

ORDINANCE 5040

Amend 2020 Compensation Ordinance 5008 for Civil City and Utilities Employees

WHEREAS, Ordinance 5008, as amended by Ordinance 5028, approves the 2020 minimum and maximum compensation, including wages and benefits, for Civil City and Utilities employees.

WHEREAS, the spread of the novel Coronavirus Disease 2019 (“COVID-19”), including into Elkhart County, Indiana, resulted in a national public health emergency declaration, as well as a public health disaster emergency declaration by Governor Holcomb and a local disaster emergency declaration by the Elkhart County Commissioners, all affecting the City of Goshen, Indiana.

WHEREAS, the COVID-19 public health emergency raised awareness within the City of Goshen administration that City of Goshen staff need to have emergency management measures available to staff to provide for the preparation for and the coordination of all functions to prevent, minimize, and repair injury and damage.

WHEREAS, a political subdivision may make, amend, and rescind orders, rules, and regulations as necessary for emergency management.

WHEREAS, Council desires to amend the 2020 Salary Ordinance to provide for pay for employees ordered to remain home in certain declared emergency circumstances for the health and well-being of the employees and the community.

WHEREAS, I.C. § 5-10-6-1 allows City of Goshen employees to be granted paid time off of work by ordinance of the legislative body of the City.

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that Ordinance 5008 shall be amended by adding the following new section:

SECTION 21 Declared Emergency Paid Leave

- (A) City of Goshen employee shall be entitled to paid leave, under the conditions of this Section 21, if the employee is unable to work due to a declared national emergency, a declared state disaster emergency under I.C. § 10-14-3-12, or a declared local disaster emergency under I.C. § 10-14-3-29 affecting the City of Goshen, Indiana. (“Declared Emergency Paid Leave”). In the event of a national emergency, or state or local disaster emergency declaration affecting the City of Goshen, (“Declared Emergency”) the Mayor may direct each City Department Head to activate the Department’s emergency operations team, who will determine which Department employees need to remain working during the duration of the Declared Emergency to continue necessary functions of the City, and which employees shall remain at their homes. The Mayor shall review and approve the list of employees who each Department Head determines shall remain home due to the Declared Emergency and shall determine when employee leave shall start (“Start Date”), and the Board of Public Works and Safety shall ratify such action at its next, regularly scheduled meeting.

- (B) If an employee is ordered to remain at home during a Declared Emergency, but if some or all of the employee's job duties can be performed from home, the employee shall be expected to perform those job duties from home during the employee's regularly scheduled non-overtime work hours. Each employee working from home must document the hours that the employee works and the hours allocated to Declared Emergency Paid Leave using appropriate payroll codes.
- (C) An employee ordered to remain home during a Declared Emergency, who is unable to perform all of the employee's job duties from home, shall be considered "on-call" during the employee's regularly scheduled non-overtime work hours during the period of time the employee is ordered to remain home. On-call employees must be available by phone to respond to calls from other City of Goshen employees or officials, and must be available to return to the employee's work station during the employee's regularly scheduled non-overtime work hours within two (2) hours of a request to return to work, unless the employee and Department Head agree to a different report time that is reasonable under the circumstances.
- (D) Employees ordered to remain home without work during a Declared Emergency shall receive pay at the rate of three-quarters (3/4) of an employee's regular rate of pay for the hours allocated to Declared Emergency Paid Leave on the employee's time card, based on the number of hours the employee would otherwise be normally scheduled to work, up to forty (40) hours per week. If the number of hours an employee would normally be scheduled to work cannot easily be determined, the number of hours used for calculating pay shall be the average number of hours the employee worked over the six (6)-month period ending on the date on which the employee begins Declared Emergency Paid Leave. An employee may supplement Declared Emergency Paid Leave with other forms of paid time off that the employee has accrued so that the employee receives pay equal to the amount that the employee would have received if the employee worked a normally scheduled work day or week, as the case may be.
- (E) In order for employees to receive Declared Emergency Paid Leave, the employee must comply with all terms of the emergency declaration and directives of the employee's Department Head, and may not work or earn compensation from any other source during the employee's regularly scheduled non-overtime work hours (*i.e.* the time period for which the employee would earn Declared Emergency Paid Leave).
- (F) Declared Emergency Paid Leave may continue for a period of up to forty (40) work days commencing on the Start Date, or until terminated prior to the full forty (40) days. The City of Goshen Common Council may extend Declared Emergency Paid Leave beyond forty (40) days.
- (G) Only those employees ordered by their Department Head and the Mayor to remain home during a Declared Emergency, who cannot perform a full work day, or full work week, as the case may be, from home, may claim Declared Emergency Paid Leave.

PASSED by the Goshen Common Council on April 15, 2020.

Presiding Officer

ATTEST:

Adam C. Scharf, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2020 at _____
a.m./p.m.

Adam C. Scharf, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2020.

Jeremy P. Stutsman, Mayor