

ORDINANCE NO. 2018 -88
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING CHAPTER 159 OF THE
CODIFIED ORDINANCES OF THE CITY TITLED
“EMPLOYEES GENERALLY” BY AMENDING SECTION
159.11 CAPTIONED SICK LEAVE AND DECLARING AN
EMERGENCY**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO THAT:**

SECTION 1. That the Codified Ordinances of the City of Lyndhurst are hereby supplemented by amending Section 159.11 to read as follows: (new material appears like THIS: deleted materials to appear like ~~this~~) :

159.11 SICK LEAVE.

(a) All full-time employees, and part-time employees hired after August 1, 2012 who work thirty or more hours per week, shall be entitled to sick leave of 4.6 hours for each eighty hours of service or fraction thereof, including vacation, holidays and sick days, but not including overtime hours as provided in Section 159.14. Effective January 1, 2013, sick leave shall not accrue during paid sick leave.

(b) Employees may use sick leave, upon approval of the Mayor or the department head, for absence due to personal illness, pregnancy, injury, exposure to a contagious disease which could be communicated to other employees, and to illness or death in the employee's immediate family. For purposes of this Section, immediate family is limited to only spouse, child or parent.

(c) Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work.

(d) The Mayor or department head may require the employee to furnish a satisfactory affidavit or medical report that his or her absence was caused by illness due to any of the causes mentioned in this section.

(e) Sick leave during any portion of a work period shall be counted for the purpose of determining the existence of any overtime served in such work period. Transfer of accumulated sick leave from one public agency of the State to another shall be in accordance with Ohio R.C. 124.38, which provides for credit of unused sick leave when re-employment in another public agency takes place within ten years.

(f) In accordance with the provisions of Ohio R.C. 124.39, the City herewith provides a policy for the credit of unused sick leave upon retirement for certain employees in the classified and unclassified services of the City. (1) Such an employee with ten or more years of cumulative public service in a political subdivision of the State shall receive payment for not more than a maximum of 240 hours unused sick leave time based on a formula of one-fourth of the employee's accrued but unused sick leave earned while employed by the City at retirement, but not to exceed a maximum accrual of 960 hours. **EMPLOYEES WITH LESS THAN FIFTEEN YEARS OF SERVICE ARE NOT ELIGIBLE FOR ANY ADDITIONAL PAYMENTS.** (2) In lieu of the foregoing minimum payment SET FORTH IN (1), an eligible employee may take the following payment if the same is ~~greater~~ **PAYMENT WILL BE GREATER THAN THE AMOUNT RECEIVED UNDER (1).** Any eligible employee retiring from the City shall be paid on a scale based on years of service with the City allowing thirty percent for fifteen years with Lyndhurst; thirty-five percent for twenty years with Lyndhurst; forty percent for twenty-five years with Lyndhurst; and forty-five percent for thirty years with Lyndhurst. In addition to that amount UNDER (2), the City will pay twenty-five percent of the accumulated sick leave which exceeds 960 hours up to a cap of 1,200 hours. In other words, the City will pay such employee twenty-five percent of the accumulated sick leave between 960 hours and 1,200 hours. The City will also pay **EMPLOYEES ELIGIBLE UNDER (2)** one-sixth of the unused sick time that is in excess of 1,212 hours but less than 3,113 total hours. The payment shall be based on the employee's rate of pay at retirement and eliminates all sick leave

credit accrued but unused by the employee at the time the payment is made. The increased percentages allowed herein shall take into account only years of service with the City. An eligible employee shall apply for payment of accumulated sick leave from the appointing authority within 120 days after eligibility therefor.

(g) In the case of the death of an employee while on the City payroll, if such employee has ten or more years of cumulative public service in a political subdivision of the State, accumulative sick leave shall be paid his or her personal representative in the same manner as provided upon retirement above.

(h) Provisions of this section are not applicable to elected officials, members of boards and commissions or Auxiliary Police.

(i) In December of each year, for any nonunion City employee who has accumulated more than 960 hours of sick leave and has used fewer than five sick days during the preceding twelve-month period, the City will, at the employee's option, buy back up to five sick days so that the total number of sick days used or paid for that period equals five. In other words, the following schedule will apply for such employees:

Sick Days Used	Sick Days City Will Buy
0	5
1	4
2	3
3	2
4	1
5 or more	0

The City will not buy back any sick days if the employee has used five or more sick days during the twelve-month period. For any days paid under this program, the amount of sick leave will be treated as used and will not be credited to the employee's accumulated sick leave.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Lyndhurst for the reason that it is necessary to enact said amendment immediately in order to comport with the City's Employee Handbook. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approved by the Mayor or otherwise at the earliest time allowed by law.

PASSED: _____ November 5, 2018

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on November 15, 2018 and November 22, 2018.

Clerk of Council

First Reading: November 5, 2018

Second Reading: Suspended

Third Reading: Suspended

Passed 11-5-2018