

**ORDINANCE NO. 1777—2023**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 29.08.04080  
– 18.17 OF CHAPTER ~~29-32~~ OF THE MUNICIPAL CODE OF THE CITY OF  
DICKINSON, NORTH DAKOTA, RELATING TO THE SICK LEAVE BANK**

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

**Section 1:** Section 29.08.04080 – 18.17 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

**18.17 Sick Leave Bank**

The purpose of the Sick Leave Bank (SLB) is to provide sick leave to participating employees who have suffered an unplanned, non-work-related personal illness, injury, disability or quarantine and whose accumulated leave is exhausted and, more specifically, to provide a last resort source of leave in cases of catastrophic illnesses.

**18.17.1 Sick Leave Bank Administration**

Sick Leave Bank Administration will be conducted by Human Resources and other [appointees designees as determined](#) by the City Administrator.

**18.17.2 Membership and Eligibility**

Employees will become participants in the SLB by donating hours at the beginning of employment or as provided in Paragraph 18.17.3. Donations of sick leave to the SLB are non-refundable, except in the event of the termination of the SLB. In the event the SLB is terminated, the total number of hours on deposit shall be returned proportionately to the then participating members and credited to their sick leave accumulation, not to exceed the employee's original donation. Employees participating in the SLB may cancel their participation in the SLB at any time, by submitting written notice of cancellation to the City Administrator. Membership withdrawal, as well as termination of employment, shall result in forfeiture of all hours contributed.

A member shall lose the right to obtain the benefits of the SLB by:

- termination of employment, including resignation, involuntary termination, and retirement;
- cancellation of participation;
- refusal to honor such assessment as may be required by the SLB;
- refusal to comply with the policies and procedures of the plan; or
- determination of permanent disability by the Social Security Administration (SSA). An SLB grant shall only be used by the individual member for his/her personal catastrophic or terminal illness or injury. Participation in the SLB is voluntary, but requires an initial contribution to the SLB and subsequent contributions as assessed in accordance with this policy. Only contributors will be allowed to receive grants from the SLB with the exception of specific employee donations of leave through the SLB as described in section 18.17.3.

Persons off work due to a normal pregnancy and delivery shall not be eligible to receive an SLB grant. The SLB shall not be used by a SLB member disabled by an injury covered by Worker's Compensation. The existence of the SLB and participation by an employee does not negate or eliminate any other sick leave policies of the City, nor does it in any way negate the rights of an individual who participates in the SLB to any other sick leave benefits. (Code 1637 § 1)

### 18.17.3 Sick Leave Bank Contributions

A ~~sixteen~~ (16) hour sick leave assessment shall occur for each participating employee at the beginning of employment. Employees who do not opt into the SLB at the beginning of employment may opt in during the benefit election period for the next two plan years. ~~All employees of the City shall have a one-time opportunity during the 2018 benefit election period to opt into the SLB if they have not done so. Following this one-time election opportunity, any employee who is not otherwise entitled to an additional plan year for election as provided hereunder.~~ Employees shall have no further opportunities to opt in, except as herein provided. The required initial sick leave assessment will be pro-rated for Regular Part-Time employees to the average number of hours that employee works. If an employee leaves the SLB, ~~they~~ ~~he or she~~ the employee may not re-enter in the future.

An employee drawing SLB benefits shall not be required to contribute any assessment or make back payments for assessments required while that person was drawing SLB benefits.

Upon initial adoption of the Human Resources Manual, the City shall contribute 800 hours (100 days) to the SLB. The Board of City Commissioners may be requested by the SLB to contribute additional time as necessary at future dates to keep the plan solvent depending on the number of employees receiving benefits following adoption of the plan.

All participants of the SLB ~~who are Regular Full-Time Employees~~ ~~may be~~ ~~may be~~ assessed an additional eight hours of sick leave if it is determined to be necessary, but in no case shall a participant be required to donate more than that additional amount per request. There is no limit to the number of times the SLB may assess additional hours from its members. This assessment will be ~~prorated~~ ~~pro-rated~~ for members ~~who are Regular Part-time employees~~ based on the average number of hours that employee worked per week for the year prior to the assessment.

Any employee who is rehired within one year of being laid off, who was a member of the sick leave bank prior to lay-off, will not be required to again make an initial time donation to the SLB in order to be a member. Likewise, any employee who is laid off and rehired within one year, who was not a member of the SLB prior to the lay-off will be ineligible to become a member upon rehire. Member employees may make general donations of leave to the SLB that are not directed to any specific employee whenever an employee so desires.

Employees (members or non-members) may donate leave to specific employees upon the request of a specific employee. Employees wishing to request donated leave from other employees must make the request through ~~the~~ Human Resources ~~Coordinator~~ and must have exhausted all of their own accrued leave time (sick, vacation, personal leave, and floating holiday) before requesting donated leave. ~~The~~ Human Resources ~~Coordinator~~ shall submit the request to all City employees. The requesting party's name shall not be included in the request unless the requesting party

specifically consents in writing to ~~their~~ the employee's name being released with the request. Employees shall not be required to consent to the use of their name in the request.

The SLB reserves the right to set a limit on the amount of leave any individual employee may grant per request to a specific employee with ongoing catastrophic or terminal illnesses as defined in the FMLA. The SLB also reserves the right to set a limit on the amount of leave any individual employee may grant per request to a specific employee for that employee to care for an immediate family member as defined in the FMLA with an ongoing serious medical illness as defined in the FMLA. These aforementioned limitations are to ~~in order to~~ ensure that no more than 160 donated sick leave hours are on the books for any one Regular Full-Time Employee per request. Likewise, the maximum hours of donated sick leave carried on the books at any one time for a Regular Part-time Employee will not exceed the equivalent of four weeks at the average number of hours said employee worked for the year prior to receiving SLB or donated sick leave hours. The maximum number of hours an employee can receive through direct donations during ~~their~~ the employee's employment with the City is 320. Should donations of time fall below that needed to maintain the recipient employee on full-time status, said employee will lose that status. Employees who wish to donate leave to a specific employee as provided hereunder may not donate leave in an amount which would cause the donating employee to have less than 160 hours of leave remaining for their own use. (Code 1637 § 1)

#### **18.17.4 Sick Leave Bank Usage**

Prior to being eligible to draw any hours from the SLB, or to receive sick leave donations from employees, recipients shall be required to exhaust all accrued sick leave, vacation leave, personal leave, and floating holidays.

With the exception of specific employee donated grants of sick leave as described in section 18.17.3, any employee requesting an SLB grant must be a member of the SLB.

SLB participants shall not be eligible to receive SLB benefits until the employee has been off work for at least 160 working hours, unless the employee or his/her representative provides adequate evidence to the City Administrator that recent past major illness(es) have made it impossible to accumulate sufficient accruals to cover the 160 working hours requirement.

While receiving SLB benefits or a specific donation of leave, an employee shall not accrue any sick leave or vacation leave, nor will the employee be eligible to receive compensation for any holidays unless that employee is ~~on~~ exercising his or her rights under the FMLA.

~~Not~~ No more than 240 hours shall be granted in any one grant even though an individual may be eligible to receive multiple grants up to a total of 720 hours. Applicants may submit requests for a SLB grant(s) or extensions of a SLB grant(s) before the prior grant(s) or other requirements of this policy have expired.

Regular Part-Time Employees will be eligible to receive SLB benefits prorated to the average number of hours they work. (Code 1637 § 1)

**18.17.5 Maintenance and Reporting of Sick Leave Bank Records**

~~The City Administrator~~ Human Resources shall maintain the records of all applications for donations, applications for withdrawal grants, and all cancellations.

~~The City Administrator~~ Human Resources shall maintain records of all SLB participants as well as their contributions and successful withdrawal grants, and the status of the SLB.

If a SLB grant recipient does not use all of the hours granted from the SLB, the unused hours shall remain in the SLB.

All appropriate SLB forms are available from ~~the City Administrator~~ Human Resources. City Administrator will annually distribute an administrative report reflective of SLB activity. (Code 1637 § 1)

Commented [CW1]: Should this also be HR?

**18.17.6 Dissolution of the Sick Leave Bank**

In the event the SLB is dissolved, the Sick Leave Bank Administrators shall determine the terms under which the SLB may be dissolved, and will establish guidelines for distribution of remaining balances.

**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 from and after final passage.

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Scott Decker, President  
Board of City Commissioners

ATTEST

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Dustin Dassinger, City Administrator

First Reading: June 20, 2023, 2023  
Second Reading: July 18, 2023, 2023  
Final Passage: July 18, 2023, 2023