

Record of Committee Proceedings

Joint Committee for Review of Administrative Rules

Clearinghouse Rule 20-089

Relating to absence provisions.

Submitted by Administration

March 30, 2021 Referred to Joint Committee for Review of Administrative Rules

April 29, 2021 **Public Hearing Held**

Present: (10) Senator Nass; Representative Neylon; Senators Stroebel, Bradley, Roys and Larson; Representatives August, Spiros, Subeck and Hebl.

Absent: (0) None.

Excused: (0) None.

Appearances For

- Alisa Nagle - DOA - Div. of Personnel Management
- Nicole Rute - DOA - Div. of Personnel Management
- Scott Thompson - DOA - Div. of Personnel Management

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- None.

Registrations Against

- None.

Registrations for Information Only

- None.

May 27, 2021 **Executive Session Held by Paper Ballot**

Present: (10) Senator Nass; Representative Neylon; Senators Stroebel, Bradley, Roys and Larson;

Representatives August, Spiros, Subeck and Hebl.

Absent: (0) None.

Excused: (0) None.

Moved, that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.19 (5) (dm), Stats., indefinitely object in part to Clearinghouse Rule 20-089, relating to absences (Department of Administration – Division of Personnel Management), on the grounds that the proposed rule fails to comply with legislative intent.

Specifically, the committee indefinitely objects in part to the phrase “a public health emergency declared by the Secretary of Health and Human Services under 42 U.S.C. 247d, or an emergency declared by a governing body of a local unit of government under s. 323.11, Stats.”, in s. ER 18.01 (6m), as created in SECTION 1 of Clearinghouse Rule 20-089; and the phrases “or unavailable” and “or unavailability” in s. ER 18.03 (4) (cm), as created in SECTION 2 of Clearinghouse Rule 20-089, and as indicated below.

Ayes: (6) Senator Nass; Representative Neylon;
Senators Stroebel and Bradley;
Representatives August and Spiros.

Noes: (4) Senators Roys and Larson; Representatives
Subeck and Hebl.

MOTION TO INDEFINITELY OBJECT IN PART TO CR 20-089
PASSED, Ayes 6, Noes 4

Adam Field
Committee Clerk

JCRAR MOTION

Moved, that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.19 (5) (dm), Stats., indefinitely object in part to Clearinghouse Rule 20-089, relating to absences (Department of Administration – Division of Personnel Management), on the grounds that the proposed rule fails to comply with legislative intent.

Specifically, the committee indefinitely objects in part to the phrase “a public health emergency declared by the Secretary of Health and Human Services under 42 U.S.C. 247d, or an emergency declared by a governing body of a local unit of government under s. 323.11, Stats.”, in s. ER 18.01 (6m), as created in SECTION 1 of Clearinghouse Rule 20-089; and the phrases “or unavailable” and “or unavailability” in s. ER 18.03 (4) (cm), as created in SECTION 2 of Clearinghouse Rule 20-089, and as indicated below:

RULE TEXT

SECTION 1. ER 18.01 (6m) is created to read:

ER 18.01 (6m) “Public health emergency” means a public health emergency declared by the Governor under s. 323.10, Stats., ~~a public health emergency declared by the Secretary of Health and Human Services under 42 U.S.C. 247d, or an emergency declared by a governing body of a local unit of government under s. 323.11, Stats.~~

SECTION 2. ER 18.03 (4) (cm) is created to read:

ER 18.03 (4) (cm) If authorized by the administrator, during a public health emergency for temporary care of members of the immediate family, or a child to whom the employee stands in loco parentis as defined under 29 CFR s. 825.122(d)(3), for a limited period of time for a reason that is specifically related to the public health emergency. Such reasons may include when the individual requiring care has been exposed to a contagious disease which requires the individual’s confinement, or when the employee lacks needed child care because schools or other places of care are closed ~~or unavailable~~ as a result of the public health emergency. Use of sick leave for these purposes is limited to the period of time required for confinement, closure, ~~or unavailability~~. Use of sick leave under this paragraph is subject to authorization of the administrator based upon consideration of the nature of the public health emergency and the operational needs of the state. An appointing authority may require documentation to justify the granting of sick leave under this subsection.