

ORDINANCE NO. 618

AN ORDINANCE OF THE CITY OF MESQUITE PROVIDING FOR THE TRANSFER OF ACCRUED SICK LEAVE OF POLICE AND FIREMEN TO A SICK LEAVE RESERVE STATUS; PROVIDING THAT SUCH POLICE AND FIREMEN WILL NOT BE PAID FOR SUCH SICK LEAVE UPON TERMINATION OF SERVICE OR RETIREMENT; PROVIDING FOR THE USE OF SUCH RESERVE STATUS SICK LEAVE AFTER SICK LEAVE ACCRUED UNDER THE CIVIL SERVICE ACT HAS BEEN EXHAUSTED; AND DECLARING AN EMERGENCY.

Whereas, the Police and Fire departments of the City of Mesquite will commence operating under the provisions of the Firemen and Policemen's Civil Service Act of the State of Texas, Article 1269m of Vernon's Revised Civil Statutes, on October 30, 1965, and

Whereas, the present sick leave policy of the City of Mesquite does not provide that employees who terminate their services with the City will be paid for accumulated and unused sick leave, and

Whereas, the Firemen and Policemen's Civil Service Act of the State of Texas provides that firemen and policemen covered by the Civil Service Act will accumulate sick leave as provided in said Act and that upon termination of their service with the City shall be paid for such accumulated and unused sick leave, and

Whereas, in order to provide that members of the Police and Fire departments may use accumulated sick leave accumulated prior to the time the Civil Service Act becomes effective for such employees, but to provide that members of the Police and Fire departments shall not be paid for such sick leave accumulated prior to the time the Civil Service Act becomes effective, the City Council of the City of Mesquite deems it necessary to adopt the following ordinance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE:

Section 1. That all accumulated and unused sick leave accumulated to the credit of members of the Police and Fire departments of the City of Mesquite prior to October 30, 1965, and which is unused on said date, be, and the same is hereby transferred to a sick leave reserve status. That upon the termination of the employment of members of the Police and Fire departments who have accumulated sick leave in said reserve status, the City of Mesquite shall be under no obligation to pay the said members of the Police and Fire departments for said accumulated and unused sick leave. That such accumulated and unused sick leave may be used by members of the Police and Fire departments in accordance with the terms and provisions of this ordinance.

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DULY RECORDED:

Norm G. McLaughly  
City Secretary

APPROVED AS TO FORM:

H. Louis Nichols  
City Attorney

**RETAKE  
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Section 2. That the members of the Police and Fire departments who become sick and unable to work and who have accumulated sick leave under the provisions of the Firemen and Policemen Civil Service Act, Article 1269m of Vernon's Revised Civil Statutes after October 30, 1965, shall be required to first use such sick leave which accumulated after October 30, 1965 before being eligible to use accumulated sick leave in the reserve sick leave status. In the event an employee has used all sick leave accumulated under the Civil Service Act, and has unused accumulated sick leave in the reserve sick leave status, such employee shall be permitted to then use such accumulated sick leave in the reserve sick leave status as may be necessary.

Section 3. That no member of the Police and Fire departments shall be permitted to use sick leave to his credit in the reserve sick leave status until he has first used all sick leave accumulated since October 30, 1965.

Section 4. That no member of the Police and Fire departments of the City of Mesquite shall be paid for sick leave accumulated prior to October 30, 1965.

Section 5. That it is the intention of the City Council of the City of Mesquite in adopting this ordinance to recognize and pay for sick leave accumulated by members of the Police and Fire departments prior to October 30, 1965, and to provide that such accumulated sick leave may be used only after sick leave accumulated under the Civil Service Act has been used by said members of the Police and Fire departments and to provide that in no event shall members of the Police and Fire departments be paid for sick leave accumulated prior to October 30, 1965 at the time of their separation from the employment of the City of Mesquite.

Section 6. The fact that the present regulations of the City of Mesquite do not provide for employees to be paid for accumulated and unused sick leave at the time of their separation from the employment of the City of Mesquite, and the fact that the Civil Service Act to become applicable to Police and Firemen on October 30, 1965, does provide for payment of accumulated sick leave under said act, creates an urgency and an emergency in the presence of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage as the law in such cases provides.

Duly adopted by the City Council of the City of Mesquite on the 8 day of November, 1965.

George Boyer  
Mayor

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City Secretary

APPROVED AS TO FORM:

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City Attorney