I Anthony Cooper, CLERK
OF THE COUNCIL DO CERTIFY THAT
THIS IS A TRUE AND CORRECT COPY OF
ORDINANCE # 13-5846 ADOPTED BY THE
HAMMOND CITY COUNCIL.

CITY OF HAMMOND
ORDINANCE N° 13-5346 C.S.

AN ORDINANCE TO AMEND THE PERSONNEL POLICY ON BAD WEATHER, EMERGENCY PAY AND SICK LEAVE

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

Section 1. Ordinance # 04-3023, C. S., being the personnel policies and procedures of the City of Hammond, Chapter 5 Compensation and Benefits, Rule V-5 regarding Bad Weather and Emergency Pay and Sick Leave is amended to remove the current Rule V-5 in its entirety and replace it with the following:

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CHAPTER 5

COMPENSATION AND BENEFITS

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Rule V-5. Bad Weather Leave

In the event an employee perceives weather conditions present a danger were the employee to attempt to arrive at work, the employee shall communicate with the employee's supervisor or department head. If the supervisor or department head concurs, the employee may be allowed to either arrive at work later than usual if conditions improve, or may be relieved from work responsibilities for the day. If an employee is allowed to take a partial or an entire date off, and said time is not otherwise completed in the same pay cycle, the employee shall be charged with vacation or compensatory time. An employee who fails to report to work or to contact his supervisor by the beginning of his regularly scheduled work period may constitute an unexcused absence for both disciplinary and pay purposes. For Civil Emergencies, See Rule V-5.1 Civil Emergency Pay Policy

And to add Rule V-5.1 as previously approved by the Hammond City Council as the Emergency Pay Ordinance,

And to amend Rule V-22 Sick Leave as follows:

Rule V-22 Sick Leave

A. Paid sick leave is provided to full-time non-classified employees and non-enforcement civil service employees, hereinafter "qualifying employees," for tending to illness without loss of pay when the qualifying employee was scheduled to work at the time of the illness. Qualifying employees shall receive their regular straight time pay up to the maximum accrued at the time of illness. Paid sick leave time accrued by qualifying employees may be used for the following:
   i) bona-fide illness of self, including but not limited to visiting doctors, dentists or other practitioners in their offices;
   ii) tending to a serious health condition suffered by the employee's spouse, child, parent, or sibling. If another person can attend to the needs of an ill family

member, the employee is expected to fulfill his or her duties as an employee of the City.

iii) family medical leave

B. Accrual Rate. Qualifying employees accrue sick leave at a rate of 3.6923 hours per two-week pay period, up to 96 hours per anniversary year. Although employees may not use paid sick leave during the employee's introductory period, the employee shall continue to accrue sick leave during that period which may be used at the successful conclusion of the introductory period. Part-time and temporary employees do not accrue paid sick leave. Furthermore, unless otherwise required by law, sick leave shall not accrue during any bi-weekly pay period during which an employee is on leave without pay, suspended, or otherwise absent without leave for more than one (1) working day during said bi-weekly pay period.

C. Accrual Rules For Classified Employees. While state law may allow for greater number of days of sick leave for classified employees, each classified employee will accumulate sick leave according to the above formula. Classified employees utilizing the sick leave benefit will be charged first against any accrued days and then against other allowable days under state law. In no case will the sick leave benefit be greater than the number of days allowable under state law.

D. Using Paid Sick Leave. An employee seeking to use paid sick leave to be absent from work on only one day shall contact his/her supervisor no later than 60 minutes from the time of his/her scheduled time to report for work. If advance notice is possible prior to the calendar day the employee desires to use paid sick leave, the employee shall complete the appropriate Leave Request Form as soon as reasonably practical. An employee seeking to use paid sick leave for more than one consecutive work day shall complete the appropriate Leave Request Form. Employees who use paid sick leave may be required to submit information from a treating physician as forth in Sections E and F below.

E. Documentation.

i) If an employee uses more than one consecutive work day of paid sick leave, the employee shall, as soon as reasonably practical, but no less than two (2) calendar days after beginning the use of paid sick leave, file with his/her supervisor a written statement by his or her treating physician certifying that the employee is or was ill and unable to work during the period of sick leave of absence. (If an employee takes leave due to the illness of a family member, the employee shall submit a written statement from the family member's treating physician.). Any employee using any amount of sick leave on a work day immediately prior to a City holiday shall provide the above statement upon returning to work following the City holiday. In lieu of complying with this requirement, employees who use at least 10 consecutive days of sick leave due to their illness or injury must provide a fitness-for-duty certification as set forth in Section F i) below.)

ii) Documentation for Municipal Fire and Police personnel shall be governed by departmental rules as set forth in the Fire and Police Departments Rules and/or Regulations

iii) If the City determines that no actual illness or medical condition occurred, the employee shall not be allowed to use paid sick leave for the absence and instead shall be charged for unauthorized leave of absence without pay for the period in question. The City, in such circumstances may also recover the compensation paid to the employee for the period in question and take such other disciplinary action including termination.

F. Guidelines for Employees Returning To the Workplace Following Period of Illness. An employee who has been absent from his/her job function due to his or her illness for at least 10 consecutive work days may return to work in accordance with the following guidelines:

i) The employee shall submit a fitness-for-duty certification to the Director of Personnel from his or her treating physician that confirms the employee's ability to return to work.

The fitness-for duty certification shall be limited to the particular health condition that formed the basis for the employee's sick leave. The certification must (a) certify that the employee is able to return to work and that the return to work shall not jeopardize the health or safety of the employee or others and (b) specifically address the employee's ability to perform the essential functions of his or her job. The employee may be allowed to return to his or her duties without any further determination. The City may delay an employee's return to work until he or she submits the required fitness-for-duty certification.

ii) Subject to the provisions of applicable federal and state law, the City may, at the discretion of the Director of Personnel, require an employee to undergo a medical examination by a physician selected by the City (at the City's expense) to determine if the employee is able to perform the essential functions of his or her job without jeopardizing the health or safety of the employee or others. A medical examination shall only be required if it is job-related and consistent with business necessity.

Based on the results of the examination conducted by the City-selected physician, the Mayor shall make the determination of whether the employee is cleared to return to his/her original job function, or whether some other personnel action is dictated by the circumstances and facts.

G. Restrictions.

i) No employee while using paid sick leave, shall operate a City owned vehicle assigned to him/her.

ii) No employee while using paid sick leave, shall engage in any "off-duty" employment including serving as a volunteer with the Hammond Fire Department, or as a reservist with the Hammond Police Department.

iii) No employee shall be allowed to use paid sick leave for an illness, injury or medical condition otherwise compensable by workers' compensation. In such event, applicable state statutes shall govern compensation of the employee.

H. Accumulation, Retirement and Termination. If an employee does not use sick leave accrued up through December 31 of any given year, such unused balances shall be carried over and added to that which he/she accrues in the following year. An employee may accrue a maximum of 1440 hours. At the time of retirement from the City, employees shall be paid for any unused sick leave at the straight time rate of pay earned at the time of separation. Terminating employees, other than in the case of a reduction in force (RIF) or at the time of retirement, are not paid for accrued and unused sick days, regardless of whether their termination was voluntary or involuntary. However, the City shall honor policies not specified in this section and which are mandated by statute or federal laws governing all municipal employees.

I. Exhaustion. When an employee has used all accumulated paid sick leave, but has vacation leave accumulations available for use, upon request by the employee, he/she may be permitted to use vacation leave for sick leave purposes, subject to the provisions, conditions and limitations set forth in these policies.

J. Donation. No donations of accumulated paid sick leave time among employees eligible to accrue paid sick leave may be provided for.

Rule V-22.1 Extended Sick Leave Policy for Non-Classified Employees

A. In addition to the paid sick leave granted in Rule V-22, the City on a case by case basis may provide a one-time extended sick leave compensation of a maximum of forty (40) working days in any two five (5) calendar year period to individual full-time employees who have completed their Introductory Period and whose medical and health conditions involve hospitalization, a catastrophic-type illness, and/or physician-directed rehabilitation following hospitalization and/or catastrophic-type illness. For the purpose of this policy, a catastrophic-type illness is defined as an illness that requires extensive medical

treatment, which alters lifestyle and that which prevents the employee from performing any type of work for the City. Any illness or physical condition that makes him or her eligible for benefits under the Family and Medical Leave Act, shall qualify such employee for use of this benefit.

B. Approval for use of such extended sick leave benefit shall be at the discretion of the Mayor, following a recommendation submitted to the Director of Personnel by the employee's Department Head or designee, using the appropriate Extended Leave Request form. The Director of Personnel shall review the recommendation to determine that all established procedures have been followed. As part of the review, the Director of Personnel shall require the employee to submit a written statement from his or her treating physician certifying the need for the extended sick leave.

C. All regularly accrued sick leave and vacation leave shall first be exhausted before Extended Sick Leave may be granted to an otherwise eligible employee.

D. This benefit may not be granted to cover hospitalization or injury that otherwise would be covered by workers' compensation.

E. Before being allowed to return to work, any non-classified employee that has received extended leave shall submit a fitness-for-duty certification to the Director of Personnel from his or her treating physician that confirms the employee's ability to return to work. The fitness-for duty certification shall be limited to the particular health condition that formed the basis for the employee's sick leave. The certification must (a) certify that the employee is able to return to work and that the return to work shall not jeopardize the health or safety of the employee or others and (b) specifically address the employee's ability to perform the essential functions of his or her job. The employee may be allowed to return to his or her duties without any further determination. The City may delay an employee's return to work until he or she submits the required fitness-for-duty certification.

Rule V-22.3 Extended Sick Leave Policy for Civil Service Employees

Extended sick leave for civil service employees is governed by Louisiana Revised Statutes 33:2214,

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Section 2. This ordinance shall be effective as of the date of signature by the Mayor.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting **on August 6th, 2013** of the Hammond City Council and discussed at a public meeting held **on August 20th, 2013**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Johnny Blount and Second by Lemar Marshall the foregoing ordinance was hereby declared adopted **on August 20th, 2013** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Robert "Bobby" Martin (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on **August 20th, 2013**, at Hammond, Tangipahoa Parish, Louisiana.

Jason C. Hood
President, Hammond City Council

Honorable Mayson H. Foster
Mayor, City of Hammond

Whitney Cooper, Clerk
Hammond City Council

INTRODUCED: August 6, 2013

PUBLISHED: August 14, 2013

ADOPTED: August 20, 2013

DELIVERED TO MAYOR: August 21, 2013

APPROVED BY MAYOR: August 21, 2013

RECEIVED FROM MAYOR: August 21, 2013

Recordation of Receipt Received from the Mayor of the City of Hammond on the 21 day of August in the year 2013 at 3:40 o'clock p.m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Anette Kirylo, Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 21 day of August, in the year 2013 at 3:40 o'clock p.m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Anette Kirylo, Clerk of Hammond City Council

I Christy Cooper, CLERK OF THE COUNCIL, DO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF ORDINANCE # 13-5344 ADOPTED BY THE HAMMOND CITY COUNCIL.

CITY OF HAMMOND
ORDINANCE N° 13-5344 C.S.

AMENDMENT OF
CIVIL EMERGENCY PAY POLICY

BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

An Ordinance has been adopted to amend the policy and procedures manual of the City of Hammond Civil Emergency Pay Policy as follows:

Definition: Civil Emergency: A civil emergency, including, but not limited to riots, civil disorders, epidemics, power failure, hurricane conditions, snow blizzards, or similar conditions, that may develop requiring the temporary closing of all or some of the departments and facilities of the city.

The purpose of this document is to describe additional pay policies should a civil emergency be declared and the closing of departments and facilities is deemed necessary.

EMERGENCY DECLARATION

A civil emergency is declared pursuant to Chapter 12 of the Code of Ordinances, City of Hammond, Louisiana, and/or at the discretion of the Mayor. As part of the emergency declaration, various city departments and facilities may suspend operations and be considered closed.

During a declared civil emergency, there are certain city services that will be considered essential and must be maintained. As such, there will be certain employees who will be considered essential employees during a declared civil emergency as they have the skills and qualifications necessary to maintain city services.

NOTIFICATION

The Mayor, or designee, will notify departments heads of the emergency declaration and department heads will see that their respective supervisors and employees are notified as to the extent and scope of the civil emergency declaration.

The Mayor, or designee, will notify in writing department heads, city council members, and the local Office of Emergency Preparedness or their designees of the dates and times that the civil emergency is declared and the date and times of the conclusion of the civil emergency declaration. Notifications shall be made within a reasonable time after the conclusion of a declaration.

ESSENTIAL EMPLOYEES

Certain essential city services are required to be maintained in any declared civil emergency. The employees involved in these essential services are excused from work only with the specific authorization of their department head or designee. A department head, or designee, may cancel or rescind the approved leave of an essential employee during a declared civil emergency.

Employees in essential services include sworn law enforcement personnel, communicators, fire personnel, Director of Administration, public works employees, public works supervisors, and department heads city-wide. Other employees may be considered essential on a case-by-case basis as determined by the mayor, or in the mayor's absence the Director of Administration.

It is the intent of the city to notify each employee prior to an emergency situation if he or she is considered an essential employee, what their obligations may be, and to establish procedures to let him or her know whether they will be required to work. As each declared civil emergency may vary in effect upon employees and operations, the city may be required to modify duties and the status of an employee at any time during a declared civil emergency.

VARIATIONS IN EMERGENCY SITUATIONS

Emergencies may vary in their effect upon employees and operations on different shifts and at different locations. For example, city operations may close on one shift and not another or one location may be closed, but not another. In certain circumstances, the city may not close but may release employees on one shift early because of transportation or other problems.

When a civil emergency is declared, it may be precautionary in nature and may be declared before the actual emergency conditions exist and end after emergency conditions have passed.

Each situation is studied and a decision is made on the basis of specific conditions existing at the time at the particular location.

CIVIL EMERGENCY PAY

Essential, non-exempt employees that perform duties during the emergency shall be paid at two times their regular hourly rate for all hours worked during the declared civil emergency pay period. Hours worked shall count toward overtime. The civil emergency pay period will be the civil emergency declaration period.

During a declared civil emergency, essential, exempt employees may be required to work. Essential, exempt employees shall be paid according to ordinance.

Compensatory time off leave accrual or other additional benefits will not be permitted for the declared civil emergency pay period for employees not reporting to work for any reason.

Non-essential, non-exempt employees regularly scheduled to work during a declared civil emergency and who are not able to work during the declared civil emergency due to the closing of a facility, or another valid reason as defined and approved by the Mayor, or designee, shall be paid based on the employee's regular hourly rate for the normally scheduled work. Hours paid, but not worked, shall not count towards overtime.

Non-essential, exempt employees regularly scheduled to report to work during a civil emergency and who are not able to work during the civil emergency due to the closing of a facility, or another valid reason as defined and approved by the Mayor, or designee, shall receive their regular pay for the normally scheduled work.

Essential, non-exempt employees regularly scheduled to work during a declared civil emergency who are not directed to work during a declared civil emergency and are not able to work during the declared civil emergency due to the closing of a facility, or another valid reason as defined and approved by the Mayor, or designee, shall be paid based on the employee's regular hourly rate for the normally schedule work. Hours paid but not worked shall not count toward overtime.

Essential exempt employees regularly scheduled to report to work during a declared civil emergency who are not directed to work during a declared civil emergency and are not able to work during the declared civil emergency due to the closing of a facility, or another valid reason as defined and approved by the Mayor, or designee, shall receive their regular pay for the normally scheduled work.

Essential, non-exempt employees directed to work during a declared civil emergency and who do not work shall receive regular pay at the discretion and approval of the Mayor, or designee. If approved, the amount of closing pay will be his or her regular hourly rate for normally scheduled work. Hours not

worked shall not count towards overtime. Failure to report to work during declared civil emergencies by employees required for essential services may be cause for disciplinary action up to and including termination. **Exception:** Employee is unable to work with doctor's certification prior to declared civil emergency or hospitalized during the declared emergency, in which case the absence will be designated sick leave or worker's compensation, if applicable.

Essential, exempt employees directed to work during a declared civil emergency and who do not work would receive their regular pay for the normally scheduled work. However, failure to report to work during declared civil emergencies by employees required for essential services may be cause for disciplinary action up to and including termination. **Exception:** Employee is unable to work with doctor's certification prior to declared civil emergency or hospitalized during the declared emergency, in which case the absence will be designated sick leave or worker's compensation, if applicable.

Any employee who is not scheduled to work for whatever reason and does not work during the emergency period shall receive no additional compensation or benefit. The emergency period shall not be considered as a holiday.

The above and foregoing ordinance having been duly submitted to the Hammond City Council in writing; introduced at a public meeting **on July 2nd, 2013** of the Hammond City Council and discussed at a public meeting held **on July 16, 2013**; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Robert "Bobby" Martin and Second by Lemar Marshall the foregoing ordinance was hereby declared adopted **on July 16, 2013** by the following roll call vote:

Votes: Johnny Blount (Y) Jason Hood (Y) Robert "Bobby" Martin (Y) Lemar Marshall (Y) Mike Williams (Y)
Motion approved.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this **16th, Day of July, in the year 2013**, at Hammond, Tangipahoa Parish, Louisiana.

Jason C. Hood
President, Hammond City Council

Honorable Mayson H. Foster
Mayor, City of Hammond

Whitney Cooper, Clerk
Hammond City Council

CERTIFICATE OF DELIVERY
In accordance with Home Rule Charter Article II, Section 2-12 (A), the above Ordinance was delivered to the Mayor of the City of Hammond on the 18th day of July, in the year 2013 at 9:30 o'clock A .m. said delivery being within three (3) calendar days after adoption, exclusive of weekends and state holidays.

Anette Kirylo, Clerk of Hammond City Council

Recordation of Receipt Received from the Mayor of the City of Hammond on the 18th day of July in the year 2013 at 11:30 o'clock A .m., in accordance with Home Rule Charter Article II, Section 2-12 (B).

Anette Kirylo, Clerk
Hammond City Council