

**RESOLUTION  
ROCK COUNTY BOARD OF SUPERVISORS**

County Administrator Josh Smith  
INITIATED BY



Corporation Counsel  
Richard Greenlee  
DRAFTED BY

County Board Staff Committee  
SUBMITTED BY

April 2, 2020  
DATE DRAFTED

**Establishing Temporary Paid Leave for COVID-19 Related Workforce  
Reductions and Policy on Furloughed Employees**

1 **WHEREAS**, on March 24, 2020, the Wisconsin Department of Health Services issued Emergency  
2 Order #12 "Safer at Home" to slow the spread of the Novel Coronavirus by ordering all Wisconsin  
3 Residents to stay at their current residence unless they needed to use or provide essential business and  
4 services until April 24, 2020; and,

5  
6 **WHEREAS**, the State's issuance of the Safer at Home order was in response to a significant growth in  
7 known COVID-19 cases and deaths, with Wisconsin cases rising from 20 to 416 over the 72-Hour period  
8 immediately preceding the Safer at Home Order, a 102% increase; and,

9  
10 **WHEREAS**, at the growth rate immediately prior to the issuance of the Safer at Home Order, the need for  
11 medical care would have exceeded the available healthcare resources; and,

12  
13 **WHEREAS**, in response to the Safer at Home Order, County Administrator Josh Smith directed that all  
14 County employees follow the Safer at Home order and stay at their residences until April 24, 2020, unless  
15 to provide for or deliver an Essential Government Function the employee was required to be present at  
16 work; and

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18 **WHEREAS**, as a result of the Safer at Home order, many County employees are able to work remotely,  
19 however, there are other employees whose job descriptions do not fulfil an Essential Government Function  
20 and are not able to work remotely because their job functions require them to be physically present at work,  
21 and consequently must stay home but cannot work; and

22  
23 **WHEREAS**, on April 1, 2020, the Families First Coronavirus Response Act ("FFCRA") was enacted,  
24 which mandates that the County provide 12 weeks of job-protected leave to all employees who are unable  
25 to work or telework because they need to care for a son or daughter who is unable to attend school or other  
26 child care because of a closure in response to a COVID-19 related Public Health Emergency, and that such  
27 leave will be paid leave for 10 weeks at 2/3 of the employees normal rate of pay, capped at \$200 per day,  
28 and an aggregate of \$10,000, for the number hours that the employee would have worked if he or she did  
29 not need to take leave; and

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31 **WHEREAS**, on March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act was  
32 enacted, which among other things, provides expanded and more generous unemployment benefits for  
33 workers in the United States who are laid off or furloughed because of the declining work available due to  
34 the Novel Coronavirus; and

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36 **WHEREAS**, it is both equitable and in the best interests of Rock County, its residents, and its workforce  
37 to provide a similar leave program for employees who are willing to work, but unable to do so because of  
38 the Safer at Home Order; and

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40 **WHEREAS**, it is the best interest of Rock County, its residents, and its workforce to provide a flexible  
41 mechanism for staff to return to work in their current role, in support of another County department facing  
42 staffing shortages or workload increases due to COVID-19, or in support of other critical community needs  
43 that are suffering due to COVID-19; and

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45 **WHEREAS**, it may be in the mutual best interests of both Rock County and its workforce who are unable  
46 to work due to the Safer at Home order to temporary furlough employees so that they can access  
47 unemployment benefits provided in the CARES Act.

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**NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly assembled this 9th day of April, 2020 does direct County Administrator Josh Smith to establish, by Administrative Order, a temporary leave program for employees who are available to work, but unable to do so because of reasons related to a public health emergency associated with COVID-19 pandemic.

**BE IT FURTHER RESOLVED** that in order to provide equity to employees this program be consistent with leave available under the FFCRA, including 12 weeks of job-protected leave, 10 of which are paid, to all eligible employees, capped at \$200 per day and prorated based upon the employee's FTE status; the ability to use personal leave banks to make up the difference between this reduced wage and their regular wage; and the ability to receive their full regular wage by being redeployed to other County departments and community support roles that have a need due to COVID-19.

**BE IT FURTHER RESOLVED** that Administrator Smith is directed to establish by Administrative Order a policy to provide for the temporary furlough of employees to address shortages in available work, and the long-term needs of the Rock County Workforce.

Respectfully submitted,

COUNTY BOARD STAFF COMMITTEE

\_\_\_\_\_  
J. Russell Podzilni, Chair

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Louis Peer

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Mary Mawhinney, Vice Chair

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Alan Sweeney

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Richard Bostwick

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Terry Thomas

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Henry Brill

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Bob Yeomans

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Betty Jo Bussie

FISCAL NOTE:

These payments are within what was budgeted for regular wages and benefits.

*/s/ Sherry Oja*

Sherry Oja  
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to §§ 59.22(2) & 323.14, Wis. Stats.

*/s/ Rich Greenlee*

Richard Greenlee  
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

*/s/ Josh Smith*

Josh Smith  
County Administrator

### Executive Summary

Recent federal action has created a number of new options for employees to continue to receive compensation when they otherwise would be affected by employment actions due to COVID-19.

The Families First Coronavirus Response Act (“FFCRA”) mandates that the County provide 12 weeks of job-protected leave to all employees who are unable to work or telework because they need to care for a son or daughter who is unable to attend school or other child care because of a closure in response to a COVID-19 related Public Health Emergency, and that such leave will be paid leave for 10 weeks at 2/3 of the employees normal rate of pay, capped at \$200 per day, and an aggregate of \$10,000, for the number hours that the employee would have worked if he or she did not need to take leave.

The Coronavirus Aid Relief and Economic Security (“CARES”) Act provides expanded and more generous unemployment benefits for workers in the United States who are laid off or furloughed because of the declining work available due to COVID-19.

This resolution directs the County Administrator to issue an Administrative Order to create a program to provide temporary paid leave to employees with reduced workloads or ability to work. These individuals would not qualify for the FFCRA because they do not have school-aged children. As noted in the resolution, the terms of this program would be similar to the FFCRA. Staff receiving a reduced workload would have the ability receive their full wage by either using leave time or agreeing to be redeployed to support other County departments or community needs with increased support needs due to COVID-19. This approach would provide flexibility to the County workforce by being able to bring staff back to County positions quickly when staff are unavailable due to illness or when the amount of work exceeds staff capacity. Having the ability to coordinate staff deployments to community functions can also fill a vital role when many community volunteers, such as those that deliver meals, are in high-risk categories and may choose not to be in the community during this time.

In addition, given the increased benefits available through Unemployment Compensation, some staff with reduced work may be better off accessing these benefits. Creation of a temporary furlough program would allow these staff to receive UC benefits while maintaining certain County employment rights and leave balances.

Directing the County Administrator to create these programs via Administrative Order is consistent with other temporary actions taken during this crisis and ensures that these new policies automatically end when the County’s Emergency Declaration expires.