

ORDINANCE NO. 0-22-750

AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON, AUTHORIZING ALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS FOR THE PURPOSE OF PROVIDING COVID PREMIUM PAY TO ELIGIBLE CITY EMPLOYEES.

WHEREAS, SARS-CoV-2 (COVID-19) disease is caused by a virus that spreads easily from person to person and may result in serious illness or death, and is classified by the World Health Organization as a worldwide pandemic; and

WHEREAS, COVID-19 has broadly spread throughout Washington State and remains a significant health risk to the community, especially members of our most vulnerable populations; and

WHEREAS, on February 29, 2020, Washington Governor Jay Inslee issued proclamation 20-05, proclaiming a state of emergency throughout the state of Washington in response to new cases of COVID-19, and directing state agencies to use all resources necessary to prepare for and respond to the outbreak; and

WHEREAS, on March 13, 2020, the City of Maple Valley City Council declared an emergency of the city due to the COVID-19 crisis; and

WHEREAS, on March 23, 2020, Governor Inslee issued Proclamation 20-25, a “Stay Home – Stay Healthy” order closing non-essential workplaces, requiring people to stay home except to participate in essential activities or to provide essential business services, and banning all gatherings for social, spiritual, and recreational purposes. This order was extended multiple times. Under the “Stay Home – Stay Healthy” proclamation, certain City employees have been deemed “Essential Critical Infrastructure Workers” performing work to protect the community and ensure continuity of functions critical to public health and safety; and

WHEREAS, since March 2020, the City has been responding to the pandemic by providing essential government services, and many City employees have been required to be on the front lines to ensure citizen access to these government services since the beginning of the pandemic despite facing the danger of workplace exposure to COVID-19; and

WHEREAS, throughout the entirety of the COVID-19 emergency, citizens of Maple Valley have been relying upon the work of City employees who face the risk of exposure to COVID-19 to maintain government services; and

WHEREAS, providing COVID-19 premium pay to eligible City employees for frontline work performed for the citizens of Maple Valley during the COVID-19 emergency will promote job retention, compensate for the risks of working on the frontlines of a global pandemic, improve financial ability to access resources for protecting themselves and their families from catching or spreading the virus or coping with illness caused by the virus, and support the access to government services for the greater community; and

WHEREAS, on March 10, 2021, the United States Congress passed the American Rescue Plan Act of 2021 (“ARPA”), providing direct relief to units of local government through the United States Department of Treasury; and

WHEREAS, the Department of Treasury has issued guidance for the allowable uses of the direct relief funds, and one permissible use of ARPA funds is to provide premium pay to eligible local government workers facing increased risk due to COVID-19; and

WHEREAS, the City Council acknowledges the value of employees whose continued employment during this COVID-19 pandemic resulted in continuous, excellent service to the community and performance of the added responsibilities undertaken and the City Council therefore desires to incentivize their retention as employees; and

WHEREAS, the City Council chooses to use funding under the American Rescue Plan Act to provide premium pay to its essential employees for work they continue to perform due to the COVID-19 pandemic; and

WHEREAS, the City Council will provide premium pay to all eligible City employees;

NOW THEREFORE;

THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council adopts the above recitals as findings in support of this Ordinance.

Section 2. Eligible Employees. An eligible employee is a non-exempt employee that meets all the following criteria and is not excluded under Section 5:

- A. Employed by the City of Maple Valley in a regular full- or part-time position, budgeted for at least twenty (20) hours per week; and
- B. Employed in the position and assigned regular duties within the job description for months between March 23, 2020 and July 5, 2021; and
- C. During the qualifying months, was required by a supervisor or manager to perform job duties on-site (as opposed to remote telework) for at least four (4) days per week during that time period which placed the employee in a potential situation of exposure to COVID-19; and
- D. Was performing job duties in an on-site work location where the employee must interact in person with members of the public for a cumulative total of at least fifteen (15) minutes in a twenty-four (24) hour period or with co-workers that in the same

day interacted with members of the public for a cumulative total of at least fifteen (15) minutes in a twenty-four (24) hour period.

Section 3. Eligibility Determination. Eligibility shall be conclusively determined by the Human Resources/Risk Manager, in consultation with the City Manager and the employee's supervising Department Head. The determination shall be documented and include written justification of how the premium pay responds to eligible employee needs in performing essential work.

Section 4. Premium Pay. Each eligible employee shall receive premium pay for hours scheduled, up to a maximum total of 8% of their annual wages, at the rate of Thirteen Dollars (\$13.00) per hour for up to forty (40) hours scheduled per week for each week between May 10, 2022 and September 30, 2022.

Section 5. Exclusions. The following employees are excluded from eligibility: Elected Officials, Department Directors, Deputy Department Directors, Supervisors/Managers and Exempt employees

Section 6. Severability. If any section, subsection, clause, sentence, or phrase of this Ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR SEAN P. KELLY

ATTEST/AUTHENTICATED:

CITY CLERK, SHAUNNA LEE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

PATRICIA TARADAY

FILED WITH THE CITY CLERK: May 10, 2022
PASSED BY THE CITY COUNCIL: May 9, 2022
PUBLISHED: May 13, 2002
EFFECTIVE DATE: May 18, 2002
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