

Executive Order
Office of the Mayor
City of Atlanta

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EXECUTIVE ORDER NUMBER 2020 - 139
BY THE MAYOR

ORDERING THE IMPLEMENTATION OF A HAZARD PAY POLICY APPLICABLE TO EMPLOYEES DESIGNATED AS MISSION-CRITICAL WHOSE WORK COULD EXPOSE THEM TO INFECTION WITH THE CORONAVIRUS AS SPECIFICALLY DESCRIBED HEREIN, WHICH SHALL REMAIN IN EFFECT THROUGH DECEMBER 31, 2020.

WHEREAS, like much of the world, the United States, the State of Georgia, and the City of Atlanta are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2” and the disease it causes named “coronavirus disease 2019” (abbreviated “COVID-19”); and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020 the President of the United States announced a national emergency in response to the COVID-19 pandemic, which included two emergency declarations: one under the National Emergencies Act and one under the Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, on March 14, 2020 Governor Brian Kemp signed a public health state of emergency to address the COVID-19 pandemic through assisting health and emergency management officials across Georgia by deploying all available resources for the mitigation and treatment of COVID-19; and

WHEREAS, subsequently, Governor Kemp has issued a series of Executive Orders which amend and revise the temporary action necessary and appropriate to protect the health, safety, and welfare of Georgia’s residents and visitors; and

WHEREAS, due to the COVID-19 pandemic, on March 15, I declared there to be an emergency in existence within the City of Atlanta pursuant to Section 2-181(a) of the City of Atlanta Code of Ordinances; and

WHEREAS, subsequently, I have issued a series of orders issued under my emergency powers which have renewed the declaration of the emergency in existence within the City of Atlanta pursuant to Section 2-181(a) of the City of Atlanta Code of Ordinances; and

WHEREAS, the Center for Disease Control (“CDC”) has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spread of this illness in the community; and

WHEREAS, the CDC also advises that the use of masks or cloth face coverings will slow the spread of COVID-19; and

WHEREAS, in an August 8, 2020 federal report prepared for the White House Coronavirus Task Force and for distribution to state leaders, it was suggested that Georgia, among numerous other states with serious COVID-19 problems, should revert to more stringent protective measures, such as limiting social gatherings to 10 people or fewer, closing bars and gyms, and asking residents to wear masks at all times; and

WHEREAS, this document asserts that numerous states including Georgia are in the “red zone” for COVID-19 cases, meaning they had more than 100 new cases per 100,000 people last week; and several states, including Georgia are in the “red zone” for test positivity, meaning more than 10 percent of diagnostic test results came back positive; and

WHEREAS, this document specifically observes that Georgia’s red zone status for both new cases and test positivity rates means that “[c]urrent mitigation efforts are not having a sufficient impact and would strongly recommend a statewide mask mandate;” and

WHEREAS, in recognition of the necessity of certain front-line City of Atlanta employees to continue their work in areas necessary for the purposes of eliminating or reducing immediate threats to life, public health, or safety where their work could expose them to the coronavirus, on March 16, 2020 I signed Administrative Order 2020-04, via which the Chief Operating Officer was ordered to coordinate with the Commissioner of the Department of Human Resources to examine, establish and promulgate a process by which the City may provide for the creation of certain employee classification(s) which provide for temporary salary increases for certain employees experiencing increased burdens in their work responsibilities during this and other times of emergency; and

WHEREAS, as a result, and due to the need created by the continuing COVID-19 disaster, the Chief Operating Officer and the Commissioner of the Department of Human Resources recommended the implementation of a hazard pay policy for front-line employees working in areas necessary for the elimination or reduction of immediate threats to life, public health, or safety, where their work could expose them to the coronavirus, which was initially implemented via Administrative Order 2020-08, ("the Hazard Pay Policy"); and

WHEREAS, pursuant to the Hazard Pay Policy, nearly 5,400 affected front-line employees, including sworn public safety personnel, and civilians performing critical watershed, aviation, solid waste, transportation, inspection, parks and recreation and other front-line functions receive Five Hundred Dollars (\$500.00) per month in hazard pay; and

WHEREAS, the initial effective date of the Hazard Pay Policy was Monday March 30, 2020, with the policy to remain in effect through June 30, 2020; and

WHEREAS, the hazard pay provided in accordance with the Hazard Pay Policy is in consideration of the substantial benefit the eligible employees are providing the City of Atlanta by working in areas necessary for the purposes of eliminating or reducing immediate threats to life, public health, or safety, where their work could expose them to the coronavirus; and

WHEREAS, following the implementation of the initial Hazard Pay Policy, the Chief Operating Officer and the Commissioner of the Department of Human Resources proposed the adoption of a supplement to the Hazard Pay Policy; and

WHEREAS, pursuant to Section 2-182 of the City of Atlanta Code of Ordinances, the Mayor may issue executive orders which apply to events of short duration and which expire at the next meeting of the Atlanta City Council subsequent thereof unless ratified by a majority vote of the members present and voting; and

WHEREAS, in accordance therewith, I signed an executive order implementing a supplement to the Hazard Pay Policy; and

WHEREAS, pursuant to the supplement to the Hazard Pay Policy, the effective date of the Hazard Pay Policy was amended such that it would be March 11, 2020, the date the World Health Organization declared the COVID-19 outbreak a pandemic, with hazard pay provided in accordance therewith; and

WHEREAS, pursuant to the supplement to the Hazard Pay Policy, eligible employees were awarded hazard pay compensatory time (Hazard Pay Compensatory Time) at the rate of twenty-four (24) hours per week (six days per pay period); and

WHEREAS, pursuant to the supplement to the Hazard Pay Policy, any Hazard Pay Compensatory Time awarded must be utilized as the sole source for leave exhaustion prior to utilization of other available leave balances (i.e., accrued annual leave, sick leave, or standard compensatory time) for all employee leave requests; and

WHEREAS, pursuant to the supplement to the Hazard Pay Policy, the Chief Financial Officer was granted the authority to provide cash payments of one-fourth of the accumulated Hazard Pay Compensatory Time awarded during the COVID-19 disaster to any employee who separates from the City prior to exhausting their accumulated Hazard Pay Compensatory Time as mandated by the supplement to the Hazard Pay Policy; and

WHEREAS, in recognition of the necessity of certain front-line City of Atlanta employees to continue their work in areas necessary for the purposes of eliminating or reducing immediate threats to life, public health, or safety where their work could expose them to the coronavirus, the Atlanta City Council ratified the executive order implementing the Hazard Pay Policy and the supplement thereto through passage of Ordinance 20-O-1298, which I signed into law on May 11, 2020; and

WHEREAS, in accordance with Ordinance 20-O-1298, the Hazard Pay Policy would remain in effect through June 30, 2020; and

WHEREAS, due to the continued dangers of the COVID-19 pandemic, on June 1, 2020, I issued an executive order, ordering that the Hazard Pay Policy authorized by 20-O-1298 shall remain in effect through September 31, 2020;

WHEREAS, in recognition of the necessity of certain front-line City of Atlanta employees to continue their work in areas necessary for the purposes of eliminating or reducing immediate threats to life, public health, or safety where their work could expose them to the coronavirus, the Atlanta City Council ratified the executive order implementing the extension of the Hazard Pay Policy through the passage of 20-O-1415, which was approved per City Charter Section 2-403 on June 24, 2020; and

WHEREAS, in accordance with Ordinance 20-O-1415, the Hazard Pay Policy would remain in effect through September 30, 2020;

WHEREAS, due to the continued dangers of the COVID-19 disaster, it is my desire to order the provision of Hazard Pay to employees designated as mission-critical, such as they shall be eligible to receive up to a maximum of five hundred dollars (\$500) per month in hazard pay, in line with the FY 2021 budget; and

WHEREAS, that in accordance with this order, employees shall be required to maintain a minimum 70% attendance and utilization rate (14 consecutive business days out of 20) for eligibility to receive the full \$500 per month hazard benefit payment; and

WHEREAS, in accordance with this Order, a prorated hazard pay benefit payment shall be imposed for all employees not meeting the 70% attendance and utilization rate; and

WHEREAS, in accordance with this Order, no further award of hazard pay compensatory time authorized by Ordinance 20-O-1415 shall occur subsequent to the expiration of the Hazard Pay Policy implemented by Ordinance 20-O-1415 on September 30, 2020; and

WHEREAS, in accordance with this Order, the restriction contained in Ordinance 20-O-1298 and Ordinance 20-O-1415, that hazard pay compensatory time be utilized first is rescinded, and the type of leave requested - (Annual, Sick, Compensatory, Hazard Pay Compensatory) – shall be identified by the requesting employee at the time of the leave request; and

WHEREAS, in compliance with the established leave policies set forth in the Code of Ordinances of the City of Atlanta, Georgia, departments and offices may deny leave based on the service delivery needs of the department or office; and

WHEREAS, in accordance with this Order, the Chief Financial Officer shall be granted the authority to provide cash payments of one-fourth of the accumulated Hazard Pay Compensatory Time awarded during the COVID-19 disaster to any employee who separates from the City prior to the exhaustion of their accumulated Hazard Pay Compensatory Time as mandated herein, as well as allow for the cash value of accrued hazard pay compensatory time to be paid out to employees at the appointing authority's authorization and validation of available funding within the department or office's budget;

WHEREAS, the Hazard Pay Policy authorized by this Order shall remain in effect through December 31, 2020.

NOW THEREFORE, I, KEISHA LANCE BOTTOMS, AS MAYOR OF THE CITY OF ATLANTA, NOW HEREBY AUTHORIZE, ORDER AND DIRECT AS FOLLOWS:

SECTION 1. That employees designated as mission-critical, whose work could expose them to the coronavirus, shall be entitled to Hazard Pay, and the Hazard Pay issued in accordance with this order through December 31, 2020.

SECTION 2. That employees designated as mission-critical, whose work could expose them to the coronavirus, shall be eligible to receive up to a maximum of five hundred dollars (\$500) per month in hazard pay, in line with the budget.

SECTION 3. That employees shall be required to maintain a minimum 70% attendance and utilization rate (14 consecutive business days out of 20) for eligibility to receive the full \$500 per month hazard benefit payment.

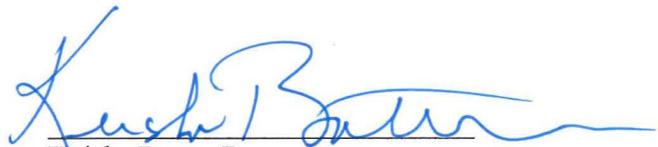
SECTION 4. That a prorated hazard pay benefit payment shall be imposed for all employees failing to meet the 70% attendance and utilization rate.

SECTION 5. That no further award of hazard pay compensatory time authorized by Ordinance 20-O-1415 shall occur subsequent to the expiration of the Hazard Pay Policy implemented by Ordinance 20-O-1415 on September 30, 2020.

SECTION 6. That the restriction that hazard pay compensatory time be utilized first is removed and the type of leave requested - (Annual, Sick, Compensatory, Hazard Pay Compensatory) – shall be identified by the requesting employee at the time of the leave request. In compliance with the established leave policies set forth in the Code of Ordinances of the City of Atlanta, Georgia, departments can deny leave based on the service delivery needs of the department.

SECTION 7. That the Chief Financial Officer is hereby granted the authority to provide cash payments of one-fourth of the accumulated Hazard Pay Compensatory Time awarded during the COVID-19 disaster to any employee who separates from the City prior to the exhaustion of their accumulated Hazard Pay Compensatory Time as mandated herein, as well as allow for the cash value of accrued hazard pay compensatory time to be paid out to employees at the Department Heads authorization and validation of available funding within the department's budget.

SO ORDERED this 15 day of September 2020.



Keisha Lance Bottoms
Mayor

ATTESTED:



Municipal Clerk

Foris Webb, III
Municipal Clerk