SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 21-045

AN ORDINANCE OF THE SNOHOMISH COUNTY COUNCIL RELATING TO COVID-19 PREMIUM PAY FOR ELIGIBLE SNOHOMISH COUNTY EMPLOYEES

ADOPTED: 7/21/2021
EFFECTIVE: 8/02/2021

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, many County employees have been required to be on the front lines ensuring citizen access to government services since the beginning of the pandemic despite facing the danger of workplace exposure to COVID-19; and

WHEREAS, providing a COVID-19 premium pay bonus to eligible County workers for frontline work performed for the citizens of Snohomish County 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, since March 2020, the County has been responding to the pandemic, providing essential government services; 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, Ordinance No. 21-035 has been approved allocating ARPA funds for the purposes of providing premium pay to eligible County employees.

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NOW, THEREFORE, BE IT ORDAINED:

Section 1. Findings

The County Council adopts the following findings in support of this ordinance:

A. The foregoing recitals are incorporated as if fully set forth herein.

B. On January 30, 2020, the World Health Organization (WHO) declared that COVID-19 constituted a public health emergency of international concern, WHO’s highest level of alarm.

C. On February 29, 2020, Washington Governor Jay Inslee issued proclamation 20-05, proclaiming a state of emergency for all counties 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.

D. On March 4, 2020, Snohomish County Executive Dave Somers issued a “Local Proclamation of Emergency Snohomish County” for COVID-19.

E. On March 23, 2020, Washington Governor Jay 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 many County employees were deemed “Essential Critical Infrastructure Workers” performing work to protect communities and ensure continuity of functions critical to public health and safety as well as economic and national security.

F. On January 28, 2021, the Center for Disease Control (CDC) reported that multiple COVID-19 variants are circulating globally. Scientists are working to learn more about these variants to better understand how easily they might be transmitted and the effectiveness of currently authorized vaccines against them.

G. On March 8, 2021, the CDC stated that preliminary evidence suggests that the currently authorized COVID-19 vaccines may provide some protection against a variety of strains. The CDC further stated, however, that the risks of SARS-CoV-2 infection in fully vaccinated people cannot be completely eliminated as long as there is continued community transmission of the virus. Vaccinated people could potentially still get COVID-19 and spread it to others.

H. As of February 27, 2021, three vaccines are authorized for emergency use by the United States Food & Drug Administration.

I. The Washington State Department of Health’s COVID-19 vaccine timeline made some County employees in Washington State eligible for vaccination starting on
March 17, 2021 and all remaining County employees eligible starting on April 15, 2021. While many County employees may now be vaccinated, the risks of SARS-CoV-2 infection in fully vaccinated people cannot be completely eliminated as long as there is continued community transmission.

J. As of June 1, 2021, the Snohomish Health District reported a total of 36,385 confirmed positive cases in Snohomish County since the beginning of the pandemic, plus an additional 3,281 probable positive cases and 591 deaths in Snohomish County as a result of COVID-19.

K. Throughout the entirety of the COVID-19 emergency, citizens of Snohomish County have been relying upon the work of County employees who face the risk of exposure to COVID-19 to maintain government services.

L. Many County employees cannot choose to work from home and must come to work to perform their jobs, which can involve substantial interaction with customers and co-workers that could potentially spread the virus. They are wearing masks, trying as much as possible to social distance, performing safety protocols, and learning new skills to decrease transmission of the virus to protect themselves and the public.

M. Eligible County employees working during the COVID-19 emergency merit a premium pay bonus because they have performed duty or work involving additional risk of exposure to the COVID-19 virus. Many County employees have been working under such conditions since the beginning of the pandemic.

N. Ensuring that eligible County employees are compensated for the risks of working during the COVID-19 emergency promotes retention of these vital workers.

Section 2. Eligible Employees

An eligible employee is an employee that, as of July 15, 2021 meets all the following criteria and is not excluded under Section 4:

A. Employed by Snohomish County, the Snohomish County Superior Court, or the Snohomish County District Court in a regular full or part-time position budgeted for at least twenty (20) hours per week in Amended Ordinance 20-075.

B. Employed in the position and assigned regular duties within the job description for at least six (6) months between March 23, 2020 and July 5, 2021.

C. During the six (6) qualifying months of assigned duties, was required by a supervisor or manager to perform job duties on-site (as opposed to remote telework) for a cumulative total of at least one-hundred-twenty (120) work hours that placed the employee in a position of potential exposure to COVID-19. As used in this ordinance, a position of potential exposure to COVID-19 means 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 hour period.

Section 3. **Premium Pay**

An eligible employee shall receive premium pay for hours worked up to a maximum total of twelve-hundred-fifty-dollars ($1250) in premium pay as follows:

A. FLSA exempt employees shall receive a lump sum of $625 in each of the first two pay periods that the FLSA exempt employee receives paid compensation for at least seven (7) eight-hour work shifts or an equivalent number of work hours in the months of September and/or October 2021.

B. FLSA non-exempt employees shall receive a premium of $8.00 per hour ($12.00 per hour for hours worked at a time-and-a-half overtime rate) for each hour worked in September and October 2021 until a maximum premium of twelve-hundred-and-fifty ($1250) in premium pay is earned.

Section 4. **Exclusions**

The following employees are excluded from eligibility: Executive Office employees, County Council Office employees, Elected Officials, Department Directors and Deputy Department Directors.

Section 5. **Executive Authority**

A. The Executive, or designee(s) shall determine employee eligibility based on the criteria in Sections 2 and 4. Such determinations shall be final and shall not be subject to any grievance or appeal process. The determination shall be documented and include written justification of how the premium pay responds to eligible employee needs in performing essential work.

B. The Executive is authorized to enter into agreements with bargaining unit representatives regarding application of this ordinance to represented employees that solely mirror its provisions.

Section 6. **Savings.**

With respect to the subject matter of this ordinance, the County will retain the status quo working conditions of employees covered by existing collective bargaining agreements or a dynamic status quo until such time as the working conditions of such employees are changed in accordance with law.
PASSED this 21st day of July, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

[Signature]
Council Chair

ATTEST:

[Signature]
Asst. Clerk of the Council

(X) APPROVED
( ) EMERGENCY
( ) VETOED

DATE: 7/23/2021

[Signature]
Dave Somers
County Executive

ATTEST:

[Signature]
Melissa Geraghty

Approved as to form only:

[Signature]
Deputy Prosecuting Attorney

Date