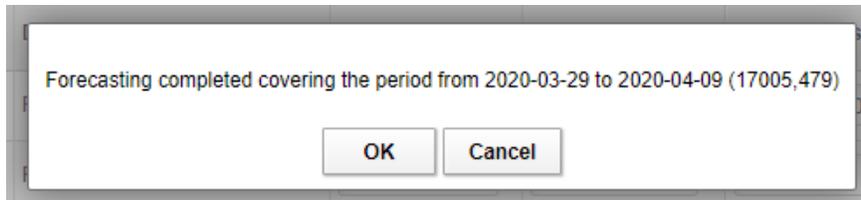
d. Click on the Details Link

- Enter **Absence Reason = CUP (Covid Unpaid EFMLA)**. Review/update any other info on page and Click OK at bottom of page.

4. Click on the **Forecast** button at the top of page



5. Click **Ok** on the Forecasting message



6. The status of the unpaid FMLA request should now be Approved.

*Absence Take	Description	*Begin Date	End Date	Partial Hours	*Process Action	Voided	Original Begin Date	Details	Entry Source	Workflow Status
WL_FMLA_TK	Family Leave Act	04/06/2020	04/09/2020		Normal	<input type="checkbox"/>	04/06/2020	Details	Administrator Absence Event	Approved

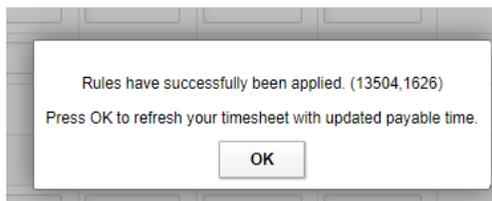
Scenario 2: Add unpaid EFMLA designation on behalf of an employee who is using paid leave (or the COVF4 TRC) on the same day in which unpaid EFMLA is entered.

In this example, the person used COVF4 for all hours and supplemented their pay with 2.67 hours of vacation each day.

1. Go to the employee’s Timesheet. Click on the Absence Tab and then add an Absence Event
 - a. Enter the start and end date that should be covered by unpaid EFMLA
 - b. Enter Absence Name = Family Leave Act
 - c. Enter Reason = COVID Unpaid EFMLA
 - d. Enter any necessary info under Details (if applicable) and click Forecast.

*Start Date	End Date	Absence Name	Reason	Duration	Unit Type
04/21/2020	04/24/2020	Vacation		10.68	Hours
04/21/2020	04/24/2020	Family Leave Act	Covid Unpaid EFMLA	32.00	Hours

2. Submit the Timesheet. You should receive the following message.



NOTE: You do not have to do this entry via the Absence Event page like what was needed in Scenario 1 because the employee used regular paid leave on the same day in which FMLA was entered. If an employee doesn't use regular paid leave on the same day that unpaid FMLA is used, you will want to follow the steps outlined in Scenario 1.

3. For each day of the week, this employee has:
 - a. 8 hours of COVF
 - b. 8 hours of Unpaid EFMLA
 - c. 2.67 hours of vacation to supplement earnings
 - d. 2.67 hours of COVA to identify leave used to supplement earnings

09 COVF4 - COVID-Fed Sick Leave Chik	8.00		4/21
09 COVA - COVID-Hrs of Suppl Leave U:	2.67		4/21
VACTN - Paid Vacation Time Taken	2.67		4/21
FMLA - Family Leave of Absence	8.00		4/21

Enter Paid EFMLA on Behalf of an Employee

After two weeks of unpaid EFMLA, the employee is eligible for paid EFMLA. Once covered by paid EFMLA, the following apply:

- ✓ The employee cannot use paid leave to supplement the 2/3 earnings (up to \$200/day) received under paid EFMLA
- ✓ The employee may substitute paid leave while covered by paid EFMLA
- ✓ The employee cannot use an COVXX TRC while using paid EFMLA
- ✓ The employee can work part of the day and use EFMLA for part of the day
- ✓ The employee can use paid leave and use EFMLA for part of the day if the reason for the use of the paid leave is valid and is not used to supplement earnings received under paid EFMLA

Federal Expanded FMLA Administrator Job Aid

It is recommended that you enter the Paid EFMLA absence via absence on the Timesheet page. This ensures that Time and Labor rules are properly applied when you submit the Timesheet.

- Absence Name = COVID-Fed Paid EFMLA
- Reason = COVID EFMLA – Child

COVM1 - COVID-Fed Expanded FMLA	8.00	4/13	+
COVM1 - COVID-Fed Expanded FMLA	8.00	4/14	+
COVM1 - COVID-Fed Expanded FMLA	8.00	4/15	+

If the employee’s leave requested exceeds the FMLA balance available as of the effective date of the paid EFMLA request, the following error message will display when trying to forecast:

Your leave cannot be submitted as entered.
Please check the following possible errors:

- 1 – The total reported and leave hours exceeds the scheduled hours for the day (based on your assigned schedule)
- 2 – The leave requested exceeds your available balance
- 3 – The leave requested cannot be used with these TRC’s: COVF1, COVF4, COVS1, COVS2, COVS3 or COVN1
- 4 – The leave requested exceeds the timeframe allowed
- 5 – The leave requested is on an Off Day (based on your assigned schedule)

Date Time: April 17,2020 at 09:56

If there are no issues with forecasting, the following message will display:

Your request has been successfully validated! You may submit

Please be aware that forecasting validates against data currently in the system. If you are forecasting future leaves ensure you will not draw your balance in a way that might cause you to overdraw in the future.

Date Time: April 17,2020 at 12:32

If an employee is working part of the day and using paid EFMLA for part of the day, both the hours worked and the paid EFMLA hours should be entered for the day. The combination of hours worked + paid EFMLA hours cannot exceed the employee’s regularly scheduled hours for the day.

8:00:00AM			12:00:00PM	4.00		
					COVM1 - COVID-Fed Expanded FMLA	4.00

The above employee will receive full pay for the 4 hours worked and 2/3 of regular pay (up to \$200) for the 4 hours of paid EFMLA.

Entering Personal Paid Leave as Substitution for Paid EFMLA on Behalf of an Employee

An employee may choose to substitute all or a portion of the paid EFMLA leave. It is recommended that you enter the substitution absence via absence on the Timesheet page. This ensures that Time and Labor rules are properly applied when you submit the Timesheet.

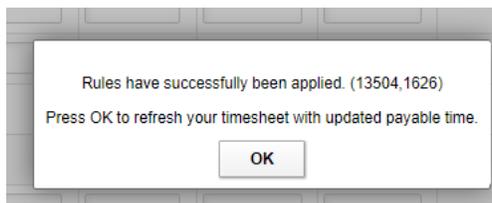
Scenario 1: Add Substitution EFMLA designation on behalf of employee who is substituting all EFMLA hours

In this example, the person has chosen to substitute the full amount of paid EFMLA time with vacation.

1. Go to the employee’s Timesheet. Click on the Absence Tab and then add an Absence Event
 - a. After all personal leave has been entered, enter the start and end date that should be covered by EFMLA
 - b. Enter Absence Name = Family Leave Act
 - c. Enter Reason = COVID Paid EFMLA Substitution
 - d. Enter any necessary info under Details (if applicable) and click Forecast.

* Start Date	End Date	Absence Name	Reason	Duration	Unit Type
05/11/2020	05/13/2020	Vacation	Vacation	24.00	Hours
05/11/2020	05/13/2020	Family Leave Act	Covid Paid EFMLA Sul	24.00	Hours

2. Submit the Timesheet. You should receive the following message.



3. For each day entered, this employee has:

- a. 8 hours of vacation
- b. 8 hours of Unpaid FMLA with the reason designating it as substitution for paid EFMLA

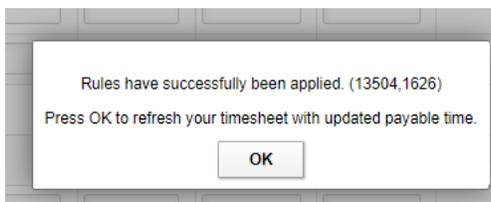
Scenario 2: Add Substitution EFMLA designation on behalf of employee who is substituting a portion of their EFMLA hours

In this example, the person has chosen to substitute only 4 hours each day of the paid EFMLA hours with vacation. They are taking the remaining EMFLA hours at the 2/3 rate.

1. Go to the employee’s Timesheet. Click on the Absence Tab and then add an Absence Event
 - a. After all personal leave has been entered, enter the start and end date that should be covered by EFMLA
 - b. Enter Absence Name = Family Leave Act
 - c. Enter Reason = COVID Paid EFMLA Substitution
 - d. Enter any necessary info under Details (if applicable) and click Forecast.

*Start Date	End Date	Absence Name	Reason	Duration	Unit Type
04/13/2020	04/17/2020	Vacation		20.00	Hours
04/13/2020 	04/17/2020 	Family Leave Act 	Covid Paid EFMLA Sul 	20.00	Hours

2. Submit the Timesheet. You should receive the following message.

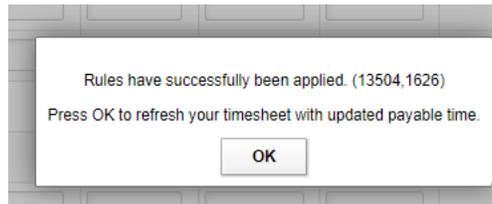


3. Add another Absence Event
 - a. After all personal leave and the EFMLA substitution has been entered, enter the start and end date that should be covered by paid EFMLA
 - b. Enter Absence Name = COVID-Fed Paid EFMLA
 - c. Enter Reason = COVID EFMLA – Child
 - d. Enter any necessary info under Details (if applicable) and click Forecast.

Federal Expanded FMLA Administrator Job Aid

*Start Date	End Date	Absence Name	Reason	Duration	Unit Type
04/13/2020	04/17/2020	Vacation		20.00	Hours
04/13/2020	04/17/2020	Family Leave Act	Covid Paid EFMLA Substitution	20.00	Hours
04/13/2020 	04/17/2020 	COVID-Fed Paid EI 	Covid EFMLA – Child Car 	20.00	Hours

4. Submit the Timesheet. You should receive the following message.



5. For each day entered, this employee has:

- a. 4 hours of vacation
- b. 4 hours of Unpaid FMLA with the reason designating it as substitution for paid EFMLA
- c. 4 hours of Paid EFMLA

How to Review FMLA Processing Results

The year-to-date FMLA balances are available in Results by Calendar Group (**Navigation:** Payroll Dashboard – Absence Management Tile – Review Absences Folder – Results by Calendar Group). Go to the applicable pay period and review the FMLA data elements.

In the example below:

- WI_EMFLA_ONLY_TAKE = 60 hours of paid EFMLA were taken this year
- WI_EFMLA_ONLY_TKPP = 60 hours of paid EFMLA were taken this pay period
- WI_FMLA_BAL = 370 hours of remaining FMLA entitlement
- WI_FMLA_ENT = 480 hours of original FMLA entitlement
- WI_FMLA_TAKE = 140 hours of total FMLA hours used (includes regular FMLA, unpaid EFMLA and paid EFMLA)
- WI_FMLA_TKPP = 60 hours of total FMLA hours used this pay period (includes regular FMLA, unpaid EFMLA and paid EFMLA)

Year to Date	WI_EFMLA_ONLY_TAKE	60.000000	EFMLA Used	01/01/2020	12/31/2020
Segment	WI_EFMLA_ONLY_TKPP	60.000000	EFMLA Used Period	03/15/2020	03/28/2020
Year to Date	WI_FMLA_BAL	340.000000	FMLA Balance	01/01/2020	12/31/2020
Year to Date	WI_FMLA_ENT	480.000000	FMLA	01/01/2020	12/31/2020
Year to Date	WI_FMLA_TAKE	140.000000	FMLA Used	01/01/2020	12/31/2020
Segment	WI_FMLA_TKPP	60.000000	FMLA Used Period	03/15/2020	03/28/2020

Calculating 2/3 Pay and \$200 Daily Cap under paid EFMLA

Under paid EFMLA (and Federal Emergency Paid Sick Leave), when an employee receives 2/3 of their pay, it is calculated in the following order:

$$\text{Hourly Rate} \times .6667 \times \text{Number of Hours of EFMLA for the day}$$

If this amount is greater than \$200, the pay received under EFMLA/EPFL will be \$200 for the day.

Below is an example of the calculation on Review Paycheck. The employee’s normal hourly rate is \$23.85 but 2/3 of his hourly rate is used to determine the total pay received under paid EFMLA.

Code	Description	Rate Used	Hours	Rate	Amount	Source
CM1	COVID-Fed Extended FMLA	Hourly Rate	20.00	15.900795	318.02	

In the example below, the employee’s normal hourly rate is \$42.99 so the daily earnings are greater than \$200/day. Since the amount of pay received per day under EFMLA exceeds \$200, you will see a calculation of the 2/3 pay BEFORE the daily cap of \$200 is enforced....

Code	Description	Rate Used	Hours	Rate	Amount	Source
CM1	COVID-Fed Extended FMLA	Hourly Rate	28.00	28.661433	802.52	

Plus, you will see another entry for the negative adjustment that brings the employee down to the daily cap.

Code	Description	Rate Used	Hours	Rate	Amount	Source
CM1	COVID-Fed Extended FMLA	Hourly Rate			-87.87	CV

EFMLA Administrator Q&A

- If the employee already used at least 2 weeks of FMLA this year for non-childcare reasons, is the employee immediately eligible for paid EFMLA?**

No. The first 2 weeks of EFMLA for childcare purpose are unpaid but the employee can use paid leave and/or Federal Emergency Paid Sick (EPFL) Leave during this 2-week period. Once the first 2 weeks of unpaid EFMLA is complete, the employee can then use paid EFMLA.

- Does EFMLA grant an employee an additional 12 weeks of FMLA?**

No. The employee is still eligible for only a total of 12 weeks of Federal FMLA. If the employee already used some FMLA this year, the employee is only eligible for EFMLA for the remainder of their annual FMLA entitlement.

3. How do you determine an EFMLA entitlement for an LTE?

You determine the EFMLA entitlement the same way you calculate a regular FMLA entitlement. The amount should be based on the typical/average scheduled hours for an employee in a week. For an LTE with an irregular schedule, you should look at hours worked over the past 6 months to determine the average hours worked.

4. Does a person's ability to use EFMLA end if the Governor or President declares an end of the public health emergency?

No. The new EFMLA provisions are effective until December 31, 2020.

5. Can an employee use EFMLA intermittently?

Yes. The employee can use EFMLA for part of a day or for part of a week as needed.

6. Can the employee substitute their personal paid leave for the 2/3 pay received under paid EFMLA?

Yes. The employee can substitute available personal paid for the 2/3 pay received under paid EFMLA as permitted under the state's policies. Sick leave may be substituted during EFMLA because of the emergency rule changes in ER 18 allowing for sick leave to be used to care for children due to school, daycare, and summer camp closures. The ability to substitute sick leave will end after October 8, 2020, with expiration of the emergency rule. An employee has the option to substitute paid leave for all or a portion of the family and medical leave.

7. Can the employee supplement the 2/3 pay received under paid EFMLA?

No. The employee may only choose to substitute paid EFMLA hours with available personal paid leave.

8. My employee will be working 20 hours per week and needs to care for their child for 20 hours of the week. How will EFMLA work for this employee?

The employee will only be using 20 hours of EFMLA per week. For the first 4 weeks (80 hours) of leave, the employee will be covered by unpaid EFMLA and is eligible to substitute paid leave, including EPSL for those hours in which she is caring for her child. Once she exhausts the unpaid EFMLA, she will be eligible for paid EFMLA for an additional 20 weeks because she is only using 20 hours of her remaining 400-hour paid EFMLA allocation per week.

Emergency Paid Sick Leave Administrator Q&A

Benefits of Emergency Paid Sick Leave (EPSL) and Emergency FMLA (EFMLA)

1. Does the Emergency Paid Sick Leave (EPSL) pay 2/3 of earnings or is that the Emergency FMLA (EFMLA)?

- If the employee is using EPSL for their own illness/quarantine or are a non-essential worker unable to telework, they receive their regular earnings, up to \$511/day. If they make more than \$511/day, they can NOT supplement their pay. (TRC = COVF1)
- If the eligible employee is using EPSL due to childcare or taking care of someone else, they receive 2/3 of their regular earnings, up to \$200/day. The employee can use leave (except State Paid Administrative Leave) to supplement their pay, up to their regular earnings. (TRC = COVF4)
- After 2 weeks of unpaid EFMLA (the employee can use EPSL or other paid leave during these first two weeks), the employee receives 2/3 of their regular earnings, up to \$200/day. The employee cannot supplement their pay once they start receiving their 2/3 pay under EFMLA (TRC = COVM1). However, an employee may substitute available personal paid leave to receive full pay instead of 2/3 pay.

2. Does an employee have to be employed for at least 30 days to be eligible for these benefits?

Employees are eligible for Federal Emergency Paid Sick Leave from the first day of employment. Employees must have been employed for at least 30 days to be eligible for EFMLA.

3. How many hours of EPSL does a new LTE get?

The agency will need to grant hours based on the employee's expected schedule.

4. If an employee works an alternative schedule (ex. 10 hours/day), is the EPSL still capped at \$511/day (COVF1) or \$200/day (COVF4)?

Yes. The daily cap applies to the total number of hours of COVF used for the day. For example, if someone is using 4 hours of COVF4 leave and works for 4 hours, the COVF hours are capped at \$200/day, but the employee's regular work hours may push the employee's total pay for the day over \$200.

5. If an employee works 4 hours per day and takes 4 hours of EFMLA, does the \$200 day max apply to total pay for the day or just for the earnings under EFMLA?

The \$200 daily maximum only applies to hours covered by EFMLA.

6. If the employee uses EFMLA now due to childcare, do they get another bank of 12 weeks later in the year if they need it?

No, the total for FMLA remains at 12 weeks. The new law simply added a qualifying reason to include childcare needs resulting from the COVID-19 outbreak.

7. **Can we approve future-dated requests for EPSL for childcare purposes? We have requests that are a few months away already.**

Yes – if it’s a foreseeable need for childcare; however, advance approval could be contingent on the school or place of care still being closed at the future time.

Leave Substitution and Work Schedules

8. **Can an employee work extra hours in the week in lieu of using available leave to supplement the 2/3 rate of pay to care for a child while using EPSL (COVF4 TRC), i.e. apply the extra hours as supplement instead of leave?**

No, employees can supplement only by using available leave balances. If the employee worked extra hours that week, that would likely reduce the number of hours of the EPSL (COVF4 TRC) leave needed. Again, supplement is only available for EPSL – not when using EFMLA.

9. **Can an employee who earns more than \$511/day use COVF1 for only part of the day and use paid leave for part of the day to try to increase their earnings to their regular pay?**

No, there is no option to supplement earnings.

10. **If a non-essential employee has some work available, but not enough work is available for their full regular schedule, can the employee use EPSL (COVF1 TRC)?**

The employee would be eligible to use EPSL (COVF1 TRC) for the remainder of their regularly scheduled hours if there is work available but it can’t be performed remotely and the employee is not permitted in the office due to the Safer at Home Order.

NOTE: If there is no work, or reduced work, available for the employee because a business operation has shut down, the employee cannot use EPSL, but may be able to use State Paid Administrative Leave. This applies even if the reason the business operation has shut down was related to COVID-19. The availability of State Paid Administrative Leave ended May 11, 2020.

11. **If an employee is using ESPL (COVF4) for childcare, does the employee have to use COVF4 for full-day increments?**

No. Intermittent ESPL may be approved for increments of less than a full day when used for childcare.

12. **If an employee is using ESPL (COVF1) for their own illness, can it be used for a partial day or must it be used for a full day?**

If the employee was working on site and was sent home due to symptoms, the employee can use a partial day of COVF1 for the day in which the employee was sent home. Once the employee starts using the leave, it must be used in full day increments. See Question 19 on the [FFCRA DPM page](#) for details.

This is not enforced by STAR and should be monitored by the supervisor and payroll staff.

13. **If a doctor recommends an employee should self-isolate to mitigate a spouse’s chance of being exposed to COVID-19 because the spouse is in a “high risk” category but neither has symptoms, can the employee use EPSL (COVF1)?**

No. However, employees who provide a detailed letter from their medical practitioner may use personal paid or unpaid leave. Sick leave is available only as currently provided in state administrative code or collective bargaining agreements, which typically limit use to periods of actual sickness. Please contact the local HR manager with questions.

14. **If an employee crosses in to two different reasons for an absence (ex. they have been advised by a doctor to quarantine and they are a non-essential employee who can’t telework), is there a preference about which reason should be used for the leave?**

If there is a medical recommendation for the leave, it should be used as the primary reason for the absence and use of EPSL. Once the employee recovers, the employee can complete another EPSL request form due to lack of telework.

15. **Can LTEs use State Paid Administrative Leave instead of the 2/3 EPSL since they don’t have any other leave to supplement their earnings?**

No. Effective April 1, 2020, if any employee needs to use leave due to childcare responsibilities, the employee must use leave in the following order:

- All available Federal Emergency Paid Sick Leave
- All available Emergency FMLA paid at 2/3
- All other paid leave available
- State Paid Administrative Leave



State Paid Administrative Leave cannot be used to supplement 2/3 pay received under EPSL or EFMLA.

Note: Employees cannot choose to use State Paid Administrative Leave before EPSL or EFMLA. If the employee is eligible for one of the federal leave provisions, the employee is not eligible to use State Paid Administrative Leave.

Timesheet Entry and EPSL Allocations

16. **Do employees only get 10 days of ESPL, up to 80 hours? Is this regardless of how many hours they work (if it is under 80 hours)?**

EPSL is based on 80 hours, not 10 days. The 80 hours is prorated for part-time employees. Therefore, EPSL could be used by a full-time employee at 20 hours per week for four weeks.

17. **Do only punch time reporters have to report Federal Emergency Paid Sick Leave (EPSL) Used?**

No. All time reporter types (punch, elapsed, exception) must report any Federal Emergency Paid Sick Leave used or it will not be applied to their paycheck.

18. When can the employee start making time entries in STAR Employee Self Service?

All employees should first complete the EPSL request and authorization form prior to using the COVF codes in STAR HCM. As of April 9, 2020, all employees, other than healthcare providers and emergency responders, will see up to 80 hours (the amount of leave is prorated, if the employee is part-time) of EPSL available on the COVID19 page in ESS. This leave can be used beginning April 1, 2020 and is available until December 31, 2020. If an emergency responder or healthcare provider needs to use EPSL, the employee should first contact HR to complete the EPSL request and authorization form. A list of eligible employees should be provided to Central Payroll by 4pm each day to have leave allocated.

19. Did maintenance staff who are still working on site get an EPSL allocation?

It depends on their work location. Staff assigned to DOC, DHS and DVA facilities were excluded from the April 9, 2020 balance loads for employees because all staff are deemed first responders. However, if the employee contracts COVID-19 or is required to quarantine, they are eligible for EPSL and should follow the steps in the previous question. Maintenance staff assigned to places other than the DOC, DHS and DVA facilities will have a leave balance already available.

20. Are all employees who are deemed essential by state agencies (ex. Division of Motor Vehicle service center workers) exempt from eligibility for EPSL for childcare reasons? They don't seem to technically fall under USDOL's definition of "health care worker" or "emergency responder," but have been deemed essential by DMV administration.

Essential workers are not necessarily all either healthcare workers or emergency responders. Unless the agency has identified the essential worker as one of these two categories, the employees can use EPSL for childcare. In this case, although essential, the DMV staff are not yet identified as healthcare workers or emergency responders and are currently eligible.

21. Can all employees who have the EPSL loaded enter it on their timesheets with no additional steps or approvals?

From a technical standpoint – yes, the employee can enter EPSL on their timesheets. However, DPM has provided an EPSL request and authorization form that should be given to the employees to document the reason for the leave in compliance with the federal requirement. Some agencies are using an online request form with workflow and others are using a "paper" form so you should work with your agency HR staff to determine how the information is collected.

22. Can an employee use more than one EPSL code per day?

No. The employee can only use COVF1 or COVF4 for any given day. If an employee using COVF4 wants to supplement their 2/3 rate of pay provided by the code, the employee must also use COVA for each day the code is used, and supplement is desired. An employee is not required to supplement their pay.

23. Can an employee that is supplementing 2/3 pay receive more pay than normal for the day?

Yes. Due to payroll rounding processes, it is usually impossible to exactly match an employee's daily pay by supplementing the 2/3 pay with 1/3 of an hour of leave for each hour. Therefore, we are allowing an employee's daily pay to exceed the normal amount by the smallest increment of leave (.01 hour) necessary for the employee to attain their normal daily pay. We chose to allow the slightly higher pay rather than

forcing employees to be short on pay or not giving full value for each .01 hour increment of leave used. The [pay supplement calculator](#) is designed to show the greatest amount of leave which may be used to supplement the 2/3 pay each day.

24. If employees are regularly scheduled to work on the weekends and they enter EPSL hours on Saturday or Sunday, will they receive weekend differential?

No, the COVID codes are equivalent to leave codes and thus no night or weekend differentials apply.

25. If the employee is regularly scheduled to work after 6pm and they enter EPSL hours, will they receive nighttime differential?

No, the COVID codes are equivalent to leave codes and thus no night or weekend differentials apply. There is not a time of day associated with the leave.

26. Does the employee have to use the COVA (COVID-Hrs of Suppl Leave Used) TRC on each day that they use leave to supplement their 2/3 or can they just enter it on one day to account for the entire week?

All entries must be done on the same day. If leave is used to supplement earnings for the day, there must also be a COVA entry on the same day that equals the number of hours used to supplement earnings.

27. Why does the COVA TRC have to be entered when an employee is supplementing their 2/3 pay? What does it do?

If an employee uses paid leave to supplement their earnings, they also must use the COVA (COVID-Hrs of Suppl Leave Used) TRC to indicate the number of hours that they are using to supplement their pay. The COVA TRC will subtract these hours for the day, so the employee is only credited with up to their regularly scheduled hours for the day.

Note: If the number of COVF4 hours + the number of other paid leave hours (+ number of hours worked if applicable) are equal to or less than their regularly scheduled hours for the day, the employee should NOT use the COVA TRC. The COVA TRC should only be used to match the number of leave hours used to supplement pay.

Example:

09 COVF4 - COVID-Fed Sick Leave Chik ▾	8.00	🔍	4/6	+
VACTN - Paid Vacation Time Taken	2.67		4/6	+
09 COVA - COVID-Hrs of Suppl Leave U: ▾	2.67	🔍	4/6	+

If the above employee did not use the COVA for 2.67 hours, the employee would be credited with 10.67 hours for the day. The COVA code backs out the hours of supplemental leave for the day so WRS hours are reported correctly and sick leave and vacation accrues correctly.

28. Do Exception Time Reporters have to enter their hours worked for any day in which they work part of the day and use a COVID TRC for part of the day?

Yes. Exception time reporters who use COVID leave for part of a day need to fill in the rest of the day with regular hours. The system automatically back fills the rest of the day when an exception time reporter claims partial leave. But since COVID leave is a TRC, the system treats it as an override so the employee will be shorted if they don't also claim regular hours to add up to their regularly scheduled hours. The over/under reports should catch this so it's important not to ignore this situation. If the employee doesn't enter the hours worked for the day, the employee will NOT be paid for those hours.

4/12/2020 to Saturday 04/18/2020									
Sun 4/12	Mon 4/13	Tue 4/14	Wed 4/15	Thu 4/16	Fri 4/17	Sat 4/18	Total	Time Reporting Code	
			4.00	8.00	8.00		20.00	03 COVF1 - COVID-Fed Sick Leave Sr	
			4.00				4.00	01 REGLR - Regular Hours Worked	

Impact on WRS and Leave Accruals

29. If the employee doesn't supplement their pay under the 2/3 paid EPSL, will this affect WRS hours/earnings and their sick leave/vacation accruals?

Every hour of reported EPSL is treated like an hour worked/paid. For example, if the employee reports 8 hours of EPSL at 2/3 of their pay, they will:

- Receive 8 hours of WRS service and WRS earnings equal to total pay received for the day (WRS earnings are NOT adjusted up to their full FTE). If the employee is paid at 2/3 of their normal rate of pay, the WRS reported earnings for the day are 2/3 of their normal rate of pay.
 - WRS contributions will be taken on the 2/3 of their pay that is received
- Vacation and sick leave accrue on 8 hours

30. If the employee does supplement their pay under the 2/3 paid EPSL, what will the WRS reported earnings be?

Regardless of whether an employee supplements their pay, WRS earnings and contributions will be paid on what the employee is paid for the day. If the employee receives 2/3 of their pay, WRS earnings and contributions will be based on 2/3 of their pay. If the employee supplements their pay to their full regular earnings, the WRS earnings and contributions will be based on their earnings for the day.

31. Are EPSL hours included in WRS Lookback?

Yes, all EPSL hours are included in the WRS looks. Additionally, these hours count toward the 1039-hour limit for LTEs.

32. If the employee does supplement their 2/3 pay with paid leave, how will that affect sick leave and vacation accrual?

The accrual of sick and vacation leave will be the same regardless of whether an employee chooses to supplement the 2/3 pay. The employee is credited for a full hour in pay status for each hour of EPSL used. Supplementing the pay does not give the employee credit for more hours in pay status. Of course, vacation or sick leave used to supplement the pay will be deducted from the employee’s leave balances for the number of hours that the employee has chosen.

33. Can an employee change their mind about using EPSL versus other paid leave at the end of the year? For example, could they swap their leave either way at some point prior to the end of the year?

No. Once the COVID codes are entered on the timesheets and the payroll is confirmed, they may not be exchanged for other leave later in the year. The employee is also not eligible to retroactively go back and supplement with other leave.

Payroll Processing

34. Should we be running the High Exception Report daily to monitor for issues?

Yes, running the High Exception Report on a daily basis is very helpful.

35. Given that COVID leave hours aren’t going to Reported Hours on the timesheet, will all of the COVID hours appear on the Over/Under Report?

Central Payroll has made updates to the different Over/Under queries in order to improve accuracy and make sure all versions include the COVID codes. The 4 queries below are available:

Old Query Name	New Query Name	Source	FLSA Exempt or Non-exempt
WI_TL_OVER_UNDER_FTE_BY_PP	WI_TL_PAYABLE_OVER_UNDER_FTE	Timesheet	Both
WI_TL_PAYABLE_EXMPT_EXCEPTION	WI_TL_PAYABLE_OVER_UNDER_EX	Timesheet	Exempt
WI_TL_PAYABLE_NONEX_EXCEPTION	WI_TL_PAYABLE_OVER_UNDER_NONEX	Timesheet	Non-Exempt
WI_PAYROLL_UNDER_OVER_FTE	WI_PY_OVER_UNDER_FTE	Paycheck	Both

36. Are the hours associated with the COVID TRCs included in the Reported Hours calculation on the Timesheet?

No. The COVIDs TRCs are not included in the Reported Hours calculation on the Timesheet. You will need to review **Payable Time** to see the hours. As a reminder, the COVA hours will be a negative in **Payable Time** to offset the leave used to supplement earnings.

Reported Hours 29.35							Print Timesheet	
5/2020 to Saturday 04/11/2020 ?								
Mon 4/6	Tue 4/7	Wed 4/8	Thu 4/9	Fri 4/10	Sat 4/11	Total	Time Reporting Code	
0.92	0.59	0.84	1.00			3.35	03 COVA - COVID-Hrs of Suppl Leave	
2.75	1.75	2.50	3.00			10.00	03 COVF4 - COVID-Fed Sick Leave Cl	
1.00	0.50	0.50	0.50			2.50	01 REGLR - Regular Hours Worked	
5.25	6.75	4.00	5.50			21.50	01 REGLR - Regular Hours Worked	
		2.00				2.00	01 REGLR - Regular Hours Worked	
0.92	0.59	0.84	1.00			3.35	SICK - Paid Sick Leave	

04/06/2020	COVA	COVID-Hrs of Suppl Leave Used	Units	Needs Approval	-0.92
04/06/2020	COVF4	COVID-Fed Sick Leave Child/Fam	Units	Needs Approval	2.75
04/06/2020	REGLR	Regular Hours Worked	Hours	Needs Approval	5.25
04/06/2020	REGLR	Regular Hours Worked	Hours	Needs Approval	1.00
04/07/2020	COVA	COVID-Hrs of Suppl Leave Used	Units	Needs Approval	-0.59
04/07/2020	COVF4	COVID-Fed Sick Leave Child/Fam	Units	Needs Approval	1.75

37. If an employee makes an COVID-related entry mistake on their timesheet and it’s not caught until after the payroll confirms, can we go back and correct the timesheet or absence?

If the employee used an incorrect code or reported hours incorrectly, this can be fixed by payroll staff. You should not go back and allow employees to retroactively substitute leave for the 2/3 EPSL if it wasn’t initially entered.

38. Will the system prevent an employee from retroactively changing a COVID-related entry?

No. Agencies will need to monitor the Prior Pay Period Adjustment Report.

39. Have the COVID-19 TRCs (state/fed) been added to the LTE Hours Tracking Report?

Yes. The COVID-19 TRCs have been added to the LTE Hours Tracking Report.

Additional Resources

- [COVID-19 Administrator Resources Page](#)
- [Employee Guide to Paid Leave Available due to COVID-19](#)
- [Employee Self-Service COVID-19 Leave Entry Job Aid](#)
- [Manager Self-Service COVID-19 Leave Review, Entry and Approval Job Aid](#)
- [Federal Paid Sick Leave and Paid FMLA Leave During the Public Health Emergency Due to the COVID-19 Pandemic](#)