

ORDINANCE NO. 88-20

AN ORDINANCE TO AMEND SUBSECTION (F) OF EXHIBIT A TO ORDINANCE NO. 36-20 WHICH ADOPTED THE EMERGENCY FAMILY MEDICAL LEAVE EXPANSION ACT AND EMERGENCY PAID SICK LEAVE ACT FROM THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT FOR THE CITY OF AVON AND DECLARING AN EMERGENCY

WHEREAS, on March 19, 2020, the President of the United States signed into law the Families First Coronavirus Response Act, to go into effect on April 2, 2020 through December 31, 2020, to assist employees in dealing with certain issues caused by the coronavirus pandemic; and

WHEREAS, included in the Families First Coronavirus Response Act, the U.S. Congress expanded a part of the Family Medical Leave Act by enacting the Emergency Family Medical Leave Expansion Act and the Emergency Paid Sick Leave Act, all of which are codified at 29 U.S.C. 2601 et seq. and when read together forms a federal mandate for all employers with fewer than 500 employees; and

WHEREAS, in accordance with the federal mandate and to provide for such leave for its employees, Council for the City of Avon passed Ord. No. 36-20 on April 6, 2020 to adopt the provisions of these federal laws so as to afford protection to employees of the City of Avon and further the health, safety and welfare of the citizens of Avon.

WHEREAS, it has become necessary to amend Exhibit A, subsection (F) of Ord. No. 36-20 to revise the “Special Rule for Emergency Responders” to afford these employees some of the same protections other employees receive under this federal legislation; and

WHEREAS, Council, having reviewed the proposed amendment, finds it to be fair, equitable and in the best interests of the health, safety and welfare of the citizens of Avon to enact it.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
AVON, COUNTY OF LORAIN AND STATE OF OHIO:**

Section 1 – That Exhibit A, subsection (F) of Ord. No. 36-20, titled “Special Rule for Emergency Responders” which currently reads as follows:

F. Special Rule for Emergency Responders

An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of the provisions in the amendments made under section 3102 of this Act.

Pursuant to the Family and Medical Leave Expansion Act, and in the best interests of the citizens of Avon, the Employer has elected to exclude emergency responders from the application of Public Health Emergency Leave. Thus, any such employees are not eligible for receiving Public Health Emergency Leave. If an employee meets the definition of an emergency responder and is in need of leave, please contact the Department Head or Human Resources to discuss any other leave options that may be available.

SHALL BE AMENDED TO READ AS FOLLOWS:

F. Special Rule for Emergency Responders

This policy applies only to those employees in positions that fall within the definition of emergency responder who are exempt from the provisions of the City of Avon policy regarding the Families First Coronavirus Response Act (FFCRA). The policy expires December 31, 2020, unless expressly extended by City Council.

1. The definition of “Emergency Responder” means an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state’s or territory’s or the District of Columbia’s response to COVID-19.
2. In consideration of the best interest of the citizens of the City of Avon, the City exempted emergency responders from the application of the provisions of the Families First Coronavirus Response Act (FFCRA). Nonetheless, in recognition of the services provided to the citizens of the City of Avon, the City Safety Director is hereby granted the authority to grant one (1) single period of up to two (2) calendar weeks of paid administrative leave to any City of Avon employee who is an emergency responder for the specific purpose of an absence necessitated by one of the following:
 - a. The employee is subject to a local quarantine or isolation order related to COVID-19 that is specifically applicable to the employee.
 - b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - c. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis
3. The employee must request the emergency administrative leave in writing and, at the request of the Employer, must provide documentation supporting the need for the leave.
4. Emergency administrative paid leave will be calculated for full-time employees based upon the number of hours the employee would otherwise be normally

scheduled to work during the applicable two (2) week period and may not be used intermittently.

5. Notwithstanding the grant of the emergency administrative leave, if the employee is not exhibiting symptoms, the employee may be subject to recall to work if the City has an emergency need for emergency responder personnel, as long as the employee passes the CDC required guidelines.
6. Prior to return to work, the employee must provide verification of clearance to return to work from a medical provider or the county health department.

All other provisions of The Emergency Family Medical Leave Expansion Act and Emergency Paid Sick Leave Act, both of which were attached to and incorporated within Exhibit A to Ordinance No. 36-20, not otherwise in conflict with this amendment, shall remain in full force and effect through December 31, 2020.

Section 2 - The Finance Director of the City of Avon shall post notice of this amendment to the Emergency Family Medical Leave Expansion Act and the Emergency Paid Sick Leave Act in substantially similar form as set forth herein in conspicuous places throughout the various departments in the City of Avon.

Section 3 - That it is 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 actions 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 preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to amend subsection (F), Exhibit A to Ord. No. 36-20 to revise the "Special Rule for Emergency Responders" as soon as possible as the COVID-19 crisis continues; therefore, this Ordinance shall be in full force and effect immediately upon passage and approval by the Mayor.

PASSED: _____

DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

Ordinance No. 88-20 (Con't.)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director