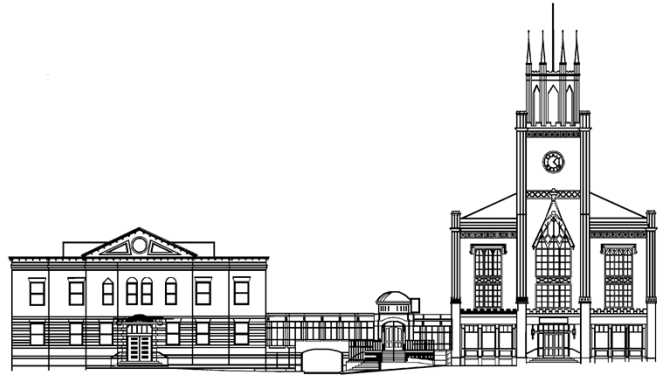




COMMITTEE ON BILLS ON SECOND READING

December 6, 2022 at 5:45 PM

Aldermanic Chambers, City Hall (3rd Floor)

Members: Aldermen Gamache, T. Sapienza, Fajardo, E. Sapienza, George-Kelly

AGENDA

The Chairman calls the meeting to order.

The Clerk calls the roll.

1. Ordinance Amendment:

"Amending Section 33.081 Sick Leave (A) and (D) of the Code of Ordinances of the City of Manchester to change the terms of sick leave use."

If the Committee so desires, a motion would be in order that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.

2. Ordinance Amendment:

"Amending Section 33.079 Vacations by revising the use of vacation during the first six months of employment, as well as the accrual rate for new employees through nine years of service."

If the Committee so desires, a motion would be in order that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.

3. Ordinance Amendment:

"An Ordinance amending Chapter 150 Housing Code, Sections 150.067 and 150.068 of the City of Manchester Code of Ordinances to address Insects, Rodents, Vermin and Other Pests."

If the Committee so desires, a motion would be in order that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.

If there is no further business, a motion is in order to adjourn.

Lisa M. Drabik
Human Resources Director



CITY OF MANCHESTER Human Resources Department

October 21, 2022

Alderman Kevin Cavanaugh, Chair
Human Resources and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: Ordinance Change Regarding Use of Sick Leave

Dear Chair Cavanaugh and HRIC Members:

Human Resources recommends revision of the current City Sick Leave Ordinance (33.081) as to the conditions surrounding use of sick leave by employees. As currently adopted, the Ordinance prohibits new City employees from using sick leave in their first six (6) months of employment, and only permits the use of sick time for existing employees when either the employee is sick, or if the employee needs paid time off to care for a family member **for an FMLA-approved leave**. As set forth in relevant part (emphasis added):

33.081 SICK LEAVE.

(A) All permanent employees in the city service, except part-time employees who work less than one-half of the regular work week, temporary, and seasonal employees, shall be eligible for sick leave with pay ***after the completion of six months of continuous service.***

...

(D) Any employee eligible for sick leave with pay may use such sick leave, upon approval of his or her department or office head, for absence due to his or her illness, injury, the illness or injury of a spouse, child or other blood relative or ward residing in the same household ***when FMLA leave is approved***, or for the exposure to contagious disease. An employee on sick leave shall inform his immediate supervisor of the fact and the reason therefor as soon as possible and failure to do so within a reasonable time may be cause for denial of pay for the period of absence. In the case of a pandemic, a doctor's certificate may not be required for a period or periods of more than three work days.

In other words, as written, the Sick Leave Ordinance does not permit an employee to use sick time to stay home with a sick child, or to take an elderly parent to a doctor's appointment; rather, the employee must use vacation or other paid time, or take the time unpaid. Anecdotally, some departments appear to grant more leeway to their employees in applying sick time to such situations; others may not, and the official HR position must be in line with the Ordinance as it is written. Accordingly, revising the Ordinance as suggested in Attachment A would allow standardization as to how sick leave time may be applied across Departments, would be more employee-friendly, and would allow new employees to take paid sick days as necessary, particularly as we enter another period in which we are already experiencing an uptick in COVID cases.

Human Resources suggests that the HRIC approve the suggested revisions to the Sick Leave Ordinance (as they appear in Attachment A), to become effective upon approval by the Board of Mayor and Aldermen. It is important to note that such change would initially apply only to Non-Affiliated employees, as each collective bargaining agreement addresses the use of sick time. Such a change to sick time usage could be extended to affiliated employees via a Sidebar with each union.

Respectfully submitted,

Lisa M. Drabik
Human Resources Director

City of Manchester New Hampshire

In the year Two Thousand and

Twenty-Two

AN ORDINANCE

“Amending Section 33.081 Sick Leave (A) and (D) of the Code of Ordinances of the City of Manchester to change the terms of sick leave use.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinances by deleting language stricken (---) and inserting new language as bolded (**bold**). Language not struck through or bolded remains unchanged.

§33.081 SICK LEAVE.

(A) All permanent employees in the city service, except part-time employees who work less than one-half of the regular work week, temporary, and season employees, shall be eligible for sick leave with pay. ~~after the completion of six months of continuous service.~~

(D) Any employee eligible for sick leave with pay may use such sick leave, upon approval of his or her department or office head, for absence due to his or her illness; **or** injury; the illness or injury of a spouse, child or other blood relative or ward residing in the same household; ~~when FMLA leave is approved,~~ or for the exposure to contagious disease. An employee on sick leave shall inform his immediate supervisor of the fact and the reason therefor as soon as possible and failure to do so within a reasonable time may be cause for denial of pay for the period of absence. In the case of a pandemic, a doctor's certificate may not be required for a period or periods of more than three work days.

II. This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

Lisa M. Drabik
Human Resources Director



CITY OF MANCHESTER Human Resources Department

October 21, 2022

Alderman Kevin Cavanaugh, Chair
Human Resources and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: Ordinance Change Regarding Vacation Accruals For, and Use By, Non-Affiliated Employees

Dear Chair Cavanaugh and HRIC Members:

At its October 4, 2022 meeting, in light of both recruitment and retention concerns, the HRIC requested that Human Resources look into a proposed change to the starting rate at which Non-Affiliated (non-unionized) employees accrue (and use) vacation. Currently, City of Manchester Ordinance 33.079 provides as follows, in relevant part (emphasis added):

§ 33.079 VACATIONS.¹

(A) Vacation eligibility.

(1) All employees in the city service, except part-time employees who work less than one-half the regular work week, temporary, seasonal, and school term employees, shall be eligible for vacation leave with pay **after the completion of six months of continuous service.**

(2) Vacation credits shall accrue during the first six months of employment, **but an employee shall not be eligible to use such vacation credits until the completion of six months of continuous service.** If an employee is terminated for any cause during the first six months of employment he shall not have earned any vacation credits and shall not be eligible for payment for any vacation credits.

...

(C) Vacation leave credit shall accrue for eligible employees on a weekly basis, as follows:

¹ Affiliated employees are, of course, governed by the provisions of the applicable collective bargaining agreement; however, the vacation provisions in all of the collective bargaining agreements currently line up with these provisions.

(1) *First five years. 1.54 hours per week* for each completed week of service until the completion of five years of continuous employment.

(2) *Six to nine years. 2.31 hours per week* for each completed week of service after the completion of five years of continuous employment and continuing at such rate until the completion of nine years of continuous service.

(3) *Ten through fourteen years. 3.08 hours per week* for each completed week of service after the completion of 14 years of continuous service and thereafter continuing at such rate until the completion of 14 years of continuous service.

(4) *Fifteen through nineteen years. 3.85 hours per week* for each completed week of service after the completion of 14 years of continuous service and thereafter continuing at such a rate until the completion of 19 years of continuous service.

(5) *Twenty or more years. 4.62 hours per week* for each completed week of service after the completion of 19 years of continuous service and thereafter.

...

(H) (1) *Flexible benefit vacation plan elections. Employees may be authorized in writing by their department head, to purchase additional vacation credits over their normal accrued credits.* The additional vacation credits may only be used with the approval of the department head and only after the exhaustion of normal vacation credits. The Human Resources Department shall establish policies and procedures which shall govern the way an employee can use the vacation credits, what happens if the employee does not use the credits and the way an employee will place the appropriate funds into a special account. The purchase of these additional vacation credits shall not alter the maximum accrual limits as set forth in this subsection (H).

In summary, new hires (from 0-5 years of service) are afforded 10 days (2 work weeks) of paid vacation, and are unable to use any such paid vacation leave, even with Department Head approval, during the first six (6) months of employment. They may, like all employees, purchase additional (“flex”) weeks of vacation with Department Head approval on a calendar year basis. As of October 17, 2022, the City had 304 Non-Affiliated employees. Of those, 102 fall within the 0-5 year category, and only 19 have purchased flex vacation time for this calendar year.² There is little “cost” to adding paid vacation time, as the City has budgeted to pay its employees whether they are working, or using vacation time. Moreover, given the life/work balance sought

² Of the 304 Non-Affiliated Employees, current vacation accrual rates are broken down as follows:

Years of Service	Annual Vacation Accrual	# of Non-Affiliated Employees
0-5	2 weeks	102
6-9	3 weeks	46
10-14	4 weeks	29
15-19	5 weeks	45
20+	6 weeks	82

by today's workforce, it is likely the increased productivity borne by additional time off would outweigh any potential "cost" to increasing employee leave time by one work week.

The amount of paid vacation time afforded to employees is, of course, an important tool in both recruitment and retention of new employees. In a 2022 survey of employers completed by SHRM (Society for Human Resources Management), "Leave Benefits" were ranked by 82% of respondents as "Very Important" or "Extremely Important" in terms of the benefits they can offer to attract and retain employees. Moreover, in today's job market, candidates often come to the City from previous employment in which they already have three (or more) weeks of paid vacation as part of their benefits package, and City Department Heads regularly argue they must offer 1-3 steps higher in the relevant pay grade as a starting salary not only to be competitive but also to compensate for the fact that the candidate must "purchase" additional vacation time to maintain the same vacation benefit afforded to them by their current employer.

Not only private employers, but also local (and our most similar comparable) municipalities, have changed, or are in the process of changing, vacation policies in order to attract and retain employees. Nashua now offers new hires (0-5 years) vacation time as follows: 17 days of paid leave (12 days' vacation + 5 personal days/year); those with 6-10 years of service receive a total of 20 days; those with 10-20 years receive a total of 26 days, and those with 20+ years receive a total of 33 days. In a similarly aggressive move to recruit and retain employees, the HR Director for the City of Concord has proposed that Concord's vacation time be modified as follows:

0-1 years: 3 weeks of vacation leave
2-5 years: 4 weeks of vacation leave
6-10 years: 5 weeks of vacation leave
10+ years: 6 weeks of vacation leave

Attached to this letter is a proposed revision of the current City ordinance on Vacation leave to increase the vacation accrual for Non-Affiliated employees from two (2) weeks to three (3) weeks for those with 0-5 years of service, thus matching the three (3) weeks afforded to those with 6-9 years of service, making three (3) weeks the allotted vacation for Non-Affiliated employees **during their first nine (9) years of service as follows:**

CURRENT:			PROPOSED:	
Years of Service	Annual Accrual		Years of Service	Annual Accrual
0-5	2 weeks		0-5	3 weeks
6-9	3 weeks		6-9	3 weeks
10-14	4 weeks		10-14	4 weeks
15-19	5 weeks		15-19	5 weeks
20+	6 weeks		20+	6 weeks

Of course, the Committee and full Board may also consider other revisions to vacation accruals for Non-Affiliated employees, including for employees with more than five years of service. For example, the Committee may want to consider increasing the accrual rates as follows:

CURRENT:			PROPOSED:	
Years of Service	Annual Accrual		Years of Service	Annual Accrual
0-5	2 weeks		0-5	3 weeks
6-9	3 weeks		6-9	4 weeks
10-14	4 weeks		10-14	5 weeks
15-19	5 weeks		15+	6 weeks
20+	6 weeks			

Should the HRIC vote in support of a revision to the accrual rates for Non-Affiliated employees, Human Resources suggests such change should be effective January 1, 2023, as this date would align with the purchase date of flex vacation (as that must be exercised on a calendar year basis).

In addition, the proposed change to the Vacations ordinance eliminate the ban on using vacation during the initial six months of employment, instead specifying that vacation leave may be used with Department Head approval during such time the accrual rate plan changes propose

Finally, it is important to note that should the HRIC and BMA desire to similarly change vacation accrual rates and the use of vacation (by new hires) for affiliated employees, it would be done via Sidebar with each union, as each collective bargaining agreement addresses the parameters of vacation leave for its members.

Respectfully submitted,

Lisa M. Drabik
Human Resources Director

City of Manchester New Hampshire

In the year Two Thousand and Twenty-Two

AN ORDINANCE

“Amending Section 33.079 Vacations by revising the use of vacation during the first six months of employment, as well as the accrual rate for new employees through nine years of service.

Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinances by inserting new language in **bold**. Portions of the following section that remains unchanged appear in regular type.

§ 33.079 VACATIONS.

Vacation eligibility.

(1) All employees in the city service, except part-time employees who work less than one-half the regular work week, temporary, seasonal, and school term employees, shall be eligible for vacation leave with pay. ~~after the completion of six months of continuous service.~~

(2) Vacation credits **for non-affiliated employees** shall accrue during the first six months of employment, **and may be used with prior approval of the Department Head (or designee).** ~~but an employee shall not be eligible to use such vacation credits until the completion of six months of continuous service.~~ If an employee is terminated for any cause during the first six months of employment, ~~he shall not have earned any vacation credits and~~ shall not be eligible for payment for any **unused** vacation credits.

(B) Credit for temporary employment. Employees who are initially employed in a full-time temporal status and who are subsequently appointed to a permanent status, without a break in service, shall be allowed credit for the time served in the temporary status towards accrual of vacation leave benefits.

(C) **Effective January 1, 2023,** ~~V~~vacation leave credit shall accrue for eligible **non-affiliated** employees on a weekly basis, as follows:

(1) ~~First five years~~**nine years.** ~~1.54 hours per week for each completed week of service until the completion of five years of continuous employment. Six to fourteen~~ **nine years.** 2.31 hours per week for each completed week of service ~~after the completion of five years of continuous employment and~~ continuing at such rate until the completion of 9 years of continuous service.

(2) Ten through fourteen years. 3.08 hours per week for each completed week of service after the completion of 9 years of continuous service and thereafter continuing at such rate until the completion of 14 years of continuous service.

(3) Fifteen through nineteen years. 3.85 hours per week for each completed week of service after the completion of 14 years of continuous service and thereafter continuing at such rate until the completion of 19 years of continuous service.

(4) Twenty or more years. 4.62 hours per week for each completed week of service after the completion of 19 years of continuous service and thereafter.

(5) Vacation for part-time employees shall be pro-rated and accrue on a basis of the portion of 40 hours worked per week. Maximum accrual will be on 40 hours per week.

(6) The practice of crediting the employee with 40 hours of vacation upon change of accrual rate is no longer authorized.

(7) No vacation shall accrue on hours in excess of 40 hours per week.

(8) The rate and schedule of vacation accruals for affiliated employees shall be governed by the applicable collective bargaining agreement.

II. This ordinance shall take effect upon passage.

City of Manchester New Hampshire

In the year Two Thousand and Two

An Ordinance

“An Ordinance amending Chapter 150 Housing Code, Sections 150.067 and 150.068 of the City of Manchester Code of Ordinances to address Insects, Rodents, Vermin and Other Pests.”

Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinance by inserting new language required as bolded (**bold**) and deleting existing language as stricken (-----). Portions of the following sections that remain unchanged appear in regular type.

§ 150.067 **INSECTS, RODENTS, VERMIN AND OTHER PESTS** ~~INSECTS.~~

All structures shall be kept free from **infestation** by insects, ~~and rodents, vermin and other pests infestation.~~ **All yards and other exterior areas shall be kept free from infestation by rodents and other harmful pests that endanger public health, safety, and welfare.** When ~~insects or rodents~~ **such infestations** are found to have infested on a **premises, dwelling,** said pests shall be promptly treated by means of an accepted process by a licensed commercial pest control applicator. After pest remediation, **all** ~~property~~ precautions shall be taken to prevent re-infestation.

§ 150.068 **RESPONSIBILITY FOR INFESTATION CONTROL.**

(A) *Owner.* The owner of any ~~premises structure~~ shall be responsible for pest remediation within ~~the structure~~ **those premises, including all structures within those structure-premises.**

(B) *Single occupant.* The occupant of **premises including** a one-family dwelling shall be responsible for pest remediation on **those premises, including** the dwelling.

(C) *Multiple occupancy.* The owner of a **premises including** a structure containing two or more dwelling units, a multiple occupancy, or a rooming house shall be responsible for pest remediation in ~~the~~ all areas of **those premises, including** the structure and exterior property. If infestation is caused by failure of the occupant to prevent such infestation in the area **of the premises occupied by that occupant,** the occupant and the owner shall be responsible for pest remediation consistent with NH HB 482 (2013).

(D) *Occupant.* The occupant of any ~~premises structure~~ shall be responsible for the continued pest-free condition of the ~~structure~~ **premises, pursuant to §150.067 and** ~~consistent with~~ the guidelines set forth by a NH licensed commercial pesticide applicator.

(E) *Exception.* Where the infestations **of the premises** are caused by defects in ~~a the~~ structure, the owner shall be responsible for pest remediation.

- II. This ordinance shall take effect upon its passage.