

**AN ORDINANCE ESTABLISHING A PANDEMIC ILLNESS LEAVE POLICY SECTION 125.120 F**

**WHEREAS**, the U.S. Center for Disease Control has alerted the country of the potential threat of a widespread pandemic illness outbreak of COVID-19; and

**WHEREAS**, such an outbreak would affect a significant number of city employees and their families; and

**WHEREAS**, the Board of Aldermen wishes to establish a Pandemic Illness Leave Policy allowing eligible full-time employees up to One Hundred Twenty (120) Pandemic Sick Leave hours to be used for pandemic illnesses related absences in the event that all other forms of paid leave are exhausted.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:**

Section 1. Section 125.130 of Chapter 125: Human Resources System (Personnel) Rules and Regulations is hereby amended by the addition of a new section as follows:

**F. PANDEMIC ILLNESS LEAVE**

1. The Mayor shall have the authority to declare a Pandemic Illness Emergency for the purpose of activating this section for a period of time of up to 90 days which may be renewed as the Mayor may order. During such time the following sick leave policy will be used for all pandemic related absences.
2. All regular, full-time employees will be provided with the availability to borrow against personal leave yet to be earned, up to One Hundred and Twenty (120) hours of personal leave if all personal leave balances have been exhausted. When personal leave hours are borrowed under this section, those borrowed personal leave hours shall be repaid monthly as personal leave is earned, unless the employee uses such leave for medical reasons for themselves or their dependents and such use is approved by the City Administrator.
3. To be eligible to borrow against personal leave yet to be earned, an employee must have completed at least thirty (30) days of continuous employment prior to the request for borrowed leave.
4. An employee becomes eligible to borrow against personal leave yet to be earned due to the declared Pandemic Illness Emergency when one of the following occurs:
  - a. the employee is medically diagnosed as having the pandemic illness or have symptoms consistent with the pandemic illness or is within a high-risk category for the Pandemic Illness as described by public health authorities.
  - b. the employee's spouse, child(ren) or other member of the employee's household is

- diagnosed as having the pandemic illness,
- c. the city receives notification that the employee's community of residence is under quarantine as a result of a pandemic illness; and as a result, the employee is unable to come to work,
  - d. the city receives notification that the employee's spouse's workplace or child(ren)'s school or daycare facility is subject to an order of quarantine or is otherwise closed as a result of the pandemic illness, and as a result, the employee is unable to come to work.
5. The borrowing of personal leave balances due to a pandemic will be treated the same as all other leave balances for purposes of pay and leave accrual.
  6. Before returning to work, an employee must provide a release from the treating physician stating that the employee is not contagious and is otherwise medically able to safely return to work. If the employee fails to provide such a statement upon return, the employee's immediate supervisor must (1) notify the employee that he/she will not be allowed to work without the return-to-work authorization and (2) inform the employee that he/she must leave the worksite immediately.

## Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

## Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: March 17, 2020

READ SECOND TIME: March 17, 2020

I hereby certify that the above Ordinance No.20.20 was duly passed on March 17, 2020, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4

Nays: 0

Abstentions: 0

Absent: 2

This Ordinance is hereby transmitted to the Mayor for his signature.

March 17, 2020  
Date

Tara Berreth  
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker  
Edward B. Rucker, City Attorney

I hereby approve Ordinance No. 20.20.

March 17, 2020  
Date

John Olivarri  
John Olivarri Mayor

ATTEST:  
Tara Berreth  
Tara Berreth, City Clerk



DECLARATION OF PANDEMIC ILLNESS EMERGENCY  
ISSUED PURSUANT TO SECTION 125.120 F  
OSAGE BEACH MUNICIPAL CODE

**WHEREAS** the Governor of the State of Missouri has declared a state of emergency on Executive order 20-02 issued March 16, 2020, and

**WHEREAS**, the Missouri Department of Health and Senior Services and the State Emergency Management Agency has advised that there are confirmed cases of COVID-19 in this state; and

**WHEREAS**, COVID-19 can result in mild or severe symptoms, is highly contagious, and is spread through close contact between persons and respiratory transmission; and

**WHEREAS**, COVID-19 poses a serious health risk for Osage Beach, Missouri residents and visitors; and

**WHEREAS**, the Centers for Disease Control and Prevention activated its Emergency Operations Center to better provide ongoing support to the COVID-19 response on January 21, 2020; and


**WHEREAS**, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation's healthcare community in responding to COVID-19 on January 31, 2020; and

**WHEREAS**, the first case of COVID-19 in the State of Missouri was identified on March 7, 2020; and


**WHEREAS**, the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020; and

Now on this 17<sup>th</sup> day of March, 2020, I John Olivarri, Mayor of the City of Osage Beach, do declare a Pandemic Illness Emergency due to the outbreak do Coronavirus / COVID-19, and do hereby activate the Pandemic Illness Leave policy as set out in Section 125.120 F of the Osage Beach Municipal Code. Pursuant to Section 125.150 F this order is effective for the next ninety (90) days.

Furthermore, employees may not work and must remain off city premises when they are ill, have tested positive for Coronavirus / COVID-19 or display symptoms of Coronavirus / COVID-19 infection.

  
John Olivarri, Mayor

Attest

  
Tara Berreth City Clerk

