

**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

RESOLUTION NO. 28-2020

**A RESOLUTION RATIFYING COVID-19 EMERGENCY PROCLAMATION NO. 1
IMPLEMENTING PROVISIONS OF 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; and

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

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; and

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

WHEREAS, on March 16, 2020, the Village of Germantown declared a local state of emergency; and

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); and

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

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

WHEREAS, Paragraphs 1 and 12 of Emergency Order #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 the emergency; and

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, on March 31, 2020, Village President Wolter issued COVID-19 Emergency Proclamation No. 1 wherein certain employees were declared to be "emergency responders" under the FFCRA and various aspects of the FFCRA were adopted into the policies of the Village; and

WHEREAS, pursuant to Wis. Stat. § 323.14(4)(b), the Proclamation is subject to ratification, alteration, modification or repeal by the Village Board; and

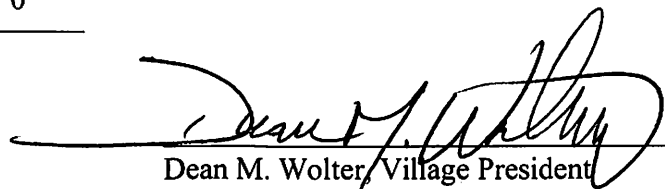
WHEREAS, the purpose of this Resolution is to provide the process for identifying employees, categories of employment, positions and/or departments that are "emergency responders" under the FFCRA and, as a result, exempt from the provisions of the FFCRA.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Germantown that COVID-19 Emergency Proclamation No. 1 Implementing Provisions of the Families First Coronavirus Response Act is hereby ratified in its entirety.


Introduced by: Trustee Baum

Adopted: April 6, 2020

Vote: Ayes: 9 Nays: 0


Dean M. Wolter, Village President

ATTEST:


Deanna B. Braunschweig, WCMC/CMC
Village Clerk

**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

COVID-19 EMERGENCY PROCLAMATION NO. 1

**A PROCLAMATION IMPLEMENTING PROVISIONS OF
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; and

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

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; and

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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); and

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

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

WHEREAS, Paragraphs 1 and 12 of Emergency Order #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 the emergency; and

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 Proclamation 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; and also to otherwise implement the provisions of the FFCRA.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Dean M. Wolter, Village President of the Village of Germantown, Wisconsin, on behalf of all of the Citizens of Germantown and the staff of Village government, hereby declare, as follows:

1. Pursuant to Wis. Stat. § 323.14(4)(b), upon current facts and the inability of the Village Board of the Village of Germantown to meet promptly, it is necessary and expedient for the health, safety, protection, and welfare of persons and property within the Village to ensure that the Village's emergency response continue uninterrupted such that it is appropriate to issue this Proclamation to classify certain positions as emergency responders under the FFCRA prior to its effective date.

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

- Village Administrator
- Crime Prevention Officer
- Custodian
- Deputy Treasurer
- Designated Operator
- DPW Administrative Assistant
- Finance Director
- Fire Admin Assistant
- Fire Battalion Chief
- Fire Captain
- Fire Chief
- Fire Lieutenant
- Firefighter
- Firefighter/EMT
- Firefighter/Paramedic
- Foreman Highways, Parks, Buildings and Grounds
- Heavy Equipment Operator
- Highway Parks Buildings & Grounds Crew Leader

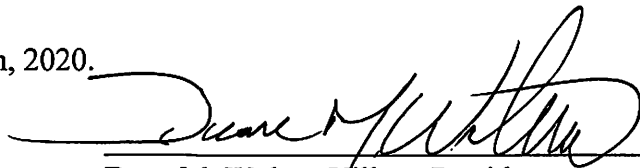
- Maintenance Operator
- Mechanic I
- Mechanic II
- MPO
- Operator
- Police Captain
- Police Chief
- Police Clerk Typist
- Police Communications Officer
- Police Communications Supervisor
- Police Detectives
- Police Lieutenant
- Police Officer
- Police Secretary
- Public Works Director
- School Resource Officer
- Superintendent of Highways, Parks, Buildings and Grounds
- Superintendent of the Wastewater Utility
- Superintendent of the Water Utility
- Support Services Manager
- Village Clerk

3. It is the intent of this Proclamation 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.

4. The attached Family and Medical Leave Policy Addendum to the Village’s FMLA Policy and the attached Emergency Sick Leave Policy are hereby adopted as policies of the Village.

5. This Proclamation is effective immediately.

Dated this 31 day of March, 2020.


Dean M. Wolter, Village President