

County Council of Cuyahoga County, Ohio

Ordinance No. O2020-0007

<p>Sponsored by: County Executive Budish and Council President Brady</p> <p>Co-Sponsored by: Councilmembers Simon, Conwell, Jones, Brown, Miller, Stephens, Tuma and Gallagher</p>	<p>An Uncodified Ordinance providing for paid emergency administrative leave for County employees, and allowing the County Executive or his designee to temporarily expand the use of existing paid sick leave and unpaid personal leave of absence, and declaring the necessity that this Ordinance become immediately effective.</p>
--	---

WHEREAS, the life, safety, and welfare of the residents of Cuyahoga County are in jeopardy due to the outbreak of a deadly infectious disease identified as the Coronavirus disease (COVID-19); and

WHEREAS, COVID-19 is rapidly spreading, as members of the community have been infected with the disease and the risk of serious illness is imminent. The resulting impact of the disease on Cuyahoga County residents and businesses is potentially catastrophic; and

WHEREAS, as a result of the spread of COVID-19, Cuyahoga County Executive Armond Budish declared a State of Emergency within Cuyahoga County on March 11, 2020; and

WHEREAS, Cuyahoga County is committed to the health and well-being of its employees and their families; and

WHEREAS, it is in the best interest of the employees of Cuyahoga County that they be encouraged to remain at home and out of the workplace when they have an illness especially during this period of emergency; and

WHEREAS, the Cuyahoga County Executive and the Cuyahoga County Council have determined that in order to keep Cuyahoga County employees and their families safe and healthy each employee who has exhausted his or her accrued sick leave shall receive eighty (80) hours of paid emergency administrative leave; and

WHEREAS, the eighty (80) hours of paid emergency administrative leave shall be retroactively effective as of March 11, 2020, and shall expire December 19, 2020; and

WHEREAS, this Uncodified Ordinance shall apply to any and all employees currently employed by Cuyahoga County or any employee hired by Cuyahoga County during this period of emergency; and

WHEREAS, this Uncodified Ordinance authorizes the County Executive or his designee to provide additional paid emergency administrative leave on an individual basis; and

WHEREAS, the County Executive or his designee shall adopt rules and regulations regarding the authorization of additional paid emergency administrative leave; and

WHEREAS, if additional paid emergency administrative leave is approved by the County Executive or his designee, the usage of such time shall be recorded by the Department of Human Resources and on a monthly basis the Director of the Department of Human Resources shall provide a written report to Council on the additional paid emergency administrative leave authorized; and

WHEREAS, the period during which the County Executive or his designee can approve any additional paid emergency administrative leave shall expire on December 19, 2020; and

WHEREAS, all other provisions contained in the Cuyahoga County Employee Handbook regarding call-off procedures, return-to-work procedures, and required documentation are still in effect and shall be complied with by any County employee under this Uncodified Ordinance; and

WHEREAS, policies applicable to bargaining employees shall be effective as permitted under state law and the Collective Bargaining Agreements. For bargaining unit employees, the terms and conditions regarding call-off procedures, return-to-work procedures, permissible and prohibited uses of sick leave and required documentation set forth in the collective bargaining agreements shall supersede and govern; and

WHEREAS, if County employees are ordered to stay home, the County Executive shall implement paid leave with the approval of the Council President; such policy shall expire on December 19, 2020; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Adoption of Uncodified Ordinance. Cuyahoga County Executive Armond Budish declared a state of emergency within Cuyahoga County on March 11, 2020. Because of this declaration, Council hereby authorizes the County Executive to

provide all County employees eighty (80) hours of paid emergency administrative leave after the employee has exhausted his or her existing accrued sick leave. All employees currently employed by the County and any employee hired by the County during the period of emergency declared by the County Executive shall receive this paid emergency administrative leave benefit. This paid emergency administrative policy is effective March 11, 2020 and shall be in effect until the emergency no longer exists, such time to be determined by the Cuyahoga County Health Commissioner, pursuant to the declaration of emergency issued by the County Executive. Paid emergency administrative leave time expires December 19, 2020. If an employee should exhaust his or her paid sick leave and paid emergency administrative leave then additional paid emergency administrative leave may be granted, on an individual basis, at the discretion of the County Executive or his designee; the County Executive is authorized to adopt rules and regulations regarding the authorization of additional paid emergency administrative leave. If additional paid emergency administrative leave is approved by the County Executive or his designee, the usage of such time shall be recorded by the Director of the Department of Human Resources. The Director of the Department of Human Resources shall provide a written report on a monthly basis to Council on the additional paid emergency administrative leave granted. The period during which the County Executive or his designee can approve additional paid emergency administrative leave shall expire on December 19, 2020. Paid emergency administrative leave is not subject to pay out.

SECTION 2. Council hereby authorizes the County Executive or his designee to temporarily expand the use of paid sick leave as authorized in Section 11.03 of the Cuyahoga County Employee Handbook. Such authorization shall expire on December 19, 2020.

SECTION 3. Council hereby authorizes the County Executive or his designee to temporarily expand the use of unpaid personal leave of absence as authorized in Section 11.06 of the Cuyahoga County Employee Handbook. Such authorization shall expire on December 19, 2020.

SECTION 4. All provisions contained in the Cuyahoga County Employee Handbook regarding call-off procedures, return-to-work procedures, and required documentation are still in effect and shall be complied with by any County employee granted leave under this Uncodified Ordinance.

SECTION 5. Policies applicable to bargaining employees shall be effective as permitted under state law and the Collective Bargaining Agreements. For bargaining unit employees, the terms and conditions regarding call-off procedures, return-to-work procedures, permissible and prohibited uses of sick leave and required documentation set forth in the collective bargaining agreements shall supersede and govern.

SECTION 6. If County employees are ordered to stay home, the County Executive shall implement paid leave with the approval of the Council President, for the period ending December 19, 2020.

SECTION 7. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the 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.

On a motion by Mr. Brady, seconded by Ms. Brown, the foregoing Resolution was duly adopted.

Yeas: Baker, Miller, Tuma, Gallagher, Conwell, Jones, Brown, Stephens, Simon and Brady

Nays: Schron

County Council President Date

County Executive Date

Deputy Clerk of Council Date

Additional Sponsorship Requested on the Floor: March 16, 2020

Journal CC037
March 16, 2020