

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, AMENDING CERTAIN PERSONNEL POLICIES AND PROCEDURES

WHEREAS, the Board of County Commissioners of Sedgwick County, Kansas (“County”), has prepared and published personnel policies and procedures entitled “Sedgwick County Personnel Policies and Procedures Manual” (“Manual”) which govern County employment; and

WHEREAS, the County has discovered the need for revisions to said Manual; and

WHEREAS, the County has the authority to establish personnel policies and procedures pursuant to K.S.A. 19-212; and

WHEREAS, the County now desires to adopt an additional policy relating to “American Rescue Plan Act: COVID-19 Premium Pay.”

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that:

SECTION 1. The following policy is hereby adopted and will become effective immediately:

Policy No. 4.2003 – *American Rescue Plan Act: COVID-19 Premium Pay* (attached as Exhibit A).

SECTION 2. This resolution takes effect upon adoption.

Commissioners present and voting were:

| | |
|-------------------|-------|
| PETER F. MEITZNER | _____ |
| SARAH LOPEZ | _____ |
| DAVID T. DENNIS | _____ |
| LACEY D. CRUSE | _____ |
| JAMES M. HOWELL | _____ |

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Dated this _____ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


ATTEST:

KELLY B. ARNOLD
County Clerk

PETER F. MEITZNER, Chairman
Commissioner, First District

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:



MICHAEL L. FESSINGER
Assistant County Counselor

SARAH LOPEZ
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

EXHIBIT
A



Sedgwick County...
working for you

**American Rescue Plan Act: COVID-19
Premium Pay**

Adopted :

Adopted:

**Effective Dates:
09/08/2021 – 12/31/2021**

Policy No. 4.2003

Enabling Resolution:

**Developer/Reviewer:
Division of Human Resources/Division
of Finance/County Manager**

1. Purpose

The intent of this policy is to set forth the requirements for determining which Sedgwick County positions are eligible, essential, and outline the process for distributing Premium Pay.

2. Scope

This policy applies to all Sedgwick County employees.

3. Policy Statement

Sedgwick County is committed to distributing allocated funds for Premium Pay in a manner that is fair and equitable as provided through the American Rescue Plan Act (ARPA) as designated from the Coronavirus State and Local Fiscal Recovery Funds. This policy does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this policy at any time subject only to the approval by the Board of County Commissioners (BoCC).

4. Definitions

- A. **Premium Pay** – A form of incentive payment for individuals completing eligible, essential services in a defined period during the Coronavirus pandemic.
- B. **Eligible Worker** – Those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each Governor of a State or territory, or each Tribal government may designate as critical to protect the health and well-being of the residents of their State, territory, or Tribal government.” (*U.S. Treasury Interim Rule, page 46*).
- C. **Essential Work** –Work involving regular in-person interaction or regular physical handling of items that were also handled by others. A worker would not be engaged in essential work and, accordingly may not receive premium pay, for telework performed from a residence. (*U.S. Treasury Interim Rule, page 47*).

- D. **Continuous Employment** – To receive Premium Pay, the employee must have maintained employment with Sedgwick County, without a voluntary or involuntary break, from a date prior to March 24, 2021 through the end of the applicable pay period(s). A break in employment does not include participants of the voluntary or involuntary furlough, employees that transferred between positions, absence due to Family Medical Leave, Military Leave, or employees out on County approved leave.
- E. **Retroactive Period** - March 13, 2020 through March 24, 2021.
- F. **Applicable Pay Period(s)** – ARPA payments will be split between two pay periods. Employees must maintain employment through the pay periods for which the Premium Pay payments will be made. Employees must maintain employment through September 11, 2021 to receive the first payment, and December 4, 2021 to receive the second payment. Anticipated dates are October 1, 2021 and December 10, 2021 but are subject to change.
- G. **Cloistered Exposure** – Regular in-person interaction within work group with minimal exposure to the public or staff from other County departments.

5. Procedures

- A. Division/Department Directors or Elected/Appointed Officials will submit positions to be reviewed for Premium Pay eligibility. The proposal will be reviewed by a committee comprised of County Administration, Finance, and Human Resources. Documentation is required for all positions submitted. Documentation must include the following:
 - 1. Employee Attestation (if applicable)
 - 2. Supervisor Attestation
 - 3. Proof of hours worked on-site
 - 4. Proof of pay rate at the time of the hours worked
- B. A request for Premium Pay for positions is not a guarantee of payment.
- C. Premium Payments will be based on positions, specifically how each position was involved with the COVID-19 pandemic response or how the position was at risk during the COVID-19 pandemic.
 - 1. Group 1A - Positions that are required on-site with public exposure and no remote work options.
 - 2. Group 1B - Positions that are required on-site with cloistered exposure and no remote work options.
 - 3. Group 2A - Positions that are required both on-site with public exposure and have remote work options.
 - 4. Group 2B - Positions that are required both on-site with cloistered exposure and have remote work options.
- D. The Premium Pay rate for each group will be determined by the review committee based on the number of positions identified as eligible, essential, and hours worked. Total expend will be no greater than \$15 million.
- E. Eligible employees may elect to opt out of the COVID-19 Premium Pay. Employees must complete the ARPA: COVID-19 Premium Pay Opt-Out Form no later than September 22, 2021 and send the Opt-Out form to compensation@sedgwick.gov.

- F. Prior to receiving Premium Pay, an Eligible Worker may opt out of receiving Premium Pay by providing written notice to Human Resources at compensation@sedgwick.gov.
- G. Each Division/Department or Elected/Appointed Office will submit a completed spreadsheet and corresponding documentation for each position.
- H. Submissions will be reviewed and validated by the Division of Finance and the Division of Human Resources for equity and thoroughness of documentation.
- I. Missed Premium Payments for employees that are out on Family Medical Leave, Military Leave, or other approved leave of absence, will be paid upon their return from leave once their hours of eligibility are verified and all required documentation is received.

This policy is based on Premium Pay as defined in the Department of Treasury's Interim Final Rule (Federal Register / Vol. 86, No. 93 / Monday, May 17, 2021 / Rules and Regulations / Department of the Treasury / 31 CFR Part 35 / RIN 1505-AC77 / Coronavirus State and Local Recovery Funds) and is subject to change based on updated guidance that may be provided by the Department of Treasury.