

**Attachment to Ordinance #1064-2010
Amending Management Compensation Plan (MCP) #1150-2007,
as amended**

Section 1. To amend Section 5(E) of Ordinance No. 1150-2007, as amended, by enacting Section 5(E)-D010, Section 5(E)-D115, Section 5(E)-I066, and Section 5(E)-T004 as follows:

Ord. Sec.	Job Code	Class Title	Grade
5(E)-D010	0598	Data Center Supervisor	94
5(E)-D115	0050	Department Deputy Director (Technology) (U)	98
5(E)-E 002	0560	E-Government Program Manager	96
5(E)-I066	0568	IT Systems Supervisor	94
5(E)-T004	0551	Technical Support Supervisor	94

Section 2. Effective at least two (2) full payperiods following passage of this Ordinance by City Council, this Paragraph 10(F) of Ordinance No. 1150-2007, as amended, will apply to full-time and part-time regular employees in classifications listed in Section 5(D) and (E) of this Ordinance **and employees in classifications in Section 5(C) employed in the Department of Human Resources and Civil Service Commission, and read as follows:**

- (F) Personal Business Day.
- (1) Full-time employees in the classified and unclassified service, except for Directors and unclassified Deputy Directors, ~~as set forth in Section 5(D) and (E)~~, shall receive two eight (8) hour personal business days each vacation year, upon reasonable notice to and approval by their Appointing Authorities or designee.
 - (2) Part-time regular employees in the classified and unclassified services, ~~as set forth in Section 5(D) and (E)~~, shall receive two (2) four (4) hour personal business days each vacation year, upon reasonable notice to and approval by their Appointing Authorities or designees.
 - (3) The personal business days are available to employees who have personal business matters to attend to, and cannot do that business outside of regular working hours.
 - (4) The personal business days may not be used in increments, but must be taken in eight (8) hour increments (or four (4) hour increments for part-time employees). The days must be used during the vacation year and may not be carried over from year to year. The personal business days will not be subject to buy-back or cashing in at the end of the vacation year.

Section 3. Effective at least two (2) full payperiods following passage of this Ordinance by City Council, this Paragraph 10(I) of Ordinance No. 1150-2007, as

amended, will apply to part-time regular employees in classifications listed in Section 5(D) and (E) of this Ordinance **and part-time regular employees in classifications in Section 5(C) employed in the Department of Human Resources and Civil Service Commission, and read as follows:**

- (l) Paid Time Off (PTO). Elected officials may, at their discretion, adopt the provisions of this Paragraph (l). If adopted by the elected officials, they shall so notify the City Auditor's office.
 - (1) Each part-time regular employee ~~in classifications listed in Section 5(D) and 5(E)~~ will receive paid time off each vacation year as defined in Section 12(A) of this ordinance, regardless of effective date of the part-time regular appointment.
 - (2) The number of hours of paid time off will be determined at the time of hire ~~or at the time of the passage of this Section by City Council, and will be~~ based on the number of hours an employee is scheduled to work each week **as follows:**
 - (a) For employees scheduled to work more than eight (8) hours per week up to twenty (20) hours per week will receive twenty (20) hours of paid time off per vacation year;
 - (b) For employees scheduled to work more than twenty (20) hours per week will receive forty (40) hours of paid time off per vacation year;

~~**For example, if an employee is scheduled to work twenty (20) hours per week, the number of hours of PTO will be twenty (20).**~~ In the event the scheduled number of hours changes from one year to the next, an appointing authority must notify the Office of the City Auditor of that change before the first payperiod of each payroll year.
 - (3) A part-time regular employee may request paid time off upon reasonable notice to and approval by the Appointing Authority or designee. Paid time off may be approved in increments of one (1) hour.
 - (4) Any balance of paid time off remaining at the end of the vacation year will not be carried over from year to year. Paid time off will not be subject to buy-back or cashing in at the end of the vacation year or at time of separation from City service.

Section 4. To amend Section 14(B) and Section 14(E) of Ordinance No. 1150-2007, as amended, as follows:

- (B) Eligible Uses of Sick Leave with Pay; Procedures.
 - (1) Sick leave with pay will be at an employee's regular straight-time hourly rate and shall be allowed to full-time employees in one-tenth (1/10th) of an hour increments for the following purposes:
 - (a) Illness of, or injury to, the employee, whether at work or non-work related.
 - (b) Physical, dental, or mental consultation or treatment of the employee by professional medical or dental personnel, whether work or non-work related.

- (c) Sickness of a spouse, child, stepchild, and upon prior approval of the Appointing Authority, a family member who is dependent upon the employee for his/her health and well being.
 - (d) Quarantine because of contagious disease. The Appointing Authority or designee shall require a certificate of the attending physician before allowing any paid sick leave under this subsection.
 - (e) Death in the employee's **immediate** family, as that term is defined in Section 3, Definitions, of this Ordinance.
 - (f) Maternity, paternity and adoption leave.
- (2) Any leave which is granted under this Paragraph for reasons permissible under an FMLA leave as provided in Section 11(C) of this Ordinance shall be charged as an FMLA leave and shall be subject to the twelve (12) -week per year limitation for the length of an FMLA leave.
 - (3) To the extent that it is possible to do so, employees shall submit sick leave requests in advance for medical appointments and scheduled treatments. Employees calling off sick shall complete and submit sick leave requests to their supervisors promptly upon their return to work.
 - (4) In cases of extended illness (defined as three (3) or more consecutive work days or frequent intermittent use of sick leave) or suspected abuse, as determined by the Appointing Authority or designee, the Appointing Authority or designee may require evidence as to the adequacy of the reason(s) for an employee's absence during the time for which sick leave is requested.
 - (5) Such evidence documenting the reasons for an employee's absence (both for illness of the employee, or his/her immediate family) is defined as a certificate acceptable to the Appointing Authority or designee stating date(s) of treatment and the diagnosis, prognosis and expected return to work date from a licensed physician or other appropriate medical professional; provided, however, that falsification of either a written signed statement of the employee or a physician's certificate shall be grounds for disciplinary action, including dismissal, as well as grounds for denial of sick leave.
 - (6) Any sick leave that is determined after investigation as improperly used by the employee shall be repaid to the City.
 - (7) If the Appointing Authority or designee has reason to question the ability of an employee to return to work, the Appointing Authority or designee may also require a certification that the employee is able to return to duty at the conclusion of a sick leave. If that certification from the employee's treating physician is not forthcoming or satisfactory, the Appointing Authority or designee may require the employee to be examined by a licensed physician or other appropriate medical professional identified by the Appointing Authority or designee. Failure to submit to the examination shall constitute grounds for disciplinary action as well as grounds for denial of sick leave.
- (E) Disposition of Sick Leave Balances upon Separation from City Employment.
- (1) Annual Sick Leave Entitlement. When an employee separates from City service through resignation, retirement or layoff on or before the last day of the last

payperiod of the year, the employee shall receive payment for his/her annual sick leave entitlement as defined in Paragraph A as follows:

- (a) The annual sick leave entitlement which that employee has to his/her credit at the time of separation shall be reduced by six (6.0) hours for each calendar month remaining in the calendar year following the month of separation.
 - (b) If, after such calculation, the employee has any unused sick leave for that year, the employee shall be paid, at the time of separation, for such unused sick leave hours, at his/her regular straight-time hourly rate in effect at that time, less applicable withholding and any amounts owed by the employee to the City.
 - (c) If, after such calculation, the employee has used more sick leave hours than that to which he/she was entitled, an amount shall be deducted from his/her final paycheck for such hours, at his/her regular straight-time hourly rate in effect at that time.
- (2) Sick Leave Bank. All sick leave in the employee's sick leave bank may be paid to the employee who is separating from City service as follows: The number of accumulated unused hours shall be divided by two (2) and multiplied by the employee's hourly rate of pay at time of separation. All such lump sum payments are subject to applicable withholding and deduction for any sums owed by the employee to the City.
- (3) Transferring Sick Leave to Other Political Subdivisions. Employees who are leaving City service to accept employment with another political subdivision of the State of Ohio may elect to transfer sick leave to that political subdivision, if it will accept such a transfer. Employees must elect to be paid or transfer sick leave balances to another political subdivision in writing prior to termination and at a time specified by the Auditor's Office for processing terminal leave pay.
- (4) Separation Pay for Sick Leave Transferred from Other Political Subdivisions. Any sick leave transferred to the City prior to March 31, 1987 shall be paid upon separation at the straight-time hourly rate in effect on March 31, 1987 using the payment formula of the transferring agency. Any sick leave transferred to the City ~~after~~ before March 31, 1987 will be paid based on the payment formula from the other political subdivision.

Section 5. That existing Sections 10(F), 10(I), 14(B) and 14(E) of Ordinance No. 1150-2007, as amended, are hereby repealed.

Section 6. For reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten (10) days after passage if the Mayor neither approves nor vetoes the same.