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2 **BILL NO. G-13-05-13 (As Amended)**

3 **GENERAL ORDINANCE NO. 6-7-13**

4 **AN ORDINANCE AMENDING CHAPTER 36:**  
5 **PERSONNEL POLICIES OF THE CITY OF FORT**  
6 **WAYNE, INDIANA, CODE OF ORDINANCES**

7 **WHEREAS**, the implementation of property tax caps by the Indiana General  
8 Assembly has resulted in a loss of \$53 million in revenue to the City of  
9 Fort Wayne; and

10 **WHEREAS**, the loss of revenue has created a sustained and unprecedented  
11 fiscal crisis that threatens to severely compromise the City's ability to  
12 continue to provide essential services necessary to maintain the public  
13 welfare; and

14 **WHEREAS**, Mayor Tom Henry has appointed a Fiscal Policy Group  
15 comprised of local and state experts, members of City Council and  
16 City staff to gain a full understanding of fiscal conditions and to identify  
17 financial options available to the City to meet fiscal challenges in 2014  
18 and beyond; and

19 **WHEREAS**, the Fiscal Policy Group has completed its review and has  
20 developed a framework of ideas, which included a recommendation  
21 that the benefits provided to City employees would align more closely  
22 with those provided to employees in the private sector; and

23 **WHEREAS**, current City policy governing the accrual and use of sick days  
24 far exceeds private sector policies;

25 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON**  
26 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

1                   **SECTION 1.** Chapter 36: Personnel Policies of the City of Fort  
2 Wayne, Indiana, Code of Ordinances is amended to add the following  
3 sections:

4                   **§36.04           PAID SICK DAYS FUND.**

5 To facilitate the transition from the sick pay policy set forth in Special  
6 Ordinance S-137-99 and any collective bargaining agreement to the  
7 provisions of §36.05, the City of Fort Wayne shall:

- 8                   1) Effective January 1, 2014, freeze all non-public safety employees' sick  
9 pay banks; and
- 10                  2) Deposit all accrued paid sick time into a fund that will be paid out at  
11 the time of the employee's separation from employment as follows: (i)  
12 \$1.00 for each hour up to and including 520 hours; (ii) Fifty (50)  
13 percent of the employee's hourly rate, as of December 31, 2013, for  
14 each accumulated hour over 520. The maximum payment per  
15 employee under this section shall not exceed twenty-five thousand  
16 dollars (\$25,000.00) with the exception of those employees  
17 grandfathered under S-137-99.
- 18                  3) The balance in this fund cannot be used for paid sick time or for the  
19 purchase of health insurance after December 31, 2013 except as  
20 outlined in section 4. Employees may elect a one-time rollover of up  
21 to one hundred seventy six (176) hours into the Short Term Disability  
22 Supplemental Bank defined in s. 36.05 (E) effective January 1, 2014.
- 23                  4) Employees who retire at the age of 55 or older with a minimum of 20  
24 years of City service, and who qualify for retirement under the Public  
25 Employees' Retirement Fund (PERF), may, in lieu of 2(ii) above, use  
26 the balance of this fund in excess of 520 hours to purchase group  
27 health insurance made available to retired employees by the City,  
28 with credit given at 100% of the employee's hourly rate as of  
29 December 31, 2013.

1                   5) Employees who are eligible to retire under one of the City's  
2                   recognized retirement plans and who retire prior to January 1, 2014  
3                   and who elect a cash payout of accrued sick time shall receive a  
4                   retirement incentive in the amount of 20% of their sick bank at the  
5                   time of retirement.

6  
7  
8                   **§36.05           PAID SICK DAYS, SHORT-TERM DISABILITY, VACATION**  
9                   **DAYS, AND PAYOUT UPON SEPARATION FROM CITY**  
10                  **EMPLOYMENT**

11                  (A)   *Applicability.* This section shall be effective January 1, 2014 for all  
12                  employees (excluding Police Officers and Firefighters as defined in § 14.22).

13  
14                  (B)   *Receipt of Paid Sick Days.* All full-time employees shall receive no  
15                  more or no less than five (5) paid days off ("Paid Sick Days") per year for use  
16                  in conjunction with the employee's sickness or disability that prevents the  
17                  employee from working. Employees shall be granted the annual five (5) day  
18                  allotment on January 1 of each calendar year. For the purpose of this  
19                  section, one (1) Paid Sick Day shall equal eight (8) hours.

20                  (C)   *Accrual of Vacation Days.* All employees shall accrue vacation days  
21                  based upon the calendar year.

22                  (D)   *Use of Paid Sick Days and Vacation Days.* An employee's use of  
23                  Paid Sick Days and Vacation Days shall be subject to City Policy or the  
24                  terms of an applicable collective bargaining agreement, so long as such  
25                  policy or agreement is not inconsistent with this Section.

26                  (E)   *Short-Term Disability Compensation.* The City of Fort Wayne shall  
27                  provide eligible employees with short-term disability compensation for a  
28                  period not to exceed (90) days. Such compensation may be provided  
29  
30

1 pursuant to third-party commercial insurance contracts or pursuant to a  
2 program of self-insurance. Eligibility for short-term disability compensation  
3 shall be determined by the terms of the applicable short-term disability  
4 commercial insurance contract, or by the City of Fort Wayne if self-insured.

5 (F) *Short-Term Disability Supplemental Bank.* The City of Fort Wayne  
6 shall create a supplemental bank of paid time for employees' use only to  
7 supplement short term disability compensation received during absences  
8 from work that qualify for short-term disability compensation. On January 1,  
9 2014, the City of Fort Wayne shall make a one-time addition of five (5) days  
10 of paid time (40 hours) to each employee's short-term disability supplemental  
11 bank.

12 (G) *Rollover of Paid Sick Days into Short-Term Disability Supplemental*  
13 *Bank.* At the conclusion of each calendar year, any employee's unused Paid  
14 Sick Days shall be moved into the employee's Short-Term Disability  
15 Supplemental Bank, subject to the Short-Term Disability Supplemental Bank  
16 Cap, described below.

17 (H) *Short-Term Disability Supplemental Bank Cap.* An employee's Short-  
18 Term Disability Supplemental Bank shall not exceed 216 hours of paid time.  
19 Any unused Paid Sick Days at year-end that would cause the Short-Term  
20 Disability Supplemental Bank to exceed the cap will be forfeited.

21 (I) *Carryover of Vacation Days.* At the conclusion of each calendar year,  
22 unused Vacation Days shall carryover into the following calendar year. The  
23 maximum carryover of Vacation Days shall not exceed two times the  
24 employee's annual accrual. Unused Vacation Days in excess of two times  
25 the employee's annual accrual will be forfeited.

26 (J) *Payment upon Separation From Employment.* Employees separating  
27 from employment with the City of Fort Wayne for any reason shall not be  
28 paid for unused Paid Sick Days or for unused hours in the employee's Short-  
29 Term Disability Supplemental Bank.  
30



Public Hearing Date, if applicable

Read the first time in full and on motion by Councilman *Glynn Hines*  
Read the second time by title and referred to the *Regulations Committee*  
Committee. Read the third time in full and on motion by Councilman  
*Hines*, placed on passage by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BENDER	✓			
CRAWFORD	✓			
DIDIER	✓			
HARPER	✓			
HINES	✓			
JEHL	✓			
PADDOCK	✓			
SHOAFF				✓
SMITH	✓			

DATED:

6-11-13

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE  
(RESOLUTION) NO. *G-7-13* on the *11<sup>th</sup>* day of  
*June*, 2013

*Sandra E. Kennedy*  
SANDRA E. KENNEDY,  
CITY CLERK

*T. Thomas Flidter*  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the *13<sup>th</sup>* day  
of *June*, 2013, at the hour of *3:00* o'clock *PM* . E.S.T.

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this *17<sup>th</sup>* day of *June*  
2013, at the hour of *8:30* o'clock *AM* . E.S.T.

*Mark D. Becker*  
Mark D. Becker, Deputy Mayor

THOMAS C. HENRY, MAYOR

BILL NO. G-13-05-13

## REPORT OF COMMITTEE ON REGULATIONS

**MAY 24, 2013**

GLYNN HINES – CHAIR  
RUSSELL JEHL – CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
**ORDINANCE Amending Chapter 36: Personnel Policies of the City of  
Fort Wayne, Indiana, Code of Ordinances. REGULATIONS COMMITTEE**  
HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO  
REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*[Handwritten signatures and initials under "DO PASS"]*  
Sandy  
Martin L. B...  
H...  
W...  
F...  
G...  
P...  
M...

SANDRA E. KENNEDY  
CITY CLERK

**BILL NO. G-13-05-13**

**GENERAL ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 36:  
PERSONNEL POLICIES OF THE CITY OF FORT  
WAYNE, INDIANA, CODE OF ORDINANCES**

**WHEREAS**, the implementation of property tax caps by the Indiana General Assembly has resulted in a loss of \$53 million in revenue to the City of Fort Wayne; and

**WHEREAS**, the loss of revenue has created a sustained and unprecedented fiscal crisis that threatens to severely compromise the City's ability to continue to provide essential services necessary to maintain the public welfare; and

**WHEREAS**, Mayor Tom Henry has appointed a Fiscal Policy Group comprised of local and state experts, members of City Council and City staff to gain a full understanding of fiscal conditions and to identify financial options available to the City to meet fiscal challenges in 2014 and beyond; and

**WHEREAS**, the Fiscal Policy Group has completed its review and has developed a framework of ideas, which included a recommendation that the benefits provided to City employees would align more closely with those provided to employees in the private sector; and

**WHEREAS**, current City policy governing the accrual and use of sick days far exceeds private sector policies;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON  
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

**SECTION 1.** Chapter 36: Personnel Policies of the City of Fort Wayne, Indiana, Code of Ordinances is amended to add the following sections:

**§36.04** ~~EFFECT OF REPEAL OF SPECIAL ORDINANCE S-137-99~~ PAID SICK DAYS FUND.

To facilitate the transition from the sick pay policy set forth in Special Ordinance S-137-99 and any collective bargaining agreement to the provisions of §36.05, the City of Fort Wayne shall:

- 1) Effective January 1, 2014, freeze all non-public safety employees' sick pay banks ~~as accrued pursuant to city policy~~; and
- 2) Deposit all accrued paid sick time into a fund that will be paid out at the time of the employee's separation from employment as follows: (i) \$1.00 for each hour up to and including 520 hours; (ii) Fifty (50) percent of the employee's hourly rate, as of December 31, 2013, for each accumulated hour over 520. The maximum payment per employee under this section shall not exceed twenty-five thousand dollars (\$25,000.00) with the exception of those employees grandfathered under S-137-99.
- 3) The balance in this fund cannot be used for paid sick time or for the purchase of health insurance after December 31, 2013 except as outlined in section 4. Employees may elect a one-time rollover of up to one hundred seventy six (176) hours into the Short Term Disability Supplemental Bank defined in s. 36.05 (E) effective January 1, 2014.
- 4) Employees who retire at the age of 55 or older with a minimum of 20 years of City service, and who qualify for retirement under the Public Employees' Retirement Fund (PERF), may, in lieu of 2(ii) above, use the balance of this fund in excess of 520 hours to purchase group health insurance made available to retired employees by the City, with credit given at 100% of the employee's hourly rate as of December 31, 2013.

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4)5) Employees who are eligible to retire under one of the City's recognized retirement plans and who retire prior to January 1, 2014 and who elect a cash payout of accrued sick time shall receive a retirement incentive in the amount of 20% of their sick bank at the time of retirement.

**§36.05 PAID SICK DAYS, SHORT-TERM DISABILITY, VACATION DAYS, AND PAYOUT UPON SEPARATION FROM CITY EMPLOYMENT**

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(A) *Applicability.* This section shall be effective January 1, 2014 for all employees (excluding Police Officers and Firefighters as defined in § 14.22).

(B) *Receipt of Paid Sick Days.* All full-time employees shall receive no more or no less than five (5) paid days off ("Paid Sick Days") per year for use in conjunction with the employee's sickness or disability that prevents the employee from working. Employees shall be granted the annual five (5) day allotment on January 1 of each calendar year. For the purpose of this section, one (1) Paid Sick Day shall equal eight (8) hours.

(C) *Accrual of Vacation Days.* All employees shall accrue vacation days based upon the calendar year.

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~~(C)~~(D) *Use of Paid Sick Days and Vacation Days.* An employee's use of Paid Sick Days and Vacation Days shall be subject to City Policy or the terms of an applicable collective bargaining agreement, so long as such policy or agreement is not inconsistent with this Section.

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~~(D)~~(E) *Short-Term Disability Compensation.* The City of Fort Wayne shall provide eligible employees with short-term disability compensation for a period not to exceed (90) days. Such compensation may be provided

pursuant to third-party commercial insurance contracts or pursuant to a program of self-insurance. Eligibility for short-term disability compensation shall be determined by the terms of the applicable short-term disability commercial insurance contract, or by the City of Fort Wayne if self-insured.

~~(E)~~~~(F)~~ *Short-Term Disability Supplemental Bank.* The City of Fort Wayne shall create a supplemental bank of paid time for employees' use only to supplement short term disability compensation received during absences from work that qualify for short-term disability compensation. On January 1, 2014, the City of Fort Wayne shall make a one-time addition of five (5) days of paid time (40 hours) to each employee's short-term disability supplemental bank.

~~(F)~~~~(G)~~ *Rollover of Paid Sick Days into Short-Term Disability Supplemental Bank.* At the conclusion of each calendar year, any employee's unused Paid Sick Days shall be moved into the employee's Short-Term Disability Supplemental Bank, subject to the Short-Term Disability Supplemental Bank Cap, described below.

~~(G)~~~~(H)~~ *Short-Term Disability Supplemental Bank Cap.* An employee's Short-Term Disability Supplemental Bank shall not exceed 216 hours of paid time. Any unused Paid Sick Days at year-end that would cause the Short-Term Disability Supplemental Bank to exceed the cap will be forfeited.

~~(I)~~ *Carryover of Vacation Days.* At the conclusion of each calendar year, unused Vacation Days shall carryover into the following calendar year. The maximum carryover of Vacation Days shall not exceed two times the employee's annual accrual. Unused Vacation Days in excess of two times the employee's annual accrual will be forfeited.

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~~(H)~~~~(J)~~ *Payment upon Separation From Employment.* Employees separating from employment with the City of Fort Wayne for any reason shall not be paid for unused Paid Sick Days or for unused hours in the employee's Short-Term Disability Supplemental Bank.

**SECTION 2.** That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Carol Helton, City Attorney