

## **RESOLUTION 080320-01**

### **DECLARING EXEMPT EMPLOYEES UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)**

**WHEREAS**, Congress passed and the President signed the Families First Coronavirus Response Act (FFCRA), H.R. 6201, on March 18, 2020. The FFCRA took effect on April 1, 2020;

**WHEREAS**, the United States Department of Labor (DOL) has provided guidance on which employees are considered “healthcare providers” or “emergency responders” and therefore would be exempt under the FFCRA; and

**WHEREAS**, the DOL has defined healthcare providers as follows:

For the purposes of employees who may be exempted from paid sick leave or expanded family and medical leave by their employer under the FFCRA, a health care provider is anyone employed at any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.

This definition includes any individual employed by an entity that contracts with any of the above institutions, employers, or entities institutions to provide services or to maintain the operation of the facility. This also includes anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is a health care provider necessary for that state’s or territory’s or the District of Columbia’s response to COVID-19.

**WHEREAS**, the DOL has defined emergency responders as follows:

For the purposes of employees who may be excluded from paid sick leave or expanded family and medical leave by their employer under the FFCRA, an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health 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. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state's or territory's or the District of Columbia's response to COVID-19; and

**WHEREAS**, the purpose of this Declaration is to delineate the positions and classes of Village employees who are exempt from coverage under FFCRA by virtue of being a "healthcare provider" or an "emergency responder" as we deal with the COVID-19 pandemic

**IT IS HEREBY DECLARED** that the following Village of Fontana positions are healthcare providers and/or emergency responders and therefore exempt from coverage under FCCRA:

- All Fire Department Employees
- All Police Department Employees
- All Public Works Department Employees
- All Public Utility Employees
- All Administration, Clerk and Treasurer Employees

Approved and Adopted by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin this 3<sup>rd</sup> day of August 2020.

Village Board of the Village of  
Fontana on Geneva Lake

By: \_\_\_\_\_

  
Patrick Kenny, President

Attest: \_\_\_\_\_

  
Theresa Loomer, Clerk