

**AN ORDINANCE AMENDING CHAPTER 153
OF THE CODIFIED ORDINANCES OF MAYFIELD VILLAGE, OHIO
PERTAINING TO EMPLOYMENT PROVISIONS,
REPEALING SUCH OTHER ORDINANCES
AS ARE INCONSISTENT HEREWITH
AND DECLARING AN EMERGENCY.**

BE IT ORDAINED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO, THAT:

SECTION 1. Effective January 1, 2011 and retroactive thereto, except as herein otherwise provided, Chapter 153 of the Codified Ordinances of Mayfield Village, Ohio, is hereby amended to read as follows:

**CHAPTER 153
Employment Provisions**

CROSS REFERENCES

Welfare - see Ohio Const., Art. II, §34
Workers' compensation - see Ohio Const., Art. II §35; Ohio R.C. Ch. 4123
Wages and hours on public works - see Ohio Const., Art. II. Sec. 37; Ohio R.C. Ch. 4115
Civil service - see CHTR. Art. V §6
Deductions for dues and savings - see Ohio R.C. 9.41, 9.43
Deductions for municipal income tax - see Ohio R.C. 9.42
Public Employees Retirement System - see Ohio R.C. Ch. 145
Expenses for attendance at conference or convention - see Ohio R.C. 733.79
Strikes by public employees - see Ohio R.C. Ch. 4117
Conflict of interest - see GEN. OFF. 525.15

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153.01 APPLICABILITY.

Except as herein otherwise provided the provisions of this Chapter shall apply to those employees of MayfieldVillage (hereinafter "Municipality") not included in a collective bargaining agreement pursuant to Article III, Section 17 of the Charter of Mayfield Village. The provisions of this Chapter shall not apply to seasonal employees.

153.02 BONDS.

Each of the following officers and employees of the Municipality in addition to such others as Council may from time to time designate, shall furnish a bond for the faithful performance of the duties of his or her office or position in the sum indicated:

Finance Director \$50,000

(Ord. 89-22. Passed 7-17-89.)

153.03 BASIS OF PAY.

All employees of the Municipality except full-time Department Heads, the Police Chief, the Fire Chief, elected officials, members of boards and commissions, and certain employees of the Recreation Department (in accordance with the Recreation Department pay ordinance), shall be paid on an hourly basis with their paychecks being delivered to them at a time after they submit to the Finance Department an approved time sheet for the two (2) week pay period most recently concluded and the Finance Department has calculated their pay based on the submitted time sheet.

The hourly rate of pay for these employees shall be designated in an adopted pay ordinance.

153.04 DEFINITION OF PERMANENT FULL-TIME EMPLOYEE.

For purposes of this Ordinance and benefits contained herein, a permanent full-time employee is defined as a person who works forty (40) hours per calendar week on the same job except in the case of the fire department employee (excluding Fire Chief) who works fifty (50) hours per calendar week. Part-time positions held by full-time employees do not qualify for additional benefits or overtime pay for their part-time employment. Further, part-time employees

are entitled to no benefits unless specifically granted elsewhere in this ordinance. All full-time employees will serve a probationary period not to exceed 12 months from his or her date of hire. During the probationary period, an employee can be dismissed by the Municipality as it sees fit.

153.05 STANDARD WORK WEEK.

(a) All rates in the compensation ordinance are based on a forty (40) hour weekly schedule, paid on a bi-weekly basis.

(b) The standard work week shall be forty (40) hours in a seven (7) day period for full-time employees of the Municipality.

153.06 OVERTIME.

(a) Except for those employees not covered by the overtime provision of the Fair Labor Standards Act, or the regulations promulgated pursuant thereto, all full-time employees and all eligible part-time employees shall be compensated at the rate of one and one-half (1-1/2) times the employee's regular hourly rate for that time actually worked in excess of forty (40) hours during a seven (7) day work week when approved by that employee's department head for employees who are normally scheduled to work a forty (40) hour week. Part-time firefighters shall be compensated at the rate of one and one-half (1 ½) times the employee's regular hourly rate for time actually worked in excess of fifty-three (53) hours in a seven (7) day work period.

(b) All overtime shall be approved in advance by an employee's department head, unless there exists an emergency that threatens the health, safety or welfare of the Municipality.

(c) If an employee is scheduled for training or seminars while on vacation or holiday, the employee shall be paid regular time and restored that vacation or holiday time lost. No overtime will be paid in this situation.

(d) Time changes relevant to daylight savings shall not entitle the Municipality to dock pay nor to pay additional time on those days, as same will balance out.

(e) All full-time employees, shall, at their election, be able to accrue compensatory time at one and one-half (1-1/2) times the number of overtime hours worked in lieu of cash payment at the same rate that overtime would have been calculated (time and one-half vs. straight overtime), up to a maximum of eighty (80) hours. In the event an employee works overtime when his "compensatory time bank" is at eighty (80) hours, he or she shall be paid cash for such overtime. Employees shall have the option of cashing out up to twenty-four (24) hours of comp time at the end of each calendar year. Any unused comp time will be cashed out upon the employee's separation from employment.

(f) Holidays, compensatory time, personal/miscellaneous days and vacation time, shall be considered time actually worked. Sick leave and bereavement leave will not be considered time actually worked for the purposes of calculating overtime.

(g) Those full-time employees called to work on an emergency basis outside of their normal working hours shall be paid at their regular hourly rate and shall be paid for a minimum of two (2) hours. In the event that the hours worked on an emergency basis as provided in this subsection are subject to the overtime provisions of subsection (a) hereof, then such employees shall be paid at one and one-half (1-1/2) times their regular hourly rate for a minimum of two (2) hours and thereafter in increments of fifteen (15) minutes.

(h) Full-time department heads shall be entitled to compensatory time of one (1) hour for each hour actually worked in excess of forty (40) hours in a seven (7) day work period. The compensatory time authorized herein may be accumulated to a maximum total of eighty (80) hours. Compensatory time used from this accumulation shall only be used with the approval of the Mayor. The overtime provisions of this subsection are not required by the Fair Labor Standards Act and are accorded to the employees covered by this subsection at the sole discretion of the Municipality with the Municipality reserving the right to rescind the overtime granted herein. Any unused comp time will be cashed out upon the department head's separation from employment.

(i) Any secretarial or clerical employee who attends a meeting of Council or Planning and Zoning or Architectural Review Board or any other meeting when requested by the Mayor or Council for the purpose of recording the minutes of such meetings shall receive compensation at the rate of one and one-half (1½ times) the normal hourly rate as established herein. The secretarial or clerical employee attending the meeting shall be paid for a minimum of two hours for such attendance.

(j) When a Service Department employee is called in to work during the hours between 12:00 midnight and 8:00 A.M. for the express purpose of plowing streets, trails or paths and the Service Director deems the situation to be an emergency, that employee will be compensated at rate of one and one half (1 ½) times his regular rate of pay.

(k) Permanent, part-time employees shall have the option of banking up to 40 hours of regular or overtime hours. These hours may only be used when the employee takes a sick or vacation day in place of a regularly scheduled work day. The employee shall have the option of cashing out any unused hours at the end of the calendar year.

153.07 JURY DUTY, TRAVEL, CONFERENCES AND OTHER EXPENSES.

(a) Internal Revenue Service permissible payment per mile is hereby allowed to reimburse employees who are required to make trips on behalf of the Municipality in their own automobiles, other than transportation to and from work, to be paid from the Treasury upon approval of the Mayor and the Director of Finance. This sum shall be paid to all employees, elected or appointed, full or part-time. If the trip replaces the employee's normal commute, reimbursable miles will be offset by the employee's normal commute.

(b) Any elected or appointed Municipal officer, deputy or assistant or an employee of the Municipality may attend, at the expense of the Municipality, any conference or convention relating to municipal affairs if authorized by the Mayor and the Department Head, and if the fiscal

officer of the Municipality certifies that funds are appropriated and available for such purpose. Such person shall be reimbursed for meals and lodging. If the attendance at such conference does not require overnight accommodation, the employee will be reimbursed for meals up to fifteen dollars (\$15.00) for lunch or dinner upon presentation of receipts to the Finance Director. If attendance at such conference requires overnight accommodation, the employee shall be provided a Fifty dollar (\$50.00) per diem for each day of travel.

(c) All employees who are summoned to jury duty in the municipal, county or federal court system must advise their chief and or director, immediately upon receiving same. If the employee is scheduled to work during said scheduled jury duty, the employee will be paid his regular compensation for that time period. The employee will then reimburse the Municipality all funds received from the court for said jury duty. An employee who finishes his jury duty early during the course of his shift, should report for duty for the balance of his regular shift. Similarly, an employee will work as much as his or her shift as possible before reporting for jury duty taking into account reasonable travel time.

153.08 UNIFORM ALLOWANCE.

(a) Uniform items for Police Department employees shall conform to the specifications (required by the Department's Manual of Rules and Regulations, subject to the approval of the Chief of Police. All items purchased by the Municipality shall be and remain the property of the Municipality.

(b) The Police Department, upon approval and having received an authorized purchase order and number from the Finance Department, shall purchase and maintain items necessary to equip the Chief of Police, each Auxiliary Police Officer, each part-time Police Officer, and each Dispatcher as listed on the appropriate Schedule on file with the Police Chief and previously approved by the Mayor and Council. In the event that such officer is employed as a full-time or part-time police officer for another municipality, or has previously served as a Mayfield Village Auxiliary Police Office, and by reason thereof, has already had purchased for him any of the items appearing on the Schedule, and such items are fit for use in Mayfield Village, then the Municipality will not purchase such items for the officer and he shall not be entitled to receive such item. In the event an employee leaves employment with the Municipality or is dismissed before twelve (12) months have elapsed since his or her hiring and the issuance of his or her uniforms or gear, the uniform or gear must be returned to the Municipality or the Municipality will recover the cost of the uniform or gear on a prorated basis computed on full calendar months worked and the balance due to the Municipality will be deducted from the final salary payment.

(c) The Fire Department, upon approval and having received an authorized purchase order and number from the Finance Department, shall purchase and maintain items necessary to equip the Fire Chief and each part-time Firefighter as listed on the appropriate Schedule on file with the Fire Chief and previously approved by the Mayor and Council. In the event that such Firefighter is employed as a full-time or part-time firefighter for another municipality, or has previously served as a Mayfield Village Part-time Firefighter, and by reason thereof, has already had purchased for him any of the items appearing on the Schedule, and such items are fit for use in Mayfield Village, then the Municipality will not purchase such items for the Firefighter and he

shall not be entitled to receive the cash equivalent of any such item. In the event an employee leaves employment with the Municipality or is dismissed before twelve (12) months have elapsed since his or her hiring and the issuance of his or her uniforms or gear, the uniform or gear must be returned to the Municipality or the Municipality will recover the cost of the uniform or gear on a prorated basis computed on full calendar months worked and the balance due to the Municipality will be deducted from the final salary payment. Additionally, any part-time firefighter who does not attend at least twenty (20) drills during the year or spends an equivalent amount of time in classes or seminars which are approved by the Fire Chief, forfeits any right to uniform purchases under this section for the next calendar year.

(d) For 2011 only, each full-time employee of the Service Department shall receive a uniform allowance equal to Six Hundred Twenty-Five and 00/100 (\$625.00). The amount stated for uniform allowance herein may also be used for uniform maintenance by the employee. Amounts paid hereunder shall be prorated for the time period between the employee's first anniversary date and December 31st of that year. Similarly, upon termination, an employee would be entitled to a prorated share of the uniform allowance on a reimbursement basis for uniform items purchased in the year of termination. Such prorated share will be paid upon receipt of the proper paperwork and department head approval with the first accounts payable check run after the receipt of such paperwork. Commencing in 2011 for part-time and 2012 for full-time Service Department employees, the Service Department, upon approval and having received an authorized purchase order and number from the Finance Department, shall purchase and maintain items necessary to equip each Service Department employee. The list of necessary equipment will be submitted by the Service Director and approved by the Mayor and Council.

(e) Whenever a uniform item is damaged or destroyed in the line of duty then that item shall be replaced by the Municipality. Whenever a uniform item is lost or destroyed by an employee in a manner not related to the performance of his duty then that item shall be replaced at the cost of the employee subject to the recommendation of the appropriate department head.

(f) Whenever different or additional uniform items are required due to the promotion of a full-time member of the Police or Fire Department, the Municipality shall purchase those items with an approval for payment from the Chief of the Department.

(g) There shall be no uniform purchases or maintenance for Police, Building, Service or Fire secretaries and/or clerk receptionists.

153.09 SICK LEAVE.

(a) Sick leave shall be defined as an absence with pay necessitated by:

1. Illness or injury to the employee.
2. Exposure by the employee to a contagious disease communicable to other employees; or
3. Illness, injury, or death in the employee's immediate family

(b) All permanent full-time employees shall accumulate sick leave at the rate of four and six-tenths (4.6) hours for every eighty (80) hours worked, submitted and approved, and may accumulate such sick leave to an unlimited amount. However, at no time shall the number of sick leave hours accumulated exceed one hundred twenty (120) hours per year.

(c) Employees covered under this section shall notify the employer of such absence and the reason therefore no later than one (1) hour after the start of the work day for which the employee is scheduled to report with the exception of safety personnel who shall report by their respective departmental rules and regulations. Before an absence may be charged against accumulated sick leave, the affected employee's department head, or Mayor in the case of a department head, may require proof of illness, injury, or death in the family as may be satisfactory to him, or may require the employee to be examined by a physician designated by and paid for by the employer. In any event, an employee absent for more than two (2) work days must supply a physician's report to be eligible for paid sick leave, if requested by that employee's department head.

(d) If the employee fails to submit adequate proof of illness, injury, or death in the family, or in the event that upon such proof as is submitted or upon the request of medical examination, the department head finds there is not satisfactory evidence of illness, injury or death in the family sufficient to justify the employee's absence, such leave may be considered an unauthorized absence and shall be without pay.

(e) Any abuse or patterned use of sick leave shall be just and sufficient cause for disciplinary action including but not limited to reprimand, suspension and/or discharge.

(f) The department head may require an employee who has been absent due to a personal illness or injury, prior to and as a condition of return to work, to be examined by a physician designated and paid for by the employer, to establish that such employee is not disabled from the performance of his duties and that his or her return to work will not jeopardize the health and safety of other employees.

(g) When the use of sick leave is due to illness or injury in the immediate family, "immediate family" shall be defined to only include the employee's spouse, children, dependents who reside with the employee, parents, parents-in-law and individuals for whom the employee serves as the legal guardian.

(h) Upon the retirement, or death of an employee from the Municipality, all full-time employees shall be entitled to receive credit and payment for accumulated but unused sick leave not to exceed nine hundred sixty (960) hours, provided that they have been employed by the Municipality for ten (10) years or more. For purposes of this Section, an employee shall be considered to have retired when such employee takes action that is inconsistent with any reasonable intent to continue employment with the Municipality.

(i) Upon retirement or death, all full-time employees hired on or after January 1, 2011, who have been employed by the Municipality for ten (10) years or more, shall be entitled

to receive credit and payment for three-quarters (3/4) of their accumulated but unused sick leave not to exceed four hundred eighty (480) hours; all employees who have been employed by the Municipality for twenty (20) years or more, shall be entitled to receive credit and payment for three-quarters (3/4) of their accumulated but unused sick leave not to exceed nine hundred sixty (960) hours; and all employees who have been employed by the Municipality for twenty-five (25) years or more, shall be entitled to receive credit and payment for all of their accumulated but unused sick leave not to exceed nine hundred sixty (960) hours. For purposes of this Section, an employee shall be considered to have retired when such employee takes actions that are inconsistent with any reasonable intent to continue employment with the Municipality.

(j) Any permanent full-time employee who has a sick leave accumulation of forty five (45) days and has not used any of the sick days earned during the current year shall be compensated at the end of the calendar year the equivalent of five (5) days pay. Sick leave accumulation lawfully transferred from prior public employees shall be included for purposes of this section. If under the foregoing circumstances, the employee has used one (1) earned sick day during the calendar year, then said employee shall be compensated at the end of the year for four (4) days pay. If, under the foregoing circumstances, the employee has used two (2) earned sick days during the calendar year, then said employee shall be compensated at the end of the year for three (3) days pay. If, under the foregoing circumstances, the employee has used three (3) earned sick days during the calendar year, then said employee shall be compensated at the end of the year for two (2) days pay. If, under the foregoing circumstances, the employee has used four (4) earned sick days during the calendar year, then said employee shall be compensated at the end of the year for one (1) day pay. All sick days paid under this section shall be at the option of the employee and shall be deducted from the employee's accumulated but unused sick leave.

(k) If a full-time employee is scheduled to work on a holiday enumerated in Section 153.14 and cannot work due to illness, that day shall be considered a holiday day off and shall not be counted or compensated as a sick day.

(l) An employee who transfers from one department of the Municipality to any other department of the Village shall be allowed to transfer his accumulated sick leave to the new department.

(m) "Hours of service" as used in this section includes overtime, vacations, holidays, sick leave, comp time and all other approved and paid leaves of absence from service. "Hours of service" does not include the additional compensation time allowed an employee who works a holiday or has his or her normal day off on a holiday.

153.10 BEREAVEMENT LEAVE.

In the event of death in the employee's immediate family, he or she shall be entitled to three (3) days off to arrange for and/or attend funeral services. An additional two (2) days could be granted for out of state funerals after a written request has been submitted and approved by

the Mayor or his or her designee. The "immediate family" shall include the spouse, children, parents, parents-in-law, brothers, sisters, grandparents, brothers-in-law and sisters-in-law. Should an exception to the aforementioned apply, such exception must be authorized by the Mayor. An employee's use of this leave while on vacation, holiday, or sick leave, shall result in the employee not being charged for such vacation, holiday or sick leave.

153.11 FAMILY AND MEDICAL LEAVE – Refer to Ordinance No. 2009-13

153.12 HOSPITALIZATION AND MEDICAL COVERAGE.

(a) The Municipality will maintain the current level of medical, dental and prescription drug benefits as long as the total annual premium cost does not exceed the amounts listed below. If the annual premium cost exceeds these amounts, the Employer may adjust the level of plan benefits to a plan whose annual premium cost most closely approximates the amounts listed below.

Type of Coverage	2010 Cost	2011 Maximum	2012 Maximum	2013 Maximum
Medical & Prescription Family	\$19,708.44	\$20,693.86	\$22,142.43	\$23,692.40
Medical & Prescription Employee and Spouse	\$14,295.60	\$15,010.38	\$16,061.11	\$17,185.38
Medical & Prescription Employee and Child	\$12,073.68	\$12,677.36	\$13,564.78	\$14,514.31
Medical & Prescription Single	\$5,989.68	\$6,289.16	\$6,729.41	\$7,200.46
Dental Family	\$1,277.88	\$1,341.77	\$1,435.70	\$1,536.20
Dental Employee and Spouse	\$757.56	\$795.44	\$851.12	\$910.70
Dental Employee and Child	\$847.68	\$890.06	\$952.37	\$1,019.03
Dental Single	\$374.52	\$393.25	\$420.77	\$450.23

(b) Permanent full-time employees of the Municipality not presently insured and new permanent full-time employees of the Municipality may join the plan at such intervals as may be authorized by the Municipality's medical insurance carrier, subject to the approval of the Mayor and Finance Director.

(c) Any permanent full-time employee, who is eligible to be covered under a contract of hospitalization and medical coverage but voluntarily withdraws from coverage, shall be paid Three Hundred Dollars (\$300.00) per month in lieu of family coverage and One Hundred Dollars (\$100.00) per month in lieu of single coverage. These payments shall be made in equal quarterly installments. These payments will not be made to any person who is otherwise covered under the Employer's policy through a spouse or other family member. If an employee is eligible under the terms of this paragraph but has worked less than one full year, the benefit described

herein will be prorated on a monthly basis beginning the first month in which the employee would have received the benefit under the plan provided by the Municipality.

(d) The Municipality will establish a "Health Care Task Force" comprised of appropriate representatives of the administration and employees, including representatives of the F.O.P., the Fire Union and representatives from each department. The Task Force will be expected to study the problems of health care and health care cost containment and then formulate recommendations which will be considered by the Municipality.

(e) Effective January 1, 2009, employee contributions shall be Fifty Dollars (\$50.00) per month per member for family coverage and Twenty-Five Dollars (\$25.00) per month per member for single coverage, which shall be deducted from each employee's pay through automatic payroll deduction. In addition, effective January 1, 2011, employee contributions will increase by 25% of any premiums paid over the 2010 Cost in Section (a) above.

153. 13 INJURY LEAVE.

(a) When a full-time employee is injured in the line of duty, while actually working for the Municipality, he or she shall be eligible for paid injury leave not to exceed ninety (90) calendar days which shall not be deducted from any other accumulated compensated absence time, provided such employee files for Workers' Compensation and executes a waiver assigning to the Municipality those sums of money such employee would ordinarily receive as weekly compensation as determined by law for those number of weeks the employee receives benefits under this provision.

(b) Eligibility for injury leave must be approved by that employee's department head and the Director of Finance within ten (10) days of the processing such employee's Workers' Compensation claim through the Department of Finance. Eligibility and approval of injury leave shall be based, in part, upon such employee's Workers' Compensation claim processed through the Department of Finance, and, if necessary, also based upon a physical examination by a physician appointed by the Municipality resulting in the physician's certification that the employee is unable to work due to the injury. The opinion of the designated physician shall govern whether employee is actually disabled or not, but shall not govern whether the injury was duty related. In the event that the employee seeking eligibility for injury is a department head, the procedure for determining eligibility shall be the same as set forth herein above except that approval must be made by the Director of Finance and the Mayor. If the Director of Finance seeks eligibility for injury leave then the procedure for determining eligibility shall be the same as outlined herein above except that approval must be made by the Mayor.

(c) Any limited assignments of duties shall be reviewed each seven (7) calendar days to determine if the employee is capable of resuming normal, unlimited duties and together with on the job injury time, shall not exceed ninety (90) days in duration.

(d) If at the end of the ninety (90) day period, the employee is still disabled, the injury leave may, at the Mayor's discretion, be extended for an additional ninety (90) calendar day

period, or any portion thereof. Such decision shall be made at least ten (10) days prior to the end of such period. Said leave may be canceled at an earlier time as provided below:

- (1) When an employee is released by his or her physician to return to work;
- (2) At such time that the employee is declared capable of performing his or her normal duties by a physician appointed by the Municipality;
- (3) If, prior to release for normal duties, it is determined by a physician that the employee is capable of performing limited work assignments, the employee shall immediately report for duty under the conditions set forth in the physician's certificate.

153.14 HOLIDAYS.

(a) The following eight (8) days shall be deemed to be holidays on the dates on which they are observed under the laws of the State of Ohio, unless otherwise designated by the Mayor: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve and Christmas Day. A permanent full-time employee shall not be required to work on any of said holidays unless in the opinion of his responsible administrative superior his failure to work would impair the public service

(b) In lieu of the holidays outlined above, full-time dispatchers shall receive sixty-four (64) hours of holiday time and forty-eight (48) hours of personal/miscellaneous time on January 1st as compensation for the holidays listed above. This holiday time shall be taken on a day during the calendar year to be picked by the Dispatcher with prior approval by the Chief or the Communications Supervisor, except that the Municipality retains the right to schedule the use of holiday time on the holidays listed above. Full-time Dispatchers will be able to cash out their holidays at the end of the year in the same manner followed by members of the F.O.P.

(c) Any new permanent full-time dispatcher shall be entitled to holiday and personal/miscellaneous hours in their first year of employment in accordance with their date of hire as follows:

January 1 st through March 31 st :	112 hours or
April 1 st through June 30 th :	84 hours or
July 1 st through September 30 th :	56 hours or
October 1 st through December 31 st :	28 hours.

(d) Compensation For Holidays Not Worked: If not required to work on paid holidays, a full-time employee shall be entitled to receive pay at his regular rate of compensation on such holiday on which he has not worked provided, however, that if any employee without just cause (as determined by the head of his department) fails to report to work on a regularly scheduled work day immediately preceding or immediately following such

holiday, he shall not be entitled to compensation for the holiday not worked. If an employee's work schedule is other than Monday through Friday, he shall be entitled to a day's regular pay for a holiday observed on his day off, regardless of the day of the week on which it is observed.

(e) Compensation For Holidays Worked: If a full-time employee works on one of the above-designated holidays, he or she shall be compensated at the rate of one and one-half (1-1/2) times his hourly rate for each hour worked. All full-time employees other than full-time dispatchers who work above designated holidays shall also be given compensatory time off equal to the number of hours worked, with such compensatory time off to be first approved by the Department Head. Part-time employees who are required to work on a full-day holiday will be compensated at one and one-half (1 1/2) their normal rate of pay for hours worked on the holiday during those hours which full-time employees receive a holiday premium.

(f) Compensation for Holiday During Vacation: If a full-time employee is on vacation during one of the above-designated holidays, that day shall be considered a holiday day off and shall not be counted or compensated as a vacation day.

(g) All full time employees of the Police and Fire Departments who work the majority of a shift on a holiday shall be compensated for the entire shift in accordance with the holiday pay provisions set forth hereinabove.

(h) For work performed on the holidays described above and New Year's Eve, all part time firefighters will be compensated at their hourly rate times one and one half.

(i) In addition to those paid holidays authorized by Ordinance, each permanent full-time employee shall be entitled to forty-eight (48) hours as paid "personal/miscellaneous" time off. These hours accrue immediately on January 1 of each year and are not subject to proration upon retirement or termination.

(j) Any new permanent full-time employee shall be entitled to personal/miscellaneous hours in their first year of employment in accordance with their date of hire as follows:

January 1 st through March 31 st :	48 hours or
April 1 st through June 30 th :	32 hours or
July 1 st through September 30 th :	24 hours or
October 1 st through December 31 st :	16 hours.

(k) The scheduling of personal/miscellaneous hours is subject to the approval of the employee's Department Head.

153.15 VACATION.

(a) Newly hired employees shall be entitled to one (1) day of vacation for every two (2) months of employment, not to exceed five (5) total vacation days. Such vacation days shall not accrue until after the employee has worked each two (2) month period.

(b) An employee hired anytime during the year will be considered in his or her second year of employment effective immediately the following January 1st.

(c) All vacation time shall be credited to an employee on January 1st of each year and employees may take their vacation at any time within the calendar year, subject to the approval of the head of the department in which the employee works.

(d) In the event an employee voluntarily leaves his employment prior to December 31st of any year, his vacation time for that year shall be prorated pursuant to the following formula:

$$\frac{\text{Accrued Vacation Days}}{365} \times \text{Number of Days of the Year Already Passed} = \text{Vacation Days Earned}$$

In the event an employee has already taken more vacation time than that to which he or she is entitled at the time he gives notice that he is voluntarily terminating his employment, the Municipality shall have the right to withhold all amounts otherwise owed the employee to the extent necessary to reimburse the Municipality.

(e) Vacations shall not be cumulative, but must be taken within the year earned. Any vacation not taken within the year earned shall be forfeited unless specific permission to carry-over vacation time is obtained, in writing from the Mayor. However, full-time employees may cash in any unused balance of vacation up to eight (8) hours at the end of the year at the rate at which it was earned. Full-time firefighters may cash in unused balances of vacation up to twenty-four (24) hours.

(f) Year of employment refers to the twelve (12) month period beginning January 1st and ending on December 31st.

(g) The vacation schedule for all permanent full-time employees of the Municipality shall be as follows:

In the Year	Amount of Vacation
1	As Specified in Section 153.14(a)
2	80 hours
3	80 hours
4	80 hours
5	88 hours
6	96 hours

7	104 hours
8	112 hours
9	120 hours
10	128 hours
11	136 hours
12	144 hours
13	152 hours
14	160 hours
15	160 hours
16	160 hours
17	160 hours
18	160 hours
19 or more	200 hours

(h) Employees with 15 to 18 years of employment as of January 1, 2011, shall freeze at their current level of vacation hours until their 19th year of employment when their vacation will be increased to 200 hours. Employees with 19 or more years of employment as of January 1, 2011 shall freeze at their current level of vacation for the duration of their employment with the Municipality.

(i) The head of each department shall determine the schedule of vacations for the employees thereof.

(j) "Year of Employment" as used in this Section pertaining to vacation schedules means years of employment with the Municipality only. Subject to the discretion of the Mayor and Council, an employee's prior years of public or private service may be counted as years of employment for the purpose of computing vacation time herein.

153.16 LONGEVITY

(a) "Years of service" shall be defined as the total number of twelve (12) month periods of service completed on or before December 31st of each year. Each twelve (12) month period used to compute years of service commences on the anniversary date of the employee's first date of employment and ends on the last day prior to the employee's next consecutive anniversary date.

(b) The only service that shall be used to compute longevity pay shall be years of service with the Municipality.

(c) Each full-time employee of the Municipality shall be entitled to longevity pay increases in accordance with the following schedule:

Longevity Payment of

For Not Less Than	But Less Than	
5 years	6 years	\$ 1,075.00
6 years	7 years	\$ 1,125.00
7 years	8 years	\$ 1,175.00
8 years	9 years	\$ 1,225.00
9 years	10 years	\$ 1,275.00
10 years	11 years	\$ 1,325.00
11 years	12 years	\$ 1,375.00
12 years	13 years	\$ 1,425.00
13 years	14 years	\$ 1,475.00
14 years	15 years	\$ 1,525.00
15 years	16 years	\$ 1,575.00
16 years	17 years	\$ 1,625.00
17 years	18 years	\$ 1,675.00
18 years	19 years	\$ 1,725.00
19 years	20 years	\$ 1,775.00
20 years	21 years	\$ 1,825.00
21 years	22 years	\$ 1,875.00
22 years	23 years	\$ 1,925.00
23 years	24 years	\$ 1,975.00
24 years	25 years	\$ 2,025.00
25 years or more		\$ 2,075.00

(d) All part-time employees of the Municipality who become full-time employees shall retain, for the purpose of computing their longevity pay, the years of service credited to their employment with the Municipality, as it currently appears on the personnel and payroll records of the Village.

(e) Longevity payments will be issued once a year. Payments will be made after December 1st of each year but no later than the first paycheck in December.

(f) If an employee terminates before December, his or her longevity payment will be prorated and paid with his or her final payment.

153.17 EDUCATIONAL BENEFIT.

(a) All permanent full-time employees who have earned an Associate Degree relating to the field of their employment shall be entitled to additional compensation equal to two percent (2%) of their 2010 base pay. All full-time employees who have earned a Bachelor's Degree related to their field of employment shall receive additional compensation equal to four percent (4%) of their 2010 base pay. All full-time employees who have earned a Master's degree relating to the field of their employment shall be entitled to additional compensation equal to six percent (6%) of their 2010 base pay. Upon termination, an employee shall receive a

prorated portion of his or her educational benefit. This section shall only apply to employees who are employed by the Municipality as of January 1, 2011.

(b) The Village will reimburse tuition payments for any part-time firefighter who receives certification of successful completion of any of the following courses: 200 hour Firefighting Certification, EMT Advanced, and/or Paramedic Certification. Prior to participating in this training, the part-time firefighter would have to sign a contract with the Village to repay 100% of the cost of this training should the part-time firefighter leave employment with the Village within three (3) years of receiving said certificate. Two-thirds (2/3) of the tuition cost must be reimbursed if the employee leaves the Village's employment during the 37th through 48th months; and, if the employee leaves the Village's employment during the 49th through 60th months, one third (1/3) of the tuition cost must be reimbursed to the Village.

(c) Effective and retroactive to January 1, 2003, if a full-time Service Department employee possesses and maintains his or her Commercial Driver's License (CDL) shall receive a stipend of seven hundred fifty and 00/100 dollars (\$750.00).

(d) Effective and retroactive to January 1, 2011, any full-time employee not eligible for the stipend for the Paramedic's license or the stipends provided to the F.O.P. who undergoes twenty-four (24) hours of continuing education shall receive an annual continuing education stipend in the amount of \$1,500.00, subject to offset as described below. The courses taken to be eligible for the educational stipend will be approved by the appropriate Department Head and/or the Mayor. Full-time employees will undergo training during regularly scheduled hours whenever practical and the Village will pay for such training. If a full-time employee is required to take training while off-duty, he or she will be compensated at his or her appropriate rate for such training including travel time to and from the training and will be reimbursed for his or her mileage to and from such training at the rate set by the Internal Revenue Service pursuant to Section 153.07 (a) above. The amount of the educational stipend will be reduced by the employee's current base hourly rate multiplied by the required 24 hours of continuing education. The educational stipend will not be reduced by any additional hours of continuing education beyond the 24-hour requirement. If a full-time employee undergoes training during regularly scheduled hours, the employee may elect to use vacation, personal and/or comp time hours in place of their regularly scheduled hours. If so elected, those training hours will not be deducted from the continuing education stipend. Similarly, if a full-time employee undergoes required training while off-duty and elects not to be compensated for those off-duty hours, those training hours will not be deducted from the continuing education stipend.

(e) The stipends provided for above will be paid to employees and will be issued once a year. Payments will be made after November 1st of each year but no later than the first paycheck in November.

153.18 SALARIES OF THE MAYOR AND COUNCIL.

The annual salaries of the Mayor and Council of the Municipality until further order of Council, are hereby fixed as follows:

<u>Official</u>	<u>Annual Salary</u>
Mayor.....	\$19,000.00
Council President.....	\$8,000.00
Council Member	\$7,500.00

153.19 COMPENSATION FOR MEMBERS OF PLANNING & ZONING COMMISSION, BOARD OF APPEALS AND ARCHITECTURAL REVIEW BOARD.

Members of the Planning and Zoning Commission, Board of Zoning Appeals and Architectural Review Board will be compensated for regular meetings and workshops per the following schedule:

Planning & Zoning Commission	\$50.00 per meeting or workshop
Board of Zoning Appeals	\$50.00 per meeting or workshop
Architectural Review Board	\$50.00 per meeting or workshop

153.20 DEFERRED COMPENSATION PROGRAM.

(a) The Village hereby adopts a plan under the Ohio Public Employees Deferred Compensation Program which extends to all eligible employees of the Municipality the opportunity to join such program.

(b) The Mayor is hereby authorized and directed to execute an agreement with the Ohio Public Employees Deferred Compensation Board, which agreement shall be in a form approved by the Finance Director and Director of Law, and which agreement shall authorize the Ohio Public Employees Deferred Compensation Board to offer a plan under the Ohio Public Employees Deferred Compensation Program to all eligible employees of the Municipality and thereafter to administer the plan on behalf of such employees.

(c) The Mayor is hereby authorized and directed to execute agreements with additional deferred compensation providers, which agreements shall be in a form approved by the Finance Director and Director of Law, and which shall authorize the offering of deferred compensation programs to eligible employees of the Municipality and thereafter to administer the plan on behalf of such employees.

153.21 PICKUP OF EMPLOYEE CONTRIBUTIONS TO OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEMS.

(a) For the categories of employees listed in Subsection (d) hereof, the contributions required to be made by each such employee to the Ohio Public Employees Retirement System (PERS), or the Police and Firemen's Pension and Disability Fund, as an employee contribution under the Ohio R.C. Chapters 145 and 741 shall be paid by the Municipality on behalf of the employee in lieu of contribution by the employee and in accordance with the provisions of this section.

(b) The total compensation payable by the Municipality to each such employee in any pay period shall be reduced by the amount payable by the Village to PERS on behalf of each such employee under Subsection (a) hereof.

(c) The provisions of this section shall apply to all employees in categories listed in Subsection (d) hereof and no such employee shall have the option to receive direct payment of the amounts contributed by the Municipality to PERS on his or her behalf instead of having them contributed to PERS.

(d) The provisions of this section shall apply to all full-time and part-time employees of the Municipality who choose to participate in the program and are members of the following departments:

- 1) Police Department;
- 2) Fire Department;
- 3) Service Department; or
- 4) Village Hall (administrative and legislative) departments.

(e) The Finance Director or his designee is hereby directed to take all acts necessary and appropriate to initiate implementation of the provisions of this section, including, but not limited to, making applications to the Internal Revenue Service for private letter rulings concerning federal tax treatment of the provisions of this plan and making applications to the appropriate state retirement boards.

(f) Subject to any requirements imposed by the Internal Revenue Service, the Ohio PERS Board, the Firemen's Pension Fund, or the Police Relief Fund, the provisions of this section shall apply to all payroll payments payable by the Municipality to such employees after proper and full approval has been procured from the Internal Revenue Service, the Ohio PERS Board and the Police and Fire Fighter's Pension and Disability Board.

SECTION 2. All prior Ordinances, inconsistent with this Ordinance, in whole or in part, are repealed.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that

deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the health, safety and welfare of the residents of the Municipality, for the reason that the enactment hereof will provide reasonable compensation for the services rendered by the employees of the Municipality. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.



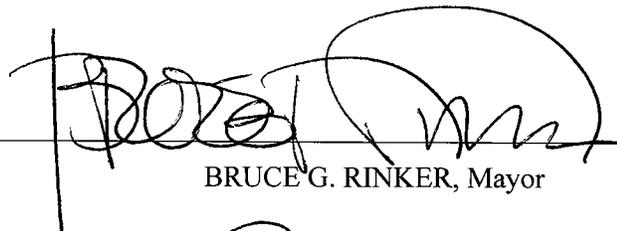
WILLIAM BUCKHOLTZ, Council President

First Reading: April 25, _____ 2011

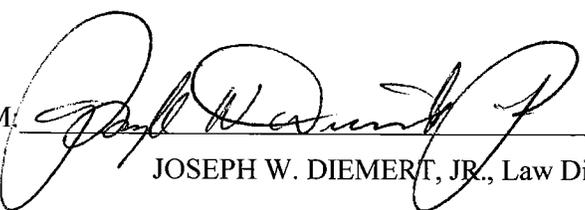
Second Reading: May 2, _____ 2011

Third Reading: May 16, _____ 2011

PASSED: May 16, _____ 2011

APPROVED: 

BRUCE G. RINKER, Mayor

APPROVED AS TO FORM: 

JOSEPH W. DIEMERT, JR., Law Director

ATTEST: 

MARY E. BETSA, Clerk of Council