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Port of Kingston Board of Commissioners Special Meeting - Emergency Port Business Agenda

March 20, 2020 – 3:00 p.m.

Meeting called by: Port of Kingston Commissioners
Type of meeting: Special Meeting – Emergency Port Business
Location: Port of Kingston 2nd Floor Conference Room 25864
Washington Blvd. Kingston, WA 98346 or Remote via Zoom
<https://zoom.us/j/432472261>

Welcome to the March 20, 2020 Emergency Meeting of the Kingston Port Commission. Comments from those in attendance will be allowed upon recognition of the Chair. Please identify yourself by stating your name.

If you would like to be added to the agenda for a future meeting, please contact the Port Office at least one week prior to the regularly scheduled meeting. Please submit your documents and/or presentations at the time of your request.

This is a preliminary agenda and is subject to change.

Agenda Topics

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT:**
Citizens may address the Commission regarding any item related to Port business, including items on the agenda
- 4. ACTION ITEMS:**
 - A. Approve Resolution 03-01-2020 Port Closure Policy & COVID-19 Port Closure Pay Policy.
 - B. Approve Resolution 03-02-2020 Declaration of Emergency
- 5. NEXT REGULAR MEETING: March 25, 2020**
- 6. ADJOURN**

**Port of Kingston
Kitsap County, WA**

RESOLUTION 03-01-2020

A Resolution Approving Port Closure Policy

A **RESOLUTION** of the Port Commission of the Port of _____ ("Port") adopting a Port Closure Policy.

WHEREAS, On February 29, 2020, Washington State Governor Jay Inslee issued Emergency Proclamation 20-05, as follows: "On January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in Snohomish County, Washington...I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation , and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in all counties in the state of Washington... ";

WHEREAS, to prevent the spread of COVID-19 and to protect the health of the public and Port employees, State or Federal authorities may order public facilities to close, or the Executive Director may determine that it is necessary to effectuate a closure of Port facilities; and

WHEREAS, the Port has the legal authority to fix the compensation, benefits and working conditions of Port employees.

NOW, THEREFORE, BE IT RESOLVED, by the Port Commission of the Port of Kingston, Kingston, Washington, as follows:

Section 1. That the Port Closure Pay Policy attached hereto as **Exhibit A** is hereby approved and adopted, effective immediately.

Section 2. To the extent that Port facilities have been closed prior to the date of this Resolution, the Commission hereby ratifies the Policy retroactively to the date that Port facilities were closed.

DATED this _____ day of March 19, 2020.

POR T OF KINGSTON

Steve Heacock, Commissioner

Mary McClure, Commissioner

Attest: _____
Greg Englin, Executive Director

Laura Gronnvoll, Commissioner

EXHIBIT A
PORT CLOSURE PAY POLICY

COVID-19 PORT CLOSURE PAY POLICY

Issue Date: March 20, 2020

I. Background and Purpose.

- A. On February 29, 2020, Washington State Governor Jay Inslee issued Emergency Proclamation 20-05, as follows: "On January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in Snohomish County, Washington. I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in all counties in the state of Washington... "
- B. COVID-19 is a respiratory disease caused by a new virus called SARS-CoV-2. The most common symptoms of the disease are fever, cough, and shortness of breath (the "Common Symptoms"). It is expected that most people with COVID-19 will have mild disease symptoms, but some people will get sicker and may need to be hospitalized. COVID-19 may result in death among vulnerable members of the population.
- C. Given the seriousness of COVID-19 and its rapid transmission, preemptive action may be necessary to prevent widespread transmission of COVID-19 amongst Port employees and the public by closing Port facilities, instituting remote work procedures, and providing Port Closure Pay as defined in this Policy.
- D. The Washington Attorney General has issued guidance on March 17, 2020 indicating that constitutional restrictions on use of public funds should not be an impediment to agency efforts to combat COVID-19 because expenditures being made in furtherance of this effort in this time of crisis further fundamental public purposes, such as protecting the public health and welfare.
- E. This Policy does not establish any precedent for how the Port may respond to the same or similar such event(s) in the future.
- F. The Executive Director of the Port may modify or revoke this Policy at any time and for any reason.

II. Port Closure and Remote Work Obligations.

- A. The Executive Director may determine that it is necessary to close all Port facilities and direct that only certain employees report to Port work sites to complete essential Port functions. During such closure, staff who are reasonably able to work remotely and are directed to do so by the Executive Director or Supervisor, shall do so. Supervisors will coordinate this directly with the subject employees. To the extent that these employees

are not able to fully or partially work remotely during such Port Closure, such employees will be provided Port Closure Pay in accordance with the provisions in this policy.

- B. Employees who are on a planned absence, such as vacation leave, and are not recalled back to work will not receive Port Closure Pay. Any employee already on sick leave shall be eligible for Port Closure Pay in lieu of continued use of sick leave once Port Closure Pay is in effect.
- C. In the event of Port Closure, FLSA Non-Exempt staff (i.e. hourly staff) will receive Port Closure Pay for their regularly scheduled work hours for which they are unable to work remotely. Port Closure Pay will only be made available to hourly staff to cover their regularly scheduled work hours.
- D. FLSA Exempt (salaried) employees shall continue to receive their normal salary during a Port Closure, regardless of whether they are able to work remotely.
- E. Staff who are directed to work by the Executive Director during a Port Closure will receive their normal compensation for such work.
- F. Port Closure Pay shall not count as hours worked for overtime purposes.
- G. Port Closure Pay is intended to avoid having employees deplete their paid leaves during the period of Port Closure. The combination of an employee's regular pay and Port Closure Pay shall be equal to the employee's normal compensation.

III. Remote Work and Onsite Work During Port Closure.

- A. All Employees who are able to work remotely from home shall conduct normal and assigned business during their normally scheduled work shift.
- B. All Employees are required to be available during their normally scheduled work shift and to be ready to accept work assignments from their Director or Supervisor.
- C. All Employees must be fit for duty during their normally scheduled work shift and remain at their primary residence unless required to attend to a Port facility.
- D. During the time of Port Closure, there may be a limited number of Employees required to attend Port facilities to maintain core and essential functions.

IV. Termination of Port Closure Pay.

- A. Port Closure Pay shall be available until the earlier of, reopening of Port facilities or the Executive Director, in his sole discretion, determines that this Policy is no longer needed.

Port of Kingston
Resolution 03-02-2020
DECLARATION OF LOCAL EMERGENCY

WHEREAS, the Kitsap County Health District has reported that several patients in the region have tested positive for the novel coronavirus (COVID-19) and the Centers for Disease Control (CDC) has issued warnings regarding the impacts and severity of this event; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, and can easily spread from person to person; and

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed that a State of Emergency exists in all counties in the State of Washington; and

WHEREAS, the Port of Kingston has experienced an event that necessitates the enacting of emergency plans; and

WHEREAS, measures must be taken to protect public health, safety and welfare within the Port; and

WHEREAS, all available resources are committed to this event; and

WHEREAS, the Port may require supplemental assistance; and

WHEREAS, the severity of this event may go beyond the capability of local resources; and

WHEREAS, the existing conditions warrant the proclamation of the existence of a local emergency.

NOW, THEREFORE, The Port of Kingston Commissioners, do hereby proclaim that a local emergency now exists due to the COVID-19 outbreak and that Emergency Operations are in effect, and this necessitates the utilization of emergency powers granted under RCW 38.52.070.

Port of Kingston

Steve Heacock, Commissioner

Laura Gronnvoll, Commissioner

Attest: _____

Greg Englin, Executive Director

Mary McClure, Commissioner