

PROPOSED ORDINANCE NO. 104 - 2020

AN ORDINANCE TO AUTHORIZE ADDITIONAL PAY FOR CERTAIN OFFICERS AND EMPLOYEES OF THE OFFICE OF HOUSING FOR OVERTIME WORK PERFORMED IN CONNECTION WITH THE COVID-19 PANDEMIC AND THE TRANSFER OF THE TOWN OF HEMPSTEAD HOUSING CHOICE VOUCHER PROGRAM TO THE COUNTY OF NASSAU UTILIZING CARES ACT FUNDING FROM NEW YORK STATE'S DIVISION OF HOUSING AND COMMUNITY RENEWAL.

WHEREAS, in response to the national COVID-19 public health emergency, Congress passed the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") earlier this year to provide necessary funding to address certain critical needs throughout the United States; and

WHEREAS, pursuant to the CARES Act, Congress has allocated funding to address increased costs for Public Housing Authorities that administer Housing Choice Vouchers ("HCV"); and

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") issued Notice PIH 2020-08, titled CARES Act – HCV Program Administrative Fees, and has disbursed additional administrative fees to NYS Homes and Community Renewal ("HCR"); and

WHEREAS, HCR is making new resources available to Local Administrators to support initiatives that will both address the increased cost of program operations while also providing

direct assistance to voucher families impacted by the current crisis; and

WHEREAS, Nassau County is the Local Administrator for the New York State Housing Trust Fund Corporation (“HTFC”) Public Housing Authority and administers HTFC’s HCV program in the County; and

WHEREAS, on August 3, 2020, HCR notified Nassau County’s Office of Housing that HUD approved the transfer of the Town of Hempstead’s HCV program to HTFC, and that the Town of Hempstead’s 423 Annual Contribution Contract units would be transferred to Nassau County’s Office of Housing, serving as a Local Administrator under HTFC’s HCV program; and

WHEREAS, overtime work by Office of Housing employees has been necessary in connection with the COVID-19 pandemic, and has been required to process the additional Town of Hempstead files and pay landlords on time, and further overtime work is expected through December 31, 2020 for additional functions related to the transition; and

WHEREAS, HCR has allocated funding to Nassau County for reimbursement of administrative fees in connection with COVID-19 and has also authorized use of the CARES Act administrative fees allocation for overtime for Office of Housing employees in connection with both the COVID-19 pandemic and the transfer of the Town of Hempstead’s HCV program; and

WHEREAS, the County believes it is appropriate to provide additional pay to certain officers and employees of the Office of Housing for overtime work performed in connection with both the COVID-19 pandemic and the transfer of the Town of Hempstead’s HCV program to the County utilizing CARES Act funds from HCR; now therefore,

BE IT ORDAINED, by the County Legislature of the County of Nassau, as follows:

Section 1. Notwithstanding any provision of Ordinance 543-1995, as amended, or any other Ordinance, officers and employees of the Office of Housing may receive additional pay for

a) time worked in excess of their regularly scheduled full-time work week, during the period from March 27, 2020 through December 31, 2020, to the extent such work relates to the COVID-19 pandemic, and

b) time worked in excess of their regularly scheduled full-time work week, during the period from August 1, 2020 through December 31, 2020, to the extent such work relates to entering information or otherwise processing files corresponding to the transfer of the Town of Hempstead's Housing Choice Voucher ("HCV") program to the Office of Housing HCV program,

to the extent the costs of such additional pay are eligible for reimbursement through allocated CARES Act funding from New York State's Division of Housing and Community Renewal. Eligible Office of Housing officers and employees shall be paid such additional pay at their regular rate of pay, as defined in Section 2 of this Ordinance, for hours worked in excess of their weekly schedule of 33.75 hours, but less than 40 hours, for the weekly period. Such officers and employees shall be paid such additional pay at the rate of 1.5 times their regular rate of pay, as defined in Section 2 of this Ordinance, for hours worked in excess of 40 hours for the weekly period.

## § 2. Definitions.

For the purposes of this Ordinance, unless otherwise provided, the following definitions shall apply:

(a) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act passed by Congress and signed into law by the President of the United States on March 27, 2020, and all subsequent amendments thereto.

(b) "Officer" or "Employee" means an individual in the employ of the Nassau County

Office of Housing who is not in any negotiating unit in the County represented by an employee association recognized or certified by the Nassau County Public Employment Relations Board.

(c) “Regular Rate of Pay” means the rate of pay determined by multiplying the eligible Office of Housing officer or employee’s annual regular salary by the fraction below:

$$\frac{1}{262 \times 6.75}$$

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This ordinance shall take effect immediately.