

BOARD OF PUBLIC WORKS AND SAFETY
Agenda Request Form

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard. Please make sure that your contact information is accurate in case we need to get in touch with you. The Board of Works meets on the 1st and 3rd Monday of each month at 5:00 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	10.24.2023	Meeting Date:	11.06.2023
Contact Information:			
Requested by:	Lynnette Gray		
On Behalf of Organization or Individual: City of Franklin			
Telephone:	317-738-3365		
Email address:	lynng@jgmlawfirm.com		
Mailing Address:	63 E. Court St., P.O. Box 160, Franklin, IN 46131		
Describe Request:			
Approval of Resolution No. 23-10 Resolution Authorizing Flexible Work Arrangement Including Remote Work			
List Supporting Documentation Provided:			
Resolution No. 23-10			
Who will present the request?			
Name:	Lynnette Gray, City Attorney	Telephone	317-738-3365

In order for an individual and/or agency to be considered for new business on the Board of Works agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 4:00 p.m. on the Wednesday before the meeting.

**RESOLUTION NO: 23-10
OF THE CITY OF FRANKLIN, INDIANA
BOARD OF PUBLIC WORKS AND SAFETY**

**RESOLUTION AUTHORIZING FLEXIBLE WORK ARRANGEMENT
INCLUDING REMOTE WORK**

WHEREAS, the City of Franklin, Indiana, acting by and through its Board of Public Works and Safety is a government organization providing services to the citizens of Franklin, Indiana; and

WHEREAS, the Board of Public Works and Safety is charged with the duty of managing its civilian employees and determining hours of employment, days of employment and generally working conditions for individual employees within the City of Franklin; and

WHEREAS, the Franklin City Engineer, Mark Richards has been vital in developing, overseeing, managing and supervising numerous City infrastructure projects including but not limited to road construction projects, alley construction and rehabilitation, sanitary sewer plant construction and expansion and the pending future redesign and development of US 31 through the City of Franklin; and

WHEREAS, the Franklin City Engineer, through his years of experience, is uniquely trained and qualified to provide engineering services and has the expertise to deal with various engineering firms, contractors and other government agencies such as the Indiana Department of Transportation; and

WHEREAS, the Franklin City Engineer has been and continues to be instrumental in assisting the City in obtaining funding and grants to finance various City infrastructure projects; and

WHEREAS, due to personal circumstances, the Franklin City Engineer is relocating his principal residence and is moving to Kentucky to join members of his family; and

WHEREAS, the Franklin City Engineer's expertise and knowledge of pending programs and infrastructure projects is critical to the completion of these projects for the benefit of the citizens of the City of Franklin; and

WHEREAS, the Franklin City Engineer has advised that he can continue his duties through flexible work arrangements including remote work while still commuting to the City of Franklin as needed to complete his duties; and

WHEREAS, the City of Franklin by and through its Board of Public Works and Safety believes that it is in the best interest of the City of Franklin and to further

completion of the projects that a flexible work arrangement be approved; and

WHEREAS, the Board of Public Works and Safety of the City of Franklin believes it appropriate to establish requirements, procedures and recommendations for remote work and an alternative work schedule as set forth in this Resolution; and

WHEREAS, this Resolution is intended to further governmental efficiency without sacrificing accountability and the inherent benefits of in person collaboration.

NOW THEREFORE BE IT RESOLVED that in consideration of the forgoing, the Board of Public Works and Safety of the City of Franklin does hereby adopt the above aforementioned as findings of fact and further approves of the remote work and flexible work arrangements for the City of Franklin Engineer, Mark Richards pursuant to the terms and conditions set forth herein as follows:

1. The City of Franklin Engineer, Mark Richards is hereby authorized to continue his full time work with the City of Franklin and subject to vacation, holidays and PTO shall perform his work by performing task and duties for the City of Franklin under the direction and supervision of the Mayor of the City of Franklin by working the same number of hours currently worked which is generally a 37.5 hour work week with certain hours dedicated to attendance at meetings and off-site supervision of jobs.
2. The City Engineer's duties, obligations, responsibilities and conditions of employment with the City of Franklin will be unaffected by remote work and this Resolution shall not be construed to alter the employment relationship between the City of Franklin and the City of Franklin Engineer, Mark Richards.
3. The City Engineer, Mark Richards shall account for work performed remotely by logging into the City's timekeeping system and by maintaining a reasonable accounting of his time and productivity to be reviewed and approved by the Mayor of the City of Franklin on a two-week basis.
4. The City of Franklin Engineer, Mark Richards agrees that he shall be present in the City of Franklin performing duties at least 2 days of the regular work week excluding vacation times and paid time off.
5. The City of Franklin Engineer, Mark Richards will notify the Mayor immediately of any situation that interferes with his ability to perform his job duties while at a remote worksite and while unable to perform work, must utilize the appropriate accrued leave in accordance with applicable leave policies and procedures.
6. To the extent possible, and considering appropriate accrued leave and vacation, the City Engineer shall have weekly in person work days in which he shall meet with the Mayor to discuss the status of current and ongoing

projects.

7. The City of Franklin Engineer, Mark Richards shall be available by email, cell phone and other communication methods established by the Mayor during normal working hours and further agrees to maintain network band width that will accommodate and enable the City of Franklin Engineer to perform his duties when not at the City of Franklin work place.
8. If business conditions require the City of Franklin Engineer's presence at City Hall, the City of Franklin Engineer shall report even if this occurs during normally scheduled remote worksite hours.
9. Except for participating in online meetings and calls, the City of Franklin Engineer shall not conduct meetings with clients, citizens or other employees in his remote worksite home.
10. The City of Franklin Engineer shall be responsible for the security of all items furnished by the City of Franklin and shall secure and make available all work product produced in conjunction with City employment.
11. The City of Franklin Engineer shall ensure that all software/hardware meet the standards and requirements for the City of Franklin, including all security procedures and virus malware protection and shall ensure that all updates are performed regularly.
12. The City of Franklin Engineer shall follow all policies and procedures of the City of Franklin Employee Manual including but not limited to reporting any workplace injuries if he is injured while working at the remote worksite and all reporting requirements as set forth in the City of Franklin Employee Manual.
13. The City of Franklin shall not be liable for damages to the personal or real property of the Engineer while working at his remote worksite, except to the extent required under Indiana law.
14. The City of Franklin Engineer must agree and recognize that remote work shall be dedicated solely to conducting business for the City of Franklin and shall not be considered a substitute for any child or dependent care.
15. The City of Franklin Engineer must agree that he will refrain from conducting personal business while working for the City of Franklin at his remote worksite.
16. The City and the Engineer must further agree that this agreement for remote work and flexible work arrangements may be terminated by either party upon thirty (30) days' written notice.

17. The Mayor, on behalf of the City of Franklin Board of Public Works and Safety is authorized to provide a copy of this Resolution to the City Engineer, Mark Richards and upon his agreement to the terms herein, the City Engineer, Mark Richards shall be authorized to participate in a flexible work arrangement and remote work schedule as specified by this Resolution.

All of which is agreed to this ____ day of _____, 2023.

INTRODUCED & APPROVED by the Board of Public Works and Safety of the City of Franklin, Johnson County, Indiana, this ____ day of _____, 2023.

City of Franklin, Indiana, By its Board of Public Works and Safety:

Voting Affirmative:

Mayor Steve Barnett

Tina Gross, Member

Kenneth Austin, Member

Voting Opposed:

Mayor Steve Barnett

Tina Gross, Member

Kenneth Austin, Member

Attest:

Jayne Rhoades,
City Clerk-Treasurer

Prepared by:
Lynnette Gray, City Attorney