

ORDINANCE NO. _____ - 2026

AN ORDINANCE CREATING SECTION 21-54 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT REVISED CODE OF ORDINANCES, TO ESTABLISH A SICK LEAVE BANK PROGRAM FOR CLASSIFIED AND UNCLASSIFIED EMPLOYEES, EFFECTIVE UPON PASSAGE OF COUNCIL.

WHEREAS, Lexington-Fayette Urban County Government Revised Code of Ordinances Sections 21-34 and 22-59 dictates sick leave for classified and unclassified employees, respectively.

WHEREAS, Section 21-37.2 establishes a sick leave transfer program for classified and unclassified employees, wherein employees may donate sick leave hours to other employees under certain qualifying conditions. Said section prohibits employees from donating hours that would result in a donor's sick leave balance being less than one hundred sixty (160) hours, which disincentivizes donation of sick leave hours.

WHEREAS, Sections 21-36 and 21-36.1 allows for payment of accumulated sick leave to certain qualifying employees, which further disincentivizes donation of sick leave hours.

WHEREAS, some employees are not able to obtain additional sick leave hours due to the restrictions and incentives listed herein.

WHEREAS, the Lexington-Fayette Urban County Government desires to create a sick leave bank program that would alleviate the needs of employees that require additional leave without interfering with current employee incentives.

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

Section 1 – That Section 21-54 of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

Sec. 21-54 – Sick Leave Bank Program

- (a) A sick leave bank program for classified and unclassified employees shall be established to provide that all remaining sick leave attributed to an employee who is dismissed, or resigns from employment shall be automatically credited to a sick leave bank. The program shall also establish eligibility requirements for recipients of sick leave hours from the sick leave bank. The program shall be administered by the division of human resources.

(b) The following definitions shall apply to this section:

1. *Employee* means a classified or unclassified civil service employee that resigns, is dismissed, or is otherwise not entitled to compensation due to accumulation of sick leave upon separation from employment pursuant to other ordinances of this chapter. For the purposes of this ordinance, "employee" shall not include those employed for part-time or seasonal positions.
2. *Recipient* means an employee who is eligible to receive sick leave bank benefits under this program.
3. *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.
4. *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.

(c) All sick leave hours from employees shall, upon separation from employment, automatically transfer to a sick leave bank.

(d) In order to be eligible to receive hours from the sick leave bank program, the recipient must meet the following criteria:

1. A recipient must submit appropriate medical documentation from their medical provider appropriately demonstrating a need for sick leave bank hours.
2. To be eligible to receive sick leave bank hours, the recipient must have exhausted all available paid leave, including sick leave, vacation, holiday and compensation time.
3. A recipient will not be eligible to receive sick leave bank hours if they have received sick leave transfer hours, pursuant to section 21-37.2.
4. A recipient will not be eligible to receive sick leave bank hours if they have not completed their probationary period.
5. A recipient will be entitled to a maximum of six (6) weeks leave per calendar year.
6. A recipient that wishes to request an extension of sick leave bank hours must submit updated medical documentation

(e) Once the proper documentation has been submitted by the proposed recipient, the human resources department shall within five (5) days of receipt review the documentation and notify the proposed recipient, in writing, if they meet the eligibility requirements of this program. If so, the recipient shall be entitled to use the sick leave banked under this program.

1. Benefits to an employee on maternity/paternity leave shall be available only if the employee's newborn child suffers from a serious medical condition that requires an absence longer than the employee's original request for maternity/paternity leave.

(f) Bank sick leave will be paid at the recipient's regular rate of pay and on the government's regular pay periods.

(g) Bank sick leave may only be used by a recipient while he 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 disabling injury or illness no longer exists. Further, in the event of the recipient's death or retirement, or if his employment is terminated, the recipient is no longer eligible to receive sick leave bank

benefits.

- (h) While receiving sick leave bank 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 bank sick leave.
- (i) An employee receiving sick leave bank benefits must comply with the provisions of the sick leave policy, section 21-34.
- (j) Any sick leave bank benefits received under this program will run concurrently with all other leaves set forth by chapter 21.
- (k) Once sick leave hours have been banked under this program, it cannot be restored to the employee.
- (l) The director of human resources shall make reasonable rules and regulations to implement this section and a copy of the sick leave bank program shall be on file in the division of human resources.

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK, URBAN COUNTY COUNCIL
PUBLISHED: