



COUNTY OF HUMBOLDT

For the meeting of: 10/15/2019

File #: 19-1529

To: Board of Supervisors

From: Human Resources

Agenda Section: Consent

SUBJECT:

Adoption of a Resolution Authorizing Payment for County Employees That Were Not Able to Work Regular Shifts Due to the Pacific Gas and Electric Power Shutdown and Delegation of Authority for Future Events

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt Resolution No. _____ authorizing payment for county employees that were not able to work regular shifts on October 09, 2019 due to the Pacific Gas and Electric power shutdown and delegating future authority for events of three days or less.

SOURCE OF FUNDING:

Individual Departmental Budgets

DISCUSSION:

As your Board is aware, in the early morning of Oct. 9, 2019 the local power grid in Humboldt County was de-energized by Pacific Gas & Electric (PG&E). The county and many county facilities remained without power or only partial/backup power for the duration of the day. As a result, many county employees were either not able to work due to the lack of power or instructed not to report to work due to the conditions created by the power shutdown.

Under the Fair Labor and Standards Act (FLSA), over-time exempt employees are to be paid their salary irrespective of the amount of actual hours worked during the work week. As applied here, this rule operates to ensure that exempt employees will receive their full wages even when the county closes operations due to emergency conditions. The Board adopted Salary Resolution (Resolution No. 82-170 as amended) and corresponding Memorandum of Understanding provisions with the county's various labor organizations provide for special leave with pay during disasters or emergency conditions. However, these documents define emergencies in terms of an employee's inability to reach worksites, not worksites in an unavailable or unusable condition for employees due to the power shutdown. This resolution is prepared so that your Board may provide clear direction to compensate all regular and extra help employees that could not perform their regularly scheduled work due to the

power shutdown on Oct. 9, 2019. The specific conditions under which employees would be paid are detailed in the resolution (Attachment 1). The resolution also makes findings that these payments serve a public purpose by providing parity in pay between exempt and nonexempt county employees and supporting employee morale.

FINANCIAL IMPACT:

Authorizing payment for employees who were unable to work regular shifts due to the PG&E Public Safety Power Shutdown will have no financial impact on the county as these employees' salaries have been included in the fiscal year 2019-20 Adopted Budget.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by investing in county employees.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may choose not to approve the adoption, however, this is not recommended as it will create a disparity in compensation between exempt and nonexempt employees.

ATTACHMENTS:

1 Resolution

PREVIOUS ACTION/REFERRAL:

N/A