Passed 8-0
Mayer Absent

ORDINANCE 00-02

TO AMEND CHAPTER 2.22 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "EMPLOYEE SERVICES DEPARTMENT"
(To Authorize a Closing Policy for City Operations in the Event of Bad Weather and to Amend the Definitions of Full-time and Part-time Employee)

WHEREAS, the Mayor and Department Heads have approved a Bad Weather Policy to govern the operation of City services in weather emergencies, including but not limited to situations where the County declares a snow or ice emergency and closes roads; and

WHEREAS, State law requires council approval of this policy to the extent it provides for scheduled employees to be excused from work without loss of pay or charge to benefit time; and

WHEREAS, the classification of city employees as regular or temporary affects eligibility for union representation and for paid benefits in accordance with the collective bargaining agreement with AFSCME, the City of Bloomington Personnel Manual, and Chapter 2.22 of the Bloomington Municipal Code; and

WHEREAS, the current Personnel Manual and collective bargaining agreement both define temporary positions as those that are not expected to exceed nine months, whereas Chapter 2.22 contains a six month limitation; and

WHEREAS, it is desirable and appropriate to conform Chapter 2.22 to those other documents and to existing City practices;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 2.22.030, subsection (5) entitled "Other Paid Benefit Time, which was recently redesignated with the passage of Ordinance 99-50, shall be amended to add a new subsection (5)(i), which shall read as follows:

(i) paid leave for employees who are scheduled to work but directed not to report on days when city operations are closed due to a weather emergency.

SECTION 2. Section 2.22.040, entitled "Definitions," shall be amended to replace the phrase "six consecutive months" with "nine consecutive months" where said phrase appears in subsections (1) and (2), and to replace the phrase "last day of the sixth consecutive month" with "last day of the ninth consecutive month" where said phrase appears in subsections (3) and (4).

SECTION 3. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of January, 2000.

Michael Wilcox VP.
TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20 day of January, 2000.

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20 day of January, 2000.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 2.22 of the municipal codes, entitled "Employee Services Department," to authorize the use of paid time by city employees who are scheduled to work but are directed not to report in the event of a weather emergency in which non-essential city functions are closed. Council authorization is required by state law for all categories of paid benefit time, and since the City has just recently adopted a weather closing policy, Chapter 2.22 must be amended in order to allow implementation of the policy. In addition, this ordinance changes the time limit on temporary employment from six months to nine months, thus bringing Chapter 2.22 into conformity with the existing collective bargaining agreement with AFSCME and with the current Personnel Manual. Conformity is necessary because the definition of regular and temporary employment determines eligibility for union representation and for paid benefits.