

ORDINANCE R-06

AN ORDINANCE AMENDING SECTION 151.03 OF THE CODIFIED ORDINANCES OF THE CITY OF ORRVILLE, OHIO, RELATING 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 to read 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.

(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) All regularly working full-time employees of the City hired on or after January 1, 2007, excluding Police Department personnel, shall receive payment for sick leave hours used as follows: for the first forty (40) hours in a calendar year payment will be at the employee's regular straight time hourly rate. For the next forty (40) hours used in a calendar year, (41-80) hours, the employee will be paid at seventy (70) percent of their regular straight time hourly rate. Any hours beyond eighty (80) in a calendar year shall be paid at the employee's regular hourly rate of pay.

(3) 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 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 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) 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.

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 Donee 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.

(d) Annual Conversion Program.

(1) Full-time employees of the City of Orrville who are not eligible for membership in the United City Workers or the Ohio Patrolmen's Benevolent Association are eligible to participate in an annual program of converting sick leave and/or vacation to paid wages. To be eligible for this conversion option, an employee must have a minimum of twenty-five (25) years of service credit with PERS and must have been a full-time employee of the City of Orrville for a minimum of twenty-five (25) years.

A. An employee may convert a maximum of 96 hours of sick leave each year. Any sick leave converted will be deducted from the individual's sick leave bank as well as their entitlement for purposes of cashing in unused sick leave at retirement or for payment to his or her estate in case of death. The payment for these accumulated hours will be in the first pay in December for the year requested, except that a final payment of up to 96 hours of sick leave will be included in an employee's final pay.

B. An employee may convert up to a maximum of 80 hours of vacation per year. Accumulated vacation converted to wages under this option shall result in an equivalent deduction from the individual's balance of vacation earned in the current anniversary year. The payment of these hours will be made the first pay in December for the year requested, except that a final payment of up to 80 hours may be included in an employee's final pay.

C. The rate of pay for purposes of conversion will be at the hourly rate as of the date of the conversion.

D. By accepting a payment for sick leave under this program, the employee acknowledges that his or her final sick leave pay-out at retirement, or to his or her estate in case of death, will be reduced by an equivalent total number of hours converted under this program.

(2) In order to receive a payment under this program, an employee must submit a letter of request. The letter must indicate the number of hours of sick leave and/or vacation they wish to convert per the program guidelines. A new letter of request must be submitted each time vacation and/or sick leave is to be converted. Said request should be made ninety (90) days before the December pay date in accordance with the program guidelines.

(3) Full-time employees of the City of Orrville who are eligible for membership in the United City Workers are eligible to participate in an annual program of converting vacation leave to paid wages. To be eligible for this conversion option, an employee must have a minimum of twenty-five (25) years of service credit with OPERS and must have been a full-time employee of the City of Orrville for a minimum of twenty-five (25) years.

A. An employee may convert a maximum of 80 hours of vacation leave each year. Any vacation leave converted will be deducted from the individual's entitlement to vacation leave that year. The payment for these accumulated hours will be in the first pay in December for the year requested, except that a final payment of up to 80 hours of vacation leave will be included in an employee's final pay.

B. In order to receive a payment under this program, an employee must submit a letter of request. The letter must indicate the number of hours of vacation leave they wish to convert per the program guidelines. A new letter of request must be submitted each time vacation leave is to be converted. Said request is to be made ninety (90) days before the December pay date in accordance with the program guidelines.

(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 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 be credited by the City with the unused balance of such employee's accumulated sick leave earned on his or her previous employment in an amount not to exceed thirty (30) days, notwithstanding the provisions of Ohio R.C. 124.38.

(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, grandchild, 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, 2007; therefore, this resolution 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.

Passed this _____ day of _____ 2006.

President of Council

Attest:

Clerk of Council

Approved:

Mayor

Date _____