

RESOLUTION NO. 04-2020

*Designation of "emergency responder" Employees under the
Families First Coronavirus Response Act*

WHEREAS, in December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States;

WHEREAS, on January 3, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern;

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency to direct all resources needed to respond to and contain COVID-19 in Wisconsin;

WHEREAS, on March 13, 2020, President Donald Trump proclaimed a National Emergency concerning COVID- 19;

WHEREAS, on March 17, 2020, the Village of Cross Plains declared a local state of emergency.

WHEREAS, on March 18, 2020, President Donald Trump signed the Families First Coronavirus Response Act ("FFCRA"), which expands the Family and Medical Leave Act (Emergency Family and Medical Leave Expansion Act), and creates a paid sick leave entitlement for certain eligible employees (Emergency Paid Sick Leave Act);

WHEREAS, the provisions of the FFCRA allows employers to exempt "emergency responders" and "health care provider" from provisions of the FFCRA;

WHEREAS, on March 24, 2020, the State of Wisconsin issued a Safer at Home Emergency Order, Emergency Order #12, in response to the emergency;

WHEREAS, Paragraphs 1 and 12 recognize that all services provided by local governments to ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public are considered "Essential Governmental Functions" that must continue during the duration of Emergency Order #12;

WHEREAS, Emergency Order #12 categorically exempts broad categories of local government employees from the restrictions contained therein and otherwise provides local governments with broad discretion to identify employees and contractors necessary for the performance of a local government's "Essential Governmental Functions;" and

WHEREAS, the purpose of this Resolution is to provide the process for identifying employees, categories of employment, positions and/or departments that are "emergency responders" under the FFCRA and, as a result, exempt from the provisions of the FFCRA.

NOW, THEREFORE, BE IT RESOLVED:

1. The following positions in the Village of Cross Plains are hereby designated as "emergency responder" for purposes of the application and implementation of the FFCRA:

- VILLAGE ADMINISTRATOR/ CLERK
- FINANCIAL DIRECTOR
- POLICE CHIEF
- POLICE LIEUTENANT
- ALL SWORN LAW ENFORCEMENT OFFICERS
- POLICE ADMINISTRATIVE ASSISTANT
- DIRECTOR OF PUBLIC FACILITIES
- PUBLIC FACILITIES I
- PUBLIC FACILITIES II
- WASTEWATER TREATMENT FACILITY OPERATOR
- TELECOMMUNICATOR

2. It is the intent of this Resolution to define the terms “emergency responder” in the broadest sense possible consistent with the law in an effort to ensure and continue our essential functions during this pandemic and time of emergency. Final determinations regarding the definition of emergency responder and/or health care provider as applied to any employment position with the Village shall be determined by the Village Administrator, with such decision being final.

3. This Resolution is effective immediately. Dated April 1, 2020

VILLAGE OF CROSS PLAINS

By: 
Jay Lengfeld, Village President

Attest: 
Bill Chang, Village Administrator/Clerk