



GREG BROCKMEYER
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COUNTY OF DANE

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Date: April 8, 2021

To: All Employees

From: Greg Brockmeyer
Director of Administration

Subject: Proposed Temporary Exception to the Employee Benefit Handbook to add Emergency Family Medical Leave

Dane Co. Ord. §18.24(5)(a) authorizes the Director of Administration to make temporary exceptions to the Employee Benefit Handbook after reasonable notice to interested stakeholders. If requested, I will meet with interested stakeholders.

President Biden has recently signed the American Rescue Plan into law and this legislation allows for the extension of Emergency Family Medical Leave Act. This proposed Temporary Exception puts in place an extension of the Emergency Family Medical Leave Expansion Act that is permitted under the American Rescue Plan.

I am distributing the following proposed exception to employees, the appropriate Employee Group Representative, and any other interested stakeholders. If concerns regarding the implementation of the exception are raised, I will schedule a meeting with the parties.

Emergency Family Medical Leave

- 1. Authorizing Legislation.** The Families First Coronavirus Response Act of 2020 created Emergency Family Medical Leave Expansion Act. Emergency Family Medical Leave Expansion Act expired on December 31, 2020. The American Rescue Plan of 2021 allows employers to voluntarily extend these benefits until September 30, 2021.
- 2. Dane County's implementation.** Effective April 12, 2021, employees may apply for Emergency Family Medical Leave (EFML).
- 3. Reasons for Leave.** An employee may apply for Emergency Family Medical Leave (EFML) for any of the following reasons:
 - a. The employee has a COVID-19 diagnosis, is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or the employee has been exposed to COVID-19 and is seeking a COVID-19 test.
 - b. The employee is quarantined (including self-imposed quarantine), at the instruction of a health care provider, employer, or government official in order to prevent the spread of COVID-19.
 - c. The employee is caring for an immediate family member who has COVID-19 or is under a quarantine related to COVID-19

- d. The employee is caring for their child or other individual who is unable to care for themselves due to COVID-19 close of their school, child care facility, or other care program. This includes having to support their child with virtual school.
 - e. The employee is obtaining immunization related to COVID–19 or recovering from any injury, disability, illness, or condition related to such immunization.
- 4. Amount of Leave.** Under Emergency Family Medical Leave, Dane County will provide up to 12 weeks of paid leave to employees for a qualifying reason.
 - 5. Rate of Pay.** Dane County will provide employees with Emergency Family Medical Leave at rate not less than 2/3 (two thirds) of the employee’s regular rate of pay for the duration of the leave.
 - 6. Use by Date.** Leave must be used by October 9, the end of pay period 21B.
 - 7. Intermittent Use.** Intermittent use of EMFL is permitted.
 - 8. Application.** Application and supporting documents for the use of this leave is required. This is a separate application from traditional FMLA. This form will be available on DCINet.
 - 9. Interaction with Traditional Family Medical Leave Act.** This leave does not exhaust the benefits provided under the Federal Family and Medical Leave Act or the Wisconsin Family and Medical Leave Act.
 - 10. Interaction with 2021 Emergency COVID-19 Leave.** Employees must exhaust their 2021 Emergency COVID-19 Leave prior to using Emergency Family Medical Leave.
 - 11. Substitution of other leave.** Employees on an approved EFML leave may not use accrued leave in order to earn 100% pay.
 - 12. Limited Term Employees and Part-Time Employees.**
 - a. Limited Term Employees, are eligible for this benefit, provided that they have worked for Dane County in the last 30 days.
 - b. Part-time employees are also eligible.
 - c. For employees who position is less than 1.0 FTE and for Limited Term Employees (LTEs) hired before April 12, 2021, the amount of time in a week will be calculated based on the average number of hours worked in the prior six months – between pay periods 7A of 2021 and 22B of 2020.
 - d. For LTEs hired after April 12, 2021, the amount of time in a week will be calculated on the estimated weekly work hours that Departments complete on the Employee Action Form submitted to Employee Relations.
 - 13. Subject to additional Regulation.** This benefit is subject to additional Federal regulation and guidance and may be amended.