

ORDINANCE NO. 1-21

AN ORDINANCE TO EXTEND PORTIONS OF SECTION III OF THE EMERGENCY PAID SICK LEAVE ACT, PART OF THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT 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 (FFCRA), 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, Council then amended Ord. No. 36-20 with the passage of Ord. No. 88-20 on September 14, 2020 and revised Exhibit A, subsection (F) entitled "Special Rule for Emergency Responders" to afford these employees some of the same protections other employees receive under this federal legislation; and

WHEREAS, despite the fact that all these provisions of the FFCRA expired on December 31, 2020, the coronavirus (COVID-19) has not abated and continues to spread through the population causing illness and at times serious illness and death; and

WHEREAS, the Administration, seeing a need for a continuation of certain benefits to City employees that were afforded by the FFCRA, more specifically, the Emergency Paid Sick Leave Act, petitions Council to continue some of these benefits and to extend them through March 31, 2021; and

WHEREAS, Council, having reviewed the proposed amendment, finds that granting the extension sought by the Administration to be in the best interests of the health, safety and welfare of the community in maintaining a strong and healthy labor force.

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

Section 1 – That certain benefits afforded City employees under the now expired Emergency Paid Sick Leave Act are hereby extended beginning January 1, 2021 through March 31, 2021. Said benefits are set forth in the attached Exhibit A which is incorporated herein by this reference

Section 2 - The Finance Director is authorized to appropriate funds from the relevant fund/department to cover the cost of meeting the City's financial obligations incurred by this legislation.

Ordinance No. 1-21 (Con't.)

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 extend benefits previously provided by the Emergency Paid Sick Leave Act beginning January 1, 2021 through March 31, 2021; 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

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