

# Emergency Paid Leave for City of Milwaukee Employees State of Emergency Declaration by Mayor Barrett

## FREQUENTLY ASKED QUESTIONS

**Updated As of: March 16, 2020 (5:00pm)**

Utilizing the powers granted under Chapter 6 of the City Charter, Mayor Tom Barrett has declared a state of emergency and has implemented a Temporary Emergency Paid Leave (TEPL) account of 40 hours for all city of Milwaukee employees\* to be used in accordance with the guidelines established below.

This TEPL account has been created to allow the City to identify a long term strategy for employees directly impacted by COVID-19 given the fluid nature of the emergency, the Governor's decision to close all public schools, and efforts being undertaken by other levels of government. This temporary bank of hours will provide an immediate safety net for employees during this public health emergency. Employees are expected to use this time responsibly.

*\* The TEPL account will not apply to sworn employees who are covered by a collective bargaining agreement unless the labor organization representing the employees enters into a Memorandum of Understanding with the City allowing the employees to utilize the TEPL account.*

### **1. When will the TEPL account be available for use and who is eligible to use the account?**

The TEPL will only be effective during the week of March 16, 2020 for City employees who are not covered by a Collective Bargaining Agreement. Employees will need to meet one of the following criteria to be eligible to use the account:

- The employee is exhibiting flu-like symptoms or has been diagnosed with a presumptive or confirmed positive case of COVID-19
- The employee has come into direct contact, as defined by the Centers for Disease Control and Prevention or the Milwaukee Health Department, with someone with a presumptive or confirmed case of COVID-19
- The employee is the parent or a legal guardian of a child who attends a school or day care facility that is closed for a COVID-19 related reason and the employee needs to be absent for work to care or supervise the child
- The employee has traveled to one of the countries that has a Level 3 Travel Health Notice within the last 14 calendar days or a US region identified by the CDC, DHS, or MHD as having community spread and is required to self-quarantine for 14 days
- The employee is the caretaker of a family member (as defined by the Federal FMLA) who has been diagnosed with a presumptive or confirmed case of

COVID-19 or has had contact, as defined by the CDC or the MHD, with someone with a presumptive or confirmed positive case of COVID-19

- The employee or a member of the employee's household meets the CDC's definition of high risk and wants to avoid potential exposure. "Older adults" currently means 60 years old and older. If an employee is unsure if they meet the definition of high risk, they can direct those questions to a medical provider. It is not appropriate for a supervisor to determine if the employee is high risk.
- The employee has been directed by MHD to quarantine.

**2. Will the TEPL apply to employees who are part-time, on a temporary appointment or who work an AWS?**

Yes, the hours are available to employees who work less than 40 hours in a week, are on a temporary appointment, or employees who work alternative work schedules provided that the employee is scheduled to work the day or hours for which they are requesting the use of TEPL.

**3. What type of procedure will an eligible employee need to follow to use the TEPL when calling in?**

Employees are expected to notify their departments in advance and to follow department specific call in procedures to request use of the TEPL time.

**4. When an eligible employee is filling out their time card what pay code should they use to capture the use of TEPL?**

The Pay Code to be used and charged when accessing the bank of hours is: C69

**5. If an employee is schedule for vacation the week of March 16<sup>th</sup> and they meet one of the eligibility criteria listed above will they still need to use their vacation?**

Employees who are scheduled for vacation during the week of March 16<sup>th</sup> who otherwise meet the eligibility criteria established under the TEPL account will be allowed to access that account accordingly. The employee would not need to use their vacation time.

**6. If an employee is scheduled to use FMLA for the week of March 16<sup>th</sup>, but the employee is eligible for the TEPL, would the employee still need to use FMLA?**

If an employee becomes eligible for TEPL during the week of March 16<sup>th</sup> and would have otherwise been using FMLA the employee would use TEPL.

**7. Will the use of TEPL count as an occurrence under a Sick Leave Control Program?**

Using the TEPL account by an eligible employee will not count as an occurrence under a Sick Leave Control Program

**8. Will the use of TEPL by an eligible employee count against the employee's eligibility to earn a SLCIP day?**

The use of TEPL by an eligible employee would not affect the employee's eligibility for SLCIP benefits.

**9. Will the use of TEPL by an eligible employee affect the accrual of any leave, benefits, or service credit?**

The use of TEPL by an eligible employee will not affect and leave accrual, benefit eligibility, or service credit.

**10. Will TEPL count as hours worked for purposes of determining overtime?**

Time charged to TEPL will not be considered hours worked for the purpose of determining overtime.

**11. If an eligible employee is in a position in which they could telecommute, with approval from management, should that employee use TEPL?**

If an eligible employee is in a position in which they could take advantage of telecommuting the employee should telecommute and not use TEPL.

**12. If an otherwise eligible employee travels on personal business, during the week of March 16<sup>th</sup>, to a country with Level 3 Travel Health Notice or an area of the United States which has sustained community spread as of March 15, 2020 be able to use TEPL upon their return if their return is also during the week of March 16<sup>th</sup>?**

An otherwise eligible employee who makes the decision to travel on personal business during the week of March 16<sup>th</sup> and returns within the same week would not be able to use TEPL. The employee would need to use their own paid time off benefits to cover any quarantine time.

**13. Can an eligible employee use TEPL intermittently for the care of a child due to a school or childcare closing?**

Yes, TEPL can be used by an eligible employee on an intermittent basis for the care of a child because of a school or child care closing.

**14. Where can I look for information for employees covered by a collective bargaining agreement?**

Please contact the Labor Negotiator, Nicole Fleck at 286-3371 or [nfleck@milwaukee.gov](mailto:nfleck@milwaukee.gov) for any relevant MOU.

**15. What documentation is required to verify eligibility for use of TEPL?**

Documentation may be requested by the Department to verify eligibility. Departments should determine if they will require documentation and apply those standards consistently. Please contact Katherine Holiday at 286-6210 or [kholid@milwaukee.gov](mailto:kholid@milwaukee.gov) if a Department needs guidance on documentation requirements.

**16. What should an employee do if they will be absent from work due to one of the TEPL reasons?**

Absent specific instructions from a department or division, employees are instructed to follow regular call-in procedures and notify their supervisor as early as possible with any absences related to TEPL covered reasons.

**17. Should the Department require an employee who is high risk to stay at home?**

No, if an employee in the high risk categories chooses to come in and has not been asked to quarantine, the Department does not have to send the employee home. Departments should clearly explain to those employees their option to use TEPL.

**18. Is TEPL available for employees who do not fit into any of the categories above but are worried about getting sick?**

No. See the [COVID-19 Policy and Administrative Guidelines](#) on the DER homepage for additional information on how to respond to these concerns.

**19. Should we require a Return to Work Certificate for coming back after using TEPL?**

No. Departments should relax return to work documentation requirements and ask that the employee returns to work after being symptom free for 72 hours.

**OTHER NON-TEPL FREQUENTLY ASKED QUESTIONS**

**20. If an employee is scheduled to use FMLA and a department closes or shuts down, would the employee still need to use FMLA?**

No, employees with scheduled FMLA during a departmental shut down should be paid the same as the other employees during the shutdown and are not required to use FMLA.

**21. If a person is quarantined and no longer has any sick, vacation, comp, etc bank, would they qualify for the accrued time off donor program?**

No. Currently, a quarantine without any underlying medical condition does not meet the requirements of the program. See the guidelines here: [milwaukee.gov/der/Benefits/DLP](http://milwaukee.gov/der/Benefits/DLP)

**22. Can or should a Department postpone the state date of a new hire?**

It depends on the needs of the Department. If you do not need an employee to continue operations during this time, you may want to consider postponing the start date. If you are concerned about staffing levels, at this point, there is no guidance to postpone start dates.

**23. Will a Department be notified if an employee has a confirmed case of COVID-19?**

When an employee has a confirmed case of COVID-19, the Milwaukee Health Department will notify appropriate personnel as required.

**24. Does the portion of the 3/15/2020 Proclamation by the Mayor that reads “extend the use of paid sick leave benefits for the care of immediate family members” only apply to COVID-19?**

No, please note this is not in reference to the TEPL account. It means that employees can use sick leave to care for a sick family member as defined by the federal FMLA. This change is proposed as a permanent change to Chapter 350-37 of the Milwaukee Code.

**25. An employee has traveled to one of the countries that has a Level 3 Travel Health Notice within the last 14 calendar days or a US region identified by the CDC, DHS, or MHD as having community spread and has been at work since their return, now what?**

They should be sent home in accordance with the Policy and Administrative Guidelines issued on March 15, 2020.

**26. How can a department ensure that FLSA non-exempt employees working remotely are paid in accordance with FLSA requirements?**

Departments should set up tracking systems for FLSA non-exempt employees to use to document all hours worked and that any additional hours are pre-approved by the supervisor.