

## RESOLUTION

### AFFIRMATION OF EMERGENCY STAFFING PLAN AND AUTHORIZATIONS

#### TO ADDRESS A LOCAL EMERGENCY RELATED TO CORONAVIRUS (COVID-19)

WHEREAS, on March 12, 2020, the Governor of the Commonwealth of Virginia declared a State of Emergency in the Commonwealth of Virginia in response to the spread of the novel Coronavirus (COVID-19) (the “virus”); and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency, beginning March 1, 2020, in response to the spread of the virus; and

WHEREAS, the Director of Emergency Management of James City County, Scott Stevens, declared a Local Emergency on March 13, 2020, due to the imminent threat of the virus; and

WHEREAS, at its meeting on March 17, 2020, the Board of Supervisors of James City County, Virginia, confirmed the Director of Emergency Management’s Declaration of a Local Emergency and amended the declaration to acknowledge that the virus constituted a “disaster” in James City County; and

WHEREAS, upon the declaration of Local Emergency, the General Manager enacted the James City Service Authority’s Emergency Operations Plan (the “JCSA EOP”); and

WHEREAS, the JCSA EOP calls for an emergency staffing plan to be put into effect to mitigate the impact of the virus on necessary operations; and

WHEREAS, the emergency staffing plan, as adopted or amended, may be inconsistent with certain provisions of the James City County Personnel Policies and Procedures Manual (the “Manual”), which was adopted *nunc pro tunc* for the JCSA by the Board of Directors; and

WHEREAS the Board of Directors finds it necessary to provide flexibility in managing necessary JCSA operations during the period of emergency and disaster caused by the virus.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the James City Service Authority, James City County, Virginia, that a local emergency exists and the General Manager is authorized to enact such emergency staffing plans as he deems appropriate to respond to, and mitigate the effect of, the virus.

BE IT FURTHER RESOLVED that during the emergency and disaster caused by the virus, certain sections of the Manual are hereby amended or suspended as more particularly described herein:

1. The following sections in Chapter 2, Employment, of the Manual are suspended in their entirety.
  - a. Section 2.5, to allow the JCSA to hire employees as needed without delay.
  - b. Section 2.8, to allow the JCSA to promote, transfer, reinstate, and other needed job changes without delay.
  - c. Section 2.13, prior to initiating a reduction in workforce.
  - d. Section 2.14, to eliminate certain requirements prior to reducing Limited Term or Other positions.

2. The following sections in Chapter 4, Compensation Plan, of the Manual are suspended in their entirety.
  - a. Section 4.7, to allow greater flexibility in setting wages for new, reinstated, and rehired employees.
  - b. Section 4.14(G), to suspend pay discrepancy complaint process timelines.
3. Section 4.10 in Chapter 4, Compensation Plan, of the Manual is amended by adding the following language: “Notwithstanding any limitations of the Manual, the General Manager may set the appropriate compensation for employees placed on an alternative schedule or on-call as part of any emergency staffing plan adopted under the Emergency Operations Plan. Such compensation may equal or approximate the amount an employee otherwise would earn. All compensation authorized hereunder shall be consistent with state and federal employment laws.”
4. The following sections in Chapter 5, Employee Benefits, of the Manual are suspended in their entirety.
  - a. Section 5.4, to allow the JCSA to publish new leave guidance and categories as Federal/State Legislation emerges.
  - b. Sections 5.6(C)(1) and (D) to allow Employee Assistance Counseling benefits to be extended to all staff and temporarily suspends the requirement to assist employees to access at least one fitness center.
  - c. Section 5.10 to allow the JCSA to temporarily suspend new requests for Employer Assisted Home Ownership program.
5. The following section in Chapter 10, Diversity and Equal Opportunity, of the Manual is suspended in its entirety.
  - a. Section 10.10, to allow the JCSA flexibility in timelines for resolving discrimination and harassment claims; however, JCSA will comply with all state and federal employment laws.
6. The following general changes are hereby made to Chapters 7, Standards of Conduct, and 8, Grievance Procedure, of the Manual to provide additional time to gather facts and hold hearings consistent with health guidance: Each and every deadline shall be multiplied by a factor of three. For example, a five workday deadline shall be automatically changed to a 15-day deadline.

BE IT FURTHER RESOLVED that upon a declaration that residents of the County are ordered to stay at home or are otherwise prevented from coming to any JCSA office by federal, state, or local mandate, all deadlines, wherever found, including but not limited to the Virginia Code, the County Code, County Ordinances, the Manual, the JCSA Regulations, or otherwise, shall be tolled during such time.

BE IT FURTHER RESOLVED that the Board of Directors appoint the following persons as Deputy General Managers, who shall serve as the chief administrative officer of the JCSA in the following order of succession should the General Manager be unavailable to act: 1) Stephanie Luton, Assistant General Manager; 2) Danny Poe, Chief Engineer (Wastewater); and 3) Michael Youshock, Chief Engineer (Water).


BE IT FURTHER RESOLVED that the General Manager is empowered and directed to restrict the public from entering or congregating around JCSA-owned buildings, facilities, and real property in the least restrictive manner as reasonably necessary to ensure the health, safety, and welfare of the public and JCSA staff.

BE IT FURTHER RESOLVED that the JCSA shall not disconnect service during the period of emergency and disaster caused by the virus, unless such disconnection is required to protect JCSA infrastructure or the health, safety, or welfare of the public.

BE IT FURTHER RESOLVED that the effect of this resolution shall automatically terminate upon action by the James City County Board of Supervisors ending the Declaration of a Local Emergency.

  
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Ruth M. Larson  
Vice Chairman, Board of Directors

ATTEST:

  
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Teresa J. Fellows  
Deputy Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 24th day of March, 2020.

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