UPDATE
Administration and Human Services
Standing Committee Meeting Agenda
Monday, September 27, 2021
Immediately upon adjournment of earlier committee

Location:

You are invited to a Zoom webinar.
When: Sep 27, 2021 05:00 PM Central Time (US and Canada)
Topic: PWS & AHS Standing Committee Meetings

Please click the link below to join the webinar:
https://us02web.zoom.us/j/88052430287?pwd=TnNqd1Q4QmlUbVp5WFA5SVFFdUhxdz09
Passcode: 328962
Or One tap mobile :
US: +13462487799,,88052430287# or +16699009128,,88052430287#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)
Webinar ID: 880 5243 0287
International numbers available: https://us02web.zoom.us/u/kdlbNQh6VF

Name	Absent
Commissioner Angela Markley, Chair	☐
Commissioner Melissa Bynum	☐
Commissioner Christian Ramirez	☐
Commissioner Mike Kane	☐
Commissioner Jane Philbrook	☐

I. Call to Order/Roll Call

II. Revisions to September 27, 2021 Agenda

New Item No. 2 – 211071…Resolution: Third Amendment to Development Agreement for Legends West Lawn

It is requested that this item be fast tracked to the September 30, 2021 full commission meeting.

III. Approval of standing committee minutes from May 24, 2021

IV. Committee Agenda

Item No. 1 - RESOLUTION: UNIFIED GOVERNMENT MITIGATION PLAN FOR STAFF RELATED TO COVID-19 AND ARPA ALLOCATION

Synopsis: A resolution approving the Unified Government Mitigation Plan for Staff related to COVID-19 and the allocation of American Rescue Plan Act (ARPA) funds, submitted by J. Renee Ramirez, Director of Human Resources.

It is requested that this item be fast tracked to the September 30, 2021 full commission

meeting.
Tracking #: 211031

<u>V.</u> **Public Agenda**

<u>VI.</u> **Adjourn**

AGENDA UPDATE
ADMINISTRATION & HUMAN SERVICES
STANDING COMMITTEE MEETING
MONDAY, SEPTEMBER 27, 2021

IV. COMMITTEE AGENDA

NEW ITEM

ITEM NO. 2 – 211071…RESOLUTION: THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS WEST LAWN

Synopsis: A resolution approving the Third Amendment to Legends West Lawn Development Agreement, submitted by Katherine Carttar, Director of Economic Development.

It is requested that this item be fast tracked to the September 30, 2021 full commission meeting.

Staff Request for Commission Action

Tracking No. 211071

Full Commission Meeting Date: Fast track to 9/30/21
Committee: Administration & Human Services

Date of Standing Committee Action: 9/27/21 (If none, please explain):

Publication Required: No

Date: 9/24/2021	Contact Name: Katherine Carttar	Contact Phone: x5176	Contact Email: kcarttar@wycokck.org	Department/Division: Economic Development
Item Description: An amendment to the West Lawn Development Agreement allowing for the disbursement of remaining funds in the CID Bond Project Fund on the condition that Developer either pave the parking lot or the Unified Government approve a redevelopment plan for the parking lot by November 30, 2022.				
Action Requested: Approve and fast track to 9/30/21 full commission meeting				
Budget Impact: (if applicable) Amount: Source: Included In Budget: Other (explain):				
Attachments List: Blue Sheet, RFA, Resolution approving Third Amendment to West Lawn DA , Third Amendment to Legends West Lawn DA - final				

RESOLUTION NO. R-____-21

A RESOLUTION ADOPTING THE THIRD AMENDMENT TO LEGENDS WEST LAWN DEVELOPMENT AGREEMENT

WHEREAS, on February 8, 2018 the Unified Government and W-LD Legends Owner VII, L.L.C. ("Developer")(collectively, the "Parties") entered into that certain Development Agreement for Legends West Lawn (the "Agreement"); and

WHEREAS, the Agreement provided that Developer shall construct hardscape and landscape improvements, a video board installation, shade structures, signage, façade improvements, escalator repair and enclosures, and new "legends" monuments (the "Project"); and

WHEREAS, the Agreement provided that that the Project shall be complete by December 31, 2018; and

WHEREAS, the Parties entered into that certain First Amendment to Legends West Lawn Development Agreement on January 4, 2019; and

WHEREAS, the Partis entered into that certain Second Amendment to Legends West Lawn Development Agreement on May 9, 2019; and

WHEREAS, the Governing Body has determined that it is advisable to enter into an amended Development Agreement with Developer with respect to the Development Agreement for Legends West Lawn (the "Third Amendment to Legends West Lawn Development Agreement"), attached as Exhibit A hereto, and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the Unified Government Board of Commissioners hereby approves the Third Amendment to Legends West Lawn Development Agreement in substantially the form attached hereto.

Section 2. That the Mayor of the Unified Government is hereby authorized to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, the Third Amendment to Legends West Lawn Development Agreement, and any other certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS THIS 30th DAY OF SEPTEMBER, 2021.

ATTEST:

____
Unified Government Clerk

(Seal)

THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS WEST LAWN

This THIRD AMENDMENT TO DEVELOPMENT AGREEMENT FOR LEGENDS WEST LAWN (this "Amendment") dated as of September 30, 2021, is made and entered into by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"), and W-LD Legends Owner VII, L.L.C., a Delaware limited liability company ("Developer").

RECITALS

A. The UG and Developer, entered into that certain Development Agreement for Legends West Lawn dated February 8, 2018 (the "Original Agreement") with respect to, among other things, the design, development, and construction of certain improvements to the Legends Outlets Kansas City, including among other things, hardscape and landscape replacements, video board installation on the existing "smokestack," shade structure, signage, façade improvements, escalator repair and enclosure and new "legends" monuments (the "Project"), all as more particularly described in the Agreement. All capitalized terms which are not otherwise defined herein shall have the meanings assigned to them in the Agreement.

B. On January 4, 2019, the parties entered into that certain First Amendment to Legends West Lawn Development Agreement (the "First Amendment") to extend the time for the completion of certain improvements.

C. On May 9, 2019, the parties entered into that certain Second Amendment to Legends West Lawn Development Agreement (the "Second Amendment") to extend the time for the completion of certain improvements. The Original Agreement, as amended by the First Amendment and the Second Amendment, shall be collectively referred to herein as the "Agreement").

D. Among other things, Section 2.2(c) of the Agreement requires Developer to "pave in asphalt and stripe, in a manner consistent with asphalt parking lots elsewhere at the Legends Outlets Kansas City, the unpaved portions of parcel number 299900 located at 1824 Village West Parkway" on or before December 31, 2020 (the "Paving Obligations"). To date, Developer has not yet performed the Paving Obligations.

E. On or about June 14, 2018, the UG issued CID Bonds as described in the Agreement. The remaining funds in the West Lawn Account of the CID Bond Project Fund must be disbursed to Developer on or before September 30, 2021, or otherwise used to redeem outstanding CID Bonds.

F. Developer has asked the UG to disburse the remaining funds in the West Lawn Account of the CID Bond Project Fund to Developer to reimburse the costs of CID Improvements. However, the UG has refused to do so because of Developer's failure to timely perform the Paving Obligations and the UG issued a default letter to Developer in connection with the Paving Obligations on August 19, 2021.

G. On September 30, 2021, Developer appeared at the UG's Commission to request an extension and modification of the Paving Obligations as set forth in Section 2.2(c) of the Agreement.

H. The parties hereby agree to amend and modify the Paving Obligations as set forth herein, and the UG will cause the remaining funds in the West Lawn Account of the CID Bond Project Fund to Developer to reimburse the costs of CID Improvements.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and Developer agree as follows:

1. <u>Amendment to Paving Obligations in Section 2.2(c)</u>. Section 2.2(c) of the Agreement shall be deleted in its entirety and replaced with the following:

> "Developer hereby agrees to pave in asphalt and stripe, in a manner consistent with asphalt parking lots elsewhere at the Legends Outlets Kansas City, the unpaved portions of parcel number 299900 located at 1824 Village West Parkway. This work must be peformed in a manner that fully complies with Applicable Laws and Requirements, including without limitation, all stipulations and requirements from the planning and zoning for this parcel. These paving and striping improvements shall be completed by Developer on or before November 30, 2022. Notwithstanding the foregoing, in the event a redevelopment plan for an alternative use of parcel number 299900 is approved by the UG's Commission on or before November 30, 2022, then the terms of this Section 2.2(c) shall be of no further force or effect. In the event that (i) Developer shall fail to complete the paving and striping improvements described herein by November 30, 2022, or (ii) a redevelopment plan for an alternative use of parcel number 299900 is not approved by the UG's Commission on or before November 30, 2022, then Developer shall pay to the UG liquidated damages in the amount of $500,000. The parties hereby further agree as follows:
>
> (x) the $500,000 of damages described in the prior sentence is agreed upon by and between the UG and Developer as fair and equitable liquidated damages due to the difficulty and inconvenience of ascertaining and measuring actual damages, and the uncertainty thereof, and no other damages, rights or remedies will in any case be collectible, enforceable or available to the UG as a result of Developer's failure to timely perform under this Section 2.2(c).
>
> (y) the notice and cure provisions set forth in Section 9.1 shall not be applicable to a failure of Developer to timely perform under this Section 2.2(c).
>
> (z) if Developer fails to fully pay the $500,000 of liquidated damages to the UG in immediately available funds on or before December 15, 2022, then the UG shall be entitled to default interest in the amount

described in Section 9.4 of the Agreement, along with all reasonable costs and charges, including attorneys' fees incurred by or on behalf of the UG in connection with the enforcement of this provision and the collection of the $500,000 of liquidated damages described herein."

2. Recitals. The parties acknowledge that the Recitals set forth above are true and correct and are hereby incorporated into the body of this Amendment.

3. No Further Modification. Except as expressly set forth in this Amendment, all terms and provisions of the Agreement are hereby confirmed and remain unmodified and in full force and effect, such terms and provisions being hereby incorporated herein for all purposes.

4. Conflict or Inconsistency. In the event of any conflict or inconsistency between the terms and provisions of this Amendment and the terms and provisions of the Agreement, the terms and provisions of this Amendment shall control.

5. Multiple Counterparts. This Amendment may be executed in any number of counterparts, each of which may be executed by only one party, which shall be enforceable against the parties actually executing such counterparts, and all of which together shall constitute one instrument. Delivery by facsimile or electronic transmission of an executed counterpart of any signature page to this Amendment to be executed hereunder shall have the same effectiveness as delivery of a manually executed counterpart thereof.

[Remainder of page intentionally left blank. Signature pages immediately follow.]

IN WITNESS WHEREOF, the parties have caused this Third Amendment to be executed as of the day and year first above written.

<u>The UG</u>:

THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

By: ________________________________
Name: David Alvey
Its: Mayor/CEO

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on September 30, 2021, by David Alvey as the Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name: ________________________________
Notary Public in and for said State
Commissioned in ___________________ County

My commission expires

____

[Seal]

[*Signatures continue onto the next page.*]

<u>Developer</u>:

W-LD LEGENDS OWNER, L.L.C.,
a Delaware limited liability company

By: ________________________________
Name: ________________________________
Its: ________________________________

STATE OF _________________)
) SS.
COUNTY OF _______________)

This instrument was acknowledged before me on September ___, 2021, by ____________________ as the __________ of W-LD Legends Owner, L.L.C.

Printed Name: ________________________________
Notary Public in and for said State
Commissioned in ___________________ County

My commission expires

____

[Seal]

ADMINISTRATION AND HUMAN SERVICES

STANDING COMMITTEE MINUTES
Monday, May 24, 2021

The meeting of the Administration and Human Services Standing Committee was held on Monday, May 24, 2021at 6:01 p.m., remotely via Zoom or by phone. The following members were present: Commissioner Markley, Chairman; Commissioners Philbrook, Johnson (substituting for Commissioner Kane), Ramirez, and Bynum. Commissioner Kane was absent. The following officials were also in attendance: Melissa Sieben, Emerick Cross and Alan Howze, Assistant County Administrators; Bridgette Cobbins, Interim Assistant County Administrator; Kathleen VonAchen, Chief Financial Officer; Misty Brown, Chief Counsel; Crystal Sprague, Manager in County Administrator's Office; Stephanie Stauffer, Community Development Program Coordinator; Angie Lawson, Deputy Chief Counsel; and Wilba Miller, Director of Community Development.

Chairman Markley said before I call this meeting to order, I want to announce that due to COVID-19, some committee members, staff and public are attending remotely via Zoom as well as on site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Due to COVID-19 requirements, in-person public comment has been suspended unless otherwise required by law. The public is allowed to participate by Zoom or submit comments by email prior to the meeting, and those comments will be included in the record of the meeting.

Chairman Markley called the meeting to order.

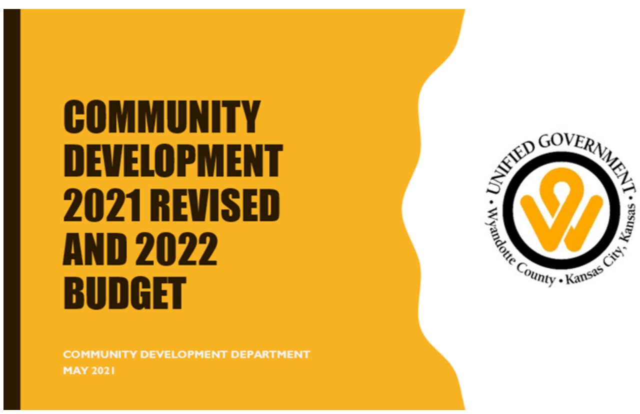
Roll call was taken and all members were present as shown above.

Approval of standing committee minutes from January 25, 2021. **On motion of Commissioner Ramirez, seconded by Commissioner Bynum, the minutes were approved.** Roll call was taken and there were five "Ayes," Philbrook, Johnson, Ramirez, Bynum, Markley.

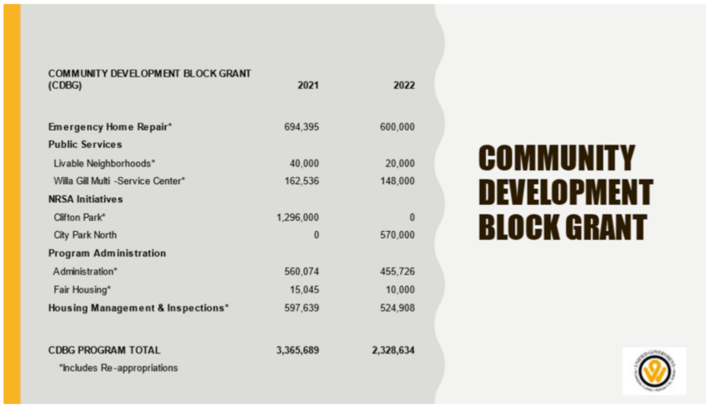
Committee Agenda:

Item No. 1 – 21827…DISCUSSION/APPROVAL OF COMMUNITY DEVELOPMENT DRAFT ANNUAL ACTION PLAN AND SCHEDULING PUBLIC HEARING

Synopsis: To discuss Community Development Department Revised 2021 and Proposed 2022 budgets; approve the Draft 2021 Annual Action Plan, set the public hearing date and approval of the Final 2021 Annual Action Plan on July 29, 2021, submitted by Wilba Miller, Director of Community Development.



Wilba Miller, Director of Community Development, said tonight, I'm going to present the Revised 2021 and the Proposed 2020 Budgets for discussion and then the Draft Annual 2021 Action Plan prior to sending it out for public comment. The revised '21 and '22 budgets reflect how the Unified Government allocates HUD dollars for the following programs, and we'll start with the Community Development Block Grant, Home Investment Partnership, the Emergency Solutions Grant, the Lead Hazard Control Grant, along with Healthy Homes Program, and the CARES Act funds for the Community Development Block Grant, and the Emergency Solutions Grant, and the final allocation of America Rescue Plan funds for the HOME Program.



COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)	2021	2022
Emergency Home Repair*	694,395	600,000
Public Services		
Livable Neighborhoods*	40,000	20,000
Willa Gill Multi -Service Center*	162,536	148,000
NRSA Initiatives		
Clifton Park*	1,296,000	0
City Park North	0	570,000
Program Administration		
Administration*	560,074	455,726
Fair Housing*	15,045	10,000
Housing Management & Inspections*	597,639	524,908
CDBG PROGRAM TOTAL	3,365,689	2,328,634

*Includes Re-appropriations

So, most of the commissioners that are here tonight have seen our budgets before. I'd like to remind you that the 2021 Budget will be the budget that was adopted by the full commission last year, plus any re-appropriations that were left from 2020. So you will see different numbers, for instance, on Emergency Home Repair. The $694M includes re-appropriations that were not used for last year, and the $600,000 will be what's scheduled out of the 2021 funds for the draft annual action plan for next year's use.

So, you can see we have Emergency Home Repair. We have our annual public services for Livable Neighborhoods who had an additional allocation leftover from last year. Willa Gill Multi-Service Center also had funds left over from last year. We have Clifton Park NRSA initiatives. Obviously, we were not allowed to do, well, we could not get the NRSA project done last year for Clifton Park, so we carried it forward to meet with this year. The whole total project will be $1.296M. We're setting up $570,000 next year out of ‘21 funds for City Park North.

We received a letter from HUD after we submitted these to you for the standing committee. We received an additional allocation of $33,770 for Community Development, so we put it under public facilities infrastructures. It could be used for parks. Finally, we have Program and Administration, which is our admin staff, any fair housing activities we pay for, as well as housing management staff and inspections. So, the total program this year with re-appropriations is $3.3M and the Community Development Grant allocation for next year is $2,362,404M.

Do you want to ask questions about the Community Development Block Grant? Anyone, before we go on to the next grant?

Commissioner Bynum said, Wilba, if you could back up just a little bit. Stay on the screen. **Ms. Miller** said, okay. **Commissioner Bynum** said give us a little bit more information. So, for example, the Community Development Block Grant year. **Ms. Miller** said, okay. **Commissioner Bynum** asked, does it not run concurrent with our regular calendar year budget year? That's question one. **Ms. Miller** said, okay.

Commissioner Bynum said question two, obviously, I'm seeing a difference of about $94,000 in Emergency Home Repair Funds between '21 and '22. **Ms. Miller** said, okay. **Commissioner Bynum** said you may not know this tonight, but I would ask that when we do hold our public hearing that we know how many repairs. I'm going—I guess I'll ask also, in 2020 with COVID—**Ms. Miller** said right—**Commissioner Bynum** said we probably were lower on repairs we were able to do. Just talk us through that a little bit. I think that's it for me for now.

Ms. Miller said, okay, well first of all, the funds that we had left over from last year, and COVID did make a major impact on this one, we received 57 requests for assistance last year. We completed 28 of those. 15 were rejected for different reasons such as above income and multiple properties. We did 11 roofs, 5 plumbings, 4 barrier removals, 6 furnaces and 2 electrical. Part of the issue was, of course, we did not go into clients' homes for some time and then even when we did start taking appointments, clients didn't want us to come into their homes. It's picked back up finally. This year we're getting quite a few roofs—especially with all this rain, we're getting quite a few roof applications. So that's why we carried over that $94,000.

The fiscal year for HUD funds is like the year that we've got right now for next—for 2021, we received this $2,362,404M. By the time we submit to HUD, and we have to submit before August 15th, they go through their approval process and we go through our environmental review processes, it's almost the end of the year. So, 2021 funds will really not be spent until 2022. It was the easiest way we have found to budget these funds. Trying to squeeze it in at the end of the year just did not work out well for us. So annually, that's what we do. So, these two, 2021 is this calendar year that we're spending right now, and it's really 2020 funds. Next year in 2022, we'll really be spending 2021.

I believe if you look at the rest of the budget in 2021, every place that had additional funds brought over from the previous year were because of COVID issues. We weren't really allowed to get out and about. A lot of that—I know that Willa Gill had grab & go lunches instead of allowing clients to come in. Construction people weren't really working on the parks. We had some work done at City Park, but it was a tough year last year for us. We had a hard time meeting our timeliness goals. **Commissioner Bynum** said thank you.

Commissioner Philbrook said a real quick update on the Livable Neighborhood section. **Ms. Miller** said right. **Commissioner Philbrook** said it's like they didn't do anything if that's a normal '20. **Ms. Miller** said, well, they had—I think we've discussed that they get $20,000 from us annually. Basically, it pays for supplies, printing costs and some training. They just—they'll probably get into 20 of that 40 this year, but I don't know how to say it. I know that they're revisiting what their goals are. I think they're trying to spend more money. A lot of it, yes, you have to be careful that it's eligible too because it is public services and it has to meet a low-mod, a census track, and low-mod area stuff. **Commissioner Philbrook** said sometime later on we can get into the conversation on how Livable Neighborhoods, itself, how all the funding comes in, not just from this particular source.

Commissioner Ramirez said, thank you, Wilba, for coming tonight and giving us the first portion of the presentation. I just have two questions. For the public facilities/infrastructure, can you give like examples of what that could be used for? **Ms. Miller** said it can be park improvement. It all has to be spent in low-mod areas. It could be park improvements, it could be curbs and sidewalks, it could be rec center improvements, not maintenance, but improvements. Basically, those are the type of things. **Commissioner Ramirez** said, okay, that's great.

Just for clarification for my brain, the sections that have the asterisk, those are portions of money of the budget that was rolled over from last year that was not spent. **Ms. Miller** said, right. Those grant funds do not go away. In a lot of funds, if you don't spend it, you lose it; but in this case, our funds keep going until we spend them and meet our deadlines. So, we carry it over into the next budget every year. **Commissioner Ramirez** said, okay. I did not know that. That's every interesting. Those were all the questions I had at the moment for the CDBG. Thank you.

Commissioner Johnson said my questions, comments, are with regards to Willa Gill, of course. I just wanted to make sure that you received correspondence from them on the Mount Carmel Redevelopment Corporation dated May 14, and that we are sure to have some conversations about their recommendations to us with regard to CDBG allocations. **Ms. Miller** said, yes, I did receive correspondence from them and have shared it with the Administrator's Office. **Commissioner Johnson** said, okay, great. Well, let's plan on getting together pretty soon here before we go to public hearing to make sure we're all on the same page on that. **Ms. Miller** said, yes sir. **Commissioner Johnson** said thank you.

HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)	2021	2022
CHIP Down Payment Assistance Program*	247,626	223,123
Subrecipients- New Construction/Rehabilitation*	760,000	190,000
CHDO Set Aside- New Construction/Rehabilitation*	1,140,000	380,000
Program Administration	88,625	89,236
HOME PROGRAM TOTAL	**2,236,251**	**882,359**

*Includes Re-appropriations

We have our Home Investment Partnership Program. As you all know, we have a CHIP Down Payment Assistance Program. It's not been a very successful at all. We had to redo underwriting to meet some new HUD requirements and we're not getting very successl applications in. Part of the problem is that in the past, we gave up to $14,999 to clients that needed assistance and met all their criteria. HUD came along and said you just can't give everybody that meets that $14,999. You need to do underwriting and only give them what they need to get into the house. The banks were kind of like taking the $14,999 off the top and then saying this is what else they need from them. Right now, we haven't had any and we haven't had any since probably 2019. I may make a recommendation that we move the money to another line item if we can't get any—we are still getting applications in, we're still talking to people, but I did make that a issue that I brought up to the Administrator's Office that it might be more successul to use it for new construction or for rehab.

The next two line items. The first one are subrecipients, new construction, or rehab. That really means that agencies like Habitat that are not one of our, what we call CHDOs or

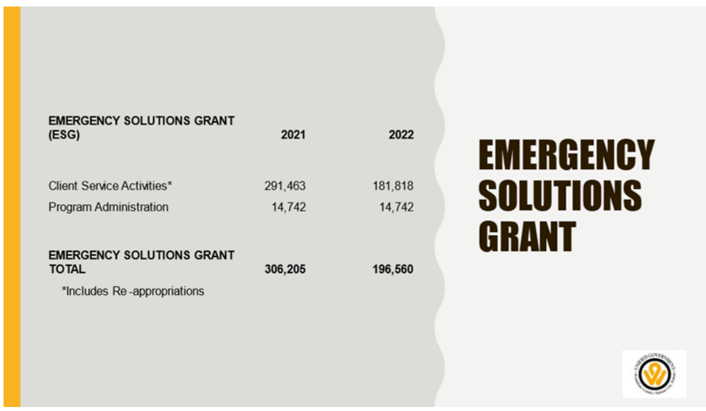
Community Housing Development Organizations. This $760 this year is for Habitat, three units. The CHDOs set aside are two agencies that meet all of our CHDOs' guidelines, CHWC and Mount Carmel. There are three for CHWC and I believe two for Mount Carmel. Contracts are being signed as we speak. Everybody was and is very concerned about the price of lumber and steel and roofing. We're going to give it a shot because we've got to spend these funds as soon as we can.

Then lastly, there's Program and Administration. Again, the reason why this is so much is not a lot happened last year. Whatever savings we have, we just carry everytihing forwarad. As you can see, next year our allocation is only $882,000, which means one unit for the subrecipients and only two for the CHDOs. We have to give 15% of our allocation to the CHDOs. We're required to by law. 15% of $882,000 isn't enough money to do anything. I know that even with $190 per unit, we're being told that it is costing them over $200,000 to build a unit these days. They've looked for houses to rehab thinking that that would be easier and they're really having a hard time with the market right now. We're just trying to do our best. Do you any other questions on HOME?

Commissioner Ramirez said can you explain, I believe it was the Chip Down Payment Assistance Program, which you we're talking about? Can you talk about that again one more time, sorry? **Ms. Miller** said, well the CHIP Program is for eleigible 80% or below indivduials who can get a first mortgage loan on their own and we would give them, in the past, up to $14,999 and that would give them a five-year affordability period. They had to stay in the unit for five years. Well, HUD came along and monitored us two years ago, I believe, maybe a year ago, two-years ago, and said you're not doing your underwriting correctly. You need to redo it. We sent staff and had training. Now that we are only giving—some people may only really need, based on their income and their debt to income ratio, may only really need $5,000. Well, our lenders are not happy about that. Our clients are not happy about that. They remember that we used to give $14,999 and so some of them have just kind of fallen to the wayside. We're still taking applications and people are still interested, but they're not interested if they're only going to get a smaller portioin of money.

I had suggested that we move that money to another one of these line items. It would only be around a unit. We're giving $190 per unit.

Commissioner Ramirez asked, what was like the overall feeling of the room when you brought up that suggestion? **Ms. Miller** said it was fine. We have timelines for all of our funds. With HOME Funds, we have to allocate within two years and we have to spend within five years. With COVID, we just got struck. I mean, this is quite a bit of money, $2.2M, but we need—some of this is ‘17, ‘18 money, ‘18 and ‘19 money, and get it spent. Like I said, with CHIP, it didn’t help because we have’t had any new ones since 2019. **Commissioner Ramirez** said well, thank you very much for that explanation.



The next page is our Emergency Solutions Grant otherwise known as the Homeless Annual Grant monies. Again, it’s reappropriation from the prior year and program administration. We allocate funds by doing a request for proposals. The agencies that are in our homeless organizations come to us and apply, and then we have a group that don’t get funding go through their applications and make recommendations for their activities. We usually have between six and seven agenices that receive funding through these programs.

The next page is our Lead Based Paint Grant. This is very confusing in that this is the last year of this grant and there are line items like lead based paint abatement, which is taken through our department. The Client Lead Level Testing through the Health Department. The Healthy Homes Repair and Rehab, we both sort of share that. Then we have CD Administration and Health Department Administration. Hopefully, we'll get all of this work done and this will be the last year of it.

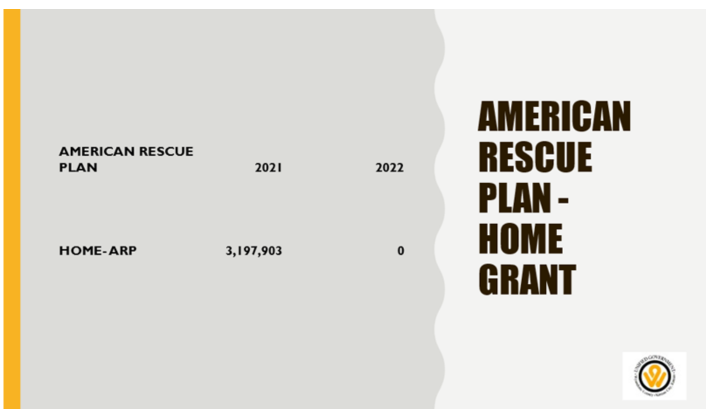
HUD has told us that if we have activities in progress by the end of the year still, they will let us carry it forward and finish out the program in 2022 if we need to.

The next slide is our CARES Act Funds. We received two allocations of CDBG funds that totaled $2,135,023. We are funding, or had recommended funding, Wyandotte Connect which was an application that came through the cities CARES request to hire community workers through the Health Department and the Community Health Council to go out into neighborhoods and work with people to get them to get vaccinated. It's prevent, prepare, or respond to Coronavirus. All of these things have to be for those uses.

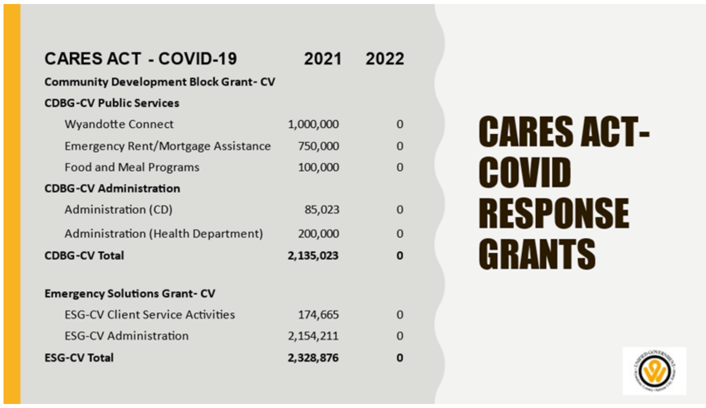
We also recommended, and I know you all adopted this last year, emergency rent assistance, but HUD has since now given us additional information that it would have to be what they call mortgage assistance or emergency payments to clients. We found that there are lots of rental assistance programs, especially through the state right now and even through our CARES Act, that's below. We're setting that aside to be used maybe to help extend the Wyandotte County Connect or to use at a time when we have another program that I'll talk about later in conjunction with that as well as the Food and Meal Programs. There's pantries and things going on with that. That $850,000 we sort of just want to let it sit in the budget until we have an opportunity to get some more information from HUD. Like I said, I'll explain that to you later.

We're also paying for a portion of besides our direct staff costs, the Health Department staff that are overseeing this program. They will work directly with the Community Health Council. The contracts are being signed as we speak. We hope to get this started just as soon as possible. They will be hiring around 13 community health workers to go out and try to get more people to take the vaccinations and any boosters, if we're required to do that.

The last one on this page is the Emergency Solutions Grant, which is very similar to our Homeless funds that are regular/annual. We had two allocations that totaled $2.3M. We had also in our RFP process for these and they are quickly spending this money. Some of the agencies have already spent their first round and are in their second round of funds. We have seven out of the first round and six out of the second round. These are all agencies that receive our annual allocations too. So, that's where this is.



The next page is our American Rescue Plan that just came out recently. It is also under the HOME program. We've had very little information on this other than they are going to tie these HOME Fund dollars to the Emergency Solutions Grant and try to find a way to house in non-congregant areas, the homeless and provide services to the homeless. The housing for the homeless is a big thing. We've had one webinar about it. They have a lot of ideas and plans, but we have had no actual requirements come to us yet, no eligible activities yet. I mean we have an idea just bcause of our experience with HUD, but this may be where we want to use that $850,000 from the previous page to do something in connection with those funds and to build partnerships with some other agencies. Until we get our rules and our regulations and our training, we don’t know. We expect to get them sometime in September, we’re not sure, but we expect to. I can’t answer a lot of questions about these funds yet.

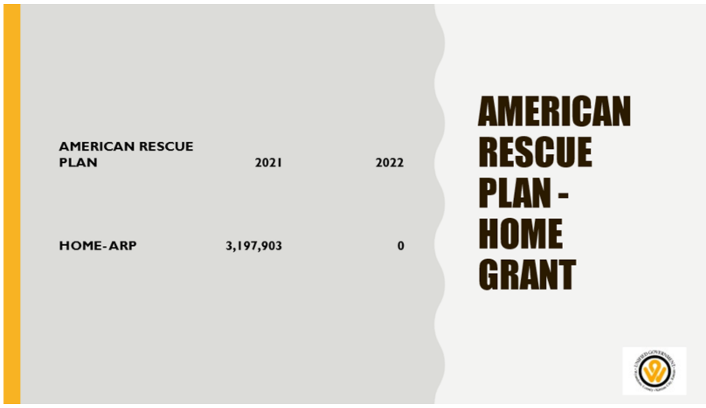


CARES ACT - COVID-19	2021	2022
Community Development Block Grant- CV		
CDBG-CV Public Services		
Wyandotte Connect	1,000,000	0
Emergency Rent/Mortgage Assistance	750,000	0
Food and Meal Programs	100,000	0
CDBG-CV Administration		
Administration (CD)	85,023	0
Administration (Health Department)	200,000	0
CDBG-CV Total	**2,135,023**	**0**
Emergency Solutions Grant- CV		
ESG-CV Client Service Activities	174,665	0
ESG-CV Administration	2,154,211	0
ESG-CV Total	**2,328,876**	**0**

Commissioner Bynum said, Wilba, could you go back one slide. On the Emergency Rent and Mortgage Assistance, the $850,000 total. The state program, KERA, is only for renters. There’s no help for homeowners. I’m unaware of any help like that for homeowners. I’m just curious if we have any opportunity to help homeowners.

Then I need you to drop down to the Emergency Solutions Grant, the $2.3M. That, again, you say was out for RFP, the agencies are selected, the money’s being spent. Is it the same kind of assistance that was given through CARES Act funding? I mean, it is CARES Act funding, correct? **Ms. Miller** said, yes. It is basically rapid housing, prevention, which it includes rental assistance. **Commissioner Bynum** said, okay. Again, not for homeowners. **Ms. Miller** said not for homeowners, no.

Commissioner Bynum said I am just curious, I’ve just not understood at any point during any of this money, why homeowners can’t be assisted, but I’ll let you speak. **Ms. Miller** said I had talked to the Director of the United Way. I can’t think of his name right now. I’m having a senior moment. **Ms. Cobbins** said Todd Jordan. **Ms. Miller** said I did talk to him about mortgages assistance. The program is really—I don’t know emergency payments to the homeowners was, I’ll be honest and say I don’t have a lot of information about that. I do know that Stephanie from my staff is on and she may or may not have additional information. When we first put this out to Commission last year, we actually called it Emergency Rental Assistance. Stephanie, do you have any additional information on mortgage assistance under the CARES Act?



Stephanie Stauffer, Community Development Program Coordinator, said well, I think, in general, the activity of emergency payments is really tricky to do under our CDBG. It actually exists in the regulation of kind of this provision that's a loophole, because of a double negative. HUD was really kind of discouraging in having folks use this money this way. It would have to be—we'd have to be really careful about it being an actual emergency and there would be a lot of strings attached. I think launching the program would be complicated. If there are less complicated programs, it would be better for the homeowners to do that.

Ms. Miller said, I think, Commissioner, part of it is that we don't have any programs or experience doing this kind of thing. When you talk about it, remember that this all has to be tied into that prevent, prepare, and respond to. We would be getting applications from a lot of homeowners who are already in default before. We could not help them. We would have to absolutely find out that it was due totally to having COVID or losing their job because of COVID. It would be, like Stephanie said, very tricky. I know that other cities that had this on their original plan, they changed their plans because it is very complicated. We can look into it some more for you if you like, but…**Commissioner Bynum** said in your freetime, Wilba, I would appreciate what you might be able to find, especially if you are familiar with any community that had success if they were offering help to homeowners, but thank you very much. **Ms. Miller** said okay.

Commissioner Philbrook said I thought I understood that at one time that the homeowners were directly petitioning the state for money instead of coming through us and that possibility is still there for the future. Stephanie, when you were reading through that stuff, did you read any of that? **Ms. Stauffer** said that's a good question. I feel like I remember reading about there being a program, but I don't know the specifics. **Commissioner Philbrook** said, right. I do know that there are people that did do that. How many did it? Don't know, but I know it was being done because I've had people tell me they did it. I understand there are quite a few homeowners that got on that, but that could have been people that had homes, that had renters that they were having to deal with so, I don't know.

Ms. Miller said I know another thing that they were talking about that was causing complications is it's not just paying the mortgage payment, but paying any escrows and those type of things that would not necessarily be eligible under the CARES Act. There was some discussion about different insurance programs, but I'll double check, Commissioner Bynum, and see what I can find out for you. **Commissioner Bynum** said I really appreciate it. If I've been impacted by COVID by a job loss, my insurance is due, my taxes are due, my mortgage is due, and I'm just spouting off my opinion now. **Ms. Miller** said when you say taxes are due, I don't know that the UG can pay the UG for back taxes. **Commissioner Bynum** said correct. I guess my point is, as I've said many times, we're all about 30 days away from being homeless. **Ms. Miller** said, I know. **Commissioner Bynum** said if it were me living in a house where I'm paying a mortgage and I lost my job, I will be homeless because I can kiss my house goodbye. It just seems so unfair. **Ms. Miller** said right. **Commissioner Bynum** said but anyway, just my opinion. Thank you and you can go on.

Ms. Miller said, well, I do know the final page in your packet will show you the public notice that we're going to put out for the Draft Annual Action Plan for 2021 and 2022. When you look at our budget, you know that all the budgets for Community Development Block Grants, Emergency Solutions Grant, and the HOME Program, those three are in our annual plan. The draft COVID, I mean the COVID, and the Lead Based Paint, and all those programs do not become part of our annual action plan. We have $3.4M for those three funds that we have to do a draft plan and it has to be—we have to have our second public hearing.

You know we all had our first public hearing and then we have to have a citizen comment period of 30 days before we submit—have you all approve it and submit it to HUD. It has to be submitted before August 15. We cannot wait until normal when we normally finalize our budget and our annual action plan when the Unified Government does their city budget because there will be no action on that, I believe, until September. What we're aking you tonight is to approve the draft plan numbers and let us submit it out to the public for comment and set a public hearing of July 29 and adoption of the 29.

Chairman Markley said, Wilba, or whomever from staff would like to tell me, again, we're guide free tonight so it might have been in the guide and I don't know it, but can we do that all in one motion or do we need to have a motion to approve and then a separate motion to set the public hearing? **Ms. Miller** said we don't normally do a motion to approve the draft plan, but if you would like to, I think—**Chairman Markley** said I think that we just need a motion for the public hearing. **Ms. Miller** said I think what you're doing is just voting on setting up a public hearing and approving the plan in July.

Action: **Commissioner Philbrook made a motion, seconded by Commissioner Ramirez, to approve**.

Chairman Markley asked, were there any comments from the public? **Ms. Godsil** said no public comments were received.

Roll call was taken and there were five "Ayes," Philbrook, Johnson, Ramirez, Bynum, Markley.

Adjourn

Chairman Markley adjourned the meeting at 6:27 p.m.

tk/tpl

Staff Request for Commission Action

Tracking No. 211031

Full Commission Meeting Date: Fast track to 9/30/21
Committee: Administration & Human Services

Date of Standing Committee Action: 9/27/21 (If none, please explain):

Publication Required: No

Date:	Contact Name:	Contact Phone:	Contact Email:	Department/Division:
9/15/2021	J. Renee Ramirez	x5665	rramirez@wycokck.org	Human Resources

Item Description:
Provide a proposed Unified Government Mitigation Plan for Staff related to COVID-19 (Vaccination incentive, mandatory COVID-19 testing for unvaccinated employees), Special COVID leave, and an ARPA allocation to fund the Mitigation Plan.

Action Requested:
Approval of the proposed Mitigation Plan for UG staff and an allocation of ARPA funding for vaccination incentive for UG staff.

Budget Impact: (if applicable)
Amount:
Source:
Included In Budget:
Other (explain):

Attachments List:
Covid.Mitigation.Plan.Resolution, Proposed Covid Policy - 9 16 21

RESOLUTION NO. ____________

A RESOLUTION APPROVING THE COVID-19 MITIGATION PLAN FOR UNIFIED GOVERNMENT STAFF AND THE ALLOCATION AND APPROVAL OF LOCAL FISCAL RECOVERY FUNDS TO BE USED TO FUND THE MITIGATION PLAN AS PART OF THE AMERICAN RESCUE PLAN ACT.

WHEREAS, the threat to the public health from the COVID-19 pandemic continues, as evidenced by the national count of 39,279,057 cases and 638,689 deaths as of September 1, 2021; and

WHEREAS, the Centers for Disease Control and Prevention reports: that the Delta variant of the COVID-19 virus emerged and became the predominant variant in the country in less than three months; the Delta variant is more than twice as contagious as previous variants; data suggests that the Delta variant might cause more severe illness than previous variants in unvaccinated people; unvaccinated people remain the greatest concern; and fully-vaccinated people with Delta variant breakthrough infections can spread the virus to others; and

WHEREAS, as of September 1, 2021: there have been 373,171 confirmed cases of COVID-19 in Kansas, with 12,810 hospitalizations, and 5,581 deaths; the daily counts of new cases in Kansas have increased nearly 700% just since July 1, 2021; the monthly testing rate in the state is 3,836 per 100,000 and the monthly positivity rate for the last full month is 10.1%; and the number of COVID-19 patients occupying ICU beds in the state is nearing the highest levels set last winter; and

WHEREAS, coordinated vaccination efforts will be necessary to address the spread of the Delta variant and to implement the roll-out of vaccine boosters, and the Unified Government will incur significant costs associated with those vaccination efforts; and

WHERAS, adopting a COVID-19 Mitigation Plan for Unified Government staff will reduce the spread of COVID-19 in Unified Government facilities and in the community by increasing the number of people who choose to get vaccinated and motivating employees to get vaccinated and remain vaccinated sooner than they otherwise would have; and

WHERAS, adopting a COVID-19 Mitigation Plan for Unified Government staff will better help protect the public health and welfare by avoiding outbreaks among employees that could cause staff shortages, increased labor costs, and exposure of COVID-19 to the public; and

WHEREAS, the Unified Government's health plan, which is self-insured, has paid over one million dollars in COVID-19 related claims, and

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11, 2021, (Public Law 117-2), and was codified at 42 U.S.C. § 802 *et seq.*; and

WHEREAS, ARPA established the Coronavirus State Fiscal Recovery Fund and the

Coronavirus Local Fiscal Recovery Fund, which were together intended to provide support to State, local, and Tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 on their communities, residents, and businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. The Unified Government Board of Commissioners hereby approves the COVID-19 Mitigation Plan for Unified Government staff;

Section 2. The Unified Government Board of Commissioners hereby approves an ARPA allocation of One Million Dollars ($1,000,000) to fund the Covid-19 Mitigation Plan for Unified Government staff.

Section 3. The Mayor, the County Administrator, and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 4. Effective Date**.** This ordinance and resolution shall take effect and be in full force from and after its passage and approval.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF SEPTEMBER 2021.

____
David Alvey, Mayor/CEO

Attest:

____
Unified Government Clerk

Approved as to Form:

____
Unified Government Chief Counsel

Unified Government Mitigation Plan for Staff regarding COVID-19

The pandemic is well into its second year, and COVID-19, with its variants, remains a serious health risk. The Unified Government has taken several measures to reduce the threat that COVID-19 poses to employees, including temporarily closing public-facing offices and services, permitting employees to work from home, implementing social distancing in the workplace, and requiring that employees wear masks. Throughout, our hope was that vaccines would be developed that would substantially diminish the threat posed by the virus and allow us to return to normal operations and work as we did before the pandemic. Within a relatively short time, several highly effective vaccines were developed. Unfortunately, the vaccination rates for Wyandotte County and Unified Government employees are lower than comparable rates in other surrounding jurisdictions. The highly contagious Delta variant has spread through the county, with rising numbers and rates of positive cases and increasing hospitalizations, including among children.

Unvaccinated individuals have the highest risk of contracting COVID-19 and of becoming seriously ill and requiring hospitalization. Unvaccinated individuals also pose the greatest risk of spreading COVID-19 to others. Having employees who are not vaccinated has major implications for public health and for the health of Unified Government employees and Unified Government operations. The Unified Government has an obligation to safeguard the health of all its employees. It also has an obligation to ensure that it has enough healthy and non-quarantined employees to provide essential services on which the community depends. And, not least, it has a responsibility to take reasonable measures to ensure that Unified Government employees do not spread the virus to other members of the community, particularly those they directly serve.

As a steward of the community's resources, the Unified Government also has an obligation to take efforts to avoid an outbreak among employees that creates a high potential for staff shortages and increased labor costs, as well as to responsibly manage healthcare costs by maintaining a healthy workplace. To date, the Unified Government's health plan, which is self-insured, has paid over one million dollars in COVID-19 related claims.

In an effort to reduce the spread of COVID-19 in our workplace and community, the Unified Government will implement a phased approach.

Phase 1: Present – November 30, 2021. $400 monetary incentive will be paid to employees who have received all recommended doses of a vaccine (Johnson and Johnson – 1 dose, Pfizer and Moderna – 2 doses) and who have completed the online vaccination certification form prior to the November 30, 2021 deadline. This incentive is equally available to employees who have been vaccinated prior to the publication of this policy. Employees who have previously completed their online vaccination certification form do not need to take any further action to receive this incentive. The Unified Government will be providing limited Covid-19 leave as further detailed below for both partially and fully vaccinated employees during this Phase.

Phase 2: Dates to be announced based upon guidance from the Health Department. $100 monetary incentive will be paid to employees who receive a vaccine booster dose as may be recommended by public health officials.

Phase 3: Commencing on December 1st, 2021. The Unified Government will begin requiring routine, weekly COVID-19 tests for non-fully vaccinated employees. Testing schedules will be coordinated between the Human Resources Department and other departments. Department directors, in consultation with Human Resources and the Wyandotte County Health Department, may modify the frequency of testing if more frequent testing is necessary. The Human Resources Department will have the primary responsibility for the testing program and will rely on the support of department directors, supervisors, and safety coaches to implement it. The Unified Government will be providing limited special COVID-19 leave as further detailed below for fully vaccinated employees.

The Unified Government strongly encourages employees to get vaccinated. Employees can get vaccinated through the Wyandotte County Health Department vaccination site (the former K-Mart building at 78th and State), the Road to Wellness Employee Health Center, or a health care provider or pharmacy of their choice.

The testing policy is explained below in a question-and-answer format. A description of special COVID-19 leave follows.

To whom does this policy apply?

This policy applies to all full-time, part-time temporary/seasonal employees, temp agency employees placed at the Unified Government, contractors, and volunteers. Fully vaccinated employees will not be required to participate in routine COVID-19 testing. However, all employees are required to be tested for COVID-19 if they exhibit symptoms. Employees who are determined by the health department to have been exposed to COVID-19 also will be required to test.

What does "fully vaccinated" mean?

A person is fully vaccinated two weeks after receiving the second dose of the Pfizer or Moderna vaccine or a single dose of the Johnson & Johnson vaccine. The definition of "fully vaccinated" may be amended to include booster shots as recommended by the Health Department. Fully vaccinated employees must complete an online vaccination certification form, including uploading proof of vaccination, to be considered fully vaccinated for purposes of this policy. Instructions on completing a vaccination certification form and uploading proof of vaccination, including a link and QR code, can be found on the Employee Self Service (ESS) site.

Non-fully vaccinated employees who have tested positive for COVID-19 will be considered immune for six months following their last day of self-isolation. (However, if the employee tests positive again after 90 days, but within six months, they will have to begin a new self-isolation period.) During this six-month period, the employee will be considered immune to COVID and will not be required to participate in routine testing under this policy. (The employee will be considered non-fully vaccinated for mask wearing purposes.) To be exempt from routine testing, non-fully vaccinated employees who have contracted COVID-19 will be required to provide proof of a positive PCR or antigen test by emailing a copy of the test results Human Resources at HR-COVID19@wycokck.org.

What type of test will be used?

Tests kits will be provided and will be distributed to departments. The test is a saliva molecule test that will be self-administered.

What are employees required to do?

Non-fully vaccinated employees will be required to submit a saliva-based test on a weekly basis.

Non-fully vaccinated employees will be required to take a COVID-19 test within seven days from the start of the testing program and weekly thereafter. This applies to employees working on-site and employees working remotely.

Fully vaccinated employees must complete the current online vaccination certification form, including uploading proof of vaccination. (Instructions with a link to the form and a QR code can be found on the ESS site.) Employees who do not have access to technology or require assistance to complete the form should contact their immediate supervisor. *Any fully vaccinated employee who does not complete a vaccination certification form and provide proof of vaccination will be considered non-fully vaccinated and will be required to participate in weekly routine COVID-19 testing. The vaccination form submitted must be reviewed and approved by HR before an employee is considered fully vaccinated.*

New employees who are not fully vaccinated are encouraged to start the vaccination process. New employees are required to have a negative COVID-19 test before reporting to the job. The test must be administered no more than seven days before their start date, and the negative test result also must be the most recent test result. New employees will be provided the test at no charge by reporting to the hiring department within seven days of their start date or going to the health department vaccination site at 78th and State (former K-Mart building). They also may obtain the test from a third-party provider at their own expense. A positive COVID-19 test result will not disqualify a person from employment but will delay the person's hire date until after the mandated self-isolation period ends. New employees who are fully vaccinated must complete the online vaccination certification form, including submitting proof of vaccination. (The option to complete the form will be provided at new employee orientation.) Once certification is completed and approved by HR, new employees will follow the guidelines previously outlined for fully vaccinated employees.

New employees who are non-fully vaccinated or choose not to complete the online vaccination certification form will follow the process for non-fully vaccinated employees and will be required to participate in the next weekly routine test for their department.

What day and time am I required to test?

Human Resources will coordinate with each department on the testing schedule and protocol. Employees will be notified by their department of their regularly scheduled testing date and time.

Where will testing be conducted?

Testing will be conducted onsite at work locations or at another location designated by the Unified Government.

How will the test be conducted?

Testing will be self-administered using a saliva collection kit and will be processed by a third party Employees who are not able to provide enough saliva will be required to undergo a nasal swab test performed by a medical professional. The Unified Government will provide testing free of charge to all employees during regular work hours. If the Unified Government is unable to provide testing during an employee's regular work hours, it will pay the employee for the time required to take the test after hours, including any overtime, not to exceed one hour. Departments will be responsible for tracking whether employees have been tested as required under this policy.

What should I not do before providing a saliva sample?

Do not eat, drink, smoke, chew tobacco or gum, brush teeth, or consume anything else by mouth for 30 minutes before collecting the specimen.

How will I be notified of my test result?

It is anticipated that employees will be notified that test results are available by text message, email, or both.

What happens if my sample comes back positive?

Employees who test positive will be required to follow COVID self-isolation guidelines as issued by the Wyandotte County Health Department. The current guidelines are set forth below.

Must I notify my department of a positive test result?

Employees who test positive must promptly notify their supervisor or appropriate person in their chain of command, who will then notify Human Resources. Fire Department personnel will follow the current department guidelines for infectious disease control.

What if I don't agree with my positive test? Can I take another test or have a third party conduct another test?

An employee who disputes the results of the positive test can request another test. The second test will be a Nasal PCR Test conducted by the Wyandotte County Health Department. Third party tests will not be accepted. The employee will be required to follow the standard guidelines for self-isolating while waiting the results of the nasal PCR test.

What will be done with the test results?

Test results will be treated as confidential, will not be stored as part of employees' personnel records, and will be shared only on a need-to-know basis. Human Resources will maintain records of test results to ensure employee safety and policy compliance.

What are the consequences if I refuse or fail to take a required test?

Employees who refuse or fail to participate in required COVID-19 testing will not be allowed to work until they undergo testing. Employees who have previously refused or failed to take a required COVID-19 test may arrange to take a test at any time by contacting their immediate supervisor or Human Resources. Any employee who refuses a test and fails to make contact to arrange for testing will be contacted 48 hours after each such refusal or failure to test and informed that they are being required to test. Employees who are off work due to refusing or failing to participate in testing may not substitute paid leave for any period of unpaid suspended work. As the suspension of paid work following a refusal may be considered disciplinary, such suspension shall be effectuated pursuant to any applicable memorandum of understanding for employees within a collective bargaining unit or pursuant to the disciplinary provisions within the Human Resources Guide for non-union employees. Each refusal shall constitute new grounds for suspension of paid work activities.

What are the consequences of having another employee provide saliva in the test tube for me?

Both employees will be disciplined, including for dishonesty, and their employment may be terminated.

What do I do if I believe that I have been mistakenly informed that I cannot work due to refusing or failing to take a test?

If you are informed that you cannot work due to refusing or failing to participate in COVID-19 testing but believe that you have complied with the testing policy, you should promptly contact your supervisor or appropriate person in the chain of command and explain why you believe that a mistake has been made.

What happens if I have taken a routine weekly test at work, but the test result is not back by the time I'm due to report to work?

If you have taken a routine weekly COVID-19 test but have not been notified of a test result, you should continue to report to work as normal pending the result. If you test because you are experiencing symptoms, please refer to the self-isolation and self-quarantine guidance.

Are there any other circumstances in which I might be tested?

Employees may be required to test if they have been exposed to the virus or if they are experiencing symptoms. As required throughout the pandemic, if the health department recommends self-isolation or self-quarantine, the employee will promptly comply. Fire Department personnel will continue to follow the Fire Department Infectious Disease protocol for COVID-19.

Additional COVID-19 tests may be required in accordance with health department guidance. This may include periodic testing of one or more employees within a department.

How can an employee request an accommodation?

Employees who have a disability or a sincerely held religious belief that may qualify them for a reasonable accommodation should contact Human Resources. Supervisors should refer requests for accommodation to Human Resources.

Will I be able to get vaccinated during work hours?

Yes, with supervisor approval, employees may go to a Wyandotte County Health Department vaccination site, the Road to Wellness Employee Health Center, doctor's office, or a local pharmacy while on duty. Upon returning to work, employees must provide their supervisors with proof that they received the vaccine.

Non-exempt employees who have requested and been denied leave to get vaccinated during the workday may get vaccinated while off-duty. In that event, the Unified Government will compensate the employee with one hour of paid administrative leave at his or her base rate. To receive the leave, the employee must present proof of vaccination to his or her supervisor. Employees will not receive more than one hour of paid administrative leave per dose. Time spent obtaining the vaccine after hours does not count as time worked for overtime purposes.

Exempt employees who, after being denied permission to go to a vaccination location during working hours, obtain the vaccine after hours will receive one hour of compensatory time for each dose. Employees must present proof of vaccination to receive compensatory time.

Employees who have received doses of the vaccine before this policy was issued are not eligible for paid administrative leave or compensatory time for those doses beyond what has previously been paid.

Departments may require personnel to submit requests for vaccination time through their chain of command so that staffing can be managed.

Self-isolation and Self-quarantine Guidance

Current health department guidance states that all employees who test positive are required to self-isolate for 10 days, regardless of vaccination status. Employees who are not showing symptoms must self-isolate for 10 days from the date of the positive test. Employees who have symptoms must self-isolate for 10 days from the date of symptom onset. Before returning to work, all employees who test positive are required to be fever free for 72 hours AND have improving symptoms.

All non-vaccinated employees who are required to self-isolate or to self-quarantine after being exposed to a COVID-19 positive individual, even those likely to have been exposed at work, will be required to use their personal time banks while isolated or quarantined. Individuals who do not have time in their time bank will not be paid but may not be disciplined for attendance while following self-isolation or self-quarantine guidance. The employee's department head has discretion to allow a self-isolated or self-quarantined employee to work from home.

Employees may not make a unilateral decision to self-quarantine. The determination as to whether an employee will be required to self-quarantine will be made by the Unified Government in consultation with the employee and the health department or upon recommendation of a health care provider.

Self-quarantine Guidance for Non-Fully Vaccinated Employees

Non-fully vaccinated employees are required to self-quarantine for 14 days following an exposure to a confirmed COVID-19 positive individual. Exposure is defined as being in close contact with the person. Close contact is defined as being within six feet of the positive individual for a total of 15 minutes in a 24-hour period. Mask usage does not matter when determining close contact. Non-fully vaccinated employees who reside with a positive individual may not begin their 14-day self-quarantine until the positive individual has completed their self-isolation period. This means that a non-fully vaccinated employee who resides with a person who has tested positive for COVID-19 and is asymptomatic will need to self-quarantine for a minimum of 24 days.

Self-quarantine Guidance for Fully Vaccinated Employees

Fully vaccinated employees who are exposed to a confirmed COVID-19 positive individual will not be required to self-quarantine but will be required to be tested five days after the date of exposure or, if notified more than five days after exposure, as soon as notified about the exposure. Additionally, any fully vaccinated employee who is exposed to a COVID-19 positive individual is required to wear their mask, as if non-fully vaccinated, until receiving a negative test result.

Please note: This guidance is subject to change. Attempts will be made to update information as soon as practical.

Special COVID-19 Leave

During Phase 1 (Present – November 30, 2021), employees who have received at least one dose of a vaccine will be provided up to 80 hours seven (7) days after the employee has completed the online vaccination certification form. Such leave is not available to employees who test positive or who, after an exposure to an individual with COVID-19, develop symptoms and are required to quarantine before receiving a vaccine dose. Employees who fail to get a recommended second dose of the Pfizer or Moderna vaccine within thirty (30) days after receipt of the first dose lose their entitlement to the special COVID-19 leave.

Beginning December 1, 2021, fully vaccinated employees will be provided up to 80 of special COVID-19 leave. This leave is not cumulative with the 80 hours of special COVID-19 leave granted during Phase 1 meaning that only one 80 hour period of special COVID-19 leave will be granted for all phases.

Special COVID-19 leave may be used by vaccinated employees who test positive for COVID-19 or who, after exposure to an individual with COVID-19, develop symptoms and are required to quarantine. The leave also will be available to fully vaccinated employees to care for a son or daughter who is under 12 years of age or not otherwise able to be vaccinated and is required to self-isolate after testing positive for COVID-19 or to self-quarantine after being exposed to a person who has tested positive for COVID-19.

To qualify for the leave, an employee must submit documentation that the employee or his or her son or daughter has tested positive for COVID-19 or has been advised by the health department, a school district, or a healthcare practitioner to self-quarantine. Special COVID-19 leave will run concurrently with FMLA leave and will not be paid out at separation or retirement.

"Son or daughter" is defined in HR Guide 5.6, Family and Medical Leave.

Non-fully vaccinated employees are not eligible for special COVID-19 leave.

Fire Department personnel will continue to follow the Fire Department Infection Control protocol for COVID-19. Accordingly, the foregoing provisions relating to special COVID-19 leave are inapplicable to Fire Department personnel.

Special COVID-19 sick leave will expire on December 31, 2021.