

COVID-19 EMERGENCY PROCLAMATION NO. 2

PROCLAMATION EXEMPTING CERTAIN CITY OF MEQUON EMPLOYEES FROM
FAMILIES FIRST CORONAVIRUS RESPONSE ACT

I, John M. Wirth, as Mayor and Chief Executive Officer of the City of Mequon, make the following Proclamation in consideration of the following:

A. COVID-19, a novel strain of coronavirus, was detected in December of 2019 and has subsequently spread throughout the world, including every state in the United States.

B. On January 3, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern.

C. On March 12, 2020, Governor Tony Evers declared a public health emergency in connection with COVID-19.

D. On March 13, 2020, President Donald Trump proclaimed a National Emergency in connection with concerning COVID-19.

E. On March 16, 2020, I proclaimed, on behalf of the City of Mequon, a Public Health Emergency as defined in Wisconsin Statutes Section 323.02(16) and a Disaster as defined in Wisconsin Statutes Section 323.02(6); accordingly, the City of Mequon implemented its emergency authority under Wisconsin Statutes Section 323.11. The Common Council affirmed that proclamation at its meeting on March 17, 2020.

F. On March 18, 2020, President Donald Trump signed the Families First Coronavirus Response Act (the “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).

G. As of Tuesday morning, March 30, 2020, there were 1,330 total confirmed cases of people with COVID-19 in Wisconsin, with 27 confirmed deaths. COVID-19 has been confirmed in 42 counties in the State of Wisconsin, including Ozaukee County. As of Tuesday morning, March 30, 2020, there were 42 total confirmed cases of people with COVID-19 in Ozaukee County with five confirmed deaths. Cases are not reported on a community-by-community basis, but there have been one or more confirmed cases in the City of Mequon.

H. The FFCRA allows employers to exempt emergency responders from the additional benefits of the FFCRA. The FFCRA does not define the phrase “emergency responder”; however, the United States Department of Labor provides guidance, and allows the exemption of “law enforcement officers, ... fire fighters, emergency medical services personnel, ... emergency

medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.”

I. The City of Mequon’s emergency management administrative committee has carefully reviewed the City’s personnel and has unanimously determined that, except as described in this Proclamation, all employees of the City fall within the definition of emergency responder.

J. The City of Mequon highly values its emergency responders and recognizes the unique and important contributions each makes to the safety and well-being of our community. I made the decision to exempt employees precisely because of those contributions, and the need to ensure the safety of our residents and the infrastructure of our community. I plan to propose replacement benefits for emergency responders and will have the Common Council address those replacement benefits at its next meeting.

K. It is necessary and proper, pursuant to Wisconsin Statutes Section 323.14(4)(b), in order to provide for the health, safety, protection and welfare of people and property within the City, and to ensure that the City appropriately follows federal law, for me to issue this Proclamation in advance of a Common Council meeting in order to meet the time requirements of the FFCRA and to implement provisions of the FFCRA prior to its effective date.

BASED ON THE FOREGOING and pursuant to Wisconsin Statutes Section 323.14(4)(b) and Sections 26-24 of the Mequon Code of Ordinances, I proclaim as follows:

1. All employees of the City of Mequon are emergency responders except for employees holding the following positions:

- Administration Executive Assistant
- Assessment Technician
- Deputy Clerks (after April 14, 2020)
- Engineering/City Clerks Administrative Assistant
- Planner
- Community Development Administrative Assistants
- Finance Administrative Assistants
- Custodian (PT)
- IT Intern

2. The City shall comply with the FFCRA provisions applicable to it.

3. City staff shall prepare amendments to the City’s personnel policies and handbook to be consistent with this Proclamation and the FFCRA. Such amendments shall be subject to review and approval by the Finance-Personnel Committee.

4. City staff shall prepare a replacement benefits proposal for review and approval by the Finance-Personnel Committee and Common Council.

5. Despite proclaiming certain employees as emergency responders, the City maintains its policies regarding social distancing and employee safety. Any employee who reasonably suspects that he or she has contracted COVID-19 should seek appropriate medical attention subject to all federal and state recommendations and, unless otherwise ordered by the City Administrator or a department head, no such employee may interact in person with the public or enter any public or private facility in the City of Mequon on behalf of the City.

6. Pursuant to Wisconsin Statutes Section 323.14(4)(b), this Proclamation is subject to ratification, alteration, modification or repeal by the Common Council at its next meeting, which shall occur as soon as the Common Council can meet, but the subsequent action taken by the Common Council shall not affect the prior validity of this Proclamation.

Dated March 31, 2020.

A handwritten signature in blue ink, appearing to read "John M. Wirth", is written over a horizontal line.

John M. Wirth
Mayor