

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 455

(Duly Adopted January 10, 2007)

AN ORDINANCE AMENDING CHAPTER 12 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO PERSONNEL POLICIES) BY REVISING CERTAIN BENEFITS FOR NONUNIFORMED EMPLOYEES, INCLUDING: REVISING THE SICK DAY BENEFITS BY ESTABLISHING A MAXIMUM OF SEVEN (7) SICK DAYS PER YEAR AND PROVIDING THE SICK DAYS ACCRUED HEREAFTER AND NOT USED IN THE YEAR ACCRUED MAY NOT BE CARRIED OVER INTO A SUBSEQUENT YEAR; REQUIRING EMPLOYEE CONTRIBUTIONS TO HEALTH PLAN PREMIUMS (\$20 PER BI-WEEKLY PAY PERIOD FOR SINGLE COVERAGE; \$25 PER PAY PERIOD FOR TWO PERSON COVERAGE; AND \$30 PER PAY PERIOD FOR FAMILY COVERAGE); AND, EFFECTIVE JANUARY 1, 2008, PROVIDING NO HEALTH PLAN COVERAGE FOR ANY SPOUSE OR DEPENDENT OF A NONUNIFORMED EMPLOYEE WHO IS ELIGIBLE TO PARTICIPATE AS AN EMPLOYEE IN A HEALTH PLAN OF ANOTHER EMPLOYER UNLESS THEY ELECT TO PARTICIPATE IN THE OTHER EMPLOYER'S PLAN AND THAT OTHER PLAN IS PRIMARY.

**BE IT ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

**SECTION 1.** Codified Ordinances § 12-304 (relating to Personnel Policies—Paid or Unpaid Time Off—Sick Leave) is amended by amending subsections (a) and (b) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 12-304 Sick Leave.**

(a) **Number of Sick Days.** The number of paid sick days (8 hours each) available during any given calendar year to a full-time Borough employee shall be determined as follows:

(1) If the full-time employee is first hired as a full-time employee during the first six months of that calendar year: zero (0) days until the 61<sup>st</sup> day of employment, and five (5) days thereafter. If the full-time employee is first hired as a full-time employee during the last six months of that calendar year: zero (0) days.

(2) If the first anniversary of the date the full-time employee was first hired as a full-time employee (hereinafter, the “**First Day**”) occurs during that calendar year: six (6) days.

(3) If the second or any subsequent anniversary of the full-time employee’s First Day occurs during that calendar year: seven (7) days.

~~(4) If the third anniversary of the full-time employee’s First Day occurs during that calendar year: eight (8) days.~~

~~(5) If the fourth anniversary of the full-time employee’s First Day occurs during that calendar year: nine (9) days.~~

~~(6) If the anniversary of the full-time employee’s First Day which occurs during that calendar year is greater than the fourth: ten (10) days.~~

~~(b) **Accumulation of Unused Sick Days.** Any unused sick days for a calendar year may be accumulated and used in succeeding calendar years, up to a maximum of fifteen (15) days accumulated at any one time from previous years.~~

(1) Any sick days from calendar year 2006 (and/or from previous years which were carried over into 2006 under the rules then applicable) which were not used by December 31, 2006, up to a maximum of fifteen (15) such days, may be used in calendar year 2007 or succeeding years. Such sick days need not be used in a calendar year until all sick days available for that calendar year under subsection (a) have already been used.

(2) Except as provided in paragraph (1), any sick days available for a calendar year under subsection (a) may only be used, as necessary and appropriate, in that calendar year; unused sick days may not be accumulated, carried over, and used in subsequent calendar years.

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**SECTION 2.** Codified Ordinances § 12-403 (relating to Personnel Policies—Benefits—Health & Hospitalization) is amended by amending subsection (a) and adding new subsections (c) and (d) as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

**§ 12-403 Health & Hospitalization.**

(a) **In General.** Subject to the payment of employee premium contributions as set forth in subsection (c), health ~~Health~~ and hospitalization coverage is provided to full-time Borough employees effective sixty (60) days after initial employment as a full-time Borough employee. ~~Benefits are provided to the employee and the employee's eligible family members; major medical coverage is provided to eligible family members.~~ The employee may elect, from time to time, whether this coverage is to be provided to the employee alone or to the employee and one or more of the employee's eligible family members. The terms, conditions, limitations, restrictions, and scope of coverage, as well as the persons eligible for coverage, are described in the summary plan descriptions distributed from time to time to employees and in the health policies and contracts obtained by the Borough from time to time. Nothing in this Chapter shall provide any specific health or hospitalization benefits; all such benefits shall be provided by policies as authorized from time to time by action of Council.

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**(c) Employee Contributions to Premiums.**

(1) **In General.** A full-time Borough employee who desires coverage under the Borough's health plan after January 31, 2007 (other than as the spouse or dependent of another full-time Borough employee) must contribute towards the premium cost for such coverage as provided in paragraph (2). The employee contributions may be made through a salary reduction agreement and employer contributions through the Cafeteria

Plan (see Chapter 14) in accordance with the terms, conditions, and limitations of the Cafeteria Plan, or may be made on an after-tax basis through payroll deduction (if possible, or if not, through direct payment to the Borough).

**(2) Amount of Employee Contribution.** The amount which an employee must contribute on each regular bi-weekly payday for health coverage shall be:

**(A) 2/1/07.** Effective for paydays after February 1, 2007:

**(i)** Twenty Dollars (\$20.00) if only the employee is covered (e.g., single coverage, individual coverage, employee-only coverage);

**(ii)** Twenty-five Dollars (\$25.00) if the employee and only one other individual are covered (e.g., husband/wife coverage, parent/child coverage);

**(iii)** Thirty Dollars (\$30.00) if the employee and two or more other individuals are covered (e.g., family coverage, parent/children coverage).

**(3) Changes in Coverage.** In the event of a change in coverage (e.g., a change from single coverage to family coverage, a change from no coverage to single coverage, or a change from family coverage to no coverage), a change in the amount of employee contributions shall take effect beginning with the first payday on or after the date of the change in coverage. This paragraph (3) may be illustrated by the following examples:

**(A)** An employee changes from single coverage to family coverage effective April 1, 2007: The employee contribution amount changes beginning with the payday of April 6, 2007. Thus, \$20.00 is withheld from the paycheck of March 23, 2007, and \$30.00 is withheld from the paycheck of April 6, 2007 and following paychecks.

**(B)** A new employee is hired on March 11, 2007, is first eligible for coverage on May 10, 2007, and elects husband and wife coverage effective that date: The employee contribution amount changes be-

ginning with the payday of May 18, 2007. Thus, nothing is withheld from the paycheck of May 4, 2007, and \$25.00 is withheld from the paycheck of May 18, 2007 and following paychecks.

(C) An employee changes from family coverage to no coverage effective June 1, 2007: The employee contribution amount changes beginning with the payday of June 1, 2007. Thus, \$30.00 is withheld from the paycheck of May 18, 2007, and nothing is withheld from the paycheck of June 1, 2007 and following paychecks.

(4) **Insufficient Paycheck.** If the amount of a paycheck for an employee is less than the amount of the required payment for that payday, the employee must pay the deficiency on or before the next payday (together with the amount due on that next payday), either through an additional deduction from the next paycheck, or by a direct payment to the Borough. Otherwise, the health coverage will terminate as of the day after the next payday. However, if the deficiency occurs in the paycheck for last payday of a calendar year, the deficiency may not be paid on a pre-tax basis through the Cafeteria Plan in the following calendar year, but must be paid on an after-tax basis, either by after-tax payroll deduction or by direct payment to the Borough.

(5) **Attribution of Contributions.** All employee contributions due during a particular calendar month are used to provide health coverage for that particular calendar month, and not for a previous or succeeding calendar month, regardless of whether there are two or three paydays in that calendar month.

(d) **Working Spouses and Dependents.** Notwithstanding anything to the contrary in this Section, no health coverage may be elected or provided for any period after December 31, 2007 with respect to a spouse or family member of a full-time Borough employee for any month in which such spouse or family member is eligible to participate as an employee in a group health plan sponsored by another employer, unless such spouse or family member elects to participate in the other employer's plan and that other plan is the primary coverage for the spouse or family member. A full-time Borough employee who desires to cover a spouse or family member must provide, from time to time upon request, proof that the

spouse or family member is not employed, or, if employed, that the spouse or family member is either not eligible to participate in the employer's health plan or is participating in the employer's plan.

**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Al-  
burtis, this 10<sup>th</sup> day of January, 2007, in lawful session duly assembled.

BOROUGH COUNCIL  
BOROUGH OF ALBURTIS

\_\_\_\_\_  
Steven R. Hill, President

Attest:

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Melanie Hansen, Executive Secretary

**AND NOW**, this 10<sup>th</sup> day of January, 2007, the above Ordinance is hereby AP-  
PROVED.

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Russell J. Afflerbach, Mayor