

AGENDA
(TUESDAY) MARCH 31, 2020 1:00 P.M.
OCONTO COUNTY BOARD OF SUPERVISORS MEETING
LEC NORTH & SOUTH CONFERENCE ROOMS
301 WASHINGTON STREET, OCONTO WI 54153-1699

This is an open meeting of the Oconto County Board of Supervisors. Notice of this meeting was given to the public at least twenty-four hours prior to the meeting, by forwarding the complete agenda to the newspapers and to all news media who have requested the same as well as by posting. Copies of the complete agenda were available for inspection at the Office of the County Clerk and from the County's website calendar: www.co.oconto.wi.us

1. Call to Order and Roll Call
2. The Pledge of Allegiance
3. The Invocation
4. Presentation of Communications and Petitions
 - A. Change in Sequence
 - B. Removal of Items
5. Approval of Previous Meeting Proceedings
6. **O2020-03-01** – Chapter 2 – County Board of Supervisors – County Board of Supervisors
7. **R2020-03-19** – County Board of Supervisors Appointments in the Event of Postponement of the 2020 Spring Election – County Board of Supervisors
8. **R2020-03-20** – Adoption of Employee Handbook Revisions Due to Federal Families First Coronavirus Response Act- County Board Chair
9. Committee and Departmental Reports:
 - A. Report – Board of Health Report – Debra Konitzer, Health Office/Public Health Manager
10. Announcements/General Information (No Action to be taken)
11. Adjournment

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the Oconto County Clerk's office at 920-834-6800 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this committee, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

Courthouse Bldg. "A" Located at corner of Washington Street & Arbutus Avenue
Ramp Access from Washington Street Parking Lot Entrance

**PROCEEDINGS – MARCH 19, 2020
PUBLIC HEARING – THE COMMUNITY DEVELOPMENT BLOCK GRANT CLOSE OUT PROJECTS
OCONTO COUNTY BOARD OF SUPERVISORS MEETING**

1. Call to Order and Roll Call

County Board Chair, Paul Bednarik called the meeting to order at 9:00 a.m. in the County Board Room #3041, located at the Oconto County Courthouse, 301 Washington St., Oconto, WI by stating "This is an open meeting of the Oconto County Board of Supervisors. Notice of this meeting was given to the public at least 24 hours prior to the meeting by forwarding the complete agenda to the newspapers and to all news media who have requested the same, as well as by posting. Copies of the complete agenda were available for inspection at the office of the County Clerk." County Clerk, Kim Pytleski, recorded the attendance, with 24 members present: Supervisors Ballestad, Bartels, Jr., Bednarik, Behrend, Buhrandt, Christianson, Cole, Doeren, Frank, Holman, Kroll, Linzmeyer, Matravers, McMahon, Nichols, Parmentier, Ragen, Schindel, Schreiber, Sekela, Sleeter, Stellmacher, Stranz, Wahl; 7 absent: Ellis, Girardi, Kamke, Nelson, Paape, Pott, and Wellens.

2. Public Hearing – THE COMMUNITY DEVELOPMENT BLOCK GRANT CLOSE OUT PROJECTS

Kevin Hamann, Administrative Coordinator, referenced the PowerPoint presentation included in the agenda and asked if there were any questions. As there were no questions from the Supervisors, the floor was opened for public comment. The request for comment was made three times. No one requested to speak.

3. Adjournment

Motion by Stranz/Parmentier to adjourn. The motion was voted on and carried at 9:04 a.m.

**PROCEEDINGS – MARCH 19, 2020
OCONTO COUNTY BOARD OF SUPERVISORS MEETING**

4. Call to Order and Roll Call

County Board Chair, Paul Bednarik called the meeting to order at 9:05 a.m. in the County Board Room #3041, located at the Oconto County Courthouse, 301 Washington St., Oconto, WI by stating "This is an open meeting of the Oconto County Board of Supervisors. Notice of this meeting was given to the public at least 24 hours prior to the meeting by forwarding the complete agenda to the newspapers and to all news media who have requested the same, as well as by posting. Copies of the complete agenda were available for inspection at the office of the County Clerk." County Clerk, Kim Pytleski, recorded the attendance, with 24 members present: Supervisors Ballestad, Bartels, Jr., Bednarik, Behrend, Buhrandt, Christianson, Cole, Doeren, Frank, Holman, Kroll, Linzmeyer, Matravers, McMahon, Nichols, Parmentier, Ragen, Schindel, Schreiber, Sekela, Sleeter, Stellmacher, Stranz, Wahl; 7 absent: Ellis, Girardi, Kamke, Nelson, Paape, Pott, and Wellens.

5. The Pledge of Allegiance to the Flag

6. The Invocation was given by Supervisor Frank

7. Presentation of Awards and Recognition

Chair Bednarik and Highway Committee Chair Ragen expressed appreciation to Pat Scanlan, Highway Commissioner, for over 30 years of dedicated service to Oconto County. Scanlan will retire April 3, 2020. A round of applause followed the recognition and a few words from Scanlan.

8. Presentation of Communications and Petition

The clerk read five communications:

- A thank you from Bread by the Bay for the recent soup drive conducted by the Oconto County Courthouse in January for National Soup Month; treated as information to the board.
- An email from Kimber Ann Rollin requesting the board change the meeting times; treated as information to the board.
- A letter regarding the Wisconsin Counties Association annual survey; treated as information to the board.
- The resignation letter of Justin Ragen, Sheriff's Office Investigator. Ragen has joined the Department of Criminal Investigation; treated as information to the board.
- Sheriff Skarban gave verbal comments regarding COVID-19; treated as information to the board.

9. Approval of Agenda

A. Consent Agenda

A2020-03-01 Zoning Change – Town of Brazeau (Endure, LLC) – P&Z/Solid Waste Sub Com

A2020-03-02 Zoning Change – Town of How (WRVM, Inc. and Sons Farms, LLC) – P&Z/SW Sub Com

A2020-03-03 Zoning Change – Town of How (Zahn) – P&Z/Solid Waste Sub Com

A2020-03-04 Zoning Change – Town of Lakewood (Schulze) – P&Z/Solid Waste Sub Com

A2020-03-05 Zoning Change – Town of Little Suamico (King) – P&Z/Solid Waste Sub Com

A2020-03-06 Zoning Change – Town of Oconto Falls (Mantai) – P&Z/Solid Waste Sub Com

Report – Re-appointment – Crooked Lake Area Lakes Protection & Rehabilitation District (Buhrandt) – CB Chr

Report – Re-appointment – NEWCOM Committee Member (Kroll) – County Board Chair

Motion by Linzmeyer/Stellmacher to approve the consent agenda. The motion to approve carried by a unanimous electronic vote.

B. Change in Sequence – None.

C. Removal of Items – None.

Motion by Sleeter/Cole to approve agenda. The motion was voted on and carried.

10. Approval of Previous Meeting Proceedings

~~Motion by Doeren/McMahon to approve the proceedings from the 02/20/2020 meeting. The motion was voted on and carried.~~

11. Committee and Departmental Reports

A. Report – Constitutional Sanctuary Resolutions – Beth Ellingson, Corporation Counsel

Beth Ellingson, Corporation Counsel, presented the Constitutional Sanctuary Resolutions report. Discussion followed.

B. Report - Oconto County Economic Development Corporation (OCEDC) Update – OCEDC Com

Paul Ehrfurth, OCEDC Director, presented the Oconto County Economic Development Corporation Update.

C. Report – Employee Update – Month of February 2020 – Personnel & Wages Com

Administrative Coordinator, Kevin Hamann presented the Employee Update for February 2020.

D. Report – Fair Housing Proclamation – County Board Chair

Administrative Coordinator, Kevin Hamann presented the Fair Housing Proclamation.

12. Election of Highway Commissioner

Pytleski appointed Stranz and Behrend as ballot clerks. Chair Bednarik asked for nominations for Highway Commissioner. Stranz nominated Brandon Hytinen. Following discussion, motion by Parmentier/Frank to close nominations as no other nominations were made. Motion by Ragen/Sleeter to cast a unanimous ballot for Brandon Hytinen. The motion to election Brandon Hytinen as Highway Commissioner carried by a unanimous electronic vote.

13. R2020-03-01 Approval of a Resolution Declaring April 2020 Fair Housing Month – F/I Com

Motion by Nichols/Parmentier to adopt R2020-03-01 Approval of a Resolution Declaring April 2020 Fair Housing Month. Following an explanation by Kevin Hamann, Administrative Coordinator, and discussion, the motion to adopt carried by a unanimous electronic vote.

14. R2020-03-02 Approval of Revised Community Development Block Grant (CDBG) Citizens Participation Plan – Finance/Insurance Com

Motion by McMahon/Frank to adopt R2020-03-02 Approval of Revised Community Development Block Grant (CDBG) Citizens Participation Plan. Following an explanation by Kevin Hamann, Administrative Coordinator, the motion to adopt carried by a unanimous electronic vote.

15. R2020-03-03 Approval of a Community Development Block Grant (CDBG) Anti-Displacement and Relocation Assistance Plan – Finance/Insurance Com

Motion by Sleeter/Matravers to adopt R2020-03-03 Approval of a Community Development Block Grant (CDBG) Anti-Displacement and Relocation Assistance Plan. Following an explanation by Kevin Hamann, Administrative Coordinator, and discussion, the motion to adopt carried by a unanimous electronic vote.

16. R2020-03-04 Authorizing Resolution to Commit Other Funds – CDBG Application – F/I Com

Motion by Doeren/Frank to adopt R2020-03-04 Authorizing Resolution to Commit Other Funds – CDBG Application. Following an explanation by Kevin Hamann, Administrative Coordinator, the motion to adopt carried by a unanimous electronic vote.

17. R2020-03-05 Approval of Community Development Block Grant (CDBG) – Slum & Blight Certification and Compliance Form – Finance/Insurance Com

Motion by Sekela/Stranz to adopt R2020-03-05 Approval of Community Development Block Grant (CDBG) – Slum & Blight Certification and Compliance Form. Following an explanation by Kevin Hamann, Administrative Coordinator, motion by Sleeter/Parmentier to postpone R2020-03-05. The motion to postpone carried by a unanimous electronic vote.

18. R2020-03-06 Approval of a RLF Closeout Account – Finance/Insurance Com

Motion by Doeren/Matravers to adopt R2020-03-06 Approval of a RLF Closeout Account. Following an explanation by Kevin Hamann, Administrative Coordinator, and discussion, motion by Frank/Sleeter to postpone R2020-03-06. The motion to postpone carried by a unanimous electronic vote.

19. R2020-03-07 Authorizing Resolution for the Submission of a Community Development Block Grant (CDBG) Application – Slum & Bright – Finance/Insurance Com

Motion by Schreiber/Stranz to adopt R2020-03-07 Authorizing Resolution for the Submission of a Community Development Block Grant (CDBG) Application – Slum & Bright. Following an explanation by Kevin Hamann, Administrative Coordinator, motion by Parmentier/Schreiber to postpone R2020-03-07. The motion to postpone carried by a unanimous electronic vote.

20. R2020-03-08 Authorizing Resolution for the Submission of a Community Development Block Grant (CDBG) Application – New View/New Beginnings Training Center – Finance/Insurance Com

Motion by Stellmacher/Doeren to adopt R2020-03-08 Authorizing Resolution for the Submission of a Community Development Block Grant (CDBG) Application – New View/New Beginnings Training Center. Following an

explanation by Kevin Hamann, Administrative Coordinator, motion by Stranz/Kroll to postpone R2020-03-08. The motion to postpone carried by a unanimous electronic vote.

21. **R2020-03-09 Machickanee Boat Landing Additional Ramp and Renovation – FPR/LIS Sub-Com**
Motion by Sekela/Stranz to adopt R2020-03-09 Machickanee Boat Landing Additional Ramp and Renovation. Following an explanation by Gregory Sekela, Forest, Parks & Recreation Committee Chair, and discussion, the motion to adopt carried by a unanimous electronic vote.
22. **R2020-03-10 Approving Compensation, Vacation and Start Date for Highway Commissioner – Highway Com**
Motion by Ragen/Stranz to adopt R2020-03-10 Approving Compensation, Vacation and Start Date for Highway Commissioner. Following an explanation by Kevin Hamann, Administrative Coordinator, and discussion, the motion to adopt carried by a unanimous electronic vote.
23. **R2020-03-11 Recommend Highway Limited Term Truck Drive Positions – Highway Com & P&W Com**
Motion by Parmentier/Ragen to adopt R2020-03-11 Recommend Highway Limited Term Truck Drive Positions. Following an explanation by Pat Scanlan, Highway Commissioner, and discussion, the motion to adopt carried by a unanimous electronic vote.
24. **R2020-03-12 Approval of Elected Officials Salary Schedule – Personnel & Wages Com**
Motion by Nichols/Stellmacher to adopt R2020-03-12 Approval of Elected Officials Salary Schedule. Following an explanation by Kevin Hamann, Administrative Coordinator, the motion to adopt carried by an electronic vote 23 ayes, 1 nay (Frank), 7 absent.
25. **R2020-03-13 Health & Human Services Reception Counter – Public Property Com**
Supervisor Stellmacher out of attendance at 10:25 a.m.
Motion by Ballestad/Matravers to adopt R2020-03-13 Health & Human Services Reception Counter. Following an explanation by Kevin Noack, Maintenance Engineer, and discussion, the motion to adopt carried by a unanimous electronic vote.
26. **R2020-03-14 Surge Suppressors for Buildings A & B – Public Property Com**
Supervisor Stellmacher back in attendance at 10:30 a.m.
Motion by Linzmeyer/Matravers to adopt R2020-03-14 Surge Suppressors for Buildings A & B. Following an explanation by Kevin Noack, Maintenance Engineer, and discussion, the motion to adopt carried by a unanimous electronic vote.
27. **R2020-03-15 Upgrade of Building Automated Systems (BAS) Panel with Programmable Modular Control (PXC) – Public Property Com**
Motion by Ballestad/Schindel to adopt R2020-03-15 Upgrade of Building Automated Systems (BAS) Panel with Programmable Modular Control (PXC). Following an explanation by Kevin Noack, Maintenance Engineer, the motion to adopt carried by a unanimous electronic vote.
28. **R2020-03-16 Approval to Purchase HPE Simplivity HyperConverged Virtual Servers – TS Com**
Motion by Schreiber/Sleeter to adopt R2020-03-16 Approval to Purchase HPE Simplivity HyperConverged Virtual Servers. Following an explanation by Wayne Sleeter, Technology Services Director, and discussion, the motion to adopt carried by a unanimous electronic vote.
29. **R2020-03-17 Approve Replacing Core Network Routers – Technology Services Com**
Motion by Sleeter/Sekela to adopt R2020-03-17 Approve Replacing Core Network Routers. Following an explanation by Wayne Sleeter, Technology Services Director, the motion to adopt carried by a unanimous electronic vote.
30. **R2020-03-18 Oconto County Emergency Declaration – COVID-19 – County board Chair**
Motion by Schreiber/Doeren to adopt R2020-03-18 Oconto County Emergency Declaration – COVID-19. Discussion followed an explanation by Debra Konitzer, Health Office/Public Health Manager, and Tim Magnin, Emergency Management Director. The motion to adopt carried by a unanimous electronic vote.
31. **Announcements/General Information (No Action to be taken)**
 - Happy Birthday to Supervisors Christianson, Wellens, Nelson, Pott, and Kroll!
 - Debra Konitzer, Health Office/Public Health Manager, and Tim Magnin, Emergency Management Director, gave a COVID-19 update to the board.
 - May 28th is tentatively scheduled as a Strategic Planning day for the county board.
 - Kim Pytleski, County Clerk, gave an update on the April elections. Absentee voting by mail is encouraged. Visit myvote.wi.gov or call your municipal clerk to ask how to make a request.
32. **Adjournment**
Chair Bednarik declared the meeting adjourned at 11:22 a.m.
The next meetings of the Oconto County Board of Supervisors will be the Organizational Meeting on April 21, 2020 and the next regular meeting will be on April 23, 2020.
Proceedings of County Board meeting may be viewed in its entirety at www.co.oconto.wi.us.

Kim Pytleski, Oconto County Clerk

ORDINANCE -- O2020-03-01

To: The Honorable Chair and Members of the Oconto County Board of Supervisors

Re: Chapter 2 – County Board of Supervisors

WHEREAS, the Oconto County Board of Supervisors has reviewed Chapter 2 of the Oconto County Code of Ordinances and recommends the following amendment.

NOW, THEREFORE, the Oconto County Board of Supervisors does hereby ordain that:

SECTION 1: Chapter 2, of the Oconto County Code of Ordinances is amended as follows:

2.102 Organization, Policy and Authority of the Oconto County Board of Supervisors

(c) 59.10(1) County Self-Organization. Oconto County shall act in accordance with §59.10, Wis. Stats., and any and all existing and future amendments, revisions, or modifications thereto as a self-organized county, effective upon passage and publication and the filing of a certified copy of Oconto County Code of Ordinances Chapter 2.102(c) with the Secretary of State.

(e)(d) 59.10 Board of Supervisors.

The governing body of Oconto County shall be known as the "Oconto County Board of Supervisors" or the "Oconto County Board", hereinafter referred to as the Board or its members, "Supervisors".

It is declared to be the legislative policy and intent of the County Board that the County Board shall be organized to provide it with authority to exercise all county policy as conferred upon it by Wisconsin law including the provisions of Home Rule as provided in Sec. 59.03 and 59.04 and as further defined by county resolution or ordinance.

The County Board of Supervisors shall serve concurrent two year terms expiring on the third Tuesday of April of the even numbered years.

All contracts, leases and agreements for the County, other than those which are administrative in nature, must be approved by the County Board unless otherwise provided by Wisconsin law or these rules.

(d)(e) 59.19 Administrative Coordinator. The position of Administrative Coordinator is hereby created pursuant to the requirements of Sec. 59.19, Wisconsin Statutes. The Administrative Coordinator shall be responsible for coordinating all administrative and management functions of the county government not otherwise vested by the law of boards, commissions, or in other elected officials and shall have the following enumerated duties.

To coordinate and direct administrative and management functions of county government in conjunction with the County Board, Committees, Commissions, Boards and Elected Officers.

To assist the Finance-Insurance Committee in preparing the annual budget and upon its adoption keep a constant check on same to the end that all departments might stay within the limits of their individual appropriations. Monitor recommendations from the auditors to various departments and report progress of implementation to the Finance-Insurance committee.

To act as purchasing agent subject to the County Board Rules as set forth in the "Duties of All Committees" paragraph 3.

56 (1) To act as liaison with the Public Property Committee in matters pertaining to Courthouse
57 and Jail maintenance including grounds and office equipment and machines.
58

59 (2) To be responsible for the efficient operation and management of office supplies stockroom.
60

61 (3) To assist committees, when necessary, with the preparation of reports, resolutions
62 and ordinances to be submitted to the County Board for action.
63

64 SECTION 2: This ordinance shall take affect after passage and publication as provided by law.
65

66 Submitted this 31st day of March, 2020.
67

68 BY: OCONTO COUNTY BOARD OF SUPERVISORS
69

70
71 *Reviewed Electronically by*
72 *Beth Ellingson, Corporation Counsel*
73 *03/26/2020*

Consent Agenda: _____ Yes _____ No

Adopted by vote:

Ayes _____ Nays _____ Absent _____ Abstain: _____ Vacant: _____

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3 **RESOLUTION – R2020-03-19**

4 To: The Honorable Chair and Members of the County Board of Supervisors

5 Re: **County Board of Supervisors Appointments in the Event of Postponement of the 2020**
6 **Spring Election**
7

8 WHEREAS, in December, 2019, a novel strain of the corona virus was detected, now named
9 COVID-19, and it has spread throughout the world, including every state in the United States; and
10

11 WHEREAS, on January 30, 2020, the World Health Organization declared COVID-19 to be a Public
12 Health Emergency of International Concern; and
13

14 WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency to direct
15 all resources needed to respond to and contain COVID-19 in Wisconsin; and
16

17 WHEREAS, Governor Evers designated the Department of Health Services as the lead agency to
18 respond to the emergency and directed the Department to take all necessary and appropriate measures to
19 prevent and respond to incidents of COVID-19 in Wisconsin; and
20

21 WHEREAS, on March 19, 2020, the Oconto County Board of Supervisors declared a Public Health
22 Emergency pursuant to Wis. Stat. s. 323.14 of the Wisconsin Statutes, and empowered the County
23 Administrator and Board Chairman with the general authority to order, subject to ratification if practicable,
24 whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property
25 within Oconto County in the emergency; and
26

27 WHEREAS, the statewide public health emergency may necessitate postponement of the Spring
28 2020 Election; and
29

30 WHEREAS, the terms of the thirty-one elected Supervisors serving on the Oconto County Board
31 will expire prior to the date of any postponed 2020 Spring Election, thereby creating vacancies on the
32 County Board; and
33

34 WHEREAS, allowing vacancies in the thirty-one elected Board Supervisors seats until the
35 successor qualifies, with all the resulting disorder and inconvenience, is contrary to the health, safety,
36 protection and welfare of persons and property within Oconto County.
37

38 NOW THEREFORE, BE IT RESOLVED, that in the event the April 7, 2020 election is postponed,
39 the Oconto County Board of Supervisors hereby appoints, pursuant to the authority of Wis. Stat. ss.
40 59.10(1)(d), Oconto County Ordinance 2.102(c) and Wis. Stat. ss. 323.14(4), the following individuals to
41 serve as Board Supervisors. Said individuals shall be appointed beginning April 21, 2020 and shall continue
42 serving until a successor qualifies:

43 (SEE ATTACHED ADDENDUM)

44
45 IT IS FURTHER RESOLVED, that any committee appointments, and Chair/Vice chair seats shall
46 not terminate until such time as successor(s) of those seats are sworn in.
47

48 Submitted this 31st day of March, 2020.

49
50 BY: OCONTO COUNTY BOARD OF SUPERVISORS

51
52 *Reviewed Electronically by*
53 *Beth Ellingson, Corporation Counsel*
54 *03/26/2020*

52 *Consent Agenda:* _____ Yes _____ No

54 *Adopted by vote:*

55
56 *Ayes* _____ *Nays* _____ *Absent* _____ *Abstain:* _____ *Vacant:* _____

ADDENDUM TO RESOLUTION R2020-03-19

District #1	Elmer Ragen
District #2	Marcia C. Ellis
District #3	Don Girardi
District #4	Elizabeth Paape
District #5	Dennis Kroll
District #6	Robert Pott
District #7	David Behrend
District #8	Tim Cole
District #9	Al Stranz
District #10	Diane Nichols
District #11	Karl Ballestad
District #12	Dick Doeren
District #13	Al Schreiber
District #14	John Matravers
District #15	Rose Stellmacher
District #16	Melissa Wellens
District #17	Buzz Kamke
District #18	Stephanie Holman
District #19	Bart Schindel
District #20	Kenneth Linzmeyer
District #21	Leonard Wahl
District #22	Paul Bednarik
District #23	Gregory Sekela
District #24	Richard Nelson
District #25	Gary Frank
District #26	Doug McMahan
District #27	David Parmentier
District #28	Alan Sleeter
District #29	Judy Buhrandt
District #30	Don Bartels, Jr.
District #31	David Christianson

1 **RESOLUTION – R2020-03-20**

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4 TO: The Honorable Chair and Members of the Oconto County Board of Supervisors

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7 RE: **ADOPTION OF EMPLOYEE HANDBOOK REVISIONS DUE TO FEDERAL FAMILIES FIRST**
8 **CORONAVIRUS RESPONSE ACT**
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11 WHEREAS, due to the COVID-19 crisis the Federal Government passed the Families First
12 Coronavirus Response Act; and

13
14 WHEREAS, a need exists to modify our Oconto County Employee Handbook to comply with this
15 new law; and

16
17 WHEREAS, an addendum (attached) has been created to update the Oconto County FMLA policy
18 to comply with the new law.
19

20
21 THEREFORE, BE IT RESOLVED, that the Oconto County Board of Supervisors hereby adopts the
22 attached addendum to the Oconto County FMLA policy which is part of the Oconto County Employee
23 Handbook.
24

25 Submitted this 31st day of March, 2020

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29 BY: PAUL BEDNARIK, COUNTY BOARD CHAIR
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35 *Reviewed Electronically by*
36 *Beth Ellingson, Corporation Counsel*
37 *03/26/2020*

Consent Agenda: _____ Yes _____ No

Adopted by vote:

Ayes _____ Nays _____ Absent _____ Abstain: _____ Vacant: _____

40

FAMILIES FIRST CORONAVIRUS RESPONSE ACT POLICIES

(Addendum to Oconto County FMLA Policy)
Effective March 15, 2020

President Trump signed legislation on March 18, 2020 which modifies the requirements of the Family and Medical Leave Act (Emergency Family and Medical Leave Expansion Act), expands access to Unemployment Compensation Insurance Benefits (Emergency Unemployment Insurance Stabilization and Access Act of 2020) and creates paid sick leave (Emergency Paid Sick Leave Act) for employees while the employee or his/her family members are impacted by COVID-19. The legislative responses to the COVID-19 pandemic are all within the scope of what is known as the FAMILIES FIRST CORONAVIRUS RESPONSE ACT (the "Act"). The Act will take effect on April 2, 2020, with a sunset date of December 31, 2020.

I. **The Emergency Paid Sick Leave Act (PSLA)**

Provides a limited term paid sick leave benefit for employees outside of the FMLA or EFMLEA.

A. **Employee eligibility:** All employees actively employed by Oconto County. At this time, Oconto County is not excluding health care providers and emergency first responders but reserves the right to do so at a later date.

B. **Qualifications:** The employee must be unable to work or telecommute because:

1. the employee is subject to a Federal, State or local quarantine or isolation order relative to the COVID-19 virus;
2. the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. the employee is experiencing symptoms of the COVID-19 (fever, cough, sore throat, shortness of breath) and is seeking medical diagnosis from an appropriate health provider;
4. the employee is caring for a family member subject to a federal, state or local order related to COVID-19;
5. the employee is caring for a son or daughter whose school or place of care is closed or child care provider is unavailable due to COVID-19 precautions; or,
6. the employee is experiencing a substantially similar condition to COVID-19 as has been identified by the Secretary of Health and Human Services.

C. **Pay During Leave:** The amount of Emergency Paid Sick Leave available to employees is limited:

- Full-time employees will be eligible for their regular full time hours in a two week period of Emergency Paid Sick Leave.

- Regular, Part-time employees will be pro-rated based upon their regular hours of work.
- Employees who work a variable work schedule, the average bi-weekly hours of work over the preceding six month period will be utilized.

D. **Benefits During Leave:** Benefits will continue as actively working during this leave.

E. **Procedure for Requesting Leave and Certification:**

The Paid Sick Leave Law requires that the employee give notice to the employer of the desire to use the available paid time. Notice must be given to the employer no later than the first workday (or portion of such workday) that the employee receives Emergency Paid Sick Leave. Employee must notify department head in writing (email acceptable) of request and such time taken indicated on time card.

F. **Return to Work:** Employees will not be required to provide a return-to-work notice unless specifically requested by the Department Head and/or Administrative Coordinator. Employees who experience virus symptoms (cough, fever, sore throat, shortness of breath) should be symptom free for 72-hours prior to returning to work.

G. **Enforcement:** Nothing in this provision shall be construed in any way to diminish the rights or benefits that an employee is entitled to under any law, collective bargaining agreement, or existing County policy. An employee is encouraged to consult with the Personnel Department regarding any questions or concern.

An employee may not carry over any unused Emergency Paid Sick Leave. Further, upon on an employee's separation from employment, any unused Emergency Paid Sick Leave is forfeited.

II. **Emergency Family and Medical Leave Expansion Act (EFMLEA)**

A. **Employee eligibility:** All employees actively employed by Oconto County. Oconto County is not excluding health care providers and emergency first responders at this time but reserves the right to do so at a later date.

B. **Qualifications:** Employee is unable to work or telecommute to care for a minor child if the child's school or childcare has been closed or is unavailable due to a public health emergency (COVID-19).

C. **Pay During Leave:** The EFMLEA provides for time away from work for up to 12 weeks. The first ten (10) work days of EFMLEA leave is unpaid, unless the employee has available accrued vacation, personal or sick leave which can be substituted for the otherwise unpaid time. The employee will not be required to substitute pay for the first 10 days of unpaid leave. After the 10th unpaid work day, the employee will be eligible for pay from the County equal to 2/3 of the employee's regular rate of pay for the remainder of the available FMLA leave associated with the qualifying COVID-19 reason, not to exceed a daily cap of \$200 or aggregate cap of \$10,000, per person. Employees may substitute any paid leave available for the remainder of 1/3 salary not paid as outlined above.

For full time employees, the paid leave opportunity will be based on the regular base rate of pay of the employee for the hours the employee would normally work. Part-time employees pay eligibility will be based on their regular hours worked per week – or if variable – the average hours worked in the preceding six months.

An employee may be eligible for regular FMLA leave if they have a COVID-19 diagnosis and they meet the normal requirements of the FMLA. An employee who is not ill but merely quarantined because of coming into contact with COVID-19 would not be eligible for EFMLEA or regular FMLA.

Employer Paid FMLA leave is allowed **only** for the reason of closure of the child's school or childcare and need to provide child care due to the public health emergency and not allowed for other FMLA reasons.

It is important to note that while an employee is entitled to 12 weeks of leave under the EFMLEA, the length of the leave is reduced by any FMLA Leave previously taken by the employee – this is not a separate 12 week entitlement. In other words, the Emergency Leave for childcare purposes is automatically reduced by the amount of leave an employee has already taken in the current administrative year, without regard to the reason for the previous leave.

- D. **Benefits During Leave:** Benefits during leave will be applied the same as FMLA Leave
- E. **Employee Status after Leave:** The FMLA's job protected leave requirements and anti-retaliation provisions also apply to EFMLEA scenarios.
- F. **Procedure for Requesting Leave and Certification:** Employees must request leave in writing (e-mail acceptable) to their department head who in turn will notify Administrative Coordinator. When such notice is received, Administrative Coordinator will provide employee with FMLA Designation Notice.

Understanding that Schools and Day Cares are closed, and health care providers are overwhelmed at this time, the required certification will be waived unless there is cause to believe the employee falsified the request.

- G. **Return to Work:** Employees will not be required to provide a return-to-work notice unless specifically requested by the Department Head and/or the Administrative Coordinator. Employees who experience virus symptoms (cough, fever, sore throat, shortness of breath) should be symptom free for 72-hours prior to returning to work.
- H. **Enforcement:** Nothing in this provision shall be construed to in any way to diminish the rights or benefits that an employee is entitled to under any law, collective bargaining agreement, or existing County policy. An employee is encouraged to consult with the Personnel Department regarding any questions or concern.

III. Unemployment Compensation Rights

The Families First Coronavirus Response Act also affords an opportunity to affected

employees absent due to the Coronavirus to access Unemployment Compensation Benefits at an earlier point than exists under current law. The Act not only increases funding for Unemployment Compensation Benefits, it also removes the “job search requirement” and allows for benefit entitlement on the first day of the loss of employment, rather than a one week waiting period for benefits. The Wisconsin Legislature still must take action to eliminate the one week benefit waiting period, which as of the writing of this Client Alert has not occurred.
