

**RESOLUTION 2020-
OF THE TOWN OF ZIONSVILLE**

**A RESOLUTION REGARDING PAID EMERGENCY LEAVE FOR
EMPLOYEES OF THE TOWN**

WHEREAS, on March 6, 2020 Governor Eric J. Holcomb, State of Indiana declared a Public Health Emergency by issuing Executive Order 20-2 to respond to the spread of the COVID-19 virus; and

WHEREAS, in response to Executive Order 20-2 Mayor Emily Styron closed Town Buildings on March 13th and directed all non-essential Town employees to work remotely where appropriate and feasible; and

WHEREAS, since that time the Governor has issued a series of Executive Orders to slow the spread of the COVID 19; and

WHEREAS, on March 23, 2020 the Governor issued Executive Order 20-08 requiring all Hoosiers to Stay at Home with certain limited exceptions including for essential business services, access to essential services such as food and emergency medical care; and

WHEREAS, Mayor Emily Styron, Town Council President Josh Garrett and the Members of the Town Council of Zionsville want to work to ensure the continuity of pay and employee benefits to the staff of the Town during this Public Health Emergency to the extent possible and feasible under laws and regulations and as long as funding supports such feasibility of this policy, as determined by the Mayor and Town Council.

NOW, THEREFORE, BE IT RESOLVED BY, by the Town Council of the Town of Zionsville, Boone County:

Section One. Definitions. For the purpose of this Resolution, the following definitions shall apply unless the content clearly indicates or requires a different meaning:

- (a) “Public Disaster Emergency” is defined as Ind. Code § 10-14-3 *et seq.*
- (b) “Families First Coronavirus Response Act” is defined as United States Public Law No: 116-127 (2020).
- (c) “Essential On-Site Employees” are defined as Town employees whose functions are critical to the Town's operations and service provision during the Public Disaster Emergency. The work they undertake is directly tied to a physical Town location. Therefore, they are required to report to their physical workstation as directed by management.

- (d) “Non--Essential On-Site Only Employees” are defined as Town employees whose functions are not considered critical to the Town's operations and service provision during the Public Disaster Emergency. The majority of the work undertaken in this category is tied to a physical Town location. As a result, the employee is unable to perform the majority of their work due to the Emergency Management situation.
- (e) “Non--Essential Remote Capable Employees” are defined as Town employees whose functions are not considered critical to the Town's operations and service provision during the Public Disaster Emergency. The majority of the work undertaken in this category may be performed in a remote location. As a result, the employee may be able to continue to perform the majority of their work remotely as directed by management.

Mayoral Discretion: The Mayor retains the authority to make necessary adjustments to the definitions included in Section One (c)-(e) as needed. Employees may fall into one or more of these categories as directed by the Mayor.

Section Two. Policy Statement.

The Mayor and Town Council are concerned for the care and safety of our employees and their family members during this unprecedented time of public health crisis as we deal with the coronavirus pandemic. We recognize that you may need time off in addition to that granted under our current workplace policies. The Mayor and Town wants to ensure the continuity of services to our citizens, to the best of our abilities, and also to ensure our Town employees are provided with the same level of salary and benefits during this Public Disaster Emergency. Therefore, we will be implementing this Policy effective immediately. Additionally, in compliance with the Families First Coronavirus Response Act (“FFCRA”), we offer Emergency Paid Sick Leave, beginning April 1, 2020 through December 31, 2020, and we expand our Family and Medical Leave policy as described in this Policy. The Mayor and the Town Council recognize that this Policy may need revised from time-to-time as the coronavirus pandemic continues to evolve. The Mayor and the Town Council will be monitoring such developments closely and updating this Policy as necessary in view of employee needs as well as the fiscal viability of the Town.

Section Three. Employee Handbook Requirements for Recording Time.

All employees of the Town shall be required to comply with the Town’s Employee Handbook and record your time accurately and only for actual time worked. Consistent with this policy, all non-essential employees may work remotely as they are able if their role and position allow them to do so. Both Non-Essential On-Site Only Employees and Non-Essential Remote Capable Employees must remain available and on-call during typical working hours. All employees must also keep and submit accurate timecards to account for their activities pursuant to the Town’s Employee Handbook and related policies. Additionally, policies and procedures governing employee use of accrued paid time off for reasons other than those addressed in this Policy continue to apply to all employees.

Section Four. Remote Work On Paid Leave.

It is the Town's policy that employees on an approved paid leave pursuant to Section Five shall not perform work, remotely or otherwise, during the time that they are taking leave. Further, pursuant to the Employee Handbook, employees on existing paid leave may not work remotely.

Section Five. Families First Coronavirus Response Act ("FFCRA").

It is the policy of the Town at the time of adoption of this Resolution that all employees are eligible for the benefits provided by the FFCRA and set forth in this Section Five if they qualify pursuant to the terms of the Act. However, the Act does allow for Healthcare Providers and Emergency Responders to be excluded from its provisions at the discretion of the Town. The Mayor and the Town Council will continually monitor the situation and may in the future exclude certain employees from the benefits of the FFCRA if so required, at the discretion of the Mayor and Town Council, to respond to the ongoing COVID-19 emergency and in light of the Town's financial situation.

a. Emergency Paid Sick Leave

Beginning April 1, 2020, all employees, regardless of the length of their employment with the Town, are eligible for emergency paid sick leave if the employee is unable to work or work remotely because:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to COVID-19-related concerns;
3. The employee is experiencing COVID-19 symptoms and seeking medical diagnosis;
4. The employee is caring for an individual who is subject to a federal, state, or local quarantine or isolation order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to COVID-19 related concerns;
5. The employee is caring for a child whose schools or place of child care is closed or whose child care provider is unavailable for reasons related to COVID-19; or
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services (and pursuant to the FFCRA).

The Town will provide eligible full-time employees with 80 hours of paid time off at their regular rate of pay and eligible part-time employees with paid time off equivalent to the average number of hours they work in a two week period up to a total of 80 hours, subject to the following limitations:

- If leave is taken for reasons 1-3 listed above, employees taking leave shall be paid at their regular rate. However, the maximum amount of paid leave shall be no more than \$511 per day or \$5,110 in the aggregate (over a two-week period).
- If leave is taken for reasons 4-6, employees taking leave shall be paid at 2/3 their regular rate. However, the maximum amount of paid leave shall be no more than \$200 per day or \$2,000 in the aggregate (over a two-week period).

Employees are not required to first use any other accrued paid time off before taking Emergency Paid Sick Leave. The total number of hours for which an employee will receive paid leave under this section is capped at 80 hours.

Notwithstanding the above, for an employee taking leave under this subsection, the Town will provide a supplemental payment in the form of Town Emergency Relief. This payment will be equal to the difference between the employee's regular rate and the amount of pay to which they are entitled under the FFCRA. This payment is intended to supplement any partial pay the employee is otherwise entitled to receive under the FFCRA, and in no circumstance shall the employee be entitled to aggregate pay in excess of their regular rate.

b. Emergency Family and Medical Leave Expansion

Beginning April 1, 2020, the Town will provide 12 weeks of Family and Medical Leave for any eligible employee who is unable to work or work remotely in order to care for a child under the age of 18 whose school or place of child care is closed for COVID-19-related reasons. Eligible employees are those who have been employed with the Town 30 or more days. Eligible employees will be paid according to the following schedule:

- Weeks 1-2 (10 days): Leave is unpaid but employees are eligible for Emergency Paid Sick Leave under Section Five, subsection (a) above.
- Weeks 3-12: Full time employees taking leave shall be paid at 2/3 their regular rate up to a maximum of \$200/day or \$10,000 in the aggregate. Part time employees taking leave shall be paid at 2/3 their regular rate based on their average number of work hours up to a maximum of \$200/day or \$10,000 in the aggregate.

Notwithstanding the above, for an employee taking leave under this subsection, the Town will provide a supplemental payment in the form of Town Emergency Relief. This payment will be equal to the difference between the employee's regular rate and the amount of pay to which they are entitled under the FFCRA. This payment is intended to supplement any partial pay the employee is otherwise entitled to receive under the FFCRA, and in no circumstance shall the employee be entitled to aggregate pay in excess of their regular rate.

Any employee returning from FMLA under these emergency measures shall have the same job restoration rights as set forth in the Town's FMLA policy. Any employee with questions should contact the Town's Director of Human Resources.

Section Six. Additional Town Emergency Relief.

The Town will provide employees with additional Town Emergency Relief to allow Town employees to be compensated at their regular salary and continue to receive benefits during this time. It is the intention of the Town to comply with the FFCRA and to supplement the benefits provided thereunder to Essential On-Site Employees, Non-Essential On-Site Only Employees, and Non-Essential Remote Capable Employees. Employees receiving Town Emergency Relief will receive their same level of salary and benefits during this Public Disaster Emergency, inclusive of any paid leave for which they qualify under the FFCRA, as illustrated in Section Five (a) and (b) above. In the event an Employee, regardless of their applicable category, does not qualify for benefits under the FFCRA, the Town will ensure the continuity of the employee's salary and benefits during the Public Health Emergency. This Town Emergency Relief will continue as long as funding supports the feasibility of doing so and as determined by the Mayor and the Town Council.

The Town will seek to avail itself of any and all reimbursement that is or shall be available from both the State and Federal government for any of the benefits provided pursuant to this policy and any applicable State or Federal law or program.

Section Seven. If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Resolution.

Section Eight. Section Five of this Resolution shall take effect April 1, 2020, in accordance with Federal law. All other provisions shall be made effective retroactively to March 13, 2020, upon passage of this Resolution.

DULY PASSED AND ADOPTED this 6th day of April, 2020, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

YEA
Signature

NAY
Signature

Josh Garrett, President		
Bryan Traylor, Vice President		
Brad Burk, Member		
Alex Choi, Member		
Joe Culp, Member		
Craig Melton, Member		
Jason Plunkett, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Emily Styron on the _____ day of _____ 2020, at _____ m.

ATTEST: _____
Amelia Anne Lacy, Director
Department of Finance and Records

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