

Bill No. 8018

Introduced in Council:

October 16, 2023

Introduced by:

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Adopted by Council:

November 6, 2023

Referred to:

Finance

Bill No. 8018 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new section, designated Sec. 54-107, relating to creating a Charleston Fire Department sick leave pool for uniformed employees; vesting the Human Resources Department with the authority to administer the sick leave pool; setting forth certain eligibility criteria and requirements for utilizing and administering the sick leave pool; creating the CFD Sick Pool Eligibility Committee; and vesting the CFD Sick Pool Eligibility Committee with authority to make final decisions with respect to applicant eligibility for sick pool benefits.

WHEREAS, the Charleston WV Professional Firefighters IAFF Local 317 has operated a sick coverage pool for an unknown period of time wherein members cover shifts for eligible employees, but where such practice has hindered the ability of employees to obtain short-term disability benefits; and

WHEREAS, the Charleston WV Professional Firefighters IAFF Local 317, the Charleston Fire Department leadership, and the City of Charleston Human Resources Department agree that ceasing operation of the sick coverage pool and formalizing within the City of Charleston a sick pool for professional fire fighters is in the best interest of the City and the employees of the Charleston Fire Department; and

WHEREAS, the City Council for the City of Charleston believes that the Uniformed Fire Sick Leave Pool policy should be codified and authority for management of the pool should be vested in the City's Human Resources Department.

Now, therefore, be it ordained by the Council of the City of Charleston:

That the Municipal Code of the City of Charleston, as amended, is hereby amended by adding thereto a new section, designated Sec. 54-107, to read as follows:

CHAPTER 54. – FIRE PREVENTION AND PROTECTION.

ARTICLE II. – FIRE DEPARTMENT.

DIVISION 3. – VACATION, OTHER LEAVE, DUTY HOURS, AND CALCULATION OF OVERTIME PAY.

Sec. 54-107. – Uniformed Fire Sick Leave Pool.

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36 (a) The purpose of the Uniformed Fire Sick Leave Pool is to allow a system
37 whereby qualified uniformed members of the Charleston Fire Department may
38 collectively insure against the extended use of any one member's individually
39 accumulated leave by creating a pool of leave that is for the mutual protection of
40 qualified members who suffer from prolonged illness, sickness, or convalescence from
41 injuries and are off duty for a prolonged period of time.

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43 (b) There is hereby created the Uniformed Fire Sick Leave Pool for the purpose
44 described herein. The administration of the Pool is vested with the City of Charleston
45 Human Resources Department. The Human Resources Department shall supervise and
46 administer the contribution of time to the Pool and the use of time from the Pool. The
47 eligibility determinations are to be made by a committee of five people as set forth in
48 this section and known as the CFD Sick Pool Eligibility Committee. Decisions of the
49 CFD Sick Pool Eligibility Committee are final.

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51 (c) To carry out the purposes of the Uniformed Fire Sick Leave Pool, an initial
52 amount of sick leave hours shall be deposited into the Pool, which shall not be less than
53 336 total hours and which shall consist of a required contribution of either 12 hours of
54 annual leave time or 12 hours of sick leave time per participating member, whichever is
55 the choice of said member as indicated on a form filed with the Human Resources
56 Department. Said form shall also indicate each member's decision to enter the
57 Uniformed Fire Sick Leave Pool and acceptance of the terms and conditions of
58 participation, including that a waiver of private health information must be given to the
59 CFD Sick Pool Eligibility Committee for the purpose of evaluating applications for Sick
60 Pool benefits. When the number of sick leave hours remaining in the Pool shall be less
61 than 336, each participating member of the Uniformed Fire Sick Leave Pool shall be
62 assessed a total of either 12 hours sick time or 12 hours annual leave time to replenish
63 the pool of hours, whichever is the choice of said member as indicated on a form filed
64 with the Human Resources Department.

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66 (d) Qualifications. To participate in the Uniformed Fire Sick Leave Pool a member
67 must be a member of the Charleston Fire Department who has passed the Civil Service
68 examination, been selected by the Civil Service Commission and appointed by the
69 Mayor of Charleston to the Charleston Fire Department, and served one full year as a
70 member of the Charleston Fire Department. In addition, a member shall have
71 accumulated 96 hours of sick leave in order to be eligible to join the Pool and shall be
72 enrolled in the short-term disability benefits offered by the City. Each qualified member
73 shall receive notice of such qualification from the Human Resources Department and
74 the qualified member may choose whether to join the Uniformed Fire Sick Leave Pool.
75 In order to join the Pool, the member shall make an initial contribution of a total of either
76 12 hours of annual leave time or 12 hours of sick leave time, whichever is the choice of
77 said member, and any other contribution required by this Section.

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79 (e) The operation and use of the Uniformed Fire Sick Leave Pool as herein
80 provided shall be as follows:

81 (1) Formal application to benefit from the Uniformed Fire Sick Leave Pool by a
82 qualified member of the Pool shall be made to the CFD Sick Pool Eligibility Committee.
83 The application shall set forth in full the reason for their absence from duty with the
84 Charleston Fire Department and their eligibility to draw from the pool of sick leave
85 hours. The application shall include a waiver of private health information authorizing
86 the CFD Sick Pool Eligibility Committee to obtain and review health care records for the
87 purpose of evaluating applications for Sick Pool benefits. The final determination on
88 eligibility, pursuant to this Section, shall be made by the CFD Sick Pool Eligibility
89 Committee, which shall notify the Human Resources Director, prior to the member being
90 allowed to draw from the Pool. A uniformed member who seeks to improperly receive
91 the benefits of the Pool shall be subject to discipline consistent with all Civil Service
92 laws of the State.

93 (2) No member shall be eligible to draw days from the Pool until such member
94 shall have used a minimum of 96 hours of consecutive sick time from their individually
95 accrued sick hours. In the event the member does not have 96 accrued sick leave
96 hours, they may use their accrued sick leave hours and additional annual leave hours to
97 total 96 hours, or all their accrued sick leave hours and all of their annual leave hours,
98 and time unpaid, to total 96 duty hours.

99 (3) The member's absence from duty must be by reason of illness, sickness, or
100 convalescence from injuries sustained, except such injuries as they may sustain while
101 they are off-duty and a participant in some form of professional sport as is deemed
102 hazardous by recognized uniform regulations of insurance companies. The Pool may
103 not be used to care for a family member.

104 (4) In event the CFD Sick Pool Eligibility Committee approves the application and
105 finds said applicant is eligible to receive sick hours from the Pool, they shall be limited to
106 30 days from the day such member began missing work, which would allow for the
107 member to apply for short-term disability benefits. It is estimated that getting a member
108 to this point would require up to 144 hours from the Pool. Once a member has reached
109 this point, they are no longer eligible for use of the Pool and will instead rely on their
110 short-term disability benefits.

111 (5) While drawing hours from the Pool, a member shall not accrue additional
112 vacation and sick hours and any such earned hours will be deposited to the Pool, not
113 kept by the member.

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115 (f) Requirements and provisions pertaining to subsequent membership in the
116 Pool and resignation and/or termination of membership in the Pool are as follows:

117 (1) Any uniformed member of the Charleston Fire Department who is eligible to
118 be a member of the Uniformed Fire Sick Leave Pool but did not become a member at
119 the time of their initial eligibility may join the Pool by submitting an application form to
120 the Human Resources Department. Members who join the Pool shall be required to
121 contribute a sufficient number of sick hours, annual leave hours, or both, equal to the
122 number that would have made them a member of the Pool had they chosen to
123 participate at the time of their initial eligibility and had remained eligible by contributing
124 to the replenishing of the pool as thereafter required.

125 (2) A member of the Pool may discontinue their membership therein by giving
126 proper written notice to the Human Resources Director and the CFD Sick Pool Eligibility
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Committee. However, any hours they have theretofore contributed to the Pool shall not be refunded or transferred back to their individual accumulated hours.

(3) Any member of the Pool who discontinues their duty with the Charleston Fire Department by reason of retirement, resignation, or permanent dismissal shall—immediately upon such discontinuance of employment—be ineligible to draw hours from the Pool. Any hours they have theretofore contributed to the Pool shall not be refunded or transferred back to their individual accumulated hours.

(4) Any member of the Pool who discontinues their duty with the Charleston Fire Department by reason of granted leave of absence or temporary suspension from duty resulting in reinstatement shall from the date of such discontinuance of duties be ineligible to draw hours from the sick leave pool, and in the event such member resumes duty with the Charleston Fire Department, they shall be eligible as a member of said pool only upon contributing to the pool such number of hours as shall have been required to replenish the pool during the period of their absence from duty.

(5) Any member of the pool resigning or leaving the Charleston Fire Department by any reason which results in their reinstatement as provided by the Civil Service Laws of the State shall not be eligible to rejoin the pool until they have served one full year from date of their reappointment or resumption of duties.

(g) (1) The CFD Sick Pool Eligibility Committee consists of five individuals, as follows: the Mayor of the City of Charleston or the Mayor's designee, the Fire Chief of the City of Charleston or the Fire Chief's designee, and three members of the Charleston Fire Department elected by the members and certified to the City Clerk. Elected members of the Pool serve for staggered terms of three years where a member is elected to the Pool each year. The result of each election shall be certified to the City Clerk, which the Clerk shall provide to City Council as a report of officers.

(2) The CFD Sick Pool Eligibility Committee is authorized to review all applications for use of the Pool, investigate the facts of the situation as necessary, require examinations of applicants if necessary, and approve or deny applications on a case-by-case basis. The CFD Sick Pool Eligibility Committee shall promptly report all of its decisions to the Human Resources Director.