



**Milwaukee County COVID-19 Public Health Emergency**  
**Expanded Paid Sick Leave Administrative Order 21-1v2**  
21-1v2 Effective as of 12:01 a.m. on Wednesday, February 17, 2021

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Given 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 has granted employees an Expanded Paid Sick Leave Bank (EPSL Bank) of time for 2021. Following the expiration of the federal Families First Coronavirus Response Act (FFCRA)<sup>1</sup> 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. The qualifying circumstances for using the 2021 EPSL Bank are similar to the FFCRA policy, except that the 2021 EPSL Bank of leave may NOT be used for childcare purposes. The 2020 federally mandated FMLA for Childcare benefit expired on December 31, 2020. Employees should carefully read the qualifying criteria and limitations for the 2021 benefit outlined in this policy. This version updates the uses for EPSL and clarifies that EPSL is not to be used as sick leave following COVID-19 vaccinations.

This Expanded Paid Sick Leave Administrative Order (AO) applies to all employees and provides an additional bank of paid leave to use in response to COVID-19. This AO identifies the amount of EPSL time employees will be given based on their employment status and the qualifying circumstances to use the EPSL Bank. This amendment goes into effect at 12:01 a.m. on February 17, 2021.

Note that this Administrative Order 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 as follows:

- a) **Full-time Equivalent Employees:**<sup>2</sup> 80 hours.
- b) **Part-Time Employees:**<sup>3</sup> 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.

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

<sup>2</sup> This does not include Public Safety Workers subject to collective bargaining, absent a collateral agreement.

<sup>3</sup> Those employees who work less than 40 hours in a week

**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;<sup>4</sup>
- 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).

## **II. Criteria for Accessing EPSL Bank**

If an employee is unable to report to work **and is unable to telework**,<sup>5</sup> 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):

**a) Exposure to COVID-19:** Employee is required to engage in a full or adapted quarantine due to Exposure to COVID-19. This may include quarantine requirements resulting from travel.<sup>6</sup> (See Sections IV and V of AO 20-7 for County Quarantine policies.)<sup>7</sup>

**Payroll Code:** EPSL Leave Quarantine

**b) COVID-19 Symptoms:** Employee has Symptoms Compatible with COVID-19. (See Section III of AO 20-7 for County policies on Symptoms.)

**Payroll Code:** EPSL Leave Symptom

**c) Confirmed Case of COVID-19:** Employee is isolating because of a positive test for COVID-19 or, in the absence of testing, has been confirmed by a medical professional as being a suspected case of COVID-19 based on symptoms. (See Section II of AO 20-7 for County policies on Confirmed Cases of COVID-19).

**Payroll Code:** EPSL Leave CV19

To use the EPSL Bank, an 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 above. All time must be recorded in the payroll system according to instructions provided by the Payroll staff of the Comptroller's Office.

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<sup>4</sup> For seasonal employees with sick time, the minimum EPSL Bank that a seasonal employee will receive is 60 hours.

<sup>5</sup> If an employee is able to telework, then the employee does not need to access leave to cover time.

<sup>6</sup> See Travel Administrative Order 20-2 at <https://county.milwaukee.gov/EN/COVID-19>.

<sup>7</sup> See Responding to Confirmed Cases, Symptoms, and Exposure to COVID-19 Administrative Order 20-7 at <https://county.milwaukee.gov/EN/COVID-19>.

### **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 can 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 upon termination of this public health emergency, at the sole discretion of the Milwaukee County Executive, or designee.
- Use of the EPSL Bank does not count as time worked in calculating overtime.
- Any unused time from the 2020 FFCRA EPSL Bank does not carry forward into 2021. The 2020 FFCRA EPSL Bank ended on December 31, 2020 and was replaced by this new 2021 EPSL Bank.
- 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 carried over or used in a different public health emergency.
- Employees must follow the call-in policies of their department/division in order to use EPSL Banks.
- The 2021 EPSL Bank may not be used for childcare purposes.
- The 2021 EPSL Bank may not be used for absences resulting from side effects caused by the COVID-19 vaccine. If an employee needs to take time off to cover such an absence, 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 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.**