

**COMMISSION FILE NO:** 20-063-4 **DATE INTRODUCED:** April 15, 2020

**INTRODUCED BY:** Executive Director (Signature on File in the Office of the Commission)

**REFERRED BY COMMISSION CHAIRPERSON TO:** Policy, Finance, and Personnel Committee

**RELATING TO:** Approval of Paid-Time Leave During Business Continuity Plan

**SUMMARY:**

The Commission is requested to authorize a Business Continuity Plan compensation package during the implementation of the District's Business Continuity Plan in response to the Coronavirus Disease 2019 (COVID-19) pandemic.

The District implemented the Business Continuity Plan, effective March 14, 2020, in response to the COVID-19 pandemic and Governor Evers's Safer at Home orders.

**ATTACHMENTS:** **BACKGROUND** ☒ **KEY ISSUES** ☐ **RESOLUTION** ☒  
**FISCAL NOTE** ☐ **S/W/MBE** ☐ **OTHER** ☐ \_\_\_\_\_

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04-01-20

**COMMITTEE ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## **BACKGROUND**

### **Approval of Paid-Time Leave During Business Continuity Plan**

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On March 14, 2020, the Executive Director implemented the Business Continuity Plan in response to the COVID-19 pandemic. At that time, all non-essential employees were asked to work from home.

A majority of MMSD employees can work from home. This resolution is meant to provide guidance on how to pay individuals who cannot work from home who might become sick; must provide family care at home; or cannot perform their normal job duties outside the office.

Pursuant to the federal Families First Coronavirus Response Act (FFCRA), which was signed into law on March 18, 2020, MMSD must provide up to 80 hours of paid sick leave to full-time employees if such leave is requested because an employee's absence is as of a result of one of the six qualified COVID-19 reasons as defined by the FFCRA listed below. Qualified COVID-19 leave reasons include if an employee:

1. Is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
2. Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. Is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. Is caring for an individual who is subject to an order as described in 1 above or has been advised to self-quarantine as described in 2 above.
5. Is caring for his or her son or daughter because the school or place of care has been closed.
6. Is experiencing any other substantially similar condition as specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

This resolution authorizes the District to pay employees as outlined below.

1. Employees who can work from home should charge the appropriate charge numbers.
2. Employees who have been asked to stay home due to local, state, or federal government orders and cannot work from home will charge a COVID-19 administrative leave charge number.
3. For employees who have been asked to stay at home by a medical practitioner due to COVID-19 or are self-quarantined or must care for a family member diagnosed with COVID-19:
  - a. The District will establish a charge number for the employee to charge up to 80 hours of COVID-19 leave. This benefit will not reduce an employee's vacation, personal, or sick days.

## **BACKGROUND (Cont'd)**

### **Approval of Paid-Time Leave During Business Continuity Plan**

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- b. Employees who are out longer than 80 hours can request regular Family and Medical Leave Act time for up to 12 weeks and, if approved, can concurrently use any available District leave balances to cover the period that they are unable to work. If the employee wishes to retain a portion of their vacation or sick leave, the employee can make a request to retain up to two weeks of leave balances (allocated between vacation and/or sick leave at the employee's direction). For any additional period that they do not have an available leave balance and the employee is unable to work, the employee will be paid 66% of their salary until a medical practitioner clears the employee to return to work.
4. Employees who cannot work from home and need to care for a child because the school or place of care has been closed or the child care provider is unavailable due to COVID-19 precautions will charge a COVID-19 administrative leave charge number up through June 5, 2020. If the employee needs to stay out longer than the June 5, 2020, deadline, they will be paid 66% of their salary through September 1, 2020.

## RESOLUTION

### Approval of Paid-Time Leave During Business Continuity Plan

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**RESOLVED**, by the Milwaukee Metropolitan Sewerage Commission, that, while the District's Business Continuity Plan is in effect, the District will provide regular compensation to employees in accordance with the federal Families First Coronavirus Response Act.

**FURTHER RESOLVED**, by the Milwaukee Metropolitan Sewerage Commission, that, for the Business Continuity Plan initiated on March 14, 2020, all employees will be provided regular compensation as follows:

1. Employees who can work from home should charge the appropriate charge numbers.
2. Employees who have been asked to stay home due to local, state, or federal government orders and cannot work from home will charge a Coronavirus Disease 2019 administrative leave charge number.
3. For employees who have been asked to stay at home by a medical practitioner due to Coronavirus Disease 2019 or are self-quarantined or must care for a family member diagnosed with Coronavirus Disease 2019:
  - a. The District will establish a charge number for the employee to charge up to 80 hours of Coronavirus Disease 2019 leave. This benefit will not reduce an employee's vacation, personal, or sick days.
  - b. Employees who are out longer than 80 hours can request regular Family and Medical Leave Act time for up to 12 weeks and, if approved, can concurrently use any available District leave balances to cover the period that they are unable to work. If the employee wishes to retain a portion of their vacation or sick leave, the employee can make a request to retain up to two weeks of leave balances (allocated between vacation and/or sick leave at the employee's direction). For any additional period that they do not have an available leave balance and the employee is unable to work, the employee will be paid 66% of their salary until a medical practitioner clears the employee to return to work.
4. Employees who cannot work from home and need to care for a child because the school or place of care has been closed or the child care provider is unavailable due to Coronavirus Disease 2019 precautions will charge a Coronavirus Disease 2019 administrative leave charge number up through June 5, 2020. If the employee needs to stay out longer than the June 5, 2020, deadline, they will be paid 66% of their salary through September 1, 2020.