

**ORDINANCE NO. D-2516-20**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
ADDING CHAPTER 2, ARTICLE 3, SECTION 2-59 AND CHAPTER 2, ARTICLE 3, SECTION  
2-86 TO THE CARMEL CITY CODE**

**Synopsis: This ordinance is designed to facilitate the ability of the City’s civilian employees to manage their work and family obligations should they be affected by the coronavirus and to help ensure that City services are not disrupted and the City’s interests are protected.**

**WHEREAS**, pursuant to Indiana Code Sections 36-1-3-5 and 36-1-3-6, the City of Carmel, Indiana (“City”) has the authority to exercise all powers necessary for the effective operation of the local affairs of government, and to adopt ordinances requiring a specific manner for exercising those powers; and,

**WHEREAS**, the Mayor and the Common Council of the City (“Council”) recognize the need to now adopt certain interim policies that will allow its civilian employees to manage their work and family obligations should they be affected by the coronavirus (“COVID-19”) and to thereby help protect the health, safety, and welfare of all City residents and guests.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Carmel City Code Section 2-59 should be and the same is hereby added to the Carmel City Code and shall read as follows:

**“§ 2-59 COVID-19 Leave.**

- (a) The purpose of COVID-19 Leave is to provide additional paid leave for certain civilian City employees who face direct and verifiable exposure to COVID-19, who have been directed to self-quarantine, and/or must provide care to their school-age children when classes are cancelled. COVID-19 Leave will not be authorized based upon fear, speculation, or unverified rumor.
- (b) COVID-19 Leave is available to certain civilian City employees only. The Chief of Police and Fire Chief will develop COVID-19 policies for the City’s sworn police officers and firefighters.
- (c) Each full-time civilian City employee will be given a COVID-19 Leave bank of 75 hours, which may be increased or decreased in the City’s sole discretion.
- (d) Each part-time civilian City employee will be given a COVID-19 Leave bank of 60 hours, which may be increased or decreased in the City’s sole discretion.
- (e) Seasonal and temporary civilian City employees are not eligible for COVID-19 Leave.

- 48 (f) All COVID-19 Leave authorized and taken by an employee will be deducted from his or her  
49 COVID-19 Leave bank. Employees will be provided special pay codes to record this time. All  
50 COVID-19 Leave bank hours not used will be forfeited.  
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- 52 (g) Any employee who is denied COVID-19 Leave is free to use his or her accrued paid time off  
53 (“PTO”) leave, except that an employee may not use COVID-19 Leave alone or in combination  
54 with PTO or sick leave to record more than 37.5 hours during any workweek.  
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- 56 (h) COVID-19 Leave may be taken prior to the use of an employee’s PTO or sick leave.  
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- 58 (i) COVID-19 Leave may be authorized in the following circumstances:  
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- 60 1) An employee’s minor child/children attend a school, pre-school, or a daycare facility that is  
61 closed due to COVID-19, and the parent needs to care for the child/children.  
62
  - 63 2) An employee or a member of his or her household or immediate family has tested positive for  
64 COVID-19.  
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  - 66 3) An employee or a member of his or her household or immediate family is presenting symptoms  
67 of COVID-19 or has worked, attended school, pre-school, or a daycare facility, or has  
68 otherwise had sustained contact with a person who has tested positive for, or has been  
69 otherwise diagnosed as having, COVID-19 .  
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  - 71 4) An employee or a member of his or her household has recently returned from a foreign country  
72 that has received a CDC Level 3 Travel Health Notice and is thereby advised to self-  
73 quarantine.  
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  - 75 5) An employee or a member of his or her household or immediate family is informed by a public  
76 health agency that he or she has been exposed to another person who has tested positive for  
77 COVID-19.  
78
  - 79 6) An employee at elevated risk due to pregnancy, age (over 65), compromised immune system,  
80 or chronic health condition who has been advised by a doctor or other health care professional  
81 to self-quarantine.  
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- 83 (j) All COVID-19 Leave shall be subject to the following conditions:  
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- 85 1) Employees who are healthy and have not been exposed to the COVID-19 virus are expected to  
86 report to work as scheduled unless they are able to perform their essential job functions from  
87 home and their off-site work has been approved by their department director.  
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- 93 2) Unless an employee on COVID-19 Leave is himself or herself diagnosed with COVID-19, he  
94 or she will be considered “on call” during his or her regularly scheduled work hours and must  
95 make him or herself reasonably available by phone or email to his or her supervisor. If it is  
96 determined that certain of the employee’s job duties can be performed off-site, the employee is  
97 expected to perform them while on COVID-19 Leave.  
98
- 99 3) While on COVID-19 Leave, an employee may not work or earn compensation from any other  
100 source during his or her regularly scheduled work hours.  
101
- 102 4) Consistent with the ADA and other applicable laws, rules, regulations, and directives, an  
103 employee may be required to provide evidence of his or her eligibility for COVID-19 Leave at  
104 any time before or during such leave.  
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- 106 5) All documentation provided to the City to justify COVID-19 Leave will be treated as  
107 “confidential” and will be shared with management officials on a need-to-know basis only.  
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- 109 6) The City strongly discourages speculation as to whether an employee is or is not on COVID-  
110 19 Leave, and will take appropriate disciplinary action against any employee who spreads  
111 unsubstantiated rumors about the reason why any City employee is absent from the workplace  
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- 113 7) Except as specifically set forth herein, this Section shall have no effect on the City’s laws, rules,  
114 policies, and procedures, which remain in full force and effect.”  
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116 Section 3. Carmel City Code Section 2-86 should be and the same is hereby added to the Carmel City  
117 Code and shall read as follows:  
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119 **“§ 2-86 City COVID-19 Policy.**

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- 121 (a) In the event local schools are closed due to the coronavirus (“COVID-19”), City employees or their  
122 families are exposed to COVID-19, or other circumstances dictate, and in the Mayor’s sole  
123 discretion, some or all of the following policies may be put into effect:  
124
- 125 (1) Civilian employees will receive paid time off for authorized COVID-19 leave pursuant to City  
126 Code Section 2-59.  
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- 128 (2) FMLA paperwork will be streamlined for COVID-19 on a case-by-case basis.  
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- 130 (3) Department directors will determine which and for how long a job or job duty can be performed  
131 off-site.  
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- 138 (4) Department directors will determine the staffing needs of their department and take such actions  
139 as are necessary or prudent to ensure that City services are not disrupted and the City's interests  
140 are protected.
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- 142 (5) Employee business travel to certain areas may be cancelled or postponed.
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- 144 (6) Employees who exhibit symptoms consistent with the COVID-19 virus may be sent home and,  
145 if sent home, shall be entitled to use their COVID-19 Leave bank to cover all or a portion of  
146 their time away from work due to their COVID-19 virus symptoms.
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- 148 (7) The City may require an employee reasonably believed, based upon objective evidence, to pose  
149 a direct threat to be cleared by a doctor or other health care professional before returning to  
150 work.
- 151
- 152 (b) The Mayor, in his sole discretion, will determine if and when this COVID-19 policy will be put  
153 into effect, and its duration, and will communicate these decisions to City employees through the  
154 Director of Human Resources.”
- 155

156 Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are  
157 hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal  
158 to have prospective effect only. However, the repeal or amendment by this Ordinance of any other ordinance  
159 does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective  
160 date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed  
161 and as if this Ordinance had not been adopted.

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163 Section 5. If any portion of this Ordinance is for any reason declared to be invalid by a court of  
164 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance  
165 so long as enforcement of same can be given the same effect.

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167 Section 6. This Ordinance shall be in full force and effect from and after the date of its passage  
168 and signing by the Mayor.

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**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2020,  
by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

**COMMON COUNCIL FOR THE CITY OF CARMEL**

\_\_\_\_\_  
Laura D. Campbell, President

\_\_\_\_\_  
Sue Finkam, Vice-President

\_\_\_\_\_  
H. Bruce Kimball

\_\_\_\_\_  
Kevin D. Rider

\_\_\_\_\_  
Anthony Green

\_\_\_\_\_  
Jeff Worrell

\_\_\_\_\_  
Timothy J. Hannon

\_\_\_\_\_  
Miles Nelson

\_\_\_\_\_  
Adam Aasen

ATTEST:

\_\_\_\_\_  
Sue Wolfgang, Clerk

Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
\_\_\_\_\_ 2020, at \_\_\_\_\_ .M.

\_\_\_\_\_  
Sue Wolfgang, Clerk

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
\_\_\_\_\_ 2020, at \_\_\_\_\_ .M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Sue Wolfgang, Clerk

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