

BOARD OF PUBLIC WORKS AND SAFETY

RESOLUTION NO. 24-07

A RESOLUTION AMENDING RESOLUTION 14-13, MEDICAL LEAVE SHARING POLICY, TO CHANGE APPROVAL PROCEDURE

WHEREAS, the Board of Public Works and Safety ("Board") adopted Resolution 14-13 ("Resolution 14-13") establishing an employee medical leave sharing policy to provide employees the opportunity to donate accrued and unused paid time off (PTO) leave into a leave bank at the end of each year for use by employees stricken with a serious illness or injury within their family (including themselves);

WHEREAS, the Board amended the medical leave sharing policy by Resolution 15-19 to automatically deposit accrued and unused PTO leave into the medical leave sharing bank at the end of each year, and to change the procedure for approval of requests for use of medical leave sharing bank from a committee determination to a determination by the Director of Human Resources;

WHEREAS, the Mayor and Human Resources Director recommend that the approval procedure for use of medical leave sharing bank be returned to a medical leave sharing committee;

WHEREAS, it has been determined it is in the best interest of the City of Greenwood and its employees to amend the Medical Leave Sharing Policy to return the approval procedure determination to a medical leave sharing committee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY FOR THE CITY OF GREENWOOD, INDIANA:

Section 1. The City of Greenwood Board of Public Works and Safety hereby adopts the amended Employee Leave Sharing Plan attached hereto as Exhibit A.

PASSED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF GREENWOOD, INDIANA this 16th day of September, 2024, by a vote of 3 ayes, 0 nays.

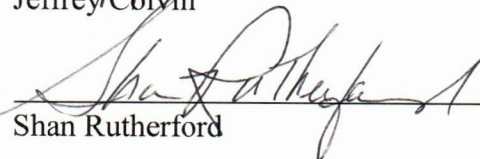
BOARD OF PUBLIC WORKS AND SAFETY



Kevin Hoover

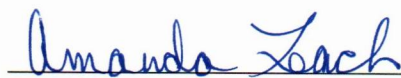


Jeffrey Colvin



Shan Rutherford

ATTEST:



Amanda Leach, Board Clerk



MEDICAL LEAVE SHARING PLAN

The City of Greenwood has adopted a Medical Leave Sharing Plan. It is the City's policy to allow full-time employees to use PTO from the PTO bank who are experiencing a personal medical emergency or family medical emergency, as defined below, that creates a need for additional time off beyond that individual's disability benefit, available PTO and/or compensatory time. The City's Medical Leave Sharing Committee (Committee) will determine the number of hours any employee may receive from the PTO bank based upon objective criteria. Any unused PTO received from the PTO bank must be returned to the PTO bank.

PROCEDURES

Automatic PTO Bank Accrual Deposit

- With a desire to promote the welfare of others, accrued PTO in excess of the City's 80 hour carry over policy will automatically be deposited into the PTO bank. The maximum automatic deposit cannot exceed a number which would leave an employee with less than 80 hours of available PTO for a 40 hour per week employee, 75 hours for an employee of the Clerk, Court or Probation or 120 hours for Fire Department Shift Personnel. For example, if a 40 hour week employee has accrued 120 hours of PTO, the maximum automatic deposit into the PTO bank would be 40 hours. An employee whose excess PTO is deposited in the PTO bank does not realize income or incur a deductible expense.
- A particular recipient shall not be named.
- Auto deposits will be kept confidential.
- Auto deposits may not be rescinded for any reason.
- At the conclusion of the year, PTO leave balances over the allotted carryover amount that are not utilized will be automatically deposited into the PTO bank.
- Human Resources will coordinate with Finance to ensure proper recording of reduction in accrued PTO balances and deposit to the PTO bank.
- Department Heads must ensure that all Service Records are adjusted accordingly.

Auto deposits against future PTO leave are not permitted. Employees who are currently on leave will not have an auto deposit of PTO leave placed into the PTO bank.

Receiving PTO

Employees who wish to request PTO from the PTO bank must complete a **Recipient Form** and **Certification of Health Care Provider Form** (for employees or family members). The Certification of Health Care Provider Form (FMLA) must be completed by the attending physician and attached to the Recipient Application. If the employee is not capable of completing the application, a personal representative may make the application on behalf of the employee. Both forms must be submitted to Human Resources for processing. Leave time acquired from the PTO bank may only be used for time off related to the approved request. If the recipient has available PTO, compensatory time or approved disability leave, this time must be exhausted before requesting and accepting PTO leave from the bank. The following criteria shall be applied to all PTO bank leave:

- A recipient may not receive more than 480 hours (12 weeks) within a rolling 12 month

period.

- The maximum amount of PTO leave cannot exceed the period of absence for the approved medical emergency.
- If the recipient has a medical emergency where he/she qualifies for PTO leave from the bank and the medical emergency carries into the following year, once the new year begins, PTO acquired through the bank will cease, and the recipient must utilize his/her accrued PTO leave for that year. Employees who wish to request PTO from the bank must be in good standing and not under any disciplinary warning or suspension.
- The PTO leave is considered wages and is subject to applicable taxes.
- The employee must have a medical emergency that meets the criteria as defined below.

DEFINITIONS

Medical Emergency

A medical emergency is a serious medical condition or major illness of the employee or an immediate family member (see below) that is likely to require the employee to be absent from duty for a prolonged period and to result in a substantial loss of income because of the employee's lack of available PTO leave, disability leave and/or compensatory time leave apart from the Medical Leave Sharing plan.

Family Member

The definition of family member includes the following:

- Spouse and parents, step-parent, parents-in-law
- Sons and daughters, brothers and sisters
- Sons-in-law, daughters-in-law
- Grandparents and grandchildren
- Children, who include biological, adopted and children placed for adoption, step-children, foster children, children under a legal guardianship, or children under the legal guardianship of the spouse. Current Court documentation must be provided for children under foster care or legal guardianship.

Available Paid Time Off

Available Paid Time Off includes an employee's accrued, reaccredited and restored annual PTO.

PRIVACY

The City's Medical Leave Sharing Committee shall exercise confidentiality and make all efforts to maintain the confidentiality of any medical information submitted. If a decision is appealed to the Board of Public Works and Safety, it may become necessary for certain confidential information to be shared in a public forum before the Board. No such disclosures will be made without the consent of the applicant.

APPROVAL OR DISAPPROVAL OF APPLICATION TO BECOME A LEAVE RECIPIENT

The City's Medical Leave Sharing Committee must determine that a full-time employee's absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 work hours, which may be consecutive or intermittent. The

Committee must review the employee's application, make an objective decision, and notify the employee of the approval or disapproval of the application, in writing, within 5 calendar days (excluding Saturdays and Sundays, and legal public holidays) after the date the application is received. If disapproved, the Committee must give the reason(s), in writing, for the disapproval. Once approved, the employee may receive PTO bank leave. Objective criteria utilized by the Committee shall include the severity of the medical emergency, the proximity of the familial relationship, and the extent of the potential financial hardship. The Committee may request additional documentation to support the existence or continuation of a medical emergency. Applicants may appeal the Medical Leave Sharing Committee's decision to the Board of Public Works and Safety.

USE OF PAID TIME OFF LEAVE FROM THE MEDICAL LEAVE SHARING PLAN AND THE IMPACT ON BENEFITS

A PTO recipient may use PTO from the PTO bank only for purposes related to the medical emergency for which the PTO recipient was approved.

- The PTO bank hours are paid at the recipient's regular rate of pay and from the recipient's Department Cost Center. There is no income tax on the auto deposit PTO. However, the recipient does pay applicable taxes on PTO time from the PTO bank. Auto deposit PTO cannot be converted into cash nor be liquidated if not used.
- Employees receiving other payments such as worker's compensation, short-term disability, or long-term disability provided through the City's insurance programs are not eligible to receive PTO leave from the bank until disability or workers compensation benefits have been exhausted.
- If the employee receives compensation for at least the equivalent of 30 PTO hours per week from the bank, the City contributions will continue toward the cost of benefit programs provided the employee continues his/her portion of premiums where applicable.

TERMINATION OF THE MEDICAL EMERGENCY

The medical emergency terminates the earlier of:

- When the leave recipient's employment is terminated.
- The date that the leave recipient provides written notice that the medical emergency is over;
- The date the Committee determines, after written notice to the PTO leave recipient and opportunity for response, that the medical emergency is over; or
- The date on which the City receives notice that the PTO leave recipient has been approved for disability retirement.

The Committee must monitor the status of the medical emergency to ensure that it continues to affect the PTO leave recipient. When the medical emergency terminates, the Committee may not grant further requests for transfer of PTO leave to the leave recipient.

RESTORATION OF UNUSED ACQUIRED ANNUAL LEAVE

Any unused PTO leave remaining to a recipient's credit on termination of the medical emergency must be restored to the PTO bank.

MEDICAL LEAVE SHARING COMMITTEE

The Medical Leave Sharing Committee shall consist of the Director of Human Resources, Corporation Counsel and the City Controller as appointed by the Mayor.