

ORDINANCE NO. 11-10
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member Paul Gresham on the 21st day of June, 2010.

AN ORDINANCE AMENDING ORDINANCE NO. 18-09, ESTABLISHING THE PERSONNEL MANUALS FOR THE CITY OF CENTERVILLE, TO ADD SECTION 4.21 LEAVE DONATION POLICY TO THE CITY OF CENTERVILLE PERSONNEL MANUAL.

PREAMBLE AND PURPOSE

WHEREAS, the City of Centerville on January 25, 2010, adopted the City of Centerville Personnel Manuals for all City employees; and

WHEREAS, it is the intent to periodically update said manuals when necessary; and

WHEREAS, Council has determined that in cases of extreme personal emergency, the City should have a voluntarily leave donation policy for City employees; and

WHEREAS, such leave donation policies do not apply to the Golf Club at Yankee Trace Personnel Manual;

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendment to Ordinance No. 18-09, exhibit "A" the City of Centerville Personnel Manual, is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

4.21 LEAVE DONATION POLICY

A. Purpose

- 1. In cases of extreme personal emergency, the City Manager may permit employees to voluntarily transfer vacation, personal leave or sick leave days earned while employed with the City to another full-time employee.*
- 2. Operation of this leave donation policy shall be at the sole discretion of the City Manager.*

B. Definitions

1. Extreme Personal Emergency – a traumatic injury and/or catastrophic illness or injury that is expected to incapacitate the employee or a member of the employee's immediate household family for an extended period of time. Traumatic or catastrophic illnesses or injuries shall include, but not be limited to: cancer, AIDS, stroke, heart attack, permanent paralysis, severe burn of the body, or other conditions defined by the City Manager to be catastrophic in nature.
2. Donation - the act of voluntarily surrendering a portion of one's vacation leave, personal leave, or sick leave to a qualified employee.
3. Immediate Household Family Member – For purposes of this policy, immediate household family is limited to the employee's spouse, children and step-children. The employee's parents may also be considered immediate family under certain circumstances, at the discretion of the City Manager.

C. Procedure

1. Eligibility

Eligibility to contribute leave or to receive donated leave under this program shall be limited to all personnel of the City serving in full-time permanent positions.

Eligibility to receive donated leave under this program shall also be limited to those who have: 1) depleted all available paid leaves, 2) not been approved to receive other paid benefits, and 3) not been disciplined for leave abuse the three (3) years prior to their request for donated leave. Employees may be eligible to receive donated leave if they have applied for any paid leave, workers' compensation, or other benefits program for which the employee is eligible, during the waiting period for such benefits or while the application is pending approval.

2. Request for Donated leave

The employee shall submit a written request to the City Manager, through the Department/Division Head, requesting to participate in the Leave Donation Program. Written requests shall include the following: medical facts to support such request; a physician's statement as to the condition and the need for leave and the projected date of return to duty, if known; the estimated number of donated leave hours requested; and, any other pertinent information that the applicant wishes to submit for

consideration. The request shall be forwarded to the City Manager for review and consideration of the facts and circumstances specific to the employee's need. Such review may include, but not necessarily be limited to: an assessment of a written certification from the employee's physician regarding the employee's or family member's medical condition, an analysis of the employee's sick leave usage and overall work history and with the City of Centerville, and consideration of input provided by the employee's supervisor/managerial staff. Following this review, the City Manager may approve, disapprove or modify the request for donated leave. The final decision rests within the sole discretion of the City Manager. The City of Centerville shall respect an employee's right to privacy, however, the City may inform employees of their coworker's critical need for leave.

3. *Donation Process, Procedures and Requirements*

Should the employee's request to receive donated leave be approved by the City Manager, employees (herein called "donors") who desire to contribute leave time shall complete a "Leave Donation Form." Such forms shall be made available by the Human Resources Department or Department/Division Head. The donor shall designate on the form the name of the employee who is to be the recipient of the donated leave and the amount of such donated leave.

The decision of individual employees whether or not to donate leave to another employee must be free and voluntary, and no official, supervisor, or employee shall pressure, solicit, or coerce any employee, directly or indirectly, to donate leave to another employee. No money or anything of value may be exchanged for donated leave. Any violation of this subsection shall be considered grounds for disciplinary action, up to and including termination.

Leave shall be donated in the following sequence in the following amounts for each approved recipient:

- a. The first sixteen (16) hours of any donation shall be vacation leave or personal leave.*
- b. After sixteen (16) hours of vacation leave or personal leave has been donated by a specific donor, sick leave may then be donated. Sick leave donations shall be limited to forty (40) hours per donor. After forty (40) hours of sick leave donation has been reached, the entire donation sequence may begin again.*
- c. Donated leave requests shall first be offered to and used from the affected department. Donations will be accepted for 15 business days*

following the department announcement of an approved request. If additional donations are needed after this donation period has expired, an announcement will be made City-wide for subsequent donations.

4. *Minimum Donation Increments*

The minimum amount of leave time which can be donated shall be eight (8) hours. Donors may contribute additional leave time in eight (8) hour increments. However, the donor shall not be allowed to donate an amount of leave which would reduce the donor's sick leave balance below one hundred and sixty (160) hours of available sick leave time.

5. *Donation Credited/Unused Leave*

The City Manager or designee will authorize the crediting of donated leave time to the receiving employee on a per pay period basis. Leave hours donated will be paid at the receiving employee's regular rate of pay. Any donated sick leave time remaining after eligibility ceases shall be prorated and returned to all employees who donated sick leave.

6. *No Conversion to Annual Leave and/or Cash*

Donated leave time shall be considered to be sick leave and shall only be used under the conditions of sick leave as set forth in this policy and the City Personnel Manual. Such leave is not eligible for leave conversion to any other type of leave or cash by the receiving employee or the receiving employee's estate.

7. *Continuation of Benefits*

Employees using donated leave shall be considered to be in paid status solely for the purpose of continuing to receive all medical, dental, and life insurance benefits; step increases; merit increases; longevity payments; and seniority credit to which they would have otherwise been entitled. However, original or promotional probationary employees using such leave shall have their probationary periods extended by the same length of time for which the employee has used the donated leave. Employees shall not accrue any paid leaves while receiving donated leave. Donated leave may run concurrent with other unpaid leaves.

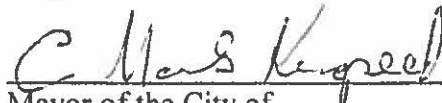
8. *Eligibility Ceases*

Eligibility for donated leave shall cease upon any of the following:

- (a) Medical certification stating that the employee is capable of engaging in sustained regular employment.
- (b) Medical certification that the employee's family member has recovered from the traumatic/catastrophic illness or injury.
- (c) An application for disability, retirement, workers' compensation, or other paid leave or benefit approved by the appointing authority for that program.
- (d) Expiration of a twelve (12) month period that starts with the first day of donated leave being used or the usage of 960 hours of donated leave; whichever comes first.
- (e) Violation of City policies, including the Leave Donation Policy.
- (f) Death of the employee or the employee's immediate family member.


Section 2. This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 21st day of June, 2010.



 Mayor of the City of
 Centerville, Ohio


ATTEST:



 Clerk of Council
 City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 11-10, passed by the Council of the City of Centerville, Ohio on the 21st day of June, 2010.



 Clerk of the Council

Approved as to form, consistency with the
 Charter and Constitutional Provisions.
 Department of Law
 Scott A. Liberman
 Municipal Attorney