

ORDINANCE RECORD**VILLAGE OF NEWBURGH HEIGHTS, OHIO****ORDINANCE NO. 2021-27****INTRODUCED BY:** Councilman Moran**AN ORDINANCE ADOPTING THE VILLAGE'S SECOND AMENDED COVID-19 VACCINATION POLICY, AND DECLARING AN EMERGENCY.**

WHEREAS, Council has the authority to enact policy provisions that govern or relate to the terms and conditions of employment for Village employees;

WHEREAS, Council wishes to provide incentives only to Village employees who remain employed by the Village after September 30, 2021; and

WHEREAS, Council wishes to repeal any policy in conflict with the policy announced herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS, OHIO THAT:

Section 1. Village Council hereby amends the Village's COVID-19 Vaccination Policy to read in its entirety as follows.

COVID-19 VACCINATION POLICY

All employees of the Village must obtain a COVID-19 vaccination. Exceptions to this policy are allowed for employees who (i) maintain sincerely held religious beliefs protected under Title VII or (ii) have a medical condition which makes receipt of the vaccine dangerous or otherwise inappropriate for that individual. Where an employee qualifies for one of the exceptions, the Village will seek to make a reasonable accommodation, depending on the facts and circumstances of the particular position and job duties. Where an employee meets either the religious beliefs or medical exceptions described herein and no reasonable accommodation can be made, such employee shall be placed on paid administrative leave until the United States Center for Disease Control ("CDC") lifts its state of emergency in connection with the COVID-19 pandemic. Thereafter, the employee shall be permitted to return to work.

The Safety Director may consider requests for a reasonable accommodation from employees who do not meet an exception on a case-by-case basis. Reasonable accommodations may include working remotely or working while maintaining public health social distancing requirements *and* wearing personal protective equipment including a mask and/or face shield that is purchased and provided for by the Village of

Newburgh Heights. Custom or personally purchased gear shall not be considered acceptable. Where no exception to the policy applies and where reasonable accommodation cannot be made, the employee is obligated to comply with this policy and receive the vaccination. An employee will receive a written warning, to be placed in their personnel file, for non-compliance if the employee is not fully vaccinated on or before July 1, 2021. Where a reasonable accommodation cannot be made, an employee will receive a two (2) day suspension if the employee is not fully vaccinated on or before August 1, 2021. Where a reasonable accommodation cannot be made, an employee will be terminated if the employee is not fully vaccinated on or before September 30, 2021.

Any employee not fully vaccinated on or before July 1, 2021 shall thereafter be obligated to undergo COVID-19 testing on a bi-weekly basis through September 30, 2021, at the expense of the Village, and at a testing location determined by the Village. Failure to undergo testing may result in disciplinary action being taken, up to and including termination of employment.

Employees who claim an exemption for religious purposes should sign a statement made under penalty of perjury and should provide a note from their pastor/rabbi/imam/spiritual leader that describes the basis for the religious objection. Employees who claim a serious medical condition should obtain a note from their health care provider *that describes the serious medical condition and why the vaccination put them at risk*. A generic note without explanation will be deemed insufficient to meet the policy requirements.

Employees must provide the Fiscal Officer with a copy of their COVID-19 vaccination record for their personnel file immediately upon completion of vaccination. Any employee (part-time and full-time) who provides proof of full vaccination on or before September 30, 2021 and who remains employed by the Village as of October 1, 2021 shall receive a Vaccination Stipend in the amount of \$500.00.

This policy must be distributed to each member of your department if applicable.

Section 2. Any prior vaccination policy or portion thereof in conflict with the policy set forth in Section 1 hereof is hereby repealed.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the Village of Newburgh Heights for the reason of implementing a mandatory COVID-19 vaccination policy and provide incentives

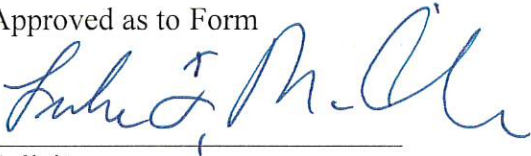
for vaccination, in an effort to stope the spread of the disease; wherefore, this ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: July 20, 2021

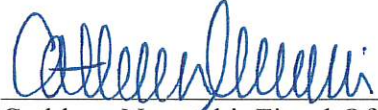


Trevor Elkins, Mayor
Village of Newburgh Heights, Ohio

Approved as to Form



Solicitor



Cathleen Nagorski, Fiscal Officer
Village of Newburgh Heights, Ohio

1ST Reading: 7/20/21
2ND Reading: 7/20/21
3RD Reading: 7/20/21