

EXHIBIT A TO ORDINANCE NO. 1-21

III. Emergency Paid Sick Leave Act

A. The Employer's Sick Leave Policy is hereby amended to include Emergency Paid Sick Leave (EPSL) to eligible employees who are unable to work (or telework) due to a need for leave because:

- (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 is experiencing symptoms of COVID -19 and seeking a medical diagnosis.
- (4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).

The Emergency Paid Sick Leave Act includes an exception that an Employer of an employee who is a health care provider or an emergency responder may elect to exclude such employees from the application of the subsection regarding Emergency Paid Sick Leave. The definition for emergency responder is the same as set forth in the definitions section of Ordinance No. 36-20, Exhibit A, Section II (C).

The Employer has elected, pursuant to the Emergency Paid Sick Leave Act, and in the best interests of the citizens of Avon, to include emergency responders in the application of Emergency Paid Sick Leave (See Ord. No. 88-20). Thus, any such employees are eligible for receipt of Emergency Paid Sick Leave.

B. A full-time or part-time (not including seasonal) employee shall be entitled to emergency paid sick leave equal to the number of hours that such employee works, on average, over a two (2) week period or the balance of hours not used for EPSL prior to December 31, 2020, whichever is less.

- (1) The paid sick leave under this policy shall be available for immediate use by the employee for the purposes described in this policy, regardless of how long the employee has been employed by the Employer.
- (2) Emergency Paid Sick Leave under this policy will be in addition to any accrued sick leave credited to an employee under the Employer's Sick Leave Policy, and the use of Emergency Paid Sick Leave will not be deducted from an employee's existing sick leave accrual.

C. Emergency paid sick leave will be calculated for full-time employees based upon the number of hours the employee would otherwise be normally scheduled to work.

For part-time employees or employees with varying schedules, and to the extent that the Employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken public health emergency leave or other leave, the Employer shall use the following in place of such number:

- (1) a number equal to the average number of hours that the employee was scheduled per day over the six (6) month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.
- (2) if the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

D. Compensation for Emergency paid sick leave for any use described in section III, (A) above will be calculated for full-time employees based upon the employee's regular rate of pay, the minimum wage found in the FLSA, or the minimum wage of the State of Ohio, at whichever rate is the greater of those three rates. Additionally, regardless of the employee's full or part-time status, in no event shall such Emergency paid sick leave exceed:

- (1) Five hundred eleven dollars (\$511.00) per day and five thousand one hundred ten dollars (\$5,110.00) in the aggregate (hourly rate equivalent of \$63.88 based upon an eight-hour day) for a use described in Section III, (A) referenced above regarding qualifying reasons for emergency sick leave; and

E. An eligible employee may first use the emergency paid sick leave provided under this policy for the purposes described in this policy, and the Employer will not require an employee to use other paid leave provided by the Employer before the employee uses the emergency paid sick leave under this policy.

F. Paid sick leave provided to an employee under this policy shall cease beginning with the employee's next scheduled shift immediately following the termination of the need for paid sick leave under this policy.

G. Any employee requesting such leave provided in this section shall provide notice to the Employer as soon as is practicable that the employee requires the need for leave. The Employer will provide a form for the employee to complete designating the request for leave, and the type of leave to be requested. A failure to provide practicable notice may result in the employee being absent without approved leave.

H. The Employer will not require, as a condition of providing Emergency Paid Sick Leave under this policy, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid sick leave.

I. After the first workday (or portion thereof) an employee receives paid sick leave under this policy, the Employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick leave.