

WEBB COUNTY

PREMIUM PAY PLAN

This Premium Pay Plan (‘Plan’) is hereby adopted by WEBB COUNTY as authorized and required under the American Rescue Plan Act for and in consideration for the workers performance essential work during the COVID-19 public health emergency by providing premium pay to those who were relied upon to maintain continuity of operations of essential critical infrastructure sectors as defined in the interim final rule by the US Department of Treasury.

Qualifications:

Premium pay provided under this Plan is create to respond to workers performing essential work and addresses individuals identified in the U.S. Department of Treasury Final Rule (“Final Rule”) *effective* April 1, 2022, to be eligible to receive premium pay. Such workers are identified in the Final Rule as those who work as governmental employees, janitors, sanitation workers, public health, transit staff, food production, social services and human services staff that were forced to work as a result of the COVID-19 pandemic and said work performed was essential work as defined by the Final Rule. In addition, the Final Rule states that a worker not be engaged in essential work or has not yet been compensated for said essential work or engaged in telework would accordingly not receive premium pay,. *see* Final Rule pg. 219-223, B. Equal Pay.

1. Effective on or before March 16, 2020 (the date the local Emergency Order was issued by Webb County in conjunction with the City of Laredo), an Eligible Employee voluntarily appeared for work during the COVID-19 pandemic health emergency for WEBB COUNTY. ARPA defines “essential critical infrastructure sectors” whose workers are eligible workers, based on the list of sectors in the HEROES Act, a bill introduced in the House of Representatives in 2020.
2. These are workers who have been and continue to be relied on to maintain continuity of operations of essential critical infrastructure sectors. ARPA defines “eligible workers” as “those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each . . . [government] may designate as critical to protect the health and wellbeing of [its] residents.”
3. To ensure that premium pay is targeted to workers that faced or face heightened risks due to the character of their work, the final rule defines essential work as work involving regular in-person interactions or regular physical handling of items that were also handled by others. The final rule defined “essential work” as work that (1) is not

performed while teleworking from a residence and (2) involves either (i) regular, in-person interactions with patients, the public, or coworkers of the individual that is performing the work or (ii) regular physical handling of items that were handled by, or are to be handled by, patients, the public, or coworkers of the individual that is performing the work. *see*. Final Rule Page 225.

4. Such workers include janitors, sanitation workers, public health, transit staff, food production, social services and human services staff. A worker would not be engaged in essential work and, accordingly may not receive premium pay, for telework.
5. The interim final rule defines essential work as work involving regular in-person interactions or regular physical handling of items that were also handled by others.
6. Heightened risk to workers who must be physically present at a jobsite and not just the same risk as the general community. Treasury is maintaining the definition of “essential work” in the final rule without modification. The test adopted in the interim final rule was designed to compensate workers facing disproportionate risk due to the pandemic. Final Rule pg.
7. Which is further evidenced by the payroll worksheets that include the hours worked during January 1, 2020 to present will be incorporated into the decision as to who qualifies for this premium pay.
8. Webb County abide by requirements that intend for the grant fund to respond to the COVID-19 public health emergency and its economic impacts by providing premium pay to those low income essential Webb County Full-time Employees who meet criteria set forth in the ARPA guidelines.
9. The average annual pay for the County of Webb according to the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics is \$38,348, based on \$740 dollars per week. Webb County will cap premium pay 150 percent of the amount set herein.
10. The Employee agrees that their premium pay may be made publicly available, which may include a written justification of how the premium pay or grant is responsive to workers performing essential worker during the public health emergency.
11. The Employee agrees that their job description will be made publicly available.
12. This Plan may be amended, modified or altered by any amended final rule issued by the US Department of Treasury.
13. Former employees, retired employees, or terminated employees shall not qualify for this lump-sum payment.

14. New employees are individuals who did not work for Webb County beginning March 16, 2020 and are not currently employed as of December 30, 2021 shall not be included in the premium pay plan. Should an employee retire prior to payment by Webb County then no payment shall be remitted to that individual.

Payment:

15. WEBB COUNTY shall make a lump-sum payment in an amount of _____ to the Eligible Employee based on the current fiscal year Webb County weekly salary as published on the U.S. Bureau of Labor Statistics' Occupational Employment and Wage Statistics website at; https://data.bls.gov/maps/cew/TX?period=2021-Q1&industry=10&geo_id=48479&chartData=3&distribution=1&pos_color=blue&neg_color=orange&showHideChart=show&ownerType=0
16. Mandatory withholdings requirements shall be complied with as required under the Final Rule. The Eligible Employees signature that they understand they must self-report any inaccuracy and any findings shall result in recoupment of the one-time lump-sum payment.
17. This Agreement is not intended to address or in any way affect Eligible Employee's eligibility. In addition, the Eligible Employee is solely responsible for consulting with his/her accountant or financial advisor in order to decide whether to accept the premium pay under this Plan.
18. Webb County by and through its Elected Officials and/or Departments will comply with Texas State or Federal Law that is considered to prevent discriminatory or retaliatory acts those stated in Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, 29 U.S.C. Section 621 et seq., as amended by the Older Worker's Benefit Protection Act of 1990 or any other federal or state law relating to discrimination in employment based upon age, or state of health.
19. Webb County ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal funds, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders

such as Executive Order 13166; directives; circulars; policies; memoranda and/or guidance documents.

20. Webb County acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP).
21. Webb County will consider the need for language services for LEP persons during this Plan. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on LEP, please visit <http://www.Iep.gov>.
22. The terms of this Agreement shall be subject to and interpreted in a manner consistent with the laws of the State of Texas and of the United States. Venue and jurisdiction shall lie in Webb County, Texas District Court.
23. The premium payment is not assignable nor may it be paid to another individual.

Limitations:

24. This Plan does not permit the use of premium pay as a form of voluntary early retirement from Webb County.
25. No payment may be made without the Employee signing the Notice of Recoupment of their lump-sum payment.
26. This Plan may not be used to supplant earned employee wages.
27. This Plan may not be used to reduce Webb County's financial obligation in relation to paying earned employee wages.
28. Webb County may not use this Plan to offset or pay any part of payroll contributions. All payments shall be paid prospectively in compliance with Texas Law.

Responsibilities of:

Webb County Human Resources:

29. Each recipient of the premium pay shall first have their work history reviewed and their current 2022 pay.

Webb County Employee:

30. Each Employee shall provide proof of work attendance when required.

Webb County Auditors:

- 31. Verify through Generally Acceptable Accounting Principles (“GAAP”) that the Employee is eligible and the amount is properly payable within the 150% rule set by the US Department of Treasury.

Webb County Treasurer:

- 32. Countersign payment when properly payable and applicable federal withholdings to the lump-sum payment along with any county benefits that require employee contributions to their employee benefits plans.

ELIGIBLE EMPLOYEE:

Signature: _____ **Date:** _____

Print Name: _____

STATE OF TEXAS §

COUNTY OF WEBB §

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared _____, to me known to be the person described in and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2022.

Notary Public, State of Texas

WEBB COUNTY:

Signature: _____ **Date:** _____

Print Name: _____