

ORDINANCE NO. 2012-31

INTRODUCED BY: Mayor Rinker and Council as a Whole

**AN EMERGENCY ORDINANCE  
AMENDING CODIFIED ORDINANCE SECTION 153.13  
PERTAINING TO INJURY LEAVE**

WHEREAS, at this time, based upon the recommendation of the Village Administration, it has been deemed in the best interest of the health, safety and welfare of the Village and its residents to amend Village Codified Ordinance Section 153.13 relating to Injury Leave; and

WHEREAS, it has been deemed in the best interest and for the health, safety and welfare of the Village to include in Village Codified Ordinance Section 153.13 the eligibility of permanent part-time employees for injury leave not to exceed (7) calendar days.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. Section 153.13 of the Village's Codified Ordinances pertaining to Injury Leave is hereby and herein amended to read as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

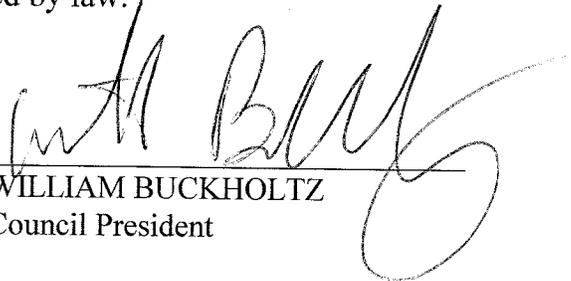
SECTION 2. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of the Village of Mayfield.

SECTION 3. All other Codified Ordinances not specifically amended herein shall remain in effect unless inconsistent with this Ordinance.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the health, safety and welfare of the residents of Mayfield

Village, Ohio. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

  
WILLIAM BUCKHOLTZ  
Council President

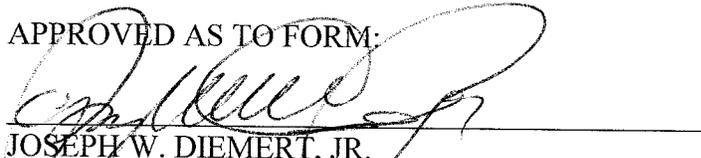
First Reading: November 19, 2012

Second Reading: Suspended 2012

Third Reading: Suspended 2012

PASSED: November 19, 2012

  
BRUCE G. RINKER, Mayor

APPROVED AS TO FORM:  
  
JOSEPH W. DIEMERT, JR.  
DIRECTOR OF LAW

ATTEST:   
MARY E. BETSA,  
Clerk of Council

**INJURY LEAVE.**

(a) When a full-time employee is injured in the line of duty, while actually working for the Municipality, he or she shall be eligible for paid injury leave not to exceed ninety (90) calendar days which shall not be deducted from any other accumulated compensated absence time, provided such employee files for Workers' Compensation and executes a waiver assigning to the Municipality those sums of money such employee would ordinarily receive as weekly compensation as determined by law for those number of weeks the employee receives benefits under this provision.

(b) Eligibility for injury leave must be approved by that employee's department head and the Director of Finance within ten (10) days of the processing such employee's Workers' Compensation claim through the Department of Finance. Eligibility and approval of injury leave shall be based, in part, upon such employee's Workers' Compensation claim processed through the Department of Finance, and, if necessary, also based upon a physical examination by a physician appointed by the Municipality resulting in the physician's certification that the employee is unable to work due to the injury. The opinion of the designated physician shall govern whether employee is actually disabled or not, but shall not govern whether the injury was duty related. In the event that the employee seeking eligibility for injury is a department head, the procedure for determining eligibility shall be the same as set forth herein above except that approval must be made by the Director of Finance and the Mayor. If the Director of Finance seeks eligibility for injury leave then the procedure for determining eligibility shall be the same as outlined herein above except that approval must be made by the Mayor.

(c) Any limited assignments of duties shall be reviewed each seven (7) calendar days to determine if the employee is capable of resuming normal, unlimited duties and together with on the job injury time, shall not exceed ninety (90) days in duration.

(d) If at the end of the ninety (90) day period, the employee is still disabled, the injury leave may, at the Mayor's discretion, be extended for an additional ninety (90) calendar day period, or any portion thereof. Such decision shall be made at least ten (10) days prior to the end of such period. Said leave may be canceled at an earlier time as provided below:

- (1) When an employee is released by his or her physician to return to work;
- (2) At such time that the employee is declared capable of performing his or her normal duties by a physician appointed by the Municipality;
- (3) If, prior to release for normal duties, it is determined by a physician that the employee is capable of performing limited work assignments, the employee shall immediately report for duty under the conditions set forth in the physician's certificate.

**(e) When a permanent, part-time employee is injured in the line of duty, while actually working for the Municipality, he or she shall be eligible for paid injury leave not to exceed seven (7) calendar days. Injury leave paid during this seven (7) day period shall be for regularly scheduled work hours only. (effective 9-28-12).**