

Ordinance No. \_\_\_\_\_, Passed \_\_\_\_\_, 20\_\_\_\_

**ORDINANCE J-18**

**An Ordinance amending Section 151.03 of the Codified Ordinances of the City of Orrville, Ohio, relating to employee leave, and declaring an emergency.**

BE IT ORDAINED by the Council of the City of Orrville, Ohio:

**Section 1:** That Section 151.03 of the Codified Ordinances of the City of Orrville, Ohio, shall be amended as follows:

**151.03 EMPLOYEE LEAVE**

- (a) Sick Leave Full-time Employees Hired Prior to 01-01-2007.
  - (1) All regularly working full-time employees of the City hired prior to January 1, 2007, excluding Police Department personnel, shall be entitled to pay for time off due to sickness up to that amount of time equivalent to one day per month accumulated to an unused maximum of 180 days.
  - (2) After a full-time employee hired prior to January 1, 2007, excluding Police Department personnel, has accumulated at least 96 hours of sick leave, said employee is entitled to one personal day (8 or 10 hours as appropriate) for each consecutive four-month period when no sick leave is taken. Said four-month period is defined as January 1st through April 30th, May 1st through August 31st, and September 1st through December 31st, each calendar year. In instances where an employee uses no sick leave in a calendar year, he/she is entitled to one (1) additional personal day that may be used as time off or may be converted to cash. An employee shall not earn any personal leave if his or her balance of accrued sick leave falls below 96 hours until such time as said balance equals or exceeds 96 hours. Personal days may be accumulated to a maximum of eighty (80) hours. Any hours beyond eighty (80) hours will be forfeited. Personal days shall not be deducted from the employee's accumulated sick leave.
  - (3) Upon the death of any full-time employee of the City hired prior to January 1, 2007, excluding Police Department personnel, a lump sum payment of that portion of unused sick leave which such employee has accumulated, up to a maximum of 120 days which shall be reduced by an amount equivalent to that converted to paid wages under the City's Annual Conversion Program as set forth in subsection (c), herein, shall be paid to his or her surviving spouse, or if none, to his or her estate.
  - (4) Any full-time employee of the City hired prior to January 1, 2007, excluding Police Department personnel, who is eligible for retirement according to the applicable State statutes or rules and regulations of the applicable State Retirement Board, and who does so retire shall be paid the accumulated sick leave to his or her credit, not to exceed 120 days accumulated sick leave in a lump sum amount upon his or her retirement, which sum shall be reduced by an amount equivalent to that converted to paid wages under the City's Annual Conversion Program as set forth in subsection (c) herein. (Annual Conversion Program discontinued effective January 1, 2013.)

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- (b) Sick Leave Full-time Employees Hired on or after 01-01-2007.
- (1) All regularly working full-time employees of the City hired on or after January 1, 2007, excluding Police Department personnel, shall be entitled to pay for time off due to sickness up to that amount of time equivalent to one day per month accumulated to an unused maximum of 120 days.
- (2) Any full-time employee of the City hired on or after January 1, 2007, excluding Police Department personnel, who is eligible for retirement according to the applicable State statutes or rules and regulations of the applicable State Retirement Board, and who does so retire, shall be paid eighty (80) percent of the accumulated sick leave to his or her credit, not to exceed 96 days accumulated sick leave, in a lump sum amount upon his or her retirement.

- (c) Sick Leave Full-time Employees Hired on or after 01-01-2019.
- (1) All regularly working full-time employees of the City hired on or after January 1, 2019, excluding Police Department personnel, shall be entitled to pay for time off due to sickness up to that amount of time equivalent to one day per month accumulated to an unused maximum of 60 days.
- (2) Any full-time employee of the City hired on or after January 1, 2019, excluding Police Department personnel, who is eligible for retirement according to the applicable State statutes or rules and regulations of the applicable State Retirement Board, and who does so retire, shall be paid eighty (80) percent of the accumulated sick leave to his or her credit, not to exceed 48 days accumulated sick leave, in a lump sum amount upon his or her retirement.

(d) Sick Leave for Police Department Personnel.

- (1) All regularly working full-time employees of the Police Department shall be entitled to pay for that amount of time equivalent to ten hours per month accumulated to an unused maximum of 960 hours. Sick leave may be used due to illness of the employee, the employee's spouse or the employee's minor or otherwise unemancipated children who live with the employee. Sick leave may also be used to care for the employee's parent(s) in cases where the parent requires assistance for transportation to medical appointments, or for physical or emotional care in cases of illness/injury or hospitalization.
- (2) Upon the death of any full-time employee of the Department, a lump sum payment of the portion of unused sick leave which such employee has accumulated, up to a maximum of 960 hours shall be paid to his or her surviving spouse, or if none, to his or her estate.
- (3) Any full-time employee of the Department who is eligible for retirement according to the applicable State statutes of rules and regulations of the applicable state Retirement Board, and who does so retire shall be paid the accumulated sick leave to his or her credit, not to exceed 960 hours accumulated sick leave in a lump sum amount upon his or her retirement.
- (4) After an employee of the Police Department has accumulated 960 hours of sick leave, such employee shall be entitled to one personal day for every (3) month period when no sick leave is taken. Said three-month period is defined as January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, and October 1st through December 31st each calendar year. Personal

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days may be accumulated to a maximum of eighty (80) hours. Any hours beyond eighty (80) will be forfeited. Personal days shall not be deducted from the employee's accumulated sick leave. Police Department employees shall be entitled to one additional personal day in calendar year 2004 only.

(5) After an employee of the Police Department has accumulated 96 hours of sick leave, but less than 960 hours of sick leave, such employee shall be entitled to one personal day for every four month period when no sick leave is taken. Said four-month period is defined as January 1<sup>st</sup> through April 30<sup>th</sup>, May 1<sup>st</sup> through August 31<sup>st</sup>, September 1<sup>st</sup> through December 31<sup>st</sup>, each calendar year. Personal days may be accumulated to a maximum of eighty (80) hours. Any hours beyond eighty (80) will be forfeited. Personal days shall not be deducted from the employee's accumulated sick leave. Police Department employees shall be entitled to one additional personal day in calendar year 2004 only.

(6) Days off chargeable to sick leave shall be deducted from the total sick days accumulated at the time. In the event of illness or injury to a full-time employee of the Police Department or said employee's immediate family member (herein defined as current spouse or an employee's child, to include stepchild) said employee is eligible to receive donated leave. In order to be eligible to receive donated leave, the employee must have exhausted all paid sick leave.

A. The decision of individual employees whether or not to donate leave time to another employee is to be free and voluntary and no employee shall pressure or coerce any other employee directly or indirectly to donate leave.

B. Employees may donate sick leave to another employee. Any donated leave must be in minimum units of eight (8) hours. No member of the Police Department shall be permitted to receive greater than 240 hours of donated leave during their service to the City.

C. An employee proposing to donate leave time (hereinafter "Donor") must have written authorization in the form of an agreement with the City in advance of donated leave to be used by another employee (hereinafter "Donee"). Said agreement shall include both the identity of the Donor and a statement that the Donor is forever waiving his or her right and claim to such leave. Upon receipt of the fully executed agreement by the City, such leave shall be credited to the leave balance of the Donee with the donated time. The Donee may not use the leave to cover any absence prior to the City's receipt of the fully executed agreement. Donated leave shall be credited to the Donee in the order it is received, to the extent practical.

D. The City incurs no additional liability because of the differences in rank or pay grade and the donor employee understands and acknowledges that the donated leave shall be credited at the rate equal to the current hourly pay rate of the Donor or the Donee, whichever is less.

(e) Injury Leave. All regularly working full-time employees of the Police Department who are injured or contract an infectious disease during the course of and as a result of their employment with the City and subsequently qualify for worker's



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compensation, shall be eligible for injury leave. Such injury leave shall be equal to the difference between worker's compensation and one hundred percent (100%) of such employee's regular weekly earnings (forty straight-time hours). Employees shall use accumulated sick leave for the first fifteen calendar days of disability.

(f) Transferred Employees. Any employee who transfers from a public agency, as defined in Ohio R.C. 124.38, to the City, shall not be permitted to transfer accumulated sick leave earned during his or her previous employment.

(g) Funeral Leave.

(1) All regularly working full-time employees of the City, excluding Police Department personnel, are entitled to Funeral Leave as follows:

- A. In the event of a death in the employee's immediate family (i.e. an employee's current spouse, an employee's parent, a parent of the current spouse, brother, sister, and child, to include stepchild), the employee may use accumulated sick leave as funeral leave for up to three (3) consecutive work days in order to attend the funeral or memorial service.
- B. In the event of the death of the employee's grandparent, spouse's grandparent, grandchild, daughter-in-law, or son-in-law, the employee may use accumulated sick leave as funeral leave for up to two (2) consecutive work days in order to attend the funeral or memorial service.
- C. Funeral leave of one (1) day may be granted in the case of the death of an employee's brother-in-law or sister-in-law, and such funeral leave shall be deducted from accumulated sick leave.
- (2) All regularly working full-time Police Department personnel are entitled to Funeral Leave as follows:
  - A. In the event of a death in the employee of the Department's immediate family (i.e. an employee's current spouse, an employee's parent, a parent of a current spouse, a child, to include a stepchild, brother, sister, grandparent, current spouse's grandparent, grandchildren), the employee of the Department may use accumulated sick leave of up to a maximum of three (3) scheduled work days, one of which shall be the day of the funeral.
  - B. Funeral leave of one (1) day may be granted in the case of the death of an employee of the Department's daughter-in-law, son-in-law, brother-in-law and sister-in-law. Such funeral leave shall be deducted from sick leave.

**Section 2:** All legislation inconsistent herewith is hereby repealed.

**Section 3:** That this Ordinance is passed as an emergency measure necessary for the immediate preservation of the public peace, health and safety of said City and for the further reason that it is necessary to comply with the labor contracts effective as of January 1, 2019; therefore, this Ordinance shall be in effect immediately after its passage and approval by the Mayor shall be in full force and effect from and after the earliest period allowed by law.

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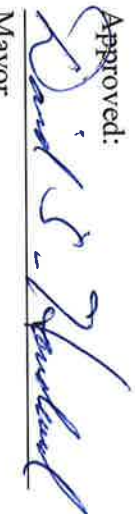
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Passed this 3rd day of December 2018.

  
\_\_\_\_\_  
President of Council

Attest:

  
\_\_\_\_\_  
Clerk of Council

Approved:  
  
\_\_\_\_\_  
Mayor