

ORDINANCE 18-2020

AN ORDINANCE

AMENDING ORDINANCE 40-2019, 41-2019, 42-2019, 43-2019, and 44-2019 (COLLECTIVELY “2020 SALARY ORDINANCES”) DUE TO EMERGENCY CIRCUMSTANCES

WHEREAS, the Richmond, Indiana Common Council (“Council”) previously adopted Ordinances 40-2019, 41-2019, 42-2019, 43-2019, and 44-2019, which are Ordinances Establishing Wages and Salaries for 2020, which may be amended from time to time (Collectively “2020 Salary Ordinances”); and

WHEREAS, Council acknowledges that under appropriate circumstances, a political subdivision may determine that a “disaster” exists, as defined by the Indiana Code, which includes, but is not limited to, the following: “an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural phenomenon or human act”, which definition includes an “epidemic” and “public health emergency”.

WHEREAS, Council desires to have in place appropriate “emergency management” measures, in the event that a disaster is declared, in order to provide for the preparation for and the coordination of all emergency functions to prevent, minimize, and repair injury and damage, with such services to include firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, evacuation of persons from stricken areas, emergency welfare services, plant protection, other functions related to civilian protection, and all other activities necessary or incidental to the preparation for and coordination of the functions described herein.

WHEREAS, a local disaster emergency may be declared only by the principal executive officer of a political subdivision; and may not be continued or renewed for more than seven (7) days except by or with the consent of the governing board of the political subdivision; and any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly in the office of the clerk of the political subdivision.

WHEREAS, the effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of all applicable local or interjurisdictional disaster emergency plans, which includes a local travel advisory; and authorize the furnishing of aid and assistance under the plans.

WHEREAS, a political subdivision may make, amend, and rescind orders, rules, and regulations as necessary for emergency management, and such orders, rules, and regulations have the full force and effect of law when filed in the office of the clerk of the adopting or promulgating political subdivision or agency of the state if adopted by a political subdivision.

WHEREAS, Indiana Code §10-14-3-29.5 addresses local travel emergencies, which may be declared by the principal executive officer of a political subdivision, which include the following

levels: advisory, watch, and warning with the “warning” level only being possible subsequent to the principal executive officer declaring a “local disaster emergency”.

WHEREAS, Council desires to amend the 2020 Salary Ordinance to provide for pay for employees in certain declared emergency circumstances.

NOW, THEREFORE, BE IT ORDAINED by the Richmond, Indiana Common Council, as follows:

1. The 2020 Salary Ordinances are hereby amended to add the following additional section:

Stay Home Pay During a Declared Emergency. As part of a local disaster declaration, City of Richmond, Indiana employees may be directed to refrain from coming to work. Additionally, the principal executive officer may determine that non-essential City employees refrain from reporting to work without a formal local disaster declaration applicable to the City in its entirety if the facts and circumstances so require, e.g. city personnel quarantine. These employees will continue to receive pay (hourly and/or salaried) for their regularly scheduled non-overtime work hours (“Emergency Stay Home Pay”) without utilizing any paid-time off benefits, subject to the following conditions:

- 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, with direction from his or her supervisor, during the employee’s regularly scheduled non-overtime work hours;
- b. During the employee’s regularly scheduled non-overtime work hours during the emergency, the employee is considered “on-call” and, therefore, must be available by phone to respond to calls from other City officials and must be available to return to his or her work station within two (2) hours’ notice from his or her supervisor, or his or her designee;
- c. The employee may not 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);
- d. Emergency Stay Home Pay may be determined by the principal executive officer for any period not to exceed ten (10) business days without approval of a majority of Richmond Common Council;
- e. As a part of this Ordinance, the Stay Home Pay referenced herein shall

also specifically apply on an individual basis to any employee confirmed by his or her healthcare provider, to have contracted Coronavirus (COVID-19);

- f. Take Home Pay shall not be applicable to any essential City employees, which are exempted from the provisions of Indiana Code §10-14-3 et. seq. as such employees may still be required to perform their duties as directed by the principal executive as implemented by his or her supervisor.
- 2. The amendments set forth above supersede any inconsistent provisions in the 2020 Salary Ordinances. All other portions of the 2020 Salary Ordinances shall remain in full force and effect.
- 3. This Amendment to the 2020 Salary Ordinances shall take effect immediately upon its adoption. Increases or changes in the payment schedule, when implemented, will be pro-rated prospectively.

Passed and adopted this ____ day of _____ 2020, by the Common Council of the City of Richmond, Indiana.

_____, President
(Dr. Ronald Oler)

ATTEST: _____, City Clerk
(Karen Chasteen, IAMC, MMC)

PRESENTED to the Mayor of the City of Richmond, Indiana, this ____ day of _____, 2020, at 9:00 a.m.

_____, City Clerk
(Karen Chasteen, IAMC, MMC)

APPROVED by me, David M. Snow, Mayor of the City of Richmond, Indiana, this ____ day of _____, 2020, at 9:05 a.m.

_____, Mayor
(David M. Snow)

ATTEST: _____, City Clerk
(Karen Chasteen, IAMC, MMC)