

# **CODE Board Statement to Membership**

## **Re: COVID-19**

March 24, 2020

Dear Membership,

We have heard many stories of our members selflessly rising to the challenges presented by the current circumstances. Times like this show our true spirit of public service. We know you want to do as much as possible to help in this time of crisis, but please keep your personal safety and the safety of your co-workers and the public in mind at all times.

CODE and the City have agreed that, during this crisis, we will not pursue grievances or disciplinary processes except in the most urgent or extreme cases, and that the City and CODE will cooperate to extend any deadlines. (More on this below). If you have any issues with management that need to be addressed, please refrain from confrontation or disruption. Contact your CODE rep or board member by phone or email and we will work with management to constructively resolve such issues or defer them as appropriate.

### **Ohio Stay at Home Order:**

On March 22, 2020, Governor DeWine and Amy Acton, the state's Director of Health, issued a "Stay at Home" order ("Order") that will last until at least April 6, 2020. A link to the full Order can be found [here](#).

Many of CODE's membership perform jobs that fall within the "Essential Infrastructure" and "Essential Governmental Functions" of the Order – the definitions of which can be found in Sections 9 and 10 of the Order. Generally, Essential Infrastructure includes, but is not limited to, "construction, operation and maintenance of utilities including water and sewer, flood control, solid waste and recycling collection and removal and road and highway work." Essential Governmental Functions include, but are not limited to, "all services provided by the State or any municipality...political subdivision, board, commission or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public." This means that many of you will continue to report to work as normal.

The CODE Board has been working with Central HR and various departments to prioritize the health and safety of CODE membership, while continuing to provide vital services to the citizens of Cincinnati. This means there may be different plans for different departments and an employee in your classification in a different department may be subject to a different work schedule, or different policies.

### **Work From Home:**

Several departments have shifted employees to working from home. This is being done on a department by department and, at times, division by division basis. Please be aware your

supervisor **must give explicit approval** for you to work from home. Employees are not permitted to designate themselves as working from home.

If you decide to stay home without a work from home approval, you must use your banked comp/vacation/sick time. Under these emergency circumstances, there are no restrictions on the use of your personal time banks and a doctor's note is **not** required.

**Donated Time and Emergency Paid Sick Leave:**

Additionally, CODE and the City developed a new policy that more easily allow employees to donate their banked time to one another. A copy of this policy is posted to CODE's webpage.

In addition to the City's new policy, on April 2, 2020, the federal Emergency Paid Sick Leave Act will go into effect. This law gives employees up to two weeks of additional paid sick time for the following reasons: (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19. (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis. (4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2). (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions. (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

This emergency leave may be used before an employee has to use his/her existing time banks. Payment of emergency sick time for reasons (1), (2) and (3) above is paid at the employee's normal rate subject to a cap of \$511 per day and \$5,110 in the aggregate. Payment of emergency sick time for reasons (4), (5) and (6) above is paid at 2/3rds the employee's normal rate subject to a cap of \$200 per day and \$2,000 in the aggregate. This Emergency Paid Sick Leave does not roll over year to year.

**Personal Protective Equipment ("PPE"):**

Many of you work in public-facing departments. The City has been taking steps to minimize employee contact with the general public, including diverting all customer contact to telephone only. For example, GCWW has closed its lobby and has directed all customer inquiry to its call centers.

However, for some of you, public contact is inevitable. CODE has received word that CODE administrative/clerical employees in Police and Health are being fitted for protective masks at some point this week.

If you are in a public facing department and will have contact with the public, and believe you need PPE to safely do your job, please request the appropriate PPE from your supervisor. If your supervisor cannot or will not provide you with PPE, please immediately contact a member of the CODE Board.

Regardless of department/division of assignment or contact with the public, please remember to continue practicing social distancing and frequently wash your hands.

**Alternative Schedules:**

On a department by department basis, management may develop alternative schedules for employees to maximize social distancing. For example, management may rotate employees in groups at home / in the office. A schedule under this system could look like Group A and Group B, each of whom comes in to work every other day. Changes in schedules will be clearly communicated to the employees in the impacted departments, as needs arise. The CODE Board asks for your support and patience while these schedules are being implemented and thanks you in advance for your cooperation.

**Grievances, Discipline and the Collective Bargaining Agreement:**

Generally, the Collective Bargaining Agreement with the City remains unchanged, in full force and effect. However, there has been a modification to certain timelines in the interests of safety.

CODE's timeline to file grievances has been extended with the State of Emergency. In the event CODE needs to file a grievance, CODE will e-mail Central HR of its intent to do so, and then file the grievance within 15 working days after the lift of the State of Emergency.

Similarly, the City's timeline to send notice of Pre-Disciplinary meetings is extended to after the lift of the State of Emergency. Limited exceptions are available in cases where employee safety (for example, workplace assaults or use of drugs on duty) is involved.

CODE is also working with Central HR and the departments with respect to section 15.3(E) of the Collective Bargaining Agreement. That section of the contract states that employees not on Appendix B may be eligible to earn overtime at the straight time rate in circumstances like the current COVID-19 emergency. CODE will keep its membership updated on its progress.

**Boards/Commissions Closed:**

Mayor Cranley has ordered the closure of the City's Boards and Commissions for at least 30 days. This includes the Civil Service Commission, which cancelled both of its April 2020 meetings. As a result, it is unlikely that promotions and transfers will be processed during this time. CODE also expects that promotional testing will be delayed.

However, the Mayor's order has tolled the time limits for any person who is seeking review "by the Boards and Commissions of decisions, orders, and citations." This means that if you have a matter to bring before a Board or Commission, your time limit to bring that matter is extended.

**Conclusion:**

The CODE Board deeply and truly appreciates the hard work, sacrifice and dedication of its membership during these difficult and uncertain times. The Board is committed to keeping the best interests, health and safety of its membership as priority one.

If you need to contact the Board, please reach out to:

Kathy Schulte, President: [President@codegroup.org](mailto:President@codegroup.org) – 513-368-7139

Chadrian Johnson, 1<sup>st</sup> VP: [chadjohnson@codegroup.org](mailto:chadjohnson@codegroup.org) – 513-352-3225

Jenny King, Trustee: 513-357-2684

Please continue to monitor the CODE website for updates. Stay safe, stay healthy, be kind.

Thank You,

The CODE Board