

### **133.11 LEAVES OF ABSENCE.**

(a) Each employee shall be granted leave of absence for jury duty. Prior notice concerning the need for jury leave of absence shall be given to the City Manager or his designee as early as practicable. Further, while on jury leave of absence, an employee may be required to work such hours of his usual work shift as occur when his presence in court is not required.

Employees on jury leave of absence may, at the discretion of the City Manager or his designee, be paid the difference between the jury pay earned while on duty and the employee's regular straight time hourly rate for an hourly or nonexempt salaried employee, for scheduled work time lost not to exceed thirty-one (31) days in any calendar year or, for salaried exempt employees, the difference between the jury pay earned and the employee's regular salary for not more than thirty-one (31) days in any calendar year. At his discretion, the City Manager or his designee may extend the thirty-one (31) day limit on compensation. The City may require the employee to provide satisfactory evidence of his actual performance of his jury service and the amount of jury pay received in order to receive such payment.

(Ord. 92-30.)

(b) Vacation leave accrues at the rate of eight (8) hours per calendar month of service for employees having completed less than four (4) years of service, ten (10) hours per month for employees having completed four (4) years of service, twelve (12) hours per month for employees having completed eight (8) years of service, fourteen (14) hours per month for employees having completed twelve (12) years of service, sixteen (16) hours per month for employees having completed sixteen (16) years of service, and eighteen (18) hours per month for employees having completed twenty (20) years of service; and shall be taken off with full pay during the year in which it is earned unless the City Manager deems it to be in the best interest of the Municipal service to allow a portion of an employee's earned vacation leave to be carried over into the following year. Any prior full-time employment with the City of Blue Ash shall be counted for purposes of determining the number of hours of vacation for which an employee is eligible to accrue.

Upon approval of the City Manager, employees who accrue vacation leave at the rate of eighteen (18) hours per month may "sell back" to the City up to a maximum of 160 vacation hours annually. Employees who accrue vacation leave at the rate of sixteen (16) hours per month may "sell back" to the City up to a maximum of 136 vacation hours annually. Employees who accrue vacation leave at the rate of fourteen (14) hours per month may "sell back" to the City up to a maximum of 112 vacation hours annually. Employees who accrue vacation leave at the rate of twelve (12) hours per month may "sell back" to the City up to a maximum of eighty-eight (88) vacation hours annually. However, a minimum of eighty (80) hours of vacation leave per employee must be taken annually.

For employees not represented by a bargaining unit hired on or after January 1, 1988, up to six (6) years of full-time employment in the service of another Ohio municipality, township, county, school district or the State of Ohio shall be counted for purposes of determining the number of days of vacation for which an employee is eligible.

For employees not represented by a bargaining unit, up to six (6) years of active duty service in any branch of the U.S. armed services shall be counted for purposes of determining the number of days of vacation for which an employee is eligible.

(Ord. 2007-64. Passed 12-13-07.)

(c) (1) Credit for sick leave is earned at the rate of one and one-fourth (1¼) days per calendar month of service. At the time of initial employment, an employee may be credited with unused sick leave accumulated while in the employment of another Ohio municipality, township, school district, county or the State of Ohio for which he/she has not been fully or partially compensated. Employees may be required to provide documentation verifying appropriate use of leave.

(2) A permanent full-time employee may use accumulated sick leave for the following purposes:

A. In case of employee's personal illness, medical condition, disability, or injury.

B. Funeral Leave:

1. Up to forty (40) hours per occurrence for death of spouse or children, including step-children.

2. Up to twenty-four (24) hours per occurrence for death of parents (including step-parents), siblings (including step-siblings), grandparents, grandchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

3. Up to eight (8) hours per occurrence for death of grandparent of spouse, or employee's aunt, uncle, nephew, niece, or cousin.

C. Hospitalization/Medical Procedures of Family Members:

1. Up to forty (40) hours per occurrence to attend in-patient hospitalization and, if necessary, care thereafter, of employee's spouse or children (including step-children), and up to eight (8) hours per occurrence for hospitalization of employee's parents (including step-parents).

2. Up to sixteen (16) hours per occurrence to attend out-patient procedure and, if necessary, care thereafter of employee's spouse or children (including step-children), and up to eight (8) hours per occurrence for employee's parents (including step-parents). Continuing treatment for a single illness or injury shall be defined as a single occurrence.

D. Personal Care:

1. Up to twenty-four (24) hours per calendar year to attend to members of the employee's immediate family whose illness or injury requires the care of the employee. Immediate family includes spouse, mother, father, sister, brother, daughter, son, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step mother, step father, step sister, step brother, step daughter, step son, or other person who stands in the place of a parent, or other relative residing in the same household as the employee.

E. Medical, dental, or optical examination or treatment of employee, which cannot be scheduled during non-working hours.

F. The hourly limits reflected above in B., C., and D. are based upon a 40 hour standard workweek. Proportional adjustments will be made in those limits as follows, for full-time staff whose standard work day is 8.5 hours:

1. a. Up to forty-two and one-half (42.5) hours per occurrence.

b. Up to twenty-five and one-half (25.5) hours per occurrence.

c. Up to eight and one-half (8.5) hours per occurrence.

2. a. Up to forty-two and one-half (42.5) hours per occurrence to attend in-patient hospitalization, and if necessary, care thereafter, of employee's spouse or children (including step-children), and up to eight and one-half (8.5) hours per occurrence for hospitalization of employee's parents (including step-parents).

b. Up to seventeen (17) hours per occurrence to attend out-patient procedure and, if necessary, care thereafter of employee's spouse or children (including step-children), and up to eight and one-half (8.5) hours per occurrence for employee's parents (including step-parents).

Continuing treatment for a single illness or injury shall be defined as a single occurrence.

3. a. Up to twenty-five and one-half (25.5) hours per occurrence.

(3) Sick leave must be requested in a minimum of one-half ( $\frac{1}{2}$ ) hour increments.

(4) The City Manager may require reasonable evidence to support a claim for sick leave and may require a doctor's certificate to justify the absence. The monitoring of sick leave usage of all employees shall be accomplished under the provisions of the then-current Sick Leave Policy as drafted and issued by the City Manager (last updated and distributed February 7, 1996).

(5) Employees with sick leave accumulation of more than 180 hours shall be eligible upon written request, and upon review of and written approval by the City Manager or his/her designee, to knowingly and voluntarily transfer up to eighty (80) hours of sick leave during each calendar year to another employee who has been off work on a medical leave of absence for 120 or more consecutive calendar days and who has exhausted his/her sick leave, vacation leave, and compensatory time. However, an employee who voluntarily requests to transfer sick leave credit may only transfer the number of sick leave hours he/she has accrued in excess of 180 hours (up to a maximum of 80 hours) as of the date of the written request to the City Manager or his/her designee. Employees, in conjunction with the City's entire leave of absence policy, may not receive more than a total of 1,385 hours transferred sick leave during their employment with the City. The receipt of transferred sick leave hours shall not extend the length of a leave of absence as set forth in Section 133.11(f).

(6) Upon resignation in good standing from the Blue Ash Municipal service upon the death of an employee, the employee or his/her estate shall receive one (1) hour of monetary compensation for each eight (8) hours of unused sick leave; the monetary compensation shall be at the hourly rate of compensation of the employee at the time of resignation or death. If the employee is given credit for his/her accumulated sick leave at his/her next place of employment, no sick leave pay-out shall be made.

(7) Upon permanent layoff from the Blue Ash Municipal service, an employee shall receive one (1) hour of monetary compensation for each eight (8) hours of unused sick leave provided he/she does not receive credit for the accumulated leave at his/her next place of employment. The monetary compensation shall be at the hourly rate of compensation of the employee at the time of permanent layoff.

(8) If upon retirement under the Ohio Public Employees Retirement System or the Police and Firemen's Disability and Pension Fund System from the Blue Ash Municipal service, an employee has less than twelve (12) years of full-time service with the City of Blue Ash, the employee shall receive two (2) hours of monetary compensation for each eight (8) hours of unused sick leave. The monetary compensation shall be at the hourly rate of compensation of the employee at the time of retirement.

(9) If upon retirement under the Ohio Public Employees Retirement System or the Police and Firemen's Disability and Pension Fund System from the Blue Ash Municipal service, an employee has at least twelve (12) years of full-time service with the City of Blue Ash, the employee shall receive three (3) hours of monetary compensation for each eight (8) hour days of unused of sick leave with a maximum payout of 120 (eight-hour) days (i.e. 960 hours). The monetary compensation shall be at the hourly rate of compensation of the employee at the time of retirement.

(Ord. 2012-69. Passed 12-13-12.)

(d) Reasonable leaves with pay may be authorized by the City Manager for official meetings, training and professional development found to be in the best interest of the City.

(e) (1) The following procedure shall be followed for job-related injuries to full-time non-bargaining unit member employees who are not Police or Fire Department supervisory personnel when such injuries result in an absence greater than fourteen (14) calendar days but less than permanent disability:

- A. The employee files a worker's compensation claim for medical expenses only.
- B. The employee receives injured-on-duty-pay for up to six (6) months. No time is charged against the employee's sick leave accrual.
- C. If the employee cannot return to regular or light duty work after six (6) months of IOD leave, a worker's compensation claim for lost time may be filed and IOD pay shall be discontinued.

D. At any time during the period of disability, the employee may be required to submit to a physical or mental exam at the City's expense in order to determine that the employee was in fact injured on duty, continues to be disabled, and/or is fit to return to work.

E. If the employee is off more than twelve (12) months, employment shall be terminated pursuant to subsection (f) hereof.

In the event that the City contests the validity of a workers' compensation claim, injured-on-duty-pay shall not be authorized.

(2) The following policy shall govern injured-on-duty-pay for full-time non-bargaining unit member Police and Fire Department supervisory employees while in the act of performing emergency duties, excluding non-emergency civilian personnel.

A. Criteria for Injured-on-Duty Pay for Police Supervisory Personnel:

1. A police officer sustains an injury while in pursuit of an offender on foot or in a vehicle.

2. A police officer sustains an injury as a result of an assault by any person while performing the duties of a sworn officer.

3. A police officer sustains an injury while directing traffic, administering aid, investigating a vehicle accident, or engaging in specialized training as directed by the Police Department.

4. A police officer sustains an injury at any time while he is responding to a call or detail, while taking care of the call or detail, and until his return to normal service from the call or detail. A call or detail may be dispatched by the dispatcher or given to the officer by a citizen, but to be covered under this section the officer must have notified the dispatcher of the citizen's call for service and the service must be associated with law enforcement activities.

5. If a police officer sustains an injury in the line of duty in a manner other than described in subsections A.1. through 4. hereof for which the officer believes that he is legitimately entitled to injury-on-duty pay, then that officer may present the facts and supporting documentation to the Assistant City Manager for review after the Police Chief has reviewed the matter. The Assistant City Manager shall convey a recommendation to the City Manager on whether or not injured-on-duty pay should be extended to the officer. The City Manager shall then convey to Council a recommendation that this policy be extended or not extended, to cover on an exceptional basis the particular injury suffered by the officer, and the decision of Council shall be final.

6. Any injury, in order to be eligible for injured-on-duty pay, must be reported to the injured employee's supervisor within twenty-four (24) hours of the injury occurrence.

B. Criteria for Injured-on-Duty Pay for Full-time Fire Department Supervisory Personnel:

1. A full-time Fire Department supervisory employee sustains an injury while fighting or investigating a fire, administering emergency aid or in the act of performing other emergency duties.

2. If a full-time Fire Department employee sustains an injury in the line of duty in a manner other than described in subsection B.1. hereof for which the full-time Fire Department employee believes that he is legitimately entitled to injured-on-duty pay, then that full-time Fire Department employee may present the facts and supporting documentation to the Assistant City Manager for review after the Fire Chief has reviewed the matter. The Assistant City Manager shall convey a recommendation to the City Manager on whether or not injured-on-duty pay should be extended to the full-time Fire Department employee. The City Manager shall then convey to Council a recommendation that this policy be extended or not extended, to cover on an exceptional basis the particular injury suffered by the full-time Fire Department employee, and the decision of Council shall be final.

3. Any injury, in order to be eligible for injured-on-duty pay, must be reported to the injured employee's supervisor within twenty-four (24) hours of the injury occurrence.

C. Injured-on-Duty Pay for Full-time Non-bargaining Unit Member Police and Fire Department Supervisory Employees:

1. A Full-time Non-Bargaining Unit Member Police or Fire Department supervisory employee disabled in the performance of his duty while performing a duty as specified in subsection A. or B. hereof shall, on recommendation of the Assistant City Manager and approval of the City Manager, be entitled to his base salary for the period of such disability not to exceed 365 calendar days. The pay shall start immediately after the injured employee has been unable to perform any duties in the applicable police or fire service.

2. The City shall consider the medical judgment of the employee's treating physician concerning the injured employee's ability to work either regular or special (as determined by the City) duties. The injured employee shall advise the treating physician to issue the City Manager a written report fully describing the nature and extent of the employee's injury, the effect of the injury on the employee's ability to perform full or limited duties, and the anticipated time period for recovery from the injury. The employee shall authorize the treating physician to release information to the City Manager regarding the employee's injury and the physician's examination and findings pursuant thereto, including answering pertinent questions of the City Manager.

3. If the City and the treating physician disagree concerning an injured-on-duty pay case, the City may send the employee, at no personal expense, to a physician or the City's choice for an examination, evaluation and recommendation. Such physician acts as the City Physician.

The medical decision rendered by the employee's treating physician shall govern an injured-on-duty pay determination unless:

a. The treating physician changes his diagnosis or prognosis after being contacted by the City or consulted by the City Physician;

b. The City Physician offers a different diagnosis and/or prognosis than the treating physician.

4. If the injured employee disagrees with the decision rendered in accordance with subsection C.3., the employee may request a third physician's opinion. The third physician shall be selected by the treating physician and the City Physician. The opinion of the third physician shall be binding on both the City and the employee. The cost of the third physician shall be shared equally by the employee and the City.

D. Injured-on-Duty Payroll Policies:

1. Injured-on-duty pay is coded separately on the payroll attendance record by using the code IDP in the column marked "other". No time is deducted from employee's sick leave balance while he is receiving injured-on-duty pay. The full-time Police or Fire Department supervisory employee shall continue to receive vacation, holiday, and sick leave credit during the injured-on-duty pay period. The injured employee may be required to file a claim with the Workers' Compensation Fund of the State of Ohio. The injured employee shall be required to assign any funds received as lost wages from Workers' Compensation while receiving injured-on-duty pay to the Treasurer of the City of Blue Ash.

(f) Extended leave of absence for a period of time not exceeding one (1) year may be granted by the City Manager in cases where an employee suffers an injury, temporary disability, extended illness or disease which makes it impossible, unfeasible, unsafe or otherwise inadvisable for an employee to perform the duties of his job. Compensation during such extended leave shall be compensatory pay, holiday pay, vacation pay and sick pay. In appropriate cases, the employee may receive workers' compensation from the State of Ohio. When an employee's earned vacation, compensatory leave and sick leave are exhausted, the City shall have no further obligation for compensation for the remaining duration of the leave. Earned vacation leave, compensatory leave and sick leave shall be the amount of time earned or accumulated for such leaves prior to commencement of the extended leave of absence; additional credit for vacation leave and sick

leave shall not be earned during an extended leave of absence. In order to receive compensation the employee should provide a full report from the treating physician to the City Manager on a monthly basis. After one (1) year of extended leave of absence, an employee shall return to work or be terminated from employment. The City Manager may waive the termination if it is his determination that exigent circumstances exist. The employee may return upon presenting written verification from a physician of the City's choice that the employee can perform the duties of his job without endangering the employee or his fellow employees.

(Ord. 2003-71. Passed 9-23-03.)

(g) (1) Employees assigned to a military reserve unit who are required to participate in field training and/or who are called to active duty in the military service of the United States shall be granted a military leave of absence. The rights of an employee to return to work following a military leave of absence are governed by Federal and State law. Prior notice concerning the need for such leave of absence shall be given to the City Manager or his designee as early as practicable.

(2) An employee who is on military leave as a result of being required to participate in field training and/or called to active duty shall continue to receive his regular pay for a period not to exceed 176 hours in a calendar year. Regular pay shall be based upon the work schedule the employee would have worked (not including any potential overtime hours) had he not been on military leave. For active military leave extending beyond the 176 hours in a calendar year, the employee shall be paid a differential payment that is the difference between the employee's Blue Ash gross wages and the amount of the employee's federal gross wages and allowances. At his discretion, the City Manager may waive the 176 hour limit.

(3) Group insurance coverages in effect for the employee prior to any military leave shall remain in effect throughout the period of military leave provided these coverages remain in effect for the employee group. In addition, the employee shall continue to accrue vacation leave and sick leave at the same accrual rates that would be in effect for the employee had he not taken any military leave of absence.

(4) The City may require the employee to provide satisfactory evidence of his actual performance of military service, and evidence of pay received while absent. The City Manager shall be responsible for interpreting the applications of these military leave provisions to any issues not specifically covered by this section using the principles expressed herein as a guide.

(5) The City Manager is authorized to adjust the above provisions if necessary to comply with modifications to the Military Leave requirements of the State of Ohio or Federal Law.

(Ord. 2008-79. Passed 12-11-08.)