



Baldwin County Commission

Legislation Details (With Text)

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On agenda: 9/6/2022 **Final action:**
Title: Resolution #2022-163 Amending Resolutions #2022-102 and #2022-158 by Eliminating and Terminating Temporary Premium Pay Payments From County Funds for Certain Exempt Employees
Indexes:
Attachments: 1. Resolution #2022-163, 2. *FA2-Resolution 2022-163-SIGNED.pdf

Date	Ver.	Action By	Action	Result
9/6/2022	1	Baldwin County Commission Regular	Approved	Pass

Meeting Type: BCC Regular Meeting
Meeting Date: 9/6/2022
Item Status: New
From: James E. Ball, Chairman
Submitted by: Kathy McHugh, Grants Administrator

ITEM TITLE

Resolution #2022-163 Amending Resolutions #2022-102 and #2022-158 by Eliminating and Terminating Temporary Premium Pay Payments From County Funds for Certain Exempt Employees

STAFF RECOMMENDATION

Adopt Resolution #2022-163 amending Resolutions #2022-102 and #2022-158 to eliminate and terminate Temporary Premium Pay (TPP) Payments for certain eligible exempt employees whose total wages and remuneration are greater than, or would become greater than as a result of TPP payments, 150% of the higher of Alabama's or Baldwin County's (i.e., Daphne-Fairhope-Foley MSA) average annual wage for all occupations as defined by the most recent Bureau of Labor Statistics' (BLS) Occupational Employment and Wage Statistics (BLS Threshold), which at the time of Resolutions #2022-102 and #2022-158 was \$72,165.00, to be effective immediately.

BACKGROUND INFORMATION

Background: The County Commission, during its regular meeting on August 16, 2022, approved terminating the appropriation of ARPA funds, as provided by Resolution #2022-158, for a TPP Program, effective as of December 31, 2022. As provided herein, the County Commission is terminating the appropriation of County Funds for TPP Payments for certain eligible exempt employees (as defined above), effective immediately.

Previous Commission action/date: December 7, 2021 - Approved a one-time TPP Program (subject to the ARPA Interim Final Rule) for employees working due to the COVID-19 pandemic to provide premium pay to eligible Baldwin County Commission and Baldwin County Sheriff's Office

workers in response to their performing essential work during the COVID-19 pandemic as was a necessary and reasonable use of ARPA funds. Further, that TPP be paid according to the employee's corresponding county fund, should such TPP expenditure not be covered under the provisions of ARPA.

January 27, 2022 - Issuance of the ARPA Final Rule for Coronavirus State and Local Fiscal Recovery Funds, which allows for the provision of premium pay to eligible workers pursuant to 31 CFR 35.6(c), as follows:

A recipient may use funds to provide premium pay to eligible workers of the recipient who perform essential work or to provide grants to eligible employers that have eligible workers who perform essential work, provided that any premium pay or grants provided under this paragraph (c) must respond to eligible workers performing essential work during the COVID-19 public health emergency. A recipient uses premium pay or grants provided under this paragraph (c) to respond to eligible workers performing essential work during the COVID-19 public health emergency if:

(1) The eligible worker's total wages and remuneration, including the premium pay, is less than or equal to 150 percent of the greater of such eligible worker's residing State's or county's average annual wage for all occupations as defined by the Bureau of Labor Statistics' Occupational Employment and Wage Statistics;

(2) The eligible worker is not exempt from the Fair Labor Standards Act overtime provisions (29 U.S.C. 207); or

(3) The recipient has submitted to the Secretary a written justification that explains how providing premium pay to the eligible worker is responsive to the eligible worker performing essential work during the COVID-19 public health emergency (such as a description of the eligible workers' duties, health, or financial risks faced due to COVID-19, and why the recipient determined that the premium pay was responsive despite the worker's higher income).

June 7, 2022 - Approved an extension of the TPP Program to provide additional TPP compensation in the amount of \$8.66 per regular hour and \$12.99 per overtime hour, up to a maximum total amount of \$700.00 for full-time employees and up to a maximum total amount of \$500.00 for part-time employees, contingent on the continued need to perform essential work during the COVID-19 public health emergency and continued appropriation and availability of ARPA funds for this purpose. Further, eligible exempt County employees for whom annual wages currently exceed the BLS threshold identified herein or for those who would otherwise exceed this threshold with TPP considered, provide such pay from other County funds.

August 16, 2022 - Approved termination of ARPA TPP Program effective December 31, 2022.

FINANCIAL IMPACT

Total cost of recommendation: N/A

Budget line item(s) to be used: N/A

If this is not a budgeted expenditure, does the recommendation create a need for funding?

No action is necessary, as the previous Commission action on June 7, 2022, did not include a corresponding budget amendment / resolution to provide funds for the payment of those whom annual total wages and remuneration exceed the BLS threshold identified herein.

LEGAL IMPACT

Is legal review necessary for this staff recommendation and related documents?

N/A

Reviewed/approved by: County Attorney, Brad Hicks 8/31/22- KM

Additional comments: N/A

ADVERTISING REQUIREMENTS

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Is advertising required for this recommendation? N/A

If the proof of publication affidavit is not attached, list the reason: N/A

FOLLOW UP IMPLEMENTATION

For time-sensitive follow up, select deadline date for follow up: N/A

Individual(s) responsible for follow up: Admin - Upload Resolution to BCAP

Action required (list contact persons/addresses if documents are to be mailed or emailed):

N/A

Additional instructions/notes: N/A