

ORDINANCE NO. 2020-02

**AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA,
AMENDING SECTIONS 62-27, 62-29, 62-30(a), AND 62-31(b)
OF THE CITY OF PORTAGE MUNICIPAL CODE**

BE IT AND IT IS HEREBY ORDAINED by the Common Council of the City of Portage, Indiana, as follows:

Section 1. Ordinance Amendment of Section 62-27. Section 62-27 shall be amended by adding the following paid holiday:

Martin Luther King Jr. Day
Day After Thanksgiving

Section 2. Ordinance Amendment of Section 62-29. Section 62-29 shall be amended by deleting the Section in its entirety and by adding the following new Section:

It shall be the policy of the city to ensure that full-time salaried and hourly employees have the following paid vacations:

(1) After 90 days of initial continuous employment with the city, newly hired employees shall receive four (4) days of vacation. Employees shall receive one-week vacation after one year of service; two weeks of vacation after two years of service; three weeks of vacation after four years of service; four weeks of vacation after eight years of service; and five weeks of vacation after 13 years of service.

(2) After an employee's initial 90 days of continuous employment, the Board of Public Works and Safety may recommend, subject to approval by the Common Council, and based on work experience, prior employment with the City of Portage, level of higher education/expertise, to offer newly hired employees greater time than is otherwise granted in sub-section 1 of this section. No employee may be offered more than four weeks of vacation time under this sub-section. Notwithstanding the above, this subsection shall apply on a case by case basis and shall not be construed to establish a precedent.

(3) To be eligible for a paid vacation in any year, the employee must not have been absent from work more than six calendar months during the previous year.

(4) A week, for the purpose of determining vacations, shall consist of seven consecutive calendar days, including holidays and weekends.

(5) All employees must schedule their vacation through their department head no later than March 1 of each calendar year. If more than one employee requests the same vacation and it would be inappropriate in the department head's judgment for more than one employee to take a vacation at the same time, the determination shall be based on seniority by the department head.

(6) Vacations do not accumulate and must be taken within the year earned or the vacation is forfeited with the following exceptions. Those employees whose initial earned vacation falls within the last quarter of the year must take the vacation before the end of the first quarter of the following year.

(7) Part-time and temporary employees will not be paid for vacations.

(8) Each employee who completes one calendar year of service with no time off due to illness, unpaid leave, injury or accident shall earn two extra days of paid vacation to be utilized in the following calendar year. These extra vacation days will not accumulate and must be taken in the year after which it is earned, or it will be forfeited. For the purposes of this subsection a "day" is defined as eight hours of work.

(9) Notwithstanding the other provisions of this section, employees may sell one week of vacation time back to the city for the sole purpose of depositing the funds received into the employee's 457(b) or similar tax-exempt or tax-deferred account designed to be used for payment of healthcare expenses, including health insurance premiums. Vacation time may be sold back to the city on terms and conditions approved by both the common council and board of public works and safety from time to time.

(10) Notwithstanding the other provisions of this section, employees may sell vacation time back to the city for the sole purpose of depositing the funds received into the employee's HSA account established pursuant to the city's employee medical benefit plan. Vacation time may be sold back to the city on terms and conditions approved by both the common council and board of public works and safety from time to time.

Section 3. Ordinance Amendment of Section 62-30(a). Section 62-30(a) shall be amended by deleting the Section in its entirety and by adding the following new Section:

(a) After 90 days of initial continuous employment, every newly hired full-time salaried and hourly employee shall be granted annual sick leave and personal leave, with full pay, at a rate of three sick days and two personal days. Every full-time salaried and hourly employee shall be granted annual sick leave, with full pay, at a rate of six days for one year of continuous service; three personal days, with full pay, for one year of continuous service, and up to a maximum of three funeral leave days, with full pay, per death within the employee's immediate family. Funeral leave days may be used on an employee's scheduled workday. Days for personal leave and funeral leave may not be accumulated but must be used by December 31 of each calendar year in which the employee is entitled to take them. Unused sick leave may be accumulated up to 30 days. Upon termination of employment, an employee may be paid for the employee's unused sick leave up to a maximum of 30 days.

Section 4. Ordinance Amendment of Section 62-30(f). Section 62-30(f) shall be amended by deleting the Section in its entirety.

Section 5. Ordinance Amendment of Section 62-31(b). Section 62-31(b) shall be amended by deleting the Section in its entirety and by adding the following new Section:

(b) Accumulated leave is to be utilized for maternity of the employee or major illness or injury of the employee or a dependent of the employee, or any purpose identified in the FMLA. By way of illustration and not limitation, major illness/injury shall not include cold, strep throat, headaches, sinus infections, pinkeye, allergies, stomach aches, toothaches, muscle strains, muscle sprains, and similar conditions or injuries. This section shall not be construed as a requirement that an employee utilize FMLA time and major sick leave time concurrently.

Section 6. Conflicting Ordinances. Any Ordinance or provision of any Ordinance of the City of Portage in conflict with the provisions of this Ordinance is hereby repealed.

Section 7. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 8. Effective Date. This Ordinance shall be in full force and effect after its passage, approval by the Mayor of the City of Portage and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Portage, Porter County, Indiana, on the _____ day of _____, 2020.

Presiding Officer

ATTEST:

Nina L. Rivas
Clerk-Treasurer

Presented by me to the Mayor of the City of Portage, Porter County, Indiana, this _____ day of _____, 2020.

Nina L. Rivas
Clerk-Treasurer

Approved by me, the Mayor of the City of Portage, Porter County, Indiana, this _____ day of _____, 2020.

Sue I. Lynch, Mayor