

ORDINANCE NO. 2020 - 35

AN ORDINANCE AMENDING CHAPTER 155 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TITLED "EMPLOYEES GENERALLY"; SPECIFICALLY, AMENDING SECTION 155.07 TITLED "SICK LEAVE; FUNERAL LEAVE," AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, COUNTY OF LAKE, STATE OF OHIO:

Section 1. Chapter 155 of the Codified Ordinances of the City of Willowick, Ohio titled "EMPLOYEES GENERALLY;" specifically, Section 155.07 "SICK LEAVE; FUNERAL LEAVE" is hereby amended to read and provide as follows:

155.07 SICK LEAVE; FUNERAL LEAVE.

(a) Each full-time employee of the City or any department thereof, whether paid on a salary or on an hourly rate basis, shall be entitled, for each completed month of service to the City, to be absent for one and one-fourth work days with pay for the reasons specified in subsection (d) hereof. For the purposes of this section, a total of 170 hours of work within any one calendar month shall be considered as one month of full-time employment. However, in computing such total of 170 hours in any calendar month, no deduction shall be made for the absence of an employee due to illness or injury to the employee, which illness or injury shall be established by the evidence required by subsection (d) hereof, or due to paid vacations or legal holidays.

(b) Compensation to be allowed for such days of sick leave actually taken by an employee of the City paid at an hourly rate shall be on the same basis to which the employee would have been entitled as compensation for his usual service if it had been performed on such days. The daily sick leave pay of a salaried employee shall be computed by dividing the annual salary of such employee by the number of work days in a calendar year.

~~(c) Unused sick leave may be accumulated for a total of 210 work days, provided that additional sick leave may, in individual cases, upon recommendation by the Mayor and approval by Council, be granted for not more than ninety work days; notwithstanding the foregoing provisions, full time members of the Police Division may accumulate a total of 150 work days provided, however, that upon retirement, the City shall pay, for accumulated sick leave, no more than 120 days of such accumulated sick leave to any member of the Police Division.~~

(d) When approved by the Mayor, an employee of the City may use sick leave as provided for in subsection (a) hereof for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees and to illness or death in the employee's immediate family. In addition to the foregoing, an employee shall be allowed, without deduction from accumulated sick leave, three days in the event of the death of any of the following relatives of such employee or his or her spouse: spouse,

child, parent, brother or sister. However, no employee shall be entitled to sick leave or compensation therefor unless he or she first furnishes an affidavit satisfactory to the Mayor showing the duration of his or her absence and that such absence was the result of one of such causes and, in addition, if the Mayor so requires, a certificate of the attending physician, likewise satisfactory to the Mayor, confirming the facts recited in such affidavit. If such absence extends for more than seven consecutive days, such an affidavit and such a certificate, if the Mayor requires the latter, shall be furnished on the seventh day of such absence and once each seven days thereafter. Nothing contained in this section shall be construed to authorize sick leave with pay for any sickness or accident resulting from moral turpitude, intoxication or use of narcotics.

(e) Except as provided in subsection (f) hereof, sick leave credit shall be effective only during such time as an employee remains in the employ of the City and no employee shall be entitled to compensation in any form for any unused sick leave credit remaining upon the termination of his employment with the City. However, the previously accumulated sick leave of an employee whose employment with the City has been terminated may, with the approval of the Mayor, be placed to his credit in the event of his re-employment by the City within a period of three years from the date of his last employment by the City.

(f) After 10 years of full-time employment with the City of Willowick, and upon the retirement, death or injury resulting in total and permanent disability to perform the work for the City for which such employee was employed, of any employee of the City, there shall be paid an amount representing any previously accumulated sick leave at such employee's then current rate of compensation, up to a total of 120 work days, as follows:

(1) In case of retirement, with the exception of an employee who is a re-employed retirant as defined in Ohio R.C. 145.381, to the employee. A re-employed retirant shall not be entitled to be paid the amount representing any previously accumulated sick leave at such employee's then current rate of compensation until such time as the employee is no longer a re-employed retirant.

(2) In case of death, to the employee's surviving spouse, if any, who was living with such employee or dependent upon him for support at the time of his death, or, if there is no surviving spouse, to the dependent children, including adopted children, of such employee or for their use to their legal guardian or guardians or to the person or persons who, as determined by the Mayor, were dependent upon such employee for support or for their use to their legal guardian or guardians or to the person or persons with whom they are living. The determination of the Mayor as to the person or persons entitled to receive any payment in accordance with this subsection shall be final and neither the Mayor nor the City nor any other officer or employee thereof shall be required to see to the proper expenditure of any such payments.

(3) In case of injury resulting in total and permanent disability to perform the work for the City for which such employee was employed, to the employee or for his use to the guardian or conservator of his estate, if any, or to the person or persons having custody and care of such employee, if any, provided that the determination of the Mayor as to the person or persons entitled to receive any payment in accordance with this subsection shall

be final and neither the Mayor nor the City nor any other officer or employee thereof shall be required to see to the proper expenditure of any such payment.

(g) An employee of any public agency who transfers his employment from such public agency to the City shall be credited with the unused balance of his accumulated sick leave with such public agency, provided that such balance is evidenced to the satisfaction of the Mayor by an appropriate certificate or letter from an appropriate official of such public agency. Transferred leave may only be used as sick leave, after the employee has exhausted sick leave accrued with the City of Willowick. No employee shall be compensated for any sick leave transferred from another public agency upon the conclusion of his employment from the City for any reason.

~~(h) All employees of the City shall be entitled to any accumulation of sick leave presently credited to them in accordance with the provisions of any prior ordinance of the City from which accumulation there shall be deducted any sick leave actually taken by such employee.~~

(h) ~~(h)~~ An employee of this City whose compensation has been funded by any State or Federal funded program who transfers his employment to the City shall be credited with the unused balance of his accumulated sick leave with such State or Federal agency, provided that such balance is evidenced by an appropriate certificate or letter from an appropriate official of such agency. Transferred leave may only be used as sick leave, after the employee has exhausted sick leave accrued with the City of Willowick. No employee shall be compensated for any sick leave transferred from another public agency upon the conclusion of his employment from the City for any reason.

(i) ~~(i)~~ Except as provided in subsection (c) hereof, the City shall grant an eligible employee up to twelve weeks leave during a twelve-month period in accordance with the provisions of the Family and Medical Leave Act. Accrued paid vacation, compensatory time off, holiday leave or sick leave time (if medically required) shall be utilized first and shall count towards the twelve-week period.

Section 2. The existing Section 155.07 of the City's Codified Ordinances is hereby repealed in that said Section and is superseded by this legislation.

Section 3. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare and dignity of the residents of the City of Willowick in that it provides for the regular operation of a municipal department, and therefore shall be in full force and take effect immediately upon its passage by Council and its approval by the Mayor, or at the earliest period allowed by law.

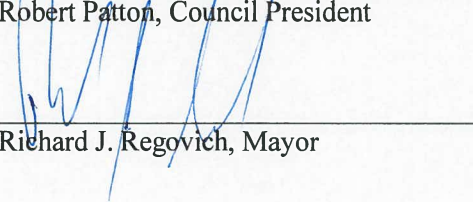
WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: 9/1, 2020



Robert Patton, Council President

Submitted to the Mayor: **SEP 01**, 2020



Richard J. Regovich, Mayor

Approved by the Mayor: **SEP 01**, 2020

ATTEST: Susan K. Wovrosh
Susan Wovrosh, Clerk of Council