

ORDINANCE 18-2025

AN ORDINANCE AUTHORIZING THE MODIFICATION OF CERTAIN PROVISIONS OF THE VILLAGE OF DEGRAFF, OHIO EMPLOYEE HANDBOOK AND DECLARING AN EMERGENCY IN THE VILLAGE OF DEGRAFF, OHIO

WHEREAS, the Village of DeGraff, Ohio desires to amend certain provisions of its Employee Handbook.

WHEREAS, the Village of DeGraff has determined, as a result of the federal case law within the 6th Circuit captioned as *Tilley v. Kalamazoo Cty. Rd. Comm.*, 777 F.3d 303 (6th Cir 2015) that the Family Medical Leave Act does not apply to the Village of DeGraff.

WHEREAS, the Village of DeGraff has a duty to provide continuous and uninterrupted services to the residents of the Village of DeGraff.

WHEREAS, the Village of DeGraff does not employ more than fifty (50) persons within a seventy-five (75) mile radius.

WHEREAS, the Village of DeGraff seeks to clarify its FMLA leave policy for its employees.

WHEREAS, the Village of DeGraff seeks to modify its employee handbook to remove provisions regarding the FMLA leave and employee's eligibility for FMLA leave as a result of the foregoing and the *Tilley* decision.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF DEGRAFF, OHIO:

SECTION I: Section 5.8 of the Employee Handbook, titled "Family and Medical Leave", shall be stricken in its entirety and/or otherwise removed from the Employee Handbook.

SECTION II: Upon the effective date of this Ordinance, no Village of DeGraff employees will be eligible for Family and Medical Leave. All time off and leave shall be as set forth in the remaining provisions of Section 5 of the Employee Handbook.

SECTION III: The Mayor shall provide all employees with Notice, in writing, of the modification of Employee Handbook to remove Section 5.8, as set forth in this Ordinance, said Notice being for the purpose of: (i) clarifying the removal of Section 5.8 of the Employee Handbook; (ii) lack, or unavailability of, FMLA leave going forward; (iii) providing employees clarity on termination of FMLA Leave for the employees reasonable reliance on the Village's leave policy, as set forth in the remaining provisions of Section 5 of the Employee Handbook, notably Sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, and 5.7, on a go-forward basis.

SECTION IV: That this Ordinance is hereby declared to be an emergency measure made necessary to protect the health, safety and welfare of the Village of DeGraff, Ohio, provided for its continuous uninterrupted services, and to allow for said modifications to the Employee Handbook to be made at the earliest possible time, and it shall be in force and take effect immediately upon its passage and signature by the Mayor.

PASSED: 06/03/2025

John Kean
President of Council

APPROVED: 06/03/2025

Stephen Osborne
Mayor

ATTEST: 06/03/2025

Kaitlyn M. Bailey
Clerk of Council

I, Kaitlyn Bailey, Clerk of the Village of DeGraff, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance 18-2025 Passed by Council of said Village on the 3rd day of June, 2025.

Kaitlyn M. Bailey
Clerk