

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 3-107 OF CHAPTER 3, ARTICLE 1 OF THE FRESNO MUNICIPAL CODE, RELATING TO SICK LEAVE AND SPECIAL LEAVE

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3-107 of the Fresno Municipal Code is amended to read:

SECTION 3-107. SICK LEAVE AND SPECIAL LEAVE

(a) Employees of the City whose salaries are fixed on a monthly or yearly basis, including those in the unclassified service, and part-time employees, ~~and those employees in the groups and crafts whose salaries are fixed on an hourly basis in accordance with the second paragraph of Section 809 of the Charter,~~ shall accumulate Sick Leave with full pay according to the following schedule:

(1) Sick Leave shall be accumulated at the rate of eight hours for each completed calendar month of employment. Employees exempt from the payment of overtime may use accumulated Sick Leave after one completed calendar month of employment. For all other employees, Sick Leave may not be used until the employee has completed ~~six months~~ [ninety days] of employment. Members of the City's firefighting forces working a

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

twenty-four-hour shift shall accumulate Sick Leave at the rate of one-half shift for each completed calendar month of employment.

(2) ~~Part-time employees and employees in the groups and crafts whose salaries are fixed on an hourly basis in accordance with the second paragraph of Section 809 of the Charter~~ shall accumulate Sick Leave at the rate of eight hours of Sick Leave for every one hundred sixty hours worked, but not to exceed ninety-six hours of Sick Leave in any fiscal year. An employee holding a position to which more than one rate of pay applies, depending on the nature of the work performed, shall be compensated while on Sick Leave at the rate applicable to the work performed on the last day before going on Sick Leave.

(3) ~~Only employees appointed to permanent positions in the classified service and employees in the unclassified service holding full-time permanent positions shall accumulate or be granted sick leave.~~ New employees [holding full-time permanent positions] who commence work on or before the fifteenth day of the month shall be entitled to full Sick Leave credit for that month.

(4) Employees in positions compensated by a fixed monthly or yearly salary who are on leave or suspension without pay for more than eighty hours in any calendar month, and members of the City's firefighting forces working a twenty-four-hour shift who are on leave or suspension without pay for more

than five working shifts in any calendar month, shall not accumulate Sick Leave for that month.

(b) The Council, in a salary resolution, approved memorandum of understanding, or other action establishing rates of pay for city employees, may designate positions, classes of positions, or employee groups for which the calculation, accumulation, or allowance of Sick Leave is different from that provided in this section.

(c) Sick Leave may be taken for absences from duty made necessary by:

(1) ~~Personal illness~~ [Illness] or physical incapacity [of the employee, the employee's child, parent, spouse or registered domestic partner,] caused by factors over which the employee has no reasonable immediate control;

(2) Injury not incurred in line of duty except where traceable to employment by an employer other than the City of Fresno;

(3) Medical, dental or eye examination or treatment for [the employee, or the employee's child, parent, spouse or registered domestic partner,] which appointment cannot be made outside of working hours.

(d) Special Leave with pay may be taken and charged against Sick Leave credits, subject to the limitations provided in this section, for:

(1) Death in the immediate family; or,

(2) Hospitalization of a member of the immediate family, or any member of an employee's household for whom the employee is entitled to claim an exemption under the federal tax laws.

(3) Care of a member of the immediate family who is critically ill or injured, though not hospitalized, where such leave is approved by the head of the department.

(e) An employee who absents himself from duty on sick or Special Leave shall notify the head of the department, or such other person as departmental rules may provide, promptly on the first day of absence, of the reason for requiring such leave, and failure to do so may be grounds for denial of such leave with pay for the period of absence. ~~Each such absence shall be reported by the departments to the Personnel Department, where proper records shall be maintained of all absences.~~

(f) Time off for physician, dentist or ocular appointments shall be limited to not more than four hours a day of Sick Leave for each appointment. Written verification of such appointments by the attending physician [may be requested by an appointing authority or designee in cases of suspected abuse or misuse of the leave. Such verification] shall ~~be filed with the Personnel~~ [be maintained in the employee's confidential medical file in the employee's] Department. Such absences shall be accumulated and itemized on the Sick Leave report. Employees shall be

requested to secure such appointments on off-duty time, but where this is not possible, appointments should be made in advance to reduce to a minimum the time away from the job.

(g) Sick Leave while on vacation is authorized only if the employee is confined to a hospital. Verification shall be submitted from the attending physician or the hospital.

(h) Upon the death of a member of an employee's immediate family, he shall be allowed such Special Leave as is actually necessary to take care of funeral arrangements or attend the funeral, but not to exceed four working days; provided, however, that members of the fire fighting forces working a twenty-four hour shift shall be allowed such Special Leave for not to exceed two regular working shifts. Special Leave to attend the funeral of a person other than a member of the immediate family may be granted an employee by his department head. The department head shall notify the Personnel Services Director when any employee is granted such Special Leave. Any other provision in this article to the contrary notwithstanding, "immediate family," as used in this subsection, shall include a mother-in-law and a father-in-law.

(i) Special Leave during the hospitalization of a member of the immediate family shall be limited to the time necessary to permit an employee to be at the hospital on the day of an operation, on the day of the birth of his child, or during a critical illness of the member of the immediate family. Absences for these purposes may be authorized on

Special Leave only if a physician provides a written statement that the employee's presence at the hospital is required.

(j) Holidays and regular days off occurring while an employee is on Sick [Leave] or Special Leave shall not be charged against such employee's Sick Leave credits, except that holidays shall be so charged if such employee is a member of the fire fighting forces working a twenty-four hour shift.

(k) Sick Leave shall not be allowed where the cause of the injury or illness is directly traceable to City employment or to any compensated employment or remunerative occupation of any kind [unless the employee has exhausted temporary disability benefits under Section 3-118 and any other disability insurance payments. If such temporary disability benefits and other disability insurance payments are exhausted, the employee may use Sick Leave for such injury or illness.]

(l) Sick Leave shall automatically terminate on the date of retirement of the employee or on the date on which an ordinary disability allowance under the retirement system becomes effective.

(m) Inability to work because of intemperance is not an authorized reason for Sick Leave.

(n) Ordinary tiredness, restlessness, and muscular fatigue are not valid reasons for Sick Leave.

(o) Notwithstanding any other provisions of this section whenever employees are paid on an hourly basis ~~(excluding those~~

~~employees in the groups and crafts whose compensation is fixed on an hourly basis in accordance with the second paragraph of Section 809 of the Charter)~~ and the compensation of such employees, including Sick Leave or Special Leave with pay, is budgeted and funded under a program sponsored by another governmental entity, then such employee shall accumulate Sick Leave in accordance with subsection (a)(2) of this section to the extent of such funding.

(p) [As used in this section, "child" means a biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis; "parent" means a biological, foster, or adoptive parent, a stepparent, or a legal guardian.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2017  
Mayor Approval/No Return: \_\_\_\_\_, 2017  
Mayor Veto: \_\_\_\_\_, 2017  
Council Override Vote: \_\_\_\_\_, 2017

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: \_\_\_\_\_  
Tina R. Griffin Date  
Assistant City Attorney

TRG:lc[77248lc/trg]