

ORDINANCE NO. 49 -90

By: Mr. Loehnert

An Ordinance to amend Section 262.02(c)(12) of the Codified Ordinances effective January 1, 1990, to provide for additional sick leave in unusual cases where accumulated sick leave has been exhausted and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Section 262.02(c)(12) of the Codified Ordinances is hereby amended as follows:

(12) Sick Leave.

A. Sick Leave Accrual. For each completed eighty hours in active pay status (including, but not limited to, vacation, sick and personal leave), an employee shall earn 4.616 hours of sick leave. The amount of sick leave time which may be accrued is 1,920 hours. All hours of sick leave accrued in excess of 1,920 hours shall annually be converted into a cash payment on the basis of one hour of pay for each hour of unused sick leave which shall be made to an employee as soon as practicable after the close of each calendar year. Sick leave shall accrue and be recorded at the employee's base rate of pay in effect during the pay period when the sick leave is earned. Each time an employee is approved to use or convert sick leave, the sick leave available which accrued at the lowest base rate of pay shall be credited first. All sick leave accrued prior to the effective date of this Ordinance shall be accounted for as if it had been earned at the base rate of pay in effect on January 1, 1990.

B. Use of Sick Leave. An employee may request sick leave for the following reasons:

i. Illness or injury of the employee or a member of his or her immediate family.

ii. Exposure of employees or his or her immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others.

iii. Death of a member of an employee's immediate family.

iv. Necessary medical, dental or optical examinations or treatment of the employee or his or her immediate family.

v. Pregnancy, childbirth and/or related medical conditions of employee or his/her immediate family.

For purposes of this subsection, the "immediate family" is defined as only: mother, father, brother, sister, child, current spouse, grandparent, grandchild, current mother-in-law, current father-in-law, current sister-in-law, current brother-in-law, current daughter-in-law, current son-in-law, legal guardian or other person who stands in the place of a parent, or for whom the employee stands in loco parentis.

C. Sick Leave Approval. An employee requesting sick leave shall inform the radio dispatcher on duty of the fact and reason at least one hour (two hours in the case of the Police Sergeants and the Radio Dispatchers) prior to his or her scheduled starting time. Failure to do so may result in denial of sick leave for the period of absence unless the

employee provides to the department head a written explanation for noncompliance which the department head reasonably determines to be acceptable. The employee may be required to submit to a medical examination if the City suspects sick leave abuse.

The City may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician or practitioner may be required to justify the use of sick leave. Falsification of illness information given verbally, by written, signed statement, by a physician's or practitioner's certificate or by any other means shall be grounds for disciplinary action including dismissal.

D. Termination of Service. When a full-time employee terminates service, he or she also will receive one hour of pay for each eight hours of unused sick leave to his credit for total unused sick leave up to and including 320 hours; one hour of pay for each four hours of unused sick leave in excess of 320 up to and including 1,920 hours. The payment shall be calculated in accordance with subsection A and shall constitute payment in full of all sick leave credit accrued but unused by the employee. No pay will be made to any employee, for any unused sick leave, unless it is in excess of 232 hours. When termination of service results from the death of the employee, all unused sick leave to his or her credit shall be paid at the rate set forth above, in a lump sum to his or her surviving spouse or, if there is no spouse, to his or her estate. If the Police Chief, the Police Lieutenant or any Police Sergeant is killed in the line of duty, all unused sick leave to his or her credit shall be paid on the basis of one hour of pay for each hour of unused sick leave at the rate in effect at the time of his or her death in a lump sum to his or her surviving spouse or, if there is no spouse to his or her estate.

E. Sick Leave Conversion. If an employee has accrued more than 1,920, but less than 2,400, sick leave hours on the effective date of this Ordinance, he or she shall be paid one hour of pay for each four hours of unused sick leave. An employee with accumulated sick leave hours in excess of 2,400 hours on the effective date of this Ordinance, shall be paid one hour of pay for each hour of sick leave accrued in excess of 2,400. The cash payment for sick leave hours in excess of 1,920 hours converted into cash shall, at the option of the City, be paid in a lump sum or in installments over a period not to exceed three years.

F. EXHAUSTED SICK LEAVE. IN UNUSUAL AND SPECIFIC CIRCUMSTANCES AND AFTER THE EXHAUSTION OF ALL ACCUMULATED SICK LEAVE, THE MAYOR MAY GRANT ADDITIONAL SICK LEAVE, WITH PAY, TO EMPLOYEES. IN EACH CASE THE MAYOR SHALL MAKE A COMPLETE INVESTIGATION, REVIEW AND CONSULT WITH THE DEPARTMENT HEAD ON THE EMPLOYEE'S SERVICE AND WORK RECORD AND THE NATURE OF SERIOUSNESS OF THE SICKNESS OR PHYSICAL DISABILITY. A REPORT SHALL BE MADE AND FILED WITH THE AUDITOR TOGETHER WITH A MEDICAL CERTIFICATE TO EXPLAIN THE REASONS FOR THE EXTENDED BENEFITS. THE EXTENSION OF DAYS ABSENT, WITH PAY, MAY BE MADE ON ANY BASIS THAT THE PARTICULAR CASE WARRANTS, IN THE OPINION OF THE MAYOR, BUT THE ADDITIONAL SICK LEAVE WITH PAY SHALL NOT EXCEED TWENTY (20) WORK DAYS IN ANY GIVEN CALENDAR YEAR. FURTHER EXTENSIONS OF SICK LEAVE FOR EMPLOYEES MAY BE GRANTED ONLY AS COUNCIL DIRECTS.

Section 2. That Section 262.02(c)(12) as presently in effect is hereby repealed.

Section 3. That this Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to provide uninterrupted benefits for employees of the City, and shall be in

force immediately upon its passage and approval by the Mayor to be effective as of January 1, 1990.

Passed: May 22, 1990

Attest:

John I. Harkins
Clerk of Council

Robert V. Schmitz
President of Council

APPROVED: May 22, 1990

David H. Madison
David H. Madison, Mayor

May 22, 1990 - 1st reading
Susp. & Adopt.