

RESTATED RESOLUTION 2020-03

**A RESTATED RESOLUTION OF THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA, WAIVING CERTAIN PROCEDURES
DURING EMERGENCY PURSUANT TO IND. CODE 10-14-3-17**

AND

ESTABLISHING CERTAIN EMPLOYMENT POLICIES DURING EMERGENCY

WHEREAS, the Board of Commissioners of Warrick County passed and adopted Resolution 2020-03 at an emergency meeting held on March 18, 2020;

WHEREAS, the Board of Commissioners of Warrick County desires to fully restate and replace Resolution 2020-03 with this Restated Resolution 2020-03;

WHEREAS, Ind. Code 10-14-3-17 gives Warrick County the authority to waive procedure and formalities otherwise required by law as a result of the disaster emergency declaration;

WHEREAS, Ind. Code 10-14-3-17(j)(5) states, in part, that in the event a disaster emergency is declared by the Governor of the State of Indiana, a political subdivision may waive certain procedures and formalities otherwise required by law pertaining to:

- (A) The performance of public work;
- (B) The entering into of contracts;
- (C) The incurring of obligations;
- (D) The employment of permanent and temporary workers;
- (E) The use of volunteer workers;
- (F) The rental of equipment;
- (G) The purchase and distribution of supplies, materials, and facilities; and
- (H) The appropriation and expenditure of public funds.

WHEREAS, the Board of Commissioners of Warrick County is the purchasing agency for Warrick County, Indiana;

WHEREAS, the Board of Commissioners of Warrick County has the authority to approve payroll for employees of Warrick County;

WHEREAS, on March 6, 2020, the Governor of the State of Indiana issued Executive Order 20-02, which declared a public health emergency in the State of Indiana as a result of the novel Coronavirus Disease 2019 (“COVID-19”) outbreak in Indiana;

WHEREAS, Ind. Code 36-2-6-4 states, in part, that the Board of Commissioners of Warrick County may allow a claim only at a regular or special meeting of the Board of Commissioners of Warrick County;

WHEREAS, the Board of Commissioners desires to avoid the disruption of County government and essential County services that COVID-19 may create;

WHEREAS, the Board of Commissioners recognizes concern for public health due to COVID-19 may prevent the Board of Commissioners from meeting to conduct its business and affairs, including, without limitation, the approval of payroll, claims, and other duties otherwise required by law;

WHEREAS, on March 16, 2020, the Governor of the State of Indiana issued Executive Order 20-04, concerning further orders and directives in response to the COVID-19 outbreak, in which the Governor advised that public meetings conducted pursuant to Ind. Code 5-14-1.5, *et seq.*, should be limited only to essential matters and further suspended all specific statutory deadlines requiring governmental bodies to meet during the declared public health emergency;

WHEREAS, Warrick County desires to follow the Statement and General Guidance of the Indiana Public Access Counselor regarding practical guidance to prevent or slow the rate of transmission of COVID-19 as it relates to public meetings;

WHEREAS, the Indiana State Examiner has issued Directive 2020-01, which provides instructions as to the preferred procedure for the approval and processing of claims to be used and implemented by the Board of Commissioners of Warrick County; and

WHEREAS, certain steps need to be taken under these extraordinary circumstances to protect the health and safety of employees of Warrick County during the emergency while at the same time avoiding disruption of essential County government services to which the citizens of Warrick County are entitled to continue receiving during the COVID-19 public health emergency.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Warrick County, Indiana, that those procedures required by law pertaining to those functions set forth in Ind. Code 10-14-3-17(j)(5) shall be waived in the event the President of the Board of Commissioners of Warrick County determines that the Board of Commissioners of Warrick County is unable to hold a meeting due to the public health concerns arising out of COVID-19, at which time the President shall have the authority to approve the same that would otherwise have been presented at the meeting. At the first public meeting of the Board of Commissioners of Warrick County held following the rescission and termination of the public health emergency by the Governor of the State of Indiana, all action taken by the President of the Board of Commissioners of Warrick County during said public health emergency shall be presented to the Board of Commissioners of Warrick County for the ratification of such action.

BE IT FURTHER RESOLVED by the Board of Commissioners of Warrick County, Indiana, that the procedures to approve claims as set forth in Ind. Code 36-2-6-4 shall be waived in the event the President of the Board of Commissioners of Warrick County determines that the Board of Commissioners of Warrick County is unable to hold a meeting due to public health concerns arising out of COVID-19, at which time the President is

authorized and directed to approve any and all valid claims, and the Warrick County Auditor is hereby authorized to pay such claims approved by the President and those which would otherwise have been presented at such a meeting. At the first public meeting of the Board of Commissioners of Warrick County held following the rescission and termination of the public health emergency by the Governor of the State of Indiana, the Board of Commissioners of Warrick County shall allow any and all claims approved by the President of the Board of Commissioners of Warrick County during said public health emergency.

BE IT FURTHER RESOLVED by the Board of Commissioners of Warrick County, Indiana, that the following constitutes the policy of Emergency Leave benefits available to eligible employees of Warrick County, and that if any policies and procedures of the Warrick County Employee Handbook conflict with this Emergency Leave policy, then this policy shall control until such time as this policy is amended or rescinded, in the sole discretion of the Board of Commissioners:

All employees of Warrick County are expected to continue working as scheduled, with the following exceptions:

- (1) Employees who have been diagnosed with, or otherwise tested positive for, COVID-19, or who have been in close contact with a person displaying symptoms of laboratory-confirmed COVID-19;
- (2) Employees who are under quarantine at the instruction of a healthcare provider, or a local, State, or Federal official, in order to prevent the spread of COVID-19;
- (3) Employees who have not been diagnosed with, or otherwise tested positive for, COVID-19, but who have developed or displayed symptoms of COVID-19 until such time as a diagnosis is confirmed or has tested positive, or five (5) days after compatible symptoms of COVID-19 are no longer exhibited, unless otherwise directed by a healthcare provider, or a local, State, or Federal official, in order to prevent the spread of COVID-19;
- (4) Employees who are living in the same household as a person who meets any of the criteria of subsections (1), (2), or (3), above;
- (5) Employees who are at an increased risk of complications from COVID-19 due to a diagnosed health condition and who are presently under the care of a physician for said condition, and whose job duties require close contact with other employees and members of the public but for whom temporary job modification is not reasonably feasible;
- (6) Employees who, due to COVID-19-related closings of a school or other care facility or program, are engaged in primary caregiving for a child or individual who is unable to self-care.

An employee of Warrick County who meets any of the exceptions provided in subsections (1), (2), (3), or (4), above, will be granted ten (10) business days of Emergency Leave, which will be compensated at the employee's regular rate of pay.

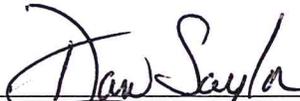
An employee of Warrick County who meets the exception provided in subsection (5), above, shall use any accrued, available paid leave benefits (e.g., Vacation, Sick Leave, etc.) until such time as all paid leave benefits are exhausted or the employee no longer meets said exception, whichever occurs first. An employee of Warrick County who meets the exception provided in subsection (6), above, may use either accrued, available paid leave benefits or available unpaid leave benefits. In the event an employee who meets the exception provided in subsection (6), above, exhausts all available paid leave benefits available to said employee, the employee may use any approved unpaid leave benefits until such time as the employee no longer meets said exception or the employee is instructed to return to work by the employee's supervisor, whichever occurs first.

Prior to an employee of Warrick County who meets any of the exceptions provided in subsections (1) through (6), above, receiving any leave under this Resolution, said employee is required to email such request for leave to the Warrick County Human Resources Manager and provide any supporting information and/or documentation that may be requested.

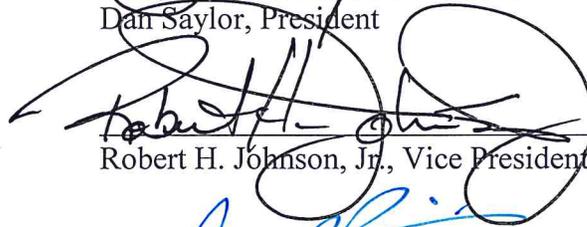
BE IT FURTHER RESOLVED by the Board of Commissioners of Warrick County, Indiana, that this Resolution shall remain in effect until the expiration of the declared or any subsequent declared Statewide or National emergency related to COVID-19, or as otherwise may be determined by the Board of Commissioners of Warrick County, in its sole discretion, whichever occurs first.

The above Resolution is passed and adopted by the Board of Commissioners of Warrick County, Indiana, this ___ day of March, 2020.

BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA



Dan Saylor, President



Robert H. Johnson, Jr., Vice President



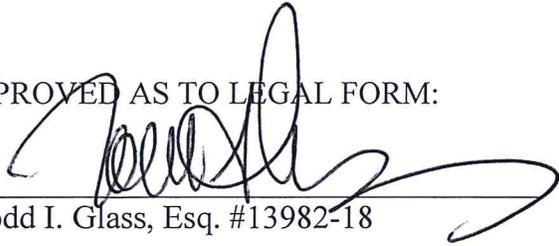
Terry J. Phillippe, Member

ATTEST:



Deborah K. Stevens, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

A handwritten signature in black ink, appearing to read 'Todd I. Glass', written over a horizontal line.

Todd I. Glass, Esq. #13982-18

FINE & HATFIELD, A Professional Corporation

520 N.W. Second Street, P.O. Box 779

Evansville, Indiana 47705-0779

Telephone: (812) 425-3592

Warrick County Attorney