

ORDINANCE NO. 62-2017 (Amended 7/17/18)

Offered by All of Council

AN ORDINANCE AMENDING SECTIONS 153.02, 153.11 AND 153.20 OF THE ADMINISTRATIVE CODE IN THE VILLAGE OF RICHFIELD’S CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the Administration has recommended that Section 153.11, “Overtime Pay and Policy,” of the Administrative Code be amended to include specific provisions for when overtime may be incurred and to permit employees to be compensated for overtime hours or to add those hours to a compensatory time bank and that Section 153.02, “Employee Categories,” be amended to clarify which employees are exempt from overtime; and

WHEREAS, Section 153.20, “Employee Co-Pay for Insurance,” of the Administrative Code provides that Village employees shall contribute a specified percentage of the premium towards the cost of premiums on health insurance provided by the Village and the Administration has recommended that the Codified Ordinances be amended to conform with the current practice of Council determining this contribution amount annually by separate Council action; and

WHEREAS, Council determines that it is in the best interest of the Village and that it promotes the public health, safety and welfare of the Village to amend Sections 153.02, 153.11 and 153.20 of the Administrative Code as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by Council of the Village of Richfield in the County of Summit and State of Ohio, that:

SECTION 1. Existing Section 153.02, “Employee Categories,” of the Village’s Codified Ordinances be amended as follows:

“153.02 EMPLOYEE CATEGORIES.

Employee categories shall consist of the following:

- (a) Department heads as created by Charter
 - Director of Finance
 - Director of Public Service
 - Zoning Inspector
 - Chief of Police
 - Chief of Fire
 - Director of Public Safety

Additional Exempt Employees:

Assistant Finance Director

Assistant Service Director

Executive Assistant to the Mayor/Human Resources Coordinator

(b) “Full-time employee” means a person who is employed to work full-time for the Village throughout the entire year.

(c) “Part-time employee” means all other employees not listed herein and not entitled to any benefits other than from the Public Employee Retirement System.”

SECTION 2. Existing Section 153.02, “Employee Categories,” of the Village’s Codified Ordinances is hereby repealed.

SECTION 3. Existing Section 153.11, “Overtime Pay and Policy,” of the Village’s Codified Ordinances be amended as follows:

“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. With the exception of Service Department employees during snow plowing season or under call out circumstances described in Section 153.11(c), the use of paid sick leave, holiday leave, vacation leave, comp time, personal time or other paid time off shall not constitute work for purposes of calculating overtime. The department head shall keep all necessary records.

(b) Application to Department Heads. The persons who holds positions created by the Charter and in positions 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, the employee shall be paid a minimum of two hours based on the employee’s base rate of pay in accordance with subsection (a) hereof.

(d) Overtime Rate.

(1) Overtime is to be incurred only when necessary and must be approved in advance by the employee’s supervisor, except in cases of emergency or when necessary to complete work in process for a resident or business within Richfield, in which case approval shall be requested as soon as practicable under the circumstances. Failure to obtain approval for overtime in advance does not preclude the payment of overtime; however, when overtime is worked without advance approval, disciplinary action may be taken against employees, supervisors and/or Department Heads, as appropriate. Generally, excessive or frequent overtime will be subject to review by the Mayor and HR Coordinator or, in the case of overtime issues within the Mayor’s Office, the Finance Director and/or HR Coordinator, as appropriate.

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

(e) Compensatory Time. An employee who has worked approved overtime shall have the option of being compensated for the hours or adding the hours to a compensatory time bank. If the Finance Department is not informed otherwise prior to the last day of the pay period in which overtime was worked, the overtime hours shall be compensated. An employee wishing to add compensatory time to their compensatory time bank must complete the Overtime Designation Form and submit it to the Finance Department prior to the last day of the pay period in which the overtime was worked. An employee shall be entitled to accumulate compensatory time not to exceed ninety (90) hours (inclusive of straight time and half-time) and said time may be carried through to the next calendar year.

(1) Requests to use for compensatory time shall generally be made no later than forty-eight hours prior to the date requested, and no earlier than six months prior to the date requested, subject to the approval of the department head, who may modify such requirement, in whole or in part, only when extenuating circumstances are determined to exist. A request to use compensatory time may be denied if it would result in an undue disruption to operations. 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 employee's immediate supervisor.

(2) Compensatory time shall be charged in minimum units of one-half (1/2) hour.

(3) Upon the employee's request, accumulated compensatory time may be cashed-in to be paid within thirty (30) days.

(f) Part-time paid fire personnel shall be paid at the rate of one and one-half times the hourly rate when they work on holidays effective January 1, 2007.”

SECTION 4. Existing Section 153.11, “Overtime Pay and Policy”, of the Village’s Codified Ordinances is hereby repealed.

SECTION 5. Existing Section 153.20, “Employee Co-Pay for Insurance”, of the Village’s Codified Ordinances be amended as follows:

“153.20 EMPLOYEE CO-PAY FOR INSURANCE.

Employees will contribute ~~the following amounts~~ toward the cost of premiums on health insurance provided by the Village an amount determined annually by the Village.

As of January 1, 2013 8.5% of premium

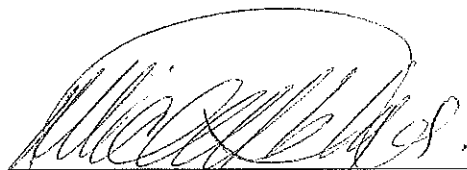
As of January 1, 2014 10% of premium.”

SECTION 6. Existing Section 153.20, “Employee Co-Pay for Insurance,” of the Village’s Codified Ordinances is hereby repealed.


SECTION 7. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 Section 121.22 of the Ohio Revised Code.

SECTION 8. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the general welfare of the Village of Richfield and to make the foregoing amendments effective at the earliest possible time so that the Finance Department which is tasked with calculating employee paid time off and overtime can implement the changes effective the next employee pay period; wherefore, this Ordinance shall be in effect immediately upon its passage and signature by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law

PASSED: 7-17-18

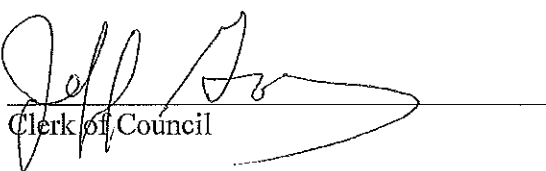


President of Council



Mayor

Dated: 7/17/18

ATTEST:


Clerk of Council