

**ORDINANCE NO. 3439 C.S.**

**ORDINANCE AMENDING SECTION 25-12.02 OF THE MONTEREY CITY CODE TO  
INCLUDE A SECTION AUTHORIZING THE USE OF ADVANCED SICK LEAVE**

THE COUNCIL OF THE CITY OF MONTEREY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Monterey City Code, Chapter 25-12.02 "Sick Leave" is hereby amended to add section (h) to read as follows:

"h. Sick Leave in advance of accrual. An employee may be granted sick leave in advance of accrual subject to the following conditions:

- 1) Employee must exhaust all available leaves that provide for paid status.
- 2) Use of advanced sick leave will require department head approval, and may require employee documentation.
- 3) Advanced sick leave will only be authorized during periods of a Pandemic or other similar emergency situation as designated by the City Manager.
- 4) Employee would not qualify for advanced sick leave if the employee's illness qualifies for paid disability, workers' compensation and/or catastrophic leave.
- 5) Employee may exceed the Family Sick Leave limit of 48 hours per calendar year (72 hours for sworn fire) for the care/illness of an immediate family member. However, the employee must utilize all available paid leaves before any advanced sick leave is granted.
- 6) Family Medical Leave may run concurrently with advanced sick leave if the illness qualifies as a serious health condition under the federal "Family Medical Leave Act" and/or the "California Family Rights Act."
- 7) Under no circumstance can an employee have a negative sick leave balance that exceeds 40 hours for full time (56 hours for sworn fire) and 30 hours for regular part time.
- 8) If upon leaving City service, the employee has a negative sick leave balance, the balance of the negative hours shall be applied against any eligible paid leave. If no eligible leave is sufficient to cover the negative hours, the employee's final paycheck shall be reduced to cover the difference."

SECTION 2: This ordinance shall be in full force and effect 30 days after its final passage and adoption.


PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 15<sup>th</sup> day of December, 2009, by the following votes:

AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	NONE
ABSENT:	0	COUNCILMEMBERS:	NONE

ATTEST:

APPROVED:

  
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City Clerk thereof

  
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Mayor of Said City

Ordinance No. 3439 C.S.

STATE OF CALIFORNIA  
COUNTY OF MONTEREY  
CITY OF MONTEREY

I, Catherine A. Raynor, ASSISTANT CITY CLERK OF THE CITY OF MONTEREY, AND EX-OFFICIO CLERK OF THE COUNCIL THEREOF, HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY PASSED TO PRINT IN THE OFFICIAL NEWSPAPER OF SAID CITY BY THE COUNCIL THEREOF ON THE 1<sup>st</sup> DAY OF December, 2009 BY THE FOLLOWING VOTE:

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AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSENT	0	COUNCILMEMBERS:	None

PUBLICATION: December 5, 2009

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CITY CLERK OF SAID CITY