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Lakewood City Council
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Issued 2/19/21

PUBLIC NOTICE HEALTH & HUMAN SERVICES COMMITTEE

The Health & Human Services Committee will meet Monday February 22, 2021 at 6:00 p.m.

Under the orders of the Governor and Director of Health of Ohio, and pursuant to Ordinance 06-2020, adopted March 16, 2020, the Committee will meet remotely and can be accessed by the public using the following information:

<https://youtube.com/c/CityofLakewoodOhio>

PUBLIC COMMENT PROTOCOL (Updated 9/20)

The public is invited to comment on agenda items. All public comment must be submitted through the eComment portal available [HERE](#).

Written Comments

- Written comments may be submitted in advance of the meeting or during the meeting using the eComment platform.

Requests to Speak

- The public is invited to participate in the remote online meeting by making a request to speak via the eComment platform. Requests to speak must be submitted by 3:00 p.m. the day of the meeting. Following your request, you will receive an email with the credentials to join the meeting. For the security of the meeting, please do not share this information.

The agenda is as follows:

Approval of the minutes of the November 9, 2020 Health & Human Services Committee.

ORDINANCE 02-2021 - AN ORDINANCE to establish paid parental leave benefits for full-time employees of the City of Lakewood. (*1st read and referred to HHS 01/19/21; 2nd reading 2/1/21*)

John Litten, Chair

Tristan Rader, Sarah Kepple; Members

HEALTH & HUMAN SERVICES COMMITTEE

ORDINANCE NO. 02-2021

BY:

AN ORDINANCE to establish paid parental leave benefits for full-time employees of the City of Lakewood.

WHEREAS, the City of Lakewood is committed to a workplace culture that helps our employees meet the demands of family and employment responsibilities; and

WHEREAS, evidence shows that offering employees paid parental leave following the birth or adoption of a child results in long term benefits to the wellbeing of the family; and

WHEREAS, further evidence shows that offering employees paid parental leave attracts high quality candidates and motivates valuable incumbent employees; and

WHEREAS, in light of the absence of paid parental leave benefits at the federal and state levels, the City of Lakewood seeks to be a leader in our City and region by offering these benefits and setting an example for other communities to do the same; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. Section 149.01, Definitions, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

149.01 DEFINITIONS.

For the purposes of this chapter, certain words and phrases are defined as follows:

(a) "Hourly employee" means all persons who furnish labor or personal service to the City and are compensated therefore by wages fixed, computed or paid on an hourly basis and paid directly by the City, except employees who furnish labor to the City Hospital and are compensated from the Hospital Fund.

(b) "Week" means the period beginning at 12:01 a.m. Monday and ending at 12:00 midnight the following Sunday.

(c) "Work week" means the period in a week during which hourly employees shall be available for work. It regularly shall be within the period from Monday

to the following Friday, both inclusive. It shall be forty hours except that in any week in which there occurs a holiday, as hereinafter defined, it shall be thirty-two hours. Nothing herein contained shall be construed to limit the power of the City as employer to require overtime labor when necessary.

(d) "Work day" means the period in any day during which hourly employees shall be available for work. It regularly shall be eight hours in each consecutive twenty-four hour period from Monday to Friday, both inclusive. Nothing herein contained shall be construed to limit the power of the City as employer to require overtime labor when necessary.

(e) "Full-time, permanent hourly employee" means an hourly employee who has been employed by the City full time at least ninety consecutive days, but shall exclude temporary employees, seasonal employees, police cadets, school guards and public works inspectors.

(f) "Division head" means the person who is in charge of the operation of any division named in the City Charter or division created by ordinance, the work of which is performed in any part by one or more hourly employees.

(g) "Regular time" means the rate of pay for work performed by an hourly employee during a work week and during a work day.

(h) "Overtime" means the rate of pay for work performed by an hourly employee in excess of a work day or a work week, or for work performed by such employee on Saturday, Sunday or any holiday as hereinafter defined. In the event an employee's regular work week is other than Monday through Friday, he shall not be paid overtime unless such employee works in excess of forty hours per week or eight hours per day.

(i) "Annual salaried employee" means and includes all full-time, permanent employees whose compensation is paid on an annual basis. "Work week" as applied to annual salaried employees, means any forty hours in a calendar week, except that in a calendar week during which any holiday hereinafter specified occurs, the term work week means any thirty-two hours. Annual salaried employees may be required to, and shall be available for, work during any work week.

shall be and hereby is repealed, and new Section 149.01, Definitions, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

149.01 DEFINITIONS.

For the purposes of this chapter, certain words and phrases are defined as follows:

(a) "Hourly employee" means all persons who furnish labor or personal service to the City and are compensated therefore by wages fixed, computed or paid on an hourly basis and paid directly by the City, except employees who furnish labor to the City Hospital and are compensated from the Hospital Fund.

(b) "Week" means the period beginning at 12:01 a.m. Monday and ending at 12:00 midnight the following Sunday.

(c) “Work week” means the period in a week during which hourly employees shall be available for work. It regularly shall be within the period from Monday to the following Friday, both inclusive. It shall be forty hours except that in any week in which there occurs a holiday, as hereinafter defined, it shall be thirty-two hours. Nothing herein contained shall be construed to limit the power of the City as employer to require overtime labor when necessary.

(d) “Work day” means the period in any day during which hourly employees shall be available for work. It regularly shall be eight hours in each consecutive twenty-four hour period from Monday to Friday, both inclusive. Nothing herein contained shall be construed to limit the power of the City as employer to require overtime labor when necessary.

(e) “Full-time, permanent hourly employee” means an hourly employee who has been employed by the City full time at least ninety consecutive days, but shall exclude temporary employees, seasonal employees, police cadets, school guards and public works inspectors.

(f) “Division head” means the person who is in charge of the operation of any division named in the City Charter or division created by ordinance, the work of which is performed in any part by one or more hourly employees.

(g) “Regular time” means the rate of pay for work performed by an hourly employee during a work week and during a work day.

(h) “Overtime” means the rate of pay for work performed by an hourly employee in excess of a work day or a work week, or for work performed by such employee on Saturday, Sunday or any holiday as hereinafter defined. In the event an employee’s regular work week is other than Monday through Friday, he shall not be paid overtime unless such employee works in excess of forty hours per week or eight hours per day.

(i) “Annual salaried employee” means and includes all full-time, permanent employees whose compensation is paid on an annual basis. “Work week” as applied to annual salaried employees, means any forty hours in a calendar week, except that in a calendar week during which any holiday hereinafter specified occurs, the term work week means any thirty-two hours. Annual salaried employees may be required to, and shall be available for, work during any work week.

(j) “Family and Medical Leave Act” or “FMLA” shall mean The Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq.

(k) “Parent” shall mean an employee who is (a) either a biological, adoptive, step- or foster father or mother of a child, or (b) providing day-to-day care and financial support for a child who does not receive care and support from a biological, adoptive, step- or foster father or mother.

(l) “Paid parental leave” shall mean a two-week leave of absence for the purpose of a parent bonding with a newborn or with a newly adopted child in which the employee is compensated at 100 percent of his or her regular base rate of pay. Paid parental leave shall be in addition to, and not reduce, an employee’s balance of any other accrued paid leave provided to the employee by the City, including paid childbirth leave.

(m) "Paid childbirth leave" shall mean a 10-week leave of absence in which a birth mother who is a parent shall be compensated at 100 percent of her regular base rate of pay while recovering from childbirth. Paid childbirth leave shall be in addition to, and not reduce, an employee's balance of any other paid leave provided to the employee by the City, including paid parental leave.

Section 2. New Section 149.25, Paid Parental Leave; Childbirth Leave, of the Codified Ordinances of the City of Lakewood, shall be enacted to read as follows:

149.25 PAID PARENTAL LEAVE, CHILDBIRTH LEAVE.

(a) All employees who are eligible City employees pursuant to Section 149.14 and who have been employed full-time with the City for 12 or more months shall be eligible to take paid parental leave one time in a 12-month period.

(b) All employees who are eligible City employees pursuant to Section 149.14, who have been employed full-time with the City for 12 or more months and who are birth mothers are eligible to take childbirth leave one time in a 12-month period.

(c) Paid parental leave and paid childbirth leave must be taken in one uninterrupted period of leave time and must be taken within 12 months following the birth or placement of a child for adoption or foster care.

(d) Paid parental leave and paid childbirth leave shall run concurrently with Family Medical Leave Act leave and be counted against the amount of FMLA leave available to employees taking these benefits.

(e) Whenever the birth or placement of a child for adoption or foster care is foreseen, the employee must provide the Director of Human Resources at least 30 days' notice of his or her intention to take paid parental leave or paid childbirth leave.

(f) An employee who would otherwise be eligible for paid parental leave pursuant to above, whose child is stillborn or dies during the third trimester of pregnancy, is eligible for three (3) calendar weeks of paid parental leave following the date of death of the unborn or stillborn child. In the event the newly born or adopted child dies during the period of time that the employee is on paid parental leave, the employee shall be entitled to the full extent of the paid parental leave permitted above, and the paid parental leave shall not terminate due to the death of the child. All other provision of the paid parental leave granted pursuant to above shall apply.

(g) If an employee is enrolled in group health insurance or other insurance benefits sponsored by the City, these benefits will continue as if the employee had not taken leave.

(h) Paid parental leave and paid childbirth leave taken by an employee shall not be counted as time worked for the purposes of calculating overtime.

(i) The Director of Human Resources shall promulgate a policy related to provision of medical documentation, adoption or foster documentation, intermittent leave, returning to work, confidentiality and any other relevant considerations not inconsistent with this Section or the Family and Medical Leave Act.

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

Adopted: _____

Daniel J. O'Malley, Council President

Maureen M. Bach, Council Clerk

Approved: _____

Meghan F. George, Mayor