



**CITY OF MILWAUKEE
Department of Employee Relations**

**POLICY AND ADMINISTRATIVE GUIDELINES
EMPLOYMENT AND WORKPLACE CONSIDERATIONS RELATED TO THE
CORONAVIRUS (COVID-19)**

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The Department of Employee Relations (DER) has developed this Policy and Administrative Guidelines to address employment and workplace considerations related to the novel coronavirus, COVID-19. This document attempts to provide clarity about policies, practices and procedures that may be impacted in response to COVID-19. We anticipate that the content of this document will continue to evolve as new information becomes available and based on new, or changes to, guidance provided by the Centers for Disease Control (CDC), the EEOC, the Wisconsin Department of Health (DHS), and the Milwaukee Health Department (MHD).

As indicated by the CDC, the guidance provided by this Policy focuses on leave policies, teleworking options, encouraging or requiring employees with flu-like symptoms to stay at home, communicating personal protective measures among staff including handwashing and respiratory etiquette, enhanced environmental cleaning, and ensuring hand hygiene supplies are available.

Please note that as the City continues to identify ways to effectively respond to this public health challenge, there may be a need to change or add provisions to the Milwaukee Code of Ordinances. On Sunday March 15th the Mayor used the executive powers granted under Chapter 6 of the Milwaukee City Charter to declare a state of emergency and implement a number of provisions designed to mitigate the spread of the virus and to create an immediate financial safety net for employees given how fluid the situation is and given the decision by the Governor on March 13th to close all public and private schools. The **original and a subsequent proclamation issued on March 19th on can be found at:** [COVID-19 Mayoral Proclamation Effective March 16 2020](#)

The City is also monitoring the federal government's actions to provide relief to individuals suffering physically, financially, and emotionally from the pandemic. **The Families First Coronavirus Response Act (FFCRA) was approved by the Senate and signed by the President on March 20th. The legislation requires the City to provide employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.**

DER is currently working on planning for the implementation of the paid leave entitlements. A notice issued by the Department of Labor explaining employee rights can be found at: https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf
Additional information, including an FAQ document, explaining the Act will be available the week of March 30th.

Safer-At-Home and Stay-At-Home Orders have been issued by Governor Evers and Commissioner Kowalik from the Milwaukee Health Department. Such Orders impose a number of requirements and restrictions to mitigate the spread of COVID-19 in the city. DER has prepared a document with important

information regarding the impact of the MHD Order on City of Milwaukee Operations. That document can be found at:

<https://city.milwaukee.gov/ImageLibrary/Groups/derAuthors/Policies/COVID-19COHStayatHomeFAQ3.24.20.pdf>

If you have questions about the content of this document or concerns about information that is not addressed in this document, please contact DER at X6210.

POLICY STATEMENT

The safety of our workforce and community is our highest priority. The City is committed to providing employees a safe and healthy work environment. Together we share a responsibility to help prevent the spread of illnesses in our community. Employees have an obligation to practice the CDC and Wisconsin Department of Health Services recommendations to help keep the spread of the virus to a minimum.

Managers and supervisors are expected to adhere to the guidance provided by this Policy and Administrative Guidelines in responding to employee concerns and questions. Department leadership has a responsibility to ensure compliance with all applicable provisions of these guidelines including those that require greater flexibility in determining schedules, work assignments, locations, scheduling and use of paid time off, and other related employment matters. The Policy and Administrative Guidelines apply to all employees and officials of the City of Milwaukee, including sworn employees of the Milwaukee Fire Department and Milwaukee Police Department. If any portion of this Policy and Administrative Guidelines conflicts with specific language of a current collective bargaining agreement, then the collective bargaining agreement will control.

PLEASE NOTE: Effective immediately employees are required to notify the departmental human resources contacts or the leave administrators if they had a positive COVID-19 test result or have been in direct contact, defined as contact of at least 10 minutes within 6 feet of a positive confirmed case. In addition, employees who are experiencing symptoms of COVID-19 at work should notify their supervisor so that the appropriate action(s) can be implemented. This is necessary to ensure that the health and safety of others in the workplace is protected. **Please note that upon notification to the department by the employee or the employee's health care provider of a positive test result, the department representative should seek guidance from the Milwaukee Health Department by calling 286-3624. If guidance from MHD is not immediately available, DER should be notified by contacting 286-6210. Managers and supervisors should not be attempting to identify direct contact and potential exposure without guidance as described above.**

HOW TO PREVENT THE SPREAD OF THE VIRUS

Practicing good infection prevention behaviors creates good habits that will help prevent the spread of the virus during an outbreak. Prevention continues to be the priority at this time, especially because we are still in the middle of cold and flu season. All employees – regardless of symptoms – are expected to take action to help prevent the spread of COVID-19. The symptoms that are currently being seen with COVID-19 are fever and respiratory symptoms such as cough and shortness of breath. To help keep the spread of the virus to a minimum employees are asked to:

- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom, before eating, and after blowing your nose, coughing, or sneezing.
- Cover your nose and mouth with a tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available)
- Avoid close contact with people who are sick
- Avoid touching your eyes, nose, and mouth with unwashed hands

- Clean and disinfect frequently touched objects and surfaces
- Use an alcohol-based hand sanitizer with at least 60% alcohol if soap is not available
- Stay home if they have symptoms of acute respiratory illness or a fever of 100.4 degrees or higher.

ADDITIONAL PREVENTION MEASURES

Under applicable state regulations, the City has a general duty to furnish a place of employment that is free from recognized hazards that can cause harm or injury to the employees. Additional measures that have been or will be implemented to reduce the risk of infection and the risk of harm to employees are summarized below.

Enhanced Environmental Cleaning: Coronaviruses can be spread through personal contact, or by touching an object or surface with the virus on it. In an effort to take precautions and minimize the risk of exposure to COVID-19, the Department of Public Works custodial operations has implemented the following procedures and processes within the City Hall Complex:

- Hand sanitizer bottles and/or baskets of sanitizer wipes have been put in place on all the public counter areas such as Water Dept. payment center, Vital Statistics, DNS Development Center, City Hall Information Booth, City Clerk's reception counter, Mayor's reception, etc. Several areas have hand sanitizer dispensers in place already on their counters.
- Custodians have changed their cleaning products to match the EPA criteria of effectiveness against the coronavirus.
- All custodians have been directed to provide ongoing disinfecting to all touch surfaces throughout their shift.
- All custodians have been directed to be diligent in replacing the desktide trash can liners daily and to use disposable gloves in their daily tasks.
- One custodian has been assigned to continuously disinfect all touch surfaces within the Complex for approximately 6 hours per day. This includes the stairway handrails, elevator call buttons, entry door handles & push plates, door glass, atrium handrails and water fountain fixtures.
- Contract cleaner's time in the Complex will be increased by 7 hours per day to provide enhanced disinfecting of their assigned cleaning areas and provide another person assigned to a 3 hour daily shift to provide additional disinfecting in the public areas and public meeting spaces.
- Spray bottles of our sanitizing product & disposable wipes will be provided in all kitchen and break areas in the Complex as available. (Extra bottles are on order.)
- Orders have been placed for replenishing our stock of hand sanitizers and wipes though vendors advise products are on back order. As soon as available we will install hand sanitizer bottles into all the conference rooms in the Complex, too.

The following has been implemented to respond to the COVID-19 concern for the contracted cleaning operators in the City's outlying facilities i.e., DPW, DNS, Election & Health Centers:

- Similar to the City Hall Complex, contractors have changed their cleaning products to match the EPA criteria of effectiveness against the coronavirus and have been directed to take extra steps to provide enhanced sanitizing practices at all locations.
- Contractors are being scheduled with additional work hours to accommodate this directive.
- Spray bottles of our sanitizing product & disposable wipes will be provided in all kitchen and break areas as available. (Extra bottles are on order.)
- As soon as available we will install hand sanitizer bottles into all conference rooms.

Facilitate infection control practices: the MHD will make display posters available for distribution throughout workplaces that remind employees of the proper hand washing, respiratory hygiene, and cough etiquette to help prevent the transmission of this virus in the workplace.

Social Distancing: Viruses like COVID-19 are primarily spread by respiratory droplets expelled by coughs and sneezes. These droplets travel less than 6 feet before dropping out of the air due to gravity. Therefore, strategies of social distancing, staying about 6 feet or more away from other people, can be one of the most effective strategies to keep from becoming infected or spreading infection to others. Other social distancing practices include:

1. Reducing face-to-face exposure by using conference calls
2. Cancelling meetings, workshops, training sessions and scheduled events
3. Avoiding public gatherings (concerts, sporting events, etc.)

With departmental approval, flexible schedules and teleworking policies can support social distancing. The appropriateness of such schedules or work from home policies will depend upon the employee's position within the City and the assigned job duties. Please check with your departmental staff regarding those options.

MANAGING TRAVELERS

As of March 19th the Milwaukee Health Department has provided updated guidance regarding managing travelers. There is now community spread of the novel Coronavirus in Wisconsin therefore guidance related to travel has been updated. If you have a staff member who was previously put on self-quarantine due to travel outside of Wisconsin it is now appropriate to reevaluate each specific situation. Please have the employee confirm through self-monitoring that they are not showing any symptoms of the coronavirus illness which are: fever over 100.4, cough or shortness of breath. If the individual is clear from all symptoms, the individual may return to work.

EMPLOYEES WITH SYMPTOMS, EXPOSURES AND EXCLUSION FROM WORK

An important way to reduce the spread of both seasonal flu and COVID-19 is to actively encourage sick employees to stay home. Currently, in any of the following situations, employees can be carried on payroll using sick leave and all other accrued balances before going into unpaid status. *Note: Per the Mayor's proclamations and Common Council approval, employees are also able to access up to 40 hours of Temporary Paid Sick Leave from March 16th through March 28th.*

In accordance with this Policy employees will be required to self-quarantine at home for 14 days from the date of contact if they have had direct contact. Direct contact means contact that is <6ft distance with a +COVID-19 case for 10 minutes or more. In addition, in order to ensure compliance with CDC, DHS, and MHD guidance, DER is implementing the following protocols **for employees who are not first responders who are covered by separate protocols established by the respective departments in consultation with MHD:**

When employees call in sick: ordinarily, the City does not inquire into the details of an illness when an employee calls in sick; however, requesting information about the reason for the absence in order to protect the rest of the workforce during a coronavirus-like event is acceptable to avoid wide community spread provided that the question is restricted to whether the employee is experiencing flu-like symptoms, such as fever or chills and a cough or sore throat. If the employee is experiencing flu-like symptoms, the department will inform the employee that return to work will be allowed when the employee has had no

fever for 72 hours without fever-reducing medication and is no longer displaying other symptoms of the flu-like illness or the employee has been cleared to report by a medical professional. Please note that if the employee is sick with flu-like symptoms and has traveled per the guidance under the Managing Travelers provision, the employee will be required to self-quarantine for 14 days and will not be allowed to simply return after the fever is gone.

When employees have flu-like symptoms upon arrival to work or become sick during the day:

Symptoms of COVID-19 include a fever or flushed appearance, dry cough, and shortness of breath. Employees in the workplace who exhibit the above symptoms should be separated from other employees and advised to go home and stay at home until they have been fever-free for 72 hours without fever-reducing medicine, and are no longer displaying other symptoms of the flu-like illness or have been cleared to return by a medical professional. **Please follow CDC guidance on symptoms of COVID-19 from <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>**

When an employee is identified by a medical provider or a public health authority as a potential exposure to a confirmed case as defined by the CDC's most recent criteria: the employee will be quarantined and will be required to stay at home for 14 days and monitor for symptoms. If symptoms develop or the employee tests positive for COVID-19, the employee will remain in isolation until a determination is made by the public health authority, in coordination with the CDC, that the individual is no longer infectious.

When an employee is diagnosed with COVID-19: the employee must follow medical orders and will remain in isolation until a determination is made by a health care provider or public health authority, in coordination with the CDC, that the individual is no longer infectious. Notification of return to work protocols will be coordinated by the MHD and the DER Leave Administrator so that the appropriate communication with the employing department can follow.

Important Information:

Under Wisconsin State Statutes the Commissioner of Health or her designee is required to adopt all measures necessary to prevent, suppress and control communicable diseases. The Rules of the Board of the City Service Commissioners further authorize and permit the Commissioner of Health to direct that any employee or group of employees whose work is such as to expose the employee or employees to danger of contracting a communicable disease to undergo medical examination as necessary for the protection of the interests of the service and for the protection of other employees or the public. Given continued developments associated with the spread of this virus, the Commissioner will determine when measures to quarantine or isolate employees will be utilized and when testing protocols, if available, will be ordered and followed.

ATTENDANCE POLICIES, SICK LEAVE PROCEDURES AND RETURN TO WORK CERTIFICATES

Given the need to minimize the spread of COVID-19, employees who are sick should consult with their health care providers by phone before visiting the office or may seek guidance from the Workplace Clinic. UHC's virtual visits are also available to screen symptoms and obtain recommendations regarding the most appropriate care.

Supervisors should work to ensure that employees are accessing available leave appropriately to enable them to stay home and away from the workplace when ill. Please review the provisions included in the proclamation signed by the Mayor that takes effect on March 16, 2020 and expanded on March 18th.

Workplace Clinic: The City of Milwaukee's Onsite Workplace Clinic remains open to employees and spouses. Appointments are available to diagnose and treat minor illness and injuries such as ear

infections, pink eye, flu/cold symptoms, urinary tract infections, insect bites, rashes, respiratory infections and smoking cessation assistance. The clinic is FREE for all employees and spouses (no dependents) regardless of whether they take the City's health insurance. Clinic providers are also able to conduct telehealth appointments to screen your symptoms and help you access the appropriate level of care.

Important instructions before arriving at the Workplace Clinic:

- Call first before visiting
- Appointments are required, you can schedule an appointment by calling 414-777-3413
- Enter through the Market Street entrance

**Important Information for Employees enrolled in the City's Health Insurance
Free Access to COVID-19 Testing and the Associated Visit:**

If you meet the CDC guidelines for COVID-19 testing, and it's requested by your doctor, all costs for COVID-19 testing are waived. In addition, costs are waived for visits associated with COVID-19 testing, whether the care is received in a physician's office, telehealth visit, an urgent care center or an emergency department, in or out of network. If you have coverage questions on testing, testing locations, treatments or anything else, call the number on your UHC ID card.

Free Virtual Visits:

If you are enrolled in the City's health plan, sign in to myuhc.com® or the UnitedHealthcare® app to chat with a doctor by phone or video 24/7*. Virtual Visits costs are waived until at least 6/18/20. Virtual Visits can be used for advice and guidance about COVID-19, but cannot be used to test for or treat it. To access Virtual Visits go to myuhc.com and select "Connect with a Doctor Online."

New Telehealth:

Until at least 6/18/20, telehealth access is expanded in response to COVID-19 to allow faster support and to reduce exposure to the virus. Your local medical provider may be able to provide a telehealth visit through live video-conferencing. Costs for local provider telehealth visits for COVID-19 testing are waived until at least 6/18/20. Members should contact their providers directly to see if this service is available.

Temporary Relaxation of Attendance Policies and Sick Leave Procedures: departments should also consider adjusting standards and definitions of unexcused absences for absences related to this outbreak. A temporary relaxation of attendance policies and sick leave procedures may encourage ill employees stay home from work, which is in line with the CDC and DHS recommendations. Employees must understand that decisions to relax the aforementioned protocols may be temporary and will cease to be in effect at the discretion of the Department Head.

Sick Leave Control: DER is directing departments to relax sick leave control protocols and not count absences due to quarantine or isolation orders, flu-like symptoms, or absences related to school closures, as occurrences.

Return to Work Certificates: consistent with CDC recommendations, DER is directing departments to relax medical certification requirements for absences related to flu-like symptoms as a way to decrease the strain on healthcare systems. CDC guidance indicates that workers suffering from fever or respiratory illness stay home until they have been free of symptoms for 72 hours or have been cleared to report to work by a medical professional.

However in accordance with department specific work rules, a medical certificate may be required:

- for any FMLA qualifying event
- any absence of more than 3 days, for illness or injury other than flu-like illness
- any absence where sick leave is exhausted, for illness or injury other than flu-like illness

When Sick Leave is not available: Employees who run out of sick leave should be allowed to borrow vacation hours consistent with applicable regulations. **Effective on April 1st, employees may also be eligible for additional leave entitlements under the Families First Coronavirus Response Act (FFCRA).**

For options available to certain employee directly impacted by COVID-19 during the week of March 16th see the Mayor's proclamation that took effect on March 16th. On March 18th, the Mayor extended the period in which the 40 hour Temporary Emergency Paid Leave (TEPL) Account can be used to the week of March 22nd. This is not an additional 40 hours, it is simply allowing the use of the original 40 hours during the week of March 22nd. Employees are required to follow departmental call-in procedures.

REFUSING TO WORK DUE TO CONCERNS ABOUT EXPOSURE TO COVID-19

Generally an employee who refuses to work will not be paid and may be disciplined. **However, because of COVID-19, employees may be permitted to work remotely in accordance with department's protocols. If an employee is refusing a work assignment due to a concern about exposure to COVID-19 and the employee is unable to telework, DER must be contacted for additional options before disciplinary action is considered.**

ADA CONSIDERATIONS

Based on the medical information available at this time, COVID-19 on its own likely would not qualify as a disability under the Americans with Disabilities Act. In most cases, people infected with COVID-19 recover after a week or two, or up to several weeks depending on the severity of the illness. However, depending on the duration of the illness, COVID-19 may qualify as an ADA-recognized disability. Employees may also develop a disability from COVID-19 or aggravate a pre-existing disability. Employees with a disability are entitled to a reasonable accommodation, provided it does not cause an undue hardship or direct threat to health and safety.

Disability related Inquiries: Under the ADA managers are restricted from making medical inquiries into an employee's medical status. However such inquiries may be permitted in order to protect the workforce during a coronavirus-like event. If the department has a reasonable belief that an employee poses a direct threat to the health or safety of others in the department the inquiry is permitted under the law. However such inquiry needs to be done in consultation with the City's Leave Administration Coordinator.

Maintain the confidentiality of medical information received: all information about employee illness must be maintained as a confidential medical record in compliance with the ADA.

It is important to remember that during an influenza pandemic, there is community-wide transmission of the virus and the general workplace should not pose a greater risk than the risk of exposure while conducting daily activities in the community. People may be exposed anywhere — at work, at the grocery store, at the bank or anyplace they go.

However, since the MHD has declared a public health emergency given evidence of community transmission, departments are now required to:

1. Notify employees within their department of any confirmed case of COVID-19 reported by an employee. Inform employees that contact tracing will be performed by MHD. Employees who need to be quarantined per CDC guidelines will be notified accordingly.
2. Notify employees within their department of any exposure to a confirmed case by an employee and provide information about steps implemented in response to the notification and information on how to self-monitor for symptoms. For information on how to self-quarantine and self-monitor for symptoms please visit <https://www.dhs.wisconsin.gov/disease/covid-19.htm>.

3. Notify employees within their department that an employee is experiencing symptoms of COVID-19 (fever of 100.4, cough, shortness of breath) and that the employee has been asked to go home to self-quarantine for 14 days.

Reasonable Accommodations: departments may have employees with chronic health conditions that may provide a medical certificate indicating that they should not be at work because they are high risk for COVID-19. These situations do not appear to be covered by the newly enacted Families First COVID-19 legislation. We will be treating those as requests for accommodations under the ADA.

Please note that typically, it is not a reasonable accommodation to be absent from work indefinitely due to a chronic health condition but if someone has a chronic health condition and the doctor has indicated to stay home, they may be allowed under the ADA to stay home and use sick time (or go unpaid if they run out of sick time) for the extent of the COVID pandemic (not indefinitely). **Also according to the CDC older adults and people who have severe underlying medical conditions like heart or lung disease or diabetes seem to be at higher risk for developing more serious complications from COVID-19 illness. Please take this into account as employees approach you with relevant concerns.**

As always, ADA requests should be handled on a case-by-case basis. If leave is granted as an accommodation under the circumstances of an employee having a condition that causes the employee to be at greater risk due to the COVID 19 pandemic, long increments of time should not be granted, as the scope of the pandemic changes very rapidly. Depending on the situation, leave could be granted in increments of 2 weeks or 3 week periods with the option for an employee to request an extension; or HR can check on the status every 2-3 weeks, depending on what is going on with the COVID 19 pandemic in the Milwaukee area and the specific employee's situation.

If possible, remote work should be an option for a temporary accommodation as well. If working from home is permitted as an accommodation under the ADA, please make clear to the employee that the accommodation is temporary (for the extent of the COVID pandemic) and allowed under these special circumstances to comply with social distancing. If relevant, let the employee know that even though they are not able to perform all of the essential functions of their job at home, this temporary accommodation is an exception, given the pandemic.

ALTERNATIVE WORK ARRANGEMENTS AND TELECOMMUTING

With the spread of this disease, departments are asked to exercise judgement to protect employees and their families. Upon a directive by the appropriate authority, departments that are able to have employees work remotely should encourage or require them to do so. Additional measures to prevent the spread of the disease include hosting videoconferences instead of in-person meetings and canceling or rescheduling trainings, testing, and other group events.

Departments are encouraged to create, revisit, or redistribute telecommuting policies. Appointing authorities should work with the City's Chief Information Technology Officer to ensure that decisions regarding allowing work from home options are supported by technology and that the appropriate IT infrastructure needed to ensure the security for remote work is available. For further information on setting up the technology for telecommuting, see "Working Remotely" at the top of <https://mint.milwaukee.gov>. ITMD will continue to update and add content so please check back regularly.

Departments needing assistance developing telecommuting policies can contact Katherine Holiday from DER at 286-6210.

If a Department initially denies a request to telecommute or for an alternative work arrangement (“AWA”), that request can be revisited as circumstances change. Also, in situations where Departments would not normally approve telecommuting or AWAs, they are encouraged to give more leeway in granting these requests on a temporary basis given the circumstances. During this time, an employee may be assigned to work on a special project or training. Departments can also consider Alternative Work Schedules, such as working four ten-hour days, to allow for staggered shifts. Decisions regarding telecommuting options and the availability for staggered or alternative work schedules are at the discretion of the appointing authority.

When telework is not an option, paid time off requests should be given serious considerations even when they are submitted with little or no advance notice.

Many City of Milwaukee positions consist of essential functions that cannot be performed remotely. The fact that not all essential functions of a position can be performed remotely does not mean that a department cannot or should not permit an employee to work remotely on a limited or temporary basis. If a Department is temporarily expanding its rules on allowing employees to work from home, given the current health emergency and in an effort to limit person-to-person contact, the Department should, for each employee permitted to work remotely, advise the employee what work they will be expected to perform, and document that communication, both as it is initially given, and as it may change or be modified over time. Also please advise the employee and document the fact that employees working remotely are not expected to be able to perform all of the position’s essential functions, and should only concern themselves with functions they can perform remotely and other work directives given to them by their supervisor. This will be important to avoid employees having an unwarranted expectation that work from home is a viable option from a reasonable accommodation perspective in the future during non-health-emergency conditions.

CARING FOR FAMILY MEMBERS

Paid Time Off Options: Earned and borrowed vacation hours should be granted to employees to care for family members who may have flu-like symptoms or who have been exposed to or diagnosed to COVID-19. Ensuring maximum flexibility for allowing paid time off to care for those members is critical.

Sick leave benefits are **now** available to employees to care for family members (as defined by the FMLA). The proclamation signed by the Mayor on March 16th included a provision allowing the use of sick leave to care for family members.

Emergency paid sick leave created under the FFCRA will be implemented on April 1st. Information regarding leave benefits available to care for an eligible individual under the Act will be made available the week of March 30th.

Unpaid Time Off: time without pay may be granted at departmental discretion to employees who have exhausted other leave balances.

Be flexible when considering employee requests to telework or flex work schedules to care for family members who are sick with influenza: While not all jobs permit this type of flexibility and some telework policies don’t permit telework when children are present, you are encouraged to be as flexible as possible.

LEAVE BENEFITS

Sick Leave: employees who are experiencing flu-like symptoms should not report to work but should follow call-in protocols established by their departments. Paid sick leave benefits are available in

accordance with Chapter 350-37 of the Milwaukee Code of Ordinances. Paid sick leave will also be available to care for family members per the proclamation by Mayor Barrett to take effect on March 16th.

FMLA: Ordinarily the common cold and flu are not serious health conditions under provisions of the FMLA. However, more severe cases that require inpatient care or continuing treatment by a health care provider may meet the definitions of a serious health condition an employees may be entitled to leave under the federal or state FMLA. Employees diagnosed with COVID-19 may qualify for FMLA leave and will be provided with FMLA paperwork. Complications from the flu or other chronic medical conditions may also qualify for leave under provisions of FMLA. Please note that precautionary quarantines due to return from travel or exposure without a diagnosis likely do not involve a serious health condition and thus are unlikely to qualify for FMLA leave.

The FFCRA requires the City to provide expanded family and medical leave for specified reasons related to COVID-19 effective April 1st. Information regarding this expansion of the FMLA will be available during the week of March 30th.

Employees and departments should consult with the City's Leave Administrator Coordinator, Johnnie Nelson, by calling 414.286.2358 or emailing jnelson@milwaukee.gov to assess whether leave under FMLA for the serious health condition is available.

Medical Leave: employees who don't have access to paid sick leave or who are not eligible for leave under FMLA may be granted a medical leave of absence under the appropriate civil service rules or Milwaukee Code of Ordinance provisions. A short-term medical leave of absence may also qualify as a reasonable accommodation under the ADA.

Staying home to avoid getting sick: employees generally are not entitled to sick leave or FMLA or reasonable accommodation leave to stay at home to *avoid* getting sick (though exceptions may exist where a preexisting medical condition is likely to be worsened by exposure to a contagious disease). Please consult with DER if you believe you are dealing with circumstances that may be considered under such exception.

WORKER COMPENSATION CONSIDERATIONS

Exposure to COVID-19 that is deemed to have arisen out of and in the course of employment may be eligible for worker compensation benefits, including injury pay. For claims to be compensable, however, it would have to be proven that the virus was, in fact, contracted at work, and exposure to the employee was not due to an alternative source.

The City will work with its third party administrator and the appropriate medical professionals in determining whether the disease is work related. In response to the widespread concern around the coronavirus, Corvel has created a dedicated support line that is staffed 24/7 by nurses and telehealth physicians to guide employees with the most current medical information on prevention and treatment. The number is: 855.283.2710. This hotline is specifically to address coronavirus concerns.

In addition, to help ensure progress in the recovery of injured workers, Corvel is providing alternatives to traditional treatment model as summarized below.

Virtual Clinic

To reduce the spread of COVID-19, public health officials recommend the use of virtual medicine to provide quality care. Corvel's 24/7 nurse triage

and telehealth services are readily available to consult employees regarding concerns of COVID-19 exposure and connect injured workers with immediate access to care.

Corvel's clinical staff follows CDC guidelines when providing preventive information and triaging patients. The virtual clinic also includes virtual physical therapy (TelePT) and virtual cognitive behavioral therapy (TeleCBT) services for injured workers. These telehealth services are available to existing patients who do not currently have access to in-person medical care due to the pandemic.

Prescriptions

Home delivery of prescriptions through CVS and Walgreens as well as mail order service are available to anyone who has a concern about exposure to the virus while picking up prescription from a retail pharmacy.

Case Management

Case managers are actively engaged with injured workers, educating and supporting them while ensuring they continue with their treatment plan and recovery. Whether it is a simple wellness check, a video chat reviewing a home exercise plan or providing creative solutions to maintain social distancing, nurses continue to be available to help the injured worker through the medical continuum of care. CorVel nurses are providing needed reassurance to ease anxiety and stress that can impede wellness. They are re-designing plans of care, leveraging technology to keep injured workers safe and recovery moving forward.

FAIR LABOR STANDARDS ACT (FLSA) CONSIDERATIONS

Before assessing how to pay employees while they are off work for COVID-19 related reasons, departments need to understand the employee's classification under the provisions of the FLSA.

Employees subject to FLSA Provisions: Hourly employees permitted to work remotely are required to track remote hours to limit potential wage claims. Also employees, who are required to self-quarantine for the reasons specified under applicable provisions of these guidelines, may take time without pay as necessary as regulations do not guarantee wages or hours and pay.

Employees exempt from FLSA Provisions: exempt employees are paid on a salary basis. This means that they must receive their full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Deductions can be made when an exempt employee is absent from work for one or more full days for sickness or disability, if the employee works only a partial day because of sickness or disability, the City cannot make deductions from the employee's salary for the lost time because the exempt employee must receive a full day's pay for the partial day worked in order for the City to meet the "salary basis" rule. However, the City can require an exempt employee to use available sick leave if the employee only works part of their regularly scheduled day due to sickness or disability.

If there is no available remote work and the City chooses to direct the employee not to come into work due to concerns regarding the spread of disease, it cannot deduct the day's wage from an exempt

employee's salary. The City must pay an exempt employee the full salary for any week work was performed.

In summary, time away from work can be unpaid as long as it is in full-day increments if it is voluntary and initiated by the exempt employee. For time off mandated by the employer, the time away can be unpaid only in full-pay week increments.

PREVENTING DISCRIMINATION

The City of Milwaukee is committed to providing employees with a workplace that is free of illegal bias, prejudice, discrimination, harassment, and retaliatory conduct. Employees who are experiencing any such behavior should notify their supervisor or manager immediately, or the Department of Employee Relations.

While the City needs to prepare for COVID-19, we must also remain vigilant about preventing discrimination based upon race or national origin. There is no race or national origin, or other classification that makes any one individual more or less likely to acquire or spread COVID-19 than any other person.

UNEMPLOYMENT INSURANCE

Unemployment benefits are generally available to individuals who are unemployed through no fault of their own. If COVID-19 causes a Department to shut down operations and no work is available, individuals may be eligible for unemployment benefits.

Please note the provision related to employee's eligibility for pay when closure of a city facility is necessary or mandated as a result of the current public health emergency that is included in the Mayor's proclamation to take effect on March 16th.

WORKPLACE PREPAREDNESS

Departments need to consider how to best decrease the spread of acute respiratory illness and lower the impact of the coronavirus in their workplace. This may include preparing for possible increased numbers of employees absent due to their own illness or that of family members, dismissals of early childhood programs and schools due to high levels of absenteeism.

Departments should develop or revisit contingency and business continuity plans. Plans should project and plan for minimum staffing levels, document communication protocols and ways to share important information regarding services and should be prepared to re-schedule or cancel presentations, trainings, or events that result in large gatherings as a precaution. Other considerations related to departmental operations include:

1. Determine if the departments should continue to accept walk-ins or develop by appointment only service delivery.
2. When staff is visiting residences or commercial properties, schedule visit and screen for exposure potential using CDC guidelines.
3. Avoid or cancel in person group meetings and trainings.
4. Identify priority operations and who staffs them
5. Identify personnel who is able/unable to telecommute
6. Coordinate with IT to ensure appropriate security for remote work (including the security of computers, tables, and cell phones)

7. Consider building up inventory for essential goods and services.
8. Communicate with vendors and suppliers as necessary
9. Develop communication protocols for employees working remotely and those who are ill.
10. Plan for extended absences and replacement workers as necessary.
11. Determine if reduced or staggered schedules are an option consistent with social distancing strategies.
12. Consider using skype and phone interviews instead of in person interviews.
13. Consider implementing a restricted access process and/or SELF DECLARATION BY VISITOR process for guests, independent contractors, suppliers. (For guidance on this please contact Katherine Holiday at X6210)

Additional information regarding these business continuity plans can be provided by Kyle Mirehouse, the City's Emergency Communications and Policy Director. Please note that as provided under Chapter 6 of the City Charter, the Emergency Communications and Policy Director has broad authority to employ city personnel as necessary to meet the needs of the emergency.