

ORDINANCE NO. 22-110

AN ORDINANCE AMENDING PART ONE (ADMINISTRATIVE CODE), TITLE FIVE (OFFICERS AND DEPARTMENTS), CHAPTER 145 (EMPLOYMENT PROVISIONS) OF THE CODIFIED ORDINANCES OF THE CITY SANDUSKY, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the purpose of the amendment is to update and modernize the City of Sandusky employment provisions ordinance that governs the conditions of employment for non-bargaining unit employees of the City of Sandusky; and

WHEREAS, the City regularly reviews and updates Chapter 145 (Employment Provisions) in order that the City's employment policies and procedures are compliant with changes to federal and state law and best practices for public sector employment; and

WHEREAS, these amendments include provisions updating the salary range to account for the biweekly pay schedule, updating the health insurance language in order to reflect changes to employee premiums, adding the federal and state holiday of Juneteenth, and updates to the vacation schedule for non-bargaining unit employees; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter as the addition of the Juneteenth holiday is effective on June 19, 2022; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. Part One (Administrative Code), Title Five (Officers and Departments), Chapter 145 (Employment Provisions) of the Codified Ordinances of the City is hereby amended as follows:

NEW LANGUAGE APPEARS IN BOLD PRINT
LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT
LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT

CHAPTER 145 EMPLOYMENT PROVISIONS

145.01 Establishment of departments, divisions, positions.

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- 145.02 "Officer" and "employee" interchangeable.
- 145.03 Pay plan.
- 145.04 ~~Repealed. (Reserved for future legislation)~~ **Definitions.**
- 145.05 ~~Monthly~~ **Biweekly** salary ranges - administrative pay classifications.
- 145.06 (Reserved for future legislation).
- 145.07 Compensation/pay periods for the Divisions of Police and Fire.
- 145.08 Paydays.
- 145.09 Hours of work.
- 145.10 Overtime compensation.
- 145.11 Vacations.
- 145.12 Holidays.
- 145.13 Sick leave.
- 145.14 Sick leave, injury leave.
- 145.15 Sick leave, earned.
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- 145.17 (Reserved for future legislation.)
- 145.18 Sick leave, cash payment.
- 145.19 Medical examinations.
- 145.20 Funeral leave.
- 145.21 Administrative leave.
- 145.22 Military leave.
- 145.23 Court appearance - on duty.
- 145.24 Court appearance - off duty.
- 145.25 Jury leave.
- 145.26 Traveling or other expenses.
- 145.27 Automobile allowance; Bailiff.
- 145.28 Housing allowance (benefit value); Oakland Cemetery.
- 145.29 Additional compensation; longevity.
- 145.30 (Reserved for future legislation)
- 145.31 Additional compensation; fire education.
- 145.32 Additional compensation; police education.
- 145.33 (Reserved for future legislation.)
- 145.34 Uniform allowance - Fire Division.
- 145.35 Uniform allowance - Police Division.
- 145.36 Hourly, seasonal and part-time employees.
- 145.37 Apportionment of pay.
- 145.38 Health insurance.
- 145.39 Additional compensation; educational tuition reimbursement.
- 145.40 Annual physical examination.

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CROSS REFERENCES

Salaries and bonds - see CHTR. Sec. 30

Residency requirement - see CHTR. Sec. 86

Collective bargaining - see Ohio R.C. Ch. 4117

Family and Medical Leave Act - see 29 USC Chpt. 28

Workers Compensation - see Ohio Const. Art. II Sec. 35, Ohio R.C. Ch. 4123

Public Employees Retirement System - see Ohio R.C. Ch. 145

Paid Military Leave - see Ohio R.C. Ch. 5923

145.01 ESTABLISHMENT OF DEPARTMENTS, DIVISIONS, POSITIONS.

The various departments, divisions, and positions set forth in this title are established, created or continued. The salaries and compensations paid shall be apportioned or charged to the various departments, divisions, agencies and activities of the City as the City Commission by appropriation or other ordinance shall from time to time direct.

(Ord. 08-146. Passed 12-22-08.)

145.02 "OFFICER" AND "EMPLOYEE" INTERCHANGEABLE.

Wherever used in this chapter, the terms "officer" and "employee" whether singular or plural, shall have the same meaning.

(Ord. 08-146. Passed 12-22-08.)

145.03 PAY PLAN.

All City employees whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc.** ~~Lodge No. 17~~ are classified in the following categories: Administrative; Confidential; Management; Supervisory; Municipal Judicial and Professional.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.04 ~~REPEALED. (RESERVED FOR FUTURE LEGISLATION.)~~ DEFINITIONS.

(a) "Years of Service" shall mean the number of years of full-time employment with the City of Sandusky.

(b) "Service credit" shall mean the total number of the any prior years of service credited to the employee and number of years of full-time employment with the City of Sandusky.

145.05 MONTHLY BIWEEKLY - SALARY RANGES - ADMINISTRATIVE PAY CLASSIFICATIONS.

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Salary Range	Class Title	Min	Max
A1	Commission Employees (City Manager & Clerk of the City Commission)	\$3,088.00 \$1,425.23	\$12,950.00 \$5,976.92
A2	Department Heads/Directors/Chiefs	\$4,138.00 \$1,909.85	\$11,042.00 \$5,096.31
A3	Assistant Directors/Superintendents/Technical/Municipal Court Clerk	\$3,088.00 \$1,425.23	\$9,538.00 \$4,402.15
A4	Project Managers/Program Managers/Supervisors/Municipal Court Bailiff & Probation Officers	\$2,802.00 \$1,293.23	\$7,117.00 \$3,284.77
A5	Administrative Executives/Assistants/Secretaries/Municipal Court Deputy Clerks	\$1,654.00 \$763.38	\$5,128.00 \$2,366.77

~~(Ord. 20-021. Passed 1-27-20.)~~

(a) Upon successfully completing their probationary period of employment, all officers and employees may be afforded an adjustment, not to exceed five percent (5%), based upon a written evaluation of their performance. The probationary period shall be one calendar year commencing with the date of employment. Part time employees shall serve the same probationary period.

~~(Ord. 08-146. Passed 12-22-08.)~~

(b) An Administrative Benefit Review Committee comprised of the Commission President (or designee), a City Commissioner appointed by the City Commission, City Manager, Law Director, **and Finance Director**, ~~and Commission Clerk~~ shall convene at least annually to make recommendations regarding administrative salary adjustments. It is the Commission’s intent to maintain a fair compensation package that recognizes inflationary pressures, cost-of-living increases and employee contributions that maintain and improve quality of life for the Citizens of the City of Sandusky, while remaining fiscally responsible stewards of public funds.

~~(Ord. 17-048. Passed 3-13-17.)~~

(c) All City employees not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** shall be considered for an annual market adjustment to their salary. The Administrative Benefit Review Committee shall make a recommendation to the Finance Committee. After the Finance Committee and the Administrative Benefit Review Committee agree on the recommendation, it shall then go before the Commission for approval. The process should be completed prior to the first pay period of each fiscal year. All recommendations shall take into consideration the City’s ability to fund such an increase.

(d) In addition to the annual market adjustment, the Administrative Benefit Review Committee shall make a recommendation for the amount of a special merit bonus allocation pool, if any, which will be awarded to those City employees not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327, or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** who have exhibited extraordinary service to the City during the

prior fiscal year. The Administrative Benefit Review Committee shall recommend the allocation of the funds based upon an annual written review of employee performance and the recommendation of supervisors. The Administrative Benefit Review Committee shall make a recommendation to the Finance Committee. After the Finance Committee and the Administrative Benefit Review Committee agree on the recommendation, it shall then go before the Commission for approval. The process should be completed prior to the first pay period of each fiscal year.

(e) Employee's biweekly salaries may exceed the maximum allowed under this section only if they receive an annual market adjustment approved by the Administrative Benefit Review Committee, Finance Committee and City Commission as provided for in subsections 145.05(c) and (d). Employees starting salary cannot exceed the maximum allowed under this section.

(f) The Employees salary ranges shall automatically increase at the same rates as the annual market adjustment for that calendar year. An up to date salary chart shall be kept by the Finance Director.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.06 (RESERVED FOR FUTURE LEGISLATION.)

145.07 COMPENSATION/PAY PERIODS FOR THE DIVISIONS OF POLICE AND FIRE.

The compensation/pay periods for the Divisions of Police and Fire of the City of Sandusky, Ohio, shall be periods and/or cycles of twenty-eight days, and the compensation, overtime compensation, and comprehensive time, if allowable under these Codified Ordinances and the personnel procedures and regulations of the City of Sandusky, Ohio, shall be computed, allowed, and determined on the basis of the same. For the purposes of the Federal Fair Labor Standards Act 207(k) schedules of twenty-eight days, 171 hours for the Division of Police, and twenty-eight days, ~~21204~~ hours for the Division of Fire are adopted hereby. Employees of the Divisions of Police and Fire of the City of Sandusky, Ohio shall be salaried employees, and shall be compensated for overtime on a "half-time" method.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.08 PAYDAYS.

The salaries and compensation for services paid by the City to all its employees shall be paid every two weeks. Payday shall normally be nine days after the closing of the pay period. Paychecks will be made available to the employees upon final preparation. If payday falls on a holiday, the payday shall be the last workday before the holiday.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.09 HOURS OF WORK.

The hours of work per day and per work week for all employees of the City, unless otherwise provided for, shall be determined for each department by the head of the department or division, subject to approval of the City Manager; and

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for department or division heads under the City Manager, by the City Manager. (Ord. 08-146. Passed 12-22-08.)

145.10 OVERTIME COMPENSATION.

The following applies to those City employees not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327, or F.O.P. **Ohio Labor Council, Inc.** ~~Lodge No. 17~~ and whose pay is fixed on a ~~monthly~~ **biweekly** basis.

(a) Overtime Administration. A department head may prescribe, with the approval of the City Manager, reasonable periods of overtime work to meet operational needs. Such overtime shall be reported and justified as required by the City Manager.

(b) Overtime Pay.

(1) Employees ~~paid on an hourly basis (deemed non-exempt under FLSA Standards)~~ shall be paid at one and one-half times their regular hourly rate when authorized in accordance with subsection (a) hereof for any hours actually worked beyond forty hours per week. ~~or more than the hours scheduled per day, unless the overtime work is performed on a Sunday in which case compensation shall be at the rate of two times the regular hourly rate of pay. Overtime work on a holiday, as defined in Section 145.12, shall be at a rate of two times the regular hourly rate of pay. A minimum of three (3) hours at the employee's overtime rate shall be paid to an employee whenever such employee is called in to work other than his regularly scheduled shift, provided that such hours do not abut the employee's regular shift.~~

(2) For purposes of this section, hours actually worked does not include time spent on vacation leave, sick leave, comp time, personal leave or holidays.

(3) In lieu of paid overtime, **non-exempt** employees may earn compensatory time up to a maximum of 240 hours. ~~Employees must request compensatory time in lieu of paid overtime by the end of the pay period in which they worked the overtime.~~ Any earned but unused compensatory time shall be paid out upon separation in accordance with the Fair Labor Standards Act.

(4) Employees ~~paid on a salary basis (deemed exempt under FLSA Standards)~~ shall not be eligible for overtime **but may be allowed to earn compensatory time for overtime worked. Exempt employees may** ~~will~~ be allowed to flex their schedule to meet the needs of the City and to maintain a fair and equitable 40-hour average work week. Exempt employees are expected to be available for meetings and work beyond the average eight-hour day or 40-hour week. Exempt employees, with approval of their supervisor, may, on occasion and if work conditions permit, work less than a 40-hour week if they have also worked more than a 40-hour week when necessary. Exempt employees are expected to work at least 40 hours per week on average.

(5) All employees shall be defined and/or classified as either exempt or non-exempt pursuant to the Fair Labor Standards Act. Final determination of such status shall be made by the appointing authority in consultation with the Law Director.

(6) Overtime may not be pyramided and overtime compensation provisions of this section shall not apply when time off from an employee's regularly

scheduled work is taken without compensation for the officer's or employee's own convenience.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.11 VACATIONS.

(a) Except as otherwise set forth, permitted, provided, and allowed herein, all full-time City officers and/or employees, hired prior to December 22, 2008, whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** shall be entitled to annual vacation leave with full pay in accordance with the following schedule:

- (1) One through five completed years of total service credit, two work weeks;
- (2) Six through ten completed years of total service credit, three work weeks;
- (3) Eleven through fifteen completed years of total service credit, four work weeks;
- (4) Sixteen through twenty-four completed years of total service credit, five work weeks.
- (5) Twenty-five or more completed years of total service credit, six work weeks.

(b) Effective July 1, 2022, Except as otherwise set forth, permitted, provided and allowed herein, all full-time City officers and/or employees, hired after December 22, 2008, whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327, or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** shall be entitled to annual vacation leave with full pay in accordance with the following schedule:

- (1) ~~One~~ **Zero to three** completed year of total service credit, **eighty (80) hours** one work week;
- ~~(2) Two completed years of total service credit, one and one-half work week;~~
- ~~(32)~~ Three through five completed years of total service credit, **one hundred (100) hours** ~~two work weeks;~~
- ~~(43)~~ Six through ~~ten eight~~ completed years of total service credit, **one hundred and twenty (120) hours** ~~two and one-half work weeks;~~
- ~~—(5) Nine through eleven completed years of total service credit, three work weeks;~~
- ~~(64)~~ ~~Twelve~~ **Eleven** through fourteen completed years of total service credit, **one hundred and forty (140) hours** ~~three and one-half work weeks;~~
- ~~(75)~~ Fifteen through eighteen completed years of total service credit, **one hundred and sixty (160) hours** ~~four work weeks;~~
- ~~(86)~~ Nineteen through twenty-one completed years of total service credit, **one hundred and eighty (180) hours** ~~four and one-half work weeks;~~
- ~~(97)~~ Twenty-two or more completed years of total service credit, **two hundred (200) hours** ~~five work weeks.~~

~~(b)~~ **Upon their date of hire, employees shall receive vacation hours corresponding to their years of total service credit. Thereafter, t**The vacations hours set forth in subsections (a) and (b) hereof shall be earned on a prorated

basis each pay period based on the officer's or employee's date of hire (anniversary date). ~~Accumulated vacation shall be used only on and after the annual date earned but prior to the succeeding anniversary date.~~ **Vacation hours earned shall accrue and be due upon the employee's subsequent anniversary date. Vacation hours and shall be used only on or after the date accrued but prior to the succeeding anniversary date.** Vacation leave may be used at times approved by the employee's supervisor or the City Manager. Vacation leave for the City Manager shall be approved by the City Commission. With approval of their Department Head and the City Manager, employees may carry over, ~~or take the equivalent in salary,~~ of up to 80 hours of unused vacation time annually. The City Commission must approve the carryover/~~pay out~~ for the City Manager. ~~Officers or employees who have eleven or more completed years of total service may also receive the fourth, fifth and/or sixth week of vacation in a cash payment with the approval of the City Manager.~~

(ed) The City shall credit an employee with prior service in computing vacation leave as required by Section 9.44 of the Ohio Revised Code.

~~(de)~~ The City Manager or appointing authority may consider previous public or private employment experience and credit the incoming employee with years of service for calculating vacation leave time if it is deemed necessary to secure the services of a qualified individual to further the ~~M~~mission and operations of the City. All such periods of prior employment for which credit is allowed hereunder shall be utilized in the computation and allowance of vacation annual leave under this section in the same manner in which service with the City is utilized. Such credit will be applied on an individual basis. ~~The Administrative Benefits Review Committee shall review the request and make a recommendation to the Commission for approval.~~

~~(ef)~~ ~~Vacation leave shall not be used during the first year of employment. Nor shall any~~ **Vacation leave shall not** be used in excess of the amount of accumulated vacation leave available.

~~(fg)~~ Upon separation with at least one year of service, the employee shall be entitled to a payout ~~for all accrued but~~ **for earned but** unused vacation leave. **Any payout under this section shall be prorated based on the amount of time worked from the employee's last anniversary date.** Such leave shall be paid out at the employee's hourly rate at the time of separation.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.12 HOLIDAYS.

Holidays shall be observed as follows:

(a) All City officers and/or employees whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** shall be entitled to the following holidays:

- (1) New Year's Day, January 1;
- (2) Martin Luther King Day, the third Monday in January;
- (3) President's Day, the third Monday in February;
- (4) Good Friday (one-half day);
- (5) Memorial Day, the last Monday in May;

(6) Juneteenth, June 19;

(67) Independence Day, July 4;

(78) Labor Day, the first Monday in September;

(89) General Election Day, the first Tuesday after the first Monday in November;

(910) Veterans Day, November 11;

(101) Thanksgiving Day, the fourth Thursday in November;

(112) The Friday after the fourth Thursday in November;

(123) Christmas Eve, December 24;

(134) Christmas Day, December 25; and

(145) New Year's Eve (one-half day)-; and

(156) Floating holiday **(one-half day)**.

(b) Holidays, alternate dates: In the event any of the holidays in subsection (a) hereof shall fall on Saturday, the Friday immediately preceding shall be observed as the holiday. In the event any of the holidays shall fall on Sunday, the Monday succeeding shall be observed as the holiday.

(c) In the event an employee does not observe a designated holiday, the employee may schedule an alternative day off with approval of the employee's supervisor. ~~In the alternative, the employee may receive compensation for the unused holiday time on the first pay period following the last holiday of the year (New Year's Eve). The hours to be compensated shall not exceed twenty-four hours per year.~~

~~(Ord. 19-013. Passed 1-28-19.)~~

145.13 SICK LEAVE.

All City employees whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc.** ~~Lodge No. 17~~ shall be entitled to sick leave earned at the rate hereinafter set forth. Each employee may use sick leave, upon approval of the head of his or her division or department, for absence due to personal illness, injury, exposure to contagious disease which could be communicated to other employees and to illness, injury or death in the employee's **father, mother, spouse, child, stepchild, stepfather, stepmother, or foster child, grandparent, sister, brother, father-in-law, and mother-in-law** ~~immediate family~~. Division and department heads may use sick leave upon approval of the City Manager. Employees may be required to furnish satisfactory proof including a physician's certificate to the effect that absence resulted from one of the causes enumerated in this section.

Family medical leave rights and protections shall be provided in accordance with the Family and Medical Leave Act of 1993 PUB. L. No. 103.3 107 STAT. 6 (1993), 29 U.S.C. Chapter 28. ~~(Ord. 08-146. Passed 12-22-08.)~~

145.14 SICK LEAVE, INJURY LEAVE.

(a) Any City officer or employee whose pay is fixed on a ~~monthly~~ **biweekly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc.**

~~Lodge No. 17~~, who is unable to perform the substantial and material duties of his or her position of employment as a result of a job-related disability condition or injury may be entitled to a leave of absence at his or her regular rate of pay for the duration of the period during which he or she is medically certified as being unable to perform such duties up to a total period not to exceed twelve months for each disability or for each series of related disabilities. Each circumstance will be reviewed on a case by case basis. The City shall consider all relevant factors in determining whether an employee is entitled to such leave, including but not limited to, the type of workers compensation benefits the employee is receiving, the availability of paid leave, the City's need to fill the position and other operational issues and the availability of wage continuation as it relates to the workers compensation benefits;

(b) During any such period of disability leave, the City, in addition to paying the employee's regular salary, shall make payment into any and all insurance and/or pension plans as required by these Codified Ordinances and/or by the laws of the State or any amendment thereto or successor thereof, as a part of the relationship between the City and the employee;

(c) During any such period of disability leave, the employee shall continue to earn seniority, pension credit, sick leave or sick leave credit, and vacation time;

(d) The City shall have the right to require an examination of an employee who is on disability leave or who has applied for the same by a physician of the City's choice, and the City may disapprove paid leave and/or require that the employee return to work at any time from disability status. If a physician of the employee disagrees with a physician selected by the City, the employee shall be examined by a third physician selected jointly by the employee and the City, and the opinion of this physician shall be used to determine the employee's eligibility for medical leave under this section. This examination shall be conducted at the City's expense;

~~—(e) The City shall pay for the cost of all treatment when an employee is exposed to any contagious disease as a result of his or her position of employment, provided the employee is not covered by hospitalization or medical insurance, or Workers' Compensation. It shall be the decision of a licensed physician if such treatment is needed. The employee may decide if he or she wants to receive such treatment;~~

(fe) An employee injured off-duty may be assigned, and an employee injured on duty shall be assigned, to less strenuous duties, if available, when recommended and verified in writing by a licensed physician, dentist or chiropractor, provided that the employee is able to perform the same. Possible light duty situations shall be viewed on a case by case basis. Such assignments shall be made for periods not to exceed twelve months if it is an on-duty injury, or three months if it is an off-duty injury or illness, and shall be based upon the operational needs and requirements of the City as determined by the City and shall be made only within the division or department of the City of such employee's normal service. Light duty may be extended at the sole discretion of the City. Any employee so assigned shall receive compensation and benefits commensurate with those of his or her normal assigned position. When reasonable cause exists to question the employee's need and/or ability to perform light duty, the City may require that an employee undergo an examination to be conducted by a licensed physician mutually agreed upon by the City and the employee to determine such employee's mental or physical capacity

to perform such duties with the cost of such examination to be shared equally by the employee and the City. The employee and the City shall be bound by the decision and recommendation of such physician, and the employee shall continue to perform his or her duties then assigned until the final determination by the physician. (~~Ord. 08-146. Passed 12-22-08.~~)

145.15 SICK LEAVE, EARNED.

(a) Each full-time City employee or officer of the City whose pay is fixed on a ~~biweekly~~ ~~monthly~~ basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** who works on the basis of forty hours per week, shall earn and accumulate sick leave at the rate of five hours per pay period. Sick leave may be credited each payroll period, ~~but shall be credited at the monthly rate.~~ Sick leave shall be debited by the hours as used.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.16 (RESERVED FOR FUTURE LEGISLATION.)

145.17 (RESERVED FOR FUTURE LEGISLATION.)

145.18 SICK LEAVE, CASH PAYMENT.

(a) A City employee, at the time of retirement under the applicable retirement system from active service with the City, and with ten or more years of service with the City, or with the State, or any of its political subdivisions, is to be paid in cash in accordance with the following schedule:

(1) Employees with less than 1000 hours of accrued but unused sick leave will receive 25% of the accumulated hours.

(2) Employees with 1000 hours of accrued but unused sick leave but less than 2000 hours will receive 30% of the total accumulated hours.

(3) Employees with 2000 hours but less than 3000 hours of accrued but unused sick leave will receive 35% of the total accumulated hours.

(4) Employees with 3000 or more hours of accrued but unused sick leave will receive 45% of the total accumulated hours.

(b) For employees hired on or after January 1st, 2019 at the time of retirement from active service with the City, an employee with ten (10) or more years of service with the City or with the State or any of its political subdivisions, is to be paid in cash for the value of his/her accrued but unused sick leave in accordance with the following tiered schedule:

(1) For an employees first 1000 hours of accrued but unused sick leave the Employee will receive 25% of these accumulated hours.

(2) For an Employee's hours from 1001 to 2000 hours of accrued but unused sick leave the Employee will receive 30% of these hours.

(3) For an employee's hours from 2001 to 3000 hours of accrued but unused sick leave the Employee will receive 35% of these hours.

(4) For an employee's hours of 3001 or more hours of accrued but unused sick leave the Employee will receive 45% of these hours.

(c) Such payment shall be based on the employee's rate of pay at the time of retirement. In order to be eligible for the sick leave payout, the employee must be employed by the City at the time of retirement. Payment for sick leave on this basis shall be considered to eliminate all sick leave credit accrued by the employee at that time. Such payment shall be made only once to any employee.

(d) When a City employee dies while in the active service of the City, the same cash bonus shall be paid to his or her estate.

~~(Ord. 19-013. Passed 1-28-19.)~~

145.19 MEDICAL EXAMINATIONS.

(a) An employee who is unable to perform the essential functions of the position due to a physical or mental impairment may be placed on an involuntary disability separation under this section. An involuntary disability separation may occur when medical evidence supports the conclusion that the employee is unable to perform the essential functions of the job, with or without reasonable accommodation.

(b) Whenever an appointing authority has reason to believe that an employee is unable to perform the essential functions of the position, such appointing authority may seek to obtain medical information concerning the employee's abilities with respect to the position. The appointing authority may seek this information from the employee's current treating medical provider and/or require the employee to undergo a physical or psychological examination by a doctor of its own choosing.

(c) If an appointing authority seeks medical information under this rule, the employee shall sign a medical authorization allowing the appointing authority to obtain the necessary information from the doctor. Prior to any examination, the appointing authority shall provide the medical provider with information concerning the employee's job and any concerns it has about the employee's ability to perform the essential functions of the position. If the appointing authority requires the employee to be examined by a doctor of its choosing, the appointing authority shall pay for such examination.

(d) An employee's refusal to participate in an examination, the unexcused failure to appear for the examination, the failure to cooperate in the process or the refusal to release the results of the examination to the appointing authority shall be considered insubordination and subject the employee to disciplinary action.

(e) If the employee is unable to perform the essential functions of the position, with or without reasonable accommodation, the appointing authority shall schedule a pre-separation conference. At this conference, the employee shall have the right to respond to the medical evidence. If the appointing authority determines that the employee is unable to perform the essential functions of the job, with or without reasonable accommodation, it shall issue an involuntary disability separation order. The appointing authority shall provide the employee with a copy of this rule at the time the employee is placed on involuntary disability separation.

(f) Involuntary disability separation is an unpaid status that may continue for up to two years ~~after~~ ~~of~~ the date of separation. The employee does not earn seniority or service credit while in this status. The employee may apply for reinstatement at any time during the two year period, however, such request may

not be made more often than every thirty (30) days. The employee must submit medical documentation in support of the reinstatement. The appointing authority shall review the medical documentation and make a determination as to whether reinstatement is appropriate. The appointing authority shall notify the employee of its decision within twenty (20) days of its receipt of the medical documentation. The appointing authority's decision may be to grant reinstatement, deny reinstatement or request additional information from the employee. The employee shall be reinstated within the two year period if the medical documentation establishes that the employee can perform the essential functions of the position, with or without reasonable accommodation.

(g) The employee retains the right to be reinstated to the same or a similar position upon presentation of proper medical documentation within the two year period.

(h) An employee who is unable to perform the essential functions of the position, with or without reasonable accommodation, may request a voluntary disability separation. The appointing authority may require the employee to undergo a medical examination by a doctor of its own choosing prior to approving this request. An employee on a voluntary disability separation shall be subject to the provisions in this rule with the exception of the pre-separation hearing.

(i) An appointing authority may require the employee to undergo a physical or psychological examination by a doctor of its own choosing prior to reinstatement.

(j) An employee not reinstated within two years of the disability separation shall be considered separated from employment.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.20 FUNERAL LEAVE.

(a) Each City employee whose pay is fixed on a **biweekly-monthly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 and F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** may be granted funeral leave without loss of pay or accumulated sick leave due to the death of his or her father, mother, stepfather, stepmother, sister, brother, spouse, child, stepchild, foster child, grandparent, step grandparent, grandchild, step grandchild, spouse's mother, spouse's father, spouse's brother or sister, spouse's grandparent, son-in-law or daughter-in-law, aunts or uncles, nieces or nephews, or as otherwise authorized by the City Manager, for a maximum of four (4) work days, but limited to no more than two (2) work days after the day of the funeral.

~~(ba) Application for funeral leave shall be made on forms provided by the employer and shall be approved by the City Manager or designee.~~

~~(Ord. 08-146. Passed 12-22-08.)~~

145.21 ADMINISTRATIVE LEAVE.

All City employees whose pay is fixed on a **biweekly-monthly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** may be granted administrative leave, with pay, not to exceed five consecutive days, upon approval of the City Manager. Additional leave, without pay, may be granted due to extenuating circumstances.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.22 MILITARY LEAVE.

(a) A City employee whose pay is fixed on a ~~monthly~~ **biweekly** basis, who is a member of the uniformed services, is entitled to a military leave of absence from his or her duties without loss of pay ~~for such time as he or she is in the military service or receiving temporary military training not to exceed 176 hours in any one calendar year provided that such person (or an officer from his/her command) provides the City with written or verbal notice of the dates of departure and return days in advance and provides satisfactory evidence of completion of such service upon return.~~ **as provided under Ohio Revised Code section 5923.05.** This leave may be extended at the discretion of the City Manager or by order of the President of the United States or the Governor of the State of Ohio in times of emergency. Such leaves of absence shall not affect the person's right to vacation leave, sick leave, FMLA eligibility, bonuses or other normal benefits of his employment. Return to work from Military Leave shall be expected as defined in USERRA.

(b) Compensation beyond ~~176 hours~~ **what is provided by R.C. 5923.05** will be at the discretion of the City Manager ~~and~~ with approval of the City Commission.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.23 COURT LEAVE.

Any City employee whose pay is fixed on a ~~biweekly~~ **monthly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** will be paid for the period of time he or she is required to appear before a court, judge, justice, magistrate or coroner as a defendant or witness in any work related cases.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.24 COURT APPEARANCE - OFF DUTY.

Any City employees whose pay is fixed on a ~~biweekly~~ **monthly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** who is required to appear before a judge, magistrate, coroner, or police inquiry in the performance of their duties, on a nonscheduled workday, may be compensated at the appropriate rate, as determined by the City Manager or designee.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.25 JURY LEAVE.

Any City employee whose pay is fixed on a ~~biweekly~~ **monthly** basis and who is not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. **Ohio Labor Council, Inc. Lodge No. 17** who is required to serve on the jury in any court of record, shall be paid his or her regular rate of pay during such periods. The employee shall remit to the Finance Director whatever sum is paid to the employee as compensation by the Court for services rendered. ~~(Ord. 08-146. Passed 12-22-08.)~~

145.26 TRAVELING OR OTHER EXPENSES.

All City employees shall be paid or reimbursed for traveling expenses or other expenses incurred in transacting City business when approved by the City Manager or the City Commission. The City reimbursement policy shall be followed.

(Ord. 08-146. Passed 12-22-08.)

145.27 (RESERVED FOR FUTURE LEGISLATION.)

~~145.28 (RESERVED FOR FUTURE LEGISLATION) HOUSING ALLOWANCE; (BENEFIT VALUE); OAKLAND CEMETERY.~~

~~The Cemetery Foreman/Manager employed at Oakland Cemetery shall be required to reside in the Oakland Cemetery Manse. The City shall pay for all utilities. The fringe benefit value shall be five hundred dollars (\$500.00) per month through April, 2008 with annual adjustments thereafter based on the previous year's Consumer Price Index (CPI), not to exceed three percent (3%) per year.~~

~~(Ord. 08-146. Passed 12-22-08.)~~

145.29 ADDITIONAL COMPENSATION; LONGEVITY.

All City officers and/or employees whose pay is fixed on a ~~monthly~~ **biweekly** basis and who are not presently covered by a collective bargaining agreement with AFSCME Local No. 1519, IAFF Local No. 327 or F.O.P. ~~Lodge No. 17~~ **Ohio Labor Council, Inc.** shall be paid additional compensation for longevity. This additional compensation shall be paid annually **on the second pay date in October each year** according to the following schedule after completion of three full years of continuous service to the City:

	Longevity	Pay
Continuous Years of Service	(per year year for each year)	
1 through 5	\$ 25.00	
6 through 11	\$ 35.00	
12 through 17	\$ 50.00	
18 or more years	\$ 65.00	

This additional compensation shall be paid as directed by the City Manager.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.30 (RESERVED FOR FUTURE LEGISLATION.)

(EDITOR'S NOTE: This section is reserved for future legislation.)

145.31 ADDITIONAL COMPENSATION; FIRE EDUCATION.

Sworn employees of the Fire Division not covered by the collective bargaining agreement with IAFF Local No. 327 whose pay is fixed on a ~~monthly~~ **biweekly**

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basis shall **receive an educational bonus** be equal to the **bonus coverage** provided to the City's existing bargaining units.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.32 ADDITIONAL COMPENSATION; POLICE EDUCATION.

Sworn employees of the Police Division not covered by the collective bargaining agreement with the F.O.P. ~~Lodge No. 17~~**Ohio Labor Council, Inc.** whose pay is fixed on a ~~monthly~~**biweekly** basis shall **receive an educational bonus** be equal to the **bonus coverage** provided to the City's existing bargaining units.

~~(Ord. 08-146. Passed 12-22-08.)~~

145.33 (RESERVED FOR FUTURE LEGISLATION.)

145.34 UNIFORM ALLOWANCE - FIRE DIVISION.

Each sworn employee of the Fire Division of the City not covered by the collective bargaining agreement with IAFF Local No. 327 whose pay is fixed on a ~~biweekly~~**monthly** basis, shall be allowed annual reimbursement for uniforms which shall be consistent with and in accordance with the allowance as set forth in the collective bargaining agreement which is in effect for the calendar year in which the allowance is given.

~~Any such person who retires from or otherwise leaves the service of the Fire Division of the City, who had received a permanent appointment to such service shall be entitled to a payment for each full calendar month of service after the preceding uniform allowance payment date provided for hereinabove.~~

~~(Ord. 08-146. Passed 12-22-08.)~~

145.35 UNIFORM ALLOWANCE -- POLICE DIVISION.

(a) Each sworn employee of the Police Division of the City not covered by the collective bargaining agreement with F.O.P. **Ohio Labor Council, Inc.** ~~Lodge No. 17~~ whose pay is fixed on a ~~biweekly~~**monthly** basis, shall be allowed annual reimbursement for uniforms, which shall be consistent with and in accordance with the allowance as set forth in the collective bargaining agreement, which is in effect for the calendar year in which the allowance is given.

~~Any such person who retires from or otherwise leaves the service of the Police Division of the City, who had received a permanent appointment to such service shall be entitled to a payment for each full calendar month of service after the preceding uniform allowance payment date provided for hereinabove.~~

~~(Ord. 08-146. Passed 12-22-08.)~~

145.36 HOURLY, SEASONAL AND PART-TIME EMPLOYEES.

(a) An employee who is hired on an hourly, seasonal or part-time basis who is not covered by a collective bargaining agreement shall be paid for the actual hours worked. All employees will be paid at least minimum wage.

(b) Hourly wage rates for seasonal employees will be determined annually during the budgeting process. Department Heads will submit a list of seasonal employees they are proposing to hire to the Administrative Services Department

with wage recommendations. The Administrative Services Department will compile comparative and historical wage information. The Department Head recommendation and the data gathered by Administrative Services will be forwarded to the City Manager for approval of wage rates and hours.

(c) Hourly wage rates for part-time employees will be determined annually during the budgeting process. Department Heads will submit a list of part-time employees currently in the department, and part-time employees they are proposing to hire, to the Administrative Services Department with wage recommendations. The Administrative Services Department will compile comparative and historical wage information. The Department Head recommendation and the data gathered by Administrative Services will be forwarded to the City Manager for approval of wage rates and hours.

(d) When a temporary vacancy exists in an administrative or professional position, which has been previously authorized, the City Manager is authorized to fill the temporary vacancy on an hourly, seasonal or part-time basis within the pay range of minimum wage to \$30.00 per hour with no benefits except Workers' Compensation, Medicare and pension, as required.

(e) The financial status of the City will be considered when deciding wage rates and hours for part-time and seasonal employees. Part-time, seasonal and temporary employees are not entitled to holiday pay, paid sick leave, vacation pay or insurance benefits.

(Ord. 08-146. Passed 12-22-08.)

145.37 APPORTIONMENT OF PAY.

The City Manager shall have the authority to allocate the compensation and fringe benefits of any employee to any funds, including but not limited to the General Fund, Water Works Fund, Sewer Fund, Street Fund, Street Highway Maintenance and Repair Fund or Parks and Recreation Fund, based upon the determinations made by the City Manager in preparation of the City's annual budget.

(Ord. 08-146. Passed 12-22-08.)

145.38 HEALTH & LIFE INSURANCE.

(a) Any officer or employee who is regularly scheduled to work, on average, at least thirty (30) hours per work week, in accordance with the Affordable Care Act, and whose pay is fixed on a ~~monthly~~ **bi-weekly** basis and who is not covered by a collective bargaining agreement with AFSCME, IAFF, or F.O.P., upon request of such employee, shall be furnished and afforded the protection of the City health benefit plan for such employee and the members of the immediate family thereof no sooner than the first day of the month following their initial date of employment with the City of Sandusky. ~~The coverage for the E~~employees not covered by a collective bargaining agreement shall **be eligible for coverage** equal to the coverage provided to the City's existing bargaining units. **Notwithstanding the preceding language, the City may offer alternative health care coverage programs. The costs, contribution rates, and/or the terms and conditions of said alternative programs shall be at the discretion of the City Manager and may be subject to change prior to the open enrollment period for the subsequent year's coverage. Employees eligible for City health benefits and not**

covered by a collective bargaining agreement may opt into alternative health care coverage programs, if available, during the open enrollment period.

(b) For an employee eligible for City health benefits and not covered by a collective bargaining agreement, a bi-weekly contribution **shall be withheld from the employee for coverage. The costs of such deductions shall be set by the City Manager annually.** ~~of \$90 for family coverage or \$36 for single coverage shall be withheld from the employee, effective the first pay period of 2016; a bi-weekly contribution of \$100 for family coverage or \$50 for single coverage shall be withheld from the employee, effective the first pay period of 2017; and a bi-weekly contribution of \$110 for family coverage or \$60 for single coverage shall be withheld from the employee, effective the first pay period of 2018.~~ These deductions are withheld before taxes are calculated.

(~~cb~~) The City Manager and the Finance Director are authorized to contract for health insurance coverage with firms or organizations licensed to provide insurance coverages within the State.

(~~de~~) The City Manager and the Finance Director are authorized to contract with firms or organizations licensed to provide pre-tax options for employee out-of-pocket expenses associated with health insurance programs. Employees are afforded the option of participating in such programs.

(~~ed~~) The City Manager and the Finance Director are authorized to provide life insurance coverage ~~in an amount equal to an employee's base salary~~ as part of the health benefit package. ~~Additional insurance~~ **Life insurance in addition to that provided by the City** may be obtained by individual employees with the total cost paid by the employee.

(fe) To be qualified for health insurance coverage pursuant to this section, an employee shall be on active pay status as part of the first working day of each calendar month during which coverage is to be provided. In the event an otherwise qualified employee is not on active status of the same, the City shall reimburse the employee for the health insurance premium which he or she has paid to maintain health insurance coverage during such calendar month.

~~{Ord. 15-182. Passed 12-14-15.}~~

145.39 ADDITIONAL COMPENSATION; EDUCATIONAL TUITION REIMBURSEMENT.

Educational reimbursement and assistance for all City employees shall be subject to and governed by the current policy established and implemented by the City Manager. Any employee covered by a collective bargaining agreement should refer to their respective agreement for additional information.

(Ord. 08-146. Passed 12-22-08.)

~~145.40 ANNUAL PHYSICAL EXAMINATION.~~

~~(a) Policy to Encourage Annual Examinations. It is the policy of the City to encourage each officer and employee of the City to obtain an annual physical examination. The purpose of the examination shall be to determine the state of health of the individual, and to determine whether any advice or treatment will be useful in protecting or improving the individual's health.~~

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~~(b) Costs. The City shall reimburse the employee for any out of pocket expense associated with the cost of a physical examination up to a maximum of \$650.00 per reimbursement pursuant to the following schedule:~~

~~-~~

~~Age 21 through 30: One examination every three years.~~

~~Age 31 through 40: One examination every two years.~~

~~Age 41 and older: One examination every year.~~

~~(c) Treatment Not Included. Nothing in this section shall authorize reimbursement or payment by the City for any treatment, other than out of pocket expenses for any tests required by the physician in charge of the examination, which shall be reimbursed by the City.~~

~~(Ord. 08-146. Passed 12-22-08.)~~

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: June 13, 2022