

MAYOR EXECUTIVE ORDER

NO. 20-03

(Amending Executive Order No. 20-01)

WHEREAS, the United States Secretary of Health and Human Services, Governor of the State of Washington and King County Executive have declared national and state emergencies as a result of transmission of COVID-19; and

WHEREAS, COVID-19 is a serious respiratory illness with no known cure that may result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus; and

WHEREAS, the Director of Emergency Services for the City of North Bend reported to the Office of the Mayor that conditions relative to the pandemic constitute a threat to the safety and welfare of the citizens and staff of North Bend.

WHEREAS, pursuant to North Bend Municipal Code Chapter 2.68 and RCW 38.52.070, the Mayor of the City of North Bend declared an emergency on March 11, 2020 in order to take such actions as may be necessary to protect the public health and safety (“Mayor’s Proclamation”); and

WHEREAS, the World Health Organization (“WHO”) identifies the public health threat as “high”, and on March 11, 2020 declared a global pandemic; and

WHEREAS, on March 17, 2020, the North Bend City Council ratified and confirmed the Mayor’s Proclamation;

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State and the high risk it poses to our most vulnerable populations, I issued Executive Order No. 20-01 closing city hall and providing for an expansion of certain pay policies;

WHEREAS, as a result of COVID-19, the U.S. economy shrank by 4.8 percent from January through March as the national economy saw the worst slowdown in growth since the Great Recession;

WHEREAS, North Bend’s economy will be significantly impacted by loss of revenues in sales and retail taxes, business and occupation taxes, property taxes, permit fees and other general revenues from the closure of large portions of economic activity due to COVID-19;

WHEREAS, the federal Coronavirus Aid, Relief and Economic Security (“CARES”) Act was signed into law on March 27, 2020 but this measure failed to provide stimulus funding for cities under 500,000 population;

WHEREAS, the State of Washington has committed to paying small local governments \$25,000 from the state CARES funding but this amount will in no way fill the City’s expected revenue shortfall from COVID-19;

WHEREAS, on March 18, the federal Families First Coronavirus Response Act (“FFCRA”) was signed into law taking effect on April 1, 2020 providing an expansion of the federal Family and Medical Leave (FMLA) and up to 10 days of emergency paid sick leave for certain COVID-19 related reasons;

WHEREAS, on March 31, 2020, all city employees received the FFCRA Notice of Employees Rights by electronic mail;

WHEREAS, the FFCRA generally provides two types of new paid leave: (1) Up to 2 weeks Emergency Paid Sick Leave; and (2) Up to 12 weeks Emergency Paid Expanded Family and Medical Leave;

WHEREAS, Governor Inslee has issued various Proclamations relating to this emergency including Proclamation No. 20-46 which provides additional employee protections to high risk employees;

WHEREAS, I will be issuing this Executive Order No. 20-03, amending Executive Order No. 20-01 to provide clarification on wages and benefits to be paid during the state mandated Stay Home – Stay Healthy Order.

NOW, THEREFORE, THE MAYOR OF THE CITY OF NORTH BEND, WASHINGTON, BY THE POWER VESTED IN HIM BY THE CONSTITUTION AND STATUTES OF THE STATE OF WASHINGTON DOES HEREBY, EFFECTIVE IMMEDIATELY, ORDER AND DIRECT:

Section 1. Wages and Benefits Paid During Stay Home – Stay Healthy Order. Effective May 5, 2020, the City will return to its standard compensation policies as described in the North Bend Employee Guidelines and any applicable Collective Bargaining Agreements and except as otherwise provided in state or federal law as follows:

1.1. Telecommuting/Teleworking. Any employees who are able to telework shall continue to do so until further notice from their supervisors. These employees will continue to receive regular pay and benefits for all hours worked.

1.2 Employees Unable to Telework. Any employees whose physical presence is required at a city facility in order to perform their respective work duties shall continue to stay home during the Governor’s Stay Home – Stay Healthy Order (except for essential employees) and will be allowed to use accrued sick leave, vacation leave, personal holiday or earned comp time if city hall remains closed and they are unable to perform their duties.

1.3 Maintenance Employees. Maintenance employees perform essential services in water, sewer, streets and parks by delivering safety, utility and transportation services to North Bend citizens. These employees shall return to work on a regular schedule commencing on May 4, 2020 but supervisors shall ensure all work equipment and facilities are properly cleaned, social distancing of a minimum of 6' continues between such employees (including using staggered starting and ending work schedules if necessary) and all other public health orders or guidelines are followed in order to protect employees' health and safety. Maintenance workers may be required to vary their traditional duties and perform "other duties as assigned" in order to ensure safety of workers and continued operations of all maintenance facilities.

1.4 High Risk Employees. Any employees meeting the definition of a "high risk employee" defined in Washington State Proclamation No. 20-46 who is able to work but elects not to work to avoid the possibility of being exposed to the virus shall contact human resources to discuss possible leave available to the employee.

1.5 FFCRA Expanded Leave. FFCRA requires the City to provide up to two weeks Emergency Paid Sick Leave for employees unable to work because of COVID-19, including because of a quarantine order or school and daycare closures for minor children. The City has provided paid administrative leave for employees unable to telework. Any employee who believes he or she qualifies for future FFCRA leave shall contact Human Resources and complete the application form provided to determine eligibility.

DATED this 1st day of May, 2020

CITY OF NORTH BEND



Rob McFarland
Mayor, City of North Bend