

CITY OF OBERLIN, OHIO

ORDINANCE No. 21-01 AC CMS

AN ORDINANCE AUTHORIZING THE TEMPORARY PROVISION OF EMERGENCY PAID SICK LEAVE FOR EMPLOYEES AFFECTED BY THE COVID-19 PANDEMIC AS AN EMERGENCY MEASURE

WHEREAS, the federal Families First Coronavirus Response Act enacted on April 1, 2020 and revised on September 16, 2020 (FFCRA or Act) required certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.

WHEREAS, the provisions of the Act as they relate to emergency paid sick leave and expanded FMLA expired on December 31, 2020; and

WHEREAS, Council for the City of Oberlin desires to authorize the continued provision of emergency paid sick leave for city employees who are affected by the COVID-19 pandemic for the protection of those employees as well as those who are not directly affected; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBERLIN, STATE OF OHIO:

SECTION 1: That the Oberlin City Council does hereby authorize the temporary provision of emergency paid sick leave for certain employees affected by the COVID-19 pandemic as is set forth in the Policy attached hereto as Exhibit A;

SECTION 2: That the provision of emergency paid sick leave authorized herein shall be retroactive to January 1, 2021.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

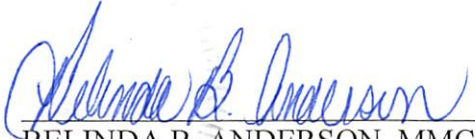
SECTION 4: That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: ***“to provide for the health and safety of Oberlin City employees without delay”*** and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect at the earliest date allowed by law.

PASSED: 1st Reading: January 4, 2021

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



LINDA SLOCUM
PRESIDENT OF COUNCIL

POSTED: 01/05/2021

EFFECTIVE DATE: 01/04/2021



CITY OF OBERLIN

Emergency Paid Sick Leave Policy (Coronavirus)

Purpose

To allow for emergency paid sick leave to eligible employees affected by the COVID-19 outbreak. This policy will be in effect from January 1, 2021, until June 30, 2021 unless superseded by federal, state or local regulations.

Policy

Definitions:

(1) “Eligible Employee” means any non-bargaining full-time or regular part-time employee of the City or any full-time or regular part-time employee who is covered by a collective bargaining agreement, provided a mutually agreed to provision is executed to participate in this program and meets the requirements listed below.

Eligibility:

All full-time and regular part-time employees of the City of Oberlin, may be eligible for emergency paid sick leave if they do not qualify for sick leave by another employer, are unable to work (or telework) and provided that the extension of leave will not impair the efficient operation of the department. Eligibility for emergency paid sick leave shall require evidence of at least one of the following qualifying circumstances:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee has been tested for COVID-19 and is awaiting test results or is actively positive for the COVID-19 virus.

This policy does not create a new allotment of paid time off for employees who already have exhausted their 80 hours of emergency paid sick leave.

Amount of Paid Sick Leave:

All eligible employees will have up to 80 hours, or 2 weeks of emergency paid sick leave available to use for the qualifying circumstances above, corresponding with the number of hours of the employee’s regular weekly work schedule. For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the preceding 6-month period, ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Rate of Pay:

Paid emergency sick leave will be paid at the employee's regular rate of pay, for leave taken for reasons 1-3 above. Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above

Interaction with Other Paid Leave:

The employee may use emergency paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Procedure for Requesting Emergency Paid Sick Leave:

Employees must notify their supervisor and/or the HRA of the need and specific reason for leave under this policy. Employees must provide documentation supporting the absence, e.g., a copy of the quarantine or isolation order, or written documentation from a health care provider advising self-quarantine.

For convenience, a form will be provided to all employees via email or in a manner accessible to them. Verbal notification will be accepted until practicable to provide written notice.

Once emergency paid sick leave has begun, the employee and his or her supervisor must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive paid sick time.

Job Protections:

No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined or discriminated against for use of this leave.

Please contact the Human Resources Department with any questions.