

ORDINANCE NO. 24 -2007

Offered by All of Council

AN ORDINANCE AMENDING SECTIONS 153.05, 153.06, 153.08, 153.10, 153.11, 153.14, 153.20 AND 153.22 OF THE ADMINISTRATIVE CODE PERTAINING TO EMPLOYEE PROVISIONS

BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That Sections 153.05, 153.06, 153.08, 153.10, 153.11, 153.14, 153.20 and 153.22 of the Administrative Code pertaining to employee provisions be, and the same hereby are, amended to read as follows:

“153.05 ANNUAL LEAVE.

(a) All full-time employees shall be entitled to the following paid vacation:

<u>Years of Service</u>	<u>Annual Leave</u>
Less than one year	None.
One year but less than six years	Two Weeks
	10 working days
Six years but less than eleven years	Three weeks.
	15 working days
Eleven years but less than twenty years	Four weeks
	20 working days
Twenty years or more	Five weeks
	25 working days
<u>Years of Service</u>	<u>Annual Leave</u>
Employment years 00 through 01	0 weeks vacation
Employment years 02 through 04	2 weeks vacation
Employment years 05 through 09	3 weeks vacation
Employment years 10 through 19	4 weeks vacation
Employment years 20 +	5 weeks vacation

(b) ~~The Recreation Director and the part-time Janitor (part-time position)~~ shall **continue** be entitled to receive two weeks paid vacation, **but this benefit will not be extended to any new part-time Janitor except as otherwise provided by council after serving a minimum of two years in their respective position.**

(c) Annual leave shall be taken at such time as the department head directs subject to **the department head’s** his administrative discretion.

(d) ~~Annual leaves are not cumulative and shall not be postponed until the following anniversary date.~~ **Each employee will be encouraged to take full vacation in the year in which it is earned. In the event an employee is unable to take full vacation due to**

scheduling difficulties, up to forty hours of vacation time may be carried over, but must be taken in the first quarter of the succeeding year. Employees shall otherwise be paid for unused vacation time at the end of the year in which it is earned at the rate in effect in the year it is earned.

(e) Upon separation from employment, an employee shall be entitled to compensation for any unused annual leave ~~to his credit at the time of separation.~~ An employee who has less than one year of service shall not be entitled to compensation.

(f) In case of the death of an employee the value of unused annual leave shall be paid to the spouse of the deceased, and if no surviving spouse, then to the estate.

(g) A record shall be maintained for each employee showing days earned, days used and the balance available for annual leave.

(h) All part-time employees who were employed by the Village in any prior year in excess of 1,600 hours shall be entitled to the following paid vacations:

(1) <u>Years of Service</u>	<u>Annual Leave</u>
Less than 1	None.
1 or more	To accumulate at the rate of .038 hours per hour worked with a maximum of 80 hours annually

The annual leave for each eligible part-time employee shall be taken as the department head directs subject to his administrative discretion. Such ~~accumulated~~ annual leave is not cumulative and shall not be postponed until the following anniversary year. All other rules and regulations concerning annual leave for full-time employees shall apply to an annual leave for an eligible part-time employee.

153.06 PAID HOLIDAYS.

(a) In addition to the vacation periods set forth in Section 153.05, all full-time employees, ~~except police,~~ shall be entitled to the following paid holidays:

- New Year's Day, plus one extra day
- Martin Luther King Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving and the Friday thereafter
- Christmas Day, plus one extra day.

(b) The extra holiday with Christmas and New Year's Day shall be the day prior to or the day after Christmas and New Year's Day whichever is convenient to the weekend and shall be determined by the Mayor.

(c) Where one of the above holidays is Saturday, the employee shall be entitled to the preceding Friday as a paid holiday. Where one of the above holidays is on Sunday, the employee shall be entitled to the following Monday as a paid holiday.

(d) A payment for a holiday is qualified only if the employee works the scheduled work day before and the scheduled work day after the holiday, except for absence due to vacation, approved sick leave or death in the family.

(e)(1) Each full-time employee of the Division of Police shall be entitled to eighty hours of holiday leave in each year.

(2) The leave shall be based on the following designation of holidays:

New Year's Day and one day prior thereto

Martin Luther King Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day and the Friday thereafter

Christmas Day and the day prior thereto

(3) The Mayor, shall, with the assistance of the Chief of the Division, fix the policy for the use of holiday leave.

(4) Any time not used by the end of the calendar year shall be converted to additional Pay to be paid to the employee at his/her regular rate of pay at that time.

(f) Each full-time employee of the Village, except those specified in Section 153.02(a), shall be compensated at one and one-half times their base rate of pay for work performed on a holiday recognized by the Village.

~~(e) In addition to the foregoing, each full-time employee of the Village shall be entitled to two personal days during each calendar year. The personal day shall be requested by the employee but shall be subject to the scheduling of the head of the department in which the employee is employed. Such personal day shall be used during the year of entitlement and may not accrue from year to year. (Ord. 16-1994. Passed 5-3-94.)~~

**(g) All Employees shall be entitled to three (3) personal days annually, beginning the first day of January of each year.**

**(h) Personal days may not be accrued from year to year.**

**(i) Personal days shall be paid at the Employee's regular rate of pay, and shall be scheduled 3 days prior to use and agreed to by the department head.**

153.08 BEREAVEMENT LEAVE.

There shall be allowed a leave of three days for the death of an employee's **immediate**

family, which is defined as the employee's spouse, mother, father, ~~mother-in-law, father-in-law~~, brother, sister, children, or grandchildren and grandparents. **There shall be allowed a leave of one day for the blood relatives not part of the employee's immediate family, and the immediate family of the employee's spouse.** Additional time necessitated by unusual circumstances may be granted by the Mayor.

153.10 LONGEVITY.

(a) Full-time employees of the Village shall receive additional compensation for continuous length of time in service in accordance with the following schedule:

Five through nine years	\$3.00 per month
Ten through fourteen years	\$4.00 per month
Fifteen through nineteen years	\$5.00 per month
Twenty years or more	\$6.00 per month

(b) The total amount for additional compensation shall be due and payable on the regularly scheduled rate of pay immediately after the anniversary date of employment.

(c) Notwithstanding any of the foregoing, the maximum annual additional compensation due and payable to any employee shall be not more than one thousand ~~four~~ **nine** hundred ~~forty~~ dollars (~~\$1,440.00~~) **(\$1,900.00)**.

(d) The length of service shall be computed on the basis of the employee's anniversary date as defined in Section 153.01(c).

153.11 OVERTIME PAY AND POLICY.

(a) Employees Covered: Standards. All employees of the Village, except those specified in Section 153.02(a) and 147.04, shall be paid overtime pay for work in excess of forty hours in any one work week, in cash or in compensatory time off as hereinafter determined. Any day off with pay shall be considered a work day. The department head shall keep all necessary records.

(b) Application to Department Heads. The person who holds positions created by the Charter and specified in Section 153.02(a) and the persons employed therein shall not be entitled to the overtime pay provided for in subsection (a) hereof. In fixing the annual compensation for these positions, Council shall give due consideration to the responsibilities of each position and the duties and obligations imposed upon those persons.

(c) Minimum Call Out Time. In all cases where a full-time employee is called to duty in an emergency or otherwise, ~~he~~ **the employee** shall be paid a minimum of two hours based on ~~his~~ **the employee's** base rate of pay in accordance with subsection (a) hereof.

(d) Overtime Rate. Employees shall be paid overtime pay at the rate of one and one-half times the hourly rate.

~~(e) Responsibilities of Department Heads. Department heads shall approve all overtime hours paid and shall keep all necessary records. Department heads shall make recommendations to the Mayor as to whether or not an employee shall be paid in cash or in compensatory time off. The Mayor shall determine the time and form of payment, whether in cash or in compensatory time.~~

**(e) Compensatory Time. An Employee shall be entitled to accumulate compensatory time not to exceed 80 hours and said time may be carried through to the next calendar year.**

- 1. Requests for compensatory time shall be made no later than 48 hours prior to the date requested, and no earlier than (6) months prior to the date requested, subject to the approval of the Department head. Request for the use of compensatory time for the relief from an all night snowplow call out may be granted by the Service Director and the employees immediate supervisor.**
- 2. Compensatory Time shall be charged in minimum units of one (1) hour.**
- 3. Upon Employee's request, accumulated compensatory time may be cashed-in to be paid within thirty (30) days.**

153.14 EMPLOYEE INSURANCE.

(a) All full-time employees shall receive ~~life insurance~~, group dental, hospital and surgical and vision insurance coverage under such amounts and under such terms as Council may authorize.

(b) All firemen shall receive supplemental benefits under the Ohio State Fireman's Association Group Accident Insurance Plan.

(c) False arrest insurance shall be provided for the employee of the Division of Police.

**(d) The employer will provide all full-time employees with term life insurance while employed with by the village in the amount of \$50,000.00. All full time employees shall be afforded the opportunity to purchase additional amounts above that provided by the employer through the same term life insurance company. Additional coverage amounts above that provided shall be the responsibility of the Employee, and shall be deducted from the Employee's pay on a monthly basis.**

153.20 EMPLOYEE CO-PAY FOR INSURANCE.

~~All full-time employees who, pursuant to Section 153.14, receive life, group dental, hospital and surgical insurance coverage, shall pay ten dollars (\$10.00) every two weeks as co-payment for family insurance coverage and five dollars (\$5.00) every two weeks as co-payment for single insurance coverage. The Finance Director is authorized to deduct this co-payment from~~

~~the employee's salary. (Ord. 51-1995, Passed 8-1-95.)~~ Employees will contribute the following amounts toward the cost of premiums on health insurance provided by the Village:

As of January 1, 2007

4% of premium

**153.22 Line of Duty Injury Leave for employees of the service department.**

- (a) **Purpose.** Line of Duty Injury Leave is intended to recognize the unusual exposure to dangerous situations experienced by members of the Service Department.
- (b) **Definitions**
  - 1. "Actual discharge of duty" means injuries incurred specifically in the performance of activities unique to duties within the Service Department, such as road and ditch repair and the operation of power equipment.
  - 2. "Physician" means a Doctor of Medicine (M.D.), a Doctor of Osteopathic Medicine (D.O.), duly licensed to practice medicine in the State of Ohio.
  - 3. For purposes of this article, the term "injury" shall mean physical injury and/or disease that results from service department functions that present a unique risk of serious physical injury, including road and ditch repair, operation of power equipment that poses a unique danger of injury and other similar dangers.
- (c) **Permanent full-time service department employees who are injured in the actual discharge of duty, and who, as a result thereof, are physically unable to perform their regularly assigned duties shall receive full pay and benefits for such time as may be equitable, but not to exceed 12 work weeks, provided that all of the following requirements are met:**
  - 1. A physician provides a written statement certifying that the employee is unable to physically perform his/her assigned duties due to the injury sustained while in the actual discharge of duty as defined in (b)(1), and the employee provides the physician's statement to the Service Director;
  - 2. The Service Director recommends the approval of the requested injury leave to the Mayor, and
  - 3. The Mayor approves the requested injury leave.

Approved injury leave shall not be charged against use of sick leave. However, a deduction may be made to the extent of any payments received under the Worker's Compensation Act. Employees shall not be eligible to receive workers compensation temporary total disability benefits for the duration of this paid leave without prior approval of the Village.

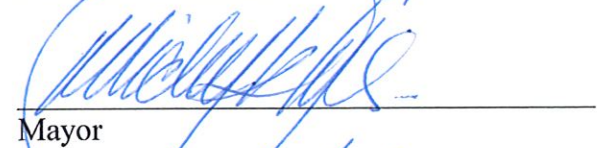
- (d) **The Service Director or Mayor may require the employee requesting or receiving such leave to submit to a medical examination by a physician appointed by the Village.**
- (e) **Employees will not be entitled to this pay in the event (1) the employee is able to return to work with restrictions; (2) a job with those restrictions is available; and (3) the employee refuses the light duty job.**

SECTION 2. That Sections 153.05, 153.06, 153.08, 153.10, 153.11, 153.14, 153.20 and 153.22 of the Administrative Code pertaining to employee provisions as they existed prior to the effective date of this Ordinance be, and the same hereby are repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 6/5/07

  
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President of Council

  
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Mayor

Dated: 6/6/07

ATTEST:  
  
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Clerk of Council