

## MEMORANDUM



Date: March 31, 2020  
To: All Public Works Employees  
From: Peter Scalera, Village Administrator  
Subject: **COVID-19 Employee Leave for Public Works**

Effective April 1, the Families First Coronavirus Response Act (“FFCRA”) provides employees with additional leave due to the COVID-19 pandemic. The FFCRA authorizes the employers of emergency responders to exclude such employees from the additional leave.

Subsequent to my COVID-19 Employee Leave memorandum dated, March 25, 2020, the U.S. Department of Labor (DOL) updated its guidance on the implementation of the FFCRA. The updated guidance now provides a definition of “emergency responder” for determining which employees can be excluded from coverage under the leave benefits provided under the FFCRA. The definition includes “public works personnel.” Specifically, item #57 in the DOL’s [FFCRA: Questions and Answers](#) states as follows:

### **57. Who is an emergency responder?**

*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.*

*To minimize the spread of the virus associated with COVID-19, the Department encourages employers to be judicious when using this definition to exempt emergency responders from the provisions of the FFCRA.*

On March 23, 2020, the Village Board passed *Resolution No. 2020-R-05: A Resolution to Approve Declaration of Emergency and Excluding Emergency Responders of the Village of Bloomingdale From Certain Provisions of the Families First Coronavirus Response Act*. Under said Resolution, Section 3(d), the Village exercised its authority to exclude “Emergency Responders” from coverage under the Families First Coronavirus Response Act (FFCRA), as follows:

*d) Consistent with Governor Pritzker’s Executive Order 2020-10, which authorizes each municipality to determine its Essential Government functions, the Village excludes all Emergency Responders from coverage under the Families First Coronavirus Response Act, Public Law 116-127, to the maximum extent permitted by federal law.*

Public Works has been identified an Essential Government Function, and an Emergency Staffing Protocol was established for the continuance of the essential government function. Based on the DOL’s updated definition of “Emergency Responder” and Village Resolution No. 2020-R-05, the Village has the authority to exclude Public Works Personnel from coverage under the FFCRA.

**At this time, in an effort to balance the essential functions of the Village, and provide employees with an accommodation for issues related to COVID-19, the Village will extend FFCRA benefits (as outlined in my March 25, 2020 Memorandum) to Public Works Employees, provided that the Village reserves the right to discontinue the extension of FFCRA benefits to any classification at any point in the future, upon notice to the Union.**

Should there be any questions regarding the application of the FFCRA benefits, please contact Barb Weber, Assistant Village Administrator at [weberb@vil.bloomington.il.us](mailto:weberb@vil.bloomington.il.us)