

024229

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Ordinance No. 024229

Council Bill No. B 95-20

AN ORDINANCE

authorizing a temporary deviation from certain City Code provisions within Chapter 19 related to utilization of employee vacation leave and employee eligibility for vacation donation for a COVID-19 qualifying event; 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, 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 effective March 25, 2020, as amended on April 13, 2020; and

WHEREAS, in response to the COVID-19 pandemic the federal government enacted the Families First Coronavirus Response Act (FFCRA) 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, as amended on April 13, 2020; and

WHEREAS, the City's COVID-19 Leave Policy has been subsequently updated to include, among other items, return to duty processes for Uniformed Personnel and Covered FTA Employees, Employees in Essential Positions Working Onsite, and Remote Work Employees and clarify when the City policy expires; and

WHEREAS, the FFCRA has been subsequently updated to reflect, among other items, that the City of Columbia/Boone Country Stay-At-Home Order qualifies as a quarantine/isolation situation, as well as other revisions to include the requirement that employees must request Federal Emergency Sick Leave using the Federal Emergency Sick Leave form and be approved for the leave, newly hired permanent employees can use applicable vacation accruals, employees may receive vacation donation for COVID-19 absences when all other leave is exhausted, and that FMLA Plus Leave requests are to go through the same approval process used for regular FMLA requests (FMLASource); and

WHEREAS, the amendments to such policies include the ability of any employee to utilize accrued vacation and sick leave prior to completing six (6) months of service with the City along with eligibility for vacation donation from the date of employment; 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 rules contained within Chapter 19 of the City Code of Ordinances; 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. Section 19-129(d) provisions temporarily waived to allow the use of vacation accruals by employees with less than six (6) months of City service. The provisions of Section 19-129(d) of the City Code relating to the utilization of vacation accruals shall be temporarily waived to authorize the use of accrued or donated vacation leave by employees with less than six (6) months of City service during the period of declared city emergency.

SECTION 3. Section 19-129(k) provisions temporarily waived to allow vacation donation for a COVID-19 qualifying event. The provisions of Section 19-129(k) of the


City Code relating to vacation donation shall be temporarily waived to allow any employee to be eligible to receive donated vacation hours for a COVID-19 qualifying event during the period of declared city emergency.

SECTION 4. 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.

SECTION 5. Enactment. This ordinance shall be in full force and effect from and after its passage.

PASSED this 4th day of May, 2020.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor