

## EXECUTIVE ORDER 2020-15

### Orders Related to COVID-19 Declared Emergency

WHEREAS, the novel Coronavirus Disease 2019 (“COVID-19”) is a serious public health threat that manifests itself with symptoms that include fever, cough, acute respiratory distress, pneumonia, and death;

WHEREAS, the Center for Disease Control (“CDC”) states that COVID-19 spreads from person-to-person (within six (6) feet of another person) and through respiratory droplets produced when an infected person sneezes or coughs, and that COVID-19 symptoms appear two (2) to fourteen (14) days after exposure to the virus;

WHEREAS, COVID-19 has continued to impact the State of Indiana, with *Twelve Thousand One Hundred Thirty-Three (12,133)*<sup>1</sup> confirmed cases in Elkhart County, including at least *One-Hundred Sixty-Nine (169)* deaths in Elkhart County resulting from COVID-19;

WHEREAS, the Centers for Disease Control and other authorities indicate that the reduction of public gatherings and other social-distancing measures are effective countermeasures to slow the spread of COVID-19;

WHEREAS, on January 31, 2020, the United States Secretary of the Department of Health and Human Services Alex M. Azar II declared COVID-19 a public health emergency for the United States, and on March 13, 2020 the President of the United States declared a national emergency with respect to COVID-19;

WHEREAS, on March 6, 2020, Indiana Governor Eric J. Holcomb issued Executive order 20-02 declaring a public health disaster emergency in Indiana attributable to the detection of COVID-19 within the State of Indiana, and the public health disaster emergency declaration remains in place through *December 1, 2020*, under *Executive Order 20-47*, signed by Governor Holcomb on September 24, 2020;

WHEREAS, The Elkhart County Commissioners have imposed a travel restriction at the “watch” (orange) level, meaning that conditions are threatening to the safety of the public;

WHEREAS, the CDC has placed a number of countries on a Level 3 Travel Health Notice and recommends that travelers avoid all non-essential international travel to these countries;

WHEREAS, the number of newly reported cases of COVID-19 in Elkhart County continues to rise at an alarming rate, and the number of newly reported cases of COVID-19 statewide is also rising;

WHEREAS, *the 7-day moving average of daily positive cases of COVID-19 has increased from Fifty (50) on October 3, 2020, to Two Hundred Sixty-Two (262) on November 7, 2020;*

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<sup>1</sup> All text in this Executive Order found in *italics* represents substantive additions to prior Executive Orders.

WHEREAS, the undersigned Mayor of the City of Goshen, Indiana has been communicating frequently with Governor Holcomb's office, the Elkhart County Health Department, and Goshen Health relative to the number of newly reported cases of COVID-19 in Elkhart County in an effort to determine an appropriate response to such rise;

WHEREAS, Governor Holcomb's Executive Order 20-43 requires all entities continuing operation to develop a plan to implement measures and institute safeguards to ensure a safe environment;

*WHEREAS, on October 14, 2020, Governor Holcomb and ISDH Chief Medical Officer Dr. Lindsay Weaver announced that Elkhart County had been moved from a yellow to an orange designation under the color-coded monitoring system described in Governor Holcomb's Executive Order 20-43, which movement indicates an increased prevalence of COVID-19 in Elkhart County;*

WHEREAS, the undersigned Mayor of the City of Goshen, Indiana previously signed Executive Orders 2020-01 through 2020-14 in an effort to slow the spread of COVID-19, and to help alleviate economic hardships caused to City of Goshen employees who miss work due to COVID-19 testing, self-isolation, and stay at home orders; and

WHEREAS, the City of Goshen seeks to take all reasonable steps to ensure that the delivery of vital public services are not interrupted, yet seeks to slow the spread of COVID-19 in order to protect the health and well-being of its employees, and the community generally.

NOW THEREFORE, I, Jeremy P. Stutsman, Mayor of the City of Goshen, do hereby ORDER the following:

1. Declared Emergency. That the City continues to recognize and acknowledge that the declared national COVID-19 public health emergency and the national emergency; the declared state COVID-19 public health disaster emergency; and the Elkhart County Commissioners' declaration of emergency all continue to apply to the City of Goshen.

2. Emergency Operations Management Team. Each department's emergency operations management team, declared under prior Executive Orders, shall no longer remain in place, as all employees should have returned to work. Exceptions to this rule may only be allowed with the approval of the employee's Department Head, and only if the employee is at higher risk for severe illness under CDC guidelines, or if other extenuating circumstances exist.

3. Safe Work Practices. That each City employee working at their normal work station *or meeting with other City employees or the public* must comply with *CDC guidelines* and with the directives contained in the COVID-19 City of Goshen Safe Work Practices document developed by City staff and approved by the undersigned Mayor, a copy of which is attached hereto and made a part hereof. All City employees must also fully comply with all Governor Holcomb's Executive Orders that deal with the

workplace including, but not limited to, any order to wear a face covering<sup>2</sup>. *City employees meeting with other City employees or with the public shall meet via electronic participation through ZOOM or similar platform if the CDC guidelines or Safe Work Practices cannot be followed.*

4. Employees On-Call. That any City of Goshen employee who remains home from work pursuant to paragraph 2 of this Order are considered on-call and the employee's Department Head may recall the employee to work, with approval of the Mayor, for any situation the Department Head deems necessary. 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.

5. Paid Time Off. That City of Goshen employees who remain home from work pursuant to paragraph 2 of this Order may use City of Goshen accrued paid time off, or any entitlement to paid time off under State or Federal law, during the period of isolation in order to continue to receive pay during such period of isolation.

6. Return to Work after Positive Test. Any City of Goshen employee who tests positive for COVID-19 may not return to work during the first ten (10) consecutive calendar days after the date of the employee's first positive test. In addition to the order to remain home for ten (10) consecutive days, the employee must experience one (1) day without a fever, and without the use of fever-reducing medications, plus improvement of other symptoms commonly associated with COVID-19. The symptoms commonly associated with COVID-19 include a fever of 100.4 or higher or chills, difficulty breathing or shortness of breath, fatigue, muscle or body aches and pains, sore throat, diarrhea, headache, new loss of taste or smell, congestion or runny nose, and nausea or vomiting. For the first fourteen (14) consecutive days that the employee returns to work, the employee must wear a face covering at all times while at work, except while working in a room alone or where the employee has no contact with other individuals. City of Goshen employees who remain home recovering from COVID-19 under this Order may use accrued paid time off, or any entitlement to paid time off under State or Federal law, during the period of isolation in order to continue to receive pay during such period.

7. Access to City Buildings. *All City of Goshen Buildings shall be closed to the public beginning November 9, 2020, except as allowed as follows:*

a. *Members of the public may enter City buildings for meetings scheduled with City employees. Members of the public must schedule such meetings in advance of the meeting.*

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<sup>2</sup> Consistent with Governor Holcomb's Executive Order 20-43, any requirement for use of a face covering shall require a face covering over the nose and mouth.

b. *The City Water & Sewer Billing Office shall remain open during normal business hours for the purpose of accepting payments from customers, and for other purposes incident to opening, maintaining, or closing an account.*

c. *The Goshen Court/Police Department Building may open for purposes of conducting court hearings and trials, and as determined by Police Chief Miller or Judge Mehl to be necessary.*

d. *The City of Goshen Common Council chambers shall open, as needed, for public meetings and hearings. City staff shall make necessary arrangements and accommodations to allow public meetings and hearings to continue, and to allow public access to such meetings and hearings in accordance with Governor Holcomb's Executive Orders, Indiana's Open-Door Law, and guidance from Public Access Counsellor Luke Britt.*

e. *Buildings staffed or operated by the Parks and Recreation Department shall be open for programming run by the Parks and Recreation Department and for scheduled rentals only pursuant to guidelines developed by the Parks and Recreation Department and approved by myself.*

f. *All individuals entering any City buildings must comply with Governor Holcomb's Executive Order 20-43, as amended or updated, including the requirement that they wear a face covering. Face coverings shall be worn in the following circumstances:*

- i. *By members of the public who enter City buildings, and such individuals may be required to be screened for fever;*
- ii. *By members of the public, City staff, and Elected Officials outside of public buildings where social distancing is impossible or difficult; and*
- iii. *By members of the public, City staff, and Elected Officials in areas where the requirement to wear a face covering is posted.*

The City shall make face coverings available to the public in City buildings where face coverings must be worn. The public is encouraged to continue to conduct business with the City through telephone, email, and other electronic means.

#### 8. Travel

a. Work Related Travel. *A City employee may travel to work-related conferences, meetings, training sessions, or to similar events outside of Elkhart County only with approval of the employee's Department Head, and myself, after showing a compelling need to attend such events. Employees requesting approval for travel must show that the event to which the employee seeks to travel will follow CDC guidance to combat the spread of COVID-19.*

b. Personal Travel. *As an additional precaution to ensure the health of City employees and the public, travel by City employees outside of the United States is strongly*

discouraged at this time. Any employee planning to travel outside of the United States shall check the CDC website (<https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notices.html#travel-1>) to see if their travel destination has been added to the list of countries under a Level 3 Travel Health Notice with restrictions on entry to the United States. An employee travelling to a country under a Level 3 Travel Health Notice with restrictions on entry to the United States must notify their Department Head of specific travel plans prior to travel *and the employee will be required follow the following guidelines upon return to work from such travel:*

- i. Pre-Screen: Temperature shall be checked and symptoms assessed on a daily basis. Ideally this should happen before the employee comes to work.*
- ii. Regular Monitoring: As long as the employee doesn't have a temperature or symptoms, they should self-monitor under the supervision of their department head.*
- iii. Wear a Mask: The employee shall wear a face covering at all times while in the workspace for 14 days after last exposure.*
- iv. Social Distancing: The employee shall maintain 6 feet and practice social distancing as work duties permit in the workplace.*
- v. Disinfect and Clean Work Spaces: Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.*

9. Carry over of Vacation. I will approve any employee's request to carry over to the following employment year of any vacation time that would normally have been required to be used prior to the employee's anniversary date.

10. Public Meetings and Hearings. *The City Common Council, Board of Public Works & Safety, Plan Commission, Board of Zoning Appeals, and Parks & Recreation Board meetings and hearings shall be conducted with at least the minimum number of members physically present to comply with the Indiana Code, Governor Holcomb's executive orders, and guidance from Public Access Counsellor Luke Britt. Board or member attendance at all public meetings or hearings of other boards or committees shall be conducted by electronic communication, with the minimum number of board or committee members present so as to comply with Indiana Code, Governor Holcomb's executive orders, and guidance from Public Access Counsellor Luke Britt. All boards and committees meeting shall have their plan for meetings or hearings approved by myself. The number of members, City staff, elected officials, and the public attending public meetings and hearings shall be limited to the extent necessary to fully comply with CDC guidance for social distancing. The City shall continue to stream meetings on-line to allow the public to attend electronically.*

11. Standard to Remain Home from Work. All City of Goshen employees shall self-quarantine if they exhibit a fever of 100.4 or higher, along with a cough, shortness of breath, or other symptom normally associated with COVID-19, or if the employee lives in a household in which a household member has tested positive to COVID-19. To protect the workplace and employees from exposure to COVID-19, and to ensure continued provision of essential services, City employees must follow the following protocols when they test positive, exhibit symptoms, or are exposed to COVID-19:

a. **Employee Tests Positive.** Regardless of whether the employee is symptomatic or asymptomatic, employees who test positive for COVID-19 must follow the following protocol:

- i. Notify supervisor and HR of test results and complete exposure report.
- ii. May not return to work for ten (10) days after the onset of COVID-19 symptoms, or ten (10) days after a positive test for COVID-19 if the employee never developed symptoms.
- iii. Must experience one (1) day without a fever, without the use of fever-reducing medications, and with improvement of other COVID-19 symptoms.
- iv. When returning to work must wear a face covering at all times for 14 days (except when alone and not in contact with other employees).

b. **Employee Experiences Symptoms.** An employee who is symptomatic upon arrival to work or becomes sick with COVID-19 symptoms while at work must follow the following protocol:

- i. Notify supervisor and HR and complete exposure report
- ii. Employee must go home immediately, contact health care provider and arrange to have a COVID-19 test.
- iii. If test result negative, employee is eligible to work immediately.
- iv. If test result is positive, see Paragraph 11a. above.

c. **Household Member Tests Positive.** Regardless of whether the employee is symptomatic or asymptomatic, an employee who has a household member who tests positive for COVID-19 must follow the following protocol:

- i. Notify supervisor and HR and complete exposure report
- ii. Must go home immediately, contact health care provider and arrange to have a COVID-19 test. The test should be conducted 7-10 days after the household member was tested.
- iii. Employee to notify HR of test results.
- iv. Employee may not return to work for 14 days after the household member's positive test.

d. **All Other Exposures or Potential Exposures.** For any exposure not listed in Paragraph 12a. – 12c. above, the employee must complete the exposure report and shall follow the CDC guidelines found below. Possible exposures include the following:

- i. Household member has symptoms.
- ii. Co-worker has symptoms.
- iii. Co-worker tests positive.
- iv. Employee was in contact with someone outside of work with symptoms.
- v. Employee was in contact with someone outside of work who later tested positive.

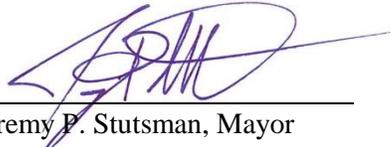
e. **Center for Disease Control (“CDC”) Guidelines for Exposure:** The CDC has issued interim guidance for workers who may have had exposure to a person with suspected or confirmed exposure to COVID-19. Employees who have had an exposure but have no symptoms shall follow the following guidelines:

- i. Pre-Screen: Temperature shall be checked and symptoms assessed on a daily basis. Ideally this should happen before the employee comes to work.
- ii. Regular Monitoring: As long as the employee doesn’t have a temperature or symptoms, they should self-monitor under the supervision of their department head.
- iii. Wear a Mask: The employee shall wear a face covering at all times while in the workspace for 14 days after last exposure, *except while the employee works alone in an office with no contact with other City employees.*
- iv. Social Distancing: The employee shall maintain 6 feet and practice social distancing as work duties permit in the workplace.
- v. Disinfect and Clean Work Spaces: Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.

f. **Pay.** Employees directed to remain home due to a positive test, while awaiting a test result, or due to a household member’s positive test are eligible for Declared Emergency Paid Leave under Ordinance 5050 (after the employee has exhausted Emergency Paid Sick Leave under the Families First Coronavirus Response Act) until the employee returns to work.

12. Effective Executive Orders. This Executive Order shall be effective upon execution. All prior Executive Orders shall be repealed.

Dated this 10<sup>th</sup> day of November, 2020.

  
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Jeremy P. Stutsman, Mayor