

CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 05 - 18 - 09

AN ORDINANCE APPROVING AMENDMENTS TO THE CITY'S PERSONNEL PRACTICES MANUAL

WHEREAS, pursuant to Charter Section 11.03, Council adopted Ordinance No. O-08-99-15 on October 7, 1999 adopting a Personnel Practices Manual; and

WHEREAS, via enactment of Ordinance O-01-18-01 on January 18, 2018, consistent with recommendation of City Staff, amendments to Article 6 of the City of Clayton Personnel Practices Manual were approved; and

WHEREAS, in order to clarify the intent of said approved amendments, City Staff has proposed the language of Article 6 be further amended as indicated in the attached **Exhibit A**.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the proposed amendments to Article 6 of the City of Clayton Personnel Practices Manual appended hereto as **Exhibit A** is hereby adopted.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on May 17, 2018 and June 7, 2018.
4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON JUNE 7, 2018.

AUTHENTICATION:



Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Date of publication

Englewood Independent June 17, 2018


CLERK

ARTICLE 6 HOURS OF WORK AND LEAVE

C. Employee Leave Program

Purpose and Policy

The purpose of this policy is to create an Employee Leave program that provides flexibility for employees and encourages a work-life balance.

Definitions:

Employee Leave (EL) - Eligible employees shall accrue and manage their paid leave time as Employee Leave. This leave can be used for personal business, vacations, leisure time, and illness. EL is used for illnesses **and intermittent leave due to medical conditions or physician appointments** lasting one (1) day or less, or eight (8) consecutive hours for Fire personnel, up to a maximum of five (5) total days per calendar year. After forty (40) hours of EL have been used for injury, or illness, **or physician appointments** in a calendar year, leave time used for illness, or injury, **or physician appointments** shall be taken from ESL. **On January 1 of each year, leave usage resets and employees will again need to use up to forty (40) hours of EL for injury, illness, or medical appointments lasting eight (8) hours or less.**

Extended Sick Leave (ESL) - Eligible employees shall be provided and are able to build a paid leave benefit called Extended Sick Leave (ESL), which can be used for ~~extended or major incidents/illnesses,~~ **absences** lasting more than one (1) **consecutive** work day or, with respect to firefighter personnel, eight (8) consecutive hours, **due to extended or major incidents/illnesses.** Examples include, but are not limited to, pregnancy, injury, exposure to contagious disease and illness, or it can be used for shorter term illnesses of by employees who have exhausted their EL or have used forty (40) hours of EL due to injury or illness during the calendar year.

Intermittent Absences Due to a Medical Condition

EL is used for intermittent absences lasting eight (8) consecutive hours or less, even if the absences are due to the same medical condition. To use ESL for intermittent absences that result from the same medical event and total more than eight (8) hours but less than 40 hours, employees should apply for FMLA leave protections. Applying for FMLA does not automatically guarantee that a medical condition will qualify for FMLA protected leave.

FMLA Leave

The Family and Medical Leave Act provides additional options for employees experiencing their own or a qualifying family member's extended illness, injury or other medical condition. Please see Section P Family and Medical Leave Policy.

If FMLA leave is granted, EL is used for the first eight (8) hours of leave taken due to an FMLA qualifying event. After eight (8) hours of EL is used, the remaining time used for the FMLA qualifying event will be taken from ESL. This pertains to both consecutive and intermittent leave.

FMLA protected leave is not retroactive and cannot be applied to leave that has already been used. Employees should apply for FMLA as soon as possible if they believe they will need to take FMLA qualifying leave.