

FILED
TERRI ROSS
COUNTY CLERK

2021 JUL 30 PM 2:29

UPSHUR COUNTY, TX.
BY 
DEPUTY

IN THE COMMISSIONER'S COURT
OF UPSHUR COUNTY, TEXAS

RESOLUTION 2021-04

BE IT REMEMBERED at a meeting of Commissioners' Court of Upshur County, Texas, held on the 30th day of July, 2021, on motion made by Gene Dorel, Commissioner of Precinct No. 1, and seconded by DUSTIN N, Commissioner of Precinct No. 2, the following Resolution was and is hereby adopted:

RESOLUTION AUTHORIZING PREMIUM PAY DURING THE COVID-19 HEALTH EMERGENCY UNDER THE AMERICAN RESCUE PLAN ACT TO UPSHUR COUNTY EMPLOYEES AND ESSENTIAL WORKERS

WHEREAS, the COVID-19 pandemic is a national crisis which has stretched society outside of the normal limits of activity and behavior; and

WHEREAS, on March 13, 2020, President Trump declared a national emergency concerning the coronavirus disease 2019 (COVID-19) pandemic. The COVID-19 pandemic continues to cause significant risk to the public health and safety of the Nation; and

WHEREAS, on February 24, 2021, President Biden continued the COVID-19 national emergency declaration beyond March 1, 2021. The declaration determined that the outbreak of Coronavirus Disease 2019 (COVID-19) continues to cause significant risk to the public health and safety of the Nation; and

WHEREAS, On April 15, 2021, as the result of continued consequences of the COVID-19 pandemic, the Secretary of Health and Human Services renewed the January 31, 2020 initial determination, previously renewed on April 21, 2020, July 23, 2020, October 2, 2020 and January 7, 2021, that a public health emergency exists and has existed since January 27, 2020 nationwide, pursuant to the authority vested under section 319 of the Public Health Service Act; and

WHEREAS, on March 13, 2021, the Coronavirus State and Local Fiscal Recovery Funds were established by the American Rescue Plan Act of 2021 and designed to bolster our response to the COVID-19 emergency; and

WHEREAS, the American Rescue Plan Act of 2021 specifically authorizes and in fact promotes the use of funds for retrospective premium pay, recognizing that eligible workers, who are defined as workers needed to maintain the continuity of operations, performing essential work, those who had regular interactions with inmates, the public, or co-workers, and such other persons needed to maintain the continuity of operations of our courts, of critical essential infrastructure, or who provided services necessary to protect the health and well being of the residents of this county, have not yet received additional compensation for work performed during the COVID-19 Emergency.

WHEREAS, Upshur County has not participated in hazard pay initiatives allowed under the 2020 CARES ACT and the Coronavirus Relief Fund; and

WHEREAS, Upshur County employees and all persons affiliated with the on-going operations of the 115th District Court and the Upshur County Court have worked diligently throughout the COVID-19 emergency to maintain continuity of operations for the County of Upshur, and that all of said identified persons were absolutely essential to maintain a continuity of operations of the essential critical functions of the infrastructure of Upshur County, and to protect and promote the health and well being of the residents of this County; and

WHEREAS, while Statewide Stay-At-Home orders were issued, Upshur County employees, due to the nature of their jobs, continued working to ensure essential services were provided to the County of Upshur as telework was not possible in most situations.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF THE COUNTY OF UPSHUR, TEXAS, THAT:

Section 1. The Upshur County Commissioner's Court finds that an appropriate supplemental premium payment shall be made to the employees of Upshur County and to the essential workers necessary to the operation of the 115th District Court and the Upshur County Court, because of their service in critical areas, contact with inmates, the public, and co-workers who may have been exposed to COVID-19, and because of the essential nature of their jobs inside and outside of county buildings. These hazards are not included in the employee job descriptions; and therefore, a supplemental payment is appropriate.

Section 2. The Upshur County Commissioner's Court recognizes that said personnel have not received compensation for the heightened risks they faced and continue to face, and they have put their physical well-being at risk to meet the daily public needs of our community.

Section 3. The Upshur County Commissioner's Court grants premium pay retroactively in the form of a one-time payment for employees of Upshur County and to said essential workers necessary to the operation of our courts at an amount of \$4,500.00 for the period of February 1, 2020, and continuing through to June 30th, 2021. (The premium pay period)

Section 4. The Upshur County Commissioner's Court determines that "eligible workers" only includes all those persons who did not terminate employment between February 1, 2020, and June 30, 2021, and newly hired persons who, since their last date of hire, have continued employment through the premium pay period as defined in Section 3 above.

Section 5. Persons hired after June 15, 2021, shall not be eligible for premium pay. For persons hired after February 1, 2020, the premium payment will be pro-rated for the number of full months employed during the period February 1, 2020 through June 30, 2021. For persons hired during the 1st-15th of a month, the month of hire counts as a full month. For persons hired after the 15th of the month, the month of hire does not count as a full month.


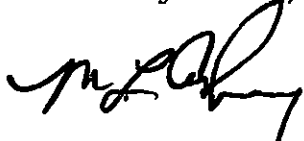
Section 6. To be eligible for premium pay herein authorized, employees and essential workers must still be employed on June 30, 2021, and be determined eligible by the Upshur County Auditor's Office.

Section 7. "Essential workers" under the terms of this Resolution specifically includes the office and staff of the 115th District Court, the District Attorney of Upshur County, Texas, the Upshur County Community Supervision Department, and the Upshur County Texas A & M Agrilife Extension Service, and who this Court finds provided work and services performed during the premium pay period were absolutely essential to protect the health and well being of Upshur County's residents. The premium pay period authorized therefore includes all county employees who worked during the premium pay period and whom were still employed by Upshur County, or who still perform essential work and services to Upshur County as specified in Section 1 above.

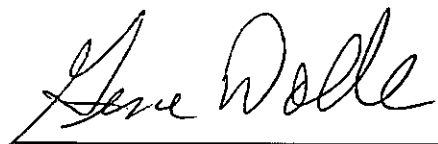
Section 8. Nothing in this Resolution shall be construed to amend any approved pay scales.

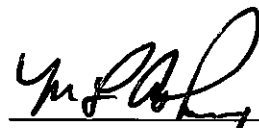
Section 9. The funding source for the payment of this premium pay comes exclusively from the American Rescue Plan Act of 2021.

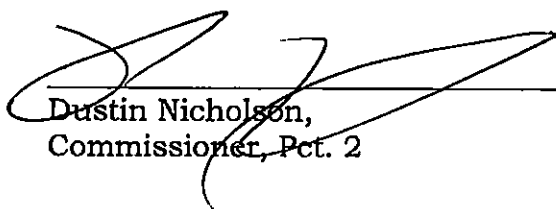
Signed this 30th day of July, 2021.

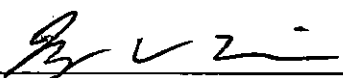



Todd Tefteller
Upshur County Judge


Gene Dolle,
Commissioner, Pct. 1


Michael Ashley,
Commissioner Pct. 3


Dustin Nicholson,
Commissioner, Pct. 2


Jay Miller,
Commissioner, Pct. 4

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