

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

1 AN ORDINANCE amending Section 2.76.380 of the Lincoln Municipal Code  
 2 relating to Sick Leave with Pay to provide that part-time and unrepresented employees coincide with  
 3 the CIR order for “N” and “X” pay range employees and making the changes retroactively effective  
 4 as of August 19, 2010; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto  
 5 existing.

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

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

9 **2.76.380 Sick Leave with Pay.**

10 Subsections (a) through (h) shall apply to employees not represented by a bargaining unit.

11 (a) Amount. For employees with a pay range prefixed by “A”, “C”, “E”, “F”, “M”, or  
 12 “P”, sick leave shall be earned by each employee at the factored hourly equivalent of eight 3.69  
 13 hours for each full month of service per pay period, or twelve 5.54 hours for each full month of  
 14 service per pay period for an employee with a pay range prefixed by “F” or “M” who works a fifty-  
 15 six hour work week. Earnings shall be computed only for those hours when an eligible employee  
 16 is in a pay status, excluding overtime.

17 (b) Amount. For employees with a pay range prefixed by “N” or “X”, sick leave shall  
 18 be earned by each employee at the factored hourly equivalent of 101 hours per year. Earnings shall  
 19 be computed only for those hours when an eligible employee is in a pay status, excluding overtime.

20 (bc) When taken. Sick leave will be paid only when an employee is unable to perform work  
 21 duties due to actual personal illness, noncompensable bodily injury, pregnancy, or disease, exposure  
 22 to contagious disease under circumstances in which the health of other employees or the public

1 would be endangered by attendance on duty, or to keep a medical or dental appointment and for no  
2 other reason. A sick leave pay account will be established and funds appropriated for that reason  
3 only. Sick leave with pay is intended to be paid on account of sickness rather than a continuation  
4 of salary.

5 Sick leave must be earned before it can be granted, and advancing sick leave is prohibited.  
6 An employee may utilize no more than his accrued balance of sick leave. When an employee finds  
7 it necessary to be absent for any of the reasons specified herein, the employee shall cause the facts  
8 to be reported to his department head in accordance with departmental rules and regulations.

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

16 (~~c~~d) Accumulated sick leave. The accumulation of unused sick leave is unlimited.

17 (~~d~~e) Unused sick leave. Upon retirement, death or reduction in force, an employee with a pay  
18 range prefixed by "M" shall have sixty-five percent (65%) of his accumulated sick leave balance  
19 paid into the employee's PEHP premium account. The rate of payment shall be based upon the  
20 employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of  
21 the employee's death.

22 Upon retirement, death or reduction in force, an employee with a pay range prefixed by "A",  
23 "C", "E", "N" or "X", or the employee's beneficiary, shall be paid one-half of his accumulated sick  
24 leave in accordance with the applicable terms of the City of Lincoln Personnel Department policies.

1 The rate of payment shall be based upon the employee’s regular hourly rate of pay at the time the  
2 employee retires, is laid off, or at the time of the employee’s death.

3 Upon resignation, an employee with a pay range prefixed by “N” or “X” shall be paid 33%  
4 of his accumulated sick leave. The rate of payment shall be based upon the employee’s regular  
5 hourly rate of pay at the time the employee resigns.

6 (ef) An employee with a pay range prefixed by “A” or “C” may be granted time off for a  
7 maximum of eighty hours in each calendar year, commencing with the first pay period beginning  
8 in January, for illness in the employee’s immediate family. Immediate family will also include any  
9 other family member, whether it be by blood, marriage, legal adoption, or foster children, residing  
10 in the household. Family sick leave may also be granted to an employee who has been appointed by  
11 a court of competent jurisdiction as legal guardian of any person, with proper documentation. Such  
12 time off will be deducted from the employee’s accumulated sick leave. Upon written request from  
13 an employee in the above-referenced pay ranges, the Personnel Director may waive the eighty hour  
14 limit after reviewing the individual circumstances in support of the request.

15 (fg) An employee with a pay range prefixed by “N” or “X” may be granted time off for a  
16 maximum of sixty hours in each calendar year, commencing with the first pay period beginning in  
17 January, for illness in the employee’s immediate family. For purposes of this subsection (fg), the  
18 term immediate family shall include the employee’s mother, father, sister, brother, husband, wife,  
19 child, foster child, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepmother, stepfather,  
20 stepchild, stepgrandchild, grandparent, grandchild, and the grandparent of the employee’s spouse,  
21 or any other relative residing in the household. Family sick leave may also be granted to an  
22 employee who has been appointed by a court of competent jurisdiction as legal guardian of any  
23 person, with proper documentation. Such time off will be deducted from the employee’s  
24 accumulated sick leave. Upon written request from an employee in the above-referenced pay ranges,

1 the Personnel Director may waive the sixty hour limit after reviewing the individual circumstances  
2 in support of the request.

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

16 (hi) An employee with a pay range prefixed by “M” may be granted time off for a maximum  
17 of sixty hours in each calendar year, commencing with the first pay period beginning in January, for  
18 illness in the employee’s immediate family. For purposes of this subsection (hi), the term immediate  
19 family shall include the employee’s mother, father, sister, brother, husband, wife, child, foster child,  
20 mother-in-law, father-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepchild,  
21 stepgrandchild, grandparent, grandchild, and the grandparent of the employee’s spouse. Immediate  
22 family will also include any other family member, whether it be by blood, marriage, legal adoption,  
23 or foster children, residing in the household. Family sick leave may also be granted to an employee  
24 who has been appointed by a court of competent jurisdiction as legal guardian of any person, with  
25 proper documentation. Such time off will be deducted from the employee’s accumulated sick leave.

1 Upon written request from an employee in the above-referenced pay range, the Personnel Director  
2 may waive the sixty hour limit after reviewing the individual circumstances in support of the  
3 request.

4 Section 2. That Section 2.76.380 of the Lincoln Municipal Code as hitherto existing  
5 be and the same is hereby repealed.

6 Section 3. That this ordinance shall be retroactively effective and in full force and  
7 effect as of August 19, 2010.

8 Section 4. That this ordinance shall be published in one issue of a daily or weekly  
9 newspaper of general circulation in the City, according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2011:

\_\_\_\_\_  
Mayor