

ORDINANCE 23-19

By: Steve Keyes

An Ordinance to Amend Section 262.02(c) of the City of Bexley's Codified Ordinances.

WHEREAS, the City periodically reviews the benefits provided to its employees; and

WHEREAS, Ohio Revised Code section 124.38 governs sick leave for civil service employees, and

WHEREAS, O.R.C. section 124.38 entitles full-time and part-time employees to earn sick leave based on hours worked; and

WHEREAS, 262.02 of the City of Bexley's Codified Ordinances currently limits sick leave accrual to full-time employees; and

WHEREAS, the City of Bexley cannot deviate from the requirements of O.R.C. section 124.38;

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

Section 1.

That Section 262.02c(3) be amended as follows:

Holidays.

- A. Police Chief and Captain. Holidays for the Police Chief and Police Captain will be as follows:
 - New Year's Day
 - Martin Luther King Day
 - President's Day
 - Memorial Day
 - Labor Day
 - Bexley Day (Observed second Monday in August)
 - Veterans Day
 - Thanksgiving Day
 - Friday following Thanksgiving Day
 - Christmas Day

Exempt employees shall not be entitled to holiday pay above and beyond normal salary.

- B. All other Schedule I employees. Holidays for all other Schedule I employees will be as follows:
 - New Year's Day
 - Martin Luther King Day
 - Presidents Day

Memorial Day
Independence Day
Bexley Day (Observed second Monday in August)
Labor Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Day

- C. Unless otherwise directed by the Mayor, an employee subject to this subsection will not work on a scheduled holiday.
- D. Non-exempt employees subject to this subsection who are required to work on a holiday will receive double-time for hours worked, and exempt employees shall not be entitled to overtime pay for holiday worked by them. The extra pay will be included in the regular payroll in which the holiday occurs. Any person absent the working day before or after a holiday, without prior approval, shall not be paid for that holiday.
- E. At the discretion of the Mayor, the City offices may remain open on Bexley Day, and this may be a floating holiday. Employees may request this day off with pay through the year. Bexley Day must be used by December 31st of each calendar year or it will be forfeited.

Section 2.

That Section 262.02c(12) be amended as follows:

(12) Sick leave.

- A. Police Chief and Police Captain. The Police Chief and Police Captain are entitled to sick leave accrual and use under the terms provided in the collective bargaining agreement governing uniformed members of the Bexley Police Department. (Ord. 29-12. Passed 8-28-12.)
- B. Sick leave accrual.
 - 1. Effective September 1, 2019, for each completed eighty (80) hour bi-weekly pay period in active pay status (including, but not limited to, vacation, sick and personal leave), an employee shall earn 4.6 hours of sick leave. Employees who work less than eighty (80) hours in a bi-weekly pay period shall earn a pro-rated share of sick leave. The amount of sick leave time which may be accrued is 2,100 hours. 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. (Ord. 9-13. Passed 4-9-13.)

2. Service Department Supervisors are entitled to sick leave accrual and use under the terms provided in the collective bargaining agreement governing AFSCME members of the Bexley Service Department. (Ord. 12-12. Passed 3-27-12.)

- C. Use of sick leave. An employee may request sick leave for the following reasons:
1. Illness or injury of the employee or a member of their immediate family.
 2. Exposure of the employee or a member of their immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others.
 3. Death of a member of an employee's immediate family.
 4. Necessary medical, dental or optical examinations or treatment of the employee or their immediate family.
 5. Pregnancy, childbirth and/or related medical conditions of employee or a member of their 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.

- D. Sick leave approval. An employee requesting sick leave shall inform their supervisor prior to the start of work hours. Police personnel must radio the dispatcher on duty of the fact at least one hour (two hours in the case of the Police Sergeants) prior to their 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 a handwritten explanation for noncompliance which the department head reasonably determines to be acceptable. 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 from a licensed physician or practitioner may be required to justify the use of sick leave. The employee may be required to submit to a medical examination if the City suspects sick leave abuse. Falsification of 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.

- E. Termination of service. When a full-time employee terminates service, they also will receive one hour of pay for each eight hours of unused sick leave to their credit for total unused sick leave up to and including 320 hours and one hour of pay for

each four hours of unused sick leave in excess of 320 hours up to and including 2,100 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 payment 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 their credit shall be paid at the rate set forth above, in a lump sum to their surviving spouse or, if there is no spouse, to their estate. If the Police Chief or the Police Captain is killed in the line of duty, all unused sick leave to their 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 their death in a lump sum to their surviving spouse or, if there is no spouse, to their estate.

Part-time employees shall be entitled to a payout of a portion of accrued but unused sick leave in accordance with O.R.C. section 124.39(B).

Section 3

That Section 262.02e be amended as follows:

- (e) Schedule III – Part-Time, Temporary and Seasonal Employees. The benefits and terms and conditions of employment for Schedule III employees shall be as follows:
- (1) Holiday pay. (EDITOR'S NOTE: Former subsection €(1) hereof was repealed by Ordinance 43-10, passed December 7, 2010.)
 - (2) Insurance. Schedule III employees shall by default be entitled only to those insurance benefits mandated by Federal or State law, including, without limitation, Workers' Compensation benefits. The Mayor may, at the Mayor's discretion, provide health insurance benefits to part-time employees in certain situations, provided that notice be given to council of the additional benefits being provided and the reasoning behind the exception.
 - (3) Part-time employees shall receive sick leave as set forth in Section 262.02c(12).

Section 4


Those part-time employees who are employed by the City on September 1, 2019 shall be credited with a pro-rated amount of sick leave based on the hours actually worked consistent with the amended ordinance set forth in Section 1 above. Such sick leave shall be credited retroactive to their most recent date of hire with the City, provided, however, no employee shall receive any retroactive payment for work performed prior to September 1, 2017.

Section 5

That this Ordinance shall take effect and be in force from and after the earliest period allowed

by law.

Passed: Sept. 10, _____, 2019




Lori Ann Feibel, President of Council

Attest: 

William Harvey, Clerk of Council

APPROVED: Sept. 10, 2019



Ben Kessler
Mayor

First Reading: 8-20-19
Second Reading: 8-27-19
Third Reading: 9-10-19
PASSED: 9-10-19