

1st reading _____
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 Voted On _____
 Ayes: _____ Nays: _____
 PASSED _____ DEFEATED _____

**ORDINANCE NO. 2016-34
 (AS AMENDED)**

**AN ORDINANCE
 AMENDING CERTAIN SECTIONS OF THE CODIFIED
 ORDINANCES TO REVISE PERSONNEL POLICIES FOR
 VILLAGE EMPLOYEES AND REPEALING CERTAIN
 ORDINANCES.**

WHEREAS, Chapter 147 of the Codified Ordinances of Orange Village require certain revisions and updates to conform to current law and practice; and

WHEREAS, Section 139.02 is redundant of other provisions contained; and

WHEREAS, Council desires to revise the various ordinance sections as set forth herein and repeal ordinances in conflict therewith.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, STATE OF OHIO:

SECTION 1. That Section 147.08 of the Codified Ordinances be amended to read as follows:

“147.08 FULL-TIME EMPLOYMENT STATUS EE; DEFINITIONSED.

As used in this chapter, and with the exception

(a) Except as provided in Section 145.02, “Full-time employee” means any municipal employee who is regularly scheduled to work works at least forty hours per week, except for sworn, full-time members of the Police Department for whom wages and benefits are established by a collective bargaining agreement, for a period of six consecutive months or more. The benefits provided in this chapter shall accrue as of the starting date of employment with the Village, except as otherwise indicated.

(b) “Interim” employees are hired in anticipation of a prospective vacancy due to retirement or a planned resignation or termination generally expected to occur within thirty (30) days of the appointment. Interim employment is authorized to promote an efficient transition in positions where significant training or expertise is required.

(c) “Intermittent” employees address fluctuating levels or amounts of work. Incumbents work varying amounts from one pay period to the next and may not work at all in a pay period.

(d) “Seasonal” employees address some work or activity limited to a specific time of year or season. Seasonal positions are limited to periods of 120 days occurring no more than twice per twelve-month period.

(e) "Temporary" employment is necessary to meet staffing needs of one (1) year or less. Temporary employees have consistent work schedules for the duration of the assignment, unlike the intermittent employee."

SECTION 2. That Section 147.09(b) of the Codified Ordinances be amended to read as follows:

"147.09 UNIFORM ALLOWANCE AND MAINTENANCE; SHOE ALLOWANCE.

(b) Full-time employees in the Service Department shall be provided with an annual shoe allowance of one hundred **fifty** ~~twenty-five~~ dollars (\$1**50**~~25~~.00) to be paid during the first quarter of the calendar year. The shoe allowance shall be for the sole purpose of purchasing approved safety shoes and employees are required to wear them during working hours."

SECTION 3. That Section 147.10 of the Codified Ordinances be amended to read as follows:

"147.10 FUNERAL ~~BEREAVEMENT~~ LEAVE.

~~In case of a death of a full time employee's spouse, child, parent, brother, sister, step-parent, grand parent, father-in-law or mother-in-law, that employee shall be granted up to three days funeral leave without loss of pay, benefits, days off, holiday, vacation or sick leave, to attend the funeral or memorial service of the deceased family member~~ **Full-time regular employees are eligible for bereavement leave for those days they are regularly scheduled to work. Paid bereavement leave for up to three days shall be granted for the death of a member of an employee's Immediate Family. Employees may use other paid leave or may take leave without pay to extend bereavement leave for Immediate Family members, or to take bereavement leave for Extended Family members, with the approval of the Mayor or his/her designee. No amount of unused bereavement leave will be paid at year-end or upon termination. "Immediate Family" includes spouse, children and step-children, siblings and step-siblings, parents and step-parents, grandparents, grandchildren, mother-in-law and father-in-law or a similar relationship as approved at the discretion of the Mayor or his/her designee."**

SECTION 4. That Section 147.11 of the Codified Ordinances be amended to read as follows:

"147.11 JURY DUTY.

Any **full-time** employee who is called for jury duty, either federal, county, or municipal, shall be paid his or her regular salary provided the employee signs over to the Village any fees received for such jury duty."

SECTION 5. That subsections (b) and (o) of Section 147.12 of the Codified Ordinances be amended, and Section 147.12 be amended to include a new subsection (p), which shall read as follows:

“147.12 SICK LEAVE RULES.

Full-time employees shall be entitled to sick leave in accordance with the following rules:

(b) Sick leave shall be defined as an absence with pay necessitated by illness of or injury to the employee or the employee’s immediate family member living with the employee, or exposure by the employee to a contagious disease communicable to other employees.

* * *

(o) Employees hired on or after January 1, 1998, shall, as a term and condition of employment, be required to waive any previously accumulated sick leave credit from public service outside Orange Village, unless otherwise requested by the Mayor and approved by an ordinance of Council. If awarded at the time of hire, any previously accumulated sick leave credit from public service outside Orange Village shall not be subject to any payout provision contained in this Section.

(p) The Mayor may recommend additional or revised sick leave that is different than the leave provided for in this Section. Such additional or revised sick benefit may be granted by a motion and the affirmative vote of at least four members of Council.”

SECTION 6. That Section 147.13 of the Codified Ordinances be amended be amended to read as follows:

“147.13 VACATIONS.

(a) ~~Except for the sworn, full-time non-exempt members of the Police Department, e~~ Each full-time employee shall be entitled to vacation leave with pay, pursuant to the following requirements, ~~full-time being defined as provided in Section 147.08.~~

(b) Employees shall earn vacation leave to be taken during the calendar year after it is earned as follows:

(1) ~~From the date of employment to December 31 of the calendar year in which the employment is commenced (“the Employment Year”) and to the end of the first calendar year of continuous employment after the Employment Year, one (1) day for each two (2) full months worked, up to a maximum of five (5) days.~~ New full-time employees hired on or before July 1st in any calendar year, who work at least 700 hours during the balance of the year, shall be entitled to five (5) days of vacation beginning in January in the next calendar year. New full-time employees hired after July 1st of any calendar year, who work at least 700 hours prior to July of the following year, shall be entitled to five (5) days of vacation beginning July in the next calendar year. Thereafter, the

“new” employees shall be eligible for vacation on the same basis as other full-time employees as set forth in paragraph (b)(2) below.

(2) From the end of the first calendar year to the end of the fifth calendar year of continuous employment after the Employment Year, one (1) day for each month worked, up to a maximum of ten (10) days.

(3) From the end of the fifth calendar year to the end of the tenth calendar year of continuous employment after the Employment Year, one and one-half (1-1/2) days for each month worked, up to a maximum of fifteen (15) days.

(4) From the end of the tenth calendar year to the end of the fifteenth calendar year of continuous employment after the Employment Year, two (2) days for each month worked, up to a maximum of twenty (20) days.

(5) After the end of the fifteenth calendar of continuous employment after the Employment Year, two and one half (2-1/2) days for each month worked, up to a maximum of twenty-five (25) days.

(c) Except as set forth in subsection (b)(1), for the purpose of calculating the vacation period, the employee’s service commencement date shall be deemed to be January 1 of the year in which the employee was hired as a full-time employee of the Village.

(d) Employees shall be credited with vacation days on January 1 of each year for vacation earned the prior year, commensurate with their years of service as calculated above.

(e) Prior full-time employment with the State of Ohio, or with any political subdivision of the State of Ohio shall be treated as though the employee worked for Orange Village when calculating the employee’s vacation benefit pursuant to this ordinance.

(f) The Mayor may recommend that additional vacation be granted to a newly hired employee, based upon the employee’s training, experience or other qualifications. Such additional vacation benefit may be granted by a motion and the affirmative vote of at least four members of Council and will remain static until any subsequent motion of Council establishing a different vacation benefit for that employee.

(eg) All vacation time shall be taken at a time approved by the Mayor or the Mayor’s designee, and vacation may be denied during a specific period if workload dictates such a result (as conclusively determined by the Mayor).

(h) Except as provided below, vacation time cannot be accumulated and must be taken prior to December 31 of the year after it is earned. In the event of hardship, as reasonably determined by the Mayor or the Mayor’s designee, unused vacation time may be paid to the employee at the employee’s usual hourly rate for the year in which it should have been taken, or rolled over into the following calendar year, as approved by the Mayor or the Mayor’s designee. Vacation leave that is rolled over into the following year must be scheduled and taken in the first quarter of that following year.

(i) In the event of the termination of employment with the Village, for any reason except for cause, each full-time employee may be paid a proration of accrued vacation time based upon the full months actually worked during year of the termination. If an

employee voluntarily terminates employment, the employee must give fourteen (14) days notice to receive the accumulated vacation pay or it is forfeited.”

SECTION 7. That subsection (a) Section 147.14 of the Codified Ordinances be amended to read as follows:

“147.14 HOLIDAY TIME/PERSONAL DAYS.

(a) For all full-time Village employees, who are not members of a collective bargaining unit which has entered into a collective bargaining agreement with the Village, paid holiday time/personal days shall be as follows:

New Years Day	<u>January 1</u>
Martin Luther King Day	<u>Third Monday in January</u>
Memorial Day	<u>Last Monday in May</u>
July 4th	<u>July 4</u>
Labor Day	<u>First Monday in September</u>
Thanksgiving Day	<u>Fourth Thursday in November</u>
Christmas Day	<u>December 25</u>
Personal Days (6).”	

SECTION 8. That subsections (a) and (b) of Section 147.16 of the Codified Ordinances be amended to read as follows:

“147.16 INSURANCE.

(a) Effective January 1, 2013, Orange Village shall provide and maintain medical/hospitalization, dental and life insurance coverage for all full-time eligible employees upon the terms and conditions set forth in this section and except as otherwise provided herein.

(b) (1) If an employee’s spouse ~~works full-time (i.e. 25 hours or more per week) for an employer that provides~~ is eligible for employer-subsidized group health care and/or dental coverage ~~to the employee’s spouse, or to any other employees who perform the same or similar duties or functions as the employee’s spouse~~ the employee’s spouse must enroll for the coverage and may not be enrolled in the Orange Village health coverage offered pursuant to this section. The Orange Village Plan Administrator has discretion to determine whether your spouse’s employer provides coverage as described herein.

(2) Spouses currently enrolled in the Orange Village Group Health Care Plan who are eligible for coverage under their employer’s health care plan will be cancelled from the Orange Village Group Health Care Plan when that spouse becomes eligible for his or her employer’s plan.

(3) Spouses converting to primary coverage through their own employer will receive a Certificate of Creditable Coverage from Orange Village defining the period of time he or she has been covered by this Plan.

***”

SECTION 9. That Section 147.19(c) of the Codified Ordinances be amended to read as follows:

**“147.19 ADDITIONAL PAY PROVISIONS FOR VILLAGE EMPLOYEES
COMPENSATORY TIME AND FLEX TIME.**

* * *

(c) Employees may elect to take compensatory time-off in lieu of overtime pay at the rate of one and one-half (1-1/2) hours for each overtime hour worked, in accordance with the provisions of the Fair Labor Standards Act and Department of Labor Regulations up to a maximum of two hundred (200) hours of accumulation during each calendar year. Any accumulated compensatory time must be taken prior to December 31st the year in which it was earned, or paid no later than January 31st of the following year, unless the employee notifies the department head, in writing prior to ~~December~~ **November** 15 of each year, of his/her decision to carry over such compensatory time. In such case, the maximum amount of compensatory time carried over shall be one hundred twenty-five (125) hours and those hours carried over shall count towards the two hundred (200) maximum accumulation for that calendar year. Scheduling of compensatory time-off shall be subject to the approval of the department head.”

SECTION 10. That Section 147.21 of the Codified Ordinances be amended to read as follows:

“147.21 EQUAL EMPLOYMENT OPPORTUNITY.

Orange Village will promote the principles of Equal Employment Opportunity in all decisions involving recruiting, hiring, training, compensation, benefits, promotions, and transfers and in the administration of all other human resources actions. All employment decisions will be made on the basis of each individual employee’s qualifications, skill, ability, experience, and other factors which make each employee a valued asset of the Village. Orange Village is committed to a policy against unlawful employment discrimination or harassment on the basis of an individual’s race, color, religion, sex, **sexual orientation,** national origin, age, disability, **military/armed forces service or veteran status, gender identity,** or any other characteristic **basis** protected by law.”

SECTION 11. That Chapter 147 of the Codified Ordinances be amended to include a new Section 147.25, Discretionary Leave, which shall read as follows:

“147.25 DISCRETIONARY LEAVE.

The Mayor may grant leave without pay to any Village employee upon written application for unpaid leave of absence of up to one (1) year when the employee has no remaining paid leave.”

SECTION 12. That the entire existing Sections 147.08, 147.09(b), 147.10, 147.11, 147.12(b), 147.12(o), 147.13(e), 147.14(a), 147.16(a), 147.16(b), 147.19(c) and 147.21, and any ordinances or parts thereof in conflict with this Ordinance, are repealed.

SECTION 13. That the entire existing Sections 139.02, Work Day, and 147.18, Lunch Period, are repealed.

SECTION 14. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 15. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: January 11, 2016


Council President Pro-Tem

Submitted to the Mayor for
approval on this 11 day of January, 2016

Approved by the Mayor this
11 day of January, 2016

ATTEST:


Clerk of Council


Mayor