

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5068                      ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_  
COUNCIL SPONSOR: BINDER/BRISTER                      PROVIDED BY: LEGAL DEPARTMENT  
INTRODUCED BY: \_\_\_\_\_                      SECONDED BY: \_\_\_\_\_

ON THE 3 DAY OF OCTOBER , 2013

ORDINANCE TO AMEND ORDINANCE COUNCIL SERIES  
NUMBERS 00-0174, 05-1049 AND 05-1199 FOR THE PURPOSE  
OF AMENDING VARIOUS SECTIONS OF 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 St. Tammany Home Rule Charter; and

WHEREAS, Ordinance C.S. No. 05-1049 and 05-1199 thereafter amended various sections of the Personnel Policies. The Parish seeks to amend and restate certain sections herein.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that effective January 1, 2014, the following sections shall be deleted in its entirety:

See Attached Exhibit "A"

BE IT FURTHER ORDAINED THAT: effective January 1, 2014, the following sections shall be added in its entirety:

See Attached Exhibit "B"

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 7 DAY OF NOVEMBER , 2013 ; AND BECOMES ORDINANCE

COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

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

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

Published Introduction: August 29 , 2013

Published Adoption: \_\_\_\_\_, 2013

Delivered to Parish President: \_\_\_\_\_, 2013 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2013 at \_\_\_\_\_

## EXHIBIT "A"

The following Section shall be deleted in its entirety:

### ~~BENEFITS~~

#### ~~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 assigned lunch break. Unless otherwise provided for in this Section, it shall be the responsibility of the Department Head to approve any request for the use of any leave by an employee.~~

~~2. "Employee" shall mean at all times and in all circumstances a permanent employee (or permanent 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 Payroll Period is the cumulative number of hours the employee is required to work according to his/her Pay Plan (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 permanent employee with St. Tammany Parish. Exception: "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.~~

#### ~~SUBJECT: ANNUAL LEAVE SEE ENCLOSURE CAO POLICY F-4 and F-4 a~~

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

Annual leave (AL) shall be earned in accordance with the accrual rate schedule as follows:

Years of Service	Annual Leave Earned	Annual Leave hours earned each pay period 75 hours worked	Annual Leave Hours earned each pay period 80 hours worked	Total annual days earned per year
Less than 2	.0269230 per hour	2.0192250	2.153840	7
2 through 6	.0423076 per hour	3.1730700	3.384608	11
7 through 12	.0576923 per hour	4.3269225	4.615384	15
13 through 18	.0730769 per hour	5.4807675	5.846152	19
19 or more	.0884615 per hour	6.6346125	7.076920	23

The accrual of annual leave shall begin on the first day the employee is eligible to receive benefits. Unused annual leave may be accumulated from year to year without limitation. The amount of annual leave to be used may be rounded up to the next whole hour increment.

Each Department Head is authorized to develop and implement additional procedures and policies which relate to the use of 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 be on leave from the his/her work place or assignment for five consecutive Work Days (Holidays may be included).

~~TERMINATION OF EMPLOYMENT~~ An employee shall receive payment of unused accumulated annual leave. Employees with ten (10) or more years of service may choose to transfer all or part of their balance of unused accumulated annual leave to sick leave for transfer to the Post Employment Health Plan only.

~~SUBJECT: SICK LEAVE SEE ENCLOSURE CAO POLICY F-4 and F-4-a~~

"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 disability except injuries incurred on the job (job-related injuries are covered under those provisions which relate to workmen's

compensation);  
2. Serious illness in the employee's immediate family, such as defined elsewhere in these Policies.

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.

Sick leave (SL) shall be earned in accordance with the accrual rate as follows:

Sick Leave Earned each pay period 75 hours worked	Sick Leave Earned each pay period 80 hours worked	Total Annual Days Earned per year
3.4615384	3.6923076	12

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 without limitation. The amount of sick leave to be used may be rounded up to the next whole hour increment.

Unless specifically waived by the CAO, an employee who has requested sick leave for a period in excess of three (3) Work Days, prior to being compensated therefore, shall provide, no later than his/her return to duty, his/her Department Head with a report from a qualified doctor which shall contain said doctor's authorization for the employee to return to duty. "Qualified doctor" shall mean a licensed doctor of medicine.

Further, an employee who has requested sick leave for the Work Day immediately prior to or subsequent to a holiday, prior to being compensated therefore, shall provide, no later than his/her return to duty, his/her Department Head 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.

Each Department Head is authorized to develop and implement additional procedures and policies which relate to the use of sick leave which are not inconsistent with the guidelines set forth herein.

TERMINATION OF EMPLOYMENT: An employee with three or more years of continuous service and whose employment is terminated in good standing may request and shall receive payment of unused accumulated sick leave, the amount of which shall be payment for one Work Day for each three Work Days of unused accumulated sick leave. The remaining 2/3 of sick leave not paid for, provided employee is vested with ten (10) or more years of service, will be deposited into The Post Employment Health Plan (as defined under Section: POST

~~EMPLOYMENT HEALTH PLAN) to be used solely for the purpose of payment of post-employment medical premiums.~~

~~An eligible employee who desires to receive payment for accumulated unused sick leave shall request such no less than two weeks prior to the effective date of the employee's termination of employment. Otherwise, it shall be the policy of the Parish that any unused accumulated sick leave for which the employee does not receive payment shall be converted into the PEHP for employees who qualify for such benefit.~~

~~SUBJECT: SICK LEAVE SHARING~~

~~A regular full time employee with five years of service shall be entitled to receive sick leave which is voluntarily donated by another employee, as set forth in the terms and conditions hereinafter cited;~~

~~The CAO may permit a regular full time employee to receive a donation of unused sick leave accrued by and donated from other qualified employees under this subsection if all of the following facts and circumstances exist:~~

- ~~1. The employee suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to:~~
  - ~~a. Assume leave without pay status; or~~
  - ~~b. Terminate employment;~~
- ~~2. The employee's absence and the use of shared sick leave are justified;~~
- ~~3. The employee has depleted or shortly will deplete his/her annual and sick leave reserves;~~
- ~~4. The employee has abided by these Policies relating to the use of sick leave.~~

~~The CAO shall determine the amount of sick leave, if any, which an employee may receive under this section. However, an employee shall not receive in donations an amount which equals more than 90 days of donated sick leave.~~

~~Donated sick leave shall be utilized in the order in which it is received by the CAO. Such leave shall be donated in one-day increments as is required by the Pay Plan of the recipient employee. However, no employee may donate more than five days of sick leave in a calendar year or donate any amount of sick leave if the balance of his/her sick leave is, or would result in, less than thirty days of sick leave.~~

~~The amount of unused accumulated sick leave which is donated under this provision shall be returned to the donor employee(s) whenever the CAO determines that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was donated.~~

## EXHIBIT "B"

The following sections shall be added in its entirety:

### 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, employees (or a full-time regular employee serving a probationary period) or any other employee for which it is determined by the CFO 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 Payroll period is the cumulative number of hours the employee is required to work according to his/her Pay Plan (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: ANNUAL LEAVE

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

Annual leave (AL) shall be earned in accordance with the accrual rate schedule as follows:

<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>Total Annual Days Earned Per Year</u>
<u>Less than 2</u>	<u>0.384615 per hour</u>	<u>2.8846154</u>	<u>3.0769231</u>	<u>10</u>
<u>2 through 6</u>	<u>0.500000</u>	<u>3.7500000</u>	<u>4.0000000</u>	<u>13</u>
<u>7 through 12</u>	<u>0.653846 per hour</u>	<u>4.9038462</u>	<u>5.2307692</u>	<u>17</u>
<u>13 through 18</u>	<u>0.807692 per hour</u>	<u>6.0576923</u>	<u>6.4615385</u>	<u>21</u>
<u>19 or more</u>	<u>0.884615 per hour</u>	<u>6.6346154</u>	<u>7.0769231</u>	<u>23</u>

The accrual of annual leave shall begin on the 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. However, upon the effective date of this policy, employees with an annual leave balance exceeding 240 hours are allowed to maintain that balance but cannot accrue further annual leave until their balance falls below 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.

Each Department Director is authorized to develop and implement additional procedures and policies which relate to the scheduling of 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 annual leave from his/her work place or assignment for five consecutive Work Days (Holidays may be included).

TERMINATION OF EMPLOYMENT: An employee shall receive payment for any unused and properly accrued annual leave up to the maximum of 240 hours or current balance as of the effective date of this section, whichever is greater. Employees with ten (10) or more years of service and hired prior to January 1, 2014, may choose to transfer all or part of the balance of their unused accrued annual leave to the Post Employment Health Plan only. Employees employed after January 1, 2014 are not eligible for participation in the Post Employment Health Plan.

#### C. 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, 2014)

Sick leave which has been accrued prior to January 1, 2014 shall be considered compensable and capped as of December 31, 2013 (hereinafter called "compensable sick leave."). Any employee who has accrued compensable sick leave as of January 1, 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. Payment of compensable sick leave shall be one Work Day for each three Work Days of unused accrued sick leave. If applicable, the remaining 2/3 balance of compensable sick leave for employees vested with ten or more years of service may be deposited into the Post Employment Health Plan. All accrued compensable sick leave shall be counted towards the sick leave ceiling set forth in the Second Tier. As of December 31, 2013, no further sick leave will be accrued on a compensable basis.

SECOND TIER (applicable to sick leave accrued from January 1, 2014 forward)

Sick leave (SL) shall be accrued, from January 1, 2014 and thereafter, in accordance with the following accrual rate:

<u>Sick Leave Earned</u>	<u>Sick Leave Earned Each Pay Period 75 hours worked</u>	<u>Sick Leave earned Each Pay Period 80 Hours Worked</u>	<u>Total Annual Days Earned per year</u>
<u>0.346154 per hour</u>	<u>2.5961538</u>	<u>2.7692308</u>	<u>9</u>

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.

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, 2014 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 licensed healthcare

professional 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. "Licensed Healthcare Professional" shall mean a licensed doctor of medicine.

TERMINATION OF EMPLOYMENT: All sick leave accrued after January 1, 2014 shall not be considered an earned wage and such unused sick leave shall not be paid upon separation from employment, regardless of the reason for the separation.

#### D. SUBJECT: SICK LEAVE SHARING

A regular full-time employee with five years of service shall be entitled to receive sick leave which is voluntarily donated by another employee, as set forth in the terms and conditions hereinafter cited.

The CFO may permit a regular full-time employee to receive a donation of unused sick leave accrued by and donated from other qualified employees under this subsection if all of the following facts and circumstances exist:

1. The employee suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to:

- a. Assume leave without pay status, or
- b. Terminate employment;

2. The employee's absence and the use of shared sick leave are justified;

3. The employee has depleted or shortly will deplete his/her annual and sick leave reserves;

4. The employee has abided by these Policies relating to the use of sick leave

The CFO shall determine the amount of sick leave, if any, which an employee may receive under this section. However, an employee shall not receive in donations an amount which equals more than 90 days of donated sick leave.

Donated sick leave shall be utilized in the order in which it is received by the CFO. Such leave shall be donated in one-day increments as is required by the Pay Plan of the recipient employee. However, no employee may donate more than five days of sick leave in a calendar year or donate any amount of sick leave if the balance of his/her sick leave is, or would result in, less than thirty days of sick leave.

The amount of unused accumulated sick leave which is donated under this provision shall be returned to the donor employee(s) whenever the CFO determines that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was donated.

### Ordinance Administrative Comment

#### ORDINANCE TO AMEND ORDINANCE COUNCIL SERIES NUMBERS 00-0174, 05-1049 AND 05-1199

The Parish seeks to amend Ordinance Council Series numbers 00-0174, 05-1049, and 05-1199 for the purpose of amending various sections of the Personnel Policies pertaining to benefits, annual leave and sick leave.