

ORDINANCE NO. 2026

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 42-144 OF THE DICKINSON MUNICIPAL CODE, RELATING TO SICK LEAVE DONATIONS FOR FAMILY MEDICAL LEAVE

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

Section 1: Section 42-144 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 42-144. Sick leave benefits.

(a) *Benefits for regular full-time employees.* Employees who are eligible for full benefits (see Section 42-40) shall accrue sick leave at a rate of 3.7 hours of sick leave per pay period, over 26 pay periods annually.

(b) *Benefits for regular part-time employees.*

(1) For regular part-time employees, sick leave accruals during the initial year of employment will be based on the estimated weekly hours the employee was hired to work. The average hours worked in a week will be compared to the 40 hours worked by a full-time employee and a percentage of benefit will be determined from that comparison. After the first year, the percentage of benefit will be based on the average of the actual weekly hours the employee worked in the previous year.

(2) Allocation of accruals and benefits for regular part-time employees:

Qualifying Hours	Percent of Full Benefit
Average weekly hours 20	50 percent of full benefit
Average weekly hours 24	60 percent of full benefit
Average weekly hours 28	70 percent of full benefit
Average weekly hours 32	80 percent of full benefit
Average weekly hours 36	90 percent of full benefit

(3) *Suspension of accrual for employees on leave of absence without pay.* Employees on leaves of absence without pay or suspensions without pay who are absent for a full pay period do not accrue sick leave benefits.

(4) *Accrual and availability of sick leave.* An employee's accrual of sick leave shall begin upon their first hour of work, and may be used as it is earned, subject to the other requirements of this section.

(5) *Rules and allowances of sick leave carry-over.* Sick leave benefits not used during the calendar year in which they are earned may be carried over and used during the succeeding calendar years. There is no limit to the number of sick leave hours employees may accumulate.

- (6) *Sick leave rate of pay.* Sick leave benefits shall be paid to non-terminating employees at the employee's regular rate of pay at the time the leave is taken. In the case of accumulated sick leave paid to a terminating employee, refer to Section 42-144.
- (7) *Rules for reporting off work due to sickness.*
- a. An employee absent from work due to illness or disability shall notify their department head or a designee before scheduled to work, or as soon as reasonably possible if an emergency situation exists, and indicate the expected length of absence. Failure to report an illness in a timely manner may be cause to consider the absence as unauthorized and without pay.
 - b. Use of sick leave is allowed only for:
 1. Personal illness, injury or medical care appointments.
 2. To care for an immediate family member when medical care is necessary.Immediate family members are those persons listed in Section 42-41.
 - c. When abuse is suspected as defined in Section 42-144, the City Administrator or appropriate department head may require a medical doctor's written statement to verify that a legitimate illness exists. A medical doctor's written statement may be required for any absence lasting more than four consecutive days.
- (8) *Minimum charge to sick leave.* Fire suppression personnel with a 207(k) work period exemption will receive a leave reduction of 16 hours for any request of a minimum of 16 hours and a maximum of 24 hours. All other leave requests will be deducted at actual hours.
- (9) *Rules affecting abuse of sick leave.* Use of sick leave benefits is permitted for the reasons listed in Section 42-144. Use of sick leave for other than authorized purposes shall be deemed abuse of sick leave. Sick leave benefits are intended to protect an employee's earnings in the event of an illness, injury or authorized event. Abuse of sick leave benefits will not be tolerated and may prevent an employee from receiving pay increases or lead to disciplinary action.
- (10) *Benefit pay-out to terminating employee.* It is the policy of the City that upon termination of employment employees shall be eligible for the payment of accrued sick leave at the rate of one-fourth of the employee's hourly wage at the time of separation for each hour of accrued sick leave.
- (11) *Benefits available to employee claiming on-the-job injury.* The ultimate goal for the City is a no lost time rule, which means when feasible as determined by the City, the City will make accommodations for workers injured on the job making it possible for them to work while injured. It is possible the work assignment will be different from the employee's normal job assignment. During such assignment, the employee will be compensated at the employee's normal rate of pay. However, if a Workers' Compensation claim is approved for an on the job injury, which includes time lost from work and the employee had any hours charged to their accrued sick leave balance for the period before the claim was approved, the leave charged will be credited back to the employee's sick leave accrual balance for the time covered by the Workers' Compensation benefits for the initial period. If an employee is collecting benefits from

an approved Workers' Compensation claim, the employee may use any available leave to supplement payments from Workers' Compensation up to the employee's regular rate of pay, based on a standard work week for the employee.

(c) *Sick Leave Donations for Family Medical Leave.* Employees may voluntarily donate accrued sick leave to another regular full-time or regular part-time City employee who needs additional paid leave to care for an immediate family member with a serious health condition as defined under the Family and Medical Leave Act (FMLA).

1. *Eligibility.* An employee requesting donated sick leave must have exhausted, or be expected to exhaust, their available accrued sick leave, vacation leave, personal leave, and floating holiday before donated sick leave may be used.
2. *Donation Request.* Requests for donated sick leave shall be submitted to Human Resources. Human Resources will administer the donation process and determine whether the request meets the requirements of this section.
3. *Donation Limits.*
 - i. A regular full-time employee may receive no more than 80 hours of donated sick leave for any one qualifying request.
 - ii. A regular part-time employee may receive donated sick leave up to the equivalent of two weeks of the employee's average scheduled hours for any one qualifying request.
 - iii. An employee may receive donated sick leave for multiple qualifying requests during their employment, subject to the limits established for each request.
 - iv. An employee may not donate sick leave if the donation would cause the donating employee's sick leave balance to fall below 160 hours.
4. *Donation Value.* The value of donated sick leave will be determined using the donating employee's regular hourly rate of pay and converted to an equivalent number of sick leave hours for the receiving employee based on the receiving employee's regular hourly rate of pay. Human Resources shall establish procedures for administering the conversion and recording donated sick leave.
5. *Voluntary Donations.* Donations are voluntary. No employee shall be required to donate sick leave, and an employee's decision not to donate shall not affect the employee's employment or benefits.
6. *Use of Donated Leave.* Donated sick leave may be used only for the approved qualifying absence to care for an immediate family member with a qualifying serious health condition. Donated sick leave may not be used for the employee's own illness, injury, or disability.
7. *Administration.* Human Resources shall establish procedures necessary to administer sick leave donations, including requesting donations, verifying eligibility, calculating and recording donated leave, and maintaining appropriate records.

(Code 1958, § 9-24; Code 1993, § 29.08.04090(19.2); Ord. No. 376; Ord. No. 675, § 1; Ord. No. 967, §§ 7, 8; Ord. No. 1028, § 2; Ord. No. 1053, § 2; Ord. No. 1163, § 5; Ord. No. 1201, § 4; Ord. No. 1224, § 3, 10; Ord. No. 1307, § 11, 12; Ord. No. 1308, § 4; Ord. No. 1339, § 5-10; Ord. No. 1499, § 1-2; Ord. No. 1533, § 4; Ord. No. 1637, § 1; Ord. No. 1660, § 5; Ord. No. 1670, §§ 2, 3; Ord. No. 1709, § 5; Ord. No. 1767, § 1(19.2), 1-24-2023)

Section 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 4: Effective Date: This Ordinance shall be in full force and effect on final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2026

Second Reading: _____, 2026

Final Passage: _____, 2026