

RESOLUTION NO. _____

RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS 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

WHEREAS, the Board of Supervisors of the County of Humboldt (County) is authorized by the provisions of Section 25300 of the Government Code of the State of California to provide for the number, compensation, tenure, appointment and conditions of employment of County employees by resolution; and

WHEREAS, in the early morning of October 9, 2019 the local power grid was de-energized by Pacific Gas & Electric and the County remained without grid power for the duration of the day; and

WHEREAS, this loss of power had significant effects on many County worksites; and

WHEREAS, on October 9, 2019 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; and

WHEREAS, 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 condition; and

WHEREAS, 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 employee inability to reach worksites, not worksites in an unavailable or unusable condition for employees due to the power shutdown; and

WHEREAS, to give clear direction the Board of Supervisors desires to compensate all regular and extra help employees that could not perform their regularly scheduled work due to the power shutdown on October 9, 2019 as described below; and

WHEREAS, the Board of Supervisors finds that payments pursuant to this resolution serve a public purpose by providing parity in pay between exempt and nonexempt County employees during the power shutdown and supporting employee morale.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board of Supervisors approves the payment of salaries for County employees that were not able to work their regularly scheduled shift on October 9, 2019 due to the lack of power under the following conditions:

- If the County employee was assigned to work but could not work due to the power outage, the employee will be paid salary for the entire shift that day (including differentials such as hazard pay).

- If the County employee was assigned to work but could not complete their entire shift or was sent home due to the outage, the employee will be paid salary for the remaining portion of their shift.
 - If an employee had a previously scheduled day off or time off during the day, the employee will still be expected to utilize the time off requested, as the employee was not available to work during that time.
 - If an employee was required or expected to provide an essential service on the day of the outage the employee will be paid for hours scheduled as well as any hours in addition to the scheduled shift that would normally entitle the person to an overtime payment.
 - If an extra help employee was assigned to work but could not complete their entire regular shift or was sent home due to the outage, the employee will be paid salary for the remaining portion of their regular shift.
2. Due to the likelihood of a similar situation arising in the future, the County Administrative Officer, Human Resources Director, and Auditor-Controller are delegated authority to make payments in the event of future County-wide power outages that do not exceed three days in duration consistent with the parameters of this resolution.
 3. Authorization for payments for events beyond three days that do not fall within FLSA parameters must be made by the Board of Supervisors.
 4. This resolution shall become effective upon Board approval.

Dated: October 15, 2019

Rex Bohn, Chair of the Board
Humboldt County Board of Supervisors

Adopted on motion by Supervisor, Seconded by Supervisor, and the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)

County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.
KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California.