

**MARCH 30, 2020**

**SPECIAL JOINT SESSION**

The LaGrange County Commissioners and the LaGrange County Council met in Special Joint Session on Monday, March 30, 2020, at their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana 46761, at 9:00 a.m. with the following present: Mr. Larry N. Miller, Mr. Terry A. Martin, and Mr. Dennis H. Kratz; Council members, Mr. Charles F. Ashcraft, Mr. Peter A. Cook, Mr. Harold D. Gingerich; LaGrange County Auditor, Kathryn Hopper. Mr. Jeffrey L. Brill, Mr. Ryan J. Riegsecker and Mr. Michael G. Strawser were available by remote. Mr. Steven E. McKowen was absent. Mr. Peter Cook brought the meeting to order. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to adopt the proposed agenda with flexibility. Mr. Ryan Riegsecker made a motion to adopt the agenda with flexibility. Mr. Charles Ashcraft seconded the motion and it carried unanimously.

**TEMPORARY ORDINANCE ESTABLISHING PAID COVID-19 SICK TIME FOR CERTAIN COUNTY EMPLOYEES**

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2020-03-30 A

A TEMPORARY ORDINANCE ESTABLISHING PAID COVID-19 SICK TIME FOR CERTAIN COUNTY EMPLOYEES.

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners") on behalf of LaGrange County, Indiana ("County"), have declared a public health emergency regarding the Coronavirus Disease 2019 ("COVID-19");

WHEREAS, to combat the spread of COVID-19, the Center for Disease Control and Prevention ("CDC") has issued its Interim Guidance for Businesses and Employers ("Guidance") (<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>);

WHEREAS, the Guidance encourages sick employees to stay home;

WHEREAS, the Guidance recognizes that some employees may be responsible for caring for persons who have acquired COVID-19 and for children who are no longer in school;

WHEREAS, the Guidance encourages employers to allow employees to work from home as technology infrastructure and job responsibilities permit;

WHEREAS, the Guidance advocates the use of social distancing measures;

WHEREAS, the Commissioners desire to establish rules to clarify benefits for paid leave;

WHEREAS, the Commissioners have the authority under IC § 36-1-4-14 to establish a system of employment;

WHEREAS, the Commissioners, jointly with the County Council, have adopted an employee Personnel Policies Handbook dated December 16, 2019, as may be amended from time to time ("Handbook"); *and*

WHEREAS, the Commissioners, desire these rules to supplement the Handbook, and where there is a conflict, to supersede the Handbook during the declared emergency and any extension or continuation thereof but up to and including December 31, 2020;

WHEREAS, the Commissioners desire to amend its previously adopted Ordinance 2020-03-23 (B) because of recent changes in federal and state law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

**SECTION I – REPEAL OF PRIOR ORDINANCES**

County Ordinance 2020-03-23 (B) is hereby repealed in its entirety.

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SECTION II – DEFINITIONS

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

- “Act” means the Emergency Paid Sick Leave Act signed into law March 18, 2020.
- “COVID-19” refers to the novel Coronavirus Disease 2019.
- “COVID-19 Paid Sick Time” means an initial period of paid time off for a regularly scheduled workday as a result of the state of emergency that is paid at 66% of the employee’s regular rate of pay, as further provided for in this ordinance.
- “Essential personnel” means those employees who provide essential activities, essential businesses and operations, essential governmental functions, and essential infrastructure, as those terms are defined in State of Indiana Governor’s Order 20-08, and as interpreted by the Auditor, under advice of the County Attorney.
- “Employee” means any individual eligible to receive benefits under the Act.
- “Handbook” means the employee Personnel Policies Handbook dated December 16, 2019, as may be amended from time to time.
- “State of emergency” means the time during the ongoing public health emergency declared by the Governor or County Commissioners to mitigate against the spread of COVID-19, as such may be continued or extended from time to time.

SECTION III – POLICY

The Commissioners continue to place the highest priority on safeguarding the health, safety, and well-being of the LaGrange County community and its employees, while simultaneously protecting the continuity of essential County functions. The public sector plays a critical role in the community, and our employees play a critical role in the public sector.

Secondarily, the Commissioners desire to keep operations as normal as possible for as long as possible, even if certain modifications, up to and including closing the work place to employees, prove inevitable.

Effective immediately, County employee policies are hereby supplemented. The Commissioners are committed to its obligations and any supplements thereto under the Act. Despite such commitment, this policy and ordinance is subject at all times to revision and repeal. Policy changes will be communicated to employees as best as possible; employees are encouraged to check with their supervisors for possible updates.

SECTION IV – DUTIES TO ATTEND WORK OR STAY AT HOME

- A. Despite the state of emergency, essential personnel, except as may be provided in Subsection (B), are expected to report to their normal work area and perform work as scheduled. This includes essential personnel who at one time met the criteria in Subsection (B) but no longer do.
- B. An employee is expected to stay at home during the state of emergency if he or she meets any of the following conditions (“Conditions [1-8],” respectively):
  1. the employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19 that does not permit the employee to perform work or telework;
  2. the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
  3. the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
  4. the employee is caring for an individual who is subject to an order as described in Subsection (B)(1) or has been advised as described in Subsection (B)(2);
  5. the employee is the primary caregiver for the employee’s child whose school or child care provider has been closed or become unavailable due to COVID-19 precautions;

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6. the employee is experiencing any other substantially similar condition specified by the U.S. Secretary of Health and Human Services;
  7. the employee is at increased risk for complications from COVID-19 due to a diagnosed health condition, is presently under the care of a physician for such condition, and has job duties that do not allow for reasonable accommodations; or
  8. the employee's full job duties permit work at home.
- C. Non-essential personnel, and essential personnel whose full job duties permit work at home, are to work at home as technology infrastructure and job responsibilities permit.
- D. Employees who exhibit COVID-19 symptoms should contact their primary care physician.

SECTION V – COVID-19 PAID SICK TIME

- A. This section only applies:
1. to the extent an employee does not perform, or is not otherwise compensated for, a full day's work on behalf of the County from home as directed by a supervisor; *and*
  2. the reason that the employee's work is not performed is due to the Condition cited.
- B. The County shall honor its obligations under the Act to compensate an employee who meets Conditions 1-3 paid sick time at the rate of 100% of his or her average wage for each scheduled workday (or portion thereof) the employee misses to the extent required by the Act.
- C. The County shall honor its obligations under the Act to compensate an employee who does not meet Conditions 1-3 but who meets Conditions 4-6 paid sick time at the rate of 66% of his or her average wage for each scheduled workday (or portion thereof) the employee misses to the extent required by the Act.
- D. An employee who meets Condition 7 shall be provided COVID-19 Paid Sick Time at the rate of 66% of his or her average wage as if he or she were otherwise protected by the Act.
- E. An employee who receives less than his or her full wage pursuant to this section or the Act may supplement the wage with available benefit time pursuant to another Handbook provision but will not be required to use available benefit time while on paid sick time under the Act or COVID-19 Paid Sick Time.
- F. Each employee who requests paid sick time under the Act or COVID-19 Paid Sick Time must submit a completed COVID-19 Paid Sick Time Request Form ("Form," see Exhibit A, which is attached and hereby incorporated into this ordinance). Failure to do so may subject an employee to disciplinary action.
- G. An employee who knowingly falsifies eligibility on the Form may be subject to disciplinary action up to and including termination.
- H. Notwithstanding anything else in this section to the contrary, an employee who stays home pursuant to Condition 5 may not receive COVID-19 Paid Sick Time for any day for which the employee had already previously scheduled use of benefit time pursuant to another Handbook policy (e.g., personal time approved for time off during spring break).
- I. Any employee currently receiving full or partial wage replacement as part of:
1. the Family and Medical Leave Act of 1993 (unless the qualifying event is no longer applicable or a set period of benefits becomes exhausted);
  2. a paid leave of absence, under another provision of the Handbook; *or*

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3. unemployment compensation from the County;

is not eligible for paid sick time under the Act or COVID-19 Paid Sick Time.

J. Paid sick time under the Act or COVID-19 Paid Sick Time shall generally not be available in a case where an employee does not meet any Condition but only has general concerns about potential COVID-19 infection.

SECTION VI – MODIFICATIONS TO NORMAL OPERATIONS

A. This section applies to the extent that County offices remain open.

B. Departments should immediately enact social distancing practices (e.g., separation of at least six feet) where possible. Departments may balance this recommendation, which sometimes constrains interaction, against the goal of ensuring continuity of operations.

C. An employee who is at increased risk for complications from COVID-19 due to a diagnosed health condition and presently under a physician's care for such condition may request temporary accommodations in coordination with his or her supervisor. Such accommodations may include a temporary change in job location for front-line staff, including work from home; modifications of work assignment or duties; or implementation of additional protective measures to reduce COVID-19 exposure to self or others. If job accommodations are not possible, such an employee meets Condition 7.

D. Employees should cover coughs and sneezes with a tissue or the crook of the elbow. Departments should clean frequently-touched surfaces and objects daily (e.g., tables, countertops, light switches, doorknobs, and cabinet handles) using a regular household detergent and water. Employees should wash hands often with soap and water for at least 20 seconds, especially after bathroom use; before eating; and upon secreting bodily fluids.

E. Departments should ensure that the public is informed of alternate ways of conducting business with the Department, and, if no alternate methods exist, should consider temporary modifications of processes, procedures, rules, and deadlines. Departments should also consider alternate methods of conducting business due to a lack of available employees. To increase employee availability, departments may need to permit flexing work hours or permitting work from home where permitted and reasonable.

F. Emergency responders, as designated by the Commissioners, must report to work during these extreme conditions but may be eligible for additional benefits yet to be determined.

SECTION VII – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.

2. Reference in this ordinance to a public servant, Office, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of) LaGrange County (Indiana)."

3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

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- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Effective Dates. This ordinance shall be effective immediately upon adoption. This ordinance expires at the end of the day on December 31, 2020.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**ORDINANCE AUTHORIZING THE PURCHASE OF A BODY SCANNER FOR THE COUNTY SHERIFF'S OFFICE**

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2020-03-30 B

ORDINANCE AUTHORIZING THE PURCHASE OF A BODY SCANNER FOR THE COUNTY SHERIFF'S OFFICE

WHEREAS, the Board of Commissioners of the County of LaGrange ("Commissioners"), on behalf of LaGrange County, Indiana ("County"), is the purchasing agent of the County pursuant to County Resolution 1998-7-6a ("Resolution");

WHEREAS, the Commissioners desires to purchase a new full body scanner on behalf of the County Sheriff's Office ("Office");

WHEREAS, a full body scanner will provide an additional, crucial tool to intercept drugs, weapons, and other contraband at the County jail, which will increase safety for officers and staff;

WHEREAS, pursuant to the Resolution, the Commissioners shall, by default, prefer products manufactured in the United States;

WHEREAS, pursuant to Indiana Code § 5-22-10-8 and -13, the Commissioners may make a special purchase and award a contract upon written determination that there is only a single source of a desired supply; *and*

WHEREAS, the Commissioners have ready the necessary findings to substantiate that special purchase.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

SECTION I

- A. The Commissioners hereby adopt the following findings concerning the purchase of a Tek84 Intercept Security Scanning System ("Body Scanner"), together with its installation, calibration, and related operator training and warranties on parts and labor:
  - 1. Exhibit A – Special Purchase Considerations;
  - 2. Exhibit B – Tek84 Intercept Brochure and Product Specifications;
  - 3. Exhibit C – Proof of GSA Contract Award;
  - 4. Exhibit D – Sysorex Quote Offered to LaGrange County.
- B. The exhibits indicated in this section are hereby attached and incorporated by reference to this ordinance as if fully set out herein.

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- C. The Commissioners hereby approve and authorize the purchase of the Body Scanner for \$149,000.00 pursuant to the GSA contract award and the quote to the County in Exhibit D. When the Body Scanner is purchased, the title shall be in the name of the County.

SECTION II

The Commissioners authorize its President Larry Miller, Sheriff Jeff Campos, and/or Project Manager Lt. Tim Clark to sign all papers necessary or helpful to implement the purchase of the Body Scanner.

SECTION III

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
2. Reference in this ordinance to a public servant, Office, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

B. Records. The Commissioners hereby directs the Auditor to keep records of the findings and purchase on file for five (5) years.

C. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

B. Effective Date. This ordinance shall be effective immediately upon adoption.

Mr. Terry Martin made a motion to approve the Ordinance. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**2020 HOLIDAY SCHEDULE - REVISED**

Mr. Terry Martin made a motion to approve the proposed holiday schedule for 2020, by changing the paid holiday of Primary Election Day, May 5 to June 2. Mr. Dennis Kratz seconded the motion and it carried unanimously.

**ORDINANCE OF LIMITED DURATION ESTABLISHING STAY-HOME PAY FOR CERTAIN COUNTY EMPLOYEES**

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE  
ORDINANCE NO. 2020-03-30 C

AN ORDINANCE OF LIMITED DURATION ESTABLISHING STAY-HOME PAY FOR CERTAIN COUNTY EMPLOYEES.

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WHEREAS, the Governor of Indiana has declared a public health emergency regarding the Coronavirus Disease 2019 (“COVID-19”);

WHEREAS, the Board of Commissioners of the County of LaGrange (“Commissioners”) has declared a similar state of emergency for LaGrange County;

WHEREAS, the County Council, on behalf of LaGrange County, Indiana (“County”), desires to establish terms and conditions for County-related work performed at home;

WHEREAS, to combat the spread of COVID-19, the Center for Disease Control and Prevention (“CDC”) has issued its Interim Guidance for Businesses and Employers (“Guidance”) (<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>);

WHEREAS, the Guidance encourages sick employees to stay home;

WHEREAS, the Guidance recognizes that some employees may be responsible for caring for persons who have acquired COVID-19 and for children who are no longer in school;

WHEREAS, the Guidance encourages employers to allow employees to work from home as technology infrastructure and job responsibilities permit;

WHEREAS, the County Council has the authority under IC § 36-1-4-14 to establish a system of employment;

WHEREAS, the County Council, jointly with the Commissioners, adopted a Personnel Policies Handbook on December 16, 2019, as may be amended from time to time (“Handbook”);

WHEREAS, the County Council adopted County Ordinances 2019-10-15 (A) and 2019-10-15 (B) on October 15, 2019, as may be amended from time to time (“Salary Ordinance”), which promulgated employee wages and salaries for the year 2020; *and*

WHEREAS, the County Council desires these rules to supplement the Handbook and Salary Ordinance, and where there is a conflict, to supersede both during the state of emergency and any extension or continuation thereof but up to and including May 11, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF THE COUNTY OF LAGRANGE, INDIANA THAT:

SECTION I – STAY-HOME PAY

- A. In this section, “stay-home pay” means regular pay and benefits earned for employee work performed from home during the state of emergency, as directed by a supervisor.
- B. An employee who is directed by his or her supervisor to work from home shall receive stay-home pay for such work performed, subject to the following conditions:
  1. the employee is capable of performing the essential functions of his or her job;
  2. the employee is considered “on-call” and, therefore, must be available by phone if to respond to supervisors and other County officials and employees during the employee’s regularly scheduled work hours;
  3. the employee must be available to return to the workplace during the employee’s regularly scheduled work hours within two (2) hours’ notice from a supervisor; *and*
  4. the employee may not earn compensation for work from any other source during the employee’s regularly scheduled work hours.
- C. Each employee shall log the start and end times for all hours worked from home.

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- D. No employee shall incur overtime hours for work at home without having first obtained approval from his or her supervisor to do so. The County cannot be held responsible for extra pay for any such hours worked without express prior supervisor approval.

SECTION II – MISCELLANEOUS

A. References.

4. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, elected, revised, recodified, renamed, or renumbered from time to time.
5. Reference in this ordinance to a public servant, office, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
6. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

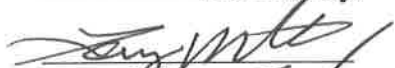
C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

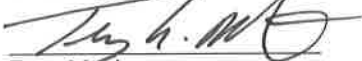
D. Effective Dates. This ordinance shall be effective immediately upon adoption and expires at the end of the day on May 11, 2020.

Mr. Harold Gingerich made a motion to approve the Ordinance. Mr. Charles Ashcraft seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to waive the requirement for second reading. Mr. Peter Cook seconded the motion and upon roll call vote carried unanimously.

ADJOURNMENT

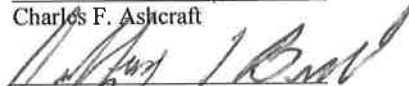
There being nothing further to come before the Boards at this time, Mr. Terry Martin made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Dennis Kratz seconded the motion and it carried unanimously. Mr. Harold Gingerich made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Charles Ashcraft seconded the motion and it carried unanimously.

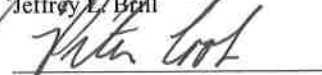
  
Larry N. Miller

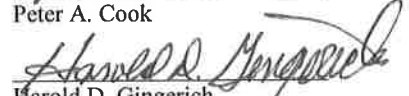
  
Terry Martin

  
Dennis H. Kratz

  
Charles F. Ashcraft

  
Jeffrey L. Bell

  
Peter A. Cook

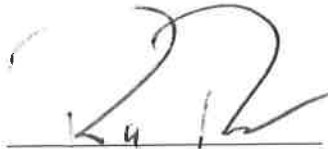
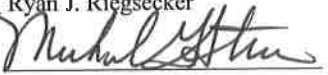
  
Harold D. Gingerich

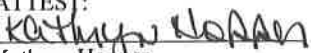
Absent \_\_\_\_\_  
Steven E. McKowen



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\_\_\_\_\_  
Ryan J. Riegsecker  
  
\_\_\_\_\_  
Michael G. Strawser

ATTEST:  
  
\_\_\_\_\_  
Kathryn Hopper  
LaGrange County Auditor