



Milwaukee County COVID-19 Public Health Emergency Expanded Paid Sick Leave Administrative Order 21-1v3

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

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)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. The qualifying circumstances for using the 2021 EPSL Bank are similar to the FFCRA policy, except that the 2021 EPSL Bank of leave may be used for childcare purposes only in limited circumstances described below. Employees should carefully read the qualifying criteria and limitations for the 2021 benefit outlined in this policy. An earlier revision updated the uses for EPSL and clarified that EPSL is not to be used as sick leave following COVID-19 vaccinations.

The 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 amendment defines the circumstances under which an employee may use the EPSL Bank to care for dependents who are required to quarantine and is effective on Sunday, May 2, 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:**² 80 hours.
- b) **Part-Time Employees:**³ 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;⁴

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

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

³ Those employees who work less than 40 hours in a week

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

- 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**,⁵ 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.⁶ (See Sections IV and V of AO 20-7 for County Quarantine policies.)⁷

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

- d) Dependent⁸ Required to Quarantine due to Exposure at School or Daycare⁹:** 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

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

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

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

⁸ 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.

⁹ 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.

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

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.

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, other than as described in Section II (d).
- 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 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.