

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2020-47

By Jim Maxwell Sponsored By Mayor Cyril M. Kleem

AN ORDINANCE

APPROVING HAZARD PAY AGREEMENTS FOR BARGAINING UNIT EMPLOYEES OF THE CITY REPRESENTED BY THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 1836, AFL-CIO, OHIO PATROLMEN'S BENEVOLENT ASSOCIATION PATROL AND SERGEANTS, AND LABORERS' LOCAL 860, AND DECLARING AN EMERGENCY.

WHEREAS, in the City of Berea and across Cuyahoga County there is a current threat of an acutely hazardous disease, illness, or health condition; specifically, COVID-19, that is believed to be caused by the appearance of a novel infectious agent; and

WHEREAS, on March 9, 2020, Governor Mike DeWine, signed an Executive Order declaring a State of Emergency for the entire State of Ohio in relation to COVID-19 pursuant to the Governor's authority vested in him by the Constitution, the laws of the State of Ohio and in accordance with Revised Code section 5502.22; and

WHEREAS, the Ohio Department of Health reports that as of October 12, 2020, over 170,000 Ohioans have tested positive for COVID-19 and that 5,005 Ohioans have died due to COVID-19; and

WHEREAS, this threat has already impacted the daily lives of the citizens of the City of Berea by disrupting employment and schools, and has substantially threatened to impair the functioning of city government and its ability to protect the lives and property of the citizens of the City of Berea; and

WHEREAS, employees of the City of Berea represented by the International Association of Firefighters Local 1836, AFL-CIO, Ohio Patrolmen's Benevolent Association Patrol and Sergeants, and Laborers' Local 860 have worked throughout the pandemic, exposing them disproportionately to members of the public who may be infected with COVID-19 or to raw sewage or to surfaces and items that might have been contaminated, putting them at a higher risk of contracting the disease; and

WHEREAS, the City recognizes that certain employees should be eligible for hazard pay supplement based on the frequency of interaction with the general public, both inside and outside of City buildings, as well as, other City employees who have increased exposure to COVID-19 in the performance of the employee's job duties; and

WHEREAS, various employees are represented by labor organizations for the purpose of collective bargaining and hazard pay is a mandatory subject of bargaining pursuant to the Public Employees' Collective Bargaining Act; and

WHEREAS, the Mayor reached agreements with the International Association of Firefighters Local 1836, AFL-CIO, Ohio Patrolmen's Benevolent Association Patrol and Sergeants, and Laborers' Local 860 regarding the payment of Hazard Pay; and

WHEREAS, the Mayor has submitted a written Hazard Pay Agreement memorializing the understanding of the parties for approval; and

WHEREAS, the Mayor, the Director of Public Safety and the Director of Public Service recommend that the Council of the City of Berea approve the proposed Hazard Pay Agreements.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2020-47

By Maxwell Sponsored By Mayor Kleem

SECTION 1. That the Council of the City of Berea finds that employees subject to collective bargaining agreements with the International Association of Firefighters Local 1836, AFL-CIO, Ohio Patrolmen's Benevolent Association Patrol and Sergeants, and Laborers' Local 860 have performed hazardous work involving a physical hardship due to COVID-19 throughout the pandemic.

SECTION 2. That the Hazard Pay Agreements, as designated in Exhibits A, B, C & D and incorporated herein, that were negotiated through their designated representatives is hereby approved.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that such payments to these employees should be made as expeditiously as possible in order to allow the Finance Department to complete the hazard pay supplement prior to all other end of year payments that must be processed in the final two months of the year. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage an approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: October 19, 2020

[Signature]
President of Council

ATTEST: [Signature]
Clerk of Council

APPROVED: October 21, 2020

[Signature]
Mayor

Approved as to Form:

[Signature]
Director of Law

EXHIBIT A

MEMORANDUM OF UNDERSTANDING

On March 9, 2020, Governor Mike DeWine, signed an Executive Order declaring a State of Emergency for the entire State of Ohio in relation to COVID-19 pursuant to the Governor's authority vested in him by the Constitution, the laws of the State of Ohio and in accordance with Revised Code section 5502.22.

The Ohio Department of Health reports that as of October 11, 2020, over 168,000 Ohioans have tested positive for COVID-19 and almost 4,999 Ohioans have died due to COVID-19;

The City recognizes that certain employees should be eligible for hazard pay based on the frequency of interaction with the general public, both inside and outside of City buildings, as well as, other City employees who have increased exposure to COVID-19 in the performance of the employee's job duties.

The Mayor hereby offers to provide a hazard payment of \$1,000 to those employees represented by the International Association of Firefighters Local 1836, AFL-CIO, Ohio Patrolmen's Benevolent Association Patrol and Sergeants, and Laborers' Local 860, whom have worked throughout the pandemic, exposing them disproportionately to members of the public who may be infected with COVID-19 or to raw sewage or to surfaces and items that might have been contaminated putting them at a higher risk of contracting the disease.

The Parties acknowledge that this Memorandum of Understanding applies only to this single issue of hazard pay and does not serve to reopen the current Collective Bargaining Agreement.

This Agreement is subject to the approval of the Berea City Council.



Mayor Cyril M. Kleem

10/13/2020

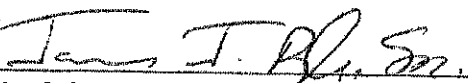
Date



Barbara L. Jones, Director of Public Safety

10/13/2020

Date



Firefighter James Ryba, Representative
International Association of Firefighters Local 1836, AFL-CIO

10/13/2020

Date

Exhibit B

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10/13/2020


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Barbara L. Jones, Director of Public Safety

10/13/2020

Date

 #25

Patrolman David Kammerman, Representative
Patrolmen's Benevolent Association - Patrol

10/12/2020

Date

Exhibit C

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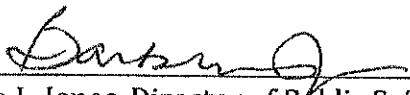
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Mayor Cyril M. Kleem

10/13/2020


Date



Barbara L. Jones, Director of Public Safety

10/13/2020

Date



Sergeant Patrick Greenhill, Representative
Patrolmen's Benevolent Association - Sergeants

10/12/20

Date

Exhibit D

MEMORANDUM OF UNDERSTANDING

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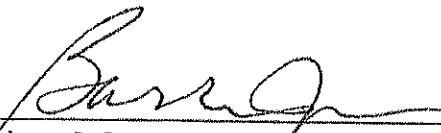
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Mayor Cyril M. Kleem

10/13/2020

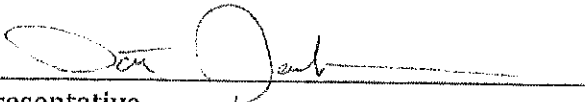
Date



Barbara L. Jones, Director of Public Safety

10/13/2020

Date



Representative
Laborers' Local 860

10/13/2020

Date