

AGENDA FOR THE REGULAR MEETING OF PARKERSBURG
CITY COUNCIL FOR TUESDAY, SEPTEMBER 25, 2012, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS, MUNICIPAL BUILDING

- I. CALL TO ORDER – Council President, Tom Joyce
- II. PRAYER
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. MINUTES – Regular council meeting held September 11, 2012
- VI. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- VII. MESSAGE FROM THE EXECUTIVE
- VIII. PUBLIC FORUM
- IX. ORDINANCE, FINAL READING
 1. An ordinance amending and re-enacting sub-section E (6), Extended Medical Leave, of Section IX, Benefits, of the Personnel Policies and Procedures. (Sponsored by the Personnel Committee of City Council)
 2. An ordinance amending and re-enacting sub-section I, Leave Donation Program, of Section IX, Benefits, of the Personnel Policies and Procedures. (Sponsored by the Personnel Committee of City Council.)
- XI. ADJOURNMENT

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA., September 11, 2012

CASTRO & HARRIS, INC., SPENCER, WV, RE-CORDER NO. 1635-08

The Council of the City of Parkersburg met in regular session Tuesday, September 11, 2012, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101.

The meeting was called to order by Council President, Tom Joyce, who presided over the meeting. Councilwoman Sharyn Tallman asked for a moment of silence for the anniversary of the victims of the 9-11-01 World Trade Center attack, and then led the Lord's Prayer and Pledge of Allegiance.

The Clerk noted the attendance and all members were present including Councilmen Nancy Wilcox, Sharon Lynch, Brad Kimes, John Sandy, Sharyn Tallman, Mike Reynolds, John Rockhold, Jim Reed and Tom Joyce.

MINUTES – Mr. Reed moved, seconded by Ms. Wilcox, to approve the minutes from the meeting held August 28, 2012, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilwoman Lynch reported that the Personnel Committee met last week and sent forth to Council two ordinance on the agenda this evening for first reading.

MESSAGE FROM THE EXECUTIVE – Mayor Robert Newell told City Council that he attended a meeting this evening in Belpre, Ohio, concerning a baseball team they hope will come to Parkersburg and the possibility of a feasibility study for that purpose.

PUBLIC FORUM – no one appeared.

RESOLUTION – the clerk presented a resolution authorizing Mayor Robert D. Newell to enter into an agreement with the Division of Justice and Community Services to receive and administer grant funds for overtime in the police department in the amount of \$40,000.00, pursuant to provisions of the Purdue Pharma Asset Forfeiture Funds.

MOTION – Mr. Reed moved, seconded by Mr. Sandy, to adopt the resolution, and the motion was adopted by unanimous vote.

RESOLUTION - the clerk presented a resolution authorizing Mayor Robert D. Newell to enter into an agreement with the Division of Justice and Community Services to receive and administer grant funds for overtime in the police department in the amount of \$20,000.00, pursuant to provisions of the Purdue Pharma Asset Forfeiture Funds.

(The Clerk distributed a corrected resolution for \$20,000.00 due to a typing error that stated \$40,000.00)

MOTION – Mr. Kimes moved, seconded by Mr. Sandy, to adopt the resolution as corrected by the Clerk, and the motion was adopted by unanimous vote.

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING AND RE-ENACTING
SUB-SECTION E (6) EXTENDED MEDICAL LEAVE,
OF SECTION IX, BENEFITS, OF THE CITY OF PARKERSBURG
PERSONNEL POLICIES AND PROCEDURES

MOTION – Mr. Rockhold moved, seconded by Mr. Reed, to adopt the ordinance on first reading, and the motion was adopted by unanimous vote.

Ms. Wilcox asked if this ordinance would affect anyone now, and Ms. Salvage, Personnel Director, said it would affect one person, as the ordinance reads "current or future" employees.

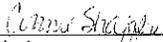
VOTE – the motion was adopted by unanimous vote.

ORDINANCE, FIRST READING

AN ORDINANCE AMENDING AND RE-ENACTING
SUB-SECTION I, LEAVE DONATION PROGRAM,
OF SECTION IX, BENEFITS, OF THE CITY OF PARKERSBURG
PERSONNEL POLICIES AND PROCEDURES

MOTION – Mr. Rockhold moved, seconded by Mr. Reed, to adopt the ordinance on first reading, and the motion was adopted by unanimous vote.

The meeting adjourned at 7:40 PM.



City Clerk

Council President

**AN ORDINANCE AMENDING AND RE-ENACTING
SUB-SECTION E · (6), EXTENDED MEDICAL LEAVE,
OF SECTION IX, BENEFITS, OF THE CITY OF PARKERSBURG
PERSONNEL POLICIES AND PROCEDURES**

The Council of the City of Parkersburg Hereby Ordains that Sub-Section E · (6), Extended Medical leave, of Section IX, Benefits, of the the City of Parkersburg Personnel Policies and Procedures be hereby amended and re-enacted as follows:

See sub-section E · (6) with proposed changes which is attached hereto and made a part hereof.

Sponsored By Personnel Committee of City Council

EXTENDED MEDICAL LEAVE

(Revised 02/26/08)

Extended medical leave may be granted to an employee who has exhausted the leave provisions under The Family and Medical Leave Act, but has balances remaining in his/her paid leave benefits (sick leave, vacation leave, compensatory leave and holiday equal time off leave) **or under the Leave Donation Program**. Requests for extended medical leave must be submitted to the Personnel Director in writing, along with medical evidence in the form of a physician's statement. The physician's statement must include a diagnosis, prognosis, and expected date when the illness or disability will no longer exist or no longer hamper the employee from performing his/her regular duties. Requests for extended medical leave must be approved by the Mayor, Department Head and Personnel Director. If the employee is unable to return to work after the exhaustion of all paid leave benefits, said individual's employment with the City will be concluded, **unless a Special Leave of Absence without Pay has been approved**.

**AN ORDINANCE AMENDING AND RE-ENACTING
SUB-SECTION I, LEAVE DONATION PROGRAM,
OF SECTION IX, BENEFITS, OF THE CITY OF PARKERSBURG
PERSONNEL POLICIES AND PROCEDURES**

The Council of the City of Parkersburg Hereby Ordains that Sub-Section D, Leave Donation Program, of Section IX, Benefits, of the City of Parkersburg Personnel Policies and Procedures be hereby amended and re-enacted as follows:

See sub-section D with proposed changes which is attached hereto and made a part hereof.

These changes are effective for all current and future medical leave of absences.

Sponsored By Personnel Committee of City Council



Draft

PERSONNEL POLICIES & PROCEDURES

SUBJECT
LEAVE DONATION PROGRAM

EFFECTIVE DATE
Xx/xx/2012

PAGE
1 of 4

OBJECTIVE:

The City has established a Leave Donation Program to assist employees faced with a medical emergency. The Leave Donation Program allows employees to voluntarily transfer accrued vacation hours **leave** and holiday leave to another qualified employee who has exhausted all of his or her paid leave.

I. DEFINITIONS:

Vacation Leave: An earned employee benefit of paid time off from work.

Holiday Leave: A benefit for civil service employees of equal time off from work in lieu of holiday pay on holidays.

Dollar Value of Vacation Leave: The hourly rate of an employee multiplied by the number of hours of vacation leave.

Donor: An employee who voluntarily donates accrued vacation leave or holiday leave to a recipient.

Hourly Rate: ~~The total annual base salary for a full-time employee divided by 2,080 hours (civilian, police civil service, and fire [40-hour shift] civil service employees) and 2,808 hours (fire [54-hour shift] civil service employees).~~ **Employee's hourly pay rate. For exempt personnel, it is their annual base salary divided by 2,080 hours.**

Immediate Family: The immediate family consists of the spouse, child, or parent **as defined by the Family and Medical Leave Act.**

Medical Emergency: A medical condition of an employee or a member of the employee's immediate family that is likely to require the prolonged absence of the employee from work and which will result in a substantial loss of income to the employee because of the unavailability of paid leave.

Recipient: An employee who receives vacation leave donations from other employees.

Substantial Loss of Income: An amount greater than or equal to one-half month of an employee's base pay.

LEAVE DONATION PROGRAM

II. ELIGIBILITY:

A. Recipient Eligibility: In order to be eligible to receive donations of vacation leave or holiday leave, an employee must meet the following conditions:

1. Apply and be approved for leave under The Family and Medical Leave Act as provided in Section IV.N, ~~Subsection N~~ of this manual or be approved for an Extended Medical Leave as provided in Section IX.E.6 of this manual.
2. The employee must have a medical emergency involving a medical condition of the employee or a member of the employee's immediate family.
3. The employee must have exhausted all sick leave and all vacation leave, as well as any other accrued paid leave to which the employee is entitled.
4. The medical condition of the employee or the member of the employee's immediate family must be verified in writing by a physician or medical practitioner as requiring the absence of the employee from work for at least one-half a month continuously after the exhaustion of available leave as specified above.
5. The employee must apply to receive donated leave. If, because of the nature of an employee's medical condition, the employee is unable to apply to receive donated leave, the application may be made by a member of the employee's immediate family or by the employee's Department Head.
6. The employee must not be receiving or be eligible to receive compensation for his or her absence from work from the Workers' Compensation Fund, nor may the employee be receiving Social Security Disability benefits for his or her absence from work.

B. Donor Eligibility: In order to be eligible to make donations of vacation leave or holiday leave, an employee must meet the following conditions:

1. The employee must have a remaining balance of 80 hours of accrued sick and/or vacation/holiday leave after making the vacation/holiday leave donation.

III. RECIPIENT STATUS:

Employees who are recipients of donated leave are considered on leave in accordance with The Family and Medical Leave Act or on an approved Extended Medical Leave. All paid leave benefits and leave donation benefits run concurrently with leave under The Family and Medical Leave Act.

IV. RESTRICTIONS:

- A. Recipient Eligibility: In order to be eligible to receive donations of vacation leave or holiday leave, an employee must meet the following conditions:
1. Recipients do not accrue annual or sick leave, nor do they earn years of service credit for leave accrual purposes, while in this status.
 2. Recipients are not eligible for paid holidays or holiday equal pay while in this status.
 3. Recipients do not earn service credit for purposes of order of separation on lay-off while in this status.
 4. Recipients do not earn service credit for purposes of an annual increment while in this status.
 5. Recipients do not earn service credit for any retirement system offered by the City of Parkersburg or administered by the State of West Virginia while in this status.
 6. Paid medical insurance will be provided to the recipient for a period equal to the period of such leave under The Family and Medical Leave Act and/or the Extended Medical Leave period. The City will continue to deduct the employee's portion of the premium from their paid donation leave.

V. METHOD OF DONATIONS AND USE OF DONATED LEAVE:

All donations of vacation or holiday leave and the use of donated leave is governed by the following criteria:

A. Method of Donations:

1. Donations shall be in the form of whole hours of vacation or holiday leave only.
2. Donors shall specifically designate the recipient(s) of the leave donation.
3. The City shall deduct the total donation from the vacation / holiday leave balance of the donor upon receipt of the donation form.

B. Use of Donated Leave:

1. Donated leave shall be used at its present dollar value.

LEAVE DONATION PROGRAM

C. End of Use of Donated Leave:

A recipient's use of donated leave shall cease:

1. If the recipient, for any reason, ceases employment with the City of Parkersburg.
2. If the recipient voluntarily requests termination of the use of donated leave.
3. If the recipient fails to provide the required physician's verification(s) as requested or otherwise fails or ceases to meet eligibility requirements.
4. Upon the exhaustion of the total dollar value of all leave donated to the recipient.
5. Upon expiration of the leave provided under The Family and Medical Leave Act or the end of the Extended Medical Leave.
6. At the end of one (1) year from the first day of the start of the medical leave.
7. Upon the recipient's return to work.

D. Unused Donation Leave:

Any unused leave donation shall be returned to the donors and re-credited to his or her vacation / holiday leave balance on a pro-rated basis.