

AGENDA

Eau Claire County

Committee on Human Resources

Date: Wednesday, April 8, 2020

Time: 6:30 p.m.

Location: Remote Meeting via Webex Events

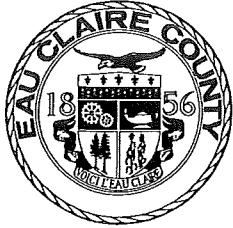
Dial In: 1-415-655-0001

Access Code: 921-831-814

**please remain muted when not speaking*

For those wishing to make public comment, you must e-mail Sara Bronstad at sara.bronstad@co.eau-claire.wi.us at least 30 minutes prior to the start of the meeting. You will be called on during the public session to make your comments.

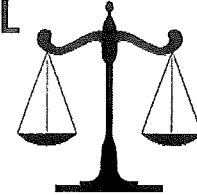
1. Call to Order and Confirmation of Meeting Notice
2. Public Comment
3. Resolution 19-20/110 – Designating employees of Eau Claire County as “Essential” and “Emergency Responders” in response to the federal families first coronavirus response act and Governor Ever’s Safer at Home order
4. Adjourn



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April 3, 2020

RE: Essential Employees

In response to the COVID-19 pandemic the US Government adopted the Families First Coronavirus Response Act (FFCRA) and the Governor Tony Evers issued the Safer at Home order.

Among other things, the FFCRA provides benefits to employees impacted by COVID-19 including additional emergency sick time of up to 80 hours for full time employees, and expanded FMLA benefits. In order to receive the benefits, the employee must meet the appropriate qualification(s) in the act.

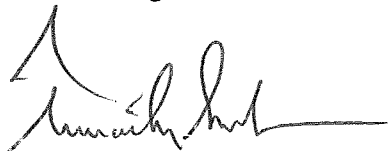
The FFCRA creates an exclusion from the benefit for a number of positions it designates as "emergency responders:" *an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state's or territory's or the District of Columbia's response to COVID-19.*

Governor Ever's Safer at Home order is an order that requires citizens of Wisconsin to stay at home, orders certain businesses to close, and prohibits mass gatherings of more than 10 people. Local governments are exempt from the order. The Safer at Home order creates a

category of "Special Situations" in Sections 8. Healthcare and Public Health Operations; 9. Human Service Operations, and 10. Essential Infrastructure. In Section 12 it defines "Essential Governmental Functions." *Essential Governmental Function means all services provided by the State, tribal, or local governments needed to ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public.*

The FFCRA states that the highest official of a state (governor) determines who is an emergency responder necessary for that state's response to COVID-19. The Safer at Home order signed by Governor Evers states: *"Each government body shall determine its Essential Government Function, if any, and identify employees and contractors necessary to the performance of those functions."*

This resolution is response to the requirement that the government body identify employees that are necessary to perform the Essential Government function. By designating all employees as essential determine determining who for the purposes of these emergency legislation is designated as "Essential" and/or an "Emergency Provider" and will be exempt from coverage under the FFCRA.



Timothy J. Sullivan
Corporation Counsel

TJS

1 Enrolled No.

RESOLUTION

File No. 19-20/110

2 DESIGNATING EMPLOYEES OF EAU CLAIRE COUNTY AS "ESSENTIAL" AND
3 "EMERGENCY RESPONDERS" IN RESPONSE TO THE FEDERAL FAMILIES FIRST
4 CORONAVIRUS RESPONSE ACT AND GOVERNOR EVER'S SAFER AT HOME ORDER

5 WHEREAS, the governments of the United States, the State of Wisconsin and Eau Claire
6 County have all declared that a state of emergency exists with regards to the worldwide novel
7 coronavirus COVID-19 pandemic; and,

8 WHEREAS, In response to the pandemic, the United States Congress and the President have
9 adopted the Families First Coronavirus Response Act ("FFCRA"), that among other things creates
10 up to 80 hours of sick time for full time employees, and creates expanded benefits under the Family
11 Medical Leave Act (FMLA) for employees affected by COVID-19. The FFCRA became effective
12 April 1, 2020 and expires on December 31, 2020; and,

13 WHEREAS, the FFCRA creates an exemption for the benefits for "emergency responders."
14 The FFCRA provides a list of emergency responders within the act but also defines "emergency
15 responder" as "any individual that the highest official of a state or territory determines is an
16 emergency responder for that state's . . . response to COVID-19." The category of employees who
17 could be included in the category of emergency responder are those who: (1) interact with and aid
18 individuals with physical or mental health issues, including those who are suffering from COVID-
19 19; (2) ensure the welfare and safety of our communities and of our Nation; (3) have specialized
20 training relevant to emergency response; and (4) provide essential services relevant to the American
21 people's health and wellbeing; and,

22 WHEREAS, Governor Tony Evers issued Emergency Order #12, also known as the "Safer
23 at Home Order". The Safer at Home Order provides a list of functions that are Essential Functions
24 and are exempt from the order to stay at home In the Safer at Home Order Governor Evers defined
25 all governmental functions as essential that are "needed to ensure the continuing operation of the
26 governmental body and provide and support the health, safety and welfare of the public. Each
27 governmental body shall determine its Essential Governmental Function, if any, and identify
28 employees and contractors necessary to the performance of those functions;" and,

29 WHEREAS, other than those employment categories already defined in the FFCRA and the
30 Safer at Home Order, it is up to the local governmental body to determine what positions are
31 essential to provide and support the health safety and welfare of the public under the Safer at Home
32 Order and as "emergency responders" for purposes of the FFCRA.

33 NOW THEREFORE BE IT RESOLVED; The Eau Claire County Board of Supervisors
34 hereby determines that all employees of Eau Claire County are determined to be "Essential"
35 Employees for the governmental functions of Eau Claire County as designated by the Safer at Home
36 Order and as "Emergency Responders" for that portion of the FFCRA related to expanded FMLA
37 benefits.

38 ADOPTED:

39
40 _____
41 Mark Beckfield, Chair
42 Committee on Human Resources
43

44 Dated this _____ day of April 2020.
45 TJS/yk

Reviewed by Finance Dept.
for Fiscal Impact

