

**ORDINANCE NO. 2023-19**

**AN ORDINANCE  
AMENDING CERTAIN SECTIONS OF CHAPTER 147,  
EMPLOYEES GENERALLY, OF THE CODIFIED  
ORDINANCES OF ORANGE VILLAGE, AND DECLARING  
AN EMERGENCY.**

WHEREAS, the Orange Village administration has advised this Council of its desire to amend certain sections of the Employment chapter of the Codified Ordinances and to equalize the employment benefits of nonunion employees with those employees who are in a union; and

WHEREAS, this Council desires to adopt the proposed employment benefits recommended by the Orange Village administration, to advance the health, safety and welfare of the Village and its employees.

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

SECTION 1. That existing Section.147.04(a), Deferred Compensation Plans, of the Codified Ordinances of Orange Village is amended to provide as follows:

**“147.04 DEFERRED COMPENSATION PLANS.**

(a) ~~Private Deferred Compensation; Life Insurance Company.~~ Council hereby adopts and ratifies a private deferred compensation plan, as offered by a life insurance company licensed to transact business in Ohio (hereinafter “private plan”) and extends to all eligible employees the opportunity to join and participate in such plan. This private plan was previously known as the “ING” or “Aetna” plan and is now offered by “VOYA Financial” “ING;”. aAny subsequent merger, acquisition or other corporate activity which results in a name change of the company offering the plan shall be reviewed by the administration and shall be authorized by this section, provided that it does not materially change the private plan. A copy of the private plan shall be maintained on file in the office of the Clerk of Council and, along with any along with any amendments thereto, and is incorporated herein by reference.

(1) The Mayor is hereby authorized by Council to execute an agreement with the private plan provider on terms and conditions substantially in accordance with the plan currently on file in the office of the Clerk of Council; such agreement shall authorize the Village to offer to its eligible employees and officials participation in the deferred compensation plan.

\*\*\*”

SECTION 2. That existing subsection (b) of Section.147.09, Uniform and Maintenance Allowance; Shoe Allowance, of the Codified Ordinances of Orange Village is amended to provide 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 two hundred dollars (\$200) ~~one hundred fifty dollars (\$150.00)~~ 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 existing Section 147.11, Jury Duty, of the Codified Ordinances of Orange Village is amended to provide 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. **An employee released from jury duty with at least 50% of his/her workday remaining must report to work for the remaining hours.”**

SECTION 4. That existing Section 147.13, Vacations, of the Codified Ordinances of Orange Village is amended to provide as follows:

**“147.13 VACATIONS.**

**A. ELIGIBLE EMPLOYEES**

Full-time regular employees are eligible to earn vacation leave hours in accordance with the schedule noted below.

**B. BENEFIT**

1. On January 1 of each year full-time employees shall be credited with vacation time earned from the previous calendar year according to this schedule:

<b><u>COLUMN 1</u></b>	<b><u>COLUMN 2</u></b>	<b><u>COLUMN 3**</u></b>
<b><u>Full-time Employee's</u></b> <b><u>Current Year of</u></b> <b><u>Employment</u></b>	<b><u>Maximum Days Earned</u></b> <b><u>from Current Year</u></b> <b><u>Employment</u></b>	<b><u>Maximum Days Available</u></b> <b><u>to Take During Current</u></b> <b><u>Year of Employment</u></b>
Year Hired (Year 0)	Calculation (See Section 147.13 (B)(2))	0
1	10	Calculation (See 147.13 (B)(2))
2, or 3	10	10
4	15	10
5, 6, 7, 8	15	15
9	20	15
10, 11, 12, or 13	20	20
14	25	20
15, 16, 17, 18, 19, 20	25	25
21	30	25
22 and after	30	30

\*\*The maximum days available listed in Column 3 are those days earned in the prior calendar year by the employee.

2. A newly hired full-time employee may earn a maximum of 5 vacation days from the first day of employment through December 31 of the year hired (Year 0) using the following calculation:

*½ day earned per each full month worked (up to a maximum of 5 days)*

Days earned (from the above calculation) may not be utilized until January 1 of the following calendar year (Year 1). For example, a new full-time employee hired September 1 who works through December 31 of that calendar year will have earned 2 vacation days for use after January 1. Beginning January 1, this employee will then be moved to Year 1 under the table above and the maximum days to be earned in Year 1 (to be used in Year 2) will be 10, with the days available for the employee to use in Year 1 equal to the number earned in Year 0.

3. In any calendar year, a full-time employee may only take those vacation days earned in the prior calendar year. Under no circumstances shall an employee be allowed to take vacation days earned in the current calendar year during the current calendar year.
4. Prior full-time service with the State of Ohio or any political subdivision thereof shall be deemed to be prior service with Orange Village in calculating the amount of the employee's vacation only.
  - a. For example, an employee hired with 4 years of full-time prior service with another political subdivision will be placed at Year 4 on the table above on his/her date of hire. The employee will be credited on his/her date of hire with days in Year 3 (Column 3) using the following formula:

# of maximum days in Year 3 (Column 3) divided by 12 multiplied by the number of full months in the current calendar year from date of hire through December 31. This will be the number of days of vacation a new hire with prior service would receive in the year hired.
  - b. During Year 4, the employee will be able to earn (Column 2) the maximum number of days available for Year 5.

#### C. USE OF VACATION LEAVE

1. Vacation leave may be used starting January 1 of the calendar year after it is accrued. Use of vacation leave shall be in minimum increments of four (4) hours and is subject to the approval of the employee's Department Head and the Mayor or his/her designee.
2. Requests for vacation leave must be submitted via Time Off Policy Form or on the appropriate leave form to the Department Head in a reasonable timeframe prior to the day(s) requested off.
3. Vacation leave may be denied during a specific period if the workload dictates.
4. All vacation time shall be taken at a time approved by the Mayor or his/her designee.
5. Vacation time cannot be accumulated and must be taken by December 31 of the year after it is earned. In the event of a hardship, as reasonably defined by the Mayor or his/her designee, unused vacation time may be paid to the employee at the employee's usual hourly rate in the year in which it should have been taken or the vacation may be rolled over into the following calendar year as approved by the

Mayor or his/her designee so long as it is used in the first quarter of the following year.

#### D. PAYMENT FOR UNUSED VACATION LEAVE AT TIME OF TERMINATION

1. Upon separation from employment for any reason other than a disciplinary termination for cause, each full-time employee may be paid a proration for earned and unused vacation time available in the current year (Column 3), and a pro-rated percentage of vacation time earned for the subsequent year (Column 2), based upon the full months actually worked in the current year through the date of separation in accordance with the table above. If an employee voluntarily terminates employment the employee must give fourteen (14) days written notice to receive the accumulated vacation pay or it is forfeited.
  - a. For example, if an employee in Year 4 under the table above resigns effective March 1, they shall be entitled to be paid the number of unused vacation days earned the prior calendar year (from Column 3) plus the number of vacation days earned from January 1 through February 28 prorated based on the table above (Column 2) (i.e., two and one-half (2.5) days).
2. Upon a disciplinary termination for cause, each full-time employee shall be entitled to payment for earned and unused vacation time available in the current year (Column 3).
  - a. For example, if an employee in Year 4 is terminated for cause effective March 1, they shall be entitled to be paid for the number of unused vacation days earned the prior calendar year (from Column 3).
3. 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 the year of termination.

~~(a) Each full-time employee shall be entitled to vacation leave with pay, pursuant to the following requirements. (Ord. 2016-34. Passed 1-11-17.)~~

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

~~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.~~

~~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.~~

~~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.~~

~~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) day for each month worked, up to a maximum of twenty (20) days.~~

~~From the end of the fifteenth calendar year to the end of the end of the twenty-second year 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.~~

~~After the twenty-second year of continuous employment after the Employment Year, two and one-half (2-1/2) days for each month worked, up to a maximum of thirty (30) days.~~

~~(Ord. 2020-3. Passed 2-5-20.)~~

~~(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.~~

~~(g) 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 5. That existing Section 147.14, Holiday Time/Personal Days, of the Codified Ordinances of Orange Village is amended to provide 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 Year's Day	January 1
Martin Luther King Day	Third Monday in January
Memorial Day	Last Monday in May
Juneteenth (beg. in 2024)	June 19
July 4th	July 4



Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25
Personal Days	<del>(6)</del> 7 days (56 hours)

- (b) The holiday time and personal days provided in subsection (a) are not cumulative and must be taken during the calendar year in which they are earned. Personal days, and holiday time which is not taken on the actual day provided for herein, shall be taken at a time approved by the Mayor or the Mayor's designee.
- (c) Eligible employees must be working or, if not working, in active pay status (i.e., using accrued vacation, personal leave, etc.) on the last scheduled day immediately preceding the holiday and the first scheduled day immediately following the holiday to be eligible for holiday pay.
- (d) Each member of the Fire Department who is scheduled to work a shift and works that shift at the Fire Department for the days and times designated below shall receive "holiday compensation" at a rate one and one-half (1½) times the member's regular pay. For the purposes of "holiday compensation," the following times and days shall be considered "holidays":

<u>Holiday</u>	<u>Hours</u>
New Year's Day	all day
Memorial Day	all day
July 4 <sup>th</sup>	all day
Labor Day	all day
Thanksgiving Day	all day
Christmas Eve Day	after 7 p.m.
Christmas Day	all day
New Year's Eve	after 7 p.m.

"Holiday Compensation" shall not be paid to members of the Fire Department who respond to emergency calls on the days and times noted above. Such additional compensation shall only be paid to members of the department who are scheduled to work a shift at the Fire Department, and who in fact work that shift.

- (e) Personal Days are "advanced" and available for use by eligible employees in the first pay period of each year. Upon termination, personal time shall be pro-rated for the number of full months actually worked during the year and final paycheck will be adjusted accordingly. Employees hired during the year shall have their personal time pro-rated based on the date hired."

SECTION 6. That existing Section 147.16, Insurance, of the Codified Ordinances of Orange Village is amended to provide 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 eligible employees, **including the Mayor**, upon the terms and conditions set forth in this section and except as otherwise provided herein.

- (b)(1) If an employee's spouse is eligible for employer-subsidized group health care and/or dental/~~vision~~ coverage 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 ~~should~~ will receive a Certificate of Creditable Coverage ~~from their employer for from~~ Orange Village defining the period of time he or she has been covered by this Plan.
- ~~(e) Those full-time employees who can provide proof that they have health coverage with another provider, such as a spouse's employment, can opt to receive a one hundred dollar (\$100.00) per month incentive in lieu of being covered by the Village. Any employee who chooses the above incentive may at any time return to the Village plan upon proper notification to the Village. Any employee who opts out of the Village's health care plan must also opt out of the dental coverage.~~
- (ce) Employees who take the insurance offered herein shall, on a pre-tax basis, make monthly contributions ~~per the Compensation Ordinance. based upon the following schedule:~~

Classification	Range of Contribution
1) Employee	\$50 to \$200
2) Employee with Spouse	\$100 to \$400
3) Employee with Child	\$80 to \$320
4) Family	\$150 to \$600

~~The specific amount of the contribution shall be determined by administration at the time the compensation of the employees is established pursuant to the salary ranges previously determined by Council and in accordance with the Village' budget process.~~

~~(f) Employees will be responsible for the first dollar amount of the deductible based upon the following schedule:~~

~~Single Plan: \$0-\$750~~

~~Family Plan: \$0-\$1,000 (including employee/spouse and employee/child)~~

~~The specific amount of the deductible the employee will be responsible for will be determined by the administration at the time the compensation of the employees is established pursuant to the salary ranges previously determined by Council and in accordance with the Village budget process."~~

- (d) All full-time Village employees ~~and the Mayor~~ shall be provided with group term life insurance coverage and group disability insurance coverage in such amount as the Council shall determine and approve by motion of Council. The Village Treasurer shall purchase and maintain such group term life insurance and group disability insurance. The Mayor and the Village Treasurer are authorized to create a Section 125 plan, in conformance with applicable Internal Revenue Code requirements, which will permit eligible employees to purchase additional group term life insurance and/or group disability insurance on a pre-tax basis.

SECTION 8. That existing Sections 145.08, 147.04(a), 147.09(b), 147.11, 147.13, 147.14, 147.15, and 147.16 and any Ordinance or any part of any Ordinance that conflicts with this Ordinance, is repealed to the extent of the conflict.

SECTION 9. That the 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 10. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of Orange Village and, further, that this Ordinance needs to be effective immediately so that employees may receive the additional benefits provided for herein in 2023; wherefore, this ordinance shall be in full force and effect from and after its adoption and approval by the Mayor, provided it receives the affirmative vote of five (5) members of Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

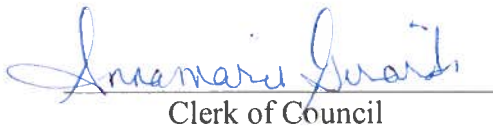
PASSED: NOVEMBER 8, 2023

  
\_\_\_\_\_  
Council President

Submitted to the Mayor for  
approval on this 8<sup>th</sup> day of NOVEMBER, 2023

Approved by the Mayor this  
8<sup>th</sup> day of Nov, 2023

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

  
\_\_\_\_\_  
Mayor