WAUPACA COUNTY
Families First Coronavirus Response Act / and related COVID-19 FAQ Sheet

1. **What is the effective date of the Families First Coronavirus Response Act (FFCRA), which includes the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act?**
   The FFCRA’s paid leave provisions are effective on April 1, 2020, and apply to leave taken between April 1, 2020, and December 31, 2020.

2. **Are the paid sick leave and expanded family and medical leave requirements retroactive?**
   No. These leaves are available beginning April 1st and remain available thru December 31st, 2020.

3. **If I used 80 hours Emergency Paid Sick Leave (EPSL) to provide childcare for my son/daughter and then experience COVID-19 symptoms or have to quarantine at a later date am I eligible for additional EPSL?**
   No. Employees are only entitled to a total maximum of 80 hours.

4. **May I take my Emergency Paid Sick Leave (EPSL) or expanded family and medical leave (EFLMA) intermittently while teleworking?**
   It depends.
   EPSL - If you are unable to telework your normal schedule of hours due to one of the qualifying reasons. You and your supervisor may agree that you may take EPSL intermittently while teleworking.
   
   EFMLA - Similarly, if you can verify that you are unable to perform any of your work remotely and an alternate schedule arrangement is unavailable because you need to care for your child whose school or place of care is closed, or child care provider is unavailable because of COVID-19 related reasons, your supervisor may agree to accommodate intermittent EFMLA while teleworking.

   Where intermittent leave is feasible it has to be taken in ½ or full day increments only.

5. **May I take my Emergency Paid Sick Leave (EPSL) or expanded family and medical leave (EFLMA) intermittently while working on-site?**
   Possibly. If your request is approved by Human Resources for qualifying reasons and you have received prior approval of your supervisor.
Intermittent EFMLA should be permitted only when you and your supervisor agree upon such a schedule. Please work closely with your supervisor(s) to best meet the staffing needs of your department, as well as, your own need for leave.

6. **Can I be required to use my PTO/VAC/COMP time before being able to use Emergency Paid Sick Leave (EPSL) or (EFMLA)?**
   
   No. You can request to use the new paid leaves beginning April 1st.

7. **What if I want to use my available ELB or use my 2021 PTO?**
   
   Up until available paid leave became available on April 1st Waupaca County permitted employees who had exhausted their 2020 PTO or other available leave to utilize ELB for reasons related to COVID-19. Now that paid leave is available under the FFCRA, ELB will only be available for standard FML qualifying reasons.

8. **May I take my EFMLA intermittently while my child’s school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, if I am not teleworking?**
   
   Yes, but only after your request is approved by Human Resources and you have received prior approval of your supervisor. Intermittent EFMLA should be permitted only when you and your supervisor agree upon such a schedule. Please work closely with your supervisor(s) to best meet the staffing needs of your department, as well as, your own need for leave.

9. **If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get Emergency Paid Sick Leave (EPSL), expanded family and medical leave (EFMLA), or both—how do they interact?**
   
   You may be eligible for both types of leave, but only for a total of twelve weeks of paid leave. You may take both EPSL and EFMLA to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

   The Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave. This period covers the first ten workdays of expanded family and medical leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless you elect to use existing vacation, personal, or medical or sick leave under your employer’s policy. After the first ten workdays have elapsed, you will receive 2/3 of your regular rate of pay for the hours you would have been scheduled to work in the subsequent ten weeks under the Emergency and Family Medical Leave Expansion Act.
Please note that you can only receive the additional ten weeks of expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act for leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

10. **Is all leave under the FML now paid leave?**
No. The only type of family and medical leave that is paid leave is EFMLA because the employee must care for a child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons. Other standard FML absences (serious health condition or caring for a family member with a serious health condition) are unpaid unless the employee substitutes paid accrued leave.

11. **If I’ve already used some FML for a non COVID-19 reason, am I still entitled to the EFMLA available for childcare?**
The total maximum allowable FML and EFMLA is 12 weeks. (The standard 12 weeks of FML is calculated on a 12 month rolling calendar year). Example: If an employee had used 4 weeks leave for a medical procedure they would be eligible for 8 weeks of additional leave for qualified FML reasons or childcare pursuant to EFMLA.

12. **If I elect to take paid sick leave or expanded family and medical leave, must my employer continue my health coverage? If I remain on leave beyond the maximum period of expanded family and medical leave, do I have a right to keep my health coverage?**
If you currently have health coverage you are entitled to continued health coverage during your expanded family and medical leave on the same terms as if you continued to work.

13. **How do I count hours worked by a part-time employee for purposes of paid sick leave or expanded family and medical leave?**
A part-time employee is entitled to leave for his or her average number of work hours in a two-week period. If the normal hours scheduled are unknown, or if the part-time employee’s schedule varies, Waupaca County will use a six-month average to calculate the average daily hours. Such a part-time employee may take paid sick leave for this number of hours per day for up to a two-week period, and may take expanded family and medical leave for the same number of hours per day up to ten weeks after that. If this calculation cannot be made because the employee has not been employed for at least six months, the number of hours used will be the number of hours the employee would work upon hiring.

14. **May an employer send home an employee involuntarily who has or is exhibiting symptoms of COVID-19?**
Yes. In response to the current COVID-19 outbreak, the Equal Employment Opportunity Commission states that advising workers with symptoms to go home is not a disability-related action if the illness is akin to seasonal influenza and is permitted under the Americans with Disabilities Act (ADA) if the illness is serious enough to pose a direct threat to the employee or coworkers. Further, the Centers for Disease Control (CDC) advises that employees with symptoms of acute respiratory illness and a fever (greater than 100.4 degrees Fahrenheit or 37.8 degrees Celsius, using an oral thermometer) should stay home.

15. **At this time is travel to any state subject to quarantine?**
Yes. Until further notice, any employee traveling out of state will be required to self-quarantine before returning to work for 14 days. The 14 days begins from the time the employee returns to Wisconsin.

16. **Are employees who are told by the County they need to self-isolate because of travel eligible for the Emergency Paid Sick Leave (EPSL)?**
No. Employees are only eligible for the Emergency Paid Sick Leave (EPSL) if they are ordered to self-quarantine by a federal, state, or local ruling or if advised by a health care professional.

17. **How do I record my time if I need to use either EPSL or EFMLA?**
Once you submit your request and it is approved the new codes will be added to your available job codes and you will be notified which pay codes to use for your particular qualifying reason.

18. **What staff are exempt from FFCRA because they are classified as “emergency responders” and “health care workers”?**
- Emergency Management Staff
- Medical Examiner
- Deputy Medical Examiners
- Certified Law Enforcement Officers
- Corrections Personnel
- TeleCommunicators
- Public Health Staff
- Social Workers/Case Managers/Registered Nurses and other professional staff in the Department of Health and Human Services providing direct response care to clients.
- Maintenance Staff (Jail & Courthouse)

19. **If Waupaca County reduces my scheduled work hours, can I use Emergency Paid Sick Leave (EPSL) or expanded family and medical leave (EFMLA) for the hours that I am no longer scheduled to work?**
No. If Waupaca County reduces your work hours because it does not have work for you to perform, you may not use EPSL or EFMLA for the hours that you are no longer scheduled to work. This is because you are not prevented from working those hours due to a COVID-19 qualifying reason, even if your reduction in hours was somehow related to COVID-19.

20. **If Waupaca County reduces my scheduled work hours, can I use PTO/VAC/COMP for the hours that I am no longer scheduled to work?**
   Yes. If Waupaca County reduces your work hours because it does not have work for you to perform, you may use PTO/VAC/COMP.

21. **Can Waupaca County reassign me to another position (or assign work) which was previously not my responsibility?**
   Yes. Employees may be reassigned to alternate available work as necessary to maintain the continuity of operations of Waupaca County.

22. **Do I have the right to refuse a reassignment?**
   We recognize these are difficult times for everyone and employees may not feel comfortable or safe performing alternate assignments; however, this is also a time when our citizens, clients and their families, etc. need our services most. They look to us for safety, support, guidance and to carry out the tasks we’ve been assigned. Your supervisors are faced with difficult decisions, and some of those decisions may include employee reassignments. Employees who refuse a reassignment may be disciplined up to and including termination.

23. **What if I don’t feel safe performing my job and refuse to work/or refuse certain tasks that are part of my job?**
   Please speak with your supervisor about any safety measures that may be available to you to perform your job in the safest means possible. Similar to the previous question, this is a time when our citizens, clients and their families, etc. need our services most. They look to us for support, guidance and to carry out our responsibilities. Employees who refuse to perform their work risk being disciplined up to and including termination. Failure to report to work will be considered abandoning your employment with Waupaca County.

24. **Can my supervisor refuse or rescind my VAC, PTO or COMP time off request?**
   In order to maintain adequate staffing and to ensure continuity of operations of Waupaca County it may be necessary to refuse or rescind time off requests.

25. **What if I’m not able to use my vacation by my anniversary date, or need to carryover more vacation that the current policy allows?**
Please contact your supervisor and request additional carryover time. If approved your supervisor will forward your request to Human Resources for carryover for up to 6 months.

26. **May I collect unemployment insurance benefits for time in which I receive pay for paid sick leave and/or expanded family and medical leave?**

No. If Waupaca County provides you EPSL or EFMLA for your qualifying reason, you are not eligible for unemployment insurance.

**DISCLAIMER:** Departments of Waupaca County government are actively monitoring the COVID-19 pandemic including its impact on our employees. Waupaca County reserves the right to adopt new policies and procedures affecting conditions of employment and benefits, or to modify, alter, change or cancel existing policies and procedures at any time due to rapidly changing circumstances. Federal, state and local authorities have and will continue to issue executive orders, guidance and pass legislation. When new or different policies and procedures related to this pandemic are required or recommended, including any modifications to the provisions of the Families First Coronavirus Response Act, Waupaca County will make appropriate changes and keep employees notified of these changes to the best of its ability. However, all employees are encouraged to take personal responsibility and to use resources available to stay up to date.