

North Canton City Council
Personnel and Safety Committee

Ordinance No. 97 - 2017

An ordinance amending SICK LEAVE of Chapter 155 Personnel Regulations of Part One - Administrative Code of the Codified Ordinances of the City of North Canton, to authorize employees to donate and receive paid leave when fellow employees, who are otherwise eligible to accrue and use sick time, but are in critical need of leave due to the serious illness of the employee or a member of the employee's immediate family, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That Chapter 155 Personnel Regulations of Part One, Administrative Code, specifically, Section 1. GENERAL PERSONNEL REGULATIONS of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

GENERAL PERSONNEL REGULATIONS

- A. These Personnel Regulations shall apply to all exempt City employees and those non-exempt, unclassified employees not subject to a collective bargaining agreement *that is contrary to these sections*.
- B. Exempt employees' salaries are not subject to minimum wage and overtime provisions pursuant to the Fair Labor Standards Act and R.C. 4111.03, as may be amended from time to time. Exempt employees shall work the hours necessary to perform their assigned duties, subject to the direction and discretion of their appointing authorities, supervisors, or department heads.
- C. Although full-time exempt employees earn a predetermined salary, the City must account for their sick, vacation, and personal time. As a result, full-time exempt employees shall report leave used during the reporting period to the City's payroll manager no later than 12:00 noon on the first City workday following the last day for the applicable reporting period.
- C. Non-exempt employees are subject to minimum wage and overtime provisions pursuant to the Fair Labor Standards Act and R.C. 4111.03, as may be amended from time to time, and are eligible for overtime at 1.5 times their normal hourly rate for hours worked in a workweek exceeding 37.5 hours. For computing overtime pay, holidays, vacations, and funeral leave days shall be counted as hours worked.
- D. To ensure timely payment of their salaries, employees shall see that their time sheets, which have been approved by their supervisors, are submitted to the City's payroll manager no later than 12:00 noon on the first City workday following the last day for the applicable time sheet's reporting period. The time sheet shall include both time worked as well as applicable leave used during the reporting period.

- E. Exempt and nonexempt unclassified employees not subject to a collective bargaining agreement are "at-will" employees. "Unclassified employees" are those identified as being in the unclassified service by R.C. 124.11(A) and the Rules and Regulations of the Civil Service Commission of the City of North Canton.
- F. "Full-time" employees are those, other than non-exempt Fire, E.M.S., and seasonal, who are regularly scheduled to work at least 37.5 hours per workweek.
- G. "Part-time" employees are those, other than nonexempt Fire and E.M.S., who are regularly scheduled to work less than 29 hours per workweek and nonexempt Fire and cross-trained E.M.S. personnel who are regularly scheduled to work less than 53 hours in a seven-day tour of duty in an individual job classification.
- H. "Seasonal" employees are those hired with the expectation that such employment will last no longer than six months of any calendar year and who are regularly scheduled to work less than 29 hours per workweek.

SICK LEAVE REGULATIONS

- A. Sick leave shall be defined as an absence with pay necessitated by: 1) illness or injury to the employee; 2) exposure by the employee to a contagious disease communicable to other employees; and/or 3) illness, injury, or death in the employee's immediate family.
- B. Allowance for sick leave for full-time employees of the City of North Canton shall accrue at the rate of 4.615 hours for every 80 hours paid not to exceed 120 hours per year and may accumulate such sick leave to an unlimited amount.
- C. Sick leave allowance cannot be converted to vacation leave or used to provide wage extension pay or severance pay upon termination of employment for any reason other than retirement.
- D. Upon retirement, a full-time employee of the City of North Canton hired on or before August 1, 2006, shall: 1) be paid for 50% of all sick time accumulated on or before the pay date that ends August 6, 2011, as certified by the Director of Finance, that is not subsequently used; and, 2) shall receive an additional amount equal to 25% of all unused sick time accumulated after the pay period ending August 6, 2011, as certified by the Director of Finance, up to a maximum of 240 hours.
- E. Upon retirement, an employee hired after August 1, 2006 shall be paid for 25% of accumulated unused sick time up to a maximum of 240 hours.
- F. Sick leave shall not be used where injury is service connected, but shall be covered by disability pay: DISABILITY PAY Section of this ordinance.

G. Any sick leave shall be considered as hours worked for accrual of fringe benefits.

H. Sick leave may be taken in one-quarter hour increments.

I. Sick leave shall be effective on the first day of the month following the employee's date of hire.

J(a). An employee may receive donated sick or vacation leave, up to the number of hours the employee is scheduled to work each pay period, if the employee who is to receive donated leave:

i. or a member of the employee's immediate family has a serious illness;

ii. has no accrued leave whatsoever, i.e., sick, vacation, personal, compensatory, or holiday leave; and

iii. has applied for all paid leave, Workers' Compensation, or benefit programs for which the employee is eligible.

J(b). An employee may donate leave if the donating employee:

i. voluntarily elects to donate leave and does so with the understanding that donated leave shall not be returned;

ii. donates a minimum of eight hours; and

iii. retains a combined leave balance of at least 80 hours.

J(c). Leave shall be donated in the same manner in which it would otherwise be used.

J(d). This leave donation program shall be administered on a pay-period-by-pay-period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise receive. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated leave shall not count toward the probationary period of an employee who receives donated sick leave during the employee's probationary period. Donated leave shall be considered sick leave, but shall never be converted into a cash benefit.

J(e). Employees wishing to donate leave shall certify:

i. the name of the employee for whom the donated leave is intended;

ii. the type of leave and number of hours donated;

iii. that they must possess a minimum of 80 hours of combined leave balance beyond the amount donated; and

iv. that the donation is voluntarily and shall not be returned.

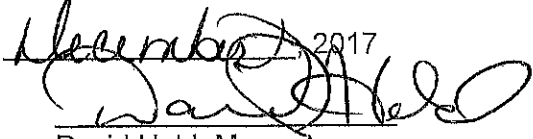
J(f). *The City shall ensure no employees are forced, compelled, or intimidated to donate leave.*

J(e). *The City shall respect an employee's right to privacy. However, it may, with the permission of the employee in need, or a member of the employee's immediate family, inform employees of their co-workers critical need for leave. The City shall not directly solicit leave donations from employees; indeed, the City shall confirm donations occur on a strictly volunteer basis.*

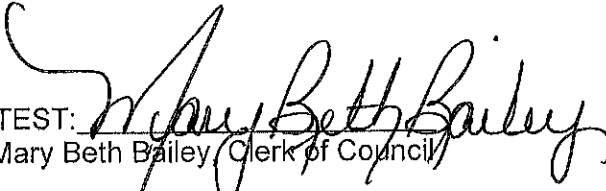
Section 3. That any and all legislation inconsistent herewith, be, and is hereby repealed.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton, and further necessary to permit employees to voluntarily donate leave to employees who have a serious illness, or to employees whose immediate family members have a serious illness, and the affected employee has no accrued leave; wherefore, this ordinance shall take effect and be in force immediately upon its adoption by Council and approval by the Mayor.

Passed by Council this 4th day of December, 2017

David Held, Mayor

Signed: 12/04, 2017

ATTEST: 
Mary Beth Bailey, Clerk of Council