

OFFICE OF THE CITY CLERK  
HARTFORD, CONNECTICUT

PUBLIC HEARING NOTICE  
HARTFORD MUNICIPAL BUILDING 550 MAIN STREET

MONDAY MAY 15, 2017  
7:00p.m.

**Councilpersons; Thames, Winch, Bermúdez, Clarke II and Concepción will represent the Council at a Public Hearing to be held in the Council Chambers of the Municipal Building at 7:00 P.M., Monday May 15, 2017.**

**1. ORDINANCE AMENDING CHAPTER II. ARTICLE XII - LIVING WAGE OF THE MUNICIPAL CODE.**

Referred to the Labor, Education, Workforce and Youth Development Committee.

**2. RESOLUTION REQUESTING THAT JUNE 19TH BE DECLARED OSCAR LOPEZ RIVERA DAY AND THAT THE CITY OF HARTFORD DEDICATE A STREET IN HARTFORD TO OSCAR LOPEZ RIVERA.**

Referred to the Building Dedication Committee

**3. ORDINANCE AMENDING CHAPTER 2, SECTION 391 CONCERNING EMPLOYEE LEAVE POLICIES OF THE MUNICIPAL CODE.**

Referred to the Operations, Management, Budget and Government Accountability Committee

**For more information on committee meeting date please contact the following:**

- A regular meeting of the **Operations, Management, Budget and Government Accountability Committee** will be held on the third Monday of each month at 5:30 P.M. in the Council Chambers.

Carolynn Harris (860) 757-9570  
[Carolynn.Harris@hartford.gov](mailto:Carolynn.Harris@hartford.gov)

- A regular **Labor, Education, Workforce and Youth Development Committee** meeting will be held on the third Wednesday of each month at 6:00 P.M. in the Council Chambers.

Kelly Kirkley-Bey (860) 757-9566  
[kbey@hartford.gov](mailto:kbey@hartford.gov)

- **Building Dedication Committee**

Linda A. Bayer  
Legislative Assistant, Office of Mayor Luke A. Bronin  
Office: 860.757-9564  
[Bayel001@Hartford.gov](mailto:Bayel001@Hartford.gov)

**Attest: John V. Bazzano**  
**City Clerk**

Introduced by:

rJo Winch, Councilwoman

ITEM # 1 ON AGENDA

HEADING  
AND  
PURPOSE

AN ORDINANCE AMENDING CHAPTER II. ARTICLE XII - LIVING WAGE OF  
THE MUNICIPAL CODE.

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD  
April 24, 2017

Be It Ordained by the Court of Common Council of the City of Hartford:

**Sec. 2-763. - Living wage required.**

All covered employers and their subcontractors shall pay their covered workers no less than the living wage for work on covered contracts as defined in this article. Additionally, all development project managers and their subcontractors shall pay no less than the living wage to the employees working at the development project. No covered employer may use the living wage requirement of this article to reduce the compensation paid to any of its covered workers.

(a)

A living wage means an hourly wage rate which on an annual basis is equivalent to either of the following:

1. One hundred twenty (120) percent of the federal poverty level for a family of four (4), if health benefits are provided to the covered worker or employee. Health benefits, for purposes of this article, mean paid comprehensive family medical coverage which does not require the covered worker or employee to contribute more than five (5) percent of their annual wages towards the payment of the health plan[;] provided, the Living Wage rate shall not be reduced below the previous year's rate for covered workers with comprehensive family medical coverage; or
2. If health benefits are not provided to the covered worker, the covered employer must pay wages in accordance with subsection (a)1. above, and in addition make payments to its covered workers in lieu of health benefits, as determined by the Director of Human Relations. The Director of Human Relations shall calculate and set forth the amount of these payments in lieu of health benefits on a yearly basis, based on the average cost of non-group comprehensive health insurance in the state[.] provided, the Living Wage rate shall not be reduced below the previous year's rate for covered workers with comprehensive family medical coverage; or

(b)

All development project managers are responsible for ensuring that all of their subcontractors who perform work at the site of the development project pay their employees at the living wage rate.

(c)

The Director of the Office of Human Relations shall adjust the living wage as necessary to incorporate changes in the federal poverty level at least six (6) months prior to the beginning of the fiscal year. The Director of Human Relations shall publish a bulletin announcing any change in the amount of the living wage and shall inform each covered employer in writing, prior to such adjustment becoming effective.

(d)

Covered employers shall inform covered workers or employees making less than twelve dollars (\$12.00) per hour of their possible eligibility for the federal Earned Income Credit ("EIC") pursuant to the Internal Revenue Code and shall make forms available to covered workers or employees informing them about the EIC and the forms required to secure advance EIC payments.

(Ord. No. 06-10, 3-22-10)

**Sec. 2-764. - Worker retention, local hiring, and training.**

(a)

Covered employers shall report vacancies in positions related to covered contracts and development projects to local hiring agencies and to the Office of Human Relations for purposes of advertisement to the local community.

(b)

Any covered contract shall include language in the event the contract is transferred from one (1) covered employer to another, or if a new covered employer is awarded a covered contract that was previously performed by a prior covered employer, the new covered employer shall offer to employ and retain for a ninety-day period the covered workers who worked under the previous covered employer for at least twelve (12) months. New covered employers may not discharge the covered workers retained during the ninety-day period, except for cause.

(c)

The Director of the Office of Human Relations shall work with the Mayor, the Court of Common Council, other city departments and agencies to promote programs encouraging and facilitating active support for job training programs with covered employers that benefit residents of the City, on an equal opportunity basis, all as per the City's procurement ordinance and other applicable laws or regulations.

(Ord. No. 06-10, 3-22-10)

**Sec. 2-765. - Implementation.**

All requests for bids and requests for proposals for covered contracts or development projects, whether advertised or informally solicited, shall include appropriate information about the living wage requirements.

(Ord. No. 06-10, 3-22-10)

**Sec. 2-766. - No strike agreement; labor peace required.**

All development project managers shall sign a written agreement with a labor organization seeking to represent employees at the development project, which agreement provides a procedure for determining employee preference on the subject of whether to be represented by a labor organization for collective bargaining and further provides that the labor organization will not strike the development project in relation to the organizing campaign.

(Ord. No. 06-10, 3-22-10)

**Sec. 2-767. - Recording of covenant required.**

The City must include a clause in all contracts, city loans, tax abatement agreements, tax increment financing agreements, or other documents providing financing for development projects covered by the terms of this article, requiring the development project manager to comply with living wage and labor peace provisions of this article. In addition, said clause shall state that all sums owed to the City from contracts, city loans, tax abatement agreements, tax increment financing agreements or other documents providing financing for development projects will be due and payable in event of a violation of this article. Upon the granting of a development project that meets the terms of this article, the City shall record a covenant in the Hartford Land Records that provides that the development manager shall abide by the terms of the living wage and labor peace ordinance.

(Ord. No. 06-10, 3-22-10)

**Sec. 2-768. - Responsibility for effectuation and enforcement.**

The Director of the Office of Human Relations shall investigate violations of this article and make recommendations to the Mayor for enforcement. The Mayor shall consider these recommendations and direct City departments to take enforcement actions, if needed, as provided below.

(Ord. No. 06-10, 3-22-10)

**Sec. 2-769. - Enforcement and reporting.**

(a)

Monitoring of the provisions of this article shall be the responsibility, initially, of the Office of Human Relations. As appropriate or necessary, the Director of that division [may] will require a covered employer to produce payroll records relevant to an audit or any inquiry into a claimed violation of this article. Every covered employer shall post copies of documents provided by the Director of the Office of Human Relations, stating the living wage applicable to covered workers. In addition, such posting shall include a form which may be used by covered workers to file a complaint with the Director of the Office of Human Relations for noncompliance with the provisions of this article. Such postings shall be made at the work site in a prominent place where all documents posted pursuant to this article may easily be seen and read by covered workers. A copy of such documents shall be given by the covered employer to any covered worker upon request no later than (i) the last hour of the said worker's next shift or (ii) the last hour of the next business day.

ITEM # 2 ON AGENDA

## RESOLUTION TO HONOR OSCAR LOPEZ RIVERA

INTRODUCED BY:  
MINORITY LEADER WILDALIZ BERMUDEZ

Court of Common Council  
City of Hartford April 24h, 2017

**WHEREAS**, The City of Hartford passed a resolution in support of releasing Oscar Lopez Rivera; and

**WHEREAS**, Public Figures such as Archbishop Desmond Tutu; the Former Governor of Puerto Rico, Alejandro García Padilla; the Hispanic caucus of the US Congress; former US president Jimmy Carter; Democratic presidential runner-up Bernie Sanders; mobilized in support of Oscar Lopez Rivera; and

**WHEREAS**, On January 17th 2017, then President Obama commuted the sentence of Oscar Lopez Rivera and freed the longest running political prisoner in U.S. History; and

**WHEREAS**, Honoring our heroes is of vital importance to educating our youth on Puerto Rican History; and

**WHEREAS**, 38% of Hartford's population is Puerto Rican; now, be it

**RESOLVED**, That June 19th be declared Oscar Lopez Rivera Day; and be it further

**RESOLVED**, That the City of Hartford dedicate a street in to Hartford, to Oscar Lopez Rivera.

Introduced by:

Mayor Luke A. Bronin

ITEM #

3

ON AGENDA

HEADING  
AND  
PURPOSE

AN ORDINANCE AMENDING CHAPTER 2, SECTION 391 OF THE HARTFORD  
MUNICIPAL CODE

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

May 8, 2017

Be It Ordained by the Court of Common Council of the City of Hartford:

That Chapter 2, Section 391 of the Municipal Code of the City of Hartford be amended as follows:

Sec. 2-391. - Employee Leave Policies.

(A) *Vacation Leave Accumulation*. Effective July 1, 2005, full-time employees in the Classified and Unclassified Service shall accumulate, during and after the Probationary Period, vacation leave with pay on July 1st according to the following vacation schedule (excluding Department Heads, Deputy Department Heads, the Corporation Counsel and the Deputy Corporation Counsel, [and others listed below] who shall receive vacation as [indicated] described separately below):

Length of Service in Months	Vacation Accumulation in Days
1	1¼
2	2½
3	3¾
4	5
5	6¼
6	7½
7	8¾
8	10
9	11¼
10	12½
11	13¾
12	15

[Deputy Department Heads shall receive four (4) weeks of vacation, at a rate of one and two-thirds (1 2/3 ) days per month, as of July 1st in each fiscal year.

Department Heads and the executive mayoral staff shall receive five (5) weeks of vacation, at a rate of two and one-twelfth ( $2 \frac{1}{12}$ ) days per month, as of July 1st in each fiscal year.]

Vacation leave shall be credited on July 1st of the fiscal year following the employee's appointment[; however, the above classifications shall be credited vacation per calendar month of service]. No vacation shall be used before six (6) months of continuous service has elapsed.

Full-time employees appointed on or before July 1st and who serve continuously for one (1) full year until the following June 30th shall earn three (3) weeks' paid vacation to be granted during the following fiscal year.

Full-time employees who have completed five (5) years of full time employment as of July 1st and serve continuously for the previous twelve (12) months shall be entitled to vacation of four (4) weeks annually.

[Full-time employees who have completed fifteen (15) years of full time employment as of July 1<sup>st</sup> and served continuously for the previous twelve (12) months shall be entitled to a vacation of five (5) weeks annually.]

Department Heads, Deputy Department Heads, the Corporation Counsel, and the Deputy Corporation Counsel shall receive four (4) weeks of vacation as of July 1st in each fiscal year, at a rate of one and two-thirds ( $1 \frac{2}{3}$ ) days per month. These classifications shall be credited vacation per calendar month of service.

For the purpose of computing vacation leave, the calendar month shall be used, except that a person appointed during the first fifteen (15) days of any month shall be considered as having been appointed on the first day of that month, and those appointed after the 15th day of any month shall be considered as having been appointed on the first day of the succeeding month.

Use of vacation leave is to be taken in units of not less than one (1) [week]hour [except when accumulated vacation time is less than one (1) week or if other arrangements are authorized by the Appointing Authority]. Employees must take all vacation leave or one (1) week whichever is less during the fiscal year following the July 1st on which it is earned. Additional vacation leave may be carried over from one [(1)] fiscal year to the next to permit a maximum accumulation of no more than [eight (8)]six (6) weeks. Effective June 30, 2018, additional vacation leave may be carried over from one fiscal year to the next to permit a maximum accumulation of no more than four (4) weeks. Use of vacation leave shall be granted by mutual agreement between the employee and the Appointing Authority; provided, however, that no Appointing Authority shall withhold vacation leave of any employee in excess of eighteen (18) months.

- (1) In computing vacation leave, legal holidays established by this Article are not to be considered as part of vacation allowance.
- (2) In the event of the death of an employee, [the employee's spouse and/or minor children shall receive] the accrued vacation pay earned by the employee[.
  - (a) Where the employee has no minor children and has notified the Department of Human Resources that a valid certificate of domestic partnership is on file with the City of Hartford, Town Clerk, pursuant to § 2-63 of this Code, the domestic partner shall receive the accrued vacation pay earned by the employee.
  - (b) In the event the employee has neither a spouse, minor children, nor a domestic partner, the pay] shall be paid to the estate of the deceased employee.
- (3) Employees who are separated from the City and who have accrued vacation leave to their credit at the time of separation shall be paid the salary equivalent of the accrued vacation

leave in a lump sum. The effective date of the employee's separation shall be the day following the employee's last day of work. Vacation leave accrued during the fiscal year in which the employee is separated will only be paid if the employee separates in good standing.

- (B) *Sick Leave Accumulation.* Each full-time employee in the Classified and Unclassified Service shall earn sick leave with pay during and after the individual's Probationary Period according to the following schedule:

Length of Service in Months	Sick Leave Accumulation in Days
1	1¼
2	2½
3	3¾
4	5
5	6¼
6	7½
7	8¾
8	10
9	11¼
10	12½
11	13¾
12	15

- (1) Each full-time employee appointed on or before July 1st and who serves continuously until the following June 30th shall earn three (3) weeks paid sick leave. Sick leave is to be used only for the purposes contained in this Article. Any unauthorized use of sick leave shall be cause for disciplinary action.
- (2) Any unused sick leave shall accumulate from fiscal year to fiscal year to a maximum of one hundred fifty (150) days for employees hired prior to July 1, 2017. Unused sick leave shall accumulate from fiscal year to fiscal year to a maximum of eighty (80) days for employees hired on or after July 1, 2017.

[Thereafter, any unused sick leave shall accumulate from fiscal year to fiscal year at a rate of one (1) day of accumulation for each two (2) days of unused sick leave.] Accumulated sick leave may be used for the purposes specified in this Article if and when needed.

- (3) Notwithstanding the foregoing any Classified and Unclassified Employee who has accumulated at least thirty (30) days of sick leave may donate a portion of said employee's accumulated sick leave to another employee, who through serious and protracted illness has used up all of the individual's accumulated sick leave, compensatory time and



vacation leave. The Mayor (or designee) and the Director shall authorize the donation and transfer of such sick leave provided the following conditions are met:

- (a) The donating employee shall have a minimum sick leave accumulation of thirty (30) days.
  - (b) No more than five (5) days of sick leave for every thirty (30) days of sick leave accumulated by the donating employee to a total donation of thirty (30) days shall be permitted between any two (2) employees.
  - (c) Sick leave, donated by one employee to another, when used, shall be paid at the hourly rate of the donor or donee, whichever is less.
  - (d) No more than twenty (20) days of donated leave may be allowed to accumulate in any donee's name at any given time, provided if such donated sick leave should be reduced below twenty (20) days, additional donations may be made to restore the level of accumulated sick leave to twenty (20) days.
- (4) *Sick Leave Bank.* The Director shall prepare guidelines for the establishment of a sick leave bank for full-time Classified and Unclassified Employees.
- (5) *[Advance of Sick Leave.* Sick leave advance may be granted by the Appointing Authority with the approval of the Director. In requesting an advance of sick leave, the Appointing Authority shall submit the following information to the Director: the length of City service of the employee; the sick leave record of the employee; and a medical certificate which shall include the prognosis and the probable date when the employee will return to work.
- (a) No advance of sick leave may be authorized unless the employee exhausts all accrued leave. In no case shall advanced sick leave exceed twenty (20) days at full pay.
  - (b) Any advanced sick leave shall be repaid by a charge against such sick leave as the employee may subsequently accrue. No repayment of advanced sick leave shall be required until the employee has first accrued five (5) days of sick leave following the employee's return to duty.
- (6) *Special Rules.*
- (a) No refund of vacation leave shall be allowed due to illness incurred while on vacation leave.
  - (b) Holidays and regular days off shall not be counted in computing sick leave taken.
- [(7)] (6) *Use of Sick Leave.* Sick Leave may be used for the following purposes:
- (a) Personal illness [, maternity leave,] physical incapacity, or [non-compensable bodily] injury [or disease].
  - (b) [Enforced quarantine in accordance with community health regulations.] Birth of a child, bonding with a newborn child within one year of birth, or bonding with a child placed for adoption or foster care within one year of placement.
  - (c) [For reasonable period of time as defined by the Director only for illness] Illness or physical incapacity in the employee's immediate family or others domiciled in the same household prior to illness for whom one is responsible and the primary care giver. Immediate family is defined for purposes of this provision to be father, mother,

sister, brother, wife, husband, domestic partner or children related either by blood, marriage or adoption to the employee.

- (d) To meet medical and dental appointments of emergency nature [and Health Department referrals]. In addition, sick leave may also be granted for a limited time for normal medical and dental appointments when an employee has made reasonable efforts to secure appointments outside of normal working hours provided that the Appointing Authority is notified in advance of the day on which the absence occurs.
- (e) Death of relatives or friends, marriage in the immediate family, celebration of religious holidays and christenings, graduations and similar ceremonies, provided prior notification to the Appointing Authority is submitted in writing giving full particulars in advance, subject to approval. A maximum of three (3) days a year under this provision shall be granted except that it may be increased in situations upon approval by the Director.
- (f) [Natural fathers who are primary care givers shall be allowed to use accumulated sick leave for a maximum of ten (10) calendar days, upon the birth of a child. If accumulated sick leave is exhausted prior to the ten (10) calendar days the balance of the leave will be without pay, unless such time is extended by the Appointing Authority with the approval of the Director.

Natural fathers wishing to take such leave must provide a copy of the birth certificate as proof of paternity. Leave will not be granted without the above documentation being provided within five (5) days of the birth.

- (g) Domestic partners who are primary care givers shall be allowed to use accumulated sick leave for a maximum of ten (10) calendar days. If accumulated sick leave is exhausted prior to the ten (10) calendar days, the balance of the leave shall be without pay. In no case will a domestic partner be eligible for both maternity and primary care leave. Domestic partners wishing to take such leave must provide a copy of the birth certificate and a copy of the domestic partnership certificate to the City of Hartford, Town Clerk, pursuant to § 2-63 of this Code as proof of the relationship to the birth of the child.
- (h) Employees who are adoptive parents or the domestic partner of the adoptive parent shall be allowed to use accumulated sick leave for thirty (30) calendar days for adjustment in family living conditions. If accumulated sick leave is exhausted prior to the thirty (30) calendar days, the balance of the adoption leave will be without pay. Only the person primarily responsible for the child will be entitled to this leave.

Employees wishing to take an adoption leave must present copies of legal adoption papers as proof of such adoption. In the case of a domestic partner, proof of a valid domestic partnership certificate must also be filed with the City of Hartford, Town Clerk, pursuant to § 2-63 of this Code. Adoption leave will not be granted without the above documentation.

- (i) Up to three (3) sick days per year may be used for any purpose not otherwise provided above subject to the same notification requirements as in subsection (e), above.

[(8)] (7) *Proof of Illness or Other Uses of Sick Leave.* Departments may require proof of illness or other uses of sick leave as provided in this rule. In the judgment of the Appointing Authority or supervisor, proof of sick leave may include a doctor's certificate or other reasonable verification available to the employee.

- (a) For absences of less than three (3) workdays, proof of sick leave will not normally be required unless, in the judgment of the Appointing Authority or supervisor, there is a question of authorized usage.
- (b) For absences of three (3) consecutive workdays or more, a doctor's certificate will normally be required.
- (c) For absences exceeding five (5) workdays, a doctor's certificate indicating the probable duration of the [disability]absence may be required, and additional certificates may be required for extended illnesses.

[(9)] (8) *Compliance with Sick Leave Requirements.* Sick leave provided above shall be granted only if the requirements of these provisions are complied with and the [initial] report of illness is made at least one hour before the employee's scheduled start time[prior to 12:00 noon] on each[the first] day of absence[, except that where a relief employee is required, such report must be made before the hour to report for work as provided in the rules of the department concerned]. Nothing in this paragraph shall preclude the payment of sick leave to an employee who cannot comply with the provisions of this sub-section (8) due to extenuating circumstances.

[(10)] (9) *Payment of Sick Leave.*

(a) The City will make payment for accumulated sick leave for Classified and Unclassified Employees who have completed at least ten (10) years of service on or before June 30, 2017 as follows:

[(a)] (i) Full payment in case of death; fifty (50) percent payment in case of death for employees hired on or after July 1, 2005;

[(b)] (ii) Fifty (50) percent payment at time of retirement;

[(c)] (iii) Payments in case of death will be made to [the employee's spouse and/or minor children. Where the employee has no minor children and has notified the Human Resources Department that a valid certificate of domestic partnership is on file with the City of Hartford, Town Clerk, pursuant to § 2-63 of this Code, the domestic partner shall receive the payment. In the event the employee has neither a spouse, minor children, nor a domestic partner, the payment shall be made to] the estate of the deceased employee;

[(d)] (iv) For all full-time, non-bargaining unit employees who have completed at least ten (10) years of service on or before June 30, 2017 and who are in the administrative series, appointees of council, elected officials and unclassified appointees, the City will make payment for accumulated sick leave as follows: (1) full payment in case of death; (2) seventy-five (75) percent payment at time of retirement; (3) employees who separate with vested rights will receive twenty-five (25) percent of accumulated sick leave to be paid at the time of separation.

(b) The City will make payment for accumulated sick leave for those Classified and Unclassified Employees hired prior to July 1, 2017 who did not complete ten (10) years of service on or before June 30, 2017, as follows:

(i) Fifty (50) percent payment in case of death, made to the estate of the deceased employee;

(ii) Twenty-five (25) percent payment at time of retirement.

(c) The City will make no payment of accumulated sick leave to employees hired on or after July 1, 2017.

- (C) *Compensation for Injuries and Disease.* Each employee shall be compensated for any injury or occupational disease under the provisions of the Workers' Compensation Act. In addition, employees may supplement the difference between their full pay and the payments received under the Workers' Compensation Act by using accrued sick leave.

In the event of a third party claim, the employee must enter into a written contract with the City whereby the employee assigns to the City any right the individual may have against any other person who may be liable to pay damages as a result of the employee's injury or disease to the amounts actually paid under statutory compensation by the City. The City shall only be entitled to be reimbursed for amounts actually paid. The employee specifically retains any and all claims against third parties for such injuries or disease, which shall be in excess of amounts actually paid by the City.

No payments in addition to Workers' Compensation shall be paid when the personal injury was caused by the willful and serious misconduct of the injured employee or by said employee's intoxication or the improper or excessive use of drugs.

- (D) *Other Leaves of Absence with Pay.* The following provisions set forth other categories of leave of absence with pay for Classified and Unclassified Employees. In the event such leave is granted, medical benefits will continue for the employee and their dependents; however, in the event the employee is entitled to military benefits there will be coordination of benefits with coverage provided by the Federal Government's military health insurance program. All other conditions of employment should be treated as other leave with pay provisions of this Article.

(1) *Mandatory Leave.*

- (a) *Jury and Civic Duties Requiring Appearance before Court or Other Public Body.* Employees shall be granted a leave of absence for required jury or any other civic duty requiring appearance before a court or other public body. Such employees shall receive that portion of their regular salary which will, together with their jury pay or fees, equal their total salary for the same period, except where this rule is in conflict with state or federal law.
- (b) *National Guard, Other Reserve Activities: Circumstances and Limitations.* Any full-time employee who is a member of the National Guard, or other reserve forces of the United States, and is required to undergo field training therein, shall be entitled to a leave of absence with pay for the period of such field training, to a maximum of one (1) month, provided the amount of compensation paid to such employee for such leave of absence shall be the difference between the employee's compensation for military activities as shown by a statement by military authorities giving the employee's rank, pay and allowances and the amount of salary or wages due as an employee of the City. If the compensation for military service is equal to or greater than the salary or wages due as a City employee for the period covered by such military leave, then no payment shall be made, except that normal payroll deductions for pension and insurance purposes shall be paid by the City during such leave.
- (c) *Involuntary Activity for Military Duty.* Any full-time employee will be granted leave with pay upon involuntary activation for military duty for a period not to exceed one (1) calendar year from the date of being called to active duty. The City shall pay the

difference between all military pay received and the full-time employee's base salary. Computations shall be based on weekly equivalents. Military pay will be estimated at the time of leave and the difference with actual military pay to be reconciled upon return to City service.

- (d) *Family Leave for Death in Immediate Family.* Three (3) days special leave with full pay shall be granted for death in the immediate family of an employee, or the immediate family of the employee's spouse or domestic partner. Immediate family for purposes of this clause is defined as parents, grandparents, child, son-in-law, daughter-in-law, grandchild, spouse, brother, sister, and any relation who is domiciled in the employee's household.
- (2) *Miscellaneous.* The Director, with the approval of the Mayor or designee, may authorize for the employees of all departments, except the regular fire fighting forces and members of the Police Department, either full or partial days off in addition to those already authorized in this Article to permit early closing in such instances as severe snow storms, extreme hot weather and at time of celebrations.
- (E) *Leave of Absence Without Pay.* The Mayor upon the recommendation of the Director and the Appointing Authority, may grant a Classified or Unclassified Employee unpaid leave of absence for a period up to one (1) calendar year. Upon the determination of the Mayor, unpaid leaves of absence may be extended. During an unpaid leave of absence, an employee may exercise the option of continuing all benefits normally provided by the City by paying all the required premiums for such benefits. While on unpaid leave, an individual shall remain an employee of the City; however, the period of any such leave shall not be considered a period of service for purposes of salary and fringe benefit calculation, retirement, longevity or seniority. Any family or medical leave taken pursuant to this Article shall count toward the one (1) year limit.
- (F) *Employees on Military Leave.* Qualified employees will be provided reemployment rights in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).
- (G) *Medical Related Leaves and Family Leave.* In addition to the above leaves of absence without pay, any Classified or Unclassified Employee shall be entitled to:
  - (1) A maximum of [twenty-four (24)]twelve (12) weeks of family leave of absence within any [two-]one-year period upon the birth or adoption of a child of such employee or upon the serious illness of a child, spouse, parent, partner or domicile relative of such employee.
    - (a) Any employee requesting a leave under this section for the birth or adoption of a child must submit proof of the birth or adoption.
  - (2) A maximum of [twenty-four (24)]twelve (12) weeks of medical leave of absence within any [two-]one-year period upon the serious illness of such employee.
  - (3) Any employee requesting a leave under this section for reasons of serious illness may submit prior to inception of such leave written documentation from the attending physician of the employee, child, spouse, parent, partner or domicile relative of the nature and probable duration of the illness. For purposes of this section, "serious illness" is defined as an illness, injury, impairment of physical or mental condition that involves (a) inpatient care in a hospital, hospice or residential care facility or (b) continuing treatment or continuing supervision by a health care provider.

Upon expiration of any leave of absence granted under [§ 2-391(F)] this section, the employee shall be entitled to return to the original job held by the employee or, if not available, to an equivalent position with equivalent pay within the same department.

[(3)] (4) *Intent to Return Statement.* Any employee requesting a leave under this section shall submit to the appropriate Appointing Authority prior to the inception of such leave a signed statement of the employee's intent to return to work upon the termination of such leave.

(H) *Absence Without Leave.* An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of this Article shall be deemed to be an absence without leave. Any such absence shall be without pay and may be subject for disciplinary action. Any employee who absents himself for three (3) consecutive days shall be deemed to have resigned. Such action may be reconciled by the Director by a subsequent grant of leave if the conditions warrant.

(I) *Procedure in Requesting Leaves.* A Classified or Unclassified Employee requesting a leave of absence for any reason other than sick leave shall notify the City on a form that may be prescribed by the Human Resources Department. The requested leave shall be approved by the Appointing Authority, by the employee's supervisor if the Appointing Authority so desires, and by the Director. The Director shall determine whether the employee is entitled to the leave, and send a copy of the form to the Appointing Authority who will return it to the employee. Requests for vacation leave must be made in advance to allow time to carry out this procedure.

This ordinance shall take effect June 30, 2017.