

ORDINANCE NO. D-2667-23

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
ADDING SECTION 2-59 TO CHAPTER 2, ARTICLE 3, DIVISION II OF THE CARMEL CITY
CODE**

Synopsis: Establishes Paid Living Donor Leave for eligible City of Carmel Employees.

WHEREAS, over 100,000 people in the United States are currently on the waiting list for a lifesaving organ transplant; and

WHEREAS, increasing the number of living organ donors would reduce the waiting time for people on the transplant waitlist and lower the risks associated with transplant surgery; and

WHEREAS, a significant impediment to becoming a living organ donor is the lost wages that a donor suffers when they are unable to work during their recovery period; and

WHEREAS, many governmental entities and institutions, including the State of Indiana and the Federal Government, provide organ donor leave to their employees who serve as living donors; and

WHEREAS, in order to support City of Carmel employees who choose to serve as a living organ donor, there is hereby established City of Carmel Paid Living Donor Leave, which shall be administered as set forth below.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. That Chapter 2, Article 3, Division II, Section 2-59 is hereby added to the Carmel City Code and shall read as follows:

“Sect. 2-59. Paid Living Donor Leave

(a) Paid Living Donor Leave (PLDL) is provided to an eligible City employee who serves as a living donor by making a liver or kidney donation for transplantation to another individual.

(b) To be eligible for PLDL, a City employee must be continuously employed with the City in a full time capacity for at least one (1) year prior to starting PLDL.

(c) An employee must request PLDL at least thirty (30) days prior to the start of the leave when possible and provide written verification from a physician indicating that the employee is serving as a living donor.

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This Ordinance was prepared by Jon Oberlander, Corporation Counsel, on March 14, 2023 at 11:25 a.m. No subsequent revision to this Ordinance has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.

- 47 (d) A living donor may receive up to six (6) calendar weeks of paid leave for a kidney or
48 liver donation, as determined by the attending physician.
49 (1) The PLDL will be paid at 100% of the employee's base pay rate.
50 (2) Any PLDL not taken is not banked for later use or paid out to the employee.
51 (3) Benefits that the employee is enrolled in will continue while the employee is
52 on PLDL.
53 (4) The PLDL will end immediately if the employee no longer meets the criteria
54 for eligibility.
55
56 (e) The PLDL will run concurrently with FMLA. An employee who is granted PLDL
57 and meets the eligibility requirements of FMLA will be placed on FMLA at the start
58 of PLDL. If the employee meets FMLA eligibility during PLDL, they will be placed
59 on FMLA at that time.
60
61 (f) If the employee requires additional recovery time after the PLDL has ended, the
62 employee must request:
63 (1) FMLA by completing the appropriate FMLA forms, if the employee is
64 eligible for FMLA and has FMLA available, and
65 (2) The employee must utilize their PTO or sick leave bank time as specified in
66 those policies.
67
68 (g) Return to work
69 (1) The employee must furnish a signed medical release from the attending
70 physician prior to returning to work.
71 (2) After PLDL, the employee will return to the same position when the leave
72 began, or an equivalent job provided the employee can perform the essential
73 functions.
74 (3) A fitness for duty test may be required before the employee returns from
75 PLDL.”
76

77 Section 3. All prior ordinances or parts thereof inconsistent with any provision of this
78 Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this
79 Ordinance, such repeal to have prospective effect only. However, the repeal or amendment by this
80 Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or
81 proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings
82 are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as
83 if this Ordinance had not been adopted.
84

85 Section 4. If any portion of this Ordinance is for any reason declared to be invalid by a court
86 of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this
87 Ordinance so long as enforcement of same can be given the same effect.
88

89 Section 5. This Ordinance shall be in full force and effect from and after the date of its
90 passage and signing by the Mayor.

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PASSED, by the Common Council of the City of Carmel, Indiana, this ____ day of _____, 2023, by a vote of ____ ayes and ____ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Jeff Worrell, President

Laura Campbell, Vice-President

Kevin Rider

Sue Finkam

Anthony Green

Adam Aasen

Tim Hannon

Miles Nelson

Teresa Ayers

ATTEST:

Sue Wolfgang, Clerk

Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of _____ 2023, at _____ .M.

Sue Wolfgang, Clerk

Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of _____ 2023, at _____ .M.

James Brainard, Mayor

ATTEST:

Sue Wolfgang, Clerk

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