



CITY OF PATASKALA

RESOLUTION 2021-049

Passed October 4, 2021

A RESOLUTION AUTHORIZING THE MAYOR, CITY ADMINISTRATOR, FINANCE DIRECTOR, AND CHIEF OF POLICE TO EXECUTE A MEMORANDUM OF UNDERSTANDING, WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. (POLICE OFFICERS), REGARDING ADMINISTRATIVE LEAVE WITH PAY BECAUSE OF COVID-19

WHEREAS, the City of Pataskala provides certain designated leave benefits for its employees, including but not limited to paid sick leave and family and medical leave; and

WHEREAS, because of the global COVID-19 pandemic, federal legislation was enacted under the Families First Coronavirus Response Act (“FFCRA”) requiring certain employers, including the City, to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. However, the FFCRA’s paid sick leave and expanded family and medical leave requirements expired on December 31, 2020; and

WHEREAS, the City of Pataskala and the Fraternal Order of Police, Ohio Labor Council, Inc. (“the Union”) are parties to a collective bargaining agreement with a term of January 1, 2020 through December 31, 2022 (“Agreement”) which covers the terms and conditions of employment of all employees who hold bargaining unit positions; and

WHEREAS, both Parties want to temporarily allow bargaining unit employees to apply for, and be granted, administrative leave with pay because of COVID-19. In particular, the City of Pataskala will offer the greater of either 80 hours minus whatever the employee used in 2020 or 40 hours. This calculation will be retroactive to the first pay period in 2021 not January 1 2021; and

WHEREAS, in order to accomplish this, the City and the Union must execute a Memorandum of Understanding.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF MEMBERS PRESENT CONCURRING THAT:


Section 1: The Mayor, City Administrator, Finance Director, and Chief of Police are hereby authorized and directed to execute a Memorandum of Understanding, in substantially the same form and substance as the MOU attached hereto as Exhibit A and incorporated herein by reference, with the Fraternal Order of Police, Ohio Labor Council, Inc., regarding administrative leave with pay because of COVID-19.

Section 2: It is hereby 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 Council and that all deliberations of the Council and any of the decision-making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 3: This Resolution shall take effect at the earliest time allowed by the Charter of the City of Pataskala.

ATTEST:


Kathy M. Hoskinson, Clerk of Council


Michael W. Compton, Mayor

APPROVED AS TO FORM:


Brian M. Zets, Law Director

Resolution 2021-049 Exhibit A

**Memorandum of Understanding
Between The City of Pataskala and
Fraternal Order of Police, Ohio Labor Council Inc.
Regarding Administrative Leave With Pay Due To COVID-19**

This Memorandum of Understanding (“MOU”) is entered into this _____ day of _____, 2021, between The City of Pataskala (hereinafter the "Employer") and the Fraternal Order of Police, Ohio Labor Council Inc. (hereinafter "Union") (hereinafter referenced jointly as “Parties”).

WHEREAS, the Employer and Union are parties to a collective bargaining agreement with a term of January 1, 2020 through December 31, 2022 (hereinafter "Agreement") which covers the terms and conditions of employment of all employees who hold bargaining unit positions (“bargaining unit employees”); and

WHEREAS, both Parties wish to temporarily allow bargaining unit employees to apply for, and be granted, administrative leave with pay in conformance with the COVID-19 Leave Policy most recently passed by the Employer with regard to its non-bargaining unit employees;

WHEREAS, effective immediately, the Parties agree that the Employer may apply the following policy to all bargaining unit employees without violating the Agreement:

In light of the continuing global COVID-19 pandemic, as well as the expiration on December 31, 2020 of the Families First Coronavirus Response Act (“FFCRA”), the City Council for the City of Pataskala has passed the following policy for all employees.

Effective immediately and retroactive to the beginning of the first full pay period in 2021, and until December 31, 2021, any employee may apply for administrative leave with pay if they require an absence from work because the employee (1) is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; (2) has been advised by a health care provider to self-quarantine related to COVID-19; (3) is experiencing COVID-19 symptoms and is seeking a medical diagnosis; or (4) is caring for an individual subject to an order described in (1) or self-quarantine as described in (2). The application shall be made to the City Administrator or his designee, and the employee applicant shall provide all information additionally requested by the City Administrator or his designee. Although application of FFCRA leave has not been extended by the City Council, the City Administrator or his designee shall use the United States Department of Labor regulations which implemented the FFCRA as a guide in reviewing the employee’s application for leave taken pursuant to this policy.

The amount of administrative leave with pay available per employee is capped at the greater of: (1) eighty hours minus the number of hours the particular employee previously used, if any, under the FFCRA during the period of April 1, 2020 through December 31, 2020, or (2) forty hours.

The decision of the City Administrator or his designee will be made on a case by case basis, and it will take into account the prior actions of the employee, including whether the employee's actions were in violation of the Centers for Disease Control and Prevention and/or Ohio Department of Health orders or guidance.

If the application for paid administrative leave is denied, employees may alternatively apply for the use of any accrued paid sick leave, and if accrued paid sick leave is unavailable, the employee may apply for use of accrued paid vacation leave, compensatory leave, personal leave, etc., in no particular order.

WHEREAS, the Parties agree that while the bargaining unit employees and/or the Union may file a grievance concerning any decision made by the Employer with regard to the above policy, neither the bargaining unit employees and/or the Union may proceed to arbitration as otherwise provided in the Agreement; and

For the Union:

For the Employer:

Date: _____

Date: _____