



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

TO: Jim Gray, Mayor
Members, Urban County Council

FROM: Department of Law

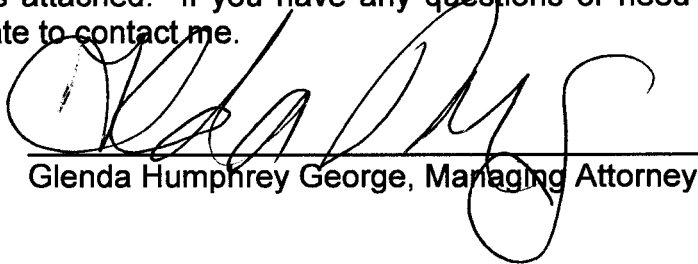
DATE: September 11, 2012

RE: Code of Ordinances Section 21-39

Council authorization is requested to amend Section 21-39(d) of the Code of Ordinances relating to disability leave. This change will potentially permit savings to LFUCG while at the same time not reducing benefits to the employee.

The amendment removes the current restriction that prohibits any outside employment for an employee who is on workers' compensation. Currently, employees who have second jobs are prohibited from working while on workers' compensation. This restriction requires LFUCG to have our workers' compensation payments to an injured employee include both their urban county government salary as well as the second employment salary. Removal of this restriction will be a cost savings to the urban county government because if this provision is removed, LFUCG's workers compensation payments will be reduced because LFUCG will not have to pay the salary of the second job under the Workers Compensation coverage.

A draft of the changes is attached. If you have any questions or need additional assistance, please do not hesitate to contact me.



Glenda Humphrey George, Managing Attorney

cc: Richard Moloney, CAO
Council Office

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ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 21-39(D) OF THE CODE OF ORDINANCES, RELATING TO DISABILITY LEAVE TO REMOVE THE RESTRICTION ON SECOND EMPLOYMENT WHILE AN EMPLOYEE IS ON DISABILITY LEAVE.

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

Section 1 – That Section 21-39(d) of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

Upon a determination of permanent disability by competent medical authority, the employee will be instructed to apply to the appropriate pension fund for disability retirement benefits. Failure to so apply or commencement of disability retirement benefits will terminate disability leave short of the twelve (12) months. Disability leave shall also be terminated early if such medical authority determines that the employee is able to return to duty and perform the same or substitute work at the same salary. ~~No employee who is engaged in any gainful outside employment is, under any circumstances, eligible for disability leave.~~

Section 3 – That this Ordinance shall become effective upon its date of passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: