ORDINANCE NO. 12-2020

AN ORDINANCE to take effect immediately provided it received the vote of at least two-thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, extending the authority of the Mayor granted by Ordinance 8-2020, adopted March 16, 2020 to continue to pay benefits and provide paid leave during the COVID-19 crisis.

WHEREAS, in a special meeting on March 16, 2020 this Council approved legislation authorizing the Mayor to continue to pay benefits and to provide paid leave where employees were not able to work from home and were under a stay at home order of the Governor of the State of Ohio due to COVID-19; and

WHEREAS, since that time, the Governor has allowed a systematic reopening of the State of Ohio and the number of COVID-19 positive tests is increasing; and

WHEREAS, Ohio is still operating under emergency orders issued by the Governor of the State of Ohio and could experience additional restrictions on travel and commerce; and

WHEREAS, extending the authority of the Mayor and the Mayor’s administration to be flexible with respect to certain of these employment-related provisions in the midst of the state of emergency related to the COVID-19 pandemic is necessary and proper; and

WHEREAS, this Council determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that it coincides with federal, state and county states of emergency related to the COVID-19 pandemic; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. In order to provide maximum flexibility to the Mayor’s administration amid the state of emergency related to the COVID-19 pandemic, notwithstanding any other provision of law, policy or collective bargaining agreement, the Mayor is hereby authorized to the maximum extent permitted by law to:

(a) On a case-by-case basis, taking into account all available considerations, authorize full or partial payment to any employee of the City notwithstanding the fact that he employee may be placed temporarily on leave or be restricted from working or unable to work, in such full or partial amounts as the employee would have been paid or in such average full
or partial amounts reflecting what the employee had made within a reasonable period of time prior to being restricted from working;

(b) On a case-by-case basis, taking into account all available considerations, authorize the continued provision of fringe benefits to any employee of the City notwithstanding the fact that the employee may be placed temporarily on leave or be restricted from working or unable to work;

(c) On a case-by-case basis, taking into account all available considerations, authorize the use of paid leaves, including but not limited to sick leave, by any employee of the City notwithstanding the fact that the employee may not be qualified to use such leaves while the employee may be placed temporarily on leave or be restricted from working or unable to work;

All in order to adhere to a requirement or recommendation to remain away from city employment because of coronavirus; to permit the employee to care for an at-risk family member who is adhering to a requirement or recommendation; to permit the employee to quarantine due to exposure to or symptoms of coronavirus; and to permit the employee to care for a child of an employee if the Childs’s school or place of care has been closed, or the child-care provider is unavailable, due to a coronavirus related restriction.

Section 2. Unless this ordinance is extended by Council, this ordinance shall no longer be in force and effect at the earlier of (a) December 31, 2020 or (b) 14 days after the date upon which both the Ohio Governor has rescinded the state of emergency he has declared with respect to COVID-19 and the Director of the Ohio Department of Health has rescinded the order limiting gatherings in an effort to prevent the spread of COVID-19.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two-thirds of the members of Council this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: 7/20/2020

[Signature]
President
Approved: 7/24/2020

Mayor

Clerk