

**CITY OF ELSMERE
ORDINANCE NO. 1809-2021**

**AN ORDINANCE AMENDING THE CITY OF ELSMERE
PERSONNEL POLICIES.**

WHEREAS, the City of Elsmere, Kentucky had previously adopted Personnel Policies of the City of Elsmere, Kentucky; and

WHEREAS, the Elsmere City Council has determined that it is appropriate to amend the policy. These policies changes are attached hereto collectively as “Exhibit A” and incorporated herein by reference; and

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION I

The maximum number of compensatory hours that may be accrued is 40 for all city employees.

SECTION II

That employees who are deemed to be contract employees will operate within the terms of the executed employment contract which may include schedules, programs and benefits outlined in the personnel policy.

SECTION III

That the bereavement leave policy has been to change to include miscarriage as a basis for allowing leave.

SECTION V

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION VI

This ordinance shall be in full force and effect from and after its passage, approval and published according to law. This Ordinance may be published in Summary Form.

1st Reading: December 7, 2021

2nd Reading: December 14, 2021

APPROVED:



HON. MARTY LENHOF, MAYOR

ATTEST:

Misty Ezell
Misty Ezell, City Clerk

Ayes: 4 Nays: 0

Published: _____

- (9) The city prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's pregnancy or parental leave. Specifically, no one will be denied employment, reemployment, promotion or any other benefit of employment or be subjected to any adverse employment action based on that person's pregnancy or parental leave. In addition, no one will be disciplined, intimidated or otherwise retaliated against because that person exercised rights under this policy or applicable law.
- (10) The city is committed to enforcing this policy against discrimination and retaliation. However, the effectiveness of our efforts depends largely on employees telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If employees do not report such conduct, the city may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

Adoption Leave

An employee adopting a child under the age of seven shall be granted reasonable personal leave. However, this unpaid personal leave shall not exceed six weeks pursuant to KRS 337.015.

Bereavement Leave

- (1) All full-time city employees shall be eligible for paid bereavement leave in the event of death in the employee's immediate or extended family. Bereavement leave shall be granted on the following basis:
 - a. An employee shall be authorized for up to three days of paid bereavement leave in the event of death in the employee's immediate family. For the purposes of this paragraph "immediate family" shall mean the employee's parents, step-parents, spouse, children, step-children, immediate grandparents, brother, step-brother, sister, step-sister, spouse's parents, or anyone permanently residing with the employee.
- (2) Whenever the use of bereavement leave is necessary, the employee shall provide advance notice to their department director and the employee shall submit in writing to the employee's department director in accordance with Section 8 of this Handbook. When possible, the employee shall submit the Absentee Request Form in advance of the leave. Otherwise, the employee shall submit the Absentee Request Form immediately upon return to work.

Unpaid Leave of Absence

- (1) Upon exhaustion of all accrued sick, personal, compensatory and vacation leave, any request for an unpaid leave shall be submitted to the city administrator. The mayor and city administrator, in consultation with the department director, will decide whether to grant the unpaid leave request and other terms of the leave depending upon the reasons for the requested leave and the needs of the department and the city.
- (2) If granted an unpaid leave of absence, an employee will not be compensated and will not receive any other employee benefits, except as provided in this handbook. As such, the employee must make an election as to COBRA coverage for group healthcare for the employee, as well as any qualified dependents. In addition, the employee will be subject to the terms and conditions of the specific plan,

a. City Building and Public Works:

Years of Service	Vacation Days	Year Available
1 st year	Either 40 or 80 hours depending on hire date	If the new employee is hired before July 1, they will receive 80 hours; if the employee is hired July 1 or later they will receive 40 hours.
1-4 years	80 hours	Beginning on the one year anniversary date through fourth year
5-9 years	120 hours	Beginning on the fifth year anniversary date through the ninth year
10 years and up	160 hours	Beginning on the tenth year and beyond

b. Police Department:

Years of Service	Vacation Days	Year available
1 st year	Either 40 or 80 hours depending on hire date	If the new employee is hired before July 1, they will receive 80 hours; if the employee is hired July 1 or later they will receive 40 hours.
1-9 years	120 hours	Beginning on the one year anniversary through the ninth year
10 years and up	160 hours	Beginning on the tenth year and beyond

c. Contract Employees:

Employees who are deemed to be contract employees will operate within the terms of the executed employment contract which may include schedules, programs, and benefits outlined in the personnel policy.

- (2) All part-time employees will be eligible for up to five days of vacation leave, or an amount as determined by the mayor and city administrator.

Official Workweek

- (1) The official workweek for each department shall begin at 6:00 a.m. on Saturday and end on 6:00 a.m. the following Saturday.
- (2) The official workweek may be changed at any time, but not to avoid overtime requirements.

Overtime

- (1) "Overtime" means any time worked by a nonexempt employee in excess of 40 hours in any single workweek. In addition, if a nonexempt employee works seven days in any one workweek and works over 40 hours in those seven days, all hours worked on the seventh are at time-and-a-half. For purposes of this section, workweek is defined in this Handbook.
- (2) Vacation and sick leave hours are not included in the calculations for overtime purposes.
- (3) The city is required under the Fair Labor Standards Act and Kentucky wage and hour laws to pay overtime wages to a nonexempt employee if the employee works more than 40 hours in a single workweek. Overtime wages shall be calculated at a rate of one-and-one-half times the employee's regular hourly rate of pay.
- (4) A nonexempt employee must be authorized orally or in writing by the employee's immediate supervisor prior to the employee's performance of any work that would result in overtime. The employee shall verify that their time record accurately reflects any overtime worked as required in Section 6 of this Handbook. Any employee who works overtime without prior authorization or fails to properly report overtime work shall be subject to disciplinary action.
- (5) The city and the employee's immediate supervisor or department director may require any nonexempt employee to take time off during any workweek that the employee has worked or will work more than 40 hours in order to minimize overtime costs.
- (6) Exempt employees are not eligible for overtime compensation.

Compensatory Time for Nonexempt Employees

- (1) Pursuant to KRS 337.285, the city gives nonexempt city employees the option of receiving compensatory time off ("comp time") instead of overtime pay for overtime hours worked.
- (2) All comp time off must be given at the rate of one-and-one-half hours for each hour of overtime worked (hours worked over 40 hours within the workweek as defined by the city in Section 6 of this Handbook).
- (3) The maximum number of compensatory hours that may be accrued is 24 for all city employees. Any hours over the maximum will be paid to the employee in overtime compensation at the regular rate earned by the employee at the time the employee receives the payment.
- (4) To request the accrual of compensatory time, employees must provide a written request and must be approved by the department director and/or immediate supervisor in advance of any accrual on the Agreement to Accept Compensatory Time Off in Lieu of Overtime Pay Form (HR Form 06).