



## Milwaukee County COVID-19 Public Health Emergency

### **Supplemental Paid Leave Administrative Order 20-1v1**

and

### **Travel Administrative Order 20-2v1**

Version 1 Issued and Effective as of 7:00 a.m. on Friday, March 13, 2020

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Given Governor Ever's declaration of a public health emergency associated with COVID-19 on March 12, 2020, the County's principal goal is to protect the health of its employees and the public. The County recognizes that the populations it serves have essential needs that must be met even – or especially – during such an emergency.

This memorandum includes two Administrative Orders related to COVID-19: Administrative Order 20-1v1 regarding supplemental paid leave and Administrative Order 20-2v1 regarding employee travel. Both are effective as of 7:00 a.m. on Friday, March 13, 2020.

The County will continue to issue additional and/or amend administrative orders as required during the period of this public health emergency.

#### **I. COVID-19 Supplemental Paid Leave Administrative Order 20-1v1 (“SPL”)**

**To prevent service disruptions during the COVID-19 public health emergency, the County will strive to provide as many employees as possible with the ability to continue to work on site or remotely (also known as “telework”).**

**All employees who can telework are expected to do so if self-quarantined. Additional guidance on telework is forthcoming.**

Recognizing that not all employees will be able to report to work and that not all employees have the ability to telework during the COVID-19 public health emergency for various reasons, the County implements this COVID-19 Supplemental Paid Leave Administrative Order 20-1v1 (“SPL”) as a financial safety net for employees. Administrative Order 20-1v1 is created to accommodate the leave needs of employees who are unable to report to work and cannot telework and addresses how employees can use paid and unpaid time off during the COVID-19 public health emergency.

Effective immediately, the County will grant Milwaukee County employees a special bank of time as outlined in Administrative Order 20-1v1 to provide paid leave in cases where the public health emergency has limited or prevented an employee's ability to work onsite or remotely.

**A. Supplemental Paid Leave Bank and Other Enhancements**

Employees will receive an SPL Bank based upon employment status per the following:

- Full-time equivalent employees<sup>1</sup> will receive the “Public Health Emergency Supplemental Paid Leave Bank” or “SPL Bank” consisting of 120 hours.
- Employees classified as part-time who work less than 40 hours in a week will be granted an SPL Bank of time on a pro rata basis consistent with the manner in which they accrue other paid leave.
- Hourly employees
  - who worked more than 500 hours in the prior calendar year, will be granted SPL 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 SPL Bank.
- Seasonal employees
  - with sick time will be granted SPL Bank on a pro rata basis consistent with the manner in which they accrue other paid leave;<sup>2</sup>
  - without sick time will be granted 40 hours of SPL Bank.
- New employees shall be permitted to immediately use any banked sick time ordinarily unavailable to the employee due to the six-month waiting period under Milwaukee County Ordinance 17.18(2).

**B. SPL Bank Availability**

If an employee is unable to report to work and is unable to telework due to any of the following circumstances, the SPL Bank is available to use (subject to the conditions and limitations stated in sections I.C. and I.D. and subject to Administrative Order 20-2v1 regarding employee travel).

To use any SPL Bank, an employee must call in consistent with departmental procedures, and identify the reason for their inability to work under one of the following:

1. Employee, a member of the employee’s household, or a dependent of the employee is ill with acute respiratory illness symptoms (for example, fever, cough, shortness of

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<sup>1</sup> This does not include Public Safety Workers subject to collective bargaining, absent a collateral agreement.

<sup>2</sup> For seasonal employees with sick time, under the SPL, the minimum SPL Bank that a seasonal employee will receive is 60 hours.

- breath),<sup>3</sup> or is subject to self-quarantine<sup>4</sup> consistent with the recommendations of the Centers for Disease Control (CDC), and the employee cannot telework;
2. Employee must care for a child or dependent in need of direct care and supervision whose school, daycare or other care center is closed;
  3. Employee is unable to travel to worksite because local commuting resources (for example, MCTS) are disrupted;
  4. Employee or a member of their household falls into one of the categories identified by the CDC as being at high risk for serious complications from the pandemic influenza virus and is advised by a health care professional to stay home or self-quarantine (for example, persons with compromised immune systems, persons diagnosed with HIV, an organ donation recipient, older adults, and those with underlying chronic health conditions);<sup>5</sup>
  5. Employee is able to work, but unable to telework and unable to work onsite due to a facility closure.

### **C. Use of Leave Types**

Paid Time Off will be applied in the following order until each category is exhausted, unless the employee otherwise elects:

1. Public Health Emergency Supplemental Paid Leave Bank
2. Regular Sick Time
3. Vacation Time
4. Personal Time
5. Compensatory Time
6. Accrued Holiday Time
7. Time off without pay

### **D. Limitations on Use of SPL Bank**

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

- The SPL Bank will only be available during the COVID-19 public health emergency and will be eliminated upon termination of this public health emergency, at the sole discretion of the Milwaukee County Executive, or designee.

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<sup>3</sup> Anytime an employee is missing work due to their own serious medical condition or the care of a family member's serious medical condition, they are directed to follow the procedures for requesting covered leave under the Family and Medical Leave Act (FMLA), by contacting Milwaukee County's FMLA administrator, FMLASource, at 1.877.GO2.FMLA or log on to [www.fmlasource.com](http://www.fmlasource.com)

<sup>4</sup> Refer to Section B(1) for limits on coverage for self-quarantine based upon voluntary travel.

<sup>5</sup> Reminder, anytime an employee is missing work due to their own serious medical condition or the care of a family member's serious medical condition, they are directed to follow the procedures for requesting covered leave under the Family and Medical Leave Act (FMLA), by contacting Milwaukee County's FMLA administrator, FMLASource, at 1.877.GO2.FMLA or log on to [www.fmlasource.com](http://www.fmlasource.com)

- The SPL leave bank will not be payable upon employee's termination or retirement from the County.
- The SPL Bank is specific to the COVID-19 public health emergency and cannot be carried over or used in a different public health emergency.
- Employees are subject to the COOP plans of their respective departments/divisions, when activated.<sup>6</sup>
- Employees are subject to the call-in policies of their respective departments/divisions.
- Employees who terminate their employment within 90 days after the designated end of the COVID-19 public health emergency and who have used time from the SPL Bank, will be subject to a one-to-one day reduction in any accrued time that would normally be paid out at the separation pursuant to MCO sec. 17.17.
- Given the rapidly evolving circumstances associated with the COVID-19 public health emergency, this Administrative Order 20-1v1 may be revised to address additional issues as they arise.

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<sup>6</sup> This means that if you are a nonessential employee as defined in your department's COOP, and cannot telework, you should continue to report to work, unless the COOP is implemented or you fall into the categories listed above in section I.A. under this SPL.

## **II. COVID-19 Employee Travel Administrative Order 20-2v1**

At this time, based on the recommendations of federal public health authorities, Milwaukee County recommends that employees do not travel out-of-state. These travel rules will remain in place until directed otherwise, at the sole discretion of the Milwaukee County Executive, or designee.

All employees affected by the below rules shall inform their supervisor as soon as possible regarding the circumstances triggering these travel rules.

If requested, an employee shall provide documentation of relevant travel.

### **A. Employees Currently Traveling Out-of-State**

Any employee currently traveling out-of-state will be required to self-quarantine by not returning to the County workplace for 14 calendar days from the date of return. Such employees may use the SPL Bank if they cannot telework during this 14 calendar day quarantine period. If the employee can telework, they shall do so during this 14 calendar day quarantine period.

### **B. Planned Personal Travel That Departs Prior to 5:00 p.m. on Saturday, March 14, 2020**

If an employee has planned out-of-state travel that departs prior to 5:00 p.m. on Saturday, March 14, 2020, they shall be required to self-quarantine by not returning to the County workplace for 14 calendar days from the date of return. Such employees may use the SPL Bank if they cannot telework during this 14 calendar day quarantine period. If the employee can telework, they shall do so during this 14 calendar day quarantine period.

### **C. Out-of-State Personal Travel**

We understand that with spring break nearing, many employees have out-of-state personal travel plans in the near future. Our shared priority must be to stop the spread of a virus that has proven to be very contagious, and we need to take reasonable steps to protect the health of our employees and the public. We respectfully recommend that employees consider rescheduling and postponing personal out-of-state travel plans until this public health emergency has ended.

If an employee elects to travel out-of-state for personal reasons after 5:00 p.m. on Saturday, March 14, 2020:

- The employee must inform their supervisor of those travel plans as soon as possible.
- Upon return to Milwaukee County, any such employee will be required to self-quarantine for 14 calendar days.
- Employees must obtain written confirmation from their department head (or, in the case of administrative department heads, the County Executive's Chief of Staff or designee) prior to travel that the employee will be permitted telework during the required 14 calendar day quarantine period or a specified portion thereof.

- Any such employee electing to travel ***will not qualify*** for the SPL Bank to use during the required 14 calendar day quarantine period following such travel and must either (a) telework or (b) use other available leave time such as vacation, sick, personal, compensatory time, holiday, or time without pay during the 14 calendar day required self-quarantine period.

**D. Work Travel**

No out-of-state work travel shall be permitted unless expressly authorized in writing by a department head (or in the case of administrative department heads, authorized by the County Executive's Chief of Staff). Should out-of-state work travel be expressly authorized in writing, then they shall be required to self-quarantine by not returning to the County workplace for 14 calendar days and such employee may use the SPL Bank if they cannot telework during this 14 calendar day quarantine period.

UNTIL ADMINISTRATIVE ORDERS 20-1v1 AND 20-2v2 ARE TERMINATED, USE OF LEAVE CONSISTENT WITH THESE OR OTHER RELEVANT COVID-19 ADMINISTRATIVE ORDERS 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.**

Please be patient as we provide the necessary information and FAQs to departments. Please do not contact the Comptroller's Office or the Office of Corporation Counsel.

\* These Administrative Orders was prepared with the assistance of the Office of Comptroller and the Office of Corporation Counsel.