

**COUNTY OF LAGRANGE**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF LIMITED DURATION ESTABLISHING PAID  
PUBLIC-HEALTH LEAVE 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 April 20, 2020.

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

**SECTION I – 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.

- “Close contact” means either being within approximately six (6) feet of a COVID-19 patient for a prolonged period of time (for example, while caring for, living with, visiting,

or sharing a healthcare waiting area with a COVID-19 case), or having direct contact with infectious secretions of a COVID-19 patient (for example, being coughed on).

- “Coughing” means a cough that is new to a person, persistent, and lasts for at least half a day.
- “COVID-19” refers to the novel Coronavirus Disease 2019.
- “Employee,” unless modified, means a LaGrange County employee subject to the Handbook and includes full-time, part-time, salaried, and hourly workers.
- “Fever” means a measurable body temperature of 100.4 degrees Fahrenheit; the term also includes a lower body temperature to the extent being lower can be fairly attributed to the use of fever-reducing medicine.
- “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 Commissioners to mitigate against the spread of COVID-19, as such may be continued or extended from time to time.
- “Symptom,” with respect to COVID-19, includes, but is not limited to, fever, coughing, shortness of breath, persistent pain or pressure in the chest, new confusion, and/or bluish lips or face.
- “Public-Health Leave” 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 75% or 100% of the employee’s regular rate of pay, as further provided for in this or a previous version of this ordinance.

## SECTION II – 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, and extending, as intended, at least through April 20, 2020, the County’s employee policies are hereby supplemented. The Commissioners are committed to Public-Health Leave for approximately a month. 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 III – SCOPE

This ordinance does not automatically apply to essential personnel, as determined by the Commissioners, who may be on call up to 24 hours a day; provided, however, that the Auditor may choose to extend this section to such designated personnel as directed by the Commissioners in the same or modified form as long as such application is otherwise reasonable and equitable.

### SECTION IV – DUTIES TO ATTEND WORK OR STAY AT HOME

- A. Despite the state of emergency, except as may be provided in Subsection (B), employees are expected to report to their normal work area and perform work as scheduled. This includes an employee who at one time met the criteria in Subsection (B) but no longer does.
- B. An employee is expected to stay at home during the state of emergency if he or she meets any of the following conditions (“Exceptions [1-7],” respectively):
  - 1. having a current diagnosis of COVID-19 within the last 14 days;
  - 2. being subject to a COVID-19-related quarantine (including self-imposed quarantine) at the instruction of a healthcare provider or a local, state, or federal official;
  - 3. exhibiting COVID-19 symptoms at any time over the past five (5) days, unless otherwise cleared by a healthcare provider or a local, state, or federal official;
  - 4. with respect to a person who meets the criteria of Subsections (B)(1), (B)(2), or (B)(3), above (other than with respect to such person’s status as an employee):
    - a. living in the same household as:
    - b. being an intimate partner of: *or*
    - c. providing care in a non-healthcare setting for:  
such a person;
  - 5. being at increased risk for complications from COVID-19 due to a diagnosed health condition, being presently under the care of a physician for such condition, and having job duties that do not allow for reasonable accommodations;
  - 6. having primary caregiver responsibilities, because of a COVID-19-related closing of a school, care facility, or care program, for a child or other individual who is unable to responsibly provide self-care; *or*
  - 7. being directed by his or her supervisor to work from home.
- C. Employees who exhibit COVID-19 symptoms should contact their primary care physician.

### SECTION V – PUBLIC-HEALTH LEAVE

- A. This section only applies to the extent an employee does not perform a full day’s work on behalf of the County from home as directed by his or her supervisor.

- B. An employee who meets Exceptions 1-4 will be granted Public-Health Leave at the rate of 100% of his or her average monthly wage for each scheduled workday (or portion thereof) the employee misses, up to a maximum of ten (10) such days.
- C. If, after Public-Health Leave is exhausted, the employee still meets Exceptions 1-4, the employee will receive supplemental wages at the rate of 75% of his or her average monthly wage for as long as such an Exception applies.
- D. An employee who does not meet Exceptions 1-4 but who meets Exceptions 5-6 will receive Public-Health Leave at the rate of 75% of his or her average monthly wage for each scheduled workday (or portion thereof) the employee misses for as long as such an Exception applies.
- E. An employee who receives less than his or her full wage pursuant to this section 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 Public-Health Leave.
- F. Notwithstanding anything in this ordinance to the contrary, an employee who is eligible for Public-Health Leave only under Exceptions 5-6 is not required to take such leave and may choose to work at his or her customary workplace as scheduled, taking intermittent Public-Health Leave as available and desired.
- G. Notwithstanding anything in this ordinance to the contrary, no employee may receive Public-Health Leave unless a Public-Health Leave Request Form (“Form,” see Exhibit A, which is attached and hereby incorporated into this ordinance) submitted by the employee has been signed by the employee’s supervisor and is on file with Human Resources.
- H. An employee who knowingly falsifies eligibility on the Form may be subject to disciplinary action up to and including termination.
- I. Notwithstanding anything else in this section to the contrary, an employee who stays home pursuant to Exception 6 may not receive Public Health Leave for any day for which the employee had already previously scheduled use of benefit time pursuant to another policy of the Handbook (e.g., personal time approved for time off during spring break).
- J. 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*
  - 3. unemployment compensation from LaGrange County;is not eligible for Public-Health Leave.
- K. Public Health Leave shall generally not be available in a case where an employee does not meet any Exception but only has general concerns about potential COVID-19 infection.

## SECTION VI – MODIFICATIONS TO NORMAL OPERATIONS

- A. 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
- B. 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, 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 Exception 5.
- C. 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.
- D. 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. (Note: paid work from home is not generally permitted at the time of adoption of this ordinance.)
- E. In the unlikely event of closure of the workplace to employees, notwithstanding anything in this ordinance to the contrary, all non-essential personnel will be placed on Public-Health Leave as if they meet Exception 6. Essential personnel, 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.
- 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 April 20, 2020.

SECTION VIII – ADOPTION

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Adopted and ordained this 23<sup>rd</sup> day of March 2020.

**THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF LAGRANGE**

\_\_\_\_\_  
Larry N. Miller, President

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Terry A. Martin, Vice President

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Dennis H. Kratz, Member

ATTEST:

\_\_\_\_\_  
Kathryn Hopper, Auditor

**WAIVER OF SECOND READING**

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived and the ordinance was deemed effective upon final adoption hereof.

**THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF LAGRANGE**

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Larry N. Miller, President

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Terry A. Martin, Vice President

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Dennis H. Kratz, Member

ATTEST:

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Kathryn Hopper, Auditor

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## PUBLIC-HEALTH LEAVE REQUEST FORM

Employee Name: \_\_\_\_\_ Department: \_\_\_\_\_

I am requesting paid Public-Health Leave for the following reasons (check all that apply):

- I have a current diagnosis of COVID-19.
- I am under quarantine (including self-imposed quarantine) for COVID-19 at the instruction of a healthcare provider or a local, state, or federal official.
- I am exhibiting COVID-19 symptoms at any time over the past five (5) days and have not been cleared by a healthcare provider or a local, state, or federal official to return to work.
- I am living in the same household as, an intimate partner of, or caring for a person in a non-healthcare setting a person who meets one of the above-listed reasons.
- I am at increased risk for complications from COVID-19 due to a diagnosed health condition, am presently under the care of a physician for such condition, and my job duties do not allow modifications for social distancing.
- I have primary caregiver duties, due to COVID-19-related closing of a school, care facility, or care program, for a child or other person unable to responsibly provide self-care.

### ADDITIONAL PUBLIC-HEALTH LEAVE SUPPLEMENTAL WAGES

For any time in which my Public-Health Leave or supplemental pay is paid at less than 100% of my regular pay, I hereby authorize the Human Resource Director to supplement such pay by applying my available paid time off under other Handbook policies as follows:

<input checked="" type="checkbox"/>	Type of Paid Leave	# of Hours	Preferred Order (1-3)
<input type="checkbox"/>	Sick Leave		
<input type="checkbox"/>	Vacation		
<input type="checkbox"/>	Personal		

I attest all information above is true and accurate to the best of my knowledge, including as explained in the County Ordinances dated March 23, 2020. I acknowledge that providing false information may subject me to disciplinary action, up to and including termination.

Employee: \_\_\_\_\_

Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

Notes: