

**Ordinance No. 1419-18****Council Member:** Keane

**An emergency ordinance to amend Section 171.57 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.1492-05, passed August 3, 2005, relating to military service leave of absence.**

**WHEREAS**, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:**

**Section 1.** That Section 171.57 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.1492-05, passed August 3, 2005, is amended to read as follows:

Section 171.57     Military Service Leave of Absence; Benefits During Service

(a) All officers and employees of the City who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio national guard, are entitled to a leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each year in which they are performing service in the uniformed services.

(b) As used in this section:

(b)(1) "Year" means the calendar year.

(2) "Month" means twenty-two eight-hour work days or one hundred seventy-six hours, or for a public safety employee, seventeen twenty-four-hour days or four hundred eight hours, within one year.

(3) "Officer and employee" means any person holding a position in employment with the City that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Officer and employee" does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.

(4) "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Revised Code.

"Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(5) "Uniformed services" means the armed forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

(6) "Public safety employee" means a City employee who is employed as a fire fighter or emergency medical technician.

(c) Except as otherwise provided in division (d) of this section, any officer or employee of the City, who is entitled to the leave provided under division (a) of this section, and who is called or ordered to the uniformed services for longer than a month, for each year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence.

The difference between the officer's or employee's gross monthly wage or salary as an officer or employee and the sum of the officer's or employee's gross uniformed pay and allowances received that month;

**Section 2.** That existing Section 171.57 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.1492-05, passed August 3, 2005 is repealed.

**Section 3.** That the provisions of this section shall be in full force and effect from the effective date and forward of this ordinance.

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**Passed April 1, 2019.**

**Effective April 2, 2019.**