

**ORDINANCE NO.:** 20-O-01  
**SPONSOR:** MAYOR ADAMSON  
**INTRODUCED:** APRIL 1, 2020

**AN ORDINANCE ADDING AN ADDENDUM TO THE FAMILY AND MEDICAL LEAVE POLICY AS INCLUDED IN THE CITY OF NEW FRANKLIN PERSONNEL POLICIES AND PROCEDURES MANUAL IN RESPONSE TO THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA) AND DECLARING THAT THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.**

WHEREAS, the Franklin Township Personnel Policies and Procedures Manual (The Policy Manual) was adopted by the City of New Franklin in November 2006; and

WHEREAS, The Policy Manual includes at Section 7.10 the Family and Medical Leave Act Policy; and

WHEREAS, the FFCRA becomes effective April 1, 2020 and includes certain provisions and options for municipalities to adopt relative to Emergency Family Medical Leave and Emergency Paid Sick Leave; and

WHEREAS, an Addendum to The Policy Manual has been drafted and submitted for Council's approval; and

WHEREAS, New Franklin Council believes it is in the best interest of the City to adopt said Addendum.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:**

**SECTION ONE:**

The proposed City of New Franklin FFCRA Family and Medical Leave Addendum is hereby approved and adopted as an Addendum to the New Franklin Personnel Policies and Procedures Manual, Section 7.10 Family and Medical Leave. A copy of the Addendum is attached hereto and incorporated by reference herein.

**SECTION TWO:**

City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION THREE:**

Council declares this to be an emergency immediately necessary for

the preservation of the public peace, health, safety and welfare of the citizens of New Franklin. Provided that this legislation receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: April 1, 2020

Kelly Kepler  
Kelly Kepler, Clerk

David Stock  
David Stock, President  
20-0-01

APPROVED: April 1, 2020

Paul F. Adamson  
Paul F. Adamson, Mayor

ENACTED EFFECTIVE: April 1, 2020

ON ROLL CALL:	Cotts	<u>Yes</u>	Jones	<u>Yes</u>	Harget	<u>Yes</u>
	Fetterman	<u>Yes</u>	Stock	<u>Yes</u>	Hawk	<u>Yes</u>
	Norris	<u>Yes</u>				

Publications on April 10, 2020 and April 17, 2020

Kelly Kepler  
Kelly Kepler, Clerk

**City of New Franklin FFCRA Family and Medical Leave Act**  
**Addendum**

In light of the recent spread of COVID-19 and the Families First Coronavirus Response Act (FFCRA) that became law, the following Addendum to the Family and Medical Leave Act Policy is effective on April 1 until December 31, 2020.

Any time the term “Employer” is used herein it shall refer to the City of New Franklin.

**I. FFCRA Emergency Family Medical Leave**

**(A)** The Act provides that an eligible employee may take up to a total of 12 workweeks of leave during a 12-month period for one or more qualifying reasons set forth in the Employer’s FMLA Policy **or for a qualifying need related to a public health emergency.**

A qualifying need related to a public health emergency means the following:

(i) An employee is unable to work or telework due to a need for leave to care for the employee’s son or daughter under 18 years of age if the son or daughter’s school or place of care has been closed, or if the child care provider of the son or daughter is unavailable due to a public health emergency.

**(B)** A **Public Health Emergency** is an emergency with respect to COVID-19 declared by a Federal, State, or local authority.

**(C)** A **Child Care Provider** is a provider who receives compensation for providing child care services on a regular basis or a child care provider as defined in 42 U.S.C. 9858n.

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

- a center-based childcare provider
- a group home childcare provider
- a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
- other licensed provider of childcare services for compensation
- a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

**(D)** A **School** is a secondary or elementary school as defined in Section 8101 of 20 U.S.C. 7801.

**(E) Exclusions:** In accordance with its authority under the FFCRA, and to maintain effective public service, the Employer has elected to exclude "Emergency Responders" from the application of the public health emergency leave provisions and such employees are not eligible for Emergency Family Medical Leave. This includes fire fighters/paramedics, police officers, public works personnel and employees whose work is necessary to maintain operation of the facilities. As a result, all New Franklin Employees are excluded from the application of the public health provisions under the FFCRA and are not eligible for Emergency Family Medical Leave. Employees continue to be eligible for leave as provided in the New Franklin Family and Medical Leave Policy."

## **II. Emergency Paid Sick Leave**

**(A)** The FFCRA requires Employer to provide Emergency Paid Sick Leave to its employees who are unable to work (or telework) for the following qualifying reasons:

1. Employees who are subject to a Federal, State or local quarantine or isolation order;
2. Employees who have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. Employees who are experiencing symptoms of COVID-19 and seeking a diagnosis;
4. Employees who are caring for an individual who is subject to an above quarantine or isolation order (para 1) or are caring for an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 (para 2);
5. Employees who are caring for a son or daughter when the son or daughter's school or place of care has been closed or the provider is unavailable due to COVID-19 precautions; or,
6. Employees who are experiencing any other substantially similar condition specified by HHS in consultation with the DOL.

**(B) Exclusions:** In accordance with its authority under the FFCRA, and to maintain effective public service, the Employer has elected to exclude Emergency Responders from the application of the public health emergency leave provisions and such employees are not eligible for Emergency Paid Sick Leave. This includes fire fighters/paramedics, police officers, public works personnel and those employees whose work is necessary to maintain operation of the facilities. As a result, all New Franklin Employees are excluded from the application of the FFCRA and are not eligible for Emergency Paid Sick Leave except as otherwise provided herein and in the New Franklin Family and Medical Leave Policy.

## **III. Additional Employer-Provided Paid Sick Leave For Employees Contracting COVID-19 Virus**

Effective April 1, 2020 through December 31, 2020, any employee, fulltime or part time, who contracts the COVID-19 Virus or is ordered by a physician to quarantine him/herself due to

exposure to the COVID-19 Virus and as a result is unavailable to work shall be entitled to a one-time allotment of 80 hours of Employer-provided Emergency Paid Sick Leave, in addition to any accrued sick leave to which the employee is otherwise entitled. Employer-provided Emergency Paid Sick Leave will only be available to employees until December 31, 2020, may not be converted to cash payment, and may not be carried over beyond December 31, 2020. Employees who commence use of Employer-provided Emergency Paid Sick Leave prior to December 31, 2020 may continue to use it in 2021 for consecutive days of absence beginning prior to December 31, 2020.

**IV. Balance of Family And Medical Leave Act Policy Reaffirmed**

Except as otherwise specifically set forth in this Addendum, the New Franklin Family and Medical Leave Policy is hereby reaffirmed in its entirety.

**WHEREFORE**, pursuant to the authority as granted by the Charter of the City of New Franklin and the New Franklin State of Emergency as declared on March 17, 2020, this Addendum to the New Franklin Family and Medical Leave Policy is hereby adopted and made effective April 1, 2020 and shall remain in effect until December 31, 2020.

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**Paul F. Adamson, Mayor**

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**Date**

**Attest:**

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**Susan Cooke, Finance Director**

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**Date**