

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date May 22, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter ER 10 - Limited Term Appointments; Chapter ER 18 - Absences	
4. Subject Limited Term Appointments, Absences	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected N/A
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$N/A	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The emergency rule creates a limited exception that allows the Administrator the option to provide paid administrative leave to Limited Term Employees (LTEs) without loss of pay during the COVID-19 global pandemic. For the exception to apply, the reason for absence must specifically be related to the pandemic, such as a situation where the employee's continued presence at the worksite compromises the safety or security of the employee, other employees, the public, or the worksite. The emergency rule also creates a limited exception that allows employees to use sick leave for the care of immediate family members who are not sick if the reason for care is specifically related to the COVID-19 global pandemic. Use of sick leave under this exception may not exceed the period of time required for the confinement of the immediate family member requiring care or the closure of schools or unavailability of child care due to the pandemic.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. N/A	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units were needed to participate in the development of this statement because the administrative codes provisions are applicable solely to state government and its employees.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)	

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The proposed rules will have no additional economic or fiscal impact. Any paid administrative leave used by an LTE as a result of the pandemic will count toward the total hours available for an individual LTE appointment. These hours are limited by statute and budgeted at the time of hire for each LTE.

The provision allowing the use of sick leave to care for individuals for reasons specifically be related to COVID-19 provides no additional leave to employees. Rather, the provision permits another valid reason for use of the employee's earned available sick leave and therefore use does not create any additional economic or fiscal impact to the state.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Permitting the use of available sick leave to be expanded to include the care of an employee's child due to school or daycare closure incurs no additional cost to the state while allowing employees an option to care for their children in this unprecedented circumstance when operations allow. If the pandemic situation re-emerges or further intensifies, the Administrator has an option to provide a small amount of paid leave to ensure LTEs are less likely to come to work while sick and create unnecessary risk to the worksite and their co-workers.

16. Long Range Implications of Implementing the Rule

Implementation of this rule has no long range effects.

17. Compare With Approaches Being Used by Federal Government

The Families First Coronavirus Response Act (FFCRA) provided federal Emergency Paid Sick Leave (EPSL) and Expanded FMLA leave (EFMLA) for state employees beginning April 1, 2020. These leave provisions are in addition to any leave programs offered by the state. The emergency rules are intended to work in conjunction with these federal leave provisions and to provide coverage where gaps in the federal leave may occur.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

At the time of this submission, the department was unable to identify any similar administrative rules in Illinois, Iowa, Michigan, and Minnesota yet implemented in response to COVID-19. Due to the evolving nature of the current situation, it is not possible to determine whether adjacent states will implement comparable rules relating to absences of state employees at this time or within the next 150 days.

19. Contact Name

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20. Contact Phone Number

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