

ORDINANCE NO. 63 (22-23) AS AMENDED

An Ordinance to amend Section 161.03 of the Codified Ordinances of the City of Marietta, Ohio, titled Sick Leave, and declaring an EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

- Section 1: That Section 161.03 of the Codified Ordinances of the City of Marietta, Ohio, as currently written, is hereby REPEALED in its entirety.
- Section 2: That Section 161.03 of the Codified Ordinances of the City of Marietta, Ohio shall be and is hereby amended/rewritten as follows:

161.03 SICK LEAVE

- (a) Each employee of the City shall accumulate sick leave at the rate of 4.6 hours for each 80 hours of service in pay status. Employees may use sick leave upon approval of the appropriate administrative official for absence due to illness, injury, childbirth, medical, dental or optical examinations or treatment, exposure to contagious disease which could be communicated to other employees and the illness or death in the employee's immediate family. Unused sick leave shall be accumulated without limit.
- (b) Previously accumulated sick leave of an employee who has separated from public service or working with another agency shall be fully credited to the employee upon re-employment with the public service or transfer from another agency.
- (c) To justify use of sick leave, the employee will complete a signed, written statement explaining the nature of illness or other reason for taking sick leave. No employee shall be required to bring a doctor's statement prior to the third (3rd) day of illness unless there is evidence of abuse of sick leave. The City reserves the right to withhold benefit payments to any employee submitting a false claim or abusing the privileges covered in this section. Abuse of sick leave will be the subject of a conference between the employee and their supervisor prior to a written reprimand. However, falsification of either the written, signed statement or the physician's certificate are grounds for disciplinary action. Disciplinary action taken hereunder shall be in accordance with the provisions of the Civil Service Law of Ohio.
- (d) An employee who is unable to report to work shall notify the immediate supervisor or other designated person no less than one (1) hour prior to the employee's time for reporting to work unless emergency conditions make such reporting impossible.

- (e) In the event that there is evidence of abuse of sick leave, the City may require an employee to take an examination by a licensed physician to determine physical or mental capability to perform the duties of the position. The cost of such required examination will be paid by the City. The City shall have the right to select the physician.
- (f) An employee may be granted use of sick leave for up to three (3) consecutive days for attendance upon members of the immediate family whose illness or injury requires the care of the employee. "Immediate family" shall mean the following family members of the employee's family: spouse, child, stepchild, grandchild, parent, step parent, grandparent, sister, brother, parent-in-law, other relative living in the same household or any person standing in the place of a parent. Proof of relationship and illness or injury may be required by the City as a condition of granting such leave. Additional time may be granted at the discretion of the responsible administrative authority. To the extent an employee needs additional time off (i.e. – due to a serious health condition of a spouse or child), the employee will be granted Family and Medical Leave per the FMLA of 1993.
- (g) An employee may be granted one (1) day for the purposes of attending the funeral of a member of the immediate family and an additional day for attendance at the funeral of an immediate family member more than one hundred miles from Marietta, Ohio. "Immediate family" shall include the family members listed above in Section (f) plus sister-in-law, brother-in-law, daughter-in-law and son-in-law. Additional time may be granted hereunder at the discretion of the responsible administrative authority.
- (h) An employee may be granted up to two (2) days for attendance of the wife related to childbirth.
- (i) Upon the employee's request, vacation leave may be used as sick leave after sick leave is exhausted. Employees who have exhausted sick leave and vacation may, at the discretion of the responsible administrative authority, be granted an unpaid personal leave of absence not to exceed the terms and conditions of the Family Leave Act of 1993.
- (j) All **non-union employees and members of the Police Department** of the City hired after January 1, 1988; **all IAFF employees hired after January 1, 1991 and Teamster employees hired after January 1, 1992**, shall be eligible for payment of fifty percent (50%) of their sick leave at the time of retirement up to a maximum of 120 days' accumulation (a maximum of sixty (60) days' pay). For purposes of this section an employee shall only be considered to have retired if at the time of termination of their employment he/she is eligible to receive retirement benefits

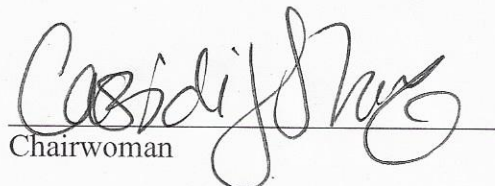
under the age and service requirements of the Public Employees Retirement System. Teamsters, FOP and IAFF members follow their bargaining agreements

- (k) When an employee establishes through medical certification, that the employee or a member of their immediate family has suffered a catastrophic life or career threatening illness or injury and the employee has exhausted their accrued sick and vacation leave, other City employees may donate in writing one or more blocks of eight (8) hours of their own individual accrued and unused leave to the employee. Leave shall be defined as including sick leave, vacation leave and compensatory time off. An employee of the City of Marietta may donate leave time to an employee of any bargaining unit or any non-union employee if the donating employee retains a minimum leave balance of 200 hours. All donated leave hours will be credited to the sick leave of the recipient employee. The total number of such donated days shall not exceed thirty days (240 hours) per catastrophic event as described above. For those employees working a 24-hour shift the total amount of donated leave received shall not exceed 312 hours. The recipient employee will not earn paid leave of any kind while using donated leave time. Donated sick leave days cannot be used to extend or postpone any period of time before the employee may begin disability retirement under the applicable retirement system. The appropriate appointing authority shall determine the details for the administration of this section.

For purposes of this section the term "immediate family" shall mean the following family members of the employee: mother, father, brother, sister, child, spouse, grandparent, grandchild, legal guardian (or other person who stands in the place of a parent), mother-in-law, father-in-law, or other relative living in the same household.

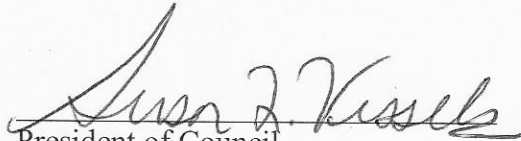
Section 2: That this Ordinance shall be and is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health and safety of the City of Marietta, Ohio, and for the further reason that the previously written Section 161.03 of the Codified Ordinances of the City of Marietta, Ohio, inadvertently omitted a portion of the sick leave policy, wherefore, the Ordinance needs modified immediately to reflect the true sick leave policy of the City of Marietta, Ohio. WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Introduced by the Employee Relations Committee, Cassidi Shoaf, Chairwoman.

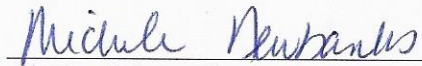

Chairwoman

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Passed this 6th day of April, 2023


President of Council

ATTEST:


Clerk of Council

Approved this 6th day of April, 2023.


Mayor

First Reading May 19, 2022

Second Reading June 2, 2022

Third Reading April 6, 2023