

MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE
Ordinance 2019-17

Introduced By: Mayor Ashby

Date Introduced: October 1, 2019

Amendments Adopted: N/A

Date Adopted: November 5, 2019

Date Effective: November 25, 2019

AN ORDINANCE concerning

TOWN PERSONNEL MANUAL

FOR the purpose of amending the Town's current employee Personnel Manual to authorize employee sick leave donations under certain circumstances.

BY repealing and reenacting, with amendments

Section 5

Town of Perryville Personnel Manual (adopted by Ordinance 2012-1 and amended by Ordinance 2013-05, Ordinance 2013-07, Ordinance 2016-10, Ordinance 2018-07 and Ordinance 2018-15)

KEY:

~~Strikethrough~~ denotes text being removed from Personnel Manual

CAPITALS denotes new text in the Personnel Manual

SECTION 1. BE IT ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that Section 5 of the Town of Perryville Personnel Manual adopted by Ordinance 2012-1 and amended by Ordinance 2013-05, Ordinance 2013-07, Ordinance 2016-10, Ordinance 2018-07 and 2018-15 is hereby repealed and reenacted, with amendments, as follows:

1. Section 5 is amended as follows:
 - a. Revise "SICK LEAVE" as follows:

SICK LEAVE

The Town of Perryville provides paid sick leave benefits to all regular employees for periods of temporary absence due to illnesses, injuries and other reasons required by law. Sick leave is a privilege, not a right, and must be utilized as such. Sick leave will be granted to regular employees but may not be taken until the employee has completed 106 calendar days of work for the Town. Use of unscheduled sick leave absences or unauthorized absences in a 12-month period from work not protected by FMLA will receive occurrences as shown in the Attendance section of this manual.

Regular full-time employees will accrue sick leave benefits at the rate of 3.70 hours per pay period. Regular part-time employees will accrue sick leave benefits at the rate of .04625 per each regular hour worked during the week. Sick leave benefits are calculated on the basis of a "benefit year", the 12-month period that begins when the employee starts to earn sick leave benefits, then each corresponding year after. Sick leave hours are not earned until the employee has been paid.

Paid sick leave can be used in minimum increments of one half (.50) hour. Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of the following individuals: 1) a biological child, an adopted child, a foster child, or a stepchild of the employee; 2) a child for whom the employee has legal or physical custody or guardianship; 3) a child for whom the employee stands in loco parentis, regardless of the child's age; 4) a biological parent, an adoptive parent, a foster parent, or a stepparent of the employee or of the employee's spouse; 5) the legal guardian of the employee; 6) an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor; 7) the spouse of the employee; 8) a biological grandparent, an adopted grandparent, a foster grandparent, or a stepgrandparent of the employee; 9) a biological grandchild, an adopted grandchild, a foster grandchild, or a stepgrandchild of the employee; or 10) a biological sibling, and adopted sibling, a foster sibling, or a step sibling of the employee.

Paid sick leave may be used for the following reasons: (1) to care for or treat the employee's mental or physical illness, injury, or condition; (2) to obtain preventive medical care for the employee or employee's family member; (3) to care for a family member with a mental or physical illness, injury, or condition; or (4) for maternity of paternity leave; or (5) if: (i) the absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member; and (ii) the leave is being used: 1. By the employee to obtain for the employee or the employee's family member: a. Medical or mental health attention that is related to the domestic violence, sexual assault, or stalking; b. Services from a victim services organization related to the domestic violence, sexual assault, or stalking; or c. Legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking; or 2. During the time that the employee has temporarily relocated due to the domestic violence, sexual assault, or stalking.

If an employee is absent for three (3) or more consecutive due to their own illness or injury or that of another authorized individual, a physician's/doctor's statement or other appropriate verification must be provided verifying the illness or injury and the beginning and ending dates,

except as provided by applicable law a doctor's note is required, except as provided by applicable law.

To prevent abuse of sick leave, department heads may require a physician's/doctor's certificate or other appropriate verification for any absence more than two consecutive days.

Employees who are unable to report for work due to illness or injury must notify their direct supervisor before the scheduled start of their workday, but in no event less than thirty (30) minutes before their scheduled start time. The direct supervisor must also be contacted on each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement must be provided verifying the illness or injury and the beginning and expected ending dates.

Any unscheduled sick leave or unauthorized absences in a fiscal year will follow the point system, as an occurrence, on pg. 3-7 under Attendance.

Sick leave benefits are intended solely to provide income protection in the event of medically required absences on account of personal or family illness or injury, and may not be used due to a workers compensation injury.

An employee may not borrow against future sick leave or, EXCEPT AS PROVIDED BELOW, transfer earned sick leave to another employee. Sick leave hours are not accrued until the employee has been paid and cannot be taken until then. Upon exhausting all earned sick leave, and earned annual leave, may be taken or leave without pay may be taken upon approval of the Town Administrator. Once all paid leave has been exhausted the employee may request an advance, up to four (4) weeks, sick leave from the Mayor and Commissioners. All advanced sick leave must be reimbursed to The Town of Perryville. This includes if employment is discontinued. An employee must sign a written agreement authorizing the Town to withhold the value of any advance sick leave from the employee's final paycheck.

At the time an employee will receive at his/her current rate of pay compensation for all unused sick leave in excess of one hundred and twenty (120) days accumulated. Such compensation will not be paid out for more than thirty (30) days.

AN EMPLOYEE ("DONOR EMPLOYEE") MAY TRANSFER EARNED SICK LEAVE TO ANOTHER EMPLOYEE ("REQUESTING EMPLOYEE") AS FOLLOWS:

1. A REQUESTING EMPLOYEE SHALL NOTIFY THE TOWN ADMINISTRATOR OF THE EMPLOYEE'S UPCOMING ABSENCE AND INADEQUATE LEAVE BALANCES TO COVER THE TIME OF THE UPCOMING ABSENCE. THE TOWN ADMINISTRATOR WILL PUT OUT A REQUEST TO ALL TOWN EMPLOYEES WHO THEN MAY DONATE LEAVE TO THE REQUESTING EMPLOYEE. ALL LEAVE DONATIONS ARE VOLUNTARY AND WILL BE MADE DIRECTLY TO THE REQUESTING EMPLOYEE.

2. IN ORDER TO BE ELIGIBLE FOR A SICK LEAVE DONATION, A REQUESTING EMPLOYEE MUST HAVE EXHAUSTED ALL OF HIS OR HER ACCRUED PERSONAL, ANNUAL, AND SICK LEAVE AND MUST BE FACING AN EXTENDED ABSENCE WITHOUT PAY.
3. THE REQUESTING EMPLOYEE'S ABSENCE MUST BE FOR A FAMILY MEDICAL LEAVE QUALIFYING EVENT TAKEN BY THE EMPLOYEE.
4. ALL REQUESTS FOR DONATIONS OF SICK LEAVE MUST BE ACCOMPANIED BY A PHYSICIAN'S STATEMENT THAT INDICATES THE NATURE OF THE ILLNESS, INJURY, OR DISABILITY, AND THE PERIOD OF TIME THE EMPLOYEE IS EXPECTED TO BE UNABLE TO WORK.
5. DONATING EMPLOYEES MAY NOT REDUCE THEIR SICK LEAVE BALANCES BELOW ONE-HALF OF THEIR LEAVE BALANCE AT THE TIME OF THE DONATION. A DONATING EMPLOYEE'S SICK LEAVE BALANCE MAY NOT FALL BELOW 80 HOURS OF ACCRUED LEAVE.
6. ALL DONATIONS OF LEAVE SHALL BE CONVERTED TO SICK LEAVE TO THE REQUESTING EMPLOYEE. THE TRANSFER OF LEAVE SHALL BE BASED UPON THE DOLLAR VALUE OF THE LEAVE TIME GIVEN AND RECEIVED, NOT A DIRECT HOUR FOR HOUR TRANSFER. THE TRANSFER OF LEAVE SHALL BE COST NEUTRAL FOR THE TOWN, OUTSIDE OF THE STAFF TIME TO CALCULATE AND ADJUST LEAVE BALANCES. AN EXAMPLE OF HOW THE TRANSFER WOULD WORK IS: AN EMPLOYEE WHO EARNS \$20 PER HOUR AND DONATES ONE HOUR OF SICK LEAVE WOULD ACTUALLY BE DONATING 2 HOURS OF SICK LEAVE TO AN EMPLOYEE WHO EARNS \$10 PER HOUR.
7. ANY UNUSED DONATED SICK LEAVE SHALL BE PROPORTIONATELY RETURNED TO THE DONATING EMPLOYEE OR EMPLOYEES. REQUESTING EMPLOYEES SHALL NOT BE ELIGIBLE FOR COMPENSATION FROM DONATED LEAVE IN THE EVENT OF SEPARATION FROM SERVICE.

SECTION 2. AND BE IT FURTHER ENACTED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor and Commissioners.

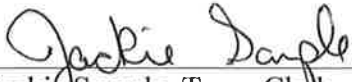
ADOPTED this 5th day of November, 2019, by a vote of 5 yeas, 0 nays, and 0 abstentions.

SEAL:

**MAYOR AND COMMISSIONERS OF
THE TOWN OF PERRYVILLE**

By: 
Robert R. Ashby, Jr., Mayor

ATTEST:


Jackie Sample, Town Clerk

Date: 11/5/19