

First Reading: February 11, 2013
Second Reading: March 11, 2013
Third Reading: April 8, 2013

PASSED: April 8, 2013
BY: Warren

ORDINANCE NO. 2013-04

ORDINANCE AMENDING SECTION 35.04 OF THE VILLAGE CODE
OF ORDINANCES RELATING TO SICK LEAVE

WHEREAS, Amberley Village greatly values the hard work and contributions by Village employees and wishes to minimize the impact of changes to their compensation and benefits;

WHEREAS, it is good policy to review and assess compensation and benefits for village employees;

WHEREAS, the Compensation and Benefits Committee has undertaken a series of meetings and discussed the appropriateness of benefit programs and made a recommendation to Council to change the accumulation of sick leave and the payout of unused sick leave in a way that is fair and equitable to employees and the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

SECTION 1: Section 35.04 of the Municipal Code of Ordinances is amended to read as follows:

§ 35.04 SICK LEAVE.

(A) *Unused sick leave accumulated.* Each full-time village employee shall be entitled, for each completed month of service, to sick leave of ten hours with pay. Employees may use sick leave for absence due to a short-term or long-term illness, injury, exposure to contagious disease which could be communicated to other employees, and illness or death in the employee's immediate family. All sick leave must be approved by the administrative officer in charge of the department in which the employee serves. Department heads may develop policies to curb and discipline sick leave abuse.

(B) *Maximum of accumulated hours.* Unused sick leave may be accumulated up to a maximum of 1600 hours.

(C) *Compensation for unused sick leave.* The Village will compensate employees for unused sick leave under the terms and conditions set forth herein.

(1) Existing employees of the Village as of June 1, 2013 are entitled to payment of unused sick leave upon a qualifying separation from employment with the Village.

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Payment will be made on a two-for-one basis, with every two hours of unused sick leave (up to a maximum of 1440 hours) qualifying for one hour of paid sick leave (up to a maximum of 720 hours, equivalent to 90 eight-hour days). The amount of the payment is subject to an amortization schedule as follows, depending on the employee's term of service with the Village:

After ten years of service 50%

After 11 years of service 55%

After 12 years of service 60%

After 13 years of service 65%

After 14 years of service 70%

After 15 years of service 75%

After 16 years of service 80%

After 17 years of service 85%

After 18 years of service 90%

After 19 years of service 95%

After 20 years of service 100%

(2) All employees commencing employment with the Village on or after June 1, 2013 are entitled to payment of 25 percent of their unused sick leave upon a qualifying separation from employment with the Village, provided that the total value of unused sick leave that is paid shall not exceed 240 hours (equivalent to 30 eight-hour days). This section applies to any person that previously worked for the Village and is rehired on or after June 1, 2013.

(3) Payment for unused sick leave shall be at the employee's rate of pay at the time of a qualifying separation of employment from the Village.

(4) *Qualifying separation of employment.* For the purposes of this section, a qualifying separation of employment from the Village means (1) the employee has at least 10 years of service with the Village immediately prior to separation; and (2) the employee retires from the Village. The retirement condition includes death, an involuntary separation without cause, or a disability or service retirement under any state retirement system in this state, as defined in Ohio R.C. §124.39.

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(5) The Village shall make payment of unused sick leave with the employee's last paycheck, or no later than 30 days after the employee's last date of employment with the Village.

(6) If an employee does not choose to receive payment for unused sick leave, the employee may retain those hours and transfer them to any future employer which accepts the hours.

(7) Payment will be made in a single lump sum. Except as otherwise provided herein, payment will not be made for a portion of unused sick leave. A payment for unused sick leave constitutes a full payment of all sick leave at the time of separation.

(D) *Proof of illness.* The employee requesting sick leave shall furnish a satisfactory affidavit or doctor's statement that his or her absence was caused by illness or any other cause mentioned above.

(E) Upon the death of a village employee who has less than ten years of service with the village, said employee's estate shall receive a lump sum payment equivalent to eight hours of pay for each 32 hours of accumulated, unused sick leave.

(F) Each full-time employee of the Village shall be entitled up to 16 personal hours off each calendar year which shall be charged against accumulated and unused sick leave. Such personal hours must be used by the end of the calendar year and do not accumulate or roll over to future years.

(G) *Transfer of sick leave credits.*

(1) Within 30 days of initial employment, and upon presentation of appropriate written documentation, a full-time employee shall be given credit for up to 1600 hours of unused sick leave accumulated while in the employment of another Ohio municipality, township, school district, county or the state of Ohio, including prior employment with the Village, for which the employee has not been compensated. The deadline can be extended by the Village Manager for good cause.

(2) The transfer of sick leave credits to the Village is allowed only if the employee has been employed with an Ohio public agency within the previous 10 years, and if the credits have not previously been converted to a cash benefit or other compensation.

(H) All sick leave credits will be accumulated, used, and otherwise administered by the number of hours. If sick leave maintained by, or transferred to, the Village is stated as a number of days, those days will be converted to hours at an eight-hour per day basis as long as the conversion does not cause the employee to lose any sick leave previously earned.

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(I) Payment of unused sick leave as provided herein is a benefit of employment granted voluntarily by the Village. Such benefit is not one that vests except upon retirement and the satisfaction of any other conditions specified herein. Such benefit may be increased, reduced, eliminated, or otherwise amended in the future at the discretion of Council for any reason.

SECTION 2: That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Passed this 8th day of April, 2013.

Mayor J.K. Byar

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Warren Second: Muething

Byar	Aye
Wolf	Aye
Hattenbach	Aye
Muething	Aye
Bardach	Aye
Warren	Aye
Doering	Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of _____, 2013 the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council