

## RESOLUTION 2020-03

---

### A RESOLUTION CREATING A DESIGNATION OF “EMERGENCY RESPONDER” AND “HEALTHCARE PROVIDER” EMPLOYEES

---

#### BY THE VILLAGE BOARD OF THE VILLAGE OF HOBART, WISCONSIN:

**WHEREAS**, in December 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States;

**WHEREAS**, on January 3<sup>rd</sup> 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern;

**WHEREAS**, on March 12<sup>th</sup> 2020, Governor Tony Evers declared a public health emergency to direct all resources needed to respond to and contain COVID-19 in Wisconsin;

**WHEREAS**, on March 13<sup>th</sup> 2020, President Donald Trump proclaimed a National Emergency concerning COVID- 19;

**WHEREAS**, on March 18<sup>th</sup> 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);

**WHEREAS**, the provisions of the FFCRA allows employers to exempt “emergency responders” and “health care provider” from provisions of the FFCRA;

**WHEREAS**, on March 24, 2020, the State of Wisconsin issued a Safer at Home Emergency Order, Emergency Order #12, in response to the emergency;

**WHEREAS**, Paragraphs 1 and 12 recognize that all services provided by local governments to ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public are considered “Essential Governmental Functions” that must continue during the duration of Emergency Order #12;

**WHEREAS**, Emergency Order #12 categorically exempts broad categories of local government employees from the restrictions contained therein and otherwise provides local governments with broad discretion to identify employees and contractors necessary for the performance of a local government’s “Essential Governmental Functions;” and

**WHEREAS**, the purpose of this Resolution is to provide the process for identifying employees, categories of employment, positions and/or departments that are “emergency responders” or “health care providers” under the FFCRA and, as a result, exempt from the provisions of the FFCRA.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The following positions that exist in the Village of Hobart, are hereby designated as “emergency responder” for purposes of the application and implementation of the FFCRA: per Department of Labor subsequent guidance *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. Additional positions, departments, and personnel to be added as needed by proclamation of the Village Board President, as appropriate to modifications or further guidance provided by any state or federal law or agency.*

2. The following positions that exist in the Village of Hobart are hereby designated as “health care provider” for the purposes of the application and implementation of the FFCRA: per Department of Labor subsequent guidance, *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. Additional positions, departments, and personnel to be added as needed by proclamation of the Village Board President, as appropriate to modifications or further guidance provided by any state or federal law or agency.*

3. It is the intent of this Resolution to define the terms “emergency responder” and “health care provider” in the broadest sense possible consistent with the law in an effort to ensure and continue our essential functions during this time of emergency. Final determinations regarding the definition of emergency responder and/or health care provider as applied to any employment position with the Village of Hobart shall be determined by the Village Board, in accordance with all federal, state, and local laws, with such decision being final.

4. This Resolution is effective immediately.  
Adopted this 8<sup>th</sup> day of April, 2020.

---

Richard Heidel, Village Board President

Attest:

---

Mary R. Smith, Village Clerk / Treasurer

---

Aaron Kramer, Village Administrator