

**ORDINANCE NO. O-2013-12**

**AN ORDINANCE AMENDING SECTION 155.03 SICK LEAVE OF THE WINDHAM  
CODIFIED ORDINANCES TO ESTABLISH THAT SICK LEAVE IS ONLY  
AVAILABLE TO EMPLOYEES OF THE VILLAGE OF WINDHAM THAT WORK 40  
HOURS EACH WEEK**

**WHEREAS**, the Fiscal Officer of the Village of Windham has identified that by the passage of Ordinance No. 2012-14 on April 26, 2012, the Council of the Village of Windham has removed the sick leave benefit from part-time employees of the Village Police Department; and

**WHEREAS**, upon review, the Personnel Committee of the Village of Windham has determined that it is appropriate for all employees of the Village of Windham to be treated equally; and that sick leave benefits should not be paid to part-time employees of the Village of Windham who are not members of the Police Department.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Windham, County of Portage, State of Ohio that the majority of its members thereto concurring that:

**Section One:** The changes to Section 155.03 Sick Leave of the Windham Codified Ordinances as are shown in *italics* on the attached Exhibit "A" are hereby enacted.

**Section Two:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Passed in Council on First Reading April 23, 2013

Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Ms. Blewitt, Mrs. Barrett, Mrs. Miranda,  
Mrs. Prem Nays: None.

ATTEST:

APPROVED:

\_\_\_\_\_  
Fiscal Officer, Lloyd Billman

\_\_\_\_\_  
Robert Donham, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Solicitor, Thomas Reitz

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**EXHIBIT "A"**

**155.03 SICK LEAVE.**

(a) Each *full time* employee who is regularly scheduled to work forty (40) hours each week is entitled for each completed eighty (80) hours of service to sick leave of four and six-tenths (4 6/10) hours with pay. Employees may use sick leave for absence due to personal illness, injury, exposure to contagious disease which could be communicated to other employees and to illness, injury or death in the employee's immediate family. Unused sick leave shall be cumulative without limit. *No sick leave benefit is available for employees who are regularly scheduled less than forty (40) hours each week.*

(b) In the event such employee requests more than three (3) consecutive days of sick leave, the department head may require ~~such~~ *the* employee to furnish an affidavit as to the cause of his absence or certification by a duly licensed physician that such absence is due to illness or injury.

(c) When ~~such~~ *an* employee has used thirty consecutive days of sick leave, or in any other case the Mayor deems proper, ~~he~~ *the Mayor* may require the employee to submit to an examination by one or more duly licensed physicians selected by the Mayor, and the Mayor shall not authorize further sick leave unless that physician certifies that such employee is not able to carry his duties due to illness or injury.

(d) In all cases where an employee desires to use sick leave, notice shall be given to the department head prior to 10:00 a.m. on the first day of absence where possible.

~~(e) Regular hourly employees shall be granted sick leave under the same terms and conditions as are hereinbefore set forth. They shall be compensated for sick leave at their regular hourly rated at the time of illness and a forty hour week.~~

(e)(f) In any case where an employee for the Village has been absent from duty for thirty (30) or more consecutive work days due to injury or illness, such employee shall not return to work unless he is deemed physically able to resume his duties by a duly licensed physician.

In such instances, the Mayor may designate two (2) duly licensed physicians and the employee shall select one of them. The physician shall then examine the employee and the employee may resume his employment when that physician certifies he is able to do so.