
Paid Sick Leave

Effective: November 27, 2007

Revised:

Paid Sick Leave is accrued at the rate of 1 ¼ days per month (10 hours per month or 15 days per year). Paid Sick Leave accrual is capped at 1,920 hours. As further explained and limited by this policy, employees may use Paid Sick Leave, upon approval of the Department Director or Township Administrator, for absence due to personal illness, exposure to a contagious disease, which could be communicated to other employees or for serious illness (as defined by FMLA), injury or death in the employee's immediate family. When Paid Sick Leave is used, it shall be deducted from the employee's accrual on the basis of one hour for every hour of absence from scheduled work.

Paid Sick Leave shall be at the Employee's current rate of pay.

Upon retirement, all full-time non-contract employees will be eligible for payment for all accrued, unused Paid Sick Leave according to the following schedule:

- the first 1-210 days (1,680 hours) of accrued unused time will be paid at ½ the employee's current rate of pay; and
- any remaining time 211-240 days (1681-1920 hours) will be paid at the employee's full current rate of pay.

When an Employee reaches one hundred eighty (1440 hours) accumulated sick days the employer may be requested to purchase from the Employee, at the Employee's option, thirty days (240 hours) of sick time at the conversion rate of one-half (1/2) of one hour's pay at the Employee's current rate of pay for each one hour of sick leave purchased.

If the fourteen hundred forty (1440) hour conversation option set forth above is not exercised by the Employee and, therefore, is waived, the Employee may continue to accumulate sick leave credit. When an Employee's sick leave accumulation exceeds sixteen hundred eighty (1680) hours, an Employee in good standing may thereafter request, in writing, that the Township purchase such sick leave accumulation in excess of sixteen hundred eighty (1680) hours on a one-to-one basis at the Employee's current rate of pay. Said option may not be exercised by an Employee more than once per calendar year.

In the event of the death of an active employee, the employee's beneficiary, as previously designated by the employee in writing, will be eligible to receive payment for accrued unused Paid Sick Leave. If there is no official designation of a beneficiary, the payment shall be made to the employee's estate, upon application by the executor of the estate.

Upon the successful completion of the probationary period, an employee may be credited with up to 240 hours of Paid Sick Leave accrued in a comparable full-time position with another Governmental Employer.

USE OF PAID SICK LEAVE

An employee may use accrued Paid Sick Leave as follows:

- a. An employee may use all accrued Paid Sick Leave for absences due to the employee's own illness, injury, or exposure to contagious diseases which could be communicated to other employees. Where an employee plans to use, or uses, sick leave for a period in excess of three (3) days, he/she must follow the procedures relating to the Family Medical Leave Act (FMLA) leave.
- b. At the sole discretion of the Department Director, based on the needs of the Department, an employee may use up to 24 hours of Paid Sick Leave to care for the serious health condition of an immediate family member (spouse, child, brother, sister, parent or legal guardian or grandparent) who normally resides in the Employee's home. See the Family Medical Leave Act policy for the definition of "Serious Health Condition."
- c. An employee may use Paid Sick Leave for absences caused by medical conditions related to pregnancy and childbirth for that period in which the Employee is unable to perform the substantial and material duties of her position (this time of using Paid Sick Leave will be defined by the physician recommendation, usually six to eight weeks). If additional time off is requested employees will be required to use accrued vacation, personal or comp time off.
- d. An employee may use up to 24 hours of accrued Paid Sick Leave when the employee's spouse has a baby. Additional unpaid leave may be requested and granted at the approval of the Department Director.

SICK LEAVE WITHOUT PAY

Sick leave without pay and benefits may be granted to an employee with a serious health condition who does not have any accrued Paid Sick Leave available. Sick Leave without pay shall not exceed six (6) months.

RETURNING TO WORK

Except as provided in the Family Medical Leave Act policy, employees are not guaranteed a position when they are released to work following a period of Paid or Unpaid Sick Leave.

DONATED PAID SICK LEAVE

An employee may at his/her option donate Paid Sick Leave to another employee who needs Paid Sick Leave but has no accrued Paid Sick Leave available. Donated Paid Sick Leave shall not exceed 120 work days for any employee without approval of the Township Administrator. Donated Paid Sick Leave will not be added to the employee's accrued time that the time was donated too. An employee must exhaust all accrued time off (vacation, compensatory time, Paid Sick Leave, etc.) before being eligible to receive donated time. Donations of Paid Sick Leave must be in writing and have the approval of their Department Director.

Donated sick leave cannot be cashed out or transferred to another place of employment.

Family and Medical Leave Short Term Disability Leave

Effective: November 27, 2007

Revised:

The purpose of this section of the Employee Handbook is to set forth guidelines regarding the implementation of the Family and Medical Leave Act ("FMLA") and to educate employees as to their eligibility for leave under the FMLA.

West Chester Township complies completely with the FMLA and thereby permits "eligible" employees to take up to twelve (12) weeks of leave in a rolling twelve (12) month period for certain medical and family reasons.

This policy covers all "eligible" employees of West Chester Township. Employees are eligible if they have worked for West Chester Township for at least one year and worked at least 1,250 hours during the twelve (12) month period immediately preceding the beginning of the leave. In compliance with all applicable federal laws, West Chester Township will not consider gender a factor in determining eligibility for a FMLA leave.

Under the FMLA, "eligible" employees are entitled to take leave for up to twelve (12) workweeks in a rolling twelve (12) month period for certain family and medical reasons. FMLA Leave is not paid. West Chester Township may require employees to use earned and accrued vacation and Sick Pay during the twelve (12) workweeks of FMLA leave.

The information listed below highlights West Chester Township's policy regarding the rights and obligations of employees and the Township, which rights and obligations encompass over forty pages of federal regulations. Accordingly, this information is intended to be a short summary of these lengthy regulations and the specifics of West Chester Township's policies under FMLA, and in any particular case, the precise rights and obligations of employees and the Township will be governed by the FMLA itself.

12-Month Period Determination:

The amount of time remaining in an employee's twelve (12) week entitlement will be determined by measuring backwards from the date leave is requested on a rolling 12-month basis.

Reasons for Taking Leave:

Leave must be granted for *any* of the following reasons:

To care for the employee's child after birth, or placement for adoption or foster care;

To care for the employee's spouse, son, daughter, or parent who has a serious health condition; or

For a serious health condition that makes the employee unable to perform the employee's job.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care;

Continuing treatment by a health care provider, which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:

- A health condition (including treatment therefore, or recovery there from) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition that includes:
 - * Treatment two or more times by, or under the supervision of, a health care provider; or
 - * One treatment by a health care provider with a continuing regimen of treatment.
- Pregnancy or prenatal care;
- A chronic serious health condition, which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes).
- A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment.
- Any absences to receive multiple treatments for restorative surgery for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

Notice Requirements:

An employee needing leave is required to provide West Chester Township with notice of the need for leave. The employee must explain the reasons for needing leave so as to allow West Chester Township to determine that the reason for leave is for an FMLA-qualifying reason. If the employee fails to explain the reason, leave may be denied. Notice should include enough information to

make West Chester Township aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of leave. Failure to provide timely notice may result in a delay in, or the denial of, the leave and/or cause the absence to be considered as unexcused, which will subject the employee to disciplinary action up to and including termination.

The employee should provide as much advance notice as possible so that West Chester Township can make appropriate arrangements to cover any work that needs to be performed in the employee's absence. The employee is also responsible for complying with any departmental rules regarding the reporting absences.

The minimum amount of required notice under the FMLA is as follows:

When the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment of the employee or the employee's spouse, child, or parent, the employee must provide West Chester Township at least thirty (30) days advance notice.

If thirty (30) days is not practicable (e.g., where the employee does not know when an expected leave will begin, or where there is a change in circumstances or a medical emergency), notice must be given as soon as practicable, ordinarily within one or two business days of when the need for leave becomes known to the employee. If the dates of leave are originally unknown, or if the dates of scheduled leave change or are extended, the employee is likewise responsible for giving notice as soon as practicable.

Special rules apply when the employee fails to give advance notice of the need for leave and West Chester Township does not learn of the reason for the absence until the employee's return (e.g., where the employee was absent for only a brief period). In such circumstances, if West Chester Township does not designate the leave as FMLA leave and the employee desires it to be counted as FMLA leave, the employee must, within two business days after returning to work, notify West Chester Township that the leave was for an FMLA reason. In the absence of such timely notification by the employee, the employee may not subsequently assert FMLA protections for the absence.

An employee taking FMLA leave may be required to report periodically (as defined by their Department Director) on his/her intent to return to work. If an employee needs leave beyond the anticipated date originally provided for the ending of such leave, the employee must provide reasonable notice to West Chester Township as soon as possible. The employee is also responsible for complying with any departmental rules regarding the reporting of absences. If the employee is able to return to work earlier than expected, the employee must notify West Chester Township of this fact and the expected date of return to work no later than two days after the employee learns that he/she will be able to return to work earlier than expected.

How Leave May Be Taken:

FMLA Leave may be taken on a continuous basis (that is, a certain number of days or weeks in a row). Additionally, for leaves involving a serious health condition, when medically necessary, leaves may also be taken on an intermittent basis (that is, leave taken in separate blocks of time due to a single qualifying reason), or on a reduced schedule basis (that is, a leave schedule that reduces

the usual number of hours per workweek or hours per day). An employee requesting intermittent leave or leave on a reduced schedule must fulfill all of the obligations that are described in this document (e.g., the advance notice requirements, request for leave of absence forms, medical certification, etc.). The employee must also advise West Chester Township of the reasons why the intermittent/reduced schedule is necessary and of the schedule for treatment, if applicable. The employee and his/her supervisor must then attempt to work out a schedule, which meets the employee's needs without unduly disrupting West Chester Township's operations, subject to the approval of the health care provider.

Likewise, whenever the employee requests leave for planned medical treatment (whether on an intermittent reduced schedule, or continuous basis), the employee must consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly West Chester Township's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their supervisors prior to the scheduling of treatment in order to work out a treatment schedule which best meets the needs of both West Chester Township and the employee.

Employees wishing to request leave under the FMLA must notify the Human Resource Office. Once the Human Resource Office is notified the proper documentation will be sent to your home address.

Initial Medical Certification:

When the leave is foreseeable and at least thirty (30) days notice has been provided, the employee should submit the required medical certification on the form provided by West Chester Township before leave begins. When this is not possible, or when the leave is not foreseeable or the employee has not provided thirty (30) days notice, the employee must submit the certification fifteen (15) days after the employee is notified of the requirement to submit the certification, unless it is not practicable under the particular circumstances to do so despite the employee's diligent good faith efforts, in which case, the notice must be provided as soon as is reasonably possible under the particular facts and circumstances.

In the case of foreseeable leave, failure to submit a required medical certification within the 15-day period may result in a delay or in a denial of leave until the certification is provided, and may cause the employee's absence to be considered as unexcused, which will subject the employee to disciplinary action, up to and including termination. In the case of leave that is not foreseeable, failure to provide a required medical certification fifteen (15) days after the employee is notified of the requirement to submit the certification or within a reasonable time under the pertinent circumstances, may result in a delay in or denial of the employee's continuation of FMLA leave and may cause the absence to be considered as unexcused which will subject the employee to disciplinary action up to and including termination. If the employee does not produce the certification, the leave may not be FMLA leave.

Return to Work Certification:

At the end of FMLA Leave, the employee may be required to complete, with his/her health care provider, a Return to Work Certification indicating that the employee is able to return to work. Employees will be informed at the beginning of their FMLA leave whether certification is required to return to work from their FMLA Leave.

Job Restoration Rights:

An employee taking FMLA Leave (not exceeding 12 weeks) must generally either be restored to his/her prior position or to an equivalent position in terms of pay, benefits, responsibilities, and authority. Job restoration may be denied where job elimination has occurred that would have terminated the employee's job or placed him/her in a different job. Job restoration may be denied to certain highly compensated employees if necessary to avoid substantial and grievous economic injury to the Township. Job restoration may be denied to an employee who fraudulently obtains FMLA leave.

Pay During Leave:

Except for the utilization of earned and accrued vacation and Sick Pay referenced previously, leave granted under the FMLA is unpaid.

Benefits Protection:

No employee will ever lose any employment benefit that the employee possessed prior to the start of his/her FMLA Leave as a result of utilizing that leave provided that the employee returns to work at the conclusion of the leave.

For the duration of the FMLA Leave, West Chester Township must maintain the employee's medical insurance coverage in any "group health plan" as if the employee had continued working. In some cases, West Chester Township may recover premiums paid for maintaining an employee's health coverage if the employee fails to return to work at the expiration of his/her FMLA Leave.

Any employee on FMLA Leave is not permitted to work at any other place of employment.

Short Term Disability Leave

West Chester Township may allow employees who have exhausted the leave available to them under the FMLA to take up to 14 weeks additional unpaid leave to care for their own serious health condition. West Chester Township does not guarantee reemployment to individuals who take Short Term Disability leave. To be eligible for unpaid Short Term Disability leave, West Chester Township must receive medical certification that the employee is unable to perform the duties of the employee's current position or of any other open position at West Chester Township. Benefits during Short Term Disability Leave will be handled in the same manner that they are handled during FMLA leave. Unless otherwise prohibited by law, West Chester Township will terminate the employment of employees who exhaust their Short Term Disability Leave.

Questions:

Employees with questions concerning the FMLA are encouraged to contact the Human Resource Office.

Military Leave

Effective: November 27, 2007

Revised:

Short Term Military Leave

All employees who are members of the Ohio National Guard, the Ohio Defense Corps, the State or Federal Militia, or members of other reserve components of the Armed Forces of the United States are entitled to a leave of absence from their respective positions without the loss of pay for the time they are performing their duties for such time as they are in the military service on field training or active duty for periods not to exceed a total of one hundred seventy six (176) hours in one (1) calendar year, as defined in section 5903.1 of the Revised Code. Employees are required to submit to West Chester Township an order or statement from the appropriate military commander as evidence of such duty. There is no requirement that the service be in one (1) continuous period of time.

“Calendar Year” means the year beginning on the first day of January and ending the 31st day of December.

Employees who are members of those components provided for herein will be granted emergency leave for mob, riot, flood, civil defense, or similar duties when so ordered by the Governor to assist civil authorities. Such leave will cover the official period of the emergency.

Long-Term Military Leave

Any employee who leaves Township employment for military service and returns from such service within five (5) years from the date upon which he/she entered military service, or if the emergency was exceeded five (5) years and after the emergency, the employee is discharged, he/she shall be reinstated to the position previously held or one of similar responsibility, provided such reapplication is made to the Township within sixty (60) days after release from active duty, provided the employee is physically and mentally able to perform the duties of such position.

If longer than a month, for each calendar year in which the employee performed serviced in the uniformed services, because of an executive order issued by the President of the United States or an act of Congress is entitled, during the period of designated in the order or act to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

- The difference between the permanent public employee’s gross monthly wage or salary as an officer or permanent public employee and the sum of the permanent public employee’s gross uniformed pay and allowances received that month.
- Five Hundred Dollars.