

AN ORDINANCE AUTHORIZING THE ADOPTION OF AN EMPLOYEE SICK LEAVE DONATION PROGRAM AND THE ADDITION OF THE PROGRAM AS DEFINED TO THE VILLAGE EMPLOYEE HANDBOOK

WHEREAS, Brewster Village Council desires to adopt an Employee Sick Leave Donation Program and to modify the Village Employee Handbook to include an Employee Sick Leave Donation Program to benefit Village employees.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: The Village shall adopt an Employee Sick Leave Donation Program as defined below and shall add Section 4.5C Employee Sick Leave Donation Program to the Village Employee Handbook as follows:

4.5c. EMPLOYEE SICK LEAVE DONATION PROGRAM

A Sick Leave Donation Program shall be established to assist employees who have encountered a debilitating illness or injury, and who have exhausted all of their accumulated leave time. This program provides salary and benefits continuation for eligible employees who have exhausted all paid leave due to a debilitating illness or injury of the employee. This is a voluntary program that allows an employee to donate a portion of their unused sick leave to assist employees who are eligible under this program.

DEFINITIONS:

Accrued Leave:

An employee's available time off for which he has earned and will be compensated. For the purposes of the sick leave donation program this time will be confined to earned sick days

Accrued Sick Leave:

The amount of time that the full time employee earns at a rate of 1.25 days per month and that for the purpose of illness or injury may accumulate without limit

Debilitating illness or injury:

A serious health condition that makes the employee unable to perform the functions of his or her job. An employee is "unable to perform the functions of the position" where the health care provider finds that the employee:

1. is unable to work at all; or
2. is unable to perform any one of the essential functions of the employee's position.
3. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

An employee eligible to receive donated leave is defined as:

1. One who accrues and uses sick leave.
2. One who has no accrued leave (any type) or will exhaust all accrued leave (any type).
3. One who has not been approved to receive any other benefits.
4. One who has been approved for other benefits (such as worker's compensation) and could use donated sick leave to satisfy the waiting period for such benefit. Donated leave cannot be used to supplement a paid benefit program.

Donated leave:

1. will be treated as sick leave:
2. will be credited to the receiving employee on an hour-for-hour basis, regardless of differences in the rates of pay between the donating and receiving employee
3. will allow the eligible employee to receive all benefits as if the eligible employee was in an active pay status
4. will not be included in any payment, including sick leave payment, to an employee at their retirement from active service with the Village.

ONE

A Donor must:

1. voluntarily elect to donate sick leave
2. understand that any donated sick leave will not be returned
3. donate a minimum of eight (8) hours
4. donate no more than forty (40) hours sick leave time per calendar year.
5. retain a sick leave balance of at least one hundred and sixty (160) hours at all times designate the employee that will receive the donated sick leave

Exclusions:

1. An employee who receives and uses up to two hundred and forty (240) hours of donated leave will not be eligible for any future donated sick leave
2. Elective surgery does not qualify as a debilitating illness or injury. If complications arise after elective surgery resulting in a serious health condition, the situation may qualify as a debilitating illness or injury.
3. Employees on Worker's Compensation or disability leave are not eligible for the Sick Leave Donation benefits.
4. An employee must not have a written record of disciplinary action for leave abuse or misuse of leave within the past twelve (12) months.
5. An employee may not receive more than two hundred and forty (240) hours sick leave hours in a twelve (12) month period from the Sick Leave Donation Bank
6. The hours withdrawn from the Sick Leave Bank will be based on the receiving employee's regular rate of pay. All existing payroll deductions including benefit premiums will continue to occur.

Administration of the Sick Leave Donation Bank:

1. The Village Administrator will be responsible for administering and coordinating the Sick Leave Donation Program. For the Police and Fire Departments the Village Administrator shall work with the Mayor who shall authorize any donation within those departments.

Procedures:

1. An employee or his designee must request sick leave from the Sick Leave Donation Program by completing an application and submitting it to the Village Administrator
2. All applications must be accompanied by a health care provider's statement which includes the beginning date of the condition, and a description of the illness or injury. All applications must indicate the number of sick leave days being requested
3. A decision will be provided in writing within five (5) working days after receipt of the application.
4. It is the responsibility of the donating employee to determine if he or she will have the required one hundred and sixty (160) hours of sick leave remaining after the donation of the leave. This information is and shall be retained by the Village Clerk Treasurer's Office
5. The donating employee is to determine the amount of vacation or sick leave he or she wishes to donate up to the aforementioned forty (40) hours maximum per calendar year.
6. The donating employee is to complete the Village Employee Sick Leave Donation form and submit it to the Village Administrator who shall process the form and advise and file the form with the Village Clerk-Treasurer who shall record and process the donation on applicable personnel documents. This Donation form shall include the name of the donor, the amount of hours of sick leave accrued by the donor prior to the donation, the number of hours of sick leave being donated, the name of the expected recipient, and the signature of the donor.

SECTION 2: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on _____

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King