

ORDINANCE NO. 05 -16

AN ORDINANCE REVISING AND FIXING THE SALARIES AND BENEFITS OF CERTAIN SUPERVISORY POSITIONS CLASSIFIED AS EXEMPT EMPLOYEES OF THE CITY OF PORT CLINTON, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Port Clinton wishes to continue operations of City functions in the most efficient mode possible, and

WHEREAS, it is necessary to provide for adequate salaries and benefits to City supervisors and employees who are not covered by any collective bargaining agreement, and

WHEREAS, various ordinances have been adopted to provide benefits to supervisory personnel and this Ordinance is being adopted to revise and state in one place the salaries and benefits for the employees covered by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, Ottawa County, Ohio:

Section 1. That the following employment positions shall be classified as exempt employees of the City of Port Clinton for employment purposes:

Safety Service Director  
Chief of Police  
Director of Parks and Recreation Cemetery Sexton  
Tax Commissioner  
Chief Operating Engineer (WasteWater)  
Administrative Assistant II  
Chief of Fire (P.T.)  
Zoning and Property Maint. Adm. (P.T.)  
Safety Officer (P.T.)

The above exempt employees shall be paid on a salaried basis and shall receive a pre-determined salaried amount for each workweek regardless of the number of hours actually worked. The pay for the above employees shall be based, not on the number of hours worked, but on proper completion of the work assigned.

Section 2. That the salaries of the exempt employees shall be in accordance with this Ordinance:

	2016	2017	2018
Safety Service Director	\$53,040 to \$80,753	\$53,040 to \$81,965	\$53,040 to \$83,194
Chief of Police	\$56,250 to \$82,418	\$56,250 to \$83,654	\$56,250 to \$84,909
Director of Parks, Rec., and Pub. Fac.	\$20,000 to \$57,957	\$20,000 to \$58,826	\$20,000 to \$59,708
Tax Commissioner	\$37,500 to \$58,870	\$37,500 to \$59,753	\$37,500 to \$60,649
Chief Operating Engineer (Waste Water)	\$38,800 to \$63,438	\$38,800 to \$64,389	\$38,800 to \$65,355
Administrative Assistant II	\$25,000 to \$46,386	\$25,000 to \$47,081	\$25,000 to \$47,788
Chief of Fire (P.T.)	\$37,143 to \$53,856	\$37,143 to \$54,664	\$37,143 to \$55,484
Zoning and Property Maint. Adm. (P.T.)	\$16,000 to \$21,011	\$16,000 to \$21,326	\$16,000 to \$21,646
Safety Officer(P.T.)	\$4,600 to \$5,380	\$4,600 to \$5,460	\$4,600 to \$5,542

The actual salary as to each such employee listed herein shall be as set by the Director of Safety and Service within the above established salary range, with the exception of the Safety Service Director and the Tax Commissioner. The actual salary of the Safety and Service Director and the Tax Commissioner shall be as set by the Mayor within the above established salary range.

Section 3. Each exempt employee, with the exception of the Safety Service Director and the Tax Commissioner, shall be given an annual performance review of his/her job performance by the Director of Safety and Service. The time and date of the evaluation shall be as established by the Director of Safety and Service, and shall be in accordance with such rules and regulations as shall be promulgated by the Director.

The Safety Service Director and the Tax Commissioner shall be given an annual performance review of his/her job performance by the Mayor. The time and date of the evaluation shall be as established by the Mayor, and shall be in accordance with such rules and regulations as shall be promulgated by the Mayor.

Section 4. The exempt employees covered by this Ordinance shall be entitled to the following fringe benefits:

- A. Medical Insurance. The City shall provide a medical insurance plan in accordance with the summary plan description document on file with the City Auditor, as from time to time amended, as determined by the City. A copy of the summary plan description and any amendments thereto will be provided to each exempt employee. The medical insurance plan may also provide supplemental benefits such as drug prescription plan, dental plan, and optical plan, as from time to time may be determined by the City.

The employer will establish a Section 125 Plan for employee insurance contributions as soon as practical subject to legal requirements.

- B. Life Insurance. The City shall provide life insurance coverage for each full-time employee as presently provided.
- C. Residency. Pursuant to RC 735.01, the Safety Service Director shall become a resident of the City with six months after his appointment. Residency for other exempt employees shall be in Ottawa County or any of the contiguous counties.
- D. Sick Leave.

1. For each completed workweek in active pay status, an exempt employee earns 2.3 hours of sick leave. For purposes of this Ordinance, active pay status may be defined as all regularly scheduled hours and/or regularly scheduled hours from which the employee is absent due to authorized paid leave. Unused sick leave shall be cumulative without limit. Employees absent on sick leave shall be paid at the same basic salary rate as when they are working.

2. Sick leave may be used, upon approval of the Director of Safety and Service, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and to illness or injury in the employees immediate family requiring the presence of the employee. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of

absence from regularly scheduled work.

3. For the purposes of this Ordinance, the "immediate family" is defined as only; mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian or other person who stands in the place of a parent.

4. The City shall require the employee to furnish a standard, written, signed statement upon his/her return to work to justify and explain the nature of the illness requiring sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action, including dismissal.

5. When an employee is unable to report to work, he/she shall notify the Director of Safety and Service and the respective department prior to the scheduled starting time.

6. Employees requiring a physician's care or medication, may be required to furnish a statement from their physician notifying the City that the employee was unable to perform his/her duties. Employees returning to work after an injury, illness or operation attended by a physician, shall have a physician's written permission before returning to work.

7. Exempt employees, at the time of retirement from active service with the City, or with twenty (20) years or more service with the City who voluntarily leave employment with the City for reasons other than termination of employment by the City, shall be entitled to be paid twenty-five percent (25%) of his/her accumulated unused sick leave up to a maximum accumulation of 2,000 hours. The maximum hours which shall be paid is 750 hours.

Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time.

8. An exempt employee who transfers from a public agency to the City, or who has prior service with a public agency, as defined in Section 124.38, Ohio Revised Code, shall retain credit for any sick leave earned in accordance with that Section so long as he or she is employed by the City, except that deduction shall be made for any payment or credit given by the previous agency in lieu of taking sick leave. The previously accumulated sick leave of an exempt employee who has been separated from the public service shall be placed to his/her credit upon his/her re-employment with the City, provided, that such re-employment takes place within ten (10) years of the date of which the employee was last separated from public service.

- E. Paid Holidays shall include: New Year's Day, Martin Luther King, Jr. Day, Washington-Lincoln Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and the Friday immediately following and Christmas Day.

Personal Days – Each employee shall be entitled to three (3) days per year of his or her choice in addition to those holidays listed in D above.

- F. Vacation. Exempt employees shall receive vacation leave as follows:

1. One year and subsequent years up to seven years, two weeks.
2. Seven years and subsequent years up to fifteen years, three weeks.
3. Fifteen years and subsequent years up to twenty-two years, four weeks.
4. Twenty-two years and subsequent years up to twenty-eight years, five weeks.
5. Twenty-eight years and subsequent years, six weeks.

Vacation leave shall accrue to the employee upon each successive annual recurrence of the anniversary date of his/her employment. However, the anniversary date may be deferred because of periods of time in which the employee is not on active pay status.

Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of his/her employment.

If an exempt employee is transferred between departments, any unused vacation days which he/she may have accumulated shall continue to be available for his/her use. In the case of death, resignation or layoff of an employee, there shall be paid to the employee, his/her widow(er) or other beneficiary as provided by statute, in addition to back pay then due, an amount that will compensate him/her for vacation which has accrued in accordance with this Ordinance.

- G. Bereavement Leave. Exempt employees are granted three (3) days bereavement leave to attend the funeral of a member of their immediate family as defined in this Ordinance without using sick leave. At the discretion of the Safety Service Director, additional funeral leave, charged to accumulated sick leave, may be granted.
- H. Public Employees Retirement. The City will continue a designated pickup plan for employees' contribution to the Public Employees Retirement System (PERS) or to the Police and Fireman's Disability and Pension Fund (PFDPF) in accordance with the private letter rulings approving such payments, previously received by the City from the Internal Revenue Service. This plan will utilize the salary reduction method of deducting the employees' contribution from the employees' gross wages to arrive at an adjusted gross wage for tax purposes.
- I. Uniform Allowance – The City shall provide to the Police Chief an annual clothing allowance payable by January 15<sup>th</sup> of each year. The amount to be in accordance with the amounts agreed to in the Fraternal Order of Police contract. To comply with the Internal Revenue Service for an "accountable" plan, the employee shall furnish receipts by December 15<sup>th</sup> each year and any allowance amount not supported by receipts shall be repaid the City Auditor's office by December 31<sup>st</sup> each year.

The above uniform allowance shall be for the purchase, replacement, and maintenance of uniforms and job related equipment as used by the officer while in performance of his or her official duties.

The City shall provide the Police Chief with any rank insignia, years-of-service bars, collar brass, nameplate, or any other required equipment (excluding duty weapon) worn on the uniform by the department.

The City will replace all worn duty leather that is required by the City for the Police Chief. He/she is required to present all worn duty leather to the Safety Service Director or designee for inspection and replacement approval.

- J. Injury Leave – An employee who suffers a service-connected injury or illness incurred in the course of and arising out of employment with the City shall be eligible for injury leave. Injury leave shall be available for up to 120 workdays. This 120 workday paid leave is full paid by the City, and is in lieu of Worker’s Compensation. An employee who applies for injury leave will apply to the Bureau of Worker’s Compensation (BWC) for medical benefits only, and no lost income benefits. The employee may apply for lost income benefits toward the end of the injury leave if it is known that the absence will continue beyond the paid leave, or the leave may be extended at the direction of the City. During the 120 workday absence the employee shall not be charge sick time.

During any such period of injury leave, the employee shall continue to earn seniority, pension credit, sick leave or sick leave credit, and vacation time. Once Worker’s Compensation begins making payments (after the 120 working days, as stipulated above) to the employee for lost wages, the employee may utilize sick time or other approved leave of absence to supplement Worker’s Compensation benefits. The maximum period for injury leave (both wage replacement by the City and BWC payments) shall not exceed twelve (12) months.

Section 5. If the provisions of this Ordinance conflict with any previously passed Ordinance or any portion of any Ordinance, said previously enacted Ordinance or portion thereof, is repealed or amended to the extent of the conflict.

Section 6. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 7. This Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public health, safety and welfare of the City and its residents, and for the further reason that the City desires to adjust the current salary rates of its exempt employees and restate their fringe benefits so as to have them be effective for the first pay date of the new fiscal year; wherefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_

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

Attest: \_\_\_\_\_

Approved: \_\_\_\_\_ 2016.

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Mayor