

RESOLUTION NO. 21-092

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON,
CALIFORNIA, ESTABLISHING PREMIUM PAY FOR UNREPRESENTED
PART TIME EMPLOYEES IN THE CITY OF CARSON

WHEREAS, the coronavirus (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 (WHO) as a worldwide pandemic; and

WHEREAS, COVID-19 has broadly spread throughout California and remains a significant health risk to the community, especially to members of our most vulnerable populations; and

WHEREAS, the World Health Organization has declared that COVID-19 is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level, requiring dramatic interventions to disrupt the spread of this disease; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom proclaimed a state of emergency in response to new cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak; and

WHEREAS, as a result of the City's declaration of a local emergency in response to the coronavirus pandemic on March 17, 2020 through Resolution No. 20-053, the City made the decision to close all City facilities to the public, including the Community Center and parks, which decision was subsequently reinforced by Governor Newsom's Executive Order N-33-20, issued on March 19, 2020 requiring "all individuals living in the State of California to stay home or at their place or residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors," as outlined by the federal Department of Homeland Security's Cyber and Infrastructure Security Agency (CISA) in its March 19, 2020 Memorandum; and

WHEREAS, as a result, it was necessary that the City adhere to the federal and State governments' mandate to identify essential services critical to the City's governmental operations in support of the federal infrastructure sectors while reducing its other non-critical operations, as outlined in the CISA Memo dated March 19, 2020; and

WHEREAS, all of our City employees are valuable members of our team, and all the services we perform are important City functions that contribute to the smooth and efficient operation of the City's services; and

WHEREAS, however, to the extent that employee services were not immediately essential to maintain public safety, critical infrastructure, or internal functioning of the City,

employees were required not to report to work or do any work at home, in order to reduce and slow the community spread of COVID-19, as mandated by the Governor's Executive Order, even for those services that were deemed essential, the City continued to manage with fewer employees, so that lives can be saved from the pandemic; and

WHEREAS, for purposes of this resolution, "essential workers" are defined as active unrepresented part-time employees that work in the City of Carson in roles deemed essential during the COVID-19 emergency, making essential workers highly vulnerable to economic insecurity and health and/or safety risks; and

WHEREAS, employees in roles deemed essential may be provided additional pay by the City of Carson on a retroactive basis, with such additional pay consisting of a one-time lump sum pay in the amount of \$1,000 for each unrepresented part-time City employee who worked out of a City facility in roles deemed essential for any amount of time between the months of December 1, 2020 to March 1, 2021 (the peak period of COVID-19 cases in the City of Carson), who are still employed by the City in an unrepresented part-time position at the time that this Resolution is approved (aka "Premium Pay"); and

WHEREAS, such compensation for Premium Pay is retroactively applicable for all active unrepresented part time employees who performed such work in roles deemed essential during the months of December 1, 2020 to March 1, 2021; and

WHEREAS, Premium Pay, paid in addition to regular wages, is an established one time type and form of compensation for unrepresented part-time employees performing work involving physical hardship that can cause extreme physical discomfort and distress; and

WHEREAS, employees in roles deemed essential worked during the COVID-19 emergency merit additional compensation due to risk of exposure to the COVID-19 virus as essential workers have been working under these hazardous conditions for months and continue to face safety risks as the virus presents an ongoing threat for an uncertain period, potentially resulting in subsequent waves of infection; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence, including the staff report and public comments presented.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY RESOLVE, DETERMINE, AND FIND AS FOLLOWS:

SECTION 1. FINDINGS. The findings and determinations reflected in the Recitals above are true and correct, and are incorporated herein by this reference.

SECTION 2. This Resolution authorizes a one-time lump sum pay in the amount of \$1,000 for each unrepresented part-time City employee who worked out of a City facility in roles deemed essential for any amount of time between the months of December 1, 2020 to March 1, 2021

(the peak period of COVID-19 cases in the City of Carson), who are still employed by the City in an unrepresented part-time position at the time that this Resolution is approved. The authorized premium pay would be paid out in the first full pay period following approval of the Resolution.

SECTION 3. MINIMUM REQUIREMENTS. This Resolution provides for Premium Pay while working for the City of Carson and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for Premium Pay, or that extends other protections to essential workers. Nothing in this Resolution shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nothing in this Resolution shall be construed as restricting an essential worker's right to pursue any other remedies at law or equity for violation of their rights.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is held for any reason to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5. The Chief Deputy City Clerk shall certify to the passage of this Resolution which shall take effect immediately upon passage.

PASSED, APPROVED, and ADOPTED this 6th day of July, 2021.

Mayor Lula Davis-Holmes

ATTEST:

Chief Deputy City Clerk John Carroll

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, John Carroll, Chief Deputy City Clerk of the City of Carson, California, do hereby certify that the whole number of members is four; that the foregoing resolution, being Resolution No. 20-092 was duly and regularly adopted by said City at a regular meeting duly and regularly held on the 6th day of July 2021, and that the same was passed and adopted by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

By: _____
Chief Deputy City Clerk