

ORDINANCE NO. 2020-4029

AN ORDINANCE AMENDING THE PERSONNEL POLICY AND PROCEDURE MANUAL OF THE CITY OF FREMONT TO INCLUDE CHANGES TO SECTION 5.01 REGARDING CITY SICK LEAVE AND DECLARING AN EMERGENCY.

WHEREAS, The City desires to amend Section 5.01 of the Personnel Policy and Procedure Manual regarding City Sick Leave and;

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


SECTION 1. Section 5.01 of the Personnel Policy and Procedure Manual regarding City Sick Leave is hereby amended to reflect the wording contained in Exhibit A.

SECTION 2. Council authorizes the Safety Service Director to perform all actions necessary to amend Section 5.01 of the Personnel Policy and Procedure Manual.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

SECTION 4. The immediate operation of the provisions of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need to expeditiously amend the manual.

This ordinance, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this ordinance shall be in full force and effect from and after its passage by the Council of the City of Fremont.

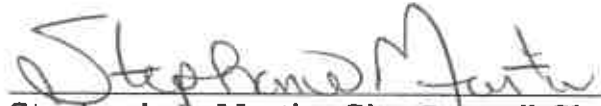


Jamie Hafford
President of Council

PASSED: 8-27-20

Effective date: 8-27-20


YEAS: 7 NAYS: 0


Stephanie D. Martin, City Council Clerk


Daniel R. Sanchez, Mayor

ORDI1207

Approved as to form:


James F. Melle, Director of Law
City of Fremont, Ohio

**THE CITY OF FREMONT, OHIO
PERSONNEL POLICY AND PROCEDURE MANUAL**

SICK LEAVE

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A. POLICY

1. **Accrual:** All permanent full-time employees accrue .0575 hours of sick leave for each hour in active pay status (except overtime hours worked) up to a maximum accumulation of 120 hours per year. Employees may accumulate and carry over all sick leave accrued with no limits. Full-time salaried employees shall accrue sick leave based on a 40 hour workweek.

2. **Credit for Prior Public Service:** Permanent full-time employees who transfer between City Departments or Agencies, or who were previously employed by another public agency, or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment or transfer does not exceed ten (10) years and provided the employee has not cashed in any portion of that balance under O.R.C. 124.39. The words "public agency" as used above means those entities required to provide sick leave under R.C. 124.38 and 124.382, including the state, counties, municipalities, all boards of education, civil service townships, etc. within the state. Although villages, private industry councils, non-civil service townships, libraries organized as non-profit corporations, and other entities not required to provide sick leave under R.C. 124.38 or 124.382 are not "public agencies" for purposes of this policy, the City does allow credit for village and township service. Notwithstanding the above or the Sick Leave Conversion Policy herein, if any "person removed for conviction of a felony" within the meaning of R.C. 124.34 is "subsequently re-employed" by the City, such person is only qualified to accrue sick leave as if the individual were a new employee receiving no credit for prior service.

The requirements for allowing sick leave transfers have been the subject of differing interpretations and legislative revisions. Therefore, to the extent the Employer has already allowed employees to transfer in sick leave credit prior to the adoption of this policy, that credit is not negated with respect to employees already credited as of the adoption of this policy or revision.

3. **Usage:** Upon approval of the Employer, sick leave may be used for the following reasons:
 - a. Personal illness, injury, pregnancy-related condition, or exposure to contagious disease which could be communicated to other employees;
 - b. Illness, injury, or pregnancy-related condition of employee's immediate family where the employee's attendance is reasonably necessary;
 - c. Medical, dental, psychological, or optical examinations or treatment of employee, or of a member of the employee's immediate family when the employee's attendance is reasonably necessary and when such examination or treatment cannot be scheduled during non-work hours.

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4. **Immediate Family**: For purposes of this policy, “immediate family” is defined as the employee’s: mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian, or other person who stands in the place of a parent.

5. **Charging Sick Leave**: Employees absent on approved sick leave shall be paid at their applicable hourly or salaried rate. Sick leave payment shall not exceed the employee’s normal straight time hourly, daily, or weekly earnings. If an employee is paid for sick leave which is subsequently denied, the amount overpaid shall be deducted from the employee’s next paycheck. Sick leave shall be charged in minimum increments of 15 minutes.

6. **Written Statement for Approval**: The employee is required to provide the Appointing Authority a written statement justifying the use of sick leave. If medical attention is required by the employee or a member of the employee’s immediate family, a physician’s certificate is required. The Employer maintains the right to investigate the circumstances surrounding an employee’s request for sick leave. A request for sick leave may be denied if:
 - a. The employee fails to comply with the procedure for proper sick leave usage;
 - b. The employee fails to present a required physician’s certificate or a properly completed request form by 8:30 a.m. on the Monday following the end of the two (2) week pay period in which the sick leave was used;
 - c. An investigation of a sick leave request discloses facts inconsistent with the proper use of sick leave, such as a pattern of using sick leave before or after regular days off, falsification of sick leave records including a physician’s statement/certificate, acting inconsistent with the request for sick leave or other evidence of intent to defraud; or
 - d. The employee requesting sick leave is working another job or participating in any recreational or social activity which is inconsistent with the reason the employee requested sick leave.

These circumstances shall also be grounds for disciplinary action which may include dismissal.

7. **Sick Leave Abuse**: Application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to and including dismissal. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off and/or weekends or the excessive use of sick leave may result in sick leave denial and appropriate disciplinary action. Employees are expected to be

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home or hospitalized while on sick leave unless on a medical-related errand or appointment.

8. Use of Other Leave. Employees without accrued sick leave who are absent for a reason qualifying for use of sick leave hereunder may use accrued vacation leave for such absence. Employees without accrued sick leave or vacation leave may request a Leave of Absence without Pay as provided in this manual.

B. PROCEDURE

1. An employee requesting sick leave for a scheduled medical appointment shall notify the employee's immediate supervisor as soon as possible. An employee requesting sick leave for other than a scheduled appointment must notify the department head or designee of the employee's absence and reason therefore as soon as possible and no later than the scheduled start of the employee's shift. Certain departments may require an earlier notification period in order to obtain a replacement to cover the employee's absence. Employees must follow this notification requirement each and every day the employee will be absent, unless otherwise instructed by the Appointing Authority. In the case of a condition exceeding three (3) consecutive workdays, a physician's statement specifying the employee's inability to report to work and the probable date of recovery may be required.
2. Upon return to work from sick leave, an employee must complete a Request For Leave Form and submit same to the department head as soon as possible but by no later than 8:30 a.m. on the Monday following the end of the two (2) week pay period in which the sick leave was used. If the employee is sick the last day of the pay period the employee must make arrangements to complete and submit a Request for Leave Form within above described time frames.
3. If an employee sought medical treatment for an illness or injury, if an employee's illness or injury extends for three (3) or more consecutive workdays, or in cases of a pattern of sick leave usage, the Appointing Authority may require a Medical Practitioner's Statement stating the date and nature of the illness or injury and when the employee is able to return to work and perform the duties of the position.
4. If the employee is unable to return to work and perform the duties of the position by the original date the physician indicated in the Medical Practitioner's Statement, the Appointing Authority shall require another Medical Practitioner's Statement to be provided which indicates the new date when the employee will be able to return to work. The Employer reserves the right to have an employee examined for fitness for work by a physician or other practitioner of its choosing at its expense. If the employee disagrees with the Employer's physician's determination, he may provide the Employer with a physical examination report from any other licensed physician of his own choosing. If the two physicians disagree to the employee's fitness for duty, they shall designate an

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independent physician to examine the employee and make a final determination. The Employer shall pay for the examination by the independent physician, whose determination shall be binding upon all parties.

5. The department head shall review the completed Request for Leave Form and the circumstances surrounding the absence. The department head shall recommend or not recommend approval of the sick leave and sign the Request for Leave Form. The form shall then be submitted to the Appointing Authority for final approval or denial.
6. The department head shall inform any employee whose sick leave request is denied of the reasons for such denial and thereafter take the necessary disciplinary action for the employee being absent without approved leave.