

**Attachment to Ordinance #1150-2007
Management Compensation Plan (MCP)**

SECTION 1. SHORT TITLE.

That this Ordinance shall be known as the “Management Compensation Plan **(MCP)**”. The provisions herein shall become effective with the effective date of this Ordinance, unless otherwise specified.

This Council does hereby direct that each of the following sections and subsections, including but not limited to Sections numbered A035 through W287 contained in Section 5, shall be considered separate and distinct sections for the purpose of this Ordinance.

SECTION 2. TABLE OF CONTENTS.

The Table of Contents will be included once the ordinance is passed by City Council.

SECTION 3. DEFINITIONS.

“Active Service” – Being present and able to perform the duties to which an employee of the City of Columbus has been assigned.

“Appointing Authority” – An individual, officer, commission, agency, board or body having the power under the Charter or the **Columbus** City Codes of appointment to, or removal from, a position with the City.

“Calendar Week” – Seven (7) consecutive calendar days starting on Sunday and ending on Saturday.

“City” – City of Columbus, Ohio.

“Class or Classification” – A group of positions with the same descriptive title having similar duties and responsibilities and requiring similar qualifications and which can be distinguished from other groups of positions. There may be only one position in a particular class or classification.

“Compensatory Time” – Time off with pay for authorized overtime worked in lieu of salary or wages, calculated in accordance with Section 8 of this Ordinance.

“Continuous Service” – An employee’s length of service as a full-time employee of the City uninterrupted by a separation from City employment; provided, however, time in unpaid status and/or part-time status shall be deducted from length of service.

“Day” – A calendar day unless otherwise specified.

“Demotion” - A change to a classification which has a lower rate of pay.

“Employee” – Any person employed by the City who is not a member of a bargaining unit or employed the Department of Health.

“Extended Illness” - An illness which lasts more than three (3) consecutive workdays, including the day on which the holiday is celebrated, of injury leave, sick leave and/or disability leave.

“Family” – A spouse, son, daughter, brother, sister, parent, grandparent, grandchild, father-in-law, mother-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepsister, stepbrother, stepson, stepdaughter, half-brother, half-sister, and legal guardian or other person who stands in the place of a parent.

“Full-time Employee” – An employee who is hired to perform duties for the City according to an established work schedule which includes not less than forty (40) hours per work week and contemplates fifty-two (52) work weeks per year. “Full-time Employee” includes employees on full-time limited appointments of one (1) year and employees who have been employed for more than one (1) year of consecutive full-time limited appointments.

“Gender” - Every pronoun includes corresponding pronouns of different genders or numbers or both, to the extent the context permits.

“Overtime” – The time during which an employee is on duty working for the City in excess of regularly scheduled hours of work as set forth in Section 8. Overtime applies only to that time authorized to be worked by an Appointing Authority in accordance with the provisions of this Ordinance.

“Paid Status” – Employment by the City in active service or authorized leave with pay.

“Part-time Employment” – Working a schedule less than forty (40) hours per seven (7) consecutive days, for fifty-two (52) consecutive seven (7) day periods per annum.

“Pay Period” – A two (2) calendar week period beginning on a Sunday and ending on the second Saturday thereafter.

“Position” - Any office, employment or job calling for the performance of certain duties and the exercise of certain responsibilities by one individual. A position may be vacant, occupied part-time, or occupied full-time.

“Re-employment” – Taking a position with the City following a break in continuous service.

“Resignation” – The voluntary termination of employment of an employee, or absence without leave for five (5) consecutive workdays.

“Retirement” – Separation from City service which is not caused by resignation, layoff or discharge, with application for retirement benefits approved by the Ohio Public Employees Retirement System (OPERS) for an employee who (a) is 60 years of age or older at the time of separation with at least **five (5)** years of service under the OPERS, or (b) is at least 55 years of age at the time of separation with at least 25 years of

service under the OPERS, or (c) regardless of age at the time of separation, has at least 30 years of service under the OPERS, or (d) has approved disability retirement benefits by the OPERS.

“Seasonal employees” – Employees who work a certain regular season or period of the year performing some work or activity limited to that season and either (a) average in the aggregate less than 500 hours in the previous year; or (b) less than 60% who worked one (1) year and returned the next.

“Separation from City Employment” – A termination of the employer-employee relationship and includes resignation, retirement, discharge for cause, layoff and certification termination resulting from the establishment of an eligible list. A layoff or certification termination, of thirty-five (35) days or less, or resignation to immediately accept another position in the employ of the City, shall not be considered a separation from City employment.

“Shift” – The employee’s regular work period, with the early morning shift hereinafter referred to as the first shift, the late afternoon shift hereinafter referred to as the second shift, and the late evening shift hereinafter referred to as the third shift.

“Temporary Appointment” - The definition of temporary appointment as it appears in the Charter of the City of Columbus and related Civil Service Rules and Regulations.

“Total City Service” – An employee’s length of service in the full-time employment of the City in active service or paid status. Non-consecutive periods of City service are included.

“Unpaid Status” - Time an employee is on suspension, on leave without pay or is absent without leave. Leave without pay status resulting from either injury received in the line of duty, approved disability coverage, or approved activities related to City-employee relations shall not be considered to be unpaid status.

“Workday” - A regularly scheduled working time assigned by the Appointing Authority in any twenty-four (24) hour period beginning at the regularly scheduled starting work time.

“Workweek” - Forty (40) hours of work in a regularly recurring period of seven (7) consecutive twenty-four (24) hour days during the period starting 12:01 a.m. Sunday to midnight the ensuing Sunday.

SECTION 4. COMPENSATION PLAN.

- (A) Pay Grades and Rates of Pay. The following grades, pay ranges and variable hourly rates are hereby established as the "Compensation Plan" for ~~the Management Compensation Plan~~ employees covered by the MCP. These grades, pay ranges and variable hourly rates shall be applied to the classifications as set forth in Section 5 of this MCP, except as otherwise set forth in those Sections.
- (B) Pay Plan. ~~Effective May 21, 2006:~~

Pay Grade	Entry	2nd Quartile	Market	4th Quartile	Max
100	57.79 120,203	67.43 140,244	77.06 160,285	86.70 180,336	96.33 200,366
99	51.06 106,205	59.57 127,442	68.07 141,586	76.59 159,297	85.10 177,008
98	45.10 93,808	52.62 109,470	60.14 125,091	67.66 140,722	75.17 156,354
97	39.85 82,888	46.49 96,699	53.13 110,510	59.77 124,322	66.41 138,133
96	37.55 78,104	42.24 87,859	46.93 97,614	51.62 107,390	56.31 117,125
95	33.16 68,973	37.31 77,605	41.45 86,216	45.60 94,848	49.75 103,480
94	29.30 60,944	32.97 68,578	36.63 76,190	40.29 83,824	43.95 91,416
93	26.10 54,288	29.37 61,090	32.63 67,870	35.90 74,672	39.16 81,453
92	23.45 48,776	26.38 54,870	29.31 60,965	32.25 67,070	35.18 73,174
91	21.29 44,283	23.95 49,816	26.61 55,349	29.28 60,892	31.94 66,435
90	19.08 39,686	21.47 44,678	23.86 49,629	26.25 54,600	28.63 59,550
89	17.06 35,485	19.20 39,936	21.33 44,366	23.46 48,818	25.59 53,227
88	15.30 31,824	17.22 35,818	19.13 39,790	21.04 43,784	22.95 47,736
87	13.89 28,891	15.63 32,531	17.37 36,130	19.11 39,749	20.85 43,368
86	12.68 26,374	14.27 29,682	15.85 32,968	17.44 36,275	19.02 39,562

(C) The following pay plan is to be used for employees in bargaining unit classifications who are not in a bargaining unit for reasons described in Section 5(C) of this Ordinance.

Grade	Hourly		Bi-Weekly		Annual	
5	8.43	- 12.14	674.40	- 971.20	17,534.40	- 25,251.20
6	9.50	- 13.30	760.00	- 1064.00	19,760.00	- 27,664.00
7	9.66	- 13.45	772.80	- 1076.00	20,092.80	- 27,976.00
8	9.85	- 13.69	788.00	- 1095.20	20,488.00	- 28,475.20
9	10.01	- 13.87	800.80	- 1109.60	20,820.80	- 28,849.60
10	10.21	- 14.09	816.80	- 1127.20	21,236.80	- 29,307.20
11	10.39	- 14.33	831.20	- 1146.40	21,611.20	- 29,806.40
12	10.62	- 14.56	849.60	- 1164.80	22,089.60	- 30,284.80
13	11.13	- 15.12	890.40	- 1209.60	23,150.40	- 31,449.60
14	11.36	- 15.34	908.80	- 1227.20	23,628.80	- 31,907.20
15	11.62	- 15.62	929.60	- 1249.60	24,169.60	- 32,489.60
16	11.91	- 15.97	952.80	- 1277.60	24,772.80	- 33,217.60
17	12.20	- 16.26	976.00	- 1300.80	25,376.00	- 33,820.80
18	13.01	- 17.20	1040.80	- 1376.00	27,060.80	- 35,776.00
19	13.36	- 17.58	1068.80	- 1406.40	27,788.80	- 36,566.40
20	13.71	- 17.93	1096.80	- 1434.40	28,516.80	- 37,294.40
21	14.04	- 18.31	1123.20	- 1464.80	29,203.20	- 38,084.80
22	14.27	- 18.63	1141.60	- 1490.40	29,681.60	- 38,750.40
23	14.63	- 18.98	1170.40	- 1518.40	30,430.40	- 39,478.40
24	15.01	- 19.41	1200.80	- 1552.80	31,220.80	- 40,372.80
25	15.48	- 19.89	1238.40	- 1591.20	32,198.40	- 41,371.20
26	15.90	- 20.40	1272.00	- 1632.00	33,072.00	- 42,432.00
27	16.36	- 20.86	1308.80	- 1668.80	34,028.80	- 43,388.80
28	16.77	- 21.38	1341.60	- 1710.40	34,881.60	- 44,470.40
29	17.23	- 21.88	1378.40	- 1750.40	35,838.40	- 45,510.40

30	15.44	-	27.20	1235.20	-	2176.00	32,115.20	-	56,576.00
31	17.60	-	28.22	1408.00	-	2257.60	36,608.00	-	58,697.60
32	18.76	-	30.10	1500.80	-	2408.00	39,020.80	-	62,608.00
33	19.51	-	31.30	1560.80	-	2504.00	40,580.80	-	65,104.00
34	20.30	-	32.54	1624.00	-	2603.20	42,224.00	-	67,683.20

(D) Employee's Contribution to O.P.E.R.S. For full-time non-seasonal employees, that portion of an employee's contribution made to the Ohio Public Employees Retirement System (O.P.E.R.S.) equal to **nine and one-half percent (9.5%)** of the employee's earned compensation shall be picked up (assumed and paid) on behalf of the employee, and in lieu of payment by the employee, by the City of Columbus. The provisions of this paragraph shall apply uniformly to **full-time** employees and no such employee shall have the option to elect a wage increase or other benefit in lieu of the payment provided for herein. The **nine and one-half percent (9.5%)** rate stated herein will increase to ~~nine and one-half percent (9.5%) effective January 1, 2007;~~ and to ten percent (10%) effective January 1, 2008, provided such increases are implemented by the O.P.E.R.S. as scheduled.

For part-time employees, that portion of an employee's contribution made to the O.P.E.R.S. equal to 6% of the employee's earned compensation shall be picked up (assumed and paid) on behalf of the employee, and in lieu of payment by the employee, by the City of Columbus. The provisions of this paragraph shall apply uniformly to **part-time** employees and no such employee shall have the option to elect a wage increase or other benefit in lieu of the payment provided for herein. The term "earned compensation" shall mean any and all monies earned by an employee from the City of Columbus, for which there is a pension contribution. The City shall, in reporting and making remittances to the O.P.E.R.S., report that each employee's contribution has been made as provided by Statute.

The City hereby declares that the sum paid hereunder by the City on behalf of an employee, (i.e., 6% for part-time employees, and the applicable rate **for** full-time employees) of the employee's earned compensation, is not to be considered additional salary or wages and shall not be treated as increased compensation. For purposes of computing the employee's earnings or basis of his/her contribution to the O.P.E.R.S., the amount paid by the City on behalf of an employee as a portion of his/her statutory obligation is intended to be and shall be considered as having been paid by the employee in fulfillment of his/her statutory obligation.

(E) Hours of Work. The foregoing pay ranges and hourly rates of pay as well as any annual salaries established herein shall be based upon a forty (40) hour workweek.

(F) Pay Period. The pay period under this MCP shall be two calendar weeks in length. Employees whose pay is provided for hereunder shall be paid on a bi-

weekly basis, except where this would be in conflict with other official regulatory provisions.

SECTION 5. CLASSIFICATIONS AND ASSIGNED RATES OF PAY.

- (A) Titles Defined. The meanings of the class titles used herein shall be defined by specifications contained in the Position Classification Plan, an official copy of which shall be maintained by the offices of the Civil Service Commission.
- (B) Rates of Pay Applied to Classes. There are hereby established for each class of positions a grade, pay range or hourly rates as set forth below in Section 5 of this MCP and these grades, pay ranges, and hourly rates shall be used for payroll purposes and other personnel transactions. Those class titles designated (U) and (E) are reserved for the unclassified service as established in Charter Section 148(1). All other class titles are reserved for the classified service.
- (C) Part-time, Seasonal, **Emergency Temporary** and Confidential **Classifications Employees**. Any part-time (averaging less than twenty hours per week), **emergency temporary**, seasonal, or confidential employees in classifications listed in Appendix A of the collective bargaining contract between the City of Columbus and ~~the American Federal Federation~~ of State, County and Municipal Employees (**AFSCME**), Local 1632, ~~and Local 2191, April 1, 2005 – March 31, 2008, or in Appendix B of the collective bargaining contract between the City of Columbus and the Columbus Municipal Association of Government Employees/Communications Workers of America (CMAGE/CWA), Local 4502,~~ will be covered by this Management Compensation Plan. Further, the classifications listed in Appendix A **of the AFSCME collective bargaining contract and Appendix B of the CMAGE/CWA collective bargaining contract** may be used for employees who do not meet the definition of a public employee pursuant to Section 4117.01 of the Ohio Revised Code, or who are (1) employees of the Human Resources Department; (2) employees of the Civil Service Commission; (3) confidential secretaries of the Appointing Authorities; (4) employees working less than 1040 hours per calendar year; or (5) employees in temporary/~~emergency~~ status as defined by the Civil Service Commission.

Any positions exempted from a bargaining unit and covered by this Management Compensation Plan (MCP) will be paid at the MCP grade or pay range assigned herein, or if unassigned, at the MCP grade or pay range that most closely equates with the assigned bargaining unit grade or pay range, as determined by the Department of Human Resources.

- (D) Overtime Eligible Classifications:

Ord. Sec.	Class Code	Class Title	Grade
A080	0774	Administrative Assistant*	88
A083	0773	Administrative Secretary*	88
A090	0820	Administrative Secretary (U)*	88
A091	0821	Administrative Secretary II (U)*	88

Ord. Sec.	Class Code	Class Title	Grade
A183	1561	Alcohol & Drug Abuse Prevention Coordinator	89
A217	0654	Assistant Auditor I (U)	89
E202	0806	Equal Business Opportunity Specialist I	90
E222	0822	Executive Secretary I (U)	88
E223	0823	Executive Secretary II (U)	89
H080	0854	Human Resources Representative*	88
L090	1989	Legal Intern (U)	86
L112	0519	Legal Secretary II*	88
L119	0501	Legislative Assistant (U)	88
L120	0500	Legislative Clerk	88
0017	0408	Office Assistant II	87
O018	0409	Office Assistant III*	88
O025	1240	Office Manager*	89
P106	1266	Payroll Specialist	88
P263	3005	Police Communications Technician Supervisor	92
S013	1718	Safety Program Manager*	91
W287	0570	Word Processing Specialist*	87
(E) Overtime Exempt Classifications:			
A035	0227	Accountant IV (Auditor)	93
A114	0873	Aging Programs Administrator	97
A209	0588	Applications Manager	95
A218	0655	Assistant Auditor II (U)	91
A219	0656	Assistant Auditor III (U)	93
A222	0657	Assistant Auditor IV (U)	95
A223	0176	Assistant Chief Building Official	94
A224	0055	Assistant Director (Asset Management) (U)	96
A236	0168	Assistant Director (Community and Neighborhood Development) (U)	96
A231	0172	Assistant Director (Jobs and Economic Development) (U)	96
A226	0058	Assistant Director (Regulatory Compliance) (U)	95
A225	1980	Attorney (U)	92
B051	0856	Budget Management Officer	95*
B054	0857	Budget Management Specialist	93*
B062	1771	Building Inspection Manager	93*
B063	1773	Building Inspection Specialist	91*
B061	1770	Building Inspection Supervisor	91*
B112	0167	Building Services Division Administrator	96*

Ord. Sec.	Class Code	Class Title	Grade
B123	2000	Business Development Specialist*	91
B130	1252	Business Manager*	92
C044	3038	Canine Master Trainer	90
C070	0834	Chief of Staff to City Council (U)	100
C069	2001	Chief of Administration to City Attorney (U)	97
C177	0177	Chief Building Official	96
C073	1052	Chief Plans Official	95
C101	0119	Chief Zoning Official	94
C180	0044	City Attorney (E)	\$138,000/yr.; Eff. 1/1/07, \$142,140/yr.; Eff. 1/1/08, \$146,404/yr.; Eff. 1/1/09, \$150,796/yr.)
C185	0043	City Auditor (E)	\$138,000/yr.; Eff. 1/1/07, \$142,140/yr.; Eff. 1/1/08, \$146,404/yr.; Eff. 1/1/09, \$150,796/yr.)
C210	0150	City Clerk (U)	95
C215	0400	City Council Member (E)	\$36,977/yr.; Eff. 1/1/07, \$37,717/yr.; Eff. 1/1/08, \$38,848/yr. Eff. 1/1/09, \$40,014/yr.)
C220	0405	City Council President (E)	\$43,610/yr (Eff. 1/1/06, \$44,482/yr. 1/1/07, \$45,372/yr. Eff. 1/1/08, \$46,733/yr. Eff. 1/1/09, \$48,135/yr.)
C260	0157	City Treasurer (U)	96
C263	0242	Citywide GIS Manager	95

Ord. Sec.	Class Code	Class Title	Grade
C315	0217	Civil Service Commission Assistant Executive Director	95
C311	0216	Civil Service Commission Deputy Executive Director	96
C312	0010	Civil Service Commission Executive Director (U)	98
C314	0011	Civil Service Commission Member (U)	\$12,000/yr.
C320	0012	Civil Service Commission President (U)	\$14,000/yr
C367	3673	Communication Systems Coordinator	94
C377	0796	Community Relations Coordinator*	90
C375	0038	Community Relations Commission Executive Director (U)	96
C392	0885	Compensation Manager	95
C505	1915	Crime Laboratory Manager	95
D097	0755	Debt Management Coordinator	94
D123	0052	Department Assistant Director (U)	94
D124	0051	Department Deputy Director (U)	97
D121	0893	Department Human Resources Officer	94
D129	0109	Deputy Chief of Staff (U)	98
D125	0163	Deputy City Auditor (U)	97
D126	0057	Deputy City Attorney (U)	99
D127	0151	Deputy City Clerk	93
D135	0158	Deputy City Treasurer (U)	94
D138	0122	Deputy Director (Chief Negotiator) (U)	97
D163	0061	Development Director (U)	99
D166	0328	Downtown Development Administrative Coordinator	94
D386	2002	Downtown Development Office Administrator	95
E006	0169	Economic Development Division Administrator	95
E106	0160	Electricity Division Administrator	97
E169	1672	Emergency Medical Services (EMS) Coordinator	99
E171	0824	Employee Benefits Analyst I	90
E170	0825	Employee Benefits Analyst II	91
E167	0276	Employee Benefits and Risk Manager	95
E165	0868	Employee Programs Coordinator	92
E203	0035	Equal Business Opportunity Commission Executive Director (U)	96
E204	0805	Equal Business Opportunity Specialist II	91
E198	0347	Equal Employment Opportunity Manager	94
E199	0799	Equal Opportunity Specialist*	92
E200	0800	Equal Opportunity Officer*	88
E209	0106	Executive Assistant I (U)	92
E210	0108	Executive Assistant II (U)	94
E212	0069	Executive Assistant to the Director	94
E213	0787	Executive Assistant to the City Attorney (U)	93
E215	0110	Executive Assistant to the Mayor (U)	100
E221	1749	Exercise Physiologist	89

Ord. Sec.	Class Code	Class Title	Grade
F004	0295	Facilities Management Division Administrator	95
F006	0296	Facilities Operations Manager	93
F041	0066	Finance and Management Director (U)	99
F146	0142	Financial Management Division Administrator	96
F085	1253	Fiscal Manager	93
F088	0272	Fleet Management Division Administrator	95
F089	0273	Fleet Operations Manager	94
G021	0243	GIS Manager	93
G058	0300	Golf Courses Division Administrator	95
G076	0752	Grants Management Coordinator	94
H063	0171	Housing Division Administrator	95
H074	0130	Human Resources Director (<u>U</u>)	98
H079	0855	Human Resources Generalist*	91
H078	0894	Human Resources Program Manager	93
I041	0225	Income Tax Assistant Administrator	94
I040	0224	Income Tax Division Administrator	96
I017	1847	Industrial Hygienist*	93
I057	0248	Information Services Division Administrator	96
I058	0247	Information Services Division Assistant Administrator	95
I053	0582	Information Systems Supervisor	94
I063	1255	Information Technology Business Officer	95
I065	0599	Information Technology Security Officer	<u>97</u>
I064	0542	IT Operations Manager	95
I067	0559	IT Technical Support Manager	95
L040	0219	Labor Relations Manager	96
L038	0218	Labor Relations Specialist	93
L049	2003	Land Management Office Administrator	95
L118	0836	Legislative Analyst (U)	91
L123	1895	License Manager	91
M038	0780	Management Analyst II*	92
M043	1977	Managing Attorney (U)	98
M090	0045	Mayor (E)	\$141,001/yr.; Eff. 1/1/07, \$145,231/yr.; Eff. 1/1/08, \$158,302/yr.; Eff. 1/1/09, \$163,051/yr.; Eff. 1/1/10, \$167,943/yr.; Eff. 1/1/11, \$172,981/yr.

Ord. Sec.	Class Code	Class Title	Grade
N016	0174	Neighborhood Services Division Administrator	96
N021	0264	Network Manager	95
O012	0282	Occupational Safety Manager	95
O014	0279	Occupational Safety and Health Officer	93
O034	0162	Operational Support Division Administrator	96
P062	0240	Parking Violations Bureau Administrator (Violations Clerk)	95
P063	0239	Parking Violations Bureau Assistant Administrator	93
P064	1151	Parking Violations Bureau Security Manager	92
P078	3780	Parks Management Coordinator	94
P080	1204	Parks Planning Coordinator	95
P107	0847	Performance Management Coordinator	94
P110	0898	Personnel Administrative Officer	93
P112	0903	Personnel Analyst Supervisor	93
P118	0901	Personnel Analyst II	91
P150	0918	Personnel Psychologist	96
P203	0178	Planning Division Administrator	95
P286	0146	Power and Water Division Administrator	98
P287	0147	Power and Water Assistant Division Administrator	96
P334	1978	Principal Attorney (U)	95
P341	0776	Procurement Manager	95
P342	0789	Procurement Specialist	89
P343	0777	Procurement Administrative Officer	92
P356	0070	Project Manager	95
P339	1792	Property Maintenance Inspection Manager	93
P340	1793	Property Maintenance Inspection Specialist	91
P716	3104	Public Relations Specialist I*	89
P718	3105	Public Relations Specialist II*	91
P734	0072	Public Safety Director (U)	100
P752	0076	Public Service Director (U)	100
P754	0090	Public Utilities Deputy Director (Administration)	97
P757	0091	Public Utilities Deputy Director (Engineering)	98
P760	0088	Public Utilities Director (U)	100
P761	0161	Public Utilities Division Assistant Administrator	93
R065	0085	Recreation & Parks Assistant Director	96
R067	0080	Recreation & Parks Director (U)	99
R073	3164	Recreation Center Manager	90
R153	0222	Refuse Collection Division Assistant Administrator	95
R154	0221	Refuse Collection Division Administrator	96
R155	3935	Refuse Collection Operations Manager	95
S061	1151	Security Manager	92
S064	1979	Senior Attorney (U)	94
S067	0063	Senior Executive Assistant (U)	96

Ord. Sec.	Class Code	Class Title	Grade
S071	0839	Senior Legislative Analyst (U)	95
S072	0775	Senior Procurement Specialist	90
S073	0071	Senior Project Manager	96
S081	0165	Sewerage and Drainage Division Administrator	98
S082	0166	Sewerage and Drainage Division Assistant Administrator	96
S163	0585	Software Engineer	95
S260	3981	Street Maintenance Operations Manager	94
S303	0266	Support Services Division Administrator	96
S304	0267	Support Services Division Assistant Administrator	95
S307	1040	Surveyor Manager	93
T010	0100	Technology Director/CTO (U)	99
T013	0244	Telecommunications Division Administrator	95
T014	0245	Telecommunications Division Assistant Administrator	94
T201	0881	Training Manager	94
T212	0202	Transportation Division Administrator	98
T213	0203	Transportation Division Assistant Administrator	96

*Only those specific positions within the class title not included in the CMAGE bargaining unit as identified by the State Employment Relations Board Certification of Election, Case No. 93-REP-07-0139.

(F) Seasonal Classifications.

Ord. Sec.	Class Code	Class Title	Range
A199	3184	Aquatics Supervisor (Seasonal)	\$ 9.00/hr. * to \$16.00/hr.
D167	1787	Development Aide (Seasonal)	\$ 9.14 to \$13.63/hr.
L086	1988	Law Clerk (U)	\$10.85/hr. * to \$16.27/hr.
L130	3183	Lifeguard (Seasonal)	\$6.85/hr. to \$12.50/hr.
R063	3684	Recreation and Parks Aide (Seasonal)	\$6.85/hr. * to \$11.50/hr.
R105	3169	Recreation Playground Leader (Seasonal)	\$6.85/hr. * to \$12.50/hr.

Ord. Sec.	Class Code	Class Title	Range
S290	0781	Student Intern I	\$6.85/hr. to \$11.00/hr.*
S295	0782	Student Intern II	\$6.95/hr. to \$14.45/hr.*
S296	0788	Student Intern III	\$10.00/hr. to \$15.30/hr.*
S305	3680	Summer Worker	\$6.85/hr. to \$8.09/hr.*

(G) Board and Commission Members. The fees paid to these members are for reimbursement of expenses that shall not exceed the dollar amount applicable to each classification listed in this Section 5(G).

Ord. Sec.	Class Code	Class Title	Range
C102	0026	Citizen Board Chairman, Board of License Appeals (U)	\$35/mtg., and additional \$25/month
C120	0022	Citizen Member, Board of Examiners of Electrical Contractors (U)	\$30/mtg., not to exceed \$30/month
C122	0028	Citizen Member, Board of Examiners of Home Improvement Contractors (U)	\$30/mtg., not to exceed \$30/month
C125	0021	Citizen Member, Board of Examiners of Plumbers (U)	\$30/mtg. not to exceed \$30/month
C127	0025	Citizen Member, Board of License Appeals (U)	\$35/mtg.
C130	0023	Citizen Member, Board of Refrigeration Examiners (U)	\$30/mtg., not to exceed \$40/month
C140	0020	Citizen Member, Board of Examiners for Registered Sign Erectors and Licensed Sign Erectors (U)	\$30/mtg., not to exceed \$30/month
C145	0019	Citizen Member, Board of Zoning Adjustment (U)	\$30/mtg., not to exceed \$30/month
C147	0015	Citizen Member, Building Commission (U)	\$30/mtg., not to exceed \$30/month
C151	0016	Citizen Member, Development Commission (U)	\$30/mtg., not to exceed \$60/month
C165	0027	Citizen Member, Examining Board of Warm Air Heating Contractors (U)	\$30/mtg., not to exceed \$30/month

Ord. Sec.	Class Code	Class Title	Range
C168	0030	Citizen Member, Graphics Commission (U)	\$30/mtg., not to exceed \$60/month
C170	0032	Citizen Member, Housing Appeals Board (U)	\$30/mtg., not to exceed \$60/month

SECTION 6. ADMINISTRATION OF PAY PLAN.

- (A) Salary Determination. Salaries shall be set within the assigned pay grade, within the discretion of the Appointing Authority, considering the skills, experience and other qualifications of an employee. Guidelines for administration of these pay grades and individual performance management program(s) are the responsibility of will be developed by the Director of Human Resources. Elected officials may, at their discretion, adopt the aforementioned guidelines for purposes of salary determination. Subject to City Council appropriation, the Finance Director will determine and establish available monies for performance increases for overtime-eligible and overtime-exempt employees.
- (B) ~~Pay Rates Established. Employees whose classes are assigned a variable hourly rate shall be paid at the minimum hourly or bi-weekly salary rate established for that grade, pay range or at an hourly or bi-weekly salary rate authorized, as provided in the MCP policy and in Subsection (C) and (D) below.~~
- (C) Step X. Step X is a compensation mechanism used to accommodate a specific set of circumstances in which an employee's pay rate may exceed pay grade maximum. The Director of Human Resources must approve an employee's pay rate moving to Step X. Use of Step X is limited to the following situations:
- (1) A pay grade assignment is changed as the result of market analysis by the Department of Human Resources, and current pay rates exceed the new pay grade maximum.
 - (2) Positions reclassified by Civil Service Commission action that result in the incumbent(s)' current pay rate(s) exceeding the new pay grade maximum.
 - (3) An employee who moves into MCP as a result of the position being determined to be exempt from collective bargaining, and whose pay rate exceeds the new pay grade maximum in the MCP.
 - (4) Employees whose pay rates were higher than their new pay range maximum at the time of the 2001 new pay structure implementation.

Employees whose hourly rate exceeds the maximum in grade (Step X) and those employees who are paid at the maximum of a grade may, at the discretion of the Appointing Authority, receive a lump sum payment in lieu of a pay rate increase.

The lump sum payment may not exceed the maximum percentage increase to which other eligible employees in the same classification would be entitled.

~~(D) Pay Rates in Range 30 and Above and Variable Hourly Rates.~~

~~(1) Performance Increases. All increases in pay shall be made only with the approval of the Appointing Authority and shall be on the basis of performance. If an overtime-eligible employee has reached the highest hourly wage rate in the highest pay range assigned to his/her classification, the Appointing Authority may, if the employee is otherwise deserving of a performance increase, give a bonus in the amount of up to \$500 (not a salary increase), less taxes and deductions, to the employee. This bonus shall be payable no more than once a year. Employees will not be eligible for this bonus if they have received an across-the-board increase for the year.~~

~~(2) Appointing Authority Discretion. Notwithstanding any other provisions of Section 6(A) through (F) of this MCP, the salaries paid to employees may be at any rate within the pay assigned to the pay range or variable hourly rates for each position as determined by the Appointing Authority. Subsequent changes in pay may be made to any rate within the pay range or variable hourly rates for these positions and shall be effective at the beginning of the next pay period following submission of a personnel transaction form by the Appointing Authority to the Civil Service Commission.~~

~~(E) Additional City Employment.~~

~~(1) Any employee who simultaneously works in or occupies more than one position is not entitled to and shall not receive compensation, or any other benefits or privileges allowed for employees by the City, for more than one position, unless otherwise provided herein.~~

~~(2) Any employee who seeks or obtains additional City employment beyond his/her present appointment shall first obtain, in writing, the approval of the Appointing Authority of his/her present position. Such written approval must be filed with the employee's personnel file. Failure to obtain written permission shall subject the employee to possible disciplinary action. In such cases where total City employment exceeds forty (40) hours in a workweek, the overtime provisions of Section 8 of this Ordinance shall apply.~~

~~(3) Upon approval of additional employment with the City, the Appointing Authority for an employee's present position shall, at that time, determine in writing whether the employee shall be entitled and shall receive additional vacation and sick leave benefits pursuant to the provisions of this Ordinance. In no event shall the employee receive injury leave or insurance coverage beyond that provided for an employee occupying only one position.~~

- (C) Additional Compensation Benefits. Except as provided in Section 7(C) of this MCP, no employee shall receive, and the City Treasurer shall not draw any checks, or any additional compensation in any form, sick and injury leave, vacation, insurance coverage and any and all other benefits and privileges, for any employee who substitutes or acts for another in the position of another, other than the position to which he/she was appointed pursuant to the Ohio Constitution, City Charter provisions, and the Rules and Regulations of the Civil Service Commission. No Appointing Authority shall appoint any person or submit any personnel action form contrary to said constitution, charter and rules and regulations and the provisions of this Ordinance.
- (D) Payroll Deductions. Payroll deductions shall be governed first by the ability of the City Auditor's payroll system to handle them, and secondly, upon a determination by City Officials of the type of payroll deductions which are to be offered to employees and also based upon which ones will benefit the largest number of employees. Deductions or withholdings, except where demanded or required by law, must be agreed to in writing by the employee with the specific reason stated in writing and filed with the Appointing Authority.
- (E) City Council Authorization Required. Neither the Civil Service Commission nor the City Auditor shall approve and/or pay any pay rate based on the assignment of any class to a pay range/grade not specifically authorized by City Council, except as provided in Section 7(C).
- (F) Salaried Employees. Employees permanently assigned to full-time job classifications listed in Section 5(E) (**operational**) are paid on a bi-weekly salary basis. Salaried employees are paid a bi-weekly salary based on a minimum of two forty (40) hour workweeks. Pursuant to principles of public accountability, those salaried employees covered by leave programs (i.e., sick, vacation, and personal), who absent themselves from the workplace for personal reasons, sickness, or accident, and who have exhausted their leave, will have their salary reduced accordingly. [29 CFR 541.5(d)]

Additional detail regarding deductions is as follows:

- (1) Deductions from a salaried employee's salary may be made for any workweek in which the salaried employee performs no work.
- (2) ~~Disciplinary suspensions must be of no less than five (5) workdays except in the case of infractions of safety rules of major significance. Safety rules of major significance include only those relating to the prevention of serious danger to property or other employees.~~

Disciplinary Suspensions. Disciplinary suspensions may be imposed in increments of one (1) day.

- (3) Deductions made from a salaried employee's salary for absences will be made on a proportionate basis from the employee's bi-weekly salary for the time the employee is absent.

SECTION 7. ADDITIONAL ALLOWANCES AND COMPENSATION.

In addition~~al~~ to the compensation provided for in the various classes set forth in Section 5, and as the same may be amended, additional allowances are hereby provided as follows:

- (A) Service Credit. A service credit payment shall be paid during December of each year to full-time employees, excluding elected officials, who are in paid status or authorized leave without pay as of November 30 of each calendar year in accordance with the schedules below. The computation shall be based on total years of full-time City service as set forth in the following schedule and shall be based upon paid status as a full-time employee as of November 30 of the appropriate calendar year. For the sole purpose of determining service credit in this Subsection (A), years of full-time service shall include military leave without pay, leave without pay due to a City injury when the employee is receiving payments in lieu of wages from the Ohio Bureau of Workers' Compensation, and other administrative leave without pay as authorized by the Appointing Authority. No service credit shall be allowed or paid to any employee for time lost for any other leave without pay or time lost as a result of disciplinary action.

The following service credit schedule shall be used for employees whose classifications are listed in Sections 5(C), (D) and (E) of this Ordinance.

SERVICE CREDIT PAYMENT SCHEDULE

More than 5 years of total full-time City service	\$450
More than 8 years of total full-time City service	\$550
More than 14 years of total full-time City service	\$650
More than 20 years of total full-time City service	\$750
More than 25 years of total full-time City service	\$850

Effective with the December 2007 payment, the following service credit schedule shall be used for all eligible employees.

<u>More than 5 years of total full-time City service</u>	<u>\$600</u>
<u>More than 8 years of total full-time City service</u>	<u>\$700</u>
<u>More than 14 years of total full-time City service</u>	<u>\$800</u>
<u>More than 20 years of total full-time City service</u>	<u>\$900</u>
<u>More than 25 years of total full-time City service</u>	<u>\$1000</u>

- (B) Shift Differential Pay. The Appointing Authority ~~at the time of hire~~ shall designate or assign the applicable shift for each ~~employee whose new hire appointed to overtime eligible~~ classifications ~~is~~ listed in Section 5 of this Ordinance. The shift designation shall determine the shift differential for the entire shift. Both full-time and part-time employees may be eligible for shift differential pay. **Effective with the beginning of the payperiod following passage of this Ordinance**, employees whose job classifications are listed in Sections ~~5(E) and~~ (F) of this Ordinance are not eligible for shift differential pay.

- (1) The early morning shift shall be known as the First Shift, the late afternoon shift shall be known as the Second Shift; and the late evening shift shall be known as the Third Shift.
 - (2) **Effective with the beginning of the payperiod following passage of this Ordinance**, a differential pay of ~~thirty-seven (37¢)~~ **fifty-two cents (\$.52)** per hour over the regular hourly rate shall be paid to employees who are assigned to work eight (8) hours on the Second Shift; a differential pay of ~~forty-five (45¢)~~ **sixty cents (\$.60)** per hour over the regular hourly rate shall be paid to full-time, non-seasonal employees who are assigned to work eight (8) hours on the Third Shift.
 - (3) **Effective with the beginning of the payperiod following passage of this Ordinance**, those employees whose regularly assigned shift is a rotating shift shall be paid a shift differential of ~~forty-five cents (45¢)~~ **sixty cents (\$.60)** per hour over the regular hourly rate for all hours worked regardless of shift. For purposes of this provision, a rotating shift is a permanent shift that is comprised of a regularly scheduled assignment on First, Second and Third Shifts.
 - (4) For purposes of computing leave with pay except for compensatory time, shift differential shall not be paid in addition to regular pay.
 - (5) In those divisions, departments, and offices where only one (1) shift prevails, no differential shall be paid regardless of the hours of the day that are worked.
 - (6) Shift differential pay shall be added to the base hourly rate prior to computing the overtime rate.
 - (7) Any employee who participates in a flextime program shall not qualify for shift differential pay.
- (C) Working Out of Class. Overtime eligible employees in full-time non-seasonal job classifications listed in Section 5 of this Ordinance, who are temporarily assigned duties of a classification assigned a higher wage rate, will be paid four percent (4%) above the employee's current rate for each hour worked in the higher class upon completing four (4) consecutive hours in the higher class in a workday. Working out of class assignments are not to be used in lieu of seeking approval for filling a vacant position, nor shall it be used for the sole purpose of paying an employee at a higher class in circumvention of the requirements set forth by the Civil Service Commission.
- (D) Report-In and Call-In Pay.
- (1) Report-in Pay. When any full-time, non-seasonal employee whose job classification is listed in Section 5(C) and (D) of this Ordinance, reports for work in his/her regular shift and has not received written notification from the Appointing Authority or his/her designee by the previous workday not to report, he or she shall be assigned at least three (3) hours of work at any available job or in the event that no work is available, he/she shall be

paid three (3) hours straight-time at his/her regular hourly rate and released from duty no more than thirty (30) minutes after the report-in time. All written notices not to report shall be countersigned by the employee affected. This Section shall not apply in hazardous weather conditions.

- (2) Call-In Pay. When any full-time, non-seasonal employee whose job classification is listed in Sections 5(C) and (D) of this Ordinance is required by the Appointing Authority or his/her designee to report to work after the employee has been relieved of duty upon the completion of the employee's regular schedule and he/she reports, ~~he or she~~ the employee shall be paid for a minimum of four (4) hours at time and one-half his/her regular hourly rate. If the call-back occurs within two (2) hours of the start of the employee's regular shift, he/she shall be paid a minimum of two (2) hours at time and one-half his/her regular hourly rate. If an employee is called back to work, he/she will be paid from the time he/she leaves his/her home to the time ~~he or she~~ the employee is released from duty subject to the above stated provisions. This provision does not apply in cases of overtime authorized as an extension of a regular shift.
- (3) Shift Changes. When any full-time, non-seasonal employee whose job classification is listed in Sections 5(C) and (D) of this Ordinance is called in for a shift other than that to which he/she is regularly assigned, he/she shall be paid a minimum of four (4) hours of pay at time and one-half his/her regular rate unless ~~he or she~~ the employee has been given at least twenty-four (24) hours notice of a change in his/her regular shift assignment, in which case payment shall be at his/her regular hourly rate.
- (4) Failure to Report Lateness or Absence. In the absence of a reasonable excuse as determined by the Appointing Authority or his/her designee, the failure of any employee to report or to cause himself or herself to be reported late or off duty in any City operation with two or three shifts at least one (1) hour before his/her scheduled starting time shall constitute and be reported as an absence without leave for all scheduled hours which were not worked. All other employees shall report or cause themselves to be reported late or off duty thirty (30) minutes prior to their regularly scheduled starting times, or at their regularly scheduled starting times, depending upon the reporting procedures established at their work location. Failure to report or to be reported ~~in~~ at the specified time above shall constitute and be reported as an absence without leave for all scheduled hours which were not worked.

The above provisions will not apply where it is impossible for the employee to comply provided that the employee will then report or cause himself/herself to be reported at the earliest opportunity followed by an acceptable explanation.

- (E) Tuition Reimbursement. All full-time employees with one (1) or more years of continuous active service shall be eligible for reimbursement of instructional fees and associated fees of up to two thousand two hundred dollars (\$2200) per calendar year for undergraduate studies or up to two thousand eight hundred

dollars (\$2800) per calendar year for graduate studies voluntarily undertaken by them. **Effective January 2008, all full-time employees with one (1) or more years of continuous active service shall be eligible for reimbursement of instructional fees and associated fees of up to three thousand dollars (\$3,000) per calendar year for undergraduate studies or up to three thousand eight hundred dollars (\$3,800) per calendar year for graduate studies voluntarily undertaken by them.** The tuition reimbursement program shall be subject to the following conditions:

- (1) No employee on an unpaid leave of absence, unauthorized leave of absence, disability leave, injury leave or workers' compensation may apply for tuition reimbursement.
- (2) All courses must be taken at times other than scheduled working hours. All scheduled hours for courses of instruction must be filed with the Appointing Authority or designee and with the Department of Human Resources. There must be a correlation between the employee's duties and responsibilities and the courses taken or the degree program pursued. All scheduled times of courses must be approved by the Appointing Authority or designee. Any situation which, in the discretion of the Appointing Authority or designee, would require an employee's presence on the job shall take complete and final precedence over any time scheduled for courses.
- (3) Institutions must be located or courses of instruction given within Franklin County or adjoining counties. Courses must be taken at accredited colleges, universities, technical and business institutes or at their established extension centers. Courses taken via the Internet may be approved by the Human Resources Department provided the institution meets criteria similar to that for residential education programs. Correspondence courses, seminars, conferences and workshops are not included.
- (4) The Department of Human Resources shall determine the approved institutions for which reimbursement for instructional fees and associated fees (general and laboratory) may be made under this Section. Only those institutions approved by the Department of Human Resources shall establish eligibility of the employee to receive reimbursement. Additional institutions may be added by forwarding an application for reimbursement to the Department of Human Resources. Application for approval of institutions and courses must be made to **the Department of** Human Resources not more than thirty (30) days or less than ten (10) days prior to the first day of the scheduled course(s).
- (5) Any financial assistance from any governmental or private agency available to an employee, whether or not applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the full tuition reimbursement the employee is eligible for under this Section. If an employee's tuition is fully covered by another governmental or private agency, then the employee is not entitled to payment from the City.

- (6) Reimbursement for instructional fees and associated general and laboratory fees will be made when the employee satisfactorily completes a course and presents an official certificate or its equivalent and an original receipt of payment or unpaid bill from the institution confirming completion of the approved course.
 - (7) No reimbursement will be granted for books, paper, supplies of whatever nature, transportation, meals, or any other expense connected with any course except the cost of instructional fees and associated fees.
 - (8) Any employee participating in the tuition reimbursement program who resigns or retires or is discharged for cause must repay the tuition reimbursement paid by the City for undergraduate courses taken less than two **(2)** years prior to the date of termination or discharge and for graduate courses taken less than three **(3)** years prior to the date of termination or discharge. If necessary, this amount will be deducted from the employee's ~~terminal leave pay or~~ final paycheck. Employees who are separated from the City involuntarily, e.g., laid off, or through no fault of their own, during the time periods set forth above will not be required to reimburse the City.
 - (9) The administration of the tuition reimbursement program will require the Director of Human Resources or designee to be responsible for establishing rules, devising forms and keeping records for the program.
- (F) Pre-Tax Dependent Care Program. In accordance with Section 129 of the Internal Revenue Code, the City established a pre-tax dependent care program whereby employees may set aside, on a pre-tax basis, the amount of money needed to pay for dependent (IRS defined) care. Said Program will be administered by the Department of Human Resources.
- (G) Transportation Allowance. At the discretion of the Mayor, employees classified as Community Relations Commission Executive Director (U), Equal Business Opportunity Commission Executive Director (U), Executive Assistant to the Mayor (U), the Deputy Director (U) (Technology Department) and Deputy Director (Chief Negotiator) (U), **Senior Executive Assistant, Deputy Chief of Staff,** as well as all Department Directors, may be authorized to receive a transportation allowance of \$395.00 per month for travel within Franklin County.

At the discretion of the President of City Council, employees classified as City Clerk (U) and City Treasurer (U) may be authorized to receive a transportation allowance of \$395.00 per month for travel within Franklin County.

At the discretion of the Civil Service Commission, an employee classified as Civil Service Commission Executive Director (U) may be authorized to receive a transportation allowance of \$395.00 per month for travel within Franklin County.

At the discretion of the Recreation and Parks Commission, an employee classified as Recreation and Parks Director (U) may be authorized to receive a transportation allowance of \$395.00 for travel within Franklin County.

The City Attorney and, at the discretion of the City Attorney, an employee classified as ~~Attorney VI (U) and commonly referred to as Chief of Staff to the City Attorney~~ Chief of Administration to City Attorney, shall receive a transportation allowance of \$395.00 per month for travel within Franklin County.

Partial months will be prorated. Said employees will be allowed a mileage reimbursement based upon the City's reimbursement rate in effect at the time of travel for use of their own automobile outside Franklin County when such travel is necessary for official City purposes. Mileage reimbursement will not apply to mileage incurred while commuting to and from work.

Employees employed in the classifications referred to herein will not be assigned a City-owned or leased automobile in addition to the transportation allowance.

- (H) Adoption Assistance. The City established an Adoption Assistance Program (September 1, 1994) whereby employees in full-time, non-seasonal classifications with at least one (1) year of continuous City service, may be eligible for adoption assistance up to \$2,500 per adopted child. **Effective January 1, 2008 the adoption assistance will increase to \$3,500.** Adoption of a "special needs" child may provide for assistance up to \$3,500. **Effective January 1, 2008 the assistance for a special needs child will increase to \$5,000.** A "special needs" child is defined as a child qualified with special needs as described by each state agency under Title IV-E Program.

Assistance will be on a reimbursement basis for specific adoption-related expenses. The following items will be considered for reimbursement:

- Licensed adoption agency fees (including fees for placement and parental counseling).
- State-required "pre-placement home study" and "post placement supervision" program.
- Charges for temporary foster care before placement. The foster care must be provided by an approved or licensed agency and will be limited to thirty (30) days.
- Charges for domestic transportation to obtain physical custody of the adoptive child. Transportation charges must be reasonable and be for both the adoptive parents and the adoptive child.

Financial assistance payments will be made after the adoption is finalized. A written request for reimbursement must be submitted to the Director of Human Resources along with the itemized bills. Written requests must be made within ninety (90) days after adoption is finalized. Final assistance payments will be made directly to the employee. The Department of Human Resources may request additional documentation regarding itemized bills.

SECTION 8. OVERTIME ELIGIBILITY AND PAY AND COMPENSATORY TIME.

- (A) Employee Eligibility. Overtime exempt employees whose job classifications are listed in Section 5(E) of this Ordinance are not eligible to receive payment in cash for overtime worked. Overtime eligible employees whose job classifications are listed in Section 5(D) of this Ordinance are eligible to receive payment in cash for overtime worked as provided in this Section.
- (B) Overtime Eligibility and Pay. **The following provisions shall become effective with the beginning of the payperiod following passage of this Ordinance.**
- (1) Time and one-half (1½) will be paid for time worked over eight (8) straight-time hours per day except that, in the case of those employees who work a weekly schedule of four (4) ten (10)-hour days, such employees will be paid time and one-half (1½) for time worked over ten (10) straight-time hours per day during those weeks.
 - (2) Time and one-half (1½) will be paid for time worked on an employee's first regular day off providing that said employee has **accumulated worked** forty (40) straight-time rate hours **in paid status**.
 - (3) Double (2) time will be paid for time worked on an employee's second consecutive regular day off providing that said employee has **accumulated worked** forty (40) straight-time rate hours **in paid status**.
 - (4) For purposes of this Paragraph, the term "time worked" shall mean only actual work time and shall not include any paid or unpaid time that is not actually worked, except for paid lunch periods in continuous operations.**
- (C) Schedule Change at Employee Request. Time worked **in excess of the number of hours scheduled for an employee's regular workday** due to work schedules being changed at the request of the employee or trading days off by mutual consent of employees and the prior consent of the Appointing Authority is not subject to overtime compensation.
- (D) Regularly Scheduled Shift Changes. Time worked by employees who are subject to a regularly scheduled three (3) month shift change at the time a shift change is scheduled, or a twenty-four (24) hour-a-day operation and/or a continuous seven (7) day-per-week operation at the time a shift change is scheduled, is not subject to the compensation set forth in this Section unless subject to the overtime payment requirements established in the Fair Labor Standards Act.
- (E) Authorization of Overtime. It shall be the policy of the City to avoid overtime work except upon emergency conditions as determined by the Appointing Authority or his designee. The City shall not compensate for any overtime work in any form or manner except on the authorization of the Appointing Authority. Employees who are requested to work emergency overtime shall be informed prior to the job performance ~~as to~~ whether ~~or not~~ overtime has been expressly approved.
- ~~(F) Reporting Authorized Overtime. The Appointing Authority has the responsibility to maintain:~~

- ~~(1) The hours of authorized overtime paid to each employee by name and classification per month; and~~
- ~~(2) The cost of authorized overtime paid to each employee per month; and~~
- ~~(3) The accumulated hours of authorized paid overtime to date. The Appointing Authority shall make this information available upon request.~~

(G) Compensatory Time.

- (1) Compensatory Time Calculated. Compensatory time is time earned on a premium basis. The amount of compensatory time earned is calculated by multiplying the number of hours actually worked on an authorized premium basis by one and one-half (1½) when time and one-half is applicable or by two (2) when double time is applicable. The compensatory time account balances shall be maintained in units of hours.
- (2) Eligibility. A compensatory time account may be established for hourly full-time, non-seasonal overtime eligible employees whose job classifications are listed in Section 5 of this Ordinance. Compensatory time may only be earned in lieu of cash payment for authorized time worked on a premium basis. The employee may, at his/her option, receive either cash payment or compensatory time for time worked on a premium basis.
- (3) Conditions Governing Use.
 - (a) Compensatory time upon request by the employee may be taken by the employee at such time or times as may be approved by the Appointing Authority.
 - (b) Any compensatory time account balance above eighty (80) hours shall be paid off at the employee's hourly rate as of the end of a pay period established by the Appointing Authority for each division within the Appointing Authority's jurisdiction. The cut-off time established pursuant to this Section shall be set no less than six (6) months in advance of the pay period selected. Notice of the date of the end of the selected pay period shall be posted within the Division and shall be sent to the City Auditor.
 - (c) No interest is to be paid by the City on any compensatory time account.

(H) Separation from City Service. An employee who is about to be separated from City service for any reason and who has an unused compensatory time account balance to his/her credit shall be paid ~~to~~ such account balance upon separation. Such payment shall be calculated by multiplying the employee's regular hourly straight-time wage rate at the time of separation by the number of hours in

his/her compensatory time account balance, unless a higher rate is required by the Fair Labor Standards Act.

- (l) Payment Upon Death. When an employee dies, any unused compensatory time (in addition to vacation leave pay as provided by Section 12) to his/her credit shall be paid to the surviving spouse. In the event there is no surviving spouse, said balance shall be paid to the employee's estate. Such payment shall be paid at the employee's hourly rate of pay at time of death, unless a higher rate is required by the Fair Labor Standards Act.

SECTION 9. HOLIDAY ELIGIBILITY PAY.

- (A) Holidays Observed. The legal holidays observed by the City and for which full-time, non-seasonal employees are to be compensated shall be as follows:

- (1) New Year's Day, January 1.
- (2) Martin Luther King's Birthday, the third Monday in January.
- (3) Washington's Birthday, the third Monday in February.
- (4) Memorial Day, the last Monday in May.
- (5) Independence Day, July 4.
- (6) Labor Day, the first Monday in September.
- (7) Columbus Day, the second Monday in October.
- (8) Thanksgiving Day, the fourth Thursday in November.
- (9) Christmas Day, December 25.
- (10) Any other holidays proclaimed by the Mayor.
- (11) Employee's Birthday. If the employee's birthday falls on an above-named holiday, the employee shall be granted and compensated for one additional holiday ~~which shall be the nearest workday to the holiday either before or after the holiday~~. The Appointing Authority will allow the employee to take his/her birthday holiday on the employee's birthday or within 365 days from the **date on which the** employee's birthday occurs. If the employee's birthday falls on February 29, the holiday for purposes of this Section shall be considered as February 28 unless otherwise authorized by the Appointing Authority.

- (B) Eligibility Pay.

- (1) When a holiday falls on the first day of an employee's regularly scheduled days off, it shall be celebrated on the previous day and when a holiday falls on the second day of an employee's regularly scheduled days off, it shall be celebrated on the following day, and a holiday which falls on any other day of such weekend shall be celebrated on the next subsequent workday.
- (2) For each holiday observed (including the employee's birthday), an employee shall be excused from work on such day at the discretion of the Appointing Authority. If one of the holidays mentioned in Section 9(A) occurs while an employee is on vacation leave, such day shall **not** be charged ~~against vacation leave~~ **as holiday**. Part-time and seasonal employees will only be compensated for time actually worked on holidays.

- (3) When an overtime eligible full-time, non-seasonal employee working a forty (40) hour workweek works on a day celebrated as an eight (8) hour holiday, other than the employee's birthday, in addition to his/her regular eight (8) hour holiday pay, he/she shall be paid at the rate of time and one-half (1½) for the first eight (8) hours worked. For time worked in excess of eight (8) hours on such holiday, he/she shall be compensated at the rate of time and one-half (1½), unless the holiday worked falls on the second day of the employee's regularly scheduled days off, in which case he/she shall be compensated at the double (2) time rate. Notwithstanding the provisions of Section 9(A), the computation of holiday overtime pay shall be subject to the provisions of Section 9(B)(1).

When a full-time, non-seasonal employee working a forty (40) hour workweek works on a day celebrated as a ten (10) hour holiday, other than the employee's birthday, in addition to his/her regular ten (10) hour holiday pay, he/she shall be paid at the rate of time and one-half (1½) for the first ten (10) hours worked. For time worked in excess of ten (10) hours, he/she shall be compensated at the rate of time and one-half (1½), unless the holiday worked falls on the second day of the employee's regularly scheduled days off, in which case he/she shall be compensated at **the** double (2) time rate. Notwithstanding the provisions of Section 9(A), the computation of holiday overtime pay shall be subject to the provisions of Section 9(B)(1).

- (4) For the purposes of administering the provisions of Section 9, holiday time shall apply to the tour of duty beginning on the day which is celebrated as a holiday.

SECTION 10. SPECIAL LEAVE WITH PAY.

(A) Military Leave.

- (1) Full-time, non-seasonal employees who are members of the Ohio National Guard, U.S. Air Force Reserve, U.S. Army Reserve, U.S. Marine Corps Reserve, U.S. Naval Reserve or U.S. Coast Guard Reserve shall be granted military leave of absence with pay when ordered to temporary active duty (e.g. active duty for training or annual training) for a period or periods not to exceed twenty-two (22) **eight (8) hour work days (176 hours)**, whether or not consecutive, during each calendar year. Active duty does not include inactive duty training (e.g. unit training assemblies). In the event that the Chief Executive Officer of the State of Ohio, or the Chief Executive Officer of the United States declares that a state of emergency exists, the employee, if ordered to active duty for purposes of that emergency, shall be paid pursuant to this Subsection (A) **for** a period or periods not to exceed twenty-two (22) **eight (8) hour work days (176 hours)**, whether or not consecutive, during each calendar year.
- (2) **Effective January 1, 2007, an** employee shall be paid his/her regular salary ~~less whatever amount such employee may receive as military~~

~~base pay~~ for each scheduled workday such employee is absent during military leave of absence with pay authorized by this Subsection (1). ~~A military pay voucher will document the military base pay. Such military pay voucher must be submitted by the employee to his/her immediate supervisor and payroll clerk in a timely manner.~~

- (3) The City shall comply with all applicable federal laws relating to the granting of military leave and reinstating employees upon the conclusion of that leave.

(B) Jury Duty Leave.

- (1) A full-time employee serving upon a jury in any court of record of Franklin County, Ohio, or adjoining counties shall be paid his/her regular salary for the period of time so served. Time so served upon a jury shall be deemed active service with the City for all purposes. The employee is required to obtain a signed record from the courts to document the time spent on jury duty. Upon receipt of payment for jury service during regular working hours, the employee shall deposit such funds with the City Treasurer.

- (2) When a full-time employee receives notice for jury duty in any court of record of Franklin County, Ohio, or in any adjoining county, he/she shall present such notice to his/her immediate supervisor. A copy will be made of the notice and filed and recorded in the employee's personnel file.

- (a) When notified by the court to report for jury duty on a day certain, a time report shall be completed and signed by the assignment commissioner or appropriate court official for each day during jury service setting forth the time of arrival and departure from the court. Such record shall be presented by the employee to his/her supervisor upon return to work.

- (b) When released by the court from jury service and such release is more than four (4) hours prior to the end of his/her regular shift, the ~~member~~ employee shall be required to report for his/her work assignment within a reasonable time after release. The supervisor in each individual case shall determine that time.

- (C) Examination Leave. Time off with pay shall be allowed employees participating in City Civil Service tests or taking a required examination pertinent to their City employment before a state or federal licensing board with prior notice or proof of same to the Appointing Authority.

(D) Court Leave.

- (1) Time off with pay shall be allowed employees who are subpoenaed to attend any legal proceedings as a witness on behalf of the City of Columbus. Vacation leave or leave without pay shall be granted to employees who are subpoenaed for other purposes. The provisions of Subsection (B)(2) above shall apply in such cases. In the event that an employee is required to appear as a witness in a legal proceeding on

behalf of a governmental body other than the City, the Director of Human Resources or designee shall consider and may grant leave with pay, if appropriate.

- (2) Whenever employees are required, as a term of their employment, to appear in court to testify as witnesses, they shall not be required to furnish their home addresses or telephone numbers, unless directed to do so by the court.
- (E) Disaster Leave. Time off with pay shall be allowed to a fully qualified employee for service in specialized disaster relief service for the American Red Cross. Said leave shall be granted only after the requisition of the individual serving in such capacity by the American Red Cross. Eligibility of any employee for such service shall be established prior to the granting of leave and subject to the approval of the Appointing Authority for the individual involved.
- (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 one eight (8) hour personal business day each vacation year, upon reasonable notice to and approval by their Appointing Authorities or designees.
 - (2) Part-time employees in the classified and unclassified services, as set forth in Section 5(D) and (E), shall receive one (1) four (4) hour personal business day each vacation year, upon reasonable notice to and approval by their Appointing Authorities or designees.
 - (3) The personal business day is available to employees who have personal business matters to attend to, and cannot do that business outside of regular working hours.
 - (4) This personal business day may not be used in increments, but must be taken in its entirety. The day must be used during the calendar year and may not be carried over from year to year. The personal business day will not be subject to buy-back or cashing in at the end of the vacation year. ~~The personal business day may not be used in conjunction with a holiday.~~
- (G) Betty Brzezinski Living Organ Donor Leave. ~~Effective January 1, 2004 and each calendar year, a~~ A fully qualified full-time employee covered by this Ordinance is eligible to receive regular pay for up to two hundred forty (240) hours of leave for the employee's donation of any portion of an adult liver, lung or pancreas or because of the employee's donation of an adult kidney.

Each calendar year, a fully qualified full-time employee covered by this ordinance is eligible to receive regular pay for up to fifty-six (56) hours of leave for the employee's donation of adult bone marrow.

Paid time off pursuant to this Section is subject to review of appropriate medical documentation by the Department of Human Resources.

(H) Precinct Election Official Leave Program.

Any employee who is a registered voter of Franklin County, who resides in the City of Columbus, and who meets the other requirements established by the law and the Franklin County Board of Elections may request Election Official Leave with pay for the purposes of being a judge of an election engaged by the Franklin County Board of Elections.

The employee must obtain written authorization for paid Precinct Election Official Leave from the Appointing Authority prior to contacting the Board of Elections to register as a judge of an election.

The Appointing Authority reserves the right to reject an application based on operational need. Should several employees apply who perform a similar function and operational need dictates that not all may participate, then priority shall be given by the Appointing Authority on the basis of the order in which applications are received.

The Board of Elections reserves the right to refuse to place an employee with prior approval for Precinct Election Official leave if the employee's services are not needed on Election Day. In such an instance, the employee must report to work during the employee's regular work hours. Lastly, the Board of Elections may give priority to employees who have served as judges in prior elections.

The employee may be required to attend paid Precinct Election Official training courses as mandated by Ohio law and conducted by the Franklin County Board of Elections. The employee should make every effort to attend said training courses outside of the employee's regular working hours. However, should the employee choose to attend training courses during the employee's regular working hours, such leave is not covered under the Precinct Election Official Leave Program and requires a prior request and authorization for vacation or personal leave ~~with~~ or compensatory pay. Leave without pay will not be permitted to attend such training courses.

The employee's prompt return to work on the employee's next regular working day is expected, and violation of such is subject to the normal policies and procedures of the employee's appointing authority.

An employee using Precinct Election Official Leave is entitled to the regular compensation awarded to judges of elections under Ohio Law and as established by the Franklin County Board of Elections in addition to the employee's Precinct Official leave with pay. This leave with pay is not to be considered ~~as~~ "hours worked" for the purpose of computing overtime.

As verification that the employee serves as a Precinct Election Official on Election Day, the employee shall submit a copy of the employee's poll worker paycheck or pay stub provided by the Board of Elections subsequent to each election worked.

(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 forty (40) hours of 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) A part-time 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 four (4) hours.

(3) Any remaining balance of paid time off 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 11. LEAVE OF ABSENCE WITHOUT PAY.

(A) Personal Leave of Absence. Employees who have completed their probationary period may be granted personal leave of absence without pay by the Appointing Authority for good cause, ~~subject to the approval of the Civil Service Commission, but other employment other than with the City will not be considered grounds for such leave. Such leave may not exceed sixty (60) calendar days; however, extensions may be granted under the Civil Service Rules, if such need arises.~~ Such leave shall not normally exceed sixty (60) calendar days, except that the Appointing Authority at his/her sole discretion may extend the leave beyond the sixty (60) day period.

(B) Educational Leave of Absence. Employees may be granted a leave of absence without pay by the Appointing Authority, subject to approval by the Civil Service Commission, for educational purposes. Such leave shall initially be limited to sixty (60) calendar days with possible extensions up to one (1) year provided such further educational pursuits are related to the operations of the City. Tuition reimbursement, as outlined in Section 7 of this Ordinance, will not apply towards such leave.

(C) Family Medical Leave Act. Employees who have worked for the City for at least twelve (12) months, and have worked for a least 1,250 hours over the twelve (12) month period preceding the leave, shall be eligible for up to twelve (12) weeks of unpaid leave per twelve (12) month period for eligible purposes. The final regulations promulgated in 1994 of the Family Medical Leave Act are hereby incorporated as fully rewritten. Further, the City will maintain the practice of computing the twelve (12) month period as a rolling twelve (12) month period measured backward from the date leave is used.

SECTION 12. VACATION LEAVE.

- (A) Vacation Year. The vacation year for full-time, non-seasonal employees shall end at the close of business on the last day of the first pay period that begins in the month of January.
- (B) Vacation Accruals. Each full-time non-seasonal employee working a forty (40) hour workweek, except as otherwise provided in this Section, shall earn vacation in accordance with the following schedule:

<u>Years of Service</u>	<u>Hours Per Pay Period</u>	<u>Days Per Year</u>
Less than 3 years	3.077 hours	10 days
3 years but less than 6 years	4.924 hours	16 days
6 years but less than 13 years	7.077 hours	23 days
13 years but less than 20 years	8.000 hours	26 days
20 years but less than 25 years	8.616 hours	28 days
25 years or more	9.231 hours	30 days

- (1) In order to recruit qualified persons to positions of responsibility, appointing authorities, in their discretion, may give an employee receiving initial appointment to a position in the classified or unclassified service under Section 5(E) of this Ordinance more vacation leave than stated above, specifically sixteen (16) days or twenty-three (23) days per year, but not to exceed twenty-three (23) days per year, in appropriate circumstances. When awarding more vacation leave to a new employee, an Appointing Authority should consider the employee’s qualifications and work experience, in both the private and public sectors; the level of responsibility required in the position, including the exercise of independent judgment, the need for discretion and confidentiality, and the ability to bind his/her Appointing Authority; as well as the availability of qualified persons to perform such jobs, and other pertinent market factors. If an Appointing Authority wishes to give a newly hired employee more vacation leave, his/her decision must be reviewed and approved by the Human Resources Director or designee before it takes effect. ~~These provisions are prospective only in application, except as otherwise provided in Paragraph (B)(3).~~

Effective the first full payperiod following passage of this ordinance by City Council, if an employee is or has been approved to start with vacation leave at a rate greater than ten (10) days, that accelerated schedule would continue to increase every three (3) years to the next level until the employee reaches twenty-three (23) days (i.e., if an employee receives sixteen (16) days of vacation upon initial hire, then the vacation days increase to twenty-three (23) days upon the employee reaching the three (3) years but less than six (6) years group, and continues thereafter accordingly, but will not exceed twenty-three (23) days.

- (2) Employees who are assigned an accrual rate of more than 3.077 hours of vacation leave per pay period when hired shall continue to accrue at that

rate until they have completed the years of service necessary to accrue vacation leave at a higher rate as set forth in the above table.

- (3) Elected officials may, in their discretion, adopt the provisions of this section for purposes of recruiting qualified individuals.
 - (4) Vacation accrual rates are based on total full-time service, including full-time service with the City of Columbus and, if applicable as provided herein, the State of Ohio and any of its political subdivisions.
 - (5) For employees who were hired by the City prior to July 5, 1987, vacation accrual rates shall be based on the total of all periods of full-time employment with the City, the State of Ohio and any political subdivisions of the State.
 - (6) For employees who were hired by the City after July 5, 1987, (except as provided in paragraph (8) below), vacation accrual rates shall be based on total periods of full-time employment with the City of Columbus.
 - (7) An employee who has retired in accordance with the provisions of any retirement plan offered by the State and who is re-employed or hired by the City on or after June 24, 1987, shall not have his/her prior service with the State and any political subdivision of the State, including the City of Columbus, counted for the purpose of computing vacation leave.
 - (8) Requests for recognition of periods of full-time service with the City for accrual rate purposes shall be made in writing and forwarded to the City Auditor through the Appointing Authority before adjustments can be made to the vacation accrual rate. An employee's vacation accrual rate will be adjusted to reflect periods of service as provided herein. The adjusted vacation accrual rate shall be applied prospectively.
 - (9) Any periods of time in unpaid status of more than eight (8) hours, as outlined in Section 12(D) of this Ordinance, except for military leave without pay, will not be included in the computation of City service for the purpose of this Section 12(B). This computation will be used only for the purpose of determining the rate at which vacation is earned.
- (C) **Maximum Vacation Balances.** Any vacation balance in excess of the amounts listed below shall become void as of the close of business on the last day of the first pay period that begins in the month of January:

Years of Continuous Service	Maximum Vacation Balances
Less than 3 years	160 hours (20 days)
3 years but less than 6 years	256 hours (32 days)
6 years but less than 13 years	368 hours (46 days)
13 years but less than 20 years	416 hours (52 days)
20 years but less than 25 years	448 hours (56 days)
25 or more years	480 hours (60 days)

At the end of the vacation year, employees may be paid for any vacation balances in excess of the maximums fixed by this Section 12(C) upon certification by the Appointing Authority to the City Auditor and the approval of the City Council that due to emergency work requirements it is not in the best interests of the City to permit the employee to take vacation leave, which would otherwise be forfeited as provided in this Section 12(C).

- (D) Eligibility. No vacation accrual shall be allowed for an employee working a forty (40) hour workweek for any pay period in which such employee is off duty and not in paid status for more than eight (8) hours of regularly scheduled work for eight (8) hour per day employees; or not in paid status for more than ten (10) hours of regularly scheduled work for employees working ten (10) hours per day. When an employee is required to report for work and does so report and is denied work because of circumstances beyond his/her control, absence from work for the balance of that day shall not be construed as non-paid work status.

Employees on the disability insurance program as outlined in Section 15 of this Ordinance, shall be deemed ineligible to earn vacation credit in the appropriate amounts listed above.

- (E) Approval by Appointing Authority. All vacation leaves shall be taken at such time as may be approved by the Appointing Authority. Any employee having unused vacation leave prior to the effective date of this Ordinance shall be credited with such unused vacation leave for the purpose of this Ordinance.

- (F) Payment Upon Separation from City Service.

- (1) An employee with an unused vacation balance who is about to be separated from City service through discharge, resignation, retirement, or layoff, shall be paid in a lump sum for each hour of unused vacation leave in lieu of granting such employee a vacation leave after his/her last day of active service with the City provided, however, that such payment shall not exceed the maximum number of vacation hours outlined in Section 12(C) of this Ordinance.

- (2) However, an employee who is involved in a temporary layoff or certification termination and who has unused vacation leave to his/her credit at the time the layoff is effective, may choose, in lieu of a lump sum cash payment for such unused vacation credit, to leave such vacation credit on account to be restored to his/her credit upon re-employment, provided such re-employment occurs within thirty-five (35) calendar days. If re-employment does not occur within thirty-five (35) calendar days, then any unused vacation leave left on account will be paid in lump sum to the employee, as provided for in this Section 12(F).

- (G) Payment Upon Death. When an employee dies, any unused vacation leave to his/her credit shall be paid to the surviving spouse. In the event that the employee has no surviving spouse, said unused vacation leave shall be paid to the employee's estate. Such payment shall be paid at the employee's hourly rate of pay at time of death.

- (H) Vacation Leave for Certain City Officials. Effective with the passage of this Ordinance and notwithstanding the other provisions of Section 12, Department Directors, employees classified as Executive Assistant to the Mayor (U), Deputy Chief of Staff (U), Senior Executive Assistant (U), Department Assistant Director (U), Assistant Director (Asset Management) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, Assistant Director (Regulatory Compliance) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, Assistant Director (Community and Neighborhood Development) (U), Assistant Director (Jobs and Economic Development) (U), Community Relations Commission Executive Director (U), Equal Business Opportunity Commission Executive Director (U), Department Deputy Director (U), and Deputy Director (Chief Negotiator) (U), may be granted vacation leave with pay at the discretion of the Mayor but may not accumulate any vacation leave during the term of employment in one or more of these positions. The City Clerk (U), Executive Assistant to the City Council President (U), and the City Treasurer (U) may be granted vacation leave with pay at the discretion of the President of the City Council but may not accumulate vacation leave during the term of employment in one or more of these positions. The Civil Service Commission Executive Director (U) may be granted vacation leave with pay at the discretion of the Civil Service Commission but may not accumulate vacation leave during the term of employment in this position. Excepting and providing that in the event Department Directors, employees classified as Executive Assistant to the Mayor (U), Senior Executive Assistant (U), Department Assistant Director (U), Assistant Director (Asset Management) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, Assistant Director (Regulatory Compliance) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, Assistant Director (Community and Neighborhood Development) (U), Assistant Director (Jobs and Economic Development) (U), Community Relations Commission Executive Director (U), Equal Business Opportunity Commission Executive Director (U), Department Deputy Director (U), and Deputy Director (Chief Negotiator) (U), die while in office, vacation leave may, at the discretion of the Mayor, be accrued pursuant to the provisions of this Ordinance and payable upon death, and further excepting and providing that in the event that the City Clerk (U), Executive Assistant to the City Council President (U), or City Treasurer (U) dies while in office, vacation leave may, at the discretion of the President of City Council, be accrued pursuant to the provisions of this Ordinance and payable upon death. Also, further excepting and providing that in the event that the Civil Service Executive Director (U) dies while in office, vacation leave may, at the discretion of the Civil Service Commission, be accrued pursuant to the provisions of this Ordinance and payable upon death.

SECTION 13. INJURY LEAVE.

- (A) On-The-Job Injuries. All full-time and part-time employees shall be allowed injury leave with pay up to a maximum of sixty (60) workdays per calendar year for on-the-job injuries, not to exceed a total of one hundred twenty (120) workdays per injury. The one hundred twenty (120) day total shall apply to injury leave taken on or after April 1, 1990. Injuries must be reported to the employee's immediate

supervisor no more than forty-eight (48) hours after such injury is known. If an employee who has been granted injury leave does not begin receiving payments in lieu of wages from the Ohio Bureau of Workers' Compensation by the time the injury leave has been utilized, and the employee has a claim filed under the Ohio Workers' Compensation laws for such payment, then the City shall pay the employee seventy-two percent (72%) of his/her wages until such time as payments from the Bureau are received or the claim is denied by the Regional Board of Review of the Industrial Commission of Ohio. In any instance of double payment by both the City and the Bureau for the same day or days, the employee shall promptly provide full reimbursement to the City as determined by the City.

(B) Determination by the Department of Human Resources

- (1) Report of Injury. A report of the cause of all injuries signed by the immediate supervisor, the Division Administrator, and the Appointing Authority shall be submitted to the Director of the Department of Human Resources or designee within four (4) days of the date the injury is reported by the employee on forms designed and furnished by the Director of the Department of Human Resources or his/her designee.
- (2) Actual Performance of Duties. Injury leave with pay shall be granted to an employee only for injuries determined by the Director of the Department of Human Resources or designee as caused by the actual performance of the duties of his/her position. The City may require an independent medical examination for any employee requesting injury leave, at the City's expense.
- (3) Written Authorization and Return to Work. No employee shall be granted injury leave with pay unless the Appointing Authority has in his/her possession written authorization signed by the Director of the Department of Human Resources or designee indicating the approximate length of the leave. No employee on injury leave shall be returned to work without the written approval of an attending physician. If there is a recurrence of a previous injury, the Appointing Authority must request approval of injury leave for each recurrence. If, in the judgment of the Director of the Department of Human Resources or designee, the injury is such that the employee is capable of performing his/her regular duties or light duties during the period of convalescence, he or she shall so notify the Appointing Authority in writing and deny injury leave with pay. No injury leave payments shall be made to any employee: (1) who is working for another employer during the employee's regular City shift, or (2) where such work involves or requires the performance of the same or similar duties as those regularly performed by the employee for the City, or (3) where such job involves duties and/or physical demands the performance of which would conflict with the injury/medical condition allowed. Whenever an employee is required to stop working because of an injury or other service connected disability, he or she shall be paid for the remaining hours of that day or shift at his/her regular rate, and such time shall not be charged to leave of any kind.

- (4) Leave Pending Decision. Pending a decision by the Director of the Department of Human Resources or designee, an employee applying for injury leave may be carried on sick leave or vacation leave with pay, in that order, which shall be restored to his/her credit upon certification by the Director of the Department of Human Resources or designee that injury leave has been approved. However, when an employee is applying for injury leave, exclusive of apparent heart attack cases, and the Division Administrator can establish that the injury occurred during the employee's hours of work for the City, then the employee may be carried on injury leave with pay pending certification by the Director of the Department of Human Resources or designee that injury leave has been approved. In no case may the employee be carried on injury leave for a period of time in excess of the employee's amount of accumulated sick leave and vacation leave prior to certification by the Director of the Department of Human Resources or designee that injury leave has been approved. If injury leave is not certified by the Director of the Department of Human Resources or designee, the employee will be charged sick leave, and vacation leave, in that order, for the time used.
- (5) Appeal to Board of Industrial Relations. Any injured employee may appeal the decision of the Director of the Department of Human Resources or designee by written notice to the Board of Industrial Relations within ten (10) days of notification that injury leave has been denied. The Board of Industrial Relations at the City's expense may require an employee to be examined by a physician of the Board's choice.
- (C) Time Off for Examination and Treatment. Pursuant to rules established by the Director of the Department of Human Resources or designee, time off for the purpose of medical examination, including examinations by the Bureau of Workers' Compensation, and/or treatments resulting from injury occurring during any period of time an employee was in paid status and performing services for the City required by his/her employment shall be charged to injury leave. A maximum of four (4) hours of injury leave shall be allowed per scheduled physician's appointment and/or treatment resulting from an on-the-job injury. The Director of the Department of Human Resources or designee may approve an employee's request for injury leave of greater than four (4) hours for a scheduled physician's appointment or for treatment resulting from an on-the-job injury if the Director or designee determines that such request is supported by medical documentation. However, such medical documentation must be submitted to the Director or designee by the employee prior to such appointment and/or treatment in order to be considered.
- (D) Accrual of Other Benefits. While an employee is on approved injury leave with pay, sick and vacation accruals, P.E.R.S. contributions and all employee benefits shall continue uninterrupted and the City shall maintain applicable insurance benefits for the employee until such time as the employee returns to duty or is terminated from City employment. Upon proof that an employee is receiving payments in lieu of wages from the Ohio Bureau of Workers' Compensation, sick and vacation accruals and all applicable insurance benefits shall continue uninterrupted until the employee returns to duty or is terminated from employment.

- (E) Administration by the Director for the Department of Human Resources or his/her designee. The provisions of this Section 13 shall be administered by the Director of the Department of Human Resources or his/her designee who shall make necessary rules, devise forms, keep records and investigate cases subject to the approval of the Industrial Relations Board.
- (F) The twelve **(12)**-week per year limitation on leaves permissible under the Family Medical Leave Act (FMLA) shall include any injury leave **and/or leave under the Ohio Bureau of Workers' Compensation** which is granted for reasons permissible under the FMLA.
- (G) Continued Contact with Division and Return to Work Notification. An employee receiving injury leave or temporary total payments from the Ohio Bureau of Workers' Compensation shall maintain bi-weekly contact with the division human resources representative during the period of time the employee is injured. This requirement may be modified in writing by the human resources representative for extended leaves. An employee shall notify the human resources representative at least seven (7) days before the employee's expected return to work date to reconfirm the date of return.**

SECTION 14. SICK LEAVE.

Part I. Overtime Eligible Employees Sick Leave, Part I, shall apply to all employees in the classifications listed in Section 5(C) and 5(D).

- (A) Current Sick Leave Accrual. During the first pay period of every year, each full-time non-seasonal employee employed on that date shall receive seventy-two (72) hours of sick leave with pay (hereafter referred to as sick leave entitlement) for the remainder of the calendar year. Each full-time non-seasonal employee hired on or after the first pay period of each year shall, on the date of hire, receive sick leave with pay (sick leave entitlement) for the remainder of that calendar year computed, as follows: six (6.0) hours for each calendar month in the calendar year of hire commencing with the month following the month in which the employee was hired. However, for each full calendar month in which an employee is in unpaid status, six (6.0) hours shall be deducted from his/her paid sick leave entitlement. Eligibility for sick leave accrual with pay shall begin upon completion of the first full pay period after the employee's hire date. No unearned sick leave may be granted to any employee. When an employee is required to report to work and does so report but is denied work because of circumstances beyond his/her control, absence from work for the balance of that day shall not be considered as unpaid work status for the purpose of this Section 14.
- (B) Eligible Uses and Procedures.
 - (1) Sick leave with pay shall be allowed for full-time employees only in the following situations:

- (a) Illness of, or injury to, the employee, whether 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 for his/her health and well being on the employee.
 - (d) Quarantine because of contagious disease. The Appointing Authority shall require a certificate of the attending physician before allowing any paid sick leave under this Subsection.
 - (e) Maternity, paternity and adoption leave for employees.
 - (f) Death of immediate family member for up to five days per instance. For the purposes of this Subsection (B), immediate family shall be defined as including the employee's: spouse, child, step-child, brother, sister, parent, grandparent, grandchild, father or mother-in-law, brother or sister-in-law, stepfather or mother, step-sibling, a legal guardian or other person who stands in the place of a parent. Employees may also use vacation leave or compensatory time for reasons related to a death in the family as defined above. For relatives and friends not listed above, employees may use vacation leave or compensatory time for the purpose of attending funerals, subject to the approval of the Appointing Authority or designee.
- (2) Any employee scheduled to work on a holiday, designated in Section 9 of this Ordinance, who reports sick shall be charged the number of hours appropriate for his/her workday for the holiday. However, no charge will be made under this Paragraph (2) for sick leave on the holiday when the employee has been on sick leave as a result of an extended illness as defined in Section 3 of this Ordinance.
- (3) Sick leave, when used, shall be paid at an hourly rate equal to the employee's regular straight-time wage in effect at the time of the usage.
- (4) In cases of extended illness 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. For the purpose of this Section 14, evidence as to the adequacy of the reasons for an employee's absence (both for illness of the employee, or his/her immediate family) will be defined by the Appointing Authority to be any or all of the following:
- (a) A satisfactory written, signed statement by the employee; or,

- (b) A certificate stating the nature of the illness from a licensed physician; provided, however, that falsification of either a written signed statement of a physician's certificate shall be grounds for disciplinary action, including dismissal.
 - (5) The Appointing Authority or designee may require the employee to be examined by a licensed physician identified by the Appointing Authority or designee at the City's expense. Failure to submit to the examination shall constitute grounds for disciplinary action.
- (C) Sick Leave Reciprocity.
- (1) During January 2000 and each subsequent year, each employee shall be paid, at his/her regular straight-time hourly rate in effect on December 31 of the preceding year, for any unused sick leave hours awarded during the preceding calendar year, up to a maximum of 72 hours, on a one-for-one basis, or at the employee's option, may carry over any unused sick leave hours to the next year. No interest is planned or to be paid by the City on this account.

Any disallowal of sick leave credit by the Appointing Authority as provided for in Subsection (A), and any hours paid on the pre-1985 sick leave bank (old bank), disability or injury leave will be considered as hours of sick leave taken during the year for the purpose of computing paid sick leave hours available to an employee under the reciprocity plan.
 - (2) During January of each year, each employee shall be paid, at his/her regular straight-time hourly rate in effect on December 31 of the previous year, for any unused sick leave hours awarded during the preceding calendar year, up to a maximum of seventy-two (72) hours, on a one-for-one basis, or at the employee's option, may carry over any unused sick leave hours to the next year. No interest is planned or to be paid by the City on this account.
 - (3) Effect on Unused Sick Leave. The number of reciprocity hours paid each employee will be subtracted from the total accrued unused sick leave. The remainder of the unused sick leave will be carried forward each year as the current sick leave account.
 - (4) An employee who is eligible to participate in the provisions of this Subsection (C) is limited to and must elect only one of the following options:
 - (a) Not to participate in any of the provisions.
 - (b) To participate solely in the provisions of Paragraphs (1), (2), and (3) of this Subsection (C).
- (D) Separation Pay for Current Year Sick Leave Entitlement. For an employee who is separated from City service, for whatever reason, on or before December 31, the following provision shall apply: the number of accumulated sick leave hours

which that employee has to his/her credit at the time of separation shall be reduced by the number of paid sick leave hours used plus six (6.0) hours for each calendar month remaining in the calendar year of hire following the month of separation. If, after such calculation, the employee has any unused sick leave hours, 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. If, after such calculation, the employee has used more sick leave hours than that to which he or 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.

- (E) Accumulated Current Sick Accruals. An employee who experiences a break in continuous City service through discharge, resignation, retirement, or layoff may elect to receive pay for accumulated current sick leave or to transfer said sick leave to another governmental unit, provided such election is made within a period of not more than one (1) year. If an employee elects to receive a lump-sum payment, said payment shall be computed as follows:
- (1) One (1) hour pay for each four (4) hours of accumulated unused sick leave for all accruals up to and including nine hundred and fifty-one (951) hours.
 - (2) One (1) hour of pay for each three (3) hours of accumulated unused sick leave for all accruals from nine hundred and fifty-one (951) hours up to and including seventeen hundred and fifty (1,750) hours.
 - (3) One (1) hour pay for each two (2) hours of accumulated unused sick leave for all accruals from seventeen hundred and fifty-one (1,751) hours up to and including twenty five hundred and fifty (2,550) hours.
 - (4) One (1) hour pay for each hour of accumulated unused sick leave for all accruals in excess of twenty five hundred and fifty (2550) hours.
 - (5) Notwithstanding, the provisions of Paragraph 1 above, no payment of any unused sick leave upon separation shall be made to any employee with less than four hundred (400) hours accrued sick leave credit; provided, however, that a member who is temporarily laid-off or terminated through certification for thirty-five (35) calendar days or less and who has less than four hundred (400) hours of accrued sick leave at the time of layoff, shall be credited at the time of rehire with the actual number of sick leave hours accrued prior to the temporary layoff or certification termination of thirty-five (35) calendar days or less.
- (F) Sick Leave Credited with Other Political Subdivisions. Employees who have been employed in the classified or unclassified Civil Service or as teachers, school employees, firefighters, peace officers, or state highway patrol officers of the State of Ohio or any of its political subdivisions shall be credited with any certified, unused and unpaid balance of accumulated sick leave earned in such service when such persons are employed in the classified or unclassified Civil Service of the City on or after April 1, 1987, provided employment with the City occurs within ten (10) years after leaving his/her prior position when such action

occurs after January 1, 1972. Such unused balance shall then be subject to all other provisions of this Article, with the exception of Subsection (D).

- (G) Pre-1985 Sick Leave Bank (Old Sick Leave Bank). The Old Sick Leave Bank shall represent the employee's balance of unused sick leave, exclusive of any hours vested for the current year, as of March 31, 1987.
- (1) Any sick leave hours in this bank, when used, shall be paid on the basis of the employee's straight-time hourly rate in effect on March 31, 1987.
 - (2) Ten percent (10%) of \$1,000, whichever is greater, (less applicable withholding) of the initial cash value of the Old Sick Leave Bank valued as of December 31, 1995), may be paid out each year until the Old Sick Leave Bank is fully depleted. Participation in this provision is at the employee's option; however, that option can be exercised one time only and in order to participate, the employee must notify Central Payroll in the prescribed format no later than December 1, 1996. The payments shall be made concurrent with the payment of sick leave reciprocity. Each payment will occur annually in ten percent (10%) or \$1,000 increments, until the balance is exhausted; the final payment, however, will be the remaining balance if the balance less than \$1,000. All payments made under this provision are subject to applicable withholding requirements.
 - (3) Sick leave may be withdrawn from the Old Sick Leave Bank, at the value provided in Subsection (F)(1) herein, for the sick leave purposes outlined in Subsection (B)(1) of this Section 14 provided the employee has exhausted his/her current sick leave accrual to date. An employee may withdraw from the Old Sick Leave Bank the number of hours or tenths of an hour necessary to compensate the employee at not greater than his/her current regular straight-time hourly rate for approved sick leave time.
 - (4) An employee who experiences a break in continuous City Service through retirement, discharge, resignation or layoff shall receive pay for unused sick leave or, in lieu thereof, may elect to transfer such sick leave to another governmental unit. Beginning with the effective date of this Ordinance and for the duration of the Ordinance, if the employee elects payment, his/her account balance shall be valued as of the time of the break in continuous service at one hundred (100%) percent of the amount obtained by multiplying the number of unused sick leave hours by the employee's straight-time hourly rate in effect on March 31, 1987.

At such time, the employee, who is not transferring such sick leave to another governmental unit, must elect one (1) of the following options: (a) Immediate payment in a single lump-sum; of (b) Two (2) equal installment payments, the first to be paid at the time of retirement or separation and the second to be paid one (1) year thereafter; or (c) Three (3) equal installment payments, the first to be paid at the time of retirement or separation, the second to be paid one (1) year thereafter, and the third to be paid one (1) year after the second payment. However, the City must

approve those employee elections, which provide for payment in other than a single lump sum.

- (5) For the purposes of this Subsection (G), all sick leave in an employee's Old Sick Leave Bank that represents sick leave transferred from another governmental unit shall be valued using that unit's sick leave separation payment plan existing on March 31, 1997, and the employee's regular straight-time hourly wage as of March 31, 1987.
- (H) Separation Caused by Death. If an employee dies while in paid status, his/her unused sick leave account balance shall be paid to his/her surviving spouse. In the event that the employee has no surviving spouse, said balance shall be paid to the employee's estate. The employee's account balance shall be valued as of the time of death in the manner as set forth in this Section 14 for new and old sick leave, as applicable.

Part II. Overtime Exempt Employees. Sick Leave, Part II, shall apply to all employees in classifications listed in Section 5(E).

- (I) Sick Leave Accrued Prior to January 1, 1985 (Old Sick Leave Bank). Any employee having an unused sick leave account balance on January 1, 1985 shall retain, but shall not be able to add to, such balance. No interest is to be paid by the City on this account. The value of the employee's hours accrued prior to January 1, 1985 shall be established at each employee's regular straight-time hourly rate of pay in effect as of March 31, 1987 for each hour or fraction of an hour of said employee's unused sick leave, except that the value of that portion of the employee's unused sick leave earned with another governmental unit shall be calculated in accordance with the rules of that unit. Any usage of sick leave accrued prior to January 1, 1985 shall be at the employee's hourly rate in effect on March 31, 1987.
- (J) Ten percent (10%) of \$1,000, whichever is greater, (less applicable withholding) of the initial cash value of the Old Sick Leave Bank valued as of December 31, 1995, may be paid out each year until the Old Sick Leave Bank is fully depleted. Participation in this provision is at the employee's option; however, that option can be exercised one time only, and in order to participate, the employee must notify Central Payroll in the prescribed format no later than December 1, 1996. The payment shall be made concurrent with the payment of sick leave reciprocity. Each payment will occur annually in ten percent (10%) or \$1,000 increments, until the balance is exhausted; the final payment, however, will be the remaining balance if less than \$1,000. All payments made under this provision are subject to applicable withholding requirements.
- (K) Separation Pay for Old Sick Leave Bank. An employee who experiences a break in continuous City service through retirement, discharge, resignation or layoff shall receive pay for unused sick leave or, in lieu thereof, may elect to transfer such sick leave to another governmental unit. If the employee elects payment, his/her account balance shall be valued as of the time of the break in continuous service at one hundred (100%) percent of the amount obtained by multiplying the number of unused sick leave hours by the employee's straight-time hourly rate in effect on March 31, 1987.

At such time, the employee, who is transferring such sick leave to another governmental unit, must elect one (1) of the following options: (a) Immediate payment in a single lump-sum; or (b) Two (2) equal installment payments, the first to be paid at the time of retirement or separation and the second to be paid one (1) year thereafter; or (c) Three (3) equal installment payments, the first to be paid at the time of retirement or separation, the second to be paid one (1) year thereafter, and the third to be paid one (1) year after the second payment. However, the City must approve those employee elections which provide for payment in other than a single lump sum.

For the purpose of this Section, all sick leave in an employee's Old Sick Leave Bank that represents sick leave transferred from another governmental unit shall be valued using that unit's sick leave separation payment plan existing on March 31, 1987 and the employee's straight-time hourly wage as of March 31, 1987.

- (L) Separation Pay for Accumulated Sick Leave Bank (accumulated after January, 1985). An employee who experiences a break in continuous service through discharge, resignation, retirement, or layoff may elect to receive pay for sick leave accumulated after January 1, 1985 (excluding current year entitlement), or to transfer said sick leave to another governmental unit, provided such election is made within a period of not more than one (1) year. If an employee elects to receive payment, said payment shall be computed by dividing the number of accumulated unused hours by two (2) and multiplying those hours by the employee's hourly rate of pay at time of separation.
- (M) Computation of Current Year Sick Leave Entitlement. On the first pay period of each year, each full-time non-seasonal employee employed on that date shall receive seventy-two (72) hours of sick leave with pay (hereafter referred to as sick leave entitlement) for the remainder of that calendar year. Each full-time non-seasonal employee hired on or after the first pay period of each year shall, on the date of hire, receive sick leave with pay (sick leave entitlement) for the remainder of that calendar year computed as follows: six (6.0) hours for each calendar month in the calendar year of hire, commencing with the month following the month in which the employee was hired. However, for each full calendar month in which an employee is in unpaid status, six (6.0) hours shall be deducted from his/her paid sick leave entitlement. When an employee is required to report to work and does so report but is denied work because of circumstances beyond his/her control, absence from work for the balance of that calendar month shall not be considered as unpaid work status for purposes of this Section.

Should an employee move from full-time non-seasonal status to part-time or seasonal status during a calendar year in which he or she was eligible for sick leave entitlement, six (6.0) hours shall be deducted from his/her paid sick leave entitlement for each full calendar month in which the employee is in part-time or seasonal status.

Any employee who has been advanced additional sick leave by action of City Council and who has thereby agreed to have amounts deducted from his/her bi-weekly sick leave accrual, shall on the first pay period of each year have an

amount, not to exceed seventy-two (72) hours, deducted from his/her sick leave entitlement. In no circumstances shall an employee's yearly sick leave entitlement be reduced by more hours than the aggregate yearly amount as set forth in the ordinance authorizing said advancement. Except as herein written, all provisions of the original ordinance shall remain in effect.

(N) Granting Sick Leave with Pay. Sick leave with pay will be at an employee's regular straight-time hourly rate and shall be allowed to full-time non-seasonal employees only in the following situations:

- (1) Illness of, or injury to, the employee, whether work or non-work related.
- (2) Physical, dental, or mental consultation or treatment of the employee by professional medical or dental personnel, whether work or non-work related.
- (1) Sickness of a spouse, child, stepchild, and upon prior approval of the Appointing Authority, a family member who is dependent for his/her health and well being on the employee.
- (3) Maternity, paternity and adoption leave for employees.
- (4) Quarantine because of contagious disease. Department heads shall require a certificate of the attending physician before allowing any paid sick leave under this Subsection.
- (5) Death in the employee's family, as that term is defined in Section 3, Definitions, of this Ordinance. Employees may also use vacation leave or compensatory time for reasons related to a death in the family as defined above. For relatives and friends not listed above, employees may use vacation leave or compensatory time for the purpose of attending funerals, subject to the approval of the Appointing Authority or designee.

(O) Sick Leave Use Charged. For each hour of regularly scheduled work from which an hourly employee is absent, sick leave with pay, if available, shall be used at the rate of one hour. Sick leave shall be used for the purposes outlined in Subsection (N) of this Section 14 in the following order:

- (1) Current year sick leave entitlement; and
- (2) Once current year sick leave is exhausted, sick leave may be withdrawn from the accumulated sick leave bank (accumulated after January 1, 1985) at the employee's hourly rate of pay at time of usage; and
- (3) Once current year sick leave and the accumulated sick leave bank is exhausted, sick leave may be withdrawn from the Old Sick Leave Bank at the value provided in Subsection (I) of this Section 14. An employee may withdraw from the Old Sick Leave Bank the number of hours or tenths of an hour necessary to compensate the employee at not greater than his/her current regular straight-time hourly rate for approved sick leave time.

- (P) The twelve-week per year limitation on leaves permissible under the Family Medical Leave Act (FMLA) shall include any sick leave which is granted for reasons permissible under the FMLA.
- (Q) Payment of Sick Leave Reciprocity. During January of each year, each employee shall be paid, at his/her regular straight-time hourly rate in effect on December 31 of the previous year, for any unused sick leave hours awarded during the preceding calendar year, up to a maximum of seventy-two (72) hours, on a one-for-one basis, or at the employee's option, may carry over any unused sick leave hours to the next year. No interest is planned or to be paid by the City on this account.
- (R) Separation Pay for Current Year Sick Leave Entitlement. For an employee who is separated from City service, for whatever reason, on or before December 31, the following provision shall apply: the number of accumulated sick leave hours which that employee has to his/her credit at the time of separation shall be reduced by the number of paid sick leave hours used plus six (6.0) hours for each calendar month remaining in the calendar year of hire following the month of separation. If, after such calculation, the employee has any unused sick leave hours, 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. If, after such calculation, the employee has used more sick leave hours than that to which he or 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.

For those employees who move from full-time non-seasonal status to part-time or seasonal status on or before December 31 of any calendar year and who has used more sick leave hours than that to which the employee was entitled, the value of such hours shall be deducted from the employee's sick leave earned prior to January 1, 1985, and/or the value of such hours shall be deducted from earned and unused vacation accruals to the employee's credit, and if funds are still owed, then in that case, the employee shall negotiate with the City for a schedule to repay the funds out of the subsequent bi-weekly pay checks.

Additionally, hours transferred from another governmental entity after March 31, 1987, will not be compensable at time of separation.

- (S) Separation Caused by Death. If an employee dies, his/her unused sick leave accounts balances shall be paid to his/her surviving spouse. In the event that the employee has no surviving spouse, said balance shall be paid to the employee's estate. The employee's account balances shall be valued as of the time of death in accordance with Section 14(K), (L) and (M) of this ordinance.
- (T) Sick Leave for Certain City Officials. Effective upon passage of this Ordinance and notwithstanding the other provisions of this section, Department Directors, employees classified as Executive Assistant to the Mayor (U), Deputy Chief of Staff (U), Senior Executive Assistant (U), Department Assistant Director (U), Assistant Director (Asset Management) (U) ~~(effective with the beginning of the pay period following passage by City Council)~~, Assistant Director (Regulatory

Compliance) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, Assistant Director (Community and Neighborhood Development) (U), Assistant Director (Jobs and Economic Development) (U), Community Relations Commission Executive Director (U), Equal Business Opportunity Commission Executive Director (U), Department Deputy Director (U), and Deputy Director (Chief Negotiator) (U), may be granted sick leave with pay at the discretion of the Mayor but may not accumulate any sick leave during the term of employment in one or more of these positions. The City Clerk (U), Executive Assistant to the City Council President (U), and the City Treasurer (U) may be granted sick leave with pay at the discretion of the President of the City Council but may not accumulate sick leave during the term of employment in one or more of these positions or be paid for any sick leave not taken during the term of employment in one or more of these positions. The Civil Service Commission Executive Director (U) may be granted sick leave with pay at the discretion of the Civil Service Commission but may not accumulate sick leave during the term of employment in this position or be paid for any sick leave not taken during the term of employment in this position. Excepting and providing that in the event a Department Director, employees classified as Executive Assistant to the Mayor (U), Senior Executive Assistant (U), Department Assistant Director (U), Assistant Director (Asset Management) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, Assistant Director (Regulatory Compliance) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, Community Relations Commission Executive Director (U), Equal Business Opportunity Commission Executive Director (U), Department Deputy Director (U), and Deputy Director (Chief Negotiator) (U), dies while in office, sick leave may, at the discretion of the Mayor, be accrued pursuant to the provisions of this Ordinance and payable upon death, and further excepting and providing that in the event the City Clerk (U), Executive Assistant to the City Council President (U), or City Treasurer (U) dies while in office, sick leave may, at the discretion of the President of City Council, be accrued pursuant to the provisions of this Ordinance and payable upon death. Also, further excepting and providing that in the event the Civil Service Commission Executive Director (U) dies while in office, sick leave may, at the discretion of the Civil Service Commission be accrued pursuant to the provisions of this Ordinance and payable upon death.

The following provisions are effective with the first payperiod of 2008, and the preceding language shall be repealed.

(A) Computation of Sick Leave Bank for Full-Time Employees in Section 5(D) and Section 5(E). The provisions of this Section shall be effective January 1, 2008.

(1) Sick leave banks for full-time employees shall consist of current annual entitlements under the terms and conditions of this Ordinance, plus any hours carried over from previous years, transfers from other political subdivisions and hours carried over from other City employment outside the terms of this Ordinance, less any appropriate reductions or deductions as outlined below.

- (2) On the first pay period of each calendar year, each full-time employee employed on that date shall receive seventy-two (72) hours of sick leave with pay for the remainder of that calendar year.
- (3) Each full-time employee hired on or after the first pay period of each year shall, or on the date of hire receive his/her sick leave with pay for the remainder of that calendar year computed, as follows: six (6.0) hours for each calendar month in the calendar year of hire, commencing with the month following the month in which the employee was hired.
- (4) If an employee is in unpaid status for forty (40) hours or more in a calendar month, six (6.0) hours shall be deducted from the employee's paid sick leave entitlement. For purposes of this Section, hours in unpaid status do not include military leave without pay or unpaid FMLA hours. No other unpaid absences shall be counted as hours of work.
- When an employee is required to report to work and does so report but is denied work because of circumstances beyond his/her control, absence from work under these circumstances shall not be considered as unpaid work status for purposes of this paragraph, except if the employee is laid off pursuant to Civil Service Commission Rules and Regulations.
- (5) If an employee changes from full-time non-seasonal status to part-time or seasonal status during a calendar year in which he/she was eligible for sick leave, six (6.0) hours shall be deducted from his/her paid sick leave account for each full calendar month in which the employee is in part-time or seasonal status.
- (6) Employees coming under the jurisdiction of the MCP from outside the City, who have accrued sick leave from another political subdivision of the State of Ohio may transfer that sick leave upon their employment by the City. Any hours transferred from another political subdivision of the State of Ohio, after March 31, 1987, shall not be subject to payment upon termination or separation from the City for whatever reason. Such hours will not count toward the sick leave bank with the City.
- (7) If an employee uses more than his/her current annual entitlement (72 hours) in a payroll year, because of ineligibility for sick leave as outlined in this Paragraph, the excess sick leave used will be recovered from the next year's annual entitlement.
- (8) Any hours remaining in the Pre-1985 Sick Leave Bank (Old Sick Leave Bank) as described in Part I (G) and Part II (J) herein shall be paid as described in the respective paragraphs no later than March 31, 2008.

(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.

(C) Advances on Sick Leave by City Council. Except as provided by discretionary action of the City Council, sick leave cannot be taken before it is credited to an employee's sick leave account. In appropriate circumstances and within the discretion of City Council, employees may receive sick leave in advance upon passage of an ordinance by City Council authorizing such an advance. Any employee who has been advanced additional sick leave time by action of City Council must agree as a condition of the advance to have amounts deducted from his/her sick leave account, during the first pay period of each year, not to exceed seventy-two (72) hours, until the advance is repaid. Under no circumstances shall an employee's annual sick leave entitlement be reduced by more hours than the aggregate yearly amount as set forth in the ordinance authorizing said advancement. Except as herein written, all provisions of the original ordinance advancing sick leave shall remain in effect.

(D) Annual Sick Leave Reciprocity Payment.

(1) During November of each year, each employee shall elect one of the following:

(a) To be paid, at his/her regular straight-time hourly rate in effect on the last day of the last payperiod of the year, for any unused sick leave hours awarded during the preceding payroll year, up to a maximum of seventy-two (72) hours, on a one-for-one basis; or

(b) To carry over all unused sick leave hours to the next year as part of the employee's sick leave bank.

(2) Any hours of sick leave taken during the payroll year shall be deducted from the maximum amount of annual sick leave reciprocity

(i.e., 72 hours) prior to calculating the annual sick leave reciprocity payment.

- (3) If an employee uses five (5) days or less of injury leave (regardless of the number of claims) during the year, this leave shall not be considered sick leave taken for computing sick leave reciprocity. If an employee uses more than five (5) days of injury leave, all injury leave used during the year will be considered hours of sick leave taken in computing sick leave reciprocity.
- (4) Employees who fail to sign the payroll register making an election to carry over or receive payment as outlined above shall maintain the same option as they elected the prior year.

(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.
 - (3) 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 March 31, 1987 will be paid based on the payment formula from the other political subdivision.
- (E) Payment Upon Death. If an employee dies during employment with the City, his/her unused sick leave account balances as defined herein shall be paid to a surviving spouse. In the event that the employee has no surviving spouse, said balance shall be paid to the employee's estate. The employee's sick leave balances shall be valued at the time of death in accordance with the applicable provisions of this Section.
- (F) Sick Leave Disposition When Moving from Full-Time to Part-Time Status. For any employee who moves from full-time status to part-time status on or before December 31 of any calendar year and who has used more sick leave hours than that to which the employee was entitled, the value of such hours shall first be deducted from the employee's sick leave bank. If the employee has insufficient hours in his/her bank, such hours will be deducted from earned and unused vacation accruals to the employee's credit. If the employee does not have sufficient sick leave and vacation leave to cover the additional sick leave hours credited, the City shall develop a schedule to recover the funds out of any subsequent bi-weekly pay checks.
- (G) Sick Leave Credited with Other Political Subdivisions. Employees who have been employed in the classified or unclassified Civil Service or as teachers, school employees, firefighters, peace officers, or state highway patrol officers of the State of Ohio or any of its political subdivisions shall be credited with any certified, unused and unpaid balance of accumulated sick leave earned in such service when such persons are employed in the classified or unclassified Civil Service of the City on or after April 1, 1987, provided employment with the City occurs within ten (10) years after leaving his/her prior position when such action occurs after January 1, 1972. Such unused balance shall then be subject to all other provisions of this Article, with the exception of Subsection (D).
- (H) Sick Leave for Certain City Officials. Effective upon passage of this Ordinance and notwithstanding the other provisions of this section, Department Directors, employees classified as Executive Assistant to the Mayor (U), Deputy Chief of Staff (U), Senior Executive Assistant (U), Department Assistant Director (U), Assistant Director (Asset Management) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, Assistant Director (Regulatory Compliance) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, Assistant Director (Community and

Neighborhood Development) (U), Assistant Director (Jobs and Economic Development) (U), Community Relations Commission Executive Director (U), Equal Business Opportunity Commission Executive Director (U), Department Deputy Director (U), and Deputy Director (Chief Negotiator) (U), may be granted sick leave with pay at the discretion of the Mayor but may not accumulate any sick leave during the term of employment in one or more of these positions. The City Clerk (U), Executive Assistant to the City Council President (U), and the City Treasurer (U) may be granted sick leave with pay at the discretion of the President of the City Council but may not accumulate sick leave during the term of employment in one or more of these positions or be paid for any sick leave not taken during the term of employment in one or more of these positions. The Civil Service Commission Executive Director (U) may be granted sick leave with pay at the discretion of the Civil Service Commission but may not accumulate sick leave during the term of employment in this position or be paid for any sick leave not taken during the term of employment in this position. Excepting and providing that in the event a Department Director, employees classified as Executive Assistant to the Mayor (U), Senior Executive Assistant (U), Department Assistant Director (U), Assistant Director (Asset Management) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, Assistant Director (Regulatory Compliance) (U) ~~(effective with the beginning of the payperiod following passage by City Council)~~, **Assistant Director (Community and Neighborhood Development) (U), Assistant Director (Jobs and Economic Development) (U),** Community Relations Commission Executive Director (U), Equal Business Opportunity Commission Executive Director (U), Department Deputy Director (U), and Deputy Director (Chief Negotiator) (U), dies while in office, sick leave may, at the discretion of the Mayor, be accrued pursuant to the provisions of this Ordinance and payable upon death, and further excepting and providing that in the event the City Clerk (U), Executive Assistant to the City Council President (U), or City Treasurer (U) dies while in office, sick leave may, at the discretion of the President of City Council, be accrued pursuant to the provisions of this Ordinance and payable upon death. Also, further excepting and providing that in the event the Civil Service Commission Executive Director (U) dies while in office, sick leave may, at the discretion of the Civil Service Commission be accrued pursuant to the provisions of this Ordinance and payable upon death.

SECTION 15. DISABILITY PROGRAM.

- (A) Disability Program Eligibility. The City will provide, at no cost to employees, a disability program covering full-time employees for non-work related illnesses and injuries. Employees must complete one (1) year of continuous City service before qualifying for disability; such benefits will become available at the first of the month following completion of one (1) year of continuous service. This program shall provide for payment to the employee from the twelfth (12th) day of accident or illness for employees in classifications listed in Sections 5(C), (D) and (E) of this ordinance, for a maximum of twenty-six (26) weeks **per disability** per calendar year, at eight-nine percent (89%) of the employee's standard gross wages (effective with the beginning of the payperiod following passage by City Council). Applicable federal, state and local flat tax rates and applicable Medicare charge(s) will be deducted. The employee may, if he/she so desires,

elect to use all, or part, of his/her accumulated but unused sick leave in order to make up any difference between one hundred percent (100%) of his/her gross wages and the amount which he/she receives under the disability program, provided that all new (current year) sick leave accruals are exhausted before an employee may use the available balance in his/her Old Sick Leave Bank. If an employee exhausts all sick leave benefits, other approved leave may be granted by the Appointing Authority. During the period in which an employee receives such payments, he/she shall suffer no reduction in paid sick leave entitlement set forth in Section 14 of this Ordinance, as applicable. If, while receiving such payments, the employee performs work for the City or another employer, the amount of payment under the disability program shall be reduced by the compensation which he/she receives during that time period. The proper forms must be submitted to the City no later than forty-five (45) days from the commencement of the disability.

- (B) No disability payments shall be made to an employee who is working for another employer. Fraudulent actions automatically preclude employees from receiving any disability benefits. If a payment is made pursuant to a fraudulent claim, the employee shall repay the City immediately.
- (C) The twelve **(12)**-week per year limitation on leaves permissible under the Family Medical Leave Act (FMLA) shall include any disability leave which is granted for reasons permissible under the FMLA.
- (D) While an employee is paid disability benefits pursuant to this Section, vacation accruals shall cease. Holidays shall be paid at the disability benefit rate as set forth in Paragraph (A) of this Section 15. Medical, dental, drug, vision and life insurances shall continue uninterrupted until the employee is no longer on the disability program, **provided monthly premiums are paid current.**
- (E) An employee on disability leave shall maintain bi-weekly contact with the designated department/division human resources representative during the period of time the employee is disabled. This requirement may be modified in writing by the designated department/division human resources representative for extended leaves. An employee shall notify the designated department/division human resources representative at least seven (7) calendar days before the employee's expected return to work date to reconfirm that date.**

SECTION 16. INSURANCE.

- (A) Health Insurance. The City shall provide comprehensive major medical, dental, vision care, and prescription drug benefits for all full-time employees, as detailed below, for both the employee and family coverage. Such major medical, dental, vision care and prescription drug benefits will be available beginning the first of the month following the date of hire. Life insurance is effective the first of the month following the date of hire. This coverage shall also comply with all pertinent state and federal statues, including the Health Insurance Portability and Accountability Act (HIPAA) and the Newborns' and Mothers' Health Protection Act of 1996. ~~The benefits set forth in this Ordinance shall take effect within~~

~~ninety (90) days of the effective date of this Ordinance, unless otherwise specified.~~ The following benefits are in effect and remain unchanged unless otherwise indicated:

- (B) For new hires and eligible dependents, a pre-existing condition clause will apply. In the event medical care or consultation is sought or received within six (6) months prior to the employee's effective date of hire the medical condition will not be payable for twelve (12) months from the effective date with the City. A new employee may reduce his/her twelve (12) month waiting period for a pre-existing condition by submitting a Certificate of Creditable Coverage from a prior health insurer, in conformity with the Health Insurance Portability and Accountability Act (HIPAA).

(1) COMPREHENSIVE MAJOR MEDICAL

~~Effective January 1, 2003, the following deductibles, coinsurance, office visit co-pays, and out-of-pocket maximums will apply. All other benefits remain the same unless otherwise noted:~~

- (a) A two-hundred dollar (\$200.00) annual deductible with an eighty/twenty percent (80/20%) coinsurance of the next fifteen hundred dollars (\$1,500.00) in reasonable charges or three hundred dollars (\$300.00), for a total out-of-pocket maximum of five hundred dollars (\$500.00) per single contract year.
- (b) A four hundred dollar (\$400.00) annual family deductible with an eighty/twenty percent (80/20%) coinsurance of the next two thousand dollars (\$2,000.00) of reasonable charges or four hundred dollars (\$400.00) for a total out-of-pocket maximum of eight hundred dollars (\$800.00) per family contract year.
- (c) Physician office visits will be subject to a fifteen dollar (\$15.00) co-pay per in-network primary care physician visit (including family, general, internal, pediatrician, and OB/GYN physicians); the fifteen dollar (\$15.00) co-pay will apply to out-patient psychiatric and substance abuse doctors' office visits subject to the limits specified in Section 16(A)(1)(C) and (D). Eligible services, which shall include diagnostic, surgical and/or specialty services, routine mammograms and routine prostate/colon rectal cancer tests subject to the limits specified in Section 16(A)(2)(E) provided in the network physician's office and billed by that office shall be covered at one hundred percent (100%) after office visit co-pay.
- (d) Specialty care physician office visits will be subject to a twenty-five dollar (\$25.00) co-pay per in-network specialist visit. Eligible services, which shall include diagnostic, surgical and/or specialty services, routine mammograms and routine prostate/colon rectal cancer tests subject to the limits specified in Section 16(A)(2)(I) provided in the network physician's office and billed by that office shall be covered at one hundred percent (100%) after office visit co-pay.

- (e) The office co-pay does not apply to the annual deductible; however, office co-pays will apply to the annual out-of-pocket maximum. Care rendered by non-network providers shall be subject to the annual deductible, co-insurance, out-of-pocket maximum, and twenty percent (20%) penalty as specified in Section 16(A)(2)(P).
- (f) Medical PPO: If an employee and/or dependent receives services from a preferred provider organization (PPO), reimbursements will be eighty/twenty percent (80/20%) coinsurance. If the participating providers are not used, coinsurance reduces to sixty/forty percent (60/40%). The additional twenty percent (20%) coinsurance is the employee's responsibility and not subject to the out-of-pocket maximum. Any PPO network modifications will apply.
- (g) Inpatient alcohol or drug treatment (substance abuse) limited to one confinement per calendar year, per individual, with no more than thirty-five (35) calendar days per confinement. Inpatient psychiatric treatment limited to a sixty (60) day maximum per calendar year.
- (h) ~~Effective January 1, 2003,~~ Outpatient alcohol or drug treatment (substance abuse) payments limited to a fifty percent (50%) co-payment, applied to a total of twenty-five (25) visits per calendar year per individual when provided by a non-network provider.

~~Effective January 1, 2003,~~ Outpatient alcohol or drug treatment (substance abuse) payments will continue to be limited to a total of twenty-five (25) visits per calendar year when provided by a network provider. An office co-pay for the visit will apply as specified in Section 16(A)(2)(D).

~~Effective January 1, 2003,~~ Outpatient psychiatric payments limited to a sixty/forty percent (60/40%) co-pay, applied to a total of twenty-five (25) visits per calendar year when provided by a non-network provider.

~~Effective January 1, 2003,~~ Outpatient psychiatric payments will continue to be limited to a total of twenty-five (25) visits per calendar year when provided by a network provider. An office co-pay for the visit will apply as specified in Section 16(A)(2)(D).

A mental health/substance abuse case management benefit is offered whereby an eligible participant may elect to exchange unused mental health or substance abuse inpatient days for other needed mental health or substance abuse benefits as determined medically necessary by the plan administrator. The medical necessity and exchange rate shall be determined by the plan administrator.

In-Patient Hospital coverage. After satisfying the annual deductible, the plan pays 80% of reasonable charges for a semi-

private room and ancillary services for medical stays at an in-network hospital. Once out-of-pocket expenses and reasonable charge provisions have been met, the plan will reimburse the hospital at 100% for covered services.

For utilization at a Non-Network Hospital, an additional 20% penalty and any excess charges above reasonable rates are the employee's responsibility. Any charges for medically unnecessary care, non-covered services or charges beyond plan limitations are the employee's responsibility.

- (i) Effective with office visits occurring on or after **January 1, 2003** **November 1, 2007**, the plan will cover routine physicals, exams, immunizations and diagnostic tests subject to an annual maximum of ~~one hundred fifty~~ five hundred dollars ~~(\$150.00)~~ (\$500) per individual for covered persons age 9 one (1) (starting the day following the birthday) to age 18 birthday and over, age 18 and over with a two hundred dollar (\$200) maximum; with a ~~three hundred twelve hundred~~ dollar ~~(\$300.00)~~ (\$1200) family maximum;. An office visit co-pay shall apply as specified in Section 16(A)(2)(D). Stress tests are payable only if the plan administrator determines that they are medically necessary. House Bill 478 provides coverage for eligible dependents from birth to age nine (9).
- (j) Effective November 1, 2007, well baby care from birth to age one (1) birthday including immunizations, exams, and routine diagnostic services are payable under the program up to a seven five hundred fifty dollar ~~(\$500.00)~~ (\$750) maximum payment for each eligible dependent, subject to the deductible, coinsurance and reasonable charge provisions.
- (k) Effective November 1, 2007, ~~p~~Provide coverage for routine mammograms up to a maximum of ~~eighty-five dollars (\$85.00)~~. ~~Effective January 1, 2006, coverage will increase to~~ one hundred twenty-five dollars (\$125), according to the following frequency:
 - § one baseline exam for women 35-39 years old;
 - § one exam every ~~two~~ years (calendar) for women age 40-49; and over
 - § ~~one exam every year for women 50 and over.~~
- (l) Effective November 1, 2007, ~~p~~Provide coverage for an annual (one per calendar year) routine prostate/colon rectal cancer tests for men age 40 and over-49 up to a maximum of ~~sixty-five~~ eighty-five dollars ~~(\$65.00)~~ (\$85.00).

For men ~~or women~~ age 40 50 and over, one sigmoidoscopy exam and/or PSA blood test per three year (calendar) period, will be covered up to a maximum of ~~eighty-five~~ one hundred dollars (\$85.00) (\$100.00). For men age 40 and over, an annual (one per calendar year) PSA blood test will be covered up to a maximum of eighty-five one hundred dollars (\$85.00) (\$100.00).

(m) **Miscellaneous benefits with specified limits:**

Physical therapy, occupational therapy, and/or chiropractic visits will be covered up to a combined annual maximum for thirty (30) visits per person, based on medical necessity.

Prescription drug deductible charges are not payable under this medical contract.

The City will provide the following minimum coverage for maternity benefits: At least forty-eight (48) hours of inpatient hospital care following a normal vaginal delivery; and at least ninety-six (96) hours of inpatient hospital care following a caesarean section; and physician directed aftercare. These minimum stay requirements are not applicable if the mother and her health care provider mutually agree that the mother and her child may be discharged earlier.

Weight loss schedule limited to examination charges only. Food supplement in the treatment of obesity are excluded.

Services rendered by a Hospice Care program will be covered up to a maximum of sixty (60) days. Covered services include those services for which an employee is eligible during a hospital admission.

Temporomandibular joint pain dysfunction, syndrome or disease or any related conditions collectively referred to as "TMJ" or "TMD" will be covered on the basis of medical necessity, up to a lifetime maximum of \$200.00. This limit does not apply to surgical services on the jaw hinge.

Any reference to UCR in this Ordinance or related documents shall be replaced by the words "reasonable charges".

(B) **PRESCRIPTION DRUG**

The City shall maintain the current prescription drug coverage, except for the following modifications, unless otherwise noted:

(1) DRUG PREFERRED PROVIDER ORGANIZATION (PPO)

~~Effective with prescriptions dispensed on or after November 1, 2002,~~
the prescription drug Preferred Provider Organization (PPO) arrangement

through the ID card program and direct reimbursement program, the employee shall be responsible for a five dollar (\$5.00) co-pay for a generic drug. If there is no generic drug equivalent for the prescribed drug, the co-pay is ten dollars (\$10.00). If the prescription is for a brand-name drug, or the prescription is written "dispense as written" and a generic equivalent exists, the co-pay is twenty-five dollars (\$25.00). The five dollar (\$5.00) co-pay applies to all allergy prescriptions under the direct reimbursement program.

Effective with prescriptions dispensed on or after November 1, 2007, pre-natal vitamins will be covered with a written prescription from the physician.

(2) MAIL ORDER

~~Effective with prescriptions dispensed on or after November 1, 2002,~~ **M**ail order prescription drugs will be limited to a thirty (30) day minimum and a ninety (90) day maximum supply. Under the mail order program, the employee shall be responsible for a ten dollar (\$10.00) co-pay for a generic drug. If there is no generic drug equivalent for the prescribed drug, the co-pay is twenty dollars (\$20.00). If the prescription is for a brand-name drug, or the prescription is written "dispense as written" and a generic equivalent exists, the co-pay is fifty dollars (\$50.00).

Maintenance drugs must be obtained through the mail order program. The original prescription with no refills may be purchased locally but subsequent refills must use the mail order program.

(3) SERVICES NOT COVERED

Experimental drugs.

Drugs that may dispensed without prescription, such as aspirin even though a doctor may have prescribed them.

Non-prescription items.

Medications, which are covered under the terms of any other employer, sponsored group plan, or for which the individual is entitled to receive reimbursement under Workers' Compensation or any other Federal, State or Local Governmental program.

Immunization Agents [except as provided in the second paragraph in Section 16(A)].

Drugs deemed not medically necessary.

Administration of prescription drugs.

Any prescription refill in excess of the number specified by the physician, or any refill dispensed after one year from date of the physician's original order.

Medication taken by, or administered to, the individual while a patient is in a licensed hospital, extended care facility, nursing home or similar institution which operates, or allows to be operated, on its premises, a facility for dispensing drugs.

Contraceptive devices, other than birth control pills.

Anti-obesity drugs.

Dietary and food supplements.

(4) DISPENSING LIMITATION

Each retail prescription may be filled up to a maximum of a thirty (30) day supply; and a maximum of a ninety (90) day supply for mail order.

(5) MISUSE OF PRESCRIPTION DRUG PROGRAM

Misuse or abuse of the prescription drug program, verified by the appropriate law enforcement agency, shall result in suspension of the employee's prescription drug card for a period of twelve (12) months. As used herein, verification of misuse or abuse of the prescription drug program occurs when the appropriate law enforcement agency files criminal charges against the employee or dependent, or refers (diverts) the employee or dependent to a counseling and rehabilitation program in lieu of criminal charges. If the employee/dependent is found not guilty, the prescription drug card shall be reinstated.

(C) DENTAL

(1) DENTAL ANESTHESIA

Dental general anesthesia administered by the dentist is a Covered Service. Osseous surgery is not covered under the dental plan, but is payable under the medical plan.

(2) ANNUAL DENTAL MAXIMUM

The maximum amount payable for covered dental expenses, except orthodontics, for one (1) eligible person in one (1) benefit year is fifteen hundred dollars (\$1,500.00).

(3) ORTHODONTIC MAXIMUM

The lifetime maximum payable for dependent orthodontia services for any covered child is eighteen hundred-fifty dollars (\$1,850.00).

(4) A voluntary dental PPO shall be available ~~effective January 1, 2003~~, to employees which allow voluntary selection of a participating provider which will result in no-balance billing over reasonable charges. All existing coinsurance levels and exclusions continue to apply.

(5) Effective January 1, 2008, the following preventative dental services will be paid at 100% of the reasonable charge:

(a) Routine oral examinations – twice in any calendar year, January 1 through December 31.

(b) Routine prophylaxis (cleaning of teeth) – twice in any calendar year, January 1 through December 31.

(c) Topical application of fluoride – twice in any calendar year, January through December 31.

~~(D) COST CONTAINMENT~~

~~The term “employee” as it pertains to this section shall mean the employee and all of his/her eligible dependents:~~

~~(1) Pre-Admission Certification. If an employee is informed that a non-emergency inpatient admission is necessary, including psychiatric/substance abuse treatment, the inpatient admission must be pre-certified by the City’s medical utilization review administrator. If no pre-certification is made or the inpatient admission is determined not to be medically necessary, a ten percent (10%) penalty will be applied to total charges in addition to the deductible, coinsurance and out-of-pocket maximum. In the event the care is determined to be medically unnecessary, the employee will be responsible for the cost of all medically unnecessary care.~~

~~Emergency Certification. Emergency inpatient hospital confinements including inpatient psychiatric treatment must be certified within forty eight (48) hours of admission or a ten percent (10%) penalty will be applied to total charges in addition to the deductible, co-insurance and out-of-pocket maximum. In the event the care is determined to be medically unnecessary, the employee will be responsible for the cost of all medically unnecessary care.~~

~~(2) Assigned Length of Stay (Concurrent Review). Once an elective admission has been pre-certified, a length of stay is assigned. If the hospital stay extends beyond the assigned length of stay, the employee will be responsible for all additional charges of medically unnecessary care, in addition to the deductible, coinsurance and out-of-pocket maximum. Medically necessary care will constitute justification for certification of a length of stay extension by the City’s utilization review administrator.~~

~~(3) Continued Treatment and Technological Review. Certain outpatient non-emergency therapy, outpatient continued treatment, and advanced~~

~~technological treatments recommended by an employee's attending physician will require the City's medical utilization review administrator's approval. These treatments will include:~~

- ~~_____ (a) Therapy~~
 - ~~_____ (1) Physical Therapy~~
 - ~~_____ (2) Occupational Therapy~~

- ~~_____ (b) Advanced Technological Procedures~~
 - ~~_____ (1) Magnetic resonance imaging (MRI)~~
 - ~~_____ (2) Lithotripsy~~
 - ~~_____ (3) Ultrasound imaging during pregnancy~~
 - ~~_____ (4) Angioplasty~~

- ~~_____ (c) Treatment~~
 - ~~_____ (1) Chiropractic~~
 - ~~_____ (2) Podiatric~~

~~Once the employee's physician informs the employee that it is medically necessary for the employee to receive physical therapy, occupational therapy, chiropractic treatment or podiatric treatment on an ongoing basis, the employee must contact the City's medical utilization review administrator to obtain continued treatment authorization. Also, if the employee's physician instructs the employee to receive any of the listed advanced technological procedures, it is necessary for the employee to contact the City's utilization review administrator to obtain pre-treatment authorization.~~

~~In the event the employee does not obtain authorization for continued therapy, treatment, or technological review, the employee will be responsible for ten percent (10%) of the total charges, in addition to the deductible, coinsurance and out-of-pocket maximum. In the event the care the employee receives is determined to medically unnecessary, the employee will be responsible for the cost of all medically unnecessary care.~~

- ~~_____ (4) Mandatory Second Surgical Opinion. For all inpatient and outpatient non-emergency surgeries, a second surgical opinion may be required as directed by the utilization review administrator. This second opinion shall be covered at one hundred percent (100%) of the usual, customary and reasonable (UCR) charges. If the first two opinions conflict, a third opinion shall also be covered at one hundred percent (100%) of UCR charges. If a second opinion is not obtained for the surgeries, a ten percent (10%) penalty of total charges shall be applied, in addition to the deductible, coinsurance and out-of-pocket maximum.~~

~~Based on medical information obtained prior to the surgery, the City's medical utilization review administrator may waive the mandatory second surgical opinion requirement in specific cases.~~

- ~~(5) Medical Case Management. This program allows a consultant to review an employee's medical treatment plan to determine whether the covered person qualifies for alternate medical care. The determination of eligibility for a patient's medical case management will be primarily based upon medical necessity and appropriate medical care. Recommendations will be made to the family and health care providers. The utilization review administrator will recommend alternate medical treatment on a case-by-case basis. Alternate medical treatment benefits refer to expenses that are approved before they are incurred, which may not otherwise be payable as covered expenses under the medical plan.~~
 - ~~(6) Planned Discharged Program. In the event an employee is hospitalized and it is determined that hospitalization is no longer needed, this program allows the patient to receive care in the most medically appropriate setting.~~
 - ~~(7) Hospital Bill Review. If an employee reviews this hospital bill and discovers overcharges by the provider he or she will receive fifty percent (50%) of the reimbursed overcharges up to a maximum of two hundred-fifty dollars (\$250.00) per employee per confinement, upon verification of such overcharges by the third party administrator.~~
 - ~~(8) Hold Harmless. In the event a dispute arises over payment for services provided, the City shall hold harmless an employee or dependent who, prior to receiving such services, has: 1) complied with the requirements and certification of the cost containment program, and 2) verified benefit plan coverage through the third party administrator.~~
- (E) Life Insurance. The City shall maintain term life insurance in the amount of one and a half times the employee's annual salary in effect at the time of death for all full-time employees less than sixty-five (65) years of age. Full-time employees, sixty-five (65) to seventy (70) years of age shall receive term life insurance in the amount of sixty-five percent (65%) of one and a half times the employee's annual salary in effect at the time of death not to exceed sixty-five thousand dollars (\$65,000). Full-time employees seventy (70) years of age and over shall receive term life insurance in the amount of thirty-nine percent (39%) of one and a half times the employee's annual salary in effect at the time of death not to exceed thirty-nine thousand dollars (\$39,000).

Employees who have health insurance from other sources may elect to purchase life insurance coverage only, and shall pay a monthly premium of five dollars and fifty cents (\$5.50) for such life insurance coverage. Employees are eligible to purchase additional life insurance through a program established by the Department of Human Resources. Upon termination, employees would be eligible to continue life insurance coverage at the market rate at their own expense.

(F) Eligibility. Eligibility for enrolling new employees for health insurance, dental insurance, vision care, prescription drug and term life insurance shall be based upon an employee's active service in a position or employment, which is to be performed in accordance with an established scheduled working time, such schedule to be based upon not less than forty (40) hours per seven (7) consecutive calendar days for fifty-two (52) consecutive seven (7) day periods per annum. Employees shall become eligible for the benefits outlined in this Section 16, pursuant to the provisions herein, on the first of the month following their hire date.

(1) Full-time employees may waive coverage in the employee insurance programs during the month of February in each calendar year. Once the waiver is executed, the employee must wait until Open Enrollment Month (February) in a subsequent year to re-enroll in the benefit plans. In the event of a divorce, legal separation, the death of a spouse or the spouse involuntarily loses family coverage through the spouse's employer, the employee may enroll with the City of Columbus insurance program within thirty (30) days of such event.

(2) **Effective November 1, 2007, part-time regular employees who have worked a minimum of one thousand forty (1,040) hours the previous calendar year shall be eligible** ~~Eligibility for enrolling part-time regular employees~~ for medical **and prescription** coverage only. ~~will be effective March 1, 2003; the employee having worked a minimum of one thousand forty (1,040) hours the previous calendar year; The employee's share of the cost of the medical and prescription insurance will be and payment of~~ one-half of the established funding rate **established by the Department of Finance and Management,** ~~which The employee's share~~ will be converted into a single and family premium. ~~An special open~~ enrollment will be held during the month of February **2003 of each year** for employee enrollment. ~~Each year thereafter, enrollment will occur during Open Enrollment Month (February).~~ In the event of a divorce, legal separation, the death of a spouse, or the spouse involuntarily loses family coverage through the spouse's employer, the eligible employee may enroll with the City of Columbus insurance program within thirty (30) days of such event. Upon the completion of two (2) consecutive years and a minimum of two thousand eighty (2,080) hours, and every consecutive year thereafter, employees' eligible dependents are eligible to enroll for medical **and prescription** coverage during Open Enrollment Month.

(G) Premium Co-Payment. Employees are charged a monthly premium for participating in the City's insurance programs. The current monthly premium is an amount equal to ~~ten percent (10%) of the insurance base, but no more than twenty six (\$26.00) for single coverage and sixty eight dollars (\$68.00) for family coverage beginning with the payperiod that includes April 1, 2004; an amount equal to~~ nine percent (9%) of the insurance base beginning with the payperiod that includes **July 1, 2007 and each April 1 thereafter, January 1, 2006,** for single and family coverage. The insurance base shall be the total actual cost to the City of the claims and administrative fees for medical, dental, vision and prescription drugs for employees for the preceding twelve (12)

month period of February 1 through January 31. Such premiums shall be paid through an automatic payroll deduction; half of the monthly premium will be deducted each pay period not to exceed the total monthly premium.

Providing ~~the~~ an employee continues monthly premium coverage payments, insurance coverage for which ~~the~~ an employee is eligible, will be extended ninety (90) days beyond the end of the month during which an employee's approved leave without pay or leave of absence status became effective. The employee's insurance will then be terminated with an option to participate in the City's insurance continuation program, COBRA, at the employee's expense.

Employees on disability leave, or employees receiving payments in lieu of wages from the Ohio Bureau of Workers' Compensation, must keep their premium co-payments current. If at the conclusion of the ninety (90) day period as specified in the previous paragraph, the premium co-payments are not current, an employee's insurance will then be terminated with an option to participate in the City's insurance continuation program, COBRA, at the employee's expense.

(H) Employees are eligible to pre-tax insurance premiums through the City's Pre-tax Plan Administrator.

The City will continue to maintain an IRC Section 125 Plan whereby employees will be able to pay for their share of health and hospitalization insurance premiums with pre-tax earnings. This plan will remain in effect so long as it continues to be permitted by the Internal Revenue Code. Such premiums shall be paid through an automatic payroll deduction.

(I) The City may afford employees the opportunity to participate in a voluntary pre-paid legal services plan payable through payroll deduction.

(HJ) Vision. The City shall maintain the current vision care plan for all eligible employees. The non-panel reimbursement schedule includes:

Professional Fees: Examinations up to \$ 35.00

Materials

Single Vision Lenses, up to	\$ 35.00
Bifocal Lenses, up to	\$ 50.00
Trifocal Lenses, up to	\$ 60.00
Lenticular Lenses, up to	\$ 90.00
Contact Lenses	
Necessary	\$170.00
Cosmetic	\$ 90.00

Retail Wholesale frame allowance \$ ~~40.00~~ \$105

(Effective January 1, 2003, the wholesale frame allowance of \$40.00 will have a retail equivalent of \$105.00.)

(IK) Appeal Process. The extent of coverage under the insurance policies (including self-insured plans) shall be governed by the terms and conditions set forth in said policies or plans. Any questions or disputes concerning an employee's claim for benefits under said insurance policies or plans shall be resolved in accordance with the terms and conditions set forth in said policies or plans, including the claims appeal process available through the insurance company or third party administrator. In the event the employee benefit booklet and this ordinance are not specific, the plan administrator's administrative guidelines will prevail; provided, however, that this shall not prejudice the right of the employee to appeal a claim dispute to the plan administrator and to the Ohio Department of Insurance.

SECTION 17. FORMER FULL-TIME EMPLOYEES OF TOWNSHIPS.

Notwithstanding the other sections of this Ordinance, those persons holding a similar or like full-time position in the service of any township whose territory is annexed into the City of Columbus may, where possible, be integrated into the Civil Service of the City of Columbus, and shall be entitled to the benefits incident to length of service under this Ordinance to the same extent as if their full-time service with the township has been full-time service with the City of Columbus.

SECTION 18. SEPARABILITY.

Nothing contained in the preceding Ordinance provisions shall be construed to prevent compliance with any federal law requirements. Should any federal law require the payment of a greater compensation or benefits to City employees than is required under the provisions of this Ordinance, then in such instance the federal law provisions will take precedence and the City employees shall be paid in accordance with those provisions. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance, for any reasons, is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions or sections of this Ordinance. The City Council of the City of Columbus, Ohio, hereby declares that it would have passed this Ordinance, and each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be declared unconstitutional or invalid.

SECTION 19. REPEAL CLAUSE.

That Ordinance No. 2944-1999, as amended, be repealed with the passage of this ordinance.

SECTION 20. EFFECTIVE DATE.

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.