

RESOLUTION NO. 884

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, TEMPORARILY RESCINDING PERSONNEL POLICY SECTION 2.8, CLAUSE 3.; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51, which established "COVID-19 Response Protocol and Directs Public Health Emergency" in response to the growing and significant outbreak of COVID-19 in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52, which established a State of Emergency for the State of Florida declaring COVID-19 as a public health emergency; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recommends community preparedness, everyday prevention and mitigation measures be taken by all individuals, families, and communities in the United States to combat the spread of COVID-19; and

WHEREAS, it is the desire of the Town of Sewall's Point to use all available preventative and mitigation measures to combat the spread of COVID-19; and

WHEREAS, as provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Town's Home Rule powers and Section 16-5 of the Town of Sewall's Point Code of Ordinances authorizes the Town Commission to declare a local state of emergency and to take any action authorized by law to address such emergency; and

WHEREAS, the Town Commission finds that the declaration of a state of local emergency within the Town is in accordance with applicable law and is in the best interest of the Town, its residents and visitors.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AS FOLLOWS:

Section 1. A Declaration of a State of Local Emergency was declared in the Town of Sewall's Point, Florida, on Monday, March 16, 2020, in response to the public emergency that COVID-19 poses.

Section 2. Section 2.8 (Compensation & Discretionary Time), clause 3 of Town of Sewall's Point Human Resources Policy Manual currently states as follows:

1. Declared Emergency

During a locally declared state of emergency, and at the discretion of the Town Manager, when there are emergency tasked employees who are require to work while other employees are released from duty, the following shall apply:

a. Non-exempt employees will receive overtime pay at the rate of one and one half times the number of overtime hours worked.

b. Salaried employees exempt from the Fair Labor Standards Act will receive additional pay at the rate of one times the number of hours worked over 40 in the work week.

This paragraph was drafted with the intention for the Town to apply it to short term natural disasters, such as hurricanes. The resolution hereby clarifies and exempts Town of Sewall's Point Human Resources Policy Manual Section 2.8, clause 3 from applying during the Coronavirus (COVID-19) public health emergency. Thus during the duration of the declared emergency related to the Coronavirus (COVID-19) public health emergency, all non-exempt employee will receive their regular rate of pay for any regular hours worked up to 40 hours of work. Any time worked over 40 hours will be compensated at the applicable overtime rate. All salaried employee exempt from the Fair Labor Standards Act will receive their normal rate of pay regardless of number of hours worked in any given week.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This Resolution shall take effect upon approval by the Town Commission.

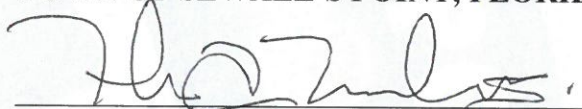
Barile offered the Resolution and moved its adoption. The motion was seconded by Mayfield, and upon being put to a vote, the vote was:

Resolution No. 884

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
FRANK FENDER, MAYOR	<u>✓</u>	<u> </u>	<u> </u>
VINCENT N. BARILE, VICE MAYOR	<u>✓</u>	<u> </u>	<u> </u>
JAMES W. CAMPO, COMMISSIONER	<u> </u>	<u> </u>	<u>✓</u>
DAVE KURZMAN, COMMISSIONER	<u>✓</u>	<u> </u>	<u> </u>
KAIIA MAYFIELD, COMMISSIONER	<u>✓</u>	<u> </u>	<u> </u>

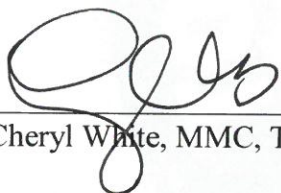
The Town Manager thereupon declared this Resolution No.883 approved and adopted by the Town Commission of the Town of Sewall's Point on this 16th day of March, 2020.

TOWN OF SEWALL'S POINT, FLORIDA



FRANK FENDER, MAYOR

ATTEST:

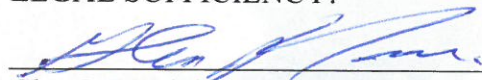


Cheryl White, MMC, Town Clerk

(TOWN SEAL)



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Glen J. Torcivia, Town Attorney
Florida Bar No. 343374