

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5479

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: MR. TANNER

PROVIDED BY: LEGAL DEPARTMENT

INTRODUCED BY: MR. CANULETTE

SECONDED BY: MR. BELLISARIO

ON THE 5 DAY OF NOVEMBER , 2015

ORDINANCE TO AMEND ORDINANCE COUNCIL SERIES NUMBERS 00-0174, 05-1049, 05-1199, 14-3167, 14-3229 AND 15-3262 TO PROVIDE FOR AMENDMENTS TO THE PERSONNEL POLICIES PERTAINING TO BENEFITS, ANNUAL LEAVE AND SICK LEAVE.

WHEREAS, Ordinance C.S. No. 00-0174 adopted on July 6, 2000, established the "Personnel Policies" as required by Section 4-10 of the St. Tammany Parish Home Rule Charter; and

WHEREAS, Ordinance C.S. No. 05-1049, Ordinance C.S. No. 05-1199, Ordinance C.S. No. 14-3167, Ordinance C.S. No. 14-3229, and Ordinance C.S. No. 15-3262 thereafter amended various sections of the Personnel Policies. The Parish seeks to amend the Personnel Policies relative to "Benefits, Annual Leave and Sick Leave" by adjusting certain provisions contained therein.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that the St. Tammany Code of Ordinances, Appendix E, Parish Personnel Policies Ordinance, Benefits, Annual Leave and Sick Leave, be amended effective January 1, 2016 as described in attached Exhibit "A".

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF DECEMBER , 2015 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_.

\_\_\_\_\_  
RICHARD E. TANNER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: OCTOBER 29 , 2015

Published Adoption: \_\_\_\_\_, 2015

Delivered to Parish President: \_\_\_\_\_, 2015 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2015 at \_\_\_\_\_

## EXHIBIT “A”

### BENEFITS

#### A. SUBJECT: LEAVE-GENERAL

The terms defined in this section shall have the following meanings and applications unless the context or use thereof clearly indicates otherwise or more explicit definitions are referenced.

1. “Leave” shall mean that period of time, used in no less than one-half hour increments, that an employee is absent from his/her work place or assignment, but shall not mean that period of time when an employee is off-duty (which shall include regular day off, holiday, etc.) or is on his/her lunch break. Unless otherwise provided for in this Section, it shall be the responsibility of the Department Director to approve any request for the use of any annual or sick leave by an employee.
2. “Employee” shall mean at all times and in all circumstances full-time regular employees, ~~either classified or unclassified,~~ (or a full-time regular employee serving a probationary period), or any other employee for which it is determined by the CAO that the provisions of this Section shall apply.
3. “Work Day” shall mean the period or amount of time (usually expressed in hours) in which the employee is required to work according to his/her salary plan (e.g. 7.5 hours per Work Day, 8 hours per Work Day). Hence, an employee’s Ppayroll period is the cumulative number of hours the employee is required to work according to his/her Ppay Pplan (e.g. 75 hours, 80 hours).
4. “Duty” shall mean all of the responsibilities, obligations, and requirements of an employee’s position.
5. “Years of Service” shall mean the number of years of service as a full-time regular employee, ~~either classified or unclassified,~~ with St. Tammany Parish. ~~“Years of Service” for an employee who transfers from another governmental agency and transfers their eligible service to the Parochial Retirement System shall be calculated based upon their most recent continuous starting service date in the Parochial Retirement System.~~

#### B. SUBJECT: ~~ACCRUED~~ AWARDED ANNUAL LEAVE

“Annual HLeave” shall mean that paid leave which is ~~earned~~ awarded ~~by~~ to an employee and used typically as vacation leave. The use of a Annual HLeave for rest and recreation is encouraged. It shall be the responsibility of the employee to request the use of a Annual HLeave at least five days prior to the requested leave period. Annual HLeave must be approved prior to use by the Department Director. When authorized and applicable, a Annual HLeave shall be utilized in lieu of sick leave whenever the employee no longer has unused accumulated sick leave.

Annual HLeave (~~AL~~) (~~which is capped at 240 hours~~) shall be ~~earned~~ awarded in accordance with the ~~accrual rate schedule as follows~~ following rate schedule:

<u>Years of Service On January 1*</u>	<u>Annual Leave Awarded in Days</u>	<u>Annual Leave Awarded in Hours (75 Hr. Schedule)</u>	<u>Annual Leave Awarded in Hours (80 Hr. Schedule)</u>
<u>Less than 2</u>	<u>10</u>	<u>75</u>	<u>80</u>
<u>2 through 5</u>	<u>13</u>	<u>97.5</u>	<u>104</u>
<u>6 through 11</u>	<u>17</u>	<u>127.5</u>	<u>136</u>
<u>12 through 17</u>	<u>21</u>	<u>157.5</u>	<u>168</u>
<u>18 or more</u>	<u>23</u>	<u>172.5</u>	<u>184</u>

\*Employees will be awarded a prorated amount of Annual Leave upon successful completion of probation during their first year of employment. See below.

<u>Years of Service</u>	<u>Annual Leave Earned</u>	<u>Annual Leave Hours Earned Each Pay Period 75 Hours Worked</u>	<u>Annual Leave Hours Earned Each Pay Period 80 Hours Worked</u>
<u>Less than 2</u>	<u>.0384615 per hour</u>	<u>2.8846154</u>	<u>3.0769231</u>
<u>2 through 6</u>	<u>.0500000 per hour</u>	<u>3.7500000</u>	<u>4.0000000</u>
<u>6 through 12</u>	<u>.0653846 per hour</u>	<u>4.9038462</u>	<u>5.2307692</u>
<u>12 through 18</u>	<u>.0807692 per hour</u>	<u>6.0576923</u>	<u>6.4615385</u>
<u>18 or more</u>	<u>.0884615 per hour</u>	<u>6.6346154</u>	<u>7.0769231</u>

The accrual awarding of a Annual Leave shall begin on January 1 or upon the successful completion of the employee's probationary period. first day the employee is eligible to receive benefits. Unused annual leave may be accumulated from year to year up to a ceiling of 240 hours. Once an employee has accrued 240 hours of annual leave, the employee ceases to accrue annual leave unless and until he or she uses some of the accrued leave at which point they can accrue based on the schedule above back up to the ceiling of 240 hours. After completion of the probationary period, Employees with less than one (1) year of service shall be awarded one (1) day for each month remaining in that calendar year ending December 31, up to a maximum of nine (9) work days. Partial months shall not be included in the calculation.

Annual Leave must should be used in the calendar year it is awarded. If Annual Leave is not used in the calendar year it is awarded, it is lost. There can be no it may be converted to accrued leave and carried over carryover of Annual Leave from year to year, up to a total of 240 accumulated hours, including previously accrued annual leave. Any remaining unused Annual Leave that exceeds the 240 hour cap is forfeited.

The employee must schedule all awarded Annual Leave no later than March 31 of the year it is awarded, unless the employee's probationary period is successfully completed after that date. If the employee does not do so, the Department Director will schedule the awarded vacation for the employee. Awarded Annual Leave is not considered an earned wage. And a Unused awarded Annual Leave that has been accrued will may not be paid out upon separation from employment. Employees must exhaust all awarded Annual Leave prior to using any leave time accrued under the previous policy.

Each Department Director is authorized to develop~~ment~~ and implement additional procedures and policies which relate to the scheduling of ~~a~~Annual Leave which are not inconsistent with the guidelines set forth herein. It is the policy of the Parish that each employee with three or more years of service schedule ~~a~~Annual Leave from his/her work place or assignment for five consecutive Work Days.

In no event is this policy intended to affect the accrual of leave prior to the effective date of this policy or the nature of any such accrued leave as compensable.

PAY OUT: ~~Any e~~Employees who has accumulated more than 240 hours of annual leave under the previous policy as of the date of the adoption of this policy November 1, 2014 ~~shall be paid~~ received (or shall receive) payment for the annual leave that ~~has been had~~ accrued (above the 240 hours limit); ~~at the next regular pay period or on dates selected at the discretion of the CAO, after adoption of this policy. If eligible to do so, employees can apply these funds to PEHP.~~

TERMINATION OF EMPLOYMENT: An employee shall receive payment for any ~~unused and properly accrued~~ annual leave accrued up to the maximum of 240 hours. Employees with ten (10) or more years of service may choose to transfer all or part of the balance of their unused, accrued annual leave to the Post Employment Health Plan under the terms contained in these policies. ~~Employees will not be paid for any amount of unused awarded Annual Leave upon termination of employment.~~

#### **~~C. —~~ SUBJECT: AWARDED ANNUAL LEAVE**

~~Once an employee has accrued 240 hours of annual leave, he cannot accrue any more annual leave. However, on January 1 of the year after the employee reaches the 240 hour ceiling ("the date of the award"), and provided the employee still has 240 hours of unused accrued annual leave, the employee shall be awarded the number of days that he would have been entitled to under this policy. If by December 31<sup>st</sup> he has not used all of the awarded time, he will forfeit the remaining time.~~

#### **~~EXAMPLE:~~**

~~Employee reaches 240 hour ceiling in March 2017 and still has 240 hours of unused accrued annual leave as of December 31, 2017. Award will occur on January 1, 2018.~~

~~To be eligible for this award, the employee must not be on disciplinary suspension or probation as of the date of the award and must still have 240 hours of unused accrued annual leave as of the date of the award.~~

~~The employee must schedule all awarded annual leave no later than March 31 of the year it is awarded. If the employee does not do so, the Department Director will schedule the awarded vacation for the employee. Awarded annual leave is not considered an earned wage and unused awarded annual leave will not be paid out upon separation from employment.~~

#### **~~DC.~~ SUBJECT: SICK LEAVE (TWO TIERS)**

"Sick leave" shall mean that paid leave which is earned by an employee and used typically when an employee is unable to perform his or her duties due to any of the following:

1. Personal illness, injury, or any other type of physical or mental disability including on the job injuries up to the date workers compensation commences.
2. Serious illness in the employee's immediate family, such as defined under the Family and Medical Leave policy.

It shall be the responsibility of the employee to request the use of sick leave as soon as the employee determines that he/she will be absent from his/her work place or assignment, and in no event shall such request be made after the first hour of a subject absence.

FIRST TIER (applicable to sick leave accrued prior to January 1, 2015)

Sick leave which has been accrued prior to January 1, 2015 shall be considered compensable and capped as of December 31, 2014 (hereinafter called “compensable sick leave.”). Any employee who has accrued compensable sick leave as of December 31, 2014 shall be required to use said compensable sick leave when, and if, sick leave is requested. Any compensable sick leave which is unused when an employee is separated from employment, regardless of the reason for the separation, shall be paid to the employee or into PEHP if eligible. All accrued compensable sick leave shall be counted towards the sick leave ceiling set forth in the Second Tier. As of January 1, 2015, no further sick leave will be accrued on a compensable basis.

PAY OUT: ~~Any e~~Employees who ~~has~~ accumulated more than 240 hours of compensable sick leave as of ~~the date of the adoption of this policy will~~ November 1, 2014 received a one-time option to be compensated for the sick leave that ~~has been~~ had accrued (above the 240 hour limit). Any future pay outs will be in accordance with the current policies. ~~The one-time compensation shall be made on the next regular pay period or on dates selected at the discretion of the CAO, after adoption of this policy, and shall be pursuant to the following terms:~~

~~Employees with three or more years of continuous employment with the Parish may have one third (1/3) of their compensable sick leave over the 240 hour threshold paid to them. Employees with ten (10) or more years of continuous employment with the Parish may have the remaining two thirds (2/3) of their compensable sick leave over the 240 hour threshold deposited into PEHP.~~

SECOND TIER (applicable to sick leave accrued from January 1, 2015 forward)

Sick leave (SL) shall be accrued, from January 1, 2015 and thereafter, in accordance with the following accrual rate:

<del>Sick Leave Earned</del>	<del>Sick Leave Earned</del> Each Pay Period (75 Hours <del>Worked</del> <u>Schedule</u> )	<del>Sick Leave Earned</del> Each Pay Period (80 Hours <del>Worked</del> <u>Schedule</u> )	<del>Total Annual Sick</del> Days Earned Per Year
0.0346154 per hour	2.5961538	2.7692308	9

The accrual of sick leave shall begin on the first day the employee is eligible to receive benefits. Unused sick leave may be accumulated from year to year up to a ceiling of 240 total hours. This ceiling shall apply to the combined amount of compensable sick leave (First Tier) and sick leave accrued under the Second Tier. In no case can an employee accrue sick leave above the ceiling of 240 total hours. Sick leave which is accrued under the Second Tier shall not be considered an earned wage and shall be forfeited upon employment separation.

The amount of sick leave to be used by an employee may be rounded up to the next whole hour increment. Sick leave accrued from January 1, 2015 and thereafter shall not be considered an earned wage.

Unless specifically waived by the Director of Human Resources, an employee who has requested sick leave for a period in excess of three (3) Work Days or who calls in sick on the day before or after a designated holiday, prior to being compensated therefore, shall provide, no later than his/her return to duty, his/her Department Director with a report from a qualified doctor which shall contain said doctor's authorization for the employee to return to duty. Failure to do so on the part of the employee shall result in loss of pay for the holiday and the day(s) for which sick leave was requested and/or in disciplinary action. "Qualified doctor" shall mean a licensed doctor of medicine.

**TERMINATION OF EMPLOYMENT:** All sick leave accrued under the Second Tier after December 31, 2014 shall not be considered an earned wage and such unused sick leave shall not be paid, and shall be forfeited, upon separation from employment, regardless of the reason for the separation.

