

ORDINANCE NO. 10-2017

INTRODUCED BY: Mayor Ann Marie Donegan and Council as a Whole

AN ORDINANCE AMENDING, RESTATING AND RECONSTITUTING ORDINANCE 07-2016 AS AMENDED BY ORDINANCE 68-2016 AND EXPANDING THE RANGE OF COMPENSATION FOR THE POSITIONS OF POLICE LIEUTENANT/DEPUTY CHIEF AND FIRE LIEUTENANT/ASST. FIRE CHIEF.

WHEREAS, Council, at its February 28, 2017 regular meeting, by motion duly seconded and adopted, authorized the expansion of the pay range for the positions of Fire Lieutenant/Asst. Fire Chief and Police Lieutenants(s)/Deputy Chief to be a range of Sixty Thousand Dollars (\$60,000) to Seventy Six Thousand Dollars (\$76,000) per annum; and

WHEREAS, Council originally adopted Ordinance 07-2016 (as amended), which established a comprehensive personnel ordinance for wages and compensation for non-union positions of employment in the City; and

WHEREAS, Ordinance 07-2016 was further amended by Ordinance 68-2016 which added the additional positions of full time property maintenance inspector and secretary and provided a range of compensation therefor; and

WHEREAS, in order to consolidate, track, and provide a single source of reference identifying those positions of employment, both full time and part time for non-union employees, it is appropriate to reconstitute and restate the comprehensive grid schedule for non-union employees in one ordinance. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, OHIO, THAT:

SECTION 1. That the positions and rates of compensation for the respective positions of employment of non-union employees of the City are hereby established as shown below in the schedule of Positions and Rates of Compensation, effective January 1, 2017, and retroactive thereto.

| Position Full Time | Range of Compensation |
|---|------------------------------|
| Director of Service; Public Works | \$60,000 - \$80,000 |
| Service Manager | \$40,000 - \$60,000 |
| Asst. Director of Finance | \$35,000 - \$55,000 |
| Asst. Director of Finance – Accts Payable | \$35,000 - \$55,000 |
| Mgr. of Business & Community Services | \$40,000 - \$60,000 |
| Clerk of Council/Court/Law Secretary | \$30,000 - \$52,000 |
| Fire Chief | \$70,000 - \$85,000 |
| Fire Lieutenant/Asst. Fire Chief | \$60,000 - \$76,000 |
| Police Chief | \$75,000 - \$85,000 |
| Police Lieutenant(s)/Deputy Chief | \$60,000 - \$76,000 |
| Director of Economic Development | \$45,000 - \$65,000 |

| | |
|------------------------------------|---------------------|
| Clerk of Courts | \$25,000 - \$40,000 |
| Administrative/Executive Assistant | \$30,000 - \$45,000 |
| Director of Finance | \$75,000 - \$85,000 |
| Property Maintenance Inspector | \$33,000 - \$46,000 |
| Secretary/Clerk | \$29,000 - \$42,000 |

| Position* Part Time | Range of Compensation |
|---------------------------------|------------------------------|
| Finance Director | \$35,000 - \$50,000 |
| Asst. Finance Director | \$16.50 - \$26.50 – per hour |
| Law Director ¹ | \$60,000 - \$80,000 |
| Asst. Law Director/Prosecutor | \$30,000 - \$45,000 |
| Safety Director | \$30,000 - \$45,000 |
| Economic Development Director | \$ 35,000 - \$45,000 |
| Human Resource Liaison | \$8,000 - \$12,000 |
| Records Coordinator | \$14.00 - \$22.00 – per hour |
| Community Officer | \$14.00 - \$22.00 – per hour |
| Custodian | \$14.00 - \$22.00 – per hour |
| PT Firefighter ² | \$12.87 - \$19.33 - per hour |
| Secretary | \$14.00 - \$22.00 – per hour |
| Special Projects Coordinator | \$14.00 - \$22.00 – per hour |
| Seasonal Service Worker/Laborer | \$10.00 - \$15.00 - per hour |
| Property Maintenance Inspector | \$16.00 - \$24.00 – per hour |

*NOTE: If any part time positions identified above is filled by any then current employee of the City of Olmsted Falls who will, as a result of such additional part time appointment, be employed in more than one (1) position with the City, then the compensation for such additional appointed position shall be not more than at a rate of pay that is within the range that is Fifty Percent (50%) of the range of compensation identified above for such additional part time position.

SECTION 2. EXEMPT VS. NON-EXEMPT

That the benefits afforded such employees pursuant to applicable provisions of Title Six, Administrative Part Two (Chapters 230-259), and where applicable, Chapters 1440 and 1442 of the Codified Ordinances, and the prior ordinances, respectively, adopted by Council establishing rates of pay and other benefits for such respective employees adopted in 2013-2015 for such respective positions shall continue in full force and effect except as modified hereby, and shall be effective January 1, 2016 and retroactive thereto.

- (a) According to the Fair Labor Standards Act, covered non-exempt employees must receive overtime pay for hours worked over 40 per work week (any fixed and regularly recurring period of 168 hours – seven consecutive 24 hour periods) at a rate not less than one and one-half times the regular rate of pay.

¹ The Director of Law shall be afforded the same health care/hospitalization benefits as afforded by the City to other eligible employees and their families (Ord. 12-2014)

² PT Firefighter compensation shall adhere to Ord. 08-2015 in which certification and year of duty are variables.

- (b) Non-Exempt employees include all full time employees as well as any part time employee that may be eligible at the Mayor's discretion.

SECTION 3. SICK TIME.

(a) Each full-time employee shall be entitled for each completed eighty (80) hours of service to sick leave of four and six-tenths (4.6) hours with pay, however, such sick leave shall not be accumulated on overtime hours but only on regular hours of service. Employees may use sick leave, upon approval of the responsible administrative officer in the employee's department, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which would be communicated to other employees, and to illness or injury in the employee's immediate family. Unused sick leave shall be cumulative without limit. When sick leave is used it shall be deducted from the employee's credit on the basis of one (1) hour for every one (1) hour of absence from previously scheduled work. The City may require the employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of illness shall be required from the attending physician justifying the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action including dismissal.

(b) Any employee whose employment terminates for any reason, except for conviction of a felony, after ten (10) or more years of service with the City, may elect, at the time of the termination, to be paid in cash for forty percent (40%) of unused sick leave credit to a maximum of two thousand and eighty (2,080) hours of credit, which would be a maximum possible total of eight hundred thirty-two (832) hours of pay. Such payment shall be calculated by multiplying the appropriate number of hours of pay by the total of the previous two (2) years' salary of the employee and dividing the resulting product by 4160. Such payment shall eliminate all unused sick leave credit accrued by the employee at that time. In the event an employee dies, accrued sick leave, as calculated herein, shall be paid to the employee's estate.

(c) In the event an employee with less than ten (10) years of service with the City dies, accrued sick leave credit shall be paid to the employee's estate at the aforementioned rate.

(d) Full-time employees may earn two (2) hours of paid time off for each calendar month in which they use no sick time and have no other unexcused time off, which would amount to a maximum of three (3), eight (8) hour days off per year. Such additional days off shall be granted upon advance request provided sufficient manpower is available.

SECTION 4. HOLIDAYS. Full-time employees shall receive the following paid holidays:

New Year's Day
Martin Luther King Day
Memorial Day
Independence Day
Labor Day

Thanksgiving
Friday after Thanksgiving
Christmas Day
Christmas Eve (only if Christmas Eve Day falls on Monday through Friday in any given year)

SECTION 5. VACATION.

(a) Full-time employees shall be awarded and be entitled to paid vacation in accordance with the following scheduled: Employees who have worked less than one (1) year for the City shall receive one (1) day for each full month worked, not to exceed ten (10) days in the first full year of employment. Vacation days will be allowed in one-half (1/2) day increments.

| <u>Length of Service</u> | <u>Vacation Days (8 Hour) Per Year</u> |
|---------------------------------|--|
| After 1 year through 5 years | 10 days |
| After 5 years through 10 years | 15 days |
| After 10 years through 20 years | 20 days |
| After 20 years | 25 days |

(b) Vacations may be taken at any time during the calendar year in which they are earned, subject to the approval of the employee's Department Head.

(c) An employee who has earned time by reason by being employed in his department shall be able to move his vacation time to another department should he receive a transfer.

(d) Any employee who quits or is terminated or retires and has unused earned vacation time shall receive such vacation time.

(e) Vacation time must be used within one year after it is earned, or it will be deemed forfeited. However, where the employee is not permitted to take his scheduled vacation by the City, the employee shall be entitled to payment for such unused vacation. In addition, with advance written approval from the Department Director, employee may carry the approved portion of vacation into the following year. With approval of the Department Director prior to December 1 of any year, employees may take cash in lieu of up to half of their vacation time off for that year.

SECTION 6. PERSONAL DAYS.

Full-time employees will receive five (5) paid Personal Days off per year in addition to the above holidays. For employees hired after January 1st, they will receive one (1) personal day for each complete four (4) month period. Personal Days will be granted upon advance notice, provided that sufficient manpower is available. All unused time as of December 31st of each year will be paid to the employee on the last regular payroll of January of the following year. Payment will be made at the regular rate as of December 31st for the hours that remain the bank of hours.

SECTION 7. HOSPITALIZATION INSURANCE.

The City will provide each qualifying employee and his or her family with coverage under a group health insurance policy underwritten by an insurance carrier as

determined by Council. Said insurance shall include hospital, surgical, prescription, optical, and dental coverage.

All employees participating in a City-Sponsored health insurance plan shall contribute the following amounts for their continued coverage, or, if opting out of the city-sponsored health insurance plan, shall receive from the city the “opt-out” amount identified below:

| Year | % Plan Premium per month | Max. Monthly Contribution | “Opt-Out” Payment by City per month |
|------|--------------------------|---------------------------|-------------------------------------|
| 2015 | 13% | \$200.00 | \$200.00 |
| 2016 | 14% | \$225.00 | \$200.00 |
| 2017 | 15% | \$250.00 | \$200.00 |

Employees who opt out of the city-provided plan must submit to the Finance Director proof of medical coverage by another plan. The City assumes no liability for health coverage claimed by any employee who opts out of the City provided plan and does not guarantee that the employee’s claimed alternative coverage is actually in force and effective.

SECTION 8. MISCELLANEOUS.

Other items, such as mileage allowance and jury duty, shall be as outlined for all full-time employees of the City.

SECTION 9. FUNERAL LEAVE. All employees shall be granted Funeral Leave with pay as follows:

- (a) Upon the death of a family member, defined as brother, sister, aunt, uncle, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law and all such step relations, three (3) days.
- (b) Upon the death of a spouse, child, mother, father, five (5) days.
- (c) In addition to, and separate from the foregoing during an employee’s employment with the City, each employee may have up to three (3) days off with pay for the death of any other family member or friend.

If an employee requests additional time off as the result of a death under subsections (a), (b) or (c) above, the employee may utilize accrued personal, holiday and/or vacation leave, with the prior approval of the Department Head.

SECTION 10. LONGEVITY.

(a) Once a qualifying employee has completed five (5) years of full-time service with the City, he/she shall receive Longevity Pay.

(b) Longevity Pay will be calculated and paid to each eligible employee in a lump sum on the last scheduled payday in November of each year. An employee’s Longevity Pay will be equal to .002 multiplied by the number of years of service that he/she will have completed by December 31st of the current year, multiplied by that

employee's Annual Base Salary. All computations will be computed to two (2) decimal places. Longevity Pay will be added to base pay for calculating overtime rate of pay. Longevity Pay will not exceed \$1,100.00 per year.

(c) The computed longevity amount calculated per employee in Section A will be divided by 2080 hours to determine the amount to be added to the base hourly rate for overtime computations.

SECTION 11. All prior legislation inconsistent with this legislation in whole or in part are hereby repealed to the extent necessary to avoid conflict with this legislation.

SECTION 12. 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 13. This Ordinance shall take effect at the earliest time allowed by law, but retroactive to January 1, 2017.

Linda Garrity, President of Council

PASSED: _____

APPROVED: _____

Ann Marie Donegan, Mayor

Date

APPROVED AS TO FORM: _____

Gregory M. Sponseller, Director of Law

ATTEST: _____

Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____