1. Village Board Special Meeting Agenda

Documents:

04.01.2020 VB AGENDA.PDF

1.I. Village Board Special Meeting Agenda Packet

Documents:

04.01.2020 - VB AGENDA PACKET.PDF

Village of Cross Plains Board of Trustee Meeting

Special Meeting Notice and Agenda

Rosemary Garfoot Public Library Community Room
2107 Julius St, Cross Plains, WI 53528
(608) 798-3241

Wednesday, April 1, 2020
6:00 pm

Please note that due to current spacing requirements concerning COVID-19, the facility will have limited seating. The Village of Cross Plains will provide opportunities for, and encourage that the public participate virtually or by calling in. The log in information is as follows:

WebEx Conference Link:
https://meetingsamer3.webex.com/meet/bchang

+1-408-418-9388
Access Code: 296 035 841 #

Conference telephone line:

I. Call to Order, Roll Call, and Pledge of Allegiance

II. Public Comment – This is an opportunity for anyone to address the Village Board on any issue NOT on the current agenda. *Please observe the time limit of 3 minutes.* While the Village Board encourages input from residents, it may not discuss or act on any issue that is not duly noticed on the agenda.

III. Report of Village Officers

1. Village President
2. Village Vice President
3. Village Administrator/Clerk
4. Miscellaneous Trustee Reports

IV. General Business

1. Discussion and Possible Action Regarding the Village's Response to COVID-19.
2. Discussion and Possible Action Regarding the Village's Leave Policy on Emergency Closings.

V. Adjournment

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the Village Hall at (608) 798-3241 or bchang@cross-plains.wi.us.

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Village of Cross Plains
PO Box 97, 2417 Brewery Road
Cross Plains, WI 53528
Phone: (608) 798-3241 ext. 107
Fax: (608) 798-3817

Memorandum

To: Village Board of Trustees
From: Bill Chang, Village Administrator/Clerk
Date: March 30, 2020
Re: Village Special Board Meeting – **April 1, 2020; 6:00 pm**

IV.2. Discussion and Possible Action Regarding the Village's Leave Policy on Emergency Closings.

The Village Board, at its most recent meeting, passed an amendment to the Employee Manual regarding leave time for emergency closures.

The amended policy states that, "In the event that it is necessary to close or delay the opening of any operations per section C above and any or all non-essential employees are required to not report to work, the closure will be treated as a paid holiday for all employees not reporting for work and eligible for holiday pay."

Section C states," In the event the Village of Cross Plains is required to close or delay opening for business, or the situation is determined to be severe enough or expected to be severe enough to warrant closing down all or any non-essential operations, the decision will be made by the Village Administrator."

The policy further states that, "Essential Personnel who are required to report to work during a closure will be paid as if they are working on a holiday." Per Section 3.03 (5) of the Employee Manual, all employees working a holiday shall be paid at the rate of time-and-one-half."

Since that time, Governor Evers has passed the Safer at Home Emergency Order. The order identifies which functions and employees are essential. Furthermore, the order states," Each government body shall determine its Essential Government Function, if any, and identify employees and contractors necessary to the performance of those functions."

Given the policy and the order, if the Village shall declare essential employees, close a portion of non-essential operations, and tell non-essential employees not to report, the Village shall pay those that they declare essential employees at the rate of time and

half. This is an opportunity for the Village Board to clarify the intent of the policy and so that we may properly manage staff during these times.

Currently, Village employees are still required to report. We are reassigning staff and adjusting schedules, allowing for office staff to work from home, and practicing social distancing when employees have to work in teams.

Village of Cross Plains

Policy No. 3.02 **Leave Policies**
Issuance Date: **July 22, 2013**
Revision Date: **March 23, 2015; and December 14, 2015**

Amend the following language to:

4. Personal Leave

A. Department Heads may grant an employee's request for Personal Leave when important, non-medical circumstances occur that require an employee to miss work to attend to personal affairs that cannot be rescheduled to non-work hours. Such Personal Leave, not to exceed three (3) days per calendar year, shall be deducted from sick leave. Personal leave may only be authorized if the employee has exhausted his vacation benefits.

B. Each request shall be reviewed by the employee's Department Head. If it is determined that the necessary requirements for Personal Leave have been fulfilled, the Department Head may authorize the use of up to a maximum of twenty-four (24) working hours for that purpose. The Village Administrator, upon the Department Head's recommendation, may extend the Personal Leave up to forty (40) working hours if circumstances warrant. Any request for Personal Leave over 40 working hours shall be approved by the village Board

Add the following language:

10. Leave – Emergency Closings

A. Purpose. To provide a plan for employees in the event of an emergency closing due to inclement weather or another emergency situation. As a general practice, the Village of Cross Plains makes every effort to maintain its normal schedule of operations. The Village of Cross Plains may close all or parts of operations only in cases of extreme emergency caused by impassible roads, medical emergency, violent weather, energy loss, or other conditions seriously endangering the health and safety of employees and/or the general public.

B. Reporting to Work.

(1) For the purposes of this section, "reporting to work" shall mean the conducting of any official Village business no matter the location.

(2) Each employee accepts the responsibility for reporting to work at the employee's regularly scheduled time, regardless of prevailing weather conditions.
(3) Employees not reporting to work will not be paid, however, such employees may use vacation or personal leave or compensatory time to minimize or avoid a loss of wages as a result of the absence.

C. Responsibility to Close. In the event the Village of Cross Plains is required to close or delay opening for business, or the situation is determined to be severe enough or expected to be severe enough to warrant closing down all or any non-essential operations, the decision will be made by the Village Administrator.

D. Official Announcements. When the Village Administrator determines that it is necessary to close or delay the opening of all or any operations, the Village Administrator shall communicate the start and end times of the closing or delay to Department Heads via email and by phone who are, in turn, responsible for notifying their employees. The Village Administrator or his/her designee shall also post the start and end times on the Village's website and on the front door of the Village Hall.

E. Village Closures. In the event that it is necessary to close or delay the opening of any operations per section C above and any or all non-essential employees are required to not report to work, the closure will be treated as a paid holiday for all employees not reporting for work and eligible for holiday pay.

(1) Essential Personnel. For the purposes of this policy, "essential personnel" include all employees of the Police Department and the Public Facilities Department. The Village Administrator is authorized to designate additional employees as essential personnel based on the circumstances of the emergency situation.

a. Essential Personnel who are required to report to work during a closure will be paid as if they are working on a holiday.

(2) Personnel Who Desire to Leave Early. Non-essential Employees who desire to leave early when operations have not been shut down may do so with the approval of the Department Head. Employees will only be paid for the time actually worked, but they may use vacation time or compensatory time to minimize or avoid loss of wages as a result of the absence.

(3) Making up lost time. With the approval from the respective Department Head, employees may make up lost time so long as the make-up time is within the same week as the delayed opening or closure.

Village of Cross Plains

Policy No. 3.03 **Holidays**
Issuance Date: **July 22, 2013**
Revision Date:

The purpose of this policy is to designate the specific paid holidays for Village employees.

1. Official Village Holidays

New Year's Day	Good Friday (Non-Police)
Memorial Day	Independence Day
Labor Day	Thanksgiving Day
Day After Thanksgiving Day (Non-Police)	Christmas Eve Day
Christmas Day	New Year's Eve Day

In the event any of the above holidays falls on a Saturday, the preceding Friday shall be considered to be the holiday. In the event a holiday falls on a Sunday, the following Monday shall be the holiday.

2. Floating Holidays

   A. In addition to the above listed Village holidays, regular full-time employees shall receive one (1) floating holiday (personal day) each twelve (12) months.

   B. However, Police Department employees shall receive three (3) floating holidays (personal days) each twelve (12) months in lieu of not receiving Good Friday and the Day After Thanksgiving off as an official Holiday.

3. Employees must be actively at work the last scheduled workday prior to and the next scheduled workday immediately following a holiday to qualify for holiday pay. An employee may be off from work on one or both qualifying days for one of the following reasons and qualify for holiday pay:

   A. Vacation
   B. Paid non-occupational illness/injury
   C. Occupational Illness/injury
   D. Jury Duty
   E. Funeral Leave
   F. Immediate supervisor Approval in Advance
   G. Personal Days

4. If a holiday falls within a vacation period, such day shall not count as a vacation day taken. See Policy No. 3.02 (2)(D).

5. All Employees shall be paid at their regular straight time rate for each holiday, except if an employee works on a holiday, the employee will be paid at the rate of time-and-one-half (1 1/2). This compensation would be paid in addition to the eight (8) hours of holiday pay to which the employee would be entitled as per Policy No. 3.03(1).

State of Wisconsin
Department of Health Services
Tony Evers, Governor
Andrea Palm, Secretary

EMERGENCY ORDER #12
SAFER AT HOME ORDER

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 30, 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, Governor Evers designated the Department of Health Services as the lead agency to respond to the emergency and directed the Department to take all necessary and appropriate measures to prevent and respond to incidents of COVID-19 in Wisconsin;

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

WHEREAS, as of March 23, 2020, 332,930 people around the world have tested positive for COVID-19, including 33,404 in the United States and 416 in Wisconsin;

WHEREAS, as of March 23, 2020, within the past 72 hours, positive COVID-19 cases have risen in the United States from 15,219 to 33,404 (119% increase) and have risen in Wisconsin from 206 to 416 (102% increase). Five Wisconsinites have passed away as a result of COVID-19. Public health officials estimate that the actual number of Wisconsinites infected with COVID-19 is significantly higher and likely present in every county in the state;

WHEREAS, at the current growth in the number of people infected, the number of people needing medical care due to COVID-19 will significantly exceed the amount of available healthcare resources;

WHEREAS, the entire State of Wisconsin – including residents, businesses, community organizations, and government – need to take all possible actions to reduce further spread of COVID-19 to save lives;

WHEREAS, social distancing – the practice of keeping at least six feet apart from others and avoiding direct physical contact – is the only effective means of slowing the rate of infection. Despite prior emergency orders banning mass gatherings, the rates of infection continue to drastically increase, necessitating additional measures to slow the rate of infection and save lives; and

WHEREAS, this is a critical moment in Wisconsin and we must all do our part to cease non-essential travel, business, and social interactions;

NOW THEREFORE, under the authority of Wis. Stat. § 252.02(3) and (6) and all powers vested in me through Executive Order #72, and at the direction of Governor Tony Evers, I, Andrea Palm, Secretary-designee of the Wisconsin Department of Health Services, order the following:

1. **Stay at home or place of residence**. All individuals present within the State of Wisconsin are ordered to stay at home or at their place of residence, with exceptions outlined below. To the extent individuals are using shared or outdoor spaces other than their home or residence, they must at all times as reasonably possible maintain social distancing of at least six (6) feet from any other person consistent with Social Distancing Requirements as defined below, except that they do not need to maintain social distancing between family members in a single living unit or household members. All persons may leave their homes or residences only for the following functions as are defined in this Order:

    a. **Essential Activities** (defined in section 11);
    b. **Essential Governmental Functions** (defined in section 12);
    c. To operate **Essential Businesses and Operations** (defined in section 13);
    d. To perform non-essential **Minimum Basic Operations** (defined in section 14);
    e. **Essential Travel** (defined in section 15); and
    f. **Special Situations** (defined in section 8, 9, and 10).

    Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible to the maximum extent practicable and to follow the Wisconsin Department of Health Services (DHS) and the U.S. Centers for Disease Control and Prevention (CDC) guidance on COVID-19 risk mitigation practices.

    Individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave

their home and stay at a safe alternative location. For purposes of this Order, homes or residences include hotels, motels, shared rental units, dormitories, shelters, and similar facilities.

2. **Non-essential business and operations must cease**. All for-profit and non-profit businesses with a facility in Wisconsin, except Essential Businesses and Operations as defined below, are required to cease all activities at facilities located within Wisconsin, except:

    a. Minimum Basic Operations, as defined below, and
    b. Any operations consisting exclusively of employees or contractors performing activities at their own home or residences (i.e., working from home).

    All businesses, including Essential Businesses and Operations, shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home). Businesses may not engage in door-to-door solicitation, regardless of its purpose or status as an Essential Business or Operation.

    All Essential Businesses and Operations are encouraged to remain open. To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined in this Order; in doing so, Essential Businesses and Operations shall, to the greatest extent possible, ensure that both employees and members of the public are maintaining six-foot social distancing, including but not limited to when any customers are standing in line.

3. **Prohibited activities**. All public and private gatherings of any number of people that are not part of a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits the gathering of members of a single household or living unit. Landlords or rental property managers shall avoid entering leased residential premises unless emergency maintenance is required.

4. **Closures**. All of the following facilities shall be closed:

    a. Public and private K-12 schools and public libraries. Except for facilitating distance learning or virtual learning, public and private K-12 schools are closed for pupil instruction and extracurricular activities. Libraries shall close for all in-person services, but may continue to provide on-line services and programming. Schools and public libraries may be used for Essential Government Functions and food distribution. This

section does not apply to facilities operated by the Wisconsin Department of Corrections or the Department of Military Affairs including the Challenge Academy.

b. **Places of public amusement and activity.** Whether indoors or outdoors, including but not limited to amusement parks, carnivals, water parks, licensed public or private swimming pools, splash pads, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, country clubs, social clubs, and gyms and fitness centers.

c. **Salons and spas.** This includes, but is not limited to, hair salons, barber shops, nail salons, day spas, electrolysis providers, waxing salons, eyebrow-care establishments, tattoo parlors, body art establishments, and tanning facilities.

5. **Prohibited and permitted travel.** All forms of travel are prohibited, except for Essential Travel as defined in this Order. Individuals riding on public transit must comply with Social Distancing Requirements to the greatest extent possible.

6. **Follow DHS and CDC guidelines.** When taking any action permitted under this Order, all individuals, organizations, government bodies, and any other permitted group of individuals shall, to the extent possible, follow DHS guidelines located here: https://www.dhs.wisconsin.gov/covid-19/index.htm.

   All Essential Businesses and Operations and all businesses performing Minimum Basic Operations shall comply with DHS guidelines for businesses located here: https://www.dhs.wisconsin.gov/covid-19/employers.htm.

7. **Elderly people and those who are vulnerable as a result of underlying health conditions should take additional precautions**. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their home or residence to the extent possible except as necessary to seek medical care. Nothing in this Order prevents DHS and local health officials from issuing and enforcing isolation and quarantine orders pursuant to Wis. Stat. ch. 252 and local ordinances.

SPECIAL SITUATIONS

8. **Healthcare and Public Health Operations**. For purposes of this Order, individuals may leave their residence to work for or obtain services at any Healthcare and Public Health Operations.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; medical facilities; clinics; ambulatory surgery centers for response to urgent health issues or related COVID-19 activities; manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products; dental offices; pharmacies; public health entities, including those that compile, model, analyze, and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); healthcare information technology companies; organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians, gynecologists, and midwife practices; eye care centers, including those that sell glasses and contact lenses; home health agencies and providers; mental health and substance abuse providers; detoxification and alcohol or drug treatment programs and facilities; syringe access programs, and naloxone distribution programs; other healthcare facilities and suppliers and providers of any related or any ancillary healthcare services; entities that transport and dispose of medical materials and remains; personal care agencies; hospices; allied health providers; acupuncturists; massage therapists; chiropractors; and adult family homes.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals. Non-essential veterinary care should be avoided.

Cafeterias and food service in health care facilities may remain open for staff and authorized visitors only, subject to the following restrictions:

a. Self-service operations of salad bars, beverages stations, and buffets are prohibited.

b. Customers are prohibited from self-dispensing any unpackaged food or beverage.
c. Customers and staff shall comply with Social Distancing Requirements, including in seating areas and lines.

Healthcare and Public Health Operations shall be broadly construed to avoid any impediments to the delivery of healthcare, broadly defined. Healthcare and Public Health Operations does not include fitness and exercise gyms, hair salons, barber shops, nail salons, day spas, electrolysis providers, tattoo parlors, body art establishments, tanning facilities, and similar facilities.

9. **Human Service Operations**. For purposes of this Order, individuals may leave their residence to work for or obtain services at any state, institutional, or community-based setting providing human services to the public.

Human Service Operations includes, but is not limited to: long-term care and assisted living facilities, as long as the facility follows all current DHS Recommendations for Prevention of COVID-19 in Long-Term Facilities and Assisted Living Facilities and all applicable U.S. Centers for Disease Control Recommendations; residential settings and shelters for adults, seniors, children, victims of domestic abuse, people with disabilities, people with substance use disorders, or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, or developmental disabilities, seniors, adults, or children; adult day care, adult day services, and supportive home care; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, vocational services, or rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, or other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

10. **Essential Infrastructure**. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provide, operate, maintain, and repair Essential Infrastructure.

Essential Infrastructure includes, but is not limited to: food production, distribution, fulfillment centers, storage facilities, marinas, and sales; construction (including, but not limited to, construction required in

response to this public health emergency, hospital construction, construction of long-term care and assisted living facilities, public works construction, school construction, Essential Business and Operations construction, construction necessary for Essential Governmental Functions, and housing construction, except that optional or aesthetic construction should be avoided); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, gas, and electric (including power generation, distribution, production of raw materials, and Wisconsin Department of Natural Resources-certified and registered drinking water and wastewater testing laboratories); Wisconsin Home Energy Assistance, Low Income Home Energy Assistance Program, and Public Benefits Energy Assistance Program offices, customer service centers, and public intake centers; distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

DEFINITIONS

11. **Essential Activities.** Individuals may leave their home or residence to perform any of the following:

    a. **Health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, including pets, such as, by way of example only and without limitation, obtaining medical supplies or medication, seeking emergency services, or visiting a health care or behavior health care professional. Individuals should rely on telehealth options whenever feasible.

    b. **Necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation: canned food, dry goods, fresh fruits and vegetables, gasoline, propane, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

c. **Outdoor activity.** To engage in outdoor activity, including visiting public and state parks, provided individuals comply with Social Distancing Requirements as defined below. Such activities include, by way of example and without limitation, walking, biking, hiking, or running. Individuals may not engage in team or contact sports such as by way of example and without limitation, basketball, ultimate frisbee, soccer, or football, as these activities do not comply with Social Distancing Requirements. Playgrounds are closed.

d. **Certain types of work.** To perform work at Essential Businesses or Operations or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations and obtaining supplies needed to work from home.

e. **Take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed in this Order.

12. **Essential Governmental Functions**. Essential Governmental Functions means all services provided by the State, tribal, or local governments needed to ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public. Each government body shall determine its Essential Government Function, if any, and identify employees and contractors necessary to the performance of those functions.

For purposes of this Order, all paid or volunteer first responders including law enforcement, EMS, and firefighters; first responder training academies; building inspectors; emergency management personnel; emergency dispatchers; court personnel, jurors and grand jurors; corrections personnel; hazardous materials responders; child protection and child welfare personnel; housing and shelter personnel; National Guard and military; and others working for or to support Essential Businesses and Operations are categorically exempt from this Order.

This section does not limit the ability or authority of the Wisconsin Supreme Court to use its constitutional supervisory authority over lower courts to limit or adjust court functions in response to the Public Health Emergency. This section does not limit the ability or authority of the Wisconsin Legislature to meet or conduct business.

Government bodies should continue to follow the Wisconsin Department of Justice's Office of Open Government guidance regarding

holding government meetings, and should consult directly with that office regarding specific open meetings questions. The guidance is available here: https://www.doj.state.wi.us/news-releases/office-open-government-advisory-additional-information-regarding-covid-19-and-open. Government bodies with additional questions about open meetings requirements should consult with the Wisconsin Department of Justice's Office of Open Government.

13. **Essential Businesses and Operations**. All entities described in this section shall meet Social Distancing Requirements between all individuals on the premises to the extent possible. Essential Businesses and Operations shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home). For the purposes of this Order, Essential Businesses and Operations means Healthcare and Public Health Operations, Human Services Operations, Essential Infrastructure, and Essential Governmental Functions, and the following:

    a. **CISA List**. Any business or worker identified in the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA), *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*, updated March 23, 2020, and any subsequent versions of this Memorandum.

    b. **Stores that sell groceries and medicine**. Grocery stores, bakeries, pharmacies, farm and produce stands, supermarkets, food banks and food pantries, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supply, fresh meats, fish, poultry, prepared food, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). Such establishments shall:

        i. Close all seating intended for consuming food.
        ii. Cease any self-service operations of salad bars, beverage stations, and buffets.
        iii. Except for grocery stores, prohibit customers from self-dispensing all unpackaged food.
        iv. Abide by Social Distancing Requirements.

    This section should not be interpreted to provide an exemption for businesses engaged in the sale of food or beverage ancillary

to its primary purpose, such as those businesses required to close under Section 4 who also may engage in some food or beverage sales.

c. **Food and beverage production, transport, and agriculture**. Food and beverage manufacturing, production, processing, transportation, and cultivation; farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, boarding, rescues, kennels, and adopting facilities; farm and agriculture equipment, supplies, and repair services.

d. **Restaurants.** Restaurants shall close, except as follows:

   i. Restaurants may remain open for food take-out or delivery service only.
   ii. Alcohol sales must comply with section 13.e. below.
   iii. Customers may enter the above establishments only for the purpose of ordering, pick up, and paying for food or beverage or both.
   iv. No seating may be provided.
   v. Food and drink may not be consumed on premises, either indoors or outdoors.
   vi. Establishments shall meet Social Distancing Requirements between all individuals on the premises to the extent possible.
   vii. Cease any self-service operations of salad bars, beverage stations, and buffets.
   viii. Customers are prohibited from self-dispensing any unpackaged food or beverage.

e. **Bars**. This includes breweries, brewpubs, wineries, distilleries, and alcohol beverage retailers. Such establishments shall close, except as follows:

   i. Carryout sales of alcohol beverages and food are allowed, if permitted by state law and municipal ordinance.
   ii. Delivery of alcohol beverages to retail customers is prohibited.
   iii. Wineries holding direct wine shippers' permits may make deliveries of wine in accordance with their permit.

iv. Customers may enter the above establishments only for the purpose of ordering, pick up, and paying for food or beverage or both.
v. No seating may be provided.
vi. Food and drink may not be consumed on premises, either indoors or outdoors.
vii. Establishments shall meet Social Distancing Requirements between all individuals on the premises to the extent possible.
viii. Self-service operations of salad bars, beverage stations, and buffets are prohibited.
ix. Customers are prohibited from self-dispensing any unpackaged food or beverage.

f. **Child care settings.** Secretary-designee Andrea Palm's Emergency Order #6 remains in effect, with the following amendments:

i. Child care settings shall prioritize care for families as follows:

1. Tier 1: employees, contractors, and other support staff working in health care;
2. Tier 2: employees, contractors, and other staff in vital areas including but not limited to military; long term care; residential care; pharmacies; child care; child welfare; government operations; public safety and critical infrastructure such as sanitation, transportation, utilities, telecommunications; grocery and food services; supply chain operations; and other sectors as determined by the Secretary of the Department of Children and Families.

ii. Child care settings include all licensed and certified child care providers who may provide care for any age or ages of children up to 13 years of age, unless specially licensed for children with disabilities up to 19 years of age.

g. **Organizations that provide charitable and social services**. Businesses and religious and secular nonprofit organizations, including prevocational group supportive employment, food banks and food pantries, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this public health emergency, and people with disabilities.

h. **Weddings, funerals, and religious entities.** Religious facilities, entities, groups, and gatherings, and weddings and funerals, except that any gathering shall include fewer than 10 people in a room or confined space at a time and individuals shall adhere to Social Distancing Requirements as much as possible.

i. **Funeral establishments**. Funeral establishments, as defined in Wis. Stat. § 445.01(6), except that any gathering shall include fewer than 10 people in a room or confined space at a time and individuals shall adhere to Social Distancing Requirements as much as possible.

j. **Media**. Newspapers, television, radio, and other media services.

k. **Gas stations and businesses needed for transportation**. Gas stations; auto and motorcycle supply, repair and sales; boat supply, repair, and sales; and bicycle supply, repair, and sales.

l. **Financial institutions and services**. Banks, credit unions, and other depository or lending institutions; licensed financial service providers; insurance services; personnel necessary to perform essential functions at broker dealers and investment advisor offices.

m. **Hardware and supplies stores**. Hardware stores and businesses that sell electrical, plumbing, heating, and construction material.

n. **Critical trades**. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe trades, fabricators, finishers, exterminators, pesticide application, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, forestry and arborists, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, Essential Governmental Functions, and Essential Businesses and Operations.

o. **Mail, post, shipping, logistics, delivery, and pick-up services**. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or

deliver groceries, food, beverages, goods or services to end users or through commercial channels.

p. **Laundry services**. Laundromats, dry cleaners, industrial laundry services, and laundry service providers.

q. **Supplies to work from home**. Businesses that sell, manufacture, or supply products needed for people to work from home.

r. **Supplies for Essential Businesses and Operations and Essential Governmental Functions**. Businesses that sell, manufacture, or supply other Essential Businesses and Operations and Essential Governmental Functions with the support or supplies necessary to operate, including computers; audio and video electronics; household appliances; IT and telecommunication equipment; hardware; paint; flat glass; electrical, plumbing, and heating materials; construction materials and equipment; sanitary equipment; personal hygiene products; food, food additives, ingredients, and components; medical and orthopedic equipment; firearm and ammunition suppliers and retailers for purposes of safety and security; optics and photography equipment; diagnostic; food and beverages; chemicals; paper and paper products; soaps and detergents.

s. **Transportation**. Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Order.

t. **Home-based care and services**. Home-based care for seniors, adults, children, and/or people with disabilities, substance use disorders, and/or mental illness, including caregivers or nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

u. **Professional services**. Professional services, such as legal or accounting services, insurance services, real estate services (including appraisal, home inspection, and title services). These services shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home).

v. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, and products used by other Essential Governmental Functions and Essential Businesses and Operations.

w. **Critical labor union functions**. Essential activities include the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Business and Operations, provided the checks are done by telephone or remotely where possible.

x. **Hotels and motels**. Hotels and motels, except that such establishments shall:

   i. Comply with requirements of 12.b, 12.d. and 12.e.
   ii. Close swimming pools, hot tubs, and exercise facilities.
   iii. Prohibit guests from congregating in lobbies or other common areas, including providing adequate space to adhere to Social Distancing Requirements while queuing for front desk services.

y. **Higher educational institutions.** Higher educational institutions, for purposes of facilitating distance learning, performing critical research, or performing essential functions as determined by the institution.

z. **WEDC designated businesses.** In the exceptional circumstance that a business is not listed in this Order as an Essential Business or Operations but believes that it should be included in that designation, the business should consult the information page on the Wisconsin Economic Development Corporation (WEDC) website, here: www.wedc.org/essentialbusiness. If a business still believes that it does not fall within the meaning of Essential Businesses and Operations, it may apply to the Wisconsin Economic Development Corporation (WEDC) using the provided form requesting designation as such.

14. **Minimum Basic Operations**. For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

    a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions, including where these functions are outsourced to other entities.

    b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

15. **Essential Travel**. Individuals engaged in any Essential Travel must comply with Social Distancing Requirements to the extent possible. For the purposes of this Order, Essential Travel includes:

    a. Any travel related to the provision of or access to Essential Activities, Special Situations, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.

    b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

    c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, or any other related services.

    d. Travel to return to a place of residence from outside the jurisdiction.

    e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.

    f. Travel required for non-residents to return to their place of residence outside Wisconsin. Individuals are strongly encouraged to verify that their transportation out of Wisconsin remains available and functional prior to commencing such travel.

16. **Social Distancing Requirements**. For purposes of this Order, Social Distancing Requirements includes maintaining social distancing of six (6) feet between people; washing hands with soap and water for at least

20 seconds as frequently as possible or using hand sanitizer; covering coughs or sneezes (into the sleeve or elbow, not hands); regularly cleaning high-touch surfaces; not shaking hands; and following all other public health recommendations issued by DHS and the U.S. Centers for Disease Control.

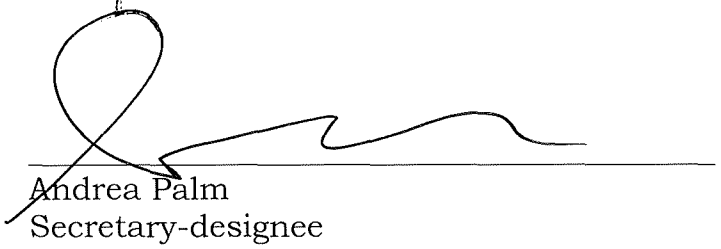
ENFORCEMENT

17. **Enforcement.** This Order is enforceable by any local law enforcement official, including county sheriffs. Violation or obstruction of this Order is punishable by up to 30 days imprisonment, or up to $250 fine, or both. Wis. Stat. § 252.25.

18. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

19. **Supremacy.** This Order supersedes any local order that is in conflict with this order.

20. **Duration.** This Order shall become effective at 8:00 a.m. on Wednesday, March 25, 2020 and will remain in effect until 8:00 a.m. on Friday, April 24, 2020, or until a superseding order is issued.



03/24/2020

Andrea Palm
Secretary-designee
Department of Health Services
State of Wisconsin

Date