

BILL NO. G-13-05-13

GENERAL ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 36:
PERSONNEL POLICIES OF THE CITY OF FORT
WAYNE, INDIANA, CODE OF ORDINANCES**

WHEREAS, the implementation of property tax caps by the Indiana General Assembly has resulted in a loss of \$53 million in revenue to the City of Fort Wayne; and

WHEREAS, the loss of revenue has created a sustained and unprecedented fiscal crisis that threatens to severely compromise the City's ability to continue to provide essential services necessary to maintain the public welfare; and

WHEREAS, Mayor Tom Henry has appointed a Fiscal Policy Group comprised of local and state experts, members of City Council and City staff to gain a full understanding of fiscal conditions and to identify financial options available to the City to meet fiscal challenges in 2014 and beyond; and

WHEREAS, the Fiscal Policy Group has completed its review and has developed a framework of ideas, which included a recommendation that the benefits provided to City employees would align more closely with those provided to employees in the private sector; and

WHEREAS, current City policy governing the accrual and use of sick days far exceeds private sector policies;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

1 **SECTION 1.** Chapter 36: Personnel Policies of the City of Fort
2 Wayne, Indiana, Code of Ordinances is amended to add the following
3 sections:

4 **§36.04 EFFECT OF REPEAL OF SPECIAL ORDINANCE S-137-99.**

5 To facilitate the transition from the sick pay policy set forth in Special
6 Ordinance S-137-99 to the provisions of §36.05, the City of Fort Wayne shall:

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- 8 1) Effective January 1, 2014, freeze all non-public safety employees' sick
9 pay banks as accrued pursuant to city policy; and
 - 10 2) Deposit all accrued paid sick time into a fund that will be paid out at
11 the time of the employee's separation from employment as follows: (i)
12 \$1.00 for each hour up to and including 520 hours; (ii) Fifty (50)
13 percent of the employee's hourly rate, as of December 31, 2013, for
14 each accumulated hour over 520. The maximum payment per
15 employee under this section shall not exceed twenty-five thousand
16 dollars (\$25,000.00) with the exception of those employees
17 grandfathered under S-137-99.
 - 18 3) The balance in this fund cannot be used for paid sick time or for the
19 purchase of health insurance after December 31, 2013. Employees
20 may elect a one-time rollover of up to one hundred seventy six (176)
21 hours into the Short Term Disability Supplemental Bank defined in s.
22 36.05 (E) effective January 1, 2014.
 - 23 4) Employees who are eligible to retire under one of the City's
24 recognized retirement plans and who retire prior to January 1, 2014
25 and who elect a cash payout of accrued sick time shall receive a
26 retirement incentive in the amount of 20% of their sick bank at the time
27 of retirement.
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**§36.05 PAID SICK DAYS, SHORT-TERM DISABILITY AND PAYOUT
UPON SEPARATION FROM CITY EMPLOYMENT**

(A) *Applicability.* This section shall be effective January 1, 2014 for all employees (excluding Police Officers and Firefighters as defined in § 14.22).

(B) *Receipt of Paid Sick Days.* All full-time employees shall receive no more or no less than five (5) paid days off ("Paid Sick Days") per year for use in conjunction with the employee's sickness or disability that prevents the employee from working. Employees shall be granted the annual five (5) day allotment on January 1 of each calendar year. For the purpose of this section, one (1) Paid Sick Day shall equal eight (8) hours.

(C) *Use of Paid Sick Days.* An employee's use of Paid Sick Days shall be subject to City Policy or the terms of an applicable collective bargaining agreement, so long as such policy or agreement is not inconsistent with this Section.

(D) *Short-Term Disability Compensation.* The City of Fort Wayne shall provide eligible employees with short-term disability compensation for a period not to exceed (90) days. Such compensation may be provided pursuant to third-party commercial insurance contracts or pursuant to a program of self-insurance. Eligibility for short-term disability compensation shall be determined by the terms of the applicable short-term disability commercial insurance contract, or by the City of Fort Wayne if self-insured.

(E) *Short-Term Disability Supplemental Bank.* The City of Fort Wayne shall create a supplemental bank of paid time for employees' use only to supplement short term disability compensation received during absences from work that qualify for short-term disability compensation. On January 1, 2014, the City of Fort Wayne shall make a one-time addition of five (5) days of paid time (40 hours) to each employee's short-term disability supplemental bank.

1 (F) *Rollover of Paid Sick Days into Short-Term Disability Supplemental*
2 *Bank.* At the conclusion of each calendar year, any employee's unused Paid
3 Sick Days shall be moved into the employee's Short-Term Disability
4 Supplemental Bank, subject to the Short-Term Disability Supplemental Bank
5 Cap, described below.

6 (G) *Short-Term Disability Supplemental Bank Cap.* An employee's Short-
7 Term Disability Supplemental Bank shall not exceed 216 hours of paid time.
8 Any unused Paid Sick Days at year-end that would cause the Short-Term
9 Disability Supplemental Bank to exceed the cap will be forfeited.

10 (H) *Payment upon Separation From Employment.* Employees separating
11 from employment with the City of Fort Wayne for any reason shall not be
12 paid for unused Paid Sick Days or for unused hours in the employee's Short-
13 Term Disability Supplemental Bank.

14 **SECTION 2.** That this Ordinance shall be in full force and effect from
15 and after its passage and any and all necessary approval by the Mayor.

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17 Council Member

18 APPROVED AS TO FORM AND LEGALITY
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22 Carol Helton, City Attorney
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