

RESOLUTION 2020—009

A RESOLUTION REQUIRING CERTAIN COUNTY CONTINUITY OF SERVICES AND EMPLOYEES TO WORK

- WHEREAS, the President of the United States has declared a national emergency for the same; and
- WHEREAS, the Governor of Indiana has declared a public health emergency for Coronavirus Disease 2019 Outbreak ("COVID-19") pursuant to I.C. 10-14-3-12; and
- WHEREAS, allowing certain employees to work in shifts and to work remotely to help continue to promote the safety and well-being of both county employees and general public during the declared emergency; and
- WHEREAS, allowances need to be made for those employees whose position can not be performed remotely as to payment of salaries; and
- WHEREAS, the Governor of the State of Indiana has implemented a process for getting Indiana back to work and government operating to serve the citizens; and
- WHEREAS, the Commissioners have adopted Executive Orders 20-25 and 20-26 as part of their plan to return County Government and businesses back to pre-emergency basis.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY that:

1. The Commissioners have required some or all of the employees of the County to work on staggered work days and shifts as per directions from the Elected Officials and Department Heads during the time of this national emergency as per I. C. 10-14-13-12 to allow limited number of employees to work at the County offices and maintain social distancing requirements and allow to for those employees that have the ability and work to work from home.
2. The County also will adopt a voluntary furlough program for employees to be furloughed from work and qualify for unemployment.
3. Those employees that not furloughed and at time not working in the County offices shall also work from home or are directed to refrain from coming to work shall continue to receive their regular pay and this pay shall be determined to be said compensation shall be deemed to be "Emergency Stay Home Pay" and shall be limited to the employee's regular salary in the County salary ordinance without any overtime.
4. Those employees that work at the County offices and/or remotely shall receive pay (hourly and/or salaried) for their regularly scheduled non-overtime work hours subject to the conditions set forth as follows:
 - a. If some or all of the employee's job functions can be performed from home, the employee is expected to perform those job functions from home during the employee's regularly scheduled non-overtime work hours;
 - b. During the employee's regularly scheduled non-overtime work hours during the emergency and they are not working in the County offices, the employee is considered "on-call" and, therefore, must be available by phone to respond to calls from other County officials and must be available to return to their work station within two (2) hours of notice from their supervisor, Commissioners, or his/her designee;

5. For those employees that cannot work remotely, they shall be considered to be "on call" in the event that during the emergency their services are needed. Said employees including temporary, seasonal or part-time employees shall be paid for hours regularly worked.

6. No employee may work or earn compensation from any other source during the employee's regularly scheduled non-overtime work hours (i.e., for which the employee would earn Emergency Stay Home Pay).

7. For those employees that are required to work remotely or to perform they shall receive their regular compensation as per the County salary ordinance unless they are required to perform services outside of the normal business hours of the county at which time they shall be compensated at the rate of one and half times their normal hourly rate and shall be entitled to be paid as compensatory time off for their efforts after the emergency declarations have been rescinded.

7. Accruals for the benefit of calculations such as vacation pay, sick leave pay, holiday pay and seniority determinations shall continue to accrue during the public emergency.

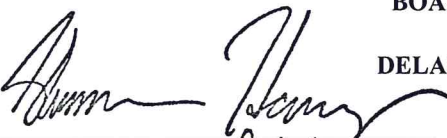
8. Nothing in this Resolution shall amend or modify any collective bargaining agreement or interpretation therein.

9. Employees on vacation, FMLA or sick leave while the county offices are on a staggered shift basis shall be charged with their vacation, FMLA or sick leave and at the conclusion of their paid time off shall be eligible to receive their regular income during the course of the pandemic emergency closing. Employees on sick leave or FMLA leave shall submit a medical release from their medical provider to qualify for Emergency Stay Home Pay during the pandemic emergency closing.


10. Employees on CARES Act Families First leave shall continue said leave for their 80 hours of work and may extend this leave pursuant to FMLA leave, if applicable, utilizing the County's policy as to vacation, sick, personal and comp time usage for payment.

Dated this 8 day of May, 2020.

**BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA**



Shannon Henry, President



James King, Vice President



Sherry Riggin, Member

ATTEST:



Steven G. Craycraft, Auditor
Delaware County, IN