

RESOLUTION NO. 2020-08

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**A RESOLUTION ADDRESSING THE EMERGENCY DECLARATION PERTAINING TO
THE COVID-19 PANDEMIC, RATIFYING ALL ACTIONS TAKEN THEREUNDER
INCLUDING THE ADOPTION OF THE FAMILIES FIRST COMPLIANCE POLICIES**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
WISCONSIN, RESOLVES AS FOLLOWS:**

WHEREAS, on January 3, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern, namely the COVID-19 Pandemic, which has impacted the Village of Yorkville, 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 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 Village Board previously approved Resolution No. 2020-07 ratifying the emergency proclamation approved by the Village President and further declared an emergency with no specific termination date, and

WHEREAS, on April 1, 2020, the Village President implemented an employment policy to address the federal legislation entitled "Families First Compliance Policy effective April 1, 2020 to December 31, 2020", and

WHEREAS, the United States Department of Labor then issued a Temporary Rule on April 1, 2020 under the Families First Coronavirus Response Act that required revisions to the employment policy implemented by the Village President of the Village of Yorkville and the Village President implemented a revised employment policy on April 13, 2020 entitled "Families First Compliance Policy effective April 13, 2020 to December 31, 2020", a copy of which is attached hereto as **Exhibit A**, and

WHEREAS, the Union Grove-Yorkville Joint Fire Commission also adopted a Families First Compliance Policy effective April 1, 2020 to December 31, 2020, and a revised Families First Compliance Policy effective April 13, 2020 to December 31, 2020 for the Union Grove-Yorkville Fire Department, attached hereto as **Exhibit B**.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Yorkville hereby ratifies all actions taken by the Village President and Village Administrator/Clerk in

accordance with Resolution No. 2020-07 and further declares that the State of Emergency shall terminate on June 1, 2020, unless further extended by the Village Board, and

BE IT FURTHER RESOLVED, that the Village President has continued authorization to work with Federal, State and other local authorities to take all reasonable and necessary steps to prevent further exposure to and/or the spread of the COVID-19 coronavirus within the Village of Yorkville, including but not limited to, those duties specified within Chapter 18 of the Village's Municipal Code and Chapter 323 of the Wisconsin Statutes, and

BE IT FURTHER RESOLVED, that the Village President is hereby authorized to continue to undertake, as the emergency situation may warrant and if inadequate time exists to convene a regular meeting of the Village Board, such purchases of goods and materials, such purchases of services, and the procurement of such labor force costs as may prove necessary to address emergency conditions as they arise, and to authorize payment of invoices and expenses for continued operations of the Village as set forth in the proclamation and as set forth in Resolution No. 2020-07, and

BE IT FURTHER RESOLVED, that the revised Yorkville Families First Compliance Policy dated April 1st and then as revised on April 13th, attached hereto as **Exhibit A**, are hereby ratified and approved; and the Union Grove-Yorkville Fire Department Families First Policy effective April 1, 2020, as approved by the Joint Fire Commission, and the revised Union Grove-Yorkville Fire Department Families First Compliance Policy dated April 13, 2020, as approved by the Joint Fire Commission, attached hereto as **Exhibit B**, are hereby ratified and approved, and

BE IT FURTHER RESOLVED, that the Village Administrator/Clerk is authorized to implement and carry out the intentions of said policies.

This Resolution was adopted by the Yorkville Village Board on May 11, 2020.

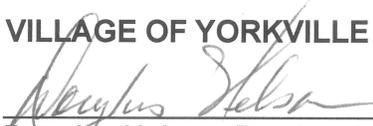
Ayes: 5

Nays: 0

Abstentions: 0

Absences: 0

VILLAGE OF YORKVILLE

By: 
Douglas Nelson, President

Attest: 
Michael McKinney, Administrator/Clerk

Exhibit A

Village of Yorkville

Families First Compliance Policy

Effective April 1, 2020 to December 31, 2020

Introduction

The federal government has passed the "Families First Coronavirus Response Act" to assist employees during the current public health emergency. As a covered employer, we provide the temporary benefits required by the Act as summarized in this policy. This policy will expire upon the conclusion of the Coronavirus public health emergency or on December 31, 2020, whichever is earlier. This policy may change in response to any new or revised guidance issued by the Secretary of Labor.

Eligibility

All full-time and part-time employees, except emergency responders. For now, emergency responders are being excluded from this policy because it is essential that their unique services remain available to the public until the worst of the pandemic has passed. For the purpose of this policy, emergency responders shall include all sewer and water utilities personnel, waste and recycling personnel, code enforcement, humane officer, Administrator/Clerk, Deputy Clerk-Treasurer, and the Union Grove-Yorkville Fire Department personnel. Staff who have been employed fewer than 30 days are not eligible for the temporary expansion of FMLA (section B). If you are eligible for leave under sections A and B, the total amount of leave available is capped at 12 weeks.

A. Emergency Paid Sick Leave Benefit

1. Full-time employees will receive up to two weeks (80 hours) of paid sick leave benefits to be used for Coronavirus-related absences. Part-time employees will receive a pro-rated paid sick leave benefit based on the number of hours you work on average over a two-week period. The full benefit for which you are eligible is available for immediate use.
2. You are not required to exhaust other forms of paid leave before using this new Coronavirus paid leave. The Coronavirus paid leave is in addition to any paid leave you already have.
3. This benefit is available to you if you cannot work (in person or remotely) for any of the following reasons:
 - a. You are subject to a federal, state, or local Coronavirus quarantine or isolation order;
 - b. You are advised by a health care provider to self-quarantine for Coronavirus concerns;
 - c. You are experiencing symptoms of Coronavirus and seeking a medical diagnosis;
 - d. You are caring for an individual who is under a Coronavirus quarantine or isolation order or has been advised by a health care provider to self-quarantine;

- e. You are caring for a child whose school or child care provider has been closed or is unavailable because of Coronavirus;
 - f. You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.
4. We may require you to provide a certification from a health care provider confirming the applicable circumstance of section 3 above.
 5. We will pay you the following amounts:
 - a. If you require leave for reasons 3(a), (b), or (c) above, we will pay you your regular rate of pay, up to \$511 per day and/or \$5,110 in the aggregate.
 - a. If you require leave for reasons under 3(d), (e), or (f) above, you will receive two-thirds of your regular rate of pay, up to \$200 per day and/or \$2,000 in the aggregate.
 - b. If you do not have a set schedule of hours, paid sick leave is based on the average number of hours you were scheduled per day over the six-month period prior to use of the leave.
 6. Your ability to use emergency paid sick leave for purposes specified in the law will end upon termination of the qualifying event.
 7. Paid leave provided under this law does not carry over year to year and unused leave is not paid out.

B. Temporary Expansion of Family & Medical Leave

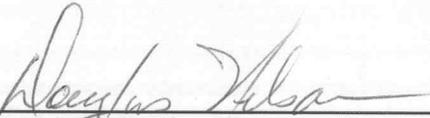
Federal Family and Medical Leave is temporarily expanded to include a qualifying need related to the Coronavirus public health emergency, as declared by federal, state, or local authorities.

The conditions of this expansion are outlined below.

1. You are eligible for the leave if you have worked at least 30 calendar days.
2. A “qualifying need” is limited to circumstances where you cannot work (in person or remotely) because of your need to care for a child under age 18 due to a Coronavirus-related public health emergency school or child care closing/unavailability.
3. Pay for the temporary FMLA leave will be as follows:
 - a. The first 10 days of the leave are unpaid. You may elect to use the Emergency Paid Sick Leave Benefit (section A above) or any accrued paid leave during this time if available.
 - b. After the first 10 days, we will pay you two-thirds of your regular rate of pay, up to \$200 per day and \$10,000 aggregate.
4. You will be entitled to reinstatement to the same or equivalent position once your leave ends.

Conclusion

Please contact the Village Administrator if you have questions regarding this policy.



Douglas Nelson
Village President

3/31/20

Date

Families First Compliance Policy

Effective April 13, 2020 to December 31, 2020

Introduction

The federal government has passed the “Families First Coronavirus Response Act” to assist employees during the current public health emergency. As a covered employer, we provide the temporary benefits required by the Act as summarized in this policy. This policy will expire upon the conclusion of the Coronavirus public health emergency or on December 31, 2020, whichever is earlier. This policy may change in response to any new or revised guidance issued by the Secretary of Labor.

Eligibility

All full-time and part-time employees, except emergency responders. For the purpose of this policy, emergency responders shall include all sewer and water utilities, waste and recycling, code enforcement, humane officer, Administrator, Treasurer, Deputy Clerk-Treasurer and Union Grove-Yorkville Fire Department personnel. However, “emergency responder” does not include volunteer firefighters as those individuals are not employed under the definition of the law. Staff who have been employed fewer than 30 days are not eligible for the temporary expansion of FMLA (section B). If you are eligible for leave under sections A and B, the total amount of leave available is capped at 12 weeks.

A. Emergency Paid Sick Leave Benefit

1. Full-time employees will receive up to two weeks or at most 80 hours of paid sick leave benefits to be used for Coronavirus-related absences. Part-time employees will receive a pro-rated paid sick leave benefit based on the number of hours you work on average over a two-week period. The full benefit for which you are eligible is available for immediate use.
2. You are not required to exhaust other forms of paid leave before using this new Coronavirus paid leave. The Coronavirus paid leave is in addition to any paid leave you already have. However, it is only available until December 31, 2020 for the reasons specified below.
3. This benefit is available to you if you cannot work (in person or remotely) for any of the following reasons:
 - a. You are subject to a federal, state, or local Coronavirus quarantine or isolation order;
 - b. You are advised by a health care provider to self-quarantine for Coronavirus concerns;
 - c. You are experiencing symptoms of Coronavirus and seeking a medical diagnosis;
 - d. You are caring for an individual who is under a Coronavirus quarantine or isolation order or has been advised by a health care provider to self-quarantine;

- e. You are caring for a child whose school or child care provider has been closed or is unavailable because of Coronavirus;
 - f. You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.
4. We may require you to provide documentation to support your request for leave.
5. We will pay you the following amounts:
 - a. If you require leave for reasons 3(a), (b), or (c) above, we will pay you your regular rate of pay, up to \$511 per day and/or \$5,110 in the aggregate.
 - b. If you require leave for reasons under 3(d), (e), or (f) above, you will receive two-thirds of your regular rate of pay, up to \$200 per day and/or \$2,000 in the aggregate.
6. If you do not have a set schedule of hours, paid sick leave is based on the average number of hours you were scheduled per day over the six-month period prior to use of the leave.
7. If you have accrued paid sick leave, you may use it to supplement the above amounts in order to receive your full compensation for the period of applicable paid sick leave rather than the reduced amounts provided by the Act. Please discuss this option with your supervisor if you wish to take advantage of it.
8. Your ability to use emergency paid sick leave for purposes specified in the law will end upon termination of the qualifying event.
9. Unless you are assigned to work from home, you may not take emergency paid sick leave on an intermittent basis unless it is for the purpose of caring for another individual.
10. Paid leave provided under this law does not carry over year to year and unused leave is not paid out.

B. Temporary Expansion of Family & Medical Leave

Federal Family and Medical Leave is temporarily expanded to include a qualifying need related to the Coronavirus public health emergency, as declared by federal, state, or local authorities.

The conditions of this expansion are outlined below.

1. You are eligible for the leave if you have worked at least 30 calendar days.
2. A “qualifying need” is limited to circumstances where you cannot work (in person or remotely) because of your need to care for a child under age 18 due to a Coronavirus-related public health emergency school or child care closing/unavailability.
3. Pay for the temporary FMLA leave will be as follows:
 - a. The first 10 days of the leave are unpaid. You may elect to use the Emergency Paid Sick Leave Benefit (section A above) or any accrued paid leave during this

time if available.

- b. After the first 10 days, we will pay you two-thirds of your regular rate of pay, up to \$200 per day and \$10,000 aggregate.
4. FMLA is still limited by a total of 12 weeks for all FMLA leave for any reason, including the paid temporary FMLA for childcare.
5. We may request additional documentation to support the request for leave.
6. You will be entitled to reinstatement to the same or equivalent position once your leave ends.

Conclusion

Please contact the Village Administrator if you have questions regarding this policy.

Exhibit B

Union Grove-Yorkville Fire Department Families First Compliance Policy

Effective April 1, 2020 to December 31, 2020

Introduction

The federal government has passed the “Families First Coronavirus Response Act” to assist employees during the current public health emergency. As a covered employer, we provide the temporary benefits required by the Act as summarized in this policy. This policy will expire upon the conclusion of the Coronavirus public health emergency or on December 31, 2020, whichever is earlier. This policy may change in response to any new or revised guidance issued by the Secretary of Labor.

Eligibility

All full-time and part-time employees, except emergency responders. For now, emergency responders are being excluded from this policy because it is essential that their unique services remain available to the public until the worst of the pandemic has passed. For the purpose of this policy, emergency responders shall include all Union Grove-Yorkville Fire Department personnel. Staff who have been employed fewer than 30 days are not eligible for the temporary expansion of FMLA (section B). If you are eligible for leave under sections A and B, the total amount of leave available is capped at 12 weeks.

A. Emergency Paid Sick Leave Benefit

1. Full-time employees will receive up to two weeks (80 hours) of paid sick leave benefits to be used for Coronavirus-related absences. Part-time employees will receive a pro-rated paid sick leave benefit based on the number of hours you work on average over a two-week period. The full benefit for which you are eligible is available for immediate use.
2. You are not required to exhaust other forms of paid leave before using this new Coronavirus paid leave. The Coronavirus paid leave is in addition to any paid leave you already have.
3. This benefit is available to you if you cannot work (in person or remotely) for any of the following reasons:
 - a. You are subject to a federal, state, or local Coronavirus quarantine or isolation order;
 - b. You are advised by a health care provider to self-quarantine for Coronavirus concerns;
 - c. You are experiencing symptoms of Coronavirus and seeking a medical diagnosis;
 - d. You are caring for an individual who is under a Coronavirus quarantine or isolation order or has been advised by a health care provider to self-quarantine;
 - e. You are caring for a child whose school or child care provider has been closed or is unavailable because of Coronavirus;
 - f. You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.
4. We may require you to provide a certification from a health care provider confirming the applicable circumstance of section 3 above.
5. We will pay you the following amounts:

- a. If you require leave for reasons 3(a), (b), or (c) above, we will pay you your regular rate of pay, up to \$511 per day and/or \$5,110 in the aggregate.
 - b. If you require leave for reasons under 3(d), (e), or (f) above, you will receive two-thirds of your regular rate of pay, up to \$200 per day and/or \$2,000 in the aggregate.
 - c. If you do not have a set schedule of hours, paid sick leave is based on the average number of hours you were scheduled per day over the six-month period prior to use of the leave.
- 6. Your ability to use emergency paid sick leave for purposes specified in the law will end upon termination of the qualifying event.
 - 7. Paid leave provided under this law does not carry over year to year and unused leave is not paid out.

B. Temporary Expansion of Family & Medical Leave

Federal Family and Medical Leave is temporarily expanded to include a qualifying need related to the Coronavirus public health emergency, as declared by federal, state, or local authorities.

The conditions of this expansion are outlined below.

- 1. You are eligible for the leave if you have worked at least 30 calendar days.
- 2. A “qualifying need” is limited to circumstances where you cannot work (in person or remotely) because of your need to care for a child under age 18 due to a Coronavirus-related public health emergency school or child care closing/unavailability.
- 3. Pay for the temporary FMLA leave will be as follows :
 - a. The first 10 days of the leave are unpaid. You may elect to use the Emergency Paid Sick Leave Benefit (section A above) or any accrued paid leave during this time if available.
 - b. After the first 10 days, we will pay you two-thirds of your regular rate of pay, up to \$200 per day and \$10,000 aggregate.
- 4. You will be entitled to reinstatement to the same or equivalent position once your leave ends.

Conclusion

Please contact the Fire Chief if you have questions regarding this policy.

Adopted on _____, 2020

Signed: _____ Date: _____
 Tim Allen, Fire Chief

Union Grove-Yorkville Fire Department Families First Compliance Policy

Effective April 13, 2020 to December 31, 2020

Introduction

The federal government has passed the “Families First Coronavirus Response Act” to assist employees during the current public health emergency. As a covered employer, we provide the temporary benefits required by the Act as summarized in this policy. This policy will expire upon the conclusion of the Coronavirus public health emergency or on December 31, 2020, whichever is earlier. This policy may change in response to any new or revised guidance issued by the Secretary of Labor.

Eligibility

All full-time and part-time employees, except emergency responders. Volunteer firefighters are not employees under the meaning of the Act. For now, emergency responders are being excluded from this policy because it is essential that their unique services remain available to the public until the worst of the pandemic has passed. For the purpose of this policy, emergency responders shall include all Union Grove-Yorkville Fire Department personnel. Staff who have been employed fewer than 30 days are not eligible for the temporary expansion of FMLA (section B). If you are eligible for leave under sections A and B, the total amount of leave available is capped at 12 weeks.

A. Emergency Paid Sick Leave Benefit

1. Full-time employees will receive up to two weeks or 80 hours of paid sick leave benefits to be used for Coronavirus-related absences. Part-time employees will receive a pro-rated paid sick leave benefit based on the number of hours you work on average over a two-week period. The full benefit for which you are eligible is available for immediate use.
2. You are not required to exhaust other forms of paid leave before using this new Coronavirus paid leave. The Coronavirus paid leave is in addition to any paid leave you already have.
3. This benefit is available to you if you cannot work (in person or remotely) for any of the following reasons:
 - a. You are subject to a federal, state, or local Coronavirus quarantine or isolation order;
 - b. You are advised by a health care provider to self-quarantine for Coronavirus concerns;
 - c. You are experiencing symptoms of Coronavirus and seeking a medical diagnosis;
 - d. You are caring for an individual who is under a Coronavirus quarantine or isolation order or has been advised by a health care provider to self-quarantine;

- e. You are caring for a child whose school or child care provider has been closed or is unavailable because of Coronavirus;
 - f. You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.
4. We may require you to provide a certification from a health care provider confirming the applicable circumstance of section c above. We may also require documentation of the school or childcare closing that qualifies you under section e.
 5. We will pay you the following amounts:
 - a. If you require leave for reasons 3(a), (b), or (c) above, we will pay you your regular rate of pay, up to \$511 per day and/or \$5,110 in the aggregate.
 - b. If you require leave for reasons under 3(d), (e), or (f) above, you will receive two-thirds of your regular rate of pay, up to \$200 per day and/or \$2,000 in the aggregate.
 - c. If you do not have a set schedule of hours, paid sick leave is based on the average number of hours you were scheduled per day over the six-month period prior to use of the leave.
 6. Your ability to use emergency paid sick leave for purposes specified in the law will end upon termination of the qualifying event.
 7. Unless you are assigned to work from home, you may not take emergency paid sick leave on an intermittent basis unless it is for the purpose of child care. Paid leave provided under this law does not carry over year to year and unused leave is not paid out.

B. Temporary Expansion of Family & Medical Leave

Federal Family and Medical Leave is temporarily expanded to include a qualifying need related to the Coronavirus public health emergency, as declared by federal, state, or local authorities.

The conditions of this expansion are outlined below.

1. You are eligible for the leave if you have worked at least 30 calendar days.
2. A “qualifying need” is limited to circumstances where you cannot work (in person or remotely) because of your need to care for a child under age 18 due to a Coronavirus-related public health emergency school or child care closing/unavailability.
3. Pay for the temporary FMLA leave will be as follows:
 - a. The first 10 days of the leave are unpaid. You may elect to use the Emergency Paid Sick Leave Benefit (section A above) or any accrued paid leave during this time if available.
 - b. After the first 10 days, we will pay you two-thirds of your regular rate of pay, up to \$200 per day and \$10,000 aggregate.

4. FMLA is still limited by a total of 12 weeks for all FMLA leave for any reason, including the paid temporary FMLA for childcare.
5. We may request additional documentation to support the request for leave.
6. You will be entitled to reinstatement to the same or equivalent position once your leave ends.

Conclusion

Please contact the Fire Chief if you have questions regarding this policy.

RESOLUTION NO. 2020-07

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**A RESOLUTION RATIFYING THE EMERGENCY PROCLAMATION APPROVED BY THE
VILLAGE PRESIDENT PERTAINING TO THE COVID-19 PANDEMIC AND DECLARATION
OF EMERGENCY**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
WISCONSIN, RESOLVES AS FOLLOWS:**

WHEREAS, an emergency, namely the COVID-19 Pandemic, has impacted or is anticipated to impact the Village of Yorkville; and

WHEREAS, because of such emergency conditions, the Governing Body is unable to meet with promptness; and

WHEREAS, pursuant to sections 323.11 and 323.14(4)(b) of the Wisconsin Statutes, as the chief executive officer of the Village of Yorkville, the Village President proclaimed a state of emergency in effect from March 19, 2020 until the Village Board could meet on the Proclamation attached hereto and incorporated herein as Exhibit A (the "Village President's Proclamation").

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of Village of Yorkville does hereby ratify the Village President's Proclamation; and

BE IT FURTHER RESOLVED, that the Governing Body of the Village Board of the Village of Yorkville hereby declares a State of Emergency, which continues and extends the powers granted by the Village President's Proclamation; and

BE IT FURTHER RESOLVED, that the Village President and Emergency Management Director for the Village of Yorkville are hereby authorized and directed, working with Federal, State and other local authorities, to take all reasonable and necessary steps to prevent exposure to and/or spread of the COVID-19 coronavirus within the Village of Yorkville including but not limited to those duties specified within Chapter 18 of the Village's Municipal Code and Chapter 323 of the Wisconsin Statutes; and

BE IT FURTHER RESOLVED, that Village President, is hereby authorized to undertake, as the emergency situation may warrant and if inadequate time exists to convene a regular meeting of the Village Board, such purchases of goods and materials, such purchases of services, and the procurement of such labor force costs as may prove necessary to address emergency conditions as they arise, and to authorize payment of invoices and expenses for continued operations of the Village as set forth in the Proclamation; and

BE IT FURTHER RESOLVED, that the Village President is authorized to call and authorize such meetings of the Village Board and other Village bodies as are necessary to address conditions and conduct such business as deemed necessary, including the convening of meetings via telephone, electronic or other unconventional means, and including authority to

waive any procedural impediments that would otherwise apply, provided that even such meetings shall comply with the letter and spirit of all applicable state laws and Village ordinances to the maximum extent possible under the circumstances, including allowing the public to listen to telephonic meetings and/or view meeting electronically and suspending any requirements for a citizen comment period on any Village meeting agenda while this Declaration is in effect; and

BE IT FURTHER RESOLVED, the initial period for this emergency, originally proclaimed through April 20, 2020, by the Village President, is hereby extended until terminated by the Village Board.

This Resolution was adopted by the Yorkville Village Board on March 23, 2020.

Ayes: 4

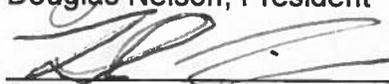
Nays: 0

Abstentions: 0

Absences: 1

VILLAGE OF YORKVILLE

By: 
Douglas Nelson, President

Attest: 
Michael McKinney, Administrator/Clerk