

AN ORDINANCE AMENDING THE SICK LEAVE BANK PROGRAM, CHANGING THE NAME TO THE SICK LEAVE TRANSFER PROGRAM; AMENDING THE DEFINITION OF "EMPLOYEE" TO INCLUDE UNCLASSIFIED CIVIL SERVICE EMPLOYEES; AMENDING THE DEFINITION OF "FAMILY MEMBER" TO INCLUDE STEP-PARENTS, STEP-CHILDREN, AND QUALIFIED ADULTS;" REQUIRING PROSPECTIVE DONORS AND RECIPIENTS TO COMPLETE FORMS PROVIDED BY THE DIVISION OF HUMAN RESOURCES IN ORDER TO PARTICIPATE IN THE SICK LEAVE TRANSFER PROGRAM; DECREASING THE NUMBER OF HOURS REQUIRED FOR PARTICIPATION FROM OVER SIX HUNDRED (600) HOURS TO OVER ONE HUNDRED SIXTY (160) HOURS; DELETING THE COMBINED BENEFITS RESTRICTION AND DELETING THE MAXIMUM NUMBER OF HOURS THAT AN EMPLOYEE MAY DONATE ANNUALLY; EFFECTIVE UPON PASSAGE OF COUNCIL.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Section 1 – That section 21-37.2 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-37.2. - Sick leave transfer program.

- (1) A sick leave transfer program for classified and unclassified employees shall be established to provide that any eligible employee may transfer unused accrued sick leave hours to another eligible employee experiencing disabling illness or injury or a death in the immediate family. The program shall be administered by the division of human resources.
- (2) The following definitions shall apply to this section:
 - (a) *Employee* means a civil service or unclassified civil service employee with more than six (6) months employment.
 - (b) *Recipient* means an employee who is eligible to receive sick leave benefits under this program.
 - (c) *Donor* means an employee who meets the requirements to transfer leave under this program.
 - (d) *Disabling illness or injury* means a medically certified illness or injury of an employee or an employee's family member, which will result in the employee being absent from duty for at least ten (10) consecutive working days, for which the employee does not have available paid leave and which may result in the employee incurring a substantial loss of income.
 - (i) "Disabling illness or injury" does not include self inflicted injuries, job related illnesses or injuries covered by workers compensation, illnesses or injuries covered by automobile insurance benefits, and/or illnesses or injuries suffered as a result of secondary employment.

- (e) *Family member* means a parent or step-parent, spouse, child (including step or adopted children), grandparent, spouse's parent, spouse's grandparent, qualified adult as defined in CAO Policy No. 46, any relative for whom an employee is legally responsible, or relatives who are residing with and are under the care of an employee during the relative's disabling illness or injury.
- (3) In order to participate in this program, the donor and recipient must meet the following criteria:
- (a) A recipient must complete the sick leave sharing application and submit the application to the division of human resources. To be eligible to participate in this program, the recipient must have exhausted all available paid leave, including sick leave, vacation, holiday and compensation time;
 - (b) A donor wishing to transfer unused accrued sick leave to a qualified recipient must file the sick leave sharing donation form with the division of human resources requesting that a specified number of hours of accrued sick leave be transferred to another eligible named employee. However, only employees with a sick leave balance of over one hundred sixty (160) hours are eligible to be donors. And an employee's requested transfer of sick leave may not result in that employee's sick leave balance dropping below one hundred sixty (160).
 - (c) The minimum number of sick leave hours that an employee may transfer to another employee is eight (8).
- (4) Once the proper documentation has been submitted by both the proposed recipient and donor employees, the human resources department shall within five (5) days of receipt review the documentation and notify the donor and recipient, in writing, if they meet the eligibility requirements of this program. If so, the recipient shall be entitled to use the transferred sick leave under this program.
- (a) Benefits to an employee on maternity/paternity leave shall be available only if the employee's new born child suffers from a serious medical condition that requires an absence longer than the employee's original request for maternity/paternity leave.
- [(5) Reserved.]
- (6) Transferred sick leave will be paid at the recipient's regular rate of pay and on the government's regular pay periods.
- (7) Transferred sick leave may only be used by a recipient while he, she or a family member is experiencing a disabling illness or injury. It is the responsibility of the recipient employee to notify the division of human resources, in writing, within five (5) days from the date that his or her disabling injury or illness no longer exists. Further, in the event of the recipient's death or retirement, or if his or her employment is terminated, the recipient is no longer eligible to receive sick leave transfer benefits.

- (8) While receiving sick leave transfer benefits, a recipient employee shall accrue sick and vacation leave. A paid holiday occurring during an approved benefit period shall be paid as a holiday, and not paid as transferred sick leave.
- (9) An employee receiving sick leave transfer benefits must comply with the provisions of the sick leave policy, section 21-34.
- (10) Any sick leave transfer benefits received under this program will run concurrently with all other leaves set forth by chapter 21.
- (11) Once sick leave has been transferred under this program, it cannot be restored to the donor for any reason.
- (12) No employee shall directly or indirectly intimidate, threaten or coerce or attempt to intimidate, threaten or coerce any other employee for the purpose of interfering with that employees right to participate in this program, including the donation, receipt, or use of transferred sick leave. For the purposes of this section, "intimidate, threaten or coerce" shall include, but not be limited to, the promise to confer or conferring any benefit related to employment or affecting or threatening to affect any reprisal against any other employee.
- (13) The director of human resources shall make reasonable rules and regulations to implement this section and a copy of the sick leave transfer program shall be on file in the division of human resources.

Section 2 – That this Ordinance shall become effective upon passage of council.

PASSED URBAN COUNTY COUNCIL: July 7, 2015

MAYOR



ATTEST:


CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 16, 2015-1t

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