

**Resolution #2020- \_\_\_\_ Classifying the Status of Enfield Highway Department Staff and Compensation Policies during the COVID-19 State Disaster Emergency**

**WHEREAS**, the Enfield Highway Department provides a vital service in the year-round maintenance of roads within the Town of Enfield; and

**WHEREAS**, the Town of Enfield and its Town Board choose to recognize the vital nature of this Department and the important role its personnel play in keeping roads safe and professionally maintained; and

**WHEREAS**, New York Governor Andrew M. Cuomo on March 7, 2020 issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York in response to the COVID-19 virus; and

**WHEREAS**, in furtherance of addressing that State disaster emergency, Governor Cuomo on March 16, 2020 issued Executive Order No. 202.4, declaring, in part, that:

“Any local government or political subdivision shall, effective March 17, 2020, allow non-essential personnel as determined by the local government, to be able to work from home or take leave without charging accruals, except for those personnel essential to the locality’s response to the COVID-19 emergency;” and

**WHEREAS**, the Town of Enfield seeks, to the maximum extent possible, to comply with that Executive order; and

**WHEREAS**, The Town of Enfield Highway Superintendent (hereinafter “Highway Superintendent”) on March 18, 2020 closed his offices and instructed his subordinates to work from home effective at the end of their assigned workday shifts March 18<sup>th</sup>, providing, however, that such staff would remain on call for emergency road maintenance duties, as needed; and

**WHEREAS**, the Highway Superintendent is the operational supervisor of the Enfield Highway Department staff, subject to the budgetary and administrative oversight of this Town Board; and

**WHEREAS**, Executive Order No. 202.4, by its language, provides local governments or political subdivisions wide discretion in the determination of what constitutes “non-essential personnel” so as to qualify, or otherwise not qualify, for the “work from home” provisions of said Executive Order; and

**WHEREAS**, the Town Board of the Town of Enfield has determined that the Enfield Highway Department should be classified as an “essential service,” which thereby would exempt Highway Department personnel from adherence to the dictates of the Executive Order No. 202.4 provision heretofore referenced; and

**WHEREAS**, on March 18, 2020, the Highway Superintendent, notwithstanding the potential exemption of his staff from the provisions of Executive Order No. 202.4, acting out of the Highway Superintendent’s concern for his personnel’s health and safety, instructed his Department’s personnel to work from home to the maximum extent possible, through April 2, 2020, yet with said personnel to remain on-call for emergency road maintenance services; and

**WHEREAS**, this Town Board has determined that no employee of the Enfield Highway Department should suffer financially from the decisions of its Highway Superintendent, decisions taken in their perceived best interests and to which said personnel are obligated to comply; therefore be it

**RESOLVED**, that the Enfield Town Board hereby classifies management and staff of the Enfield Highway Department as ESSENTIAL PERSONNEL for the purposes of compliance with the provisions of New York Executive Order No. 202.4; and

**RESOLVED**, further, that notwithstanding this classification, the Town of Enfield and this Town Board chooses to HOLD HARMLESS personnel within the Enfield Highway Department from any financial

consequences resulting from the work from home orders of March 18, 2020, or from any subsequent modification of those orders by the Highway Superintendent; and

**RESOLVED**, further, that for pay periods commencing on or before March 18, 2020, and continuing through all periods covered by Executive Order 202.4, including any subsequent extensions thereof, personnel of the Enfield Highway Department who follow the work from home procedures in compliance with the instructions of the Highway Superintendent, are to be fully compensated for their services, with neither those personnel's hourly pay, vacation, or benefit time diminished in any way until such time as either the Governor's State disaster emergency is lifted, the afore-stated provision of Executive Order 202.4 is rescinded, or the Highway Superintendent's work from home procedures imposed to comply with said Executive Order are either rescinded or modified so as to eliminate those procedures' work from home provisions; and

**RESOLVED**, further, that this stated policy for compensating Highway Department personnel shall be made retroactive to include any pay periods covered by the afore-stated State disaster emergency and the Highway Superintendent's response to that emergency and made retroactive to the maximum extent permitted under New York State law or the Governor's Executive Orders issued in response to the emergency; and

**RESOLVED**, further, that the foregoing decisions of this Enfield Town Board shall remain the Town of Enfield's policy with regards to the work status of its Highway Department's personnel for the duration of this State disaster emergency, unless and until they are modified by subsequent Town Board action.