

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

1 AN ORDINANCE amending Section 2.76.400 of the Lincoln Municipal Code  
2 relating to leaves of absence without pay to reflect current procedures; amending Section  
3 2.76.505 of the Lincoln Municipal Code relating to disability retirement to make the  
4 provisions consistent with the Ameritas plan document; and repealing Sections 2.76.400 and  
5 2.76.505 of the Lincoln Municipal Code as hitherto existing.

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

7 Section 1. That Section 2.76.400 of the Lincoln Municipal Code be amended  
8 to read as follows:

9 **2.76.400 Leaves of Absence Without Pay.**

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

15 A department head, with the approval of the director, may grant such employee leave  
16 of absence without pay for a period not to exceed one year for travel or study. Such leave  
17 shall be granted only when it will not result in undue prejudice to the interests of the city as  
18 an employer beyond any benefits to be realized. No leave without pay shall be granted  
19 except upon written request of the employee. No such leave shall be granted primarily in the  
20 interests of the employee except in the case of one who has shown by record of service or by

1 other evidence to be of more than average value to the city and whose service it is desirable  
2 to retain even at such sacrifice. Failure on the part of an employee on leave to report promptly  
3 at its expiration, without good cause, shall be considered as a resignation.

4 Section 2. That Section 2.76.505 of the Lincoln Municipal Code be amended  
5 to read as follows:

6 **2.76.505 Disability Retirement.**

7 Any city employee, except employees covered by the Police and Fire Pension Plans  
8 as provided in Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code, may retire upon  
9 written request when it is in the best interest of the city upon a determination that the  
10 employee is unable to ~~satisfactorily perform required duties due to~~ engage in any substantial  
11 gainful employment by reason of any medically determined physical or mental disability  
12 impairment that can be expected to result in death or which has lasted, or can be expected  
13 to last, for a continuous period of not less than twelve months. Entitlement to disability  
14 retirement shall be based on a competent medical opinion as evaluated by the Personnel  
15 Director and/or applicable titles of the Federal Social Security Act with the approval of the  
16 department head and the Mayor.

17 Section 3. That Sections 2.76.400 and 2.76.505 of the Lincoln Municipal Code  
18 as hitherto existing be and the same are hereby repealed.

1                   Section 4. That this ordinance shall take effect and be in force from and after  
2 its passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2003:  _____ Mayor
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