

ORDINANCE NUMBER 570

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 11 LEAVE, OF THE CITY OF COTTONWOOD EMPLOYEE MANUAL 2007 EDITION, REVISION NUMBER I., BY DELETING SECTION 11. b. 5. LEAVE OF ABSENCE WITH PAY, AND ADDING A NEW SECTION 11. 14., LEAVE SHARING PROGRAM.

WHEREAS, the City Council has determined that the following changes to the City's Employee Manual 2007 Edition, Revision Number I., are appropriate and desirable.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AS FOLLOWS:

Section 1: That Section 11. b. 5., Leave of Absence With Pay, is hereby deleted, and a new Section 11. 14., Leave Sharing Program is hereby added as follows:

14. Leave Sharing Program

- a. The purpose of the Leave Sharing Program is to allow City employees the opportunity to assist fellow employees who have experienced personal or family catastrophic illness or injury that causes a loss of income.

The Leave Sharing Program is intended to assist employees who are not receiving disability benefits or Worker's Compensation payments.

- b. This is a voluntary program; employees who wish to participate may donate accrued vacation time to the sharing bank when a notice is put out that an employee has been approved to receive contributions.

Only employees who have a minimum of 40 hours of vacation time remaining on their records after they donate will be allowed to contribute.

- c. Eligibility - Employees (or their designated representative) will be

ORDINANCE NUMBER 570

Page 2

required to complete an Application for the Leave Sharing Program. Forms may be requested from the Human Resources office, or obtained from the City website.

A new application form must be submitted for each separate request for leave sharing time.

The employee must have exhausted all of his accrued time (including vacation, sick leave, float and comp time) to be eligible to apply for leave sharing time.

- d. Requests for leave sharing time must be for a personal or family serious health condition which meets FMLA requirements. FMLA time will be used concurrently, if appropriate.
 - i. Annual maximum leave allowed to be donated to employee is 480 hours in any 12-month period (looking backwards).

Payment will be made at 100% of employee's base salary. No leave time will be accrued while employee is being paid under the Leave Sharing Program.

Medical, dental and vision benefits in effect prior to using the donated time will remain in effect, with the City and the employee continuing to pay their respective portions.

Retirement benefits (through Arizona State Retirement System or Arizona State Public Safety Retirement System) will also remain intact.

- ii. If an employee's regularly scheduled Performance Review falls during the time the employee is using leave sharing time, the review (and possible resulting merit increase) will be delayed until after the employee is no longer receiving pay through the Leave Sharing Program.
- e. The City Manager will make the decision whether to approve or deny each application.
- f. Any excess donated hours will remain in the bank for future use. If for any reason, there are no hours in the leave sharing bank, no leave sharing hours will be granted.

ORDINANCE NUMBER 570

Page 3

Section 2: All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, THIS 1ST DAY OF MARCH 2011.

Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq.
City Attorney

Marianne Jiménez, City Clerk