

**CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2018-10**

**AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY,
AMENDING CHAPTER 19 OF THE CITY OF WALTON
PERSONNEL POLICIES IN ORDER TO PROVIDE THE CITY'S
VERSION OF FAMILY AND MEDICAL LEAVE FOR ITS ELIGIBLE
EMPLOYEES.**

WHEREAS, the Mayor and City Council of the City of Walton, Kentucky, has adopted its Personnel Policies in order to provide for the recruitment, development and retention of a professional and efficient staff; and

WHEREAS, the Mayor and City Council have determined that there is a need to amend the Personnel Policies to provide the City's version of family and medical leave for its eligible employees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON, KENTUCKY AS FOLLOWS:

SECTION ONE

Chapter 19 of the City of Walton Personnel Policies pertaining to Family and Medical Leave is hereby amended, as follows:

**PERSONNEL POLICIES
CHAPTER 19
FAMILY AND MEDICAL LEAVE**

SECTION 1 - - FAMILY AND MEDICAL LEAVE

All regular full-time workers who have been employed by the City for at least twelve months and have worked at least one thousand, two hundred and fifty hours during the previous twelve months period before the request for leave (“ELIGIBLE WORKERS”), may be eligible for a total of twelve work weeks of family leave, TO BE COMPENSATED AT SIXTY PERCENT 60% OF THE WORKER'S REGULAR RATE OF PAY. A worker at a worksite with less than fifty workers is not ORDINARILY eligible for leave under this policy unless the City has fifty workers within 75 miles measured by the shortest route on public routes; HOWEVER, THE CITY OF WALTON WISHES TO ALLOW ITS OTHERWISE ELIGIBLE WORKERS (AS DEFINED ABOVE) TO BE PROVIDED WITH FAMILY AND MEDICAL LEAVE BENEFITS AS SET FORTH HEREIN. AN ELIGIBLE WORKER SHALL FIRST BE REQUIRED TO USE ALL AVAILABLE SICK AND VACATION LEAVE, WHICH SHALL NOT BE COUNTED AGAINST THE TWELVE WORK WEEKS OF FAMILY AND MEDICAL LEAVE; THEN THE FOLLOWING SHALL APPLY:

SECTION 2 - - TYPES OF LEAVE

An eligible worker may be entitled to family and medical leave for one or more of the

following reasons:

1. As a result of the birth of a child of the worker and to care for such child;
2. As a result of the placement of a child with the worker for adoption or foster care;
3. To care for the spouse, child, or parent of the worker, if the spouse, child, or parent has a serious health condition; and
4. As a result of a serious health condition that makes the worker unable to perform his/her employment functions.

SECTION 3 - - REQUEST OF LEAVE /APPEAL

1. When a request for family and medical leave is foreseeable or planned, the worker shall be required to provide thirty days written notice prior to the date of commencement of leave. OTHERWISE, NOTICE SHALL BE PROVIDED AS SOON AS IS REASONABLE UNDER THE CIRCUMSTANCES. Written notice shall be submitted to the MAYOR OR TO HIS OR HER DESIGNEE ("Personnel Administrator ").
2. The City may require a leave request be supported with certification issued by the worker's physician. Furthermore, the City may require, at its expense, the worker to obtain a second opinion from a health care provider selected by the employer. If a third opinion is necessary, the employer and worker shall mutually select a physician whose opinion and report shall be final and mutually binding.
3. A worker on family and medical leave may be required to provide periodic medical reports including status and intent to return to work.
4. Any worker requesting family and medical leave must complete all required forms before approval of the request.
5. ANY WORKER DENIED FAMILY AND MEDICAL LEAVE BENEFITS MAY APPEAL BY REQUESTING A HEARING BEFORE CITY COUNCIL WITHIN TEN (10) DAYS OF THE DECISION OF THE PERSONNEL ADMINISTRATOR. THE DECISION OF CITY COUNCIL SHALL BE FINAL, SUBJECT ONLY TO REVIEW BY A COURT OF COMPETENT JURISDICTION.

SECTION 4 - - USE OF LEAVE

1. For the birth or adoption of a child, leave must be taken within twelve (12) months of the date the child is born or placed with the worker. Written notice shall be forwarded to the Personnel Administrator.

2. If a worker requests leave for the care of a spouse, child, or parent or because of a serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary.
3. Any worker requesting leave shall be required to exhaust all other available paid leave as part of their family and medical leave time. Any combination of paid leave with family and medical leave shall be subject to the maximum twelve-week leave period. Under no circumstances may a worker exceed a twelve-week leave period for a single leave request. Under no circumstances will a worker be compensated for any portion of the twelve-week leave period where existing paid leave has been exhausted.
4. All workers who receive family and medical leave shall be eligible for health care coverage for the duration of such leave in accordance with health coverage policies in effect at the time of leave. The City reserves the right to recover any premiums paid if the worker fails to return after the leave has expired.
5. All family and medical leave shall be administered consistent with the City's calendar year.

SECTION 5 - - RETURNING TO WORK

1. Any worker who takes leave under the Act shall be entitled, on return from leave:
 - a) To be restored to his/her former position; or
 - b) To be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
2. Any worker who takes leave under the Act will not continue to accrue seniority or any other benefits during the duration of the leave. <end>

SECTION TWO

This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

SECTION THREE

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

SECTION FOUR

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other

provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION FIVE

This ordinance may be read and published in summary form.

PASSED AND APPROVED ON FIRST READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 14th DAY OF AUGUST, 2018.

PASSED AND APPROVED ON SECOND READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 11th DAY OF SEPTEMBER, 2018.

APPROVED:

GABE BROWN, MAYOR

ATTEST:

CITY CLERK

DATE OF PUBLICATION: _____