

RESOLUTION NO. 2020-23

RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA TO RATIFY THE EMERGENCY PROCLAMATION APPROVED BY THE VILLAGE PRESIDENT PERTAINING TO THE COVID-19 PANDEMIC AND DECLARATION OF EMERGENCY AND ALL ACTIONS TAKEN THEREUNDER INCLUDING THE ADOPTION OF THE COVID-19 EMPLOYMENT AND EMPLOYEE CONDITIONS POLICY, 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

WHEREAS, on January 3, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern namely the COVID-19 Pandemic, that has impacted the Village of Caledonia and

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, 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 (Emergency Paid Sick Leave Act); and

WHEREAS, because of such emergency conditions, the Governing Body was and is unable to meet with promptness and pursuant to sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, as the chief executive officer of the Village of Caledonia, the Village President proclaimed a state of emergency in effect from March 18, 2020 until the Village Board could meet on the Proclamation attached hereto and incorporated herein as **Exhibit A** (the "Village President's Proclamation").

NOW, THEREFORE BE IT RESOLVED that the Governing Body of Village of Caledonia, does hereby ratify the Village President's Proclamation and all actions taken thereunder by the Village and Village President; and

BE IT FURTHER RESOLVED, that the Governing Body of the Village Board of the Village of Caledonia hereby declares a State of Emergency, which continues and extends the powers granted by the Village President's Proclamation; and

BE IT FURTHER RESOLVED, that the Village President is hereby authorized and directed, working with Federal, State and other local authorities, to take all reasonable and necessary steps to prevent exposure to and/or spread of the COVID-19 coronavirus within the

Village of Caledonia including but not limited to those duties specified within Chapter 4 of the Village's Municipal Code and Chapter 323 of the Wisconsin Statutes..

BE IT FURTHER RESOLVED, that Village President, is hereby authorized to undertake, as the emergency situation may warrant and if inadequate time exists to convene a regular meeting of the Village Board, such purchases of goods and materials, such purchases of services, and the procurement of such labor force costs as may prove necessary to address emergency conditions as they arise, and to authorize payment of invoices and expenses for continued operations of the Village as set forth in the Proclamation; and

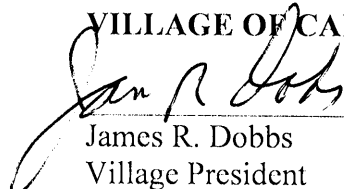
BE IT FURTHER RESOLVED, that the Village President is authorized to call and authorize such meetings of the Village Board and other Village bodies as are necessary to address conditions and conduct such business as deemed necessary, including the convening of meetings via telephone, electronic or other unconventional means, and including authority to waive any procedural impediments that would otherwise apply, provided that even such meetings shall comply with the letter and spirit of all applicable state laws and Village ordinances to the maximum extent possible under the circumstances, including allowing the public to listen to telephonic meetings and/or view meeting electronically and suspending any requirements for a citizen comment period on any Village meeting agenda while this Declaration is in effect; and

BE IT FURTHER RESOLVED, that the Covid-19 Employment and Employee Conditions Policy dated March 19, 2020, the Families First Coronavirus Response Act: Public Health Emergency Family and Medical Leave Policy Addendum to the Village's FMLA Policy dated March 31, 2020 and the Families First Coronavirus Response Act Emergency Paid Sick Leave Policy dated March 31, 2020 attached hereto as **Exhibits B, C and D** respectively as approved by the Village President and implemented by Village Staff under the emergency powers are hereby ratified effective as of the indicated dates and shall remain in effect until December 31, 2020 unless otherwise terminated by the Village Board, separate from the period of emergency under this Resolution.

BE IT FURTHER RESOLVED, the initial period for this emergency, originally proclaimed through April 17, 2020, by the Village President, is hereby extended until June 1, 2020 unless further extended by action of the Village Board.

Adopted by the Village Board of the Village of Caledonia at a duly noticed meeting, this 6th day of April, 2020.

VILLAGE OF CALEDONIA


James R. Dobbs
Village President


Karie Pope
Village Clerk



VILLAGE OF CALEDONIA
Proclamation of State of Emergency

WHEREAS, the World Health Organization designated the 2019 novel Coronavirus outbreak as a Public Health Emergency of International Concern; the United States Health and Human Services Secretary Alex M. Azar II declared a Public Health Emergency for the entire United States to aid the nation’s healthcare community in responding to the 2019 novel Coronavirus “COVID-19.” COVID-19 is a contagious, and at times fatal, respiratory disease; the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States, significantly affect the lives and health of our people, as well as the economy, and is a disaster that impacts the health, security and safety of the public; and

WHEREAS, on or about March 13, 2020, the State of Wisconsin and the federal government declared a State of Emergency, due to the COVID-19 pandemic; and

WHEREAS, on or about March 13, 2020, Racine County issued a Declaration of Emergency due to the COVID-19 pandemic; and

WHEREAS, on or about March 13, 2020, March 16, 2020 and March 17, 2020, the State of Wisconsin declared a public health emergency and issued orders closing schools, limiting gatherings of more than 10 people, closed restaurants and bars to in-dining consumption, and made several other orders due to the COVID-19 pandemic; and

WHEREAS, the COVID-19 Pandemic has impacted, or is expected to impact the Village of Caledonia, Wisconsin and these conditions pose a continuing and substantial threat to public order, life, health and safety of the citizens of the Village; and

WHEREAS, as of March 17, 2020, there were 72 confirmed cases of COVID-19 in the State of Wisconsin, including in the counties of Fond du Lac, Milwaukee, Dane, Kenosha, Pierce, Racine, Outagamie, Sheboygan, Waukesha, Wood and Winnebago; and

WHEREAS, the CDC expects that widespread transmission of COVID-19 in the United States will occur, and that in the coming months, most of the U.S. population will be exposed to this virus; and

WHEREAS, the CDC anticipates that widespread transmission of COVID-19 could translate into large numbers of people needing medical care at the same time, causing public health and healthcare systems to become overloaded, and affecting other critical infrastructure, such as law enforcement, emergency medical services, and sectors of the transportation industry; and

WHEREAS, there is currently no vaccine to protect against COVID-19 and no medications approved to treat it; instead the best way to prevent infection is to avoid being exposed to the virus, which also delays the spread of the virus and reduces the impact of disease; and

WHEREAS, the Village in cooperation with the local, state and federal governmental entities desires to take action to prevent exposure to and spread of the COVID-19 coronavirus; and

WHEREAS, because of emergency conditions, the Village Board of the Village of Caledonia is unable to meet with promptness and in person; and

WHEREAS, pursuant to sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes it is necessary and expedient for the health, safety, welfare and good order of the Village of Caledonia to proclaim that emergency conditions exist; and

WHEREAS, these emergency conditions require a proactive response to stop the spread of COVID-19, including providing support to implement federal, state, and county public health operations and recommendations; and

WHEREAS, the emergency will cause the Village of Caledonia to extend, commit and exhaust its pertinent available resources; and

WHEREAS, the Village of Caledonia requests State assistance and advises the State of Wisconsin of our emergency conditions:

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, that pursuant to Sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, in order to protect the public peace, health and safety, preserve lives and property, economic stability, and insure cooperation and coordination, as the Village President, of the Village of Caledonia, Wisconsin, I hereby proclaim a local State of Emergency, and I hereby:

- Authorize such purchases of additional goods, materials and services necessary for the continued operation of the Village during this State of Emergency upon approval by the Village President;
- Authorize the procurement of such labor force costs as may prove necessary to address emergency conditions as they arise and upon approval by the Village President;
- Authorize the payment of expenses authorized by Village Budget and additional expenses caused by the State of Emergency, after review by Department Heads, the Finance Director, and the Village President;
- Authorize an interim COVID-19 employment and employee conditions policy to be reviewed and approved by the Village President;
- Authorize such meetings of the Village Board and other Village bodies and staff as are necessary to address conditions and conduct such business as deemed necessary, including the convening of meetings via telephone, electronic or other unconventional means, and including authority to waive any procedural impediments that would otherwise apply, provided that even such meetings shall

comply with the letter and spirit of all applicable State and Village ordinances to the maximum extent possible under the circumstances including allowing public access via other means, such as audio or video conferencing, where such access can be reasonably arranged for.

- Suspend any requirements for a citizen comment period on any Village meeting agenda while this Proclamation is in effect until reasonable arrangements can be made that are not disruptive to the meeting; and
- Request Assistance from the State and advise the State of Wisconsin of our emergency situation.

BE IT FURTHER RESOLVED THAT, during the State of Emergency, it is hereby ordered that the full allocation of Village resources be available to ensure the continuation of core Village services in the midst of the pandemic and that the Village of Caledonia will make all of its resources available to adopt, implement, and support all actions and recommendations of Federal, State, County and local public health officers and agencies; and

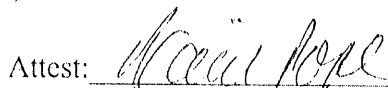
BE IT FURTHER RESOLVED THAT, in anticipation of federal and state relief and reimbursement becoming available, all Village departments shall track expenses related to efforts to protect the public and prevent the spread of COVID-19, and other public sector entities within the Village are encouraged to do the same; and

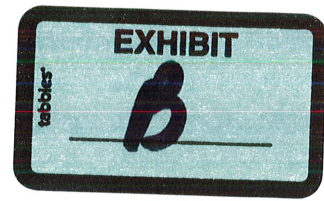
BE IT FURTHER RESOLVED THAT, the Village Administrator, or in his absence, the Assistant Village Administrator, who have charge and control of Village facilities are hereby authorized and directed to take such actions, including but not limited to, the rescheduling and cancelling of events and limiting public access to portions of their facilities, as they deem reasonable and necessary to prevent exposure to and/or spread of the COVID-19 coronavirus; and

BE IT FURTHER RESOLVED THAT, this Proclamation shall take effect immediately and shall continue in effect until April 17, 2020 at 11:59 p.m. or such earlier time as a quorum of the Village Board convenes and rescinds the Proclamation or acts directly on a Declaration of Emergency either by resolution or ordinance. Under 323.14(4)(b), Wis. Stats., this proclamation shall be subject to ratification, alteration, modification or repeal by the governing body as soon as that body can meet, but the subsequent action taken by the governing body shall not affect the proper validity of this proclamation. As Chief Elected Official of the Village of Caledonia in testimony whereof I, Village President James R. Dobbs, have hereto set my hand.

Dated this 18 day of MARCH, 2020


James R. Dobbs, Village President

Attest: 
Karie Pope, Village Clerk



Village of Caledonia COVID-19 employment and employee conditions policy

COVID-19 has presented unique and unprecedented challenges and as a result the Village is implementing this temporary Policy, effective immediately. This temporary Policy is subject to immediate amendment with or without notice to employees. Employees should expect this policy will be revised as this situation is fluid and changing thus necessitating that the Village continue to monitor and make changes as necessary.

The Village of Caledonia is responsible for maintaining a host of operations during all times of crisis and emergency to the best of the Village's ability. If all staff are out sick, our public service systems could be compromised.

The Village is committed to protecting the workplace in the event of an infectious disease outbreak. One of our key priorities is the health and safety of our employees. We understand concerns about Coronavirus (COVID-19) are top of mind for our employees, and we want to share information about how we are responding. The Village will be implementing the following expectations and steps immediately to help prevent or minimize the spread and infection rate of COVID-19 and to help ensure continued Village operations.

What is Coronavirus (COVID-19)? The Coronavirus (COVID-19) was first identified in December 2019 in Wuhan, China. It is a respiratory illness and is related to MERS and SARS, both coronaviruses. Health experts are concerned because little is known about this new respiratory virus, and it can cause severe illness and pneumonia in some people.

Symptoms and Prevention Methods. The risk for COVID-19 remains low for Wisconsin residents at this time. We are monitoring the CDC's real-time updates on the status and we will follow all State and CDC guidelines if there are additional confirmed cases within our community. Symptoms can include fever, cough, and shortness of breath.

Our employees must pay attention to how they are feeling and how to prevent spreading germs. The main way COVID-19 is spread to others is when an infected person coughs or sneezes. This is similar to how influenza is spread. When someone coughs or sneezes, other people near them can breathe in those droplets. The virus can also spread when someone touches an object with the virus on it. If that person touches their mouth, face, or eyes, the virus can make them sick. Hand-washing and avoiding other people if an employee feels unwell are important.

Employees are always encouraged to engage in good hygiene practices while at work, especially hand washing with soap and water or, if water is not available, using alcohol-based disposable hand wipes or gel sanitizers. Employees must take these steps to help prevent the spread of respiratory viruses:

- Cleanliness.
 - Wash your hands often with soap and water for at least 20 seconds, especially before eating and after going to the bathroom, blowing your nose, coughing, or sneezing.
 - If you do not have soap and water, use an alcohol-based hand sanitizer with at least 60% alcohol.
 - Avoid touching your eyes, nose, and mouth with unwashed hands.
 - Avoid close contact with people who are sick.
 - Stay home when you are sick.
 - Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Workplace practices.
 - Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.
 - Avoid community dispensers such as a common coffee pot or fountain. If you choose to use these items, make sure to wash your hands immediately after touching the location.
 - Do not bring or purchase open foods items that are shared between the staff. Examples are cookies, cake or pizza. Employees may bring prepackaged items such as individually wrapped granola bars or bottled soda.
 - Refrain from handshakes when greeting colleagues, clients and visitors. Practice CDC recommended social distancing (6 feet).
 - All employees shall be restricted to their own computer and phone and shall not use other employees' phones or computers. If communal utilization of a computer (device) is necessary, then clean the device surfaces and wash your hands.
 - Employees will be assigned an individual truck or vehicle (if applicable) for use during work. During certain times this may be tough to accomplish. If you do use another person's vehicle, wash your hands before and after.
 - Any time a piece of equipment is worked on that pumps or transfers sewage, all attending employees must wear Tyvek suit, rubber gloves and full-face protection to prevent any splashing of sewage onto their body or into any body openings such as eyes, nose or mouth. When the task is completed, the employee must shower down with a disinfectant.

We have posted signs as reminders to wash hands and cover your cough. In addition, we have hand sanitizer dispensers and disinfectant materials available for use throughout the office by our employees and visitors. Please do not remove these items from their current locations. We are regularly sanitizing surfaces throughout the office to reduce the spread of illness. Employees should further this commitment by identifying areas requiring cleaning and notifying his or her supervisor.

Exposure. As we are responsible for providing important services to our community, employees must follow these expectations:

- If you have been exposed to the virus. You must immediately call Toni Muise and your supervisor before reporting to work. You should self-quarantine for 14 days. You must cooperate with the Village's efforts to minimize infection to others. You cannot physically interact with your coworkers. You cannot report to any Village premises without first receiving authorization from the Village Administrator.
- If you are experiencing symptoms related to COVID-19. You must immediately call Toni Muise and your supervisor before reporting to work. Experts recommend that you use the telemedicine tools available to you through your health insurance carrier unless your symptoms are severe. These providers have been specifically trained to assess and provide you with instructions in the event they suspect that you may have contracted the virus. Further, the CDC also recommends that you call your doctor's office first, before visiting the office, urgent care or the emergency room.
- If you just are feeling ill. If you are generally feeling ill or experiencing acute respiratory illness symptoms then please report the illness to your supervisor and Toni Muise so that we may take the necessary steps to assist you and take precautions to prevent others from becoming ill. This may include isolating you from other employees and sending you home.
- If we observe that you are ill. If we observe that you are exhibiting symptoms or restrictions on the performance of your duties, then we may send you home from work. Any employee who comes in with observable symptoms of an infection will be sent home.
- If you believe you contracted COVID-19 due to your job. If you believe you contracted COVID-19 due to your job, then you must immediately contact Toni Muise and provide the factual circumstances supporting your belief. The Village's worker's compensation insurer will then be notified. You will be required to complete the CVMIC Workers Compensation first report of injury forms.

For any of the exposure circumstances above, the Village may require you to work from home if practical and if you are able or the Village may allow you to use paid leave.

To ensure our employees' rights are protected, eligible employees may be provided with FMLA paperwork during this time for completion. The Village may also designate leave as FMLA leave under certain circumstances.

Travel

Vacations and other paid time off must have been scheduled before March 19, 2020 in order to be approved authorized leaves until further notice from the Village Administrator. All vacations and other paid time off not presently approved already shall be suspended and the Village reserves the right to cancel vacations and other time off as necessary. Based on what is transpiring, the Village is anticipating an increasing likelihood of community quarantine at this time and the Village needs staff here to deal with possible challenges that may present.

If you are planning to travel, then please follow the CDC's travel guidance and recommended travel hygiene practices to disinfect hotel, airplane and rental car surfaces. Steps before international travel include, checking the CDC's Traveler's Health Notices for each state and country before traveling. Do not travel if you have symptoms of acute respiratory illness. Employees that disregard U.S. State orders or restrictions on travel will not be compensated.

If you become ill while traveling please immediately contact Toni Muisse before returning to work. If you will be traveling out of state, we ask that you notify your supervisor and Toni Muisse. If you have traveled internationally or to an affected area and have not notified us, please contact Toni Muisse and your supervisor.

If you have symptoms upon arriving home, you must contact your supervisor and Toni Muisse to determine your eligibility to return to work.

The Village will follow CDC, Wisconsin Department of Health Services, and Central Racine County Public Health Department travel quarantine recommendations and may require employees to not return to work or attend work-related activities for 14 days. The exact parameters for quarantine and/or monitoring will be determined by the Village after considering information public health department and provided on a case by case basis to minimize potential risks to the health and safety of our work environment and the community. Employees who choose to go on vacation using a public form of transportation such as a plane, train or boat, should expect to be quarantined from work.

The Village may require you to refrain from returning to work for a period of time, approximately 14 days after you return. This determination will be made by the Village Administrator and will be decided on a case-by-case basis. During this period of required absence, the Village may require you to use paid leave if remote work is not an available option.

Alternative Work Assignments or Department full- or partial-closure. The Village may close a work area or a department in full- or partial- closure and for full- or partial-work days. Village employees who are scheduled and capable of working (not employees who are on authorized leave or quarantine) who are prohibited by the Village from reporting for duty and not working remote assignments will continue to receive pay for lost Village wages based on not being able to work his or her approved scheduled shifts for the first ten work days (or prorated for part time employees) of the closure provided the employee remains available during those scheduled hours for routine calls and other

tasks and is able to work. An employee who suffers exposure based on any situation described above will not be eligible for pay continuation during all or part of this period.

During a closure, staff may still be required to report to work and provide non-public related tasks/responsibilities. Staff may be assigned to other departments during the emergency. We ask that you do your best. The emergency may create stressful situations, if you are feeling overwhelmed please seek assistance. The Village offers an EAP (Employee Assistance Program) through Humana for all employees. For free and confidential assistance, call 1-866-440-6556 or visit [Humana.com/eap](https://www.humana.com/eap). Username: eap3 Password: eap3

The Village will revisit whether to continue wage compensation should a closure last more than ten days. The Village will consider additional guidance from the state, federal and local governments and will also evaluate changes in the law regarding employee access to unemployment compensation benefits. While the Village desires for any closure to be short in duration and minimally disruptive to our employees, our employees should budget accordingly for the possibility of long-term reductions in available work time without compensation.

This Section involving closures does not apply to sworn police department personnel, fire department personnel and salaried exempt personnel.

Staying Informed. We will continue to monitor the situation and provide you with updates and guidance as it becomes available from the CDC as well as State and local health departments. This information can be found by visiting the Centers for Disease Control (CDC) website, which includes “Need to Know” information from symptoms, prevention, and FAQs, as well as the State Department of Health Services.

Ultimately, we encourage everyone to make responsible decisions and stay home if they are sick.

For current and accurate information, please visit the following websites:

- Centers for Disease Control & Prevention: <https://www.cdc.gov/coronavirus/2019-ncov/>
- Wisconsin Department of Health Services: <https://www.dhs.wisconsin.gov/disease/covid-19.htm>
- Central Racine County Public Health Department: 262-898-4460 or <https://crchd.com/>

If you have any questions or concerns, please contact Toni Muise 262-835-6412 or your supervisor.

This policy supersedes only the sections of the Personnel Manual which conflict with anything described above. All other provisions of the Personnel Manual and/or contracts or general orders remain intact and in effect concurrent with the pandemic emergency policy.

March 19, 2020

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March 19, 2020

MEMORANDUM

TO: All Employees

FROM: Ms. Toni Muise, Assistant Village Administrator/Human Resources Director

DATE: March 31, 2020

RE: Families First Coronavirus Response Act and Notice of New Village Policies

The pandemic spread of the COVID-19 virus ("coronavirus") has affected our daily lives profoundly. We are now under declarations of National, State and Local States of Emergency. On Wednesday, March 18, 2020, the Families First Coronavirus Response Act ("FFCRA") was signed into law. As a result of this new law, the Village brings to your attention two new workplace policies that are scheduled to take effect on April 1, 2020. The Village is adopting these policies in order comply with the recently enacted FFCRA, and in furtherance of our Village-wide effort to limit the spread of coronavirus among our employees and the general public while maintaining staffing and availability of emergency responders to maintain public health, order, safety, and essential services. Please find attached the Village's Public Health Emergency: Family and Medical Leave Policy and the Emergency Paid Sick Leave Policy required by the FFCRA.

Both policies provide eligible employees with entitlement to paid leaves of absence necessitated by the coronavirus. Please review the policies carefully, as they contain important information regarding eligibility, rights, and responsibilities for paid and unpaid leave. The rights and responsibilities identified in the policies reflect those which are established under the applicable provisions of the FFCRA. The benefits available under these policies take effect beginning April 1, 2020 and sunset on December 31, 2020. Please note that, unless you are notified of revisions to other Village policies, they will remain in full force and effect.

Further guidance on the FFCRA is forthcoming from the appropriate governmental agencies. When that guidance is issued, we may be required to make changes to these policies. We will provide you with those changes. In the meantime, we strongly encourage you to familiarize yourself with the Emergency Paid Sick Leave Policy and the Public Health Emergency: Family and Medical Leave Policy.

For those classified as Emergency Responders:

For full-time employees who are classified as emergency responders and exempted from the EFMLEA and EPSLA provisions of the FFCRA and who are eligible to earn paid sick leave under the Village's current personnel policies, the Village will provide up to 80

hours of additional paid leave to be used during the first fourteen calendar days by those emergency responders who are unable to work (or telework) due to the following reasons:

- i. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- ii. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- iii. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

The Village may follow up with an employee requesting such leave to obtain additional information and to advise the employee of other benefits available including FMLA benefits to run concurrently where permitted. The employee may also use his or her own paid leave.

Emergency responders may request this leave either orally or in writing, including by email to the Assistant Village Administrator. This Emergency Responder Sick Leave expires on June 30, 2020, unless extended by written notice by the Village Administrator but not to exceed December 31, 2020. The Village may also eliminate eligibility for this benefit at any time, particularly if the Village choose to modify exemptions of employees for EPSLA benefits. This paragraph regarding this added Village-provided emergency responder sick leave benefit does not apply to employees covered by a collective bargaining agreement unless agreed to by the collective bargaining representative and Village.

Please direct all related inquiries to me. I am happy to discuss these policies with you and how they may affect your unique circumstances.



Families First Coronavirus Response Act: Public Health Emergency Family and Medical Leave Policy Addendum to the Village's FMLA Policy

The Emergency Family and Medical Leave Expansion Act ("EFMLEA"), an amendment to the federal Family and Medical Leave Act ("FMLA"), is part of the Families First Coronavirus Response Act ("FFCRA"). The goal of the EFMLEA is to allow for use of up to twelve weeks of federal FMLA leave during the COVID-19 crisis. The law permits an eligible employee to take leave when the employee is unable to work (or telework) due to a need for leave to care for the son or daughter (under 18 years of age) of the employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable due to a public health emergency.

The Village endeavors to provide and maintain a safe and healthy workplace and is equally committed to complying with all applicable laws. Accordingly, the Village has established this EFMLEA Policy Addendum to our FMLA policy to ensure that employees are informed of their rights and responsibilities as they relate to family and medical leave provided under the EFMLEA. Leave under the EFMLEA provides one additional reason for leave protected under the FMLA. There is variance between some provisions of the EFMLEA and the FMLA however, so we recommend careful review of this Policy. Should you have any questions about this Policy, please contact the Human Resources Director/Assistant Village Administrator.

A. ELIGIBILITY AND REQUESTS FOR LEAVE

Employees who have been employed by the Village for at least 30 calendar days and who are eligible under this Policy may be entitled to leave under this Policy. Eligible employees with a qualifying need related to a public health emergency, as described in Section B below, may be eligible for up to 12 weeks of EFMLEA leave. This 12-week entitlement, however, will be reduced by FMLA leave otherwise taken by an employee under the Village's FMLA Policy.

Eligible employees must provide the Village with notice of their need for leave under this Policy as soon as reasonably practicable. Notice should be provided either orally, telephonically, or in writing, including e-mail to the Human Resources Director/Assistant Village Administrator, or the Village Administrator in her absence. Requests for leave should not be conveyed via voicemail unless circumstances prevent other forms of communication. The failure to provide notice of your need for leave may result in an unauthorized absence from work.

Employees who are classified as emergency responders are not eligible for leave or the benefits available under this policy, or the FFCRA pursuant to Section 3105 of the FFCRA. The Village has classified the following positions as emergency responders for purposes of this policy:

- 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

The nature of the work performed by these employees, the possible need for additional staffing, and the exigent and dire circumstances that may exist when these employees are needed most necessitates their availability as emergency responders. The Village may amend this list of emergency responders at any time.

B. QUALIFYING NEED RELATED TO A PUBLIC HEALTH EMERGENCY

The EFMLEA entitles an eligible employee to seek leave to when the employee is **unable to work (or telework)** due to a need to care for the son or daughter (under 18 years of age) of the employee, if the child's school or place of care has been closed, or the child care provider of such son or daughter is unavailable due to a public health emergency.

C. COMPENSATION AND BENEFITS DURING LEAVE

Protected leave under this Policy may consist of a combination of both unpaid and paid leave periods. The first 10 workdays for which an employee takes leave under this Policy are unpaid. While not required, employees may elect to substitute any accrued paid leave benefits available to the employee to cover the first 10 workdays of unpaid leave, including but not limited to, any paid sick leave to which the employee is entitled under the Emergency Paid Sick Leave Policy. To substitute paid leave for the otherwise unpaid period, the employee must satisfy all requirements for taking the accrued leave.

Any leave under this Policy taken after 10 workdays is paid as required by law. For each day of leave the employee takes after 10 workdays, the employee will be compensated in an amount equal to two-thirds of the employee's regular rate of pay multiplied by the number of hours the employee would normally be scheduled to work. In no event shall pay while on EFMLEA leave exceed \$200 per day, and \$10,000 in the aggregate.

During an approved leave of absence under this Policy, the Village will continue to make available to the employee the same insurance benefits which are available to similar employees who are not on leave. The employee on leave will continue to have responsibility to contribute his or her portion of any employee-paid premium during leave. If the employee is paid during the leave period, then the premium will be deducted from the employee's pay. If the leave is unpaid, then the employee is responsible for arranging with the Human Resources Director/Assistant Village Administrator the payment of his or her share of the premium during the period of leave.

Upon termination from employment, any remaining premium amounts due from the employee for unpaid coverage will be deducted from the employee's final check, if permitted by law. The failure to make timely premium payments may result in the loss of benefits.

No employee will lose any accrued seniority or benefits while on this protected leave; however, additional seniority and benefits will not accrue during any unpaid period of leave.

D. VERIFICATION OF NEED

For EFMLEA leave under this Policy, a health care provider certification will not be required. The employee may need to provide information supporting the need for EFMLEA Leave. That information may include information that demonstrates the basis for the need to care for the son or daughter under age 18 that makes the employee unable to work (or telework) in circumstances when the child's school or place of care is closed or the child care provider of such son or daughter is unavailable due to a public health emergency. Among other considerations, the Village will assess whether spouses or other family members are available to provide needed care thus eliminating the employee's need for the EFMLEA Leave.

Employees who wish to take a medical leave of absence for a serious health condition, for the employee or to provide needed care for an eligible family member, may seek leave under the Village's standard FMLA policy. Such leave would not be by the EFMLEA policy addendum. See the FMLA Policy for the procedures for requesting FMLA leave under Village policy including certification requirements for FMLA leave.

E. RETURNING FROM EFMLEA LEAVE

Where possible, employees on EFMLEA leave should provide the Village with at least 2 weeks written notice of their intent to return to work, but under no circumstances may an employee provide fewer than 2 workdays notice of their intent to return to work, if returning early. Any employee who returns from leave within 12 weeks, or the lesser amount of leave that was available to that employee due to other use of FMLA leave, will be reinstated to the same or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. The Village cannot guarantee reinstatement to employees whose leave extends beyond 12 weeks in any 12-month period, except to the extent necessary to comply with applicable state or federal laws. An employee will not have any greater right to employment than he/she would have if FMLA leave had not been taken.

If due to economic conditions or other changes in the operating conditions of the Village a position no longer exists, the Village will make a reasonable offer to restore employee to equivalent employment; or if no such position exists, the Village will continue to consider the employee for equivalent employment that may arise for one year following the conclusion of leave.

F. NONDISCRIMINATION AND NO RETALIATION

The Village strictly prohibits any form of discrimination or retaliation in the administration of this Policy. The requesting or taking of leave under this Policy will not be used against an employee in any employment decision, including in the determination of raises, employment opportunities, or discipline. Similarly, leave under this Policy will not serve as a negative factor or count against any employee for purposes of meeting the Village's attendance requirements.

It is unlawful for the Village to interfere with, restrain, or deny the exercise of, or the attempt to exercise, employees' rights established under the FFCRA, the EFMLEA, or this Policy. The Village will not retaliate against individuals because of their participation in or commencement of an action, proceeding, or investigation related to leave entitlement under the FFCRA or this Policy or for opposing any practice made unlawful by the FFCRA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer in such cases.

G. EXPIRATION OF BENEFIT

In accordance with the EFMLEA, benefits pursuant to the EFMLEA and this policy expire on December 31, 2020.

H. QUESTIONS

If you have any questions regarding the operation or interpretation of this Policy, please contact the Human Resources Director/Assistant Village Administrator.



Families First Coronavirus Response Act **Emergency Paid Sick Leave Policy**

In response to the public health crisis created by the pandemic spread of the COVID-19 virus (“coronavirus”), the Families First Coronavirus Response Act (“FFCRA”) was signed into law effective March 18, 2020. As part of the FFCRA, the Emergency Paid Sick Leave Act (“EPSLA”), established paid sick leave entitlement for eligible employees during an absence for qualifying reasons, as set forth below.

The Village desires to provide and maintain a safe and healthy workplace and is equally committed to complying with all applicable laws. Accordingly, the Village provides paid sick leave benefits to eligible employees in accordance with the EPSLA. This Policy is intended to provide employees with information regarding your rights and responsibilities as they relate to the paid sick leave afforded under the EPSLA. Should you have any questions about this Policy, please contact the Human Resources Director/Assistant Village Administrator.

A. EMPLOYEE ELIGIBILITY

Eligible employees may receive emergency paid sick leave benefits, regardless of their length of employment with the Village, provided that a qualifying reason for leave exists and is adequately communicated to the Village as soon as practical. Paid sick leave under this Policy is available for immediate use for any of the qualifying reasons identified in Section B.

Employees who are classified as emergency responders are not eligible for paid sick leave or the benefits available under this policy or the FFCRA pursuant to Section 5102 of the FFCRA. The Village has classified the following positions as emergency responders for purposes of this policy:

- 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

The nature of the work performed by these employees, the possible need for additional staffing, and the exigent and dire circumstances that may exist when these employees are needed most necessitates their availability as emergency responders. The Village may amend this list of emergency responders at any time.

B. QUALIFYING REASONS FOR PAID SICK LEAVE

Employees may use emergency paid sick leave under this Policy if the employee is unable to work (or telework) due to any of the following reasons:

- i. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- ii. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- iii. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- iv. The employee is caring for an individual who is subject to an order or has been advised by a health care provider to self-quarantine;
- v. The employee is caring for a son or daughter of the employee and the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions; and
- vi. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

Leave available under this Policy may only be used for reasons permitted by this Policy unless otherwise required by law.

C. REQUESTING PAID SICK LEAVE

Employees may request leave under this Policy either orally or in writing, including email. Requests for leave should not be conveyed via voicemail unless circumstances prevent other forms of communication. Requests for paid sick leave should be directed to the Human Resources Director/Assistant Village Administrator. An employee seeking such leave should notify the Village of the need for leave as soon as practical after the employee becomes aware of the need for paid sick leave but no later than the first workday (or portion of such workday) that the employee receives Paid Sick Leave.

The notice to the Village and request for leave must identify the need for leave as identified in Section B(i) – (vi) above.

An employee may request leave as follows, or on a designated form prepared by the Village:

*Dear Assistant Village Administrator/Human Resources Director,
I am requesting leave pursuant to the Emergency Paid Sick Leave Policy. My need for leave is based on Section (B)(INSERT SPECIFIC PROVISION) as identified in the Policy. I will need leave from _____, 2020 until _____, 2020.*

*Sincerely,
Eligible Employee*

The Village may follow up with an employee requesting such leave to obtain additional information and to advise you of other benefits available to you including FMLA and EFMLEA benefits.

D. DURATION OF PAID SICK LEAVE

Eligible full-time employees are entitled to 80 hours of emergency paid sick leave under this Policy. Eligible part-time employees are entitled to a number of hours equal to the number of hours that they work, on average, over a 2-week period. If your hours of work are variable, the average bi-weekly hours you worked over the prior 6 months will be used. Unused paid sick leave under this Policy will not carryover from one year to the next and such leave expires no later than December 31, 2020. On an employee's separation from employment, any unused paid sick leave under this policy is not paid to the employee.

E. COMPENSATION DURING LEAVE

When taking paid sick leave under sections B(i)-B(iii) above, employees are entitled to receive their regular rate of pay as compensation during a period of absence. However, in no event shall such paid sick time pay exceed \$511 per day and \$5,110 in the aggregate.

When taking paid sick leave under Sections B(iv) - B(vi) above, employees are entitled to receive two-thirds of their regular rate of pay as compensation during such leave. However, in no event shall such paid sick time exceed \$200 per day and \$2,000 in the aggregate.

The eligible employee receives an aggregate maximum of 80 hours total if full-time and prorated downward for non-full-time employees.

F. EFFECT ON EXISTING POLICIES

This Policy is not intended to replace any existing leave or paid time off policies maintained by the Village. Paid sick leave provided under this Policy is made available to eligible employees in addition to any leave or paid time off benefits provided under any of the Village's existing policies.

Eligible employees may first use paid sick leave under this Policy for any of the qualifying reasons identified in Section B above before using other accrued paid leave which may be available to the employee under any of the Village's existing policies. The Village is prohibited by law from requiring employees to first use other unused and accrued paid time off benefits to

which employees may be entitled under other existing policies prior to using emergency paid sick leave under this Policy.

G. NONDISCRIMINATION AND NO RETALIATION

The Village strictly prohibits any form of discrimination or retaliation in the administration of this Policy. The requesting or taking of leave under this Policy will not be used against any employee in any employment decision, including in the determination of raises, employment opportunities, or discipline. Similarly, paid sick leave under any section of this Policy will not serve as a negative factor or count against any employee for purposes of meeting the Village's attendance requirements.

It is unlawful for the Village to interfere with, restrain, or deny the exercise of, or the attempt to exercise, employees' rights established under the EPSLA, or this Policy. The Village will not retaliate against individuals because of their participation in or commencement of an action, proceeding, or investigation related to paid sick leave entitlement under the EPSLA, or this Policy or for opposing any practice made unlawful by the EPSLA.

H. EXPIRATION OF BENEFIT

In accordance with the EPSLA, the paid emergency sick leave benefits under the EPSLA and in this Policy expire on December 31, 2020.

I. QUESTIONS

If you have any questions regarding the operation or interpretation of this Policy, please contact the Human Resources Director/Assistant Village Administrator.