

*Anthony Copeland*  
MAYOR



*City of East Chicago*  
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EXECUTIVE ORDER 21-01

AS AMENDED

AN EXECUTIVE ORDER ESTABLISHING PAID LEAVE AND RETURN TO WORK  
PROCEDURES FOR CITY OF EAST CHICAGO EMPLOYEES RELATED TO COVID-  
EFFECTIVE JANUARY 1, 2021

WHEREAS, the mandates for emergency paid family and medical leave and emergency paid sick leave under the Families First Coronavirus Response Act (FFCRA) expired on December 31, 2020. The Federal Government did not extend these benefits under the new Coronavirus Response and Relief Supplemental Appropriations Act, 2021. As such, the City of East Chicago Temporary COVID-19 Policies and Guidance also expired on December 31, 2020.

WHEREAS, the foregoing notwithstanding, the novel Coronavirus Disease continues to rapidly spread throughout the State of Indiana, and, particularly, throughout the City of East Chicago. On December 31, 2020, the Governor of the State of Indiana, issued his Executive Order 20-53 extending his previously issued Executive Order 20-50 requiring, among other things, all employers, including governmental entities, to establish policies and procedures for a safe workplace and to mitigate the spread of the virus.

WHEREAS, pursuant to Indiana Code 10-14-3-29, the Mayor, as the principal executive officer of the City of East Chicago, has the authority to declare and respond to public health emergencies. Correspondingly, the Mayor has the authority to activate all applicable local disaster emergency plans and to authorize aid and assistance under any of said plans as deemed necessary and appropriate by the Mayor.

NOW, THEREFORE, in accordance with the order of the Governor of the State of Indiana, the laws of the State of Indiana, and the authority reserved by the City of East Chicago Municipal Code, by this Executive Order, I hereby take the following necessary actions to prepare for, respond to, and address the continuing health disaster, and herewith establish the following emergency administrative procedures as relates to employees of the City of East Chicago:

1. City Operations: Unless otherwise required by order of the President of the United States, an act of the Congress of the United States, an Executive Order of the State of Indiana, an act of the Legislature of the State of Indiana, or an Executive Order of the Mayor of the City of East Chicago, all operations of the City of East Chicago and every Department thereof shall continue to remain open, (with limited access to the public as deemed necessary and appropriate by the Mayor of the City of East Chicago) and function in accordance with normal hours of operation and performing

the services generally required of any such department as provided under the City of East Chicago Municipal Code.

2. Reporting to Work: Except as set forth in section 2(a), (b) and (c) below, all City employees shall report to work in accordance with their regular schedule, or if an employee is assigned to shift work, then in accordance with his/her scheduled shift as designated by the Department Head over the City department to which the employee is currently assigned, unless:

(a) an employee is exhibiting one or more of the primary COVID-19 symptoms listed below. In such instance, the employee should notify his/her Department Head or Supervisor using the normal call-off procedures and stay home from work, except, however, that, an employer that is an Emergency Responder (as that term is hereinafter defined), shall follow the reporting procedure set forth in subparagraph (e) herein.

(b) an employee has knowingly been exposed to an individual who has tested positive for COVID-19, or has been notified of exposure. In such instance, the employee should notify his/her Department Head or Supervisor using the normal call-off procedures and stay home from work. Employees must immediately follow COVID-19 testing procedures and protocols set forth herein.

(c) an employee develops one or more symptoms of COVID-19, as hereinafter described, while at work. In such instance, the employee should immediately notify his/her Department Head or Supervisor of the potential health concern.

(d) For purposes of this Executive Order and the procedures contemplated hereby, COVID-19 or the Coronavirus shall mean an illness caused by a novel coronavirus now called severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2; formerly called 2019-nCoV), which was first identified amid an outbreak of respiratory illness cases in Wuhan City, Hubei Province, China, or any strain or derivative thereof. The most common symptoms of COVID-19 infection are:

(i) Fever (above 99.5° F)

(ii) Persistent dry cough

(iii) Chest pain

(iv) Difficulty breathing

(v) Any other symptom recognized by the Centers for Disease Control (the "CDC") of or as being an indication of COVID-19 infection.

**IN THE INTEREST OF THE HEALTH, SAFETY, AND WELFARE OF ALL CITY EMPLOYEES, THE CITY OF EAST CHICAGO RESERVES THE RIGHT TO SEND AN EMPLOYEE HOME IF AN EMPLOYEE EXHIBITS COVID-19 RELATED SYMPTOMS WHILE AT WORK.**

(e) An employee that is an Emergency Responder that is exhibiting one or more of the primary COVID-19 symptoms listed in subparagraph (d) above, or has knowingly been exposed to an individual who has tested positive for COVID-19, or develops one or more symptoms of COVID-19, as hereinabove described, while at work, shall, if physically able, report to work as scheduled for his/her assigned shift and immediately report his/her illness or exposure to COVID-19 to the employee's Chief, Department Head or Supervisor. The City of East Chicago Human Resources Department will notify the Emergency Responder of the time and location scheduled for his/her testing for COVID-19. Upon completion of the testing for COVID-19, pending the test results, the Emergency Responder shall return to work, or, if not at work, report to work at his next scheduled day or shift as assigned.

For purposes of this Executive Order, an Emergency Responder shall mean anyone with special skills, qualifications, training, knowledge and experience that would be regarded as part of a response team to a locally declared emergency as defined in any applicable law or ordinance, and shall include, but not be limited to, law enforcement officers, correctional institution personnel, fire fighters, medical technicians, emergency medical services personnel, paramedics, public works employees, emergency management personnel, or any other employee that provides, plans, or directs emergency health or safety services.

(f) Any employee described in subparagraphs 2(a), (b), or (c) above, shall, immediately, but not later than 48 hours after the employee has reported his/her initial absence to the Department Head or Supervisor pursuant to this Executive Order, be tested for COVID-19 either through the employee's private healthcare provider or by a licensed testing facility, including, but not limited to, the East Chicago Health Department. The results of the COVID-19 test shall be delivered in writing, via electronic transmission, to the City of East Chicago Human Resources Department immediately, and not later than 24 hours after receipt thereof.

**ANY VIOLATION OF THIS TESTING AND REPORTING REQUIREMENT MAY POSE SERIOUS HEALTH RISKS TO OTHER CITY OF EAST CHICAGO EMPLOYEES. THEREFORE, ALL CITY EMPLOYEES, INCLUDING EMERGENCY RESPONDERS, ARE EXPECTED TO STRICTLY COMPLY WITH THE TERMS OF SUBPARAGRAPHS 2(e)and 2(f), AS APPLICABLE.**

(g) Any employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has tested POSITIVE for COVID-19, shall remain off work until the employee has secured a “NEGATIVE” test result from his/her private healthcare provider or by a licensed testing facility, including, but not limited to, the City of East Chicago Health Department, which NEGATIVE test result must also provide a statement from the physician that the employee may return to work.

(h) Any employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has tested POSITIVE for COVID-19, shall seek a second test result within seven (7) to ten (10) calendar days after the initial diagnosis of COVID-19. The written results of the second test shall be submitted to the City of East Chicago Human Resources Department immediately, and not later than 24 hours after receipt thereof.

(i) Any employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has again tested POSITIVE for COVID-19 after the mandatory second testing required under subparagraph (h), shall seek a third test result within seven (7) to ten (10) calendar days after the second positive diagnosis of COVID-19. The written results of the third test shall be submitted to the City of East Chicago Human Resources Department immediately, and not later than 24 hours after receipt thereof.

(j) Any employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has tested POSITIVE for COVID-19, in addition to abiding by their care plan from his/her healthcare provider, shall continue to follow the guidance of the CDC to contain the spread of the virus.

### 3. Paid Leave:

(a) Any full-time employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has tested POSITIVE for COVID-19, will be eligible for up to eighty (80) hours of pay, calculated on the basis of the straight time rate of pay applicable to the employee, to cover all or a portion of the time off necessary to recover from the illness. Any full-time employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has tested POSITIVE for COVID-19 and has exhausted the eighty (80) hours paid time off described in this subparagraph 3(a), but requires additional time off to recover from the illness, or is required to continue to quarantine as directed by a licensed healthcare provider, may, in addition to application of the employee’s unused sick days, convert not less than three (3) and not more than seven (7) vacation days to cover the additional absences. The converted vacation days described in this paragraph shall hereafter be referred to as the COVID-19 Reserve Bank. A COVID-19 Reserve Bank is irrevocable and if not used to cover an employee’s absences related to the employee’s diagnosis with and recovery from COVID-19, said unused time shall be paid to the employee in accordance with Paragraph 5 herein.

(b) The eighty (80) hours paid leave eligibility under subparagraph 3(a) shall commence on the date the employee submits his/her written evidence of the POSITIVE test result from the licensed testing facility or the employee's private healthcare provider as required under subparagraph 2(g) hereof. Any employee described in subparagraphs 2(a), (b), (c) OR (e) above that has tested POSITIVE for COVID-19, shall timely comply with the retesting protocol set forth in subparagraphs 2(h) and 2(i) above. Any employee described in subparagraphs 2(a), (b), (c) OR (e) above that has tested POSITIVE for COVID-19 shall be entitled to one (1) paid leave of absence pursuant to this Paragraph 3 while this Executive Order is in effect.

(c) Any part-time employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has tested POSITIVE for COVID-19, will be eligible for the lesser of fifty-eight (58) hours of pay or the equivalent of the number of hours on average that the part-time employee works over a two-week period, calculated at the straight time rate of pay applicable to the employee, to cover all or a portion of the time off necessary to recover from the illness. Any part-time employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has tested POSITIVE for COVID-19 and has received the part-time paid leave pursuant to this subparagraph, yet requires additional time off to recover from the illness, or is required to continue to quarantine as directed by a licensed healthcare provider, may, in addition to application of the employee's unused sick days, establish a COVID-19 Reserve Bank as defined in subparagraph 3(a) above to cover the additional absences. The part-time employee paid leave eligibility under this subparagraph 3(c) shall commence on the date the employee submits his/her written evidence of the POSITIVE test result from the licensed testing facility or the employee's private healthcare provider as required under subparagraph 2(g) hereof. Any part-time employee described in subparagraphs 2(a), (b), (c) OR (e) above that has tested POSITIVE for COVID-19, shall timely comply with the retesting protocol set forth in subparagraphs 2(h) and 2(i) above. Any part-time employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has tested POSITIVE for COVID-19 shall be entitled to one (1) paid leave of absence pursuant to this subparagraph (c) while this Executive Order is in effect.

(d) If any employee, full-time or part-time, that has tested POSITIVE for COVID-19 as described in subparagraph 2(g) above, or continues to test POSITIVE for COVID-19 as described in subparagraphs 2(h) or 2(i) above, has exhausted the applicable paid leave time authorized under this part, but does not have any unused sick days or elects not to convert his/her vacation time to establish a COVID-19 Reserve Bank as herein defined, the employee's remaining time off for recovery from COVID-19 shall be **unpaid**, and, in no event shall the paid leave time, included but not limited to the 80 hours paid leave described in Paragraph 3, combined with the employee's applied sick time as prescribed by the employee and the time used by the employee from his/her COVID-19 Reserve Bank, if any, exceed thirty (30) days, unless otherwise extended by approval of

the City of East Chicago Human Resources Department pursuant to written instruction from the employee's private healthcare provider indicating that the employee requires additional recuperative time off as a result of complications from or as relates to the effects of the employee's diagnosis with COVID-19.

(e) In order to continue to be eligible for the paid leave time described in Paragraph 3 of this Executive Order, any employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has tested POSITIVE for COVID-19, shall abide by the testing and retesting protocols set forth in subparagraphs 2(h) and 2(i) above, and, in all instances, shall timely submit test results to the City of East Chicago Human Resources Department as required herein. Any employee described in subparagraphs 2(a), (b), (c) OR (e) above, that has tested POSITIVE for COVID-19 will not be permitted to return to work by the City of East Chicago Human Resources Department until the employee has secured a "NEGATIVE" test result from his/her private healthcare provider or by a licensed testing facility, including, but not limited to, the City of East Chicago Health Department, which NEGATIVE test result must also provide a statement from the physician that the employee may return to work.

**FAILURE TO STRICTLY COMPLY WITH THE TERMS OF PARAGRAPH 3 AS RELATES TO ELIGIBILITY FOR PAID LEAVE FOR COVID-19 AND FOR OBTAINING THE NECESSARY APPROVAL THEREFOR, MAY RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING, TERMINATION FROM EMPLOYMENT.**

**IF THE CITY SHALL FIND CAUSE THAT AN EMPLOYEE HAS SUBMITTED FALSIFIED INFORMATION RELATED TO HIS/HER DIAGNOSIS FOR COVID-19 TO OBTAIN PAID LEAVE AS PROVIDED HEREIN, THE CITY MAY IMMEDIATELY TERMINATE ANY SUCH EMPLOYEE.**

4. Return to Work: Any employee described in subparagraphs 2(a), (b), or (c) above, that has tested "NEGATIVE" for COVID-19, after delivering written evidence of the negative test results to the City of East Chicago Human Resources Department, along with a statement from the employee's healthcare provider or licensed testing facility that the employee may return to work, and provided that the employee has not been advised in writing to self-quarantine or self-isolate by a licensed medical professional, including the employees private healthcare provider, which written directive, if any, shall also be delivered to the City of East Chicago Human Resources Department, shall report to work on their next regularly scheduled day of work or shift as assigned.
5. Distribution of COVID-19 Reserve Bank: If the employee electing to establish a COVID-19 Reserve Bank pursuant to Paragraph 3 above has not used the time reserved thereunder by December 15, 2021, the City shall deliver a lump sum

payment equal to the amount of the vacation days so reserved at the rate of pay applicable to the subject employee. The pay out of the COVID-19 Reserve Bank pursuant to this subparagraph will be delivered with the second pay period in December, 2021. Once established, a COVID-19 Reserve Bank may not be revoked and the distribution of same shall be in accordance with subparagraphs 3(a) or 3(c) above, or this paragraph.

An employee **MAY NOT USE** the COVID-19 Reserve Bank to care for a family member or other individual for whom the employee may be responsible, it being understood that the COVID-19 Reserve Bank shall be applied only in the event the employee tests POSITIVE for COVID-19 pursuant to the terms and conditions of this Executive Order.

6. Childcare: Except for Emergency Responders, if an employee's child's school is closed or the employee's childcare is unavailable as a result of the COVID-19 pandemic, and the employee needs time off to supervise or to arrange alternative supervision or childcare for his/her child(ren) as a result of the school or childcare closing or unavailability, the employee shall submit written evidence of the closure or unavailability to the City of East Chicago Human Resources Department immediately upon learning of the closure or unavailability, and not more than 24 hours after such notification. Any employee described in this Paragraph 6 shall immediately apply for an Emergency COVID-19 Childcare Leave of Absence with the City of East Chicago Human Resources Department for a period commensurate with the time off, not to exceed thirty (30) days, necessary to supervise or to arrange alternative supervision or childcare for his/her child(ren) as a result of the school or childcare closure or unavailability. All Emergency COVID-19 Childcare Leaves of Absence shall be subject to the approval of the City of East Chicago Human Resources Department. All approved Emergency COVID-19 Childcare Leaves of Absence shall be **unpaid** and shall be taken in increments of **whole days**, even if the school or childcare is closed or unavailable for increments of time less than the equivalent of a full workday. An employee shall be entitled to one (1) thirty (30) day Emergency COVID-19 Childcare Leave of Absence pursuant to this paragraph while this Executive Order is in effect. To the extent required, any employee that has been approved for an Emergency COVID-19 Childcare Leave of Absence shall make arrangements with the City of East Chicago Human Resources Department for the payment of applicable premiums for the continuation and maintenance of healthcare benefits while on leave.

Due to the inherent necessity for Emergency Responders during a public health emergency, and the essential services provided by this class of employee as part of an emergency management plan, Emergency Responders shall not be eligible to apply for a COVID-19 Emergency Childcare Leave of Absence.

**FAILURE TO STRICTLY COMPLY WITH THE TERMS OF THIS PARAGRAPH 6 AS RELATES TO APPLICATION FOR EMERGENCY**

**COVID-19 CHILDCARE LEAVE OF ABSENCE FOR COVID-19 AND OBTAINING THE NECESSARY APPROVAL THEREFOR, MAY RESULT IN DISCIPLINARY ACTION, UP TO AND INCLUDING, TERMINATION FROM EMPLOYMENT.**

**IF THE CITY SHALL FIND CAUSE THAT AN EMPLOYEE HAS SUBMITTED FALSIFIED INFORMATION RELATED TO HIS/HER EMERGENCY COVID-19 CHILDCARE LEAVE OF ABSENCE, THE CITY MAY IMMEDIATELY TERMINATE ANY SUCH EMPLOYEE.**

*For purposes of this paragraph, the Department of Labor refers to “closure of school” in terms of access to the physical building, and not access to the services provided therein. Therefore, if an eligible employee’s child’s school is on a hybrid learning schedule, with access to the physical school building only on certain days, or if the eligible employee’s child’s school has adopted a totally remote teaching modality, with no access to the physical school building, the eligible employee’s child’s school is “closed” on all days that the eligible employee’s student may not enter the physical school building.*

**NO PART OF THIS EXECUTIVE ORDER IS INTENDED TO SUBSTITUTE THE EMPLOYEE’S RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OR ANY OTHER EMPLOYEE RIGHT UNDER APPLICABLE LOCAL, STATE OR FEDERAL LAW.**

7. Employee Travel: If an employee has recently travelled 50 or more miles or has or recently returned from out of state, for personal or business reasons, the employee shall so notify the City of East Chicago Human Resources Department 72 hours prior to the employee’s next regularly scheduled day of work, or shift, as assigned. In the interest of the health, safety and welfare of city employees and to prevent exposure or spread of the Coronavirus, the City of East Chicago Human Resources Department, may, in its sole and absolute discretion, require an employee described in this Paragraph 7 to be tested for COVID-19 pursuant to subparagraph 2(g) hereof, if the City of East Chicago Human Resources Department determines that the employee has travelled to an area that has high transmission rates of the Coronavirus as identified by the CDC, before allowing said employee to return to work, it being fully understood that the City of East Chicago has a general duty to provide its employees with a workplace free from recognized hazards likely to cause serious health risks, including, but not limited to COVID-19. The foregoing notwithstanding, all employees of the City of East Chicago shall have a continuing obligation to comply with the provisions of this Executive Order and the provisions of the Indiana Governor’s Executive Order 20-50 regarding adherence to safety measures and guidelines to contain the spread of the Coronavirus.

**ANY VIOLATION BY AN EMPLOYEE OF HIS/HER OBLIGATION TO REPORT RECENT TRAVEL WHICH MAY SUBJECT AN EMPLOYEE TO TESTING FOR COVID-19 COULD POSE SERIOUS HEALTH RISKS**



**TO OTHER CITY OF EAST CHICAGO EMPLOYEES. THEREFORE, ALL CITY EMPLOYEES ARE EXPECTED TO STRICTLY COMPLY WITH THE TERMS OF THIS PARAGRAPH 7.**

8. Social Distancing, PPE, Mask and Sanitation Policy:

In order to protect City employees, residents and others against the transmission of COVID-19, the City mandates that **ALL** City employees practice social distancing use personal protective equipment (PPE), and, where, appropriate, wear clean, proper fitting gloves for the task at hand; wash hands frequently and thoroughly, and take extra care to keep their workstations clean and sanitary.

Gloves, including work gloves, plastic, rubber or latex gloves should be clean and only be used in a manner which avoids cross contamination. If cross contamination from gloves cannot be avoided, then use of gloves should be limited and employees should wash hands thoroughly and frequently. In light of nationwide shortages of PPE, employees must take care to preserve their PPE in order to maximize its usefulness. An employee may use his or her own PPE if it is of equal or superior quality and condition than that provided to him/her by the Department Head or Supervisor. If the employee believes that his/her PPE has become contaminated, worn out, or is no longer suitable for its intended purpose, or is not providing adequate protection for the employee, the employee must immediately notify his or her Supervisor and request new PPE.

It shall be **mandatory** that **ALL** City of East Chicago employees have a mask with them throughout the workday. Employees **must** wear a mask or other approved face covering that fits snugly over nose and mouth at all times while at work. This includes wearing a mask whenever the employee is in the same room, vehicle, or other confined space with other persons while at work or on duty and cannot maintain a **constant** distance of at least six (6"0") feet from all other persons, or when going into or walking through City buildings, or any other public place while on City business. Close person to person contact should be avoided, or, if necessary, due to the nature of the work, tasks must be performed in a manner which limit pathways of possible transmission.

Employees working alone, including being a single occupant in an office, City vehicle or personal vehicle while on City business, may temporarily remove his/her mask as long as he/she avoids all contact with others while the mask is not in place.

This policy applies to all City of East Chicago Department Heads, Supervisors, vendors and contractors. Failure to abide by this policy will result in progressive disciplinary action for the employee and their direct supervisor.

9. Limitation on Authority: Nothing in this Executive Order shall, in any way alter any existing legal authority of the United States or the State of Indiana, from

10. Superseding Effect: Pursuant to City of East Chicago Municipal Code, no local ordinance, directive or order of any governing body pertaining to this public health emergency, existing or hereafter adopted, may contradict or impose less restrict requirements than those set forth in this Executive Order, or else that ordinance, directive, or order shall be deemed void and of nor force or effect. This Executive Order supersedes all previous local rules, regulation, directives and orders pertaining to the subject matter addressed herein.
11. Severability: If any provision of this Executive Order, or its application to any person or circumstance, is held invalid by any court of competent jurisdiction, the invalidity of any such provision, shall not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are hereby deemed severable.
12. This Executive Order may not be terminated, modified, or rescinded except only by written order of the Mayor of the City of East Chicago

CERTIFIED and ADOPTED by the Mayor of the City of East Chicago, Lake County, Indiana on this 8<sup>th</sup> day of January, 2021.

As AMENDED on this 13<sup>th</sup> day of January, 2021.

  
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Anthony Copeland, Mayor