

ORDINANCE NO. 32-81

BY: William W. Bollinger

To establish sick pay and injury pay benefits for all employees of the City of Bexley, to establish criteria and procedures for the awarding of such benefits and to repeal all prior ordinances relating to the award of such benefits.

Whereas, in 1950 there were no sick leave benefits for municipal employees either under the ordinance of the City of Bexley or under applicable state statutes; and

Whereas, in November of 1950 Ordinance No. 40B-50 was approved by the voters of the City of Bexley under provisions of the charter which ordinance provided for various sick and accident benefits for the Division of Police of the City of Bexley; and

Whereas, commencing in 1965 the general law of the State of Ohio established and provided for certain sick leave benefits for all municipal employees (General Code 486-17C) which law, after numerous amendments, now exists as Revised Code Section 124.38; and

Whereas, sometime after 1965 the City of Bexley by ordinance, adopted and incorporated into its pay benefits the provisions of said state law for all municipal employees and has reenacted and maintained such benefits in each of its pay ordinances up to and including the year 1981; and

Whereas, there is considerable ambiguity in the meaning of initial Bexley ordinance and obvious conflict and duplication in its application to and relationship with the general laws of the state as well as a disparity in the benefits now accorded the different classes of municipal employees of the city; and

Whereas, it is the desire of this council to clarify the situation and to provide standardized sick pay and injury pay benefits for all employees; Now, Therefore;

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

(A) SICK LEAVE WITH PAY

Section 1: All fulltime police officers and all fulltime hourly employees shall be entitled for each completed eighty (80) hours of service, to sick leave benefits of four and six tenths (4.6) hours with pay, which is roughly equivalent to ten hours of sick pay benefits for an average work month. All fulltime salaried employees shall be entitled to ten (10) hours of sick pay benefits for each month of service which shall accrue at the rate of 4.6 hours of sick pay for each bi-weekly period. All official sick time records will be maintained in the Auditor's office. Sick leave shall be charged at the rate of one (1) hour for each work hour absent. When an employee terminates service, he will receive one (1) hour of pay for each eight hours of unused sick leave to his credit for total accruals up to and including three hundred twenty hours; (1) hour of pay for each four (4) hours of unused sick leave in excess of three hundred twenty hours up to and including 2,400 hours and one (1) hour of pay for each hour for all sick leave in excess of 2,400 hours. The payment shall be based on the employee's rate of pay at the time of termination and eliminates all sick leave credit accrued but unused by the employee at the time payment is made. No pay will be made to any employee, for any unused sick leave, unless it is in excess of two hundred thirty-two (232) hours. No parttime, seasonal or temporary employee shall be entitled to any sick pay benefits.

Section 2: Sick leave may be granted only upon the recommendation of the Department Head for absence due to personal illness, pregnancy, injury, exposure to contagious disease which would be communicated to other employees, and to illness, injury or death in employee's immediate family.

Section 3: The Department Head 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 may be required to justify the use of sick leave. Falsification of illness information given verbally, by written, signed statement, by a physician's certificate, or by any other means, shall be grounds for disciplinary action, including dismissal.

Section 4: Unused sick leave shall be cumulative without limit, but no sick leave shall be accumulated while the employee's being paid for additional sick leave (Section 5) or disability (Section 7). Any employee having unused sick leave prior to the effective date of this ordinance shall be credited with such unused sick leave for the purpose of this ordinance. Any employee, whether salaried or hourly, who does not request and is not granted sick leave, of any kind during each four calendar months of continuous service beginning on the first day of September, shall, in addition to the accumulation of the sick leave, be paid a bonus equivalent to one (1) days pay, based upon the average daily pay for the employee as of the last day of each four month period. Said bonus shall be paid as soon as practicable after it is earned and shall be in addition to all other pay and allowances.

Section 5: 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.

Section 6: 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 as Council directs.

(B) JOB-RELATED DISABILITY LEAVE WITH PAY

Section 7: All fulltime employees may be allowed job-related disability or injury leave with pay not to exceed two hundred forty (240) working hours in a calendar year. Said injury leave shall be charged at the rate of one (1) hour for each work hour absent.

Section 8: Injury leave may be granted to any employee only for injuries or other disabilities which are incurred in the performance of employment with the City and which are determined by a competent physician to have so disabled such employee that the duties of his position cannot be performed.

Section 9: Injury leave shall be granted only upon the recommendation of the Department Head and the express approval of the Mayor and shall not be cumulative. The Mayor or Department Head may condition their recommendation and approval, upon an examination by a physician selected and paid by the City who shall furnish the City a written statement regarding the duration of the injury or disability, the source or cause of such injury or disability, and the employee's ability to perform his assigned duties.

Section 10: If injury leave is recommended and granted by the Mayor, a report shall be made and filed with the Auditor to explain the reasons for the Mayor's decision and the benefits awarded. Once injury leave has been initially approved and granted by the Mayor, further extensions thereof may be granted as Council directs.

Section 11: Injury leave with pay shall not be granted, when, by nature of the injury or disability, an employee is entitled to wage benefits under the Workers' Compensation Laws of the State of Ohio, until, and only if, an agreement is signed by the employee and the City, whereby the employee agrees to reimburse the City for any wage or salary benefits received by him as a claimant from the Department of Workers' Compensation for the time period for which injury pay is awarded.

Section 12: All such unreimbursed injury pay compensation shall be charged against the allowable annual injury leave up to the maximum of 240 hours, or extensions thereof by Council, by dividing the total unreimbursed injury pay by the employee's regular hourly rate of pay. Should the employee use the maximum allowable injury leave within a calendar year, and still be unable to return to work, said employee may, with the approval of his Department Head and the Mayor, utilize any accrued sick leave to compensate for the difference between the Workers' Compensation benefits and his full City pay by making the same computation to determine hours utilized.

Section 13: All existing ordinances of the City of Bexley which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent that such Ordinances, or parts thereof, are inconsistent.

Section 14: This Ordinance is an emergency Ordinance necessary for the immediate preservation of the public peace, health, and safety, and this Ordinance shall go into force and effect upon its passage and approval by the Mayor.

Passed: July 14, 1981

Attest [Signature]  
Clerk of Council

[Signature]  
President of Council

Approved July 1, 1981 [Signature], 1981

[Signature]  
David H. Madison,  
Mayor

1st reading June 9, 1981

2nd reading June 23, 1981

3rd reading July 14, 1981  
approved