

Ordinance No. 2663-06

Passed 3-20-06

AN ORDINANCE OF THE VILLAGE OF LODI, MEDINA COUNTY, OHIO AMENDING ORDINANCE NO. 2655-06 CONCERNING THE SICK LEAVE POLICY OF THE EMPLOYEES OF THE VILLAGE OF LODI AND DECLARING THE SAME TO BE AN EMERGENCY.

WHEREAS, Council previously adopted a pay Ordinance which became effective February 5, 2006; and

WHEREAS, Council has deemed it advisable to amend a section of the pay Ordinance regarding sick leave for the Village employees.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LODI, MEDINA COUNTY, OHIO THAT:

1. The current pay Ordinance as referenced above is hereby modified as follows:

SECTION XV: SICK PAY

A. Each full-time employee and each part-time hourly employee of the Village of Lodi shall be entitled for each completed eighty (80) hours of service to sick leave of four and six tenths (4.6) hours with pay.

Employees hired by the Village of Lodi who have previously accumulated to their credit sick pay as a result of employment with another governmental entity shall be permitted to transfer such accumulated sick pay to a maximum of 480 hours. Accumulated sick pay is not transferable to or from an employer that is not a governmental entity. Accumulated sick pay is transferable to another governmental entity upon approval of Council if the employee obtains employment with another governmental entity within sixty (60) days of the termination of the employees' employment with the Village of Lodi. Accumulated sick pay is not transferable from one Village employee to another Village employee.

B. Sick leave, upon approval of the department head, may be used for absence due to illness, injury, maternity leave for female employees, exposure to contagious disease which could be communicated to other employees, and to illness or death in the employee's immediate family. Immediate family shall include: spouse, grandparents, mother, father, sister, brother, children, including step-children, mother-in-law, father-in-law, brother-in-law, and sister-in-law. Leave shall also be granted to the employee in the event of the death of any employee's aunt or uncle or in the event of the death of an aunt or uncle of the employee's spouse.

C. Effective March 16, 1989, sick leave shall be cumulative without limit. Prior to March 16, 1989, sick leave shall be cumulative up to 120 workdays. The first two (2) hours of sick leave shall not be taken in an increment less than two (2) hours. Sick leave taken in excess of the initial two hour increment shall be taken in increments of not less than one-quarter (1/4) hour.

Employees may use sick leave upon approval of the responsible administrative officer. When sick leave is used, it shall be deducted from the employee's credit. The appointing authority of each department shall 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 shall be required to justify the use of sick leave. Failure to furnish a satisfactory written signed statement and/or medical certificate shall result in sick leave denial and a day off work without pay. Submission of a fraudulent signed statement and/or medical certificate will result in denial of such leave and a day off without pay. Offenders are also subject to discipline up to and including termination of employment. Pattern abuse of sick leave is also subject to discipline up to and including termination of employment. Examples of pattern abuse of sick leave include:

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1. Before and/or after holidays;
2. Before and/or after weekends or regular days off;
3. After pay days;
4. Any one specific day;
5. Absence following overtime worked;
6. Half days;
7. Continued pattern of maintaining zero or near zero leave balances; and/or
8. Excessive absenteeism.

D. Upon retirement or total disability, severance pay of accumulated sick leave shall be paid in accordance with the mandates of Ohio Revised Code. The compensation shall apply only to unused sick leave credit as appears on the records of the Clerk of the Village of Lodi. Each employee is therefore responsible to see that his or her records are consistent with the records of the Clerk.

E. A full-time female employee of the Village, having been in the full-time employment of the Village for at least six (6) months, is entitled to a maternity leave, without pay, for a period not to exceed six (6) weeks. Said employee may use accumulated sick leave and vacation credits during maternity leave. If the employee's doctor signs written statement indicating that it would not be in the best interest of the employee to return to work, an additional six (6) weeks may be granted by Council. In no event shall maternity leave exceed twelve (12) weeks. During the period of uncompensated maternity leave, the employee shall be entitled to no benefits and no benefits shall accrue except that the Village will continue to pay the health care premiums for the employee during uncompensated maternity leave.

F. Prior to any employee returning to work after five (5) consecutive work days of absence due to any health reason, the employee shall submit to the Clerk of complete release from the employee's doctor indicating that the employee was ill or otherwise unable to work and further that the employee is fully able to return to the same duties which the employee was responsible, on a full time basis, prior to the absence. At any time, a Department Head may request a complete release from employee's doctor indicating that the employee was ill or otherwise unable to work and further that the employee is fully able to return to the same duties which the employee was responsible, on a full-time basis, prior to the absence.

If an employee is unable to work because of a job related injury or illness, regardless of the length of time, the employee, prior to returning to work, shall provide to the Clerk a complete release from the employee's doctor indicating that the employee is fully able to return to the same duties for which the employee was responsible, on a full time bases, prior to the absence. Upon providing the Clerk with a partial release from the employee's doctor stating that the employee may perform light duty work, an employee may return to work for light duty to be determined by the employee's supervisor, if available, prior to obtaining the complete medical release described above.

If an employee is unable to work at their regular duties because of a non-job related injury or illness, and the employee has provided the Clerk with a partial release from the employee's doctor stating that the employee may perform light duty work, an employee may return to work for light duty to be determined by the employee's supervisor, if available, prior to obtaining the complete medical release described above. Council shall review the granting of all light duty work as a result of a non-job related injury or illness after the employee has been on light duty work for a period of six (6) weeks.

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2. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety and welfare of the Village of Lodi and its inhabitants; the specific reason for the emergency being the immediate need to modify the sick leave policy for employees of the Village to include maternity leave, and therefore this Ordinance shall take effect immediately upon its passage.

PASSED: 3-20-06

ATTEST:

Thomas Longsdorf, Mayor

Joanne Clapp, Clerk/Treasurer, CMC



Theodore J. Lesiak, Village Solicitor