



Milwaukee County COVID-19 Public Health Emergency

Expanded Paid Sick Leave Administrative Order 21-1v4

21-1v2 Effective as of 12:01 a.m. on Wednesday, February 17, 2021

21-1v3 Effective as of 12:01 a.m. on Sunday, May 2, 2021

21-1v4 Effective as of 12:01 a.m. on Thursday, December 2, 2021

With the continuing COVID-19 public health crisis and Milwaukee County's principal goal of slowing the spread of the disease and protecting the health of its employees and the public, Milwaukee County granted employees an Expanded Paid Sick Leave Bank (EPSL Bank) of time. Following the expiration of the federal Families First Coronavirus Response Act (FFCRA)¹ EPSL time on December 31, 2020, the County's replacement policy went into effect on January 1, 2021, preventing a lapse in the supplemental leave bank and continuing to provide paid leave when employees are required to be away from work due to COVID-19-related quarantine or illness.

Since this additional leave was granted at the start of the year, three vaccines have become available, including one for children 5 years of age and older, and testing has become much more readily available. With these changes, along with the County's vaccination mandate and ongoing risk mitigation practices, the County is updating its EPSL policy to set an expiration date and to redefine the uses of EPSL.

The current banks of EPSL, awarded to employees on January 1, 2021, will expire on March 31, 2022. Further, effective on Thursday, December 2, 2021, EPSL banks may be used only in the following circumstances and when telework is not an option:

- Vaccinated employees² and employees with vaccination exemptions approved by the County's Department of Human Resources may access EPSL banks if they:
 - Contract a confirmed³ Case of COVID-19,
 - Must stay home with Symptoms of COVID-19 and be tested before returning to work⁴,
 - Must stay home and/or be tested following an Exposure to COVID-19⁵,
 - Receive an authorized COVID-19 vaccination or booster, or
 - Must care for dependents who are required to quarantine, so long as they provide documentation from a school or care provider of the dependent's exposure
- Unvaccinated employees⁶ may access EPSL banks if they:

¹ See Administrative Order 20-10 for County's FFCRA policy: <https://county.milwaukee.gov/files/county/COVID-19/FederalFamiliesFirstCoronavirusResponseActAdministrativeOrder20-10v1.pdf>

² Vaccinated employees are those who have completed either the two-dose series of the Pfizer or Moderna vaccine or the single dose of the Johnson & Johnson vaccine

³ Confirmed by testing or by a medical professional

⁴ They must be tested within 24 hours if they experience Symptoms of COVID-19; see [Administrative Order 20-7](#) for details.

⁵ Vaccinated Employees are NOT required to quarantine following Exposure to COVID-19, as long as they follow the requirements outlined in [Administrative Order 20-7](#) including being tested 5 to 7 days following Exposure.

⁶ Unvaccinated employees may use sick leave if they have Symptoms of, Exposure to, or Confirmed Cases of COVID-19.

- Must care for dependents who are required to quarantine, so long as they provide documentation from a school or care provider of the dependent's exposure, or
- **Receive an authorized COVID-19 vaccination**

Note that this Administrative Order (AO) excludes members of the Milwaukee Deputy Sheriffs' Association (MDSA) and the International Association of Firefighters, Local 1072.

I. EPSL Bank Allotment

All Milwaukee County employees will receive an EPSL Bank with the designated number of hours based upon their employment status described below. **All Banks will expire on March 31, 2022, regardless of whether employees have used all allocated hours.** The allocations are:

- a) **Full-time Equivalent Employees:**⁷ 80 hours.
- b) **Part-Time Employees:**⁸ EPSL Bank will be calculated on a pro rata basis consistent with the manner in which they accrue other paid leave.
- c) **Hourly Employees**
 - Who worked more than 500 hours in the prior calendar year will be granted EPSL Bank on a pro rata basis consistent with the manner in which they accrue other paid leave;
 - Who worked less than 500 hours in the prior calendar year will receive 40 hours of EPSL Bank.
- d) **Seasonal Employees:**
 - With sick time will be granted EPSL Bank on a pro rata basis consistent with the manner in which they accrue other paid leave;⁹
 - Without sick time will be granted 40 hours of EPSL Bank.
- e) **New Employees:** Newly-hired employees shall immediately receive and have access to an EPSL Bank of time based on their employment status (see I.a – I.d above). New employees shall also be permitted immediate access to sick time ordinarily unavailable to employees because of the six-month waiting period under Milwaukee County Ordinance Section 17.18(2) as needed to comply with County policies regarding COVID-19, including required testing.

II. Criteria for Accessing EPSL Bank

The uses of EPSL Banks depend on whether employees are in compliance with the County's **COVID-19 vaccination mandate**. To use the EPSL Bank, any employee must call in consistent with departmental procedures and must identify the reason for their inability to work as one of the COVID-19 related purposes listed below. All time must be recorded in the payroll system according to instructions provided by the Payroll staff of the Comptroller's Office.

- A. For vaccinated employees including those with approved exemptions:** If a **vaccinated employee or one with an approved exemption** is unable to report to work **and is unable to**

⁷ This does not include Public Safety Workers subject to collective bargaining, absent a collateral agreement.

⁸ Those employees who work less than 40 hours in a week

⁹ For seasonal employees with sick time, the minimum EPSL Bank that a seasonal employee will receive is 60 hours.

telework,¹⁰ the EPSL Bank is available to use during any of the following circumstances (subject to the conditions and limitations stated in Sections III and IV):

- i. Confirmed Case of COVID-19:** Vaccinated employee or employee with approved exemption is isolating because of a positive case of COVID-19 confirmed by testing or by a medical professional. (See Section II of AO 20-7 for County policies on Confirmed Cases of COVID-19.)

Payroll Code: EPSL Leave CV19

- ii. COVID-19 Symptoms:** Vaccinated employee or employee with approved exemption has Symptoms Compatible with COVID-19. (See Section III of AO 20-7 for County policies on Symptoms.). This Code should also be used for time needed for Vaccinated employee or employee with approved exemption to be tested, which is required within 24 hours of Symptoms and prior to returning to in-person work. (See Section III of AO 20-7 for County policies on Symptoms of COVID-19.)

Payroll Code: EPSL Leave Symptom

- iii. Exposure to COVID-19:** Vaccinated employee who has been Exposed to COVID-19 may use up to one hour of EPSL for testing that is required 5 to 7 days after Exposure. Note that Vaccinated employee may continue to report for in-person work following Exposure, so long as testing is performed. Unvaccinated employee with approved exemption may use EPSL to quarantine if employee is exposed to COVID-19. (See Section IV of AO 20-7 for County policies on Exposure to COVID-19.)

Payroll Code: EPSL Testing

- iv. Booster Shot or Vaccination for COVID-19:** Vaccinated employee may use up to one hour of EPSL bank to receive an authorized booster shot for COVID-19. Unvaccinated employee with approved exemption may use up to one hour of EPSL bank to receive a vaccination for COVID-19. If employee is receiving a vaccination requiring two doses, employee may use up to one hour for each instance.

Payroll Code: EPSL Vaccine

¹⁰ If an employee is able to telework, then the employee does not need to access leave to cover time.

- v. **Dependent¹¹ Required to Quarantine due to Exposure at School or Daycare¹²:** **Vaccinated employee or employee with approved exemption** is required to stay home to care for a dependent who requires supervision and who must Quarantine due to an Exposure at school or daycare. In such cases the employee must provide documentation as soon as possible from the school, daycare, or managing organization about the Quarantine requirements for the dependent to return to the institution. Employees will be able to use the EPSL Bank to cover the quarantine period required by the institution. Employees will **not** be able to use the EPSL Bank to cover quarantine requirements for dependents for Exposures that occurred outside of the school or daycare setting. Employees should work with their managers to identify telework, alternative work schedule, or flexible work schedule options to accommodate the employee’s childcare needs as much as possible before allowing use of the EPSL Bank.

Payroll Code: EPSL Leave Child Quar

NOTE: EPSL Banks may **not** be used for regular testing of unvaccinated employees including those with approved exemptions. Employees who are required to have regular COVID-19 testing may be tested during scheduled work time if department offers onsite testing, may use sick leave for testing during work hours, or may test outside work hours on personal time.

- B. For unvaccinated employees¹³:** If an **unvaccinated** employee is unable to report to work and is unable to telework,¹⁴ the EPSL Bank is available to use during any of the following circumstances (subject to the conditions and limitations stated in Sections III and IV):

- i. **COVID-19 Vaccination:** Unvaccinated employees may use up to one hour of EPSL bank to receive a vaccination for COVID-19. If they are receiving a vaccination requiring two doses, they may use up to one hour for each instance.

Payroll Code: EPSL Vaccine

¹¹ For the purpose of this order, a dependent is your own child aged 14 years or younger, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child. This specifically includes a son or daughter of any age who (1) has a mental or physical disability and (2) is incapable of self-care because of that disability.

¹² Note that “School and Daycare” should be generously interpreted and could therefore include summer camps, extracurricular school activities, or similar activities organized by educational, childcare, or community organizations that care for youth without the supervision of a parent or guardian.

¹³ **Unvaccinated employees may use sick leave if they have Symptoms of, Exposure to, or Confirmed Cases of COVID-19.**

¹⁴ If an employee is able to telework, then the employee does not need to access leave to cover time.

- ii. **Dependent¹⁵ Required to Quarantine due to Exposure at School or Daycare¹⁶: Unvaccinated** employee is required to stay home to care for a dependent who requires supervision and who must Quarantine due to an Exposure at school or daycare. In such cases the employee must provide documentation as soon as possible from the school, daycare, or managing organization about the Quarantine requirements for the dependent to return to the institution. Employees will be able to use the EPSL Bank to cover the quarantine period required by the institution. Employees will **not** be able to use the EPSL Bank to cover quarantine requirements for dependents for Exposures that occurred outside of the school or daycare setting. Employees should work with their managers to identify telework, alternative work schedule, or flexible work schedule options to accommodate the employee's childcare needs as much as possible before allowing use of the EPSL Bank.

Payroll Code: EPSL Leave Child Quar

NOTE: EPSL Banks may **not** be used for regular testing of unvaccinated employees. Employees who are required to have regular COVID-19 testing may be tested during scheduled work time if department offers onsite testing, may use sick leave for testing during work hours, or may test outside work hours on personal time.

III. Use of Leave Types

If an employee is subject to any of the criteria listed in Section II (above) and is unable to telework, then the employee must access leave in the following order:

- a) **EPSL Bank**
- b) **Other Paid Time Off Banks:** Accrued sick/sick excused, personal, vacation, holiday, or any other accrued paid time off balance the employee may have available. The order in which these banks are used may be determined by the employee.

IV. Limitations on Use of EPSL Bank

The EPSL Bank is subject to the following additional limitations and can only be used as designated below:

- The EPSL Bank will only be available during the COVID-19 public health emergency and will be eliminated **on March 31, 2022**.
- Use of the EPSL Bank does not count as time worked in calculating overtime.

¹⁵ For the purpose of this order, a dependent is your own child aged 14 years or younger, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child. This specifically includes a son or daughter of any age who (1) has a mental or physical disability and (2) is incapable of self-care because of that disability.

¹⁶ Note that “School and Daycare” should be generously interpreted and could therefore include summer camps, extracurricular school activities, or similar activities organized by educational, childcare, or community organizations that care for youth without the supervision of a parent or guardian.

- Any EPSL Bank balances will not be payable upon employee's termination or retirement from the County.
- The EPSL Bank is specific to the COVID-19 public health emergency and cannot be used **beyond the March 31, 2022, deadline specified by the County** or used in a different public health emergency.
- Employees must follow the call-in policies of their department/division to use EPSL Banks.
- The 2021 EPSL Bank may not be used for childcare purposes, other than as described in Section II A (v) and Section II B (ii).
- The 2021 EPSL Bank may not be used for absences resulting from side effects caused by the COVID-19 vaccine **or COVID-19 booster**. If employees need to take time off to cover such absences, they should use their standard sick leave, as would be the case with side effects following any other medical procedure or vaccination. Employees may also be subject to any department-level attendance policies.

USE OF LEAVE CONSISTENT WITH THIS OR OTHER RELEVANT COVID-19 ADMINISTRATIVE ORDER WILL NOT COUNT AS ATTENDANCE OCCURANCES FOR PURPOSES OF DISCIPLINARY ACTION.

USE OF LEAVE INCONSISTENT WITH THESE OR OTHER RELEVANT COVID-19 ADMINISTRATIVE ORDERS MAY SUBJECT EMPLOYEE TO CORRECTIVE ACTION UP TO AND INCLUDING TERMINATION.