

AN ORDINANCE AMENDING THE EMPLOYEE HANDBOOK AND
PERSONNEL POLICIES, RELATIVE TO EMPLOYEE LEAVES,
AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW LONDON, HURON COUNTY, OHIO, AS
FOLLOWS

Section 1. That the New London Employee Handbook and Personnel Policies, as heretofore
adopted, be, and hereby it is, amended with respect to the provisions concerning Family and/or Medical leave, and
Personal Leave, to read as follows:

FAMILY AND/OR MEDICAL LEAVE

(a) **THE FEDERAL FAMILY AND MEDICAL LEAVE ACT EXPRESSLY PROVIDES THAT IT REQUIRES BENEFITS FOR "ELIGIBLE EMPLOYEES," AND FURTHER PROVIDES THAT AN EMPLOYEE IS NOT "ELIGIBLE" UNLESS HE IS EMPLOYED AT A WORKSITE WHERE 50 OR MORE EMPLOYEES ARE EMPLOYED BY THE EMPLOYER. SEE, E.G., 29 C.F.R. §825.110(A)(3). THEREFORE, SINCE THE VILLAGE OF NEW LONDON HAS NO "ELIGIBLE EMPLOYEES," EFFECTIVE FROM AND AFTER JANUARY 1, 2018, THE PROVISIONS OF THE POLICY ON "FAMILY AND/OR MEDICAL LEAVE" ARE ABROGATED.**

~~A family and/or medical leave of absence, for a period of up to sixty (60) working days shall be granted to all employees who have been employed by the Village of New London for at least 1 year. The employee shall use all accumulated sick leave and vacation leave as part of the sixty (60) day family and/or medical leave a part of the (60) day family and/or medical leave. The remainder of such leave shall be without compensation. The employee is entitled to a total of sixty (60) working days of family and/or medical leave in any twelve (12) month period.~~

~~Family and/or medical leave shall be granted for the following reasons:~~

- ~~1. The employee's own serious health condition.~~
- ~~2. the serious health condition of the employee's spouse, child or parent which requires the care and attention of the employee;~~
- ~~3. childbirth;~~
- ~~4. placement of a child for adoption with the employee or place of a child in foster care with the employee; and~~
- ~~5. Care of a child during the first twelve (12) months after birth.~~

~~Family and/or medical leave may be taken intermittently or on a reduced leave schedule for the employee's own serious health condition or the serious health condition of the employee's spouse, child or parent which requires the care and attention of the employee. Family and/or medical leave may not be taken intermittently or on a reduced leave schedule for the birth and care of a newborn child or for the placement of a son or daughter with the employee for adoption or foster care unless the employer and the employee agree otherwise.~~

~~An employee anticipating the need for a family and/or medical leave of absence shall submit a written request for such leave to the immediate supervisor as soon as such leave is determined to be necessary, but no later than thirty (30) working days prior to the start of leave. The Village may waive the thirty (30) day notice requirement in the case of emergencies. A request for family and/or medical leave for the employee's own serious health condition must be accompanied by a certification from the employee's medical provider describing the employee's condition and the employee's inability to perform job functions. A request for family and/or medical leave for the serious health condition of the employee's spouse, parent, or child shall be accompanied by a certification from an appropriate medical provider describing the family member's condition, stating the need of the family member for care by the employee, and estimating the time needed~~

for leave.

The written request should be signed by both the employee and the supervisor and submitted to the appropriate supervisor with the certification from the medical provider.

Prior to the employee's return to work after a serious health condition, the employee shall submit a certification from the appropriate medical provider stating the employee is able to perform job functions. When released by a medical provider to return to work, the employee must immediately notify the appropriate supervisor so that necessary steps may be taken to reinstate the employee to active status.

Upon conclusion of the employee family and/or medical leave, the employee must be returned to the position the employee held when the leave commenced or an equivalent position with the equivalent benefits, pay, and other terms and conditions of employment. Pension, vacation, sick leave, and other benefits do not accrue while an employee is on family and/or medical leave. Hospitalization will not be covered by the Village while the employee is on medical leave.

If, at the end of the sixty (60) day period, the employee is unable to return to the employee's former position or its equivalent, the Village may take action, including but not limited to, the following:

1. The Village may grant the employee an extension of the leave of absence at the employee's request. The request must be in writing and accompanied by a statement from a physician as to the extended duration of the recovery period. Such extension may not exceed ninety (90) working days, and does not obligate the Village to maintain the position vacancy. Approval of this extension will be at the discretion of the council.
2. The Village may place the employee in a position the employee is capable of performing, giving full consideration to the employee's medical condition.
3. The Village may place the employee on an extended leave of absence consistent with the requirements set out below.
4. The Village may take other action, up to and including terminations, consistent with state and federal law.

During the extension of the family and/or medical leave, an employee may continue health insurance coverage by assuming the premium otherwise paid by the Village. The Village will resume payment of this premium upon the employee's return to work.

(b) During 2018 only, an employee who would otherwise have been eligible for leave under the Village's "Family and/or Medical Leave" Policy may apply for leave under the terms of that prior policy. No such leave will be deemed "earned" and no such leave will be permitted during 2019 and thereafter.

PERSONAL LEAVE

A personal leave of absence for a period of not to exceed ninety (90) working days may be granted to a Full-Time employee with at least 1 year continuous service **UNDER THE FOLLOWING CONDITIONS:**

1. Such leave will be without compensation unless the employee elects to use vacation pay.
2. An employee requiring a personal leave of absence must submit a written request to the Village Administrator. Approval of the Village Administrator and Council will be required.
3. A personal leave of absence may be granted for extended personal business which the employee cannot conduct other than during work hours, or for child care.
4. **A PERSONAL LEAVE OF ABSENCE MAY BE REQUESTED FOR MEDICAL REASONS WHERE THE EMPLOYEE HAS EXHAUSTED ALL SICK LEAVE.**

5. PERSONAL LEAVE SHALL NOT BE APPROVED FOR INTERMITTENT USE, UNLESS THE SAME IS MEDICALLY NECESSARY FOR A DISALBED EMPLOYEE NEEDING AN ACCOMMODATION WHICH THE VILLAGE FINDS TO BE A REASONABLE ACCOMMODATION

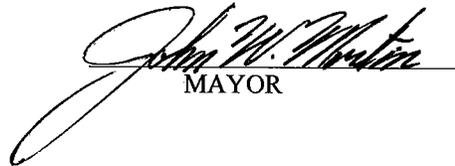
An employee who requires an extension of a personal leave of absence may submit a request in writing to the Village Administrator. Such extension shall not exceed an additional ninety working days and requires approval of the Village Administrator and Council.

During the personal leave of absence an employee may continue health insurance coverage by assuming the premium otherwise paid by the Village. The Village will resume payment of this premium upon the employee's return to work.

An employee on personal leave of absence does not accrue seniority, pension, vacation, sick leave or other benefits.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety, and for the welfare of the citizens of the Village, and for the further reason that it is necessary to that this measure become effective immediately to become effective prior to the next calendar year, and that, provided it receives the majority vote of two-thirds or more of those elected to Council, this Ordinance shall therefore take effect and be in force immediately from and after its passage and approval by the Mayor, and otherwise it shall take effect at the earliest period allowed by law.

PASSED: November 27, 2017


MAYOR

ATTEST:

Nancy Howell
Fiscal Officer