Passed: 8-0

ORDINANCE 99-50

TO AMEND CHAPTER 2.22 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "EMPLOYEE SERVICES DEPARTMENT"
(To Authorize A Paid Time Off Policy For Certain City Employees)

WHEREAS, the Mayor and Department Heads have approved a Paid Time Off Policy for certain employees, to replace the existing paid benefit time categories of vacation, sick leave, birthday, and personal business days; and

WHEREAS, state law requires that paid benefit time for public employees be authorized by ordinance; and

WHEREAS, certain provisions of Chapter 2.22 of the Bloomington Municipal Code must therefore be amended in order to authorize the change to Paid Time Off while retaining the existing categories of vacation, sick leave, birthday and personal business days for union-eligible employees who will continue to receive those types of paid benefit time;

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 (2) entitled "Vacations" shall be retitled and paragraph (a) shall be amended to read as follows:

(2) Vacations: Union-Eligible Employees.

(a) Union-eligible employees who are not on probationary status and who have worked for the city for more than six continuous months but less than twelve continuous months, shall be entitled to one work week vacation during their first calendar year of employment. Union-eligible employees who are not on probationary status and have worked for the city for more than twelve continuous months, but less than five continuous years, shall be entitled to two work weeks vacation per year, with full pay, subject to proration after the first twelve continuous months to adjust to the calendar year. Union-eligible employees who have worked for the city for more than five continuous years shall be entitled to one extra work day with full pay for each year worked over five continuous years, and those who have worked for the city for more than nine continuous years shall be entitled to two extra work days with full pay for each year over nine continuous years, but under no circumstances shall the employee be entitled to more than four work weeks of vacation. It is understood that eligibility for extra vacation days shall begin at the conclusion of the fifth and ninth year of work, respectively.

SECTION 2. Section 2.22.030, subsection 2 (b) shall be repealed.

SECTION 3. Section 2.22.030, subsection 2(c) shall be re-designated as subsection 2(b) and shall be amended to read as follows:

(b) Vacation must be taken within the calendar year and will not accumulate from year to year except in extenuating circumstances. If an employee who has worked for the city for more than twelve continuous months should resign and leave in good standing after giving proper notice, he/she shall be paid in full for unused vacation leave carried over from the prior year. He/she shall also be paid for unused vacation leave accumulated in the year of resignation, subject to proration based on the amount of time worked during the first six months of the calendar year. Provided, however, when an employee retires in good standing, only the first two weeks of unused vacation time earned in the year of retirement shall be subject to proration. An employee who leaves city employment before the end of the twelfth month of employment shall repay any vacation time taken in excess of one workweek prorated over the amount of time worked after the first six months of employment. An employee who leaves city employment after twelve

continuous months of employment shall repay any vacation time taken in excess of the amount of vacation accumulated as of January 1 prorated over the first six months of the calendar year.

SECTION 4. Section 2.22.030, subsection 2(d), shall be re-designated as subsection 2(c).

SECTION 5. Section 2.22.030, subsection 2(e) shall be repealed.

SECTION 6. Section 2.22.030, subsection (3) entitled "Sick Leave," shall be retitled "Sick Leave and Sick Bank" and shall be amended to read as follows:

(3) Sick Leave and Sick Bank. The following rules shall apply to union eligible employees' sick leave and/or to non-union eligible employee's PTO Sick Bank, as indicated in each specific provision.

(a) Sick Leave. This provision shall apply only to union-eligible employees. Each employee shall be entitled to accumulate sick leave indefinitely. Regular full-time employees shall receive one paid sick day for each calendar month worked, beginning on the most recent date of hire. Such sick leave shall not become effective, however, until the employee leaves probationary status. Sick days shall accumulate only while the employee is on active paid status, which includes paid benefit time.

(b) Rules Governing Sick Leave and Sick Bank. This provision shall apply both to union-eligible employees' sick leave and to non-union eligible employees' sick bank. Sick days are intended for use only when the employee is medically ill or injured; provided, however, the employee services director, with the approval of the mayor, is authorized to implement and administer reasonable policies allowing use of accumulated sick leave due to family emergency or illness of a family member, or for major life events such as birth or adoption of a child by the employee. In order to be paid for more than two sick days in any given work week, or for more than three consecutively scheduled work days, the employee may be required to present a physician's statement that he/she was unable to work. Unused sick leave shall not be paid upon separation from employment. The employee services department, with approval of the mayor, shall establish and administer policies governing use and abuse of sick leave.

SECTION 7. 2.22.030 (4) "Other Paid Benefit Time" shall be re-designated as 2.22.030(5) and amended to read as follows:

(5) Other Paid Benefit Time. The employee services department with the approval of the mayor may prescribe uniform rules and procedures, which may permit employees to use the following kinds of paid benefit time subject to the conditions contained in such rules and procedures:
(a) Personal business days for union-eligible employees;
(b) Compensatory time for overtime work;
(c) Bereavement leave;
(d) Breaks;
(e) The first five days of normally scheduled work during which the employee is unable to work due to on-the-job injury, subject to reimbursement by the employee in the event he/she later receives Worker's Compensation Benefits for such time;
(f) A paid day off on the employee's birthday, for union-eligible employees;
(g) Paid holidays, which shall be designated annually by the mayor;
(h) Civic leave for attendance as a juror or witness, but only to the extent the employee does not receive juror or witness fees.

SECTION 8. Section 2.22.030 entitled "Employee Policies" shall be amended to add a new subsection (4), which shall read as follows:

(4) Paid Time Off – Non Union-eligible Employees. This policy shall apply to all regular full-time (RFT) and regular part-time with benefits (RPB) employees other than

those who are union-eligible (as defined herein) or are sworn police or firefighter personnel. This policy replaces the former paid benefit time categories of vacation, personal business days, and birthday with a single category of paid benefit time called Paid Time Off (PTO).

(a) Credited Paid Time Off. Paid Time Off shall be credited upon hire and thereafter on January 1 of each year in the following maximum amounts:

(i) Regular Full-Time Employees, other than Department Heads, who are scheduled to work forty hours per week shall be credited with PTO in accordance with the following chart:

FIRST YEAR Month of Hire	HOURS CREDITED		YEARS	HOURS CREDITED
January	56		2	96
February	51		3	96
March	46		4	96
April	41		5	104
May	36		6	112
June	31		7	120
July	26		8	128
August	21		9	144
September	16		10	160
October	16		11 and greater	176
November	16			
December	16			

(ii) Regular Full-Time Employees, other than Department Heads, who are scheduled to work between 35 and 39 hours per week inclusive, shall be credited with PTO in accordance with the following chart:

FIRST YEAR Month of Hire	HOURS WORKED PER WEEK				
	39	38	37	36	35
January	55	53	52	50	49
February	50	48	47	46	45
March	45	44	43	41	40
April	40	39	38	37	36
May	35	34	33	32	32
June	30	29	29	28	27
July	25	25	24	23	23
August	20	20	19	19	18
September	16	15	15	14	14
October	16	15	15	14	14
November	16	15	15	14	14
December	16	15	15	14	14

YEARS	HOURS WORKED PER WEEK				
	39	38	37	36	35
2	94	91	89	86	84
3	94	91	89	86	84
4	94	91	89	86	84
5	101	99	96	94	91
6	109	106	104	101	98
7	117	114	111	108	105
8	125	122	118	115	112
9	140	137	133	130	126
10	156	152	148	144	140
11 and greater	172	167	163	158	154

(iii) Regular Part-Time with Benefits employees shall be credited with PTO in accordance with the following chart:

FIRST YEAR	HOURS WORKED PER WEEK														
Month of Hire	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
January	48	46	45	43	42	41	39	38	36	35	34	32	31	29	28
February	43	42	41	40	38	37	35	34	33	32	31	29	28	27	26
March	39	38	37	36	35	33	32	31	30	29	28	26	25	24	23
April	35	34	33	32	31	30	29	28	27	26	25	24	23	22	21
May	31	30	29	28	27	26	25	24	23	23	22	21	20	19	18
June	26	26	25	24	23	22	22	21	20	19	19	18	17	16	16
July	22	21	21	20	20	19	18	18	17	16	16	15	14	14	13
August	18	17	17	16	16	15	15	14	14	13	13	12	12	11	11
September	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
October	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
November	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8
December	14	13	13	12	12	12	11	11	10	10	10	9	9	8	8

	HOURS WORKED PER WEEK														
YEARS	34	33	32	31	30	29	28	27	26	25	24	23	22	21	20
2	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
3	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
4	82	79	77	74	72	70	67	65	62	60	58	55	53	50	48
5	88	85	83	81	78	75	73	70	68	65	62	60	57	55	52
6	95	92	90	87	84	81	78	76	73	70	67	64	62	59	56
7	102	99	96	93	90	87	84	81	78	75	72	69	66	63	60
8	109	106	102	99	96	93	90	86	83	80	77	74	70	67	64
9	122	119	115	112	108	104	101	97	94	90	86	83	79	76	72
10	136	132	128	124	120	116	112	108	104	100	96	92	88	84	80
11 and greater	150	145	141	136	132	128	123	119	114	110	106	101	97	92	88

(iv) Department Heads: PTO will be credited in the amount of 176 hours per year each January 1, subject to proration in the year of hire in the discretion of the mayor.

(b) Earned Paid Time Off. Additional Paid Time Off will be earned at the following rates:

(i) Regular Full-Time Employees who are regularly scheduled to work between 37 and 40 hours per week inclusive and Department Heads: 4 hours of PTO will be earned for each biweekly pay period worked.

(ii) Regular Full-Time employees who are regularly scheduled to work 35 or 36 hours per week: 3.5 hours of PTO will be earned for each bi-weekly pay period worked.

(iii) Regular Part-Time Employees: Three and one-half (3.5) hours will be earned for each bi-weekly pay period worked for employees regularly scheduled to work between 33 and 36 hours per week, inclusive. Three (3) hours will be earned for each bi-weekly pay period worked by employees regularly scheduled to work between 28 and 32 hours per week, inclusive. Two and one-half (2.5) hours will be earned for each bi-weekly pay period worked by employees regularly scheduled to work between 24 and 27 hours per week, inclusive. Two (2) hours will be earned for each bi-weekly pay period worked by employees regularly scheduled to work between 20 and 23 hours per week, inclusive.

(iv) Eligibility for Earned Paid Time Off is dependent upon the employee working his or her full regular schedule during the biweekly pay period. Paid benefit time will be counted as hours worked but unpaid leave will not be counted as hours worked and earned time will be reduced proportionately based upon the amount of unpaid leave taken during any pay period.

(v) Earned Paid Time Off will be credited at the beginning of the payroll period subsequent to the payroll period in which it is earned and may not be used until credited.

(vi) During their probationary period under city policies, employees may use only Earned Paid Time Off.

(c) Carry Over, Banking, and Pay upon Separation. Both Credited and Earned Paid Time Off remaining at the end of the calendar year in which it was earned/credited may be carried over into the next year, with department head approval, or may be placed into the sick bank. All time in the sick bank may be carried over indefinitely, may be used only in accordance with subsection 3(b) above (2.22.030 (3)(b)), and will not be paid at separation from employment. Any paid time off which is carried over into the next year and not used during that year will be placed into the sick bank. An employee who resigns and leaves in good standing after giving proper notice shall be paid for unused PTO up to a maximum of 40 days for Regular Full-time employees (the maximum will be pro-rated for regular part-time employees based on their regularly scheduled hours) calculated as follows: the employee will be paid in full for any PTO carried over from the previous year and for any PTO earned in the current year; and the employee will be paid for any unused Credited PTO from the current year pro-rated over the first six months of the calendar year.

(d) Use of PTO. PTO (other than time placed in the sick bank) may be used for any purpose, subject to applicable rules and procedures governing such use, which shall be promulgated by the Employee Services Department with approval of the mayor, and administered by the Employee Services Department.

SECTION 9. 2.22.030, subsection (5), entitled "Modifications and Additions," shall be re-designated as subsection (6).

SECTION 10. 2.22.030, subsection (6), entitled "County Residency," shall be re-designated as subsection (7).

SECTION 11. Section 2.22.040, entitled "Definitions" shall be amended to add a new paragraph (6) which shall read as follows:

> (6) "Union-eligible Employee" means an employee who holds a position which is covered by the collective bargaining agreement between the City and the American Federation of State, County and Municipal Employees (AFL-CIO Council 62.).
>
> Solely for purposes of eligibility for paid benefit time under Section 2.22.030, the term shall also include the following employees whose positions are not covered by said collective bargaining agreement: employees classified as regular part-time with benefits who hold positions in the 100-level pay grades.

SECTION 12. For employees covered by Section 8 of this ordinance, entitled "Paid Time Off – Non Union-Eligible Employees," any sick leave carried over into 2000 from any prior year will be placed into the Sick Bank and will be governed by the Sick Bank rules, and any vacation carried over from 1999 into 2000 will be treated as, and subject to the rules governing, PTO carried over from the previous year.

SECTION 13. 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 14. 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 15th day of December, 1999.

TIMOTHY MAYER, President
Bloomington City Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of December, 1999.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 16th day of December, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 2.22 of the municipal code, entitled "Employee Services Department," to authorize a new system of paid benefit time for certain city employees. Current Chapter 2.22 contains the necessary authorization for traditional types of paid benefit time, including sick leave, vacations, a day off on the employee's birthday, and personal business days. For non-union employees, the amendment replaces those categories with a single type of paid benefit time called "Paid Time Off." The amendment leaves the traditional categories in effect for union employees pursuant to their current collective bargaining agreement with the City.

Note: On December 15, 1999 the Council adopted Amendment 1 by a vote of 8 – 0. The amendment added a paragraph to Section 11 which treated employees classified as regular part-time with benefits who hold positions in the 100-level pay grades as union-eligible employees for purposes of the paid time off policy.

City of Bloomington
Memorandum

TO: City Council Members

From: Jean Joque/Employee Services

Date: November 15, 1999

Subject: PAID TIME OFF

As we have been doing with a number of policies, the Administration is proposing to modify our benefit time policy to attract and retain qualified employees. The City's desire is to allow employees the maximum possible flexibility in the use and scheduling of such paid time off while insuring that efficient City operations are not adversely affected by employees' use of this privilege. Effective January 1, 2000, we wish to allow employees a reasonable amount of paid time off to be used for any purpose.

Paid Time Off (PTO) pools vacation, sick, personal business days and birthdays from our current system into two groups of PTO: 'Credited' and 'Earned' paid time off. Credited PTO is a one-for-one exchange with vacation and personal business days, and is credited at the beginning of each calendar year. Earned PTO is a one-for-one exchange with sick days and birthdays, and is earned at the rate of 4 hours per bi-weekly pay period. Scheduling use of both credited and earned PTO is subject to the approval of the employee's supervisor. The minimum amount of paid time off taken at any one time is no less than one hour, but additional time after the first hour on any occasion may be used in increments of fifteen minutes.

As in our current system, a maximum amount of one year's worth of PTO may be carried over into the next calendar year. Time may also be deposited into the Sick Bank. The Sick Bank is intended for use when the employee is medically ill or injured. Sick Bank time may also be used for family illness or emergency up to a maximum of forty hours per year. Sick Bank time may be used only in increments equivalent to half or full work days, except that employees may use up to two of their accrued Sick Bank days per year in increments of two hour duration for doctor appointments or a medical illness. Time accumulated in the sick bank is carried over indefinitely. There is no maximum number of hours that may be placed in the sick bank per year. Any paid time off which is carried over into the next year, and which is not used during that year will be placed into the sick bank

For transition from our current system to PTO, any accrued sick time carried over into 2000 will be deposited into the Sick Bank on January 1st. Any vacation time carried over into 2000 will become a part of the employee's credited PTO at the 1st of the year. Upon separation from the City, employees in good standing will be paid their accrued credited and earned PTO up to a maximum of 40 hours. Employees will not be paid for accumulated days in the Sick Bank.

Changing from our current benefit time system to PTO requires amending Title II of the Bloomington Municipal Code. Please find that document attached.

If you have any questions or need further clarification, I'm always happy to speak with you.