

Resolution 2021-048 Exhibit A

**Memorandum of Understanding
Between The City of Pataskala and
United Steel, Paper and Forestry, Rubber, Manufacturing,
Energy, Allied Industrial and Service Workers International Union
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 United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (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: _____