

**ORDINANCE AUTHORIZING THE ADOPTION OF AN EMPLOYEE SICK LEAVE POLICY
AND SICK LEAVE PAYOUT POLICY AND THE ADDITION OF THE POLICIES
AS DEFINED TO THE VILLAGE EMPLOYEE HANDBOOK**

WHEREAS, Brewster Village Council desires to adopt Section 4.01 an Employee Sick Leave Policy and to modify the Village Employee Handbook to include Section 4.01 an Employee Sick Leave Policy, and

WHEREAS, Brewster Village Council desires to adopt Section 4.02 an Employee Sick Leave Payout Policy and to modify the Village Employee Handbook to include Section 4.02 an Employee Sick Leave Payout Policy.

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

SECTION 1: The Village shall adopt Section 4.01 an Employee Sick Leave Policy as defined below and shall add Section 4.01 - Employee Sick Leave Policy to the Village Employee Handbook as follows:

Section 4.01 an Employee Sick Leave Policy

(A) Sick Leave Eligibility

- Full-time employees are eligible for paid sick leave.
- Part-time employees are not eligible for paid sick leave.

(B) Sick Leave Accrual

- Employees shall accrue sick leave at the rate of fifteen (15) days per year, or one hundred twenty (120) hours per year. Employees will be credited 4.615 hours of sick leave each two (2) week payroll.
- Sick leave credit shall not be accrued on overtime hours.
- Utilized sick leave shall be deducted from the employee's accrued sick leave total.
- Employees who are laid off, suspended, are on leave of absence, or are on any other non-paid status with the Village shall not accumulate or receive sick leave credit for such period of time.

(C) Sick Leave Accumulation

Unused sick leave shall be cumulative without limit.

(D) Availability for Use

- Sick leave benefits accrue from the date of hire
- Sick leave may be used as it is accrued
- However, sick leave is not available for use until it appears on the employee's earnings statement

(E) Sick Leave Use

With the approval of the Village in accordance with this policy, sick leave may be used by an employee for only for the following reasons:

1. Illness (physical or mental), injury or pregnancy-related condition of the employee;
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees;
3. Examination of the employee, for health related purposes, including medical, psychological, dental, or optical examination, diagnosis, care or preventative medical care by an appropriate licensed health care provider;
4. Illness (physical or mental), injury, or pregnancy-related condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member;
5. Examination, including medical, psychological, dental, or optical examination, diagnosis, care or preventative medical care of a member of the employee's immediate family by an appropriate licensed health care provider where the employee's presence is reasonably necessary;

6. Overnight hospital stay or outpatient surgery of the employee or immediate family;
7. Death of a member of the employee's immediate family. Such usage shall be limited to a reasonably necessary time beyond any bereavement leave benefit, as determined by the employee's supervisor and appointing authority. *(See also Bereavement Leave Policy in this Manual)*;
8. Other specific health or medical related conditions seriously affecting the employee or a member of their immediate family where the employee's presence is reasonably necessary.

(F) Definition of Immediate Family

"Immediate family" - Means an employee's spouse or significant other, parent(s), child(children), grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-siblings, or a legal guardian.

"Child" ("children") as used in this policy means or includes biological, adopted, foster, step-child, legal ward, or a child of a person standing in loco parentis who is under the age of 18 (or if over the age of 18 if incapable of self-care due to a physical or mental disability)

"Parent"(s) as used in this policy means or includes biological, adopted, foster, step-parent, legal guardian, mother-in-law, father-in-law, or an individual standing in loco parentis when the employee was a child)

"Significant other" as used in this policy means one who stands in place of a spouse and who resides with the employee.

(G) Sick Leave Rate of Pay

Sick leave shall be payable at the employee's most recent rate of pay, including longevity pay and any other relevant factors if any, for each hour of sick leave utilized.

The use of sick leave shall be considered to be hours worked for the purposes of earning and/or computing overtime or compensatory time.

(H) Notification and Approval

- Employees who are unable to report for work, and who are not on a previously approved day of vacation, sick leave, personal leave, compensatory time, leave of absence, or other approved leave shall be responsible for notifying the employee's immediate supervisor or other individual designated by the Village that he or she will be unable to report for work.
- Employees may use sick leave upon notification and approval of their supervisor or other designated individual in accordance with the policies established for call-in in their Department.
- Notification must be made within one-half hour prior to the time the employee is scheduled to report for work, unless emergency conditions prevent such notification. If operational needs of a Department require a different notification time, the Department Head may establish a reasonable notification time requirement.
- When making notification, employees shall state the reason for the request for sick leave.
- In the case of a condition exceeding three consecutive calendar days, a statement from an appropriate licensed health care provider specifying the employee's inability to report to work and the probable date of recovery may be required.

(I) Increments of Use of Sick Leave

- Use of sick leave will be charged in one-half (1/2) hour increments.
- Employees shall be charged sick leave only for the days and/or hours for which they would have otherwise been regularly scheduled to work.
- Sick leave shall not exceed the amount of time the employee would have been regularly scheduled to work in any pay period.

(J) Evidence of use.

Employees may be required to furnish a satisfactory written, signed statement to justify the use of sick leave. If professional medical attention is required by the employee or member of the employee's immediate family, a certification from an appropriate licensed health care provider, stating the nature of the condition may be required to justify the use of sick leave. Falsification of either the signed statement or a physician's certification shall be grounds for disciplinary action which may include dismissal.

(K) Abuse of Sick Leave.

- Paid sick leave benefits are intended solely to provide income protection in the event of the reasons listed above and may not be used for any other absence.
- An employee who fails to comply with the requirements of this policy shall not be allowed to use sick leave for time absent from work under such non-compliance.
- Application for use of sick leave with the intent to defraud shall be grounds for disciplinary action which may include dismissal.
- The Village Administrator may develop a more specific policy regarding abuse of sick leave.

(L) Return to Work

Any time that employees are absent for more than five (5) consecutive work days as a result of their own serious health condition (including pregnancy), before they will be permitted to return to work, they will be required to present the Village with a certification from an appropriate licensed health care provider. The certification must indicate that the affected employee is capable of returning to work and performing the essential functions of their position with or without reasonable accommodation. When required, the Village will consider making reasonable accommodations for any disability the affected employees may have in accordance with applicable laws

SECTION 2: The above policy replaces any previous version of this policy and supersedes any current policy which may be in conflict with this policy.

SECTION 3: The Village shall adopt Section 4.02 an Employee Sick Leave Payout Policy as defined below and shall add Section 4.02 an Employee Sick Leave Payout Policy to the Village Employee Handbook as follows:

SECTION 4.02: SICK LEAVE UPON RETIREMENT OR DEATH

A. Eligibility for Payment for Accrued but Unused Sick Leave

All three (3) of the following eligibility criteria must be met.

1. Full time

- An employee who is full-time at the time of their retirement or death while employed by the Village of Brewster is eligible to be paid for their accrued but unused sick leave in accordance with this policy.
- An employee who is part-time at the time of their retirement death while employed by the Village of Brewster is **NOT** eligible to be paid for their accrued but unused sick leave in accordance with this policy.

2. Retirement or Death

An employee who is full-time AND who either:

- Retires from active service. ("Retires" means disability or service retirement under the Ohio Public Employee's Retirement System (OPERS), Ohio Police and Fire Pension Fund (OP&F), or other recognized State of Ohio Pension Fund while an employee of the Village), or
- Dies while an employee of the Village

is eligible to be paid for their accrued but unused sick leave in accordance with this policy at the time of their retirement or death.

3. Ten (10) Years of Service with The Village

To be eligible for payment of sick leave an employee must have ten (10) years of full-time continuous service with the Village at the time of their retirement or death.

Unused paid sick leave will not be paid to employees while still employed.

B. Amount of Sick Leave Paid Upon Retirement

Upon retirement, an employee may elect to be paid one-fourth (1/4) of their accrued but unused sick leave. The total payment shall not exceed thirty (30) days of their balance of accrued but unused sick leave at the time of retirement. Upon payment, the Village shall withhold all required taxes and other such deductions as normally required.

C. Amount of Sick Leave Paid Upon Death of Employee

In the event of death of an employee who has been employed by the Village of Brewster more than ten (10) years and is otherwise eligible at the time of their death will have their accrued but unused sick leave paid out in the maximum amount set forth in this policy in a lump sum. Such payment shall be made in accordance with Section 2113.04 ORC, or be paid to the employee's estate.

D. Termination or Resignation

Employees who:

- are terminated from employment for any reason, or
- who resigns employment

shall **NOT** be eligible for payment for sick leave benefit as set forth herein.

E. Transferred Sick Leave

Sick leave credit transferred into the Village of Brewster from another Ohio political subdivision shall not be converted into a cash benefit. Only sick leave credit earned by employment with the Village of Brewster may be converted into cash benefits upon retirement or death.

F. Choice to be Paid for Accrued but Unused Sick Leave

An employee must make the choice for payment of accrued but unused sick leave upon retirement at the time they separate from active service from the Village of Brewster due to retirement or another qualifying event. If an employee chooses not to be paid for accrued but unused sick leave at the time they separate from active service, the employee is ineligible to request a payment for accrued but unused sick leave in the future.

G. Time Limit for Request

No person is eligible to receive payment for accrued but unused sick leave as authorized by this policy at any time after thirty (30) days the person's qualifying separation from Village service.

H. Rate of Pay for Accrued but Unused Sick Leave

Payment for accrued but unused sick leave pursuant to this policy will be based on the employee's rate of pay at the time of retirement or death.

I. Payment for Sick Leave Eliminates Balance

Payment for accrued but unused sick leave will eliminate all sick leave credit accrued.

J. Payment for Sick Leave Can Only Occur Once

Payment for accrued but unused sick leave shall be made only once to any employee, including payment to an employee for accrued but unused sick leave by another public employer.

K. "Sick Leave Status Upon Retirement or Separation from Employment Form".

An employee who is retiring and is eligible for payment of their accrued but unused sick leave or who is separating from their employment with the Village shall complete a "Sick Leave Status Upon Retirement or Separation from Employment Form".

L. Retention of Accrued but Unused Sick Leave at Retirement or Separation

An employee may elect to retain their accrued but unused sick leave balance with the Village of Brewster upon their retirement from employment with the Village of Brewster.

An employee who determines to retain their accrued but unused sick leave balance with the Village of Brewster upon retirement is ineligible for a payout of accrued but unused sick leave balance in the future.

An employee who retains their accrued but unused sick leave balance with the Village of Brewster, if they are reappointed, reinstated, or reemployed by another public agency within ten (10) years of their termination, and that public agency permits all or any of said accrued but unused sick leave balance to be credited pursuant to Ohio Revised Code Section 124.38, may be credited with their accrued but unused sick leave balance from that public agency for the employee.

SECTION 4: The above policy replaces any previous version of this policy and supersedes any current policy which may be in conflict with this policy.

SECTION 5: 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 December 19, 2016

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