



Prepared: 12/09/2019
Introduced: 01/07/2020
Revised:
Adopted: 01/07/2020
Effective: 01/07/2020

RESOLUTION R-01-2020

A RESOLUTION TO CLARIFY CERTAIN SECTIONS OF THE CITY OF NEW ALBANY'S PERSONNEL POLICIES TO DEFINE EARNABLE AND NON-EARNABLE SALARY AS REQUESTED BY THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM

WHEREAS, the Ohio Public Employees Retirement System (OPERS) has requested annual clarification of the city's Codified Ordinance Sections 155.08, 155.10, and 155.11 to determine pensionable earnable salary eligibility; and

WHEREAS, the Ohio Public Employees Retirement System (OPERS) has also requested that the city confirm its definition of salary, **which is not** pensionable; and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, counties of Franklin and Licking, State of Ohio, that:

Section 1. Pursuant to ORC Section 145.01 and the OAC 145.1-26, the City of New Albany has executed a plan for the conversion of sick leave to cash for leave that is accrued, but not used, during the calendar year, as defined as January 1 to December 31, as part of an annual conversion plan. These earnings are earnable salary on which employee and employer contributions shall be remitted to OPERS.

Section 2. Sick leave shall be converted on a last in, first out (LIFO) basis. The leave to be considered earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year.

Section 3. Retiring employees' sick leave conversion payments must occur according to the plan and either prior to or during the month of their termination date for this earnable salary to be included in the calculation of Final Average Salary.

Section 4. The following payments made to employees shall not have retirement contributions withheld as the payments do not meet the definition of earnable salary for OPERS purposes:

- Leave in excess of the annual amount of leave accrued January 1 to December 31 less leave used January 1 to time of payment
- Leave earned in previous calendar years (*other than payments made in January for leave accrued but not used during the previous calendar year*)

- Conversion of leave to employees separating employment
- Conversion of leave to retiring employees outside the regular payment schedule

Section 5. The city's accrual policy for Sick, Vacation and Personal Leave is summarized in attached Exhibit A.

Section 6. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of the council, and that all deliberations of the council and or 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 of the Ohio Revised Code.

Section 7. Pursuant to the Article VI of the charter of the City of New Albany, this resolution shall take effect upon passage and be retroactive to January 1, 2020.

CERTIFIED AS ADOPTED this 7 day of Jan, 2020.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

**CERTIFICATION BY CLERK OF COUNCIL
OF PUBLICATION OF LEGISLATION**

I certify that copies of R-01-2020 were posted in accordance with Section 6.12 of the Charter for 30 days starting on January 8, 2020.



Jennifer H. Mason, Clerk of Council

1/8/2020
Date

EXHIBIT A – R-01-2020

155.08 PERSONAL LEAVE.

(a) In addition to the observed holidays set forth in C.O. 155.07(a), all full-time employees shall be authorized to observe sixteen (16) hours designated as "personal leave". Such time shall be scheduled as far in advance as possible and approved by the supervisor, except that no reasonable request shall be denied. Wages shall be computed on the basis of the employee's existing rate of compensation at the time the leave is taken. Any unused personal leave remaining after the last pay period of the same year or when an employee terminates his/her employment shall be forfeited.

(b) New employees hired before June 30 will be authorized to observe sixteen (16) hours of personal leave. New employees hired between July 1 and November 30 will be authorized to observe eight (8) hours of personal leave. New employees hired December 1 or after will not be eligible for any personal leave that year.

155.09 VACATION.

(a) Full-time, non-exempt employees shall accrue vacation on the following schedule:

(1) At employment up to the completion of the 4th year of employment - 3.077 hours per pay period

(2) Upon completion of the 4th year of employment up to the completion of the 9th year of employment - 4.615 hours per pay period

(3) Upon completion of the 9th year of employment up to the completion of the 14th year of employment - 6.154 hours per pay period

(4) Upon completion of the 14th year of employment and beyond - 7.70 hours per pay period

(b) The annual vacation schedule for full-time, exempt employees shall be as follows:

(1) At appointment - three weeks. Employees who move from a non-exempt position to an exempt position will be provided three weeks upon appointment to the exempt position and continue to accrue at the rate otherwise qualified for based on length of continuous service with the City.

(2) Upon completion of the 1st year of employment up to the completion of the 4th year of employment – 4.615 hours per pay period

(3) Upon completion of the 4th year of employment up to the completion of the 7th year of employment – 6.154 hours per pay period

(4) Upon completion of the 7th year of employment and beyond - 7.70 hours per pay period.

(c) Vacations shall be at full pay at the current salary rate.

(d) Each full-time employee and official shall be permitted an annual standard maximum carryover of three (3) times the annual vacation accrual rate. Any accrued vacation leave in excess of the appropriate above maximum carryover limits standing to the credit of the employee on December 1 shall become void on December 31 unless used by the employee or carried over to the subsequent calendar year following the submission to and approval of such request by the City Manager on December 1. Approval of such requests will be limited to instances where factors beyond the employee's control or directly related to the operational needs of the City prevented the employee from using the accrued vacation.

(e) No advance of vacation is permitted. Only requests for vacation less than or equal to the accrued balance will be approved.

(f) Leave is accrued on the basis of an 80 hour pay period such that any time not in paid status during a pay period will result in a reduced, pro-rated accrual for that pay period.

(g) In order to recruit and retain qualified persons, employees shall accrue vacation leave as provided in (a) or (b), above, except that accrual rates above the minimum may be authorized if the Department Head and the Human Resources Officer submit adequate reasons in writing and the action is approved by the City Manager. Approval will be based upon the exceptional qualification of the applicant or the inability to employ adequately qualified personnel. In awarding a higher accrual rate, consideration shall be given to the applicant's qualifications, work experience, the level of responsibility required in the position and the availability of qualified applicants or other relevant market factors. Employees granted higher accrual rates shall move to the next accrual rate upon completion of four (4) years of employment with the City.

(h) Compensation for vacation leave in lieu of time off shall not be granted.

(i) Vacation leave shall be scheduled as far in advance as possible and at the discretion of the supervisor. In the event of conflicting requests, the Department Head shall resolve the conflict based on the operating needs of the department/division.

(j) Where an employee becomes deceased while in paid status in municipal employment, any accrued vacation leave to his/her credit shall be paid in a lump sum first to the surviving spouse, then to the deceased's estate.

(k) Upon retirement or termination, unused accrued vacation leave will be cashed out in the form of a lump sum monetary payment.

155.10 SICK LEAVE.

(a) All full-time employees and officials shall be credited sick leave at the rate of 4.615 hours for each pay period. Leave is accrued on the basis of an 80 hour pay period such that any hours not in paid status during a pay period will result in a reduced pro-rated accrual for that pay period.

(b) Sick leave may be accumulated without limit.

(c) When used, sick leave shall be deducted from the cumulative total on a quarter-hour basis.

(d) Employees may use leave for absence due to personal illness, pregnancy, injury, exposure of contagious disease which could be communicated to other employees, and to illness or injury of the employee's spouse, child, mother, father, or other relative residing in the employee's household. Sick leave may also be used for medical, vision or dental related examination and care.

(e) Employees may be required to furnish proof of illness by furnishing a doctor's statement if the duration of the illness exceeds three (3) working days.

(f) Absence due to sickness in the immediate family not residing in the employee's household, and requiring the continuing presence of the employee to make arrangements for hospitalization or other care shall not exceed three consecutive workdays. The City Manager may approve additional absences for this purpose.

(g) Excessive use, abuse of, or misuse of sick leave may be cause for disciplinary action or dismissal.

(h) Employees for whom a replacement must be found and who are unable to report to work for any reason listed herein must report their anticipated absence to their supervisor at least one hour prior to the start of their shift on the first day of their absence. Other employees must report their anticipated absence before the expiration of the first half-hour of the start of their shift. All employees shall report accordingly on each succeeding day of their absence unless other arrangements are authorized.

(i) Sick leave may be transferable between employees due to exigent circumstances, with the approval of the City Manager.

(j) Use of sick leave is limited to employee absence due to illness or non-work related injury and quarantine of the employee by health authorities. For family medical incidents, an employee may use up to four (4) days for each discrete incident.

(k) Following the fourth (4th) occurrence of sick leave absence of one day or more in a twelve month period of time, the employee may be required to secure and present a certificate from a doctor giving information as to the circumstances involved or nature of the illness to receive pay for each subsequent absence involving sick leave in the remainder of that twelve month period. The documentation shall be sent to the Human Resources Officer to be placed in the individual's personnel file.

(l) Sick leave accumulated during former employment with the City or with another public agency may be credited to the employee upon his/her re-employment or hire with the City provided such re-employment/employment takes place within ten (10) years of the former termination date.

- a. Up to 1,920 hours of previously accumulated sick leave from another public agency may be transferred to the employee's credit at a rate of

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Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchevsky
Law Director

two (2) to one (1) for each hour accrued as an employee of the City of New Albany.

b. Rate of accrual shall be in conformance with C.O. 155.10(a).

(m) Upon retirement or separation in good standing, full-time employees may convert unused accrued sick leave to a lump sum monetary payment on the following conditions:

(1) For the first 120 hours (15 days) of sick leave accrued, payment shall be hour for hour. Accumulated sick leave above 120 hours shall be paid at the rate of eight (8) hours pay for every 24 hours accumulated.

(2) Payment will be at the hourly rate in effect at the time of retirement or termination.

(3) Employees terminated for cause or who fail to give two weeks' written notice of intent to terminate are not eligible for the sick leave conversion benefit.

155.11 SICK LEAVE RECIPROCITY

(a) During January, each permanent full-time non-union employee may receive payment in cash for a portion of unused accrued sick leave hours at the end of the preceding fiscal year, provided such employee was entitled to sick leave benefits during all of the twenty-six (26) pay periods of the previous year and did not use more than 40 hours of paid sick leave or injury leave during the calendar year. Additionally, in order to participate, an employee must have at least 480 hours of sick leave after cash benefit hours are taken. Those who are eligible may cash in up to 48 hours of sick leave. Eligible employees must elect, no later than September 1 of each year, to convert up to forty-eight (48) hours of sick leave for payment in the first full pay period in January of the next calendar year (payable at the employees base rate of pay as of December 31 of the year of the election).

(b) The number of reciprocity hours paid each employee will be subtracted from the total accrued unused sick leave. The balance of unused sick leave will be carried forward each year as the current sick leave account.