

ORDINANCE NO. 2024-21

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, ESTABLISHING WAGES AND SALARIES FOR CALENDAR YEAR 2025

WHEREAS, the Town of Whitestown, Indiana (“Town”) is a municipality duly organized and existing under the provisions of Ind. Code § 36-5-1; and

WHEREAS, pursuant to Ind. Code § 36-5-2-2, the Town Council (“Town Council”) of the Town is the legislative body of the Town; and

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the Town Council may adopt ordinances and resolutions for the performance of the functions of the Town; and

WHEREAS, Indiana law requires the Town Council to annually fix the salaries and wages of all members of the Town; and

WHEREAS, the Town Council now wishes to fix the salaries and wages of all elected officials, officers, board and commission members, and employees of the Town for the 2025 calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana as follows:

Section 1. The foregoing recitals are incorporated herein by reference.

Section 2. Salary and Wages. The positions and salaries and/or wages of the elected officials, officers, board and commission members, and employees of the Town are hereby set forth in the salary matrix attached hereto as **Exhibit A** and incorporated herein by reference. The salaries and/or wages established in **Exhibit A** do not include all forms of compensation, and are therefore in addition to all other forms of compensation and benefits authorized by this Ordinance, other ordinances or policies, employment agreements, and/or the employee handbook of the Town.

Section 3. Council, Boards, and Commissions. The Town Council, Safety Board, and Plan Commission members shall be paid their salary in twelve (12) equal installments on the last payday of each month. Notwithstanding anything to the contrary, only members of the Plan Commission that do not otherwise hold a lucrative office for purposes of Article 1, Section 9 of the Indiana Constitution may receive a salary under this Ordinance.

Section 4. Biweekly Payments. With the exception of Town Council, Town Safety Board, and Plan Commission members, all other officers and employees of the Town shall be paid on a biweekly schedule. Maximum salaries and not to exceed amounts set forth in **Exhibit A** are prorated for the respective pay period, such that the maximum amount that may be paid in any pay period is the pro-rata share of the maximum salary for such period, and the maximum amount that may be paid is reduced pro-rata by the maximum amount available at each pay period regardless of whether or not paid during such period.

Section 5. Overtime. Non-exempt Town employees may be required to work overtime hours. With the exception of firefighters, non-exempt employees will be paid overtime pay at the rate of one and one half (1.5) times their regular rate of pay for all hours worked in excess of forty (40) hours in a work week. Non-exempt firefighters work a 21-day, 159 hour pay period. Non-exempt firefighters will be paid overtime pay at the rate of one and one-half (1.5) times their regular rate of pay for all hours worked in excess of 159 in a 21-day pay period. Employees may request compensatory time off in lieu of overtime pay which shall be at the discretion of the department head. Compensatory time off, if granted, shall accrue at the rate of one and one-half (1.5) hours for each hour of overtime work. All overtime pay must be approved by the department head or Town Manager prior to overtime pay hours being worked. Any overtime pay shall be in addition to the base salary and wage amounts referenced in **Exhibit A**.

Section 6. Exempt Employees. Exempt-salaried employees, such as Department Heads, Managers, Supervisors or other Professional Personnel are required to work whatever additional time may be necessary to meet the responsibilities of their job descriptions and are not eligible for overtime pay, except as for an emergency declaration set forth in Section 7 below.

Section 7. Emergency Differential Pay for Exempt Employees. Exempt-salaried employees will receive emergency differential pay during a declared emergency for each hour worked greater than forty (40) hours in the applicable payroll week, provided that the employee was required to work the additional hours during and as the result of a declared emergency. For purposes of this section, a declared emergency includes dates (i) during which the Town Council President or Vice-President has declared in writing an emergency for the Town of Whitestown (whether for some or all employees), and/or (ii) during which the employee is activated as a member of the National Urban Search and Rescue Response System (e.g., Indiana Task Force 1) or other similar federal or state emergency response unit approved by the Town Council. Emergency differential pay will be calculated as the employee's average hourly salary (total bi-weekly salary divided by eighty (80) times one and one half (1.5), for each hour worked during the declared emergency in excess of forty (40) hours in a payroll week.

Section 8. Stay Home Pay During a Declared Emergency. The Town Council President may declare an emergency requiring some (e.g., non-critical) or all employees to refrain from coming to their work stations during such declared emergency. As part of such declaration, the Town Council President may provide that employees directed to refrain from coming to work receive pay (hourly and/or salaried) for their regularly scheduled non-overtime work hours ("Emergency Stay Home Pay"), subject to the following conditions:

- a. If some or all of the employee's job functions can be performed from home, the employee is expected to perform those job functions from home during the employee's regularly scheduled non-overtime work hours;
- b. During the employee's regularly scheduled non-overtime work hours during the emergency, the employee is considered "on-call" and, therefore, must be available by phone to respond to calls from other

Town officials and must be available to return to their work station within two (2) hours of notice from their supervisor, Town Manager, or his/her designee;

- c. The employee may not work or earn compensation from any other source during the employee's regularly scheduled non-overtime work hours (i.e., for which the employee would earn Emergency Stay Home Pay); and
- d. Emergency Stay Home Pay may not exceed two (2) weeks (ten (10) business days) without approval of a majority of the individual members of the Town Council, either by vote during a meeting of the Council or by individual written/electronic approvals.

Section 9. Additional Certification or Licenses. If an employee receives or earns a certification or license from education that benefits the Town in the employee's area of employment, the Department Head or Town Manager may request an increase in the salary or wages, as applicable, for the employee of up to three percent (3%). The Town Council may approve or deny all such requests.

Section 10. Mileage. Any employee using their personal vehicle in service for the Town while on official Town business is eligible to be paid mileage at a rate approved by the State of Indiana upon submission of said claim on a State Board of Accounts approved mileage claim form and subject to the claim approval process.

Section 11. Benefits. All full time employees and elected officials are eligible to participate in the Town's Health Care Benefit Plan, Retirement Plans, and any other benefits set forth in this Ordinance, other ordinances or policies, applicable employment agreements, or the Town Employee Handbook.

Section 12. Added Duty Bonuses. Except as otherwise provided by contract, the Town Council may award and pay employees bonuses up to a maximum of 10% of the employee's current salary or annual wages for taking on additional duties when another position is vacated.

Section 13. Discretionary Merit Payments. Except as otherwise provided by Contract, the Town Council may award and pay a merit payment to any employee in recognition of special circumstances or meritorious services as determined by the Town Council, up to a maximum of 5% of the employee's current salary or annual wages.

Section 14. Discretionary Bonuses. The Town Council shall have the authority to award a one-time discretionary bonus to any eligible Town employee, up to a maximum of 5% of the employee's current salary or annual wages. To be eligible for a bonus hereunder, the employee must be in good standing with the Town and have completed at least six (6) months of service with the Town. Town elected officials, officers, and board and commissions members are not eligible for a bonus hereunder. Nothing herein shall require the Town Council to provide a bonus to any employee, and this bonus should be considered completely voluntary and at the full discretion of the Town Council.

Section 15. Calendar Period. For the avoidance of any doubt, salaries set forth in this Ordinance are to be paid on an accrual basis according to the applicable period in which the work is performed, regardless of the period in which the salary is paid.

Section 16. Superseding Clause. All other ordinances or parts thereof in conflict with this Ordinance are hereby repealed and abolished.

Section 17. Effective Date. This Ordinance shall take effect on January 1, 2025, and shall remain in effect until December 31, 2025, unless otherwise adopted or modified by ordinance.

Section 18. If any section, provision, or part of this Ordinance is for any reason declared to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

(Signature page to follow)

PASSED by the Town Council of the Town of Whitestown, Indiana, this ____ day of _____, 2024, by a vote of ____ in favor and ____ against.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA

Dan Patterson, President

Eric Nichols, Vice President

Cheryl Hancock

Tobe Thomas

Courtenay Smock

ATTEST:

Matt Sumner, Clerk-Treasurer