

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 91-20

AN ORDINANCE

authorizing a temporary deviation from certain City Code provisions relating to the establishment of a City of Columbia COVID-19 Leave Policy and the federally mandated Coronavirus Response Leave Policy applicable to City employees, requirements related to timing of certain labor negotiations, and employee evaluations within Chapter 19 of the City Code; declaring an emergency for enactment; and fixing the time when this ordinance shall become effective.

WHEREAS, the novel coronavirus disease (COVID-19) is considered an infectious, highly contagious communicable and dangerous disease and on March 11, 2020 was declared by the World Health Organization to be a pandemic; and

WHEREAS, due to the COVID-19 pandemic there have been declarations of emergency enacted by the President of the United States, the Governor of the State of Missouri and the City of Columbia; and

WHEREAS, on March 25, 2020 due to presence of COVID-19 and the existence of community spread of the disease within the City, the Director of Public Health and Human Services (“Director”) issued a Stay at Home Order mandating all persons within the City of Columbia stay at home or at their place of residence except for carrying out Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations as more fully set forth in such order; and

WHEREAS, the Stay at Home Order issued by the Director on March 25, 2020 and implemented by the City Manager required all employees who were not actively engaged in carrying out essential government functions to stay home to slow the spread of the disease; and

WHEREAS, on March 25, 2020 the City Manager promulgated an administrative policy known as the COVID-19 Leave Policy to address leave for employees affected by the Stay at Home Order issued by the Director, with such policy subsequently amended effective April 1, 2020; and

WHEREAS, in response to the COVID-19 pandemic the federal government enacted the Families First Coronavirus Response Act (FFCRA) on March 18, 2020 which mandated certain additional leave and pay be granted to certain employees and such

requirements have been promulgated as an administrative policy by the City Manager known as Coronavirus Response Leave Policy effective April 1, 2020; and

WHEREAS, the City Council finds the administrative rules enacted by the City Manager in response to the Stay at Home Order of the Director and the federal government to be in the best interest of the City and its employees; and

WHEREAS, due to the COVID-19 pandemic the City Council finds it is necessary for the immediate preservation of public health and safety to affirm such rules and regulations and provide for their integration into the existing personnel ruled contained within Chapter 19 of the City Code of Ordinances; and

WHEREAS, due to the limited operations of City government during the state of emergency it is necessary to delay the timing of certain administrative functions contained within Chapter 19 related to the conduct of personnel evaluations and collective bargaining with employee groups to ensure deadlines do not forfeit certain rights and obligations; and

WHEREAS, in order to protect such rights and provide for such integration it is necessary for the City Council to authorize such steps as an emergency ordinance on the day of introduction so that such rules may go into effect immediately; and

WHEREAS, the City Council further finds such enactment will cause no harm to the public and is in the best interest of the citizens of the City of Columbia and advisable to promote and protect the public health, safety and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Incorporation of findings. The City Council makes and reaffirms the findings set forth above and incorporates the same by reference as if fully set forth herein.

SECTION 2. Emergency clause, effective date and duration. Due to the community spread of the COVID-19 pandemic within the City of Columbia and for the immediate preservation of public health and safety, this ordinance is enacted as an emergency ordinance within the meaning of Article II of Section 15 of the Home Rule Charter of the City. This ordinance shall go into effect immediately after its passage by six-sevenths (6/7) of the members of the City Council and shall remain in effect for so long as the declared state of emergency exists within the City of Columbia due to the COVID-19 pandemic or this ordinance is repealed, whichever occurs first.

SECTION 3. Chapter 19 provisions temporarily waived for integration of COVID Leave. The hours in pay status for overtime calculation contained in Section 19-96 of the City Code are waived such that the hours of leave established by the City Manager in the COVID-19 Leave Policy shall not be included as hours in pay status for the purpose of calculating overtime. Likewise, the hours of leave established in the Coronavirus Response Leave Policy shall not be included as hours in pay status for the purposes of

calculating overtime. In addition, the provisions of Section 19-130 relating to the allowance and utilization of sick leave shall be temporarily modified to authorize the use of sick leave for the closure of school, daycare, eldercare, etc. during the period of declared emergency; to authorize the utilization of sick leave by employees with less than six (6) months of City service during the period of declared city emergency; and authorizing the City Manager to approve more than twenty (20) working days for sick leave advance for any employee, including those employees with less than one (1) year of service.

SECTION 4. Section 19-87 provisions temporarily waived for completion of certain employee evaluations. The provisions of Section 19-87 of the City Code relating to the requirement to conduct performance evaluations of employees shall be temporarily suspended during the period of declared City emergency. The City Manager is hereby directed to establish a plan to conduct or otherwise fairly provide for the impact of any missed evaluations for the purpose of implementing the performance pay goals and objectives of Section 19-87 during FY 2020.

SECTION 5. Sections 19-25 and 19-25.1 relating to the collective bargaining process temporarily suspended. The timeframes set forth in Section 19-25 and 19-25.1 of the City Code relating to the collective bargaining process are hereby temporarily suspended during the period of declared City emergency. The City Manager is directed to enter into negotiations with the applicable employee group representatives as soon as is practicable following the termination of the city emergency.

SECTION 6. Ordinance supersedes any prior code, policy or practice. To the extent any provision of the City Code or prior policy or practice of the City Council is in conflict with this ordinance, the provisions of this ordinance shall supersede such provisions.

PASSED this _____ day of _____, 2020.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor