

ORDINANCE NO. 2020-1

MORGAN COUNTY ORDINANCE IN RESPONSE TO THE PUBLIC HEALTH EMERGENCY CAUSED BY CORONAVIRUS DISEASE OUTBREAK

WHEREAS, the novel Coronavirus Disease 2019 (“COVID 19”) is a severe respiratory illness first detected in Wuhan City, Hubei Province, China;

WHEREAS, COVID-19 is a rapidly spreading virus that is transmitted from human-to-human and results in symptoms that include fever, cough, acute respiratory distress, pneumonia, and even death;

WHEREAS, as of the date of this Ordinance, the COVID-19 outbreak has affected more than 162 countries and territories around the world, including the United States, and is a pandemic;

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared the COVID-19 outbreak a “Public Health Emergency of International Concern”;

WHEREAS, on January 31, 2020, the United States Health and Human Services Department Secretary declared a public health emergency for the United States;

WHEREAS, on March 13, 2020, President Donald J. Trump declared the COVID-19 outbreak to be a National Emergency;

WHEREAS, on March 13, 2020, Governor Eric J. Holcomb issued an Executive Order declaring the COVID-19 outbreak a public health disaster emergency, in accordance with I.C. 10-14-3;

WHEREAS, there is currently no vaccine or cure for COVID-19;

WHEREAS, it is believed that COVID-19 had never been contracted by a human prior to December 2019, therefore humans have no natural immunity to the disease;

WHEREAS, it is believed this lack of natural immunity is one contributing factor to the disease spreading so quickly worldwide and infecting over 175,000 people in approximately ninety (90) days;

WHEREAS, citizens over the age of sixty (60) years old as well as those with compromised immune systems who contract COVID-19 are particularly susceptible to suffer from serious conditions, including death, the current mortality rate for COVID-19 is significantly higher for these citizens;

WHEREAS, the Board of Commissioners and their agents have been in regular contact with agents from the Morgan County Department of Health, Indiana State

Department of Health (“ISDH”), first responders, law enforcement, local hospitals and health care providers, and other related entities in order to obtain the latest information and to be prepared for citizens of Morgan County to contract COVID-19;

WHEREAS, there are currently no known cases of persons diagnosed with COVID-19 in Morgan County, IN, but there may be in the near future.

WHEREAS, the Board of Commissioners urges all citizens to follow the Orders issued by the President of the United States and the Governor of the State of Indiana in order to mitigate the spread of COVID-19 as much as possible with the goal of not overburdening our health care system and its dedicated personnel;

WHEREAS, the safety and well-being of the citizens of Morgan County, as well as that of all citizens of our State, Nation, and the World at large, is the preeminent concern of the Board of Commissioners;

WHEREAS, the Board of Commissioners are cognizant of the financial implications this pandemic will have on the Nation’s economy and that of the World, but also to individual employees;

WHEREAS, the Board of Commissioners want to minimize as much as possible the negative economic impact on county employees as well as enable county employees to take reasonable steps to ensure their own safety and slow the rapidity of contagion;

THEREFORE, EFFECTIVE IMMEDIATELY, the Commissioners hereby adopt the following Resolution and Ordinance:

BE IT ORDAINED by the Board of Commissioners of Morgan County as follows:

Sec. 1. EMPLOYEES WHO ARE INFECTED BY COVID-19

Any employee of the county who has been infected by COVID-19, who lives with someone who has been infected, or otherwise is aware that he or she has had direct contact with someone who has been positively diagnosed with having contracted COVID-19 shall not report to work until they have been medically cleared to do so, until any symptoms have completely subsided, and are encouraged to self-quarantine. Full-time employees will receive up to two (2) weeks paid leave in order to facilitate their recovery. This time is in addition to the amount of sick time currently accrued by the employee. A part-time employee will receive additional paid sick leave in proportion to the average of their hours worked in the 6-months preceding the request for leave.

Sec. 2. EMPLOYEES MOST VULNERABLE TO COVID-19

Full-time employees of the county who are over sixty (60) years of age or who believe they have a compromised immune system such that they are particularly susceptible to contract COVID-19 or that they are more vulnerable to the negative

consequences of the disease for those reasons will receive up to two (2) weeks paid leave. This time is in addition to the amount of sick leave currently accrued by the employee. A part-time employee will receive additional paid sick leave in proportion to the average of their hours worked in the 6-months preceding the request for leave. This section also applies to an employee who is the caregiver to someone that meets the criteria listed above. If such a person is able to telecommute to complete their job functions, they will do so in conjunction with their immediate superior.

Sec. 3. EMPLOYEES WITH CHILDREN THAT HAVE A CLOSED SCHOOL OR PLACE OF CARE

Full-time employees of the county who have children that experience a school closure or place of care that is closed in relation to COVID-19, and do not have another means of childcare, will receive up to two (2) weeks paid leave. This time is in addition to the amount of sick leave currently accrued by the employee. A part-time employee will receive additional paid sick leave in proportion to the average of their hours worked in the 6-months preceding the request for leave. If such a person is able to telecommute to complete their job functions, they will do so in conjunction with their immediate superior.

Sec. 4. EMPLOYEES NOT MEETING CRITERIA FROM SECTIONS 1 THROUGH 3

Any employee of the county who has concerns about reporting to work due to the circumstances of COVID-19, but does not meet the definition(s) outlined in this ordinance, specifically in Section(s) 1 through 3 above, shall be entitled to reasonably use accrued time available to them that is regularly provided to them pursuant to the personnel policy, such as sick time, vacation time or other paid leave time. Further, the County, by its Board of Commissioners, instructs department heads to be as reasonable and accommodating as possible in granting time for leave.

Sec. 5. TELECOMMUTING

Any employee of the county who can complete his or her work from home, without unreasonable discretion in county services, shall be able to do so, with approval of their immediate superior. The Board of Commissioners orders department supervisors to use their best judgment, but to encourage this and take reasonable steps to facilitate telecommunicating, as they are able to do so. The Board of Commissioners recognize, that due to the nature of most county government work and services, that many government positions will be unable to effectively telecommute, but that we want to encourage the use when and where possible.

Sec. 6. IMPLEMENTING SECTIONS 1-5

In implementing Section(s) 1 through 5 above, employees shall work directly with their department head to request time off or the ability to telecommute. If an employee and department head are not able to agree about the need for leave, or the manner in which leave or telecommuting is handled, then the department head and employee should

request assistance from human resources. If resolution is not made in coordination with human resources, the Board of Commissioners can be requested to weigh in. The Board of Commissioners reserve the right to not consider the request, at which case the decision made in coordination with human resources stands.

Sec. 7. PUBLIC AND NON-PUBLIC MEETINGS

The Board of Commissioners recognize, that in a time of crises or emergency, the services provided by county government are needed by its citizens more than ever. To that end, county government, including its public meetings, will continue unless otherwise notified. The Board of Commissioners further recognize, however, that precautions must be taken to limit exposure and ensure public safety. In response, the Board of Commissioners will implement the following, and further instructs department heads and other managers to do the same:

1. Public meetings, as defined in Indiana's Open Door Law (IC 5-14-1.5-1), after passage of this ordinance and until such time as this ordinance is no longer needed or otherwise in effect, will be video recorded and made available to the public via social media and on the county's website, and any other means similarly available.
2. Persons having business before the County at a public meeting shall be able to phone-in during the public meeting to have their agenda item heard.
3. Department heads are instructed to limit meetings not meeting definition as a public meeting under Indiana's Open Door Law, to 10 or fewer people, and to hold meetings virtually whenever possible and practical.

Sec. 8. COUNTY OFFICE CLOSURE DUE TO EMERGENCY

Any employee of the county whose office is closed due to COVID-19 and a related Order from the President, Governor, other agency of government, or by the Board of Commissioners, shall continue to be paid as they do in normal circumstances.

Sec. 9. CONFLICTING LEGISLATION

Due to the fluid nature of the COVID-19, and its far-reaching implications, other units of government, namely state and federal government, may adopt legislation similar to the provisions in this ordinance. If a higher unit of government adopts more liberal protections for employees, it is the intent of the Board of Commissioners to mirror our response and amendments may be made. In cases where the county ordinance is more liberal than provisions made by the state or federal government, those more liberal provisions made locally shall stand.

Sec. 10. SUNSET OF THIS ORDINANCE

Given the temporary, emergency nature of this ordinance and the provisions contained herein, this ordinance shall sunset and expire upon the rescission of the

emergency declarations made by both the federal and state government, or upon rescission by the Board of Commissioners, whichever occurs first.

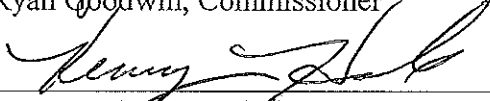
Sec. 11. EFFECTIVE DATE

This Ordinance and provisions contained herein shall be in full force and effect upon passage and execution by the Morgan County Board of Commissioners, this 19th day of March, 2020.

**BOARD OF COMMISSIONERS OF
MORGAN COUNTY**



Ryan Goodwin, Commissioner




Kenny Hale, Commissioner

Norman Voyles, Commissioner

ATTEST:



DAN BASTIN
Morgan County Auditor