

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

**A RESOLUTION TO PROVIDE EMERGENCY PAID SICK LEAVE TO CITY
EMPLOYEES IMPACTED BY COVID-19/CORONAVIRUS AND FOR OTHER
LAWFUL PURPOSES**

(Sponsored by Councilman khalid)

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the duly elected governing authority of the City, is the Mayor and Council thereof (“City Council”);

WHEREAS, the World Health Organization (“WHO”) has declared the COVID-19 Virus, commonly referred to as the Coronavirus, a global pandemic;

WHEREAS, local government and for-profit institutions including schools, airlines, sports leagues and others have begun closing facilities and cancelling or limiting scheduled events to prevent the further spread of COVID-19;

WHEREAS, the City is considering similar preventative measures; and

WHEREAS, this Resolution is in the best interests of the health and general welfare of the City, its residents and general public.

**THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY
RESOLVES** as follows:

Section 1.

Non-Exempt (Hourly) City Employees. Hourly employees who miss work due to COVID-19 will continue to receive their regular pay.

- a. **Full Time, Hourly City Employees** who miss work due to a documented COVID-19 infection; or the documented COVID-19 infection of an immediate family member; or due to any precautionary actions taken by the City, Fulton County, the State of Georgia or the federal government to prevent the spread of COVID-19 virus that reduce or restrict the number of hours that hourly, City

employees can work, shall continue to receive their full, 40-hour per week paychecks until such time that they can return to their regular work schedules.

- b. **Part-Time, Hourly City Employees** who miss work due to a documented COVID-19 infection; or the documented COVID-19 infection of an immediate family member; or due to any precautionary actions taken by the City, Fulton County, the State of Georgia or the federal government to prevent the spread of COVID-19 virus that reduce or restrict the number of hours that hourly, City employees can work, shall continue to receive their full, 29-hour per week paychecks until such time that they can return to their regular work schedules.

2. **Exempt (Salaried) City Employees.** Salaried employees who miss work due to COVID-19 will continue to receive their regular pay, sans any hours accrued for Paid Sick Leave.

- a. **Exempt (Salaried) City Employees with Paid Sick Leave** who miss work due to a documented COVID-19 infection; or the documented COVID-19 infection of an immediate family member; or due to any precautionary actions taken by the City, Fulton County, the State of Georgia or the federal government to prevent the spread of COVID-19 virus that reduce or restrict the number of hours that hourly, City employees can work, shall continue to receive their full paychecks pay checks, sans any hours of accrued Paid Sick Leave, which shall be paid out as needed, until such time that they can return to their regular work schedules.
- b. **Exempt (Salaried) City Employees without any accrued hours of Paid Sick Leave**, or whose accrued hours of Paid Sick Leave have been exhausted, who miss work due to a documented COVID-19 infection; or the documented COVID-19 infection of an immediate family member; or due to any precautionary actions taken by the City, Fulton County, the State of Georgia or the federal government to prevent the spread of COVID-19 virus that reduce or restrict the number of hours that hourly, City employees can work, shall continue to receive their full paychecks pay checks until such time that they can return to their regular work schedules.

3. **Mission Critical City Contractors & Subcontractors.** Independent Contractors deemed mission-critical who miss work due to COVID-19 will continue to receive their regular pay.

- a. **City Contractors & Subcontractors** deemed critical to maintaining the orderly delivery of city services or the mission-critical to the safety of South Fulton residents, including but not limited to Public Works contractors, shall continue to receive paychecks for they hours until such time that they can return to their regular work schedules.
- b. **Mission Critical Determination.** The determination of which rolls are mission critical to the City shall be determined by the City Manager or a majority vote of City Council.

4. **Reimbursement of FMLA & Supplemental Insurance Payments.**

- a. **Payments Received During Time Off.** Any payments received by City Employees or Contractors under the Family Medical Leave Act (FMLA) or any public, private or union Supplemental Insurance program shall be reported to the City. Payments to City Employees or Contracted listed under items 1 through 3 of this Resolution shall be reduced by the amount of these FMLA or Supplemental Insurance payments.
- b. **Delayed Payments.** Any payments received by City Employees or Contractors under the Family Medical Leave Act (FMLA) or any public, private or union Supplemental Insurance program that are impacted and delayed in processing due to the COVID-19 pandemic shall be reported to the City. Such monies received by City Employees or Contractors shall be reimbursed to the City or pursued by the City under penalty of fraud.

5. **Local State, Federal and Corporate Encouragement.** The City Council hereby encourages:

- a. Private companies and business owner to offer similar programs of Paid Sick Leave to their employees impacted by COVID-19; and
- b. Local, State and Federal institutions to adopt similar emergency resolutions.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. The city attorney and city clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing, codification, and supplementation purposes. The final version of all resolutions shall be filed with the city clerk.

Section 4. The effective date of this Resolution shall be the date of adoption, unless provided otherwise by the City Charter or state and/or federal law.

The foregoing RESOLUTION No. 2020-_____, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	A YE	N AY
William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2020. **CITY OF SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY