

**Menominee County**  
**Families First Coronavirus Response Act Policy**



07 Apr 2020

- 1. Purpose.** The Families First Coronavirus Response Act ("FFCRA" or "Act"), Public Law 116-127, provides eligible employees with emergency paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. The Act also authorizes the County to exempt certain employees designated as health care providers and/or emergency responders from the paid sick leave or expanded family and medical leave provisions. This policy implements the requirements of the Act, exempts certain personnel from the requirements of the Act, and revises the County's general COVID-19 Plan to make it consistent with the Act.
- 2. Emergency Paid Sick Leave**
  - 2.01 The Act mandates that the County provide "Emergency Paid Sick Leave". This benefit is available to employees meeting any one of the following qualifications:
    - A. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
    - B. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
    - C. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
    - D. The employee is caring for an individual who is subject to an order as described in Sec. 2.01.A (above) or has been advised as described in Sec. 2.01.B (above).
    - E. The employee is caring for a son or daughter of such employee if 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.
    - F. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
  - 2.02 If an employee who is not exempt under Section 4.01 below meets one or more of the above qualifications, the Act provides that the employee is entitled to emergency paid sick leave:
    - A. Full-time employees will have 80 hours of sick leave available to them and part-time employees will have their average hours of work over a 2-week period available as Paid Sick Leave.

- B. If the employee has variable hours of work each week, the employee's average hours of work over the preceding 6 months will be used to determine the employee's average hours per week.
  - C. The sick leave benefit will be paid at the employee's regular rate of pay for any absence due to the employee's own treatment or quarantine.
  - D. The sick leave benefit will be paid at 100% of the employee's regular rate of pay (capped at \$511 per day) for any for a qualifying reason listed under Sec. 2.01. A, B, or C. In the aggregate, sick leave pay under this provision is capped at \$5,110.
  - E. The sick leave benefit will be paid at two-thirds of the employee's regular rate of pay (capped at \$200 per day) for a qualifying reason listed under Sec. 2.01. D, E, or F. In the aggregate, sick leave pay under this provision is capped at \$2,000.
- 2.03 If an employee requires leave beyond the 2-weeks for emergency paid sick leave and continues to meet the requirements associated with the Act's mandate for paid leave under the FMLA, the employee will be paid not less than two-thirds of the employee's regular rate of pay (or minimum wage, if greater) for the regular hours of work missed, to the extent of the employee's already-existing available FMLA leave. Payments are capped at \$200.00 per day. The changes to the FMLA under the Act will expire on December 31, 2020.
- 2.04 The emergency paid sick leave under the Act is in addition to what the employee may already be entitled to in employment. However, there will not be any carryover right for unused emergency paid sick leave granted under the Act.

### **3. Expanded Family Medical Leave Act (EFMLA)**

- 3.01 Under the Act, the County is required to provide employees who have been employed for at least 30 days with FMLA leave for Coronavirus reasons if 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 such 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 EFMLA does not extend benefits to any other family members or next of kin.
- 3.02 An employee may use up to 12-weeks of leave under the EFMLA. The 12-weeks of EFMLA, as well as any previously used portion of FMLA leave within a one-year period, counts towards the maximum annual leave entitlement under the FMLA.
- 3.03 The first 10 days of leave is unpaid under the EFMLA; however, an employee may use available leave balances, including emergency paid sick leave as described above.

3.04 EFMLA job-protected leave is paid at 2/3 of the employee's regular rate of pay, capped at \$200.00 per day. The supervisor may authorize the employee to use other available leave balances to supplement his/her two-thirds.

3.05 The rights and remedies available to an employee under the federal FMLA remain the same.

#### **4. Exemptions**

4.01 Listed herein are the departments/positions that are considered health care providers and emergency responders for purposes of the COVID-19 public health emergency:

- A. The Sheriff, Chief Deputy, and sheriff's deputies;
- B. Dispatchers;
- C. Emergency Management Director;
- D. Human Services Director;
- E. Human Service Department employees certified to provide crisis response per Wisconsin Statutes 34 and 51;
- F. Human Service Department employees trained to provide child protective and youth justice services under Wisconsin Statutes 48 and 938;
- G. Human Service Department employees trained or qualified to provide adult protective services under Wisconsin Statutes 54 and 55; and
- H. Employees trained or qualified to provide control and suppression of communicable disease under Wisconsin Statute 252 or other roles related to control and suppression of communicable disease.

4.02 Any employee exempted under Sec. 4.01 above may be entitled to receive "emergency leave" under Section 10 of the County's General COVID-19 Plan; however, COVID-19 Plan does not provide emergency leave for employees (a) caring for individuals who are quarantined; (b) caring for individuals who are advised to self-quarantine; or (c) caring for a son or daughter of such employee if 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.

**5. Implementation.** Administration is authorized to revise the Personnel Policies and Procedures Manual to incorporate Section 1 through 4 of this policy, and to update and/or create such forms as are necessary for this policy's successful implementation.

**6. Effective Date.** This policy is effective as of April 1, 2020 and shall remain in effect until December 31, 2020. All leave used by employees prior to April 1, 2020, which is the effective date of the FFCRA, for any quarantine or isolation is not entitled to be reclassified as emergency paid sick leave.