

RESOLUTION NO. 2020-22

RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA: DESIGNATION OF "EMERGENCY RESPONDER" EMPLOYEES UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

WHEREAS, in December 2019, a novel strain of the coronavirus was detected, now named COVID-19, that has spread throughout the world, including every state in the United States;

WHEREAS, on January 3, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern;

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency to direct all resources needed to respond to and contain COVID-19 in Wisconsin;

WHEREAS, on March 13, 2020, President Donald Trump proclaimed a National Emergency concerning COVID- 19;

WHEREAS, on March 18, 2020, the Village of Caledonia declared a local state of emergency;

WHEREAS, on March 18, 2020, President Donald Trump signed the Families First Coronavirus Response Act ("FFCRA"), which expands the Family and Medical Leave Act (Emergency Family and Medical Leave Expansion Act), and creates a paid sick leave entitlement for certain eligible employees (the "Emergency Paid Sick Leave Act");

WHEREAS, the provisions of the FFCRA allows employers to exempt "emergency responders" and "health care provider" from provisions of the FFCRA;

WHEREAS, on March 24, 2020, the State of Wisconsin issued a Safer at Home Emergency Order, Emergency Order #12, in response to the emergency (the "Safer at Home Order");

WHEREAS, Paragraphs 1 and 12 of the Safer at Home Order recognize that all services provided by local governments to ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public are considered "Essential Governmental Functions" that must continue during the duration of the Safer at Home Order;

WHEREAS, the Safer at Home Order categorically exempts broad categories of local government employees from the restrictions contained therein and otherwise provides local governments with broad discretion to identify employees and contractors necessary for the performance of a local government's "Essential Governmental Functions;" and

WHEREAS, the purpose of this Resolution is to provide the process for identifying employees, categories of employment, positions and/or departments that are "emergency responders" under the FFCRA and, as a result, exempt from the provisions of the FFCRA.

NOW, THEREFORE, BE IT RESOLVED:

1. The following positions in the Village of Caledonia are hereby designated as "emergency responder" for purposes of the application and implementation of the FFCRA:

- Village Administrator
- HR Director/Assistant Administrator
- Police Chief
- Deputy Chief
- Police Lieutenants
- Police Sergeants
- Police Officers
- Police Detectives
- All sworn law enforcement personnel
- Fire Chief
- Battalion Chiefs
- Fire Lieutenants
- Firefighters/Paramedics
- All firefighting personnel
- Utility Director
- Utility Operations Supervisor
- Senior Utility Field Operator
- Utility District Operators/Apprentices
- Public Works Director
- Highway Operations Supervisor
- Highway Lead
- Highway Operators
- Health Department personnel

2. It is the intent of this Resolution to define the terms “emergency responder” in the broadest sense possible consistent with the law in an effort to ensure and continue our essential functions during this pandemic and time of emergency. Final determinations regarding the definition of emergency responder and/or health care provider as applied to any employment position with the Village shall be determined by the Village Administrator, with such decision being final.

3. This Resolution ratifies the designations in the Families First Coronavirus Response Act: Public Health Emergency Family and Medical Leave Policy Addendum to the Village's FMLA Policy and the Families First Coronavirus Response Act Emergency Paid Sick Leave Policy effective March 31, 2020 under the authority of the emergency proclamation and emergency declarations of the Village.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 6th day of April, 2020.

VILLAGE OF CALEDONIA

By: _____

James R. Dobbs
Village President

Attest: _____

Karie Pope
Village Clerk