

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 2.76 of the Lincoln Municipal Code, Personnel  
2 System, by amending Section 2.76.380 relating to sick leave with pay to extend sick leave to include  
3 any person under legal guardianship of an employee; by amending Section 2.76.385 relating to  
4 funeral leave to clarify its provisions; amending Section 2.76.400 relating to leaves of absence  
5 without pay to provide that an employee on military leave of absence does not have to exhaust all  
6 applicable leave balances; and repealing Sections 2.76.380, 2.76.385, and 2.76.400 of the Lincoln  
7 Municipal Code as hitherto existing.

8 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

9 Section 1. That Section 2.76.380 of the Lincoln Municipal Code be amended to read  
10 as follows:

11 **2.76.380 Sick Leave with Pay.**

12 Subsections (a) through (f) shall apply to employees not represented by a bargaining unit.

13 (a) Amount. Sick leave shall be earned by each employee at the factored hourly equiva-  
14 lent of eight hours for each full month of service or twelve hours for each full month of service for  
15 an employee with a pay range prefixed by "M" who works a fifty-six hour work week. Earnings  
16 shall be computed only for those hours when an eligible employee is in a pay status, excluding  
17 overtime.

18 (b) When taken. Sick leave will be paid only when an employee is unable to perform  
19 work duties due to actual personal illness, noncompensable bodily injury, pregnancy, or disease,  
20 exposure to contagious disease under circumstances in which the health of other employees or the  
21 public would be endangered by attendance on duty, or to keep a medical or dental appointment and  
22 for no other reason. A sick leave pay account will be established and funds appropriated for that  
23 reason only. Sick leave with pay is intended to be paid on account of sickness rather than a  
24 continuation of salary.

25 Sick leave must be earned before it can be granted, and advancing sick leave is prohibited.  
26 An employee may utilize no more than his accrued balance of sick leave. When an employee finds

1 it necessary to be absent for any of the reasons specified herein, the employee shall cause the facts  
2 to be reported to his department head in accordance with departmental rules and regulations.

3 Sick leave shall be earned, but not be granted, during the probationary period occurring after  
4 original appointment. An employee must keep his department head informed of his condition. This  
5 shall be on a daily basis unless waived by the department head or designated representative. An em-  
6 ployee may be required by the Personnel Director to submit a medical certificate for any absence.  
7 Failure to fulfill these requirements may result in denial of sick leave. No refund of vacation time  
8 shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during  
9 any period of leave of absence without pay.

10 (c) Accumulated sick leave. The accumulation of unused sick leave is unlimited.

11 (d) Unused sick leave. Upon retirement, death or reduction in force, an employee with  
12 a pay range prefixed by "E" or "M", or the employee's beneficiary, shall be paid one-half of his  
13 accumulated sick leave. The rate of payment shall be based upon the employee's regular hourly rate  
14 of pay at the time the employee retires, is laid off, or at the time of the employee's death.

15 Upon retirement, death or reduction in force, an employee with a pay range prefixed  
16 by "N" or "X", or the employee's beneficiary, shall be paid one-fourth of his accumulated sick leave.  
17 The rate of payment shall be based upon the employee's regular hourly rate of pay at the time the  
18 employee retires, is laid off, or at the time of the employee's death.

19 Upon retirement, death or reduction in force, an employee with a pay range prefixed  
20 by "A" or "C", or the employee's beneficiary, shall be paid one-half of his accumulated sick leave  
21 up to a maximum of 650 hours. The rate of payment shall be based upon the employee's regular  
22 hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

23 (e) An employee with a pay range prefixed by "E", "M", "A", or "C" may be granted time  
24 off for a maximum of forty hours in each calendar year for illness in the employee's immediate  
25 family. An employee with a pay range prefixed by "M" who works a fifty-six hour work week may  
26 be granted time off for a maximum of sixty hours in each calendar year for illness in the employee's  
27 immediate family. Immediate family will also include any other family member, whether it be by  
28 blood, marriage, legal adoption, or foster children, residing in the household. Family sick leave may  
29 also be granted to an employee who has been appointed by a court of competent jurisdiction as legal  
30 guardian of any person, with proper documentation. Such time off will be deducted from the

1 employee's accumulated sick leave. Upon written request from an employee in the above-referenced  
2 pay ranges, the Personnel Director may waive the forty or sixty hour limit after reviewing the  
3 individual circumstances in support of the request.

4 (f) An employee with a pay range prefixed by "N" or "X" may be granted time off for  
5 a maximum of forty hours in each calendar year for illness in the employee's immediate family. For  
6 purposes of this subsection (f), the term immediate family shall include the employee's mother,  
7 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law, daughter-in-  
8 law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild, grandparent, grandchild, and the  
9 grandparent of the employee's spouse, or any other relative residing in the household. Family sick  
10 leave may also be granted to an employee who has been appointed by a court of competent  
11 jurisdiction as legal guardian of any person, with proper documentation. Such time off will be  
12 deducted from the employee's accumulated sick leave. Upon written request from an employee in  
13 the above-referenced pay ranges, the Personnel Director may waive the forty hour limit after  
14 reviewing the individual circumstances in support of the request.

15 Section 2. That Section 2.76.385 of the Lincoln Municipal Code be amended to read  
16 as follows:

17 **2.76.385 Funeral Leave.**

18 A probationary or regular employee not represented by a bargaining unit shall be granted  
19 funeral leave as follows:

20 (a) In the case of the death of the employee's mother, father, brother, sister, husband, wife,  
21 child, mother-in-law, father-in-law, stepmother, stepfather, stepchild, grandparent, grandchild, or in  
22 the case of death of any other relative residing in the immediate household of an employee, the  
23 employee shall be allowed twenty-four hours, or thirty-six hours for an employee with a pay range

1 prefixed by the letter "M" who works a fifty-six hour work week, funeral leave with regular pay  
2 without deduction from pay or accumulated sick leave.

3 (b) In the case of the death of an employee's sister-in-law, brother-in-law, daughter-in-law,  
4 son-in-law, aunt, uncle, nephew, niece, or a grandparent of an employee's spouse, or a foster child  
5 residing in the immediate household of an employee, the employee shall be allowed sixteen hours,  
6 or twenty-four hours for an employee with a pay range prefixed by the letter "M" who works a fifty-  
7 six hour work week, funeral leave with regular pay without deduction from pay or accumulated sick  
8 leave.

9 ~~\_\_\_\_\_ (c) Further~~ In addition, the employee may also be allowed to use up to twenty-four hours,  
10 or thirty-six hours for an employee with a pay range prefixed by the letter "M" who works a fifty-six  
11 hour work week, of accumulated sick leave in the case of death of any of the above-designated per-  
12 sons.

13 ~~(c)~~ (d) A regular employee may be granted up to two hours of time off with pay by such  
14 employee's department head or his or her designated representative to attend the funeral of a fellow  
15 employee who was employed by the City at the time of his or her death.

16 Section 3. That Section 2.76.400 of the Lincoln Municipal Code be amended to read  
17 as follows:

18 **2.76.400 Leaves of Absence Without Pay.**

19 Leave of absence without pay may be granted to employees, except temporary or seasonal  
20 employees, for a period not to exceed three months by a department head, except that for leaves in  
21 excess of thirty calendar days, the approval of the director must also be obtained. Leaves of absence  
22 without pay shall not be granted until all applicable leave balances have been exhausted, with the  
23 exception of leaves for military, travel, or study.

1           A department head, with the approval of the director, may grant such employee leave of  
2 absence without pay for a period not to exceed one year for travel or study. Such leave shall be  
3 granted only when it will not result in undue prejudice to the interests of the city as an employer be-  
4 yond any benefits to be realized. No leave without pay shall be granted except upon written request  
5 of the employee. No such leave shall be granted primarily in the interests of the employee except  
6 in the case of one who has shown by record of service or by other evidence to be of more than  
7 average value to the city and whose service it is desirable to retain even at such sacrifice. Failure  
8 on the part of an employee on leave to report promptly at its expiration, without good cause, shall  
9 be considered as a resignation.

10           Section 4. That Sections 2.76.380, 2.76.385, and 2.76.400 of the Lincoln Municipal  
11 Code as hitherto existing be and the same are hereby repealed.

12           Section 5. That this ordinance shall take effect and be in force from and after its  
13 passage and publication according to law.

Introduced by:  
  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2004;  _____ Mayor
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