



ORDINANCE O-110-2023

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 12.737+/- ACRES OF LAND LOCATED TO THE NORTHWEST OF AND ADJACENT TO THE INTERSECTION OF NEW ALBANY-CONDIT ROAD AND NEW ALBANY ROAD EAST, FROM INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO LIMITED GENERAL EMPLOYMENT (L-GE) FOR AN AREA TO BE KNOWN AS THE “NORTH CITY BUSINESS ZONING DISTRICT” AS REQUESTED BY THE NEW ALBANY COMPANY, LLC C/O AARON UNDERHILL, ESQ.

WHEREAS, the council of the city of New Albany has determined that it is necessary to rezone certain property located within the city to promote orderly growth and development of lands; and

WHEREAS, the Rocky Fork-Blacklick Accord Panel, New Albany Planning Commission, and New Albany City Council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

WHEREAS, pursuant to the application by The New Albany Company, LLC c/o Aaron Underhill, Esq., the Rocky Fork-Blacklick Accord Panel and the New Albany Planning Commission reviewed the proposed ordinance amendment and recommended its approval.

NOW, THEREFORE, BE IT ORDAINED by council for the city of New Albany, counties of Franklin and Licking, State of Ohio, that:

Section 1. Council hereby amends the zoning ordinance map of the city of New Albany to change the zoning classification of the following described site:

- A. A 12.737+/- acre site within Franklin County, located to the northwest of and adjacent to the intersection of New Albany Condit Road and New Albany Road East, from its current zoning of Infill Planned Unit Development (I-PUD) to Limited General Employment (L-GE).
- B. The zoning district’s limitation text and boundary map are hereby attached and marked Exhibit A.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 Section 121.22 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this 2 day of Jan, 2024.

Attest:

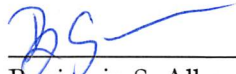


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

| | |
|-------------|------------|
| Prepared: | 12/06/2023 |
| Introduced: | 12/19/2023 |
| Revised: | |
| Adopted: | 01/02/2024 |
| Effective: | 02/01/2024 |

NORTH CITY BUSINESS ZONING DISTRICT

LIMITATION (L-GE) TEXT

December 6, 2023

I. Summary: The North City Business Zoning District (hereinafter, the “Zoning District”) consists of 12.737+/- acres located to the northwest of and adjacent to the intersection of New Albany-Condit Road and New Albany Road East. The property is presently undeveloped and is generally bisected from southwest to northeast by a 110-foot wide gas line easement. To the north is the Nottingham Trace residential subdivision, including a 23+ acre park that is to the northwest of and adjacent to the subject site. To the north of and adjacent to this zoning district is a tract of property that is zoned to allow future development of retail and service uses, and to the east across New Albany-Condit Road is the Canine Companions for Independence campus. An undeveloped property is located to the west, and across New Albany Road East to the south is the Discover Financial call center facility.

The New Albany Company LLC (“NACO”) is the applicant and seeks to apply the L-GE, Limited General Employment zoning designation to the subject property. In 2021, this property was approved with an I-PUD zoning designation (Cornerstone Academy I-PUD District) to facilitate the development and operation of a public charter school campus for Cornerstone Academy. After that rezoning was approved, Cornerstone entered into a lease with the owner of an existing building located at 7525 West Campus Road, formerly known as NACOT I and located to the southwest of this proposed Zoning District. The intent was to provide a temporary location for Cornerstone High School until such time as the new campus could be developed on the property that is the subject of this application. However, the use of the building was a great fit for the school, and Cornerstone Academy has now determined that it would like to remain on that site permanently and also acquire an adjacent building and other improved and unimproved real property to develop its campus at that other location. As part of that plan, Cornerstone Academy is acquiring an undeveloped parcel that is owned by NACO in exchange for the transfer of the property within this Zoning District to NACO. NACO seeks to rezone the property it is acquiring into the L-GE zoning classification, which was the zoning of the property before the approval of the Cornerstone Academy I-PUD.

II. Zoning Designation: L-GE, Limited General Employment District

III. Permitted Uses: The permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE, General Employment District, Sections 1153.02 and 1153.03 shall be allowed to be developed and operated in this Zoning District, provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

- A. Industrial product sales (See Section 1153.03(a)(1));
- B. Industrial service (See Section 1153.03(a)(2));
- C. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification,

this prohibition only applies to such facilities that are made available for rental to the general public;

- D. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
- E. Vehicle services (See Section 1153.03(b)(4));
- F. Radio/television broadcast facilities (See Section 1153.03(c)(1));
- G. Sexually-oriented businesses (See Section 1153.03(c)(3)); and
- H. Off-premises signs (See Section 1153.03(c)(2)).

IV. Lot and Setback Commitments:

A. Lot Coverage: There shall be a maximum lot coverage in this Zoning District of 75%.

B. Setbacks:

1. New Albany-Condit Road: There shall be a minimum pavement and building setback of 125 feet from the right-of-way of New Albany-Condit Road.

2. New Albany Road East: There shall be a minimum pavement and building setback of 125 feet from the right-of-way of New Albany Road East.

3. Other Perimeter Boundaries: There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries of this zoning district that are not adjacent to a public right-of-way.

4. Interior Setbacks: There shall be a zero setback requirement for pavement and buildings from property lines that are interior to this zoning district (i.e., those property lines which are not perimeter boundary lines).

5. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i) come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels.

V. Architectural Standards:

A. Building Height: The maximum building height for structures in this Zoning District shall be 65 feet, subject to Section 1165.03 of the Codified Ordinances.

B. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.

C. Building Design:

1. Building designs shall not mix architectural elements or ornamentation from different styles.
2. Buildings shall be required to employ a comparable use of materials on all elevations.
3. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.
4. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other. 6. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

5. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems and solar panels shall be excluded from the requirements of this section and shall be subject to current requirements in the Codified Ordinances and to future requirements found in the Codified Ordinances for any solar energy systems of solar panels installed after such future requirements are adopted.

6. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

D. Building Form:

1. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.
2. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

E. Materials:

1. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.
2. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.
3. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building components of roof, wall and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents). Building color palettes shall be simple and unobtrusive to avoid overly bright or jarring colors, subject to the review and approval of the City Architect.
4. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.
5. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of data centers, warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to balance the practical needs of these buildings with the desire to provide exterior designs that are

attractive and complimentary to the architecture that will be found elsewhere in this Zoning District.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall consider the following, which are intended to set a level of expectation for the quality of design:

a. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while considering the unique nature of the use(s) that will be found therein.

b. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

c. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

d. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

e. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

6. Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment.

VI. Access, Parking, Site Circulation, and Traffic Commitments:

A. Street Rights-of-Way: Right-of-way shall be dedicated to the City for a distance of 50 feet as measured from the centerline of New Albany-Condit Road and for a distance of 50 feet as measured from the centerline of New Albany Road East. Easements shall be required to be granted prior to the issuance of a building permit in this Zoning District adjacent to public street rights-of-way at a distance necessary to accommodate city street capital improvement projects when insufficient right-of-way exists to accommodate these improvements.

B. Vehicular Access: The developer shall work with the City Manager or their designee to determine the need for appropriate timing and phasing of street improvements to serve this Zoning District. Prior to being issued a building permit for construction or development within this Zoning District, a Traffic Impact Study shall be submitted to the City for review and approval by the City Engineer, unless a waiver of the requirement for this study or approval of less than a full study is provided by the City Engineer. Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curbcuts shall be determined and approved by the City Manager or their designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District.

C. Parking and Loading: Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

VII. Buffering, Landscaping, Open Space, and Screening: A landscaping plan shall be approved as part of the City's review of a certificate of appropriateness application for each portion of this Zoning District that is proposed for development. The following landscaping requirements shall apply to this Zoning District:

A. Tree Preservation: Reasonable and good faith efforts will be made to preserve existing trees and tree rows occurring within perimeter and stream setbacks in this subarea. Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

B. New Albany-Condit Road and New Albany Road East Landscape Treatments: A landscape treatment consisting of an average of 10 trees per 100 lineal feet of road frontage shall be installed and maintained along New Albany-Condit Road and New Albany Road East within a distance of 55 feet from the right-of-way, unless otherwise prohibited by an existing gas line easement that runs through the property. These trees shall consist of a mix of deciduous and evergreen species that are native to Ohio, with the locations, number, and spacing to be reviewed

as part of a final development plan. Mounds shall be installed where possible, subject to the city landscape architect, and trees shall be installed on a mound that has a slope not to exceed 6:1 on the side facing the public street. The mound shall be a minimum of 3 feet and a maximum of 12 feet in height, and its design shall be reviewed as part of a final development plan. 70% of required trees shall be planted on the street side of the mound, and no trees shall be located within the upper quartile crest of the mound.

C. Parking Lot Landscaping: Within this Zoning District, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles. The landscaped areas shall be arranged in such a manner so as to visually break up large expanses of pavement and provide landscaped walking paths between parking lots and the main buildings.

D. Leisure Trails: An existing asphalt leisure trail with a width of 8 feet has been constructed along the zoning district's frontage along New Albany Road East. An asphalt leisure trail with a width of 8 feet shall be constructed by the applicant/developer along the zoning district's frontage on New Albany-Condit Road. This leisure trail shall be constructed to connect to the existing leisure trail that is located along the site's frontage on New Albany Road East.

E. White Horse Fence: A four-board white horse fence has been installed along the zoning district's frontage along New Albany Road East. A four-board white horse fence shall be installed along the zoning district's frontage on New Albany-Condit Road. The existing four-board white horse fence along New Albany Road East shall remain.

F. Stream Corridor: A Stream Corridor Protection Zone shall be provided along the stream that generally runs east-west along the northern boundary line of this Zoning District. It shall be a minimum of 50 feet in width as measured southward from the centerline of the stream, it being the intent that a similar protection zone shall be provided by the property owners located to the north of the stream. Within the Stream Corridor Protection Zone, no improvements shall be permitted other than landscaping, and an asphalt leisure path running east-west with a location to be approved by City staff. Such leisure path shall connect to New Albany-Condit Road on the east and shall stub to the existing off-site public park to the northwest of this Zoning District.

G. Street Trees: Existing street trees along New Albany Road East shall remain and be maintained. Street trees shall be installed on New Albany-Condit Road at the rate of 4 trees per 100 linear feet. Notwithstanding the foregoing, tree spacing on public streets may deviate from this spacing requirement if necessary or appropriate to provide a desirable streetscape, as approved by City staff. Street trees shall be a minimum of 3 inches in caliper at installation. Trees shall not obstruct sight distance or signage, subject to staff approval. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

H. Stormwater Management: Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.

J. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at

installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

VIII. Lighting:

A. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

B. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.

C. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

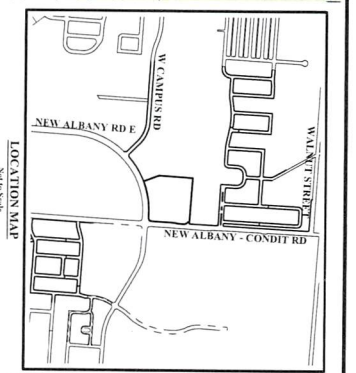
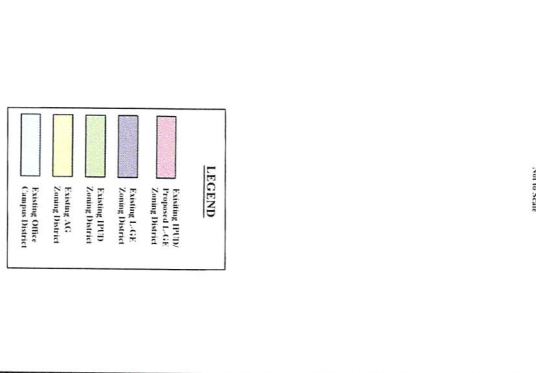
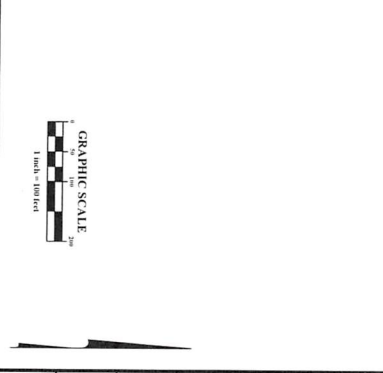
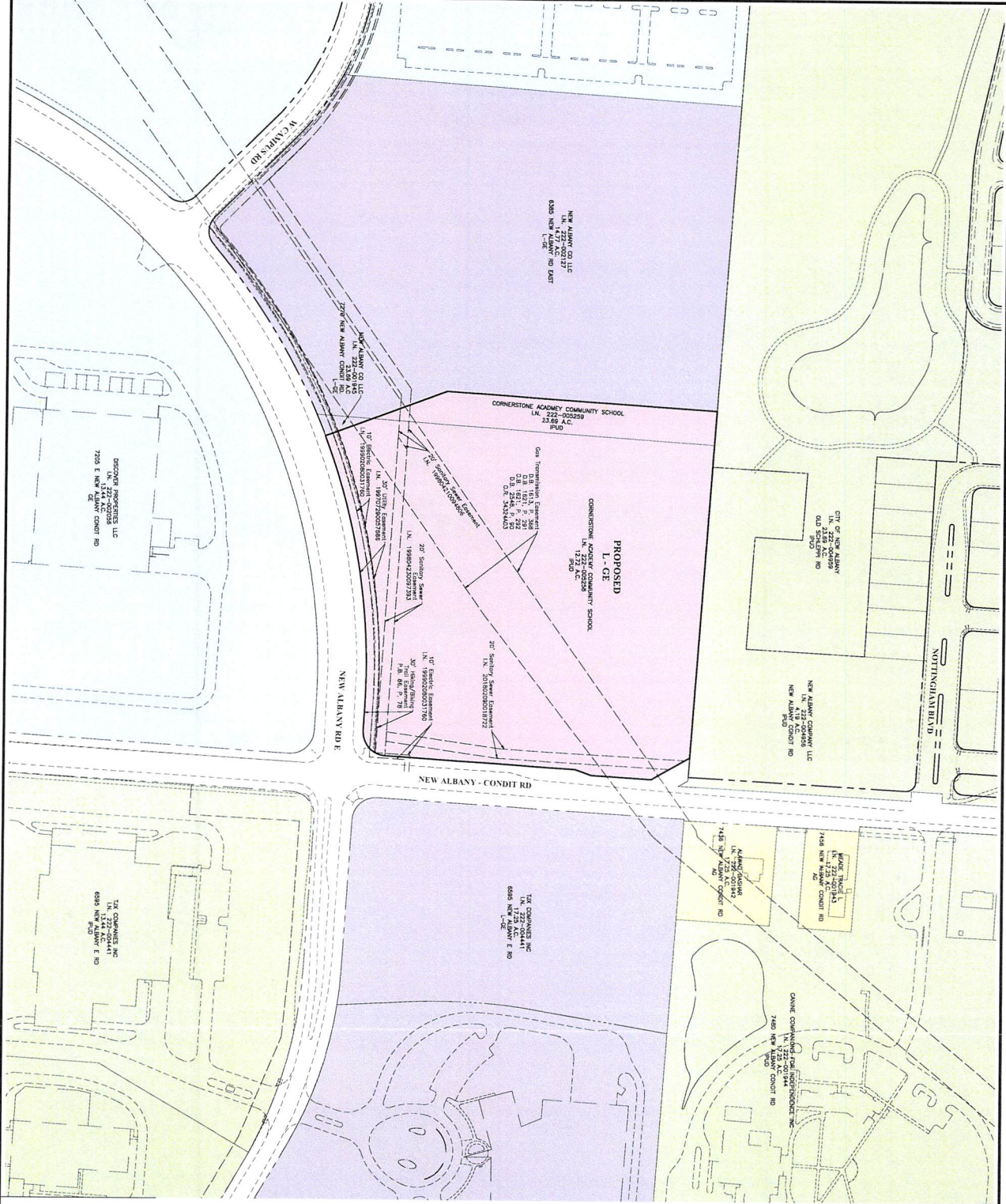
D. Landscape uplighting from a concealed source shall be subject to staff approval. All uplighting fixtures must be screened by landscaping. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

E. No permanent colored lights or neon lights shall be used on the exterior of any building.

F. Security lighting shall be of a motion sensor type.

G. All other lighting on the site shall be in accordance with City Code. Street lighting must meet the City standards and specifications.

H. Utilities: All new utilities installed solely to serve this Zoning District shall be installed underground. Solar Panels may be incorporated and installed as appropriate.



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| DATE | NOVEMBER 1, 2023 |
| SCALE | 1" = 100' |
| SHEET | 1/1 |
| REVISIONS | |

EMHT
 Evans, Mechwart, Nordstrom & Tabor, Inc.
 Engineers, Surveyors, Planners & Scientists
 1500 New Albany Road, Columbus, OH 43244
 Phone: 614-775-4500 Fax: 614-775-3444
 emht.com

CITY OF NEW ALBANY, FRANKLIN COUNTY, OHIO
EXHIBIT
NORTH CITY BUSINESS ZONING
DISTRICT
ZONING EXHIBIT

NACO

| REVISIONS | | | |
|-----------|------|-------------|--|
| MARK | DATE | DESCRIPTION | |
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RESOLUTION R-01-2024

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, 155.09, 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.

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 conversions of sick and vacation leave to cash for leave that is accrued, but not used, during the calendar year, 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 and vacation leaves 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 and vacation 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 from 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 the attached Exhibit A.

Section 6. It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 Section 121.22 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 shall be retroactive to January 1, 2024.

CERTIFIED AS ADOPTED this 2 day of Jan, 2024.

Attest:

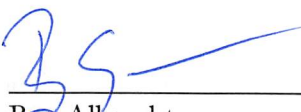


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Ben Albrecht
Law Director

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|---------------------------|------------|
| Legislation dates: | |
| Prepared: | 12/18/2023 |
| Introduced: | 01/02/2024 |
| Revised: | |
| Adopted: | 01/02/2024 |
| Effective: | 01/02/2024 |

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 maximum carryover limits standing to the credit of the employee on December 1 shall become void on December 31. Employees with leave in excess of 480 hours as of December 1 may have up to 80 hours paid out upon request. Such payout shall occur in January.

(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 a paid status, i.e. unpaid time off, 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 except as provided in (d), above.

(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 a paid status, i.e. unpaid time off, 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 illness, pregnancy, non-work related injury, exposure of contagious disease which could be communicated to other employees, quarantine of the employee, and for 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) consecutive 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 without approval from the Department Head.

(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) 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 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. 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 eighty (80) hours of sick leave. Eligible employees must elect, no later than September 1 of each year, to convert up to eighty (80) hours of sick leave for payment in the first full pay period in January of

Exhibit A – R-01-2024

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.