

1 ADOPTED:
2 EFFECTIVE:

3
4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON

6
7 ORDINANCE NO. 21-045

8
9 AN ORDINANCE OF THE SNOHOMISH COUNTY COUNCIL RELATING TO COVID-19
10 PREMIUM PAY FOR ELIGIBLE SNOHOMISH COUNTY EMPLOYEES

11
12 WHEREAS, SARS-CoV-2 (COVID-19) disease is caused by a virus that spreads
13 easily from person to person and may result in serious illness or death, and is classified
14 by the World Health Organization as a worldwide pandemic; and

15
16 WHEREAS, COVID-19 has broadly spread throughout Washington State and
17 remains a significant health risk to the community, especially members of our most
18 vulnerable populations; and

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

23
24 WHEREAS, providing a COVID-19 premium pay bonus to eligible County
25 workers for frontline work performed for the citizens of Snohomish County during the
26 COVID-19 emergency will promote job retention, compensate for the risks of working on
27 the frontlines of a global pandemic, improve financial ability to access resources for
28 protecting themselves and their families from catching or spreading the virus or coping
29 with illness caused by the virus, and support the access to government services for the
30 greater community; and

31
32 WHEREAS, since March 2020, the County has been responding to the
33 pandemic, providing essential government services; and

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

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39 WHEREAS, the Department of Treasury has issued guidance for the allowable
40 uses of the direct relief funds, and one permissible use of ARPA funds is to provide
41 premium pay to eligible local government workers facing increased risk due to COVID-
42 19; and

43
44 WHEREAS, Ordinance No. 21-035 has been approved allocating ARPA funds for
45 the purposes of providing premium pay to eligible County employees.

46
47 NOW, THEREFORE, BE IT ORDAINED:

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2 Section 1. Findings

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

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

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

11
12 C. On February 29, 2020, Washington Governor Jay Inslee issued proclamation
13 20-05, proclaiming a state of emergency for all counties throughout the state of
14 Washington in response to new cases of COVID-19, and directing state agencies to use
15 all resources necessary to prepare for and respond to the outbreak.

16
17 D. On March 4, 2020, Snohomish County Executive Dave Somers issued a
18 "Local Proclamation of Emergency Snohomish County" for COVID-19.

19
20 E. On March 23, 2020, Washington Governor Jay Inslee issued Proclamation 20-
21 25, a "Stay Home – Stay Healthy" order closing non-essential workplaces, requiring
22 people to stay home except to participate in essential activities or to provide essential
23 business services, and banning all gatherings for social, spiritual, and recreational
24 purposes. This order was extended multiple times. Under the "Stay Home – Stay
25 Healthy" proclamation many County employees were deemed "Essential Critical
26 Infrastructure Workers" performing work to protect communities and ensure continuity of
27 functions critical to public health and safety as well as economic and national security.

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

33
34 G. On March 8, 2021, the CDC stated that preliminary evidence suggests that
35 the currently authorized COVID-19 vaccines may provide some protection against a
36 variety of strains. The CDC further stated, however, that the risks of SARS-CoV-2
37 infection in fully vaccinated people cannot be completely eliminated as long as there is
38 continued community transmission of the virus. Vaccinated people could potentially still
39 get COVID-19 and spread it to others.

40
41 H. As of February 27, 2021, three vaccines are authorized for emergency use by
42 the United States Food & Drug Administration.

43
44 I. The Washington State Department of Health's COVID-19 vaccine timeline
45 made some County employees in Washington State eligible for vaccination starting on
46 March 17, 2021 and all remaining County employees eligible starting on April 15, 2021.

1 While many County employees may now be vaccinated, the risks of SARS-CoV-2
2 infection in fully vaccinated people cannot be completely eliminated as long as there is
3 continued community transmission.
4

5 J. As of June 1, 2021, the Snohomish Health District reported a total of 36,385
6 confirmed positive cases in Snohomish County since the beginning of the pandemic,
7 plus an additional 3,281 probable positive cases and 591 deaths in Snohomish County
8 as a result of COVID-19.
9

10 K. Throughout the entirety of the COVID-19 emergency, citizens of Snohomish
11 County have been relying upon the work of County employees who face the risk of
12 exposure to COVID-19 to maintain government services.
13

14 L. Many County employees cannot choose to work from home and must come to
15 work to perform their jobs, which can involve substantial interaction with customers and
16 co-workers that could potentially spread the virus. They are wearing masks, trying as
17 much as possible to social distance, performing safety protocols, and learning new skills
18 to decrease transmission of the virus to protect themselves and the public.
19

20 M. Eligible County employees working during the COVID-19 emergency merit a
21 premium pay bonus because they have performed duty or work involving additional risk
22 of exposure to the COVID-19 virus. Many County employees have been working under
23 such conditions since the beginning of the pandemic.
24

25 N. Ensuring that eligible County employees are compensated for the risks of
26 working during the COVID-19 emergency promotes retention of these vital workers.
27

28 Section 2. Eligible Employees

29

30 An eligible employee is an employee that, as of July 15, 2021 meets all the
31 following criteria and is not excluded under Section 4:
32

- 33 A. Employed by Snohomish County, the Snohomish County Superior Court, or
34 the Snohomish County District Court in a regular full or part-time position
35 budgeted for at least twenty (20) hours per week in Amended Ordinance 20-
36 075.
- 37 B. Employed in the position and assigned regular duties within the job
38 description for at least six (6) months between March 1, 2020 and July 15,
39 2021.
- 40 C. During the six (6) qualifying months of assigned duties, was required by a
41 supervisor or manager to perform job duties on-site (as opposed to remote
42 telework) for a cumulative total of at least one-hundred-twenty (120) work
43 hours that placed the employee in a position of potential exposure to COVID-
44 19. As used in this ordinance, a position of potential exposure to COVID-19
45 means performing job duties in an on-site work location where the employee
46 must interact in person with members of the public for a cumulative total of at

1 least fifteen (15) minutes in a twenty-four (24) hour period or with co-workers
2 that in the same day interacted with members of the public for a cumulative
3 total of at least fifteen (15) minutes in a twenty-four hour period.
4

5 **Section 3. Premium Pay**
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7 An eligible employee shall receive premium pay for hours worked up to a
8 maximum total of twelve-hundred-fifty-dollars (\$1250) in premium pay as follows:

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

13 B. FLSA non-exempt employees shall receive a premium of \$8.00 per hour
14 (\$12.00 per hour for hours worked at a time-and-a-half overtime rate) for each
15 hour worked in September and October 2021 until a maximum premium of
16 twelve-hundred-and-fifty (\$1250) in premium pay is earned.
17

18 **Section 4. Exclusions**
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20 The following employees are excluded from eligibility: Executive Office
21 employees, County Council Office employees, Elected Officials, Department
22 Directors and Deputy Department Directors.
23

24 **Section 5. Executive Authority**
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26 A. The Executive, or designee(s) shall determine employee eligibility based
27 on the criteria in Sections 2 and 4. Such determinations shall be final and shall
28 not be subject to any grievance or appeal process. The determination shall be
29 documented and include written justification of how the premium pay responds to
30 eligible employee needs in performing essential work.

31 B. The Executive is authorized to enter into agreements with bargaining unit
32 representatives regarding application of this ordinance to represented employees
33 that solely mirror its provisions.
34

35 **Section 6. Savings.**
36

37 With respect to the subject matter of this ordinance, the County will retain the
38 status quo working conditions of employees covered by existing collective
39 bargaining agreements or a dynamic status quo until such time as the working
40 conditions of such employees are changed in accordance with law.
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42 PASSED this ___ day of _____, 2021.
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44 SNOHOMISH COUNTY COUNCIL
45 Snohomish County, Washington
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Council Chair

ATTEST:

Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE:

Dave Somers
County Executive

ATTEST:

Approved as to form only:

Steve Bladek Digitally signed by Steve Bladek
Date: 2021.06.30 10:47:54
+07'00'

Deputy Prosecuting Attorney Date